# Fact Sheet

**The U.S. Environmental Protection Agency (EPA)**
**Proposes to Reissue a National Pollutant Discharge Elimination System (NPDES) Permit to Discharge Pollutants Pursuant to the Provisions of the Clean Water Act (CWA) to:**

**Metlakatla Indian Community**
**Water Treatment Plant**
Walden Point Road
Metlakatla, AK 99926

Public Comment Start Date: August 31, 2018
Public Comment Expiration Date: October 1, 2018

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**The EPA Proposes To Issue NPDES Permit**
The EPA proposes to issue the NPDES permit for the facility referenced above. The draft permit places conditions on the discharge of pollutants from the wastewater treatment plant to waters of the United States. In order 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 facility.

This Fact Sheet includes:
- information on public comment, public hearing, and appeal procedures
- a listing of proposed effluent limitations and other conditions for the facility
- a map and description of the discharge location
- technical material supporting the conditions in the permit

**Public Comment**
Persons wishing to comment on, or request a Public Hearing for the draft permit for this facility may do so in writing by the expiration date of the Public Comment period. A request for a Public Hearing must state the nature of the issues to be raised as well as the requester's name, address and telephone number. All comments and requests for Public Hearings must be in writing and should be submitted to the EPA as described in the Public Comments Section of the attached Public Notice.

After the Public Notice expires, and all comments have been considered, the EPA's regional Director for the Office of Water and Watersheds will make a final decision regarding permit issuance. If no substantive comments are received, the tentative conditions in the draft permit will become final, and the permit will become effective upon issuance. If substantive comments are received, the EPA will address the comments and issue the permit. The permit will become effective no less than 30 days after the issuance date, unless an appeal is submitted to the Environmental Appeals Board within 30 days pursuant to 40 CFR 124.19.

**Documents are Available for Review**
The draft NPDES permit and related documents can be reviewed or obtained by visiting or contacting the EPA's Regional Office in Seattle between 8:30 a.m. and 4:00 p.m., Monday through Friday at the address below. The draft permits, fact sheet, and other information can also be found by visiting the Region 10 NPDES website at https://www.epa.gov/npdes-permits/about-region-10s-npdes-permit-program

US EPA Region 10
Suite 155
1200 Sixth Avenue, OWW-191
Seattle, Washington 98101
(206) 553-0523 or
Toll Free 1-800-424-4372 (within Alaska, Idaho, Oregon and Washington)

The fact sheet and draft permit is also available at:

U.S. EPA Anchorage Operations Office
222 West 7th Avenue, Suite 19 (Room 537)
Anchorage, AK 99513
(907) 271–5083

## Acronyms

| | |
|---|---|
| 1Q10 | 1 day, 10 year low flow |
| 7Q10 | 7 day, 10 year low flow |
| 30B3 | Biologically-based design flow intended to ensure an excursion frequency of less than once every three years, for a 30-day average flow. |
| 30Q10 | 30 day, 10 year low flow |
| AML | Average Monthly Limit |
| AWL | Average Weekly Limit |
| BAT | Best Available Technology economically achievable |
| BCT | Best Conventional pollutant control Technology |
| $BOD_5$ | Biochemical oxygen demand, five-day |
| $BOD_{5u}$ | Biochemical oxygen demand, ultimate |
| BMP | Best Management Practices |
| BPT | Best Practicable |
| °C | Degrees Celsius |
| C $BOD_5$ | Carbonaceous Biochemical Oxygen Demand |
| CFR | Code of Federal Regulations |
| CFS | Cubic Feet per Second |
| CSO | Combined Sewer Overflow |
| CV | Coefficient of Variation |
| CWA | Clean Water Act |
| DMR | Discharge Monitoring Report |
| DO | Dissolved oxygen |
| EA | Environmental Assessment |
| EFH | Essential Fish Habitat |
| EIS | Environmental Impact Statement |
| EPA | U.S. Environmental Protection Agency |
| ESA | Endangered Species Act |
| FR | Federal Register |
| Gpd | Gallons per day |
| HUC | Hydrologic Unit Code |
| ICIS | Integrated Compliance Information System |

| | |
|---|---|
| LA | Load Allocation |
| lbs/day | Pounds per day |
| LOEC | Lowest Observed Effect Concentration |
| LTA | Long Term Average |
| LTCP | Long Term Control Plan |
| mg/L | Milligrams per liter |
| Ml | Milliliters |
| ML | Minimum Level |
| µg/L | Micrograms per liter |
| mgd | Million gallons per day |
| MDL | Maximum Daily Limit or Method Detection Limit |
| MF | Membrane Filtration |
| MPN | Most Probable Number |
| N | Nitrogen |
| NEPA | National Environmental Policy Act |
| NOAA | National Oceanic and Atmospheric Administration |
| NPDES | National Pollutant Discharge Elimination System |
| NSPS | New Source Performance Standards |
| OWW | Office of Water and Watersheds |
| O&M | Operations and maintenance |
| POTW | Publicly owned treatment works |
| QAP | Quality assurance plan |
| RP | Reasonable Potential |
| RPM | Reasonable Potential Multiplier |
| RWC | Receiving Water Concentration |
| SIC | Standard Industrial Classification |
| SPCC | Spill Prevention and Control and Countermeasure |
| SS | Suspended Solids |
| SSO | Sanitary Sewer Overflow |
| s.u. | Standard Units |
| TMDL | Total Maximum Daily Load |
| TOC | Total Organic Carbon |

| | |
|---|---|
| TRC | Total Residual Chlorine |
| TRE | Toxicity Reduction Evaluation |
| TSD | Technical Support Document for Water Quality-based Toxics Control (EPA/505/2-90-001) |
| TSS | Total suspended solids |
| USFWS | U.S. Fish and Wildlife Service |
| USGS | United States Geological Survey |
| UV | Ultraviolet |
| WLA | Wasteload allocation |
| WQBEL | Water quality-based effluent limit |
| WQS | Water Quality Standards |

