RESPONSE TO COMMENTS

Permit Number: SDG860000

Permit: General permit to discharge under the South Dakota Surface Water Discharge System for Water Treatment and Distribution Activities

Permit Type: Response to Comments

The General Permit to discharge under the South Dakota Surface Water Discharge System for Water Treatment and Distribution Activities was offered for public comment on January 30, 2009. During the public notice period, the South Dakota Department of Environment and Natural Resources (SDDENR) received comments on the proposed general permit. SDDENR is providing its response to the comments as required by the Administrative Rules of South Dakota, Section 74:52:05:20.

COMMENTS:

Mid-Dakota Rural Water had the following 10 comments:

1. Need to define "waters of the state". Should probably include a reference to the statute definition of "waters of the state" somewhere early in the permit document.

   SDDENR uses the following definition from the South Dakota Codified Laws 34A-2-2 (12), and will add this definition to the general permit:

   Waters of the state *means all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.*

2. Page 6, section 1.3.2 - We asked if there is a concentration threshold stating what constitutes a "chemical spill" vs. a discharge of water treated with a chemical. The way this is currently written a "discharge" of treated water could constitute a chemical spill.

   Simply put, the general permit does not authorize discharges above the permitted levels and does not authorize the release of chemicals that have not been identified as potential pollutants. To clarify this requirement, SDDENR has made the following changes to Section 1.3.2.:

   The following discharges are not authorized by this general permit:

   1. Water needing treatment for radioactive compounds that does not meet the requirements of the federal Safe Drinking Water Act;

   2. Discharge or spills of treatment chemicals that exceed the established permit limits; or

3. Discharges or spills of chemicals not authorized for release under this general permit.

3. Page 6, section 1.2.3. - This section states that "Discharges to lakes…" are not covered under the permit. This causes some concerns because most rural water systems have facilities near and around "lakes" e.g., lake cabins and businesses. Many times with these accounts we have need to "flush" lines e.g., stale water or we may just have a leak or some other maintenance issue. This section appears to make it a violation if we need to flush or otherwise discharge treated drinking water around or near our lake cabin accounts.

In light of the other requirements in this general permit and the chemicals expected to be present in the discharges, we do not expect this type of discharge to impact a lake. Therefore, we will remove this requirement. However, please note, SDDENR may require an individual permit if a facility's discharge could result in an impact to a lake.

Section 1.2.3. also contained an apparent prohibition on discharges to publicly owned treatment works. It was not SDDENR's intention to prohibit water from drinking water systems from being released into a sanitary sewer system. Instead, this comment was to acknowledge there is a separate permitting system for discharges from a significant industrial user into a publicly owned treatment works. However, as worded, this provision has created confusion for some people.

Most drinking water systems will not meet the definition of a significant industrial user. Therefore, this statement was removed from the final general permit. However, SDDENR may require an individual permit if a facility's discharge would meet the definition of a significant industrial user.

In light of the above discussion, the following sentence was removed from Section 1.2.3:

~~3. Discharges to lakes or a Publicly Owned Treatment Works.~~

4. Page 8, section 2.1, "DW2" – At the end of the first sentence describing a DW2 discharge point add "or associated appurtenances" after the word "lines". This will clarify that some discharges can come from hydrants, clean-outs, blow-offs etc…

SDDENR agrees with this comment and this change has been made. SDDENR also clarified Section 2.1 of the general permit to indicate only those releases that reach waters of the state are considered "discharges." The descriptions of DW1 and DW2 now read:

DW1 Any discharge of raw water or partially treated water from a water treatment plant that reaches waters of the state. This includes, but is not limited to, overflows from treatment units or discharges of untreated source water.

DW2 Any discharge of treated drinking water from water storage units or distribution lines or associated appurtenances that reach waters of the state. This includes, but is not limited to, a discharge of fully treated water from the water treatment plant, line flushing, and overflows and releases from storage units.

5. Page 10, Section 2.3.7 – It's my understanding that most of the state's "coldwater fisheries" are in the Black Hills; however, some areas of the Missouri River are also considered "cold water fisheries". Should clarify if these areas of the Mo. River are included here.

