Message

From: Ott, Ellie (ECY) [EKEY461@ECY.WA.GOV]
Sent: 11/15/2018 10:57:47 PM
To: Wu, Jennifer [Wu.Jennifer@epa.gov]
Subject: RE: LC - John Day
Attachments: ATT00001.txt

Hey Jenny – Yep, I'll be around the week of the 26th. It looks like Wednesday, Thursday and Friday are most open for me. But, if you need to connect earlier that week, I can move some things around.

Ellie

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From: Wu, Jennifer [mailto:Wu.Jennifer@epa.gov]
Sent: Thursday, November 15, 2018 1:53 PM
To: Ott, Ellie (ECY) <EKEY461@ECY.WA.GOV>
Subject: RE: LC - John Day

Thanks again for sending these comments. They help a lot for me to be able to get started. Once you send all the comments, let's plan on talking – maybe the week of November 26. Are you around then?

From: Ott, Ellie (ECY) <EKEY461@ECY.WA.GOV>
Sent: Thursday, November 15, 2018 12:19 PM
To: Wu, Jennifer <Wu.Jennifer@epa.gov>
Subject: LC - John Day

And, the last one for the L.C.. It's helpful that the permit conditions are all very similar…not much change in these, either.

John Day Project:

- Page 2; The schedule of submittals is incomplete based on the requirements of the permit. For example, it does not include the Annual Adaptive Management Report for the BMP Plan. Having all submittals listed up front will avoid confusion in this first permit cycle.
- Effluent Limitations and Monitoring:
  - Consider adding a requirement for photographic documentation to substantiate the observation of the receiving water in the vicinity of the effluent discharge.
  - The permit contains no mechanism to verify that PCBs are not being discharged. Characterization and effectiveness monitoring needs to be a part of the permit requirements to inform BMP implementation. (see comments on BMP section).
  - Tables 1/2/3: How is flow to be measured once per month at these outfalls assuming these are continuous discharges? Ecology recommends continuous flow recording to assist in limit development in the next permit and to verify discharge volumes listed in the fact sheet for all cooling water and other

continuous discharges. If outfalls associated with drainage sumps do not have continuous discharges and are based on the frequency of emptying a sump via pumping, then clarify that the flow rate should be recorded during every discharge event.

- Tables 1/2/3: Frequency of pH and oil & grease reporting should be more frequent for the continuous discharge. At least through the first few years of the permit. If monitoring shows consistent results, the permittee may request a reduction in monitoring. Also, how does EPA expect to assess compliance of the O&G daily maximum with only one grab sample per month?
- Temperature monitoring listed in Tables 1 and 2 needs clarification.
  - Please correct the 7-DADM definition as it is the average of seven consecutive measures of daily maximum temperature. The 7-DADM for any individual day is calculated by averaging that day's daily maximum temperature with the daily maximum temperatures of the three days prior and the three days after that date.
  - Ecology suggests including the other temperature reporting requirements (see I.B.10.a) in Tables 1 and 2 for clarity. Also, we recommend revising the monitoring data to include: maximum daily temperature, monthly average, and the 7-DADM. It currently requires a monthly instantaneous maximum and a maximum daily average in addition to the 7-DADM. In addition, the 2003 Ecology document referenced in this section for continuous temperature sampling sets a half-hour recording interval rather than a one-hour interval. Please consider correcting the device recording frequency.
  - The permit contains no requirements for upstream and/or downstream temperature monitoring. How will limits be assessed in the next permit cycle without the receiving water data (which appears to be lacking based on information contained in the fact sheet)?
  - Outfalls 20 and 21 seem to have been left out of the narrative requirements for temperature monitoring – monitoring is only listed in Table 2.
  - For temperature samples that occur once per month in the effluent, please specify that these need to be taken at the same time every day for purposes of a direct comparison.
- Monitoring tables do not include any monitoring specific to BMP effectiveness evaluations.

