

Environmental Protection Agency's
Response to Comments
Received on the Draft NPDES General Permits for:

Small Publicly Owned Treatment Works
and Other Small Treatment Works in the State of Alaska
NPDES Nos.: AKG-57-0000 and AKG-57-1000
June 17, 2004

On September 26, 2003, the Environmental Protection Agency (EPA) proposed issuance of general National Pollutant Discharge Elimination System (NPDES) permit numbers: AKG-57-0000 and AKG-57-1000 for small publicly owned treatment works (POTWs) and other small treatment works treating domestic sewage in Alaska pursuant to the provisions of the Clean Water Act (CWA) 33 U.S.C. 1251 et seq. One general permit is applicable to those treatment works discharging to marine waters (57-1000) while the second general permit is applicable to treatment works discharging to fresh waters (57-0000).

The State of Alaska, Department of Environmental Conservation, also issued notice of their intent to certify that the subject dischargers will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act.

The public notice for comments on the draft permits and State certification was published in the Anchorage, Fairbanks, and Juneau, Alaska newspapers on September 26, 2003. The comment period extended until November 10, 2003. EPA received comments on the draft NPDES permits from the following:

Comment Letter Reference Number/Commenter/Date

1. Department of the Air Force, Pacific Air Forces via a memorandum from Steven E. Armstrong, Col, USAF, Commander, dated November 10, 2003.
2. Teck Cominco Alaska Incorporated (TCAK) via a letter from R.G. Scott, General Manager, dated November 10, 2003.
3. NTL Alaska, Inc. on behalf of the Ukpeagvik Inupiat Corporation (UIC) of Barrow, Alaska via a letter from Michael R. Pollen, President, dated November 10, 2003.
4. NTL Alaska, Inc. via electronic mail from Michael R. Pollen, President, dated November 10, 2003.
5. BP Exploration (Alaska) Inc. via a letter from Stan F. Gates, Technical and Regulatory Team Lead, dated November 10, 2003.
6. Alaska Department of Environmental Conservation, Facility Construction and Operation

Village Safe Water, on behalf of Metlakatla Indian Community and general comments, via a letter from Doug Poage, P.E. Village Safe Water Program, dated November 10, 2003.

7. CRW Engineering Group, LLC, via a letter from Jeff Stanley, P.E., dated November 10, 2003.
8. U.S. Department of Transportation, U.S. Coast Guard, via a letter from K.H. Calvo, Commander, U.S. Coast Guard, Commanding Officer, dated November 5, 2003.
9. City and Borough of Juneau's Wastewater Utility, via electronic mail from Liam Carnahan, dated November 10, 2003.
10. Chugach Support Services, Inc. (re. USAF Galena Facility) via a letter from Michael L. Mott, Project Manager, King Salmon/Galena Project, dated October 8, 2003.

Comments specifically related to the Lena Point Subdivision in Juneau, Alaska (City and Borough of Juneau), proposed for coverage under the marine general permit:

11. U.S. Department of Commerce, National marine Fisheries Service via a letter from James W. Balsiger, Administrator, Alaska Region dated November 10, 2003.
12. Thomas E. and Susan D Kocyba via a letter dated October 30, 2003.
13. Lena Extended Neighborhood Association via a letter from Kirk Miller, President, John Hudson, Vice President, and Carl Dierking, Secretary dated November 3, 2003.
14. Juneau URGENT Care and Family Medical Clinic via a letter from Louis M. Packer, MD and Ellen Rose Varosi dated November 5, 2003.
15. Carl F. Dierking via a letter dated November 4, 2003.

This document represents EPA's response to each of the comments received during the comment period. The comments have been sorted into the following categories: Lena Point Subdivision, Chlorine Limitations, BOD₅ and TSS Limitations, Monitoring (cost and frequency), and Miscellaneous. The comments within each subcategory are summarized followed by EPA's response. Comment letters are referenced using the letter numbers listed above.

