

**National Pollutant Discharge Elimination System Permit for
Smeltonville Wastewater Treatment Plant
NPDES Permit No. ID-002011-7**

Response to Comments

June 2004

**U.S. Environmental Protection Agency, Region 10
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RESPONSE TO COMMENTS
for
Smelterville Wastewater Treatment Plant
(ID-002011-7)

I. INTRODUCTION

A draft National Pollutant Discharge Elimination System (NPDES) permit to the City of Smelterville for the Smelterville Wastewater Treatment Plant (WWTP) was issued for public notice on August 28, 2002. Draft NPDES permits for the Page and Mullan WWTPs were public noticed at the same time. The public notice was announced in the Shoshone News Press, Coeur d'Alene News and Idaho News Observer from August 28, 2002 to October 15, 2002 (45+ days). On October 1, 2002, the Environmental Protection Agency (EPA) held a public hearing for the draft NPDES permit and draft variances for the Page, Mullan and Smelterville WWTPs. On October 15, 2002 and November 29, 2002 the public notice period was extended in the same three newspapers and eventually expired on January 13, 2003.

This Response To Comments document is a summary of the federal and state actions that have influenced the final permit, significant comments related to the Smelterville WWTP draft permit and EPA's responses to those comments. Actions by EPA and the State of Idaho have resulted in changes to the final cadmium, lead, zinc and ammonia effluent limits. In addition, public comments have also led to a number of changes to the Smelterville WWTP final permit.

II. FEDERAL AND STATE ACTIONS AFTER THE PUBLIC COMMENT PERIOD

A. Actions by EPA

Since the public noticing of the draft permit, the EPA Region 10 Water Quality Standards Unit has approved state adopted site specific criteria for cadmium, lead and zinc and granted variances from those criteria where limits were developed. The EPA Region 10 has also approved state adopted water quality criteria for ammonia. In addition, the Idaho Department of Environmental Quality (IDEQ) has submitted and EPA Region 10 has approved a Suspended Solids Total Maximum Daily Load (TMDL) for the Coeur d'Alene River. These federal actions have effected the conditions in the final permit as follows.

1. Approval of Site Specific Criteria

Two sets of (daily and monthly) water quality-based effluent limits for cadmium, lead and zinc were included in the draft permit. One set was based upon Idaho's federally approved water quality criteria at the time and one set was based upon site-specific criteria (SSC) for the South Fork Coeur d'Alene (SFCdA or South Fork) River provided by the state of Idaho. Two sets of limits were proposed in the draft permit, because at the

time that the permits were drafted, EPA had not yet reviewed the proposed SSC and it was uncertain whether or not the SSC would be approved and thus become the basis for the final limits.

On February 28, 2003 (after the public notice period expired) EPA's Water Quality Standards Unit approved the SSC for the SFCdA River. EPA's approval of the SSC made them effective under the Clean Water Act (CWA) and therefore, the SSC are the criteria upon which the water quality-based effluent limits for cadmium, lead and zinc in the final permit are calculated. The Fact Sheet for the draft permit described how the effluent limits based on the SSC were developed. Although the water quality-based effluent limits for cadmium, lead and zinc are included in the final permit, they are not in effect until the variance expires (as explained in Section II.A.2 below).

2. Granting of Variances

The draft permit incorporated a proposed variance from the cadmium, lead, and zinc water quality standards that were the basis for the water quality-based effluent limits in the draft permit. The proposed variance was public noticed at the same time as the draft permit. The basis for the variance and limits that were to apply during the term of the variance were described in a Public Information document. On June 24, 2004 EPA granted the Smeltonville WWTP a five year variance from the cadmium, lead and zinc water quality standards (i.e. SSC). EPA determined that attaining the water quality standards upon permit reissuance was not feasible since it would result in "substantial and widespread economic and social impact." The variance, therefore, was retained in the final permit for the Smeltonville WWTP.

The alternate limits for cadmium, lead and zinc that apply during the five year variance period have been corrected (See I.A.3 of this Response to Comments). Additionally, some of the variance requirements (e.g., specific infiltration/inflow reduction requirements) have also changed as a result of comments (see comment # 43). The issuance of a cadmium, lead, and zinc variance to the WWTP is a separate action than the reissuance of the NPDES permits. Therefore, the comments and responses related to approval/denial of variances have been provided in a separate response to comments document within the administrative record for the variances.

3. Correction Made to Alternate Limits

As explained in Section VII.a of the Fact Sheet, alternate variance limits have been included in the permit based on the existing effluent water quality to prevent any worsening of current effluent quality. However, incorrect average monthly and maximum daily alternate limits (concentration and mass-based) were mistakenly included in the Fact Sheet and draft permit. The corrected alternate limits are less than those in the draft permit. However, because they are based on Smeltonville's maximum discharge concentrations the corrected limits should be easily achieved during the five year variance period. The corrected values included in the final permit are based on those found in the variance Public Information Document that was public noticed with the draft

permit. The final alternate values provided in Table 2 of Section I.A are as follows (See Appendix B of this document for details):

Alternate Effluent Limits		
Parameter	Average Monthly Limit	Maximum Daily Limit
Cadmium	23 µg/L 0.048 lbs/day	37 µg/L 0.077 lbs/day
Lead	46 µg/L 0.096 lbs/day	85 µg/L 0.18 lbs/day
Zinc	3651 µg/L 7.6 lbs/day	8800 µg/L 18 lbs/day

4. Approval of Suspended Solids TMDL

The draft permit includes mass-based (lbs/day) limits for total suspended solids (TSS) that were calculated using the technology-based concentration limits (mg/L). Because these limits are more conservative than those calculated using the wasteload allocation from the TMDL they are being retained in the final permit. See Appendix D, Section D.C.2 of the Fact Sheet for more discussion.

5. Approval of Ammonia Criteria

Two sets of (daily and monthly) water quality-based effluent limits for ammonia were included in the draft permit. One set was based upon Idaho’s federally approved water quality criteria at the time and one set was based upon proposed criteria. Two sets of limits were proposed in the draft permit, because at the time that the permits were drafted, EPA had not yet reviewed the proposed criteria and it was uncertain whether or not it would be approved and used as the basis for the final limits. On November 12, 2002 (after the public notice expired), EPA approved the new ammonia criteria for the state of Idaho. EPA’s approval of the criteria made them effective under the CWA and therefore, the final effluent limits are based on the new criteria. Appendix E of the Fact Sheet for the draft permit includes the calculations for the two sets of limits.

B. Actions by the State

After the public notice period for the draft permit ended and EPA reviewed and made changes to the draft permit, the proposed final permit was submitted to IDEQ for final 401 certification. Section 401 of the CWA requires EPA to seek certification from the State that the permit is adequate to meet State water quality standards before issuing or reissuing the final permit. The NPDES regulations (40 CFR 124.53) allow for the State to stipulate more stringent conditions in the permit, if the certification cites the CWA or State law references upon which that condition is based. In addition, the regulations require a certification to include statements of the extent to which each condition of the

permit can be made less stringent without violating the requirements of State law.

The IDEQ issued a CWA final 401 certification of the Smeltonville NPDES permit dated March 30, 2004. The following summarizes the 401 certification requirements.

Mixing Zones

The DEQ authorizes, pursuant to the Water Quality Standards IDAPA 58.01.02.060, the use of a 25% mixing zone for ammonia and chlorine.

Compliance Schedule

The DEQ authorizes a compliance schedule for meeting the new chlorine limits in this permit. Compliance with the limits will be required 4 years and 364 days after the issuance of the permit. Interim milestones will be established to track the District's progress but these milestones will not be part of the permit.

EPA did in fact include annual reporting requirements in accordance with 40 CFR 122.47.

III. RESPONSE TO COMMENTS ON THE DRAFT PERMIT

Following are the significant comments received on the draft permit for the Smeltonville WWTP and EPA's responses. Comments received on the Fact Sheet have been addressed in this document to the extent they relate to the permit language/conditions. The Fact Sheet is a final document and cannot be modified. Due to the volume and similar nature of the comments received, they have been organized according to subject matter. An individual commenter can be identified by the assigned number that is provided in parentheses before the summarized comment(s). All citizens that have commented either by letter, email or through oral testimony have been listed and assigned a number in Appendix A of this Document based on the date they were received by EPA.

A. Economics

1. Comment (5, 6, 9, 10, 11, 12, 22, 24, 25, 28, 30, 32, 33, 37, 45, 46, 47) - The Silver Valley is an economically depressed area. Residents of the Silver Valley have already had a sewer rate increase and cannot afford another rate increase that would be needed to comply with the conditions in the draft NPDES permit. EPA must find another solution to the WWTP problems or seek money to pay for compliance with the permit elsewhere.

Response: EPA recognizes that the cost of complying with the conditions in the permit could impact the local community. It is not the Agency's intent to reissue permits that will result in widespread economic hardship. The CWA requires that limits in permits be stringent enough to meet federally approved state water quality standards and in some cases this can result in water quality-based effluent limits that can only be met through advanced

wastewater treatment. Where achievement of a water quality-based limit will result in widespread economic and social impact, a facility may request and receive a variance from the limit.

EPA has approved the City's requested variance from the cadmium, lead, and zinc water quality-based limits. This variance permits the Smeltonville WWTP to discharge at its current levels of these metals until permit expiration. During the five year variance period and as a condition of any variance renewal, the City must demonstrate that they have made reasonable further progress toward achieving the water quality-based limits. The draft permit included a number of conditions that would result in reasonable further progress being achieved. Comments were received about the cost of implementing these conditions, particularly the infiltration/inflow (I/I) reduction requirements. Many of the conditions have been revised based on comments from the City (see responses to comment # 43). EPA believes that the variance conditions included in the final permit will allow for reasonable further progress without resulting in undue economic impact to the community.

