

STATE OF ALASKA

**DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
DIRECTOR'S OFFICE**

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April 9, 2009

The Honorable Bryce Edgmon
Chair, House Fisheries Special Committee
House of Representatives
Alaska State Capitol
State Capitol, Room 416
Juneau, Alaska 99801-1182

Dear Representative Edgmon:

During the March 31, 2009 House Fisheries Special Committee hearing on HB 46, Representative Seaton asked questions about permitting and public notice for the Homer Honey Bear Septage Disposal Facility, currently named Homer Septic Services. The essence of the questions was how a permit could be amended without opportunity for public comment.

In this particular case, this septage lagoon percolates to the subsurface. There is no discharge to surface water and no mixing zone, a primary topic of HB 46. In the case of small discharges that do not discharge to surface water, no permit is required - even though a permit was issued in this case. Recently, the facility has proposed to increase the volume of its discharge from 1500 to 2000 gallons per day (gpd). We intend to issue a plan approval in lieu of a permit due to the low volume and low risk. Plan approval in lieu of a permit is allowed under Department regulations (see enclosed regulation 18 AAC 72.215) and is consistent with current Department practice for routine facilities discharging less than 2500 gpd to the subsurface. A change in waste volume from 1500 to 2000 gpd would not trigger a public notice under the provisions of HB 46.

Sincerely,

Lynn S. Tomich Kent
Director

Enclosure

cc: Representative Paul Seaton
Representative Craig Johnson
Representative Wes Keller
Representative Charisse Millet
Representative Cathy Munoz
Representative Bob Buch
Representative Scott Kawasaki

Enclosure

18 AAC 72.215. Permit required

(a) Except for systems exempted from plan review under 18 AAC 72.200(a) or as provided in (b) of this section, in addition to a plan approval required by 18 AAC 72.200, a person who disposes of domestic wastewater in this state must have a permit issued by the department under this chapter or under 18 AAC 83 for that disposal.

(b) The department will issue a plan approval in lieu of a permit issued under this chapter if the department determines that

- (1) the system meets the requirements of AS 46.03 and this chapter;
- (2) the system is protective of public health, public and private water systems, and the environment;
- (3) the discharge is not to a sensitive receiving environment; and
- (4) a permit is not required under 33 U.S.C. 1311 (Clean Water Act, sec. 301).