



ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM (APDES)

APPLICATION FORM 1

General Information

Please submit this Form to:

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, AK 99501
DEC.Water.WQPermit@alaska.gov

Form 1 must be completed by all applicants required to obtain an **APDES permit** under 18 AAC 83.015. Applicants for new or existing **Publicly Owned Treatment Works (POTWs)** and other **treatment works treating domestic sewage (TWTDS)** are not required to complete Form 1 but must complete Form 2A. See attached instructions. See Section D of the instructions for definitions of the **bold-faced** terms.

SECTION 1 – FACILITY INFORMATION

Facility Name: _____

Mailing Address: _____ **City:** _____ **State:** AK **Zip:** _____

Physical Address/Location: _____ **City:** _____ **State:** AK **Zip:** _____

Phone: _____ **Cell Phone:** _____ **Fax:** _____

E-mail: _____

Geographic Location: **Latitude:** _____ **Longitude:** _____

Lat/Long Coordinate Source: Internet Map GPS/Survey Other _____

Source Map Scale (if applicable): _____ **Facility Reference Point:** _____

Horizontal Accuracy: _____ **Horizontal Datum:** _____

Is this a new or existing facility? New Existing

NAICS Code (formerly the Standard Industrial Code (SIC)) in order of priority:

First: _____ **Second:** _____

Third: _____ **Fourth:** _____

Is the facility located on Indian country? Yes No

Is the discharge associated with this permit located within a coastal zone boundary of an approved coastal district? Yes No

If Yes, submit a completed Coastal Project Questionnaire along with this APDES permit application.

SECTION 2 – ON-SITE CONTACT INFORMATION

Name: _____
 E-mail: _____ Phone: _____ Cell Phone: _____

SECTION 3 – RESPONSIBLE PARTY INFORMATION
 Check if same as **On-Site Contact**

Name: _____
 Name of individual authorized to act on behalf of the **responsible party** (if applicable): _____

Mailing Address: _____ City: _____ State: _____ Zip: _____
 Phone: _____ Cell Phone: _____
 E-mail: _____ Fax: _____
 Status of responsible party: Federal **State** Private Public (other than federal or state) Other entity

SECTION 4 – CONSULTANT INFORMATION (if applicable)

Name: _____
 Affiliated Company (if applicable): _____
 Mailing Address: _____ City: _____ State: _____ Zip: _____
 Phone: _____ Cell Phone: _____
 E-mail Address: _____ Fax: _____

SECTION 5 – EXISTING ENVIRONMENTAL PERMITS (Provide permit number or note if applied for)

- A) Hazardous Waste Management (RCRA): _____
- B) Underground Injection Control (Safe Drinking Water Act): _____
- C) APDES or **NPDES (Clean Water Act)**: _____
- D) Prevention of Significant Deterioration (Clean Air Act): _____
- E) Nonattainment (Clean Air Act): _____
- F) National Emission Standards for Hazardous Pollutants (Clean Air Act): _____
- G) Ocean Dumping Permits (Marine Protection Research and Sanctuaries Act): _____
- H) Dredge or Fill Permits: _____
- I) Other: _____

SECTION 6 – POLLUTANT CHARACTERISTICS

Complete questions A through E to determine whether any additional permit application forms must be submitted to DEC. For any questions answered "yes", submit this form along with the supplemental form listed in the parenthesis following the question. A question may be answered "no" if the activity is excluded from permit requirements; see Section C of the instructions.

A) Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? If yes, complete Form 2B.	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<p>B) Is this an existing industrial facility, including manufacturing facilities, commercial facilities, mining activities, or silvicultural activities which results in a discharge to waters of the U.S.? If yes, complete Form 2C.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>C) Is this a proposed facility that discharges process wastewater into waters of the U.S.? If yes, complete Form 2D.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>D) Is this a new or existing industrial facility that discharges only non-process wastewater into waters of the U.S.? (process wastewater is defined in the instructions, Section D) If yes, complete Form 2E.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>E) Is this a new or existing facility whose discharge is composed entirely of stormwater associated with an industrial facility? (unless exempted by 40 CFR §122.26(c)(1)(ii)) If yes, complete Form 2F</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

SECTION 7 – TOPOGRAPHIC MAP

Provide a topographic map or maps of the area extending to at least one mile beyond the property boundaries of the facility. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, all hazardous waste treatment, storage and disposal facilities, and each well where it injects fluids underground. Include all rivers, springs, and other surface water bodies in the map area. See instructions for precise requirements.

SECTION 8 – NATURE OF BUSINESS

Provide a brief description of the nature of the business and activity that requires an APDES permit.

SECTION 9 – EXCEPTIONS TO STATEWIDE STANDARDS

Complete questions A through D to determine whether any additional information must be submitted to request a reduction of water quality under the State’s antidegradation policy at 18 AAC 70.015. Complete the information block that immediately follows any question answered with a “yes”.

