

**Department of Environmental Conservation  
Response to Comments**

**For**

**Hilcorp Alaska LLC., Endicott Operations  
APDES Permit No. AK0038661**

Public Noticed March 23, 2026 to April 24, 2026



May 29, 2026

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

## 1.0 Introduction

### 1.1 Summary of Facility / Permit

Hilcorp Alaska, LLC (HAK or permittee) operates Endicott Operations located at the end of Endicott Road, three miles offshore on Duck Island, in Stefansson Sound of the Beaufort Sea. The complex consists of two separate gravel islands: the main production island (MPI) which includes a seawater treatment plant (STP) and the satellite drilling island (SDI). The STP produces waterflood for injection into oil producing formations to maintain formation pressures that enhance oil recovery. The complex also includes a potable water treatment system (POW) and a domestic wastewater treatment plant (WWTP) to support camp population.

The Alaska Department of Environmental Conservation (Department or DEC) proposes to reissue Alaska Pollutant Discharge Elimination System (APDES) Permit AK0038661 – Hilcorp Alaska, LLC – Endicott Operations (Permit). The Permit authorizes discharges of combined STP backwash and reverse osmosis reject from the POW in internal Outfall 002A and WWTP effluent in internal Outfall 002B. These internal outfalls combine into a single discharge port, Outfall 001A. Outfall 003A is a seawater recirculation loop that maintains open water conditions at the seawater intake basins during the winter.

The Permit imposes monitoring and/or limits for flow, temperature differential ( $\Delta T$ ), chronic whole effluent toxicity (WET), and total residual chlorine (TRC) at Outfall 001A; flow,  $\Delta T$ , and TRC at Outfall 002A; and flow, pH, 5-day biological oxygen demand (BOD<sub>5</sub>), total suspended solids (TSS), fecal coliform bacteria (FC), enterococcus bacteria (EC),  $\Delta T$  and TRC at Outfall 002B. Flow and  $\Delta T$  monitoring are required at Outfall 003A. The combined discharge of the STP/POW (Outfall 002A) and domestic wastewater (Outfall 002B) through Outfall 001A includes the authorization of a chronic mixing zone for temperature, TRC, pH, and WET, as well as an acute mixing zone for TRC. Outfall 003A is for a seawater loop that is monitored for flow and temperature and does not include a mixing zone.

### 1.2 Opportunities for Public Participation

To ensure participation by the public, agencies, and tribal and local governments during Permit reissuance, the Department:

- Identified the permit on the annual Permit Issuance Plan posted online at: <http://dec.alaska.gov/water/wastewater/>.
- Notified potentially affected tribes that the Department would be working on the Permit via email on October 26, 2023.
- Posted the Preliminary Draft Permit online for a 10-day applicant review on October 3, 2025 and notified tribes, local governments, and agencies.
- Posted the Draft Permit online for a 30-day public review on March 23, 2026 and notified tribes, local governments and other agencies.
- Posted the public notice on the Department's public notice web page March 23, 2026 for a 30-day public review on the Draft Permit and Fact Sheet.
- Posted the Proposed Final Permit online for a 5-day applicant review on May 8, 2026 and notified tribes, local governments and other agencies.
- Sent email notifications via the APDES Program List Serve when the Preliminary Draft, Draft, and Proposed Final Permits were available for review.

The Department requested comments on the Preliminary Draft documents from HAK during the 10-day applicant review period. During the 30-day public review period, the Department received comments on the Draft Permit and Fact Sheet only from HAK. The Department also received additional comments from HAK during the 5-day Preliminary Draft applicant review period. Responses to these comments have been incorporated into the responses to public review comments below.

### 1.3 Final Permit

The Final Permit was adopted by the Department on June 1, 2026. There were minor changes from the Draft Permit and Fact Sheet after public notice to correct typographical errors and to clarify information. There were also minor modifications made based on comments received on the Proposed Final Permit and Fact Sheet during the five-day applicant review that were an outgrowth of previous comments received. These comments provide for consistent permit requirements among similar permits issued to HAK. Changes resulting from comments received are identified in this response to comments and reflected in the Final Permit and Fact Sheet.

## 2.0 Comments Summary

Comments received from HAK during the 30-day public review period and the 5-day applicant review period are summarized and responded to in the following paragraphs.

### 2.1 Tables 2 and 5 Consistency

**HAK Comment:** For consistency with Tables 3 and 4 and to accommodate potential operational needs to utilize a calculation in the event of an unexpected meter failure, Hilcorp requests that flow measurements in Tables 2 and 5 allow for both a “meter or calculation” monitoring type.

