STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
FINAL CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance, as required by Section 401 of the Clean Water Act, has been requested by the Environmental Protection Agency (EPA) for the marine water discharge of primary treated domestic wastewater from the Municipality of Skagway Borough (Skagway) Wastewater Treatment Plant (WWTP).

The activity is located at 59.448523° north latitude, 135.326580° west longitude, near Skagway, Alaska with discharges to Taiya Inlet.

Water Quality Certification is required for the activity because the activity will be authorized by an EPA permit identified as National Pollutant Discharge Elimination Permit No. AK0020010 and because a discharge will result from the activity.

Public notice of the application for this certification was made in accordance with 18 Alaska Administrative Code (AAC) 15.180. Public notice of the Skagway's Antidegradation Form 2G, included as an attachment to this certification, was made in accordance with 18 AAC 70.016. In accordance with 18 AAC 70.016, *Antidegradation implementation methods for discharges authorized under the federal Clean Water Act,* the Alaska Department of Environmental Conservation (DEC or Department) reviewed Skagway's Antidegradation Form 2G and determined that the information provided by Skagway complies with the requirements of 18 AAC 70.016.

DEC has completed its review of EPA's Draft National Pollutant Discharge Elimination Permit (NPDES) No. AK0020010 and associated documents and by means of this Final Certificate of Reasonable Assurance conditionally certifies that there is reasonable assurance that the activity and the resulting proposed modified discharge from the Skagway WWTP is compliant with the requirements of Section 401 of the Clean Water Act, 40 Code of Federal Regulations (CFR) 125.61, Alaska Statutes Title 46, and Alaska Water Quality Standards 18 AAC 70 provided that the modified discharge adheres to the stipulations provided below in this certification. Furthermore, as per 40 CFR 125.64(b), the Department has determined that the modified discharge will not result in an additional treatment pollution control or other requirement on any other point or nonpoint sources as Taiya Inlet is not included on DEC's 2022 Integrated Water Quality Monitoring and Assessment Report as an impaired waterbody nor is the subject portion of Taiya Inlet subject to a proposed or approved Total Maximum Daily Load.

The Final Certification of Reasonable Assurance is contingent on the inclusion of the following stipulations in NPDES Permit No. AK0020010:

1. In accordance with 18 AAC 70.240, DEC authorizes mixing zones in Taiya Inlet for copper, dissolved oxygen, temperature, total residual chlorine, enterococcus bacteria, fecal coliform bacteria, and whole effluent toxicity contained in the discharge from the Skagway WWTP. The mixing zones are defined as follows:

   The chronic mixing zone has a dilution of 32:1 and is defined as a rectangular area with a length of 6.8 meters and width of 7.5 meters centered over the diffuser with the length oriented perpendicular to the diffuser.

   The acute mixing zone has a dilution of 19:1 and is defined as a rectangular area with a length of 4.9 meters and width of 6.5 meters centered over the diffuser with the length oriented perpendicular to the diffuser.

Rationale: In accordance with State Regulations 18 AAC 70.240, the department has authority to designate mixing zones in permits or certifications. The designated mixing zones will ensure that the most stringent water quality criteria for copper (acute 5.8 micrograms per liter (µg/L), chronic 3.7 µg/L total recoverable), dissolved oxygen (6.0 milligrams per liter (mg/L) daily minimum (surface for a depth of 1 meter, no less than 4 mg/L at any depth below the surface), 17 mg/L daily maximum), temperature (15° Celsius), total residual chlorine (acute 13 µg/L, chronic 7.5 µg/L), and whole effluent toxicity (1.0 chronic toxic units) are met at all points outside of the mixing zone.

2. In order for the Skagway WWTP to achieve compliance with the fecal coliform and enterococcus bacteria final effluent limits, DEC requires the establishment of a Compliance Schedule in the permit. Final effluent limits must be met as soon as possible, but no later than 5 years after the effective date of the permit. Interim requirements that will lead to compliance with the final effluent limits with dates for their achievement must be established in the permit. The following interim requirements shall be included in the Compliance Schedule:

   By one year after the effective date of the permit, the permittee shall develop a facility plan that evaluates alternatives to meet the final fecal coliform and enterococcus bacteria effluent limits and select their preferred alternative.

