# Response to Comments

## City of Twin Falls NPDES Permit
## September 2009

### Introduction

A period for public comment on the draft permit was provided from May 15 through June 15. 2009. In response to a May 29, 2009, request from the City of Twin Falls, EPA extended the comment period to July 15, 2009. Three individuals, representing Idaho Conservation League, Idaho Department of Environmental Quality (IDEQ), and the City of Twin Falls, submitted written comments; they are listed below.

### Commenters

1 Justin Hayes, Program Director, Idaho Conservation League (ICL)
2 Marti Bridges, TMDL Program Manager, IDEQ
3 Travis Rothweiler, Assistant City Manager, City of Twin Falls

This document addresses the concerns raised in those comments by grouping together those on similar topics.

At the outset, it is important to clarify that a Fact Sheet (FS) provides background information for the development of a draft permit; it is a final document when it is made public during the public comment period. As such, it is not subject to correction or revision. Where appropriate, we will acknowledge in this Response to Comments any errors or corrections to the information in the Fact Sheet; however, the Fact Sheet will not be changed. This Response to Comments document serves as a supplement to and, in some cases, a correction to the Fact Sheet.

## State §401 Certification

On September 14, 2009, EPA received from IDEQ its final §401 water quality certification of the proposed final permit. In it, the State certified the following:

1. Instream Water Quality Monitoring at two sites approved by IDEQ:

    a. Upstream: flow, total suspended solids (TSS), *E. coli*, dissolved oxygen, pH, temperature, total ammonia as nitrogen, total nitrate as nitrogen, total nitrite as nitrogen, total phosphorus, arsenic, cadmium, chromium, copper, cyanide, lead, mercury, nickel, silver, zinc, molybdenum, selenium, and hardness.

    b. Downstream: total ammonia as nitrogen.

2. Compliance Schedule for Total Suspended Solids Interim Requirements

    a. Interim Limits: 30 mg/L average monthly limit and 45 mg/L average weekly limit.

    b. By July 1, 2010, the Chemical Enhancement Primary Treatment component will be completed.

    c. By July 1, 2011, a facility plan will be developed by the City to address the TSS water quality based effluent limits (WQBELs) under the NPDES permit.

    d. By July 1, 2012, a design alternative and bid will be developed by the City to address the TSS WQBEL

    e. By July 1, 2014, facility upgrades will be in operation.

    f. The City of Twin Falls shall notify EPA and DEQ that it has achieved the interim requirements set forth above within 30 days of their completion.

3. Pollutant Trading

The City may buy and sell phosphorus credits to other eligible point sources in the Upper Snake Rock Subbasin in accordance with DEQ's *Pollutant Trading Guidance* (November 2003 draft); the Upper Snake Rock TMDL Modification (Approved 2005); and the conditions contained with the NPDES permit.

EPA has incorporated these conditions in the final permit.

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# I. Pollutant Trading

## A. Rules and Guidance governing pollutant trading

1. **Comment**: Idaho Conservation League (ICL) asserted that there is not sufficient regulation and formal federal and state guidance to assure that trading will protect water quality. Citing IDAPA 58.01.02.054, it says that the regulation is inadequate to provide authority and direction needed to comply with the Clean Water Act. It further asserted that Idaho's 2003 draft Pollutant Trading Guidance has deficiencies and can't provide the regulator framework for pollutant trading in Idaho. It says that it's important that trading be done in a transparent and documented manner, implying that the current situation does not support that.

2. **Response**: EPA disagrees with the claim that the regulations and guidance are inadequate. According to Marti Bridges, IDEQ's Pollutant Trading Coordinator, the State of Idaho Department of Environmental Quality Pollutant Trading Guidance (November 2003 draft) ("the Guidance") is the current guidance governing pollutant trading in Idaho. In 2007, we determined that the Guidance provided sufficient direction to implement a trading program in the mid-Snake watershed; in November 2007, EPA issued two general permits for aquaculture facilities and associated fish processors incorporating the provisions of the Guidance. The Guidance, along with the requirements of Appendix A of the permit, which include reporting and recordkeeping requirements, provide an enforceable, transparent trading framework.

The comments on the amount of detail in the State rules and deficiencies in the guidance need to be directed to the State.

3. **Action**: We made no change in the permit.

## B. Local impacts of increased discharge from buyers of credits

**1. Comment:** ICL asserts that the draft guidance doesn't adequately ensure that the buyer of credits does not violate water quality standards in the receiving body at the point or discharge.

