

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

NPDES General Permit No. AK-G70-1000
U.S. Environmental Protection Agency

Log Transfer Facilities in Alaska
"Post-1985"

This Certificate of Reasonable Assurance, in accordance with Section 401 of the federal Clean Water Act (33 U.S.C. 1251 et seq.) and the Alaska Water Quality Standards (18 AAC 70), is issued to the U.S. Environmental Protection Agency (EPA), 1200 Sixth Avenue, Seattle, WA 98101, for NPDES¹ General Permit Number AK-G70-1000 for Log Transfer Facilities in Alaska ("NPDES General Permit"), which authorizes the discharge to waters of the United States of bark and wood debris associated with certain log transfer facilities.

Public notice of the application for this certification was given as required by 18 AAC 15.180.

Having reviewed the NPDES General Permit and comments received in response to public notice, the Alaska Department of Environmental Conservation ("the Department") certifies that there is reasonable assurance that the NPDES General Permit, and any discharges authorized by the NPDES General Permit, will comply with applicable provisions of Section 401 of the federal Clean Water Act, the Alaska Water Quality Standards (18 AAC 70), the Alaska Wastewater Disposal Regulations (18 AAC 72), the Alaska Coastal Management Program (6 AAC 80), and other applicable state law, provided that discharges adhere to the conditions in this certification.

Pursuant to AS 46.03.110(e) and 18 AAC 15.120, an NPDES permit that is certified by the State of Alaska constitutes the wastewater disposal permit required under AS 46.03.100 and 18 AAC 72. Conditions under Part A of this certification apply to both the NPDES General Permit and the State wastewater disposal general permit. Conditions under Part B apply only to the State wastewater disposal general permit.

This certification is effective for the five-year term of the NPDES General Permit.

PART A: Conditions Applicable to both the NPDES General Permit and the State Wastewater Disposal General Permit

1. Operational Practices. The operator of an LTF shall employ all reasonable practices to avoid the discharge of bark and wood debris from logs in marine waters, and to contain the discharge to the smallest area on the ocean surface that is practicable and is consistent with safe and orderly operation of the log transfer facility. The Pollution Prevention Plan required to be developed and implemented in accordance with Section VII of the NPDES General Permit must identify specific operational practices that will be used to minimize the discharge quantity and area. Practices addressed in the Pollution Prevention Plan must include handling of logs out of water, method of transfer, handling of logs in water, and other operational elements.

2. Zone of Deposit Authorization. The Department authorizes, in accordance with the Alaska Water Quality Standards, section 18 AAC 70.210, a Zone of Deposit for the accumulation of bark and wood debris on the ocean bottom within the project area² of a Log Transfer Facility authorized by EPA to operate under the NPDES General Permit. Subject to Part B of this certification, the Zone of Deposit may include continuous coverage,³ discontinuous coverage,⁴ and trace coverage⁵ by bark and wood debris. At an LTF with an on-shore transfer device, to the extent practicable, the primary area of continuous coverage must be collocated with the primary area of continuous coverage existing prior to discharge under the NPDES General Permit, unless a different area is authorized by the Department.
3. Zone of Deposit Rescission. The Department, upon review of a Notice of Intent to discharge under the NPDES General Permit, may determine that a Zone of Deposit under paragraph 2 above and under Section IV.A.3 of the NPDES General Permit is not appropriate at the proposed location and is not authorized under 18 AAC 70.210. The Department will inform EPA of that decision within 30 days of receipt of the Notice of Intent, except that the Department, by written notice to EPA, may extend such period for an additional time not to exceed 30 days.
4. Notice of Exceedance. The operator of an LTF shall notify the Department and EPA if bark and wood debris exceed the authorized Zone of Deposit.
5. Contents of the Notice of Intent. In addition to the requirements of Section V, the Notice of Intent to discharge under the NPDES General Permit must provide the following information:
 - (a) A map clearly delineating the project area, and a statement of the project area acreage;
 - (b) A demonstration that operation of the LTF constitutes important social or economic development in the area, and that a Zone of Deposit is necessary to accommodate operation of the LTF; and
 - (c) A description of known existing uses of the marine water where the LTF is located, and a demonstration that those uses will be fully protected by the proposed operation of the LTF.
6. Impaired Waters. The NPDES General Permit may not authorize a "new discharger"⁶ to discharge bark and wood debris into any segment of a waterbody included in the Department's CWA Section 305(b) report or CWA Section 303(d) list of waters, that is "impaired" or "water quality limited" for residues related to log transfer or log storage activities.
7. Existing Continuous Coverage. The NPDES General Permit may not authorize a "new discharger" to discharge bark and wood debris at a location where the existing continuous coverage by bark and wood debris exceeds both 1.0 acre and a thickness of 10 centimeters at any point.⁷