To assist the facility in meeting the final permit requirements, mixing zones for chlorine and ammonia have been provided.

2. Comment (3) - Even with a variance, the City of Smeltonville is in a very poor position financially to remedy the multitude of system problems within a five year time period. An engineering study conducted by Terragraphics concluded that it will take over \$7 million dollars to fix all of the City's problems. The median income of the area is below poverty level making it difficult to afford remediation through loans or bonds. We hope that EPA or IDEQ will help fund a "sustainable remedy" promulgated through the Institutional Controls Program.

Response: The EPA recognizes that the Silver Valley area is going through some tough times and has responded by allowing variances to the cadmium, lead and zinc effluent limits. The statutory limitation for water quality variances is five years. However, the City can reapply for an extension to the variances prior to expiration if the economics conditions remain and reasonable further progress is made. The NPDES regulations do not include provisions for institutional controls as in the Superfund program. For example the EPA can not eliminate the aquatic life use in the South Fork Coeur d'Alene River through the permitting process.

3. Comment (37) - We cannot afford another unfunded mandate that is defined as more than the 2.5% allowed for this under the National Affordability Standard. Your agency is

obligated to comply with this standard. A reasonable solution would be for EPA to allow the City to comply with “interim levels” (demonstrated capability) of performance until they can afford the necessary technology to be in compliance with the proposed permit levels.

EPA did not bring up the currently ongoing national conversation about water-related affordability and reasonable and just costs. The creation of a new national standard for arsenic in drinking water appears to have launched a serious debate on affordability issues, particularly in relation to small systems and populations (commenter then cites five documents). These and other documents suggest that affordability ranks high on the agenda of nation water-related issues. Although most of the national conversation has focused on drinking water, the drinking water affordability debate raises the same issues as are raised regarding wastewater: of need, cost-keyed technology, and civic ethics. The implication, is that our national disposition toward water-related issues is up for debate and subject to reshaping over the next few years. Important issues are on the national agenda, and it can be anticipated that some of these issues will bring changes in national policy and perspective at EPA. What is the significance of these facts with respect to the NPDES process currently ongoing in the Silver Valley? EPA did not distance themselves from an ironclad rendering of water-related standards in light of still unresolved national affordability issues. In making us aware of this national conversation, EPA would have taken the role of a partner in the problems posed by wastewater needs, technology, and costs.

Response: The City of Smeltonville NPDES permit includes alternate levels of performance for cadmium, lead and zinc because the WWTP cannot currently comply with the final water quality-based limits. The alternate limits were provided as a condition of the variance and are based on current performance. The Public Information Document on the variance proposals for Page, Smeltonville, and Mullan discussed in detail how the alternate limits were developed. The alternate limits expire five years (minus one day) from the reissuance date of the permit.

As a point of clarification, the Unfunded Mandates Reform Act (UMRA) of 1995 only requires economic assessments for the development of new regulations (such as water quality standards). The water quality standards for Idaho were already subject to economic analysis prior to their adoption. Reissuance of the Smeltonville WWTP NPDES permit is not however a rulemaking action. Therefore, the CWA and NPDES regulations still require that effluent limits be based on state water quality standards. When new regulations are developed, such as new technology-based limits for publically owned treatment works, the UMRA requires that Federal agencies assess their effects on State, local, and tribal governments and the private sector. In particular, the UMRA requires that agencies prepare a written statement to accompany any rulemaking that

“includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (annually adjusted for inflation) in any one year” (Section 202(a)). Additional information can be found in the following EPA document:

U.S. Environmental Protection Agency. March 1995b. *Interim Guidance on the Unfunded Mandates Reform Act of 1995*. Washington, DC: Office of General Counsel.

Economics can come into play if a variance is requested. The City requested a variance from the cadmium, lead and zinc water quality standards based on “substantial and widespread economic and social impact.” The request included supporting information so that EPA could perform an economic analysis for those standards. See also the responses to comment #'s 5 and 6 below.

4. Comment (24) - We do not see evidence of a water quality crises. We do support a continuing effort to improve the water quality. Five year permits should be affordable, and considerate to individual site specific characteristics.

Response: The South Fork Coeur d'Alene River is impaired (i.e., does not meet water quality criteria for the protection of cold water aquatic life) for metals and sediment. Therefore, EPA is particularly concerned about the discharge of those pollutants.

Reissuance of a new permit to the Smeltonville WWTP is part of a continuing effort to improve water quality in the Coeur d'Alene basin. The effluent limits in the permit were developed to achieve water quality standards, as required by the CWA. As discussed in response to comment #1 above, EPA included flexibility in the permit where legally possible (e.g., granting the variance and use of mixing zones) which took into account the specific circumstances of the Smeltonville facility and receiving water. In addition, EPA approved SSC for cadmium, lead and zinc because testing conducted on local aquatic life demonstrated that greater concentrations of these metals can be tolerated. At the same time, EPA must ensure that the permit requirements for the Smeltonville WWTP are consistent with those required of similar facilities in Idaho. EPA believes that the final permit appropriately balanced these three needs; 1) it is compliant with the CWA and therefore protective of water quality; 2) it is consistent with what is required of similar facilities; and, 3) it incorporates facility-specific characteristics and accounts for the local economic situation.

5. Comment (42) - What is the projected capital and operating cost per pound of metal removed as a result of imposition of the permit limits?

Response: Cost information was provided in the Public Information Document associated with the variance. The City indicated in their variance request that if sulfide precipitation was used to treat metals to water quality-based concentrations then the capital cost for Smeltonville would be approximately \$710,000 and the annual operating cost would be approximately \$24,419. In addition, the EPA estimates that the capital cost of alternate pollution control processes would be approximately \$4,897,588 and the annual operating cost would be approximately \$70,187.

However, these cost estimates are not related to the final permit conditions because five year variances were provided from the water quality-based limits for cadmium, lead and zinc. During the next five years, the City is expected to make progress toward achieving the water quality-based limits by limiting the source of the metals through infiltration of groundwater to the collection system. Because there are no industrial sources of metals to the WWTP, the City surmises that metals are entering the collection system through leaky pipes that are located underground. The repair of these pipes is expected to dramatically decrease the amount of metals found in the WWTPs effluent.

6. Comment (37) - EPA did not provide a wider regional, state, and national context for projected costs and affordability for meeting prospective NPDES wastewater standards. I have seen nothing in EPA's discussion of the financial burdens that would place our situation in a wider regional, state, or national comparative context. Hence, we do not know, for example, where on the bell-curve of variation in wastewater costs the projected new costs for Silver Valley residents would place our communities – would we be near the norm, out one standard deviation, two, or more (taking into consideration median household income)? This contextual knowledge is important because such knowledge would allow us to gauge, in effect, “how extraordinary” our projected cost circumstances would be. In light of that knowledge, moreover, we would be better able to assess how extraordinary our funding and community response to these new challenges will have to be.

Response: The EPA does not require facilities to submit information regarding how much it costs to meet water quality standards. In fact, some facilities would consider this information confidential. Therefore, EPA does not have access to such cost information in order to compare costs between facilities in different states or regions.

When granting a variance however, the EPA does consider the prospective adverse impact facing the communities should they have to comply with water quality-based effluent limits. To assist in this effort, EPA does have guidance that allows assessment of how the cost of meeting standards will impact the affected community. This guidance is called *Interim Economic Guidance for Water Quality Standards Workbook* (EPA-823-B-95-002, March 1995). EPA uses this guidance when a permittee requests a variance from water quality standards to determine whether or not compliance with water quality standards will result in substantial and widespread economic and social impacts.

The City requested a variance from the cadmium, lead and zinc water quality standards and provided EPA with cost information. EPA reviewed the cost information consistent with the above guidance and determined that a variance from these standards is appropriate. EPA's economic evaluation is discussed in detail in the Public Information Document on the variance proposals that was issued for public comment at the same time as the draft permits. In the socio-economic analysis, comparisons were made using certain community information and similar state information. So even though EPA did not compare the Smeltonville WWTP's costs with those for other facilities, it did evaluate how it would affect the local community within the state context. Since variances based on economic and other factors are rarely issued, one can correctly assume that the situation in the South Fork is indeed extraordinary as postulated by the commenter.

7. Comment (37) - EPA did not conduct a review aimed at framing new NPDES financial burdens in the entire aggregate of regulatory and Superfund-related financial costs being imposed on this community. EPA is well aware that the potential financial burdens imposed by the new permits represent just one of a considerable array of new financial burdens EPA has brought to the Silver Valley. Any assessment of the reasonableness or fairness of the new NPDES burdens should also include an awareness of other financial burdens EPA has recently imposed on our communities.

Response: EPA's economic evaluation of the City of Smelterville's variance request did take into consideration the current economically depressed state of the community, which indirectly takes into consideration preexisting Superfund-related costs. Based on the information already provided by the communities, EPA concurs with the communities that a variance should be granted and therefore, no additional information is necessary for considering the variance request.

8. Comment (13, 32, 45) - If any part of the sewer contamination is due to historic mining practices, then EPA should help fund the solution. The Sewer Districts do not produce metals and their customers do not contribute them to the system. The reduction of metals is a much larger problem than the Sewer Districts should be expected to solve. The responsibility for cleanup work should be accomplished by the Record of Decision (ROD).

Response: The EPA assumes that most of the cadmium, lead, and zinc being discharged by the Smelterville WWTP is a result of historical contamination from mining because much of the 25 year old collection system was constructed on tailings. The City is not required to remediate this contamination (eg., remove the tailings or remove metals from ambient groundwater). The City is responsible however for properly operating and maintaining their sewer systems which includes reducing I/I from the collection system.

