RESPONSE TO COMMENTS

Municipality of Skagway Borough Wastewater Treatment Plant
NPDES Permit AK0020010
December 2024

Summary

On July 28, 2023, the U.S. Environmental Protection Agency Region 10 (EPA) issued a public notice for the proposed National Pollutant Discharge Elimination System (NPDES) permit and the tentative Clean Water Act 301(h) decision for the Municipality of Skagway Borough Wastewater Treatment Plant (WWTP). The public comment period closed on September 13, 2023.

This document presents the EPA's responses to comments received during the public comment period, identifies final 401 certification conditions incorporated into the permit, and identifies conditions incorporated into the permit as a result of ESA consultation.

During the public comment period, the EPA received comments from:

- Municipality of Skagway Borough (Skagway)

Changes in Response to Public Comment and Final 401 Certification

The following revisions were made to the final permit from the draft permit in response to public comments and the final 401 certification:

- The EPA updated current relevant documents and will use Municipality of Skagway Borough or Municipality of Skagway in the future.
- The EPA corrected internal references in response to several comments.
- The EPA revised the submittal date to January 31st of each year for Schedule of Submissions - Nonindustrial Source Control Program.
- The EPA revised the Schedule of Submissions - Receiving Water Monitoring Report to the submittal date of January 31.
- The EPA clarified that the permittee is allowed to use any sufficiently sensitive method compliant with 40 CFR Part 136 for fecal coliform monitoring and removed the reference to five-tube dilution from Table 1.
- The EPA removed previous Permit Parts I.B.3 and I.B.4 which referenced requirements for continuous temperature monitoring and clarified that weekly grab samples are required.
- The EPA clarified requirements of the surface water observations in Permit Part I.B.2. The final permit requires that the surface water observations be conducted during the receiving water monitoring required in Permit Part I.D., and observations must be included with the receiving water monitoring report required in Part I.D.11.
- The EPA clarified that fecal coliform and enterococcus monitoring is required monthly during the months of May, June, July, and August.
- The EPA revised the receiving water monitoring for fecal coliform and enterococcus to allow discontinuation of monitoring if there is continued compliance with final fecal coliform and enterococcus limits. See Permit Part I.D.9. and I.D.10.

- The EPA revised the language in Table 1 and Permit Part II.D.1.a to clarify the timing and frequency requirements for the toxic pollutants scan.
- The EPA removed the reference to metals, dissolved organic carbon, conductivity, and hardness in the previous Permit Part I.D.9.
- The EPA established a WET sampling holding time of 36 hours, not to exceed 72 hours.
- The EPA removed the requirement to conduct a sediment analysis from the Biological Monitoring requirements in Permit Part I.E.
- The EPA corrected the minimum dissolved oxygen (DO) limit to 6.0 mg/L at the surface per the final 401 certification.
- The EPA inserted the compliance schedule timeline and details from the final 401 certification.
- The EPA revised the chronic mixing zone dilution of 28:1 to 32:1 per the final 401 certification.

Changes in Response to ESA Consultation

On August 30, 2024, the EPA requested to initiate Endangered Species Act (ESA) Section 7 Consultation with the National Marine Fisheries Service (NMFS) on the reissuance of six 301(h) modified NPDES permits for publicly owned WWTP's located in SE Alaska, including the Skagway WWTP. The EPA submitted a Biological Evaluation (BE) analyzing the effects of the discharges on threatened, endangered, and candidate species and designated critical habitats under NMFS' jurisdiction. The analysis of effects in the BE determined that the discharges may affect, but are not likely to adversely affect (NLAA), any ESA-listed species or designated critical habitat. On October 15, 2024, NMFS concurred with the EPA's NLAA determination and provided the following conservation recommendations which the EPA has adopted in the final permit as mitigation measures:

- The project proponent will provide NMFS with annual water temperature and water quality reports from each of the six POTWs in Southeast Alaska (email information to akr.prd.records@noaa.gov).
- The project proponent will provide NMFS a report of sunflower sea star sighting and density data collected during benthic surveys around each outfall and reference site once during the 5-year permit period. This report also will include the date, water depth of each survey, and water quality.
- If it appears that a sunflower sea star has sea star wasting syndrome or if any dead sunflower sea stars are observed, pictures of the individuals will be taken and infected individuals will be counted. The infected sunflower sea stars will not be touched or relocated. These and all sunflower sea star survey findings will be reported to NMFS, including latitude/longitude and transect line, at akr.prd.records@noaa.gov.

The EPA concurs with these conservation recommendations and has included them in the final permit as summarized below:

- Permit Part I.D.11. has been revised – in addition to the EPA and the Alaska Department of Environmental Conservation (ADEC), the surface water monitoring report must also be provided to NMFS.
- Permit Part I.E.5. has been added, and Permit Part I.E.6 has been revised – The new Part I.E.5 requires the observation of the presence and density of sunflower sea stars as part of the benthic survey required in Permit Part I.E. Permit Part I.E.6. has been revised to require the reporting of results to NMFS in addition to the EPA and ADEC.

Editorial and Technical Changes to Final Permit

In the following, the EPA corrected editorial errors and made technical changes in the permit:

- The EPA corrected typos, formatting, punctuation, and added abbreviations in the permit.
- The EPA corrected internal references and footnotes.
- The EPA removed the narrative limitation in Part I.B from the final permit because it was included as a typographical error. Specifically, this limitation came from an Idaho WQS narrative provision. The narrative limitation from the 2001 permit is being retained in the renewed permit.
- The EPA revised the Permit Part II.C.5, Table 4, and removed Permit Part III.K, to clarify the Permittee has 14 days after the schedule date for each task in the compliance schedule to submit required annual Reports of Progress.
- The EPA corrected Permit Part I.B.3 to include copper and chlorine in reporting within 24 hours any violation of the maximum daily limits.

Response to Comments on Permit

Comment 1. *Page 1 of Draft Permit and throughout all documents*. Permittee is referred to as the 'City of Skagway.' Skagway is not a city and is officially the Municipality of Skagway Borough.