**2. Response:** The pollutant trading language in the draft permit was written in consultation with IDEQ to ensure consistency with IDEQ's Pollutant Trading Guidance, including its Appendix C -- Middle Snake River. It was originally written in 2007 when EPA wrote the general permits for aquaculture facilities and associated fish processors; similar language is included in the Twin Falls permit since Twin Falls is expected to be a seller of phosphorus credits to some of the aquaculture facilities. In 2007, IDEQ encouraged EPA to provide for trades between any eligible buyers and sellers as long as the ambient water quality between the parties is not adversely impacted. IDEQ said that its annual monitoring of the Snake River should reveal any ambient water quality problems resulting from trading between facilities (see page 9 of the Guidance:

"Monitoring will be conducted to verify that the limits on trading are supporting the maintenance of desired water quality"). Any ambient problems found in a segment of stream would be used by the State to modify the Guidance to disallow trading in the affected segment, since trading would not comply with the Guidance (see page 4 of the Guidance: "Trades must be implemented so that the overall water quality of the watershed is protected. …localized adverse impacts to water quality are not allowed.")

**3. Action:** We did not change the permit.

**C. Twin Falls as a Buyer Rather than Only a Seller**

**1. Comment:** IDEQ pointed out that the City of Twin Falls would also be eligible to buy credits under Idaho's Pollutant Trading Guidance.

**2. Response:** EPA had understood that the City wanted to sell phosphorus credits, hence, the language in the draft permit describing the City as a seller. The City has recently indicated its desire to buy TSS credits, trading of which is not currently allowed under the Pollutant Trading Guidance. Though the permit will continue to restrict trading to phosphorus, we changed Appendix A to allow the City to buy credits.

**3. Action:** We added paragraphs in section 1 of Appendix A.

**D. Responsibilities of Buyers and Sellers**

**1. Comment:** EPA Region 10 Office of Compliance and Enforcement suggested added language to further clarify compliance responsibilities of buyers and sellers.

**2. Response:** We agreed that the clarification would be helpful.

**3. Action:** We added the following paragraph in section 4 of Appendix A:

> *If the buyer and seller submit a Trade Notification Form to the Cooperative but the credits are not available for transfer to the buyer, then the trade is not recorded in the Trade Tracking System and the buyer is subject to noncompliance penalties for any actual discharge over its average monthly limit. Furthermore, once the Trade Notification Form is submitted to the Cooperative and the trade recorded in the Trade Tracking System, the seller is responsible for having sufficient credits to sell in the transaction. If it does not, the seller is subject to noncompliance penalties.*

## E. Trading with Non-point Sources

### 1. Permit doesn't adequately restrict trading with non-point sources

a. **Comment:** ICL raised a concern about the potential to trade with non-point sources, which lack NPDES permits. It claims that they are not subject to a regulatory framework that provides "transparency and accountability to comply with Clean Water Act requirements." It asserts that, although the Fact Sheet "gives the impression that trades authorized by this permit will only be between other point sources," such a limitation is not in the draft NPDES permit.

b. **Response:** Both the Fact Sheet (on page 23) and the draft permit (on page 37) restrict trading to other eligible point sources. If the State modifies the Guidance to provide for trades with non-point sources, EPA would need to modify the permit (with public process) before the City would be allowed to participate in such trades.

c. **Action:** Additional statements were added in §I.B.1 of the permit and the second introductory paragraph of Appendix A to emphasize that trading with non-point sources is not authorized by the permit.

### 2. 2003 Draft Guidance doesn't allow trading with non-point sources

a. **Comment:** IDEQ pointed out that the current version of the Pollutant Trading Guidance does not provide for trading with non-point sources because credits and best management practices have not been developed and published for public comment.

b. **Response:** The permit does not allow trading with non-point sources in large part because the State's Pollutant Trading Guidance does not provide for it at this time.

c. **Action:** No change was made to the permit.

## F. Trading with Point Sources in Stream Reaches without Established Ratios

1. **Comment:** IDEQ also made the point that the current version of the trading guidance does not allow trading with point sources in other stream reaches (other than those on the Snake River between RM 587 and RM 638.5) for which trading ratios have not yet been developed.