9. Comment (16) - We should adhere to higher standards. If you want us to do it now, then EPA should pay for it. Otherwise, give our people the time to line up the money to do the job.

Response: The EPA has provided the City with ample time to find funding sources to repair an overtaxed collection system and treatment plant. The NPDES permits program is not organized to provide funding for municipalities or industry to address compliance needs. The EPA suggests that the City contact the state of Idaho about funding sources, including the state revolving loan funds (SRF), state community block grants and US Rural Development grants. Other possible sources of funding might be other Federal agencies, such as the United States Department of Agricultural, Rural Development grant and loans.

B. Partnership

10. Comment (28) - EPA should work with the sewer districts to address the problems.

Response: The sewer districts provided comments on the draft permits, many of which were incorporated into the final permits. EPA met with the sewer districts before, during, and after the comment period to discuss their concerns. Lack of resources make it difficult for EPA to work with the sewer districts on a face-to-face basis, therefore much of the communication regarding the permit was by phone, email or letter. Although less than 20 people in EPA are directly responsible for permit issuance and compliance for thousands of facilities in Idaho, Alaska, Washington, and Oregon, EPA personnel are available to discuss permit issues and problems over the phone.

11. Comment (35) - Relative to TMDLs and the NPDES permits, EPA has had no partnership with the people in our communities and is severely damaging our way of life.

Response: The NPDES permits for the Page, Mullan and Smeltonville WWTPs do not contain conditions related to the Coeur d'Alene basin TMDL for metals. However, the EPA has made every effort to keep the Silver Valley citizens apprised of the NPDES permits. Legal notices and display ads were published in the three local papers (Shoshone News, Coeur d'Alene Press and Idaho News Observer) notifying people of the draft permits, their contents, any extensions to the comment period, and requesting comments. Draft permits, public notices and notification postcards were mailed to thousands of interested parties letting them know of the draft permits. Press releases were provided to the local communication media to inform them of the draft permits. A public hearing was conducted at the Silver Hills Middle School in Osburn where testimony was heard, the permits were explained, and questions were answered. A document was developed and made available at the hearing and on EPA's permits website at www.epa.gov/r10earth/water.htm that contained frequently asked questions and answers regarding the NPDES permits. The NPDES permits program is designed to protect and repair degraded waters for their intended use (in this case secondary recreation (boating and fishing), cold water aquatic life, agricultural and industrial water supply, habitat and aesthetics).

12. Comment (44) - There are numerous agencies or entities currently working on projects

that will impact or be impacted by the permits. Collectively, the amount of money that will be spent is staggering. It is extremely important that the local community as well as the various, State and federal agencies get the most they can from what will be invested. Coordination must occur amongst EPA Superfund; the IDEQ Sewer, Water, and Superfund Divisions; local cities and Shoshone County; local water districts; those communities associated with the Consolidated Bunker Hill Infrastructure and Revitalization Plan; Panhandle Health District and the Institutional Controls Program (ICP); and local residents. This coordination must occur such that economic development occur. The ICP administrator for the Panhandle Health District would like to be contacted to work on an inter-governmental group to help coordinate activities.

Response: The EPA agrees that a significant amount of money is and will continue to be spent in the Silver Valley. EPA agrees that we need excellent coordination and communication is needed in order to make the most of all of the activities underway in the Basin and it will provide whatever information is requested by those affected parties. The permits unit is aware of an existing inter-governmental coordinating group; the “Basin Environmental Improvement Project Commission.” This cross governmental partnership consists of representatives from the State of Idaho, the State of Washington, the Coeur d’Alene Tribe, the federal government, and three Idaho Counties (Benewah, Shoshone and Kootenai). The Commission was created by the Idaho legislature to address heavy metal contamination in the Coeur d’Alene Basin and is tasked to apply the clean up plan, set priorities, and create a forum for community and technical input. The EPA continues to value the permitting and inspection procedures, monitoring, educational efforts and records maintenance conducted by the ICP in the Bunker Hill area.

13. Comment (3, 45) - It would seem, once again, that the communities most impacted by the enforcement of these permits were never consulted by the agencies imposing them. When the Sewer Districts were told that they would be included in the process of formulating the permits, they rightly thought their experience and expertise would be used. Yet, they were not asked for information and/or input. In fact, they were all but ignored. We insist that the comments of the Districts officials, Mr. Ross Stout and Mr. Lee Haynes, are respected and applied.

Response: The Districts were requested to provide information and input prior to and during the comment period and the comment period was extended twice at the District’s request. The District’s comments were incorporated into the final Page, Mullan and Smelerville permits, where this could be done in a manner that was consistent with the CWA, Idaho’s water quality standards, and NPDES regulations. Also see response to comments #10 and 11 above.

C. More Time Needed

14. Comment (14) - EPA officials should allow the state and local officials the time to come up with the money and a solution that “fits” the South Fork and the Silver Valley communities that will be affected by unattainable standards.

Response: EPA provided the public and local officials an extensive amount of time to comment on the draft permit (138 days). The state had an additional 30+ days. The comment period was extended twice to accommodate requests for extensions. The EPA communicated with the state and permittees regarding the new permit conditions and options for requesting variances. The district has been provided ample time to find solutions (also see response to comment #13 above) .

15. Comment (28) - I believe that there should be at least a two year moratorium on the new proposals. The real need for any new standards must be reevaluated with open dialogue between EPA and the districts impacted before putting an additional financial burden on the citizens.

Response: The cadmium and zinc variance allows time (approximately five years) for the treatment plant to come into compliance with the final water quality-based effluent limits for these pollutants. While this is not a moratorium, it does allow the facility the time to determine the most cost effective way to meet the metals effluent limits, or reapply for an additional variance.

16. Comment (30) - Although I support your efforts to phase in the new standards for the permits and variance, the wastewater treatment plants should be offered the opportunity to apply for financial grants for implementation, and a realistic phased schedule of improvement should be considered for implementation of these standards. At present, any additional taxation could be devastating to our economic development. Given time to bolster our tax base and create jobs, I am sure we can be proactive concerning the mandates of the CWA.

Response: Many of the permit variance requirements have been revised according to comments provided to allow for I/I reduction efforts that are already planned and funded and more time provided for those efforts that are not yet funded (see response to comment # 43). The variance requirements need to be included in the permit so that the permittee can demonstrate reasonable and further progress toward achieving water quality standards. It is important to include requirements in the permit to provide incentive

for obtaining funding since there is a greater chance that funding will be obtained if it is a permit requirement.

D. Contribution of Municipal Treatment Plant Discharges

17. Comment (9) - The sewage treatment plants are not hurting anything. We are polluted by hundreds of years of mining. The permit does not resolve the problems. The problems lay upstream and are environmental as well as residential.

Response: EPA agrees that historic mining practices such as tailings disposal contribute significantly to metal contribution in the River. However, permitted point sources, including the municipal WWTPs, discharge metals at levels that exceed state water quality standards. These metals standards were adopted in order to protect aquatic life in the River. Therefore, even if the historic sources of contamination were removed, the discharge from the WWTPs would still need to be limited to maintain water quality standards. The CWA requires that point sources that discharge to waters of the United States obtain NPDES permits that include limits stringent enough to maintain water quality standards. This requirement is irrefragable of the contribution of the permitted discharge to the pollution in the river. EPA believes that reductions in metals loading from the permitted point sources and from historic sources should proceed on a parallel path. The NPDES permit for the Smeltonville WWTP expired in June 1990 and therefore, is overdue for reissuance.

18. Comment (33) - So many of the contaminants in our water are naturally occurring and will be here even if no people lived in this area.

Response: Some of the pollutants of concern in the permit and South Fork Coeur d'Alene River are naturally occurring. However, background (i.e., natural) levels of those pollutants are much lower than the existing water quality in the River and are lower than the water quality standards that were adopted by the state (and approved by EPA) to protect aquatic life. Both the Coeur d'Alene River Basin TMDL and Superfund Remedial Investigation/Feasibility Study (RI/FS) estimated natural background conditions for the South Fork Coeur d'Alene River. The TMDL estimated natural background levels as 0.06 µg/L for cadmium, 0.18 µg/L for lead and 5 µg/L for zinc. These natural background values demonstrate that the current levels of pollutants in the water are not substantially due to natural background, but instead are due to historical contamination and current discharges to the system.

19. Comment (35) - There is no “bang for the buck” for saddling residents with millions of dollars of costs to control levels of metals that are averaging less than 0.5% of the total immediately downstream of the Bunker Hill box. There will be “bang for the buck” if EPA controls its own metals contribution within the “Box”. The “Box” cleanup is by far the largest source of dissolved metals to the South Fork River.

Response: The EPA is not sure where the commenter came up with the percentage of contribution downstream of the Bunker Hill Box but the EPA agrees that the “Box” is a larger source of metals to the South Fork Coeur d’Alene River than the municipal WWTPs. However, the discharge from the Smelterville WWTP is also a source of metals to the River and the CWA requires that NPDES permits include effluent limits to meet state water quality standards. See also response to comment #s 17 and 18.

20. Comment (35) - EPA has placed an inordinate amount of weight to these NPDES permits relative to the newly and radically expanded Bunker Hill Basin Superfund Site.

Response: EPA believes that the Superfund actions and NPDES permitting are both important factors in improving water quality in the Coeur d’Alene basin and that Superfund and NPDES actions should occur on a parallel path. The Superfund cleanup plan is focused on addressing contamination from historic mining practices. Superfund cleanup actions will not address currently operating facilities, nor does the presence of a Superfund action negate the NPDES regulatory requirements. It is hoped that the Superfund cleanup, which includes remedial actions at a cost of \$349 million over the next 30 years, will provide significant improvements in water quality in the Basin.