Request: Change reference to City to Municipality throughout all permit documents.

Response. The EPA updated relevant documents and will use Municipality of Skagway Borough or Municipality of Skagway in the future.

Comment 2. *Pages 2 and 19 Schedule of Submissions.* The Schedule of Submissions requires the QAP to be submitted within 180 days of the effective date of the permit. Skagway has limited employees with a large list of responsibilities that make it difficult to meet this deadline for multiple requirements in this permit.

Request: Change submission deadline to end of the first year of the permit.

Response. The Quality Assurance Plan (QAP) is critical for proper implementation of the permit and operation of the facility, therefore it must be completed within 180 days of the effective date of the permit. The 2002 permit also required the development of a QAP, and Part II.B.1 of the draft permit states that existing QAPs may be modified. Thus, Skagway can update the previous QAP instead of developing a new one which will make it easier to comply with this permit requirement. No changes were made to the final permit as a result of this comment.

Comment 3. *Pages 2 and 18 Schedule of Submissions.* The Schedule of Submissions requires the Operation and Maintenance Plan to be submitted within 180 days of the effective date of the permit. Skagway has limited employees with a large list of responsibilities that make it difficult to meet this deadline.

Request: Change submission deadline to end of the first year of the permit.

Response. The Operation and Maintenance Plan (O&M Plan) is critical for proper implementation of the permit and operation of the facility, therefore it must be completed within 180 days of the effective date of the permit. The 2002 permit also required the development of an O&M Plan, and Part II.A.1 of the draft permit states that existing O&M Plans may be modified. Thus, Skagway can update the previous O&M Plan instead of developing a new one which will make it easier to comply with this permit requirement. No changes were made to the final permit as a result of this comment.

Comment 4. *Page 2, Schedule of Submissions.* Item Compliance Scheduled for Fecal Coliform, Enterococcus, Chlorine, and Copper. Chlorine and Copper are not mentioned in Part II.C.

Request: Delete chlorine and copper from item.

Response. The EPA revised the Schedule of Submissions in the final permit by deleting chlorine and copper from the item.

Comment 5. *Page 2, Schedule of Submissions*. In the column Item, Nonindustrial Source Control Program appears to have an incorrect reference to see Permit Part II.F.3.

Request: Revise the appropriate reference, which appears to be, see Permit Part II.D.3.

Response. The EPA revised the Schedule of Submissions in the final permit to the correct reference, see Permit Part II.D.3. The EPA also revised the submittal date to January 31st of each year.

Comment 6. *Page 3, Schedule of Submissions, Twenty-Four Hour Notice of Noncompliance Reporting.* In the column Item, Twenty-Four Hour Notice of Noncompliance Reporting appears to have an incorrect reference to see Permit Parts III.G and I.B.3. Revise the appropriate reference, which appears to be, see Permit Parts III.G and I.B.5.

Response. The EPA revised the Schedule of Submissions in the final permit to the correct reference Permit Parts III.G and I.B.3.

Comment 7. *Page 3, Schedule of Submissions.* In the column Item, Surface Water Monitoring Report in the table states that the report must be submitted with the next permit application. However, in section I.D.10 on page 17 states that data must be submitted every year on January 31 and with the NPDES permit renewal.

Request: Revise the reference to match I.D.10.

Response. The EPA revised the Schedule of Submissions in the final permit to reference the correct Permit Part I.D. Surface Water Monitoring Report (now referred to as the Receiving Water Monitoring Report in the permit) data must be submitted annually by January 31 of the following year as an attachment to NetDMR, and with the NPDES and 301(h) Application Renewal.

Comment 8. *Pages 3 and 27, Schedule of Submissions*. The Schedule of Submissions requires the Emergency Response and Public Notification Plan to be submitted within 180 days of the effective date of the permit and revised once upgrades are complete. Skagway has limited employees with a

large list of responsibilities that make it difficult to meet this deadline for multiple requirements in this permit. Change submission deadline to end of the first year of the permit.

Response. The Emergency Response and Public Notification Plan is critical for proper implementation of the permit and operation of the facility, therefore it must be completed within 180 days of the effective date of the permit. No changes were made to the final permit as a result of this comment.

Comment 9. *Page 2, Schedule of Submissions, Emergency Response and Public Notification Plan.* In the column Item, Emergency Response and Public Notification Plan appears to have an incorrect reference to see Permit Part II.I.

Request: Revise the appropriate reference, which appears to be, see Permit Parts II.G.

Response. The EPA revised the Schedule of Submissions in the final permit to the correct reference Permit Part II.G.

Comment 10. *Page 6, Table 1*. *Fecal Coliform Criteria.* The permit, fact sheet, and tentative decision document (TDD) do not align between the information cited from See 18 AAC 70.020(b)(14)(D).

AAC 70.020(b)(14)(D) amended November 13, 2022 (EPA link page 27 18 AAC 70 Water Quality Standards (epa.gov)) includes the 4 bullets in the TDD. AAC 70.020(b)(14)(D) amended June 26, 2003 (DEC link page 16 18-aac-70-wqs-june26-2003mas.pdf) includes only the 43 CFU/100 mL for a five-tube decimal dilution test as cited in the permit and fact sheet. Table 8 in the fact sheet has 43 CFU/100 mL, although there is a typographic error of CRU instead of CFU. The TDD appears to include outdated information.

The footnote should include more than just the AAC criteria but also include a citation for the required test method such as Method 1681, Standard Methods for Examination of Water and Wastewater or other.

The Municipality of Skagway has understood 18 AAC 70.020(b)(14)(D) allows the use of five-tube, three-tube, twelve-tube decimal dilutions as well as membrane filtration. The 800 CFU/100 mL daily maximum required by the ADEC 401 certification would still be the most stringent limit.

Request: Update and provide consistent information regarding 18 AAC 70.020(b)(14)(D) in the permit, fact sheet, and TDD. Correct the typographical error in the fact sheet. Update the TDD to the current standard. Include both the criteria and method in the footnote.