# I. Background Information

## A. General Information

This fact sheet provides information on the draft NPDES permit for the following entity:

**Table 1. General Facility Information**

| | |
|---|---|
| NPDES Permit #: | AK0046876 |
| Applicant: | Metlakatla Indian Community Water Treatment Plan |
| Type of Ownership | Tribal |
| Physical Address: | Walden Point Road<br>Metlakatla, AK 99926 |
| Mailing Address: | P.O. Box 8<br>Metlakatla, AK 99926 |
| Facility Contact: | Rick Anderson<br>Public Works Department Director<br>Metlakatla Indian Community<br>(907) 886-3355<br>Mic_maint@aptalaska.net |
| Facility Location | Annette Island Reserve, Metlakatla Indian Community |
| Receiving Water | Unnamed natural drainage channel |
| Facility Outfall | 55.11573° N, 131.54935° W |

## B. Permit History

The NPDES permit for the Metlakatla Indian Community Water Treatment Plant ("facility") is proposed for issuance. The Metlakatla Indian Community (MIC) submitted an NPDES application on November 4, 1986. In a letter dated March 26, 1987, EPA determined that the application was incomplete.

## C. Tribal Consultation

EPA coordinated with the MIC during the process of permit issuance.

# II. Facility Information

## A. Treatment Plant Description

### *Service Area*

MIC owns and operates the water treatment plant located in MIC's Annette Island Reserve in Alaska. The facility services the area of Metlakatla which, according to the 2010 census, had a population of 1,405.

### *Facility Process*

The MIC water treatment plant produces potable water. The facility has a potable water production rate of 2 million gallon per day. That process includes the addition of a coagulant, followed by rapid mixing and filtration. There are four pressure sand filters operating in parallel. A schematic of the facility is provided in Appendix A.

The filter media is cleaned by flushing with water in the reverse direction to normal flow with sufficient force to separate particles from the media. Filter cleaning is triggered by high turbidity readings, at a typical water treatment plant, backwashing operation lasts for 10 to 25 minutes with maximum rates of 15 to 20 gallon per minute (gpm) per square foot. The process takes approximately 3.5 hours, approximately 3 times per week. Typically for backwash at a water treatment plant, because a high water flow is used, a large volume of filter backwash water is produced in a relatively short amount of time.

The backwash water flows into a settling pond. The settling ponds discharges to a natural drainage channel which flows to Port Chester. According to the facility, it discharges at a frequency of approximately 3 times per week. According to the Public Health Service in 1986, the average discharge from the settling pond is an estimated at 22,000 gallons per day, with a maximum discharge of 60,000 gallons per day. The facility does not currently have a gauge to measure the volume of effluent discharged.

The facility provided the following effluent characterization in its 1986 permit application. The effluent quality is summarized in Table 2.

**Table 2 Effluent Characterization**

| Parameter | Maximum | Average Daily |
|---|---|---|
| Total Suspended Solids, TSS | 100 ppm | 70 ppm |
| Discharge flow | 60,000 gpd | 60,000 gpd |
| pH range | 6.0 to 8.5 S.U., averaging 7 S.U. | |
| Temperature (winter) | 5°C | 4°C |
| Temperature (summer) | 15°C | 14°C |

Source: Data from the facility's 1986 Permit Application.

### *Compliance History*

EPA conducted a site visit at the facility on September 15, 2015. EPA was informed that the facility normally utilizes a settling pond prior to discharge. However, during the site visit,

due to maintenance to cleanout the pond, the filter backwash bypassed the settling pond for a month.

# III. Receiving Water

## A. Receiving Water

In drafting permit conditions, the EPA must analyze the effect of the facility's discharge on the receiving water. The details of that analysis are provided later in this Fact Sheet. This section summarizes characteristics of the receiving water that impact that analysis.

The receiving water is an unnamed natural drainage channel in the Annette Island Reserve, inside the boundaries of the MIC reservation. This facility discharges into a 200 foot long, 48-inch culvert which passes under Walden Point Road. The culvert terminates at an elevation of 14.8 feet. The culvert then drains into a natural drainage channel that is both fresh water and marine water depending on tidal conditions. It is approximately 450 feet from the outfall to the mouth of the natural drainage channel into Port Chester.

An Annette Islands Stream Survey Summary report in 1981 referred to the receiving water as "No Name Creek", suggesting the stream is unnamed. The report stated that the "creek probably not utilized by salmonids – no avaialbe gravels- no fish seen or expected".

## B. Designated Beneficial Uses

This facility discharges to the unnamed stream channel. MIC does not currently have its own water quality standards. Therefore, Alaska's standards will be used as a reference to protect downstream uses in Alaska waters. Alaska Water Quality Standards are found in 18 AAC 70 (as amended, April 6, 2018).

The unnamed drainage channel does not have specific use designations. In drafting the permit conditions, the EPA is protecting the unnamed drainage channel for the following beneficial uses as Alaska WQS require that unless otherwise specified, all waters in Alaska are protected for all uses, as follows:

(1) Fresh Water

(A) water supply
- (i) drinking, culinary, and food processing;
- (ii) agriculture, including irrigation and stock watering;
- (iii) aquaculture;
- (iv) industrial;

(B) water recreation
- (i) contact recreation;
- (ii) secondary recreation;

(C) growth and propagation of fish, shellfish, other aquatic life, and wildlife; and

The natural drainage channel is not a spawning stream (Public Health Service, 1986; and, Annette Isands Stream Survey, 1981).