21. Comment (42) - What is the projected reduction of metals load to the river that would result because of the imposition of the more stringent chronic aquatic standards to these discharge permits?

Response: EPA granted a variance from the water quality standards for cadmium, lead and zinc for the Smelterville WWTP. That means that discharges from the facility will not have to meet the acute or chronic water quality standards (i.e., SSC) while the variances are in effect. Instead the facility must ensure that the discharge of these metals do not increase and must work to reduce I/I. It is not possible to predict what metals reductions will result from I/I activities throughout the five year permit cycle. However, the effluent monitoring for metals that is included in the permit will allow EPA to determine how I/I activities impact metals. However, the effluent monitoring for metals that is included in the permit will allow EPA to

determine how I/I activities impact metals

E. South Fork Coeur D'Alene River Water Quality

22. Comment (14, 28) - I have seen a huge change for the better in the water quality of the South Fork from Pinehurst to Enaville since 1978.

Response: Comment noted. While water quality may have improved, the South Fork Coeur d'Alene River still exceeds the cadmium, lead, and zinc water quality criteria that were adopted by the State of Idaho to be protective of cold water aquatic life.

23. Comment (45) - What is wrong with the South Fork Coeur d'Alene River as it exists now? Over the last 30 to 40 years we have witnessed an incredible reversal of the previously undesirable characteristics of the stream. Much of this reversal has occurred naturally, long before the presence of the regulatory agencies. Contrary to EPA publications, those of us who live here can testify to the fact that much of the river supports a very healthy fishery and it continues to improve. The current impact of the sewage treatment plants to the river continues to allow for an improving river condition.

Response: The South Fork Coeur d'Alene River above Mullan supports a generally healthy fish community dominated by native species. However, the fish community is impacted in the South Fork below Mullan. The South Fork below Mullan exceeds water quality standards (i.e., the SSC) for cadmium, lead, and zinc. These standards were determined to have both a lethal (acute) and reproductive (chronic) effect on locally found aquatic life. The Record of Decision (ROD) for The Bunker Hill Mining and Metallurgical Complex Operable Unit 3 (September 2002) estimates the average concentrations in the South Fork at Pinehurst to be 9.1 µg/L cadmium, 56 µg/L lead, and 1,430 µg/L zinc using data from 1991 to 1999. More details regarding ecological risk can be found in Section 5 and 7 of the decision summary in the ROD.

F. Water Quality Standards/Criteria

24. Comment (13, 32) - Economic difficulty is not a sufficient reason to waive clean water standards. I would like to urge you to maintain clean water standards for the entire valley. Are the proposed standards applied nationally? Are all communities expected to comply or are a larger percentage of communities receiving waivers? If the discharge limits required by the proposed permits are safe, reasonable, universal, and technically achievable then it should be applied to the City just as it would be to any other geographical area.

Response: The water quality-based effluent limits and other permit conditions included in the permit for the Smelterville WWTP are consistent with requirements for other similar sized municipal dischargers permitted under the NPDES program in Idaho. However, conditions specific to the Smelterville WWTP and the economic situation of communities served by the Smelterville WWTP, warranted the need for a variance from the water quality-based effluent limits for cadmium, lead and zinc. The Smelterville WWTP will not be receiving a variance from any of the other limits and permit conditions. The cadmium, lead and zinc variance was warranted since compliance with the effluent limits would have resulted in substantial and widespread economic and social impact. Federal regulations allow for such a variance in this specific situation. The source of the metals is due to extensive historic contamination of the soils and groundwater which enters the sewer collection system via infiltration and inflow (I/I). This problem is not easily corrected. While the permit does not require that the Smelterville WWTP meet water quality-based limits for the discharge of cadmium, lead and zinc immediately, it does require progress toward reducing I/I.

Variations from water quality standards have not been granted for other municipal WWTPs in Region 10 (Alaska, Idaho, Washington, and Oregon) because no other WWTPs have applied for variances. Other municipal WWTPs do not face the combination of extensive groundwater contamination entering the sewer systems and the substantial economic hardship in the communities served.

25. Comment (35) - There has been no public comment on the basis documentation for determining the SSC. EPA needs to provide for public comment basis and decision documents for the implementation of Gold Book or SSC limits.

Response: The State of Idaho adopted the SSC on November 9, 2001 and was

effective upon the adjournment of the 2002 Idaho Legislative Session. Prior to their adoption, the State held a public comment period from August 1, 2001 to September 24, 2001. This was published in the August 1, 2001 Idaho Administrative Bulletin. The State responded to comments received during the comment period. The EPA directs the commenter to the administrative record for the SSC which sets forth the basis for the SSC. The Water Quality Standards Unit of EPA Region 10 approved the SSC on February 28, 2003. EPA is not required to take public comment on approval of Idaho's criteria, since the criteria has already been subject to comment during the State adoption process.

26. Comment (4) - If you persist on using a mixing zone, then only site-specific limits would be justified, especially in light of the fact that Gold Book criteria won't be achieved for 1,000 years (New Lower Basin ROD comment).

Response: Mixing zones (i.e., areas of dilution in the South Fork Coeur d'Alene River) are only available for those parameters where the receiving water does not currently violate state water quality criteria. Therefore, mixing zones were not considered when developing the effluent limits for cadmium, lead and zinc. Two sets of effluent limits were developed for cadmium, lead and zinc in the draft permits. The first set is based on Idaho's current (at the time) water quality criteria (i.e., Gold Book) and the second set was based on the SSC. Because the SSC was approved prior to permit reissuance, the final effluent limits are based on this set of criteria. Also see Section II.A.1 above.

G. Wastewater Treatment Plant Chemicals

27. Comment (14) - I'm sure the EPA is concerned about the high levels of some elements that are probably utilized in wastewater treatment. The chemicals or by-products end up in the river ecosystem and may be harmful to fish and aquatic life; however, if there's a choice between the elements and the fecal coliform contamination downstream...that's not a choice.

Response: The EPA is equally concerned about those pollutants that effect human health (i.e., recreation, drinking water and fish consumption) as well as those that effect aquatic life. Therefore, EPA has included effluent limits on both total residual chlorine as well as E. coli.

H. Effluent Limits

28. Comment (4) - TSS limits. Judge Luster's opinion of record is that the state did not follow Administrative Procedures Act requirements. This makes your proposed TSS permit limits not acceptable because the TMDL limits have been rendered void.

Response: A TMDL for cadmium, lead and zinc for the Coeur d'Alene River basin, which includes the SFCDA River, was issued by the EPA (for tribal waters) and the State on August 18, 2000. This TMDL was declared null and void by 1st District Judge John Luster in Idaho on September 6, 2001. The decision did not mention other TMDLs (such as the Suspended Solids TMDL that was approved by EPA). As explained in Section II.A.4 above, the final permit includes TSS limits based on the technology-based guidelines because these are more conservative than the water quality-based TMDL limits.

29. Comment (24) - Metals limits. We question your identifying limits based on Gold Book standards which, in our judgement, exceed the proposed TMDL limits and documented background levels. A facility plan conducted in 1999, identified metal treatment alternatives. Unfortunately, none of the available technologies that met the standards are considered an economic feasible cost to the rate payers.

Response: The water quality based-limits in the final permit for cadmium and zinc are based on the SSC (not criteria found in the Gold Book). The first set of limits found in the draft permit that were based on Idaho's previous metals criteria were replaced when the State and EPA approved the SSC. As discussed in Section II.A above and in response to previous comments, EPA has granted a variance for cadmium, lead and zinc, so the facility will not have to meet the water quality-based limits upon permit issuance, but instead will have to maintain their current performance. EPA granted the variance because the metal treatment technologies to meet the standards would cause widespread economic and social impact.

30. Comment (3) - Chlorine limits. The maximum daily limit of 0.56 mg/L and average monthly limit of 0.41 mg/L for total residual chlorine can not be achieved. Our averages are nearly twice the proposed limits therefore the limits should be relaxed to what we are able to achieve.

Response: The effluent limitations that are required in NPDES permits must be based on what is necessary to meet approved water quality standards (see federal regulations found at 40 CFR 122.44). The South Fork Coeur d'Alene River is protected for aquatic life and therefore water quality-based limits were developed to protect that designated use. After reviewing Smelterville's effluent data from January 1995 through February 2001 it

appears that the facility's current discharge concentration for chlorine is about 1.8 times the final average monthly limit. Therefore, the EPA has notified the IDEQ that a compliance schedule may be appropriate and one was provided consistent with IDEQ's final 401 certification and IDAPA 58.01.02.400.03.

31. Comment (3) - Interim limits. Due to the complexities of being located in a Superfund site and given the fact that it is questionable that the Institutional Controls Program is effective in preventing re-contamination from entering our system through I/I, I suggest that you use interim standards (i.e., levels of treatment that we are presently able to demonstrate) designed to allow us to be in compliance. In the meantime we will work toward fixing the problems in our system.

Response: Historic mining practices have resulted in the area being designated as a Superfund site. The metals associated with mining (cadmium, lead and zinc) have been provided with alternate effluent limits in the draft and final permit. These alternate limits are associated with the approval of the variance (see II.A.2 and 3) and are based on what the WWTP can currently achieve. However, for other non-mining related parameters such as biochemical oxygen demand, total suspended solids, pH, chlorine, and ammonia, the more stringent of technology and water quality-based limits are necessary in order to have a legally defensible NPDES permit.

32. Comment (4) - pH limits. The facility is asking for an upper pH limit of 9.5 - 10 standard units to allow for possible heavy metal binding and removal. We do not want to use acid to bring pH levels down to the proposed limits. If lower pH limits can be water quality-based so can the upper limits.

