# Division of Surface Water

## Response to Comments

**Project:** **Island Aseptic's Permit-to-Install and NPDES permit modification applications.**

**Ohio EPA ID #:** **NPDES 0IH00025*FD**

**Agency Contacts for this Project**

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Ohio EPA held a public hearing on December 15, 2014 regarding Island Aseptic's Permit-to-Install and NPDES permit modification application. This document summarizes the comments and questions received at the public hearing and during the associated comment period, which ended on December 22, 2014.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health. Often, public concerns fall outside the scope of that authority. For example, concerns about zoning issues are addressed at the local level. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

Note that the antidegradation rule OAC 3745-1-05 Provision (D)(1)(b), regarding de minimis increases in the discharge of regulated pollutants, was applied to the review of this application. This provision excludes the need for the submittal and subsequent review of technical alternatives and social and economic issues related to the degradation. Other antidegradation rule provisions, however, including public participation and appropriate intergovernmental coordination were required and considered.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format.

Comments from multiple individuals during the public hearing:

**Comment 1:** **We feel that the technical feasibility of the MBR treatment technology is not clearly demonstrated or flawed and economic evaluation of building this treatment facility versus sending the wastewater to the existing Byesville wastewater treatment plant (WWTP) need further clarified.**

Response 1: Island Aseptics (IA) has provided information to Ohio EPA that demonstrates it is technically feasible and more cost effective for them to provide an additional high level of treatment using the MBR treatment technology so that some of their effluent can be reused. IA has been planning to upgrade their treatment system to be more reliable and to handle upsets. By choosing to install MBR treatment technology, their proposal will save them operating expenses; allow the company to be more competitive; help satisfy the demands of their customers to reduce the amount of pollutants and waste they produce; and, to become more energy efficient.

**Comment 2:** **Island Aseptics has not properly justified additional degradation to Waters of the State.**

Response 2: IA has submitted the information required by the antidegradation rule needed by the director to decide whether or not to authorize this discharge to the stream. In considering the water quality implications of this discharge, it is Ohio EPA's opinion that the treatment proposed by IA and the permit limits being proposed in its NPDES permit will not result in an increase in pollutant loadings to the stream.

It should be noted that the company has agreed to have reduced effluent limitations and loadings from those originally proposed in the draft public noticed permit.

**Comment 3:** **The addition of another point source to Wills Creek is bad public policy. Based on a previous Ohio Supreme Court case, Franklin County Metro Parks vs. Ohio, the Ohio Supreme Court indicated that the alternative of centralized treatment has many economic, environmental, and public policy attributes, most notably the Congressional intent found in the Clean Water Act that promotes centralization.**

Response 3: While we agree that centralized treatment is oftentimes the most appropriate alternative to handle wastewater treatment needs, centralized treatment is not an alternative that will be appropriate or required in every case. The cost and treatment effectiveness of the available centralized treatment versus the proposed MBR on-site treatment was considered by Ohio EPA. In this case, after balancing all of these factors, Ohio EPA believes that it is appropriate to authorize this pollutant discharge.

**Comment 4: The submitted Permit-to-Install drawings and technical specifications are lacking detail and the plans are conceptual.**

Response 4: Ohio EPA has reviewed the Permit-to-Install application including the plans and specifications; revisions were requested on September 30, 2013, and November 1, 2013. Ohio EPA received requested revisions on October 28, 2013, and November 19, 2013, that addressed noted deficiencies. In addition, a smaller pilot treatment plant of the exact same treatment system has been in operation for several years; therefore, Ohio EPA has a good understanding of what is proposed and how it should operate and perform.

**Comment 5: Ohio EPA should require monitoring for bacteria, parasites, and color in the wastewater permit.**

Response 5: Sanitary wastewater (sewage) will not receive treatment at IA and will continue to be discharged to the village. This wastewater flow would be the only source of any harmful bacteria or parasites. Therefore, no reasonable potential exists that would require a bacteria limit.

