Response to Comments

Snapfinger Creek AWWTF
NPDES Permit Nos. GA0024147
Dekalb County, Ocmulgee River Basin

Comment	EPD Response
Sludge Management Plan. Section 5.4 of the Fact Sheet explains that because sludge from the AWWTF is disposed of in a permitted landfill, the Draft Permit does not include requirements for a sludge management plan. However, Part I.A.1. of the Draft Permit does include language requiring a sludge management plan prior to land applying municipal sludge. We note this so that the Fact Sheet can be clarified to explain that a sludge management plan will be required in the event municipal sludge is disposed of other than in a landfill.	Section 5.4 of the fact sheet has been edited to clarify that the permittee shall submit a sludge management plan to EPD for written approval should they want to dispose of municipal sewage sludge by land application or any method other than co-disposal in a permitted sanitary landfill.
Whole Effluent Toxicity Testing. Part I.C.9.b. of the Draft Permit requires DeKalb County to conduct one chronic whole effluent toxicity (WET) test for four consecutive quarters after receiving EPD's written authorization to commence operation under the effluent limitations applicable to the expansion (i.e., 44 MGD). The County respectfully requests this testing be limited to two tests over the first 12 months of operation of the expanded facility. There are two reasons for this request. First, the existing facility has performed extremely well on historical WET tests. Second, the expanded facility's effluent limits are noticeably more stringent and will result in improved effluent quality. Therefore, there is no reason to believe that four rounds of testing are required.	The monitoring requirements for whole effluent toxicity (WET) in the draft permit (one WET test for 4 consecutive quarters) are consistent with EPD's monitoring requirements for all expanding facilities; therefore, these requirements have been maintained in the proposed final permit. Further, WET testing is included in NPDES permits to manage the effluent for the additive effects of all Section 307(a)(1) Federal Clean Water Act toxic pollutants and other unknown toxic substances or priority pollutants. This approach helps to ensure that the wastewater treatment plant effluent does not contain unknown sources of toxicity that may interfere with the designated water quality use classifications of the receiving stream. The results of these 4 tests will be used to conduct reasonable potential analysis evaluation and determine whether a WET limit is necessary.

The Proposed Nutrient Optimization Plan Is Premature And Not Legally Or Technically Justified. DeKalb County supports EPD's data driven approach to evaluating nutrients and its development of a comprehensive Nutrient Permitting Strategy. We understand the development of the Nutrient Permitting Strategy will include public input, including stakeholder and permittee feedback on key elements of the strategy. The Fact Sheet also explains that the Nutrient Permitting Strategy is expected to "analyze available ambient and permitted discharge data, determine limiting factors, develop a reasonable potential analysis for total nitrogen and total phosphorus, develop TBELs, and provide a NPDES permit implementation schedule." We look forward to that transparent process, as well as the regulatory certainty that EPD envisions will result. However, for the reasons provided below, DeKalb County is concerned that requiring a Comprehensive Nutrient Optimization Plan (CNOP) in this permit would be premature and without legal justification. The County respectfully requests that the Draft Permit be revised to exclude the CNOP. *EPD should allow data gathering and analysis be completed first.* The Draft Permit would, for the first time, require additional monitoring of nutrients, and this new data collection will inform the permittee and the agency about the types and amounts of nutrients in the discharge. As noted above, DeKalb County supports EPD's data-driven approach to evaluating nutrients and its development of a comprehensive Nutrient Permitting Strategy, but EPD needs to first complete that data collection and analysis, especially given that the expanded facility's effluent limits are noticeably more stringent and will result in improved effluent quality. EPD can always reopen the permit with a tailored condition after appropriate data gathering and analysis have been completed.	The Clean Water Act (CWA) authorizes the United States Environmental Protection Agency (USEPA) and delegated states to develop and implement water quality standards to protect human health, aquatic life, and the environment. In April 2022, EPA issued a Nutrient Policy Memorandum that outlined EPA's plans to accelerate progress in controlling nutrient pollution in the nation's waters using three main strategies, which included deepening collaborative partnerships with agriculture, increasing efforts to support the achievement of nutrient reductions from all sources, and utilizing Clean Water Act authorities to drive progress, innovation, and collaboration. 40 CFR 122.44 states "each NPDES permit shall include conditions meeting the following requirements when applicable." Under 40 CFR 122.44(k) "Best management practices (BMPs) to control or abate the discharge of pollutants when:". Under 40 CFR 122.44(k)(4) "The practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purpose and intent of the CWA." The CNOP is justifiable on the basis that inclusion of BMPs will be used to carry out the purposes and intent of the CWA. The CWA aims to prevent, reduce, and eliminate pollution in the Nation's waters in order to "Restore and maintain the chemical, physical, and biological integrity of the Nation's waters" (section 101(a)). The draft permit includes monthly effluent monitoring requirements for total nitrogen. The permittee may propose to collect and provide influent data for total nitrogen and/or sample effluent more frequently as part of their CNOP. The document is due 24 months after the effective date of the permit to allow time for preliminary data collection, if needed. The permittee may also update their CNOP in the future as