2. **Response:** The draft permit did not specify the locations of eligible trading partners, though it did refer only to those eligible in the 2003 version of the Pollutant Trading Guidance, which included those in the reach specified above. In order to clarify the trading partners, we've now specified that the eligible trading partners are point sources in segments 1, 2, and 3 in the Middle Snake River that have NPDES permits that authorize trading.

3. **Action:** We made this change in §I.B.1 of the permit and in Appendix A.

**G. Use of 2003 Draft Guidance to determine amount of credit available**

4. **Comment:** ICL asserted that relying on five-year-old draft guidance "is not acceptable. Our organization has not had the opportunity to comment on this matter in light of recent developments (such as current water quality status, trends and TMDL implementation" and new permits for the aquaculture facilities in this segment of the Snake River.

5. **Response:** The commenter did not put forth a suggested alternative for guiding the determination of credits available. The issuance of the aquaculture permits was anticipated in the draft guidance, where 17 aquaculture facilities and the City of Twin Falls were listed with their associated trading ratios. Therefore, their issuance in 2007 does not constitute "a very significant modification of circumstances."

In addition to the public comment period on the Twin Falls permit, the public also had the opportunity to provide input in the trading requirements during the development of the aquaculture permits, which included nearly identical trading provisions to those in this permit. For those permits, EPA provided two comment periods: June 19 -- September 29, 2006, and June 7 -- July 23, 2007 in which the public was invited to provide input. ICL did not provide comments during those public comment periods.

6. **Action:** We made no change in the permit.

**H. Use of Future Versions of the Pollutant Trading Guidance**

**1. Comment:** IDEQ asked that we allow future changes in the Guidance to govern pollutant trading under this permit and asked that the permit reflect options to trade other pollutants which might be allowed in the future.

**2. Response:** If we were to allow future versions of the Pollutant Trading Guidance to automatically have effect in the permit, we would be allowing a change in the permit without following the process required in federal regulations. Such a change in the permit conditions is not a minor change, as defined in 40 CFR § 122.63, so EPA would need to provide public notice and process the change in the Guidance as a major permit modification. Instead, EPA is referencing the existing version of the Guidance and will consider reopening and modifying the permit if modifications are made to the Guidance and subsequent permit conditions would not result in the permittee causing exceedances of water quality standards or corresponding TMDL goals. EPA will provide a public comment period if it proposes to modify the permit to incorporate subsequent versions of the Guidance.

**3. Action:** EPA added a section clarifying that the permit may be modified for cause at §II.F.

## I. Development of Reduction Credits

**1. Comment:** ICL asserted that EPA "must develop reduction credits and trading ratios that reflect current water quality needs and permit developments."

**2. Response:** It is the State's responsibility to develop water quality standards and strategies, including TMDLs and trading programs, to achieve and maintain water quality standards. In this instance, EPA is incorporating the provisions of the Guidance and the TMDL developed by the State, both of which have been reviewed by EPA. Therefore, we disagree with the commenter that we should be independently developing credits and ratios. The final permit was certified by IDEQ as meeting water quality standards.

**3. Action:** We did not change the permit.

## J. Specifying the Pollutant that can be Traded

### 1. Phosphorus should be specified

a. **Comment:** IDEQ requested that we should spell out in Appendix A that only total phosphorus can be traded at this time. It also asked that we make clear that "if other pollutants become available for trading during the term of the permit, through IDEQ's public process as spelled out in our recommended trading language, that the City of Twin Falls WWTP is authorized to participate."

b. **Response:** We specified phosphorus as the pollutant being traded seven times in the two pages of Appendix A in the draft permit. In response to comments, we have added text as described elsewhere in this section that includes further references to phosphorus as the pollutant eligible to be traded. Furthermore, both the permit in §I.B.1 and the introduction to Appendix A state that no other pollutants are eligible to be traded.

As discussed in §I.G, above, the permit cannot allow changes in the requirements, such as those presented in a change in the Guidance, without modification and a public comment period. Therefore, we cannot include the requested language that would refer to and allow compliance with revised Guidance.

c. **Action:** We did not change the permit.

### 7. The City should be allowed to trade TSS

a. **Comment:** The City asked for Appendix A of the permit to authorize TSS trading, pending approval of the TSS trading program by DEQ and EPA.

b. **Response:** As pointed out in §I.G. above, we cannot prospectively include provisions in a permit that depend on future changes in the Guidance.

If the State modifies the Guidance to provide for trading TSS, we would consider modifying the permit to include such provisions.

c. **Action:** No change was made in the permit.