Response: The CWA requires that the effluent limits for a particular pollutant be the more stringent of either the technology-based or water quality-based limits (40 CFR 122.44). The technology-based limits (found at 40 CFR 133.102) for a municipal treatment plant are from 6.0 - 9.0 standard units while the water quality-based limits (found at IDAPA 58.01.02250.01) are from 6.5 - 9.5 standard units. Therefore, the more limiting range, from 6.5 - 9.0 standard units, has been retained in the final permit.

33. Comment (34) - nutrient limits. We are concerned by the lack of effluent limitations on nutrients; particularly total phosphorus. Municipal wastewater treatment discharges, and in particular the Page Wastewater Treatment Plan, have been identified as major contributors of nutrients to Coeur d'Alene Lake. In 1991 and 1992, the Page effluent represented a quarter to over half of the annual load of total phosphorus for the Coeur d'Alene River at its mouth (Woods and Beckwith 1997). Table 26 of the Coeur d'Alene Lake Management Plan identifies, under Action 1, reduction of phosphorus loads from the Page facility as a priority, and the recent Draft Coeur d'Alene Lake Management Plan Addendum retains this priority.

Woods and Beckwith (1997) performed modeling of the lake's water quality, and simulations involving various scenarios such as increases in nutrient loads, reduction of nutrient loadings due to BMPs for forestry and agriculture, etc. They concluded that of the three nutrient-reduction simulations explored, nutrient reduction from wastewater treatment systems produced the largest improvements in phosphorus concentration.

The Smeltonville Fact Sheet seems to assume that the proposed permit requirements will be compatible with the Lake Management Plan if the effluent does not result in anoxic conditions in the hypolimnion (Appendix D of the Fact Sheet). We do not agree; this is clearly not the intent of the Plan or its recent draft addendum. The goal of the Plan is "slow improvement in water quality." Moreover, other sources of phosphorus may appear or increase in the Basin as a result of phosphate-based treatment methods for metal-contaminated sites. Thus, reduction of existing sources becomes even more important to improvement of water quality in the Lake. Mullan and Smeltonville nutrient loads are negligible, adding up to about one tenth of the load from the Page discharge for both phosphorus and nitrogen.

Response: Table 26 of the Coeur d'Alene Lake Management Plan includes the goal to eliminate and/or reduce the discharge of nutrients in wastewater. Action 1 of the Table (from the proposed Addendum) further requires that the impacts be evaluated, and a financial evaluation of alternatives be conducted and that implementation strategies be recommended, if needed. The Note to the Table states that "it was determined that evaluation and selection of specific phosphorus reducing actions for the South Fork Sewer District's Page facility and other waste water treatment plants were beyond the scope of the planning committee. They recommend that a special committee be developed with representatives of DEQ, the sewer districts and interested citizens. It was also recommended that an economist, be consulted during the evaluation process."

The EPA understands that this special committee has not yet been formed and thus has not yet determined what actions, permit limits included, are necessary for the Smeltonville WWTP. The EPA will take any such recommendations into consideration when they are presented. Although effluent limits were not included in the final permit for nutrients, it is expected that Smeltonville's variance activities to reduce I/I will also decrease phosphorus contributions to the Lake.

I. Monitoring Requirements

34. Comment (33): I can see no reason to require Ultra-Clean compliance that existing equipment cannot even measure.

Response: The permit (Part I.A.8 and Table 1) requires that the effluent monitoring for metals meet certain method detection levels (MDLs). The MDLs ensure that the effluent be monitored at levels sensitive enough to indicate compliance with the final water quality-based effluent limits. The final water quality effluent limits for cadmium, lead and zinc are based on SSC. The SSC is greater than the previous water quality criteria for lead and zinc. Therefore the MDL for lead has been increased to from 0.7 µg/L to 7 µg/L. The MDL for cadmium has been increased from 0.1 µg/L to 0.2 µg/L. As specified in III.C of the final permit, "monitoring must be conducted according to test procedures approved under 40 CFR 136..." Under this regulation (40 CFR 136.4) the permittee may apply for approval to use an alternate test procedures with a different MDL than specified in the permit as long as that MDL is below the effluent limit (or water quality criteria alternately).

The permit does not specify that "ultra-clean" sampling is necessary. However, in order for the laboratories to achieve levels that are from one to two digits (µg/L) it is necessary to prevent metals contamination in the field (when collecting samples) and in the lab (when testing the samples). "Clean" is not a regulatory term that has been defined within the test methods but can include; wearing a nylon rain suit, containing your hair under a hair net, utilizing laminar flow hoods in the lab, utilizing air filters in the lab, soaking bottles before use to prevent dust contamination, using plastic bottles instead of glass, double bagging your samples, and/or using higher grade reagent acid. The city might contact its lab to determine what professional practices are needed to achieve the minimum levels required in the final permit.

35. Comment (3) - The requirement to monitor receiving water is redundant and unnecessary. Data for total ammonia, total residual chlorine, temperature, pH and total phosphorus already exists at our discharge point. Ambient monitoring is unnecessary because it's very questionable that the river data really is associated with the discharge (high river flow, mixing zone adequacy etc.). This data is clearly for the use of the Coeur d'Alene Lake Management Plan and should be carried out by IDEQ or EPA.

Response: Total ammonia, total residual chlorine and total phosphorus data was not available at the closest USGS station upstream of the discharge (USGS station 12413300). Upstream data for ammonia and chlorine is necessary when determining what background levels of the pollutant(s) are to see how much dilution (if any) is available for a mixing zone. In addition, monitoring downstream of the outfall is necessary for pH and temperature to determine what the water quality criteria is for total ammonia. This monitoring will result in criteria that is applicable for the site specific conditions in the South Fork Coeur d'Alene River. Total phosphorus monitoring upstream of the outfall will be used to determine how significant the discharge is to the phosphorus concentrations downstream at the Lake. It is not EPA or IDEQ's responsibility to conduct ambient monitoring for the Lake Management Plan. Because the City of Smelterville and the Page wastewater treatment plant discharge at the same location (i.e., share an outfall) monitoring responsibilities and expenses can be shared. This has been noted in footnote 1 in Table 3 of the draft and final permit.

The draft permit required receiving water monitoring for temperature and pH downstream of the discharge on a monthly basis for the first two years during the months from June through November (i.e., 12 samples total). This monitoring frequency has been changed to twice per year (one sample between June and August and the other between September and November). This monitoring information will be used to calculate the water quality criteria that is applicable in future permit limit determinations. The temperature and pH data is used to calculate the ammonia criteria.

The draft permit also required monthly (for two years, June through November) receiving water monitoring for ammonia, phosphorus, and chlorine upstream of the outfall. This data is needed in order to determine background concentrations that will be used to determine the need for and establishing effluent limits for these pollutants in the future. However, in order to balance the cost of this monitoring over the life of the permit, the frequency has also been changed to twice per year (one sample taken between the months of June and August and one taken between September and November).

J. Permit Conditions

36. Comments (4) - A Quality Assurance Plan (Item C. of the draft permit) is not required by 40 CFR 122.41(e). This regulation states that a permittee has to use “appropriate quality assurance procedures.” The regulation does not mandate a plan and plan submittal/approval requirements. It appears that quality assurance is a demonstration requirement, not a formal plan requirement.

Response: Section I.C of the final permit requires that a quality assurance plan be developed and implemented in order to assure effluent monitoring quality. This is a regular requirement of all NPDES permits and is allowable under EPA’s permit authority. Section 402(a)(2) of the CWA authorizes the Administrator to prescribe permit conditions for data and information collection, reporting, and such other requirements as he deems appropriate to carry out the objectives of the CWA. Additionally, the federal regulations at 40 CFR 122.44(d) allow the permit authority to establish permit conditions that are necessary to achieve water quality standards. The commenter should note that copies of the quality assurance plan must be kept on site and made available to EPA and/or IDEQ upon request, not submitted to EPA for approval as was stated in the comment

K. Superfund

The following comments are related to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) program, otherwise referred to as Superfund. The appropriate time to comment on Superfund actions is during the comment periods applicable to the Superfund work, since changes to Superfund decisions cannot be made in the context of an NPDES permit action. Therefore, EPA will not respond in detail to the following comments and directs the commenters to the administrative record for the Superfund decisions, particularly the Response to Comments on the Coeur d’Alene basin and Bunker Hill Record of Decisions (RODs) and the corresponding Remedial Investigation/Feasibility Study (RI/FS) Reports. This information can be found in local information repositories and on EPA’s website at www.epa.gov/r10earth/bh.htm.

37. Comment (42) - It appears that the dischargers are being punished for only removing part of the metals. It also appears that the chronic aquatic standard as administered by the EPA Water Quality Division is the major impediment to substantially reducing the river metal load. I believe that substantial reductions in river zinc and cadmium loading will only be achieved by treating contaminated groundwater with lime precipitation. Biologically based systems need too much space and both they and the apatite-based passive treatment, contemplated in the ROD, discharge substantial amounts of nutrients as a byproduct and are not feasible to achieve major reductions in the river metal loading. I do not know of any other affordable treatment systems, which might be used to achieve substantial metals load reductions except lime precipitation. However, simple lime

treatment systems (without filtration) will not remove enough metals to meet the chronic aquatic standard based discharge limits so EPA's Water Quality Division will not allow such treated water to be discharged. The net result is that the untreated water will continue to drain into the river and no substantial improvements are possible.