To confirm that the new discharge will have no significant levels of harmful bacteria in light of the public concern, the NPDES permit has been modified to include a one year sampling survey for E. coli. to confirm there are no levels of E. coli being discharged to adversely affect water quality.

There is no evidence to suggest that the discharge will have any noticeable color nor is color a public health concern; therefore, Ohio EPA does not have a basis for requiring the monitoring of color.

**Comment 6:** **Several comments have been received regarding additional costs to the rate payers in the village and how the village should recover the potential loss in revenue from Island Aseptics.**

Response 6: Ohio EPA acknowledges that there will be some economic impact to the existing users. Ohio EPA has been provided numbers ranging from an average of less than $1.00 per month to an average of $3.50 per month increase in residential sewer bills.

**Comment 7:** **The proposed discharge location from Island Aseptics to Wills Creek is in close proximity to the Village's WWTP discharge. If there is a problem in the future, who is the blame for accidental spills, non-complaint discharges, slug loads, and violations of water quality standards?**

Response 7: In accordance with the Byesville WWTP wastewater permit and the proposed IA wastewater permit, both facilities are required to report any exceedance of a permit limit violation or accidental spill to Ohio EPA within thirty (30) minutes of discovery. Each facility has an end-of-pipe sampling location prior to entering Wills Creek. Each facility is responsible for monitoring their respective discharges. If the proposed MBR system for IA does not perform as expected, and they are unable to meet any effluent limitations, they will be held accountable through Ohio EPA's compliance and enforcement procedures.

In addition, IA will still depend on the Byesville WWTP for treatment of a significant percentage of their wastewater. If the MBR system becomes upset for any reason, all of the wastewater will be diverted to the Byesville WWTP. IA will continue to depend on their main existing treatment system to treat 100% of their wastewater. The MBR is being installed after the main treatment process and will be utilized as a "polishing" unit to treat the wastewater for re-use in the plant.

**Comment 8:** **Has Ohio EPA fully investigated the environmental concerns in past history of Island Aseptics? What is the contingency plan for Island Aseptics if this MBR treatment facility doesn't work?**

Response 8: IA has a good record of environmental compliance related to water pollution control for their current discharge to the creek and also to the village. IA has spent three million dollars to upgrade and improve the management and treatment of their wastewater. As indicated above, the MBR will not treat 100% of the wastewater. All of the process wastewater will continue to be treated by the existing anaerobic system which precedes the activated sludge/MBR treatment system. If the MBR unit is not functioning properly, the MBR would be taken off-line and the wastewater would be discharged to the Byesville WWTP and should still comply with the village's pretreatment standards. IA must also comply with the effluent limits and terms and conditions of its Indirect Discharge Permit (IDP) which establishes the treatment standards for the process water discharges to the Byesville WWTP. IA may have to halt discharging if they are unable to comply with either the IDP or the NPDES permit. IA has discontinued production as well as hauled the wastewater off-site during past upsets.

**Comment 9: The draft wastewater permit lists a design flow of 100,000 gallons per day. Their usage on average is more than a 100,000 gallons. What does Ohio EPA expect Island Aseptics to do with the additional flow over 100,000 gallons?**

Response 9: After discussions with IA, Ohio EPA modified the permit to effectively only allow a treated discharge of 40,000 gallons per day to the creek. The remaining flow will continue to be routed to Byesville WWTP.

**Comment 10: Ohio EPA is setting a precedent by approving this permit. What is going to prevent future industrial users from applying for a direct discharge wastewater permit in the future? By approving this permit and potential subsequent applications, this will have a negative financial impact on other communities.**

Response 10: There are currently other facilities in the state that have both a NPDES permit and an Indirect Discharge Permit. Further, there have been instances in which industrial facilities have proposed removing a portion of their industrial flow from a sewer collection system in favor of a direct discharge. Any new discharge to surface waters will have to demonstrate the appropriateness of the proposed discharge in the context

of an antidegradation review similar to what has occurred here.

