ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM

INDIVIDUAL PERMIT – PRELIMINARY DRAFT

AK0001155 – ConocoPhillips Alaska Inc.
Kenai Liquefied Natural Gas Facility

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, AK 99501

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et seq*., as amended by the Water Quality Act of 1987, P.L. 100-4, this permit is issued under provisions of Alaska Statutes (AS) 46.03; the Alaska Administrative Code (AAC) as amended; and other applicable State laws and regulations. The

CONOCOPHILLIPS ALASKA, INC.

is authorized to discharge from the Kenai Liquefied Natural Gas facility (facility) at 48237 Kenai Spur Highway Kenai, Alaska at the following location(s):

Outfall	Receiving Water or Body	Latitude	Longitude
001	Cook Inlet	60˚ 40’ 41” North	151˚ 23’ 37” West

In accordance with the discharge point(s) effluent limitations, monitoring requirements, and other conditions set forth herein:

This permit and authorization shall become effective [insert date]

This permit and the authorization to discharge shall expire at midnight, [insert date]

The permittee shall reapply for a permit reissuance on or before [insert date], 180 days before the expiration of this permit if the permittee intends to continue operations and discharge(s) at the facility beyond the term of this permit.

The permittee shall post or maintain a copy of this permit to discharge at the facility and make it available to the public, employees, and subcontractors at the facility.

Preliminary Draft

Signature	Date
Wade Strickland	Program Manager
Printed Name	Title

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SCHEDULE OF SUBMISSIONS

The Schedule of Submissions summarizes some of the required submissions and activities ConocoPhillips Alaska, Inc. (permittee) must complete and/or submit to the Alaska Department of Environmental Conservation (Department or DEC) during the term of this permit. The permittee is responsible for all submissions and activities even if they are not summarized below.

Table 1: Schedule of Submissions

Permit Part	Submittal or Completion	Frequency	Due Date	Submit to[a]
Appendix A, 3.2	Discharge Monitoring Report (DMR).	Monthly	Must be submitted on or before the 28th day of the following month.[b]	Compliance
1.3	Whole Effluent Toxicity (WET) Monitoring.	Semi Annually	Must be submitted on or before the 28th day of the month following testing.	Compliance
3.1	Written notification that the Quality Assurance Project Plan (QAPP) has been developed and implemented.	1/permit cycle	Within 120 Days after the effective date of the final permit.	Compliance
3.2	Written notification that the Best Management Practices (BMP) Plan has been developed and implemented.	1/permit cycle	Within 120 days after the effective date of the final permit.	Compliance
3.2	Annual review and recertification of BMP Plan.	Annually	January 31st of each year.	Compliance
3.3	Receiving Water Sampling and Analysis Plan (SAP) for DEC review/approval.	1/permit cycle	Within 90 days prior to first sample event.	Permitting
3.3	Receiving Water Sampling and Analysis Results Summary.	4/permit cycle	Within 180 days before expiration of this permit.	Permitting
Appendix A, 1.3	Application for Permit Reissuance.	1/permit cycle	Within 180 days before expiration of this permit.	Permitting
Appendix A, 3.4	Oral notification of noncompliance.	As Necessary	Within 24 hours from the time the permittee becomes aware of the circumstances of noncompliance.	Compliance
Appendix A, 3.4	Written documentation of noncompliance.	As Necessary	Within 5 days after the permittee becomes aware of the circumstances.	Compliance

a) See Appendix A 1.1 for addresses
b) This due date supersedes the date shown in Standard Conditions Sections 3.2.1 and 3.2.3 on Page A-9.

1.0 LIMITATIONS AND MONITORING REQUIREMENTS

1.1 Discharge Authorization

1.1.1 During the effective period of this permit, the permittee is authorized to discharge pollutants from Outfall 001 at the facility to Cook Inlet, within the limits and subject to conditions set forth herein. This permit authorizes discharge of only those pollutants resulting from facility processes, waste streams, and operations clearly identified in the permit application process.

1.2 Effluent Limits and Monitoring

1.2.1 The permittee must limit and monitor discharges from Outfall 001 as specified in Table 2. All values represent maximum effluent limits, unless otherwise indicated. The permittee must comply with effluent limitations in the table at all times unless otherwise indicated, regardless of monitoring frequency or reporting required by other provisions of this permit.

Table 2: Outfall 001 - Effluent Limits and Monitoring Requirements

	Effluent Limits			Monitoring Requirements	
Parameter	**Units**	**Monthly Average**	**Daily Maximum**	**Sample Frequency**	**Sample Type**
Flow[a]	Million Gallons per Day (MGD)	Report	0.35	Continuous	Recorded
Temperature	Degrees Celsius (C°)	N/A	Report	Weekly [b]	Recording
pH	Standard Units (SU)	$6.5 \leq pH \leq 8.5$		Weekly [b]	Grab
Five-day Biochemical Oxygen Demand (BOD_5)	Milligrams per liter (mg/L)	30	60	Monthly	Composite [c]
Total Suspended Solids (TSS)	mg/L	30	60	Monthly	Composite [c]
Oil and Grease	mg/L	5	10	Monthly	Grab
Total Residual Chlorine (TRC)	µg/L	565	1,240	Weekly [b]	Grab
Fecal Coliform (FC) Bacteria [d]	FC count per 100 milliliter (FC/100ml)	20	40	Monthly	Grab
Enterococci Bacteria [d, e]	Count per /100 ml	N/A	Report	Monthly	Grab
Total Ammonia, as N	mg/L	N/A	Report	Quarterly [f]	Grab
Total Aqueous Hydrocarbons (TAqH)	Micrograms per liter (µg/L)	N/A	Report	Quarterly [f]	Grab
Copper	µg/L	N/A	Report	Monthly	Grab
Mercury	µg/L	N/A	Report	Monthly	Grab
Chronic Whole Effluent Toxicity (WET)	Chronic Toxicity Unit (TU_c)	N/A	Report	Semiannually [g]	Composite [c]

Table 2: Outfall 001 - Effluent Limits and Monitoring Requirements

	Effluent Limits			Monitoring Requirements	
Parameter	**Units**	**Monthly Average**	**Daily Maximum**	**Sample Frequency**	**Sample Type**

Notes:

a. The wastewater discharge volume shall not exceed the maximum hydraulic design flow rate that is based on the mixing zone application for the permit.

b. Parameters may be monitored continuously but reported weekly

c. Composite samples must consist of at least eight grab samples collected at equally spaced intervals over a 24-hour period and proportionate to flow so that composite samples reflect influent/effluent quality during the compositing period.

d. All effluent fecal coliform and enterococci bacteria average results must be reported as geometric mean.

e. Monitoring for enterococci bacteria is only required during the months of May through October.

f. A quarter is defined as: January 1 through March 31; April 1 through June 30; July 1 through September 30; October 1 through December 31.

g. Semiannually consists of one sample taken in the 1st quarter and one sample taken in the 3rd quarter. If after the first three years no chronic toxicity is observed, the permittee may submit a written request for Department approval to reduce the WET testing frequency to annual.

1.2.2 Discharge shall not cause contamination of surface or ground waters, and shall not cause or contribute to a violation of the Alaska Water Quality Standards (18 AAC 70), except if excursions are authorized in accordance with applicable provisions in 18 AAC 70.240 – 70.270 (i.e. mixing zone).

1.2.3 The pH must not be less than 6.5 SU nor greater than 8.5 SU.

1.2.4 The permittee must collect effluent samples from the effluent stream after the last treatment unit before discharge into receiving waters.

1.2.5 For all effluent monitoring, the permittee must use a test method that can achieve a method detection limit (MDL) less than the effluent limitation. For a parameter without an effluent limitation, the permittee must use an analytical test method that can achieve an MDL less than the applicable water quality criteria for that parameter.