Response: The comment period on the municipal WWTP NPDES permits does not extend to Superfund actions (such as the treatment of groundwater). EPA directs the commenter to the administrative record for the Superfund decisions, particularly the Response to Comments on the ROD for the Coeur d'Alene Basin. It should be noted that in general, while Superfund actions must meet applicable water quality standards, considerations can be made for not meeting the standards due to technical impracticability considerations (contact EPA's Superfund office for a copy of the technical impracticability guidance). In such a situation, the treatment goal would be based upon what is technically achievable. Such an exemption to the standard would be justified in the Superfund ROD and would not be subject to approval from EPA's Office of Water, as assumed in the comment. It should also be noted that the ROD that was recently issued by EPA's Superfund program was an interim ROD and did not establish the water quality standards as the final goal of the actions in the interim ROD.

38. Comment (42) - Under the CWA, EPA and the State could issue an "Interim Water Quality Standard" as was done at the Upper Blackfoot Mining Complex near Lincoln, MT. It should be set to allow for discharge from simple lime treatment plants. There are problems with this. The first is that issuing such a standard requires an associated plan to achieve improvements in the river. It also requires an implementation schedule. Simple lime treatment of contaminated groundwater would have to be funded. At present both EPA and the State of Idaho each say that the other should pay for such treatment. Both have a vested financial interest in continuing the impasse and not doing anything. In the real world most of the funding will have to come from the Federal Government if it comes at all. The second problem with the interim standard is that EPA would no longer be able to punish the people of the Silver Valley for living in a historically impacted area.

Response: EPA does not believe that its actions are punishing the people of the Silver Valley. The EPA recognizes the impact that issuance of the NPDES permits has on the community and is therefore issuing water quality standards variances for cadmium, lead, and zinc. (See response to comment #1). Therefore, an interim water quality standard would not be needed for surface discharges, since a variance from the water quality standard is being issued to the municipal WWTPs. It appears that the commenter is recommending interim water quality standards for groundwater however, and NPDES permits are only for surface discharges.

A temporary or interim water quality standard can be developed for use in the Superfund program ROD if allowed under the state water quality standards. The State of Montana has provisions in its water quality standards for such temporary water quality standards. Under the provision, Montana adopted temporary water quality standards for the Upper Blackfoot Complex. However, the State of Idaho does not have similar provisions in its water quality standards to allow for temporary water quality standards. Therefore, temporary standards cannot be adopted for the South Fork Coeur d'Alene River. As discussed in response to the previous comment #37, Superfund could use a technical impracticability argument to not meet a standard, but this would be a Superfund action and not subject to the approval under the CWA.

39. Comment (42) - The Superfund ROD only pretends to address a small part of the zinc load since the ROD talks about natural recovery (The commenter submitted a graph showing that natural recovery should deliver +600 pounds per day reduction over the next 30 years). I believe that EPA's real plan is to let natural recovery take care of the problem. Natural recovery is a euphemism for letting the metals be flushed down the river to settle in Coeur d'Alene Lake or flow down to the Spokane River.

Response: As discussed above, the comment period on the municipal WWTP NPDES permits does not extend to Superfund actions. EPA directs the commenter to the administrative record for the Superfund decisions, particularly the Response to Comments on the ROD.

40. Comment (42) - The CIA seep discharges more metals than all the WWTPs combined. In the TMDL, EPA and the State of Idaho said a groundwater discharge clearly emanating from a mine waste pile is a point source discharge. Is this still EPA's position? Is there an NPDES permit for the CIA seep? It is possible that no permit is needed because the seep falls under CERCLA, but even there, the discharge still has to meet the substantive requirements of the CWA. Is the CIA a Federal Facility as defined in Section 1323(a) of the CWA? Is the CIA seep discharge a violation of the substantive requirements of Section 1323(a) of the CWA?

Response: It is EPA's position that pollutants discharged from a waste pile to waters of the U.S. (such as the South Fork Coeur d'Alene River) are point source discharges. This position is consistent with the CWA. Irregardless, it is not necessary for EPA to obtain a NPDES permit for the CIA. Pursuant to its CERCLA authority, EPA is performing remedial actions at the Bunker Hill Mining and Metallurgical Complex Superfund Site. Included in these actions are remedial actions that have been performed and are being performed to address seeps from the CIA. The CIA is within the Bunker Hill Mining and Metallurgical Superfund Site. CERCLA section 121(e)

requires EPA to comply with the substantive requirements of the CWA and NPDES regulations and applicable or relevant and appropriate requirements (ARARs) when it conducts response actions within a superfund site.

Since EPA began performing remedial actions at the CIA, metals discharges from the CIA seeps have decreased dramatically. EPA ceased the historical industry practice of storing acid mine drainage on top of the CIA and has placed a liner on top of the CIA. Currently there is approximately 37 lbs/day of zinc coming from the seeps. The selected remedy for the CIA also includes collection and treatment of seeps. EPA is using a phased approach to implement remedial actions at the CIA. EPA anticipates that the performance of these or other actions will substantially reduce CIA metals loading and result in compliance with CWA ARARs. The goals of any treatment would have to meet the substantive requirements of the CWA and NPDES regulations. The EPA is currently evaluating the effectiveness of the remedial action it has implemented and is evaluating whether it is necessary to implement the seep collection and treatment system. Ultimately, EPA will have to attain or waive CWA ARARs.

L. Variances

The draft permit incorporated alternate limits based on the proposed variances from the cadmium, lead, and zinc water quality criteria. On June 24, 2004 EPA granted the WWTP a five year variance from the cadmium, lead, and zinc water quality criteria. EPA determined that the facility demonstrated that treatment necessary for attaining the water quality criteria for cadmium, lead and zinc upon permit reissuance would result in substantial and widespread economic and social impact.

Although, the public notice and comment process for the variances and NPDES permits were conducted jointly, the granting of variances for cadmium, lead and zinc to the WWTPs and the reissuance of the NPDES permits are two distinct legal actions. The granting of a variance from State water quality standards is an action authorized under CWA section 303(c) and the issuance of NPDES permits is authorized under CWA section 402(a). Consequently, there are separate administrative records supporting these two legal actions. Therefore, this Response To Comments document is a summary of the significant comments related to the NPDES permit action. The responses to comments regarding the granting of the variances from Idaho water quality standards and EPA's responses to those comments. are addressed in a separate document as part of the administrative record for the water quality standards variance action.

The variance authorized alternate limits for cadmium, lead and zinc for the term of the variance, Additionally, a condition of the variance requires that reasonable further progress be made towards achieving the final water quality-based limits. Specific requirements have been

developed in the NPDES permit which are designed to implement this condition. These specific requirements include 1) conditions related to infiltration and inflow 2) interagency agreements, and 3) elimination of sanitary sewer overflows.

41. Comment (24) - We believe that the NPDES permits should include variance conditions that consider receiving water quality, background and natural levels of metals, peak river flow events, and goals that are achievable both technologically and economically. The draft document, as we understand it, does not satisfactorily address any of these criteria.

Response: Alternate effluent limits for cadmium, lead, and zinc that apply during the term of the variance are based on the current performance (current discharge levels) of the Smeltonville WWTP. See the Public Information Document for detailed information on how the alternate limits were developed. These limits, therefore, do not depend upon the receiving water characteristics, but rather on the effluent characteristics. These limits are technologically and economically achievable since they are based on the concentrations that are currently being achieved by the WWTP.

The draft permit included a number of variance requirements to investigate and reduce the sources of I/I. While all of the draft permit variance requirements were technologically achievable, some of them might not have been economically feasible. Many of these requirements have been revised based upon comments submitted by the District.

42. Comment (1, 35, 42) - Most of the infiltration is contaminated groundwater entering the sewer systems. The actual situation is that removing I/I sources, will increase the metals loading to the river. Data from the inflow and outflow at the Smeltonville, Page, and Mullan plants in 1999 clearly demonstrate that dissolved cadmium, zinc, and lead are removed by the sewer treatment systems.

Response: Data was not submitted with the comment to determine the amount of removal provided by the WWTPs. However, until the I/I removal actions are implemented, it is unknown whether or not these actions will result in increased metals loadings to the river from the contaminated soils and groundwater.

In any case, the WWTPs are responsible for compliance with the following three items: 1) approved water quality standards, 2) proper operation and management of their systems, including I/I reduction (See Section IV.E of the final permit), and 3) removal of 65% of the BOD₅ and TSS entering the treatment plant (See Section I.A.5 of the final permit). The BOD₅ and TSS removal requirements are currently difficult to

achieve with the substantial dilution of the inflow to the treatment plants.

The contaminated soils and groundwater is the responsibility of the CERCLA (i.e., Superfund) program. Superfund has prioritized its actions so that it is currently dealing with higher priority water quality problems. The NPDES program has forwarded this concern to the Superfund program and has encouraged the Superfund program to look at the groundwater issue.

43. Comment (4) - We take strong exception to have either “Gold Book or SSC” apply one day prior to the expiration date of the Smeltonville permit. We should have the right to re-negotiate these limits based on actual conditions five years from now. This puts us in a very precarious position with the “anti-backsliding” provisions in the new permit.

Response: The water quality-based effluent limits for cadmium, lead and zinc do not need to be met immediately due to EPA granting Smeltonville a variance based on economic hardship. However, variances only delay the requirement to meet water quality-based effluent limits for these metals until five years from the issuance date of the variance or the day before the permit expires (whichever comes first). The variance may be reapplied for (prior to its expiration) if reasonable further progress is made towards meeting the final effluent limit and if the applicant can demonstrate that attaining the water quality standard is not feasible because of one or more of the six criteria found at 40 CFR 131.33(d)(3). The limits are developed such that applicable water quality criteria are protected for and not based on the concentration of metals in the receiving water. These limits are not developed based on negotiations and remain in the final permit.

The anti-backsliding provisions do not apply if an additional variance is submitted and approved by EPA. The federal regulations at 40 CFR 122.44(l) allow the establishment of less stringent limits where the permit has been modified under 40 CFR 122.62, *or a variance has been granted.*

44. Comment (4) - Regulations require that the Smeltonville permit Fact Sheet must state an acceptance of the variance or a denial not a “maybe scenario.”

