RESPONSE TO COMMENTS
DARIGOLD INC.

A draft National Pollutant Discharge Elimination System (NPDES) permit for Darigold Inc. was issued for Public Notice on June 11, 1999. The Public Notice initiated a 30-day public comment period expiring on July 12, 1999. The Environmental Protection Agency (EPA) received written comments from Darigold dated July 6, 1999 and from the City of Boise dated July 12, 1999. The original Fact Sheet provided during the Public Notice period will not be modified to reflect any changes made to the permit resulting from public comments. The following is a summary of the substantive comments related to the draft permit and EPA's response.

1. **Comment**: The standard industrial classification (SIC) codes should be 2022- Natural Cheese; and 2023- Condensed and Dry Dairy Products in the Fact Sheet.

   Response: The SIC codes will be corrected in the Permits Compliance System (PCS) database.

2. **Comment**: On July 1, 1999 the well water at the Darigold plant was measured at 66EF (18.9EC). The well water has been recorded, in the past, near 70EF during warm summer weather. The limits in the draft permit would not allow the direct discharge of water from the wells.

   Response: Although the technology-based effluent guidelines consider cost when they are established, Section 301(b)(1)(C) of the Clean Water Act (CWA) requires that limits be established in permits necessary to meet water quality standards by July 1, 1977. The State water quality standards that apply to Darigold's discharge have been approved as being protective of cold water biota. The cold water biota beneficial use is different than that of groundwater.

3. **Comment**: Refrigerating the waste stream is cost prohibitive and discharge to the City of Caldwell is not an option. The only economical treatment method is the use of a cooling tower. Our engineers report that the discharge stream can be cooled within 10EF of the wet bulb temperature. The Ashrae Handbook indicates that a wet bulb temperature of 68EF be used for design purposes in Boise Idaho. Therefore the cooling tower could expect to consistently cool discharge streams to 78EF. A mixing zone might allow higher temperatures consistent with the cooling tower's capabilities.

   Response: A mixing zone for temperature is not permissible in this case because the stretch of the Boise River where Darigold discharges is listed on the Idaho Section 303(d) list for temperature (as well as nutrients, sediment and bacteria). Idaho's mixing zone policy (IDAPA 16.01.02.060.b) does not allow a mixing zone if it causes unreasonable interference with or danger to existing beneficial uses. Therefore, the state could not

certify further thermal impairment of the Boise River.

4. **Comment**: Because the pH in the permit is higher than accustomed to in our Washington State permits, we request a mixing zone for Darigold's pH limit.

   Response: The latest NPDES application for Darigold was dated May 27, 1999. This application indicated a minimum effluent daily pH value of 7.8 standard units and a maximum of 8.7 standard units based on 15 samples. Further review of available Discharge Monitoring Reports confirms that the facility can comply with the draft permit range of from 6.5 to 9.5 standard units. Therefore a pH mixing zone is not required.

5. **Comment**: Darigold was not aware of the biochemical oxygen demand (BOD) levels in its effluent prior to the May 1999 testing EPA requested because the previous permit did not include limits or monitoring for the pollutant. Therefore, Darigold requests a 5 year compliance schedule to determine the source and develop a solution to meet the draft permit limits.

   Response: EPA recognizes that some additional time may be required to comply with the new BOD permit limit. However, because the Boise River is impaired (i.e. 303(d) listed) for nutrients it is also necessary to limit the discharge of BOD as soon as possible. Therefore, a one year compliance schedule has been placed in the permit consistent with Idaho's standards at IDAPA 16.01.02.400.03 and the state's draft certification.

6. **Comment**: EPA did not consider Section 401 of Idaho's water quality standards, specifically IDAPA 16.01.02.401.03.a, which allows a one degree Celsius (EC) increase.

   Response: Section 401 of the State's standard can be applied to point sources "unless more stringent limitations are necessary to meet the applicable requirements of Sections 200 through 300..." In this case, more stringent temperature limitations do apply under IDAPA 16.01.02.250.02.c for the protection of cold water biota. Cold water biota is a designated use classification for the Boise River where Darigold discharges. Section 401 also applies to the receiving water outside of the mixing zone. In Darigold's case, a mixing zone is not available because the River has been listed on the Idaho 303(d) list for temperature.

7. **Comment**: The Lower Boise TMDL (IDEQ, 1998) concludes that non-anthropogenic inputs (climate and elevation) are responsible for observed exceedences of the temperature water quality standard and that regulatory solutions should be applied. Darigold, IDEQ, and EPA may want to consider a variance or the use or development of site specific criteria.

   Response: The EPA can not suggest what actions facilities should take in order to comply with water quality standards or NPDES permit limits. A variance and/or site specific criteria are options that can be requested of IDEQ by the permittees. If either of

these options are pursued, they should be reported in the yearly compliance schedule reporting that is associated with the five year temperature compliance schedule.

8. **Comment**: The fact sheet incorrectly concludes that no dilution or mixing zone is available. The state standards found at IDAPA 16.01.02.401 and IDAPA 16.01.02.060 address dilution.

   Response: As explained in response number three, the Boise River is listed under Section 303(d) of the Clean Water Act as violating the state's temperature criterion therefore dilution is not available. The mixing zone policy found at IDAPA 16.01.02.060 requires that discharges not cause unreasonable interference with existing beneficial uses. Because the beneficial use of the Boise River is already at risk for temperature, any increased thermal loading above that required of the beneficial use criteria would be inappropriate.

9. **Comment**: The permit should be revised and resubmitted to the Idaho Division of Environmental Quality (IDEQ) for 401 certification.

   Response: After EPA incorporated a one year BOD compliance schedule the draft final permit was sent to IDEQ for final 401 certification.