

**Department of Environmental Conservation  
Response to Comments**

**For**

**Multi-Sector General Permit for Storm Water Discharges  
Associated with Industrial Activity**

**APDES Permit No. AKR060000**

**Public Noticed August 29, 2014 – October 15, 2014**

**February 19, 2015**



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

## **1 Introduction**

### **1.1 Summary of Permit**

The Environmental Protection Agency (EPA) issued the first storm water permit for industrial activities in the 1990s, with permit reissuances in 2000 and 2008. The Alaska Department of Environmental Conservation (DEC or the Department) adopted the Multi-Sector General Permit for storm water discharges associated with industrial activity (MSGP or permit) into the Alaska Pollutant Discharge Elimination System (APDES) Program on October 31, 2009. The permit expired on September 29, 2013 and was administratively extended until such time a new permit was reissued.

The MSGP contains provisions that require industrial facilities in 29 different industrial sectors to implement control measures and develop site-specific storm water pollution prevention plans (SWPPP) to comply with APDES requirements. There are approximately 284 industrial facilities authorized by the 2008 permit. In addition, approximately 47 industrial facilities have filed No-Exposure Certifications.

The MSGP regulates storm water (rain, snow, and snowmelt) runoff that comes into contact with industrial activities and significant materials (materials that have the potential to cause contamination). The quantities and types of storm water discharged are dependent on many variables, including the type of industrial activity that the facility is engaged in (sector of industry), pollutants of concern, and type and intensity of the runoff event.

### **1.2 Opportunities for Public Participation**

The Department proposed to issue an APDES wastewater discharge general permit. 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 January 7, 2014 through January 22, 2014 and notified tribes and other agencies
- formally published public notice of the draft permit on August 29, 2014 in the Alaska Dispatch News, Fairbanks Daily News Miner, and Juneau Empire 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 fifteen interested parties on the draft permit and supporting documents. The Department also requested comment from the Departments of Natural Resources and Fish and Game, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the EPA.

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 February 19, 2015. 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 Support and Opposition for the Permit**

### **2.1 Comment Summary**

The Department received fifteen comments of general support and none in opposition to the permit.

**Response:**

DEC appreciates the comments of general support.

## **3 Comments on Permit Parts 1 to 10**

### **3.1 Comment Summary**

The Schedule of Submissions table would be more user friendly to have only one address for all permit submissions.

**Response:**

DEC identifies the submissions to go directly to the section within the Department that will evaluate the submission. This will ensure a faster response by DEC and accurate agency recording of permittee reporting compliance. The submission table is to aid the user with an easy to read table that identifies the recipient of the information. *No changes were made to the permit or fact sheet based on this comment.*

### **3.2 Comment Summary**

Add a new Part 1.2.2.5 to authorize storm water discharges under a permit shield. Add a new part 1.2.3.2 to authorize non-storm water discharges under a permit shield.

**Response:**

DEC has decided to not add language providing a “permit shield” as Clean Water Act (CWA) Section 402(k) already provides the statutory language discussing permit shield. *No changes were made to the permit or fact sheet based on this comment.*

**3.3 Comment Summary**

One commenter had concerns about storm water discharges within public water system drinking water protection areas and recommends adding to Part 1.2.4 Limitations on Coverage additional language about restricting activities within the protection areas.

**Response:**

DEC added language to Part 5.2.3.3 to have public water system drinking water protection areas added to the site map that is part of the contents of the Storm Water Pollution Prevention Plan (SWPPP).

**3.4 Comment Summary**

Part 1.2.4.5 is a new section of the MSGP. Per footnote 1 of Table 2-1, DEC can delay its authorization but does not give any limitations on how long this delay could be or the procedures DEC will use to make a determination. This unknown delay for authorization of a discharge and unknown process for making a determination will lead to regulatory uncertainty.