City and Borough of Juneau, Lena Point Subdivision:

Comment 1. Habitat Area of Particular Concern. The National Marine Fisheries Service (NMFS) concurs with EPA's finding of no adverse effects to Essential Fish Habitat (EFH) for 21 of the 22 proposed treatment facility discharges under the marine waters general permit (letter No. 11). In the letter, the NMFS notifies EPA of the recent discovery of a Habitat Area of

Particular Concern (HAPC) at the discharge site for the Lena Point Subdivision. NMFS indicates that adverse effects to EFH are likely to occur from the Lena Point Subdivision discharge at the proposed location. The letter discusses in detail the results of a recent on-site habitat survey. Biologists documented the existence of a large, dense grove of soft coral colonies located immediately downslope of the proposed outfall. The corals "...are living marine substrates and constitute EFH for several species of federally managed fish and in addition are a Habitat Area of Particular Concern (HAPC) because of their ecological importance, sensitivity to disturbance, and rarity."

Response. In the Fact Sheet for the general permits EPA states that discharges to receiving water considered to be a sensitive area by EPA or ADEC should not be covered under the general permit but instead be authorized by individual permits. An individual permit would allow evaluation of unique circumstances presented by a sensitive area and allow for specific permit conditions as appropriate. The NMFS comments that HAPC warrant special consideration in order to avoid disturbance based on their ecological importance and sensitivity. EPA agrees with the comment and will, therefore, not include the Lena Point Subdivision under the general permit as described in the current application. Should the project be modified to address the HAPC issue associated with the proposed outfall site, and an application submitted, EPA and ADEC can assess coverage under the general permit or an individual permit.

Comment 2. Other Lena Point Subdivision comments. Comment letters Nos. 12, 13, 14, and 15 oppose authorization under the general permit to the Lena Point Subdivision for a number of reasons including the proposed treatment method, the existence of sea pen colony as discussed above, other environmental concerns, and proximity to existing residences.

Response. As noted in the previous comment, the Lena Point Subdivision is not to be authorized under the general permit in the current proposed location, due to the Habitat Area of Particular Concern in the vicinity of the outfall as cited by the NMFS. As such, it is not necessary for EPA to respond to each comment raised in letters 12-15 at this time. Should the permittee request authorization to discharge under an individual permit, or, modify the project and request coverage under the general permit, the interested parties who submitted comments will have the opportunity to review and comment on any draft permit. Comments received will be addressed by EPA prior to issuance of a final individual permit or issuance of coverage under the general permit.

Chlorine

Clarification to the final permit of the technology-based chlorine limitation: The technology-based chlorine limit is correctly listed in the fact sheet as 0.5 mg/L on a monthly average basis and 0.75 mg/L on a weekly average basis. The draft permits incorrectly listed the technology-based limit in footnote 2 of the limitation tables as 0.5 mg/L on a daily maximum basis. The final permit correctly reflects the 0.5 mg/L limit as a monthly average limit.

The fact sheet discusses the use of the factor 1.5 to derive a weekly limit and 2.0 to derive a

maximum daily limit from a monthly average limitation. In this case, the technology-based weekly chlorine limit would be 0.75 mg/L and the daily limit would be 1.0 mg/L. Municipal technology-based limits are typically specified as monthly and weekly averages (40 CFR 122.45(d)), however, ADEC request the general permit include a monthly and daily limit since state permits issued to these facilities have historically included a daily limits, and to be protective of state standards. Therefore, the final permit also includes a technology-based daily maximum chlorine limitation of 1.0 mg/L.

