

AKG-33-0000
Response to Comments

General Permit for Facilities Related to
Oil and Gas Extraction
on the North Slope of the
Brooks Range in Alaska.

U.S. EPA, Region 10
November 2003

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Introduction

EPA received written comments on the reissuance of the National Pollutant Discharge Elimination System (NPDES) general permit for Facilities Related to Oil and Gas Extraction from:

Joseph Akpik
Westerngeco
Alaska Oil and Gas Association (AOGA)
both ConocoPhillips Alaska, Inc. and BP Exploration (Alaska), Inc.
submitted comments supporting AOGA's comments

A public hearing was not scheduled nor was one requested during the public comment period.

Ten Tribes were phoned, sent letters and faxed to assess their interest in conducting Tribal Consultation on the reissuance of this GP. The ten Tribes are:

Aqsrugmuit Tribal Council
Atqasuk Village
Inupiat Community of the Arctic Slope
Kaktovik Village
Naqsrugmuit Tribal Council
Native Village of Point Hope
Native Village of Nuiqsut
Native Village of Point Lay
Native Village of Barrow
Village of Wainwright

The Native Village of Nuiqsut, the Inupiat Community of the Arctic Slope and the Aqsrugmuit Tribal Council requested copies of the preliminary draft permit and draft fact sheet and were provided these as outlined in the NPDES Unit's Tribal Consultation Policy. No comments were received on these documents prior to public notice nor were any informational meetings requested by the Tribes to discuss the reissuance of the permit.

On July 25, 2002, EPA sent letters to the National Marine Fisheries Service (NMFS)

and the US Fish and Wildlife Service (USFWS) requesting a species list under the Endangered Species Act (ESA).

In a letter dated August 1, 2002, USFWS states that the Steller's eider and Spectacled eider are both present in the project area. However, there is no designated or proposed critical habitat in the vicinity of the area covered by the GP except for an area of spectacled eider habitat that includes marine waters between Icy Cape and Cape Lisburne. The area occurs in waters more than 1 nautical mile and less than 40 nautical miles from shore. Exploration has not occurred in that area under the previous permit but could be proposed under the current permit. It is highly unlikely that the discharges covered by the GP could cause an adverse affect to spectacled eider habitat in the designated area.

On July 31, 2003, EPA e-mailed the USFWS asking if there were any changes in their ESA list.

On July 31, 2003, USFWS stated in an e-mail from Jonathan Priday that there were no changes in critical habitat since August 2002.

On July 31, 2003, EPA e-mailed the NMFS requesting a species list because NMFS had not responded to the request of July 25, 2002.

On August 8, 2003, NMFS stated in an e-mail from Brad Smith that endangered bowhead whales were present offshore of the North Slope Borough. Since the discharges are required to meet water quality standards and those that would be permitted offshore would be either on-ice when whales are not present in the area or very close to shore, it is not expected that discharges allowed under the GP would adversely impact bowhead whales.

On November 19, 2003, ADEC provided certification of this permit under Section 401 of the Clean Water Act (CWA). The §401 Certification included additional provisions that have been included in the permit. These include:

- + Domestic wastewater and gray water dischargers need to get a separate ADEC authorization to discharge under this GP.

- + Changed the monitoring frequency for domestic wastewater. EPA added the more frequent monitoring but not the less because no justification was given in the state certification to loosen the conditions of the draft permit.

- + Added weekly chlorine monitoring to graywater discharges.
- + Added TSS and BOD limits for non-aerated and aerated waste stabilizations ponds.
- + Added the requirement for a posted sign if a facility has a mixing zone.
- + Added conditions for discharges of gray water.
- + Added an Effluent Quality Evaluation to be done by ADEC to evaluate the quality of gray water to determine whether additional controls are necessary to meet the state's Wastewater Disposal Regulations found in 18 AAC 72.

