

**SUMMARY AND RESPONSE TO COMMENTS  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
DRAFT PERMIT  
IOWA GREAT LAKES SANITARY DISTRICT STP**

On March 2, 2015 the Iowa Department of Natural Resources (IDNR) opened public notice of its tentative decision to re-issue an NPDES permit to the Iowa Great Lakes Sanitary District (IGLSD) wastewater treatment facility located in Milford, Iowa.

Copies of the notice were distributed to individuals and groups who have asked to be notified of proposed permit actions. In addition, the public notice was published in the March 11, 2015 issue of The Dickinson County News in Spirit Lake, Iowa.

Three comment letters were received during the public comment period from the IGLSD, the Iowa Environmental Council (IEC) and Polaris Industries. One email was received from Rosenboom Machine and Tool stating it supported the comments submitted by the IGLSD. The following summarizes the written comments received by the Department on this matter and provides the Department's response.

IGLSD

**Comment:** “During critical low flow times, the effluent discharge from the IGLSD WWTF may comprise nearly 100% of the stream flow in Milford Creek. Also, the default background water and effluent default chloride (34 mg/L) and sulfate (63 mg/L) concentrations are incorrect. Data submitted with the permit application indicate effluent chloride and sulfate concentrations of 130 mg/L and 54 mg/L, respectively. Effluent hardness is also believed to be higher than the default concentration of 200 mg/L. IGLSD requested that effluent chloride and sulfate limits be calculated using actual effluent data values in lieu of using the default values.”

**Response:** When site specific water chemistry data are not available, the statewide default water chemistry data are used to derive the wasteload allocations and permit limits. However, facilities have the option to collect site specific water chemistry data. If the facility wants site specific hardness data to be used to derive metal limits and chloride/sulfate limits, site specific hardness data can be submitted to IDNR for consideration. The ambient stream water hardness influences the chronic or monthly average metal limits, and the effluent hardness has a significant impact on the acute wasteload allocations or the daily maximum limit. Thus, the hardness data for both the upstream background water in Milford Creek and the effluent are recommended to be collected and be submitted to IDNR. Currently, two years of data with a sampling frequency of once per week are required in order to be considered in the wasteload allocations.

**Comment:** IGLSD submitted extensive comments relating to the Milford Creek TMDL.

**Response:** The extent of the comments is greater than can be captured in this responsiveness summary. However, the comments are specific to the TMDL, not the NPDES permit. Public Notice for the TMDL closed on September 4, 2007 and the TMDL was approved by EPA December 11, 2008. The NPDES permit implements the TMDL as written and sets a Total Phosphorus limit as specified in the TMDL.

**Comment:** “The Permit Rationale for this draft indicates that the proposed limits in Table 1 were included in the permit due to three known categorical industrial users (CIUs; Polaris Industries-Spirit Lake, Rosenboom Machine & Tool, and Polaris-Milford) that discharge wastewater containing these

constituents to IGLSD with the potential for pass-through of pollutants. However, we cannot find an explanation of how the proposed numerical limits in Table 1 were established for the draft permit as they do not align with the permit limits for the CIUs. Also, IGLSD requests an explanation why there is no difference between the 30-day average and daily maximum limit for silver.”

**Response:** The limits in the referenced Table 1 are from the WLA and represent the allowable levels of discharge for those metals from the IGLSD WWTP. An incompatible waste screening was completed for the IGLSD facility. This screening compares the treatment agreement (TA) limits for the three metal finishers to the water quality based effluent limits (WQBELs) contained in the WLA. The incompatible waste screening demonstrated reasonable potential for cadmium, chromium, copper, cyanide, lead and silver. When it is determined that reasonable potential exists, the permit must contain limits and monitoring. The compliance schedule allows the facility to conduct additional testing for those metals. If additional monitoring indicates there is no reasonable potential, the limits and monitoring may be removed by permit amendment. Silver only has an acute aquatic life criterion and it is used to derive the daily maximum limit. Based on the permit derivation procedure, the monthly average limit is the same as the daily maximum limit.

**Comment:** The IGLSD questioned the inclusion of mass limits by the Department, even though they were not included in the TAs signed by the IGLSD. They believe that they have the sole authority to establish Treatment Agreement limits with SIUs and reserve the right to amend Treatment Agreement limits within the Categorical Pretreatment Standards.

**Response:** The following definitions are addressed in the Code of Federal Regulation under General Pretreatment Regulations:

40 CFR 403.3(c) “The term Approval Authority means the Director in an NPDES State with an approved State pretreatment program and the appropriate Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program.”