The EPA is protecting the Port Chester for the following beneficial uses as Alaska WQS require that unless otherwise specified, all waters in Alaska are protected for all uses, as follows:

(2) Marine Water

(A) water supply
(i) aquaculture;
(ii) seafood processing;
(iii) industrial;

(B) water recreation
(i) contact recreation;
(ii) secondary recreation;

(C) growth and propagation of fish, shellfish, other aquatic life, and wildlife; and

(D) harvesting for consumption of raw mollusks or other raw aquatic life.

### C. Water Quality

There is no data of the receiving water quality from the unnamed natural drainage channel.

### D. Water Quality Limited Waters

There are no listed impairments to water quality in the unnamed natural drainage channel, or in Port Chester in the vicinity of the discharge (Alaska's Final Integrated Water Quality Monitoring and Assessment Report, July 15, 2010).

### E. Low Flow Conditions

There are no gauges that measured flow in the unnamed natural drainage channel. The unnamed natural drainage channel runs dry during critical times of the year (Public Health Service, 1986). Therefore, the EPA assumes that the critical low flows for the receiving water are zero.

### F. Restrictions on Permitting New Dischargers

The facility is a new discharger as that term is defined in 40 CFR 122.2, and 40 CFR 122.4(i) places restrictions on the issuance of NPDES permits to new sources or new dischargers. Specifically, it states that:

> No permit may be issued … to a new source or a new discharger if the discharge from its … operation will cause or contribute to the violation of water quality standards. The owner or operator of a new source or new discharger proposing to discharge into a water segment which does not meet applicable water quality standards or is not expected to meet those standards … and for which the State

> … has performed a pollutants load allocation for the pollutant to be discharged, must demonstrate … that (1) There are sufficient remaining pollutant load allocations to allow for the discharge; and (2) The existing dischargers into the segment are subject to compliance schedules designed to bring the segment into compliance with applicable water quality standards (40 CFR 122.4(i)).

The facility's discharge at the proposed effluent limitations will not cause or contribute to the violation of water quality standards. The draft permit will ensure that the level of water quality to be achieved by these effluent limits is derived from and complies with applicable water quality standards (40 CFR 122.44(d)(1)). Therefore, the discharge of these pollutants, as authorized by the permit, will not cause or contribute to violations of water standards. EPA has determined that a discharge of total suspended solids will not cause or contribute to violations of water quality standards.

Section 303(d) of the Clean Water Act requires listings of waters that are not attaining water quality standards. This is known as the list of impaired waters. There is no Section 303(d) listing for this segment of the unnamed natural drainage where the facility discharges. There is also no Total Maximum Daily Load (TMDL) for the receiving water, therefore there is no need to demonstrate that there are sufficient remaining load allocations to allow for the discharge or that the existing dischargers into the segment that are subject to compliance schedules before issuing this permit.

The receiving water does run dry during critical periods, accordingly, there is no ability for the receiving waterbody to accommodate dilution.

## IV. Effluent Limitations and Monitoring

Table 3 below presents the proposed effluent limits and monitoring requirements of the draft permit.

**Table 3. Draft Permit - Effluent Limits and Monitoring Requirements**

| **Parameter** | **Units** | **Effluent Limitations** | | **Monitoring Requirements** | |
|---|---|---|---|---|---|
| | | **Average Monthly** | **Maximum Daily** | **Sample Frequency** | **Sample Type** |
| Total Suspended Solids (TSS) | mg/l | 30 | 45 | Monthly | Grab |
| | lb/day[1] | 15 | 23 | | |
| pH | s.u. | Within the range of 6.5 to 8.5 | | Weekly | Grab |
| Outfall Flow[2] | gpd | Report | Report | Daily | Estimate |
| Turbidity | NTUs | Report | Report | Monthly | Grab |
| Temperature | °C | Report | Report | Weekly | Grab |
| Floating, Suspended, or Submerged Matter | --- | See Paragraph I.B.4. of the permit | | 1/month | Visual Observation |
| NPDES Application, Form 1 and Form 2C parameters | Report as required by NPDES Application Form 1 and Form 2C | | | | |

| Parameter | Units | Effluent Limitations | | Monitoring Requirements | |
|---|---|---|---|---|---|
| | | Average Monthly | Maximum Daily | Sample Frequency | Sample Type |
| Footnotes:<br>1. Loading is calculated by multiplying the concentration (mg/L) by the flow (mgd) on the day sampling occurred and a conversion factor of 8.34.<br>2. Flow estimate based on facility operation (i.e., backwash volume and frequency, etc.) Report average monthly flow and maximum daily flow (gpd). | | | | | |

### A. Basis for Effluent Limits

In general, the CWA requires that the effluent limits for a particular pollutant be the more stringent of either technology-based limits or water quality-based limits. Technology-based limits are set according to the level of treatment that is achievable using available technology. A water quality-based effluent limit is designed to ensure that the water quality standards applicable to a waterbody are being met and may be more stringent than technology-based effluent limits.

### B. Pollutants of Concern

Pollutants of concern are those that either have technology-based limits or may need water quality-based limits. The EPA identifies pollutants of concern for the discharge based on those which:

- Have a technology-based limit.
- Are present in the effluent monitoring.
- Are expected to be in the discharge based on the nature of the discharge

Pollutants expected in the discharge from this facility include, but are not limited to: total suspended solids (TSS) and pH.

### C. Monitoring and Reporting Requirements

Section 308 of the CWA and federal regulation 40 CFR § 122.44(i) require monitoring in permits to determine compliance with effluent limitations. Monitoring may also be required to gather effluent and surface water data to determine if additional effluent limitations are required and/or to monitor effluent impacts on receiving water quality.

The permittee is responsible for conducting the monitoring and for reporting results on Discharge Monitoring Reports (DMRs) or on the application for renewal, as appropriate, to the EPA.

