

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION DIVISION OF WATER

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October 22, 2010 draft

Mr. Tom Barrett
Water Quality Compliance Authority
BP Exploration, Alaska, Inc.
900 East Benson Blvd.
Anchorage, AK 99519-6612

Re: **ADEC §401 Certification of NPDES Permit AK0029840,
B.P. Exploration (Alaska), Inc. – Prudhoe Bay Seawater Treatment Plant**

Dear Mr. Barrett:

On September 3, 2010 the United States Environmental Protection Agency (USEPA) requested a draft 401 certification for the issuance of National Pollutant Discharge Elimination System (NPDES) Permit AK0029840 regulating discharges from Prudhoe Bay Seawater Treatment Plant located at the terminus of the West Dock Causeway, Prudhoe Bay, Beaufort Sea, Alaska.

In accordance with §401 of the Clean Water Act and §402(o)(2) exceptions, as well as Alaska Administrative Codes (AAC) 18 AAC 15 (Administrative Procedures), 18 AAC 70 (Water Quality Standards), and 18 AAC 72 (Wastewater Discharge), the Alaska Department of Environmental Conservation (ADEC or the department) has prepared the enclosed draft Certificate of Reasonable Assurance for NPDES Permit AK0029840. Prior to making a final determination, ADEC will accept and review any comments received during the public notice period of the NPDES permit and this draft 401 certification for this activity.

ADEC regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340. An informal review request must be delivered to the Director of Water, 555 Cordova Street, Anchorage, Alaska 99501, within 15 days of receipt of the permit decision. An adjudicatory hearing request must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800 Juneau, Alaska 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

Be advised, pursuant to 18 AAC 15.120(c), the certification of the NPDES permit constitutes the permit required under Alaska Statute 46.03.100. Also, 18 AAC 15.120(c) states, "Any rights or privileges inuring to the benefit of EPA in the NPDES permit, including any right to enter, inspect, sample, and have access to records, also inure to the benefit of the department. Any

reports or other information filed with EPA in accordance with the NPDES permit must be contemporaneously filed with the department.”

If you have any questions concerning this draft certification, please contact Marc H. Bentley at marc.bentley@alaska.gov or (907) 269-6287.

Sincerely,

Sharon Morgan
Program Manager
Wastewater Discharge Authorization Program

Enclosure: Draft Certificate of Reasonable Assurance for NPDES Permit AK0029840

cc: Michelle Bonnet, ADEC/Juneau
Sharmon Stambaugh, ADEC/Anchorage
Hahn Shaw, EPA, Seattle
Kenwyn George, ADEC Juneau
Marc Bentley, ADEC/Anchorage

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance, as required by §401 of the Clean Water Act, has been requested by the United States Environmental Protection Agency (USEPA) for the Prudhoe Bay Seawater Treatment Plant, located at the terminus of the West Dock Causeway, Prudhoe Bay, Beaufort Sea, Alaska to discharge wastewaters to the Stefansson Sound of the Beaufort Sea under National Pollutant Discharge Elimination System (NPDES) Permit No. AK0029840. These wastewater discharges are necessary for activities associated with the development and production of offshore oil and gas located at Latitude 70°24'43" N, Longitude 148°33'31" W. This certification is for NPDES Permit No. AK0029840, which covers the disposal of the following discharge:

Discharge 001 - Wastewater from Strainer/Backwash System

Public notice of the application for this certification was made in accordance with 18 Alaska Administrative Code (AAC) 15.180.

Water Quality Certification is required for the activity because it will be authorized by a USEPA permit identified as NPDES No. AK0029840 and discharges into State waters will result from the activity authorized under this permit.

The Alaska Department of Environmental Conservation (ADEC or the department) has reviewed the permit and certifies there is reasonable assurance the activity, and the resultant discharge, is in compliance with the requirements of §401 of the Clean Water Act and 18 AAC 70 (Water Quality Standards), as amended through June 26, 2003, provided that the terms and conditions of the final certification are adhered to.

