



Fact Sheet

NPDES Permit Numbers: AK-005331-7
AK-005347-3
AK-005353-8

Public Notice Start Date: June 19, 2008
Public Notice Expiration Date: July 21, 2008
Contact: Cindi Godsey
Alaska Operations Office/Anchorage
(907) 271-6561 or (800) 781-0983 (in Alaska only)
godsey.cindi@epa.gov

The U.S. Environmental Protection Agency (EPA) Plans To Re-issue A Wastewater Discharge Permit To:

Craig Coggins
PO Box 3427
Homer, Alaska 99603

And to Issue Wastewater Discharge Permits To:

Wesley Devore
2308 Pine Cove Road
Prescott, Arizona 86305

and

Jim Gribben
22354 Rosedale Hwy.
Bakersfield, California 93312

This will also serve as a notice that the
STATE of ALASKA proposes to CERTIFY,
and that a
DETERMINATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM
will be made.

EPA Proposes NPDES Permit Issuance.

EPA proposes to re-issue a *National Pollutant Discharge Elimination System* (NPDES) Permit to Craig Coggins and to issue permits to Wesley Devore and Jim Gribben for gold dredging operations near Nome, Alaska. The draft permits set conditions on the discharge - or release - of pollutants from the operation into Norton Sound.

This Fact Sheet includes:

- information on public comment, public hearing, and appeal procedures
- a description of the facilities, the current discharge and treatment system
- a description of proposed effluent limitations, monitoring requirements, and other conditions
- a map (see Appendix B) and description of the discharges

The State of Alaska proposes certification.

The Alaska Department of Environmental Conservation (ADEC) proposes to certify the NPDES permits under section 401 of the Clean Water Act. A draft certification for each facility is included as Appendix B of this Fact Sheet.

Consistency Determination under the Alaska Coastal Management Program.

The State of Alaska, Department of Natural Resources (ADNR), Division of Coastal and Ocean Management (DCOM), intends to review these actions for consistency with the approved Alaska Coastal Management Program (ACMP). For more information concerning these reviews, please contact Melinda O'Donnell at (907) 269-7480 or by e-mail at Melinda.ODonnell@alaska.gov

EPA invites comments on the draft permits.

EPA will consider all substantive comments before issuing a final permit. Those wishing to comment on the draft permits may do so in writing by the expiration date of the Public Notice. After the Public Notice expires, and all comments have been considered, EPA's regional Office of Water and Watersheds Director will make a final decision regarding permit issuance.

Persons wishing to comment on the State Certifications should submit written comments by the public notice expiration date to the Alaska Department of Environmental Conservation, 555 Cordova Street, Anchorage, Alaska 99501.

If no substantive comments are received, the tentative conditions in the draft permits will become final, and the permits will become effective upon issuance. If significant comments are received, the EPA will address the comments and reissue/issue the permits along with a response to comments. The permits will

become effective 30 days after the issuance date, unless a permit is appealed to the Environmental Appeals Board (EAB) within 30 days.

Documents are available for review.

The draft NPDES permits and related documents can be reviewed at EPA's Regional Office in Seattle between 8:30 a.m. and 4:00 p.m., Monday through Friday. This material is also available for inspection and copying at the following places in Alaska:

USEPA Alaska Operations Office
Federal Building, Room 537
222 West 7th Avenue
Anchorage, Alaska 99513-7588
Telephone: (800) 781-0983 (Within Alaska)

ADEC Watershed Development Program
Air and Water Quality Division
610 University Avenue
Fairbanks, AK 99709
Telephone: (907) 451-2142