Monitoring frequencies are based on the nature and effect of the pollutant, as well as a determination of the minimum sampling necessary to adequately monitor the facility's performance. Permittees have the option of taking more frequent samples than are required under the permit. These samples can be used for averaging if they are conducted using EPA-approved test methods (generally found in 40 CFR Part 136) and if the Method Detection Limits are less than the effluent limits.

The sampling location must be after the last treatment unit and prior to discharge to the receiving water. The samples must be representative of the volume and nature of the monitored discharge. If no discharge occurs during the reporting period, "no discharge" shall be reported on the DMR.

## D. Water Quality-Based Effluent Limits

### *Statutory and Regulatory Basis*

Section 301(b)(1)(C) of the CWA requires the development of limitations in permits necessary to meet water quality standards. Discharges to State or Tribal waters must also comply with limitations imposed by the State or Tribe as part of its certification of NPDES permits under section 401 of the CWA. The NPDES regulation 40 CFR 122.44(d)(1) implementing Section 301(b)(1)(C) of the CWA requires that permits include limits for all pollutants or parameters which are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State or Tribal water quality standard, including narrative criteria for water quality. Effluent limits must also meet the applicable water quality requirements of affected States other than the State in which the discharge originates, which may include downstream States (40 CFR 122.4(d), 122.44(d)(4), see also CWA Section 401(a)(2)).

The regulations require the permitting authority to make this evaluation using procedures which account for existing controls on point and nonpoint sources of pollution, the variability of the pollutant in the effluent, species sensitivity (for toxicity), and where appropriate, dilution in the receiving water. The limits must be stringent enough to ensure that water quality standards are met, and must be consistent with any available wasteload allocation for the discharge in an approved TMDL. If there are no approved TMDLs that specify wasteload allocations for this discharge; all of the water quality-based effluent limits are calculated directly from the applicable water quality standards.

### *Evaluation of Technology-Based Limitations*

To date, EPA has not established, pursuant to Section 301(b) of the CWA, technology-based Effluent Limitation Guidelines (ELGs) or standards of performance applicable to discharges from water treatment plants. In such circumstances, where ELGs have not been developed, EPA relies on best professional judgment (BPJ), pursuant to Section 402(a)(1) of the CWA, to establish technology-based effluent limits on a case-by-case basis. Such limits must be established based on best available technology economically achievable (BAT) for toxics and non-conventional pollutants and best conventional pollutant control technology (BCT) for conventional pollutants and take into consideration the factors presented at 40 CFR § 125.3(d)(2) for BCT and at 40 CFR § 125.3(d)(3) for BAT. Therefore, and as provided in Section 402(a)(1) of the Act, EPA is establishing technology-based effluent limits in the permit utilizing BPJ to meet the requirements of BCT/BAT. The draft permit includes technology-based effluent limitations for TSS.

### *Reasonable Potential Analysis and Need for Water Quality-Based Effluent Limits*

The EPA uses the process described in the *Technical Support Document for Water Quality-based Toxics Control* (*TSD*) to determine reasonable potential. To determine if there is

reasonable potential for the discharge to cause or contribute to an exceedance of water quality criteria for a given pollutant, the EPA compares the maximum projected receiving water concentration to the water quality criteria for that pollutant. If the projected receiving water concentration exceeds the criteria, there is reasonable potential, and a water quality-based effluent limit must be included in the permit.

In some cases, a dilution allowance or mixing zone is permitted. A mixing zone is a limited area or volume of water where initial dilution of a discharge takes place and within which certain water quality criteria may be exceeded (EPA, 2014). While the criteria may be exceeded within the mixing zone, the use and size of the mixing zone must be limited such that the waterbody as a whole will not be impaired, all designated uses are maintained and acutely toxic conditions are prevented. However, in this case, no mixing zone is authorized because critical low flows are expected to be zero as the receiving water is reported to run dry at certain times of the year.

Residues

The 2003 Alaska water quality standards require that surface waters of the State be protected for the growth and propagation of fish, shellfish, other aquatic life, and wildlife use. Specifically, there may not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use, or cause acute or chronic problem levels as determined by bioassay or other appropriate methods. That there may not, alone or in combination with other substances, cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.

pH

The Alaska state water quality standards for fresh waters and marine waters at 18 AAC 70 establish a range of between 6.5 s.u. to 8.5 s.u.

### E. Summary of Effluent Limitations and Requirements

The following summarizes the effluent limitations of the draft permit.

1. pH. The pH must not be less than 6.5 or greater than 8.5 standard pH units, based on Alaska Water Quality Standards for the protection of both fresh waters and for marine waters.

2. TSS. Based on Best Professional Judgment, EPA has established the following technology-based effluent limits for TSS: 30 mg/l (Average Monthly) and 45 mg/l (Maximum Daily); the loading limits are 15 lbs/day and 23 lbs/day correspondingly.

4. Narrative. The draft permit includes narrative effluent limitations for substances or wastes; deleterious materials; and floating, suspended, and submerged matter; which reflect Alaska water quality criteria applied directly as end-of-pipe limitations.

### F. Antibacksliding

Section 402(o) of the Clean Water Act and federal regulations at 40 CFR §122.44 (l) generally prohibit the renewal, reissuance or modification of an existing NPDES permit that

contains effluent limits, permit conditions or standards that are less stringent than those established in the previous permit (i.e., anti-backsliding) but provides limited exceptions. For explanation of the antibacksliding exceptions refer to Chapter 7 of the Permit Writers Manual *Final Effluent Limitations and Anti-backsliding*.

Since this facility has never been previously permitted, anti-backsliding provisions do not apply.