Comment 3. Chlorine compliance. The commenter states a concern that the limitations of the draft permit for chlorine are below detection levels and that the permit list a higher concentration value as the compliance evaluation value (0.10 mg/L) as a footnote in the table. The commenter states that the permit should list the compliance level as the limitation directly in the table. “Therefore, the permits should only list the total residual chlorine permit limit of 0.10 mg/L of which is the accuracy of field monitoring and then as a note, mention why the other permit limit of 0.011 or 0.0075 mg/L is not physically possible for the facilities to monitor.” (1)

Comment 4. TRC results at 0.1 mg/L should be considered in compliance with the permit limits. The commenter states that analytical results equal to or less than a permit limit or minimum level are in compliance with the permit. (2)

Comment 5. General permit footnote 4 to tables 1, 2, and 3 should be revised to state, “When the total residual chlorine limitations is lower than 0.1 mg/L, EPA will use 0.1 mg/L as the compliance evaluation level (i.e. daily maximum concentrations at or below 0.1 mg/L will be considered in compliance with the limitation)”.

Response to 3-5. EPA Region 10 policy is that NPDES permit must include the water quality based effluent limit in the permit regardless of the proximity of the limit to the analytical detection level. Therefore, the permit limit table of the final permit will include the water-based limit as proposed in the draft permit. Region 10 policy, based on EPA’s recommended approach in the *Technical Support Document for Water Quality-based Toxics Control*, EPA March 1991 (TSD), is that when the effluent limit is below the analytical detection level, the permit should identify the minimum level as the compliance level. The minimum level is the level at which the entire analytical system gives a recognizable mass spectra and acceptable calibration points. The compliance level cited in the permit must be clearly defined and quantified. EPA believes the footnote approach used in the draft permit meets this criteria. Finally, EPA policy is that the permit should state that any sample analyzed in accordance with the specified method and found to be below the minimum level will be considered in compliance with the permit limits. Any sample found to be at or above the minimum level is found not to be in compliance with the permit limit. This is also clearly stated in the footnote.

In practice, determinations of compliance around the 0.10 mg/L minimum level is not expected to be an issue since nearly every facility that chlorinates is receiving a higher chlorine limit based on a state mixing zone and the resulting monthly limitation is the technology-based value of 0.5 mg/L as shown in Appendix A of both permits and not 0.10 mg/L.

Comment 6. Chlorine limitations significant digits. The commenter states that the 0.10 mg/L TRC limit has too many significant figures and the compliance limit should be 0.1 mg/l not 0.10 mg/L.

Response. The minimum level is listed as 100 µg/L in “USEPA Approved Methods and Levels for NPDES Program”, updated January 3, 2001. The final permit reflects the minimum level as 0.100 mg/L (0.100 mg/L).

Comment 7. Chlorine limit for the Ukpeagvik Inupiat Corporation. The Ukpeagvik Inupiat Corporation comments that the proposed chlorine limit is 25% of the current level and request a higher limit with consideration that the Middle Salt Lagoon will provide for dissipation of any residual chlorine prior to the discharge point to the Arctic Ocean. (3)

Response. EPA has established a technology-based limit of 0.5 mg/L monthly average and 1.0mg/L maximum daily limit for facilities under these general permits as described in the fact sheet (see correction noted above). Even if a water quality-based evaluation supported a higher limitation due to greater mixing in the receiving water, the Clean Water Act generally requires that the effluent limit for a pollutant be the more stringent of either the technology-based or water quality-based limit. Therefore, a monthly average of 0.5 mg/L and a maximum daily of 1.0 mg/L is included as the final permit chlorine limitations.

EPA recognizes that this limitation is a reduction for this facility but believes that the limit can be achieved with proper chlorine management as demonstrated by other small facilities in Region10.