Response. The current version of the Alaska water quality standards was amended on November 13, 2022, and includes bacteria standards for five-tube, three-tube, twelve-tube, and membrane filtration. The TDD included the correct version of these standards and has not been revised. The EPA Region 10 does not revise fact sheets after the public notice period and instead corrects information and provides any additional explanation in the response to comments document. The limits in the draft permit are not affected by the reference to the incorrect version of the standards described above. Therefore, the EPA did not make any changes to the fecal coliform limits in the final permit.

For fecal coliform sampling, the permittee is allowed to use any sufficiently sensitive method compliant with 40 CFR Part 136 to analyze fecal coliform bacteria. The EPA has removed footnote #3 in Table 1 referencing the five-tube dilution test from the final permit.

Comment 11. *Page 7, Table 1. Copper Dataset.* Copper data exhibit extensive variation from 2016 (peak high) through the pandemic years of 2020 and 2021 (extremely low) for reasons that are partially known and unknown and present issues in calculating reasonable potential to exceed and appropriate effluent limitations. The cause(s) of some of these variations are known: transient resident population, and lack of cruise ship tourists. Others are not known but causes could include: water supply changes, construction, conservation, changes in flows, and/or other. If a dataset can be justified that results in determining Skagway WWTP can statistically meet the proposed copper limits based on the historical variation in effluent monitoring, this option is preferred.

If a dataset cannot be justified that results in attainable proposed copper limits, then a study to investigate and understand the dataset before setting proposed effluent limitations is the next appropriate step. This could be accomplished with a permit requirement such as the following. "The permittee shall submit a copper source identification and reduction study work plan to EPA within 180 days of permit issuance. EPA may disapprove or modify the work plan within 60 days of receipt, with no response being equivalent to approval. The work plan shall include: identification of collection system and influent copper, control options (e.g. BMPs, pretreatment requirements), sampling at a minimum frequency of twice per month, reduction goals, and annual progress reporting. Sampling should be conducted during periods representative of the potential presence of copper. The duration of the study shall be 2 years from the date of implementation and annual progress reports shall be submitted by December 31st of each year to EPA." If a dataset cannot be justified that results in attainable proposed copper limits, and an interim study is not granted, then a compliance schedule of at least 10 years is necessary to fund, evaluate, design, construct, and startup necessary treatment processes to meet currently unattainable effluent limitations.

Request: Review and revise the copper effluent dataset for unknown variations and the implication on the resulting limitation calculations. If the dataset is found statistically anomalous, allow Skagway to perform a study to investigate the potential causes to understand the dataset. If the attainable effluent limitations and/or a study are not granted, provide at least a 10 year compliance schedule to provide time for appropriate planning efforts.

Response. The effluent limits for copper are a condition of ADEC's 401 certification of the permit. In the draft permit, the EPA proposed 45 ug/L max daily and 18 ug/L average monthly. In ADEC's final 401 certification, ADEC included a condition with copper limits of 79 ug/L max daily and 37 ug/L average monthly. Pursuant to Clean Water Act (CWA) section 401(d), the EPA has included these limits in the permit. ADEC's notice of review, responses to comments, and final 401 certification were provided to the permittee on March 14, 2024, and are available with the final permit and 401 certification on the EPA website at: https://www.epa.gov/npdes-permits/npdes-permit-skagway-wastewater-treatment-plant-alaska

Comment 12. *Page 7, Table 1. Copper Dilution Factors.* The copper effluent limits in Table 1 are limits calculated using dilution factors of 8.5 and 14.2 that were provided by ADEC on 6/20/2023 in an email to Skagway. However, in the Fact Sheet and the 401 certification, the dilution factors that are stated to be used are 16 and 28 with chlorine driving the dilution factors. Typically when the dilution factors are determined it is the dilution factors of the parameter that is driving the mixing zone that

are used. There are not seperate dilution factors for each parameter which is what was said was done during a phone call to ADEC on 9/4/2023. It is also what was not stated in the 401 certification that seperate dilution factors were used for each parameter.

Request: Due to the data set having variations over years for various reasons (see comment above) the dilution factors should be calculated from the data set that is determined to be most representative of conditions at Skagway WWTP because of the likely change in MEC.

Response. Please see response to Comment 11.

Comment 13. *Page 7, Table 1.* Skagway requests that the summer seasonal limits be extended from May 1 – September 30 to April 1 – October 31 to accommodate the extended cruise ship season and increased number of ships per summer. Per EPA's permit writers' manual, "CWA section 402(o)(2) outlines specific exceptions to the general prohibition against revising an existing Technology Based Effluent Limit (TBEL) that was developed on a case-by-case basis using best professional judgement (BPJ) to reflect subsequently promulgated, less stringent effluent guidelines in a renewed, reissued, or modified permit." Only one of the following exceptions is needed to permit less restrictive limits. From the Municipality's perspective, four of the exceptions outlined in CWA section 402(o)(2) would be applicable, although only one needs to be used. The four exceptions for the extended summer seasonal limits are as follows:

1. There have been material and substantial alternations or additions to the permitted facility that justify the relaxation – since the last reissuance of the permit, Skagway has installed a number of improvements at the plant (2010-2012) including going from a typical primary clarification process to an enhanced primary clarification process (DensaDeg).
2. New information (other than revised regulations, guidance, or test methods) is available that was not available at the time of permit issuance and that would have justified a less stringent effluent limitation - since the last reissuance of the permit and in more recent years, Skagway has been receiving more cruise ships and they have started arriving earlier in the season (April) and running later into the season (October). The Skagway economy relies heavily on this tourism.
3. Good cause exists because of events beyond the permittee's control (e.g., natural disasters) and for which there is no reasonably available remedy - since the last reissuance of the permit and in more recent years, Skagway has been receiving more cruise ships and they have started arriving earlier in the season (April) and running later into the season (October). The Skagway economy relies heavily on this tourism and in order to meet the permit limits in the shoulder seasons the community may need to reduce cruise ship volume during these periods. The flows and loads received at the plant are impacted significantly by the presence of the cruise ships and the increase in people in the small community.
4. The permittee has installed and properly operated and maintained required treatment facilities but still has been unable to meet the effluent limitations (relaxation may be allowed only to the treatment levels actually achieved) - since the last reissuance of the permit, Skagway has installed a number of improvements at the plant (2010-2012) including going from a typical primary clarification process to an enhanced primary clarification process (DensaDeg). Also in 2010, the community installed a new headworks, additional aerobic digesters, and new sludge handling equipment (screw press). Even with the new equipment/processes, Skagway can not meet the existing permit limits in the shoulder seasons (April & October) based on the increased flows and loads seen at the plant due to the cruise ship traffic to the community.

