

**EXHIBIT I**



## CITY OF NEZPERCE



STEVE A. BATEMAN, MAYOR

Rhonda J. Schmidt, Clerk ♦ P. O. Box 367 ♦ Nezperce, ID. 83543  
Phone (208) 937-1021 ♦ Fax (208) 937-9984

April 11, 2019

Ms. Cindi Godsey  
Office of Water & Watersheds OWW-1191  
US EPA Region 10  
1200 6<sup>th</sup> Avenue, Suite 900  
Seattle, WA 98101

**RE: Comments to draft NPDES Permit for the City of Nezperce Wastewater Treatment Facility (Permit No. ID 0020397)**

Dear Ms. Godsey:

Thank you for the opportunity to comment on our draft permit. We would like to submit the following comments regarding the draft:

### Ammonia Limits

The City is aggressively completing a Facilities Plan to address compliance issues identified in the 2018 Compliance Order on Consent to address effluent discharge limits of the 2004 permit predominately associated with BOD and TSS that the City cannot reliably achieve. Within the Compliance Order, the EPA agreed that an extended timeframe for compliance is justified and ordered full compliance with the 2004 permit limits be achieved over a 10 year period terminating December 31, 2028.

The City is moving forward with a Phase I project to address Infiltration and Inflow. The project is anticipated to have significant impact on BOD & TSS compliance as well as the new effluent ammonia limit. As identified within the Compliance Order, need and scope for the Phase II project will be established within a report to be issued no later than June 30, 2024.

Review of draft TMDL documents indicate pending phosphorus and temperature limits that the system cannot meet without significant upgrades. The identified phosphorus and temperature limits are seasonal, and as part of the planning process, the City is reviewing a land application disposal system with seasonal discharge.

Review of documents provided by the EPA to develop the ammonia limits in the draft permit indicate the proposed limit of 0.5 mg/l is based on low flow periods when Long Hollow Creek is essentially dry. As the City looks to satisfy phosphorus and temperature limits with seasonal discharge, they do not anticipate discharging during this low flow period, and an ammonia limit structured around low flow conditions when the City will not discharge are irrelevant.

Information obtained from draft TMDL documents provided by the EPA indicate that bi-weekly flow information in Long Hollow Creek was obtained approximately 1 mile upstream of the lagoons during the timeframe of June, 2005 through May, 2006. Within the draft "Big Canyon Creek Watershed Characterization" it is identified that stream flow at the City of Nezperce peaked at 2.75 cfs in April and throughout the summer, flows were "very low to stagnant".

The potential nutrient and proposed effluent ammonia limits require a significant "change-of-course" in the way the City treats and disposes of wastewater. In an effort to lower the impact, the City would like consideration of a dynamic permit based on receiving water flow, effluent temperature and effluent pH. There are times of the year when the receiving stream has flow which could be used for dilution and the City would manage the effluent pH to keep it lower thereby reducing toxicity. Such consideration would allow the City to discharge during parts of the year without harm thereby reducing the need for storage and land application area. Implementation of a dynamic permit with ammonia limits structured around more moderate streamflow conditions would provide significant relief for the City.

Given the existing lagoon treatment process, the City is unable to meet an effluent ammonia limit of <0.5 mg/l by the time the proposed permit is expected to become effective. Therefore, the City requests that an extended compliance schedule be incorporated into the permit. We realize a compliance schedule may be rolled into a modified consent order, but we would like to know how that process would work and to ensure coordination.

Further, during the Phase I planning process identified in the existing Compliance Order, the City would continue to collect effluent ammonia, temperature, and pH data more consistent with current operations (as EPA acknowledged within the Statement of Basis) for continued use by EPA for performance analysis. In conjunction, the City will collect stream flow rate information in addition to the surface water monitoring required under Table 2 of the permit. This will allow the EPA to work with the City and better quantify creek flows, establishing timeframes for seasonal discharge to optimize the City's ability to comply with ammonia, phosphorus, and temperature limits. The data collection period would begin upon issuance of the permit and terminate no later than May 31, 2024 in conjunction with the Compliance Order assessment period. The new data would be utilized to develop dynamic ammonia limits including consideration of a seasonal permit to discharge under more moderate flow conditions. A compliance date beginning July 2029 would be implemented for the final limits.

In summary, the City proposes the following timeline of Extended Compliance Activities to facilitate development and implementation of dynamic ammonia limits in parallel with compliance efforts the City is striving to achieve under the existing Compliance Order on Consent.



Timeframe	Existing Compliance Order Activities	Extended Compliance Activities
July, 2019		Anticipated effective date of NPDES Permit
July, 2019 - May, 2020	Facilities Plan Analysis	Additional Data Collection for development of dynamic ammonia limit <ul style="list-style-type: none"> <li>• Effluent Discharge Data (Ammonia, temperature, pH)</li> </ul>
June, 2020 – December, 2021	Phase I Design & Construction	
January, 2022 – May, 2024	Phase I Assessment Period	<ul style="list-style-type: none"> <li>• Streamflow Data (Flow, Ammonia, temperature, pH)</li> </ul>
June, 2024 – May, 2026	Phase II Planning	Development of dynamic ammonia limit based on data collection period and seasonal discharge
June, 2026 – December, 2028	Phase II Design & Construction for full compliance	

**BOD Limits**


It is understood that that BOD limits have been developed based on carbonaceous BOD standards, and as such requests that compliance with BOD limits be assessed using a CBOD test in lieu of a BOD test to eliminate the interference of nitrification on sample results.

**Prior Comments**

Please reference prior comments of our letter dated March 1, 2018

Again, we appreciate the opportunity to comment on the draft permit. If you have any questions, please feel free to contact me at City Hall, (208) 937-1021.

Sincerely,



Steve A. Bateman, Mayor  
City of Nezperce

Cc: Amy Uptmor, J-U-B ENGINEERS, Inc.