Response: The commenter did not cite or include the regulations he was referring to that prohibit a “maybe” scenario and EPA is unaware of such a restriction, therefore EPA is unable to respond.

45. Comment (4, 48, 50) - Page 20 of the Smeltonville Fact Sheet requires that the permittee “correct the identified deficiencies in the collection system by five years from the

issuance of the permit.” This goes beyond EPA’s authority under the CWA and sets the permittee up for violations. We have to meet the permit standards for the constituents named and how we do this is up to us.

The City of Smeltonville is pursuing approval of a Wastewater Facility Plan with IDEQ (by October 1, 2003) that includes identification of I/I problem areas, and phased alternatives to address the highest priorities. The Plan also is expected to 1) protect installed Superfund remedies 2) replace aging infrastructure 3) encourage development to improve the tax base and ability of the community to support growth and maintain Superfund remedies 4) meet NPDES permit requirements and 5) protect human health and the environment. The City believes that addressing I/I is the most long-term cost effective method to reduce metals loading and system overflow. Metals treatment is not desirable because it focuses on the symptom not overlying problem, the collection system would continue to degrade, and groundwater is the primary source of metals. The City has data showing an order of magnitude increase in flow when groundwater levels rise in the spring therefore monitoring lift stations is not valuable. The Silver King area of Smeltonville has been identified as a large I/I source and could easily be redirected to the new sewer mains adjacent to Smeltonville within three years if funding is available. The City is working to utilize its Plan and secure funding for replacement of the collection mains, laterals, and service lines within the next three years. The City anticipates securing funding for sewer main replacement by 2006 and laterals by 2008.

The City of Smeltonville is preparing a wastewater facility plan in concert with IDEQ and will be complete by December 2003. Upgrades will be presented, along with costs and phasing. I/I sources will be identified using observational and institutional methods. Phase 1 will consist of sewer main, lateral, and service connection replacement in the Silver King area (mouth of Government Gulch). Phase 1 improvements will be complete by December 2007.

Response: The commenter is referring to Section VII.A.e of the Smeltonville Fact Sheet which states:

“Correct the identified deficiencies in the collection systems by five years from the issuance date of the permit. Correction might include, but is not limited to 1) replacing leaking lateral connections from the homes to the main collection line 2) replacing the rubber connections in the concrete lines 3) sealing or installing inserts in all manholes that allow significant amounts of inflow 4) rerouting storm water drainage systems so that they do not enter sanitary manholes 5) eliminating roof drain connections 6) installing trenchless lining within the existing collection system 7) excavation and replacement of damaged piping (due to tree root damage or otherwise) etc.”

EPA agrees that it is up to the permittee to determine the source(s) of the I/I and correct the deficiencies. However, conditions are included in the

variance package and are necessary to assure that reasonable progress toward meeting the water quality limits is made during the five year period. These conditions must be included in the permit and are a condition of variance approval.

There is nothing in the federal regulations that allows permits to be issued allowing untreated wet weather overflows (i.e., sanitary sewer overflows) from collection systems. Therefore, the clarification that sanitary sewer overflows are not permitted has been included in the final permit. The modified variance language in Section II.A of the final permit is as follows:

1. Identify the source and significant contributors of metals and I/I to the treatment plant. A report identifying the source of metals and I/I and significant contributors will be submitted to EPA and IDEQ by December 31, 2004. This report may consist of the Wastewater Facility Plan that has been developed by the City of Smeltonville.
2. The Silver King area is a significant source of I/I and metals. Replace the sewer main, lateral, and service connections in the Silver King area by December 31, 2007. Submit a report to EPA and IDEQ describing the work completed by December 31, 2007.
3. Correct significant contributors of I/I that were identified in the collection systems by five years from the issuance date of the permit such that sanitary sewer overflows are eliminated. A detailed report outlining what upgrades were necessary shall be submitted to EPA and IDEQ by five years from the issuance date of the permit.

APPENDIX A - List of Commenters

This appendix assigns a number to each commenter based on the date the comment was received by EPA. The comment number where the comment is summarized and responded to is also provided in the last column.

Commenter No.	Date Comments Received	Name of Commenter	Response to Comments Comment No.
1	10/1/02	Fred Brackebusch, oral testimony at the Public Hearing regarding the Page, Mullan, and Smelterville draft permits.	42
2	11/11/02	Darren Brandt, conversation on 11/11/02 regarding the Page permit	no comments on Smelterville
3	11/22/02	Lee Haynes, Smelterville City Planner, Email dated 11/22/02, regarding the Smelterville draft permit.	2, 13, 30, 31, 35
4	11/26/02	Lee Haynes, Smelterville City Planner, Email dated 11/26/02, regarding the Smelterville draft permit.	26, 28, 32, 36, 43, 44, 45
5	11/27/02	David Wyatt, Email dated 11/27/02, regarding Page, Mullan and Smelterville draft permits.	1
6	12/2/02	Wayne C. Willis, letter dated 11/27/02, regarding Page, Mullan and Smelterville draft permits.	1
7	12/4/02	Lois G. Jacobsen, letter dated 11/26/02, regarding Page and Mullan draft permits.	No comments on Smelterville
8	12/4/02	Jill Gregory, undated letter, regarding Page and Mullan draft permits.	No comments on Smelterville
9	12/5/02	Jack Friedman, letter dated 12/2/02, regarding Page, Mullan and Smelterville draft permits.	1, 7
10	12/9/02	Steven Saun, letter dated 11/26/02, regarding Page, Mullan and Smelterville draft permits.	1

Commenter No.	Date Comments Received	Name of Commenter	Response to Comments Comment No.
11	12/9/02	Cathy Slaughter, letter dated 12/1/02, regarding Page, Mullan and Smelterville draft permits.	1
12	12/9/02	David F. Zabel, letter dated 12/6/02, regarding Page, Mullan and Smelterville draft permits.	1
13	12/9/02	Jana McCurdy, letter undated letter, regarding Page, Mullan and Smelterville draft permits.	8, 24
14	12/13/02	Joe Peak to EPA, letter dated 12/11/02, regarding Page and Mullan and Smelterville draft permits.	14, 22, 27
15	12/18/02	Gene Webberding, letter dated 12/15/02, regarding Page and Mullan draft permits.	no comments on Smelterville
16	12/20/03	Dick Caron, letter dated 12/14/02, regarding Page, Mullan and Smelterville draft permits.	9
17	12/20/02	Ross Stout, SFC DARSD District Manager, letter dated 12/17/03, regarding Page and Mullan draft permits.	no comments on Smelterville
18	12/23/02	Mac Pooler, Mayor City of Kellogg, letter dated 12/19/03 regarding Page and Mullan draft permits.	no comments on Smelterville
19	12/26/02	Justin Hayes, Program Director, Idaho Conservation League, letter dated 12/27/02, regarding Page, Mullan and Smelterville draft permits.	See variance response to comments
20	12/26/02	Lee Haynes, chairman, Email dated 12/12/02, regarding the Page draft permit	no comments on Smelterville

Commenter No.	Date Comments Received	Name of Commenter	Response to Comments Comment No.
21	12/30/03	Mayor Jay Huber, Councilman Gary Hoffman, Councilman David Lambert, Councilwoman Nancie Burkhart, Councilman Terry Hutchison, and City Planner Lee Haynes, City of Pinehurst, letter dated 12/26/03, regarding Page and Mullan draft permits.	no comments on Smelterville
22	1/6/03	Rosalie Peterson, undated letter, regarding the Page, Mullan, and Smelterville draft permits.	1
23	1/9/03	Mayor Michael Dunnigan, Council Person Sam Davis, Council Person Larry Hoven, Council Person Dale Newell, and Council Person Dan White, Town of Mullan, letter dated 1/6/03, regarding the Page and Mullan draft permits.	no comments on Smelterville
24	1/10/03	Chairman Sherry Krulitz, Commissioner Jim Vergobbi, Commissioner Jon Cantamessa, County of Shoshone, letter dated 1/8/03, regarding the Page, Mullan, and Smelterville draft permits.	1, 4, 29, 41
25	1/12/03	yakky, email dated 1/12/03 regarding the Page, Mullan and Smelterville draft permits.	1
26	1/13/03	Mayor Robert McPhail, City of Osburn, letter dated 1/6/03, regarding the Page and Mullan draft permits.	no comments on Smelterville
27	1/13/03	Janet Newell, letter dated 1/7/03, regarding the Mullan draft permit.	no comments on Smelterville
28	1/13/03	Vinetta Ruth Spencer, letter dated 1/8/03, regarding the Page, Mullan, and Smelterville draft permits.	1, 10, 15, 22
29	1/13/03	Kenny Hicks, Planning Administrator, Shoshone County, letter dated 1/9/03, regarding the Page and Mullan draft permits	no comments on Smelterville

