



2009 Radcliff Road
Juneau, Alaska 99801
Telephone: 907-586-0393

From:
Chad P. Gubala, Ph.D., Utility Environmental Compliance and Permitting
Wednesday, March 25, 2026

To: ADEC
Randy Bates
Gene McCabe
Meg Kohler
Marie Klingman
Sam Dapevich

Copy: CBJ
Brian McGuire
Denise Koch
Emily Wright

Dear Mr. McCabe:

We request a clarification from your office regarding a matter involving unauthorized shipments of PFAS-contaminated septage by the community of Gustavus into the collections and treatment network of Publicly Owned Treatment Works (POTWs) owned and operated by the CBJ Utility.

Given our responsibilities to our community as well as our legal obligations, up to and including the COBC issued by DEC in 2021, our immediate response to this issue was to suspend/restrict these shipments per specific guidance provided by the Alaska Department of Environmental Conservation pending development of a safe, permissible and legal course of action (see attachment). The basis for this action was considered carefully by my office, CBJ Public Works and CBJ Law, in direct consultation with ADEC. And this restriction is also consistent with the CBJ Utility's commitment to the protection of the health and safety of our residents and our environment.

The CBJ has recently received a statement from ADEC leadership (S. Dapevich) to KTOO that there is nothing in CBJ's discharge permits that prohibits CBJ from accepting PFAS contaminated waste from outside sources. These assertions are contrary to written guidance from ADEC, as well as the stipulated agreements in the COBC. They are also in conflict with [18 AAC 72.055](#) (listed below), may constitute 'knowing violations' and/or 'knowing endangerment' under the Clean Water Act, run counter to best practices for risk management of this class of pollutants and may subject CBJ to civil penalties.

We seek clear direction as to whether CBJ's current discharge permits or the COBC prohibit accepting PFAS laden septage from an outside source. If the CBJ may accept outside septage with parameters or limitations, we ask for clear direction on what those parameters and limits may be. If we may accept outside septage freely and with no limits, **the CBJ requests that ADEC provide applicable permit modifications to the CBJ POTWs and close out the COBC that includes source control requirements.** We understand that the issues surrounding PFAS are unsettled and vexing. But before considering any actions that may result in potential environmental compliance actions and legal liabilities we would like ADEC's written permission to do so.

Background:

As you may be aware, the City and Borough of Juneau Alaska (CBJ) Utility discovered last year that a community outside of our Borough had been shipping to and disposing of septage into the CBJ-owned and operated collections and treatment (POTW) system. The shipments were being transferred to the CBJ through an independent septage hauler that was not reporting this activity to the Utility. This issue was cause for concern and for remedy, since the CBJ does not have a contractual relationship and/or intergovernmental agreement with the outside community to accept and process its waste.

Further, this discovery came through a coincidental discussion with an independent consultant who was tasked by the outside community with managing biosolids and PFAS contamination within the septage that was being surreptitiously shipped into the CBJ. The presence of PFAS in septage being transported into our community and disposed of into our sewer system without our knowledge or consent raised significant additional concerns since it explicitly violated CBJ Sewer code:

75.02.090 - Prohibited discharges*.

Except as provided in this chapter, no person shall cause to be discharged or allowed to be discharged into its sewer line or system any of the following described waters or wastes:

(7) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

(8) Any waters or wastes containing suspended solids of such character and quality that unusual attention or expense is required to handle such materials at the sewage treatment plant;

**CBJ Municipal code provision 75.02.090 (7) is consistent with State and Federal permit requirements for permitted operation of CBJ collections and treatment facilities as per the Clean Water Act (33 U.S.C. §§ 1251 et seq.).*

The CBJ Utility also notes that according to [18 AAC 72.055](#), “A person may dispose of septage, sewage, or sludge from a collection system, septic tank, holding tank, pit privy, vault privy, honey bucket, or wastewater treatment works only at a site or facility holding an applicable department permit or approval for disposal of that material. The department will require the septage, sewage, or sludge be treated before disposal if necessary to protect public health or the environment.”

