

Response to Comments

City of Lewiston Wastewater Facility

NPDES Permit Number: ID0022055

December 9, 2015

On July 10, 2015, the U.S. Environmental Protection Agency (EPA) issued a public notice for the proposed reissuance of the City of Lewiston Wastewater Facility (Facility) draft National Pollutant Discharge Elimination System (NPDES) Permit No. ID0022055. The Facility discharges to the Clearwater Arm of Lower Granite Dam Pool, Clearwater River (River). The public comment period closed on August 10, 2015.

During the public comment period, EPA received comments from the City of Lewiston (City) dated August 4, 2015; and comments from the Idaho Conservation League (ICL), dated August 10, 2015. The following summarizes the comments that were received from the City and from ICL, with EPA's corresponding responses. These letters are attached in the Appendix of this document below.

Based on the comments received the following revisions were made to the final permit:

- Schedule of Submissions - The Table updated to match revised schedule of submissions and to list the required submittal of the Toxicity Reduction Evaluation (TRE) and Local Limits Evaluation.
- Part III.B. The requirement to submit the Discharge Monitoring Reports by NetDMR is delayed.
- Table 1 – Effluent Limitations and Monitoring Requirements – Revised monitoring requirements for expanded effluent testing.
- Part I.B.4. Changed visual inspection frequency.
- Part I.C.5. Clarified timeframe for initial investigation TRE workplan.
- Part II.C.5. Changed timeframe for submission of Local Limits Evaluation.
- Part II.D.2. Revised submission timeframe for Emergency Response and Public Notification Plan.

Comments received from the City

Comment #1: Submissions of Permit Requirements

Due to the budget constraints and time constraints associated with hiring outside consultants, the City requested additional time for several of the submissions in the permit:

Discharge Monitoring Report (DMR)

Delaying the requirement to submit DMRs electronically for 6 months (from 180 days as proposed to 12 months after the effective date of final permit).

Response: EPA agrees to delay the requirement for electronic submissions of DMRs , beginning with the November 2016 DMR. Part III.B of the Final Permit has been revised

accordingly. Meanwhile, the Facility must continue to submit DMRs in paper form to EPA and IDEQ.

Quality Assurance Plan (QAP)

Request to delay the requirement for developing and implementing the QAP for 6 months (from 180 days as proposed to 12 months after the effective date of final permit).

Response: EPA believes the requested delay is unwarranted. The previous NPDES permit required the City to develop a QAP. Therefore, the Facility should already have an existing QAP which only needs to be updated for new permit requirements as necessary. In addition, the Final Permit requires the Facility to conduct monitoring during the month immediately following the effective date of the permit. The delay of the implementation of an updated QAP for 6 months could jeopardize the quality of monitoring results during that period. Therefore, EPA declines this request to delay the implementation of this requirement for 6 months. No changes were made to the Final Permit as the result of this comment.

Operation and Maintenance Plan (O&M Plan)

Request to delay the requirement for developing and implementing an O&M Plan for 12 months (from 180 days as proposed to 18 months after the effective date of the permit).

Response: EPA believes the requested delay is unwarranted. The previous NPDES permit required the City to develop and implement an O&M Plan. Therefore, the City should have an existing O&M Plan which only needs to be updated as necessary. EPA declines this request to delay the implementation of this requirement for 12 months. No changes were made to the Final Permit as the result of this comment.

Emergency Response and Public Notice Plan (ERP Plan)

Request to delay the requirement for developing and implementing an ERP Plan for 21 months (from 3 months as proposed to 24 months after the effective date of the permit).

Response: Since this is a new permit requirement, the EPA agrees that additional time may be needed to develop and implement the ERP Plan for the reasons cited in the City's comment. As a result of this comment Part II.D.2 and the Schedule of Submissions have been revised to delay this requirement in the Final Permit.

Comment #2: Request for schedules for the initial evaluation.

Request to include the schedules for the submittals of the initial investigation TRE Workplan and the Local Limits Evaluation in the Schedule of Submissions.

Response: EPA agrees. The Schedule of Submissions in the Final Permit is revised to include the schedules for submitting the initial investigation TRE Workplan and Local Limits Evaluation.

Comment #3: WET Testing.

Request to delay submission of the initial investigation TRE workplan. The draft permit requires submittal of the workplan “prior to the initiation of toxicity testing required by this permit.” Depending on when the permit is issued, that may be difficult to accomplish before toxicity testing is required. The City requested that the submittal date be 12 months from the effective date of the permit.

Response: EPA agrees that depending on the effective day of the permit it may be difficult to complete the initial investigation TRE workplan prior to initiating the first required WET test. However, EPA does not believe a 12-month schedule to prepare the initial investigation TRE workplan is necessary; EPA believes 6 months should provide more than enough time to prepare the initial investigation TRE workplan. EPA has revised Section I.C.5 accordingly to clarify this requirement, this paragraph states: “*Within 6 months of the effective date of this permit, the permittee shall submit to EPA a copy of the permittee’s initial investigation TRE workplan.*”

Comment #4: Local Limits Evaluation.

Request to delay submission of Local Limits Evaluation for 12 months (from within 12 months to 24 months after the effective date of the permit). In addition to being subject to budget and consultant hiring constraints, sufficient time is needed to collect meaningful data for the additional parameters included.

