

Response to Comments

City of Carey Wastewater Treatment Facility

NPDES Permit Number: ID0025747

May 14, 2018

On April 10, 2018, the U.S. Environmental Protection Agency Region 10 (EPA) issued a public notice for the proposed reissuance of City of Carey Wastewater Treatment Facility draft National Pollutant Discharge Elimination System (NPDES) Permit No. ID0025747. The public comment period closed May 11, 2018.

During the public comment period, the EPA received comments from the following:

- Idaho Conservation League (ICL)

This document presents the comments received and provides corresponding response to those comments. No changes were made as a result of the comments.

Comment 1. Discharging to a Receiving Water with Zero Flow

The Fact Sheet states that past, infrequent discharges occurred when there was no flow in the receiving water (Little Wood River). We are concerned by effluent discharges into a dry streambed because it precludes any dilution of the treated wastewater prior to it infiltrating into the soils and underlying groundwater. In effect, the facility is practicing unauthorized land application of effluent directly into the dry streambed rather than the NPDES point source discharge into a receiving waterbody that it is actually permitted for. This practice does not abide by Idaho's Wastewater Rules (IDAPA 58.01.16) or Recycled Water Rules (IDAPA 58.01.17) and thus should not be allowed under this NPDES permit.

DEQ's *Wastewater* and *Recycled Water* Rules, IDAPA 58.01.16 and 58.01.17, respectively, contain regulations that necessarily differ from the NPDES program. These rules govern activities that apply wastewater to dry land, and as such, require differing analyses and treatment standards. For example, an application for land application must include information on the climatic, hydrogeologic, and soil characteristics of the facility site (58.01.17.300.03.f), site management plans, including a cropping plan where applicable (58.01.17.300.03.i), and supporting documentation demonstrating that the proposed activity shall comply with IDAPA 58.01.11, Idaho's *Ground Water Quality Rule* (58.01.17.300.03.m). Though required, none of these items are being addressed when this facility effectively land applies its effluent by discharging to a dry creek bed.

In order to ensure compliance with the above referenced state rules, this NPDES permit should stipulate that discharges from this facility are only permissible when there is sufficient flow in the receiving water. It is up to the EPA to determine a numeric value for "sufficient flow" within the receiving waterbody, however EPA's determination must be a non-zero flow value. The facility should be able to comply with this requirement given the infrequency of their discharges

and the presence of spring flood flows in the Little Wood River. The inclusion of this requirement would also ensure the feasibility of EPA's proposed surface water monitoring in the draft permit. This surface water discharge data could then be utilized to inform development of future reasonable potential analyses (e.g. for ammonia) and associated permit limits for the next permitting cycle.

Response. As stated in Section IV.F of the Fact Sheet, the critical low flow used for reasonable potential analysis and determination of effluent limits is 0 because the receiving water is commonly not flowing. This is consistent with the previous permit. Since there is little to no flow, when there is a discharge the waterbody is effluent-dominated. As a result, there is no assimilative capacity and all water quality standards must be met at the point of discharge.

The draft permit authorizes discharges from Outfall 1 into the Little Wood River, a waters of the U.S. which has been designated specific beneficial uses and applicable water quality criteria (as described in Section IV.B of the Fact Sheet). Federal and state NPDES regulations require the permit to ensure that any authorized discharges meet water quality standards in the receiving water but do not stipulate a minimum receiving water body flow requirement. Therefore, even if the stream channel is dry at certain times of the year, a NPDES permit is required for the discharge into a waters of the U.S. and the discharge would not be considered land application.

As described in Section III.A of the Fact Sheet, the facility typically land applies its effluent to a separate parcel of land under an Idaho Department of Environmental Quality (IDEQ) reuse permit, which adheres to Idaho's Wastewater and Recycled Water Rules and the Groundwater Rule.

For this permit, the EPA revised the surface water monitoring requirements to increase the likelihood of collecting data and to assist with future reasonable potential determinations. Because the facility rarely discharges to surface water under its NPDES permit (from Outfall 1), the surface water monitoring requirements were changed from the 2004 permit. The permittee is required to conduct monthly surface monitoring when the Little Wood River is flowing even during months in which the facility does not discharge.

No changes resulted from this comment.