

# RESPONSE TO COMMENTS

## City of Jerome Wastewater Treatment Plant NPDES Permit #ID-002016-8 May 18, 2010

On August 31, 2009 the U.S. Environmental Protection Agency (EPA) public noticed the City of Jerome Wastewater Treatment Plant National Pollutant Discharge Elimination System (NPDES) Permit No. ID-002016-8 for a comment period of 30 days. No comments were received during the comment period. On March 29, 2010 EPA reopened the public notice for the City of Jerome draft permit to not include trading for phosphorus discharges from the sewage treatment plant. This Response to Comments provides a summary of significant comments and provides corresponding EPA responses.

Justin Hayes, Program Director, Idaho Conservation League commented.

1. **Comment:** With regard to this draft permit modification for the City of Jerome, we concur with EPA's conclusion that pollutant trading, as outlined in the stricken permit sections, was not technically defensible and posed a risk to water quality in the mid-Snake River region. EPA's decision making on this matter, as presented in the Fact Sheet for this NPDES permit, is consistent with the information presented in our prior comments and our appeal and supporting documents regarding the Twin Falls permit. As such, we support EPA's decision to remove such pollutant trading from the Twin Falls wastewater treatment plan NPDES permit.

**Response:** EPA recognizes the comment supporting the draft permit modification. No action is required.

2. **Comment:** Several other matters warrant mention at this time.

### Total Phosphorus Limits

This facility's WLA for total phosphorus is expressed as a maximum pounds per day discharge. To the best of our knowledge this is meant to be strictly interpreted as a limit on the number of pounds of total phosphorus that this facility can discharge on any given day. Thus, the NPDES permit needs to include a "Maximum daily limit" for total phosphorus. This limit should not exceed 205 lbs/day.

The average monthly limit of 204.5 lbs/day pays homage to the facility's WLA but, since it is a monthly average, it does nothing to ensure that the daily limit of 205 lbs/day is adhered to. This is so because averaging allows for daily discharges that greatly exceed the monthly average of 204.5 lbs/day, as long as they are compensated for by lower discharges on other days. It is these days that exceed 205 lbs/day that violate the TMDL's wasteload allocation. The average weekly limit of 377 lbs/day does even less to ensure that this facility does not violate its 205 lbs/day WLA as assigned in the relevant TMDL.

These monthly and weekly average limits fail to ensure compliance with the TMDL WLAs and will result in unlawful discharges of TP to the river and cause this segment of river to exceed the target TP concentrations.

## Antidegradation

Idaho currently lacks an antidegradation implementation plan, as required by the Clean Water Act. In the absence of such an IP, it is not possible for the EPA or DEQ to conduct a lawful antidegradation review and analysis to ensure that the limits contained in this NPDES comply with state and federal water quality standards. Thus EPA can not issue this NPDES permit at this time.

**Response:** As stated in the fact sheet pursuant to Clean Water Act regulation 40 CFR § 124.14(c), “Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice under § 124.10 shall define the scope of the reopening”. The only conditions reopened to public comment are the trading conditions in the City of Jerome permit. The comments received on the phosphorus limits and antidegradation are outside the scope of the reopening.