**Comment 11:** **The Village of Byesville and Island Aseptics need to meet in the middle and come to an agreement. Is it too late for an agreement? Is it too late for both parties to negotiate an agreement?**

Response 11: Ohio EPA understands that IA is concerned about the economic impact of diverting a portion of their wastewater from the Byesville WWTP and the resulting loss of some revenue. IA has only planned to divert a portion of the flow to the MBR and away from the Byesville WWTP. The MBR treatment is capable of treating 100% of the flow. The effluent loading limits in IA's NPDES permit have been modified by Ohio EPA based on a design flow of 40,000 gallons per day. If the Village of Byesville and IA agree on a different discharge volume to be discharged to the Byesville WWTP, that agreement is between Byesville and IA. The permit will indirectly limit discharge flow by incorporating loading limits. If IA would want to increase discharge flow above what they plan to discharge, another permit modification would be required. IA is required to monitor, record, and report the daily flow, regardless of the volume.

**Comment 12:** **Who is going to be monitoring the discharge from Island Aseptics?**

Response 12: IA is required to monitor at two locations prior to discharge to Wills Creek. The NPDES permit requires self-monitoring and provides for significant penalties for false reporting which can be prosecuted as a criminal offense. Ohio EPA conducts periodic inspections that include sampling and testing of permitted effluents. Streams downstream of dischargers are also monitored by Ohio EPA field staff. In the event Ohio EPA believes the self-reported data is inaccurate, the agency may conduct an investigation which would include additional sampling.

**Comment 13:** **By approval of this permit, will Ohio EPA allow additional pollutants to be discharged into Wills Creek? I can't believe the Ohio EPA would allow additional pollutants into Wills Creek.**

Response 13: The proposed discharge will be required to meet the same and in some cases more stringent effluent limitations (TSS,

and BOD) than the Byesville WWTP. Considering that the flow will be transferred from the Byesville WWTP outfall to the IA outfall with more stringent effluent limitations, it is expected that the pollutant loading to the stream may be lower. Current water quality will be maintained.

**Comment 14:** **What is the next step/date in the process of the wastewater permit?**

Response 14: The Director of Ohio EPA will make a final ruling to issue or not issue the modification to the NPDES permit and Permit-to-Install.

**Comment 15:** **The existing pipe located at the outfall for Island Aseptics is currently broken and Ohio EPA should require the facility to make repairs.**

**Response 15:** If the outfall pipe is not functioning as designed, Ohio EPA will address this during a compliance inspection with IA in the summer of 2015.

**Comment 16:** **Ohio EPA needs to take into account the amount of tax money that is lost if Island Aseptics leaves the community and all the employees lose their jobs. In addition, Island Aseptics makes up a large portion of the revenue the village collects from rate payers. If this revenue is lost, it will jeopardize the ability of the Village to operate at current level.**

Response 16: Ohio EPA has not been informed that this project is critical to IA staying in the community. However, by allowing the plant to become more competitive, efficient, and meet the demands of their customers, this should make it less likely for IA to relocate and in turn, continue to provide tax revenue for the community.

**Comment 17:** **If Ohio EPA approves this modification to Island Aseptics' wastewater permit, how does Ohio EPA expect the Village of Byesville to continue making payments on the existing loan for the wastewater plant?**

Response 17: There will likely be some economic impact to the existing users. Ohio EPA has seen numbers ranging from an average of less than $1.00 per month to an average of $3.50 per month increase in residential sewer bills.

<u>Additional comments from written submission that were not addressed in previous section:</u>

**Comment 18:** **The U.S. EPA states that municipal waste treatment systems should be planned to serve industrial users of the area whenever practicable and cost-effective. Use of existing municipal facilities by local industries should be encouraged where total costs would be minimized. Ohio EPA needs to do a systematic comparison of the alternatives to identify solutions that meet the Clean Water Act goals and objectives.**

Response 18: Ohio EPA encourages use of central treatment systems if appropriate. Consideration of central treatment is a requirement in applying the antidegradation rule and Ohio EPA statewide Water Quality Management Plan, particularly for sewage discharges. Ohio EPA has taken into consideration the economic, social, and environmental factors in this case. IA will continue to depend on the Village of Byesville to treat a significant portion of their process wastewater and all of its sanitary wastewater.

