ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM

PERMIT FOR STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

FINAL – PERMIT

Permit Number: AKS053406

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 (CWA), 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 46.03; the Alaska Administrative Code (AAC) as amended; and other State laws and regulations. The

City of Fairbanks,
City of North Pole,
University of Alaska – Fairbanks, and
Alaska Department of Transportation and Public Facilities – Northern Regional Office
(hereinafter "co-permittees")

are authorized to discharge from all municipal separate storm sewer system (MS4) outfalls existing as of the effective date of this permit to receiving waters, which include Beaver Springs, Chena River, Chena Slough, Noyes Slough, and other associated waters of the United States within the Fairbanks Urbanized Area in accordance with the conditions and requirements set forth herein.

This permit shall become effective July 1, 2018

This permit and the authorization to discharge shall expire after June 30, 2023

The co-permittees must reapply for permit reissuance on or before January 1, 2023, 180 days before the expiration of this permit if the co-permittees intend to continue operation and discharges from the MS4s beyond the term of this permit.

Wade Strickland — Signature

May 11, 2018 — Date

Wade Strickland — Printed Name

Program Manager — Title

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SCHEDULE OF SUBMISSIONS

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

Table 1: Schedule of Submissions – Storm Water Management Program

Part of Permit	Storm Water Management Program Component	Compliance Date	Responsibility
General Requirements			
1.5.3	Submit to DEC a copy of the updated intergovernmental Cooperative Agreement signed by all four co-permittees.	Within three months of the effective date of this permit.	Each co-permittee must sign this agreement.
Storm Water Management Program Requirements (40 CFR §122.34)			
2.0	Continue to implement and enforce a Storm Water Management Program (SWMP) document as implemented within each jurisdiction, and included in the Annual Report.	Ongoing, with annual revisions.	All co-permittees shall work together to accomplish.
Public Education and Outreach (40 CFR §122.34(b)(1))			
3.1	Continue current public education program for local communities. (3.1.1)	Ongoing, with documented outreach at least once per year.	All co-permittees shall work together to accomplish these tasks.
	Distribute storm water educational materials to target audiences. (3.1.2)	Ongoing, with documented outreach at least once per year.	
	Prepare and distribute outreach material to local print and broadcast media. (3.1.3)	Ongoing, with documented outreach at least once per year.	
	Document the SWMP information related to the control measure in the Annual Report. (3.1.4)	Annually.	
Public Involvement and Participation (40 CFR §122.34(b)(2))			
3.2	Maintain a Storm Water Advisory Committee to coordinate and advise SWMP activities on a regularly scheduled basis (3.2.3)	Quarterly.	Each co-permittee shall contribute to these joint projects.
	Continue to implement a storm drain stenciling program. (3.2.4)	Annually.	
	Organize and host one “Stream Clean Up Day” event. (3.2.5)		Fairbanks, North Pole (University of Alaska – Fairbanks, and the Alaska Department of Transportation and Public Facilities will assist).
	Organize and coordinate an on-going Volunteer Monitoring Program and Adopt-a-Stream Program. (3.2.6)		Each co-permittee shall contribute to these joint projects.
	Document the SWMP information related to the control measure in the Annual Report. (3.2.7)		Each co-permittee will contribute to these joint projects.