1.2.6 For purposes of reporting on the DMR for a single sample, if a value is less than the MDL, the permittee must report “less than [numeric value of MDL]” and if a value is less than a minimum level (ML), the permittee must report “less than [numeric value of ML].”

1.2.7 For purposes of calculating a monthly average, zero (0) may be assigned for a value less than the MDL, and the [numeric value of MDL] may be assigned for a value between the MDL and the ML. If the average value is less than the MDL, the permittee must report “less than [numeric value of MDL]” and if the average value is less than the ML, the permittee must report “less than [numeric value of ML].” If a value is equal to or greater than the ML, the permittee must report and use the actual value. The resulting average value must be compared to the compliance level, ML, in assessing compliance.

1.3 Additional Monitoring

1.3.1 The permittee shall conduct additional effluent monitoring of pollutants required under individual permit application Form C during the permit cycle and include the results with the application for reissuance. The permittee shall perform effluent monitoring four times during the permit term. Each monitoring event shall be conducted in a different calendar year and in a different season.

1.3.2 Monitoring for these parameters that are performed to satisfy other monitoring requirements (e.g., Section 3.3) of this permit may be used to satisfy this specific monitoring requirement as long as the "different calendar year and season" criteria are met.

1.4 WET Monitoring

The permittee shall conduct semi-annual chronic WET testing on representative samples of the effluent discharged from Outfall 001 in accordance with the subsections below.

Acute WET testing is not required by this permit. However the permittee shall estimate acute toxicity based on observations of mortality during chronic tests and include an estimate of the lethal concentration representing 50 percent mortality (LC50) in the WET report, if applicable.

1.4.1 Test Species and Methods. The permittee shall initially conduct chronic WET testing on the three plant and animal species noted below to screen for the two most sensitive species. The two most sensitive species must be approved by DEC for use in subsequent chronic WET tests.

1.4.1.1 Plant (Germination and Growth Test Method 1009.0: Macrocystis pyrifera (giant kelp) static non-renewal toxicity test.

1.4.1.2 Vertebrate (survival and growth): *Atherinops affinis* (topsmelt). In the event that topsmelt is not available, *Menidia beryllina* (inland silverside) may be used as a substitute. The permittee shall document the substitute species in the next DMR following the testing.

1.4.1.3 Invertebrate: For larval development tests, the permittee must conduct tests with a bivalve species, *Crassostrea gigas*, (Pacific Oyster) or *Mytilus sp*. (mussel). For fertilization tests, the permittee must use an echinoderm, *Strongylocentrotus purpuratus* (purple sea urchin) *or Dendraster excentricus* (sand dollar). Due to seasonal variability, testing may be performed during reliable spawning periods (e.g. December through February for mussels and June through August for oysters).

1.4.2 Monitoring Frequency. Monitoring shall be conducted semiannually. If no chronic toxicity is reported after three years, (six consecutive tests), the permittee may make a written request for Department approval to reduce the chronic WET monitoring frequency to annually. Written approval from the Department is required prior to reducing the frequency.

1.4.3 Procedures: The permittee must conduct chronic WET testing using the following procedures.

1.4.3.1 The presence of chronic toxicity must be estimated as specified in United States (U.S.) Environmental Protection Agency (EPA) Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, Third Edition (EPA-821-R-02-014). For the bivalve species, chronic toxicity must be estimated as specified in Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to West Coast Marine and Estuarine Organisms (EPA/600/R-95/136). The WET testing will determine the inhibition concentration (IC_{25}) point estimate of the toxicant concentration that would cause a 25-percent reduction in the growth or reproduction of each test species.

1.4.3.2 Results must be reported on the DMR using chronic toxicity units (TUc), where TUc = $100/IC_{25}$. The reported IC_{25} must be the lowest IC_{25} calculated for the applicable survival, growth or fertilization endpoints.

1.4.3.3 The permittee must report the no observed effect concentrations (NOECs) in the full WET test report. DEC may compare this information with the IC_{25} during permit reissuance.

1.4.3.4 Although acute WET testing is not required, the permittee must provide an estimate of acute toxicity based on observations of mortality when appropriate (e.g. vertebrates). Acute toxicity estimates, if available, must be documented in the full report.

1.4.3.5 A series of at least five dilutions and a control must be tested. The recommended initial dilution series is 0, 6.25, 12.5, 25, 50, and 100. In subsequent tests, the dilution series should be designed to bracket toxicity end points from previous tests to provide meaningful toxicity information during the next permit reissuance.

1.4.3.6 In addition to those quality assurance measures specified in the methodology, the following quality assurance procedures must be followed:

1.4.3.6.1 If organisms are not cultured by the testing laboratory, concurrent testing with reference toxicants must be conducted, unless the test organism supplier provides control chart data from at least the previous five months of reference toxicant testing. Where organisms are cultured by the testing laboratory, monthly reference toxicant testing is sufficient.

1.4.3.6.2 If either of the reference toxicant tests or the effluent tests does not meet all test acceptability criteria as specified in the test methods manual, then the permittee shall re-sample and re-test as soon as possible.

1.4.3.6.3 Control and dilution water should be receiving water, or salinity adjusted lab water. If the dilution water used is different from the culture water, a second control, using culture water must also be used.

1.4.4 <u>Reporting.</u>

1.4.4.1 The permittee shall submit chronic WET test results in a toxicity test report with the DMR for the month following sample collection. The report shall include NOECs and an estimate of acute toxicity based on observations of mortality during chronic tests and include this information in the WET report.

1.4.4.2 The report of results shall include all relevant information outlined in Section 10. Report Preparation of U.S. EPA Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, Third Edition (EPA-821-R-02-014).

1.4.4.3 In addition to toxicity test results, the permittee shall report:

i) The date and time of sample collection and initiation of each test,
ii) Facility production rate during sampling event,
iii) The flow rate at the time of sample collection, and
iv) A list of corrosion inhibitors, biocides, algaecides, or other additives being used by facility during the 30 day period preceding sampling.

2.0 MIXING ZONES

2.1 Parameters Authorized:

Acute and chronic mixing zones are authorized for facility discharges of TRC, TAqH, ammonia, arsenic, copper, mercury, nickel, zinc, and temperature for Outfall 001.

2.2 Sizes and Orientations:

Both the acute and chronic mixing zones are rectangular in shape with the area centered on Outfall 001 and aligned with the long axis parallel to the shoreline. The acute and chronic mixing zones extend from the seafloor to the sea surface and have the following aerial dimensions and dilution factors.

2.2.1 The acute mixing zone will extend from the sea surface to the sea floor with a length of 123 meters, a width of 6 meters, and an associated dilution factor of 95.

2.2.2 The chronic mixing zone will extend from the sea surface to the sea floor with a length of 176 meters, a width of 14 meters and an associated dilution factor of 165.

3.0 SPECIAL CONDITIONS

3.1 Quality Assurance Project Plan

3.1.1 The permittee shall develop a QAPP for all monitoring required by this permit. The permittee shall submit written notice to DEC that the QAPP has been developed and implemented within 120 days of the effective date of the permit. An existing QAPP may be modified under this Part (See Section 3.1.6).

3.1.2 The QAPP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and to help explain data anomalies whenever they occur.

3.1.3 The permittee must develop a facility-specific QAPP. A generic DEC Wastewater Treatment Facility QAPP is available from DEC that can be supplemented with facility-specific components.

3.1.4 Throughout all sample collection and analysis activities, the permittee shall use DEC-approved QA/QC and chain-of-custody procedures, as described in the *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5). The QAPP must be prepared in the format specified in these documents.

3.1.5 At a minimum, a QAPP must include:

3.1.5.1 Details on number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements;

3.1.5.2 Maps indicating the location of each sampling point;

3.1.5.3 Qualification and training of personnel; and

3.1.5.4 Name, address, and telephone number of all laboratories used by or proposed to be used by the permittee.

3.1.6 The permittee shall amend the QAPP whenever sample collection, sample analysis, or other procedure addressed by the QAPP is modified. Changes in the QAPP must be reported to DEC on or before January 31st.