Specific Questions	Mark with “X” as appropriate
<p>A) Zone of Deposit: Do you wish to request authorization from the Department for a zone of deposit under 18 AAC 70.210?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p style="text-align: center;">If yes, provide the following information:</p> <p>Are there any alternatives that would eliminate or reduce any adverse effects of the deposit?</p> <p>What are the potential direct and indirect impacts on human health?</p> <p>What are the potential impacts on aquatic life and other wildlife, including the potential for bioaccumulation and persistence?</p> <p>What are the potential impacts on other uses of the waterbody?</p> <p>What is the expected duration of the deposit and any adverse effects?</p> <p>What is the potential for transport of pollutants by biological, physical, and chemical processes?</p>	

B) Thermal Discharge: Do you wish to request authorization from the Department for a thermal discharge source under 18 AAC 70.220?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If yes, provide the following information:

Indicate the appropriate class and subclasses of the receiving water:

I. Fresh water

- i. Water supply*
 - Drinking, culinary, and food processing*
 - Agriculture, including irrigation and stock watering*
 - Aquaculture*
 - Industrial*
- ii. Water recreation*
 - Contact recreation*
 - Secondary recreation*
- iii. Growth and propagation of fish, shellfish, other aquatic life, and wildlife*

II. Marine water

- i. Water supply*
 - Aquaculture*
 - Seafood processing*
 - Industrial*
- ii. Water recreation*
 - Contact recreation*
 - Secondary recreation*
- iii. Growth and propagation of fish, shellfish, other aquatic life, and wildlife*
- iv. Harvesting for consumption of raw mollusks or other raw aquatic life*

What is the maximum temperature (in degrees Celsius) that the discharge will cause the receiving water to exceed?

What is the maximum weekly average temperature that the discharge will cause in the receiving water?

What is the maximum rate of temperature change per hour that the discharge will cause in the receiving water?

If the receiving water is a fresh water supply used for protection, growth, propagation, and aquaculture, does the water include migratory routes, spawning areas, rearing areas, or egg and fry incubation?

C) Site-Specific Criteria: Do you wish to seek a modification under 18 AAC 70.235 to site-specific criteria set out in 18 AAC 70.020(b) and 18 AAC 70.236(b)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If yes, provide the following information:

Describe the site-specific criteria modification requested, including the specific waterbody, affected designated use class, and any evidence to demonstrate that a site-specific criterion may be required to alleviate an unnecessarily restrictive general criterion:

D) Mixing Zone: Do you wish to request authorization from the Department for a mixing zone?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p style="text-align: center;">If yes, provide the following information:</p> <p><u>Use of Receiving Water</u></p> Supply for drinking water..... Supply for agriculture including irrigation and stock water..... Supply for aquaculture..... Supply for industrial use..... Contact recreation..... Secondary recreation..... Fish spawning..... Harvesting and consumption of raw fish or other aquatic life.....	<p style="text-align: center;"><u>Distance from Diffuser</u></p>

SECTION 10 – CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the **person** or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Right to Enter Premises

By submitting this application, the applicant hereby consents to entry upon the premises by representatives of the Alaska Department of Environmental Conservation in order to: 1) have access to and copy any records that permit conditions require the applicant to keep; 2) inspect any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under a permit; and 3) sample or monitor any substances or parameters at any location for the purpose of assuring permit compliance or as otherwise authorized by 33 U.S.C. 1251-1387 (Clean Water Act).

Print Name: _____ Title: _____

Signature: _____ Date: _____

Any other information necessary to assess wastewater treatment practices and the treatment works or to identify appropriate permitting requirements must be submitted upon request from the Department.

INSTRUCTIONS

Section A: General Instructions

Section B: Instructions for Form 1

Section C: Activities That Do Not Require Permits

Section D: Glossary

SECTION A – GENERAL INSTRUCTIONS

Who Must Apply

With the exception of the activities described in Section C of these instructions, state laws prohibit the discharge of pollutants into the waters of the United States without a permit (18 AAC 83.015).

This application form must be used to apply for an APDES permit administered by the Alaska Department of Environmental Conservation (**ADEC**). Applicants should contact ADEC with any questions regarding whether an APDES permit is required and to obtain application forms. State laws provide for severe penalties if a permit is not applied for when required.

Form 1 of the APDES application forms collects general information applying to the APDES program. With the exception of POTWs and other treatment works treating domestic sewage, these facilities must complete Form 2A. In addition to Form 1, one or more of the following supplementary forms (Forms 2B, 2C, 2D, 2E, or 2F), must also be submitted. Section 6 of Form 1 provides guidance to the appropriate supplementary forms.

- 2B. Concentrated Animal Feeding Operations and Aquatic Animal Production Facilities
- 2C. Existing Manufacturing, Commercial, Mining, and Silvicultural Operations
- 2D. New Sources and New Dischargers: Application to Discharge Process Wastewater
- 2E. Facilities Which Do Not Discharge Process Wastewater
- 2F. Stormwater Discharges Associated with Industrial Activity

Note that there are certain exclusions to the permit requirements listed above. The exclusions are described in detail in Section C of these instructions. Certain activities are excluded from permit requirements and do not require the submission of any forms.

Where to File

The application forms should be mailed to:

Alaska Department of Environmental Conservation
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, AK 99501

Or signed electronically and sent to:

DEC.Water.WQPermit@alaska.gov

An electronic signature is defined as an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

When to File

Unless the Department has granted permission to submit an application at a later date, an applicant must apply for a permit by submitting the appropriate application forms according to Table 1. Because of statutory requirements, the deadlines for filing applications vary according to the type of facility. These deadlines are as follows:

Table 1. Filing Dates for Permit Applications

FORM	WHEN TO FILE
1	At least 180 days before the existing permit expires or before a new discharge is to commence.
2B:	At least 180 days before the existing permit expires or before a new discharge is to commence.
2C:	At least 180 days before the existing permit expires.
2D:	At least 180 days before a new discharge is to commence.
2E:	At least 180 days before the existing permit expires or before a new discharge is to commence.
2F:	At least 180 days before the existing permit expires or before commencing industrial activity that may result in a new discharge of stormwater associated with that industrial activity; at least 90 days before construction is to commence for a facility described under 40 CFR §122.26 (b)(14)(x) or (b)(15)(i). State regulations at 18 AAC 83.110(c) provide that a permit must be applied for at least 90 days before construction for a new source from certain stormwater discharges associated with an industrial activity begins.