Response: EPA agrees to provide the additional 12 months of extension requested for the reasons cited. Part II.C.5 has been changed to state: “*Local Limits Evaluation. Within twenty-four months of the effective date of this permit, the permittee must submit to EPA a complete local limits evaluation pursuant to 40 CFR 403.5(c)(1).*”

Comment #5: Surface Water Monitoring.

Request to eliminate requirements for the submission of the Surface Water Annual Report, since the surface water monitoring results would be reported in DMRs.

Response: EPA declines this request. The Surface Water Annual Report includes additional data gathering information which is detailed in Part I.D.8.b of the Permit. This information is more than the final numerical values reported in the DMRs. The information required in Part I.D.8.b is needed to increase usefulness of the data collected. No Change is made to the Final Permit as the result of this comment.

Comment #6: Visual inspection.

There is a discrepancy for the visual inspection frequency in the draft permit. Part I.B.1 (Table 1) requires monthly inspection; Part I.B.4 requires weekly inspection. Request to have the Part I.B.4 frequency for visual inspection frequency of floating, suspended or submerged matter, changed from once per week to once per month to match Table 1.

Response: EPA notes the discrepancy. EPA intended the frequency to be once month. A once per month frequency is adequate for this facility because the Facility's diffuser is submerged at the bottom of a large receiving waterbody (Clearwater River), thus, which may make it difficult to visually observe floating, suspended or submerged material in the discharge. As a result of this comment, the visual inspection frequency in Part I.B.4 is clarified to be once per month, which matches the frequency in Table 1.

Comment #7: Effluent Testing Frequency.

Request to reduce the frequency of Effluent Testing Data monitoring for parameters listed in Permit Application Form 2A (Part B.6 and Expanded Effluent Testing) from a minimum of twice a year frequency, to once a year frequency due to the financial burden that the testing requirements will impose on the City. And request for clarification regarding EPA's statement in the Fact Sheet that there were insufficient data from the previous permit cycle.

Response: Monitoring frequencies in the NPDES permit are based on the nature and effect of the pollutant(s), as well as a determination of the minimum sampling necessary to adequately monitor the facility's performance. EPA has tried to balance the need for adequate information gathering with the cost of gathering that information. A minimum twice per year sampling frequency is preferable. However, to address the City's concern, EPA has adjusted the monitoring frequency in the final permit to maintain a twice per year sampling frequency for only a select number of parameters of concern (primarily metals). This should provide a statistically robust data set to analyze. The remainder of the parameters are reduced to once per year. Table 1 of the permit is revised to identify the specific parameters which must be analyzed twice per year. The footnotes for the table were reshuffled to accommodate the revision.

To clarify EPA's statement in the Fact Sheet that there were insufficient data from the previous permit cycle, in the permit application, for Part D - Expanded Effluent Testing Data. Most of the data (87 out of 97 parameters) were not filled-in, with explanation that these data were either "n/a"; or, "*Not required to test for these on NPDES permit*", even though the permit application required at least 3 pollutant scans be conducted for all parameters listed on Part D. Because the Facility did not provide most of the required data on Part D of the Permit Application, EPA stated in the Fact Sheet that there had been insufficient monitoring information from the previous permit cycle.

Comment #8: Request to not require WET testing on the same day as other effluent testing. This request involves changing permit language from "must occur on the same day as whole effluent toxicity testing" to "should whenever possible" conduct other monitoring activities on the same day.

Response: The purpose of conducting chemical and physical parameter sampling on the same day the WET samples are collected is to characterize the effluent used in the WET tests. Characterization of the chemical and physical makeup of the effluent provides for greater insight into the likely causative agents behind any observed toxicity, allowing for swifter and more focused corrective actions in cases where toxicity is observed and monitoring triggers are exceeded. Conducting chemical and physical parameter analysis on the same day the WET

samples are taken is consistent with the prior permit and is standard practice nationally and in Idaho. No changes to the permit will be made as a result of this comment.

Comment #9: Request for basis for changing the chronic toxicity trigger from 45 to 43 TU_c.

Response: In Idaho, the relevant water quality standards for toxicity state that surface waters of the State shall be free from toxic substances in concentrations that impair designated beneficial uses [IDAPA 58.01.02.200]. Since Idaho does not have numeric water quality criteria for whole effluent toxicity, EPA interprets the narrative criteria using the Toxic Units (TU) approach for acute (0.3 TU_a) and chronic criteria (1 TU_c). The use of TU as a mechanism for quantifying instream toxicity when a state lacks numeric criteria is described in Sections 2 and 3 of the 1991 Technical Support Document for Water Quality-based Toxics Control (EPA/505/2-90-001) (TSD).