**Response:**

Due to the fact the permit covers 29 individual industrial sectors, DEC believes one defined time of response would be overly restrictive on the Department. The Department strives for efficiency and to expedite permitting when and where possible. *No changes were made to the permit or fact sheet based on this comment.*

**3.5 Comment Summary**

The MSGP should provide an “application shield” for any facility that submits in good faith a timely and complete NOI and where MSGP coverage is delayed or denied under Parts 2.3 and 2.8. For instance, a facility that is presently under the 2008 MSGP that submits an NOI for coverage under this MSGP when issued should not be subject to liability for not having other permit coverage and should be given protection from liability pending issuance of an alternative permit. While an “application shield” might be implied under the draft language, the commenter prefers that it be expressed to avoid any debate.

**Response:**

The permit provides a provision (Part 2.5) for continuation of the expired general permit, where if the permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 18 AAC 83.155. Part 2.5 provides for a number of alternative scenarios for applicants seeking permit coverage. *No changes were made to the permit or fact sheet based on this comment.*

### 3.6 Comment Summary

In Part 3.1.2, the adjective “stringent” in the context used does not add any meaning and should be deleted.

**Response:**

DEC has deleted the word “stringent” from Part 3.1.2.

### 3.7 Comment Summary

Part 3.1.3 is not clear as presently worded, please revise.

**Response:**

DEC has clarified the wording of Part 3.1.3 to reflect that “At any time after authorization, upon a DEC determination that the permittee’s storm water discharges will cause, have a reasonable potential to cause, or contribute to an excursion above any WQS, DEC may require the permittee to:” See Permit Part 3.1.3 and subsequent subparts.

### 3.8 Comment Summary

Part 3.1.3.2 is unclear on what data would be considered “valid and verifiable” in proving that Water Quality Standards (WQS) in ambient waters are being attained. There is no supplemental explanation in the fact sheet. The permit should indicate that DEC will provide clear instructions for demonstrating that ambient receiving water is attaining WQS and any testing of receiving waters that an applicant may be required to complete.

**Response:**

Data that are “valid and verifiable” are collected and analyzed with a level of precision, accuracy and representativeness that yield data to help ensure that Alaska WQS are met and that water quality uses (public health and public resource protection) are protected. EPA has developed a publication to assist in monitoring and sampling: *Industrial Stormwater Monitoring and Sampling Guide*, March 2009, [http://water.epa.gov/polwaste/npdes/stormwater/upload/msgp\\_monitoring\\_guide.pdf](http://water.epa.gov/polwaste/npdes/stormwater/upload/msgp_monitoring_guide.pdf). *No changes were made to the permit or fact sheet based on this comment.*

### 3.9 Comment Summary

Part 4 describes “Technologically available and economically practicable and achievable in light of best industry practice.” An airport has been told by DEC that the Publically Owned Treatment Works (POTW) secondary standards apply to airport discharges. The POTW is a different industry. The airport should be compared with other similar sized airports (the same industry) for what would be applicable.

**Response:**

The MSGP is separated in industry specific categories and best available technology (BAT) is applied to specific industry sectors/categories. The benchmark for airports in Sector S includes biological oxygen demand (BOD). In the 1995 MSGP, EPA selected

the benchmark for BOD from the Secondary Treatment Regulations (40 CFR 133). *No changes were made to the permit or fact sheet based on this comment.*

### 3.10 Comment Summary

The MSGP should clearly require an evaluation of whether it is feasible to cover materials or activities and implementation of covers (in 4.2.1) only where shown to be technologically available and economically practicable and achievable in light of best industry practice.

**Response:**

DEC modified the language of Part 4.2.1 to address this comment. Specifically, deleted the phrase “must minimize the exposure” and replaced it with must “evaluate the facility regarding exposure.” See Permit Part 4.2.1 for changes.

### 3.11 Comment Summary

Part 4.4 only applies to the storm water discharges not regulated by 40 CFR Part 434. All discharges regulated by 40 CFR Part 434 are submitted to the State under the Surface Mining Coal Reclamation Act (SMCRA) and to DEC for the APDES Individual Permit (IP) process.

**Response:**

The Part 4.4 review of non-domestic wastewater treatment review only applies to treatment systems not covered by SMCRA regulations or not covered by an APDES mining IP, so there is no duplication of review requirements. Language to this effect was added to the fact sheet.

### 3.12 Comment Summary

Revise Part 5.2.1 to remove the reference to prime subcontractors.