The Proposed CNOP is not just a monitoring and reporting requirement; it has a sweeping array of technical and operational requirements. Although the requirement to develop and submit the CNOP is included in Part I.C. of the permit, titled MONITORING AND REPORTING, the Draft Permit language specifies that certain actions be taken, not just monitoring. Such actions include implementing "operational adjustments aimed to reduce nutrients..." As detailed in the Draft Permit, a CNOP would "at a minimum, identify and quantify sources of nutrients entering the wastewater treatment plant, evaluate potential source reductions, identify and implement operational adjustments aimed to reduce nutrients, and establish annual nutrient reduction goals." Draft Permit C.11.a. Furthermore, the Draft Permit would require the permittee to develop and submit to EPD a CNOP within 24 months of the effective date of the new permit. In addition, the Draft Permit would require DeKalb County to update the CNOP annually "to evaluate effectiveness of the adopted strategies, reduction goals, and established targets." Indeed, the Draft Permit would require an "annual certification statement documenting that the CNOP is being implemented." Draft Permit Part I.C.11.b. In effect, the CNOP would be a sweeping requirement, far more expansive than MONITORING AND REPORTING would suggest, and without justification. *As drafted, the CNOP would require physical or operational changes before a reasonable potential analysis has been completed.* DeKalb County is also concerned that the Draft Permit would require physical or operational changes to reduce nutrient discharges before EPD has developed or conducted a reasonable potential analysis for nitrogen and phosphorus. We understand that the development of a reasonable potential analysis is part of EPD's Nutrient Permitting Strategy, and such an analysis will inform the agency about whether a	needed when the facility is expanded to allow for effluent data collection. EPD has historically included compliance schedule requirements (to meet new or more stringent limits), watershed protection plan requirements, and any other facility-specific requirements under Part I.C. MONITORING & REPORTING, although those requirements may include more than "monitoring" the effluent and "reporting" the data. CNOP requirements were included under Part I.C. as well to maintain consistency with historical permit format. Per EPD's *Guidance for Developing the Comprehensive Nutrient Optimization Plan* (2024), CNOP goals or targets do not have to be numeric reductions, nor do they have to include physical changes to the existing wastewater treatment plant to reduce the current total nitrogen load.

specific discharge may cause or contribute to water quality standard violations in receiving waters, and therefore whether water quality-based effluent limits are necessary. It is premature to require physical or operational changes before a determination that nutrient discharges from the AWWTF may cause or contribute to violations of water quality standards. *The CNOP is not justifiable on the basis that numeric effluent limitations are infeasible.* Section 5.11 of the Fact Sheet explains that the CNOP is to "include a suite of site specific BMPs that EPD believes meet the intent of 40 CFR 122.44(k)." The cited regulation provides that NPDES permits "shall include" best management practices (BMPs) "to control or abate the discharge of pollutants" when "numeric effluent limitations are infeasible." 40 CFR 122.44(k). EPA's NPDES Permit Writer's Manual explains that numeric effluent limitations "might be infeasible" when, "regulating a pollutant for which limited treatability or aquatic impact data are available to allow development of numeric TBELs or WQBELs"; or when "regulating discharges when the types of pollutants vary greatly over time." NPDES Permit Writer's Manual, 9-4. We are not aware that these circumstances are present, particularly as EPD is currently implementing its Nutrient Permitting Strategy, which includes developing numeric water quality standards for nutrients and a process for determining when numeric limits are necessary. EPD has not yet completed this process, and the inclusion of 40 CFR 122.44(k)-driven BMPs is premature.	