### K. Add Examples of Forms in Appendix A

**1. Comment:** IDEQ asked that EPA provide example forms in the permit for reporting trades to EPA and to IDEQ.

**2. Response:** EPA does not require what forms must be used in reporting trades to the Idaho Clean Water Cooperative. The report of trades to EPA and IDEQ will be on Discharge Monitoring Reports, pre-prints of which will be sent to the permittee after the permit is issued, and on a Trade Summary Report, which is an Idaho Clean Water Cooperative document. The reporting of trades will be on a Trade Notification Form containing at least the information listed in §3 of Appendix A of the permit. EPA is not dictating what the form must look like or other information that the Idaho Clean Water Cooperative may request.

**3. Action:** We did not change the permit.

## II. Effluent Limits

### A. Total Suspended Solids (TSS)

#### 1. Application of Wasteload Allocation

a. **Comment:** The City of Twin Falls asked EPA to apply the TSS wasteload allocation from the Upper Snake Rock Total Maximum Daily Load (TMDL) as an annual limit in the permit, noting that the "City's effluent provides a dilution source to the Snake River relative to the TSS target in the TMDL.

b. **Response:** EPA is required by 40 CFR §122.45(d)(2) to apply average weekly and average monthly discharge limitations for POTWs. EPA Region 10 policy has been to apply WLAs in TMDLs directly as average monthly limits (see the Idaho Aquaculture permits for a recent nearby example).

In response to the City's request before the public comment period and with the agreement of IDEQ, we agreed to use the TSS WLA (in tons/year) as the long term average target level of the pollutant, applying it as an annual average. We calculated the average monthly and average weekly limits from that long-term average, using the process in the *Technical Support Document for Water Quality-based Toxics Control* as documented in the Fact Sheet. This made those limits somewhat higher than our previously proposed limits as a result of that process.

Applying an annual limit would mean that though there were high levels that might be causing a problem, we'd have to wait until the end of the year to see

if it was really a violation of the annual limit. It would hinder our ability to respond in real time to problems when they are occurring. In addition, the State has certified the limits applied using the process described above. Consequently, we have determined that applying an annual limit would not provide the protection anticipated in the TMDL.

c. **Action:** We did not change the permit.

2. **TSS Compliance Schedule**

a. **Extending the TSS Compliance Schedule**

***(1) Comment:*** *The City requested another year on the compliance schedule for TSS to allow time to develop a trading program for TSS. It asked for all milestones to be moved back one year and that the final compliance date be July 1, 2015.*

***(2) Response:*** *As stated above in §§I.G& I, we cannot allow TSS trading in the permit because it is not provided for in the current version of the Guidance. As proposed, the five year time period originally requested by the City is adequate to meet the limitations. This schedule was developed in cooperation with the City and IDEQ. If the State's Guidance is modified to allow the TSS trading that the City requests, we will consider modifying the permit to incorporate such provisions. It is quite possible that trading would allow the City to meet the limits in a shorter compliance schedule if less additional treatment is required. Therefore, we don't have sufficient information or justification for extending the previously determined compliance schedule.*

***(3) Action:*** *We did not change the permit.*

b. **Modifying Report Dates**

***(1) Comment:*** *IDEQ, in its final certification of the permit required that the permittee notify EPA and IDEQ within 30 days of achieving the interim requirements of the TSS compliance schedule.*

***(2) Response:*** *EPA agrees that a 30 day period after the compliance schedule due dates is a reasonable period to complete a report on the status.*

***(3) Action:*** *In §I.C.5 and in the Schedule of Submissions on page 5, the due dates were changed to July 31 of each year; the requirement to achieve the interim milestones by July 1 of each year remains unchanged.*

*In addition, in order to comply with the requirement of 40 CFR §122.47(a)(3)(i) for the time between interim dates not to exceed one year, we have added a progress report due on July 1, 2013.*

## B. *E. coli* Limits

### 1. Compliance Schedule

a. **Comment:** The City requested a six year compliance schedule to meet the water quality based limits for *E. coli*, which are based on new State standards since the last permit was issued. The City plans to replace its UV disinfection system at the same time that it replaces the TSS system.

b. **Response:** The City submitted information showing that 3 samples out of 146 in the last year exceeded the proposed instantaneous maximum limit, though the monthly geometric means were well under the proposed monthly geometric mean limit. A review of the City's data showed that the levels of *E. coli* in the effluent measured over the last year were completely in compliance with the monthly geometric mean limit in the proposed permit and were in compliance with the proposed instantaneous maximum limit 98% of the time. We do not agree that a compliance schedule is justified by the data. With some operational adjustments, we believe that the City can avoid even the few high readings that it experienced in the past year. In our best professional judgment, we believe that operational adjustments may well be sufficient until the City replaces its system.

c. **Action:** We did not change the permit.