Coldwater fisheries can be very sensitive and, as a result, they typically receive the highest level of protection in our water quality standards. Most of South Dakota's coldwater fisheries are small streams in the Black Hills. However, Mid-Dakota has raised a valid point with respect to the Missouri River. The water quality standards specify a different approach to effluent limits for discharges to the Missouri River. In accordance with ARSD Section 74:51:01:32, discharges to the Missouri River are typically exempt from the effluent limits that apply to most coldwater fisheries in South Dakota. Therefore, Section 2.3.7. has been changed as follows:

Limits for TSS

7. The Total Suspended Solids concentration shall not exceed 90 mg/L in any single sample **(for discharges to all waters, including the Missouri River, except those classified as coldwater permanent fish life propagation waters).**

OR

7. The Total Suspended Solids concentration shall not exceed 30 mg/L in any single sample **(for discharges to waters classified as coldwater permanent fish life propagation waters, with the exception of discharges to the Missouri River).**

6. Page 13, section 3.3.1 – Copy of a Best Management Practice Plan will be very difficult to be retained at a site where a discharge is occurring. In particular where the discharge might be from a pipe break, clean-out, blow-off etc… where there are no facilities in which to keep a copy of a written BMP.

Mid-Dakota has raised a valid point, especially in relation to the maintenance of a rural water system. Therefore, Section 3.3.1. is being clarified as follows:.

1. The plan shall be signed in accordance with the signatory requirements and retained at the facility ~~site where the temporary discharge is occurring~~. Employees must receive training on the plan and have access to the information contained in the plan.

7. Page 19, section 5.7.3.a.(2) – Where it states "There were no feasible alternatives to the bypass,…" should add "apparent" or "readily apparent" feasible alternatives. Hind sight is always 20/20 and someone could make the case that a "feasible" alternative existed if the permittee had given more thought.

This change has been made. However, SDDENR does expect a permittee to update the Best Management Practices Plan as necessary to revise and improve a permittee's response to discharges or bypasses.

8. Page A-4, section VIII A. – Is a “pollution prevention plan” interchangeable with a “Best Management Practice plan”?

Yes, these terms were used interchangeably in the proposed general permit. However, for clarity and to avoid confusion, all references to a pollution prevention plan are being changed to Best Management Practices plan.

9. It’s my understanding in those sections of the permit where a site description is called for on a DW2, the DENR will accept a distribution map of the rural water system as the site description. Anything more specific than a distribution map will cause a lot of difficulty for the water system to show where its DW2 site are.

That is correct. A map of the system will be acceptable.

10. The Hyde Waterfowl Production Project would be a "Water of the State". Since we are not adding fluoride to the water we discharge, would we still be required to test for it?

SDDENR will not require sampling for fluoride if fluoride has not been added to the water discharged and the discharge is not to a water body classified as a domestic water supply. Therefore, we are adding the words “if adding fluoride” to the Fluoride sampling requirements in Section 2.4. Please see SDDENR’s response to comment #22 for more information on fluoride requirements.

The city of Custer had the following 2 comments:

11. It has been general practice to add a dechlorinating agent such as sodium thiosulfate or ascorbic acid when flushing hydrants, however, 2.3 #4 states that no chemical may be added to the discharge unless the SDDENR was notified in writing. Should an exception be noted in the permit or could this be covered in the BMPP?

The general permit does require the permittee to notify SDDENR in writing of chemicals that will be used, including dechlorination chemicals. However, we consider dechlorination an important and valid BMP. We simply need to be aware of which chemicals will be used and for what purpose to allow us to consider the impacts of these chemicals.

12. Is there a possibility of defining a discharge in regards to a minimum reportable amount expressed as quantity or time? I have experienced and can imagine numerous scenarios when/where it would not be practical to sample a discharge because of minimal flow or duration of discharge. Addressing this in the permit would avoid confusion and time for all parties involved in the future.

As stated in sections 2.4.2 and 2.5.2, samples must be taken as often as necessary to provide representative information about the nature and volume of the discharge(s). All discharges of pollutants to waters of the state have to be addressed by the general permit. However, the general permit allows representative sampling. Therefore, permittees will

not be required to sample every discharge, provided the permittee collects representative samples of its discharges. For example, if a section of the distribution system is flushed and discharges occur from a number of separate hydrants, it would not be necessary to collect samples of each discharge point. The permittee would instead be expected to grab a minimum number of samples to demonstrate the overall water quality.

The general permit requires each permittee to develop a sampling plan to ensure representative samples are obtained. Sections 2.5 and 4.1 of the general permit are being expanded to clarify the requirements for representative sampling.