# V. Monitoring Requirements

## A. Basis for Effluent and Surface Water Monitoring

Section 308 of the CWA and federal regulation 40 CFR 122.44(i) require monitoring in permits to determine compliance with effluent limitations. Monitoring may also be required to gather effluent and surface water data to determine if additional effluent limitations are required and/or to monitor effluent impacts on receiving water quality.

The permit also requires the permittee to perform effluent monitoring required by the NPDES Form 2A application, so that these data will be available when the permittee applies for a renewal of its NPDES permit.

The permittee is responsible for conducting the monitoring and for reporting results on DMRs or on the application for renewal, as appropriate, to the EPA.

## B. Effluent Monitoring

Monitoring frequencies are based on the nature and effect of the pollutant, as well as a determination of the minimum sampling necessary to adequately monitor the facility's performance. Permittees have the option of taking more frequent samples than are required under the permit. These samples must be used for averaging if they are conducted using the EPA-approved test methods (generally found in 40 CFR 136) or as specified in the permit. Parameters for proposed effluent monitoring together with the frequency is shown in Table 6.

## C. Electronic Submission of Discharge Monitoring Reports

The draft permit requires that the permittee submit DMR data electronically using NetDMR. NetDMR is a national web-based tool that allows DMR data to be submitted electronically via a secure Internet application.

The EPA currently conducts free training on the use of NetDMR. Further information about NetDMR, including upcoming trainings and contacts, is provided on the following website: https://netdmr.epa.gov. The permittee may use NetDMR after requesting and receiving permission from EPA Region 10.

# VI. Other Permit Conditions

## A. Quality Assurance Plan

The facility is required to update the Quality Assurance Plan within 180 days of the effective date of the final permit. The Quality Assurance Plan must include of standard operating procedures the permittee must follow for collecting, handling, storing and shipping samples,

laboratory analysis, and data reporting. The plan must be retained on site and be made available to the EPA upon request.

### B. Operation and Maintenance Plan

The permit requires the facility to properly operate and maintain all facilities and systems of treatment and control. Proper operation and maintenance is essential to meeting discharge limits, monitoring requirements, and all other permit requirements at all times. The permittee is required to develop and implement an operation and maintenance plan for their facility within 180 days of the effective date of the final permit. The plan must be retained on site and made available to the EPA upon request.

### C. Best Management Practices

Section 402 of the Clean Water Act and federal regulations at 40 CFR § 122.44(k)(2) and (3) authorize EPA to require best management practices (BMPs) in NPDES permits. BMPs are measures that are intended to prevent or minimize the generation and the potential for release of pollutants from industrial facilities to waters of the U.S. These measures are important tools for waste minimization and pollution prevention.

The draft permit requires the discharger to develop and implement a BMP Plan within 180 days of becoming authorized to discharge under its terms. The facility must identify and assess potential impacts of pollutant discharges and identify specific management practices and operating procedures to prevent or minimize the generation and discharge of pollutants. The BMP Plan must also address several specific objectives.

The BMP Plan must be amended whenever there is a change in the facility or its operation that materially increases the potential for an increased discharge of pollutants.

### D. Environmental Justice

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, directs each federal agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities." EPA is striving to enhance the ability of overburdened communities to participate fully and meaningfully in the permitting process for EPA-issued permits, including NPDES permits. "Overburdened" communities can include minority, low-income, tribal, and indigenous populations or communities that potentially experience disproportionate environmental harms and risks. As part of an agency-wide effort, EPA Region 10 will consider prioritizing enhanced public involvement opportunities for EPA-issued permits that may involve activities with significant public health or environmental impacts on already overburdened communities. For more information, please visit http://www.epa.gov/compliance/ej/plan-ej/.

As part of the permit development process, EPA Region 10 conducted an "EJSCREEN" to determine whether a permit action could affect overburdened communities. EJSCREEN is a nationally consistent geospatial tool that contains demographic and environmental data for the United States at the census block group level. As a pre-decisional tool, EJSCREEN is

used to highlight permit candidates for additional review where enhanced outreach may be warranted.

The EPA also encourages permittees to review (and to consider adopting, where appropriate) Promising Practices for Permit Applicants Seeking EPA-Issued Permits: Ways To Engage Neighboring Communities (see https://www.federalregister.gov/articles/2013/05/09/2013-10945/epa-activities-to-promote-environmental-justice-in-the-permit-application-process#h-13). Examples of promising practices include: thinking ahead about community's characteristics and the effects of the permit on the community, engaging the right community leaders, providing progress or status reports, inviting members of the community for tours of the facility, providing informational materials translated into different languages, setting up a hotline for community members to voice concerns or request information, follow up, etc.

EPA's EJSCREEN tool did not identify the Metlakatla Indian Reservation as a potentially overburdened community. During the screening process, EPA considered specific case-by-case circumstances, and EPA concluded that there is no indication that the issuance of this permit would trigger significant environmental justice concerns. Separate from the environmental justice screening effort, EPA also conducted tribal coordination with the Metlakatla Reservation.

### E. Standard Permit Provisions

Sections III, IV and V of the draft permit contain standard regulatory language that must be included in all NPDES permits. The standard regulatory language covers requirements such as monitoring, recording, and reporting requirements, compliance responsibilities, and other general requirements.

## VII. Other Legal Requirements

### A. Endangered Species Act

The Endangered Species Act requires federal agencies to consult with National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries) and the U.S. Fish and Wildlife Service (USFWS) if their actions could beneficially or adversely affect any threatened or endangered species.

