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March 6, 2017

Larry Hartig, Commissioner
Department of Environmental Conservation
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Attention: Wade Strickland, Program Manager, Division of Water
Compliance and Enforcement
Earl L. Crapps, Section Manager, Division of Water
Compliance and Enforcement
Sally Warstall, Program Specialist, Division of Water
Compliance and Enforcement

Reference: DEC Common Collector Permit Issuance Notification 02/10/17
Request for Immediate Vacation of Proposed Regulatory Action

Dear DEC Commissioner Hartig,

Thank you for notifying us in regards to the looming permit regulations and associated additional costs to be borne by coastal residents of Ketchikan. Please accept my initial, following comments as part of the official record of these proceedings.

My DEC Actions Recommended:

- 1. Immediate Vacation of the Common Collector regulation agenda.**
- 2. Explore Other Means to substitute for DEC proposed site sampling.**
- 3. Arrange with Ketchikan Gateway Borough for compliance management.**

Arguments:

Action Recommendation 1.

Immediate Vacation of the Common Collector regulatory agenda.

The advent of the Trump Presidency has radically altered the EPA future regulatory landscape. The President's actions, to date, have been to begin the immediate roll back of federal environmental regulations with promises to gut a large number of EPA rules in the near future. One significant example is his recent executive order allowing coal mines to place mine discharges directly into waterways.

See: <http://thehill.com/policy/energy-environment/319938-trump-signs-bill-undoing-obama-coal-mining-rule>

Another significant example is a February 24, 2017 report titled: EPA Plans To Allow Unlimited Dumping Of Fracking Wastewater in The Gulf Of Mexico

See: <http://countercurrentnews.com/2017/02/epa-plans-to-allow-unlimited-dumping-of-fracking-wastewater-in-the-gulf-of-mexico/>

In a news report of March 1, 2017, President Trump budget will cut 24 percent out of the EPA. See: http://www.huffingtonpost.com/entry/white-house-epa-budget_us_58b715f8e4b019d36d100897?gozooz2kz1whcwhfr

On February 27, 2017, President Trump's released his budget outline that calls for a severe reduction of funding to the EPA. Currently, this reduction amounts to 24 percent which has been labeled by many knowledgeable environmentalists as a gutting of the Agency. This budget reduction will mean that the money that states such as Alaska receive from the EPA to cover, in part, the enforcement costs of EPA rules will evaporate. See: <http://dailycaller.com/2017/02/27/trump-pushes-for-massive-budget-staff-cuts-at-epa/>

On February 17, 2017, the Senate approved Mr. Scott Pruitt as the new head of the EPA. Mr. Pruitt has stated his major goal is to eliminate as many EPA regulations as possible. His reputation speaks for itself.

In Alaska's next budget, the State will be forced to further reduce DEC's 2017/2018 budget due to the most severe reduction in yearly oil revenues in 30 years. I would not be surprised if these budget cuts to the DEC will be similar in severity to those being proposed for the EPA under Trump's rampage.

The combination of extreme budget reductions of EPA / DEC and the appointment of Mr. Pruitt will make enforcement of environmental regulations very challenging during the Trump era. For environmental regulations to be effective, they must be enforced evenly and fairly and with the cost of implementation and maintenance within the realm of reasonableness. It would be unfair to responsible coastal residents if there was no enforcement by EPA/DEC. As a point, the federal EPA requirements is what forms the basis of the subject DEC proposed regulation initiative governing common collectors.

The obvious point is that the EPA and the DEC are about to lose a significant amount of funding and staff due to Trump's arbitrary budget retraction. This will cripple DEC's ability to enforce and manage water regulations that are on the books already. In fact, we are about to see the purging of core water EPA water regulations themselves. **Again we have to ask, why under the current political upheaval that is about to eliminate or retract many EPA regulations and essential enforcement, should the DEC continue the rollout of the poorly thought out and unfairly applied Common Collector regulations? Note that the proposed DEC Common Collector regs are rooted in the body of EPA regulations.**

I find a major dichotomy between the burdensome common collector regulations being proposed here with these DEC regs placed on to a small number of coastal residents (perhaps less than 1 percent of borough septic systems) compared to the physical amount of actual pollution being allowed for large industry and municipalities. With our Borough inspected, EPA certified, aerated, WhiteWater type Septic plants, I would suggest that the amount of pollutants in our common collector outfall effluent would be negligible compared to what industry and municipalities are allowed under current DEC regs and associated variances for municipalities. **There is a serious question as to fairness of regulations that may infringe on our rights as citizens.**

As a final matter of fairness, I hope that single dwelling, single system septic outfalls of coastal residents are also addressed in this proceeding. It would be a gross injustice if my next door neighbor, who has a home that is worth three times that of mine, is not part of this program and will not be subject to the same sampling regimen and costs and same timeline as the common collector properties that your notice addresses ... That's if my request for vacation of this proceeding is not considered and implemented.