Request: Change the summer seasonal limits (for BOD5 and TSS) from May 1 – September 30 to April 1 – October 31 to accommodate the extended cruise ship season and increased number of ships per summer.

Response. In the fact sheet, the EPA noted the permittee's request that the summer seasonal limits be expanded to include April and October because of cruise ship tourism during that time period. CWA Section 301(h)(8) does not allow for a "new or substantially increased discharge from the point source of the pollutant into which the modification applies above that volume of discharge specified in the permit." Expanding summer seasonal limits to include April and October will increase the concentration and mass load that the facility would be allowed to discharge, thus, making the facility ineligible for the 301(h) waiver. The EPA did not make any changes to the final permit as a result of this comment.

Comment 14. *Pages 7, 8, 10 and 11, Tables 1 and 2. PFAS Monitoring Requirements.* Currently there are no regulations pertaining to PFAS for wastewater discharge. The only proposed regulation pertains to drinking water set at 4 ng/L. Therefore, the Municipality of Skagway's objects to the wastewater discharge permit that sampling will be required on a quarterly basis for two years and furthermore seeks relief from this monitoring based on the following rationale.

First, the currently proposed regulations are for drinking water which typically come from freshwater sources. The communities that are renewing the 301(h) wastewater discharge permits are all discharging to the marine environment. Therefore, there is no impact to potential drinking water sources for any of these communities.

Second, a presence/absence study of PFAS in wastewater discharge for small communities that have little to no industrial activity calls into question if the requirement even makes sense for the Municipality of Skagway. This puts all of the burden of cost (dollars, labor availability and time, risks, etc.), on very small utilities whose budgets are already strapped. With the new disinfection requirement in the draft permit, communities are already wondering where the money is going to come from to design, build, and implement disinfection. To require expensive tests for research purposes of the EPA causes additional burden for something that does not even have a regulation in place.

The 1633 methodology is not yet approved by EPA, but its use is being required in the draft permit. Additionally, the method detection limit for this methodology is extremely low and has communities concerned about what the ramifications are if PFAS is detected at all. With no regulatory requirements being in place at this time, consequences could potentially come back to the communities in the form of requirements of treatment which is extremely expensive and which these small communities cannot afford.

The PFAS sampling requirement also includes the sampling of influent, effluent, and sludge. Three samples that may not be necessary. Knowing that these facilities are primary treatment, if PFAS concentrations are entering the facility, then they are likely also leaving the facility. Again, these communities do not have the money for sampling for research purposes.

Instead, a common-sense stepwise approach should be employed. First, conduct an industrial user survey to determine if there is a likelihood of PFAS being present in the community at levels higher than the proposed drinking water standard. If the survey indicates that there is a possibility, then require sampling at the cost to the potential polluter, not the utility. The Municipality of Skagway believes that this requirement is being required too early in the process and requests that this requirement be delayed until EPA is further in the process of drafting regulations and determining what would be required if PFAS is detected in these facilities.

Request. Delete the monitoring requirements for PFAS on Pages 7, 8, 10 and 11 of the permit, and update the fact sheet.

Response. The EPA is not limited to requiring monitoring only for pollutants that have established water quality standards. Under CWA section 308, the EPA has broad authority to prescribe the collection of data and reporting requirements in NPDES permits. See also 40 CFR 122.44(i) (permittees must supply monitoring data and other measurements as appropriate).

As discussed in the 2023 fact sheet, the purpose of these monitoring and reporting requirements is to better understand potential discharges of PFAS from this facility and to inform future permitting decisions, including the potential development of water quality-based effluent limits. In December 2022, the EPA released a guidance memo[1] to the EPA Regions and states for addressing PFAS in NPDES permitting. The memo recommends PFAS monitoring for all POTW permits since they are known contributors of PFAS into the aquatic environment through a variety of industrial, commercial, and consumer sources. The permit conditions reflect the recommendations in the memo as well as the EPA's commitments in the PFAS Strategic Roadmap, which directs the Office of Water to leverage NPDES permits to reduce PFAS discharges to waterways "at the source and obtain more comprehensive information through monitoring on the sources of PFAS and quantity of PFAS discharged by these sources."

PFAS regulations currently in development as part of the Strategic Roadmap include efforts to develop a primary drinking water regulation and ambient water quality criteria for the protection of aquatic life and human health. Aquatic life criteria are designed to protect aquatic life from toxics exposure and typically include both a freshwater and marine component. The draft aquatic life criteria for PFAS, released for public comment in April of 2022, includes benchmarks for marine waters. Human health criteria are designed to protect people from exposure to toxics resulting from the consumption of water and/or fish or other aquatic organisms. While direct exposure to PFAS through the consumption of water influenced by the permitted discharge is not likely since the discharge is to estuarine waters, the consumption of fish and other aquatic organisms within the receiving waters could be a potential exposure pathway since PFAS chemicals have been shown to bioaccumulate and biomagnify within the aquatic environment.

The EPA agrees with the commenter that any PFAS chemicals entering the facility are likely to be exiting the facility. Sampling the influent, effluent, and sludge will provide necessary data to

[1] Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs. USEPA - Office of Water. Dec 2022

determine PFAS levels at each of these three points in the treatment process for use in future permitting decisions. Influent data shows how much PFAS is entering the facility, effluent data will provide data on how much is being discharged and removed through the primary treatment process, and sludge data will show how much PFAS is partitioned within the sludge.

