

## Summary of Public Comments and Responses Proposed WPCF Permit Renewal Mt. Ashland Ski Area (MASA) Sewage System

Mt. Ashland Ski Area is in the process of renewing the Water Pollution Control Facility (WPCF) permit governing the property's on-site septic treatment and disposal system. Based on the public's interest in the permit renewal, the Department of Environmental Quality (DEQ) chose to hold an informational public meeting on October 27, 2004, followed by a formal hearing on November 3, 2004. This memorandum summarizes the written and oral comments provided to DEQ during the public comment period.

Public comments are listed below, each followed by the Department's response. We also list any actions we will be taking to address the comments.

### Summary of Comments and Responses

1. Several commenters requested that DEQ keep the total nitrogen standard of 10 mg/L as a maximum discharge limit in Schedule A due to concerns over the potential damage to the drinking water supply of Ashland or the Mt Ashland watershed.

**Response:** The groundwater quality protection rules (OAR 340-040 et seq.) specify that DEQ shall review and evaluate appropriate technical information and reports to determine the potential for likely adverse groundwater quality impacts. We evaluated the potential for the MASA system to pose an impact on the watershed or Ashland's water supply as a part of our permit renewal process. The technical evaluation consisted of 3 components: 1) a review of existing effluent and groundwater data; 2) a review of the utility of the wells (i.e., depths and locations relative to the system's drainfields); and 3) conservative calculations of the potential impact the system might pose on the watershed and drinking water supply. The results of this analysis<sup>1</sup>, which are detailed in Attachment A, indicate that the system is unlikely to pose an adverse impact to groundwater, the watershed, or Ashland's water supply, even at concentrations 15 times or more the 10 mg/L discharge limit.

When an adverse impact is not likely, groundwater monitoring is not required under OAR 340-040-0030. Furthermore, the rules state that DEQ "will concentrate its groundwater quality protection implementation efforts in areas where practices and activities have the greatest potential for degrading groundwater quality" (OAR 340-040-0020(8)). Therefore, the current groundwater-monitoring regime is more than required by DEQ rules.

<sup>1</sup> A similar analysis was conducted for the Fisherman's Bend WPCF permit renewal which, because the system is located in the North Santiam Basin, is required by rule to be approved by the Environmental Quality Commission (EQC). The analysis and the permit were approved by the EQC, and the one notable comment on the analysis was provided by Dr. Ken Williamson, an environmental engineering professor at Oregon State University, that the analysis was overly conservative (i.e., that potential impacts of the system on the North Santiam were likely much less than predicted in our analysis).

14. One commenter wrote that there were no additional Notice of Noncompliance (NON) letters written for violations of the Total Nitrogen (TN) standard and other violations of Biochemical Oxygen Demand and Total Suspended Solids.

**Response:** The Department issued an NON in December 2002 citing TN levels above those required in the permit. The current permit under which MASA is operating gives guidance as to what action should be taken in the event of a concentration limit violation. Schedule "D" item 11: "In the event that... Total Nitrogen concentration limits in Schedule A(1)(b) is exceeded or should (reports) show that the SBR... is not capable of consistently meeting sand filter quality... the permittee shall submit ... a corrective action plan to reduce the concentration loading from the SBR unit..." MASA responded to the NON with a corrective action plan which has been completely implemented (except for the building over the SBR tanks). Because MASA was implementing the corrective action plan as required by DEQ, no further NONs were needed or issued.

Recently, TN levels were reduced by about 50% from 118 mg/l to 57 mg/l. Subsequent tests have shown similar results. Current levels of TN are equivalent to the effluent from typical sand filters system which are an alternative system defined in Div 71 Rules. The building over the SBR, which is still a DEQ requirement, will reduce TN levels even further.

Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) values can fluctuate because of the difficult nature of the sampling. DEQ focuses on these values that are consistently high over time. Mt Ashland has sampled BOD 18 times through December of 2004 with one value exceeding the requirement in Schedule A. TSS has been significantly exceeded 4 times in the same 18 samples. Values under 25 to 30 could be attributed to lab margin of error. DEQ does not always use the NON tool to get compliance. Results are evaluated to determine significance, or indication of a consistent trend of non compliance. A consultation with the permittee is often a tool we use to judge if plant operations are in need of adjusting, or an NON is necessary. The effect on the environment and aquifers are always used as the determining factor in requiring plant operational adjustments. Our determination was that MASA had no consistent significant violations and there was no adverse affect on the environment.

**Department Action:** The issued permit will have a component for resampling within 14 days when sample shows a concentration limit has been exceeded.

15. One commenter felt that the review of the monitoring results from testing of the sewage treatment plant effluent was not reported in a timely manner to the DEQ, and requested results sent immediately after sampling results were obtained.

Another comment requested the monitoring test results be sent to the Forest Service and the City of Ashland immediately after the tests results are obtained.