Because of the above reasons, the Alaska DEC should vacation the subject action for at least 48 months.

Action Recommendation 2.

Explore Other Means to substitute for DEC proposed site sampling.

If DEC does not vacation this action, then DEC should reexamine the scope of the proposed common collector regimen. It is my understanding that for a 4 home septic effluent common collection system such as ours, that sampling would be required, perhaps twice a year, at a significant cost to members of the common collector system. The front page article in the March 1, 2017 Ketchikan Daily News suggests the costs would be close to \$2,000 per year per collector system. Parenthetically, I did query DEC staff as to what the yearly costs might be and they were unable to tell me. I found that to be interesting in that the apparent cost to each coastal resident was not of consequence in rolling out this new program. **I suggest that this fact alone, cements the impression that DEC has not done its homework.**

It appears that in our case, the biannual level of sampling is really over-kill and unwarranted because of technology of our septic systems and the significant currents and tide flushing in our area. And, the amount of possible pollutants being injected into the ocean by Ketchikan coastal residential collector systems is a scintilla compared to what industry such as mining, canneries, and municipalities are allowed based on any reasonable measurement of amount of pollutant per residence.

A better approach would be a pre-discharge system certification regimen. I, as well as my neighbors, have installed EPA approved, WhiteWater or similar aeriated

septic plants feeding the common collector. These residential septic systems are pumped and inspected every 3 years by an agent of the Ketchikan Gateway Borough under strict oversight by the Borough. Any system found to be inoperable is flagged and the owner is forced by the Borough to remedy the defect. It would be reasonable to assume that the effluent from these certified and inspected systems would meet EPA pollutant standards most of the time. These Borough regulations and associated management system is already in place and it currently costs each septic system residence about \$232 per year.

Using a current, effective, and an in-place management system to assure an acceptable level of compliance would be, for coastal properties, superior to the poorly thought out and high cost process that DEC is about to burden residents of coastal Ketchikan. Any DEC perceived advantage of the proposed system, as measured against amount of municipal, cannery, or mining pollution is a costly mirage.

Action Recommendation 3.

Arrange with Ketchikan Gateway Borough for compliance management.

If DEC does not vacation this action, then DEC should reexamine the scope of the proposed common collector regimen and revise it in accordance with my recommendation. As previously mentioned, the Ketchikan Gateway Borough has had the managerial mechanisms in place for over 10 years that will provide an excellent regulatory platform for DEC enforcement. There is no need for continuous sampling if the EPA certified, aerated septic plants feeding into common collectors are inspected and pumped every 3 years. Ketchikan coastal residents already pay approximately \$232 per year for the Borough's supervised pumping and inspection. Having DEC common collector program implemented would add another \$500 to a \$1,000 per year for sampling on top of the Borough's \$232 yearly fee. I believe this would be confiscatory.

As I see it, the only additional cost of deploying my more reasonable approach would be for the Ketchikan Gateway Borough to prepare a yearly report to be filed with the DEC. The cost of this reporting would be extremely small compared to the cost of implementing a new DEC common collector program that is in my mind, highly inefficient, but only slightly more effective, and less economically fair. I believe that the estimated cost of preparation of this Borough report would be less than \$20 per year, per coastal resident compared to a possible \$500 to \$1,000 additional cost per coastal resident represented in the DEC plan.