TABLE OF CONTENTS

I. APPLICANT.....-5-

II. FACILITY ACTIVITY.....-5-

III. RECEIVING WATER.....-5-

IV. EFFLUENT LIMITATIONS.....-5-

V. OTHER PERMIT CONDITIONS-8-

 Endangered Species Act-8-

 Essential Fish Habitat (EFH)-8-

 State Certification-8-

 Permit Expiration-8-

APPENDIX A -- LIST OF ACRONYMS-9-

APPENDIX B -- 401 CERTIFICATIONS WITH PROJECT AREA MAP-10-

APPENDIX C -- BASIS FOR EFFLUENT LIMITATIONS-12-

APPENDIX D -- REFERENCES.....-23-

I. APPLICANT

A. NPDES Permit No.: AK-005331-7 Offshore Dredge

Mailing Address:
PO Box 3427
Homer, Alaska 99603

Facility Location:
offshore of Nome, Alaska

Facility contact: Craig Coggins, Operator

B. NPDES Permit No.: AK-005347-3 Offshore Dredge

Mailing Address:
2308 Pine Cove Road
Prescott, Arizona 86305

Facility Location:
offshore of Nome, Alaska

Facility contact: Wesley Devore, Operator

C. NPDES Permit No.: AK-005353-8 Offshore Dredge

Mailing Address:
22354 Rosedale Hwy.
Bakersfield, California 93312

Facility Location:
offshore of Nome, Alaska

Facility contact: Jim Gribben, Operator

II. FACILITY ACTIVITY

A. Coggins

Dredging will be accomplished by a surface operated four wheel underwater vehicle. The vehicle will transport a 20-inch suction nozzle, with a sluice/classifying box attached. The 3/8 inch and larger material will exit the classifying box and be returned to the sea floor. The 3/8 inch and smaller material will be pumped to the surface through a suction hose, sluiced and returned to the sea floor. The estimated amount of material to be moved in a day is 480 cubic yards (cy).

B. Devore

Dredging will be accomplished by a surface operated underwater vehicle in a water depth between 10 and 30 feet. The vehicle will transport a 15-inch suction nozzle, with a sluice/classifying box attached. Material larger than 3/8 inch will return to the seafloor from the dredge. The 3/8 inch and smaller material will be elevated to the surface barge to jigs for classification and the waste will be returned to the sea floor. The 3/8 inch and smaller material will be pumped to the surface through a suction hose, sluiced and returned to the sea floor.

C. Gribben

Suction dredging for gold will be accomplished in Norton Sound with a dredge with a 16-inch intake nozzle in a water depth between 10 and 30 feet. This operation will be intermittent between June and October. The estimated amount of material to be moved in a day is 400 cy.

III. RECEIVING WATER

The receiving water for each facility is the marine water of Norton Sound which is classified in 18 AAC 70 as Classes (2)(A), (B), (C), and (D) for use in aquaculture, seafood processing, and industrial water supply; contact and secondary recreation; growth and propagation of fish, shellfish, other aquatic life, and wildlife; and harvesting for consumption of raw mollusks or other raw aquatic life.

IV. EFFLUENT LIMITATIONS

A. STATUTORY BASIS FOR PERMIT CONDITIONS

1. Technology-based Limitations

Pursuant to the Act Section 402(a)(2) [40 CFR 122.44(k)(3)], Best Management Practices (BMPs) are being proposed in the draft permit. These practices are reasonably necessary either to achieve effluent limitations or to carry out the Act's goals of eliminating the discharge of pollutants as much as practicable and to maintain water quality.

2. Water Quality-based Limitations

Section 301(b)(1) of the Act requires the establishment of limitations in permits necessary to meet water quality standards by July 1, 1977. All discharges to state waters must comply with state and local coastal management plans as well as with state water quality standards, including the state's antidegradation policy. Discharges to state waters must also comply with limitations imposed by the state as part of its coastal management program consistency determination and its certification of NPDES permits under section 401 of the Act.

The NPDES regulations at 40 CFR 122.44(d)(1) require that permits include water quality-based limits which, "Achieve water quality standards established under section 303 of the CWA, including State narrative criteria for water quality."

3. Section 308 of the Clean Water Act

Under Section 308 of the Act and 40 CFR § 122.44(i), the Director must require a discharger to conduct monitoring to determine compliance with effluent

limitations and to assist in the development of effluent limitations. 40 CFR § 122.44(i)(2) allows flexibility in determining the frequency of reporting.

B. Specific Permit Conditions

“Permit writers must consider the impact of every proposed surface water discharge on the quality of the receiving water. Water quality goals for a water body are defined by State water quality standards. A permit writer may find, by analyzing the effect of a discharge on the receiving water, that technology-based permit limits are not sufficiently stringent to meet these water quality standards. In such cases, the Clean Water Act and EPA regulations require development of more stringent, water quality-based effluent limits designed to ensure that water quality standards are met.” (1996, U.S. EPA NPDES Permit Writer’s Manual, p87.)

The suction dredge’s unique method of intake and displacement of materials present unusual permitting issues. Operating under the surface of the water, only a small portion of the material dredge will be brought to the surface for processing then mined material will quickly be returned to the bottom. The larger portion of the material will be classified and returned to the bottom from the underwater vehicle at a height of about 3 feet above the bottom. For these reasons EPA has determined that numeric effluent limitations are not necessary. Instead, the BMPs in Part II. of the Permit have been developed. These BMPs, which are supplemented by required turbidity monitoring designed to ensure that the BMPs are being implemented properly, are sufficient to implement the requirements of the Act. These practices would ensure that the beneficial uses designated by the State are adequately protected and justify the absence of more stringent technology and water quality-based effluent limitations.