Fees

ADEC requires a fee for APDES permitting and compliance services in accordance with state regulations. An applicant must pay the appropriate fee listed in Table F of 18 AAC 72.957 for authorization to discharge pollutants under an APDES individual permit or for certification of an NPDES individual permit issued by EPA, as required by 33 U.S.C. 1341.

Availability of Information to Public

Information contained in this application form or its attachments will, upon request, be made available to the public for inspection and copying. A permit applicant may assert a claim of confidentiality for proprietary or confidential business information by stamping the words "confidential business information" on each page of a submission containing proprietary or confidential business information. The Department will treat the stamped submission as confidential if the information satisfies 40 CFR §2.208, adopted by reference in 18 AAC 83.010(a), and is not otherwise required to be made public under state law. A claim of confidentiality may not be asserted for the name and address of any permit applicant or permittee, a permit application, a permit, effluent data, **sewage sludge** data, or any information required by APDES or NPDES application forms provided by the Department, whether submitted on the forms themselves or in any attachments used to supply information required by the forms. The Department will notify EPA of a confidentiality claim when providing EPA with information submitted to the Department containing a claim of confidentiality.

Completeness

An application for an APDES permit will be considered complete when the permit fee required under 18 AAC 83.905 is paid and the Department, in its sole discretion, determines that the application form and any supplemental information are satisfactory. Every question on this form and any additional required forms must be answered; if a particular item does not fit the circumstances or characteristics of the facility or activity "NA" (for not applicable) may be entered. If information previously submitted to the Department answers a question, a copy of the previous submission may be attached. Attach a separate sheet entitled "Additional Information" if more space is necessary to answer a question.

Financial Assistance for Pollution Control

There are a number of direct loans, loan guarantees, and grants available to firms and communities for pollution control expenditures. These are provided by the Small Business Administration, the Economic Development Administration, the U.S. Department of Agriculture, and the Department of Housing and Urban Development. Each EPA Regional office has an economic assistance coordinator who can provide additional information.

ADEC Facilities Program administers grant and loan programs for construction of domestic wastewater treatment facilities. Visit the ADEC Facilities Program web pages by clicking the links for the loan and grant programs at <http://www.dec.state.ak.us/water/index.htm> or call 907-269-7502 for more information. In addition, the Alaska Department of Commerce, Community, and Economic Development (DCCED) can also provide financial assistance. Access the DCCED web page at <http://www.commerce.state.ak.us/dca/grt/blockgrants.htm> or call 907-451-2716 for more information.

Retention of Records

An applicant shall keep records of all data used to complete a permit application and any supplemental information submitted with the permit for a period of at least three years from the application signature date [18 AAC 83.305(d)].

Questions

Questions regarding the information requested on any APDES application form may be directed to the following:

Anchorage: Phone: 907-269-6285
Fax: 907-269-3487

Fairbanks: Phone: 907-451-2100
Fax: 907-451-2187

Juneau: Phone: 907-465-5300
Fax: 907-465-5274

Email: DEC.Water.WQPermit@alaska.gov

SECTION B – INSTRUCTIONS FOR FORM 1

Who Must File Form 1

This form must be completed by all applicants other than **publicly owned treatment works** (POTWs) and other treatment works treating domestic sewage (TWTDS). POTWs and TWTDS must fill out form 2A only.

Section 1 – Facility Information

Enter the facility's official or legal name. Do not use a colloquial name. Provide the complete physical address or location of the facility. If the facility does not have a street name or number, give the most accurate alternative geographic information (e.g. distance from or in the vicinity of a geographic identifier). Include the latitude and longitude of the site to the sixth decimal place. For latitude and longitude information interpolated from a hardcopy map, the fourth decimal place is acceptable and the source map scale must be provided. The preferred location information will be provided as the latitude and longitude in decimal degrees, Alaska Albers Projection, North American Datum of 1983. The preferred source of the coordinates will be by a GPS unit, but other methods will be accepted, including GPS, survey, internet (such as Topozone.com), and printed map. Clearly identify the facility reference point (e.g. facility front door, center of building, etc.) horizontal accuracy and unit of measurement (e.g. 10 meters), and horizontal datum.

List, in descending order of significance, up to 4 North American Industry Classification System (NAICS) codes (formerly Standard Industrial Classification (SIC) codes), that best identify the principal products or services provided by the facility. For additional information on coastal zone boundaries, see 11 AAC 110.010, Applicability of the Alaska Coastal Management Consistency Review Program.

Section 2 – On-Site Contact Information

Give the name, title, work telephone number, and e-mail address of a person who is thoroughly familiar with the operation of the facility and with the facts reported in this application and who can be contacted by reviewing offices if necessary. Attach supplemental information if contact information changes seasonally.

Section 3 – Responsible Party Information

Give the name, as it is legally referred to, of the person, firm, public organization, or other entity who is responsible for operating the facility described in this application. This may or may not be the same name as the facility. Do not use a colloquial name. The responsible party is the legal entity that controls the facility's operation rather than the plant or site manager. All correspondence will be sent to the identified party at this address.

Check the appropriate box to indicate the legal status of the responsible party. Indicate "public" for a facility solely owned by local government(s), such as a city, town, borough, etc.

