Working with more than 90 community wastewater treatment and stormwater management agencies to protect Oregon's water
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Sent by e-mail to: ray.jackie@deq.state.or.us

Re: Draft NPDES Permit – City of Hood River

The Oregon Association of Clean Water Agencies (ACWA) is a private, not-for-profit organization of Oregon's wastewater treatment and stormwater management utilities, along with associated professionals. Our 126+ statewide members are dedicated to protecting and enhancing Oregon's water quality. The City of Hood River is an ACWA member. There are a number of statewide policy issues embedded in the City of Hood River draft NPDES permit that could affect other Oregon municipal NPDES permit holders.

pH

The issue of pH appears to rest largely on proposed sampling that Hood River will conduct to determine the assimilative capacity of the Columbia River near the new outfall; if there is sufficient assimilative capacity, a mixing zone can be used with the discharge. However, if assimilative capacity is not available, Hood River may have to treat its effluent before being discharged.

DEQ has listed the Columbia River on the 303(d) list for exceeding the pH criteria. A recent analysis conducted for the City of Gresham's NPDES permit renewal indicates that the concern regarding the pH criteria is at the upper end of the range (i.e. values approaching or potentially exceeding 8.5). Based on this analysis, DEQ was able to expand the lower pH range to 6.0 but maintained the upper pH range at 8.5. ACWA believes that DEQ should use the same approach to establish pH limits for the City of Hood River. The additional monitoring to demonstrate assimilative capacity and the compliance schedule specifically for pH would not be necessary.

Ammonia

Ammonia currently presents a unique problem for renewal of municipal permits because of the imminent action by EPA (presumably approval) regarding Oregon's updated ammonia standard. The new ammonia standard will generally provide less stringent criteria for chronic exposure and generally more stringent criteria for acute exposure. A permittee with effluent limits based on the current (1985-era) ammonia standard may not be able to use the updated criteria for chronic exposure because of the prohibition on backsliding, even if the permittee could comply with more stringent acute criteria in the new standard. The result could be a permit with chronic criteria based on the 1985 standard and acute criteria based on the 2015 standard. ACWA proposes that "interim" effluent limits be used in this very limited scenario to address Hood River's unique position: not only are new standards on the verge of approval, but the City is also in the midst of constructing a new outfall that will greatly improve dilution of its effluent.

This approach is further supported by the following statement in the permit evaluation report regarding ammonia.

> "*DEQ evaluated ammonia at Outfall 002 using the design dilutions from the recent mixing zone study. Based on the analysis, the City has no reasonable potential to exceed water quality criteria for ammonia at the edge of the mixing zone.*"

Based on this evaluation, the ammonia limits in the NPDES permit should be established as "interim limits" and linked to the compliance condition in Schedule C. The interim limits would be based on the current ammonia standard. An updated analysis can be conducted when the new ammonia standard is approved by EPA.

Mercury

The Permit Evaluation Report (PER) concludes that there is no reasonable potential for mercury to exceed the aquatic life criteria because the single detection of mercury was below the QL. The PER goes on to conclude that no additional action is required regarding mercury, other than effluent toxics characterization. However, the RPA table included in Appendix F notes that a Mercury Minimization Plan is required. This is inconsistent and the reference to a Mercury Minimization Plan (MMP) should be removed from the RPA table.

General Monitoring Permit Opener

The draft permit general permit opener for adding requirements for any newly listed 303(d) pollutant or any new pollutant for which DEQ adopts water quality standards is overly broad. At this stage, the scope of the monitoring required by this permit condition is not well defined. If, in the future, DEQ believes that such monitoring is appropriate, DEQ can propose to modify the NPDES permit to include these provisions and allow the City of Hood River to comment on the proposed modification.

Permit Template Language

The Oregon DEQ staff developed permit template language as an efficiency measure for developing technically accurate, defensible NPDES permits. The draft City of Hood River does not follow the template language in Schedule B for Monitoring and Reporting. Not following the template is inefficient and leads to confusion for permit holders and their contract laboratories.

The City of Hood River permit should be modified to conform to the DEQ municipal template for *Schedule B – Monitoring and Reporting.*

QLs

The permit should specifically indicate that re-sampling is not required for effluent characterization samples if quantitation limits are not met because of matrix interference. While re-sampling may be appropriate when analyzing for permit compliance, it is not necessary when generally characterizing the effluent.

ACWA remains concerned about the QL-related municipal permit template language. By specifying QLs in the permit, DEQ's goal is to ensure that sufficiently sensitive methods are used to generate data for the reasonable potential analysis. Matrix interference is not uncommon for wastewater and requiring QLs in the permit unnecessarily puts permittees in jeopardy of a permit violation. Instead of mandating QLs, DEQ should rely on accepted laboratory practices for mitigating matrix interference to produce valid data as allowed by 40 CFR § 136.6 or EPA's *Solutions for Analytical Chemistry Problems with Clean Water Methods* (March, 2007).

DEQ should revise the permit language regarding QLs to note that the QLs as "target levels" associated with an analytical method and recognize that the QLs may not always be met; as long as the permittee uses the appropriate analytical method, they should be deemed to be in compliance with the permit.

Other Issues

Additional changes and improvements to the draft permit should include:

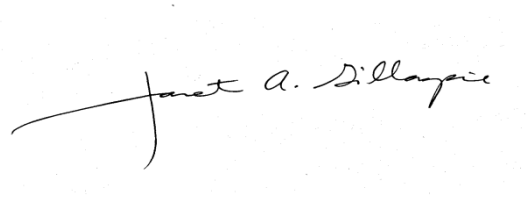
Portion of Permit	*Comment*
Schedule A	
dates for discharge from outfalls 001 and 002	To reduce confusion and possible conflicts within the permit, reference the compliance schedule in Schedule C and remove dates
Schedule B	
Overall	The Monitoring and Reporting Protocols are inconsistent with DEQ's municipal permit template
Priority Pollutant Scans	Frequency inconsistent with DEQ municipal template
QLs	The QLs for the three dichlorobenzenes should be corrected to 1.0 ug/l. Dichlorobenzenes are listed as *VOCs* in the permit template and as *Base-Neutral* in the draft permit. Dichlorobenzenes should be listed in the correct table.

Portion of Permit	*Comment*
Metals Resampling – Copper	In the first note for Table B3 of the draft permit (page 12), there is a list of metals that must be retested for dissolved concentrations that includes copper. The note goes on to say that the retesting is for metals that have criteria based on dissolved concentrations. For copper, this is only true for discharge to salt water; for freshwater discharges like Hood River's, total recoverable copper is the only testing that is required and the criteria is developed using total recoverable and hardness.
Table B4	There is a mistake in the second-to-last note of Table B4 in the draft permit (at the bottom of page 12); it says *"Tetrachloroethylene is identified as trichloroethene in 40 CFR Part 136.3, Table 1C."* This should be corrected to read: *"Tetrachloroethylene is identified as tetrachloroethene in 40 CFR Part 136.3, Table 1C."*
Schedule D	
Industrial user survey	Require utility to keep survey up-to-date rather than new survey; initial industrial surveys that are well maintained and kept up to date are more accurate and more efficient to maintain the industrial survey

Summary

Thank you for the opportunity to comment on this draft permit, and please let me know if you have any questions. I can be reached in Portland at 503/236-6722 or by e-mail at gillaspie@oracwa.org

Very Truly Yours,



Janet A. Gillaspie
Executive Director

cc: Mark Lago, City of Hood River
ACWA Board