The city of Sioux Falls had the following 29 comments:

13. Recommend that additional key definitions be included in the SWD permit to provide greater clarity to permittee: (examples)
    a. "Waters of the state"-are you using the definition from SDCL 34A-2-2 or ARSD 74:51:01:01.
    b. "Bypass"-what is the states definition of a bypass
    c. "Discharge"-what is states definition of a discharge

The definitions section in the general permit is being updated to include the following definitions

> **Waters of the state** means all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.
>
> A **Bypass** is the intentional diversion of waste streams from any portion of a treatment facility.
>
> **Discharge of a pollutant** means any addition of any pollutant to waters of the state from any point source. "Discharge" when used without qualification indicates a discharge of a pollutant.

14. What are the SDDENR expectations on monitoring and compliance with permit limits for initial discharges from emergency releases prior to the permittee staff arriving on scene to control emergency releases.
    a. Would like to see some level of permit protection for a permittee from the initial discharges when the permittee immediately responds to any known release in accordance with an acceptable emergency response management system and BMP Plan.

SDDENR developed a document entitled a Statement of Basis, which detailed the department's rationale for the requirements in the general permit. This document contained the following statements regarding emergency discharges:

> ***Water Line Breaks and Leak Repairs – Emergency Discharge***
> *Water lines may need to be pumped out as part of repairing a potable water line break or leak. Line breaks and leaks are usually limited to a small section of pipe,*

but may involve a very large amount of water. The general permit requires the permittee to take any reasonable measures to minimize the impact from a release of this sort.

The principal pollutant of concern would be soils surrounding the line break or leak, in the form of Total Suspended Solids (TSS). Filtration or sedimentation would lower the amounts of soil being discharged. However, leaks and line breaks are considered emergency discharges, and are not subject to effluent limits. The permittee is required to develop a Best Management Practices plan for responding to emergency discharges and minimizing the impact of discharges. See Section 5.7, Emergency Releases and Bypass of Treatment Facilities, of the general permit.

SDDENR believes that if a permittee promptly responds to an emergency discharge in accordance with a best management practice plan, there will be little or no impact in most cases. Therefore, SDDENR is not requiring monitoring and these discharges are not subject to the effluent limits in the general permit.

However, this general permit does not authorize negative impacts to the environment, whether from routine or emergency discharges. A permittee could be held responsible for negative impacts resulting from its discharge, particularly fish kills or other impairments of a water body.

15. Provide greater clarification that discharges from these activities that do not reach the "waters of the state" are not subject to this general permit.

SDDENR has made several changes to help clarify that this general permit is for discharges of pollutants that actually reach waters of the state:

- *The cover page has been changed to more clearly state this general permit is for discharges from water treatment and/or distribution systems. The water bodies expected to receive the discharges will be stated on the cover page, to the extent practicable.*
- *As requested above in Comment #13, SDDENR has clarified that the term "discharge" means a discharge to waters of the state. This definition also states that unless noted otherwise, the term "discharge" refers to a discharge to waters of the state. Since the definition now provides this clarification, SDDENR did not change every reference to "discharge", unless it was necessary to clearly communicate our intentions.*
- *Section 1.1 has been clarified to state: "Discharges of pollutants to waters of the state may occur due to overflow from treatment and storage units, filter backwash water, disinfection and line flushing, or line breakages within the State of South Dakota.*
- *Section 1.2 has been clarified to state: "This general permit shall authorize the following discharges of pollutants to waters of the state associated with the*

operation of water treatment plants and distribution systems within the state of South Dakota …

- *The description of Outfall DW1 in Section 2.1 has been clarified to define "Any discharge of raw water or partially treated water from a water treatment plant that reaches waters of the state . This includes, but is not limited to, overflows from treatment units or discharges of untreated source water. The description of Outfall DW2 has been clarified to define "Any discharge of treated drinking water from water storage units or distribution lines or associated appurtenances that reaches waters of the state.*

16. Since the major pollutants of concern (e.g. ammonia and chlorine) from these types of discharges are degraded in short periods of time is it necessary to require monitoring and compliance of limits in the following situation:
    a. Discharge is to sections of the "waters of the state" (e.g. watercourse, waterway or drainage system) that are ephemeral in nature and dry at the time of discharge and the discharge does not reach an active water body.

    In Section 2.3 of the general permit the limit for chlorine at outfall DW2 currently states "The limit does not apply if the drainage way is dry and does not reach another waterbody." A similar statement has been added to the ammonia limits for outfall DW2.