**Comment 19:** **The degradation of Wills Creek by the new discharge from Island Aseptics may interfere with the planned use of the creek for drinking water by downstream communities.**

Response 19: The City of Cambridge does utilize Wills Creek as a drinking water supply. As indicated above, the discharge should have no pathogenic bacteria or viruses. IA's discharge should have no impact to the creek for use as a water supply by downstream users.

**Comment 20:** **The Village believes that Island Aseptics submitted biased cost-effective analysis to Ohio EPA.**

Response 20: Ohio EPA evaluated the financial information submitted by IA and by the Village of Byesville. Ohio EPA requested additional supplemental financial information from IA. After reviewing all submitted information, Ohio EPA could not find a reason or basis to question the validity of the cost information submitted.

**Comment 21:** **The Village believes the social, economic, and environmental impact would be counterproductive to**

**the overall goal of providing a sufficient, cost effective regional publicly owned treatment works.**

Response 21: Ohio EPA has considered the cost effectiveness and technical feasibility of centralized treatment. IA's proposal shouldn't prevent Byesville's sewerage system to continue to be a viable regional treatment works. The village has to continuously evaluate costs and expenses to keep its sewerage system in good operating condition and to provide for replacement and repair. Rates for all its users have to be adjusted from time to time to accomplish this. IA will continue to depend on the village to treat all of their sanitary wastewater and a portion of their pretreated process wastewater.

**Comment 22: Island Aseptics has no intentions of eliminating the indirect discharge to the Village of Byesville.**

Response 22: Ohio EPA acknowledges that IA will still depend on the village to treat a portion of their wastewaters.

**Comment 23: The Public Hearing notice issued by Ohio EPA states, "the proposed discharge would result in degradation to, or the lowering of, the water quality of Wills Creek." If this were a new discharge, this statement would be true. However, there is no mass loading increase of pollutants to Wills Creek. Therefore, moving this discharge location does not result in additional degradation or lowering of water quality to Wills Creek.**

Response 23: Ohio EPA defines any new discharge to surface water as resulting in some level of degradation and a lowering of water quality. In this case, the actual lowering of water quality should not be detectable.

**Comment 24: Ohio EPA has not analyzed the alternatives properly or adequately for these two proposed permits in terms of water quality planning. An industrial wastewater discharge directly to Wills Creek instead of continuing to discharge to the existing POTW, is a significant change to the present water quality plan. Such an action will add a new industrial process wastewater discharge to Wills Creek. Ohio EPA needs to analyze this change in a larger context than from just the view of the discharger.**

Response 24: The comments here have been mostly addressed in other responses above. We are not sure what is meant by the term "present water quality plan". There is no approved water quality plan for this area except for the 1993 State Water Quality Management Plan (WQMP). Allowing a new discharge from IA would not be in conflict with the State WQMP. It should be noted that the proposal is a relocation of the discharge point for a portion of the industrial discharge, not a new discharge entirely. The MBR system should be able to treat the process wastewater to the same level or better than it is currently being treated when routed through the Byseville WWTP.

**Comment 25: The Village questions whether the proposed PTI application and NPDES permit modification can be excluded from a full social and economic justification analysis under the Ohio Antidegradation Policy.**

Response 25: In accordance with Ohio Administrative Code 3745-1-05 (D), Ohio EPA finds that the submitted PTI application and application for NPDES permit modification meets the requirements for the exclusion based on a de minimis discharge of pollutants. By rule, it excludes much of the submittal requirements and social and economic justification factors in recognition of the de minimis increases in pollutant loadings.

Ohio EPA PTI rules state that in deciding whether to grant or deny a permit to install or plan approval, the director **may take into consideration** the social and economic impact of water pollutants or other adverse environmental impacts that may be a consequence of issuance of the permit to install or plan approval.

While the director is **not required** under the PTI rules to take social and economic impacts into consideration, in this case, especially as a result of the hearing, the director has received more information on the social economic impacts and has taken that information into consideration.

**End of Response to Comments**