Response to Comments

Voluntary Early Monitoring Program for Point Sources:

WPP, Engineering Section

Comment on Page 1: According to the Missouri Nutrient Loss Reduction Strategy (NLRS), "Additional steps could be taken to expedite the collection of effluent monitoring data and to more rapidly reduce nutrient loadings from point sources." Close quotation missing.

Response: Noted.

Comment on Page 1: For the first three years of the NLRS implementation, following monitoring would occur on a voluntary basis: Maybe emphasize again that this is voluntary only for those facilities without monitoring in their renewed permit.

Response: Noted.

Comment Page 2-3: Question: Why will the DMRs have five parameters and MOCWIS will have six parameters?

Response: The DMR has been modified and will have a total of six parameters, TN, TKN, ammonia, nitrate, nitrite, total phosphorus and the instream sampling DMR will have the same six parameters, plus upstream flow monitoring.

Comment Page 2-3: TP and 4 mg/L, TN. EPA approved methods (40 CFR Part 136) include: TKN – EPA Method 350.1 – MDL = 0.05 mg/L, Ammonia as N – EPA.

In the above, we are not sure we want to dictate the sampling method. These are ESP methods, but Part 136 has others that may be equally as acceptable. If these are the only methods we will accept then we should say that.

Response: We will include the phrase, "but not limited to" after "include" in the above sentence.

Comment Page 2-3: The note should say this: Note: The *above* monitoring specifications and frequencies are in addition to the monitoring requirements of your effective permit. Data collected for the purposes of permit compliance can be used as part of the Voluntary Nutrient Monitoring Program where applicable. [remove the "that" in the sentence too]

Response: Noted.

Bill Whipps, Water Quality Standards Unit Chief, Water Protection Program

Comment: Nutrient monitoring may be especially valuable / important on certain threatened or impaired waters (low DO, aquatic macro invert impairments). My sense, though, is that facilities may feel a particular disincentive to voluntarily conduct nutrient monitoring when the data may point to them as causing or contributing to the impairment. Has any thought been given to how the department might encourage participation in these situations?

Response: The department cannot prevent these types of issues that may arise with voluntary sampling; however, any sampling that shows a waters potential degradation will have to be confirmed according to the 303 (d) impairment methodologies.

Comment: This program seems to specifically target dischargers to streams. Does this apply to any facilities that may discharge to lakes (understanding that may be a relatively small number)? If applicable, this program may also want to include protocols for collecting ambient water quality (TN, TP, chl-a) in receiving lakes.

Response: Our intention was not to exclude lake discharges; however, there are few lake discharges that exceed 100,000 gpd. We will add information that will assist lake dischargers.

Comment: Under the data quality section there is no language about the facilities needing to follow an approved QAPP for data collection. Obviously, without an approved QAPP the department can only use the data for screening, and not for WQ assessment purposes. I can see why this may be intentional, but if not, may need to address in the document.

Response: Please see Part I Section A of the most recent Standard Condition Part I http://dnr.mo.gov/env/wpp/permits/docs/sc1-080114.pdf . Facilities are required to follow standard methods. We are aware that we will not be able to use these data for modeling or WLA purposes because these data lack a QAPP and QA/QC. However, these data would still be useful to the department in determining the efficacy of different wastewater treatment processes and in defining highest attainable effluent concentrations.

Comment, Page 2, Data Quality sampling method sensitivity. I don't think this is anywhere close to the limit of detection. The department is currently developing criteria for lakes, with TN and TP screening values that are far lower than these values (and are measured in µg/L). And it is entirely possible that any future stream nutrient criteria or screening values will also be lower. Data collected at these detection limits may wind up not being very useful for WQ assessment.

Response: The Permits Section recognizes that future instream criteria may lower than our proposed "sufficiently sensitive value;" however, these values were intended for effluent monitoring data. We will add a phrase requesting more sensitive methods for instream or lake sampling. Upon promulgation of nutrient criteria, sufficiently sensitive sampling methods will be required.

John R. Lodderhose, P.E., Assistant Director of Engineering, Metropolitan St. Louis Sewer District.

Comment: MSD is monitoring for TN and TP on a monthly basis at all seven of our wastewater treatment plants. We were told by SLRO staff that the department is not set up to receive the TN and TP data on the DMR, if the WWTP does not have TN or TP monitoring requirements in the permit. MSD holds three Missouri State Operating permits that require quarterly TN and TP monitoring but four other permits do not have any TN/TP monitoring requirements. We do not want to create a reporting violation because we did not provide this voluntary data on our monthly DMRs. We would like to provide the department with an annual summary of all our nutrient monitoring data until all the issues with receiving the voluntary data is resolved.

Response: This request can be accommodated. When the facilities are set up in the voluntary monitoring program, a DMR will be supplied for the facilities to submit the voluntary data. In the interim, an annual report submitted to the appropriate regional office will suffice.

Paul Calamita, Aqua Law

Comment: We should try to keep this as simple as possible.

Response: Noted.

Comment on Page 3: Why do we need a permit mod to report monthly (or more frequent) TN/TP results?

Response: The permit modification described on Page 3 only includes a modification in the department's electronic database MOCWIS to allow the data to be collected and reported on in a meaningful way for all discharges that participate. The paper permit will not contain any changes until the regulation is changed.

Comment: If we are going to do a permit mod, why not put the sampling frequency as required in the rule (say quarterly) and then let the communities report additional data as they otherwise would for any parameter they are required to sample for.

Response: The frequency proposed is from the Nutrient Reduction Strategy which was established via stakeholders. Again a modification of the paper would not occur via the proposal. It would merely require a change in the MOCWIS database to add an unscheduled event in order to have a location to put the data. If an unscheduled event is missed, the system does not flag a violation.

Comment: This will ensure we avoid liability if a sample is missed or fails QA/QC. Thus, they will simply report the additional sampling as they would now with other required sampling.

Response: The proposal does not require a modification of the permit but does require an unscheduled event to be included in the MOCWIS database for the outfall location to aid in data collection and future reporting.

Comment: Second, we don't want to pay permit modification fees.

Response: The proposal does not include a modification fee.

Comment: Third, I don't see why we need to sample instream flow in relation to the TN/TP levels. If you make the instream monitoring burdensome, no one will agree to do it. Why not let them collect instream data and if they have ready access to flow information, fine. But, to require flow information may cause a number of utilities to pass on instream sampling altogether.

Response: The strategy identified that loading was to be evaluated. The department is unaware of how this can be established in absence of flow. This is all voluntary and directly based on what was established in the Nutrient Reduction Strategy.

Robert Brundage, Newman, Comley & Ruth P.C.

Comment on Page 3: I think the term "Acceptance Letter" may scare some people off.

Response: Noted.

Comment: I would not require people to continue sampling until permit renewal. Some data is better than no data. If someone wants to opt out after signing the acceptance letter and decides to terminate sampling before permit renewal, they should be able to do so without penalty.

Response: The proposal includes the addition of an unscheduled parameter in the MOCWIS database. If a facility does not sample after signing up for the voluntary program, they will receive no penalties for not submitting sample data.

Comment: On page 4, it says the information could be assembled into a report for public use and comment. This also could scare some people off. They may not want the name of their municipality or business associated with these nutrient numbers. They might become a target of environmental groups. Is there any way to keep this data confidential or, if published, not associate names with the data?

Response: All information submitted to the department is subject to the Sunshine Law. Any report that is generated will not have any specific facility information within as the intent is to determine loads within watersheds as specified in Section 5 of the Voluntary Early Monitoring Program policy document