As the domestic wastewater, and sludge, originating from Gustavus is not sufficiently treated to remove PFAS contamination, this wastewater is not appropriate for disposal at the Juneau facilities. A waiver (18 AAC 72.060) has not been requested, or issued, allowing this disposal to commence. PFAS contamination in this wastewater is in such quantities to warrant rejection, as the CBJ treatment facilities are not designed to treat PFAS.

The absence of a contractual relationship and/or intergovernmental agreement for disposal of septage from an outside (non-CBJ) community into the CBJ POTW network combined with the presence of prohibited and dangerous substances within that waste stream prompted our Utility to immediately halt acceptance of those wastes into our system (see attachment).

ADEC PFAS Guidance:

From: Klingman, Marie A (DEC) <marie.klingman@alaska.gov>

Sent: Monday, March 16, 2026 3:15 PM

To: Chad Gubala <chad.gubala@juneau.gov>

Subject: 40 CFR 403

Chad,

Pretreatment Regulations, 40 CFR Part 403, general prohibitions and specific prohibitions, apply to any user introducing pollutants into a POTW. You indicated that the proposed wastewater contribution to your plant contains PFAS. If your treatment plant is not designed to remove PFAS, PFAS will pass through your plant untreated into the Mendenhall River as well as accumulate in your sludge, which can lead to disposal issues. In addition, the proposed contribution may contain other pollutants of concern (these could be identified thru pre-discharge characterization of the effluent) that could interfere with your treatment process or lead to or contribute to noncompliance with your APDES permit effluent limits or Alaska Water Quality Standards.

Ultimately, CBJ is responsible for ensuring that the effluent discharged from the plant into the Mendenhall River complies with the APDES permit. This may require denying a request from a potential user to discharge specific pollutants and/or imposing conditions such as establishing local limits, requiring pretreatment, or implementing pre-discharge monitoring requirements.

Let me know if you have any questions. Marie

Pretreatment Regulations 40 CFR Part 403.5 (<https://www.ecfr.gov/current/title-40/section-403.5>)

(a)(1) General prohibitions. A User may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph (b) of this section apply to each User introducing pollutants into a POTW whether or not the User is subject to other National Pretreatment Standards or any national, State, or local Pretreatment Requirements.

(b)(1) Specific prohibitions: [https://www.ecfr.gov/current/title-40/part-403#p-403.5\(b\)](https://www.ecfr.gov/current/title-40/part-403#p-403.5(b))

Definitions:

Pass through (40 CFR Part 403.3(p)) (PDF)(4 pp, 192 K) – “A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES [National Pollutant Discharge Elimination System] permit (including an increase in the magnitude or duration of a violation).”

Interference (40 CFR Part 403.3(k)) (PDF)(4 pp, 192 K) – “A discharge that, alone or in conjunction with a discharge or discharges from other sources, both (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and (2) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.”

Marie Klingman
Environmental Program Specialist
Wastewater Discharge Authorization Program
Domestic & Industrial Utilities
907.451.2101

CBJ original letter to Gustavus, March 12, 2025:

City of Gustavus
Attn: City Administrator, Kathy Leary
P.O. Box 1, Gustavus, AK 99826
(907) 697-2451
administrator@gustavus-ak.gov
clerk@gustavus-ak.gov

Wednesday, March 12, 2025

Dear Ms. Leary:

The City and Borough of Juneau Alaska (CBJ) Utility has recently been contacted by the consulting firm HDR (Anchorage, AK) regarding the transport and discharge of wastewaters and wastewater sludge from Gustavus, AK to Juneau, AK via a commercial waste hauler. My office (CBJ Utility Environmental Permitting and Compliance Coordinator) was not formally aware of this previously unreported activity until this time.