List of Acronyms

| | |
|--------|-------------------------------------------------|
| ADEC | Alaska Department of Environmental Conservation |
| ADNR | Alaska Department of Natural Resources |
| AOGA | Alaska Oil and Gas Association |
| BMP | Best Management Practice |
| BPJ | Best Professional Judgement |
| CFR | Code of Federal Regulations |
| CWA | Clean Water Act |
| DO | Dissolved Oxygen |
| EA | Environmental Assessment |
| EIS | Environmental Impact Statement |
| EPA | Environmental Protection Agency |
| ESA | Endangered Species Act |
| FONSI | Finding of No Significant Impact |
| GP | General Permit |
| gpd | gallons per day |
| NEPA | National Environmental Policy Act |
| NMFS | National Marine Fisheries Service |
| NOI | Notice of Intent |
| NPDES | National Pollutant Discharge Elimination System |
| ODCE | Ocean Discharge Criteria Evaluation |
| OPMP | Office of Project Management and Permitting |
| ROD | Record of Decision |
| U.S.C. | United States Code |
| UIC | Underground Injection Control |

| | |
|-------|-----------------------------------------|
| USFWS | United States Fish and Wildlife Service |
| WQS | Water Quality Standards |

Response to Comments

1. Comment: Mr. Akpik urges EPA to analyze the general permit (GP) after a full Environmental Impact Statement (EIS) including an analysis of cumulative impacts rather than relying on an outdated EA and Badami FONSI.

Response: The Environmental Assessment (EA) and the Finding of No Significant Impact (FONSI) that are discussed in the Fact Sheet relate to the Badami facility alone and are in no way meant to be construed as applying to the entire GP.

The only category of discharge in the GP that need to comply with NEPA are the new sources - development and production facilities - covered under the domestic wastewater category. 40 CFR 122.29(b)(2) states that a facility is “a new source only if a new source performance standard is independently applicable to it.” The GP requires a NEPA analysis to be completed and a Record of Decision (ROD) to be issued prior to a new source receiving coverage under the GP. Coverage is received only if that decision is documented in the ROD. If the ROD made the decision that another type of permit was required, coverage would not be granted under this GP.

2. Comment: Mr. Akpik states that allowing discharges without measuring effluent limitations amounts to a blank check to the permittee discharging an effluent, regardless of the impacts.

Response: EPA has changed the requirements for discharges to tundra wetlands. The same effluent limitations and monitoring requirements apply to these types of discharges as apply to open water discharges. This change also affects the monitoring requirements for gravel pit dewatering, construction dewatering and hydrostatic test water.

3. Comment: Mr. Akpik comments that there has never been a proper analysis of the impacts to threatened and endangered species of the region by discharges of the GP.

Response: EPA contacted NMFS and USFWS concerning threatened and endangered species on the North Slope as required under Section 7 of the ESA. USFWS identified habitat for the spectacled eider in an area that has not been explored in the past. Discharges in compliance with the terms and conditions of the GP are not expected to adversely affect this habitat.

4. Comment: Mr. Akpik states that allowing SWPPPs and BMPs to be developed for each site removes the analysis from public scrutiny and therefore denies the public any ability to ascertain whether the permit is being properly adhered to.

Response: The federal regulations do not provide for public involvement in reviewing documents, such as the Best Management Practices (BMP) Plan, required of the permittee. The GP does not require that copies of the plan be available or mailed to members of the public. However, upon request, EPA can assist members of the public in obtaining access to permitting information, including BMPs, SWPPPs, and DMRs.

5. Comment: Mr. Akpik expresses concern that all DEC permits are exempt from the ACMP review so there will be no proper coastal impact analysis.

Response: The Alaska Department of Environmental Conservation (ADEC) permits are not exempt from the ACMP but are excluded from the consistency review process identified in 6 AAC 50. According to AS 46.40.040(b)(1) the issuance of an authorization by ADEC establishes consistency with the Alaska Coastal Management Program for those activities subject to the permit.

Regardless of any exclusion of ADEC authorizations from consistency review, the GP went through an Alaska Department of Natural Resources (ADNR) Office of Project Management and Permitting (OPMP) coordinated consistency review and was determined to be consistent with the ACMP on July 22, 2003.

6. Comment: Mr. Akpik voices concerns over the NEPA determination for the Badami facility. One of the reasons given in the Fact Sheet for relying on the previous FONSI was the primary use of the UIC well to dispose of this waste which he says fails to account for the fact that BP is currently under continuing Court Ordered scrutiny concerning its discharges to a UIC well.