40 CFR 403.3(f) “The term Control Authority refers to (1) The POTW if the POTW's Pretreatment Program Submission has been approved in accordance with the requirements of §403.11; or (2) The Approval Authority if the Submission has not been approved.”

40 CFR 403.6(c)1 states “Pollutant discharge limits in categorical Pretreatment Standards will be expressed either as concentration or mass limits. Wherever possible, where concentration limits are specified in standards, equivalent mass limits will be provided so that local, State or Federal authorities responsible for enforcement may use either concentration or mass limits. Limits in categorical Pretreatment Standards shall apply to the effluent of the process regulated by the Standard, or as otherwise specified by the standard.”

Since the IGLSD does not have an approved pretreatment program the Department is the control authority for the categorical industrial users (CIUs) discharging to the IGLSD and thereby is compelled to include mass limits in the permit for the CIUs. The IGLSD can establish limits more stringent than Federal, but they cannot establish limits less stringent than Federal. The mass limits assigned to the CIUs are appropriate and will remain in place.

**Comment:** “For all SIUs, IGLSD requests that the flow sampling frequency be revised to match the same sampling frequency as metals in the permit.”

**Response:** The flow monitoring frequency all three CIUs is currently set as daily. This is the standard for continuous discharges and is appropriate to remain as established.

**Comment:** “The limits for Polaris-Spirit Lake were established using the Treatment Agreement dated September 9, 2003. The current Treatment Agreement with this SIU and IGLSD was effective October 11, 2013.”

**Response:** The current TA has been added to the permit.

**Comment:** “The limits for Rosenboom Machine & Tool were established using the Treatment Agreement dated December 15, 2013. IDNR included limits for BOD5, TSS, and oil and grease for this SIU. Although these constituents are listed in the Treatment Agreement under the “Compatible Waste in Contribution” section, these constituents do not classify this SIU as a CIU. IGLSD requests BOD5, TSS, and oil and grease limits and sampling requirements be removed from the NPDES for this SIU. Also, IDNR added a daily maximum Total Toxic Organics (TTO) limit, which was not included in the Treatment Agreement. The NPDES permit allows for a statement of compliance in lieu of monitoring for TTO if a TTO Management Plan is submitted to IDNR. Rosenboom currently has a TTO Management Plan which has been previously submitted to IDNR. Therefore, IGLSD requests the TTO daily maximum limits be removed from the NPDES to be consistent with the current Treatment Agreement.”

**Response:** All limits included in a TA are implemented in the NPDES permit. If the IGLSD does not want compatible wastes included in the permit, they must be removed from the TA. The definition of significant industrial user (SIU) includes all Categorical Industrial Users (CIUs). Rosenboom Machine and Tool is both an SIU and (under 40 CFR 403.6) a CIU.

*“Significant industrial user” means an industrial user of a POTW that meets any one of the following conditions:*

- 1. Discharges an average of 25,000 gallons per day or more of process wastewater excluding sanitary, noncontact cooling and boiler blowdown wastewater;*
- 2. Contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW;*
- 3. Is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or*
- 4. Is designated by the department as a significant industrial user on the basis that the contributing industry, either singly or in combination with other contributing industries, has a reasonable potential for adversely affecting the operation of or effluent quality from the POTW or for violating any pretreatment standards or requirements.*

TTO limits are required under the 433 Metal Finishing Pretreatment Standard. Rosenboom has the option to comply with the standard by implementing a toxic organic management plan (TOMP), which they do, and must report this on the monthly data monitoring report and submit a “certification statement”. Having an approved TOMP does not relieve the industry of the TTO requirement, it allows alternative compliance. The TTO limit must be included to capture the submittal of the “certification statement”. In the event the TOMP is not kept current or is not being properly implemented, the facility must then comply with the TTO limit by sampling for TTOS.

**Comment:** “Sampling requirements for permit constituents for Rosenboom Machine & Tool are listed as “24-hour Composite” sample types, with the exception of Flow, Oil and Grease, pH, and TTO. Rosenboom operates a batch production process and does not have continuous flow from their facility making collection of 24-hour Composite samples impossible from this SIU. IGLSD requests that the NPDES permit sample type for all constituents are revised to “Grab” sample types. IGLSD requests that

the NPDES permit reporting value for flow be revised to “Total gallons discharged” due the batch nature of the production process.”