Section 308 of the Clean Water Act and the federal regulations at 40 CFR § 122.44(i) require that permits include monitoring to determine compliance with effluent limitations. Monitoring may also be required to gather data for future effluent limitations or to monitor effluent impacts on receiving water quality. The permittees are responsible for conducting the monitoring and for reporting results to EPA.

The permit requires a daily visual inspection for turbidity of the area within a 500 meter radius of the suction dredge during operation. This also includes any turbidity that may result from any other part of the operation in Norton Sound. If turbidity is observed beyond 500 meters, the permittee would be required to modify the operation to meet the permit limitation. If the operation could not be modified to meet the limit, the operation would not be authorized. In most cases, water quality recovers rapidly. The daily inspection required during operation, combined with the BMPs in Permit Part II. should assure that the water quality standards are met.

The reporting requirement is based on 40 CFR § 122.48 which is specified in the permit as a submission of an annual report by November 30th of each year.

Best Management Practices

Best management practices (BMPs) are measures that are intended to prevent or minimize the generation and the potential for the release of pollutants from industrial facilities to the waters of the United States through normal operations and ancillary activities.

Pursuant to Section 402(a)(1) of the Clean Water Act, development and implementation of Best Management Practices (BMP) Plans may be included as a condition in NPDES permits. Section 402(a)(1) authorized EPA to include miscellaneous requirements in permits on a case-by-case basis which are deemed necessary to carry out the provision of the Act. BMPs, in addition to numerical effluent limitations, are required to control or abate the discharge of pollutants in accordance with 40 CFR § 122.44(k).

The draft permit requires compliance with the following BMPs:

- A. Dredging that results in undercutting, littoral channeling, or otherwise results in stream bank or beach erosion, is prohibited.

This practice will ensure that erosion does not occur and that the finer sediments that may be found in these areas do not cause turbidity problems in the receiving waters.

- B. Motorized winches or other motorized equipment shall not be used to move boulders, logs, or other natural obstructions.

This practice should ensure that important habitat which includes large organic debris and large boulders in these areas will not be destroyed.

- C. Suction dredges shall not operate within 650 meters of:

1. another dredging operation occurring simultaneously; or

2. a location where it is apparent that another operation has taken place *This practice should ensure that the mixing zone of a facility does not overlap with that of another since 650 meters is the distance of a 500 meter mixing zone for each operation plus a designated 150 meter buffer before the next suction dredge would impact water quality.*

- D. Dredging of concentrated silt and clay should be avoided. The permittee shall use reasonable care to avoid dredging silt and clay materials that would result in a significant increase in turbidity. Reasonable care includes moving the dredge to a new location or reducing the volume of effluent discharge by limiting operation speed of the suction dredge.

This practice will decrease the amount of fine material that will be released into the water that could cause turbidity plumes in excess of the

permitted distance.

- E. Care shall be taken by the operator during refueling of equipment to prevent spillage into surface waters or to groundwater. Any spills shall be cleaned up using materials such as sorbent pads and booms. All spills shall be reported to DEC by calling 1-800-478-9300.

This practice will decrease the potential for contamination of surface water by petroleum products. Under 18 AAC 75.300, a person must notify the [ADEC] by telephone immediately in the result of a release or discharge of a hazardous substance.

V. OTHER PERMIT CONDITIONS

Endangered Species Act (ESA)

The Endangered Species Act requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) if their actions could beneficially or adversely affect any threatened or endangered species. EPA sent letters to the USFWS and to the NMFS (collectively “the Services”) on October 26, 2007, requesting a species list for the area of the Coggins facility. In a letter dated November 13, 2007, the USFWS determined that the project is not likely to adversely impact listed species if discharges did not reach the critical habitat area in eastern Norton Sound. Since this is unlikely, further consultation under Section 7 of ESA is not necessary. EPA also sent a letter to the Services on December 27, 2007, regarding other facilities covered by this Fact Sheet. EPA considers the same determination applicable to the other two facilities but will send a copy of the draft permits and the Fact Sheet to USFWS as well as to NMFS.

Essential Fish Habitat (EFH)

The 1996 amendments to the Magnuson-Stevens Fishery Management and Conservation Act set forth a number of new mandates for NMFS, regional fishery management councils and other federal agencies to identify and protect important marine and anadromous fish habitat. Federal action agencies that may adversely impact EFH are required to consult with NMFS regarding the potential effects of their action on EFH. NMFS has previously expressed concern about the reproductive associations of the red king crab. Since activities under this permit are not likely to occur from February through May because open water is necessary for a successful operation, EPA has determined that no adverse effect to EFH would result from the issuance of this permit. As stated above, EPA will send a copy of the permit and this Fact Sheet to NMFS.