   By two years after the effective date of the permit, the permittee must complete the design of the preferred alternative and request approval to construct from DEC's Engineering Support and Plan Review (ESPR).

   By three years after the effective date of the permit, the permittee must secure funding and select a contractor to construct upgrades.

   By four years after the effective date of the permit, the permittee must commence construction.

   By five years after the effective date of the permit, the permittee must complete construction, complete optimization of facility upgrade operations, and achieve compliance with the final fecal coliform and enterococcus effluent limits. Final approval to operate must be requested from ESPR.

   The permittee must submit progress or compliance reports on interim and final requirements no later than 14 days following the scheduled date of each requirement.

   Rationale:
   In accordance with State Regulations 18 AAC 15.090, the Department may attach terms and reporting requirements, and the posting of a performance bond or other surety, that it considers necessary to ensure that conditions to a permit, variance, or approval, including operating, monitoring, inspection, sampling, access to records and all applicable criteria will be met.

   According to 18 AAC 83.560, the Department has authority to specify a schedule of compliance leading to compliance with 33 U.S.C. 1251-1387 (Clean Water Act). Any schedule of compliance must require compliance as soon as possible, but no later than the applicable statutory deadline under 33 U.S.C. 1251-1387 (Clean Water Act). 18 AAC 83.560(b) requires interim requirements and dates for their achievement if the schedule of compliance exceeds one year from the date of permit issuance. Time between interim requirements must not exceed one year. Progress reports must be submitted no later than 14 days following each interim date and the final date of compliance.

   According to 18 AAC 72.200, Application for department approval, (a) Except as otherwise provided in 18 AAC 72.035(d) and 18 AAC 72.200(b), a person must submit a plan to the department and obtain approval

of that plan before constructing, installing, or modifying any part of a domestic wastewater collection, treatment, storage, or disposal system. To obtain approval, a person shall provide to the department the information required by 18 AAC 72.205. 18 AAC 72.240, states that the department will issue final approval to operate if the information required by 18 AAC 72.235 confirms that (A) the system was constructed as originally approved or (B) the system, or a designated phase of that system, otherwise meets the requirements of AS 46.03 and 18 AAC 72. DEC plan approval requirements will ensure that the most stringent water quality criteria for fecal coliform and enterococcus bacteria are met at all points outside the mixing zone.

3. DEC requires that the permit contain the following final fecal coliform effluent limits:

Monthly Average 200 fecal coliform per 100 mL (FC/100 mL)
Weekly Average 400 FC/100 mL
Daily Maximum 800 FC/100 mL.

Rationale:
In accordance with State Regulations 18 AAC 15.090, the Department may attach terms and reporting requirements, and the posting of a performance bond or other surety, that it considers necessary to ensure that conditions to a permit, variance, or approval, including operating, monitoring, inspection, sampling, access to records and all applicable criteria will be met.

18 AAC 72.050(a)(3), Minimum treatment, states that the Department may authorize a person to discharge domestic wastewater into or onto water or land if the discharge to surface water has received secondary treatment and has been disinfected. 18 AAC 72.050(c) states that the Department may allow or require treatment different from the minimum set out in this section as necessary to protect public health, public and private water systems, or the environment. In deciding to evaluate alternative minimum treatment requirements, the Department will consider other permit or plan approval requirements, and the receiving environment.

Under Section 301(h) of the Clean Water Act, EPA determined that the Skagway WWTP qualifies for a continuation of their waiver from secondary treatment standards for 5-day biochemical oxygen demand (BOD_5) and total suspended solid (TSS). To qualify, Skagway must meet specific criteria including a requirement to achieve primary treatment. Therefore, DEC has determined that the Skagway WWTP may treat to less than the minimum secondary treatment requirement at 18 AAC 72.050(a)(3); however, less than secondary treatment only applies to BOD_5 and TSS and does not include disinfection. Therefore, the discharge of domestic wastewater to surface water must be disinfected.