17. There was a desire to have this SWD general permit also cover other discharges like City pools. Does your interpretation of Section 1.2 7. of this SWD permit allow coverage for these types of discharges?

    SDDENR did consider including such discharges as city pools during the development of this general permit. However, we found this was not a good fit and only served to confuse many of the requirements. Therefore, discharges such as city pools are not addressed by this general permit.

    SDDENR is still considering the possibility of developing a separate general permit designed to cover discharges from pools in the future.

18. Appears to be inconsistencies between Statement of Basis (SOB) and the SWD permit and its Notice of Intent (NOI).
    a. Line breaks and leaks are defined in SOB as emergencies that do not require monitoring. While in the SWD permit would be considered unanticipated bypasses requiring notification of the State within 24 hours.
    b. Throughout the SWD permit and SOB the terms Best Management Practices (BMP) Plan and Pollution Prevention (P2) Plan are used. We recommend if it is your intent that these terms are the same that you use one common term to prevent confusion. City would prefer the use of Pollution Prevention Plan which can incorporate BMPs.

    a. During a line break, the permittee is not required to sample the water released or meet the effluent limits in Section 2.3. However, the permittee is required to notify

the department the release has occurred. To help streamline the reporting requirements, the department has established an email address for reporting emergency discharges under this general permit:

DENR.SWDreporting@state.sd.us.

Section 4.7 will be reworded slightly to address any confusion. The following changes have been made to Section 4.7:

4.7 Twenty-four Hour ~~Notice of Non-Compliance~~ Reporting

1. The permittee shall report any noncompliance which may endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the State of South Dakota at (605) 773-3231 and the EPA, Region VIII, Emergency Response Branch at (303) 293-1788.

2. The following ~~occurrences of noncompliance~~ discharges shall be reported to the Secretary by telephone at (605) 773-3351 or by email at DENR.SWDreporting@state.sd.us by the first workday (8:00 a.m. – 5:00 p.m. Central Time) following the day the permittee became aware of the circumstances:

   a. Any ~~unanticipated bypass~~ discharge which exceeds any effluent limit in the general permit (See Section **5.7 – Emergency Releases and Bypass of Treatment Facilities**);
   b. Any upset which exceeds any effluent limit in the permit (See Section **5.8 – Upset Conditions**);
   c. Violation of a maximum daily discharge limit for any of the pollutants listed in the permit ~~to be reported within 24 hours~~; or
   d. Any water line break or other emergency discharge that results in a discharge of pollutants to waters of the state.

3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:

   a. A description of the noncompliance or emergency, and its cause;
   b. The period of noncompliance or emergency discharge, including exact dates and times;
   c. The estimated length of time the discharge is expected to continue if it has not been corrected; and,
   d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance or emergency.

4. The Secretary may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Surface Water Quality Program, South Dakota Department of Environment and Natural Resources, Pierre, (605) 773-3351.

5. Reports shall be submitted to the addresses in Section **4.3 – Reporting of Monitoring Results**.

In addition to the changes to Section 4.7, the words "line breaks" are being removed from the SOB description of outfall DW2.

b. The department agrees with this comments. These terms were used interchangeably in the original draft of the general permit. All uses of the phrase "Pollution Prevention Plan" have now been changed to "Best Management Practices Plan."

19. On page 5 of your SOB you state that the USEPA is currently reviewing the need for technology-based effluent limits. Hasn't the USEPA completed this review and determined that there is not a need for ELG on these discharges?

No, EPA is still proposing to develop these rules. The following is an excerpt from the USEPA's website on potential drinking water guidelines:

> We are beginning a new rulemaking to address the direct discharge of drinking water treatment residuals to surface water, together with the indirect discharge of residuals to wastewater treatment plants. This rulemaking, titled "Drinking Water Treatment Effluent Guidelines," may include large, as well as medium and small, drinking water facilities that discharge suspended solids, aluminum salts, organic matters, radionuclides, iron salts, polymer, lime, arsenic, desalination concentrates, or other residuals.

Additional information is available at the following USEPA website: http://www.epa.gov/guide/dw/. The department will continue to following this rulemaking to ensure South Dakota's facilities are aware of any changes in the discharge requirements.

20. A suggested BMP for ammonia control is that the water provider could certify that they never add more than 1 mg/L of ammonia to the treated water to create chloramines. If less than 1 mg/L of ammonia is added at the treatment plant, there should never be more than 1 mg/L ammonia in any water discharged. If your chlorine residual leaving the treatment plant is less than 4 mg/L and you follow correct procedures for creating chloramines, the amount of ammonia should be less than 1.0 mg/L.