State Certification

Section 401 of the Clean Water Act requires EPA to seek certification from the State that the permit is adequate to meet State water quality standards before issuing a final permit. The regulations allow for the State to stipulate more stringent conditions in the permit, if the certification cites the Clean Water Act or State law references upon which that condition is based. In addition, the regulations require a certification to include statements of the extent to which each condition of the permit can be made less stringent without violating the requirements of State law. Appendix B contains draft certifications prepared by ADEC which is also available for comment.

The draft permits have been sent to the State to begin the final certification process. If the state authorizes a different mixing zone in its final certification, EPA will change the permit based on the final mixing zone. If the State does not certify the mixing zone, EPA will deny the permit unless the applicant can show that a turbidity discharge limitation of 25 NTUs, the state's water quality standard, can be met at the discharge point.

Permit Expiration

This permit will expire five years from the effective date of the permit, but may be administratively extended if the conditions of 40 CFR §122.6(a) are met.

APPENDIX A -- LIST OF ACRONYMS

AAC	Alaska Administrative Code
ADEC	Alaska Department of Environmental Conservation
AWQS	Alaska Water Quality Standard
BMP	Best Management Practices
CFR	Code of Federal Regulations
cfs	Cubic feet per second
CWA	Clean Water Act
DMR	Discharge Monitoring Report
EPA	Environmental Protection Agency
FR	Federal Register
gpm	gallons per minute
NPDES	National Pollutant Discharge Elimination System
NTU	Nephelometric Turbidity Unit
TSD	Technical Support Document for Water Quality-based Toxics Control
USC	United States Code
USGS	United States Geological Survey

Appendix B
401 Certifications

STATE OF ALASKA

SARAH PALIN, GOVERNOR

610 University Avenue
Fairbanks, Alaska 99701
Phone: (907) 451-2106
Fax: (907) 451-2187
www.dec.state.ak.us

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
WASTEWATER DISCHARGE AUTHORIZATION PROGRAMS**

May 05, 2008

Craig Coggins
PO Box 3427
Homer, AK 99603

File No: 400.68.002

RE: Draft § 401 Certification of NPDES Permit AK-005331-7 Coggins Suction Dredge

Dear Mr. Coggins:

On Feb 21, 2008 EPA Region 10 requested a draft 401 certification for NPDES Permit AK-005331-7, regulating activities and discharges from the Coggins Suction Dredge located in Norton Sound.

In accordance with Section 401 of the Clean Water Act and with Alaska Administrative Codes 18 AAC 15, 18 AAC 70 (Water Quality Standards) and 18 AAC 72 (Wastewater Discharge), the Alaska Department of Environmental Conservation (ADEC) has prepared the enclosed draft Certificate of Reasonable Assurance for NPDES Permit AK-005331-7. Prior to making a final determination, the Department of Environmental Conservation will accept and review any comments received within 30 days after the first day of the public notice of the NPDES permit for this activity.

ADEC regulations provide that any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195- 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Director of Water, 555 Cordova Street, Anchorage, Alaska 99501, within 15 days of receipt of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800 Juneau, Alaska 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

Be advised, pursuant to 18 AAC 15.120(c), the final certification of the NPDES permit constitutes the permit required under AS 46.03,100. Also, 18 AAC 15.120(c) states,

This letter continues on page 16

STATE OF ALASKA

SARAH PALIN, GOVERNOR

610 University Avenue
Fairbanks, Alaska 99701
Phone: (907) 451-2106
Fax: (907) 451-2187
www.dec.state.ak.us

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
WASTEWATER DISCHARGE AUTHORIZATION PROGRAMS**

May 05, 2008

Jim Gribben
22354 Rosedale HWY(58)
Bakersfield CA, 93312

File No: 400.68.007

RE: Draft § 401 Certification of NPDES Permit AK-005353-8 Gribben Suction Dredge

Dear Mr. Gribben:

On Feb 21, 2008 EPA Region 10 requested a draft 401 certification for NPDES Permit AK-005353-8, regulating activities and discharges from the Gribben Suction Dredge located in Norton Sound.

In accordance with Section 401 of the Clean Water Act and with Alaska Administrative Codes 18 AAC 15, 18 AAC 70 (Water Quality Standards) and 18 AAC 72 (Wastewater Discharge), the Alaska Department of Environmental Conservation (ADEC) has prepared the enclosed draft Certificate of Reasonable Assurance for NPDES Permit AK-005353-8. Prior to making a final determination, the Department of Environmental Conservation will accept and review any comments received within 30 days after the first day of the public notice of the NPDES permit for this activity.