As discussed in the fact sheet, the EPA acknowledges there is currently no approved analytical method for PFAS in 40 CFR Part 136. However, 40 CFR 122.44(i)(1)(iv)(B) provides that, in the case of pollutants or pollutant parameters for which there are no approved methods under 40 CFR Part 136 or methods are not otherwise required under 40 CFR chapter I, subchapter N or O, monitoring shall be conducted according to a test procedure specified in the permit for such pollutants or pollutant parameters. Therefore, the final permit retains the requirements that until there is an analytical method approved in 40 CFR Part 136 for PFAS, monitoring shall be conducted using Method 1633, which was finalized on January 31, 2024.

The EPA recognizes the costs associated with these monitoring requirements for small communities. To help alleviate some of this burden on small communities, the revised draft permit requires PFAS monitoring for only two years (8 sampling events) and the permittee is not required to begin until the third year of the permit. This will allow time for planning and preparation associated with the costs and logistics involved in successfully completing the required monitoring.

The EPA appreciates the commenters concerns about the uncertainty of potential future permitting decisions that will be informed by the data collected. In spite of these, the EPA and states have obligations under the CWA to ensure permits are protective of human health and the environment and the conditions in the permit reflect the agencies latest efforts and commitments to address PFAS as described in the Strategic Roadmap and 2022 guidance memo.

The comment closes with a request that the PFAS monitoring provisions be removed from the final permit and an industrial user survey with a focus on potential introduction of PFAS into the sewer collection system be added. The EPA maintains that PFAS monitoring is necessary to obtain comprehensive PFAS information and ensure sufficient and representative data is available to inform future permitting decisions, including the potential development of effluent limits to meet future water quality standards, and fulfill our obligation to carry out the CWA. The PFAS monitoring provisions have not been removed from the final permit.

The revised draft permit required the permittee to conduct an industrial user survey and assess which users may be potential sources of PFAS chemicals; those requirements have not changed in the final permit.

No change was made to the final permit as a result of this comment.

Comment 15. *Page 8, I.3 and I.4. Temperature Monitoring*. Table 1 Effluent Limitations and Monitoring Requirements and Table 4 Receiving Water Monitoring Requirements state the sample type for temperature of “Grab”. Sections I.3 and I.4 describe using thermistors. Thermistors are unnecessary for grab samples making this text unnecessary and irrelevant. Grab samples will provide sufficient temperature information for an ocean discharge without the cost and maintenance of thermistors. The Municipality of Skagway prefers to continue conducting temperature monitoring as currently done. Delete I.B.3 and I.B.4.

Response. The EPA is requiring the permittee to conduct weekly grab samples for temperature monitoring. Therefore, the EPA removed the previous Permit Parts I.B.3 and I.B.4, referencing requirements for continuous temperature monitoring, from the final permit.

Comment 16. *Page 8, I.B.2. Narrative Limitations*. The outfall discharges at a depth of 60 ft roughly 0.75 miles from the facility. Additionally, the facility discharges into open ocean with a rocky shore and significant wave action; naturally occurring sea foam, logs, sticks, seaweed, and litter from as far away as Asia is a regular occurrence. Compliance with the residue standards based on visual observation at a distance is not possible.

The fact sheet does not provide a basis for the addition of the monitoring log. And the permit does not prescribe a frequency at which the monitoring must occur.

Request: Maintain the requirement as stated in the previous NPDES permit and remove the requirement for regular observation of the discharge.

Response. The EPA acknowledges that the visual observation of residue from the outfall is difficult from shore. The EPA has revised Permit Part I.B.2. in the final permit to require the permittee to observe the surface of the receiving water during the receiving water monitoring while the permittee is in the vicinity of the outfall. Observations must include the date, time, observer, and whether there was presence of floating solids, visible foam or oily wastes which produce a sheen on the surface of the receiving water. Observations must be included in the annual Receiving Water Monitoring Report required in Permit Part I.D.

The EPA has removed the draft narrative limitations in Part I.B. from the final permit because they were included in error. Specifically, the limitations came from an Idaho water quality standards (WQS) narrative provision. The narrative limitation from the 2001 permit is being retained in the renewed permit. The final permit requires that there shall be no discharge of floating solids, visible foam or oily wastes which produce a sheen on the surface of the receiving water.

Comment 17. *Pages 8, 20, 21. Table 1, II.C, and Table 4. Schedule of Compliance.* Five years is not enough time to secure funding, complete the disinfection study, design, and construction of a disinfection system. Adding effluent disinfection will likely cost the Muncipality of Skagway >$10M. This will put a significant burden onto the rate payers. Extending the compliance schedule will allow the Muncipality of Skagway to seek grant opportunities and/or alternative funding

Request: Extend compliance schedule to ten years. Facility Planning Deliverable: The permittee must provide written notice to EPA and ADEC no later than two years and 14 days after the effective date… Final Design Deliverable: The permittee must provide written notice to EPA and ADEC no later than four years and 14 days after the effective date… Funding and Contractor Selection Deliverable: The permittee must provide written notice to EPA and ADEC no later than six years and 14 days after the effective date… Construction Begins Deliverable: The permittee must send the EPA and ADEC written notification that construction has begun, no later than seven years and 14 days after the effective date… Meet Effluent Limits for Fecal Coliform and Enterococcus Deliverable: The permittee must provide written notice to EPA and ADEC no later than 10 years and 14 days after the effective date…

Response. Under the State's regulations, ADEC is responsible for issuing the compliance schedule as part of the 401 certification. The permittee submitted this comment to ADEC during the public comment period for the 401 certification. ADEC's notice of review, responses to comments, and final 401 certification were provided to the permittee on March 14, 2024, and are available with the final permit and 401 certification on the website at: https://www.epa.gov/npdes-permits/npdes-permit-skagway-wastewater-treatment-plant-alaska. Pursuant to CWA section 401(d), the EPA has included the compliance schedule in the permit.

The EPA has delayed the effective date of the final permit past the issuance date as indicated in the final permit. Since the schedule of compliance for bacteria begins at the effective date of the permit, this will provide additional time for the permittee to secure funding, complete a disinfection study, and design and construct a disinfection system. Establishing a later effective date is consistent with 40 CFR 124.15(b)(1).