3.1.7 Copies of the QAPP must be kept on site and made available to DEC upon request.

3.2 Best Management Practices Plan

3.2.1 Purpose. Through implementation of the BMP Plan the permittee shall prevent or minimize the generation and the potential for release of pollutants from the facility to the lands and waters of the U.S. through normal and ancillary activities.

3.2.2 Development and Implementation Schedule. The permittee shall develop and implement a BMP Plan which achieves the objectives and the specific requirements listed below. The permittee shall submit written notice to DEC that the plan has been developed and implemented within 120 days of the effective date of the permit. Any existing BMP Plans may be modified for compliance with this Part.

3.2.3 Objectives. The permittee shall develop and amend the BMP Plan consistent with the following objectives for the control of pollutants.

3.2.3.1 The number and quantity of pollutants and the toxicity of effluent generated, discharged, or potentially discharged at the facility must be minimized by the permittee to the extent feasible by managing each waste stream in the most appropriate manner.

3.2.3.2 Under the BMP Plan and especially within any standard operating procedures in the BMP Plan, the permittee shall ensure proper operation and maintenance of water management and wastewater treatment systems. BMP Plan elements must be developed in accordance with good engineering practices.

3.2.3.3 Each facility component or system must be examined for its waste minimization opportunities and its potential for causing a release of significant amounts of pollutants to lands and waters of the U.S. due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc. The examination must include all normal operations and ancillary activities including material storage areas, storm water, in-plant transfer, material handling and process handling areas, loading or unloading operations, spillage or leaks, sludge and waste disposal, or drainage from raw material storage.

3.2.4 Elements of the BMP Plan. The BMP Plan must be consistent with the objectives above and the general guidance contained in *Guidance Manual for Developing Best Management Practices* (EPA 833-B-93-004, October 1993) and *Storm Water Management for Industrial Activities, Developing Pollution Prevention Plans and Best Management Practices* (EPA 832-R-92-006) or any subsequent revision to these guidance documents.

3.2.5 Plan Components. The BMP Plan must include, at a minimum, the following items:

3.2.5.1 Statement of BMP Policy. The BMP Plan must include a statement of management commitment to provide the necessary financial, staff, equipment, and training resources to develop and implement the BMP Plan on a continuing basis.

3.2.5.2 The BMP Plan must establish a BMP Committee responsible for developing, implementing, and maintaining the BMP Plan. Specify the structure, functions, and procedures of the BMP Committee.

3.2.5.3 Description of potential pollutant sources.

3.2.5.4 Risk identification and assessment.

3.2.5.5 Standard operating procedures to achieve the above objectives and specific BMPs (see below).

3.2.5.6 Reporting of BMP incidents. The reports must include a description of the circumstances leading to the incident, corrective actions taken and recommended changes to operating and maintenance practices to prevent recurrence.

3.2.5.7 Materials compatibility.

3.2.5.8 Good housekeeping.

3.2.5.9 Inspections.

3.2.5.10 Preventative maintenance and repair.

3.2.5.11 Security.

3.2.5.12 Employee training.

3.2.5.13 Record keeping and reporting.

3.2.5.14 Prior evaluation of any planned modifications to the facility to ensure that the requirements of the BMP plan are considered as part of the modifications.

3.2.5.15 Final constructed site plans, drawings, and maps (including detailed storm water outfall/culvert configurations).

3.2.6 Specific BMPs. The BMP Plan must establish BMPs or other measures to achieve the objectives under Part 3.2.3 which ensure that the following specific requirements are met:

3.2.6.1 Solids, sludge, or other pollutants removed in the course of treatment or control of water and wastewaters must be disposed of in a manner to prevent any pollutant from such materials from entering waters of the U.S.

3.2.6.2 Ensure proper management of solid and hazardous waste in accordance with regulations promulgated under the Resource Conservation and Recovery Act (RCRA). Management practices required under RCRA regulations must be referenced in the BMP Plan.

3.2.7 Review and Recertification. The BMP must be reviewed and recertified as follows:

3.2.7.1 Annual review by the plant manager and BMP Committee.

3.2.7.2 Certified statement the above reviews were completed and the BMP Plan fulfills the requirements set forth in this permit. The statement must be certified by the dated signatures of each BMP Committee member. The statement must be submitted to DEC on or before January 31st of each year of operation under this permit after the initial BMP submittal (the initial statement must be submitted to DEC six months after submittal of the BMP Plan).

3.2.8 Documentation. The permittee must maintain a copy of the BMP at the facility and make it available to DEC or an authorized representative upon request.

3.2.9 BMP Plan Modification

3.2.9.1 The permittee must amend the BMP Plan whenever a change in the facility or in the operation of the facility materially increases the generation of pollutants or their release or potential release to receiving waters.

3.2.9.2 The permittee must amend the BMP Plan whenever the plan is found to be ineffective in achieving the general objective of preventing and minimizing the generation and the potential for the release of pollutants from the facility to waters of the U.S.

3.2.9.3 Any changes to the BMP Plan must be consistent with the objectives and specific requirements listed above. All changes in the BMP Plan must be reported to DEC with the annual certification required under Part 3.2.7.2.

3.3 Receiving Water Sampling and Analysis Plan

The permittee is required to conduct sampling and analysis of selected parameters in the Outfall 001 effluent and receiving water in the vicinity of the discharge to support future permit development. The permittee must conduct four sampling events during the permit cycle and submit the results with the next application for reissuance. The list of parameters to be sampled and analyzed will include, but may not be limited to, the following:

- Ammonia
- Arsenic
- Copper
- Manganese
- Mercury
- Nickel
- Zinc

3.3.1 <u>Sampling and Analysis Plan Goals and Requirements:</u>

3.3.1.1 A Sampling and Analysis Plan (SAP) will be submitted for Department review and approval that identifies proposed sample locations, predicted tidal conditions (ebb and flood), sample collection and analytical methods, and schedule for each sampling event.

3.3.1.2 Effluent water samples will be grab samples collected at the Outfall 001 compliance sampling location on the same day as receiving water samples are collected.

3.3.1.3 Receiving water samples will be grab samples collected during ebb and flood tides at locations where the effluent and receiving water are completely mixed beyond the chronic mixing zone.

3.3.1.4 The sampling program shall use appropriate sample collection procedures, sample preservation, and testing methods to ensure samples are accurate and represent the characteristics of the sampled waters.

3.3.1.5 Sample schedules should attempt to account for seasonal variability in the receiving water. Each monitoring event shall be conducted in a different calendar year and in a different season based on a schedule proposed in the SAP and approved by the Department. The receiving water sample schedule may be coordinated with the schedule requirements in Section 1.3.

3.3.2 Sampling and Analysis Plan Submittals:

3.3.2.1 A SAP identifying proposed sample schedules, locations, collection procedures, sample preservation and testing methods shall be submitted for review and approval by Department permitting staff (APDES Oil & Gas Permitting Section) at least 90 days in advance of the initial testing event.

3.3.2.2 The permittee must contact DEC upon receipt of unusual results that may impact reissuance of the permit. A summary report SAP must be provided to DEC with an application for reissuance within 180 days prior to permit expiration.

3.4 Removed Substances

Collected screenings, grit, solids, scum, and other facility residuals, or other pollutants removed in the course of treatment or control of water and wastewaters shall be disposed of in a Department approved manner and method in accordance with 18 AAC 60, such as to prevent any pollution from such materials from entering navigable waters.

3.5 Air and Land Releases

The permittee must not place, deposit, or allow to be placed or deposited on the premises, any material which may produce, cause or contribute to the spread of disease, create a safety hazard or in any way endanger the health of the public.