ADEC regulations provide that any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195- 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Director of Water, 555 Cordova Street, Anchorage, Alaska 99501, within 15 days of receipt of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800 Juneau, Alaska 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

Be advised, pursuant to 18 AAC 15.120(c), the final certification of the NPDES permit constitutes the permit required under AS 46.03,100. Also, 18 AAC 15.120(c) states,

This letter continues on page 16

STATE OF ALASKA

SARAH PALIN, GOVERNOR

610 University Avenue
Fairbanks, Alaska 99701
Phone: (907) 451-2106
Fax: (907) 451-2187
www.dec.state.ak.us

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
WASTEWATER DISCHARGE AUTHORIZATION PROGRAMS**

May 05, 2008

Wesley Devore
2308 Pine Cove Road
Prescott, AZ 86305

File No: 400.68.006

RE: Draft § 401 Certification of NPDES Permit AK-005347-3 Devore Suction Dredge

Dear Mr. Devore:

On Feb 21, 2008 EPA Region 10 requested a draft 401 certification for NPDES Permit AK-005347-3, regulating activities and discharges from the Devore Suction Dredge located in Norton Sound.

In accordance with Section 401 of the Clean Water Act and with Alaska Administrative Codes 18 AAC 15, 18 AAC 70 (Water Quality Standards) and 18 AAC 72 (Wastewater Discharge), the Alaska Department of Environmental Conservation (ADEC) has prepared the enclosed draft Certificate of Reasonable Assurance for NPDES Permit AK-005347-3. Prior to making a final determination, the Department of Environmental Conservation will accept and review any comments received within 30 days after the first day of the public notice of the NPDES permit for this activity.

ADEC regulations provide that any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195- 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Director of Water, 555 Cordova Street, Anchorage, Alaska 99501, within 15 days of receipt of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800 Juneau, Alaska 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

Be advised, pursuant to 18 AAC 15.120(c), the final certification of the NPDES permit constitutes the permit required under AS 46.03,100. Also, 18 AAC 15.120(c) states,

This letter continues on page 16

“Any rights or privileges inuring to the benefit of EPA in the NPDES permit, including any right to enter, inspect, sample, and have access to records, also inure to the benefit of the department. Any reports or other information filed with EPA in accordance with the NPDES permit must be contemporaneously filed with the department.”

By copy of this letter the Department advises the Environmental Protection Agency of our actions and encloses a copy of the draft certification for their use.

If you have any technical questions regarding this draft certification please contact me at (907) 269-7504 or at shawn.stokes@alaska.gov.

Sincerely,

SIGNATURE ON FILE

Shawn Stokes
Industrial Permitting Manager

Enclosures: Draft Certificate of Reasonable Assurance for NPDES Permit AK-005331-7

cc: Cindi Godsey, EPA/Anchorage

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance, as required by Section 401 of the Clean Water Act, has been requested by EPA for National Pollutant Discharge Elimination System (NPDES) Permit No. AK-005331-7, Coggins Suction Dredge, for the discharge of wastewater from dredging activities located at or near -165° 22' West longitude and 64° 28' North latitude in Norton Sound.

Public Notice of the application for this certification was made in accordance with 18 AAC 15.140.

Water Quality Certification is required for the proposed activity because the activity will be authorized by an Environmental Protection Agency (EPA) permit identified as NPDES No. AK-005331-7 and discharges onto State lands or into State waters will result from the proposed activity authorized under this permit.

Having reviewed the permit, ADEC certifies there is reasonable assurance the proposed activity, and the resultant discharge, is in compliance with the requirements of Section 401 of the Clean Water Act and the Alaska Water Quality Standards (18 AAC 70) provided that the terms and conditions of the final certification are adhered to.

Through this certification, in accordance with 18 AAC 15.120, the final permit will constitute the permit required under AS 46.03.100, provided that the stipulations of the final certification are made part of the final permit. The department is specifying the following permit stipulations under authority of AS 46.03.110(d).

State of Alaska Certification Stipulations:

1. A mixing zone for turbidity is designated in Norton Sound for this discharge. The mixing zone is defined as the area of a circle, 500 meters in radius, centered at the discharge point of the suction dredge discharge pipe, from the sea-floor to the surface. The mixing zone size will remain constant, but will move with the suction dredge in the State lease block 14 area and unleased areas of State waters as shown on the enclosed map. The turbidity shall not exceed 25 nephelometric turbidity units outside the mixing zone boundary.

Rationale: In accordance with State Regulations 18 AAC 70.240, as amended through June 26, 2003, the Department has authority to designate mixing zones in permits or certifications. The water quality criteria and limits for turbidity of 18AAC 70 may be exceeded within the authorized mixing zone. This mixing zone will ensure that the most stringent water quality standard limitations for turbidity are met at all points outside the mixing zone. Using Best Professional Judgment (BPJ), the Department has applied the results from research of off-shore placer discharges from similar projects in the Norton Sound area, such as the report ODCE Information Database for Norton Sound 45 Nome Offshore Placer Project, NPDES Permit No. AK-004319-2, December 1989, conducted by ENSR Consulting and Engineering, to this discharge location.