**DEC Response:** The short response is a qualified yes for Outfall 001A and no for Outfall 003A.

This comment requires an understanding of which outfalls are equipped with meters, which ones are not, whether the location of the flow meter captures the entire volume in the discharge, and which discharges are occurring specifically during monitoring events. Hence, flow estimates and calculations are to be included in the Quality Assurance Project Plan (QAPP) per Permit Sections 1.3.1 and 1.5.4.3(2) and must be a component of the QAPP in Section 3.1.1. Based on the Process Flow Diagrams (PFDs) submitted with the application, DEC understands flow meters are currently installed on internal Outfall 002B – WWTP, Outfall 003A, Outfall 001A but minus any discharge through the clarifier underdrain as it appears to commingle downstream of Meter 2 on the PFD (MTR2). For this reason, DEC agrees that there may need to be an estimate for the underdrain if the summer clarifiers are used but the estimate must be limited to this intermittent contribution and not a replacement for the installed flow meter. DEC disagrees that it should be included for Outfall 003A; any out-of-service meter would need to be repaired/replaced as soon as practicable. As part of the out-of-service flow meter repair/replacement scenario, the Permittee has a responsibility to contact DEC in that event. Based on the specific situation at hand, DEC would have the Permittee develop the appropriate estimation/calculation procedure and modify the QAPP to ensure adequate compliance with the flow measurement requirements that include both compliance and characterization aspects. This would be allowed only until a meter is repaired or replaced.

DEC allows estimates or calculations for flow when there is a means to accurately estimate or calculate the flow using data from other operating flow meters. DEC would not allow removal of

flow meters without replacement as this could directly negate the permissibility of using mass-balance and continuity equation estimation process. Hence, there is a limit to how much DEC will consider estimation to be the basis of compliance or characterization when the permit is developed based on minimum data in the application.

Table 2, for Flow in the first-row, last column (Type) is modified to read: “Meter or Calculation.” No other changes to the permit were made based on this comment.

## **2.2 Sections 1.2.5, 1.4.3, Appendix D – Request that Clarification be Provided for Reporting Requirements**

**HAK Comment:** While 24-hour notification is required only for an MDL noncompliance associated with an upset or unanticipated bypass, the reporting requirements for other noncompliance events are unclear. Permit Section 1.2.5 requires reporting within five days, while Section 1.4.3 directs reporting per Appendix A, Section 3.5 (i.e., on the discharge monitoring report (DMR)). Appendix D further states, “to report other noncompliance events with monitoring results or as otherwise specified in the Permit”.

**DEC Response:** DEC disagrees that the language requires changing; we have vetted this language and determined it to be appropriate based on interpretation of the Standard Conditions. For example, HAK includes the phrase “Since exceedances of the maximum daily limits (MDLs) for all parameters monitored, a 24-hour Noncompliance Notification (NCN) is not required unless the exceedance is due to an upset or unanticipated bypass.” DEC points out that the requirement specifically for 24-hour reporting is not based on “endangering health and the environment.” By adding “for all parameters monitored under this do not pose a significant threat to human health and the environment,” given the lack of a clear definition one could argue that reporting of the incident other than the 24-hour notice would be unnecessary. The need for 24-hour notice is based on three factors, none of which refer to endangerment or environmental protection. DEC Permitting understands that past attempts at clarifying this requirement by Compliance and Enforcement may have misinterpreted Standard Conditions Section 3.4. We are attempting to correct misinterpretations during this reissuance.

DEC acknowledges the complexity when attempting to determine compliance actions during this transition to the new Environmental Data Management System (EDMS). However, DEC also believes that, as written, Standard Conditions Section 3.4 and 3.5 are confusing all to themselves and not well understood in general. DEC has attempted to clarify these requirements in several places including the Fact Sheet, Permit, and in development of tools that align with the Standard Conditions. For where and how to report, Permit Table 1 – Schedule of Submissions provides this answer in the last column “Submit Via,” where we specifically call out EDMS for this topic (see last two rows). Per Table 1, Note a, “The Reporting Requirements in this Permit Supersede Inconsistent Requirements in the Standard Conditions (e.g., use EDMS as this supersedes that Standard Conditions). Despite this cautionary note, DEC does not believe the requirements are more confusing but less, especially with discussion in the Fact Sheet, Permit, and development of the Non-Compliance Notification Flow Chart. DEC has tested the Flow Chart using potential scenarios and are confident that if the Permittee follows these tools (e.g., Table 1 and Flow Chart) they will comply with the Permit.

No changes to the Permit or Fact Sheet have been made based on this comment.

**HAK Comment during 5-day Preliminary Final Applicant Review:** HAK requested again additional clarification on noncompliance notification requirements in Permit Sections 1.2.5 and 1.4.3 as well as Fact Sheet Section 4.3.9.

**DEC Response:** DEC is refining the Noncompliance (NCN) Flow Chart and developing accompanying guidance that explains how to use the NCN Flow Chart in specific non-compliance situations. The Department has revised the NCN Flow Chart to more accurately reflect regulations reflected in the Standard Conditions. To align with these NCN Flow Chart corrections, DEC removed the following sentences from Permit section 1.2.5 because they conflict with other reporting requirements:

“Since exceedances of the maximum daily limits (MDLs) for all parameters monitored under this permit do not pose a significant threat to human health or the environment, a 24-hour Noncompliance Notification (NCN) is not required unless the exceedance is due to an upset or unanticipated bypass. ~~However, the permittee is still obligated to report any violation within five days of becoming aware of the noncompliance. This timeline ensures timely communication while acknowledging the lower risk associated with these parameters.~~ Violations of all other effluent limits, such as average monthly limits (AMLs), are to be reported per Appendix A, Standard Conditions, Section 3.5 - Other Noncompliance Reporting. See also Appendix D – Noncompliance Notification Flow Chart”

The Department also edited Permit section 1.4.3 and Fact Sheet section 4.3.9 to state:

“The permittee must report ~~certain violations of MDLs and AMLs~~ **all other non-compliance** per Permit Appendix A, Standard Conditions, Section 3.4 – 24-Hour Reporting.”