**Response:**

The reference to prime subcontractors was removed.

### 3.13 Comment Summary

Is discharge from Lakes Hood and Spenard considered storm water discharge?

**Response:**

The outflow from Lakes Hood and Spenard is considered a creek outflow from a lake and is not considered a storm water discharge. There are discharges of storm water from the airport into these lakes. *No changes were made to the permit or fact sheet based on this comment.*

### 3.14 Comment Summary

Part 5.2.6.2 of the permit requires the permittee provide in the Storm Water Pollution Prevention Plan (SWPPP) an estimate of the runoff coefficient of the drainage area of the substantially

identical outfalls. The fact sheet does not provide a basis, instruction, or reference to determine the coefficient.

**Response:**

See Table 3-2 of the Alaska Storm Water Guide to find the coefficients for various landcovers and hydrologic soil groups. A reference was added to the fact sheet.

### 3.15 Comment Summary

There were several comments on Parts 5.3.2, 5.7, and 5.8 requesting the allowance of electronic storage of the SWPPP and inspections at the facility.

**Response:**

The permit requires copies of the SWPPP, inspections, and supporting documentation must be on-site and available for DEC inspectors to review. It does not exclude electronic copies. In fact electronic storage of documents can be used as long as they are accessible when a DEC inspector conducts an on-site inspection. In other words, the documents must be readily accessible at the facility on-site, not just in a separate office some distance away from the facility such that the documents are not readily accessible upon request. *No changes were made to the permit or fact sheet based on this comment.*

### 3.16 Comment Summary

A commenter wanted an elaboration on Part 5.8.14 on the documentation and on-site requirements for determining whether a facility qualifies as inactive and unstaffed.

**Response:**

The criteria for inactive and unstaffed is industry-specific, facility-specific, and seasonally-specific. See Permit Parts 6.1.3, 6.2.3, and 7.2.1.6 for more information. *No changes were made to the permit or fact sheet based on this comment.*

### 3.17 Comment Summary

In Part 6.1.1, the permit refers to normal facility operating hours. Please define normal facility operating hours as to what is meant by this phrase.

**Response:**

The normal facility operating hours are industry-specific and facility-specific. Examples include: business hours of 8 am to 5 pm; processing plants that operate two or three shifts during a day; or airports that have take-offs and landings from 6 am to 2:30 am the next day. *No changes were made to the permit or the fact sheet based on this comment.*

### 3.18 Comment Summary

In Part 6.1.1, the permit says inspections must be performed by qualified personnel with at least one member of the permittee's storm water pollution prevention team participating. Please clarify whether or not this is required to be two people or if a single person fulfills both

requirements – being a qualified person and a member of the pollution prevention team. See also 6.3.3.

**Response:**

The qualified person may be the inspector and a member of the pollution prevention team; a single person can cover both roles. *No changes were made to the permit or the fact sheet based on this comment.*

### 3.19 Comment Summary

Part 6.1.2 requires that inspection reports be signed in accordance with Appendix A, Subsection 1.12. The commenter felt this is an excessive level of certification for routine inspections. This permit should allow the qualified personnel to certify the routine inspection reports. See also Part 6.2.2 and 6.3.2.

**Response:**

The permit currently allows the signatory identified in Appendix A, Subsection 1.12 to delegate to either a person or a position, such as pollution prevention team lead or environmental manager. With the delegation, the qualified personnel can certify the routine inspection reports. A copy of the delegation letter or memo must be included in the SWPPP. *No changes were made to the permit or the fact sheet based on this comment.*

### 3.20 Comment Summary

One commenter pointed out that given the remote nature and seasonality of many industrial facilities, all sectors (not just Sectors G, H, and J) should be provided equal opportunity to qualify as unmanned and unstaffed as described in Part 6.1.3. See also Part 6.2.3.

**Response:**

Part 6.1.3 already allows all facilities that are inactive or unstaffed to suspend quarterly monitoring as long as there are no industrial materials or activities exposed to storm water. Sectors G, H, and J have additional requirements established in Parts 11.G.8.4, 11.H.8.1, and 11.J.8.1. The process is explained in Part 6.1.3. *No changes were made to the permit or the fact sheet based on this comment.*

### 3.21 Comment Summary

Two commenters pointed out the difficulty of sampling according to Part 6.2. Specifically, meeting the 30 minute requirement and knowing when the water will flow from the outfall. They requested more time for the collection.