18 AAC 72.990(21) defines disinfect to treat by means of a chemical, physical, or other process such as chlorination, ozonation, application of ultraviolet light, or sterilization, designed to eliminate pathogenic organisms, and producing an effluent with a 30-day 200 FC/100 mL monthly average and a seven-day 400 FC/100 mL average. These limits are required as final fecal coliform limits. A daily maximum final effluent limit of 800 FC/100 mL limit is also required. Establishment of a daily maximum limit will help ensure compliance with water quality criteria. Since these limits are dependent on the use of specific technological processes, DEC applies these final fecal coliform bacteria effluent limits as technology-based limits. These final fecal coliform bacteria effluent limits will ensure that the most stringent water quality criteria for fecal coliform bacteria are met at all points outside the mixing zone.

4. DEC requires that the permit contain the following final enterococcus bacteria limits:

   30-day Geometric Mean 1,120 colony forming unit (CFU)/100 mL
   Daily Maximum 4,160 CFU/100 mL).

   Rationale:
   In accordance with State Regulations 18 AAC 15.090, the Department may attach terms and reporting requirements, and the posting of a performance bond or other surety, that it considers necessary to ensure that conditions to a permit, variance, or approval, including operating, monitoring, inspection, sampling, access to records and all applicable criteria will be met.

   Enterococcus bacteria has reasonable potential to exceed water quality criteria. Effluent limits based on the reasonable potential for enterococcus bacteria to exceed water quality criteria and the dilution required for the effluent to meet enterococcus water quality criteria water quality criteria were therefore developed using the chronic dilution of the driver of the mixing zone (total residual chlorine, 32:1). The final enterococcus bacteria limits will ensure that the most stringent water quality criteria for enterococcus bacteria are met at all points outside the mixing zone. DEC expects that after the implementation of disinfection, the Skagway WWTF may achieve compliance with enterococcus water quality criteria (30-day geometric mean 35 CFU/100 mL with not more than 10% of the samples exceeding a statistical threshold value of 130 CFU/100 mL), therefore these final enterococcus bacteria limits may be revised in the next permit reissuance.

5. DEC requires the following copper effluent limits:

   Average Monthly 37 µg/L (total recoverable)
   Daily Maximum 79 µg/L (total recoverable)

   Rationale:
   18 AAC 70.240(b)(2) requires the Department to consider the characteristics of the effluent after treatment of the wastewater. Additionally, 18 AAC 83.435(d) specifies that when the Department determines, using the procedures in 18 AAC 83.435(c), that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the allowable ambient concentration of a state numeric criteria within a state water quality standard for and individual permit, the permit must contain effluent limits for that pollutant.

   DEC used the process described in the Technical Support Document (TSD) for Water Quality-Based Toxics Control (Environmental Protection Agency, 1991) and DEC's guidance, Alaska Pollutant Discharge Elimination System Permits Reasonable Potential Analysis and Effluent Limits Development Guide (June 30, 2014) to determine the reasonable potential for copper to exceed water quality criteria. The results of the reasonable potential analysis indicated that copper with a maximum expected concentration of 78 µg/L total recoverable, has reasonable potential to exceed Alaska copper marine water quality criteria (chronic 3.7 µg/L total recoverable, acute 5.8 µg/L total recoverable). Effluent limits based on the reasonable potential for copper to exceed water quality criteria and the dilution (acute 15:1, chronic 24:1) required for the effluent to meet copper water quality criteria were therefore developed (average monthly 37 µg/L total recoverable, daily maximum 79 µg/L total recoverable). These effluent limits will ensure that the most stringent copper water quality criteria are met at all points outside the mixing zone sized for total residual chlorine.

6. DEC requires the following total residual chlorine effluent limits:

   Average Monthly 79 µg/L
   Daily Maximum 247 µg/L

   Rationale:
   18 AAC 70.240(b)(2) requires the Department to consider the characteristics of the effluent after treatment of the wastewater. Additionally, 18 AAC 83.435(d) specifies that when the Department determines, using the procedures in 18 AAC 83.435(c), that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the allowable ambient concentration of a state numeric criteria within a state water quality standard for and individual permit, the permit must contain effluent limits for that pollutant.