Through this certification, in accordance with 18 AAC 15.120, the final NPDES permit AK0029840 will constitute the permit required under Alaska Statute (AS) 46.03.100, provided that the stipulations of the certification are made part of the final NPDES permit AK0029840.

State of Alaska Certification Stipulations:

1. Mixing Zone for Discharge 001 (Strainer/Backwash System)

The department is issuing a mixing zone for wastes discharged from the Prudhoe Bay Seawater Treatment Plant Outfall 001. The mixing zone is defined as the area of a 100 meter radius circle, centered at the discharge point, from the sea floor to the surface. All Alaska Water Quality Standards (WQS) must be met outside the authorized mixing zone boundary. Within the mixing zone the water quality criteria may be exceeded for the following parameters:

- a. Temperature
- b. Total Residual Chlorine
- c. pH
- d. Sediment
- e. Turbidity
- f. Residues
- g. Color

h. Whole Effluent Toxicity (WET)

Rationale:

In accordance with 18 AAC 70.240, as amended through June 23, 2003, the department will, in its discretion, authorize a mixing zone in a discharge permit if the department finds that available evidence reasonably demonstrates that

- a. *The applicable requirements of the chapter will be met;*
- b. *The mixing zone will be as small as practicable; and*
- c. *An effluent or substance will be treated to remove, reduce, and disperse pollutants, using methods found by the department to be the most effective and technologically and economically feasible, consistent with the highest statutory and regulatory requirements.*
- d. *Ongoing compliance with 18 AAC 70.240 - 18 AAC 70.270 is a condition of any permit authorizing a mixing zone.*

The department finds the size of the mixing zone authorized for discharge in this certification is appropriate and provides reasonable assurance that existing uses of Stefansson Sound, Beaufort Sea outside of the mixing zone are maintained and fully protected. In determining the 100 meter radius mixing zone size, conformance with parts a-d above is demonstrated as follows.

- *Modeling using PLUMES software has shown that a 100 meter radius mixing zone would suffice as being as small as practicable. The determination of the mixing zone for temperature for various seasonal conditions gave a conservative dilution ratio of 14.6:1 for open water periods and 16.3:1 for under ice periods. The most conservative ratio of 12.3:1 derived from consideration of the 100 µg/L regulatory compliance limit for chlorine (per Table 1 of the permit, Footnote 1) and the necessary dilution to meet the WQS chronic criterion of 7.5 µg/L for chlorine, will be used for WET.*
- *The technology employed by the facility to reduce regulated pollutants conforms to industry standards and represents available technology that is economically achievable.*

The mixing zone will ensure the most stringent WQS are met at all points outside of the mixing zone for the following parameters.

- *Temperature – May not cause the weekly average temperature to increase more than 1° C. The maximum rate of change may not exceed 0.5° C per hour. Normal daily temperature cycles may not be altered in amplitude or frequency. May not exceed 15° C.*
- *Total Residual Chlorine – The concentration of substances in water may not exceed the criteria shown in Table IV and in Table V, column B of the Alaska Water Quality Criteria Manual (2003), or any chronic and acute criteria established in this chapter, for a toxic pollutant of concern, to protect sensitive and biologically important life stages of resident species of this state. There may be no concentrations of toxic*

substances in water or in shoreline or bottom sediments, that, singly or in combination, cause, or reasonably can be expected to cause adverse effects on aquatic life or produce undesirable or nuisance aquatic life, except as authorized by this chapter. Substances may not be present in concentrations that individually or in combination impart undesirable odor or taste to fish or other aquatic organisms, as determined by either bioassay or organoleptic tests. The Chlorine Aquatic Life Saltwater Chronic numeric criteria is 7.5 µg/L as listed in Table IV of the Alaska Water Quality Criteria Manual (2003).