APPENDIX A

STANDARD CONDITIONS

APDES PERMIT

NONDOMESTIC DISCHARGES

September 2011

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Appendix A of the permit contains standard regulatory language that must be included in all APDES permits. These requirements are based on the regulations and cannot be challenged in the context of an individual APDES permit action. The standard regulatory language covers requirements such as monitoring, recording, reporting requirements, compliance responsibilities, and other general requirements. Appendix A, Standard Conditions is an integral and enforceable part of the permit. Failure to comply with a Standard Condition in this Appendix constitutes a violation of the permit and is subject to enforcement.

1.0 Standard Conditions Applicable to All Permits

1.1 Contact Information and Addresses

1.1.1 Permitting Program

Documents, reports, and plans required under the permit and Appendix A are to be sent to the following address:

State of Alaska
Department of Environmental Conservation
Division of Water
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, Alaska 99501
Telephone (907) 269-6285
Fax (907) 269-3487
Email: DEC.Water.WQPermit@alaska.gov

1.1.2 Compliance and Enforcement Program

Documents and reports required under the permit and Appendix A relating to compliance are to be sent to the following address:

State of Alaska
Department of Environmental Conservation
Division of Water
Compliance and Enforcement Program
555 Cordova Street
Anchorage, Alaska 99501
Telephone Nationwide (877) 569-4114
Anchorage Area / International (907) 269-4114
Fax (907) 269-4604
Email: dec-wqreporting@alaska.gov

1.2 Duty to Comply

A permittee shall comply with all conditions of the permittee's APDES permit. Any permit noncompliance constitutes a violation of 33 U.S.C 1251-1387 (Clean Water Act) and state law and is grounds for enforcement action including termination, revocation and reissuance, or modification of a permit, or denial of a permit renewal application. A permittee shall comply with effluent standards or prohibitions established under 33 U.S.C. 1317(a) for toxic pollutants within the time provided in the regulations that establish those effluent standards or prohibitions even if the permit has not yet been modified to incorporate the requirement.

1.3 Duty to Reapply

If a permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain a new permit. In accordance with 18 AAC 83.105(b), a permittee with a currently effective permit shall reapply by submitting a new application at least 180 days before the existing permit expires, unless the Department has granted the permittee permission to submit an application on a later date. However, the Department will not grant permission for an application to be submitted after the expiration date of the existing permit.

1.4 Need to Halt or Reduce Activity Not a Defense

In an enforcement action, a permittee may not assert as a defense that compliance with the conditions of the permit would have made it necessary for the permittee to halt or reduce the permitted activity.

1.5 Duty to Mitigate

A permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

1.6 Proper Operation and Maintenance

1.6.1 A permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances that the permittee installs or uses to achieve compliance with the conditions of the permit. The permittee's duty to operate and maintain properly includes using adequate laboratory controls and appropriate quality assurance procedures. However, a permittee is not required to operate back-up or auxiliary facilities or similar systems that a permittee installs unless operation of those facilities is necessary to achieve compliance with the conditions of the permit.

1.6.2 Operation and maintenance records shall be retained and made available at the site.

1.7 Permit Actions

A permit may be modified, revoked and reissued, or terminated for cause as provided in 18 AAC 83.130. If a permittee files a request to modify, revoke and reissue, or terminate a permit, or gives notice of planned changes or anticipated noncompliance, the filing or notice does not stay any permit condition.

1.8 Property Rights

A permit does not convey any property rights or exclusive privilege.

1.9 Duty to Provide Information

A permittee shall, within a reasonable time, provide to the Department any information that the Department requests to determine whether a permittee is in compliance with the permit, or whether cause exists to modify, revoke and reissue, or terminate the permit. A permittee shall also provide to the Department, upon request, copies of any records the permittee is required to keep under the permit.

1.10 Inspection and Entry

A permittee shall allow the Department, or an authorized representative, including a contractor acting as a representative of the Department, at reasonable times and on presentation of credentials establishing authority and any other documents required by law, to:

1.10.1 Enter the premises where a permittee's regulated facility or activity is located or conducted, or where permit conditions require records to be kept;

1.10.2 Have access to and copy any records that permit conditions require the permittee to keep;

1.10.3 Inspect any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under a permit; and

1.10.4 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).

1.11 Monitoring and Records

A permittee must comply with the following monitoring and recordkeeping conditions:

1.11.1 Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

1.11.2 The permittee shall retain records in Alaska of all monitoring information for at least three years, or longer at the Department's request at any time, from the date of the sample, measurement, report, or application. Monitoring records required to be kept include:

1.11.2.1 All calibration and maintenance records,

1.11.2.2 All original strip chart recordings or other forms of data approved by the Department for continuous monitoring instrumentation,

1.11.2.3 All reports required by a permit,

1.11.2.4 Records of all data used to complete the application for a permit,

1.11.2.5 Field logbooks or visual monitoring logbooks,

1.11.2.6 Quality assurance chain of custody forms,

1.11.2.7 Copies of discharge monitoring reports, and

1.11.2.8 A copy of this APDES permit.

1.11.3 Records of monitoring information must include:

1.11.3.1 The date, exact place, and time of any sampling or measurement;

1.11.3.2 The name(s) of any individual(s) who performed the sampling or measurement(s);

1.11.3.3 The date(s) and time any analysis was performed;

1.11.3.4 The name(s) of any individual(s) who performed any analysis;

1.11.3.5 Any analytical technique or method used; and

1.11.3.6 The results of the analysis.

1.11.4 Monitoring Procedures

Analyses of pollutants must be conducted using test procedures approved under 40 CFR Part 136, adopted by reference at 18 AAC 83.010, for pollutants with approved test procedures, and using test procedures specified in the permit for pollutants without approved methods.

1.12 Signature Requirement and Penalties

1.12.1 Any application, report, or information submitted to the Department in compliance with a permit requirement must be signed and certified in accordance with 18 AAC 83.385. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, or other document filed or required to be maintained under a permit, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be subject to penalties under 33 U.S.C. 1319(c)(4), AS 12.55.035(c)(1)(B), (c)(2) and (c)(3), and AS 46.03.790(g).

1.12.2 In accordance with 18 AAC 83.385, an APDES permit application must be signed as follows:

1.12.2.1 For a corporation, a responsible corporate officer shall sign the application; in this subsection, a responsible corporate officer means:

1.12.2.1.1 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

1.12.2.1.2 The manager of one of more manufacturing, production, or operating facilities, if

1.12.2.1.2.1 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;

1.12.2.1.2.2 The manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and

1.12.2.1.2.3 Authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

1.12.2.2 For a partnership or sole proprietorship, by the general partner or the proprietor, respectively, shall sign the application

1.12.2.3 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:

1.12.2.3.1 The chief executive officer of the agency; or

1.12.2.3.2 A senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.

1.12.3 Any report required by an APDES permit, and a submittal with any other information requested by the Department, must be signed by a person described in Appendix A, Part 1.12.2, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1.12.3.1 The authorization is made in writing by a person described in Appendix A, Part 1.12.2;

1.12.3.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, including the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility; or an individual or position having overall responsibility for environmental matters for the company; and

1.12.3.3 The written authorization is submitted to the Department to the Permitting Program address in Appendix A, Part 1.1.1.

1.12.4 If an authorization under Appendix A, Part 1.12.3 is no longer effective because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Appendix A, Part 1.12.3 must be submitted to the Department before or together with any report, information, or application to be signed by an authorized representative.

1.12.5 Any person signing a document under Appendix A, Part 1.12.2 or Part 1.12.3 shall certify as follows:

"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."

1.13 Proprietary or Confidential Information

1.13.1 A permit applicant or permittee 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 submissions as confidential if the information satisfies the test in 40 CFR §2.208, adopted by reference at 18 AAC 83.010, and is not otherwise required to be made public by state law.

