Department of Environmental Conservation
Response to Comments

For

Alaska Pollutant Discharge Elimination System (APDES) Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) within the

City of Fairbanks,
City of North Pole,
University of Alaska – Fairbanks, and
Alaska Department of Transportation and Public Facilities – Northern Regional Office

APDES Permit No. AKS053406

Public Noticed April 11, 2013 – May 13, 2013

June 10, 2013

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

1 Introduction

1.1 Summary of Facility / Permit

The Environmental Protection Agency previously issued an National Pollutant Discharge Elimination System (NPDES) permit (AKS053406) for an Municipal Separate Storm Sewer Systems (MS4) owned and operated by four permittees: City of Fairbanks, City of North Pole, University of Alaska - Fairbanks, and the Alaska Department of Transportation and Public Facilities – Northern Region Office (hereinafter "co-permittees") on June 1, 2005. The permit expired on May 31, 2010. Following the application requirements in 18 AAC 83.110(d), the co-permittees submitted an application for reissuance of their permit on November 25, 2009. The permit was administratively extended pursuant to 18 AAC 83.155(c).

The Alaska Department of Environmental Conservation (the Department or DEC) proposes to reissue the MS4 permit for discharges from small MS4s. The permit authorizes and sets conditions on the discharge of pollutants from municipal activities to waters of the United States. In order to ensure protection of water quality and human health, the permit establishes conditions, prohibitions, and management practices for discharges of storm water from the MS4s owned or operated by the co-permittees. Concurrently, DEC also proposed a separate draft APDES permit for discharges from the MS4s owned and operated by the Fairbanks North Star Borough, APDES Permit No. AKS-053414 (FNSB Permit).

In some of the comments, the commenter provided comments relevant to both the Fairbanks Permit and the FNSB Permit. Since DEC would like to establish consistent requirements for all the MS4 operators in the Fairbanks Urban Area, DEC has revised the final permit language in both the Fairbanks Permit and the FNSB Permit to maintain that consistency.

1.2 Opportunities for Public Participation

The Department proposed to issue an APDES wastewater discharge permit to the co-permittees. 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 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 November 26, 2012 and notified tribes and other agencies
- formally published public notice of the draft permit on April 11, 2013 in the Anchorage Daily News, the Fairbanks Daily News-Miner, and posted the public notice on the Department's public notice web page
- posted the proposed final permit on-line for a 5-day applicant review

- 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 three interested parties on the draft permit and supporting documents. The Department also requested comment from the Departments of Natural Resources (DNR), Fish and Game (DFG), the U.S. Fish and Wildlife Service, and the U.S. Environmental Protection Agency. No comments were received on the draft permit from any of the aforementioned agencies.

This document summarizes the comments submitted 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 June 10, 2013. There were changes from the public noticed permit. Significant changes are identified in the response to comments and reflected in the final fact sheet for the permit.

2 General Comments on the Permit

2.1 Comment Summary – Coverage Area Clarification

Section 1.2 (p.7) – Permit Coverage Area: The permit coverage area described in Section 1.2 does not match the language on the permit's cover page. The cover page states the permit coverage area comprises the Fairbanks Urbanized Area; whereas, Section 1.2 states the permit coverage area is the "…corporate boundaries of the Fairbanks Urbanized Area…" The legal definition of corporate boundaries refers to the city limits of municipal corporations. Hence, if the permit coverage area is only comprised of the city limits of the Fairbanks Urbanized Area, then the permit coverage area would exclude the UAF campus as well as large extents of state right-of-way (i.e. highways) within the Fairbanks Urbanized Area that lie between and outside the city limits of Fairbanks and North Pole. The intent of the permit is to cover the full extent of the Fairbanks Urbanized Area that is served by the MS4. As such, the commenter's recommendation was the word "corporate" be deleted from the referenced sentence in Section 1.2.