- *pH – May not be less than 6.5 or greater than 8.5, and may not vary more than 0.2 pH units outside of the naturally occurring range.*
- *Sediment – No measurable increase in concentration of settleable solids above natural conditions, as measured by the volumetric Imhoff cone method.*
- *Turbidity – May not exceed 25 nephelometric turbidity units (NTU). May not reduce the depth of the compensation point for photosynthetic activity by more than 10%. May not reduce the maximum secchi disk depth by more than 10%.*
- *Residues – May not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use; cause a film, sheen or discoloration on the surface of the water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.*
- *Color – Color or apparent color may not reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonally established norm for aquatic life. For all waters without a seasonally established norm for aquatic life, color or apparent color may not exceed 50 color units or the natural condition, whichever is greater.*
- *WET – May not impart chronic toxicity to aquatic organisms, expressed as 1.0 chronic toxic unit, at the point of discharge, or if the department authorizes a mixing zone, at or beyond the mixing zone boundary, based on the minimum effluent dilution achieved in the mixing zone.*

2. WET Testing Requirements

The permittee must conduct quarterly (i.e. four times per year, every three months) short-term chronic toxicity tests on effluent samples from Outfall 001 during quarters when biocides and/or chlorination/dechlorination chemicals are used. In addition to the dilution series specified in Section I.G.3. of the permit AK 0029840, effluent concentrations of 64% and 100% will also be tested. If the addition of brine solution or dry salts is necessary to adjust the salinity of the effluent, it may not be possible to achieve 100% effluent as one of the test concentrations. If this occurs, the maximum effluent concentration achievable after salinity adjustment will be used as a substitute for 100% effluent, and this will be documented in the next WET report. The additional 64% and 100% concentrations are required for information purposes only and may not be included in the next permit cycle.

Rationale:

- *In accordance with 18 AAC 15.090. Permit terms and conditions. As the department considers necessary to ensure that applicable criteria will be met, the department will attach terms and conditions to a permit, variance, or approval, including operating, monitoring, inspection, sampling, and reporting requirements.*
- *In accordance with AS 46.03.110 (d), the department may specify in a permit the terms and conditions under which waste material or water may be disposed of.*
- *In accordance with 18 AAC 70.030. Whole effluent toxicity limit.*

(a) An effluent discharged to a water may not impart chronic toxicity to aquatic organisms, expressed as 1.0 chronic toxic unit, at the point of discharge, or if the department authorizes a mixing zone in a permit, approval, or certification, at or beyond the mixing zone boundary, based on the minimum effluent dilution achieved in the mixing zone. If the department determines that an effluent has reasonable potential to cause or contribute to exceedance of the whole effluent toxicity limit, the department will require whole effluent toxicity testing as a condition of a permit, approval, or certification. The department will reduce the frequency of, or eliminate, whole effluent toxicity if

- (1) the results of a sufficient database of testing conclusively demonstrate that an effluent does not have a reasonable potential to exceed the whole effluent toxicity limit;*
- (2) significant changes in effluent quality are not expected over the life of the permit; and*
- (3) the department determines that aquatic life will be adequately protected.*

(b) In this section, “chronic toxic unit” means an expression of the chronic toxicity of an effluent, determined as (100/NOEC), where NOEC, the “No Observed Effects Concentration,” is the highest tested percentage concentration of an effluent, established by direct testing of toxicity to aquatic organisms, that causes no observable adverse effects, including effects on growth, development, behavior, reproduction, or survival, over a test duration that generally is one-tenth or more of the lifespan of the test organism.

3. Antidegradation

The department’s approach to implementing the antidegradation policy found in 18 AAC 70.015 is based on the requirements in 18 AAC 70 and the department’s July 14, 2010, Policy and Procedure guidance for Interim Antidegradation Implementation Methods. Using these requirements and policies, the department determines whether a water body or portion of a water body is classified as Tier 1, Tier 2, or Tier 3. This determination is made on a pollutant-by-pollutant basis. ADEC has determined that the receiving waters Prudhoe Bay and the

Beaufort Sea are Tier 2 waters using this guidance, information provided by the applicant, and ADEC knowledge of the water bodies.