   DEC used the process described in the Technical Support Document (TSD) for Water Quality-Based Toxics Control (Environmental Protection Agency, 1991) and DEC's guidance, Alaska Pollutant Discharge Elimination System Permits Reasonable Potential Analysis and Effluent Limits Development Guide (June 30, 2014) to determine the reasonable potential for total residual chlorine to exceed water quality criteria. The results of the reasonable potential analysis indicated that total residual chlorine with a maximum expected concentration of 242 µg/L, has reasonable potential to exceed Alaska total residual chlorine marine water quality criteria (acute 13 µg/L, chronic 7.5 µg/L). Effluent limits based on the reasonable potential for total residual chlorine to exceed water quality criteria and the dilution required for the effluent to meet total residual chlorine water quality criteria (acute 19:1, chronic 32:1) were therefore developed (average monthly 79 µg/L, daily maximum 247µg/L). These effluent limits will ensure that the most stringent total residual chlorine water quality criteria are met at all points outside the mixing zone sized for total residual chlorine.

Signature	March 14, 2024 Date
James Rypkema Printed Name	Acting Program Manager Title

NOTICE OF REVIEW
CLEAN WATER ACT SECTION 401 CERTIFICATION

Alaska Department of Environmental Conservation (DEC)
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, Alaska 99501

FINAL RESPONSE TO COMMENTS

CLEAN WATER ACT SECTION 401 CERTIFICATION

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

SKAGWAY WASTEWATER TREATMENT PLANT

Following the close of the 45-day public notice of Clean Water Act Section 401 Certificate of Reasonable Assurance for the draft Municipality of Skagway Borough Wastewater Treatment Plant NPDES Permit AK0020010 renewal, DEC has prepared responses for the comments received. DEC's Final Response to Comments can be accessed at DEC's Wastewater Discharge Authorization Program web page at: http://www.dec.state.ak.us/water/wastewater/. Comments were accepted during Public Notice and will not be accepted during this review period.

Final Response to Comments Review
Start Date: March 15, 2024
End Date: April 15, 2024

NPDES Permit No.: AK0020010

Nature of Activity and Location:
The Environmental Protection Agency (EPA) public noticed the draft Municipality of Skagway Borough Wastewater Treatment Plant NPDES Permit No. AK0020010 on July 28, 2023 for 45-days and requested DEC provide the draft permit a Clean Water Act Section 401 certification. The permit is a renewal of the Municipality of Skagway Borough's Clean Water Act Section 301(h) modified AK0020010 permit issued by EPA in 2002.

DEC's Draft Certificate of Reasonable of Assurance was public noticed concurrently with the draft NPDES Municipality of Skagway Borough Wastewater Treatment Plant permit. DEC received comments on the Draft Certificate of Reasonable Assurance and has prepared a Final Response to Comments document.

The activity is located at 59.448523º north latitude, 135.326580º west longitude, near Skagway, Alaska with discharge of primary treated domestic wastewater to Taiya Inlet.

Determination:

DEC has issued a Final Certificate of Reasonable Assurance for NPDES Permit No. AK0020010.

DEC Contact: Marie Klingman
907-451-2101
marie.klingman@alaska.gov

Informal Reviews and Adjudicatory Hearings:

A person authorized under a provision of 18 AAC 15 may request an informal review of a contested decision by the Division Director in accordance with 18 AAC 15.185 and/or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. See DEC's "Appeal a DEC Decision" web page https://dec.alaska.gov/commish/review-guidance/ for access to the required forms and guidance on the appeal process. Please provide a courtesy copy of the adjudicatory hearing request in an electronic format to the parties required to be served under 18 AAC 15.200.

Requests must be submitted no later than the deadline specified in 18 AAC 15 based on the date of this notice.

Administrative Record:

The Final Response to Comments and associated documents are available for public review at the DEC offices located in Anchorage, Fairbanks, Juneau, Soldotna, and Wasilla. Please contact the office of your choice to arrange for hard copies of the documents to be available for your review.

555 Cordova Street **Anchorage**, AK 99501 907-269-6285	610 University Avenue **Fairbanks**, AK 99709 907-451-2100	P.O. Box 111800 **Juneau**, AK 99811-1800 Location: 333 Willoughby Avenue **Juneau**, AK 907-465-5300
43335 Kalifornsky Beach Road **Soldotna**, AK 99615 907-262-5210	1700 E Bogard Road #B, Suite #103 **Wasilla**, AK 99654 907-376-1850	

The documents are also accessible from the ADEC website at:
http://www.dec.state.ak.us/water/wastewater/

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need a reasonable accommodation in order to participate in this public process, please contact Megan Kohler at 907-269-4198 or TDD Relay Service 1-800-770-8973/TTY or dial 711 to ensure that any necessary accommodations can be provided in a timely manner.