Idaho's water quality standards require the minimization of mixing zones. The chronic toxicity trigger of 43 TU_c is based upon the mixing zone authorized in Idaho's 401 certification for WET (i.e., 15% of the Clearwater's 7Q10, resulting in a dilution ratio of 43:1) and the calculations provided on pages 54—56 of the Fact Sheet. The prior permit and 401 certification authorized a dilution allocation of 25% of the Clearwater River's 7Q10, resulting in a dilution ratio of 45:1 and a toxicity trigger of 45 TU_c. Upon review of the valid WET data from 2007—2014, as well as the updated/new 7Q10 value for the Clearwater River, EPA determined that 15% of the 7Q10 provides for adequate dilution of WET. The new 7Q10 value is larger than the value used for the prior permit which is a factor in the change because the timeframe is updated with more recent data, and the calculation methodology is different. For example, the 7Q10 in the prior permit was 1558 cfs based on data gathered in 1972-1992 using the Log Pearson Type III distribution. The 7Q10 in this permit is 2470 cfs based on data gathered in 1995-2013, using a DFLOW 3.1b model. It is likely that the low flow rates have been influenced by dam operations. Also, according to the previous fact sheet: "Flows in the Clearwater Arm of Lower Granite Pool vary significantly. The highest flows occur during spring runoff, lasting through July or August. Flows gradually decrease through the summer so that by mid- to late August, they are below 10,000 cfs."

Low flows calculations described in page 12 of the Fact Sheet were derived from data at USGS Gauge #1334250, which is located in the Clearwater River at Spalding, Idaho, from April 1, 1995 to April 1, 2013. This is a recent subset of data available from the USGS website from 1974-2014. Complete flow data for 2014 were not finalized at the time the analysis was conducted, therefore, 2014 data were not included. The last 18 years (1995-2013) of data were therefore used to compute low flows because they are representative of current conditions.

Idaho regulations require that mixing zones have to be as small as practicable, and IDEQ has certified this mixing zone in the Final Section 401 Certification for this permit. Using 15% of the new 7Q10 value provides for a dilution ratio of 43:1 and a chronic toxicity trigger of 43 TU_c. Given the highest valid WET test result between 2007—2014 was 20 TU_c, EPA believes a toxicity trigger of 43:1 is appropriate, and not significantly different than the last permit.

Comment #10: Request to conduct separate permitting for Central Orchards Sewer District (COSD).

The City cited Part III.G. 1(e) of the permit, noting that City of Lewiston does not own or have operational control over the flow from the Central Orchards Sewer District (COSD); therefore, the City believes that COSD is responsible for reporting should there be any overflow from the COSD system. Given COSD's status, the City believes it would be appropriate for COSD to be permitted independently of the City of Lewiston.

Response: The City of Lewiston owns and operates a portion of the collection system. According to the application, the COSD is a satellite collection system which conveys wastewater to the City of Lewiston wastewater treatment facility for treatment and discharge.

Section III.G.(1)(e) of the permit addresses reporting requirements for "any overflow prior to the treatment works over which the permittee has ownership or has operational control." The City is correct in stating that the City is not responsible for reporting overflows in those portions for which the City does not have ownership or operational control.

The COSD is responsible for any portions of the collection system which it owns or operates. Any discharge from the collection system for which COSD has operational control is the responsibility of COSD. Currently the COSD is not a co-permittee for this NPDES permit, nor does COSD have an individual permit for their collection system. If a discharge were to occur to Waters of the U.S. from the COSD, the COSD would be discharging without an NPDES permit.

EPA has the authority under the CWA and NPDES regulations to include the COSD as a co-permittee to the permit. However, the City has not provided the reasons supporting why a permit is needed for COSD at this time.

Comment #11: Applicability of Washington State Standards.

The City comments that it is a discharger in Idaho, and is not subject to Washington State Standards as discussed in the Fact Sheet.

Response: The Facility is located approximately 0.86 river miles upstream from the Washington border. Federal regulations require that NPDES permits include conditions necessary to ensure compliance with the water quality requirements of all affected States (40 CFR 122.4(d), 40 CFR 122.44(d)(4), see also CWA Section 401(a)(2)). Therefore it is necessary to determine if the discharge has the reasonable potential to cause or contribute to excursions above Washington's water quality standards, in addition to Idaho's water quality standards. If the discharge has the reasonable potential to cause or contribute to excursions above Washington's water quality standards, effluent limits that ensure compliance with Washington's water quality standards must be included in the Permit. This is in addition to water quality based effluent limits established to ensure compliance with Idaho's water quality standards.

As discussed in the Fact Sheet, EPA has determined that the discharge from the Facility does not have the reasonable potential to cause or contribute to excursions above Washington's water quality standards. In accordance with Section 401(a)(2) of the CWA, EPA shared a pre-Public

Notice draft of the Draft Permit and Fact Sheet and Public Notice draft of the Draft Permit and Fact Sheet with Washington State Department of Ecology for their review and comment. No changes to the Final Permit resulted from this comment.

Comment #12: Page 9-10 of the Fact Sheet quoted incorrect numbers for both categorical and non-categorical SIUs. The correct numbers are: 4 Categorical Industrial Users (CIUs) and 4 Non-Categorical Significant Industrial Users (SIUs).

Response: Comment Noted. In the Fact Sheet, EPA stated the numbers of CIUs and Non-Categorical SIUs based on the information submitted by the Facility on Part F.3 of its Permit Application. EPA does not make changes to the Fact Sheet after the Public Comment Period, instead this Response to Comments document serves as the record. No changes to the Final Permit resulted from this comment.