BOD₅ and TSS Limitations

Comment 8. BOD₅ and TSS percent removal. The Air Force commented that several of their facilities are in a mothball status where they are designed to support a large number of personnel but are currently supporting only a small fraction of the design. Example cited 10% of personnel compared to design. The Air Force comments that this situation lends itself to diluted influent and makes compliance with the percent removal requirements difficult. Request that percent removal requirements be waived when in situation of operating well below design conditions. (1)

Comment 9. Percent removal for BOD₅ and TSS to lagoon systems is inappropriate since typically the lagoons are seasonal dischargers and applying monthly average percent removal criterion is not technically valid. (4)

Comment 10. The detention time for continuously discharging aerated lagoons is typically several months and, therefore, it is inappropriate to apply percent removal criterion to aerated lagoons. (4)

Comment 11. During spring thaw, systems may experience diluted influent due to I and I from the collection system and result in noncompliance with the permit limit (4).

Comment 12. Commenter suggest it is unreasonable to test lagoon influent wastewater since during high rainfall, the influent will be dilute and 85% removal may not be met, and, costs associated with additional monitoring. (6)

Response to 8-12. As specified in the fact sheet, facilities covered under these general permits are required to meet “secondary treatment” as described at 40 CFR Part 133.102 including the percent removal requirements. EPA did allow a less stringent percent removal of 65% for passive and aerated lagoons per 40 CFR 133.105, “treatment equivalent to secondary treatment”, although, the 85% removal was retained for BOD₅ for aerated lagoons due to data suggesting increased performance compared to TSS. In response to limited additional data supplied by the Air Force for the King Salmon facility, EPA will lower the percent removal so that all lagoons, passive and aerated, will be required to meet the minimum 65% removal allowed by the secondary treatment regulations.

40 CFR 144.103 (d) does allow for even less stringent percent removal requirements, however, a number of conditions must be demonstrated including the treatment works is consistently meeting permit limits and less concentrated influent is not the result of excessive inflow and infiltration. This demonstration has not been provided for any of the facilities listed for coverage under this permit.

The percent removal technology limit is a monthly value based on the average of effluent concentrations over the month compared to an average of the influent concentrations over the same month. For seasonal discharges, concentrations from the month during which the discharge is taking place, for both effluent and influent, are used to calculate the percent removal. The percent removal is then recorded and reported for that month.

Comment 13. BOD₅ and TSS treatment efficiency in Alaska. Due to temperature conditions in Alaska, there would be a reduction of treatment efficiency that would result in permit exceedences for BOD₅, TSS and fecal coliform. Due to the additional passing of solids, more disinfection would be required to meet permit limits. (1)

Comment 14. Exceedences of BOD₅ and TSS that are a result of freezing in the treatment lagoon should be recognized as upset conditions listed in Section IV.G. of the permit. (1)

Response to 13-14. BOD and TSS limitations are national technology-based limits and also required under secondary treatment of the state regulations. Data from other Alaska facilities regulated under NPDES permits indicate compliance with secondary limits. Upset is defined in the permit as “an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.”

Monitoring (cost and frequency)

Comments on monitoring and reporting frequency and associated costs:

Comment 15. BP Exploration (Alaska) Inc. recommends that quarterly reporting apply to all authorizations in this general permit. The draft permit states facilities with a design flow of 5,000 gpd or greater must report monthly. Quarterly reporting would reduce administrative burden of submitting monthly reports. (5)

Response: After consultation with ADEC, the final permit will require monthly reporting under the general permit, which is the standard NPDES reporting frequency. Although EPA agrees that less frequent reporting would reduce administrative burden, less frequent reporting decreases EPA and ADEC's ability to address compliance issues in a timely manner. Also, EPA and ADEC believe having all facilities report at the same monthly frequency would simplify and enhance compliance with the general permit requirements.