Alaska Department of Environmental Conservation (DEC) Response to Comments for the Draft Certificate of Reasonable Assurance for the Municipality of Skagway Borough Wastewater Treatment Plant (WWTP) National Pollutant Discharge Elimination System (NPDES) Permit No. AK0020010.

Summary

The Environmental Protection Agency and DEC jointly public noticed NPDES Permit AK0020010 and DEC's Draft Certificate of Reasonable Assurance for the Municipality of Skagway Borough (Skagway) WWTP between July 28, 2023 and September 13, 2023. DEC received three comments on the Draft Certificate of Reasonable Assurance, all from the Municipality of Skagway. This document summarizes the comments and the justification for any action taken or not taken by DEC in response to the comments.

1. Fecal Coliform and Enterococcus Bacteria Compliance Schedule

Comment Summary

Skagway stated that the five-year compliance schedule is not enough time to secure funding, complete a disinfection study, design, and construct a disinfection system and therefore requested an extension of the five-year compliance schedule to ten years. Skagway estimates that disinfection will likely cost more than 10 million dollars which will be a significant burden on rate payers and that ten years will allow the Skagway time to obtain grants and/or alternative funding. Skagway proposed an alternate schedule that with the exception of construction startup, (the compliance schedule in the Draft Certificate of Reasonable Assurance specifies that construction commence four years after the effective date of the permit vs seven years proposed by Skagway), doubles the allowable time for each sequential interim requirement.

DEC Response

40 Code of Federal Regulations, Duration of permits §122.46(a), limits the length of NPDES permits to a fixed term not to exceed five years. Alaska implements the NPDES program as the Alaska Pollutant Discharge Elimination System (APDES) program. DEC regulations at 18 Alaska Administrative Code (AAC) 83.020, Term of permit (a), states that an APDES permit is effective for a fixed term that must be listed in the permit and must not exceed five years. The fecal coliform and enterococcus compliance schedule is a condition of the permit; therefore, the compliance schedule cannot extend beyond the five-year permit term.

18 AAC 83.560, Schedules of compliance, states that any schedule of compliance must require compliance as soon as possible. 18 AAC 83.560(b)(1) specifies that the time between interim requirements must not exceed one year. The interim requirements contained in the Draft Certificate of Reasonable Assurance that will lead to compliance with the final fecal coliform and enterococcus bacteria effluent limits and the dates for their achievement are attainable progressive actions that will ensure that Skagway complies with the final effluent limits as soon as possible, but no later than 5 years after the effective date of the permit.

2. Copper Effluent Limits

Comment Summary

Skagway commented that copper exhibited extensive variation from a peak high in 2016 to extremely low concentrations during the pandemic years of 2020 and 2021. They state that reasons are both

partially known and unknown and presents issues with determining reasonable potential to exceed water quality criteria. Transient resident populations and lack of cruise ship tourists contributes to variations. Other unknown causes could include water supply changes, construction, conservation, changes in flows, and/or other. They state that if a dataset could be justified that results in determining that the Skagway WWTP can statistically meet the proposed copper limits based on historical variation in effluent monitoring, that this option is preferred. Otherwise, they propose a two-year study to investigate and understand the dataset before setting proposed effluent limitations. They propose that if a dataset cannot be justified that results in attainable proposed copper limits, and an interim study is not granted, then they would require at the least, a 10 year compliance schedule to fund, evaluate, design, construct, and startup in order to meet the currently unattainable effluent limitations.

DEC Response

DEC reevaluated and updated the data set used in the reasonable potential analysis (RPA) using the last five years of data, January 2019-December 2023. The results of the RPA demonstrated that copper has reasonable potential to exceed Alaska copper marine water quality criteria; therefore, copper water quality based effluent limits were developed (79 µg/L daily maximum, 37 µg/L monthly average). Skagway's effluent copper concentrations have not exceeded 79 µg/L since April 2017. Discharge monitoring results since then indicate that the Skagway WWTP is capable of achieving the daily maximum copper effluent limit of 79 µg/L. Most recently, the 2022 daily maximum monitoring results ranged from 7.2 µg/L to 34.9 µg/L, with an average of 18 µg/L, and the 2023 daily maximum monitoring results ranged from 7.7 µg/L to 52 µg/L with an average of 25 µg/L.