Response: The court ordered scrutiny resulted from the disposal of materials into a well not permitted to accept those types of materials.

Since domestic wastewater is permitted to be disposed of in a Class I Underground Injection Control (UIC) well, EPA does not see any reason to withdraw its statement that UIC is the primary method of disposal or not to rely on the previous FONSI for the Badami facility.

7. Comment: Mr. Akpik requests that EPA demonstrate that it has engaged in government to government consultation on this permit with the Inupiat Community of the Arctic Slope and other village tribal governments prior to issuance of the GP.

Response: On July 26, 2002, EPA attempted to contact the ten Tribal entities located on the North Slope which are listed at the beginning of this document. This initial contact was meant to update the contact information for each Tribe. On July 29, 2002, a letter was sent to each Tribe soliciting interest in tribal consultation on the reissuance of the North Slope GP. This letter outlined the NPDES Permit Unit's Tribal Policy on issuing NPDES permit and invited Tribes to submit their own consultation policy to work under if they had one. EPA also provided contact information for the permit writer in case there were any questions regarding the permit reissuance.

On November 5, 2002, an e-mail message was sent regarding another project to both ICAS and the Native Village of Barrow. In this message, EPA asked if they wanted to be consulted on the North Slope GP. On November 20, 2002, the preliminary draft permit and draft fact sheet were available for distribution. The Native Village of Nuiqsut was the only tribal entity to request this information and were sent a copy at this time. The other entities were either faxed or sent letters asking if they would like to see these documents. On November 27, 2002, an e-mail message from ICAS (Edith Tegoseak) requested the documents. On December 2, 2002, electronic versions of the documents were provided via e-mail and hard copies of the documents were mailed to ICAS. On May 21, 2003, the draft permit was mailed to the ten Tribes and was received by ICAS on May 29, 2003.

Several of the Tribes requested and were provided with the preliminary documents. At no time during this process did any of the Tribes initiate contact with EPA to ask questions about the reissuance of the GP nor did anyone request a formal meeting to discuss the permit.

EPA feels that Tribal Consultation has taken place on this GP. EPA followed the policy outlined in the initial letter and which was reiterated in

later correspondence. EPA was not provided an alternative policy by any of the Tribes. EPA provided the documents requested by the Tribes and provided an opportunity to discuss the reissuance of the GP.

8. Comment: AOGA recommends that marine discharges be permitted for construction dewatering activities. AOGA points out an inconsistency in the GP where this type of discharge is not included in Permit Part I.A. but there is a marine effluent limitation included in the limitations for Outfall 003.

Response: It was EPA's intent to allow discharges from construction dewatering activities into marine waters. Prior to permitting a discharge to marine waters, an Ocean Discharge Criteria Evaluation must be completed. For this GP, EPA used the "Ocean Discharge Criteria Evaluation for Area of Coverage Under the Arctic NPDES General Permit for Oil and Gas Exploration" (ODCE) to satisfy the requirements of Section 403 of the Act since this document covers the same area and the same or similar pollutants of concern as the GP.

The ODCE does not specifically address discharges from construction dewatering activities but comparisons can be made. The water from the construction activities must be withdrawn according to BMPs and meet the effluent limitations contained in the GP. This should assure a low level of sediment, the primary pollutant of concern, in the construction dewatering. The discharge into marine water of effluent meeting the limitations of the GP should be considered less of an environmental impact than the discharge of cement slurries which are addressed in the ODCE. No adverse impacts are expected from cement discharges so it is also expected that no adverse impacts will occur from construction dewatering activities that meet the effluent limitations of the GP.

The table in Permit Part I.A. will be updated to contain this requirement.

9. Comment: AOGA recommends 45 days not 60 as the minimum time that a Notice of Intent (NOI) must be submitted prior to a discharge because the previous GP included a 45 day requirement and that increasing the lead time by 15 days reduces flexibility to modify activities and/or schedules based on weather.