Pump problems, spills, and other factors could lead to over-dosing in spite of the intended operational procedures. Sampling is needed to ensure ammonia is not present at a level that could impact aquatic life.

The sampling required in this general permit will give the department excellent information about the levels of ammonia typically present in the discharges of chloraminated drinking water. If this sampling demonstrates ammonia is not an issue in the majority of discharges, the requirements of the general permit will be re-evaluated in the future.

21. Please explain the rational for requiring sampling and testing for conductivity, total alkalinity, fluoride, temperature, and sulfate in water discharged from outfall DW1 and not assigning numerical limits to these parameters – and then not requiring the same

sampling and analysis from Outfall DW2? Would not these so called contaminants potentially be in both waters?

The state has established water quality standards for each of these parameters, which will potentially be present in a discharge from a water treatment facility. The department did not believe these parameters would be present at levels that would impair the state's water quality. Therefore, we did not include limits for these parameters at this time. However, we do believe monitoring is necessary to ensure this assumption is correct and to allow us to either justify reducing the monitoring or include limits in the future.

The discharges from treatment facilities (Outfall DW1) have a higher potential to contain these parameters. In addition, most distribution line discharges (Outfall DW2) are infrequent in nature. Therefore, in an effort to keep monitoring costs to a minimum, the department focused the monitoring efforts in the general permit on Outfall DW1. Based on an analysis of this data, the department will determine future monitoring requirements when the general permit is renewed in five years.

22. Fluoride is added to all drinking water in the State of South Dakota by law. Fluoride is discharged by all wastewater treatment plants to surface water of the state as it is not removed by conventional wastewater treatment processes. There is no rational reason to require the sampling and analysis of fluoride in discharges from Outfall DW1. If there is a chemical spill that results in a discharge of fluoride, this general discharge permit will not cover that discharge. Removing this requirement will reduce sampling, analysis, and costs for cities and or water utilities that must be in compliance with this discharge permit.

    South Dakota surface water quality standards designate beneficial uses for South Dakota's water bodies. To ensure the protection of these uses, the department has established water quality criteria that must be met. Water bodies that have been designated as drinking water supplies contain a water quality standard for fluoride. Since these discharges do have the potential to contain fluoride (due to state and federal fluoridation requirements), we need to ensure this general permit does not authorize a discharge that could impair a stream's beneficial uses. This is the rationale for including an effluent limit on fluoride in the general permit.

    However, in response to this comment, the department reviewed its original intent with this limit. The general permit is being revised to clarify that sampling and limits are only required if fluoride has been added to the water discharged ***and*** *the receiving stream is classified for the beneficial use of domestic water supply waters. This will ensure the water quality standards are maintained and that sampling is required only where necessary to establish the standards are met.*

    See SDDENR's response to comment #10 for the revised language.

23. A suggested BMP for sulfate is the water provider may certify that the plant does not add any treatment chemicals that will increase the amount of sulfate in the water. This will

reduce sampling, analysis, and costs for cities and or water utilities that must be in compliance with this discharge permit.

See comment 21.

24. Because most discharges from the treatment plant (Outfall DW1) will be very short in nature – maybe the frequency of sample collection and analysis should be "per event" in stead of "weekly".

    Weekly samples are intended to capture both short and long discharges. If a single discharge is longer than one week, more than one sample is required by the general permit and SDDENR believes this analysis is important. However, we also require sampling only during a discharge. If there is no discharge in a week, no weekly sample would be necessary.

25. The rational for a TDS limit on discharges from a water treatment plant (Outfall DW1) are questioned. Most discharges from a water treatment plant in South Dakota will not have a TDS concentration above 1000 mg/L – even after chemical addition. The only facilities that may exceed this threshold are those with a raw water TDS concentration above 1000 mg/L, or the waste stream discharge from a membrane plant. It is recommended that DENR request TDS information in the NOI to determine if TDS should be regulated in the final discharge permit. This will save utilities and cities time and money.

    We expect the water quality can vary significantly between different treatment processes. For example, lime softening is likely to have higher dissolved solids. In addition, some water bodies in South Dakota have naturally high levels and the treatment processes employed may further increase these levels in the water discharged. Therefore, for this general permit, SDDENR believes the limits are necessary and appropriate for Outfall DW1.