### 2. Eliminate the Maximum Daily Limit

a. **Comment:** The City asked to have the maximum daily limit for *E. coli* dropped from the permit. It cited EPA guidance that recommends, but does not require using only the geometric mean as the *E. coli* limit. It further cited the guidance that saying that the criterion of 406 organisms/100 ml assumes a heavily-used swimming beach.

b. **Response:** The "maximum daily limit to which the City refers for *E. coli* is an instantaneous maximum limit applied directly from the State water quality standards at IDAPA 58.01.02.251.01.b.ii. Region 10 policy is to apply such limits directly at the end of pipe to protect water quality and beneficial uses in the receiving water; beneficial uses include primary contact recreation at the location of the discharge. This single sample value applies to waters where primary contact recreation is a designated beneficial use; if the water were a public swimming beach, the single sample value would be 235 organisms/100 ml rather than 406 organisms/100 ml. Because *E.coli* presents a risk to human health and the receiving water is protected for primary contact recreation, it is appropriate to limit the discharge to the single sample value in the State's water quality standards, which indicates a likely exceedance of the

monthly geometric mean criterion. The State has supported both these limits in its pre-certification of the permit.

c. **Action:** We did not change the permit.

**C. Ammonia Limits**

**1. Comment:** The City requests that ammonia limits be removed from the permit because the reasonable potential calculation showed that they did not have reasonable potential to violate the water quality standards in the receiving stream. It further justifies the request by stating that it would not violate anti-backsliding requirements because other facilities in Idaho had had their ammonia limits removed because there was no reasonable potential.

**2. Response:** We agree that the reasonable potential calculation projected a maximum projected in-stream concentration at the edge of the mixing zone below the water quality standards. In the case of the acute standards, the maximum projected concentration was 88 % of the standard in the summer and 95% of the standard in the winter. These levels are the only ones of the pollutants we evaluated that are at all close to the standards. Furthermore, the presence of the limits in the previous permit provided the incentive for the facility to keep its ammonia effluent levels below the permit limits and protect receiving water standards. The facility has been in compliance with the limits.

Therefore, we have determined that the continuation of the limits from the last permit is warranted in order to protect the water quality standards including beneficial uses of the Snake River. We further believe that the anti-backsliding provisions of 40 CFR §122.44(l) support this decision. In addition, the State has indicated its support of these limits in its pre-certification and has indicated further interest in the impact of this pollutant in the City's discharge by requiring that the permit contain monitoring requirements for it in the Snake River both upstream and downstream of the outfall.

**3. Action:** We did not change the permit.

**D. Chlorine Limits**

**1. Comment:** The City requested that chlorine limits and monitoring be dropped from the permit since it "currently does not use chlorine for disinfection and will not be using it in the future."

**2. Response:** We applied chlorine limits in the draft permit, based on information from City staff that the chlorine disinfection system might be used as a back-up if the UV system were off-line for an extended period of time. The limits and monitoring requirements were only effective if the City was using chlorine. However, the information submitted in the City's comments on the permit indicates that it will not be using the chlorine system at all. Since that is

the case, we can drop the chlorine limit and monitoring. The permit will not authorize any discharge of chlorine.

**3. Action:** We deleted the chlorine limits in Table 1, the chlorine monitoring in Tables 1 and 2, the 24-hour non-compliance reporting in §I.B.3, and the chlorine analysis associated with WET testing in §I.D.2.b of the permit.

