



**DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER**

SEAN PARNELL, GOVERNOR
555 Cordova Street
Anchorage, Alaska 99501
Phone: (907) 269-6285
Fax: (907) 269-3487
www.dec.alaska.gov

January 21, 2011

DEC File 300.45.179

Mr. Thomas Manson
Senior Environmental Coordinator
ConocoPhillips, Alaska, Inc.
700 G Street
P.O. Box 100360
Anchorage, AK 99510-0360

Re: **Comments on Draft §401 Certification of NPDES Permit AK0043354, ConocoPhillips Alaska, Inc. – Kuparuk Seawater Treatment Plant**

Dear Mr. Manson:

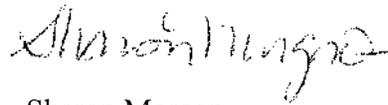
The following is in response to the comments ConocoPhillips Alaska, Inc. (CPAI) provided to the Alaska Department of Environmental Conservation (DEC) on DEC's §401 Certificate of Reasonable Assurance for National Pollution Discharge Elimination System (NPDES) draft permit AK0043354, which was publicly noticed from October 28, 2010 to November 29, 2010. Responses will be restricted to those comments directly related to the DEC §401 Certification.

- CPAI requested that quarterly testing for Whole Effluent Toxicity (WET) testing be reduced from once per quarter to once annually. DEC has no authority to require the Environmental Protection Agency (EPA) to reduce monitoring frequencies in an NPDES permit.
- CPAI commented that the Toxicity Reduction Evaluation (TRE) trigger of 12.3 TUc appearing in the Whole Effluent Toxicity testing requirement of the draft permit and the §401 Certification was incorrect and should be replaced with a trigger of 13.3 chronic toxic units (TUc). DEC concurs with this assessment and understands that the 13.3 TUc is based on dividing the DEC minimum compliance evaluation level for total residual chlorine of 100 µg/L by the Alaska Water Quality Standard for chronic total residual chlorine of 7.5 µg/L to obtain a dilution factor of 13.3:1 that corresponds to 7.5% effluent.
- DEC concurs with the CPAI request to change the added test concentrations from 64% and 100% to 60% and 100%. DEC understands that the added 60% concentration furthers the serial dilution beyond 30%.

- DEC understands CPAI's comment that the definition for TUC in the §401 Certification is inconsistent with the language in the NPDES permit and has added clarifying language about the 25% Inhibition Concentration (IC₂₅) to the final certification.
- DEC concurs with CPAI's request to change the dilution factor of 9:1 for under ice (winter) temperature be changed to 14:1 in the §401 Certification.

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

Sincerely,



Sharon Morgan
Program Manager

Enclosure: Final Certificate of Reasonable Assurance for NPDES Permit AK0043354

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