Comment 16. The cost of the draft lagoon sampling and testing provisions for MIC will be about \$8,000 per year. The commenter states that the testing is not essential and cost will be difficult to absorb. The commenter suggest quarterly sampling and testing for this facility (0.1-1.0 mgd) at a cost of \$800 per year. (6)

Comment 17. Commenter suggest that for design flow of 5,000 to 100,000 gpd, sample semi-annually, for less than 5,000 gpd, test annually. (6)

Comment 18. Proposed monitoring requirements for facilities with design flows of 5,000 to 100,000 gpd will place a significant burden on small remote villages with often very limited financial resources. The commenter provided a breakdown of monitoring costs which totaled \$8,540 annually. With 75 customers for this example the monthly cost was \$9.50 per customer. The commenter offered the following suggestions:

- 1) Reduce frequency of sampling by changing the three categories in the draft permit to 250,000-1,000,000 gpd, 75,000-250,000 gpd, and less than 75,000 gpd, or create a new table for Category 2 facilities less than 75,000 gpd. Commenter provided additional reasoning related to seasonal dischargers and long retention times for lagoons in arctic environments.
- 2) Reduce or eliminate influent monitoring once the waste stream is characterized.
- 3) Allow for reduction of monitoring after a year or two of consistent results.
- 4) Encourage development of regional laboratories to reduce shipping and other costs.

Comment 19. City of Juneau comments that Auke Bay WWTP will have to double frequency of monitoring for most parameters and require influent sampling for the first time. The City comments that this is twice the frequency required at Juneau-Douglas WWTP which is many times larger than Auke Bay. (9)

Response to 16-19. In response to the comments received on the monitoring frequency under the draft permit, EPA is increasing the design flow cutoff so that fewer facilities fall under the highest monitoring frequency required and a greater number of facilities will fall into the category requiring the lesser monthly monitoring frequency. In the draft permit, the highest monitoring frequency was required for facilities with design flow from 0.1 mgd-1.0 mgd. The final permit was revised so that only facilities with design flows above 0.25-1.0 mgd have to monitor at the highest frequency. The second category of monitoring frequency was revised from 0.005-0.1 mgd to 0.005-0.25 mgd, thereby increasing the number of facilities that have to do the less stringent monthly sampling frequency.

EPA also clarified and reduced monitoring from lagoon facilities that discharge seasonally. These requirements are listed in paragraph 4 of the permit monitoring section and now require only two effluent samples during the seasonal discharge event. This change was suggested by ADEC in order to gather necessary compliance information at lower costs. Grab samples will be allowed for seasonal lagoon sampling versus composite samples. Both changes will decrease monitoring requirements for seasonal lagoon dischargers. ADEC also suggest that DO sampling could be decreased for seasonal lagoon dischargers. DO limitations are included in the permit as part of the ADEC Clean Water Act Section 401 certification. ADEC will only require DO monitoring from seasonal lagoon dischargers upon request. The permit has been modified to reflect this requirement.

The adjustments to the draft permit were made to meet the objective of obtaining data necessary to evaluate compliance while minimizing the financial burden on the permittees. Another objective was to gather data to properly characterize the discharges, most of which have a minimal amount of effluent information available. In determining monitoring frequency, EPA considered the size of the facilities, the nature of the discharge, the cost of monitoring, meeting the objectives cited above, and EPA Region 10's experience with permitting similar facilities throughout the region. Under the final permit, the smallest facilities are required to monitor TSS, BOD₅, and fecal coliform on a quarterly basis, medium sized facilities monitor these parameters on a monthly basis, and the largest facilities monitor on a twice per month frequency. EPA believes this is a reasonable frequency based on the factors cited above. The adjustment will move the City of Juneau permit into the lower monitoring frequency category and address their concern related to monitoring frequency compared to their other facilities.

Comment 20. Commenter suggest that EPA authorize on-site testing of chlorine residual and pH testing. Chlorine residual test method should allow color comparator testing and pH test paper should be authorized for pH testing. (6)

Response. For compliance purposes, monitoring must be conducted according to test procedures approved under 40 CFR 136. The final permit requires 136 methods be used.