## III. Low Flow Statistics for the Snake River

### A. Proposal of Higher Flow Values to Represent Extreme Low River Flows

**1. Comment:** The City points out that the low flow statistics (1Q10 and 7Q10) on which EPA based reasonable potential analyses and trigger points for additional WET testing are from the USGS gage at Kimberly, which is about 9 miles upstream of the City's outfall. The flows also provide part of the basis for local limits evaluation, which is required in the permit. It points out that there are 70 spring flows and three coulees discharging into this reach of the Snake River between the two points. It cites low flow figures used in the 1999 "Mid-Snake" (Upper Snake Rock) TMDL, including a summary of flow date from table VII of the 1999 Mid-Snake TMDL, which is based on a baseline year of 1990-1991. It says that using the low flow statistics from the Kimberly gage will affect the next permit too, because the length of record will only be five years when the next permit is written. It requests a low flow of 1302 cfs (841.5 MGD) as the absolute low flow condition of the Snake River at Twin Falls as described in the Mid-Snake TMDL (1997) and the Upper Snake Rock TMDL (1999).

**2. Response:** The characterization of low flow regimes in TMDLs is on an average annual, monthly, or seasonal basis. They do not deal with the extreme low flow statistics of 7Q10, 1Q10, 1B3, or 30Q3, which represent the extreme low flow situations for which we must write permit conditions to protect water quality. We recognize that the low flow statistics at a gage at such a distance will not match exactly the flow at the City's outfall. However, the City has not provided and we do not have appropriate data with which to modify the flow statistics. We would need to have daily flow records for each of the inflows to attempt to calculate adjusted low flow statistics at the City's outfall. We cannot add average annual flows or even monthly or seasonal flows to these low flow numbers, which represent 1, 3, 7, or 30 day low flows over 3 or 10 year return periods.

With regard to the reasonable potential analyses, using the low flow statistics from the Kimberly gage, we did not find any reasonable potential to exceed water quality standards for the pollutants we evaluated: ammonia, cyanide, silver, arsenic, zinc, and nitrate-nitrogen. So the City is not being required to comply with new limits based on the use of these low flow statistics in the analysis.

With regard to WET triggers, these are not limits that might be violated, but are requirements if the effluent is showing enough toxicity (at the trigger point) that a further investigation of the cause of the toxicity is warranted. This is necessary to

provide protection for the water quality and beneficial uses in the river and should not be viewed as something to be avoided at all costs.

With regard to the evaluation of pretreatment local limits, only some parameters are limited by water quality; others will be limited by sludge or inhibition requirements. Of the current local limits, cyanide, lead, mercury, and silver are the pollutants for which the most stringent maximum allowable headworks loading is determined by water quality considerations. The reasonable potential evaluation looking at cyanide did not show a reasonable potential to violate water quality standards, so we would not anticipate that the cyanide limit would need lowering. A review of recent influent monitoring at the treatment plant shows many of the pretreatment parameters are not being detected in the influent or effluent of the POTW; of those that are being detected, the levels range from 1%--24% of the maximum allowable headworks loading (MAHL). Therefore, one would not expect to need to revise the local limits downward.

With respect to the next permit cycle, it will be up to the permit writer at the time of the next writing to decide how to use the flow data from the newly installed stream gage. One cannot assume that the data will be disregarded.

**3. Action:** We did not change the permit.

### B. Requirement to Install a Stream Gage

**1. Comment:** The City submitted information that in collaboration with the U.S. Geological Survey, it had installed a stream gage near the outfall from the treatment plant and that it began operation on July 10, 2009. It requested that the requirement to install the gage be deleted from the permit.

**2. Response:** We agree that the requirement to establish a stream gage should be deleted. However, we think it is appropriate to maintain the requirement to record streamflows and to report them to EPA by January 31 each year.

**3. Action:** We changed the permit at §I.E.7 to delete the installation and notification requirements.

## IV. Pretreatment Program Requirements

### A. Local Limits Evaluation

**1. Comment:** The City requested that the due date for the local limits evaluation be extended to 270 days or preferably to one year, due to the complexity of the evaluation.

**2. Response:** We have no objection to extending the due date to one year from the effective date of the permit.

**3. Action:** We changed the due date in §II.A.5 of the permit.

### B. Ammonia as a Pretreatment Pollutant of Concern

**1. Comment:** The City requested an explanation on why ammonia needs to be addressed and further clarification of the phrase "if the permittee accepts ammonia from industrial sources." The City further requested removal of the references to ammonia in §§ II.A.5 and 8.a.

**2. Response:** As mentioned on page 19 of the Fact Sheet, EPA's 2004 *Local Limits Development Guidance (EPA 833-R-04-002A & B)* added three pollutants for pretreatment including ammonia for POTW's that accept non-domestic sources of ammonia. As it says, this applies to industrial or commercial discharges of ammonia from non-domestic waste sources. If domestic waste is discharged with industrial waste, the fact that ammonia is in the domestic waste does not trigger this requirement.