Comment #13: In the Fact Sheet: *“Under the heading “Treatment Process” the fact sheet states that wastewater is pre-aerated in the headworks when it is not and that sludge is “held in a sludgeholding tank” when, in fact, there are two holding tanks connected with an intertie.”*

Response: Comment Noted. EPA does not make changes to the Fact Sheet after the Public Comment Period, instead this Response to Comments document serves as the record. No changes to the Final Permit resulted from this comment.

Comment #14: On page 10 of the Fact Sheet: *“Under the heading “Outfall Description” sentence six states “stream flow mixing and dilution occurs downstream in the State of Washington.” This is in apparent conflict with sentence three which states that significant river current “results in complete mixing as the effluent leaves the diffuser.” Sentence six should be changed to agree with sentence three.”*

Response: To clarify, the third sentence of this paragraph concerns the complete mixing as the effluent leaves the diffuser. The sixth sentence of this paragraph concerns significant stream flow mixing at the confluence of the Snake River and the Clearwater River. When the flows of these two major rivers are combined, significant dilution of the discharge from the facility occurs in Washington State. No changes to the Final Permit resulted from this comment.

Comment #15: *“(p. 22), VII.C: The City of Lewiston has no ownership or operational control of the Central Orchards Sewer District (COSD) and the City of Lewiston claims no responsibility for COSD’s operation and maintenance practices.”*

Response: Comment Noted. See Response to Comment #10.

Comment #16: Fact Sheet: *“(p. 27), Facility Information: In the “Treatment Train” section the bullet point “Pre-aeration/grit removal” should read “Grit removal.” Additionally, we request that a clarification be added under the “Sludge (Biosolids) Handling” section that clarifies that composting is performed by a contractor.”*

Response: For clarification, page 27 (Appendix A: Facility Information) is intended to provide a brief one-page summary about the Facility since the Fact Sheet is over 60 pages; therefore, not

all details can be included on this page. More detailed descriptions of the Facility are found in various paragraphs in the Fact Sheet. Because the introduction of air during the grit removal process could be considered a form of pre-aeration occurring concurrently with grit removal, this description was included as pre-aeration, and/or grit removal. As for the clarification that composting is performed by a contractor, this was included on page 10 of the Fact Sheet. No changes to the Final Permit resulted from this comment.

Comment #17: Fact Sheet: “(p. 28), *Washington State Water Quality Standards: We request clarification on why Washington State Water Quality Standards are being cited in this fact sheet. Are these being used as Ambient Limits for the purpose of drafting our NPDES permit?*”

Response: See Response to Comment #11. No changes to the Final Permit resulted from this comment.

Comments received from Idaho Conservation League

Comment #18: Request for Phosphorus and Temperature effluent limitations.

“The Washington Department of Ecology 303(d) list from the year 2008¹ reports that the Snake River in Washington – downstream from the point of discharge from the Lewiston WWTP – is out of compliance with Washington State water quality standards for Total Phosphorus and Temperature. This stretch is also out of compliance for dissolved oxygen. No TMDLs have been created yet for these pollutants.

The Lewiston WWTP discharges both phosphorus and temperature. As a result, the Lewiston facility contributes to these water quality exceedance in Washington State. Regulations at 40 CFR Part 122.44(d) require that effluent limits be established for pollutants that cause or contribute to an exceedance of water quality standards. Pursuant to this the EPA may not issue a NPDES permit to the Lewiston facility without limits on these pollutants. This must be done irrespective of the fact that TMDLs have not yet been established.”

“¹ 2008 Water Quality 303(d)-5 List: Lower Snake Water Resource Inventory Area (WRIA) 33”

Response:

(a) Phosphorus

There is insufficient evidence to conclude that the phosphorus is discharged from the Facility at a level that has the reasonable potential to cause or contribute to an exceedance of Washington’s water quality standards therefore an effluent limit for total phosphorus is not included in the permit. In drawing this conclusion, EPA considered the following:

- The estimated total phosphorus loading from the Facility to the Snake River at the WA-ID state boundary is small, estimated at 1.16% of total loading on average (see calculations below).
- The nearest phosphorus listing in WRIA 33 is 131 miles downstream from the Facility (Listing #6366). Within the long stretch of the river, below the Facility to the

impairment, there are numerous tributaries to the Snake River and potential phosphorus sources over this long distance of the river.

- The estimated annual average total phosphorus concentration in the Snake River downstream of the Facility at the WA-ID State Line is low (approximately 0.05 mg/l). (see calculation below). This concentration is comparable to target concentrations for phosphorus in EPA-approved TMDLs. This suggests that the sources of phosphorus contributing to the impairment are downstream from the Lewiston Facility.
- There is no TMDL which provides a detailed watershed study that determined that a wasteload allocation for phosphorus is necessary at the Facility to improve water quality.
- Prior to the public comment period, Washington State Department of Ecology reviewed the draft permit. Ecology did not comment that effluent limits for phosphorus from the Facility is necessary to protect water quality in Washington State.
- Ecology's current NPDES Permits issued to the City of Clarkston (approximately 2 miles downstream on the Snake River) and to the City of Asotin (approximately 6 miles upstream of the confluence on the Snake River) in Washington State do not contain effluent limits for Phosphorus.