This document continues on page 20

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance, as required by Section 401 of the Clean Water Act, has been requested by EPA for National Pollutant Discharge Elimination System (NPDES) Permit No. AK-005347-3, Devore Suction Dredge, for the discharge of wastewater from dredging activities located at or near -165^o 20' West longitude and 64^o 29' North latitude in Norton Sound.

Public Notice of the application for this certification was made in accordance with 18 AAC 15.140.

Water Quality Certification is required for the proposed activity because the activity will be authorized by an Environmental Protection Agency (EPA) permit identified as NPDES No. AK-005347-3 and discharges onto State lands or into State waters will result from the proposed activity authorized under this permit.

Having reviewed the permit, ADEC certifies there is reasonable assurance the proposed activity, and the resultant discharge, is in compliance with the requirements of Section 401 of the Clean Water Act and the Alaska Water Quality Standards (18 AAC 70) provided that the terms and conditions of the final certification are adhered to.

Through this certification, in accordance with 18 AAC 15.120, the final permit will constitute the permit required under AS 46.03.100, provided that the stipulations of the final certification are made part of the final permit. The department is specifying the following permit stipulations under authority of AS 46.03.110(d).

State of Alaska Certification Stipulations:

1. A mixing zone for turbidity is designated in Norton Sound for this discharge. The mixing zone is defined as the area of a circle, 500 meters in radius, centered at the discharge point of the suction dredge discharge pipe, from the sea-floor to the surface. The mixing zone size will remain constant, but will move with the suction dredge in the State lease block 15 area of State waters as shown on the enclosed map. The turbidity shall not exceed 25 nephelometric turbidity units outside the mixing zone boundary.

Rationale: In accordance with State Regulations 18 AAC 70.240, as amended through June 26, 2003, the Department has authority to designate mixing zones in permits or certifications. The water quality criteria and limits for turbidity of 18AAC 70 may be exceeded within the authorized mixing zone. This mixing zone will ensure that the most stringent water quality standard limitations for turbidity are met at all points outside the mixing zone. Using Best Professional Judgment (BPJ), the Department has applied the results from research of off-shore placer discharges from similar projects in the Norton Sound area, such as the report ODCE Information Database for Norton Sound 45 Nome Offshore Placer Project, NPDES Permit No. AK-004319-2, December 1989, conducted by ENSR Consulting and Engineering, to this discharge location.

This document continues on page 20

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance, as required by Section 401 of the Clean Water Act, has been requested by EPA for National Pollutant Discharge Elimination System (NPDES) Permit No. AK-005353-8, Gribben Suction Dredge, for the discharge of wastewater from dredging activities located at or near -165° 27' West longitude and 64° 29' North latitude in Norton Sound.

Public Notice of the application for this certification was made in accordance with 18 AAC 15.140.

Water Quality Certification is required for the proposed activity because the activity will be authorized by an Environmental Protection Agency (EPA) permit identified as NPDES No. AK-005353-8 and discharges onto State lands or into State waters will result from the proposed activity authorized under this permit.

Having reviewed the permit, ADEC certifies there is reasonable assurance the proposed activity, and the resultant discharge, is in compliance with the requirements of Section 401 of the Clean Water Act and the Alaska Water Quality Standards (18 AAC 70) provided that the terms and conditions of the final certification are adhered to.

Through this certification, in accordance with 18 AAC 15.120, the final permit will constitute the permit required under AS 46.03.100, provided that the stipulations of the final certification are made part of the final permit. The department is specifying the following permit stipulations under authority of AS 46.03.110(d).

State of Alaska Certification Stipulations:

1. A mixing zone for turbidity is designated in Norton Sound for this discharge. The mixing zone is defined as the area of a circle, 500 meters in radius, centered at the discharge point of the suction dredge discharge pipe, from the sea-floor to the surface. The mixing zone size will remain constant, but will move with the suction dredge in the State lease block 15 area of State waters as shown on the enclosed map. The turbidity shall not exceed 25 nephelometric turbidity units outside the mixing zone boundary.

Rationale: In accordance with State Regulations 18 AAC 70.240, as amended through June 26, 2003, the Department has authority to designate mixing zones in permits or certifications. The water quality criteria and limits for turbidity of 18AAC 70 may be exceeded within the authorized mixing zone. This mixing zone will ensure that the most stringent water quality standard limitations for turbidity are met at all points outside the mixing zone. Using Best Professional Judgment (BPJ), the Department has applied the results from research of off-shore placer discharges from similar projects in the Norton Sound area, such as the report ODCE Information Database for Norton Sound 45 Nome Offshore Placer Project, NPDES Permit No. AK-004319-2, December 1989, conducted by ENSR Consulting and Engineering, to this discharge location.