Comment 18. *Page 10, I.B.10.* The permit states that, "the permittee may use any sufficiently sensitive approved analytical method." It is undetermined what "sufficiently sensitive" means in this case.

The permit states that the permittee must use the latest revision of the EPA Method 1633 until analytical methods for PFAS chemicals are approved. Is the EPA looking to have the permittee use the method that has the lowest possible MDL to determine presents/abscence. Or is this due to the proposed drinking water standard being 4 ng/L?

Response. Note that the permit states that "the permittee may use any sufficiently sensitive *approved* analytical method" (emphasis added). Thus, this statement only applies to analytes for which the EPA has approved analytical methods under 40 CFR Part 136 or required analytical methods under 40 CFR Chapter I, Subchapter N or O. See also 40 CFR 122.44(i)(1)(iv)(A). For pollutants for which there are no approved analytical methods, such as PFAS, monitoring shall be conducted according to a test procedure specified in the permit (40 CFR 122.44(i)(1)(iv)(B)). Since there are no approved analytical methods for PFAS, the draft and final permits require the permittee to use method 1633 to monitor for PFAS (finalized January 31, 2024). Thus, the requirement to use any sufficiently sensitive approved analytical method does not apply to PFAS. The EPA selected Method 1633 for PFAS because it is currently the only PFAS method that has been validated for the aqueous matrices for wastewater, surface water, and groundwater. No changes were made to the final permit as result of this comment.

Comment 19. *Page 11, I.C. WET Testing.* WET testing is challenging due to the geographical location of the Municipality of Skagway. Shipping companies such as UPS and Fed-ex are unreliable and have been known to have outgoing shipments sit for weeks to months before making it to the final destination. The only reliable shipping service is Alaska Air Cargo (which typically flies in/out once a day), but flights are frequently cancelled (especially in the winter). Additional resources also need to be found to get the samples from the airport to the lab. This all takes additional time and money. Reducing the sampling frequency to the summer months is more realistic and feasible.

Request: Reduce monitoring frequency to only during the summer and provide an allowance for missed hold times.

Response. The EPA appreciates the commenter's concern regarding the logistical challenges of meeting hold time requirements for samples for WET in remote locations such as Alaska. Samples collected

for use in the NPDES permitting program are subject to the holding time requirements outlined in 40 CFR Part 136. The final permit has been revised to establish a WET sampling holding time of 36 hours, not to exceed 72 hours. The permittee must document in the DMR for the month following sample collection the conditions that resulted in the need for the holding time exceeding 36 hours and the potential effect on the sampling results (see Permit Part I.C.5.c.v.).

The EPA notes 18 AAC 83.435 requires that a permit contain limitations on WET when a discharge has reasonable potential to cause or contribute to an exceedance of a water quality standard. The permittee conducted a single WET test in 2003 according to the terms of the 2002 permit. With only one data point collected 20 years ago, the toxicity of the current discharge is highly uncertain. To better characterize WET, the permit requires additional WET monitoring twice a year to inform the reasonable potential analysis in the next permit cycle. If six consecutive WET tests do not exceed the WET trigger (see Permit Part I.C.3.a), then the monitoring frequency may be reduced to annually.

Related to the permittee's request to reduce monitoring conditions, the EPA used a suspended solids deposition analysis to review the requirement to conduct a sediment analysis for total volatile solids (TVS) from the Biological Monitoring requirements in Permit Part I.E.

The 301(h) regulations at 40 CFR 125.63(b)(2) provides that small[2] 301(h) applicants are not subject to sediment analysis requirements if they discharge at depths greater than 10 meters and can demonstrate through a suspended solids deposition analysis that there will be negligible seabed accumulation in the vicinity of the modified discharge. The Skagway WWTP discharges at depths greater than 10 meters (i.e., ~18 meters for Skagway) and the suspended solids deposition analysis provided below demonstrates there will be negligible seabed accumulation in the vicinity of the discharge.

Figure B-2 in Appendix B of the 1994 Amended Section 301(h) Technical Support Document provides a simplified graphical method for small estuarine dischargers to assess the potential for suspended solids deposition around their outfall using the reported daily solids mass emission rate (y-axis in Fig. B-2) and the height-of-rise of the discharge (x-axis in Fig. B-2). For the discharge height-of-rise, also known as the plume trapping depth, the height-of-rise from dilution modeling should be used, or 0.6 times the water depth, whichever is larger. The height-of-rise for the Skagway discharge is approximately 11 meters (~36 feet) and 60% of the discharge depth is the same (0.6 x 18m=~11m), so 11 meters was selected for the x-axis in Figure B-2.

The guidance recommends calculating the suspended solids daily mass emission rate using the average flow rate and an average suspended solids concentration. The reported monthly average flow rate from the Skagway WWTP between 2016 and 2021 was approximately 0.26 million gallons per day and the monthly average TSS concentration was 31.6 mg/L. To determine the daily loading of solids the monthly average concentration of TSS was multiplied by the reported average monthly flow and the loading conversion factor of 8.34 (see Footnote 1 in Table 1 of the final permit for more information on mass loading calculations).

31.6 mg/L X 0.26 million gallons per day X 8.34=68.5 lbs/day.

[2] A *small* 301(h) facility is defined as a POTW with a contributing population of less than 50,000 people and average dry weather flows of less than 5.0 mgd.

Using this loading rate along the y-axis and 36 feet (11m) along the x-axis in Figure B-2, the projected steady state sediment accumulation is expected to be well below 25g/m^2. The EPA considers this to be a negligible accumulation of sediment. Therefore, the applicant has satisfied the requirement of 40 CFR 125.63(b)(2) and the EPA has removed the requirement to conduct a sediment TVS analysis from the final permit.

Comment 20. *Page 15, I.D. Monitoring Data and Cruise Ships*. The cruise ship season begins mid-April and extends to mid/end of October. Cruise ships are allowed to discharge while in port. This is of concern that the cruise ships dock within the WWTP ZID. There is concern that the cruise ship discharge will impact the sampling results of the WWTP requirements and potentially put the WWTP in non-compliance in the ZID and the boundary.