8. Bark Monitoring Surveys. (a) A bark monitoring survey conducted under Section VI.C of the NPDES General Permit must determine the total area of continuous coverage by bark and wood debris, and the total area of discontinuous coverage by bark and wood debris, within the project area in water depths to 60 feet MLLW. If continuous coverage extends more than 15 feet beyond and perpendicular to the lateral transects that bound the two sides of the survey area, then additional transects must be established to determine the extent of continuous coverage beyond the lateral transects. An area of continuous or discontinuous coverage must be calculated as the area in acres enclosed by a line connecting the outermost measured points of continuous or discontinuous coverage, respectively, for that area on the transect array, or by another method approved by the Department.
- (b) If a bark monitoring survey indicates that continuous coverage by bark and wood debris is 0.9 acre or greater, and log transfer occurs in that year after that survey, an additional survey must be conducted either: (i) in that year, after cessation of log transfer; or (ii) in the following year, prior to any additional log transfer.
- (c) The preferred time period for conducting an annual bark monitoring survey in a given year is March through May, or prior to operation.
- (d) A bark monitoring survey must include still photographs that clearly depict the nature and coverage of bark and wood debris on the ocean bottom at representative sample plots along the transects, including at least half the sample plots.
- (e) The operator shall submit the results of a bark monitoring survey to the Department and the Alaska Department of Natural Resources (see Part D for addresses) within 60 days of completion of the survey, unless a longer time is authorized by the Department. The results of a survey must clearly state the area of continuous coverage and the area of discontinuous coverage by bark and wood debris.
- (f) If a bark monitoring survey shows that continuous coverage by bark and wood debris exceeds both 1.0 acre and a thickness of 10 centimeters at any point, the operator shall submit, along with the survey, a statement describing practices that will be used to minimize additional bark accumulation until such time as a Remediation Plan is approved by the Department, and immediately shall incorporate those practices into the Pollution Prevention Plan for the LTF.

PART B: Conditions Applicable Only to the State Wastewater Disposal General Permit

9. Written Authorization. (a) The NPDES General Permit requires that, to discharge under the NPDES General Permit, an owner or operator of an LTF must submit a Notice of Intent to EPA and the Department, and must receive written authorization from EPA. Pursuant to this certification, to discharge under the State wastewater disposal general permit, an owner or operator of an LTF must receive written authorization from the Department. The Department will, in its discretion, issue authorization or denial after review of the Notice of Intent and consultation with the Department of Natural Resources and the Department of Fish and Game. The Department will issue authorization or denial in writing, within sixty days of its receipt of the Notice of Intent, and will provide that written decision to the LTF operator and to EPA.

(b) Authorization or denial will be based on evaluation of the following topics:

- (i) Protected water resources and special habitats in Section III.A of the NPDES General Permit;
- (ii) Siting guidelines in Section III.B;
- (iii) Impaired waterbodies in Section III.C;
- (iv) Waiver requests under Section III.D;
- (v) Depth waivers under Section IV.B.3.b;
- (vi) Conformance with the Notice of Intent requirements in Section V of the NPDES General Permit and in this certification;
- (vii) Conformance with the Zone of Deposit section of the Water Quality Standards (18 AAC 70.210);
- (viii) Conformance with the Antidegradation Policy section of the Water Quality Standards (18 AAC 70.015); and
- (ix) Conformance with other sections of the Water Quality Standards (18 AAC 70).