Section 4 – Consultant Information

If a consultant assisted in the preparation of this application, provide the consultant's name, title, affiliated company (if applicable), complete mailing address, work telephone number, and e-mail address.

Section 5 – Existing Environmental Permits

Provide the permit number of all permits or construction approvals presently effective or applied for under any of the listed programs. If more than one permit is currently effective for the facility under a particular permit program, list additional permit numbers on a separate sheet of paper. List any relevant federal, state, or local environmental permits or applications under "other."

Section 6 – Pollutant Characteristics

Answer each question to determine which supplementary forms are required. The glossary in Section D of these instructions contains legal definitions of the **bold-faced** words. Refer to Section C of these instructions to determine whether an activity is excluded from permit requirements.

If none of the conditions in Section 6 require additional forms to be submitted, then Form 1 does not need to be submitted and an APDES permit is not required. POTWs and TWTDS must refer to form 2A to determine if an APDES permit is required.

For any question answered "yes", the appropriate supplementary form(s) must be submitted by the deadline listed in Table 1 along with this form.

Section 7 – Topographic Map

Provide a topographic map, or other map if a topographical map is unavailable, of the area extending to at least one mile beyond the property boundaries of the facility which clearly show the following:

- The legal boundaries of the facility and each of its intake and discharge structures;
- The location of the facility's hazardous waste treatment, storage, or disposal areas;
- The location of each well where fluids from the facility are injected underground; and
- The location of wells, springs, other surface water bodies and drinking water wells listed in public records or otherwise known to exist in the map area.

An applicant for new and existing concentrated animal feed operations shall provide a topographical map of the geographic area in which the concentrated animal feeding operation is located showing the specific location of the production area in accordance with 18 AAC 83.320(4) (See Form 2B).

Section 8 – Nature of Business

Briefly provide a description of the facility and the discharge(s) requiring a permit.

Section 9 – Exceptions to Statewide Standards

Complete questions A through D to determine whether any additional information must be submitted to request a reduction of water quality under the state's antidegradation policy at 18 AAC 70.015. For any question answered "Yes", complete the information block that immediately follows.

Section 10 - Certification

Alaska Statute 46.03.790 provides for severe penalties for submitting false information on this application form. State regulations at 18 AAC 83.385 require this application be signed and certified as follows:

1. For a corporation, a responsible corporate officer shall sign the application; in this subsection, a responsible corporate officer means:
 - (A) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
 - (B) the manager of one or more manufacturing, production, or operating facilities, if
 - (i) the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations;
 - (ii) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and
 - (iii) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. For a *partnership or sole proprietorship*, the general partner or the proprietor, respectively, shall sign the application; and
3. For a **municipality**, *state, federal, or other public agency*, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means
 - (A) the chief executive officer of the agency or
 - (B) a senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.

Include the name and title of the person signing the form and the date of signing.

SECTION C – ACTIVITIES THAT DO NOT REQUIRE AN APDES PERMIT

Under the provisions of the Clean Water Act (CWA) and regulations at 18 AAC 83.015(b), the following discharges do not require an APDES permit but are subject to any applicable waste disposal permit requirements of AS 46.03.100 or any other state authorization.

- (1) **DISCHARGES FROM VESSELS:** Any discharges of **sewage from a vessel**, effluent from a properly functioning marine engine, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel as that term is defined in AS 46.03.826(14). However, this exclusion does not apply to rubbish, trash, garbage, or other materials discharged overboard, or other discharges when the vessel is operating in a capacity other than as a means of transportation, including when the vessel is used as an energy or mining facility, a storage facility, or a seafood processing facility; secured to a storage facility or a seafood processing facility; or secured to the bed of the ocean, **contiguous zone**, or waters of the United States for the purpose of mineral or oil exploration or development.
- (2) **DREDGED OR FILL MATERIAL:** Any discharge of dredged or fill material into waters of the United States that is regulated under 33 U.S.C 1322 (Clean Water Act, sec. 404)
- (3) **DISCHARGES INTO PUBLICLY OWNED TREATMENT WORKS (POTWs):** The introduction of sewage, industrial wastes, or other pollutants into POTWs by an **indirect discharger**. However, this exclusion does not apply to an indirect discharger defined as a significant industrial user under 40 CFR Part 403, adopted by reference in 18 AAC 83.010, if the indirect discharge is or will be to a POTW without an approved pretreatment program. The Department will provide an opportunity for any POTW that may receive indirect discharges from a significant industrial user to comment on the significant industrial user's permit.
- (4) **DISCHARGES IN COMPLIANCE WITH AN ON-SCENE COORDINATOR'S INSTRUCTIONS:** Any discharge in compliance with the instructions of an on-scene coordinator under 40 CFR Part 300 (The National Oil and Hazardous Substances Contingency Plan) or 33 CFR Part 153 (Control of Pollution by Oil and Hazardous Substances, Discharge Removal).
- (5) **DISCHARGES FROM AGRICULTURAL AND SILVICULTURAL ACTIVITIES:** Any introduction of pollutants from non-point source agricultural and silvicultural activities, including stormwater runoff from orchards, cultivated crops, pastures, rangelands, and forest lands. However, this exclusion does not apply to discharges from concentrated animal feeding operations, discharges from concentrated aquatic animal production facilities, discharges to aquaculture projects, and discharges from **silvicultural point sources**.
- (6) Any return flow from irrigated agriculture.
- (7) Any discharge into a **privately owned treatment works**, unless the Department otherwise requires under 18 AAC 83.485.
- (8) Any discharge of a pollutant from a POTW into marine waters where the discharger has been granted a waiver under 33 U.S.C. 1311(h). (Also referred to as a Section 301(h) waiver.)

