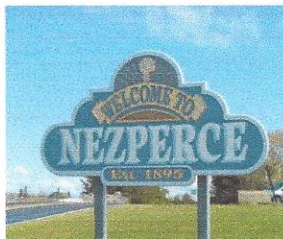


**EXHIBIT F**



## CITY OF NEZPERCE



STEVE A. BATEMAN, MAYOR

Rhonda J. Schmidt, Clerk ♦ P. O. Box 367 ♦ Nezperce, ID. 83543  
Phone (208) 937-1021 ♦ Fax (208) 937-0116

March 1, 2018

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 present our current efforts to address existing federal compliance issues to provide a context for your understanding and consideration of the comments which follow. In summary:

- We entered into a Compliance Order on Consent with the EPA in November, 2017 to address compliance issues with our previous permit. As part of the compliance order, we are working to fund a Phase I study that is intended to address compliance issues associated with our past permit. In accordance with the Compliance Order, a 2017 Compliance Report was submitted on January 31, 2018.

Please consider the following comments regarding our draft permit:

**Draft Permit**

1. BOD & TSS Mass Limits

BOD and TSS mass limits in the 2004 and 2018 draft permit are based on annual average flow of 0.09 mgd presented in our 1987 permit. Although this flow is consistent with the flow indicated in our most recent Facility Plan, an assessment of this design capacity does not agree with the observed flow stated in the 2018 Fact Sheet, Part II.A which states a flow range from 0.06 to 0.77 mgd and an average of 0.17 mgd during times of the year when the City is discharging. Flow of 0.09 mgd as averaged over a 12 month period is not representative of the actual facility flow conditions, as annual averaging incorporates periods of no discharge. The actual facility flow conditions should be used to determine the mass loading limits for this permit.

The 2004 permit also appears to have implemented mass load limits based on unrealistically low BOD and TSS concentrations because there was insufficient data to classify the facility. The facility should have been classified as "treatment equivalent to secondary" (TES). The mass loading should be increased to reflect the actual facility flows and performance ability. The City requests a discharge mass load based on the

average annual flow of the facility as recorded in the DMRs, and past permit limits of 32 mg-BOD<sub>5</sub>/l / 70 mg-TSS/l effluent concentrations.

As we move forward in accordance with the Compliance Order on Consent, we anticipate moving our facility toward aerated lagoons that would increase the design capacity of our facility, and further would like to request the ability to revisit mass limits presented in the permit at that time.

## 2. Treatment Equivalent to Secondary

As commented during development of the 2004 Permit, the City's category of treatment system is "Treatment Equivalent to Secondary". Response 1 from the 2004 Response to Comments disagreed stating that,

*To qualify for Treatment Equivalent to Secondary effluent limitations all of the following requirements must be met:*

- *The BOD<sub>5</sub> and TSS effluent concentrations consistently achievable through proper operation and maintenance of the treatment works exceed Secondary Treatment Effluent Limits*
- *A trickling filter or waste stabilization pond is used as the principal treatment process.*
- *The treatment works provide significant biological treatment of municipal wastewater (i.e., a minimum of 65% reduction of BOD<sub>5</sub> is consistently attained).*

Response 1 went on to discuss that based on only six data points collected between 1997 and 2003, "the wastewater treatment plant can meet secondary treatment effluent limits."

The EPA's 2004 Response to Comments and 2003 Fact Sheets recognize a lack of information in determination of the City's limits:

1. With respect to discussion regarding the City's inability to meet secondary treatment limits, Response 1 discussed that, the, "City of Nezerce has not submitted any additional data that would indicate otherwise."
2. The 2003 Fact Sheet states the following in Appendix A – "Facility Information" regarding the City of Nezerce: "No data exist for TSS percent removal".
3. The 2003 Fact Sheet states the following in Appendix B, "Basis for Effluent Limitations", Paragraph A.1 with respect to "Technology Based Effluent Limits" that, "With no data to evaluate, the permit requires secondary treatment limits. The permit may be modified in the future if the data collected show that the facility cannot meet secondary limits, but qualifies for TES limits or reduced percent removal requirements".

Comments submitted during development of the 2004 Permit accurately predicted that effluent BOD and TSS limits, "will be problematic for the City." Based on data obtained and submitted in DMRs under the 2004 Permit, data clearly shows that the City's facility cannot consistently achieve secondary limits and qualifies for "Treatment Equivalent to Secondary".

The City would like to note the following data documented during the period between March 2012 through February 2017 in the 2017 Consent Agreement:

- TSS Percent Removal – The Consent Agreement documented 17 months, correlating with 516 separate violations of the 85% removal requirement. During only two of these months was the percent removal less than the 65% removal limit discussed in the 2004 Response to Comments, consistent with "Treatment Equivalent to Secondary".
- TSS Effluent Concentration (weekly average) – The Consent Agreement documented 4 months, correlating with 28 separate violations of the 45 mg/L average weekly TSS limit.



None of these months identified an effluent concentration greater than the 70 mg/L discussed in the 2004 Response to Comments, consistent with "Treatment Equivalent to Secondary".

- TSS Effluent Concentration (monthly average) – The Consent Agreement documented 11 months, correlating with 335 separate violations of the 30 mg/L average monthly TSS limit. None of these months identified an effluent concentration greater than the 70 mg/L discussed in the 2004 Response to Comments, consistent with "Treatment Equivalent to Secondary".
- BOD Percent Removal – The Consent Agreement documented 18 months, correlating with 580 separate violations of the 85% removal requirement. During only two of these months was the percent removal less than the 65% removal limit discussed in the 2004 Response to Comments, consistent with "Treatment Equivalent to Secondary".
- BOD Effluent Concentration (monthly average) – The Consent Agreement documented 3 months, correlating with 91 separate violations of the 30 mg/L average monthly BOD limit. None of these months identified an effluent concentration greater than the 45 mg/L discussed in the 2004 Response to Comments, consistent with "Treatment Equivalent to Secondary".