Comment 21. Monitoring under upset conditions. "The multiple sampling required in section III will be very difficult and cost prohibitive if there is a system upset." (1)

Comment 22. The City of Juneau commented that section III.A. of the permit states that sampling must be representative of volume and nature of the discharge, and the City interprets this statement as a requirement to install and maintain a flow meter and a composite sampler. Also, the City states that this will require purchase of an influent sampler. (9)

Comment 23. The City of Juneau commented that section III.A., second paragraph, requires sampling whenever a discharge occurs that can cause a violation is impractical, will require an inappropriate amount of sampling. (9)

Response to 21-23. Section III A. requiring that samples and measurement taken for the purpose of monitoring shall be representative of the monitored activity is required under NPDES regulations. The second and third paragraphs of this section is to ensure that any spills, bypasses, plant upsets, or other non-routine events will not result in violation of the effluent limits. This language is necessary to assure compliance with the Clean Water Act and the limits of the permit and is authorized by 40 CFR 122.43(a) and 122.44.

With changes to the final permit regarding monitoring frequency, the Juneau permit raised in the comment is now required to monitor once per month using a grab sample, therefore, composite sampler is not required to comply with the conditions of the final permit.

Comment 24. Mixing zone sampling. The Air Force expressed safety concerns with sampling within the mixing zone during adverse environmental conditions: “The Air Force requests reducing the collection of wastewater samples at the mixing zone to the summer months when it is safe and when dilution is occurring.” (1)

Response to 24. The EPA NPDES general permit does not require mixing zone monitoring. ADEC may require sampling through their state authorization. The draft state authorization reviewed by EPA notes that ADEC requires twice per year sampling with flexibility built to sample during the summer season and before freeze up so as to avoid hazardous conditions. Permittee should contact ADEC regarding mixing zone sampling.

Comment 25. The City of Juneau commented that section III.D. requires that sampling during training must be included unless written notification is provided to EPA and ADEC. The City commented that this is far more restrictive than necessary and will serve as a disincentive to conduct training. (9)

Response. The final permit simplifies this process by requiring only notification to ADEC and removing the written notification so that a phone call or electronic mail will be sufficient notice.

Comment 26. The City of Juneau commented that section III.F. refers to “original strip chart recordings” but the language does not include other data recording and archiving options. (9)

Response. The language is boilerplate language from the federal NPDES regulations 40 CFR 122.41 (j). The permittee is required to retain records of all monitoring information including

the information specified, for at least five years.

Comment 27. The City of Juneau commented that under section VI.4., the city in the past has included data for an appropriate number of full weeks into the DMR for a particular month. The commenter suggest language for revising this definition referring to a “reporting month” or “reporting period”. (9)

Response. NPDES compliance is typically done on a calendar month basis. Under the definition section of this general permit, average monthly discharge limitation is defined as average over the calendar month and daily discharges measured during the calendar month.

Miscellaneous

Comment 28. Site-specific permits needed. “Alaska presents a very difficult problem for developing a general permit to apply to so many different facilities with such a wide range of extreme environmental and geological conditions...In the end, more site-specific permits need to be written from an arctic engineering perspective.”(1)

Response. EPA appreciates this comment and carefully considered Alaska conditions and worked closely with ADEC when designing and developing this permit. A review of the basis for the permit conditions will show that the technology-based limits are required by federal law. The technology limits are, for the most part, the same as required by State of Alaska Water Quality Standards. Where there was flexibility, percent removal requirements in this case and with monitoring requirements, EPA carefully considered Alaska conditions as discussed in the fact sheet and this response to comments document. Other permit limitations were included in order to protect Alaska Water Quality Standards. Mixing zones certified by ADEC for every facility provide further consideration of site-specific factors. EPA believes a general permit is an effective tool for this category, provides adequate site specific considerations, and is more efficient than issuing a number of individual permits.