Response: This increased time was incorporated into the draft permit to facilitate the public notice required for mixing zone authorizations for Outfall 001. EPA will reduce the minimum time to 45 days prior to the anticipated discharge but it must be noted that for discharges requiring a mixing zone,

permit coverage may not be granted within this timeframe.

10. Comment: AOGA recommends changing the term “authorized on-site representative” to “authorized representative” because that position may not be on-site.

Response: EPA has made the requested change.

11. Comment: AOGA suggests including the minimum detection limit language for chlorine as a footnote to Table 1 instead of it being in the text following the table.

Response: EPA has made the suggested change.

12. Comment: AOGA recommends that parameters with weekly and monthly sampling frequencies be footnoted to clarify that a minimum of one sample per parameter per discharge is required. AOGA indicates that this will clarify how the permit requirements apply to short-term discharges.

Response: EPA has made the suggested change.

13. Comment: AOGA requests clarification on how the mixing zones for domestic wastewater will be determined for discharges to tundra.

Response: The determination of mixing zone regulations will be made by ADEC. The § 401 Certification of the GP contains guidelines on how ADEC will authorize mixing zones.

14. Comment: AOGA suggests that the word “active” should be included when discussing covered discharges from gravel pits.

Response: The term “mine dewatering” means any water that is impounded or that collects in the mine and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator. This term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage [40 CFR 436.31(b)].

Since overflows are part of the regulated discharge, there could be a time when a gravel pit is not being utilized but has not been reclaimed. The regulations do not provide a differentiation between active and inactive gravel pits although there is respite for reclaimed gravel pits.

15. Comment: AOGA requests an increase in the total flow from 1.5 million gallons per day (gpd) to 3.0 million gpd to facilitate a longer mining season for gravel.

Response: EPA has increased the flow volume to 3.0 million gpd.

16. Comment: AOGA cites the turbidity Water Quality Standard (WQS) for fresh water discharges and questions why the effluent limit is more conservative than the WQS.

Response: Most receiving waters in Alaska have natural turbidities that are less than 50 NTUs. Since there could be times when the natural condition is higher than usual, the entire text of the WQS has been incorporated into the effluent limitation tables where turbidity is limited.

17. Comment: AOGA also questions the application of a fixed concentration for settleable solids of 0.2 ml/L rather than the variable concentration allowed for in the WQS which states “no measurable increase . . . above natural conditions.”

Response: Parts B.1., C.1., and D.1. of the Fact Sheet discuss the application of Best Professional Judgement (BPJ) in determining technology-based effluent limitations to be compared to WQS. For settleable solids, the technology-based effluent limitation is more stringent than the WQS so it is included in the GP.

18. Comment: AOGA asks whether the hydrostatic test water discharge covers discharges from new tanks as well as new pipelines since the Fact Sheet only discusses pipelines. They suggest revising the language to specifically state that this type of discharge applies to new tanks and storage vessels as well as pipelines.

Response: AOGA is correct that the Fact Sheet only discusses pipelines because this is all the GP covers. EPA plans to issue a statewide GP for Alaska that will cover all types of hydrostatic test water discharges. At this time, there will be permit coverage for discharges from vessels other than pipelines.

19. Comment: AOGA suggests a modification to the inspection requirements for Storm Water to include an annual inspection plus an annual review of the SWPPP. Their reasons include the fact that during frozen conditions there would be no free flowing water with which to identify contributions to

storm water discharges. The suggested time for the annual inspection would be during breakup so discharges causing a sheen or discoloration of the surface of the receiving water would be evident.

Response: The GP already requires an annual review of the SWPPP. The intent of the inspection prior to breakup would not be to observe a discharge but to observe any conditions that may lead to a discharge that could cause a sheen or discoloration of the surface of the receiving water. Even though snow may cover parts of the pad, EPA believes that an inspection at this time would be helpful in preventing the types of discharges that the commentor says would be easier to see during breakup. The objective of the inspection is to prevent contaminated discharges so waiting until a discharge is actually occurring before inspecting is not consistent with the goal of the GP. EPA will however change the timing of the second inspection to occur during breakup, rather than after, so that if contaminated discharges are occurring, there is a chance that they could be stopped before entering receiving waters.

