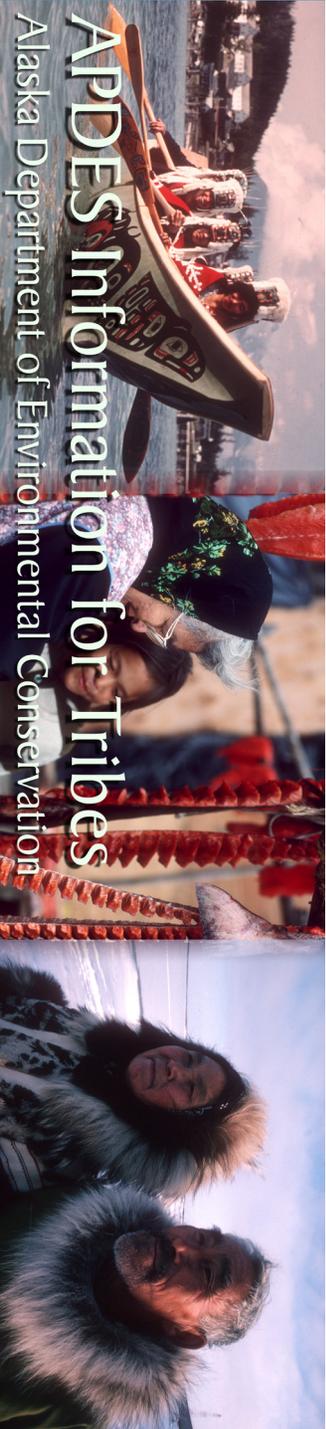


Alaska Pollutant Discharge Elimination System

Tribal Involvement in Wastewater Permitting



- Permitting Process
- Find Support
- Be Informed
- Get Involved



Tribal involvement in wastewater permitting is important for developing sound permits that reflect a full understanding of local conditions and concerns. DEC strives to facilitate and encourage tribal involvement in the permitting process. Please do not hesitate to contact us for assistance!

Who regulates wastewater in Alaska?

The Department of Environmental Conservation (DEC) regulates the discharge of wastewater into surface waters through the Alaska Pollutant Discharge Elimination System (APDES) permitting program.



How does DEC “permit” wastewater?

The federal Clean Water Act requires a permit for discharges of wastewater into waters of the US and authorizes states to implement permit programs. DEC received approval to administer the wastewater permitting program for Alaska in 2008.

What is an APDES permit?

APDES permits regulate wastewater discharges to protect water quality, human health, and aquatic life and require facilities to monitor, report, and conduct proper operation and maintenance procedures. Permits are based on water quality standards and achievable treatment technologies.



Why should tribes be involved?

DEC strives for a full understanding of local conditions and concerns, encourages tribal participation in the permitting process, and provides opportunities for involvement. Tribal involvement enhances the permit process and improves protection of Alaska’s natural resources.

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 Alaska Pollutant Discharge Elimination System Program
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DEC provides several opportunities for tribes to be informed and involved in potential permitting actions that may affect or concern them.

Permit Issuance Plan

DEC develops a Permit Issuance Plan (PIP) that identifies each permit expected to be drafted during the next two years. The PIP is mailed annually to federally recognized tribes in Alaska and posted online. Tribes are encouraged to review the PIP and self-identify as 'affected' for specific permits that may affect or concern them and request that DEC coordinate with them during the permit development process. This is also a good time to update DEC with the appropriate tribal contact person and preferred communication method.



Affected Tribe Determination

The DEC Local & Tribal Government Coordinator completes an 'affected tribe determination' (ATD) for each proposed permitting action. The Coordinator researches the proposed activity, wastewater and receiving water characteristics, facility, and information found in the BIA Tribal Leaders Directory, US Census, Alaska community information database, forestry & coastal management plans, and news articles during the ATD. Tribes can also self-identify as 'affected' based on the PIP.



Early Tribal Notification

Tribes determined to be potentially 'affected' by a proposed permit receive an Early Tribal Notification (ETN) letter regarding the permit. The ETN provides information about the activity generating wastewater, receiving water, & opportunities to participate in the process. Tribes are encouraged to provide traditional, cultural, or other local information early in the process for consideration during permit development.

Public Notice Period

Once a draft permit is available for review, public notice is provided to tribes through direct mailings, advertisements, online posting, electronic mailing, and other manners appropriate for a legal notice. The public notice initiates a minimum 30-day review and comment period during which the draft permit, fact sheet, & application are available. Tribes are notified at the optional 10-day preliminary draft and 5-day proposed final permit applicant review periods, unless the periods are waived.

Final Permit Issuance

DEC considers comments submitted by the public and prepares a 'Response to Comments' document. Changes may be made to the draft permit but if they are not 'a logical outgrowth' of received comments, DEC will reissue the public notice for additional comments. At the close of an optional 5-day proposed final permit applicant review period, DEC prepares a final permit for issuance. The permit is posted online, with supporting documentation, but not effective until 30 days after issuance, for an appeal period.



Types of APDES Permits

Wastewater discharge permits fall into two categories:

1. Individual permits

- Terms, limits, and conditions are developed for the unique aspects of the facility, discharge, and receiving waters
- Facilities submit applications and the public can review and comment on each draft individual permit
- Individual permit examples are industrial processing & large mine permits



2. General permits

- Terms, limits, and conditions are developed based on nature of similar activity and qualifying facilities
- Facilities meeting eligibility requirements submit a Notice of Intent (NOI) to receive coverage; the public cannot comment on individual NOIs
- General permit examples are domestic sewage & storm water permits

Individual Permits

Permit Application

Draft Permit and Fact Sheet

Public Notice

Final Permit, Effective 30 Days After Issuance

General Permits

Identify Need and Collect Data

Draft Permit and Fact Sheet

Public Notice

Final Permit, Effective 30 Days After Issuance

Notice of Intent

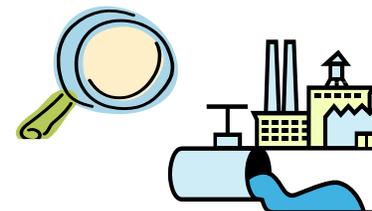
Early Tribal Notification

Comment Period

Appeal Period

Permit Compliance & Enforcement

DEC facilitates compliance with APDES program requirements and permits by providing assistance, incentives, monitoring, & enforcement measures. DEC provides technical assistance to regulated facilities before noncompliance occurs and develops tools to assist facilities with compliance issues. Incentives are provided to facilities facing compliance deficiencies in the form of grants and loans. Permittees are required to submit discharge monitoring reports (DMRs) and related documentation in accordance with permit monitoring and reporting requirements.



DEC reviews DMRs for potential issues and conducts compliance evaluations. DEC can inspect any facility subject to the APDES program, and APDES permits stipulate that permittees allow DEC unrestricted access to conduct inspections. If facilities are not in compliance, DEC utilizes a variety of enforcement measures including compliance letters; Notices of Violation (NOV); and civil or criminal penalties such as fines, imprisonment, injunction, or restraining orders.

Types of Permitted Wastewater Discharge

- Domestic Wastewater—sewage and graywater
- Industrial Wastewater—seafood processing, timber storage, mining, oil & gas
- Storm Water—construction and industrial sites
- Federal Facilities—wastewater from military installations
- Pretreatment Facilities—wastewater treated prior to discharge to domestic facilities