### **2.3 Section 1.5– Request for Modification for Clarity**

**HAK Comment:** For clarity, Hilcorp recommends modifying this section to the following:

“If clarifying agents are used prior to the STP or POW systems and discharged, the permittee must conduct chronic WET testing on Outfall 001A per this section. Chronic WET testing is not required if: 1. Domestic wastewater is the only discharge occurring, and 2. Hypochlorite is used during routine operations, followed by de-chlorination prior to discharge.”

**DEC Response:** DEC agrees clarification can improve Section 1.5. However, DEC does not concur with the clarification provided by HAK. Instead, DEC provides a definition of “clarifying agents” in Appendix C – Definitions that reads:

“Clarifying Agents – In this Permit only, means chemicals that are added to raw seawater for the purpose of enhancing removal of sediment through pH adjustment, coagulation, etc. However, it does not include chemicals that do not affect clarification such as chlorine followed metabisulfites used for bacteria and chlorine destruction, respectively.”

### **2.4 Section 1.5.3.6 – Ability to Automatically Utilize the Maximum 72-hour Hold Time for WET**

**HAK Comment:** In situations where it may be needed due to logistical challenges, Hilcorp requests the ability to automatically utilize the maximum 72-hour hold time for WET without the

need for ADEC request. It is recommended that the language of this section be modified to align with that of APDES Permit AKG315200 Section 2.10.3.5, which states:

“WET sample hold times are established at 36 hours and samples must not exceed a hold time of 72 hours. The permittee must document the conditions that resulted in the need for the holding time to exceed 36 hours and the potential effect on the test results.”

**DEC Response:** Like HAK, DEC seeks consistency when there is similarity between permits. In the case of AKG315200, there are different conditions that result in different requirements. DEC observed the frequency of extended hold-time requests under the Cook Inlet General Permit where there is a substantial amount of WET testing being performed. This observation warranted a coordinated effort to streamline the approach.

In comparison, there is no routine WET testing being performed under the Endicott Permit that warrants the same concern. DEC also points out that the authority still resides with EPA per 40 CFR 136.3(e), which includes methods for WET testing. DEC coordinated the conditions in the Cook Inlet General Permit with EPA during the reissuance and both felt comfortable with this slight variation. DEC is not comfortable making this streamline adjustment holistically but rather when it is appropriate based on observations and approved by EPA during reissuance.

**HAK Comment during 5-day Preliminary Final applicant Review:** HAK commented that because the Fact Sheet does not mention the need to contact DEC to request the 72-hour extension, that is it automatically granted.

**DEC Response:** DEC added the following language to the ‘Hold Times’ section of Fact Sheet Section 4.3.10.3:

“The Permittee must **request the extension and** document the conditions that resulted in the need for the holding time to exceed 36 hours and any potential effect the extended hold time could have on the test results and include in the test report.”

## 2.5 TRC Monitoring Frequency From 5-day Applicant Review

As an outgrowth of previous comments and discussion with HAK, DEC is removing the daily monitoring requirement for TRC. The Department incorrectly believed that the TRC monitoring device used for compliance was in-line, but after discussion with HAK, it was discovered that the device is handheld for permit compliance; in-line measurements are strictly used for operational considerations and is not after final dichlorination treatment. Because of this, the daily monitoring requirement is removed on the basis that the daily monitoring frequency is not justified given the amount of data that has been collected. Permit section 1.3.3 and Fact Sheet section 4.3.7 have been modified to say:

“The permittee must monitor **for** TRC ~~daily~~ and report the maximum weekly value for the month on the DMR. The application for reissuance must include **all** ~~the daily~~ TRC monitoring data.”

## 2.6 General Comments Regarding References and Formatting

**HAK Comment:**

### Table 1 Typographic Errors

For noncompliance reporting, the current reference to 1.3.6.3 is not in the Permit or Appendix A. Hilcorp believes the intended references for noncompliance notices and documentation are

Sections 1.2.5 and 1.4.3. For WET reporting, the current reference to 1.5.5 is not in the Permit. Hilcorp believes the intended reference is Section 1.5.4 – WET Reporting.

**Section 1.5.4.3**

Hilcorp believes the formatting for this section is incorrect and that number 4 is intended to be “a”.

**Section 3.2.5.1**

The current reference to Section 1.5.5 is not in the Permit. Hilcorp believes the intended reference is Section 1.5.4 – WET Reporting.

**DEC Response:** The Department concurs. These references have been updated.