Request: Either remove receiving water body sampling for Skagway while cruise ships are in dock or do not allow cruise ships to discharge in dock.

Response. The EPA assessed publicly available satellite imagery and it does not appear that any cruise ships would be able to dock within the 49 meter by 42 meter zone of initial dilution (ZID) located at the end of the outfall. Further, under CWA 301(h)(4) and 40 CFR 125.64, the Skagway permit must demonstrate that the discharge will not result in any additional requirements on other point or nonpoint sources. Changes to authorized discharges from cruise ships, pursuant to the Vessel General Permit, would result in additional requirements on these point sources and would be in conflict with CWA 301(h)(4) and 40 CFR 125.64. It is important to conduct receiving water monitoring when all dischargers are present to assess the cumulative impacts to the receiving waterbody. No changes to the final permit were made as a result of this comment.

Comment 21. *Page 16, Table 3. Frequency of Fecal Coliform and Enterococcus Monitoring*. The frequency states “Monthly during summer” for both fecal coliform and enterococcus. Clarify what months “summer” is referring to, preferably July or August to align with the frequency of the other parameters.

Request: Change frequency to be once per a summer in July or August at the ZID boundary only.

Response 21.a. The EPA has clarified that fecal and enterococcus monitoring is to be done monthly during the summer, occurring once a month from May through August. The EPA has revised the final permit to reflect this clarification.

Continuation of Comment 21 *- Page 16, Table 3. Fecal Coliform and Enterococcus* It is also not clear why fecal coliform and enterococcus are required to be tested in the receiving waterbody due to the new requirement from ADEC for the end of pipe limits for fecal coliform to be 200 col/100 mL, 400 col/100 mL, 800 col/100 mL and is no longer dictating the size of the mixing zone nor is a mixing zone required. The benefit to this sampling becomes unclear including the addition of the additional sites to sample. Additionally, the wastewater treatment plant has been collecting fecal coliform data as required by previous permit cycles and an established monitoring process is established.

Request: Remove enterococcus as a parameter and continue with fecal coliform sampling. By sampling the ZID boundary it can be determined if there is an issue or not.

Response 21.b. The EPA acknowledges that the permittee has been collecting fecal coliform data as required by previous permit cycles. Receiving water monitoring is required for 301(h) permittees for all "significant variables" as described in Question II.B.6.a of the 301(h) Questionnaire. Receiving water monitoring allows the EPA to evaluate compliance with Clean Water Act section 301(h)(9) and 40 CFR 125.62(a), which require compliance with Alaska WQS, including numeric criteria, at the boundary of the ZID. Fecal coliform and enterococcus are considered significant variables in the discharge until disinfection technology is implemented and the final limits are attained. The EPA has included the additional monitoring sites to provide more detailed information about the dilution of the effluent at the center and boundaries of the ZID.

However, the EPA has determined that once the facility is able to consistently achieve compliance with the final fecal coliform and final enterococcus limits in the permit, and has demonstrated ongoing compliance with Alaska WQS at the boundary of the ZID, continued sampling for bacteria in the receiving water is no longer warranted to satisfy the requirements of 40 CFR 125.62(a). By achieving compliance with the final fecal coliform and final enterococcus limits the EPA expects that the facility will be able to meet Alaska's WQS for fecal coliform and enterococcus at the edge of the ZID after initial mixing.

As a result, the EPA has revised the receiving water monitoring requirement in the final permit to allow the permittee to discontinue monitoring for fecal coliform and enterococcus if the permittee achieves 12 consecutive months of compliance with the final fecal coliform and final enterococcus limits and the following summer's receiving water sampling results demonstrate full compliance with Alaska's water quality standards for fecal coliform and enterococcus at all ZID Boundary (Permit Part I.D.2.b.) and Nearshore Sites (Permit Part I.D.2.d.). If the permittee violates the final fecal coliform or final enterococcus limits, the permittee is required to restart the receiving water monitoring until 12 continuous months of effluent samples that meet the final limits are achieved.

Continuation of Comment 21 *- Page 16, Table 3. Fecal Coliform and Enterococcus*. The Municipality of Skagway is aware that ADEC adopted a rule for recreational criteria for bacteria which includes both fecal coliform and enterococci and with this rule comes potential requirements of discharge permittees. However, Skagway does have some concerns about enterococci being an indicator of human health risk as enterococci is not necessarily an indicator of a fecal source being present. Research has shown that enterococci can show up in high densities in the absence of obvious fecal sources and that environmental reservoirs of this bacteria are important sources and sinks that have the potential impact water quality (Byappanahalli MN, Nevers MB, Korajkic A, Staley ZR, Harwood VJ. Enterococci in the environment. Microbiol Mol Biol Rev. 2012 Dec;76(4):685-706. doi: 10.1128/MMBR.00023-12. PMID: 23204362; PMCID: PMC3510518). To use this new parameter in a discharge permit to determine impacts from the discharge of wastewater does not take this possibility into account and could potentially cause the utility to violate the permit requirements due to a naturally occurring source.

Request: Remove enterococcus as a parameter and continue with fecal coliform sampling. By sampling the ZID boundary, it can be determined if there is an issue or not.

Response 21.c. As discussed in the fact sheet (p. 29), Section 301(b)(1)(c) of the CWA requires the development of limitations in permits necessary to meet water quality standards of affected states.

Discharges to state or Tribal waters must also comply with conditions imposed by the state or Tribe as part of the CWA 401 certification of the permit. ADEC adopted, and the EPA approved, water quality standards for enterococcus in 2017. ADEC has included the final enterococcus limits as a condition of the 401 certification. Therefore, pursuant to CWA section 401(d), the EPA must include the enterococcus limits in the permit. No changes were made to the final permit as a result of this comment.

Comment 22. *Page 17, I.D.9.* Sampling in Table 3 does not require metals, dissolved organic carbon, conductivity or hardness making this item irrelevant. *Request:* Delete I.D.9.