10. Individual Permit. The Department will, in its discretion, require the operator of an LTF to obtain an individual State wastewater disposal permit as provided in 18 AAC 72.910(d).

11. Additional Surveys. (a) If bark monitoring surveys submitted by the operator, and other available evidence, are not sufficient to determine whether continuous coverage by bark and wood debris exceeds both 1.0 acre and a thickness of 10 centimeters at any point, the Department will, in its discretion, require the operator to conduct additional bark monitoring surveys or other monitoring for that purpose.

(b) If the Department finds that continuous coverage is likely to extend beyond minus 60 feet MLLW, the Department will, in its discretion, after consultation with the Departments of Fish and Game and Natural Resources, require the operator to conduct additional bark monitoring surveys to document that coverage.

12. Excluded areas. The State wastewater disposal general permit does not authorize a new LTF to discharge bark and wood debris in the following areas:

- (a) A State Game Sanctuary, Game Refuge, or Critical Habitat Area; or
- (b) An area designated in a State of Alaska Area Plan developed under AS 38.04.065 as being of the highest category of importance for either habitat or harvest of fish and wildlife. Each Area Plan has a slightly different term and alphanumeric code for this highest value category; for example: "crucial habitat/HA"; "crucial habitat/Ha1"; "H1a"; or "Hv1."

13. Proposed Remediation Plan. (a) If continuous coverage by any existing bark and wood debris, whenever deposited, exceeds both 1.0 acre and a thickness of 10 centimeters at any point, the operator shall submit a proposed Remediation Plan to the Department within 120 days, unless additional time is granted by the Department.

(b) A proposed Remediation Plan must:

- (i) Describe, to the extent that information is reasonably available, the historical log transfer processes, volumes, and responsible parties at the site, and their apparent relation to the existing deposition of bark and wood debris;
- (ii) Describe the expected future log transfer processes and volumes at the site;
- (iii) Evaluate environmental impacts caused by existing deposits of bark and wood debris, and environmental impacts of methods to reduce continuous coverage; and
- (iv) Evaluate methods to reduce continuous coverage, including:
 - (1) Alternative methods of log transfer and transport;
 - (2) Operational practices, including handling of logs out of water, handling of logs in water, movement of logs in water, and other operational elements;
 - (3) Feasible methods and costs of removing bark and wood debris from the ocean bottom; and
 - (4) Other methods.

(c) A proposed Remediation Plan must identify, as a result of the evaluation, a set of feasible, reasonable, and effective measures that the operator proposes to implement to reduce existing and future continuous coverage by bark and wood debris to less than both 1.0 acre and a thickness of 10 centimeters at any point. The proposed Remediation Plan must provide justification for the measures identified.

(d) If removal of bark and wood wastes is proposed, the Remediation Plan must specify the following:

- (i) The proposed areas, methods, and timing of removal;
- (ii) The volume and nature of material to be removed;
- (iii) The method of disposal of removed material, and management practices at the disposal site to assure meeting water quality standards and other applicable standards and to assure prevention of objectionable odors; and
- (iv) The costs of removal by the proposed methods and alternatives considered.

(e) A proposed Remediation Plan must include a performance schedule and performance measures for implementation of the plan. A proposed Remediation Plan may describe measures that will be implemented in phases, with continued bark monitoring surveys, and with future modification of the Remediation Plan based on progress in reducing continuous coverage.