EPA found on a USFWS website (https://www.fws.gov/alaska/fisheries/endangered/listing.htm), the following species listed as endangered or threatened by USFWS in Alaska:

- Steller's eider (*Polysticta stelleri*) (threatened)
- Spectacled eider (*Somateria fischeri*)(threatened)
- Short-tailed albatross (*Phoebastria albatrus*) (endangered)
- Northern sea otter (*Enhydra lutris kenyoni*) (threatened) SW DPS
- Polar bear (*Ursus maritimus*) (threatened)
- Aleutian shield fern (*Polystichum aleuticum*)(endangered)
- Eskimo curlew (*Numenius borealis*)(endangered)

- Wood bison (*Bison athabascae*) (threatened)

The above species are not expected to be in the project area. Accordingly, EPA believes that there is NO EFFECT to USFWS species.

EPA utilized the IPAC tool on July 3, 2018, to identify threatened and endangered species in the vicinity of the discharge. No species were identified by the IPAC tool in the vicinity of the discharge. In addition, according to the 1981 Annette Islands Stream Survey Summary report provided by the facility, the receiving water was not known to have fish.

Because EPA does not expect marine species to be impacted, therefore, no species listed by NOAA Fisheries would be impacted. Accordingly, EPA determined that there is NO EFFECT to ESA species from this discharge.

### B. Essential Fish Habitat

Essential fish habitat (EFH) is the waters and substrate (sediments, etc.) necessary for fish to spawn, breed, feed, or grow to maturity. The Magnuson-Stevens Fishery Conservation and Management Act (January 21, 1999) requires the EPA to consult with NOAA Fisheries when a proposed discharge has the potential to adversely affect EFH (i.e., reduce quality and/or quantity of EFH).

The EFH regulations define an adverse effect as any impact which reduces quality and/or quantity of EFH and may include direct (e.g. contamination or physical disruption), indirect (e.g. loss of prey, reduction in species' fecundity), site specific, or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

According to the 1981 Annette Islands Stream Survey Summary report provided by the facility, the receiving water was not known to have fish.

The EPA has determined that based on the nature of the discharge and specific site characterization, that there is NO EFFECT on EFH in the vicinity of the discharge.

### C. State Certification

40 CFR 121.21 requires EPA to issue a CWA § 401 certification where (1) standards have been promulgated by EPA or (2) water quality standards have been established, but no State or interstate agency has authority to give such a certification. EPA has neither promulgated water quality standards nor have water quality standards been established for the MIC, therefore no certification is required.

### D. Permit Expiration

The permit will expire five years from the effective date.

## VIII. References

EPA. 1991. *Technical Support Document for Water Quality-based Toxics Control.* US Environmental Protection Agency, Office of Water, EPA/505/2-90-001.

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EPA. 2010. *NPDES Permit Writers' Manual.* Environmental Protection Agency, Office of Wastewater Management, EPA-833-K-10-001. September 2010. https://www3.epa.gov/npdes/pubs/pwm_2010.pdf

EPA. 2014. Water Quality Standards Handbook Chapter 5: General Policies. Environmental Protection Agency. Office of Water. EPA 820-B-14-004. September 2014. https://www.epa.gov/sites/production/files/2014-09/documents/handbook-chapter5.pdf

Alaska Department of Environmental Conservation. 2003. Alaska Water Quality Standards.

EPA. 2017. *Memorandum to File.* Metlakatla Indian Community (MIC) Water treatment Plant (WTP) #AK0046876.

NPDES Permit Application. 1986. Metlakatla Water Treatment Plant.

Public Health Service. 1986. Letters to Alaska Department of Environmental Conservation dated August 6, 1986, and August 27, 1986.

Annette Island Stream Survey Summary report, 1981. Number 101-28-015.

# Appendix A. Facility Information


Figure A1: Aerial photo of the Metlakatla Water Treatment Plant
Note: The Metlakatla Water Treatment Plant is located within the reservation boundary, on the bottom-half of the photo

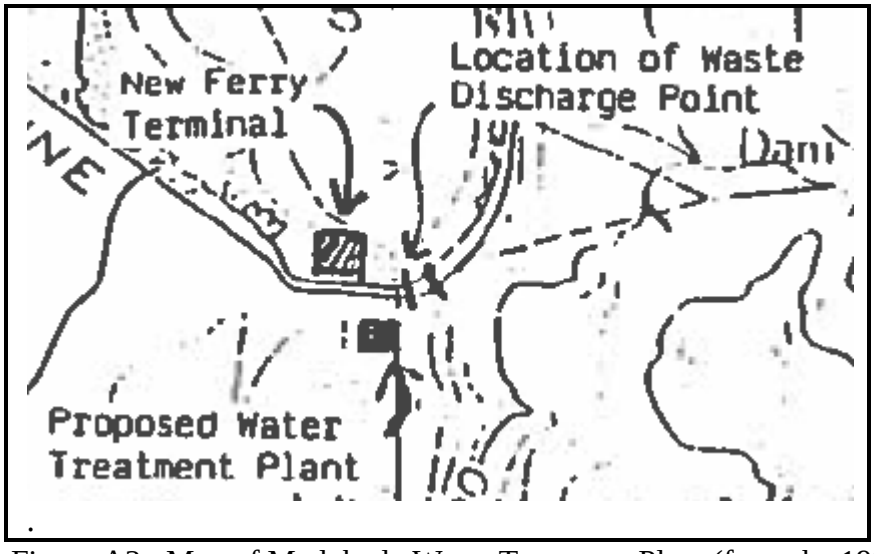


Figure A2: Map of Metlakatla Water Treatment Plant (from the 1986 Permit Application)