This document continues on page 20

2. Visual monitoring for increases of turbidity outside the designated mixing zone shall be performed daily. Any visual increase in turbidity outside the designated mixing zone, shall be in violation of the water quality criteria and limits for turbidity in 18AAC 70. The daily visual reading will be recorded daily and the records of such observations shall be maintained for a five year period. These records shall be submitted to the Department upon request.

Rationale: In accordance with State regulations 18 AAC 70.245, the Department has authority to ensure that existing uses of the waterbody outside the mixing zone are maintained and fully protected. The monitoring will provide evidence to the Department that the mixing zone size is adequate and that the most stringent water quality standard limitation for Turbidity, 18 AAC 70.20(b) 24, is being met outside of the mixing zone boundary.

DRAFT

May 05, 2008

Signature

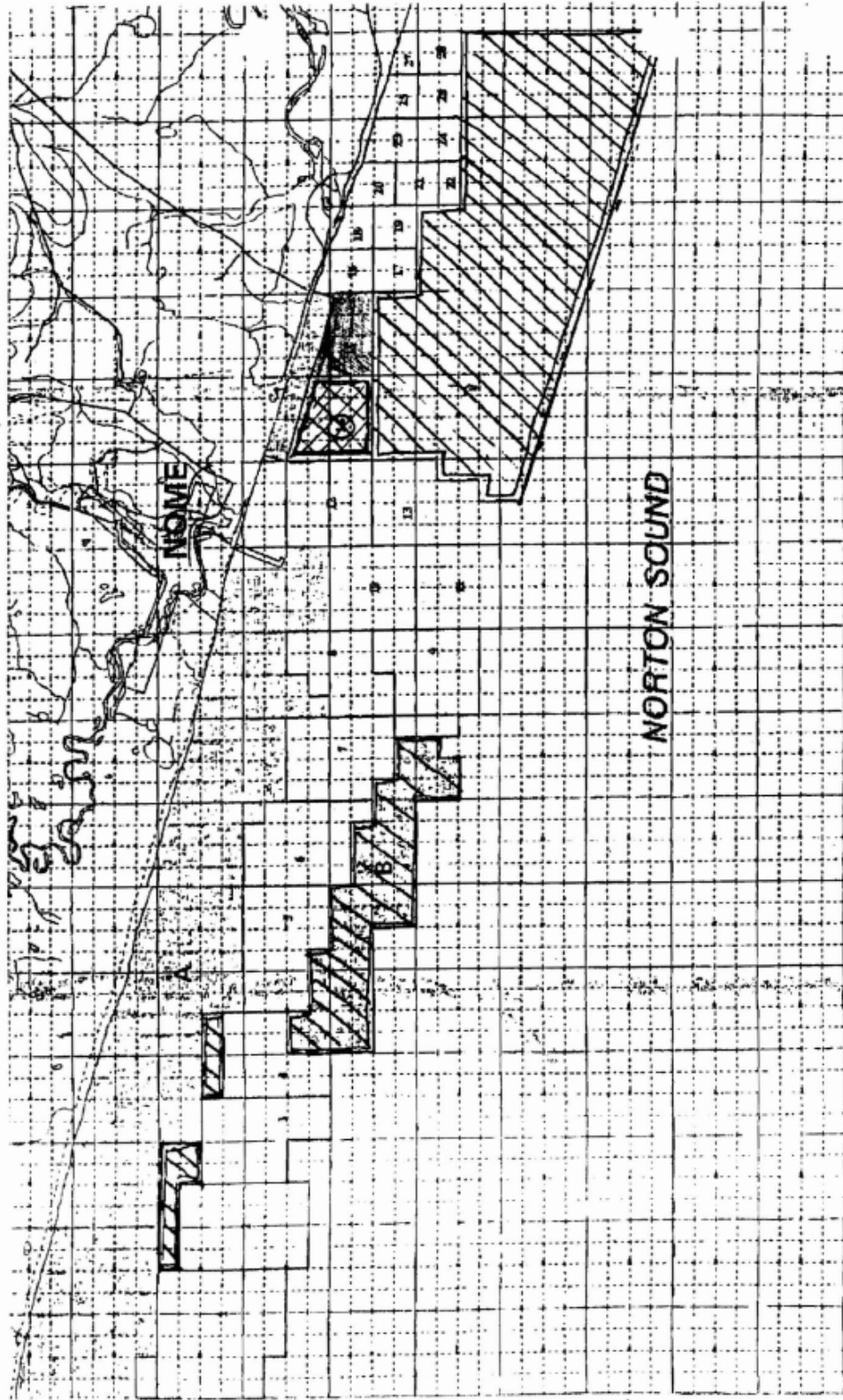
Date

Sharmon Stambaugh

Environmental Program Manager III

Printed Name

Title

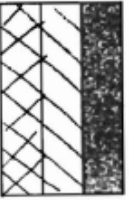


NOME OFFSHORE DISPOSAL AREA

August, 1988
(Preliminary)

