pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

NORTHEAST REGIONAL OFFICE
CLEAN WATER PROGRAM

NPDES PERMIT FACT SHEET ADDENDUM

Application Type	**Renewal**	Application No.	**PA0052167**
Facility Type	**Sewage**	APS ID	**576879**
Major / Minor	**Major**	Authorization ID	**1422103**

Applicant and Facility Information

Applicant Name	**Wind Gap Municipal Authority**	Facility Name	**Wind Gap Municipal Authority WWTP**
Applicant Address	578 Abel Colony Road	Facility Address	578 Abel Colony Road
	Wind Gap, PA 18091-9506		Wind Gap, PA 18091-9506
Applicant Contact	Terry Miklas	Facility Contact	Terry Miklas
Applicant Phone	(610) 863-9266	Facility Phone	(610) 863-9266
Client ID	61463	Site ID	238851
SIC Code	4952	Municipality	Plainfield Township
SIC Description	Trans. & Utilities - Sewerage Systems	County	Northampton
Date Published in PA Bulletin	May 4, 2024	EPA Waived?	No
Comment Period End Date	June 3, 2024	If No, Reason	Major Facility

Purpose of Application: Renewal of NPDES permit.

Internal Review and Recommendations

Public notification of draft permit issuance was published in the PA Bulletin on May 4, 2024. During the 30-day comment period, one comment was received from the EPA and two comments were received from the permittee. The comments and DEP responses are below. Due to changes being made to the permit, it will be re-drafted, and another public comment period will be provided.

EPA Comment:

"EPA regulations at 40 C.F.R. 122.44(d)(1)(v) require NPDES permits to contain WET limits where a discharge has been shown to cause, have the reasonable potential to cause, or contribute to an in-stream excursion of a narrative criterion unless the permitting authority demonstrates that chemical-specific limits are appropriate to address the toxicity. As discussed in the permit writer's manual (page 6-40), chemical-specific limits may be appropriate when the permitting authority has been able to determine the specific pollutants that are the source of toxicity. The fact sheet states PADEP believes the new toxic WQBELs will help control the toxicity; however, the basis for that statement is unclear and it does not appear the demonstration required by the regulation has been made. EPA's *Technical Support Document*, Section 3.3.7, provides some guidance on this scenario: "To make this demonstration that chemical-specific limits are sufficient, additional effluent information will be needed. EPA recommends that the discharger conduct a toxicity identification evaluation to identify the causative agent(s) in the effluent. Where the permitting authority determines that the demonstration required by 40 CFR 122.44(d)(1)(v) has been made, limits on whole effluent toxicity need not be imposed." Unless a demonstration can be made that one or several of those specific pollutants are the source of toxicity, limits for WET must be imposed in the permit. In this case, the Part C.IV. WET language may need to be updated to include PADPE's template language when there are permit limits for WET."

Approve	Return	Deny	Signatures	Date
X			Brian Burden, E.I.T. / Project Manager	February 10, 2025
X			Amy M. Bellanca (signed) Amy M. Bellanca, P.E. / Program Manager	3-10-25

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Response:

WET limits will not be established in this permit renewal and the decision is based on current DEP guidance. As stated in the previous fact sheet, review of the application determined that reasonable potential exists for one or more toxic pollutants which have not been limited in the existing NPDES permit. Since the application manager believes that establishing limitations for such pollutants will control the toxicity, the application manager may postpone the inclusion of WET limitations until further WET data are reviewed. One of the bases for this assumption is the permittee has been discharging effluent with copper and zinc concentrations that can lead to exceedances of the water quality standards for aquatic life in the receiving stream. Another basis for this assumption is the known chronic toxicity of metals to the water flea. Specifically, the National Institutes of Health website references studies showing the IC_{20} for both copper and zinc to be less than 100 µg/L for Ceriodaphnia dubia.