20. Comment: AOGA notes that no definition of the term “storm water storage area” is provided in Permit Part VI.

Response: *Storm water storage area* means a closed production reserve pit that remains part of a facility and is converted for use in the storm water collection system by backfilling the area with a minimum of 6 inches of clean material.

In some cases, the closed pit may be partially or completely back-filled with gravel to expand the useable surface of the drillsite. In both cases, the former reserve pit area is no longer considered a treatment system, but it is part of the facility.

This definition will be add to Permit Part VI.

21. Comment: AOGA suggest adding one more type of site to be covered for storm water discharges. They contend that adding gravel removal areas located on existing roads and pads would enable most construction or remediation projects located on existing pads to be covered for storm water discharges under this GP and make it clear that a separate storm water construction permit is not required.

Response: These types of activities would be covered by the Storm Water provisions of this GP if the SWPPP contained provisions for the activity. To

avoid any chance of confusion, this item will be included in the GP.

22. Comment: AOGA recommends that Permit Part II.E.3.a. should state that the GP covers storm water discharges including the pumping of ponded storm water.

Response: This issue has been addressed.

23. Comment: AOGA recommends that Permit Part II.E.3.b. include fire water storage vessel flushing in the authorized non-storm water discharges.

Response: This discharge has been added to the list of authorized non-storm water discharges.

24. Comment: AOGA suggests adding vehicle wash down water to the list of authorized storm water discharges as long as the vehicle had not come in contact with oil or other pollutants. The suggested language is: "Routine wash down water, which does not contain detergents or other compounds used to wash vehicles, external buildings and power lines. This excludes wash down water used for heavy equipment that has come in contact with oil or other pollutants."

Response: Some parts of the EPA Multisector Permit covering storm water discharges do allow vehicle washing as long as there is no contact to contaminant the water (Multisector Permit Part 6.G.1.2) and other parts of the Multisector Permit prohibit discharges under the permit if there has been contact with process wastes (Multisector Permit Part 6.K.3.1). The intent of these provisions is to allow this type of discharge if there is no contact with process wastes so this provision will be added to the GP.

25. Comment: AOGA suggests that some flexibility be included in the GP with regards to where the BMP Plan is kept

Response: The BMP Plan should be kept at on-site for reference purposes by facility personnel. While a copy of the Plan may be kept in an office, the Plan is meant to be utilized on-site which may not happen if the Plan is only kept in an office where the possibility exists that no one, especially on-site personnel, ever looks at it.

26. Comment: AOGA notes that there are a variety of permitted discharges and various location where they may occur so they request some flexibility in where records are maintained. AOGA suggests adding the phrase, "or at

the facility office”

Response: EPA has provided some flexibility for retaining records but while the activity is on-going, EPA believes that on-site personnel should have access to the records to assess facility performance. When an activity is concluded at a site or for a season the records may be moved to a company office.

27. Comment: AOGA suggests providing less ambiguity in the Notice of Noncompliance Reporting in Permit Parts III.G.1. and 2. They suggest establishing a 24 hour initial report with a written report following within 5 days or the shortest reasonable time thereafter.

Response: This has been included in the GP.

28. Comment: AOGA suggests replacing the word application with Notice of Intent (NOI) in Permit Part V.H.1.

Response: EPA has added NOI to the list in this permit part. Since the GP also allows for an individual permit application to be submitted, removing the term application would not be appropriate.

29. Comment: AOGA requests that the language for the signatory requirements of corporations be consistent with the federal regulations and other GPs. As an example, the EPA Nationwide Storm Water GP language is recommended:

“For a corporation: a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.”

Response: The recommended language is from a general permit, known as the Baseline Permit, which was a storm water permit issued in 1992. The regulations covering the signatory requirements changed on May 15, 2000 [65 FR 30907], so the language in the Baseline Permit is no longer applicable.

The draft permit language says: All applications (including NOIs), reports or information submitted to the Director and ADEC shall be signed and certified.

i. All permit applications shall be signed as follows:

(1) For a corporation: by a responsible corporate officer.

