

## DEQ response to comments

### WPCF Permit: New City of John Day Applicant Review Draft

File number: 43569

February 23, 2022

#### Overview

DEQ accepted applicant review comment on the proposed draft WPCF permit. This document provides a summary of each comment and a response from DEQ. A record of these responses to comment are delivered to the city and stored in the administrative record.

Original comments are on file with DEQ.

#### 1. **Comment: Requiring surface water monitoring could make the city responsible for any upstream conditions.**

Response: DEQ is requiring surface water monitoring both upstream and downstream to account for upstream conditions. In addition, there are no surface water limits identified in the draft permit. This monitoring is necessary to obtain the data needed to assure surface water quality is protected.

No changes to the permit were made based on this comment.

#### 2. **Comment: It is unclear how low flow conditions, coupled with very warm ambient water and air temperatures may have impacted river water quality.**

Response: DEQ is requiring surface water monitoring both upstream and downstream to account for these variable conditions.

No changes to the permit were made based on this comment.

#### 3. **Comment: In April 2019, the flows at the location of the treatment plant exceeded 2,000 cfs – more than 100 times higher than the flows observed in 2021. These extreme fluctuations in background water levels and conditions make it impossible for the City to achieve levels that are background or lower because we cannot obtain consistent background conditions.**

Response: DEQ agrees that fluctuations in the John Day River will have significant effects on groundwater conditions making permit compliance difficult with the stated groundwater compliance monitoring.

The permit compliance monitoring has been changed to address this concern.

#### 4. **Comment: Variability in measurements within the John Day River and the river's impact on groundwater are likely independent of the City's wastewater treatment plant, which is not a direct discharger, and would contribute an amount of water relative to the John Day River that is too small to quantify, resulting in statistically insignificant data even if it were a direct discharger.**

Response: DEQ agrees that the volume of effluent produced by the proposed treatment facility is relatively small in comparison to the volume flowing in the John Day River however DEQ must address the accumulative effects of multiple small dischargers that could result in adverse effects in the river.

Version 1.0 1/12/2021



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No changes to the permit were made based on this comment.

- 5. Comment: The requirement in a WPCF permit to conduct surface water monitoring has the potential to set a precedent for small, rural utilities that could lead third parties (in addition to DEQ) to take legal action against rural utilities for environmental conditions that cannot be directly attributed to their utility system but that are nevertheless not financially sustainable to defend.**

Response: There is always potential for a third-party lawsuit. DEQ is requiring surface water monitoring both upstream and downstream to account for upstream conditions.

No changes to the permit were made based on this comment.

- 6. Comment: We should only be held accountable for our discharge measured at the point our treated wastewater enters the subsurface infiltration galleries, which we can control and monitor independent of these other factors.**

Response: DEQ agrees to change the permit compliance point for the city.

The permit compliance monitoring has been changed to address this concern.

- 7. Comment: Spot measurements of flow velocity and other conditions within the John Day River channel taken in real time have tremendous scientific value for the watershed but should not be a requirement of a WPCF permit. If included, they could potentially result in fines and costs of operations that are not financially sustainable for our community.**

Response: DEQ recognizes the financial burden associated with requiring surface water monitoring however this data is necessary for DEQ's evaluation of the city's activities. To try and alleviate some of this burden, DEQ included a clause in the original draft that could enable the city to reduce or cease surface water sampling in the future.

No changes to the permit were made based on this comment.

- 8. Comment: The City requests the proposed effluent concentrations for BOD5, TDS, and Total-N be defined as a single concentration, not tied to background levels, and the compliance point be located at the 'end of pipe' going into the infiltration gallery. Also, 'end of pipe' compliance should eliminate the need for groundwater monitoring if end of pipe constituents as presented in the draft permit remain at groundwater standards**

Response: DEQ agrees that natural background fluctuations will have significant effects on groundwater conditions making permit compliance difficult with the stated groundwater compliance monitoring and has changed the permit compliance point to "end of pipe". With the disposal of treated effluent to rapid infiltration basins, DEQ will continue to require groundwater monitoring.

The permit compliance monitoring has been changed to address this concern and permit limits associated with groundwater concentrations have been removed.

- 9. Comment: Schedule A, Part 4.a: "Treated and used according to the criteria listed in Table A1" should reference Table A2.**

Response: Typo noted, and correction made.

The permit has been modified to address this typo.

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- 10. Comment: Schedule A, Part 7. Effluent Benchmarks for Outfall 001 – Total Coliform: The City requests the testing criteria be modified to more accurately reflect water quality protection goals for this discharge and total coliform limit be applied only to the Recycled Water Outfall 002.**

Response: DEQ agrees with the requested modification and has set the current draft permit limits based on secondary wastewater treatment standards.

The permit has been modified to address this change.

- 11. Comment: Schedule B, Part 1 Reporting Requirements – Groundwater Monitoring: The City requests the Due Date proposed be modified to recognize that the city can submit the first set of Groundwater Monitoring data only after the Groundwater Monitoring Plan has been approved by DEQ.**

Response: DEQ agrees with the requested modification.

The permit has been modified to address this change.

- 12. Comment: Schedule B, Part 1 Reporting Requirements – Surface Water Monitoring Plan: The City requests the Surface Water Monitoring Plan be removed from the Reporting Requirements.**

Response: DEQ is requiring surface water monitoring to facilitate the evaluation of the environmental effects of these activities and ensure the permit is protective of the environment.

No changes to the permit were made based on this comment.

- 13. Comment: Schedule B, Part 1 Reporting Requirements – Industrial User Survey: The City requests the Due Date be modified so it is due 12 months after the effective date of the permit.**

Response: The due date for the industrial user survey has been adjusted to be completed in 2024 (when the plant is anticipated to be constructed).

The permit has been modified to address this change.

- 14. Comment: Schedule B, Part 3 Monitoring and Reporting – Table B2 Influent Monitoring Requirements: Please clarify if in the Minimum Frequency of ‘Weekly’ for BOD5, TSS, and pH, ‘Weekly’ refers to 1 per week.**

Response: Permit text has been modified for clarity.

The permit has been modified to address this change.

- 15. Comment: Schedule B, Part 3 Monitoring and Reporting – Table B2 Influent Monitoring Requirements, Septage: The Item or Parameter noted as “Septage” should be changed to “Hauled Waste”.**

Response: Permit text has been modified.

The permit has been modified to address this change.



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**16. Comment: Schedule B, Part 3 Monitoring and Reporting – Table B3 Effluent Monitoring Requirements: Please clarify if the Minimum Frequency of ‘Weekly’ listed for BOD5, TSS, pH, and Total Coliform refers to 1 per week.**

Response: Permit text has been modified for clarity.

The permit has been modified to address this change.

**17. Comment: Table 2-1 List of Outfalls: The Design Flow and Existing Flow do not match flow projections of Current Average Annual Flow is 0.236 MGD and the Future (2042) Average Annual Flow as 0.282 MGD.**

Response: Permit text has been modified.

The permit has been modified to address this change.

## Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).



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