

**Department of Environmental Conservation
Response to Comments**

for the

Norton Sound Large Dredge Placer Miners General Permit

APDES Permit No. AKG374000

Public Notice: March 22, 2018 – April 24, 2018

May 10, 2018



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

1.0 Introduction

1.1 Summary of the Permit

The Norton Sound Large Dredge Placer Miners General Permit (AKG374000) authorizes wastewater discharges from suction dredges with intake diameters greater than ten inches; suction dredge operations with a combination of intake hoses that have a combined intake area greater than 78 square inches; and mechanical dredges, such as excavators. The coverage area includes marine waters of Norton Sound up to three nautical miles offshore between Cape Rodney at 166°24'09" west longitude and Cape Darby at 162°46'54" west longitude with certain restrictions in the permit. Fact Sheet Sections 1.0 and 2.0 provide additional coverage information and regulatory history. Specific conditions under which pollutants may be discharged are detailed in the permit and further explained in the fact sheet.

1.2 Opportunities for Public Participation

The Alaska Department of Environmental Conservation (DEC or the Department) proposed to reissue an Alaska Pollutant Discharge Elimination System (APDES) wastewater discharge general permit for the discharges from Norton Sound large dredge placer mine operations. 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, via letter, fax, and/or email, potentially affected tribes, local governments, the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the Environmental Protection Agency (EPA) that the Department would be working on the permit;
- posted a preliminary draft of the permit on-line for a 10-day applicant review on February 22, 2018 and notified potential permittees, tribes, local governments, and State and Federal agencies, including the Alaska Department of Fish and Game (ADF&G), the Alaska Department of Natural Resources (DNR), the U.S. Bureau of Land Management, the U.S. Army Corps of Engineers, NMFS, USFWS, and EPA;
- formally published public notice of the draft permit on March 22, 2018 in a local newspaper, *The Nome Nugget*, posted the public notice on the Department's public notice web page, and distributed the public notice to potential permittees, tribes, local governments, and State and federal agencies;
- posted the proposed final permit modification on-line for a 5-day applicant review on May 10, 2018 and notified potential permittees, tribes, local governments, and State and Federal agencies; and
- sent email notifications via the APDES Program List Serve when the preliminary draft, draft, and proposed final permit were available for review.

The Department received written comments on the draft permit from EPA and a member of the public.

This document summarizes the comments submitted and the justification for any action taken or not taken by the Department in response to the comments. Significant changes are identified herein and reflected in the final permit and fact sheet. Comments addressing unsubstantial changes (such as formatting, typos, contact information, or minor wording edits) are not addressed within this document but may be reflected within the final permit and fact sheet.

2.0 Comments

2.1 Comment (Draft Permit) - Permit Coverage:

One comment voiced general opposition to the permit based on concerns that the reissuance will open the door to larger, potentially irresponsible, operations in the region and negatively impact claim holders, smaller miners, hunters, and fisherman. The comment also voiced concerns that “mean high tide” can be interpreted differently by different people in differing areas.

Response:

The Norton Sound Large Dredge General Permit was originally issued in 2013. Since the 2013 issuance, DEC has not observed an increase in large dredge operations in Norton Sound. Twelve authorizations were in effect during 2014, the first full year of the permit. There are currently thirteen authorizations in effect under the same permit. As the reissued permit does not contain any substantial changes from the 2013 issuance, DEC does not anticipate the permit reissuance resulting in either 1) an increase of the quantity or scale of Norton Sound operations or 2) significant impacts to existing uses in the area from facilities operating in compliance with permit conditions.

The permit does not contain stipulations that are dependent on, or otherwise reference, “mean high tide.” Thus, differing interpretations of “mean high tide” would not affect permit implementation.

2.2 Comment (Draft Permit) - Permit Part 2.1 (Effluent Limitations):

One comment noted that numeric limits are not stated in Permit Part 2.1.1 and recommended stating numeric limits in this section for clarification.

Response:

Pursuant to APDES regulations at 18 AAC 83.475(3), permits must include Best Management Practices (BMPs) “when numeric effluent limitations are infeasible.” Due to the unique nature of dredging operations, the permit includes BMPs, visual

limitations, and monitoring requirements in lieu of numerical limitations. See Fact Sheet Sections 4.2, 5.3, and 5.4 for additional information. Discharge permits for dredges issued by DEC and EPA have traditionally relied on visual monitoring to ensure protection of State Water Quality Standards, including water quality criteria. Larger operations that may be unable to effectively visual monitor due to the scale of the discharge may be subject to numerical limits under Permit Part 2.4; however, these are unique situations and such limits and associated monitoring requirements would be implemented on case-by-case bases. This comment has not resulted in a change to the permit documents.

2.3 Comment (Draft Permit) - Permit Part 2.4 (Alternative Effluent Limitations):

One set of comments noted that it is not clear whether Permit Part 2.4.2 is intended to establish effluent limits based on a large mixing zone using the approval [sic] water quality criteria or if it may apply to site-specific criteria that requires EPA approval. The comments also noted the permit and fact sheet do not explicitly indicate that approval by EPA as a site-specific criteria is required before use. The comments further recommended that the fact sheet clarify that EPA must approve site-specific water quality criteria before use for Clean Water Act purposes and describe the EPA-approval process in the context of the general permit.

Response:

Language has been added to Permit Part 2.4.2 and Fact Sheet Section 5.3 indicating that a site-specific criterion must receive EPA approval before inclusion in a discharge authorization.