In summary, there was insufficient evidence to conclude that the phosphorus is discharged from the Facility at a level that has the reasonable potential to cause or contribute to an exceedance of Washington's water quality standards. Therefore an effluent limit for total phosphorus is not included in the permit. No Change in the Final Permit resulted from this comment.

(b) Temperature

There is insufficient evidence to conclude that temperature is discharged from the Facility at a level that has the reasonable potential to cause or contribute to an exceedance of Washington's water quality standards. Therefore an effluent limit for total temperature is not included in the permit. In reaching that conclusion, EPA considered the following:

- There is an upstream temperature impairment upstream of the confluence in the Snake River, suggesting temperature exceedances had existed without contribution from the Facility.
- The nearest downstream temperature impairment is 10 miles from the Facility (Listing #16911) and is past the confluence. This distance suggests that the Facility did not cause or contribute to the temperature impairment.
- Discharge from the Facility is through a diffuser which facilitates rapid mixing.
- The discharge is to a large water body. The design flow of the Facility (5.71 mgd) is small even when compared with the 1Q10 low-flow in the Clearwater River (1,452 mgd).
- Temperature is not a conservative pollutant since heat can be lost from the water column into the surrounding media.

Under these conditions of the distance from the impairment, rapid mixing, ample dilution and the loss of heat to the atmosphere and surrounding environment, there is no basis to conclude that the temperature discharged from the Facility will have the reasonable potential to cause or contribute to an exceedance of Washington's water quality standards. Therefore, the permit does not include limits for temperature.

(c) Background Analysis

Analysis Concerning Phosphorus contribution from the Facility

a. Loading from the Facility

The average TP concentration from Lewiston WWTP is 2.74 mg/l.

The WWTP's average flow is 4.0 mgd according to its application.

Loading from the Facility = Average Concentration X Ave flow X 8.34 = 91.4 lbs/day

b. Total Phosphorus Concentration in the Snake River at the WA-ID State Line

Based on WA Ecology Station #35A150 – Snake River @ Interstate Bridge, with 10-years of data from October 2003 to September 2013. The annual average Total Phosphorus concentration is 0.0576 mg/l.

Upstream of the confluence on the Snake River: Based on USGS Gauge #13317660, at China Gardens (ID), the data (April 2004 to April 2014) show that the Harmonic Mean Flow for the Snake River, before the confluence is 20,700 cfs.

Upstream of the confluence on the Clearwater River: The estimated river concentrations are based on the assumption that the estimated value is half the detection level when samples are below detection. The Facility's surface water monitoring data at the closest monitoring station to the confluence (Clearwater River at the Railroad Bridge Monitoring Station), the estimated average TP concentration is 0.035 mg/l (annually), and 0.027 mg/l (seasonally from May to September). The higher estimated annual TP concentration (0.035 mg/l) is considered below since it is more environmentally conservative.

Based on USGS Gauge #1334250 at Spalding (ID), the data (April 1995 to April 2013) show that the Harmonic Mean Flow of the Clearwater River before the confluence is 7,510 cfs.

Using mass balance, the average annual TP concentration in Snake River at the ID-WA State Line is: $[(0.0576 \text{ mg/l})(20,700 \text{ cfs}) + (0.035 \text{ mg/l})(7,510 \text{ cfs})]$ divided by $(20,700 \text{ cfs} + 7,510 \text{ cfs}) = 0.052 \text{ mg/l}$.

c. Total Phosphorus contribution from the Facility

Combined Flows from upstream of the Snake River and the Clearwater River: The Harmonic Mean Flow at the State line is $20,700 \text{ cfs} + 7,510 \text{ cfs} = 28,210 \text{ cfs} = 18,200 \text{ mgd}$.

The total Phosphorus loading on the Snake River at the WA-ID State Line is

$$= (0.052 \text{ mg/l}) \times (18,200 \text{ mgd}) \times (8.34 \text{ conversion factor}) = 7,893.0 \text{ lbs/day.}$$

Therefore, the Total Phosphorus contribution from the facility is 1.16% in the Snake River at the Washington-Idaho State Line (91.4 lbs/day from the Facility divided by 7,893.0 lbs/day in the Snake River is 1.16%).