Summary:

Commissioner Hartig, as a State Officer, you recognize the importance of fairness in imposing costly regulations that may become overly burdensome on the citizens of Alaska. Even though I wholly support environmental regulations that improve our life, I suggest it is important to keep the essential goal of efficiency and cost effectiveness in perspective. I believe that the DEC proposed common collector regulations proposed in this proceeding are neither efficient nor cost effective. And, they are minimally better than the solution I am proposing here in this letter. Also, considering the current political environment where the majority party has determined that many EPA regulations are excessive and therefore subject to retraction some of which may contain the root of the subject DEC's proposed regs, it would make sense for the DEC to vacate its proposal for at least 48 months and then reassess. If that is not possible (which would be hard to believe in today's political and critical revenue shortfall climate) then a much better approach would be my plan as presented above. **The DEC will garner a broad acceptance by coastal residents using my proposal, thus avoiding the conflict and non-compliance that DEC's current high cost proposal will invoke. Also remember that regulations are only fair and effective if they can be adequately enforced. Without adequate DEC staffing in the near and foreseen future, it would appear that a goal of fairness and effective management will not be impossible. Therefore, I ask that you carefully and objectively evaluate my above proposal. Thank you.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Van G. Abbott', with a large, stylized flourish above the name.

Van G. Abbott

Attachments:

Common Collector Permit Issuance Notification

Mailing List



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

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February 10, 2017

Re: Common Collector Permit Issuance Notification

Dear homeowner or interested party:

The Department of Environmental Conservation (Department) anticipates issuing Alaska Pollutant Discharge Elimination System (APDES) Common Collector General Permit AKG575000 for discharges to marine waters in Southeast Alaska. This new general permit applies to the discharge of treated domestic wastewater from common collector sewer lines and outfalls that serve two or more individual treatment plants located on separate tax lots or parcels. You are receiving this notice because either you have expressed interest in the new general permit or because our records indicate that you are or may be connected to a common collector system and would therefore be affected by the issuance of the general permit.

Entities responsible for common collector system discharges will need to apply for coverage under the general permit to legally discharge wastewater to surface water from their systems. Authorization to discharge under the general permit will be issued to the common collector system's responsible entity. The responsible entity may be a local government organization, a homeowner's association, a private utility, a commercial entity, or other entity that will be responsible for the total discharge from the common collection system.

General Permit AKG575000 will go through several review and comment periods which will allow you to participate in the permitting process. The general permit will first go through a 10-day applicant review period for the preliminary draft documents. Homeowners connected to a common collector system and entities responsible for a common collector system will have 10 working days to review the permit and associated documents and submit initial comments.

Once the initial comments have been addressed, the draft general permit will proceed to at least a 45-day public notice period. During the public notice period any interested person may submit comments on the draft permit in writing prior to the expiration date of the public comment period.

After the close of the public comment period the Department will review the submitted comments. The Department will evaluate the comments submitted during the public notice and make revisions to the draft permit documents as appropriate. The Department will also respond to the comments received in a formal Response to Comments document that will be made available to the public.

Subsequently the proposed final permit documents will then be available for a five-day applicant review. The proposed final permit will be available on the Department's website. After the close of the five-day applicant review period, the Department will make a final decision regarding permit issuance. A final permit will become effective at a minimum of 30 days after the Department's decision in accordance with the Department's administrative appeals process at Title 18 Alaska Administrative Code (18 AAC) 15.185.

If you would like to keep informed on the progress of Common Collector General Permit AKG575000 and make comments on the permit, there are several ways to stay informed;

- Sign up to receive wastewater public notices at, <http://list.state.ak.us/mailman/listinfo/DEC-APDES/jl.htm>, (This is an electronic mail service that is used to provide information about the APDES Program, including when all APDES permits are available for review [i.e., not just the Common Collector General Permit].)
- Check the Department's website regularly for notices at, <http://dec.alaska.gov/water/wwdp/index.htm> under the Public Notices, or
- Check the Commissioner's webpage regularly for notices at, http://dec.alaska.gov/commish/public_notices.htm under the Notice of Review section.

The Department has endeavored to include as many homeowners as possible that could be affected by the General Permit in this mailing; however, the Department realizes not all parties may have been identified. If you are aware of others that would benefit from the distribution of this information, please pass this information on so interested parties may be informed of the proposed permit and the permit development process.

A document answering frequently asked questions is available at: <http://dec.alaska.gov/water/wwdp/index.htm> under the Highlights tab. If you have any questions, please contact Sally Wanstall at 907-465-5216 or e-mail at sally.wanstall@alaska.gov.

Thank you for your anticipated cooperation in the permitting effort.

Sincerely,



Earl L. Crapps
Section Manager
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