**Response:**

The permit describes 30 minutes as the goal for sampling and allows a longer period of time to collect samples, "...as soon as practicable...". DEC retains the 30 minute goal with the requirement for the permittee to provide an explanation as to why the 30 minute



goal was not met should the goal prove to be unobtainable in a given circumstance. *No changes were made to the permit or the fact sheet based on this comment.*

### 3.22 Comment Summary

In Part 7.1.1, the allowance for monitoring of only one of the substantially identical outfalls is not applicable to any outfalls with numeric effluent limitations. The permit should clarify whether this also applies to outfalls with numeric benchmarks. Are the terms numeric effluent limitations and numeric benchmarks used interchangeably in this section or is the permit referring to specific sectors with actual numeric effluent limitations?

#### Response:

Part 7.1.1 says, "(t)he allowance for monitoring only one of the substantially identical outfalls is not applicable to any outfalls with numeric effluent limitations." Numeric effluent limitations and numeric benchmarks are different terms, and the numeric effluent limitation refers to specific enforceable permit limits. The "benchmarks" are the pollutant concentrations above which the permit establishes as a threshold for concern. *No changes were made to the permit or the fact sheet based on this comment.*

### 3.23 Comment Summary

In Part 7.1.2 please clarify whether or not a facility may be asked to sample commingled discharge to illustrate it meets benchmark parameters for a subsector. If it is not possible to sample discharges before they commingle with discharges associated with a different APDES permit, is sampling required?

#### Response:

If a permittee cannot sample a storm water discharge prior to it mixing with a non-allowable storm water, the permittee must document in the inspection report why the sample could not be taken. See Permit Part 8.1 for Corrective Action requirements. *No changes were made to the permit or the fact sheet based on this comment.*

### 3.24 Comment Summary

Part 7.2.1.5 makes an allowance for naturally occurring constituents while all of the parts referencing the requirement to attain WQS do not make an allowance for natural conditions. How is DEC reconciling this Part with the definition of uncontaminated? Is there an approved natural background calculator that DEC envisions providing for this Part?

#### Response:

The definition of uncontaminated refers to an analyte or pollutant that is due solely to non-anthropogenic sources – free from the presence of pollutants attributable to industrial activity. Natural conditions refers to naturally caused constituents that exceed a WQS. Note, Part 7.2.1.5 refers to benchmark monitoring, not effluent limitation monitoring. DEC has developed a natural background calculator. However, EPA has not approved it

for use with APDES permits. *No changes were made to the permit or the fact sheet based on this comment.*

### 3.25 Comment Summary

Part 7.2.3.2 addresses impaired waters monitoring schedule, discharges to impaired waters without an EPA approved or established TMDL. Lakes Hood and Spenard are still listed as impaired for dissolved oxygen. If the water being discharged meets WQS for dissolved oxygen, is that acceptable?

**Response:**

These lakes are currently listed for dissolved gases. If the discharge into the lake meets Alaska WQS, then the permit can authorize the discharge. See Section 7.2.3 for more details. *No changes were made to the permit or the fact sheet based on this comment.*

### 3.26 Comment Summary

In Part 9.2, the permit states, “The permittee must submit the annual report to DEC by February 15<sup>th</sup> for each year of permit coverage to the address identified in Part 9.6 or via OASys.” Does this mean that the report is due by February 15<sup>th</sup> of the following year? Could this be stated for clarity in the permit?

**Response:**

Part 9.2 was revised to improve the clarity.

## 4 Comments on Specific Sectors, Part 11

### 4.1 Comment Summary

In Part 11.G.2 recommend making the following change of switching an “and” with an “or.” Change “...(1) drain naturally (or are intentionally diverted) to a point source; **AND** (2) combine with “mine drainage” that is otherwise regulated under Part 440 regulations.” to “...(1) drain naturally (or are intentionally diverted) to a point source; **OR** (2) combine with “mine drainage” that is otherwise regulated under the Part 440 regulations.”