14. Departmental Action. Within 90 days of receipt of a proposed Remediation Plan, the Department will approve, approve with modification, or deny the proposed Remediation Plan. In acting on a Remediation Plan, the Department will consider the extent of exceedance; environmental impacts of accumulated bark and wood debris; environmental impacts of methods to reduce continuous coverage; the feasibility, reasonableness, effectiveness, and cost of proposed and alternative measures; the timing of recovery under various alternatives; and other pertinent factors.
15. Enforceable Condition. An approved Remediation Plan constitutes an enforceable condition of the State wastewater disposal general permit.
16. Exclusion of Port Graham/Nanwalek Area Which Merits Special Attention (AMSA). The Port Graham AMSA (See ATTACHED MAP) is excluded from the NPDES General Permit.
17. Exclusions within the Kenai Peninsula Borough. An LTF in one of the following water use areas of the Kenai Peninsula Borough Coastal District (KPB) is excluded from coverage by the NPDES General Permit, unless the KPB affirms, based on its review of the Notice of Intent submitted by the LTF operator, that the KPB does not oppose coverage of the LTF by the NPDES General Permit:
 - a. important near-shore fisheries;
 - b. areas in close proximity to existing mariculture facilities;
 - c. areas of high recreational use;
 - d. areas with high concentrations of fish and wildlife;
 - e. subsistence use areas;
 - f. archeological and historic sites; and/or
 - g. recreational sites.

PART C: Definitions

1. *“NPDES” means the National Pollutant Discharge Elimination System under Section 402 of the federal Clean Water Act, 33 U.S.C. 1251 et seq.*
2. *“project area” means the entire marine operating area of an LTF, either shore-based or off-shore, including the following components: shore-based log transfer devices; shore-based log transfer, rafting, and storage areas; helicopter drop areas; vessel and barge loading and unloading areas; off-shore log storage areas not adjacent to a shore-based LTF; bulkheads, ramps, floating walkways, docks, pilings, dolphins, anchors, buoys and other marine appurtenances; and the marine water and ocean bottom underlying and connecting these features.*
3. *“continuous coverage” means areas of bark and wood debris that are estimated to cover 100 % of the ocean bottom, as measured within a three-foot-square sample plot and will, at the Department’s discretion, include boulders, rock outcrops, ridges, and other protrusions within an area of continuous coverage that are not covered by bark.*
4. *“discontinuous coverage” means areas of bark and wood debris that are estimated to cover 10 % or more of the ocean bottom, but less than 100 %, as measured within a three-foot-square sample plot.*
5. *“trace coverage” means areas of bark and wood debris that are estimated to cover less than 10 % of the ocean bottom, as measured within a three-foot square sample plot.*
6. *“new discharger” is defined by EPA in 40 CFR 122.2, as “any building, structure, facility, or installation: (a) from which there is or may be a ‘discharge of pollutants;’ (b) that did not commence the ‘discharge of pollutants’ at a particular ‘site’ prior to August 13, 1979; (c) which is not a ‘new source;’ and (d) which has never received a finally effective NPDES permit for discharges at that ‘site.’”*
7. *“at any point” means at any single point within the area of continuous coverage; “at any point” does not mean “at all points,” and does not mean a single piece of bark or wood protruding from the surface of bark and wood debris.*

PART D: Addresses

Following is the address for submittal of bark monitoring surveys, annual reports, and Remediation Plans to the Department of Environmental Conservation, and for other communications respecting the State wastewater disposal general permit.

Departmental of Environmental Conservation
Division of Air and Water Quality
410 Willoughby Ave., Suite 105
Juneau, AK 99801-1795
Attn: LTF Monitoring

Following are the addresses for submittal of bark monitoring surveys to the Department of Natural Resources in Southeast and Southcentral Alaska.

Department of Natural Resources		Department of Natural Resources
Division of Land, Mining and Water		Division of Mining, Land and Water
Southeast Regional Manager		Southcentral Regional Manager
400 Willoughby Ave., Suite 400		555 W. 7th, 12th Floor
Juneau, AK 99801-1724		Anchorage, AK 99503

Date

David C. Sturdevant
Division of Air and Water Quality
Water Nonpoint Sources