

Alaska Department of Environmental Conservation (DEC) Response to Comments for the Draft Certificate of Reasonable Assurance for the City and Borough of Wrangell Wastewater Treatment Plant (WWTP) National Pollutant Discharge Elimination System (NPDES) Permit No. AK0021466

Summary

The Environmental Protection Agency and DEC jointly public noticed NPDES Permit AK0021466 and DEC's Draft Certificate of Reasonable Assurance for the City and Borough of Wrangell (Wrangell) WWTP between October 25, 2022 and December 9, 2022 and again between July 28, 2023 and August 28, 2023. DEC received one comment on the Draft Certificate of Reasonable Assurance from the City and Borough of Wrangell. This document summarizes the comment and the justification for any action taken or not taken by DEC in response to the comment.

1. Schedule of Compliance for Bacteria

Comment Summary

Wrangell stated that the five-year compliance schedule is not enough time to secure funding, complete a disinfection study, design, and construct a disinfection system and therefore requested an extension of the five-year compliance schedule to ten years. Wrangell estimates that adding disinfection will cost Wrangell approximately \$12.5 million (currently about \$11 million short in terms of funding) and that this will be a significant burden on rate payers and that extending the compliance schedule will allow Wrangell to seek grant opportunities and/or alternative funding. Additionally, Wrangell has been working on the water plant and is short on funding for that project. The schedule has been extended therefore funding and workload for the wastewater project needs additional schedule. Wrangell proposed an alternate schedule that with the exception of construction startup, (the compliance schedule in the Draft Certificate of Reasonable Assurance specifies that construction commence four years after the effective date of the permit vs seven years proposed by Wrangell), doubles the allowable time for each sequential interim requirement.

DEC Response

40 Code of Federal Regulations, Duration of permits §122.46(a), limits the length of NPDES permits to a fixed term not to exceed five years. Alaska implements the NPDES program as the Alaska Pollutant Discharge Elimination System (APDES) program. DEC regulations at 18 Alaska Administrative Code (AAC) 83.020, Term of permit (a), states that an APDES permit is effective for a fixed term that must be listed in the permit and must not exceed five years. The fecal coliform and enterococcus compliance schedule is a condition of the permit; therefore, the compliance schedule cannot extend beyond the five-year permit term.

18 AAC 83.560, Schedules of compliance, states that any schedule of compliance must require compliance as soon as possible. 18 AAC 83.560(b)(1) specifies that the time between interim requirements must not exceed one year. The interim requirements contained in the Draft Certificate of Reasonable Assurance that will lead to compliance with the final fecal coliform and enterococcus bacteria effluent limits and the dates for their achievement are attainable progressive actions that will ensure that Wrangell complies with the final effluent limits as soon as possible, but no later than 5 years after the effective date of the permit.