

Department of Environmental Conservation

**Response to Comments**

For

**Excavation Dewatering General Permit  
AKG002000**

Public Noticed March 4, 2025 – April 3, 2025



July 18, 2025

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

## **1.0 Introduction**

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

The Alaska Department of Environmental Conservation (the Department or DEC) proposes to reissue an APDES general permit (permit) for excavation dewatering discharges. The permit authorizes and sets conditions on the discharge of pollutants from authorized excavation dewatering discharges to waters of the United States (U.S.) or waters of the State or to land. To ensure protection of water quality and human health, the permit places limits on the types and amounts of pollutants that can be discharged from the authorized excavation dewatering discharges and outlines Best Management Practices (BMPs) to which they must adhere.

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

The Department of Environmental Conservation proposes to reissue an Alaska Pollutant Discharge Elimination System (APDES) wastewater discharge general permit for Excavation Dewatering. To ensure public, agency, and tribal notification and opportunities for participation, the Department:

- Identified the permit on the annual permit issuance plan (PIP) accessible online at <https://dec.alaska.gov/water/wastewater/>
- 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 accessible online for a 10-day applicant review August 6, 2024 and notified tribes and other agencies
- Formally published public notice of the draft permit on March 4, 2025 in Anchorage Daily News and posted the public notice on the Department's public notice web page (<https://dec.alaska.gov/commish/public-notices/>) and the Alaska Online Public Notice System (<https://aws.state.ak.us/OnlinePublicNotices/>).
- 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 one interested party on the draft permit and supporting documents. 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 received 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 July 18, 2025. There were changes from the public noticed permit. Significant changes are identified in the response to comments and/or reflected in the final fact sheet for the permit.

## **2.0 Permit Coverage**

**2.1 Comment Summary** Please define “Waters of the State” as different or in addition to Waters of the U.S. or reference the applicable state law.

**2.1.1 Response** The permit was changed to include a definition for “waters of the State” – as defined in AS 46.03.900 (37) – “waters” includes lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, straits, passages, canals, the Pacific Ocean, Gulf of Alaska, Bering Sea, and Arctic Ocean, in the territorial limits of the state, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially in or bordering the state or under the jurisdiction of the state.

**2.2 Comment Summary** Section 1.4 Exclusions, please exclude discharges where the water is taken to a permitted landfill facility, and the facility has agreed to accept it. The facility can set volume limits, etc.

**2.2.1 Response** Comment noted. No change to the permit was based on this comment.

## **3.0 Authorization**

**3.1 Comment Summary** The term discharge has been used where the commenter believes withdrawal is more appropriate. For example, in Permit Part 2.1.3, where excavation dewatering (water withdrawal location) is within 1500 feet of a known contaminated site categorized as either Active or Cleanup Complete - Institutional Controls. The commenter notes that the discharge of that water could be located much further than the project site. Additionally, see Section 2.2 which states “for the following discharges located”; it should state “the following dewatering locations”.

**3.1.1 Response** The permit manages potential pollutants drawn into and released from the dewatering site which may include pollutants of concern from a contaminated site. The discharge location was typically assumed that the discharge location was at or near the project site. The Notice of Intent (NOI) was modified to identify the discharge location as well as the recommended change to Section 2.2.

**3.2 Comment Summary** What is the receiving water body for a discharge into a storm drain system that conveys water and releases it directly into a water body?

**3.2.1 Response** For discharges that enter a storm sewer system prior to discharge, the first receiving water to which you discharge is the water body that receives the stormwater discharge from the storm sewer system. An informational prompt was added to the NOI based on this comment.

**3.3 Comment Summary** The commenter requests that the party responsible for the contaminated site or plume should cover all fees, rather than the applicant if they are a different entity.

**3.3.1 Response** Permit Part 2.2.5 – The NOI must be accompanied by the appropriate fee as found in 18 AAC 72.956. No change to the permit was made based on this comment.

**3.4 Comment Summary** The commenter asked if authorization is needed before starting discharge activities, as stated in Permit Part 2.4. They suggested containerizing the discharged water first and then requesting authorization.

**3.4.1 Response** The permit requires a best management practices (BMP) plan which outlines specific techniques and measures to prevent or reduce pollution and is a crucial component of environmental protection. These plans are often site-specific and detail how the wastewater will be managed to include identification of potential pollutants of concern and proposed treatment methodology. No change to the permit was made based on this comment.

## **4.0 Compliance with Standards and Limits**

**4.1 Comment** In Permit Part 3.1.4, when you say, solid waste, do you mean sewage, human, and animal waste? Please clarify how the presence of that material (liquid or solid) is to be handled.

**4.1.1 Response** The resultant discharge must meet applicable WQS, which includes sewage. For solid waste, see WQS for Residues. No change was made to the permit based on this comment.