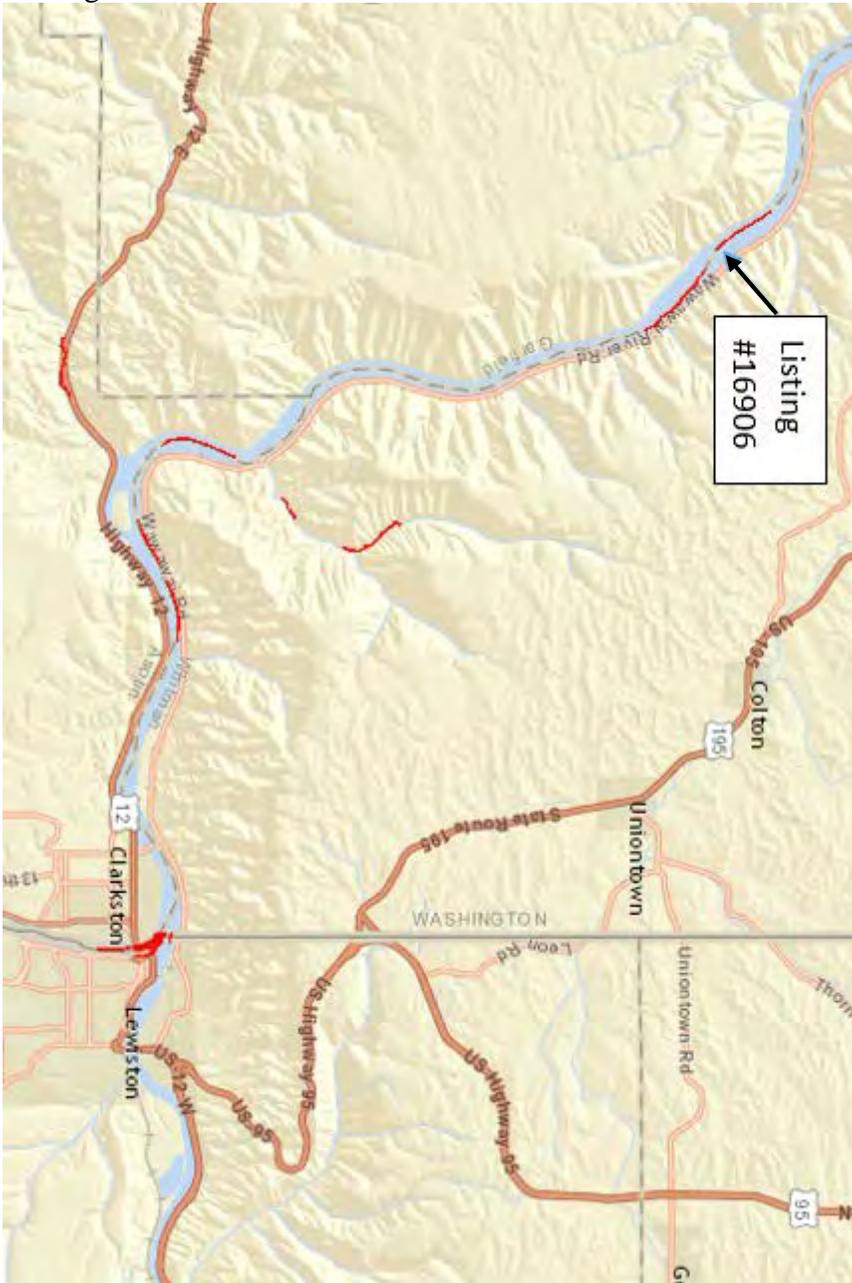
Maps

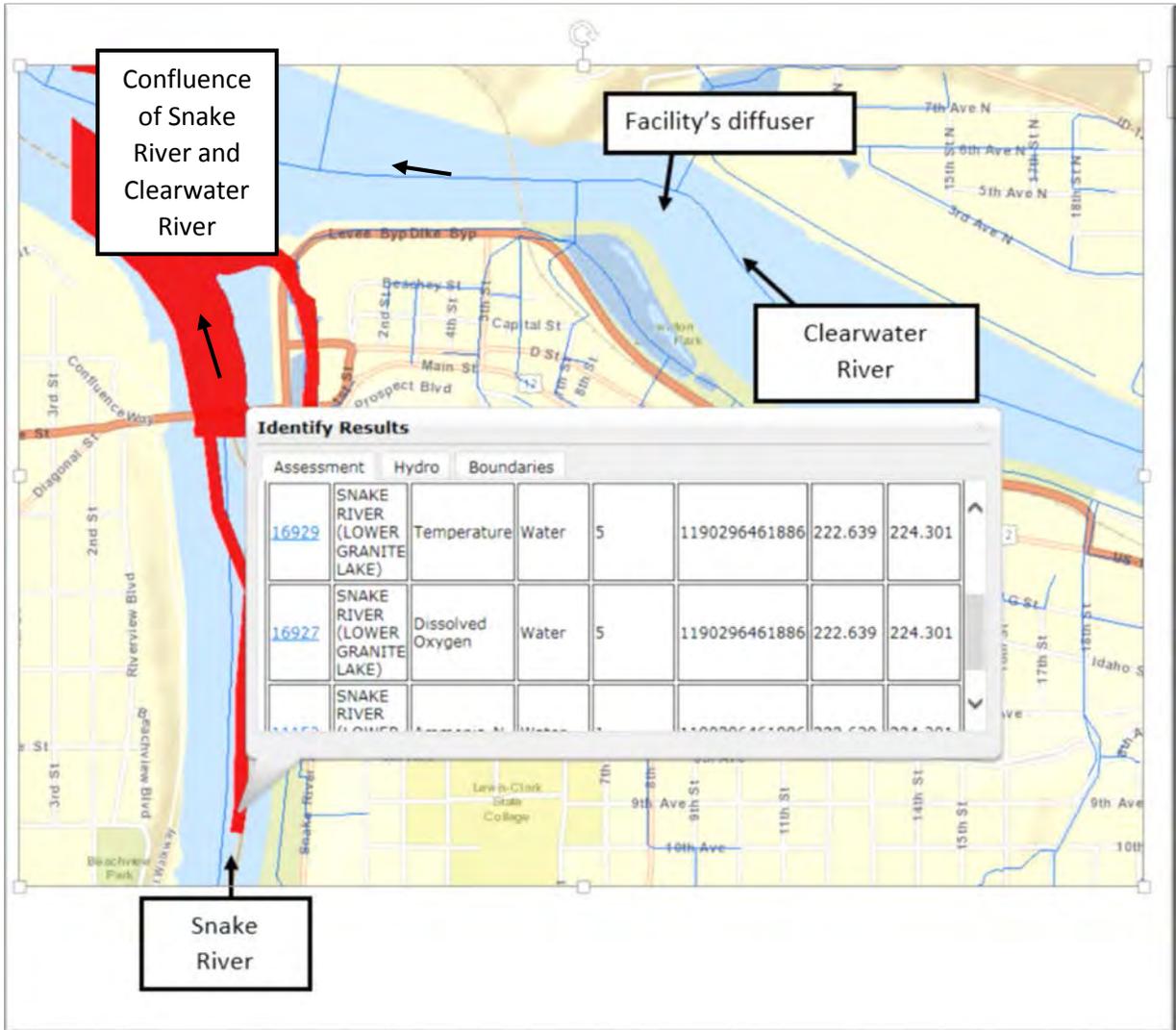


Phosphorus Listing #6366, is located approximately 131 miles downstream.

EPA used Washington State’s mapper tool for identifying possible nutrient impaired waters in the state. The mapper tool which is found at: <https://fortress.wa.gov/ecy/wqamapviewer/default.aspx?res=1280x1024> does not show a phosphorus listing in the vicinity downstream of the discharge in WRIA 35. Because dissolved oxygen (DO) impairments can be correlated with algae growth as a surrogate indicator to nutrients such as phosphorus, EPA identified areas of “Category 5” DO impairments as possible nutrient impairments in this case. There are (3) “Category 5” listings for DO in WRIA 35 – one listing is upstream (#16927), and two listings are downstream (#16906 and #16903). Listing #16927 is upstream in the Snake River. Listing #16906 is approximately 21 miles downstream on the Snake River, and Listing #16903 is further, approximately 29 miles downstream.

Listing #16906 is located 21 miles downstream.





There is a “Category 5” temperature listing in the Snake River immediately upstream of the confluence of the Snake/Clearwater Rivers (Listing #16929).

APPENDIX – Comment Letters



City of Lewiston
Public Works Department
PO Box 617
Lewiston, ID 83501

Mr. Kai Shum
USEPA, Region 10
1200 Sixth Avenue
Suite 900, OWW-191
Seattle, WA 98101

Dear Mr. Shum,

After reviewing both Draft NPDES Permit ID0022055 and the associated fact sheet the City of Lewiston submitting the following comments for your consideration, and would appreciate the opportunity to discuss these issues / comments with you.

Comments on NPDES Permit #ID0022055

Draft Permit No.: ID0022055

p. 2, Schedule of Submissions

- Implementation of electronic DMRs, the updated QAP, the updated O&M Plan, and the Emergency Response & Public Notification Plan (ERP Plan) are anticipated to require more time than allotted in the Schedule of Submissions, for the following reasons.
