
From: Louie Flora [mailto:Louie_Flora@legis.state.ak.us]
Sent: Thursday, October 30, 2008 10:38 AM
To: Milli
Subject: FW: Homer Honey Bear Septage Disposal Facility

Problem with the existing permit is no chance for public hearing. See below.

From: Evans, Renee L (DEC) [mailto:renee.evans@alaska.gov]
Sent: Tuesday, October 23, 2007 4:38 PM
To: Louie Flora
Cc: Kent, Lynn J T (DEC); Stambaugh, Sharmon M (DEC)
Subject: RE: Homer Honey Bear Septage Disposal Facility

Louie - In response to your questions:

The public process occurs at the time the State permit is first issued. A public notice is not required to administratively continue a permit or to renew or amend the permit. The process for renewing a permit is found in regulation at 18 AAC 15.100, see below:

18 AAC 15.100. Permit limitations

- a) The department will set a fixed term, not to exceed five years, for a permit or variance other than a plan approval for a
- (1) sewerage system or treatment works; or
 - (2) public water system
- d) **An application for a renewal of a permit, or amendment to a permit or variance, will be treated in the same manner as the initial application, except that public notice or hearing will not be provided for applications for renewal or amendment.** Application for renewal or amendment must be made no later than 30 days before the expiration of the permit or the planned effective date of the amendment. The department will, however, approve an amendment to a permit or variance on an emergency basis if necessary to protect public health, life, or property.

As long as the regulations and statutes are followed a State permit may be administratively continued. The regulation is as follows:

18 AAC 15.110. Administrative continuance of expiring permits

- (a) The conditions of an expired permit issued under AS 46.03.100 continue to be fully effective and enforceable until the effective date of a new or renewed permit if the
- (1) permittee has timely submitted an application to renew the expiring permit or for a new permit that satisfies the requirements of 18 AAC 15.020 or 18 AAC 15.100(d) and any applicable requirements of 18 AAC 60 or 18 AAC 72; and
 - (2) department has not denied the application or revoked the continued permit.
- b) This section does not apply to Alaska Pollutant Discharge Elimination System permits, whether originally issued by the United States Environmental Protection Agency under 33 U.S.C. 1342 (Clean Water Act, sec. 402) or by the department under 18 AAC 83.005 - 18 AAC 83.990. Provisions for the continuation of expiring Alaska Pollutant Discharge Elimination System permits are set out in 18 AAC 83.155.

If you have any other questions please let me know. Thank-you -- Renee Evans/ADEC

From: Louie Flora [mailto:Louie_Flora@legis.state.ak.us]
Sent: Mon 10/22/2007 9:56 AM
To: Evans, Renee L (DEC)
Cc: Stambaugh, Sharmon M (DEC); Kent, Lynn J T (DEC)
Subject: RE: Homer Honey Bear Septage Disposal Facility

Thank you for the reply. Can you explain the public process for the administrative extension of a wastewater discharge permit vs. reissuance. Per the answers sent the other day from DEC on the Stariski Seware Lagoon "ADEC staff reviewed records of the facility. In 1983 the facility was designed and approved to allow an average of 1500 gallons per day of septage to be discharged into the facility on a daily basis. Since that time the facility has been upgraded and is now designed to allow an average of 6000 gallons per day of septage to be discharged. The original amount of 1500 gallons per day of discharge is found in the permit for the facility. The additional discharge of 4500 gallons per day is acknowledged by a plan review in lieu of a permit which is allowed by State of Alaska regulation. The current administratively extended permit will be reissued to reflect, both the current permit and plan review limit of 6000 gallons per day of discharge." I am unclear if this means that opportunity for public comment on the permit occurred once 24 years ago, and has not occurred since, or if public comment was accepted and incorporated into each subsequent extension of the permit. The letter states that the permit will be reissued. Will public comment be allowed at some point in the future?

Is it the case with all state discharge permits that they may be administratively extended? Can you point me toward the regulation that allows for administrative extension?

Thanks,

Louie Flora,
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(907) 235-2921