1.13.2 A claim of confidentiality under Appendix A, Part 1.13.1 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, and 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.

1.13.3 A permittee’s claim of confidentiality authorized under Appendix A, Part 1.13.1 is not waived if the Department provides the proprietary or confidential business information to the EPA or to other agencies participating in the permitting process. The Department will supply any information obtained or used in the administration of the state APDES program to the EPA upon request under 40 CFR §123.41, as revised as of July 1, 2005. When providing information submitted to the Department with a claim of confidentiality to the EPA, the Department will notify the EPA of the confidentiality claim. If the Department provides the EPA information that is not claimed to be confidential, the EPA may make the information available to the public without further notice.

1.14 Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any action or relieve a permittee

from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under state laws addressing oil and hazardous substances.

1.15 Cultural and Paleontological Resources

If cultural or paleontological resources are discovered because of this disposal activity, work that would disturb such resources is to be stopped, and the Office of History and Archaeology, a Division of Parks and Outdoor Recreation of the Alaska Department of Natural Resources (http://www.dnr.state.ak.us/parks/oha/), is to be notified immediately at (907) 269-8721.

1.16 Fee

A permittee must pay the appropriate permit fee described in 18 AAC 72.

1.17 Other Legal Obligations

This permit does not relieve the permittee from the duty to obtain any other necessary permits from the Department or from other local, state, or federal agencies and to comply with the requirements contained in any such permits. All activities conducted and all plan approvals implemented by the permittee pursuant to the terms of this permit shall comply with all applicable local, state, and federal laws and regulations.

2.0 Special Reporting Obligations

2.1 Planned Changes

2.1.1 The permittee shall give notice to the Department as soon as possible of any planned physical alteration or addition to the permitted facility if:

2.1.1.1 The alteration or addition may make the facility a “new source” under one or more of the criteria in 18 AAC 83.990(44); or

2.1.1.2 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged if those pollutants are not subject to effluent limitations in the permit or to notification requirements under 18 AAC 83.610.

2.1.2 If the proposed changes are subject to plan review, then the plans must be submitted at least 30 days before implementation of changes (see 18 AAC 15.020 and 18 AAC 72 for plan review requirements). Written approval is not required for an emergency repair or routine maintenance.

2.1.3 Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

2.2 Anticipated Noncompliance

2.2.1 A permittee shall give seven days’ notice to the Department before commencing any planned change in the permitted facility or activity that may result in noncompliance with permit requirements.

2.2.2 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

2.3 Transfers

2.3.1 A permittee may not transfer a permit for a facility or activity to any person except after notice to the Department in accordance with 18 AAC 83.150. The Department may modify or revoke and reissue the permit to change the name of the permittee and incorporate such other requirements under 33 U.S.C. 1251-1387 (Clean Water Act) or state law.

2.3.2 Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

2.4 Compliance Schedules

2.4.1 A permittee must submit progress or compliance reports on interim and final requirements in any compliance schedule of a permit no later than 14 days following the scheduled date of each requirement.

2.4.2 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

2.5 Corrective Information

2.5.1 If a permittee becomes aware that it failed to submit a relevant fact in a permit application or submitted incorrect information in a permit application or in any report to the Department, the permittee shall promptly submit the relevant fact or the correct information.

2.5.2 Information must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

2.6 Bypass of Treatment Facilities

2.6.1 Prohibition of Bypass

Bypass is prohibited. The Department may take enforcement action against a permittee for any bypass, unless:

2.6.1.1 The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2.6.1.2 There were no feasible alternatives to the bypass, including use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. However, this condition is not satisfied if the permittee, in the exercise of reasonable engineering judgment, should have installed adequate back-up equipment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

2.6.1.3 The permittee provides notice to the Department of a bypass event in the manner, as appropriate, under Appendix A, Part 2.6.2.

2.6.2 Notice of bypass

2.6.2.1 For an anticipated bypass, the permittee submits notice at least 10 days before the date of the bypass. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the conditions of Appendix A, Parts 2.6.1.1 and 2.6.1.2.

2.6.2.2 For an unanticipated bypass, the permittee submits 24-hour notice, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting.

2.6.2.3 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

2.6.3 Notwithstanding Appendix A, Part 2.6.1, a permittee may allow a bypass that:

2.6.3.1 Does not cause an effluent limitation to be exceeded, and

2.6.3.2 Is for essential maintenance to assure efficient operation.

2.7 Upset Conditions

2.7.1 In any enforcement action for noncompliance with technology-based permit effluent limitations, a permittee may claim upset as an affirmative defense. A permittee seeking to establish the occurrence of an upset has the burden of proof to show that the requirements of Appendix A, Part 2.7.2 are met.

2.7.2 To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

2.7.2.1 An upset occurred and the permittee can identify the cause or causes of the upset;

2.7.2.2 The permitted facility was at the time being properly operated;

2.7.2.3 The permittee submitted 24-hour notice of the upset, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting; and

2.7.2.4 The permittee complied with any mitigation measures required under 18 AAC 83.405(e) and Appendix A, Part 1.5, Duty to Mitigate.

2.7.3 Any determination made in administrative review of a claim that noncompliance was caused by upset, before an action for noncompliance is commenced, is not final administrative action subject to judicial review.

2.8 Existing Manufacturing, Commercial, Mining, and Silvicultural Discharges

2.8.1 In addition to the reporting requirements under 18 AAC 83.410, an existing manufacturing, commercial, mining, and silvicultural discharger shall notify the Department as soon as that discharger knows or has reason to believe that any activity has occurred or will occur that would result in:

2.8.1.1 The discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

2.8.1.1.1 One hundred micrograms per liter (100 µg/L);

2.8.1.1.2 Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile, 500 micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol, and one milligram per liter (1 mg/L) for antimony;

2.8.1.1.3 Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 18 AAC 83.310(c)-(g); or

2.8.1.1.4 The level established by the Department in accordance with 18 AAC 83.445.

2.8.1.2 Any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

2.8.1.2.1 Five hundred micrograms per liter (500 µg/L);

2.8.1.2.2 One milligram per liter (1 mg/L) for antimony;

2.8.1.2.3 Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with 18 AAC 83.310(c)-(g); or

2.8.1.2.4 The level established by the Department in accordance with 18 AAC 83.445.

3.0 Monitoring, Recording, and Reporting Requirements

3.1 Representative Sampling

A permittee must collect effluent samples from the effluent stream after the last treatment unit before discharge into the receiving waters. Samples and measurements must be representative of the volume and nature of the monitored activity or discharge.

3.2 Reporting of Monitoring Results

At intervals specified in the permit, monitoring results must be reported on the EPA discharge monitoring report (DMR) form, as revised as of March 1999, adopted by reference.

3.2.1 Monitoring results shall be summarized each month on the DMR or an approved equivalent report. The permittee must submit reports monthly postmarked by the 15th day of the following month.

3.2.2 The permittee must sign and certify all DMRs and all other reports in accordance with the requirements of Appendix A, Part 1.12, Signatory Requirements and Penalties. All signed and certified legible original DMRs and all other documents and reports must be submitted to the Department at the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

3.2.3 If, during the period when this permit is effective, the Department makes available electronic reporting, the permittee may, as an alternative to the requirements of Appendix A, Part 3.2.2, submit monthly DMRs electronically by the 15th day of the following month in accordance with guidance provided by the Department. The permittee must certify all DMRs and other reports, in accordance with the requirements of Appendix A, Part 1.12, Signatory Requirements and Penalties. The permittee must retain the legible originals of these documents and make them available to the Department upon request.

