

**Department of Environmental Conservation  
Response to Comments**

**For**

**Anchorage Municipal Separate Storm Sewer System**

**APDES Permit No. AKS052558**

**Public Noticed May 1, 2020 to June 1, 2020**

**June 22, 2020**



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

## **1 Introduction**

### **1.1 Summary of Facility / Permit**

The Municipality of Anchorage (MOA) Municipal Separate Storm Sewer System (MS4) permit addresses storm water discharges within the Municipality. There are multiple outfalls into many receiving waters. The permit addresses construction activities, post construction activities, monitoring for illicit discharges, snow disposal practices, street sweeping requirements and practicing pollution prevention techniques. No mixing zone is proposed.

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

The Department of Environmental Conservation proposed to issue an Alaska Pollutant Discharge Elimination System (APDES) wastewater discharge permit to the MOA MS4. 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 *March 16, 2020* and notified tribes and other agencies
- formally published public notice of the draft permit on *May 1, 2020* in *the Anchorage Daily News* 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 *two* interested parties on the draft permit and supporting documents. The Department received one comment on the proposed final permit. The Department also requested comment from the Departments of Natural Resources (DNR) Fish and Game (DFG), the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the U.S. Environmental Protection Agency.

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 23, 2020. 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 Comments on the Permit

### 2.1 Comment Summary

The Department received one comment asking for additions to the list of receiving waters on the title page. Proposed additions in **bold**:

... is authorized to discharge from all municipal separate storm sewer system (MS4) outfalls existing as of the effective date of this permit to receiving waters of the United States which include **but are not limited to:** Cook Inlet, **Knik River**, Eklutna River, Edmonds Lake Creek, Mink Creek, **Parks Creek**, Mirror Creek, **Little Peters Creek**, Peters Creek, **Carol Creek**, Fire Creek, Eagle River, Meadow Creek, South Fork Eagle River, Ship Creek, Chester Creek, North Fork Chester Creek, Middle Fork Chester Creek, South Fork Chester Creek, Fish Creek, Campbell Creek, North Fork Campbell Creek, South Fork Campbell Creek, Little Campbell Creek, Craig Creek, **Bayshore Creek**, Furrow Creek, Hood Creek, Little Survival Creek, Rabbit Creek, **Elmore Creek**, Little Rabbit Creek, Potter Creek, **Rainbow Creek**, Bird Creek, Indian Creek, **Tidewater Slough**, **Alyeska Creek**, **California Creek**, Glacier Creek, **Virgin Creek**, **Winner Creek**, **Crow Creek**, **Peterson Creek**, **Twentymile River**, **Portage Creek**, and **Placer River**, their tributaries, associated lake systems, and wetlands located within the corporate boundary of the Municipality of Anchorage, in accordance with the conditions set forth herein.

#### Response:

DEC revised the list of receiving waters as requested. Changes were made based on this comment.

### 2.2 Comment Summary

The Department received one comment on the list of impaired receiving waters within the MOA, Table 2 in Permit Part 1.4.4.1. Specifically, the addition of Eagle River for the identified pollutants of concern (ammonia, chlorine, copper, lead, silver) is confusing and inappropriate for the MS4 permit. The pollutants are solely connected to the Eagle River Wastewater Treatment Facility, and the responsibility for their tracking and removal belongs to Anchorage Water and Wastewater Utility and not with the MS4 permittees. The commenter requested the removal of this waterbody from the table.

#### Response:

DEC revised Table 2 to delete the reference to Eagle River. Changes were made based on this comment.

### 2.3 Comment Summary

The Department received two comments on Permit Part 3.3.2.1, the first comment was to add the word “surface” before water quality. So the sentence reads, “... regulating private snow disposal sites to adequately protect surface water quality...”

#### Response:

DEC added the word surface so the reference is to surface water quality. Changes were made based on this comment.

### 2.4 Comment Summary

The Department received two comments on Permit Part 3.3.2.1, the second comment was on the use of the word “effective.” Specifically, what is “effective” and how is “effective” being determined? Effective

is subjective at best, is there a baseline testing results that are to be met? Are Best Practices to be referenced or adhered to? Who is to determine that efficacy is being met?

**Response:**

Part 3.3.2.1 was subsumed into Part 3.3.2 and Part 3.3.2 was revised to read as follows to remove the term “effective”:

Within four years from the permit effective date, the permittees must update the inventory and map locations of all permittee-owned and privately owned snow disposal sites that discharge directly to the MS4 or to receiving waters. Within four years from the permit effective date, the permittees must evaluate whether the current snow disposal ordinance and design criteria protect surface water quality by explicitly regulating the operation of private snow disposal sites within the MOA. Within four years write a report based on the results of the evaluation conducted above and submit the report with the corresponding Annual Report.