Commenter No.	Date Comments Received	Name of Commenter	Response to Comments Comment No.
30	1/13/03	Walter Hadley, Planing Administrator, Kellogg Planning and Zoning Commission, letter dated 1/10/03, regarding the Page, Mullan, and Smelterville draft permits.	1, 16
31	1/13/03	Vince Rinaldi, Executive Director, Silver Valley Economic Development Corporation, letter dated 1/10/03, regarding the Page and Mullan draft permits.	no comments on Smelterville
32	1/13/03	Jana McCurdy, undated letter, regarding Page, Mullan and Smelterville draft permits.	1, 8, 24
33	1/13/03	Robert N. Stovern, undated letter, regarding the Page, Mullan, and Smelterville draft permits.	1, 18, 34
34	1/13/03	Callie Ridolfi and Sophie Lagace', Ridolfi Inc. on behalf of the Coeur d'Alene tribe, facsimile memorandum dated 1/13/03, regarding the Page, Mullan, and Smelterville draft permits.	33
35	1/13/03	Fred Traxler, Email dated 1/13/03, regarding the Page, Mullan, and Smelterville draft permits.	11, 19, 20, 25, 42
36	1/13/03	Larry Burcham, Email dated 1/13/03, regarding the Page draft permit.	no comments on Smelterville
37	1/14/03	Ron Roizen, Email dated 1/13/03, regarding the Page, Mullan, and Smelterville draft permits.	1, 3, 6
38	1/15/03	Dennis R. Nanis, Kellogg City Council, letter dated 1/10/03, regarding the Page and Mullan draft permits.	no comments on Smelterville
39	1/15/03	Dan Waldo, Manager, Kingston-Cataldo Sewer District, letter dated 1/10/03, regarding the Page draft permit.	No comments on Smelterville

Commenter No.	Date Comments Received	Name of Commenter	Response to Comments Comment No.
40	1/15/03	Harry and Mary Winkler, letter dated 1/11/03, regarding the Page and Mullan draft permits.	No comments on Smelterville
41	1/15/03	Don Hofman, letter dated 1/11/03, regarding the Page and Mullan draft permits.	No comments on Smelterville
42	1/15/03	W.C. Rust, letter dated 1/12/03, regarding the Page, Mullan, and Smelterville draft permits.	5, 21, 37, 38, 39, 40, 42
43	1/16/03	Millie Grant, letter dated 1/9/03, regarding the Page and Mullan draft permits.	No comments on Smelterville
44	1/16/03	Jerry Cobb, Panhandle Health District, letter dated 1/13/03, regarding the Page, Mullan, and Smelterville draft permits.	12
45	1/16/03	Kathy Zanetti, Shoshone Natural Resources Coalition, letter dated 1/13/03, regarding the Page, Mullan, and Smelterville draft permits.	1, 8, 13, 23
46	1/21/03	Robin Stanley, Mullan School District #392, letter dated 1/10/03, regarding the Page, Mullan, and Smelterville draft permits.	1
47	undated	Virginia Tiitso, undated letter, regarding Page, Mullan and Smelterville draft permits.	1
48	3/28/03	Tom Benson, City of Smelterville Mayor, Dennis Rose, Sewer Commissioner, and Lee Haynes, City Planner, letter dated 2/25/03 regarding the Smelterville draft permit.	45
49	4/3/03	Ross Stout, District Manager, SFCDARSD, letter dated 4/1/03, regarding the Page and Mullan draft permits.	no comments on Smelterville

Commenter No.	Date Comments Received	Name of Commenter	Response to Comments Comment No.
50	5/22/03	Lee Haynes, City Planner and Dennis Rose, Sewer Commissioner to EPA regarding Smeltonville permit.	45
51	7/17/03	Ross Stout, District Manager, SFCDARSD, letter dated 7/17/03, regarding Page draft permit.	No comments on Smeltonville

APPENDIX B - Alternate Metals Limits

A variance Public Information Document was provided to the public (and public noticed) during the same time period as the draft permit for the Smeltonville NPDES permit. This Document provides the basis for the variances, the determination of alternate limits and variance conditions, and the variance term and renewal conditions. Alternate limitations for metals were established to insure that the Smeltonville WWTP continues to discharge at or below its current metals concentrations and loadings. In order to determine these values, EPA used statistical procedures to characterize the potential range of metals concentrations in discharges from these facilities. Specifically, EPA used a procedure from the Technical Support Document for Water Quality-based Toxics Control (TSD) (EPA 1991) to estimate maximum potential effluent discharges in terms of pollutant concentration. The proposed maximum daily alternate limits for Smeltonville were provided as follows:

Facility	Cadmium	Lead	Zinc
Smeltonville	37 µg/L 0.077 lbs/day	85 µg/L 0.18 lbs/day	8800 µg/L 18 lbs/day

The mass-based limits (lbs/day) were calculated by multiplying the concentration limits (mg/L) by a conversion factor (8.34) and the design flow of the facility (0.25 mgd).

The average monthly limits were calculated using Table 5-3 of the TSD, which provides multipliers for calculating maximum daily permit limits from average monthly permit limits. The values in the table are based on the 99th percentile maximum daily limits and 95th percentile average monthly limits. The values consider the sampling frequency and the coefficient of variation of previous sampling.

$$\frac{\text{MDL}}{\text{AML}} = \frac{e[z_m \delta - 0.5\delta^2]}{e[z_a \delta_n - 0.5\delta_n^2]}$$

$$\delta_n^2 = \ln(\text{CV}/n + 1)$$

$$\delta^2 = \ln(\text{CV}^2 + 1)$$

CV = the coefficient of variation of the effluent concentration based on 9 samples from 02/16/99 through 06/21/99.

0.35 for cadmium

0.5 for lead

0.9 for zinc

n = the number of samples permit month 4 (based on a recommendation by the TSD)

z_m = the percentile exceedence probability for the MDL

z_a = the percentile exceedence probability for the AML

Cadmium

$$\text{AML} = 37 \mu\text{g/L} / 1.59 = 23 \mu\text{g/L} \text{ (0.048 lbs/day)}$$

Lead

$$\text{AML} = 85 \mu\text{g/L} / 1.84 = 46 \mu\text{g/L} \text{ (0.096 lbs/day)}$$

Zinc

$$\text{AML} = 8800 \mu\text{g/L} / 2.41 = 3651 \mu\text{g/L} \text{ (7.6 lbs/day)}$$

**APPENDIX C - Summary of Changes from the Draft Permit
to the Final Permit**

The following tables summarize the changes between the draft and final permit.

Changes From the Draft Permit to the Final Permit		
Cause for Change in the Permit	Final Permit Part	Summary of Change from the Draft Permit to the Final Permit
State adoption and EPA approval of the SSC	Table 2 of Section I.A	The final effluent limits for cadmium, lead and zinc are based on the SSC.
EPA approval of new ammonia criteria	Table 2 of Section I.A	Two set of effluent limits for ammonia were proposed. Upon EPA approval of the new ammonia criteria, only the second set is in the final permit.
Mistakes made in alternate variance limits	Table 2 of Section I.A	The alternate limits for cadmium, lead and zinc were corrected.
Comment #34	Table 1 of Section I.A	The MDL for lead was increased from 0.7 µg/L to 7.0 µg/L due to the approval of the SSC for lead. The MDL was increased from 0.1 µg/L to 0.2 µg/L.
Comment #35	Table 3 of Section I.B.3	The ambient monitoring for total ammonia, temperature, pH, phosphorus and chlorine was reduced from 1/month (for two years from June through November) to 2/year for the life of the permit.
Comment #43	Section II.A	The requirement to study the alternatives and costs for treatment system modification to improve metals removal has been removed from the final permit.
Comment #43	Section II.A	The requirement to monitor lift stations has been removed from the final permit.

Changes From the Draft Permit to the Final Permit		
Cause for Change in the Permit	Final Permit Part	Summary of Change from the Draft Permit to the Final Permit
Comment #43	Section II.A	<p>Many of the permittee's requested modifications to the variance conditions have been added to the final permit including:</p> <ol style="list-style-type: none"> 1. Identify the source and significant contributors of metals and I/I to the treatment plant. A report identifying the source of metals and I/I and significant contributors will be submitted to EPA and IDEQ by December 31, 2004. This report may consist of the Wastewater Facility Plan that has been developed by the City of Smeltonville. 2. The Silver King area is a significant source of I/I and metals. Replace the sewer main, lateral, and service connections in the Silver King area by December 31, 2007. Submit a report to EPA and IDEQ describing the work completed by December 31, 2007. 3. Correct significant contributors of I/I that were identified in the collection systems by five years from the issuance date of the permit> such that sanitary sewer overflows are eliminated. A detailed report outlining what upgrades were necessary shall be submitted to EPA and IDEQ by five years from the issuance date of the permit.

APPENDIX D - References

- EPA 1979 U.S. Environmental Protection Agency (EPA). *Estimating Water Treatment Costs. Volume 2: Cost Curves Applicable to 1 to 200 mgd Treatment Plants*. August 1979.
- EPA 1991 U.S. Environmental Protection Agency (EPA). Technical Support Document for Water Quality-based Toxics Control. Office of Water Enforcement and Permits, Office of Water Regulations and Standards. Washington, D.C. March 1991. EPA/505/2-90-001.
- EPA 1993 U.S. Environmental Protection Agency (EPA). *Water Quality Standards Handbook*. Second Edition. September 1993
- EPA 1995 U.S. Environmental Protection Agency (EPA). *Interim Economic Guidance for Water Quality Standards Workbook*. March 1995. EPA-823-B-95-002.
- EPA Region 10 1996 U.S. Environmental Protection Agency (EPA) Region 10. Guidance for WQBELs Below Analytical Detection Quantization Level. Effective date March 22, 1996.
- EPA Region 10 2001 U.S. Environmental Protection Agency (EPA) Region 10. Coeur d'Alene Basin Final Remedial Investigation/Feasibility Study, Remedial Investigation Report. EPA Region 10. September 2001.
- EPA Region 10 2001 U.S. Environmental Protection Agency (EPA) Region 10. Coeur d'Alene Basin RI/FS, Final Feasibility Study Report. October 2001.
- IDEQ 2003 Idaho Department of Environmental Quality (IDEQ). Letter from Gwen P. Fransen, IDEQ, to Robert R. Robichaud, EPA, Section 401 Certification regarding NPDES Permit No. ID-0021296 South Fork Coeur d'Alene River Sewer District - Mullan Wastewater Treatment Plant. 2004.