**Response:**

DEC has reformatted the “note” in the Permit Part 11.G.2 to aid in reading and interpretation, but retains the intent that both conditions must be met. The MSGP only applies to non-contact water, and as such, the MSGP only regulates storm water that has not come in contact with mining activity subject to 40 CFR Part 440. This permit provision is consistent with the language in the 2008 MSGP and continuation of the provision does not alter DEC’s practice for mining in the State of Alaska.

## 4.2 Comment Summary

In Part 11.G.8.2, the comment is to recommend adding sulfate and nitrate to the list of required analytes for Subpart G mines. Sulfate is an excellent early indicator of acid rock drainage and dissolving of metallic sulfates. Nitrate is a common contaminant from waste rock dumps because many mines use a blasting agent that contains nitrate and its burning efficiency is notoriously low.

### Response:

Monitoring and limits for constituents of concern contained in mine contact water are covered in an individual APDES permit for a particular mining operation, and sulfate and nitrate are included among those constituents of concern. However, the MSGP only applies to non-contact water, and as such, the MSGP only regulates storm water that has not come in contact with mining activity. *No changes were made to the permit or the fact sheet based on this comment.*

## 4.3 Comment Summary

In Part 11.G.8.2, the commenter recommends that DEC should continue its present policy of treating storm water drainage from active metal mining sites as process water, at least until it can be demonstrated by long term monitoring that the storm water discharge from active waste rock piles does not violate Alaska WQS.

### Response:

Under 18 AAC 83.010(b)(3), which refers to 40 CFR 122.26(a)(2)(i), DEC may not require a permit for discharges of storm water runoff from “mining operations composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduit, ditches, and channels) used for collecting and conveying precipitation runoff and which are not contaminated by contact with or that have not come into contact with, any overburden, raw material, intermediate products, finished product, byproduct, or waste products located on the site of such operations.”

The MSGP does have a provision (Part 11.G.1) to monitor runoff from waste rock and overburden to ensure that Alaska WQS are protected. *No changes were made to the permit or the fact sheet based on this comment.*

## 4.4 Comment Summary

In Part 11.H.4.5.1 there is a prohibition to using cationic polymers unless approved by the Department. A commenter said they currently use, and have good success with, cationic polymers in discharges regulated under 40 CFR 434. They would like to use cationic polymer under the MSGP. There is no reference to a procedure or mention of information required to obtain approval of the use of these polymers.

**Response:**

The concern with the use of cationic polymers is their potential to harm fish. Information was added to the fact sheet that described the submittal requirements for the approval of the use of cationic polymers.

**4.5 Comment Summary**

In Part 11.Q and 11.R, why are sector-specific metals benchmark monitoring required for Sector Q but not Sector R? The basis for this requirement is not explained in the draft fact sheet for the DEC MSGP nor in the fact sheet for the EPA Draft MSGP.

**Response:**

In the development of the MSGP in 1995, EPA included the metals for Sector Q but not for Sector R (see Federal Register Vol. 60, No. 189 pp. 50990-50997). When EPA collected the Sector-specific data from which the benchmarks were developed, EPA collected the metals for Sector Q but not for Sector R, so EPA only issued benchmarks for metals in Sector Q. *No changes were made to the permit or the fact sheet based on this comment.*

**4.6 Comment Summary**

In Part 11.S, the permit should simply begin with a list of all relevant technologies as ‘candidate technologies’ and state that those candidate technologies determined to be relevant to a particular site should be subjected to further consideration. In addition to avoiding the permit’s inappropriate mandates to apply technologies that site-specific analysis might determine are unavailable at a particular site, this approach also makes clear that technologies other than those listed may be evaluated and selected, leaving the way clear for the kind of technological innovation that continues to drive progress in reducing discharges related to aircraft deicing. And in Part 11.S.3, the permit employ’s the parenthetical “(or their equivalents)” in a context in which it appears to establish a minimum standard for BMPs and, thus, an unsupported Best Available Technology Economically Achievable/Best Conventional Pollutant Control Technology effluent limitation.