SECTION D – GLOSSARY

NOTE: This Glossary includes terms used in the instructions and in Forms 1, 2A, 2B, 2C, 2D, 2E, and 2F. If you have any questions concerning the meaning of any of these terms, please contact ADEC.

ADEC means the Alaska Department of Environmental Conservation.

ADMINISTRATOR means the administrator of the United States **Environmental Protection Agency (EPA)**, or an authorized representative.

ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM OR APDES means the state's program, approved by EPA under 33.U.S.C. 1342(b), for issuing, modifying, revoking and reissuing, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under 33 U.S.C. 1317, 1328, 1342, and 1345.

ALiquot means a sample of specified volume used to make up a total composite sample.

ANIMAL FEEDING OPERATION (AFO) means a lot or facility (other than an aquatic animal production facility) where the following conditions are met

- 1) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
- 2) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Two or more animal feeding operations under common ownership are a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

ANIMAL UNIT means a unit of measurement for any animal feeding operation calculated by adding the following numbers: The number of slaughter and feeder cattle multiplied by 1.0; Plus the number of mature dairy cattle multiplied by 1.4; Plus the number of swine weighing over 25 kilograms (*approximately 55 pounds*) multiplied by 0.4; Plus the number of sheep multiplied by 0.1; Plus the number of horses multiplied by 2.0.

APPLICATION means a submission of required information on (A) the EPA standard national forms for applying for an NPDES permit, or (B) the Department equivalent forms adopted by the state for use in the APDES program and approved by EPA for use by the state, including any approved modifications or revisions.

APPROVED PROGRAM or APPROVED STATE means a state program which has been approved or authorized by EPA under 40 CFR Part 123.

AQUACULTURE PROJECT means a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals. "Designated project area" means the portions of the waters of the United States within which the applicant plans to confine the cultivated species, using a method of plan or operation (including, but not limited to, physical confinement) which, on the basis of reliable scientific evidence, is expected to ensure the specific individual organisms comprising an aquaculture crop will enjoy increased growth attributable to the discharge of pollutants and be harvested within a defined geographic area.

AVERAGE MONTHLY DISCHARGE LIMITATION means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

AVERAGE WEEKLY DISCHARGE LIMITATION means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all the daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

BEST MANAGEMENT PRACTICES (BMP) means (A) schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States; and (B) treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BIOLOGICAL MONITORING TEST or BIOMONITORING TEST means any test which includes the use of aquatic algal, invertebrate, or vertebrate species to measure acute or chronic toxicity, and any biological or chemical measure of bioaccumulation.

BYPASS means the intentional diversion of wastes from any portion of a treatment facility.

COMMISSIONER means the commissioner of the Alaska Department of Environmental Conservation.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) means an **animal feeding operation** which meets the criteria set forth in either (A) or (B) below or which the Director designates as such on a case-by-case basis:

- (A) Large CAFO: As many as or more than the numbers of animals specified in any of the following categories are stabled or confined:
 1. 700 mature dairy cows, whether milked or dry cows;
 2. 1,000 veal calves;
 3. 1,000 cattle other than mature dairy cows or veal calves;
 4. 2,500 swine each weighing 55 pounds or more;
 5. 10,000 swine each weighing less than 55 pounds;
 6. 500 horses;
 7. 10,000 sheep or lambs;
 8. 55,000 turkeys;
 9. 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system;
 10. 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
 11. 82,000 laying hens, if the AFO uses other than a liquid manure handling system;
 12. 30,000 ducks, if the AFO uses other than a liquid manure handling system; or
 13. 5,000 ducks, if the AFO uses a liquid manure handling system.
- (B) Medium CAFO: The type and number of animals falls within any of the ranges listed below, *and* if pollutants are discharged into the waters of the United States

through a man-made ditch, flushing system, or other similar man-made device; or if pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into contact with the animals confined in the operation:

1. 200 to 699 mature dairy cows, whether milked or dry cows;
2. 300 to 999 veal calves;
3. 300 to 999 cattle other than mature dairy cows or veal calves;
4. 750 to 2,499 swine each weighing 55 pounds or more;
5. 3,000 to 9,999 swine each weighing less than 55 pounds;
6. 150 to 499 horses;
7. 3,000 to 9,999 sheep or lambs;
8. 16,500 to 54,999 turkeys;
9. 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system;
10. 37,500 to 124,999 chickens (other than laying hens), if the AFP uses other than a liquid manure handling system;
11. 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system;
12. 10,000 to 29,999 ducks, if the AFO uses other than a liquid manure handling system; or
13. 1,500 to 4,999 ducks, if the AFO uses a liquid manure handling system.

CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY means a hatchery, fish farm, or other facility which contains, grows or holds aquatic animals in either of the following categories, or which the Director designates as such on a case-by-case basis:

- (A) Cold water fish species or other cold water aquatic animals including, but not limited to, the Salmonidae family of fish (e.g., trout and salmon) in ponds, raceways or other similar structures which discharge at least 30 days per year but does not include:
1. Facilities which produce less than 9,090 harvest weight kilograms (approximately 20,000 pounds) of aquatic animals per year; and
 2. Facilities which feed less than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding.
- (B) Warm water fish species or other warm water aquatic animals including, but not limited to, the Ameiuridae, Cetrarchiclae, and Cyprinidae families of fish (e.g., respectively, catfish, sunfish, and minnows) in ponds, raceways, or other similar structures which discharge at least 30 days per year, but does not include:
1. Closed ponds which discharge only during periods of excess runoff; or
 2. Facilities which produce less than 45,454 harvest weight kilograms (approximately 100,000 pounds) of aquatic animals per year.

