

## RESPONSE TO COMMENTS

Permittee: City of Lewiston

Permit No.: ID-002205-5

**Background:** On January 10, 2000, EPA proposed to reissue the NPDES permit for the city of Lewiston, Idaho. The public notice of the proposal initiated a 30-day comment period which expired on February 9, 2000. The only comments received on the draft permit were from the city of Lewiston. This document summarizes the comments and EPA's response to those comments.

**Comment 1:** The average monthly load for TSS in Table 1 is shown as 2145 lbs/day; it should be 1430 lbs/day.

**Response:** The final permit has been corrected to reflect an average monthly TSS loading of 1430 lbs/day.

**Comment 2:** The draft permit requires that toxicity testing begin March 1, 2000. The city prefers to begin testing 90 days after the effective date of the permit. The draft permit requires quarterly whole effluent toxicity (WET) testing for the 5-year term of the permit while the Fact Sheet requires semi-annual WET testing for the term of the permit. The city believes semi-annual WET testing is sufficient.

**Response:** The EPA's intent was to require WET testing twice per year, once during the wet season and again during the dry season. The final permit has been adjusted to reflect this intent. This change will allow the city the requested time to begin WET testing.

**Comment 3:** The draft permit requires semi-annual sampling for the Pretreatment Program. The fact sheet requires quarterly sampling. The city feels semi-annual monitoring is sufficient.

**Response:** The EPA's intent was to gather data quarterly for the term of this permit. The additional data collected through quarterly sampling will provide a more robust database for future permit limit calculations.

**Comment 4:** The draft permit requires the city to submit its annual pretreatment report no later than November 1. The city has an agreement in place with EPA to submit the report by January 31 each year.

**Response:** Noted; the due date in the final permit has been changed to January 31.

**State Certification Requirements:** The state's final 401 water quality certification requires that permit limits in the final permit be changed to reflect the change in state water quality standards from fecal coliform to E.coli for protection for human contact.

**Response:** According to the Idaho Water Quality Standards, waters designated for primary contact recreation, such as the Clearwater River, are not to contain E.coli bacteria significant to the public health in concentrations exceeding:

- a. A single sample of four hundred and six E.coli organisms per one hundred ml; or
- b. A geometric mean of one hundred and twenty-six E.coli organisms per one hundred ml based on a minimum of five samples taken, every three to five days, over a thirty day period.

A mixing zone is not authorized for bacteria; therefore, the criteria must be met before the effluent is discharged to the receiving water. The proposed water quality based effluent limits in the permit include an instantaneous maximum limit of 406 organisms/100 ml, and an average monthly limit of 120 organisms/100 ml.

In addition to the above, the Idaho *Water Quality Standards and Wastewater Treatment Requirements* (IDAPA16.01.02.420.05.a) require that fecal coliform concentrations in treated effluent not exceed a geometric mean of 200 colonies/100 ml based on no more than one week's data and a minimum of five samples. The weekly fecal coliform limit is an Idaho technology-based standard and is retained in the final permit along with the E.coli limitations.

In addition to the comments received from the city and the state certification requirement, the following editorial corrections have been made in the final permit:

- \* References to sludge/biosolids have been deleted from the cover page of the permit.
- \* Part I.G.1.g has been revised to require SIU inspections at least twice per year. The city has been doing twice-per-year sampling and inspections in accordance with the existing permit. It was not EPA's intention to decrease the inspection frequency from the existing permit. The draft permit reflected minimum regulatory requirements. The final permit requires at least twice-per-year inspection of SIUs to maintain the existing level of oversight.
- \* Part I.G.5 has been added which requires the permittee to perform a complete evaluation of its local limits within twelve months of the effective date of the permit.
- \* Section I..H.15: A typographical error in the definition has been corrected.

Some relocation and rewording of standard paragraphs has also taken place in order to make the permit more readable.

EPA is currently engaged in consultation under Section 7 of the Endangered Species Act (ESA) with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding this permit action. While EPA is reissuing the permit at this time, EPA may decide that changes to the permit are warranted based on the results of the consultation when it is completed. A reopener provision to this effect has, therefore, been included in the permit.