Changes were made based on this comment.

## 2.5 Comment Summary

The Department received one comment on Permit Part 3.4.2.2. The commenter wanted to extend the timeline for compliance as follows:

By the end of the permit term the permittees must identify locations and complete designs for one or more facilities to process catch basin and inlet cleaning materials (both solid and liquid portions of the waste stream) for proper handling and disposal. Funding for these facilities must be identified by the end of the fifth year for construction completion by the end of the second year of the subsequent permit term. The permittees may complete this part by following part 2.6, Shared Implementation with outside entities. Existing disposal sites may qualify, with proper documentation, to meet this permit requirement.

**Response:**

APDES permits cannot specify a requirement in a permit term to be carried out in the subsequent permit term. Part 3.4.2.2 was modified to address some of the changes proposed:

By the end of the permit term the permittees must design, fund, build, and operate one or more facilities to process catch basin and inlet cleaning materials (both solid and liquid portions of the waste stream) for proper handling and disposal. The permittees may complete this Part by following Part 2.6, Shared Implementation with outside entities. Existing disposal sites may qualify, with proper documentation, to meet this permit requirement.

Changes were made based on this comment.

## 2.6 Comment Summary

The Department received one comment on Appendix E on the incorporation of the Ted Stevens Anchorage International Airport within the permit boundary. The commenter believes that now that the Airport has an individual industrial storm water permit an exclusion from the MS4 permit makes for more distinct lines of authority.

**Response:**

The Ted Stevens Anchorage International Airport has been within the MS4 permit boundary since the first MS4 permit. Regulated storm water discharges associated with industrial activity and/or construction activity are authorized to discharge through these MS4s, only when those discharges are separately permitted under the appropriate APDES permit. For example, storm water discharges associated with air transportation activities at facilities owned by the permittees, namely Ted Steven Anchorage International Airport and Merrill Field, are separately required to manage pollutants from aircraft, vehicle and equipment maintenance and cleaning areas. They must obtain authorization to discharge such “industrial storm water” through the Ted Stevens Anchorage International Airport General Permit (Permit #AKR061000) (ANC-GP) and DEC’s Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activities (Permit #AKR060000) (MSGP), respectively. Storm water discharges from gravel or sand sources owned or operated by the permittees must obtain APDES permit coverage under the MSGP. Currently, there are twenty-nine facilities that operate under the MSGP for industrial discharges of storm water within the MOA MS4. Discharge from vehicle or equipment maintenance areas must be permitted under the MSGP. Discharges from construction activities disturbing one or more acres operated by the permittees are subject to the requirements of the APDES General Permit for Storm Water Discharges from Construction Activity (Permit #AKR100000) (Construction General Permit or CGP).

Storm water discharges from all other MOA or DOT&PF areas and facilities that are not associated with regulated industrial operations or construction activity meeting the regulatory definition at 40 CFR 122.26(b)(14) and (15) – including, but not limited to, drainage and runoff from permittee-owned parking areas, storage areas, and/or structural storm water runoff management controls – are therefore authorized by the MS4 permit. There are two MS4 permitted areas within the corporate boundary of the MOA: Port of Alaska and Joint Base Elmendorf-Richardson. While they operate within the corporate boundary of the MOA MS4, they are separate and excluded from the requirements of the MOA MS4 because they are operating under their own separate MS4 permit requirements. If the Ted Stevens Anchorage International Airport storm water permit was an MS4 permit, and not an industrial storm water permit, it would be excluded from the MOA MS4 permit boundary.

No changes were made based on this comment.

**2.7 Comment Summary**

The Department received one comment on Proposed Final Permit on including the DEC Division of Environmental Health “Recommendations for general construction projects” with respect to public water system sources.

**Response:**

The commenter has made the same comment for including the recommendations in the Construction General Permit (AKR100000) and the Multi-Sector General Permit (AKR060000). Based on these earlier comments the Division of Water included a permit part on Projects near a Public Water System in both these permits. Both these permits deal with industrial activity that can be co-located to a public water system and source area.

Within the MOA MS4 permit the construction general permit and the multi-sector general permit address the industrial activities within the municipality that could affect public water systems. To include the recommendations in the MS4 permit would be duplication.

No changes were made based on this comment.