**Response:** Based on the additional information in the TA submitted by Rosenboom, they do have a *daily* discharge; therefore batch discharge monitoring is not appropriate. Specifically, the addendum to the TA states:

*Floor scrubber - The tank on the floor scrubber is dumped every other day. The used water goes to the facility drains and is processed through an oil separator system prior to discharge.*

*Mop buckets - Mop buckets are used throughout the facility for clean-up and approximately 140-150 gallons are dumped each day. The used water goes to the facility drains and is processed through an oil separator system prior to discharge.*

Since these are not batch discharges but rather continuous daily discharges, a 24-hour composite sample is appropriate. It is critical that Rosenboom Machine and Tool and the IGLSD understand that all wastewater (with the exception of sanitary wastes) from the industry be sampled and demonstrate compliance with the TA limits. If there is more than one point of discharge, the additional discharges must be captured and sampled.

**Comment:** “The limits for Polaris-Spirit Lake and Polaris-Milford were established using the Treatment Agreement dated May 1, 2014. Also, maximum mass limits are not included in the current Treatment Agreement, but were added by IDNR using the Treatment Agreement daily maximum concentration for each constituent and the 30-day average flow limit. IGLSD requests maximum mass limits be calculated using the Treatment Agreement daily maximum concentration for each constituent and the daily maximum flow limit. IGLSD also finds the constituent sampling frequency for Polaris-Milford to be excessive. This SIU has installed an advanced automated pretreatment system and performs the same operations at the Polaris-Spirit Lake facility. A once per week sampler frequency was established along with the new Treatment Agreement for this SIU. To date a 6-month sampling baseline has been established with no violations or concerns with Polaris Milford discharge. IGLSD believes a constituent sampling frequency of once per week is more than adequate for this facility and requests the NPDES be changed to reflect this schedule.”

**Response:** Please see the response above that addresses mass limits for CIUs. The monitoring frequency for the Milford facility is currently set at monthly. In a phone call with Steve Anderson on April 16, 2015, Mr. Anderson indicated that IGLSD does not want the monitoring frequency increased to weekly.

**Comment:** IGLSD requested less frequent monitoring for numerous parameters.

**Response:** A variance is required for less frequent monitoring. The facility may submit a variance request to the Department.

#### Iowa Environmental Council

**Comment:** IEC expressed concern that five sanitary sewer overflows (bypasses) were listed in the draft NPDES permit. They asked for the bypasses to be removed if they no longer exist.

**Response:** According to the IGLSD, the five bypasses still have the potential to bypass. These bypasses are captured in the permit and expressly prohibited from bypassing. We believe capturing the existence of the bypasses is appropriate as they can still function as bypasses.

**Comment:** IEC believes that the disinfection schedule is too long and should be reduced to 12 months.

**Response:** The current disinfection system is inoperable. A construction permit is required for the IGLSD to install a new disinfection system or to modify the existing system. The Department has determined that 36 months is an appropriate timeframe to install/modify disinfection when a construction permit is required and meets the requirement of “as soon as possible”.

**Comment:** IEC submitted extensive comments relating to the Milford Creek TMDL.

**Response:** The extent of the comments is greater than can be captured in this responsiveness summary. However, the comments are specific to the TMDL, not the NPDES permit. Public Notice for the TMDL closed on September 4, 2007 and the TMDL was approved by EPA December 11, 2008. The NPDES permit implements the TMDL as written and sets a Total Phosphorus limit as specified in the TMDL.

**Comment:** IEC did not understand the basis upon which metals limits were included in the IGLSD draft permit. They indicated the compliance schedule was not consistent with federal regulations.

**Response:** An incompatible waste screening was completed for the IGLSD facility. This screening compares the treatment agreement (TA) limits for the three metal finishers to the water quality based effluent limits (WQBELs) contained the WLA. The incompatible wastes screening demonstrated reasonable potential for cadmium, chromium, copper, cyanide, lead and silver. Since it was not known if the facility could comply with the limits, a compliance schedule was added for the facility to determine how it would comply with the limits. The Department has determined that 59 months is an appropriate timeframe to comply with the limits and is “as soon as possible”.

**Comment:** IEC felt that the Alternatives Analysis that was approved by the Department should not have been approved as it authorized the addition of incompatible waste to the facility.

**Response:** The Alternatives Analysis was previously placed on public notice and the public comment period has closed.

#### Polaris Industries and Rosenboom Machine and Tool

Polaris Industries and Rosenboom submitted comments/email supporting the IGLSDs comments regarding monitoring and limits included in the draft permit for their facilities. The comments that were addressed above to IGLSD cover the comments submitted by the industries.