CONTACT COOLING WATER means water used to reduce temperature which comes into contact with a raw material, intermediate product, waste product other than heat, or finished product.

CONTIGUOUS ZONE means the entire zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

CONTINUOUS DISCHARGE means a discharge that occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

CLEAN WATER ACT (CWA) means the federal law codified at 33 U.S.C. 1251-1387, also known or referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972.

DAILY DISCHARGE means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling; the daily discharge is calculated for a pollutant with limitations expressed in (A) unit of mass, as the total mass of the pollutant discharged over the day, and (B) other units of measurement, as the average measurement of the pollutant over the day.

DEPARTMENT means the Alaska Department of Environmental Conservation.

DIRECT DISCHARGE means the discharge of a pollutant.

DIRECTOR means the commissioner or the commissioner's designee assigned to administer the APDES Program or a portion of it, unless the context identifies an EPA director.

DISCHARGE when used without qualification means the discharge of a pollutant.

DISCHARGE (OF A POLLUTANT)

- A) means any addition of any pollutant or combination of pollutants
- i) to waters of the United States from any point source; or
 - ii) to waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft that is being used as a means of transportation;
- B) includes any addition of pollutants into waters of the United States from
- (i) surface runoff that is collected or channeled by humans;
 - (ii) discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person that do not lead to a treatment works; and
- C) does not include an addition of pollutants by any indirect discharger.

DISCHARGE MONITORING REPORT(DMR) means the EPA uniform national form, adopted by reference in 18 AAC 83.410(d), for the self-monitoring results by permittees, including any department equivalent modified to substitute the Department's name address, logo, and other similar information, as appropriate, in place of information pertaining to EPA.

DRAFT PERMIT means a document prepared under 18 AAC 83.115, indicating the Department's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a permit.

EFFLUENT LIMITATION or **EFFLUENT LIMIT** means any restriction imposed by the Department on quantities, discharge rates, and concentrations of pollutants that are discharged from point sources into waters of the United States, the waters of the contiguous zone, or the ocean.

EFFLUENT LIMITATION GUIDELINES means a regulation published by the administrator under 33 U.S.C. 1314(b) to adopt or revise effluent limitations.

ENVIRONMENTAL PROTECTION AGENCY or **EPA** means the United States Environmental Protection Agency.

EXISTING SOURCE or **EXISTING DISCHARGER** (*in the APDES program*) means any source which is not a new source or a new discharger.

FACILITY or **ACTIVITY** means any point source or any other facility or activity, including land or appurtenances, that is subject to regulation under the APDES program.

FEDERAL INDIAN RESERVATION means all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

GENERAL PERMIT means an APDES permit issued under 18 AAC 83.205, or an NPDES permit issued by EPA under 40 CFR §122.28 before the state's acceptance of delegation of the NPDES program, authorizing a category of discharges under 33 U.S.C. 1251 – 1387 within a geographical area.

HAZARDOUS SUBSTANCE means any of the substances designated under 40 CFR Part 116 in accordance with 33 U.S.C. 1321. (*NOTE: These substances are listed in Table 2C-4 of the instructions to Form 2C*)

IN OPERATION means a facility which is treating, storing, or disposing of hazardous waste.

INDIAN TRIBE means any Indian tribe, band, group, or community recognized by the United States Secretary of the Interior and exercising governmental authority over a federal Indian reservation.

INDIRECT DISCHARGER means a nondomestic discharger introducing pollutants to a publicly owned treatment works.

INDIVIDUAL CONTROL STRATEGY means a final APDES permit with supporting documentation showing that effluent limits are consistent with an approved wasteload allocation or other documentation which shows that applicable water quality standards will be met no later than three years after the individual control strategy is established.

INTERSTATE AGENCY means an agency of two or more states established by or under an agreement or compact approved by the United States Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the administrator under 33 U.S.C. 1251 – 1387 and regulations adopted under those provisions.

LOG SORTING AND LOG STORAGE FACILITIES means facilities where discharges result from the holding of unprocessed wood, such as logs or roundwood with bark or after removal of bark held in self-contained bodies of water such as mill ponds or log ponds or stored on land for wet decking where water is applied intentionally on the logs.

MAJOR FACILITY means any NPDES facility or activity classified as a major facility by the **regional administrator**, or any APDES

facility or activity classified as a major facility by the regional administrator in conjunction with the Department.

MAXIMUM DAILY DISCHARGE LIMITATION means the highest allowable daily discharge.

MGD means millions of gallons per day.

MINOR FACILITY means any facility that is not a major facility.

MUNICIPALITY means a city, village, town, borough, district, association, or other public body created by or under state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of CWA [33 U.S.C. 1288].

MUNICIPAL SEPARATE STORM SEWER SYSTEM or **MS4** has the meaning given in 40 CFR 122.26(b)(4) and (b)(7), adopted by reference in 18 AAC 83.010.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM or **NPDES (A)** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of CWA [33 U.S.C. 1317, 1328, 1342, and 1345]; **(B)** includes the APDES program, as approved by EPA.