Response. The EPA agrees that Permit Part I.D.9 is inaccurate since receiving water monitoring requirements in Table 3 do not require sampling of metals, dissolved organic carbon, conductivity, or hardness. The EPA has deleted the previous Permit Part I.D.9 in the final permit accordingly.

Comment 23. *Page 18, I.D.11.* Repeat of I.D.8. Request: Delete I.D.11.

Response. The EPA agrees that Part I.D.11 is a repeat of I.D.8 in the draft permit. The EPA has deleted the repeated Permit Part in the final permit. Part I.D.11. in the final permit contains requirements for the submission of the receiving water monitoring data.

Comment 24. *Page 23, II.D.1.b*. The text "The applicant shall…" should be "The Pemittee shall…". Revise to "The Permittee shall…"

Response. The EPA agrees that in Permit Part II.D.1.b it should be "The Pemittee shall…" and has revised the final permit accordingly.

Comment 25. *Page 25, II.D.3. Non-industrial Source Control Program.* Non-industrial Source Control Program is requiring education about potential pollutants that are already regulated by the Municipality. For example, the Muncipality of Skagway has ordiance 14-15 limiting the use of herbicides/pesticides to protect the drinking water source that the Muncipality uses. Additionally, there are already educational programs and hazaradous waste collection programs completed under the solid wate permit. By having this requirement in this permit creates redundancy and time is used on documenting these activities across various permits by staff whose time is already limited.

Request: Remove the Non-Industrial Source Control Program from the permit.

Response. The 301(h) regulations at 40 CFR 125.66 require the permittee to implement a public education program designed to minimize the entrance of nonindustrial toxic pollutants and pesticides into its WWTP. Elements of the public education program must include the development and dispersal of information to increase public awareness of the need for the proper and non-hazardous disposal of waste oils, solvents, herbicides, pesticides, and other household substances that contain toxic pollutants, and disposal guidelines specifying what toxic pollutants can and cannot be discharged to the sewer system. Skagway must submit an annual report on the nonindustrial source control program summarizing the actions taken, and their effectiveness to control nonindustrial sources of toxic pollutants and pesticides. The nonindustrial source control program is not a new requirement. The 2002 permit required a nonindustrial source control program, and the EPA appreciates that Skagway may have existing programs that address some of the requirements.

In the annual report, Skagway should cite these existing programs in addition to any new programs, describe how they relate to the sewer system, and summarize how they address the permit requirements. No changes were made to the final permit as a result of this comment.

Comment 26. *Page 29, III.G.* Twenty-Four Hour Notice of Noncompliance Reporting appears to have an incorrect reference to see Permit Parts I.B.3. *Request:* Revise the appropriate reference, which appears to be, see Permit Part I.B.5.

Response. The numbering in the final permit has been revised such that Part III.G. now references the correct Permit Part I.B.3. The EPA revised the Twenty-Four Hour Notice of Noncompliance Reporting in the final permit to the correct reference, see Permit Part I.B.5.

Comment 27. *Page 36, I.D.11.* Repeat of I.D.8. Request: Delete I.D.11.

Response. See the response to comment 23.

Comment 28. *Page 36, IV.I.* Under the Planned Changes section, Reference says Error! Reference Source not found. Request: Revise to the appropriate reference

Response. The EPA revised the Planned Changes section in the final permit to the correct reference, see Permit Part III.J.4.

Comments on Fact Sheet

Comment 29. *Page 10, Treatment Process.* In the description of the treatment process it is stated that the sludge cake is disposed. Currently sludge is taken to the waste facility and incinerated. However, a transition will occur where sludge will be shipped to Republic in Washington State while the incinerator is being refurbished. Once the incinerator refurbishment is complete, incineration of sludge will resume.

Request: Update the description to include that sludge is currently incinerated.

Response. The EPA has noted for the next permit cycle that the Treatment Process section (see I.A, page 10) of the fact sheet did not correctly reflect sludge incineration in the treatment process. The EPA does not revise fact sheets after the public notice period and instead corrects information and provides any additional explanation in the response to comments document.

Comment 30. *Page 12, II.D.* The first sentence refers to Table 3D, but there is only Table 3. *Request:* Change the reference in the first sentence to refer to Table 3.

Response. The EPA agrees that the reference should be to Table 3, not Table 3D and has noted the for the next permit cycle. The EPA does not revise fact sheets after the public notice period and instead corrects information and provides any additional explanation in the response to comments document.

Comment 31. *Page 13, III.B. Cruise Ships.* This section states that cruise ships did run during 2020 based on the ARRI report published in 2022. Annual arrivals to Skagway are recorded by the

community. Years 1983 - 2022 are available on the community webpage (https://www.skagway.org/svd/page/annual-arrival-statistics) and indicate no cruise ships in 2020.

Request: Revise this reference to indicate no cruise ships in 2020.

Response. The EPA acknowledges the different reports for cruise ship arrivals in 2020 and has noted this information for the next permit cycle. The difference did not affect the calculations for permit limits. The EPA does not revise fact sheets after the public notice period and instead corrects information and provides any additional explanation in the response to comments document.

Comment 32. *Page 27, IV.A. TSS Statistical Analysis.* The EPA conducted a statistical analysis to calculate an average monthly TSS limit based on facility performance. But does not show how it was calculated. *Request:* Show a spreadsheet showing the calculations.

Response. Appendix C of the fact sheet, pages 81-82, provide the analysis for the average monthly TSS limit. For calculation of the average monthly TSS limit the spreadsheet uses the formula presented in Table E-2 - Appendix E, of the 1991 Technical Support Document for Water Quality-based Toxics Control.

Comment 33. *Page 49, Table 19.* Surface water and biological monitoring has a typo "requires sampling every 5m" *Request:* Change to "requires sampling every 5 years"

Response. The EPA agrees that biological monitoring requirement is to sample every five years. As noted in Table 20 of the Fact Sheet and Table 3 of the Permit, the other surface water parameters require more frequent monitoring. The EPA does not revise fact sheets after the public notice period and instead corrects information and provides any additional explanation in the response to comments document.