 1. Since Lewiston's fiscal year (FY) runs from October through September, given the City's FY 2016 budget has already been advertised, any new requirements in the permit will need to be budgeted through a Budget Amendment in August 2016 or within the next budget cycle to be made available no earlier than October 1, 2016.
 2. Costs may need to be spread over more than one budget year.
 3. Several, if not all of the submissions may involve outside consultants, with a hiring process that takes time.

To deal with these constraints, we request that the Schedule be extended as follows:

Electronic submission of DMRs	12 months after effective date of final permit (also revise in III.B)
QAP developed and implemented	12 months after effective date of final permit (also revise in II.B)
O&M Plan developed and implemented	18 months after effective date of final permit (also revise in II.A)
ERP Plan developed and implemented	24 months after effective date of final permit (also revise in II.D)

- We also suggest that schedules for the initial evaluation TRE submission (I.C.5) and the Local Limits Evaluation (II.C.5) be included in the Schedule of Submissions.
- The initial evaluation TRE submission in I.C.5 is specified as “prior to the initiation of toxicity testing required by this permit” – depending on when the permit is issued, that may be difficult to accomplish before toxicity testing is required. We suggest a schedule similar to the others, providing 12 months from the effective date of the final permit.
- The Local Limits Evaluation is subject to the budget and consultant hiring constraints described above, plus sufficient time is needed to collect meaningful data for the additional parameters included. We request that the Schedule of Submissions include the following:

Initial evaluation TRE submission	12 months after effective date of final permit (also revise in I.C.5)
Local Limits Evaluation submission	24 months after effective date of final permit (also revise in II.C.5)

- We request that the requirement for reporting surface water monitoring results in an annual report be eliminated, since that information will be reported in monthly DMRs (also revise I.D.8(b)).