**Response:**

DEC has added language to the permit Part 11.S.4.1 “Implement control measures (as described in 11.S.4.1.1 through 11.S.4.1.7 – each list is not exclusive) where determined to be practicable and that accommodate considerations of safety, space, operational constraints, and flight considerations.” DEC additionally modified the language in Parts 11.S.4.1.1 through 11.S.4.1.7 and deleted the phrase “or their equivalents” to address the concerns of the commenter.

#### 4.7 Comment Summary

In Part 11.S, the final permit should establish ‘practicability’ as the criterion for selection of relevant candidate technologies for implementation. This includes considerations of flight safety, safe ground operation of aircraft, avoidance of delay, as well as the interdependencies among these factors and between these factors and the engineering considerations related to the use of one or more candidate technology at a particular site.

**Response:**

The permit Part 11.S.4.1 was revised to include the additional considerations listed by the commenter. The word “practicable” is already included as a permit definitions.

#### 4.8 Comment Summary

In Part 11.S.3.1.5, many of the spill and overflow practices recommended or potentially required by this part of the draft permit are directly contrary to FAA Advisory Circulars and fire codes in place to protect the public.

**Response:**

DEC revised the permit language, see Part 11.S.4.1.5.

#### 4.9 Comment Summary

In Part 11.S.3.1.6, the first sentence of the Part contains additional decisional standards (e.g., “minimize,” itself a tortuously defined term in the Draft Permit, and “where feasible eliminate”) which, when layered over the decisional language contained in the two daughter Parts will result in an incomprehensible mix of qualifiers and directives.

**Response:**

DEC clarified the language in the part 11.S.4.1.6 to address the commenters concern, to “Minimize, and where practicable, eliminate...”. Minimize and practicable are defined in Appendix C.

#### 4.10 Comment Summary

In Part 11.S.3.1.6, second bullet, revise language to specify the Federal Aviation Administration (FAA) concerns are addressed and incorporate language from the EPA 2008 MSGP.

**Response:**

DEC clarified the language in the permit Part 11.S.4.1.6 to address the commenters concern.

#### 4.11 Comment Summary

In Part 11.S.3.1.7, the management of runoff should reconsider the use of the phrase “whenever possible.” Consider using language such as, “...recycled where its quality and quantity make recycling cost-effective compared to other available disposal options.”

**Response:**

DEC changed the permit Part 11.S.4.1.7 from “whenever possible” to “whenever practicable”. The definition of “practicable” incorporates the intent of the commenter.

**4.12 Comment Summary**

In Part 11.S.4 Additional SWPPP Requirements it says, “(i)f an airport tenant obtains authorization under this permit and develops a SWPPP for discharges ... that SWPPP must be coordinated and integrated with the SWPPP for the entire airport.” Provide more guidance or a definition as to what this requires.

**Response:**

DEC added a new section (Part 11.S.3 Multiple Operators at Air Transportation Facilities) to Part 11.S to describe the relationship between the airport owner/operator and tenants, including permit coverage, NOI submittal, implementation responsibility, SWPPP requirements, and duty to comply.

**4.13 Comment Summary**

In Part 11.S.4.3 Vehicle and Equipment Washwater, does the inclusion of any other NPDES permit in a facilities SWPPP created under the MSGP render that other permit a term or condition of the MSGP?

**Response:**

No, the other permit is not a term or condition of the MSGP. This requirement is in the 2008 MSGP permit and is being maintained in this permit Part 11.S.5.3. This additional APDES permit addresses a separate process wastewater stream that is not stormwater, so is not covered by the MSGP. Permit Part 4.2.1 identifies that the discharge of vehicle and equipment washwater is not authorized by this permit. These wastewaters must be covered under a separate APDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

**4.14 Comment Summary**

In Part 11.S.6, please clarify the differences between Table 11.S.6-1 and 11.S.7-1 in these related sections. The tables refer to benchmark and effluent limit monitoring. The urea threshold is not in these tables, please give clarification on these sections and related tables.

**Response:**

The reference to urea was added to the permit tables 11.S.7-1 and 11.S.8-1.