3.3 Additional Monitoring by Permittee

If the permittee monitors any pollutant more frequently than the permit requires using test procedures approved in 40 CFR Part 136, adopted by reference at 18 AAC 83.010, or as specified in this permit, the results of that additional monitoring must be included in the calculation and reporting of the data submitted in the DMR required by Appendix A, Part 3.2. All limitations that require averaging of measurements must be calculated using an arithmetic means unless the Department specifies another method in the permit. Upon request by the Department, the permittee must submit the results of any other sampling and monitoring regardless of the test method used.

3.4 Twenty-four Hour Reporting

A permittee shall report any noncompliance event that may endanger health or the environment as follows:

3.4.1 A report must be made:

3.4.1.1 Orally within 24 hours after the permittee becomes aware of the circumstances, and

3.4.1.2 In writing within five days after the permittee becomes aware of the circumstances.

3.4.2 A report must include the following information:

3.4.2.1 A description of the noncompliance and its causes, including the estimated volume or weight and specific details of the noncompliance;

3.4.2.2 The period of noncompliance, including exact dates and times;

3.4.2.3 If the noncompliance has not been corrected, a statement regarding the anticipated time the noncompliance is expected to continue; and

3.4.2.4 Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3.4.3 An event that must be reported within 24 hours includes:

3.4.3.1 An unanticipated bypass that exceeds any effluent limitation in the permit (see Appendix A, Part 2.6, Bypass of Treatment Facilities).

3.4.3.2 An upset that exceeds any effluent limitation in the permit (see Appendix A, Part 2.7, Upset Conditions).

3.4.3.3 A violation of a maximum daily discharge limitation for any of the pollutants listed in the permit as requiring 24-hour reporting.

3.4.4 The Department may waive the written report on a case-by-case basis for reports under Appendix A, Part 3.4 if the oral report has been received within 24 hours of the permittee becoming aware of the noncompliance event.

3.4.5 The permittee may satisfy the written reporting submission requirements of Appendix A, Part 3.4 by submitting the written report via e-mail, if the following conditions are met:

3.4.5.1 The Noncompliance Notification Form or equivalent form is used to report the noncompliance;

3.4.5.2 The written report includes all the information required under Appendix A, Part 3.4.2;

3.4.5.3 The written report is properly certified and signed in accordance with Appendix A, Parts 1.12.3 and 1.12.5.;

3.4.5.4 The written report is scanned as a PDF (portable document format) document and transmitted to the Department as an attachment to the e-mail; and

3.4.5.5 The permittee retains in the facility file the original signed and certified written report and a printed copy of the conveying email.

3.4.6 The e-mail and PDF written report will satisfy the written report submission requirements of this permit provided the e-mail is received by the Department within five days after the time the permittee becomes aware of the noncompliance event and the e-mail and written report satisfy the criteria of Part 3.4.5. The e-mail address to report noncompliance is: dec-wqreporting@alaska.gov

3.5 Other Noncompliance Reporting

A permittee shall report all instances of noncompliance not required to be reported under Appendix A, Parts 2.4 (Compliance Schedules), 3.3 (Additional Monitoring by Permittee), and 3.4 (Twenty-four Hour Reporting) at the time the permittee submits monitoring reports under Appendix A, Part 3.2 (Reporting of Monitoring Results). A report of noncompliance under this part must contain the information listed in Appendix A, Part 3.4.2 and be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

4.0 Penalties for Violations of Permit Conditions

Alaska laws allow the State to pursue both civil and criminal actions concurrently. The following is a summary of Alaska law. Permittees should read the applicable statutes for further substantive and procedural details.

4.1 Civil Action

Under AS 46.03.760(e), a person who violates or causes or permits to be violated a regulation, a lawful order of the Department, or a permit, approval, or acceptance, or term or condition of a permit, approval or acceptance issued under the program authorized by AS 46.03.020 (12) is liable, in a civil action, to the State for a sum to be assessed by the court of not less than $500 nor more than $100,000 for the initial violation, nor more than $10,000 for each day after that on which the violation continues, and that shall reflect, when applicable:

4.1.1 Reasonable compensation in the nature of liquated damages for any adverse environmental effects caused by the violation, that shall be determined by the court according to the toxicity, degradability, and dispersal characteristics of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality;

4.1.2 Reasonable costs incurred by the State in detection, investigation, and attempted correction of the violation;

4.1.3 The economic savings realized by the person in not complying with the requirements for which a violation is charged; and

4.1.4 The need for an enhanced civil penalty to deter future noncompliance.

4.2 Injunctive Relief

4.2.1 Under AS 46.03.820, the Department can order an activity presenting an imminent or present danger to public health or that would be likely to result in irreversible damage to the environment be discontinued. Upon receipt of such an order, the activity must be immediately discontinued.

4.2.2 Under AS 46.03.765, the Department can bring an action in Alaska Superior Court seeking to enjoin ongoing or threatened violations for Department-issued permits and Department statutes and regulations.

4.3 Criminal Action

Under AS 46.03.790(h), a person is guilty of a Class A misdemeanor if the person negligently:

4.3.1 Violates a regulation adopted by the Department under AS 46.03.020(12);

4.3.2 Violates a permit issued under the program authorized by AS 46.03.020(12);

4.3.3 Fails to provide information or provides false information required by a regulation adopted under AS 46.03.020(12);

4.3.4 Makes a false statement, representation, or certification in an application, notice, record, report, permit, or other document filed, maintained, or used for purposes of compliance with a permit issued under or a regulation adopted under AS 46.03.020(12); or

4.3.5 Renders inaccurate a monitoring device or method required to be maintained by a permit issued or under a regulation adopted under AS 46.03.020(12).

4.4 Other Fines

Upon conviction of a violation of a regulation adopted under AS 46.03.020(12), a defendant who is not an organization may be sentenced to pay a fine of not more than $10,000 for each separate violation (AS 46.03.790(g)). A defendant that is an organization may be sentenced to pay a fine not exceeding the greater of: (1) $200,00; (2) three times the pecuniary gain realized by the defendant as a result of the offense; or (3) three times the pecuniary damage or loss caused by the defendant to another, or the property of another, as a result of the offense (AS 12.55.035(c)(B), (c)(2), and (c)(3)).

Appendix B

Acronyms

APPENDIX B

The following acronyms are common terms that may be found in an Alaska Pollutant Discharge Elimination System (APDES) permit.

18 AAC 15	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 15: Administrative Procedures
18 AAC 70	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 70: Water Quality Standards
18 AAC 72	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 72: Wastewater Disposal
18 AAC 83	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 83: Alaska Pollutant Discharge Elimination System

All chapters of Alaska Administrative Code, Title 18 are available at the Alaska Administrative Code database http://www.legis.state.ak.us/cgi-bin/folioisa.dll/aac

40 CFR	Code of Federal Regulations Title 40: Protection of Environment
AAC	Alaska Administrative Code
ACMP	Alaska Coastal Management Program
DEC	Alaska Department of Environmental Conservation
Ag	Silver
Al	Aluminum
As	Arsenic
APDES	Alaska Pollutant Discharge Elimination System
AS	Alaska Statutes
AS 46.03	Alaska Statutes Title 46, Chapter 03: Environmental Conservation. Available at http://www.legis.state.ak.us/default.htm
BPJ	Best Professional Judgment
BCT	Best Conventional Technology
BPT	Best Practicable Control Technology Currently Available
BOD_5	Biochemical Oxygen Demand, 5-day
BMP	Best Management Practice
Cd	Cadmium
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
Cr^{+3}	Chromium (III) or Trivalent Chromium
Cr^{+6}	Chromium (VI) or Hexavalent Chromium
Cu	Copper
CWA	Clean Water Act
DMR	Discharge Monitoring Report

