

**Department of Environmental Conservation
Response to Comments**

**For Small Publicly Owned Treatment Works and
other Small Treatment Works Providing
Secondary Treatment of Domestic Wastewater
and Discharging to Surface Water**

Wastewater Treatment Facility

APDES Permit No. AKG572000

Public Noticed October 6, 2022 – November 7, 2022

November 30, 2022



**Alaska Department of Environmental Conservation
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, AK 99501**

1 Introduction

1.1 Summary of Facility / Permit

General Permit AKG572000, Small Publicly Owned Treatment Works and other Small Treatment Works Discharging to Surface Water, is the reissuance of AKG572000, previously issued on August 14, 2017. The general permit authorizes the discharge of up to 1.0 million gallons per day to either fresh or marine surface water from wastewater treatment facilities that use a mechanical treatment process to treat domestic wastewater

1.2 Opportunities for Public Participation

The Department of Environmental Conservation proposed to issue an Alaska Pollutant Discharge Elimination System (APDES) wastewater discharge permit Small Publicly Owned Treatment Works and other Small Treatment Works Discharging to Surface Water. To ensure public, agency, and tribal notification and opportunities for participation the Department:

- identified the permit on the annual Permit Issuance Plan posted online at:
<http://www.dec.state.ak.us/water/wwdp/index.htm>
- notified local governments and potentially affected tribes that the Department would be working on this permit via letter, fax and/or email
- posted a preliminary draft of the permit on-line for a 10-day applicant review September 2, 2022, and notified tribes and other agencies
- posted the draft of the permit online for a 30-day public comment period on October 6, 2022
- posted the proposed final permit on-line for a five-day applicant review on November 22, 2022
- sent email notifications via the APDES Program List Serve when the preliminary draft, draft, and proposed final permits were available for review

The Department received comments from one individual. This document summarizes the comments and the justification for any action taken or not taken by DEC in response to the comments.

1.3 Final Permit

The final permit was adopted by the Department on November 30, 2022. There were no significant changes made to the publicly noticed permit or fact sheet.

2 Permit Coverage

2.1 Comment Summary

Permit Section 1.1.2

The individual requested a specific definition of functional equivalent as well as an example of a known functional equivalent site or facility within the state that that this coverage may apply to.

Response:

Functional equivalent is both a terminology and an analysis done by applying site specific, science-based evaluations used in determining whether a discharge from a point source through ground water that reaches jurisdictional surface water is the same and/or a functional equivalent of that of a direct discharger. Refer to Supreme Court decision County of Maui vs. Hawaii Wildlife fund dated 4/23/2020 for further information. Determinations will be made on a case-by-case basis by the Department.

No changes were made to the permit or fact sheet based on this comment.

3 Specific Limitations and Monitoring Requirements

3.1 Comment Summary

The individual states what was the regulatory basis for changing the reporting frequency in Table 2, Class A total nitrogen from quarterly to monthly?

Response:

In accordance with Alaska Statutes (AS) 46.03.101(d) and 18 AAC 83.430, the Department may specify in a permit the terms and conditions under which waste material may be disposed. Monitoring in permits is required to determine compliance with effluent limits. Monitoring may also be required to gather effluent and surface water data to determine if additional effluent limits are required and/or to monitor effluent impact on receiving waterbody quality. Monitoring may be required in individual authorizations for site specific evaluations related to, but not limited to: protection of WQS, evaluation of receiving waterbody impairments, threatened or endangered species, verification of mixing zone sizes, or application requirements.

No changes were made to the permit or fact sheet based on this comment.

3.2 Comment Summary

The individual states that in Table 2, Class A, why is temperature and salinity being required to be sampled if there are no limits associated with them? The individual also stated that the costs associated with this sampling as it pertains to both ambient monitoring and verifying the need for a mixing zone should not be paid for by industry.

Response:

Ammonia criteria are temperature, and salinity dependent along with pH. Therefore, those facilities that are monitoring for ammonia shall also be required to concurrently monitor the receiving waterbody for pH, temperature, and salinity (if the discharge is to marine water) at a location outside of the influence of the discharge. The receiving waterbody data along with the ammonia data is necessary to effectively assess the quality of each facility's discharge relative to its receiving waterbody. Additionally, when a facility discharge is unable to meet their end of pipe limits, the DEC may authorize a mixing zone in accordance with 18 AAC 70.240 and the burden of proof for justifying a mixing zone rest with the applicant.

No changes were made to the permit or fact sheet based on this comment.