NEW DISCHARGER (A) means any building, structure, facility, or installation

(i) from which there is or may be a discharge of pollutants;

(ii) that did not commence the discharge of pollutants at a particular site before August 13, 1979;

(iii) that is not a new source; and

(iv) that has never received a finally effective NPDES permit for discharges at that site;

(B) includes

(i) an indirect discharger that commenced or commences discharging into waters of the United States after August 13, 1979;

(ii) any existing mobile point source other than an offshore or coastal oil and gas exploratory drilling rig or a coastal oil and gas development drilling rig such as a seafood processing rig, seafood processing vessel, or aggregate plant, that begins discharging at a site for which it does not have a permit; and

(iii) any offshore or coastal mobile oil and gas exploratory drilling rig or coastal mobile oil and gas developmental rig that commenced or commences the discharge of pollutants after August 13, 1979, at a site under EPA's permitting jurisdiction for which it is not covered by an individual or general permit and which is located in an area determined by the regional administrator in the issuance of a final permit to be an area of biological concern considering the factors specific in 40 CFR §125.122(a)(1) – (10), adopted by reference in 18 AAC 83.010;

(iv) an offshore or coastal mobile exploratory drilling rig or coastal mobile developmental drilling rig will be considered a new discharger only for the duration of its discharge in an area of biological concern.

NEW SOURCE (A) means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced

(i) after promulgation of standards of performance under Section 306 of CWA [33 U.S.C. 1316] that are applicable to a new source; or

(ii) after proposal of standards of performance in accordance with Section 306 of CWA [33 U.S.C. 1316] that are applicable to a new source, but only if the standards are promulgated in accordance with Section 306 of CWA [33 U.S.C. 1316] within 120 days of their proposal;

(B) except as otherwise provided in an applicable new source performance standard, is a source that

(i) is constructed at a site at which no other source is located;

(ii) totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) has processes which are substantially independent of an existing source at the same site, considering such factors as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source.

(C) for purposes of (A) and (B), is a new source only if a new source performance standard is independently applicable to it; if there is no independently applicable standard, the source is a new discharger;

(D) is construction of a new source that has commenced if the **owner** or **operator** has

(i) begun, or caused to begin as part of a continuous on-site construction program, any placement, assembly, or installation of facilities or equipment or significant site preparation work including clearing, excavation or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) entered into a binding contractual obligation for the purchase of a facilities or equipment intended to be used in its operation within a reasonable time; options to purchase or contracts that can be terminated or modified without substantial loss, contracts for feasibility engineering and design studies do not constitute a contractual obligation;

(E) does not include construction on a site that results in a modification to an existing source subject to 18 AAC 83.130, if the construction does not create a new building, structure, facility, or installation meeting the criteria in (A) – (D) of this paragraph, but otherwise alters, replaces, or adds to existing process or production equipment.

(F) as used in (A)-(E) of this paragraph:

(i) “existing source” means any source that is not a new source or a new discharger;

(ii) “facility or equipment” means any building, structure, process or production equipment or machinery which form a permanent part of the new source and which will be used in its operation, if the facility or equipment is of such value as to represent a substantial commitment to construct, but does not include any facility or equipment used in connection with

feasibility, engineering, and design studies regarding the source or water pollution treatment for the source;

(iii) “source” means any building, structure, facility, or installation from which there is or may be a discharge of pollutants;

NONCONTACT COOLING WATER means water used to reduce temperature which does not come into direct contact with any raw material, intermediate product, waste product (*other than heat*), or finished product.

ON-SITE CONTACT means the person who is thoroughly familiar with the operation of the facility and with the facts reported in this application and who can be contacted by reviewing offices if necessary.

OPERATOR means the party responsible for the overall operation of a facility. (*See “Responsible Party”*)

OUTFALL means a point source.

OWNER means the owner of any facility subject to regulation under the APDES program.

PERMIT (A) means an authorization, license, or equivalent control document issued by the Department to implement the requirements of the APDES Program and 18 AAC 83; (B) includes an APDES general permit and an EPA-issued NPDES general permit.

PERSON means an individual, association, partnership, corporation, municipality, state or federal agency, or an agent or employee thereof.

POINT SOURCE (A) means any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged; (B) does not include return flows from irrigated agricultural storm water runoff.

POLLUTANT (A) means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials except those regulated under 42 U.S.C. 2011, heat, wrecked or discarded equipment, rocks, sand, cellar dirt and industrial, municipal, or agriculture waste discharged into water;

(B) does not include sewage from vessels or water, gas, or other material that is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well

(i) is used either to facilitate production or for disposal purposes

(ii) is approved by authority of the Department, and

(iii) if the Department determines that the injection or disposal will not result in the degradation of ground or surface water resources.

PRELIMINARY DRAFT PERMIT means a draft permit that the Department intends to provide notice of under 18 AAC 83.120 and that is provided in advance to the applicant under 18 AAC 83.115(e).

PRETREATMENT has the meaning given in 40 CFR §403.3(q), adopted by reference in 18 AAC 83.010.

PRIMARY INDUSTRY CATEGORY means any industry category listed in Appendix A to 40 CFR Part 122, adopted by reference in 18 AAC 83.010.

PRIVATELY OWNED TREATMENT WORKS means any device or system that is used to treat wastes from any facility whose operator is not the operator of the treatment works and is not a POTW.

PROCESS WASTEWATER means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

PROPOSED FINAL PERMIT means a permit, prepared after the public comment period and any public hearing and administrative appeal, that may be sent to EPA for review before final issuance by the Department.

PUBLICLY OWNED TREATMENT WORKS or POTW (A) means a treatment works as defined by 33 U.S.C. 1292 that is owned by a state or municipality; municipality includes a municipality that has jurisdiction over the indirect discharges to and the discharges from such a treatment works;

(B) includes

(i) any device and system used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature; and

(ii) any sewer, pipes, and other conveyances that conveys wastewater to a POTW treatment plant.