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DO	Dissolved Oxygen
EFH	Essential Fish Habitat
ELG	Effluent Limit Guideline
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FC	Fecal Coliform Bacteria
Fe	Iron
FWS	US Fish and Wildlife Service
GPD or gpd	Gallons per day
GPY or gpy	Gallons per year
Hg	Mercury
IC_{25}	Inhibition Concentration 25%
I/I	Infiltration and Inflow
LC_{50}	Lethal Concentration 50%
MDL	Method Detection Limit
mg/L	Milligrams per Liter
MGD or mgd	Million gallons per day
ML	Minimum Level
MLLW	Mean Lower Low Water
MZ	Mixing Zone
N/A	Not Applicable
Ni	Nickel
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOEC	No Observed Effect Concentration
NPDES	National Pollutant Discharge Elimination System
ODCE	Ocean Discharge Evaluation Criteria
O&G	Oil and Grease
OWS	Oil-Water Separator
Pb	Lead
POTW	Publicly Owned Treatment Works
PQL	Practical Quantification Limit
QA	Quality Assurance
QA/QC	Quality Assurance/Quality Control
QAPP	Quality Assurance Project Plan
QC	Quality Control

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RPA	Reasonable Potential Analysis
RL	Reporting Limit
RWC	Receiving Water Concentration
SCA	Secondary Containment Area
Se	Selenium
SIU	Significant Industrial User
SU	Standard Units
TAH	Total Aromatic Hydrocarbons
TAqH	Total Aqueous Hydrocarbons
TBEL	Technology-based Effluent Limit
TIE	Toxicity Identification Evaluation
TMDL	Total Maximum Daily Load
TOC	Total Organic Carbon
TRC	Total Residual Chlorine
TRE	Toxicity Reduction Evaluation
TSS	Total Suspended Solids
TUc	Toxic Unit, Chronic
USCG	United States Coast Guard
µg/L	Micrograms per Liter
USC	United States Code
WQBEL	Water Quality-based Effluent Limit
WQS	Water Quality Standards
WWTF	Wastewater Treatment Facility
Zn	Zinc

Appendix C

Definitions

APPENDIX C

The following are common definitions of terms associated with APDES permits. Not all the terms listed may appear in a permit. Consult the footnote references for a complete list of terms and definitions.

Administrator[a]	Means the Administrator of the EPA or an authorized representative
Alaska Pollutant Discharge Elimination System (APDES)[a]	Means the state's program, approved by EPA under 33 U.S.C. 1342(b), for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under 33 U.S.C. 1317, 1328, 1342, and 1345
Annual	Means once per calendar year
Aquaculture[b]	Means the cultivation of aquatic plants or animals for human use or consumption
At-sea	Means that a receiving water is both more than one nautical mile from shore and in water deeper than minus 120 feet(ft) Mean Lower Low Water (MLLW)
Average	Means an arithmetic mean obtained by adding quantities and dividing the sum by the number of quantities
Average Monthly Discharge Limitation[a]	Means the highest allowable average of "daily discharges" over a calendar month calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured for that month
Backwash	Means wash water resulting from the backwashing of a water filter
Best Management Practices (BMPs)[a]	Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
Biochemical Oxygen Demand (BOD)[c]	Means the amount, in milligrams per liter, of oxygen used in the biochemical oxidation of organic matter in five days at 20° C
Black Water	Means water that contains animal, human, or food waste
Boundary[b]	Means line or landmark that serves to clarify, outline, or mark a limit, border, or interface
Bypass[a]	Means the intentional diversion of waste streams from any portion of a treatment facility
Chemical Oxygen Demand (COD)[f]	Is used as a measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant
Clean Water Act (CWA)[a]	Means the federal law codified at 33 U.S.C. 1251-1387, also referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972
Color[b]	Means the condition that results in the visual sensations of hue and intensity as

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
e) See EPA Technical Support Document
f) See Standard Methods for the Examination of Water and Wastewater 18th Edition
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	measured after turbidity is removed
Commissioner[a]	Means the commissioner of the Alaska Department of Environmental Conservation or the commissioner's designee
Composite Samples	Composite samples must consist of at least eight equal volume grab samples. 24 hour composite sample means a combination of at least eight discrete samples of equal volume collected at equal time intervals over a 24-hour period at the same location. A "flow proportional composite" sample means a combination of at least eight discrete samples collected at equal time intervals over a 24-hour period with each sample volume proportioned according to the flow volume. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.
Contact Recreation[b]	Means activities in which there is direct and intimate contact with water. Contact recreation includes swimming, diving, and water skiing. Contact recreation does not include wading.
Cooling Water	Means once-through non-contact cooling water
Criterion[b]	Means a set concentration or limit of a water quality parameter that, when not exceeded, will protect an organism, a population of organisms, a community of organisms, or a prescribed water use with a reasonable degree of safety. A criterion might be a narrative statement instead of a numerical concentration or limit.
Daily Discharge[a]	Means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants measured in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with a limitation expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
Datum	A datum defines the position of the spheroid, a mathematical representation of the earth, relative to the center of the earth. It provides a frame of reference for measuring locations on the surface of the earth by defining the origin and orientation of latitude and longitude lines.
Department[a]	Means the Alaska Department of Environmental Conservation
Design Flow[a]	Means the wastewater flow rate that the plant was designed to handle
Director[a]	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[a]	When used without qualification, discharge means the discharge of a pollutant
Discharge of a Pollutant[a]	Means any addition of any pollutant or combination of pollutants to waters of the United States from any point source or 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. Discharge includes any addition of pollutants into waters of the United States from surface runoff that is collected or channeled by humans;

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
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	discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person that do not lead to a treatment works; discharges through pipes, sewers, or other conveyances leading into privately owned treatment works; and does not include an addition of pollutants by any indirect discharger.
Dissolved Oxygen (DO)[b]	Means the concentration of oxygen in water as determined either by the Winkler (iodometric) method and its modifications or by the membrane electrode method. The oxygen dissolved in water or wastewater and usually expressed in milligrams per liter or percent saturation
Domestic Wastewater[c]	Means waterborne human wastes or graywater derived from dwellings, commercial buildings, institutions, or similar structures. "Domestic wastewater" includes the contents of individual removable containers used to collect and temporarily store human wastes.
Ecosystem[b]	Means a system made up of a community of animals, plants, and bacteria and the system's interrelated physical and chemical environment
Effluent[b]	Means the segment of a wastewater stream that follows the final step in a treatment process and precedes discharge of the wastewater stream to the receiving environment
Estimated	Means a way to estimate the discharge volume. Approvable estimations include, but are not limited to, the number of persons per day at the facility, volume of potable water produced per day, lift station run time, etc.
Excluded area	Means an area not authorized as a receiving water under a permit
Fecal Coliform Bacteria (FC)[b]	Bacteria that can ferment lactose at 44.5° + 0.2°C to produce gas in a multiple tube procedure. Fecal coliform bacteria also means all bacteria that produce blue colonies in a membrane filtration procedure within 24 ± 2 hours of incubation at 44.5° + 0.2°C in an M-FC broth.
Fish[b]	Means any of the group of cold-blooded vertebrates that live in water and have permanent gills for breathing and fins for locomotion
Final Approval to Operate	Means the approval that the Department issues after it has reviewed and approved the construction and operation of the engineered wastewater treatment works plans submitted to the Department in accordance with 18 AAC 72.215 through 18 AAC 72.280 or as amended.
Fixed location	Means the outfall(s) (past or present) of an on-shore facility or the anchorage of a vessel within a circular area with a radius equal to one-half (0.5) nautical mile
Geometric Mean	The geometric mean is the Nth root of the product of N. All sample results of zero will use a value of 1 for calculation of the geometric mean. Example geometric mean calculation: $\sqrt[4]{12x23x34x990} = 55$.
Grab Sample	Means a single instantaneous sample collected at a particular place and time that represents the composition of wastewater only at that time and place

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
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APPENDIX C