The regulation at 40 CFR 122.22 states: For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

The definition of “responsible corporate official” will be added to Permit Part VI. but no changes will be made to Permit Part V.H.1.

30. Comment: AOGA suggests revising the NOI information sheet for clarity and consistency with the permit. They suggest changing the heading “Types of Facilities” to “Types of Discharges” and to reword the items to make their description match the permit. Also, AOGA suggests that the signature block wording be changed to “Authorized Official per Permit Part V.H. Signatory Requirements.”

Westerngeco requests clarification and consistency in terms used for the Signatory Requirements in various places in the GP and the NOI information sheet.

Response: EPA has included a revised NOI information sheet to include the mixing zone information required by ADEC to certify a mixing zone for domestic wastewater discharges.

31. Comment: Westerngeco requests that discharges of graywater be regulated as they were under the previous permit with just physical characteristics being monitored rather than as domestic wastewater with physical and chemical parameters being sampled and measured.

Westerngeco recommends that due to the remoteness and constant movement of mobile camps, that graywater discharges not be regulated as domestic wastewater but similar to the discharges from Mobile Spill Response Units

Response: Discharges of domestic wastewater are required to meet secondary treatment standards [18 AAC 72.050(4)] unless a waiver is granted by ADEC under 18 AAC 72.060. To determine if a waiver may be granted, the GP now requires that discharges of graywater meet requirements similar to the previous GP but also requires that samples be taken twice per year, beginning in 2004, for TSS, BOD and fecal coliform. From these samples, ADEC hopes to ascertain whether these facilities may receive a waiver from secondary treatment and whether a water quality-based limit is necessary for fecal coliform.

32. Comment: Westerngeco requests clarification on the difference between a NOI and the NOI Information Sheet.

Response: An NOI is required to receive coverage under the GP. An NOI consists of the information EPA considers necessary to grant coverage. The NOI information sheet is not a form in that the exact format need not be submitted but the NOI information sheet contains the information EPA considers necessary in an easy-to-read format. All that is required is the information contained on the sheet and not the sheet itself. So if a facility wanted to submit their name, the type of discharge, and the other information on a sheet of paper, that would constitute an NOI.

33. Comment: Westerngeco recommends changing the format of the addresses in Permit Part I.E. Submission of Information so that these could be referenced within the text of the GP.

Response: EPA has made the recommended change.

34. Comment: Westerngeco requests that the terms Regional Administrator and Director be defined.

Response: The activities in the draft GP attributable to the Regional

Administrators have been delegated to the Director level. The term “Regional Administrator” does not appear in the final GP. The following term has been added to the definition section in Permit Part VI:

Director means the top official in the Office of Water in EPA, Region 10 or a duly designated representative.

35. Comment: Westerngeco requests that Permit Part I.F.3. be expanded to include the address where an individual permit application must be sent.

Response: This permit part now references the address in Permit Part I.E.3.

36. Comment: Westerngeco states that the term “excessive” used in Permit Part II.A.3. is subjective and left to various interpretations, thus not providing a qualitative limit. Also, with the effluent limitations of the permit, the additional restrictions are described as redundant.

Response: The effluent limitation of the GP do not address either sediment or nutrients because BMPs are considered an effective way to manage these possible components of the discharge. The term “excessive” has been removed from the GP but the requirement to address these issues remains.

37. Comment: Westerngeco requests that the terms “Industrial Activities” and “Industrial Facilities” be defined.

Response: “*Industrial Activities*” means oil and gas exploration, production, processing or treatment operation or transmission facilities as well as extraction and production of crude oil, natural gas and associated oil field service, supply and repair industries.

“*Industrial Facility*” means a facility conducting an industrial activity.

38. Comment: Westerngeco states that the Subsection titles in Permit Parts II.E. and II.F. are not consistent with other titles.

Response: EPA has made these titles consistent with the others in the GP.

39. Comment: Westerngeco suggests that there are three separate sets of requirements for the development of BMPs and requests clarification.

Response: EPA did not intend for there to be three sets of requirements.

The intent is that the BMP guidance document cited in the permit be used by the permittee for informational purposes. The guidance document, however, is non-binding, therefore the term “must” was removed from the final permit.