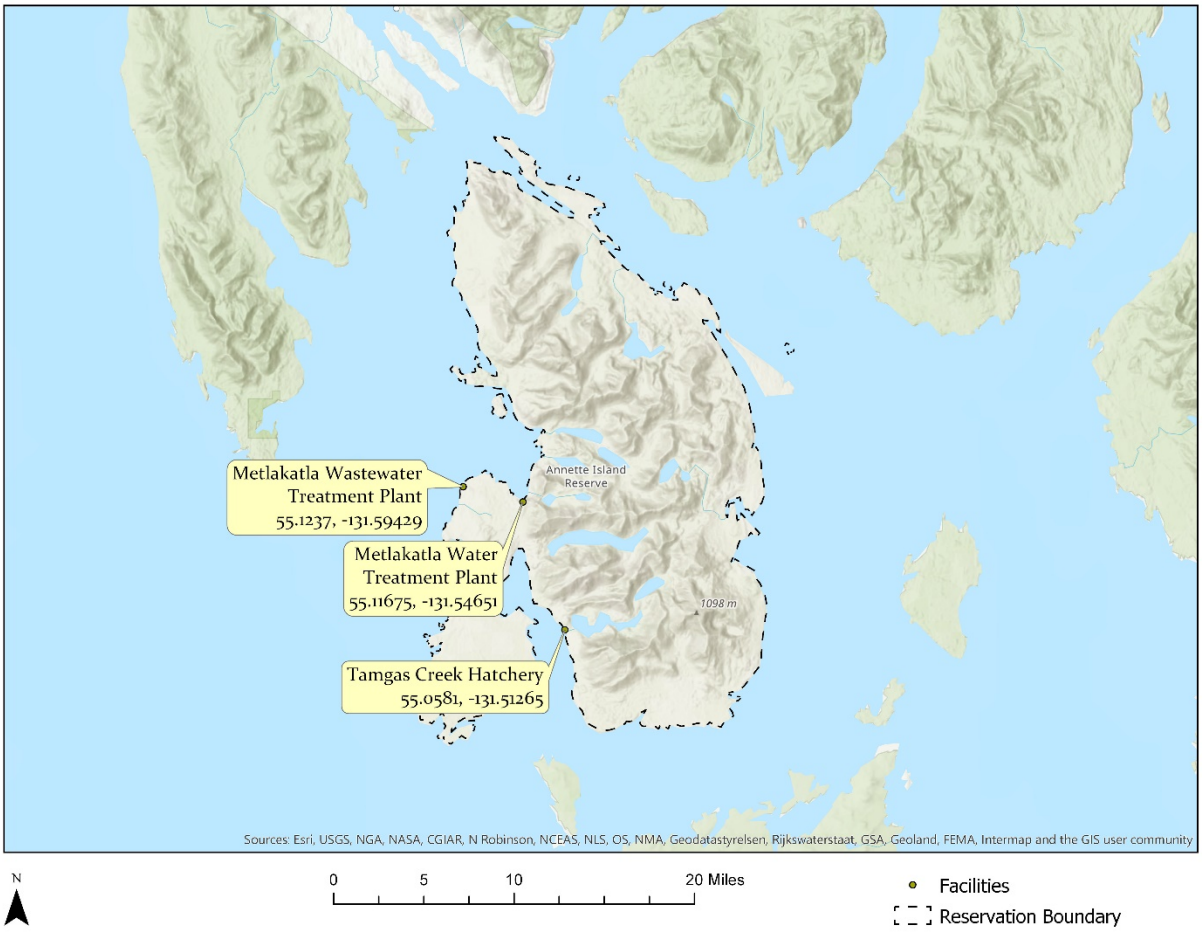


Figure A3: The Metlakatla Water Treatment Plant is located within Reservation boundaries