Gray Water[b]	Means wastewater from a laundry, kitchen, sink, shower, bath, or other domestic source that does not contain excrement, urine, or combined stormwater
Influent	Means untreated wastewater before it enters the first treatment process of a wastewater treatment works
Inhibition Concentration 25% (IC_{25})[e]	Means the point estimate of the toxicant concentration that would cause 25% reduction in a nonlethal biological measurement of the test organisms, such as reproduction or growth
Lethal Concentration 50% (LC_{50})[e]	Mean the point estimate of the toxicant that would be lethal to 50% of the test organisms during a specific period
Marine sanitation device	Means any equipment for installation on board a vessel that is designed to receive, retain, treat or discharge sewage or any process to treat such sewage
Maximum Daily Discharge Limitation[a]	Means the highest allowable "daily discharge"
Mean[b]	Means the average of values obtained over a specified period and, for fecal coliform analysis, is computed as a geometric mean
Mean Lower Low Water[b]	Means the tidal datum plane of the average of the lower of the two low waters of each day, as would be established by the National Geodetic Survey, at any place subject to tidal influence
Measured	Means the actual volume of wastewater discharged using appropriate mechanical or electronic equipment to provide a totalized reading. Measure does not provide a recorded measurement of instantaneous rates.
Method Detection Limit (MDL)[d]	Means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte
Micrograms per Liter (μg/L)[b]	Means the concentration at which one millionth of a gram (10^{-6} g) is found in a volume of one liter
Milligrams per Liter (mg/L)[b]	Means the concentration at which one thousandth of a gram (10^{-3} g) is found in a volume of one liter. It is approximately equal to the unit "parts per million (ppm)," formerly of common use.
Mince	Means finely chopped seafood, particularly fish
Minimum Level (ML)[e]	Means the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes, and processing steps have been followed. This level is used as the compliance level if the effluent limit is below it.
Mixing Zone[b]	Means a volume of water adjacent to a discharge in which wastes discharged mix with

a) See 18 AAC 83
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c) See 18 AAC 72.990
d) See 40 CFR Part 136
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	the receiving water
Month	Means the time period from the 1st of a calendar month to the last day in the month
Monthly Average	Means the average of daily discharges over a monitoring month calculated as the sum of all daily discharges measured during a monitoring month divided by the number of daily discharges measured during that month
No Observed Effect Concentration (NOEC)[e]	Means the highest concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organisms at a specific time of observation. NOEC is determined using hypothesis testing.
Permittee	Means a company, organization, association, entity, or person who is issued a wastewater permit and is responsible for ensuring compliance, monitoring, and reporting as required by the permit
pH[g]	Means a measure of the hydrogen ion concentration of water or wastewater; expressed as the negative log of the hydrogen ion concentration in mg/L. A pH of 7 is neutral. A pH less than 7 is acidic, and a pH greater than 7 is basic.
Practical Quantification Limit (PQL)[g]	Means the lowest level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions.
Primary Contact Recreation	See Contact Recreation
Principal Executive Officer[a]	Means the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of division of the agency
Pollutant[a]	Means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under 42 U.S.C. 2011), heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, or agricultural waste discharged into water
Quality Assurance Project Plan (QAPP)	Means a system of procedures, checks, audits, and corrective actions to ensure that all research design and performance, environmental monitoring and sampling, and other technical and reporting activities are of the highest achievable quality
Quarter	Means the time period of three months based on the calendar year beginning with January
Receiving Water Body	Means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, straits, passages, canals, the Pacific Ocean, Gulf of Alaska, Bering Sea, and Arctic Ocean, in the territorial limits of the state, and all other bodies of surface water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially in or bordering the state or under the jurisdiction of the state. (See “Waters of the U.S.” at 18 AAC 83.990(77))
Recorded	Means a permanent record using mechanical or electronic equipment to provide a

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
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	totalized reading, as well as a record of instantaneous readings
Report	Report results of analysis
Residual Chlorine	Means chlorine remaining in water or wastewater at the end of a specified contact period as combined or free chlorine
Responsible Corporate Officer[a]	Means 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 The Responsible Corporate Officer can also be the manager of one or more manufacturing, production, or operating facilities if the requirements of 18 AAC 83.385(a)(1)(B)(i)-(iii) are met.
Seafood	Means the raw material, including freshwater and saltwater fish and shellfish, to be processed in the form in which it is received as the processing plant
Seafood Processing Settleable Solid Waste Residue	Means the solids produced in the processing of raw seafood to finished product
Seafood Processing Waste	Means the waste fluids, organs, flesh, bones, woody fiber, and chitinous shells produced in the conversion of aquatic animals and plants from a raw form to a marketable form
Seafood Processing Waste Residue	Means the floating solids, debris, sludge, deposits, foam, and scum produced in the processing of raw seafood to finished product
Secondary Recreation[b]	Means activities in which incidental water use can occur. Secondary recreation includes boating, camping, hunting, hiking, wading, and recreational fishing. Secondary contact recreation does not include fish consumption.
Settleable Solids[b]	Means solid material of organic or mineral origin that is transported by and deposited from water, as measured by the volumetric Imhoff cone method and at the method detection limits specified in method 2540(F), *Standard Methods for the Examination of Water and Wastewater*, 18th edition (1992), adopted by reference in 18 AAC 70.020(c)(1)
Severe Property Damage[a]	Means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
Sheen[b]	Means an iridescent appearance on the water surface
Shellfish[b]	Means a species of crustacean, mollusk, or other aquatic invertebrate with a shell or shell-like exoskeleton in any stage of its life cycle

a) See 18 AAC 83
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Significant Industrial User (SIU)[g]	Means an indirect discharger that is the focus of control efforts under the national pretreatment program; includes all indirect dischargers subject to national categorical pretreatment standards, and all other indirect dischargers that contribute 25,000 gpd or more of process wastewater, or which make up five percent or more of the hydraulic or organic loading to the municipal treatment plant, subject to certain exceptions [40 CFR $403.3(t)].
Suspended Solids	Means insoluble solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids. The quantity of material removed from wastewater in a laboratory test, as prescribed in *Standard Methods for the Examination of Water and Wastewater* and referred to as nonfilterable.
Total Suspended Solids (TSS)[g]	Means a measure of the filterable solids present in a sample, as determined by the method specified in 40 CFR Part 136
Toxic Unit, Chronic (TUc)[e]	Means the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period (i.e., 100/NOEC)
Twice per year	Means two time periods during the calendar year: October through April and May through September
Unwashed Mince	Means minced fish that is neither washed nor dewatered and is frozen into blocks
Upset[a]	Means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
Washed Mince	Means minced fish that is washed, dewatered, and frozen into blocks. “Surimi” is included in this classification.
Water Depth	Means the depth of the water between the surface and the seafloor as measured at MLLW
Wastewater Treatment	Means any process to which wastewater is subjected in order to remove or alter its objectionable constituents and make it suitable for subsequent use or acceptable for discharge to the environment
Waters of the United States or Waters of the U.S.	Has the meaning given in 18 AAC 83.990(77)
Water Recreation[b]	See contact recreation or secondary recreation
Water Supply[b]	Means any of the waters of the United States that are designated in 18 AAC 70 to be protected for fresh water or marine water uses. Water supply includes waters used for drinking, culinary, food processing, agricultural, aquacultural, seafood processing, and industrial purposes. Water supply does not necessarily mean that water in a waterbody that is protected as a supply for the uses listed in this paragraph is safe to drink in its natural state.

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
d) See 40 CFR Part 136
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Week	Means the time period of Sunday through Saturday
Zone of Deposit	Means the total area of the bottom in marine or estuarine waters in which ADEC has authorized the deposit of substances in exceedance of the water quality criteria in 18 AAC 70.020(b) and the antidegradation requirement in 18 AAC 70.010(c).

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 18 AAC 72.990
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