Since the language in the permit clearly states that ammonia only need be considered if the POTW accepts ammonia from non-domestic sources, it will not add a burden to the City if it doesn't apply in its case. However, we believe that it should remain in the permit to cover the possibility that the City may begin to accept such a discharge during the term of this permit, in which case the monitoring or local limit evaluation would be required.

**3. Action:** We did not change the permit.

## V. Editorial Corrections

### A. Misspelling of the word "gage"

**1. Comment:** ICL asserted that the word "gage" in Table 2 on page 13 of the draft permit is misspelled.

**2. Response:** Although "gauge" is the more commonly used spelling of the word, "gage" is the spelling used by USGS to refer to stream gages, which is the context in which we are using the word. Therefore, we disagree that there is a misspelling.

**3. Action:** We did not change the permit.

### B. Reference to Appendix D

**1. Comment:** IDEQ asserts that the reference to Appendix D on page 23 of the Fact Sheet is not clear whether it's Appendix D of the Fact Sheet or of the State of Department of Environmental Quality Idaho Pollutant Trading Guidance (November 2003 draft) ("Guidance").

**2. Response:** Since we had not yet mentioned the Guidance in that section, we thought the reference was clearly to the Appendix of the Fact Sheet. That is what was intended. The comment did not refer to the permit itself.

**3. Action:** We did not change the permit.

### C. A Visual Representation of the Timeline for Submittals

**1. Comment:** IDEQ suggested an example of the "time frame" when one submits the adjusted discharge in their DMR by the 10th day of the second month following sampling.

**2. Response:** Our intent is to maintain close correlation between the requirements for pollutant trading in the Aquaculture General Permit and this permit, since it is anticipated that they will be trading with each other. The present language is the same as that in the aquaculture permits, where it did not receive comment.

**3. Action:** We added a small table in Appendix A of the permit to represent the timeline more visually.

### D. Inconsistent References to Idaho's Pollutant Trading Guidance

1. **Comment:** IDEQ pointed out that we were inconsistent in our reference to Idaho's Pollutant Trading Guidance. It asked that we use the entire title of the Pollutant Trading Guidance on page 7 of the permit.

2. **Response:** We agree that the references were inconsistent; they should all have been "State of Idaho Department of Environmental Quality Pollutant Trading Guidance (November 2003 draft)." We have changed the references in the permit; the one incorrect reference we found in the Fact Sheet was on page 59. Since we cannot change that final document, this response serves as a correction.

3. **Action:** In the permit, we corrected the title of the Guidance on pages 7 and 37.

### E. Design Flow for Treatment Plant

1. **Comment:** The City said that the 10.92 mgd value in the description of the treatment plant in the Fact Sheet should be described as the peak *day* design flow.

2. **Response:** We described the flow as "a peak design flow of 10.92 mgd." The comment is noted. It does not apply to the permit itself.

3. **Action:** We change neither the permit nor the Fact Sheet, which is a final document.

### F. Information on Chlorine Contact Chambers

1. **Comment:** The City asked to have deleted the sentence on page 6 of the Fact Sheet: "Chlorine contact chambers would be used only in the event that the whole UV system is inoperable for an extended period of time." They pointed out that they no longer have chlorine feed and distribution equipment on-site.

2. **Response:** We acknowledge the comment. We based the statement in the Fact Sheet on previous information from City staff. We did not change the Fact Sheet since it is a final document. The comment does not apply to the permit itself.

3. **Action:** We changed neither the permit nor the Fact Sheet.

### G. Amount of Penalties

We have corrected amounts of penalties in § IV.B of the permit to reflect current statutory maximum fines.

### H. Quality Assurance Plan Certification

We noticed that we had not included the standard condition in the draft permit that requires that the permittee notify EPA and IDEQ within 90 days of the permit effective date that the Quality Assurance Plan has been developed or updated and implemented. We had included it in the Schedule of Submissions in the front of the permit, but omitted it in the body of the permit. We added the provision at §II.C.

## VI. References

State of Idaho, Department of Environmental Quality. *Pollutant Trading Guidance.* November 2003 Draft. Available at http://www.deq.state.id.us/water/prog_issues/waste_water/pollutant_trading/pollutant_trading_guidance_entire.pdf

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