Table 1: Schedule of Submissions – Storm Water Management Program

Part of Permit	Storm Water Management Program Component	Compliance Date	Responsibility
Illicit Discharge Detection and Elimination (40 CFR §122.34 (b)(3))			
3.3	Review and implement a program to detect and eliminate illicit discharges to the MS4(s) in SWMP documentation. Describe system for tracking information on illicit discharge discovery and response in SWMP documentation. (3.3.1)	Annually.	Each co-permittee responsible for planning, sampling, and tracking information in its jurisdiction.
	Review and update inventory and map of industrial facilities and activities. (3.3.2)		Each co-permittee responsible within its jurisdiction.
3.3	Review effectiveness of ordinance or other control measure to prohibit illicit discharges to the MS4s, prohibit any specific non-storm water discharge, if necessary. (3.3.3 & 3.3.4)	Annually.	Each co-permittee responsible within its jurisdiction.
	Inform the public, et al, of the hazards associated with illegal discharges and improper waste disposal to the MS4. (3.3.5)		
	Review and update a comprehensive storm sewer map. (3.3.6)		
	Complete dry weather field screening for non-storm water from 100% of all outfalls (3.3.7)	Within the five years of the effective date of the permit.	Each co-permittee is responsible for screening their outfalls.
	Document the SWMP information related to the control measure in the Annual Report. (3.3.8)	Annually.	Each co-permittee shall contribute to this joint project.
Construction Site Storm Water Runoff (40 CFR §122.34(b)(4))			
3.4	Review and implement construction site runoff control program for sites disturbing one or more acres of land. (3.4.1)	Annually.	Each co-permittee responsible within its jurisdiction.
	Maintain an ordinance or other control measure to require construction site operators to practice erosion, sediment and waste control. (3.4.3)		Each co-permittee responsible for adoption and implementation within its jurisdiction.
	Publish and distribute written requirements for construction site best management practices. (3.4.4)		Each co-permittee (Co-permittees may develop joint documents).
	Review and implement procedures for reviewing site plans and receiving public comment. (3.4.5)		Each co-permittee.
	Review and implement procedures for site inspection and enforcement. (3.4.6)		Each co-permittee.
	Conduct training for contractors / developers /engineers on the construction ordinance(s) and BMP requirements. (Part 3.4.7)	Biennially	Each co-permittee responsible for participating in the training.
3.4	Document SWMP information related to the control measure in the Annual Report. (3.4.8)	Annually.	Each co-permittee will contribute to this joint project.
Post-Construction Storm Water Management (40 CFR §122.34(b)(5))			
3.5	Review and implement a program to address post-construction runoff from new development and redevelopment. (3.5.1)	Annually.	Each co-permittee is responsible for the development and implementation.
	Conduct a workshop for developers and engineers. (3.5.5)	Biennially.	Each co-permittee shall contribute to this joint project.

Table 1: Schedule of Submissions – Storm Water Management Program

Part of Permit	Storm Water Management Program Component	Compliance Date	Responsibility
3.5	Review and implement a strategy that provides incentives for the increased use of Green Infrastructure/LID technique(s) or practice(s) in private and public sector development projects.(3.5.6)	Within the first year of the effective date of the permit.	Each co-permittee will contribute to this joint project.
	Inventory and map locations of all permittee-owned and privately owned snow disposal sites that discharge to the MS4 or receiving waters. (3.5.7)	Annually.	
	Evaluate whether to protect water quality by explicitly regulating operation of private snow disposal sites through ordinance or other regulatory mechanism and include document in corresponding annual report. (3.5.7.1)	Within two years of the effective date of the permit	
	Document SWMP information related to the control measure in the Annual Report.(3.5.8)	Annually.	
Pollution Prevention/Good Housekeeping (40 CFR §122.34(b)(6))			
3.6	Review and implement an operation and maintenance program to prevent pollutant runoff from municipal activities. (3.6.1)	Annually.	Each co-permittee is responsible for evaluating their own practices, developing guidance for operational effectiveness and conveying that information to their maintenance personnel. Co-permittees may work together to accomplish these objectives.
	Maintain appropriate training for municipal personnel provided annually after initial offering. (3.6.2),		
	Document SWMP information related to the control measure in the Annual Report. (3.6.4)		Each co-permittee shall contribute to this joint project.
MONITORING, EVALUATION, RECORD KEEPING, AND REPORTING REQUIREMENTS			
4.1.2	Provide monitoring results with the Annual Report.	Annually.	Each co-permittee shall contribute to this joint project.
4.1.3	Submit a current Monitoring Program Plan that includes a Quality Assurance Project Plan (QAPP) for all analytical monitoring to be conducted.	Within 180 days of the effective date of the permit.	
4.1.5	Conduct storm water outfall monitoring.	2 times/year	
4.2	Conduct a SWMP overall program effectiveness assessment and document in the Annual Report.	Annually.	
4.3	Submit an Annual Report comprised of a summary annual report and a detailed annual report.		