#### 4.15 Comment Summary

In Part 11.S.7, the first sentence contradicts the remainder of the section narrative. This first sentence needs to be removed or altered to reflect the use of urea within the ammonia discharge limitations. Clarify what is meant by, “prior to any dilution or commingling with any non-deicing discharge.”

**Response:**

The language of this part is clarified to address the comments, see permit Part 11.S.8.

#### 4.16 Comment Summary

In Parts 11.S.6 and 11.S.7, Juneau International Airport (JIA) has commented on Federal rulemakings prior to DEC implementation of its primacy for the storm water program that regulating urea deicers is an extreme financial hardship for the airport. JIA believes that the implementation of a ban on urea-based deicers or such stringent effluent limitations (Ammonia) is an “Unfunded Mandate” and JIA requests relief accordingly under the Unfunded Mandates Reform Act Section 203.

**Response:**

In publishing the Deicing Effluent limitations Guidelines (ELG), EPA states in the Federal Register that “This rule (the airport deicing rule) is also not subject to the requirements of Section 203 of Unfunded Mandates Reform Act because it contains no regulatory requirements that might significantly or uniquely affect small governments.” Fed. Reg. P. 29201 Vol.77, No. 95, May 16, 2012. *No changes were made to the permit or the fact sheet based on this comment.*

#### 4.17 Comment Summary

In Sector AD, include language authorizing DEC to allow additional incidental non-storm water discharges for the sector.

**Response:**

DEC disagrees with the suggestion. *No changes were made to the permit or the fact sheet based on this comment.*

## 5 Comments Not Directly Related to the Permit

### 5.1 Comment Summary

The Department received comments not directly related to the permit. The *Industrial Stormwater Monitoring and Sampling Guide* written by EPA is a very helpful document, please update the *Guide* and the visual monitoring form in Appendix B.

**Response:**

DEC currently does not have the resources available to revise EPA's publication or develop an Alaska-specific Guide.

**5.2 Comment Summary**

In the fact sheet Sections 2.2 and 4.7.2, please make clear that the inclusion of monitoring for 10 benchmark metals for discharges to saline waters applies only to facilities in which sector specific regulations require monitoring for metals.

**Response:**

DEC clarified the language in the fact sheet.

**5.3 Comment Summary**

In fact sheet Section 4.11.4, there is a reference to Table 11.S.7-2. This table reference was not in the permit.

**Response:**

The table was mislabeled in the fact sheet. It should be Table 11.S.7-1. Correction was made in the fact sheet.

**6 Comments on the Public Process****6.1 Comment Summary**

The Department received comments regarding the public process. Specifically, several commenters wanted DEC to wait until EPA issued their MSGP so that the DEC MSGP would be consistent with the federal permit in terms of airport storm water permitting.

**Response:**

EPA reviewed the DEC draft MSGP and acknowledged the DEC Sector S was compliant with EPA requirements. DEC has made some changes to Sector S to respond to several commenters. DEC has checked with EPA to determine their timeline for issuance. EPA is unable to guarantee issuance in the near term, so DEC is moving forward with permit issuance to ensure new applicants receive permit coverage.

**6.2 Comment Summary**

One commenter said they would like to receive feedback or have some discussion with the agency on submitted comments during the 10-day applicant review. The commenter said the agency should actively work with the public in developing this permit.

**Response:**

DEC actively works with the public, tribes, the regulated community and other governmental entities prior to and during permit development upon request and as DEC



resources allow. In addition, three periods of review and comment on the permit documents are announced and offered as the permit is developed: 10-day applicant review of the Preliminary Draft Permit, public notice of the Draft Permit and 5-day applicant review of the Proposed Final Permit. However, note the 10-day and 5-day applicant review periods were developed in the spirit of applicant review periods only.

## Comments Received During the Five-Day Applicant Review Period

The proposed final permit was posted for five-day applicant review on January 12, 2015 through January 20, 2015. On January 15, 2015 DEC received a request for a seven-day extension. DEC granted the extension to January 27, 2015.

### 7.1 Comment Summary

In Part 11.S.3.3 the proposed language is for a comprehensive SWPPP to be completed by all permittees at airports with multiple operators. One commenter asked for flexibility in the requirement to develop a comprehensive SWPPP. Another commenter wanted 180 days to develop the comprehensive SWPPP instead of the 120 days specified in Table 2-1.