> **Response:** The Department concurs with the recommendation and will modify Section 1.2 to remove "corporate" from the Permit Coverage Area.

2.2 Comment Summary – Water Quality Standards

Numerous permit activities are tied to compliance with applicable water quality standards (WQS) but the permit does not define these standards as those outlined in 18 AAC 70. Are these the standards that are to be used to measure permit compliance?

> **Response**: Yes, the applicable WQS are those outlined in 18 AAC 70.
>
> The permit was changed to add the reference to 18 AAC 70, see Part 1.4.2 of the Permit.

As previously stated, DEC's goal is to provide consistency in the MS4 permits for the Fairbanks Urbanized Area. Therefore, this language has also been included in the FNSB Permit.

2.3 Comment Summary on Snow Disposal

Section 1.4.3.1 (p. 9) – Snow Disposal: The permit states the "Co-permittees are not authorized to dispose of snow…directly to the MS4." Since roadside ditches are considered part of the MS4, commenters have interpreted this statement to mean the co-permittees may not plow snow into roadside ditches.

Response: The condition of "directly to the MS4" remains unchanged from the previous issued permit. DEC recognizes the co-permittees use of the snow management practice of using ditches for snow storage as an acceptable management practice. The primary function of using the ditches during the winter months is for snow storage and as is part of the co-permittees snow disposal and management practices. The ditches are maintained by the co-permittees and are lined with gravel, soil, and vegetation that allows melting of snow and rainwater to infiltrate into the ground to help filter pollutants from directly entering surface receiving waters. As stated in the permit, discharges from the co-permittees snow disposal and snow management practices are authorized under this permit when such practices are operated using appropriate best management practices (BMPs) required in Part 3.6, Pollution Prevention and Good Housekeeping. BMPs may include detention basins, dikes, berms, and vegetative buffers. BMPs shall be designed, operated, and maintained to prevent and reduce pollutants in the discharges to the maximum extent practicable so as to avoid excursions above WQS.

DEC will include "ditches" in the listing of potential BMPs of the permit to provide additional clarification and will include a brief discussion in the Fact Sheet.

As previously stated, DEC's goal is to provide consistency in the MS4 permits for the Fairbanks Urbanized Area. Therefore, this language has also been included in the FNSB Permit and Fact Sheet.

2.4 Comment Summary Construction Site SWPPP Review Fees

Section 3.4 – Construction Site Storm Water Runoff Control

Construction Site SWPPP Review Fees: The City of Fairbanks and City of North Pole requested DEC provide an NOI fee waiver for all privately-funded construction projects within the city limits of Fairbanks and North Pole. Within the Fairbanks Urbanized Area the two Cities have SWPPP review authority over all privately-funded construction projects, whereas DEC has SWPPP review authority over all publicly-funded construction projects. Operators of privately-funded construction projects within the Cities' jurisdiction are being charged twice the fee amount for the SWPPP review than operators of publicly funded construction projects. In the commenters' opinions, DEC should provide an NOI fee waiver for all privately-funded construction projects within the city limits of Fairbanks and North Pole so private developers do not get double charged.

Response: DEC does not charge for SWPPP review for privately-funded construction projects within the city limits of Fairbanks and North Pole as indicated in the Part 2 of the Construction General Permit (CGP, AKG100000). Plan review fees and authorization fees are two separate fees. DEC plan review fees are found in 18 AAC 72.955 which includes nondomestic wastewater systems for discharges that include storm water runoff for engineering plans required by 18 AAC 72.600, and general permit authorization fees (18 AAC 72.956). DEC does charge for a general permit authorization fee in accordance with 18 AAC 72.956.

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

2.5 Comment Summary

DOT&PF: Section 4.1.5 (Page 25) – Table 4-1: Outfall Monitoring Requirements: In the first column, the last parameter, Oil and Grease, the superscript is a typo; it should read “d” instead of “e”.

Response: DEC appreciates the comment, and change was made to the permit as noted.