Discrepancy between I.B.1 (p. 7) and I.B.4 (p. 9)

Table I and the second sentence in I.B.4 require monthly inspection for floating, suspended or submerged matter; the first sentence of I.B.4 requires weekly inspection. We request that the first sentence of I.B.4 be changed from weekly to monthly inspection to match.

p. 8, Table I Footnotes 7. Effluent Testing Data and 8. Expanded Effluent Testing

- The requirement to test at least twice a year is triple the frequency required by Form 2a. The rationale given in the Fact Sheet for the increased frequency is “insufficient information from the previous permit cycle.” It is unclear what the reason for insufficient information is but the City of Lewiston did submit all required data. In consideration of that, we propose testing for these constituents once a year, which will impose less of a financial burden on the City, while still providing at least 50% more than the minimum test data required by Form 2a.
- “must occur on the same day as whole effluent toxicity testing” - Though the City typically collects effluent samples for permit renewal on the same day as WET samples, if the WET samples are lost in transit through no fault of the City of Lewiston (which has happened), this provision would require additional effluent samples and expense. We request that the wording be changed (per the current permit) from “must” to “should whenever possible”.

Clarifications:

- (p. 13) I.C.6(a): What is the basis for changing the chronic toxicity trigger from 45 to 43 TUc?
- (p. 27) III.G.1(e): As a point of information, the City of Lewiston does not own or have operational control over the flow from the Central Orchards Sewer District (COSD); therefore, it is the understanding of the City of Lewiston that COSD is responsible for reporting should there be any overflow from the COSD system. Given COSD’s status, it would be appropriate for them to be permitted independently of the City of Lewiston.

Fact Sheet City of Lewiston WWTP

- Washington State Standards: The City of Lewiston would like it documented that the referencing of Washington DOE standards throughout the fact sheet concerns us as a

basis of permitting since we are an entity in Idaho not Washington State. We understand that our effluent ultimately enters waters regulated by Washington State but we are not regulated by Washington State and believe we should not be subject to standards set forth by Washington DOE or requirements developed with respect to those standards. Are all NPDES Permittees up-stream from the City of Lewiston who discharge into the Clearwater River then subject to these same Washington DOE standards?

- (p. 9-10), II.A:
 - Under the heading “Service Area” the fact sheet states incorrect numbers for both categorical and non-categorical SIUs. The accurate numbers are 4 categorical SIUs and 4 non-categorical SIUs
 - Under the heading “Treatment Process” the fact sheet states that wastewater is pre-aerated in the headworks when it is not and that sludge is “held in a sludge-holding tank” when, in fact, there are two holding tanks connected with an inter-tie.
 - Under the heading “Outfall Description” sentence six states “stream flow mixing and dilution occurs downstream in the State of Washington.” This is in apparent conflict with sentence three which states that significant river current “results in complete mixing as the effluent leaves the diffuser.” Sentence six should be changed to agree with sentence three.
- (p. 22), VII.C: The City of Lewiston has no ownership or operational control of the Central Orchards Sewer District (COSD) and the City of Lewiston claims no responsibility for COSD’s operation and maintenance practices.
- (p. 27), Facility Information: In the “Treatment Train” section the bullet point “Pre-aeration/grit removal” should read “Grit removal.” Additionally, we request that a clarification be added under the “Sludge (Biosolids) Handling” section that clarifies that composting is performed by a contractor.
- (p. 28), Washington State Water Quality Standards: We request clarification on why Washington State Water Quality Standards are being cited in this fact sheet. Are these being used as Ambient Limits for the purpose of drafting our NPDES permit?


Bryan Lacy, Water/Wastewater Systems Manager
Tuesday, August 04, 2015



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Idaho Conservation League

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1200 Sixth Ave, #900 M/S OWW-130
Seattle, WA 98101

Submitted via email: Shum.Kai@epa.gov

8/10/15

RE: Idaho Conservation League comments on the draft NPDES for City of Lewiston WWTP, Permit No.: ID 0022055

Dear Kai;

Thank you for the opportunity to comment on the draft NPDES for the City of Lewiston WWTP. Since 1973, the Idaho Conservation League has been Idaho's leading voice for clean water, clean air and wilderness—values that are the foundation for Idaho's extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development. As Idaho's largest state-based conservation organization, we represent over 25,000 supporters, many of whom have a deep personal interest in protecting and restoring water quality throughout the Lower Snake River watershed.

Effluent Limits

The Washington Department of Ecology 303(d) list from the year 2008¹ reports that the Snake River in Washington – downstream from the point of discharge from the Lewiston WWTP – is out of compliance with Washington State water quality standards for Total Phosphorus and Temperature. This stretch is also out of compliance for dissolved oxygen. No TMDLs have been created yet for these pollutants.

The Lewiston WWTP discharges both phosphorus and temperature. As a result, the Lewiston facility contributes to these water quality exceedance in Washington State. Regulations at 40 CFR Part 122.44(d) require that effluent limits be established for pollutants that cause or contribute to an exceedance of water quality standards. Pursuant

¹ 2008 Water Quality 303(d)-5 List: Lower Snake Water Resource Inventory Area (WRIA) 33

to this the EPA may not issue a NPDES permit to the Lewiston facility without limits on these pollutants. This must be done irrespective of the fact that TMDLs have not yet been established.

Please do not hesitate to contact me at 208-345-6933 ext. 24 or jhayes@idahoconservation.org if you have any questions regarding our comments or if we can provide you with any additional information on this matter.

Sincerely,



Justin Hayes
Program Director

*Idaho Conservation League comments on the draft NPDES for City of Lewiston WWTP,
Permit No.: ID 0022055* *Page 2 of 2*