#### Percent Removal Criterion

The City noted during development of the 2004 Permit that the proposed 85% removal criteria was too restrictive for the City's waste stabilization treatment pond. As validated through past DMRs as well as the City's recent 2017 Wastewater Compliance Report, the City does struggle to meet the 85% removal limit even during periods when effluent concentrations are within permit limits. Further, the 85% removal criterion is not listed in the antidegradation analysis completed by DEQ in Appendix D of the Fact Sheet. The City therefore requests modifying the 85% removal limit to be consistent with the 65% removal limit in the 1987 permit as allowed by the EPA in the 2003 Fact Sheet.

#### Effluent Concentration Criterion

Within the 2003 Fact Sheet, the EPA indicates that with additional data, the "Permit may be modified in the future if the data collected show that the facility cannot meet secondary limits, but qualifies for TES limits or reduced percent removal requirements". Review of the submitted data validates that average monthly BOD and TSS concentrations consistent with "Treatment Equivalent to Secondary" of 32 mg/L and 70 mg/L, respectively, are justified and consistent with the 1987 permit limits.

#### 3. Interim Permit Limits

The City's existing treatment system is not capable of meeting the 2018 draft permit limit, and the draft permit does not recognize existing compliance issues discussed in the 2017 Compliance Order on Consent and 2017 Consent Agreement. The Compliance Order identifies several milestones within a compliance schedule, and the City requests interim limits that can be met with the existing facilities under the timeframes identified in the Order. The City requests involvement during development of the interim limits so that the City's existing treatment system can satisfy permit limits within the timeframes identified in the Order.

#### 4. BOD & TSS Test Frequency

As noted in the 2003 Fact Sheet, Appendix A, "Because the facility only discharges a few days per year, weekly monitoring for BOD<sub>5</sub> and TSS is required." As noted in the 2004 Response to Comments, test frequency for BOD and TSS of 1/week presents a tremendous financial burden

on our community. The EPA responded that weekly sampling was necessary to characterize the effluent due to limited discharge timeframes that occurred at that time.

As noted in our 2017 Compliance Report, our community discharged 11 months during 2017, with positive impacts on compliance. We anticipate similar operation moving forward, and therefore would like to request a reduced test frequency for these constituents of 1/month, similar to NPDES permits for other local communities including the communities of Genesee, Riverside, Riggins, and Winchester.

#### 5. E. Coli Reporting

Paragraph B.2 indicates 24 hour reporting for violations of maximum daily limits of E. Coli, but this is not noted in Table 1. The City requests clarification regarding reporting requirements for E. Coli violations.

#### 6. Industrial Pretreatment Municipal Code

We have completed a cursory review of 40 CFR 403 and do not believe that we have any industrial users introducing pollutants to the POTW. We therefore request that the requirement to develop a municipal code regarding pretreatment be removed from the permit and required only if industrial users are identified in accordance with paragraph II.C.4.

### **Fact Sheet Comments**

#### 1. Background Information

The Facility Contact is Craig Cardwell. The City requests revision of this information in Table 1.

#### 2. Facility Information

The City would requests revision of the following information listed in the Fact Sheet:

- The population of the City is estimated at approximately 460.
- As noted above in the draft permit limit comments, 0.09 mgd is a historic annual average flow documented in the 1987 permit, and less than the peak monthly flow of 0.195 mgd found within the same document.
- The Fact Sheet notes that, "the stream was moved from its historic channel when the settling ponds were constructed and re-routed along the edge of the ponds". The stream was not moved from its historic channel when the sewage lagoons were constructed, and was not re-routed along the edge of the lagoons.
- The Fact Sheet notes that past data has shown, "the settling ponds were not adequately lined and subsequently leaked into Long Hollow Creek". The information is inaccurate; the ponds passed a leak test completed in accordance with DEQ regulations in 2011. The test results were approved by DEQ on February 9, 2012.
- The Fact Sheet notes that, "The Nezperce WWTP was upgraded in 2009. The two holding ponds were re-lined to prevent leaking and a new lift station was installed." Although the WWTP was upgraded in 2009 and a new lift station was installed, the ponds were not relined as noted.
- The Outfall description states that, "This outfall has an intermittent, precipitation driven discharge, discharging from approximately October through May. The facility does not discharge from May through September." This information is inaccurate. As noted in the



2017 Compliance Report, the City discharged 11 months out of the year in 2017 with exception to October when the City could not meet effluent pH limits.

- The Outfall description states that, "The effluent is disinfected by chlorination and routed through a dechlorination chamber prior to discharging into the creek. A photograph is included in Appendix A." The City utilizes a chlorination chamber and a tablet dechlorinator as described in the Process Flow Schematic provided in Appendix A. The photograph provided in Appendix A as the "Outfall to Long Hollow Creek" is not the location of the outfall. From the point where the photograph is taken, flows are routed to the City's chlorine contact basin, through dechlorination, and then to the outfall/discharge location. The City requests revision of the outfall description text to be consistent with the process flow schematic in Appendix A, as well as a revision of the photograph description given in Appendix A.
- The Compliance History notes that the City of Nezperce, "has identified several factors contributing to these violations, including aged lift station pumps..." The lift station pumps were replaced to address age, reliability, and maintenance concerns, not to meet compliance.

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.