Comment 29. Compliance schedules. The Air Force “...request a grace period established for old facilities that have problems meeting the new permit limits. (1)

Response. EPA is unable to provide a grace period or compliance schedule for secondary treatment, technology limitations, that have been required since the early 1980's. Furthermore, very limited effluent data is available from these facilities to determine whether time is needed to comply, how much time would be needed, and what interim limits should apply if more time was needed. EPA believes well maintained and operated facilities covered by this general permit should be able to comply with the secondary treatment requirements.

Comment 30. State permits. The Air Force notes that the State of Alaska has an engineer plan review, mixing zone authorization, and oversight of compliance with state standards in the receiving water, while EPA administers the NPDES program. The comment is to let the State have “supremacy” of the permit and use the draft general permit as guidance for ADEC issued

permits.

Response. Alaska has not submitted a request for authorization to administer the NPDES program, therefore, EPA is the NPDES permitting authority in the State of Alaska. ADEC can not issue NPDES permits.

Comment 31. UIC/NARL request that the Water Treatment Plant discharge, which was permitted under both the original EPA permit and the ADEC permit, also be permitted under the new general permit and associated state authorization. (3)

Response. The general permit is developed for POTWs and other treatment works providing secondary treatment of domestic sewage and discharging to marine or fresh water. Domestic sewage is defined in the permit as waste and waste water from humans or household operations that are discharged to or otherwise enter a treatment works.

Comment 32. Commenter thanked EPA and ADEC for developing the draft permits and comments that the permits will make permitting of these facilities and reissuing permits much more efficient. (7)

Response. EPA acknowledges the comment.

Comment 33. The U.S. Coast Guard comments that they have two facilities that may potentially be covered under these permits: Coast Guard LORAN Station on Attu (AK-0020630) which discharges to Massacre Bay, and Coast Guard LORAN Station Shoal Cove on Revillagigedo Island (AK-0026352) which discharges to a small freshwater creek. Commenter request that the two facilities be included in the final general permits. (8)

Response. EPA appreciates the Coast Guard raising these facilities to the attention of EPA and ADEC. Once the facilities are authorized by ADEC with appropriate mixing zone, EPA fully intends to issue coverage to these facilities under the general permit.

Comment 34. City of Juneau request 150 to 180 days to develop the QAP instead of the proposed 90 days. (9)

Response. Since this will be the first time many of these facilities will be developing a Quality Assurance Plan (QAP), EPA will allow the longer period of 180 days as requested by the City.

Comment 35. The City of Juneau provided minor editorial changes to the permit. (9)

Response. Editorial changes were made as appropriate.

Comment 36. The City of Juneau comments that definition VI..8. is confusing since design flow includes a reference to peak flow rate within the definition. (9)

Response. Under the definitions section the permit includes: “Design flow for the facility is the wastewater flow rate that the plant was built to handle.” This definition meets its purpose and has not been modified in the final permit. The commenter may be referring to the instantaneous peak flow which was purposely not included in the definition. EPA and ADEC do not want to use an instantaneous peak flow value as a design flow in the permit.

Comment 37. The City of Juneau provided five comments on the fact sheet, four of which were editorial in nature and one repeating a comment provided on the permit regarding sampling of the influent in order to determine percent removal. (9)

Response. The fact sheet is a final document so changes will not be made but the City’s comments will be a part of the administrative record for the permit. The influent sampling comment was addressed above in the monitoring section.

Comment 38. Chugach Support Services (CSS) is the Air Force Base Operating Services contractor for the USAF Galena facility. CSS submit a request that EPA rescind the Notice of Intent for this facility and that the facility not be covered under the NPDES general permit, since the facility does not discharge to navigable waters of the U.S. CSS presented a letter from 1976 where EPA concluded that there was not a discharge to waters of the U.S. CSS also reports on recent site inspection conducted by CSS that support CSS request. (10)

Response. Enough evidence was presented with the comments to raise a question over whether this facility discharges to waters of the U.S. EPA and or ADEC will visit the site and conduct an inspection to investigate the issue. Until the issue is resolved, EPA will pull this facility from coverage under the general permit.