The prior NPDES permit required copper monitoring once per month. Therefore, if Skagway only monitored copper once per month, the result must be reported on the Discharge Monitoring Report (DMR) as both the daily maximum and monthly average result. The reissued permit requires sampling twice per month. Both samples must be used for averaging. More samples reduces the likelihood of a monthly average exceedance. According to Skagway's NPDES permit, Section III.D., *Additional Monitoring by Permittee*, Skagway can elect to monitor more frequently than required by the permit and then the results, if they were obtained using test procedures approved under 40 CFR 136, must be used in calculations, and reported on the DMR. It would be advisable for Skagway to initially sample early in a given month and then evaluate the benefit of additional monitoring beyond what is required in the permit.

3. Dilution Factors

Comment Summary

Skagway stated that the copper effluent limits in Table 1 of the NPDES permit were calculated using dilution factors of 8.5 and 14; however, the NPDES fact sheet and the 401 Certification states that the dilution factors are 16 and 28 with chlorine driving the dilution factors, that typically it is the dilution factors of the mixing zone driver that are used for effluent limits, and that the 401 Certification did not state that separate dilution factors were used for each parameter. Skagway also requested that due to the variations of the data set over the years, that the dilution factors should be changed calculated from the data set that is most representative of conditions at the Skagway WWTP because of the likely change in the maximum expected concentration.

DEC Response

DEC updated the RPA using the most recent five years of effluent data, January 2019- December 2023. The data set from this time period contained 60 detected copper results (copper had been monitored

once per month) ranged from a low of 3.4 µg/L in May 2020 to a high of 52 µg/L in September 2023 with an overall average of 17 µg/L. Variations in the data set could be attributed to any number of factors including corrosion in the drinking water system and fewer active sewer connections and tourists during the pandemic years of 2020 and 2021. However, as indicated in DEC's above response to comment number 2, the effluent limits are obtainable. The daily maximum limit of 79 µg/L has not been exceeded since April 2017, and with the increase to twice per month sampling and the option to sample more frequently, the likelihood of exceeding the monthly average of 37 µg/L is reduced.

The 2019-2023 data set also included 35 TRC results; 13 were reported with detected results and 22 were reported as non-detects. During the last five years, Skagway used chlorine during the months of April through October in 2019, 2022, and 2023. During 2020 they used it March through October, and in 2021 April through November. Of the detected results, the highest were reported in 2020 and 2021. TRC was not detected during any of the months that chlorine was used (April – October) in 2023.

Copper requires an acute dilution of 15:1 and a chronic dilution of 24:1 to meet copper water quality criteria (5.8 µg/L acute, 3.7 µg/L chronic). Total residual chlorine requires an acute dilution of 19:1 and a chronic dilution of 32:1 to meet total residual chlorine water quality criteria (13 µg/L acute, 7.5 µg/L chronic).

The NPDES permit contains a 5-year compliance schedule for fecal coliform and enterococcus bacteria. Final effluent limits must be met as soon as possible, but no later than 5 years after the effective date of the permit. In order to achieve compliance with the final effluent limits, DEC expects that Skagway will not only disinfect with chlorine but will also dechlorinate in order to meet TRC effluent limits. Therefore, DEC expects Skagway to not only achieve compliance with the TRC effluent limits, but to also demonstrate that they can meet TRC water quality criteria prior to discharge into Taiya Inlet.

DEC considers the TRC dilution factors and their associated effluent limits as interim dilution factors and effluent limits, and using the TRC dilution factors to calculate copper's effluent limits results in copper effluent limits that may result in the discharge of copper in concentrations that are unduly higher than the WWTP's observed performance. Therefore, DEC used the dilution factors associated with copper to calculate copper's effluent limits and the dilution factors associated with TRC to calculate TRC's effluent limits.

DEC has revised the 401 Certification to specify the dilution factors used in the copper and TRC effluent limit calculations. Updated effluent limits are also included in the Final 401 Certification.