#### Response:

Part 11.S.3.3 was revised to state the comprehensive SWPP approach to permit compliance is a choice the airport manager and its tenants make. It is not a requirement to develop a comprehensive SWPPP. For those airports that do develop a comprehensive SWPP they have 180 days to develop the SWPPP, submit it to DEC, and file their NOI.

### 7.2 Comment Summary

A comment was received on Comment Summary 4.17, specifically about the word “sufficient” and its meaning in the context of allowing additional incidental non-storm water discharges for the Sector AD.

#### Response:

DEC has updated its response in Comment Summary 4.17. In addition, DEC refers the commenter to Permit Part 1.2.3 for a list of allowable non-storm water discharges. *No changes were made to the permit or fact sheet based on this comment.*

### 7.3 Comment Summary

There was a comment about the exploration phase at a Sector G site. Specifically how to handle non-adjacent exploration properties.

#### Response:

Language was added to the Fact Sheet to explain how to document these sites on the site map. Also see Part 11.G.6.2.

## 7.4 Comment Summary

A comment was received on Part 11.S.3.4, Duty to Comply, requesting clarification in regards to multiple operators at Air Transportation Facilities and liability in between hypothetical permit holder (A) and permit holder (B), where B fails to perform its obligations and the impact on A.

### **Response:**

Language was added to the Fact Sheet Section 4.11.4 to clarify the responsibilities of different permittees when developing and implementing a comprehensive SWPPP. The permit provides operators at airports the flexibility to develop and implement a comprehensive SWPPP or individual SWPPP. For those airports that choose to develop a comprehensive SWPPP, the SWPPP must clearly describe the roles and responsibilities of the airport authority and the tenants for all aspects of the MSGP. For example, the SWPPP must clearly specify the MSGP requirements to be complied with by: (1) the airport authority for itself; (2) the airport authority on behalf of its tenants; and (3) tenants for themselves. The Pollution Prevention Team (Part 5.2.2) must include a representative cross-section of signatories to the comprehensive SWPPP. The permit in Part 11.S.3.3 includes a requirement in the SWPPP for reporting between operators for allocated responsibilities and activities.

Airlines, fixed-base operators, and sometimes, even the airport often have control over specific areas and infrastructure on airport sites where other permittees exercise no control. When developing and implementing a comprehensive SWPPP, it is important to clearly define the roles and responsibilities between permittees. When a permittee fails to uphold its obligations under the comprehensive SWPPP, the Department's response will be dependent on the event, permit conditions, comprehensive SWPPP, corrective action taken, and other factors. Each situation is unique, but in general, under a comprehensive SWPPP, the permittees would be jointly responsible for those permit obligations that they hold jointly (e.g.; sampling or reporting), they would not necessarily be jointly responsible for activities in areas or with respect to infrastructure over which they have no right to operate.

## 7.5 Comment Summary

A comment was received on Part 11.S.5.3, vehicle and equipment washwater requirements. The commenter was concerned about the overlap between the MSGP and the APDES permit for vehicle washwater.

### **Response:**

DEC wants to make it clear that no inclusion of any other APDES permit in a facility's SWPPP created under the MSGP renders that other permit a term or condition of the MSGP.

## 7.6 Comment Summary

In the definitions, the permit defines Practicable, “For the purposes of this permit, means capable of being done after taking into consideration costs, existing technology, standards of construction practice, impacts to water quality, site considerations, and logistics in light of the overall project purpose” DEC received a comment about relating the definition to Sector S.

### **Response:**

A description of the use of the word practicable was added to the fact sheet, with specific comments about Sector S considerations of safety, space, operational constraints and flight considerations.

## 7.7 Comment Summary

In the definitions, the permit defines Uncontaminated, “Free from the presence of pollutants attributable to industrial activity”. DEC received a comment about relating the definition to the water quality standards.

### **Response:**

The term “uncontaminated” is used in terms of groundwater seeps and springs as they are affected by industrial activity, rather than an industrial discharge that would be measured against the water quality standards. *No changes were made to the permit or fact sheet based on this comment.*