In our discussion with HDR regarding this matter, it has come to our attention that the acceptance of this waste stream into the CBJ Utility sewer and treatment systems *may* not currently comply with Title 75 (Utilities), Sections 75.02.080 (a) and (c) and 75.02.090 (7) and (8) of the Juneau Municipal code.

75.02.080 Use of public sewers; regulations.

(a) No persons shall discharge or cause to be discharged to any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in the sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works.

(c) The admission into the public sewers of any waters or wastes having (i) a five-day biochemical oxygen demand greater than 300 parts per million by weight, or (ii) containing more than 350 parts per million by weight of suspended solids, or (iii) containing any quantity of substances having the characteristics described in section 75.02.090, or (iv) having an average daily flow greater than two percent of the average daily sewage flow of the City and Borough, shall be subject to the review and approval of the director of public works. Where necessary in the opinion of the director of public works, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to (i) reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or (ii) reduce objectionable characteristics or constituents to within the maximum limits provided for in section 75.02.090, or (iii) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the director of public works and of the commissioner of the state department of health and welfare, and no construction of such facilities shall be commenced until the approvals are obtained in writing.

75.02.090 - Prohibited discharges*.

Except as provided in this chapter, no person shall cause to be discharged or allowed to be discharged into its sewer line or system any of the following described waters or wastes:

(7) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

(8) Any waters or wastes containing suspended solids of such character and quality that unusual attention or expense is required to handle such materials at the sewage treatment plant;

**CBJ Municipal code provision 75.02.090 (7) is consistent with State and Federal permit requirements for permitted operation of CBJ collections and treatment facilities as per the Clean Water Act (33 U.S.C §§ 1251 et seq.).*

Since waste shipments from Gustavus were not formally reported to the CBJ Utility Compliance Coordinator, we

were also then lacking information regarding the type/character of wastewaters and wastewater sludge that were discharged into our system. For us to accept wastewaters and waste sludge from Gustavus, the Utility requires regular sampling and analyses of the materials to determine their strength and composition prior to discharge into our collections system. This is necessary to determine compliance with the aforementioned code regulations and to properly operate our treatment facilities.

Further, through discussion with HDR, it was brought to our attention that the waste materials from Gustavus that were previously discharged into our sewer system potentially violated CBJ Municipal code 75.02.090 (7), given that they *may* have been contaminated with PFAS and/or other restricted substances.

Therefore, in the absence of certified characterization of the wastes relevant for assessment by the CBJ Utility of compliance with Municipal code 75.02.080 (a) and (c) and 75.02.090 (7), and with updated information provided by HDR of potential PFAS contamination of Gustavus's waste stream, effective immediately the CBJ Utility cannot accept wastewater and wastewater sludge shipments from Gustavus, AK.

However, the CBJ *may* reconsider acceptance of Gustavus wastewater transfers once the following conditions are met:

- 1.) the wastewaters to be transferred for treatment and disposal through the CBJ Utility are certified through CBJ-specified sampling and analysis to be below local discharge limits and in compliance with State and Federal regulations for Pollutants of Concern (PoCs), including PFAS and,
- 2.) a contract is established between Gustavus and the CBJ Utility that assures compliance with item 1 and provides compensation to the CBJ equivalent to the cost of processing and disposal of the additional waste stream.

Please let me know if you would like to engage in additional discussion regarding this matter. The CBJ Utility is eager to assist neighboring SE AK communities with wastewater processing and management.

Sincerely,

Dr. Chad P. Gubala, Ph.D.
Utilities Production & Treatment Manager
Environmental Permitting and Compliance Coordinator
City and Borough of Juneau Utilities
Mobile: 907-612-0755
Chad.Gubala@juneau.gov

Copy:
Brian McGuire, CBJ Utility Superintendent
Denise Koch, CBJ Director, Engineering and Public Works
Sherri Layne, CBJ Assistant Municipal Attorney