

Anchorage Waste & Wastewater Utility



Anchorage Water & Wastewater Utility

Treatment Division



March 9, 2023

Alaska Department of Environmental Conservation
Division of Water
Attn: Brock Tabor
P.O. Box 111800
Juneau, AK 99811

RE: Draft HHC Proposal

To Whom It May Concern:

Thank you for your February 13, 2023 request for input regarding Alaska's ongoing effort to revise our human health criteria (HHC) water quality standards (WQS). We are aware of the schedule to provide a draft rule package to EPA Fall of 2023 with the goal to deliver final rules by Fall of 2024. We are happy to provide feedback to the proposed approach in partnership with ADEC.

Extend Draft Rule Schedule to Allow Implementation Tools to Move Forward with Criteria

In its November 1, 2022 letter to ADEC, EPA responds to ADEC's questions about economic impacts of the proposed rule by citing two states (Washington and Maine) that have criteria in place and indicating that economic analysis is not relevant to criteria setting. Washington has not yet implemented its HHC because implementation is not economically feasible and implementation tools are not yet in place to allow permits to be written.

A better approach would be to propose implementation tools along with the criteria themselves and provide a longer schedule to allow concurrent proposals of both. The current schedule shows both implementation tools and a draft rule package in Fall of 2023 and final rules Fall of 2024. While it is possible the criteria themselves could move forward on that timeframe, given there is no proposed implementation tools in development we propose extended the schedule by one year. Moving forward with criteria without those tools is a short-sighted approach that fails to anticipate real life challenges associated with permits and implementation.

Use Narrative Implementation Tools

The draft values included in the sample calculations tools dated February 15, 2023 indicate draft HHC criteria orders of magnitude below municipal treatment plant performance metrics. Currently there are no known commercial, industrial or municipal facilities that treat to the proposed concentration levels (HDR, 2022).

Advanced technologies could improve toxics removal performance but could still not achieve the draft criteria proposed, even when used in combination with one another (HDR, 2022). We request that ADEC consider a narrative implementation approach. Oregon Department of Environmental Quality uses a narrative based management plan approach in implementing its mercury criterion. Of the seven permits listed in the November 2022 EPA letter, three of them use narrative compliance approaches to comply with HHC.

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CFR122.D. allows for a narrative best management practice approach when numeric limits are infeasible as they clearly are in this case:

Best management practices (BMPs) to control or abate the discharge of pollutants when:

- (1) Authorized under section 304(e) of the CWA for the control of toxic pollutants and hazardous substances from ancillary industrial activities;*
- (2) Authorized under section 402(p) of the CWA for the control of storm water discharges;*
- (3) **Numeric effluent limitations are infeasible; or** (emphasis added)*
- (4) The practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA.*

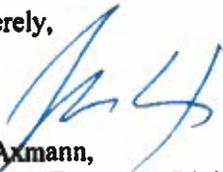
A narrative approach is more effective than a variance approach as contemplated in the November 2022 EPA letter, because it is more flexible than a variance with a numeric goal. Alaska dischargers are highly variable and range from remote indigenous populations to large municipalities. A narrative approach would allow ADEC the flexibility it needs to meet the variety of needs of its discharger community.

Consider Adding Net Environmental Benefit Language to the Draft Rule Package

Many of the draft criteria are orders of magnitude below existing treatment capabilities. Higher levels of treatment propose their own set of environmental considerations, including higher power and chemical consumption, added air emissions, increased solids production and brine disposal. Moving forward with a rule package that is blind to these other environmental considerations could cause more damage than it intends to correct. The proposed rule package could consider a broader net environmental benefit review as part of a narrative management plan. That review could consider the impacts of large increases in power and chemical consumption and could also consider the feasibility of implementation in remote locations. It could also consider the unintended consequences of significantly raising utility fees to pay for higher levels of treatment and driving more development in outlying areas on septic systems.

AWWU looks forward to continued engagement with ADEC on this issue. Please reach out to me (907) 564-5904 and/or Mark Corsentino, General Manager of Anchorage Water and Wastewater Utility at (907) 786-5511 if you would like to discuss further.

Sincerely,


Jeff Axmann,
Director, Treatment Division, AWWU

cc: Mark Corsentino, P.E., General Manager, AWWU

References

EPA. *November 2022 Communication via email to Commissioner Brune.* (EPA, 2022)
HDR. *Treatment Technology Review and Assessment for Association of Washington Business.* (HDR 2022)