- Special Conditions:
  - *QAP*: The requirements for the Quality Assurance Plan do not indicate that the QAP is subject to EPA review and approval. As a permit submittal that forms the basis of the self-reporting requirements, Ecology believes that the document (and any subsequent revisions) should be subject to agency approval.
  - *BMP Plan*: The plan must be prepared in accordance with good engineering practices; however, there is no requirement for this report to be signed/sealed by a registered professional engineer. Please clarify whether or not EPA intends the BMP Plan to be prepared by a WA State registered professional engineer. Otherwise, qualify what is meant by good engineering practices.
  - *BMP Plan*: Ecology does not support delay of preparation and compliance of the BMP plan with approval from the Director in writing. If this were to occur, per 40 CFR 122.62, a permit modification complete with a public notice is required to delay the submittal. See public notice requirements in Part 124 or EPA Permit Writers Manual, Chapter 11, Section 11.4.2
  - *BMP Plan:* This section does not include a specific provision for EPA review and approval. As a permit submittal the initial report and any annual updates should be reviewed (and approved) to ensure completeness and accuracy. Please revise B.3.c to include specific language about submission requirements and subsequent approval by the Director or an authorized representative.
  - *BMP Plan:* Use of a BMP infers that there is reasonable potential to violate a water quality standard. Plan requirements involve amendments when there are changes in design, etc. at the facility. How will the facility know that the implemented BMPs are correctly functioning as installed without effectiveness monitoring? This is especially the case regarding release of any PCB containing fluids. Also, as written the plan does not include a quantifiable source reduction requirement. Appendix B requires a summary of existing discharge data; however, the sampling requirements listed in Section I of the draft permit do not substantiate the adaptive management process that makes a BMP process successful. Note: effectiveness monitoring does not need to use 40 CFR 136 methods. For some

parameters, these methods are not sensitive enough to form the basis of an adaptive management/BMP approach.

- *BMP Plan:* The Annual Report submission requirement does not clearly explain the analysis expected. Please revise to ensure the permittee knows that this annual report needs to evaluate the effectiveness of all BMPs implemented onsite, what was effective, what was not effective (and needed changing) and the adaptive management that occurred as a result.
- *BMP Plan:* Please indicate if BMP incident written reports to EPA and Ecology are required within 7 business or calendar days.
- *EAL:* The requirements for the environmentally acceptable lubricants do not indicate that the document subject to EPA review and approval. As a permit submittal that forms the basis of the self-reporting requirements, Ecology believes that the document (and any subsequent revisions) should be subject to agency approval.
- *CWIS:* Both the fact sheet and the permit do not contain any design information related to each CWIS at this facility. Consider a requirement to identify existing construction of each CWIS to ensure that it is possible to comply with the system of technologies detailed in the Fish Passage Plans.
- *CWIS:* All documents prepared by the permittee and submitted to EPA under this section should undergo formal review and approval.
- *CWIS:* The permit contains no specific requirement (other than in II.D.6) for an operations and maintenance manual. Please include a requirement for submitting an approvable O&M Manual for all CWI structures at the facility. Any major changes or updates should also be a required submittal. Contents of the manual should include the procedures for evaluating and reporting impingement and entrainment for each CWIS.
- *CWIS:* Include a provision that the permit in no way authorizes take for purposes of a facility's compliance with the Endangered Species Act.
- *CWIS:* The EPA should specify that the 316(b) Annual Report is subject to review and approval.
- *CWIS:* Consider adding a provision for an entrainment and/or impingement study requirement in the event the application of EPA's BTA are not effective.
- *III.G.2:* Indicate if reporting is required within five business days or calendar days. Also, provide the phone number and address for all non-compliance reporting. None is currently listed in this section.
- *IV.G.2:* Anticipated Bypass – Ecology asks EPA to consider including conditions related to the written notice required when the permittee notifies EPA of an anticipated bypass. These include a description of the bypass and reason it's necessary, analysis of alternatives that would eliminate, reduce, or remove potential impacts, the expected duration, projected date, compliance with NEPA/SEPA, plans to reduce reoccurrence of bypass.

- Appendix A: consider listing the approved method for each parameter and dual reporting limits, if possible. No TSS monitoring is required in the draft permit; however, the fact sheet does mention that TSS can be a pollutant contained in the discharge. Please review the monitoring/effluent limit tables to ensure they capture all pollutants that have reasonable potential to violate water quality standards.
- Appendix B: 2.c. Please clarify what is meant by 'PCB free'.
- Appendix B: Spill and leak documentation should also include a requirement to document why the spill occurred, the volume and what was done to remedy the issue. This should be part of the annual report's adaptive management requirements if a spill occurs during the permit term.

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