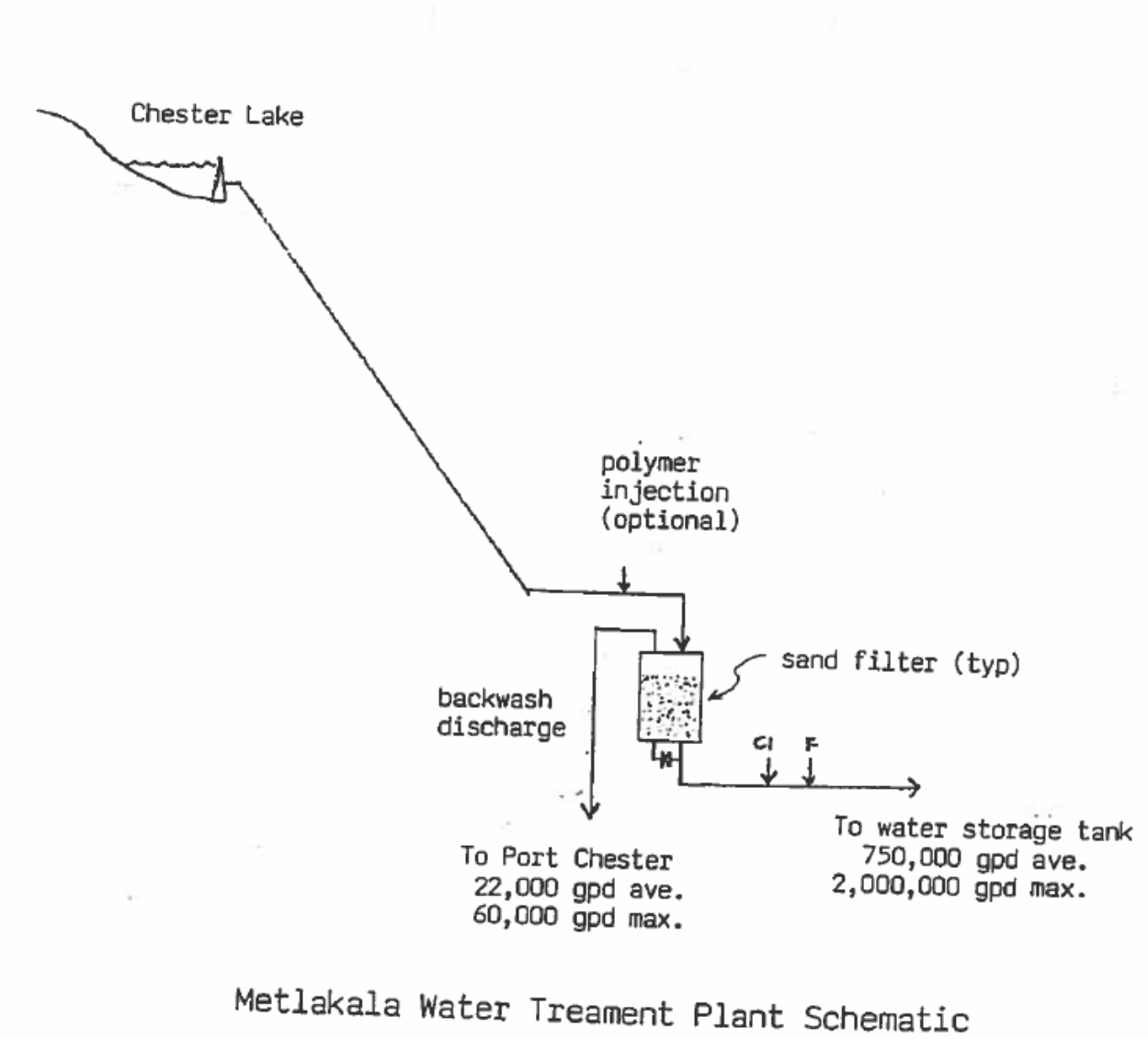


Figure A4: Metlakatla Water Treatment Plant Schematic Diagram (from the 1986 Permit Application)
Note: The discharge flows into a natural drainage channel that eventually flows into Port Chester.

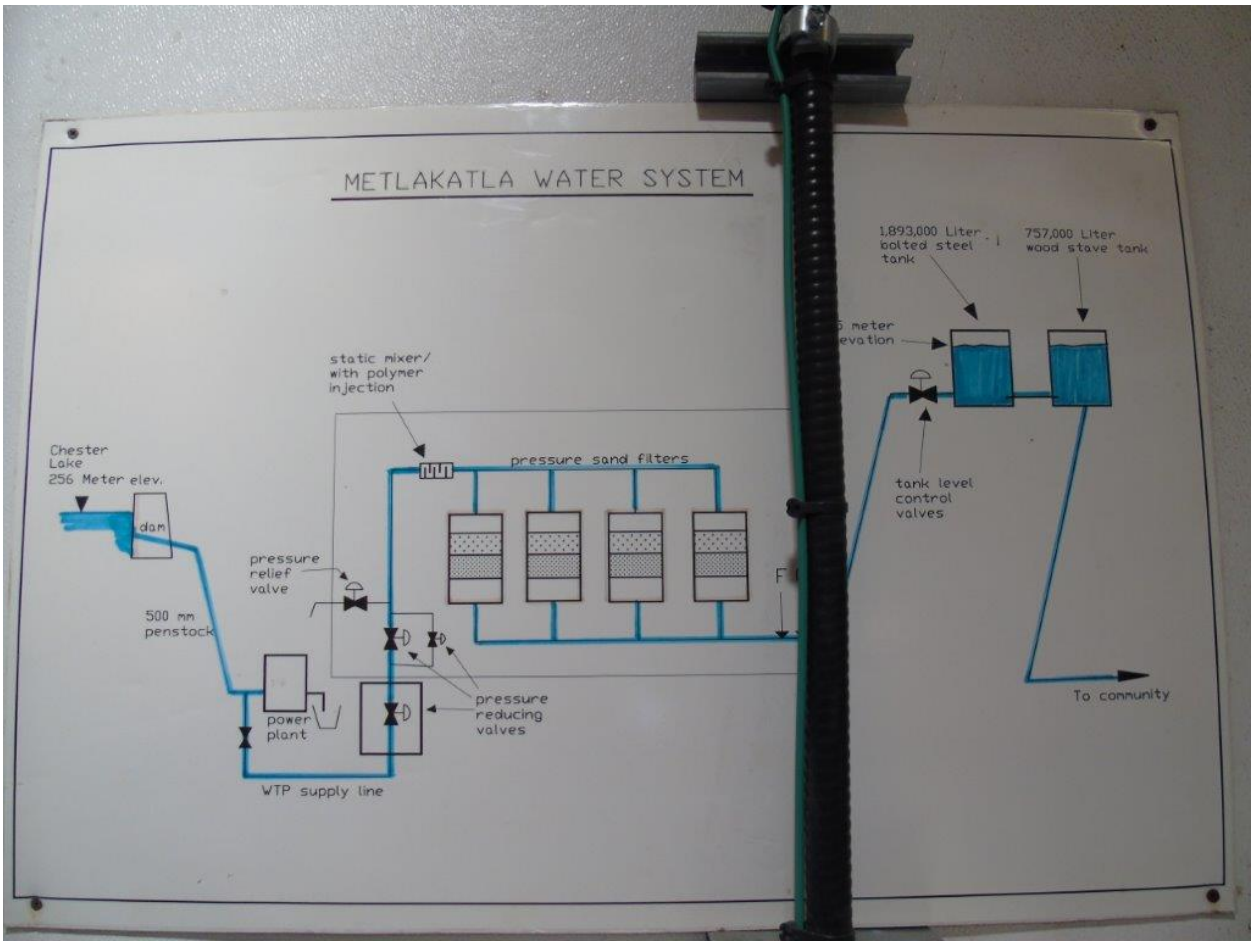


Figure A5: 2015 Photograph of a Detailed Schematic Diagram of the Metlakatla Water Treatment Plant.