    However, SDDENR does have some latitude in how to regulate the discharge of total dissolved solids in a facility's discharge on a case-by-case basis considering site-specific conditions. If your facility has significantly different circumstances or you wish to pursue a more site-specific permit, we encourage you to request an individual permit.

26. What will be the consequences if an operator stops an overflow prior to collecting a sample? (Note: the cause of the overflow (pump malfunction) may be several miles from the actual overflow (water tower)). If the pump issue is fixed, this stops the overflow and then there will be no water to sample.

    We expect facilities will make a reasonable effort made to sample a discharge or document why it was not possible. In the example of an overflow that is remotely stopped without a site visit, documentation of the steps the permittee took to stop the discharge would suffice. If the overflow was found in the field or an actual site visit was needed to

stop the discharge, DENR expects it would be reasonable to obtain a sample in most cases.

DENR also expects permittees to make reasonable efforts to stop an unexpected or emergency discharge. The department is not advocating continuing a discharge simply for the sake of obtaining a water quality sample. The permittee's first priority would be to stop the discharge.

Finally, as noted above in comment #14, the general permit does not require sampling an emergency discharge. Therefore, SDDENR believes these requirements are reasonable and still allow a permittee some flexibility.

27. On the Discharge Monitoring Summary Form – outfall DW2, in the Analytical results table, you list Total Dissolved Solids. This parameter is not listed as being required for DW2 anywhere in the document.

    That is correct, thank you for noting this error. The reporting for total dissolved solids has been removed from the Discharge Monitoring Summary form for DW2.

    In response to this comment, SDDENR thoroughly re-reviewed the sampling and reporting requirements for Outfall DW2. We noted two other errors:

    a. The general permit requires the total flow in gallons be reported; the form requested the information in million gallons.
    b. The general permit requires the flow rate be reported; the form does not include a spot for recording this information.

    SDDENR corrected the Discharge Monitoring Summary from for DW2 to make it consistent with the requirements in the general permit.

28. On the Discharge Monitoring Summary Form – outfall DW1, in the Analytical results table, you do not list Conductivity or Total Alkalinity. These parameters are listed as being required for outfall DW1.

    That is correct, thank you for noting this error. The reporting requirements for conductivity and alkalinity have been added to the Discharge Monitoring Summary form for DW1.

    In response to this comment, SDDENR thoroughly re-reviewed the sampling and reporting requirements for Outfall DW1. We noted three other errors:

    a. The general permit requires the total flow in gallons be reported; the form requested the information in million gallons.
    b. The general permit requires the flow rate be reported in gallons per day; the form requested the information in million gallons per day.

c. The general permit requires "total sulfate" be reported; the form requested "sulfate" be reported.

SDDENR corrected the Discharge Monitoring Summary from for DW1 to make it consistent with the requirements in the general permit.

29. Is there a better way to create a discharge monitoring summary form for outfall DW2? For some communities that are rapidly expanding, there can be a planned discharge from the water system every workday. This form will require a significant amount of time and coordination between distribution system crews, sampling crews, and lab staff. Maybe 2 forms can be generated – one for planned discharges (hydrant flushing, new line flushing etc) and one for unplanned discharges (tank overflows etc).

    We believe these forms work well for the majority of dischargers. Since the general permit allows facilities to collect representative samples, daily sampling will likely not be required for permittees. We encourage the implementation and use of a representative sampling plan for rapidly expanding communities, or other facilities that expect frequent discharges of similar water.

    In addition, as noted in the response to comment #14, monitoring is not required for emergency discharges.

30. For water systems that serve developments around lakes, how do utilities control discharges that are likely to enter the lake? (This permit does not cover discharges into lakes).

    As noted in SDDENR's response to comment #3, we have removed this requirement.

31. If BMPs can reduce sampling for TSS and Total Residual Chlorine, suggest creating BMPs to reduce sampling for ammonia and pH. This could reduce sampling to weekly for pH and ammonia along with TSS and Total Residual Chlorine. For lab staff to collect daily samples for pH and ammonia only is not an efficient use of their time.

    As noted in the Statement of Basis and in this response to comments, SDDENR is strongly encouraging the use of representative sampling so the sampling and analysis requirements are not excessive for a facility.

32. For DW1, suggest require monitoring for chlorine and ammonia only after these chemicals have been added at the treatment plant. If a discharge occurs prior to these chemicals being added, there is no reason for them to be monitored.

