

**RESPONSE TO COMMENTS
DRAFT NPDES PERMIT ID-002021-4
CITY OF PRESTON, IDAHO
WASTEWATER TREATMENT PLANT**

A draft National Pollutant Discharge Elimination System (NPDES) permit for the City of Preston, Idaho Wastewater Treatment Plant (WWTP) was issued for public notice on February 3, 1999. The Public Notice initiated a 30-day public comment period. EPA received comments from Bill Moellmer, Utah Division of Water Quality; Lynn Van Every, Idaho Division of Environmental Quality. No other comments were received. The following summarizes the substantive comments and EPA's response.

Comment. Effluent Limitations and Effluent Monitoring - Nitrite as N. The commentor stated that this limit should be for Nitrate + Nitrite as N.

Response. EPA agrees with this comment and will change the final permit accordingly.

Comment. Effluent Limitations - Nitrite as N and Phosphate as P. The commentor stated that the effluent limit for Nitrite as N and Phosphate as P were based upon a pollution indicators number, not criteria, in the Utah Water Quality Standards and is not enforceable criteria. These indicators are used to identify where investigations should be conducted to develop more information where the pollution indicator levels are exceeded in the receiving water body.

Response. EPA agrees that the indicator numbers were used erroneously as criteria to calculate an effluent limitation for Nitrite as N and Phosphate as P. Furthermore, the pollutant indicator is for Nitrate (NO₃) as N, not Nitrite (NO₂) as N. A stream study conducted on Worm Creek (a tributary of the Bear River) from 1992 to 1994 by Ecosystems Research Institute shows that the pollutant indicators for both Nitrate as N and Phosphate as P were being exceeded at the state boarder, which would indicate that an investigation would need to be conducted. The state of Idaho and the state of Utah are both aware that this creek is water quality limited for these pollutants and the state of Idaho is currently conducting a total maximum daily load (TMDL) for the Bear River and its associated tributaries. Therefore, EPA has decided to remove limitations for Nitrates and Phosphates in this issuance of the NPDES permit, but will leave the monitoring requirements in the permit. Once the TMDL is complete, the limits developed for these pollutants will be incorporated into the permit.

Comment. Effluent and Ambient Monitoring - Fecal Coliform Bacteria. The commentor stated that IDEQ is currently in the process of changing the primary and secondary contact recreation standard from fecal coliform to E. coli and requests that the permit include provisions for effluent and ambient monitoring to develop a data base for future permit actions.

Response. EPA agrees with this comment and will change the final permit accordingly.

Comment. Reopener Provision. The commentor stated that EPA should consider including the following language in the Reopener Provision in the permit: “This permit may be reopened to adjust any effluent limitations if future water quality studies, waste load allocation determinations, or changes in water quality standards warrant the establishment of different requirements.”

Response. EPA has authority to reopen permits by modification or revoking and reissuing under 40 CFR Parts 122.62, 122.64, and 124.5. In a permit modification, only the conditions subject to change are reconsidered while all other permit conditions remain in effect. Conversely, the entire permit may be reconsidered when it is revoked and reissued. Any interested party (including the permittee) may request that a permit modification be made, but cause must exist under Part 122.62 or it cannot be considered. This includes any new information that was not available at the time of permit issuance (i.e., water quality studies, waste load allocation determinations) and any changes to EPA approved water quality standards. Therefore, the reopener statement in the permit is being changed to the following:

“This permit is subject to modification, revocation and reissuance, or termination at the request of any interested person (including the permittee) or upon EPA initiative. However, permits may only be modified, revoked or reissued, or terminated for the reasons specified in 40 CFR Parts 122.62, 122.63 or 122.64, and 40 CFR Part 124.5. This includes new information which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance and includes, but is not limited to, future monitoring results. All requests for permit modification must be addressed to EPA in writing and shall contain facts or reasons supporting the request.”

Comment. Temperature. The commentor stated that the time period for protection of salmonid spawning and rearing should be from October 1 through August 1, not October 1 through July 15 as indicated in the Fact Sheet, to include cutthroat trout.

Response. EPA agrees with this comment, however, this does not change any limit or requirement in the permit.