For a Tier 2 water in the context of reissuing a permit such as this, antidegradation analysis under 18 AAC 70.015(a)(2) is applied to a reduction of water quality authorized by a mixing zone per 18 AAC 70.240. The mixing zone authorization in this certification does not increase the size of the mixing zone from that in the permit in effect, nor does it allow for more degradation than the permit in effect, which was reissued in 2000. In the case of this permit the parameters of concern are temperature, total residual chlorine, pH, sediment, turbidity, residues, color, and Whole Effluent Toxicity for Outfall 001.

The Antidegradation Policy of the Alaska WQS (18 AAC 70.015) states that existing water uses and the level of water quality necessary to protect existing uses must be maintained and protected. The department may allow reduction of water quality only after finding that five specific criteria are met. These criteria and the Department's findings are as follows:

- *18 AAC 70.015 (a)(2)(A) allowing lower water quality is necessary to accommodate important economic or social development in the area where the water is located.*

This activity occurs in the North Slope Borough and more specifically Barrow, Alaska and other smaller villages. Oil and oil related industry is the primary source of employment in the North Slope area (Alaska Department of Commerce, Community and Economic Development community database at:

http://www.commerce.state.ak.us/dca/commdb/CF_CIS.htm), and seawater treatment is part of the necessary infrastructure that supports the oil industry. The seawater treatment plant provides treated seawater for injection into the petroleum reservoir to maintain formation pressures and allow secondary oil recovery from production wells.

The oil industry is the main source of revenue for and in the North Slope Borough.

ADEC concludes that this criterion is met.

- *18 AAC 70.015 (a)(2)(B) except as allowed under this subsection, reducing water quality will not violate the applicable criteria of 18 AAC 70.020 or 18 AAC 70.235 or the whole effluent toxicity limit in 18 AAC 70.030.*

The final permit limits will not violate Alaska water quality criteria. The mixing zone is authorized in accordance with 18 AAC 70.240. The authorized mixing zone has been sized to ensure that all applicable water quality criteria are met at all points outside of the mixing zone. ADEC concludes that this criterion is met outside the authorized mixing zone.

- *18 AAC 70.015 (a)(2)(C) the resulting water quality will be adequate to fully protect existing uses of the water.*

Based on a review of the 1) expected volume of discharge, the types and amounts of regulated pollutants including their fate and transport, and available dilution, 2) USEPA's Biological Evaluation for Prudhoe Bay Seawater Treatment Plant, BPAI (August 2010) and 3) USEPA's request to U.S. Fish and Wildlife for concurrence, ADEC concludes that this criterion is met outside the authorized mixing zone.

- *18 AAC 70.015(a)(2)(D) the methods of pollution prevention, control, and treatment found by the department to be most effective and reasonable will be applied to all wastes and other substances to be discharged.*

The methods of prevention, control, and treatment ADEC finds to be most effective are the practices, requirements, and limits set out in the NPDES permit. The permit requires the permittee to follow prescribed Best Management Practices (BMPs) via developing a BMP Plan and implementation schedule to achieve the following objectives:

- (a) The number and quantity of pollutants and the toxicity of effluent generated, discharged, or potentially discharged at the facility shall be minimized by the permittee to the extent feasible by managing each influent waste stream in the most appropriate manner.
- (b) Under the BMP Plan, and any Standard Operating Procedures (SOPs) included in the Plan, the permittee shall ensure proper operation and maintenance of the treatment facility.

ADEC concludes that this criterion has been met.

- *18 AAC 70.015(a)(2)(E). All wastes and other substances discharged will be treated and controlled to achieve (i) for new and existing point sources, the highest statutory and regulatory requirements; and (ii) for nonpoint sources, all cost-effective and reasonable best management practices.*

Technology-based effluent limitation guidelines (ELGs) have been developed by EPA for particular categories of industrial dischargers. In the absence of ELGs for a particular category of industrial discharger, Best Professional Judgment can be used to establish permit limitations. EPA has not established effluent guidelines for seawater treatment facilities or marine life return systems. Therefore, in the absence of ELGs, ADEC concludes that this criterion has been met through the use of best available technology available for this type of facility; and through prescribed practices, limits, and BMPs in the NPDES permit.

Date

Sharon Morgan, Manager
Wastewater Discharge Authorization Program