EPA has update the BMP language to be more consistent with recent NPDES permits issued in Region 10.

40. Comment: Westerngeco comments that the requirement to have a committee to certify that the BMP Plan fulfills the requirements set forth in the permit limits the participation in the committee to those directly responsible, which in most camp locations is one person. They suggest that the NOI should be considered sufficient certification for the BMP Plan and Permit Part II.G.4.b.3. should be omitted because it is redundant and excessive.

Response: EPA does not see the notification requirements for coverage under the GP and the certification requirements of a BMP Plan as the same thing so both requirements will remain in the GP.

41. Comment: Westerngeco suggests changing the term “receiving water” to “receiving environment” because there are various media that could receive the discharge.

Response: The term “receiving water” is appropriate since the GP only authorizes discharges to “waters of the United States,” which includes wetlands. A discharge to any other media is not authorized by this GP.

42. Comment: Westerngeco requests clarification in Permit Part III.B. Reporting of Monitoring Results on the statement that says “summarized each month and reported.” The suggested language is “summarized each month and recorded.”

Response: The suggested language has been incorporated into the GP.

43. Comment: Westerngeco notes that the address for ADEC in Permit Part III.B. is not consistent with the address in Permit Part I.E.

Response: These addresses are now consistent.

44. Comment: Westerngeco questions the meaning of the term “Exact Place” in Permit Part III.E. Record Contents.

Response: "Exact Place" means the sampling point location, preferable in latitude and longitude.

45. Comment: Westerngeco notes that Permit Part III.H. Other Noncompliance Reporting directs the permittee to Permit Part II.A. for the time table of report submittal when Permit Part III.B. seems more appropriate.

Response: EPA has reworded Permit Part III.H. to clarify this issue.

46. Comment: Westerngeco requests that Permit Part IV.A. Duty to Comply should provide addresses for giving advance notice. They also ask if the advance notice should be addressed to the NPDES Permits Unit, NPDES Compliance Unit, or both.

Response: Permit Part IV.A. requires that advance notice be sent to the Director and to ADEC. The addresses are in Permit Part I.E. and are now referenced in Permit Part IV.A.

47. Comment: Westerngeco comments that Permit Part IV.G. Bypass of Treatment Facilities appears unorganized; that it looks almost backwards. They suggest listing the prohibition first and then the exemptions.

Response: The language for this permit part comes directly from the regulations at 40 CFR 122.41(m) and will not be re-written.

48. Comment: Westerngeco notes that Permit Part IV.H.2.d. contains a reference to Permit Part III.D. which should be Permit Part IV.D.

Response: This change has been made to the GP.

49. Comment: Westerngeco notes that ADEC is missing from the notification requirements for permit transfers in Permit Part V.M.

Response: ADEC has been added to this permit part.

50. Comment: Westerngeco suggests that the term "BOD₅" is not consistent with the definition given in Permit Part VI. Definitions.

Response: This suggestion has been incorporated into the GP.

51. Comment: Westerngeco comments that there are no definitions in the GP

for the terms: “Exact Location,” “Industrial Activity,” “Industrial Facility,” “Mixing Zone,” and “Nutrient.”

Response: Throughout this document, several of the above terms have been defined and many included in Permit Part VI. Definitions. The two that have not been addressed are defined below and have been included in the GP.

Mixing Zone means an area in a waterbody surrounding, or downstream of, a discharge where the effluent plume is diluted by the receiving water within which specified water quality criteria may be exceeded [18 AAC 70.990(39)].

Nutrient means a substance that feeds or sustains any animal or plant. A waterbody rich in nutrients (e.g., nitrogen, phosphorus) can cause excessive growth of aquatic plants (e.g. algae) which then can consume nearly all the oxygen in a system causing problems for other aquatic life (this process is called eutrophication).

52. Comment: Westerngeco requests clarification in the text of Permit Part II.A.3. by referencing the effluent limitations of Table 1 instead the effluent limitations above.

Response: EPA has clarified the text of this and other Permit Parts referencing effluent limitations. Since all the effluent limitations in Permit Part II.A. are not included in Table 1, just referencing Table 1 is not appropriate.