RECOMMENCING DISCHARGER means a source that recommences discharge after terminating operations.

REGIONAL ADMINISTRATOR means the regional administrator of EPA Region 10 or the authorized representative of the regional administrator.

RESPONSIBLE PARTY means the person, firm, public organization, or any other entity responsible for the overall operation of the facility. This may or may not be the same name as the facility. The responsible party is the legal entity which controls the facility's operation rather than the plant or site manager and receives all correspondence from the Department.

ROCK CRUSHING OR GRAVEL WASHING FACILITIES means facilities that process crushed and broken stone, gravel, and riprap.

SCHEDULE OF COMPLIANCE means a schedule of remedial measures in a permit, including an enforceable sequence of interim requirements such as actions, operations, or milestone events, leading to compliance with 33 U.S.C. 1251 – 1387 and 18 AAC 83.

SECONDARY INDUSTRY CATEGORY means any industry category that is not a primary industry category.

SEPTAGE means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or a holding tank when the system is cleaned or maintained.

SEVERE PROPERTY DAMAGE means substantial physical damage to property, damage to treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass; in this paragraph, "severe property damage" does not include economic loss caused by delays in production.

SEWAGE FROM VESSELS means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes that are discharged from vessels and regulated under Section 312 of CWA [33 U.S.C. 1322].

SEWAGE SLUDGE (A) means any solid, semi-solid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage; (B) includes solids removed during primary, secondary, or advanced wastewater treatment, scum, septage, portable toilet pumpings, type III marine sanitation device pumpings under 33 CFR Part 159, and sewage sludge products; (C) does not include grit, screenings, or ash generated during the incineration of sewage sludge.

SEWAGE SLUDGE USE OR DISPOSAL PRACTICE means the collection, storage, treatment, transportation, processing, monitoring, use, or disposal of sewage sludge.

SILVICULTURAL POINT SOURCE (A) means any discernable, confined, and discrete conveyance related to rock crushing and gravel washing, log sorting, or log storage facilities that are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States; (B) does not include non-point source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. However, some of these activities (such as stream crossing for roads) may require a CWA Section 404 permit.

SITE means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

STATE means the State of Alaska.

STATE AND EPA AGREEMENT means an agreement between the regional administrator and the state that coordinates EPA and state activities, responsibilities, and programs, including those under 33 U.S.C. 1251-1387.

STORMWATER means stormwater runoff, snow melt runoff, and surface runoff and drainage.

STORMWATER DISCHARGE ASSOCIATED WITH INDUSTRIAL ACTIVITY means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant.

SURFACE IMPOUNDMENT or IMPOUNDMENT means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (*although it may be lined with manmade materials*), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

TOTAL DISSOLVED SOLIDS means the total dissolved solids as determined by use of the method specified in 40 CFR Part 136, adopted by reference in 18 AAC 83.010.

TOXIC POLLUTANT means any pollutant listed as toxic under Section 307(a)(1) of CWA [33 U.S.C. 1317(a)(1)].

TREATMENT WORKS TREATING DOMESTIC SEWAGE (TWTDS) means a POTW or any other sewage sludge or waste water treatment devices or systems, regardless of ownership (including federal facilities), used in the storage, treatment,

recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge.

UNDERGROUND INJECTION means well injection.

UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee; upset does not include the following: (A) noncompliance to the extent caused by operational error; (B) improperly designed or installed treatment facilities; (C) inadequate treatment facilities; (D) lack of preventive maintenance; (E) careless or improper operation.

VARIANCE (A) means any mechanism or provision under 33 U.S.C. 1311 or 1326 or under 18 AAC 83.160, or in the applicable effluent limitations guidelines, that allows a modification or waiver of the generally applicable effluent limitation requirements or time deadlines of 33 U.S.C 1251 – 1387; (B) includes provisions that allow the establishment of alternative limitations based on fundamentally different factors or based upon 33 U.S.C. 1311(c), (g) – (i), or 1326(a).

WATERS OF THE UNITED STATES or WATERS OF THE U.S. (A) means:

- (i) all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
- (ii) all interstate waters, including interstate **wetlands**;
- (iii) all other waters such as intrastate lakes, rivers, streams, including intermittent streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce, including any such waters that are or could be used by interstate or foreign travelers for recreational or other purposes; from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or that are used or could be used for industrial purposes by industries in interstate commerce;
- (iv) all impoundments of waters otherwise defined as waters of the United States;
- (v) tributaries of waters identified in paragraphs (i) – (iv);
- (vi) the territorial sea; and
- (vii) wetlands adjacent to waters, other than waters that are themselves wetlands, identified in paragraphs (i) - (vi).

(B) does not include

(i) waste treatment systems including treatment ponds or lagoons designed to meet the requirements of 33 U.S.C. 1251 – 1387 (CWA), other than cooling ponds as defined in 40 CFR §423.11(m), adopted by reference in 18 AAC 83.010 that also meet the criteria of this paragraph;

(ii) prior converted cropland; however, notwithstanding the determination of an area's status as prior converted cropland by any federal agency other than EPA, the final authority regarding CWA jurisdiction remains with EPA.

WELL INJECTION or UNDERGROUND INJECTION means the subsurface emplacement of fluids through a bored, drilled, or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

WETLANDS means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and generally include swamps, marshes, bogs, and similar areas.

WHOLE EFFLUENT TOXICITY means the aggregate toxic effect of an effluent measured directly by a toxicity test.