Wind Gap MA Comment 1 - Chloroform Limits

"As outlined in the Summary of Review, the initial determination of these limits was based on several standard parameters rather than site-specific data. Given the potential implications of these new limits on our operations and the communities we serve, we respectfully request a temporary adjustment to the implementation of the Chloroform limits in our permit. Our concerns and justifications are detailed below:

• Limited Data Basis: The immediate implementation of the new Chloroform limit is based on only three sample results. This limited dataset is insufficient to conclusively determine if our plant can consistently meet the new limits under varying operational conditions.

• Requirement for Weekly Sampling: The new limit mandates weekly sampling, a significant increase in frequency that assumes a predictable influent concentration of Chloroform, which has not been established. Given the unknown variability of Chloroform in our influent, maintaining compliance over the next permit cycle (260 weekly tests) without additional data significantly risks permit violations.

• Pending Site-Specific Study: We intend to conduct a site-specific study to more accurately evaluate the impact of Chloroform to the watercourse, along with Total Residual Chlorine, Total Copper, and Total Zinc. This study aims to refine the inputs used for establishing the WQBELs, ensuring they reflect the actual conditions of our stream, rather than standard parameters.

• Specialized Testing Requirements: The testing for Chloroform requires specialized equipment and expertise beyond the current capabilities of our plant personnel. The cost for continual external testing, while manageable, is an additional financial consideration that could be mitigated by awaiting the results of the aforementioned site-specific study.

• Environmental and Operational Adjustments: Implementing the limit immediately could necessitate rapid operational changes that may not align with the best long-term strategies for our facility or the environment. Gradual implementation would allow for the integration of study findings and adjustments in treatment processes if necessary.

Therefore, we propose that the permit be revised to include a requirement for reporting only, for the first three years following permit issuance. This period would allow us to complete our site-specific study and gather additional data to confirm the feasibility and reliability of meeting the new Chloroform limits. Full implementation of the limit would then commence for the remainder of the permit term, if applicable, based on a more comprehensive understanding of our treatment capabilities, Chloroform variability, and the ability of the stream to receive this pollutant."

Response:

The request to delay the implementation of Chloroform limitations will be granted. Monthly monitoring/reporting requirements will be included in the permit for the first three years with a compliance schedule that includes yearly milestones. Site specific studies should be submitted at least 180 days before the effective date of the limitations.

Wind Gap MA Comment 2 – Quarterly WET Testing

"As outlined in the Summary of Review, quarterly WET Testing is mandated for the first year. While additional testing may seem like a straightforward way to reduce risk to the environment, the expense to the Authority is not trivial and we feel

Internal Review and Recommendations

disproportionate to the value of additional tests. We respectfully request the frequency of WET Testing to be maintained at an annual basis until more frequent testing could be justified. Our request is based on the following considerations:

• Historical Compliance: Our facility has a strong record of compliance with WET testing standards, having successfully passed all scheduled tests over the past decade, except for two isolated failures. Importantly, both of these instances were immediately followed by re-tests, which were passed, indicating that the failures were anomalies rather than indicative of systematic issues.

• Chronic Toxicity of Copper and Zinc: The recent WQBEL analysis identified chronic toxicity concerns to aquatic life specifically associated with total copper and total zinc in our discharge. The Authority will be initiating a comprehensive study to further investigate and manage these metals. Since the toxicity issues tied to these metals could be the reason for the WET Test failures, increased WET testing in the first year will not provide additional insight before the recommendations from those studies are implemented.

• Quarterly testing in draft permit: Item IV.D.3 of our draft permit provides a flow chart to determine when a TRE and quarterly testing is required. With a successful re-test, the required interval of Wet testing is annual. There is already a requirement to escalate the testing to quarterly when required but based on the terms of our permit and the re-testing flow chart, the conditions do not warrant quarterly testing at this time.

In light of these points, we believe that maintaining the annual WET testing frequency is fully justified and appropriate. We are committed to addressing the specific issues related to copper and zinc toxicity and to ongoing environmental stewardship."

Response:

The quarterly testing requirements for the first year of permit coverage are removed from the permit. When the previous draft permit was issued, the results of the September 2023 WET re-test were unknown to the reviewer.