    DENR agrees with this comment and we appreciate the opportunity to clarify our intent in the general permit. SDDENR has included the phrases "if adding chlorine", "if adding ammonia", or "if adding fluoride" into the monitoring requirements for each of these parameters. Monitoring is only required if these parameters have been added to the water that is discharged.

33. Section 2.1
    a. Add Outfall DW3 – for any other discharges designated in NOI and authorized in Section 1.2 7. or make DW2 language more inclusive to allow any other authorized discharge.

The descriptions for the outfalls are being amended to add "but is not limited to" after the word includes. SDDENR attempted to encompass all likely sources of a discharge into either DW1 or DW2. However, if there is a source of discharge that is significantly different than either DW1 or DW2, SDDENR will need to either modify the general permit or issue an individual permit.

34. Section 2.4 2. Table
    a. Recommend deleting "days" in first column of fourth row since the majority of duration of discharges will be less than one day.

We do want to know the number of days that discharges occur, since the discharges may have occurred from different points throughout the system. If more explanation is needed, a cover letter can be included with the discharge report.

35. Section 2.4 2 Table footnote 4 (recommend the following language)
    a. Monitoring of ammonia is required only if permittee is adding ammonia in quantities that have the potential for the final treated water to exceed 1.0 mg/L of ammonia.

See SDDENR's response to comment #20.

36. Section 2.5 2. Table
    a. Recommend deleting "days" in first column of third row since the majority of durations of discharges will be less than one day.

See SDDENR's response to comment #34.

37. Section 2.5 2 Table footnote 5 (recommend the following language)
    a. Monitoring of ammonia is required only if permittee is adding ammonia in quantities that have the potential for the final treated water to exceed 1.0 mg/L of ammonia.

See SDDENR's response to comment #20.

38. Section 4.7
    a. Correct repeating the number 1. Subsection.

Thank you, this error has been corrected.

39. Section 4.7 2. c.
    a. Requiring the violation of a maximum daily discharge limit within 24 hours is in conflict with the general text of this section requiring that it be reported by the first workday.

Thank you for noting that inconsistency. The requirement for reporting within 24 hours has been removed from Section 4.7.2.c. These violations must be reported by the first business day following the day the permittee became aware of the violation.

40. Section 4.7 2. d.
    a. We thank the SDDENR for adding this sub section. We still have concern about the necessity of the excessive reporting of every minor emergency discharge from a line break. Our City can have up to 100 emergency releases per year. We would recommend one of the following reporting alternatives for minor releases that may not endanger health or environment.
        1. Releases summarized in the monthly discharge monitoring summary required in Section 4.3 of this permit. Or
        2. Releases may be reported electronically by e-mail

SDDENR agrees with this comment, and will allow releases to be reported electronically to the following email address: DENR.SWDreporting@state.sd.us. *This email address has been added to the general permit.*

41. Section 4.7 4. (recommend the following language)
    a. The Secretary may waive or delay the written report on a case-by-case basis if the oral report has been received by the Surface Water Quality Program, South Dakota Department of Environment and Natural Resources, Pierre in accordance with Sections 1. and 2. above.

SDDENR agrees with this comment and this change is being made to Section 4.7.4 of the general permit.

SPN & Associates had the following comment:

42. The second paragraph on Page 4 states, "However, leaks and line breaks are considered emergency discharges, and are not subject to effluent limits."

    The description for Outfall DW2 includes water from line breaks and therefore makes any water from this source subject to the effluent limitations as listed for the Outfall DW2. This description and requirement is carried forward to the Permit definition and requirements as set forth in Section 2.1 (page 8 of 23) of the permit.

    The general permit has been changed to clarify that emergency discharges are addressed by the general permit, but are not required to be monitored. For addition discussion on SDDENR's changes, see comment #18.

The following changes are being made to the general permit for formatting reasons:

Some of the page number had to be adjusted slightly to accommodate the changes outlined above. All substantive changes to the general permit that was offered for public comment have been documented in this response to the comments received by SDDENR. These formatting changes do not result in any change to the meaning or intent of the general permit.

PERMIT EXPIRATION

This permit will be issued with an effective date of April 1, 2010, and an expiration date of March 31, 2015.

CONTACT

Any questions pertaining to the response to comments or the general permit can be directed to Anthony Mueske, Natural Resources Project Engineer for the Surface Water Quality Program at (605) 773-3351.

March 1, 2010