- Disposal Area A
 A. Arctic Wildlife
- Disposal Area B
 B. Al Fishery
- Public Access (existing area)
- Proposed Area (new)
- Offshore of pre-existing Area (new)

AK-005331-7 Current area
 AK-005331-7 Additional area
 AK-005347-3 and AK-005353-8



APPENDIX C -- BASIS FOR EFFLUENT LIMITATIONS

Technology-based Limitations

Pursuant to the Act Section 402(a)(2) [40 CFR 122.44(k)(3)], Best Management Practices (BMPs) are being proposed in the draft permit. These practices are reasonably necessary either to achieve effluent limitations or to carry out the Act's goals of eliminating the discharge of pollutants as much as practicable and to maintain water quality.

Water Quality-based Limitations

Section 301(b)(1) of the Act requires the establishment of limitations in permits necessary to meet water quality standards by July 1, 1977. All discharges to state waters must comply with state and local coastal management plans as well as with state water quality standards, including the state's antidegradation policy. Discharges to state waters must also comply with limitations imposed by the state as part of its coastal management program consistency determination and of its certification of NPDES permits under section 401 of the Act.

The NPDES regulations at 40 CFR 122.44(d)(1) require that permits include water quality-based limits which, "Achieve water quality standards established under section 303 of the CWA, including State narrative criteria for water quality."

Section 308 of the Clean Water Act

Under Section 308 of the Act and 40 CFR § 122.44(i), the Director must require a discharger to conduct monitoring to determine compliance with effluent limitations and to assist in the development of effluent limitations. 40 CFR § 122.44(i)(2) allows flexibility in determining the frequency of reporting.

APPENDIX D -- REFERENCES

EPA, NPDES Permit Writer's Manual. Office of Water, Office of Wastewater Management, Permits Division. Washington, DC. 20460; EPA-833-B-96-003, December 1996, 220pp.

EPA, Technical Support Document for Water Quality-based Toxics Control. Office of Water Enforcement and Permits, Office of Water Regulations and Standards. Washington, DC, 20460; EPA/505/2-90-001, March 1991, 145pp.

Impact of suction dredging on water quality, benthic habitat, and biota in the Fortymile River, Resurrection Creek, and Chatanika River, Alaska. Prepared for EPA by Aaron M. Prussian, Todd V. Royer, and G. Wayne Minshall, Idaho State University. June 1999.

Regional Baseline Geochemistry and Environmental Effects of Gold Placer Mining Operations on the Fortymile River, Eastern Alaska. Department of Interior, U.S. Geological Survey. Open-File Report 99-328. 1999.

Regional Geochemical Results from the Analyses of Rock, Water, Soil, Stream Sediment, and Vegetation Samples--Fortymile River Watershed, East-Central Alaska. Department of Interior, U.S. Geological Survey. Open-File Report 99-33. 1999.

The following references were used in an unpublished research effort entitled "A Review of the Regulations and Literature Regarding the Environmental Impacts of Suction Gold Dredges," April 1993 by Phillip A. North of the Environmental Protection Agency, Region 10, Alaska Operations Office.

Griffith, J.S. and D.A. Andrews. 1981. Effects of a small suction dredge on fishes and aquatic invertebrates in Idaho streams. *North American Journal of Fisheries Management* 1:21-28.

Hassler, T.J., W.L. Somer and G.R. Stern. 1986. Impacts of suction dredge mining on anadromous fish, invertebrates and habitat in Canyon Creek, California. *Calif. Coop. Fish. Res. Unit., Humboldt State University, Arcata, California, Coop. Agreement No.14-16-009-1547, Work Order No. 2.* 135 pages.

Harvey, B.C. 1986. Effects of suction gold dredging on fish and invertebrates in two California streams. *North American Journal of Fisheries Management* 6:401-409.

Huber, C. and D. Blanchet. 1992. Water quality cumulative effects of placer mining on the Chugach National Forest, Kenai Peninsula, 1988-1990. U.S. Forest Service, Chugach National Forest, Alaska Region. 74 pages.

Thomas, V.G. 1985. Experimentally determined impacts of a small suction gold dredge on a Montana stream. *North American Journal of Fisheries Management* 5:480-488.