1.0 APPLICABILITY

1.1 Introduction

The City of Fairbanks, City of North Pole, University of Alaska Fairbanks, and Alaska Department of Transportation and Public Facilities (co-permittees) were issued a Phase II National Pollutant Discharge Elimination System (NPDES) permit #AKS053406 from the U.S. Environmental Protection Agency (EPA) on June 1, 2005. In October 2009, EPA transferred authority to administer the APDES program to DEC. When the permit expired in May 2010, DEC administratively extended the permit pursuance to 18 AAC 83.155(c) until it was reissued on June 10, 2013. Since this inception date the co-permittees are authorized to discharge storm water to Beaver Springs, Chena River, Chena Slough, Noyes Slough, and other associated waters of the United States as defined in Part 1.2 *Permit Coverage Area* from Part 1.3 *Discharges Authorized Under this Permit*.

1.2 Permit Coverage Area

This permit covers all areas within the boundaries of the Fairbanks Urbanized Area, which are served by the MS4 owned or operated-by the co-permittees.

1.3 Discharges Authorized Under this Permit

During the effective term of this permit, the co-permittees are authorized to discharge storm water to waters of the United States from: (1) all portions of the MS4s owned and operated by the City of Fairbanks, City of North Pole, the University of Alaska–Fairbanks, and (2) the portions of the MS4 with State of Alaska rights-of-way located within the boundaries of the Fairbanks Urbanized Area, which are owned or operated by the Alaska Department of Transportation and Public Facilities, subject to the conditions set forth herein. This permit also authorizes the discharge of storm water commingled with flows contributed by process wastewater, non-process wastewater, and storm water associated with industrial activity, provided that the storm water in these flows is only commingled with those categories of allowable non-storm water discharges set forth in Part 1.4 of this permit.

1.4 Limitations on Permit Coverage

1.4.1 **Non-Storm Water Discharges**. Co-permittees are not authorized to discharge non-storm water, except where such discharges satisfy one of the following three conditions:

1.4.1.1 The non-storm water discharges are in compliance with a separate Alaska Pollutant Discharge Elimination System (APDES) permit; or

1.4.1.2 The non-storm water discharges result from a spill and:

1.4.1.2.1 Are the result of an unforeseen weather event where reasonable and prudent measures have been taken to minimize the impact of such discharge; or

1.4.1.2.2 Consist of emergency discharges required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to minimize the impact of such discharges; or

1.4.1.3 The non-storm water discharges satisfy each of the following two conditions:

1.4.1.3.1 The discharges consist of uncontaminated water line flushing, landscape irrigation (provided all pesticides, herbicides and fertilizer have been applied in accordance with manufacturer's instructions), diverted stream flows, rising ground waters,

uncontaminated ground water infiltration (as defined at 40 CFR§ 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation and footing drains, air conditioning condensate, irrigation water, springs, water from crawlspace pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street and pavement wash water where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed), routine external building wash waters without detergents, and flows from emergency firefighting activities; and

1.4.1.3.2 The discharges are not sources of pollution to waters of the United States. A discharge is considered a source of pollution to waters of the United States if it:

1.4.1.3.2.1 Causes excessive foam in the receiving waters or contains floating and/or settleable solids in amounts sufficient to make the water unsafe or unfit for providing water supply or other beneficial uses;

1.4.1.3.2.2 Contains oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters;

1.4.1.3.2.3 Contains substances that are in amounts sufficient to be unsightly or deleterious or which produce color, odor, or other conditions to such a degree as to create a nuisance;

1.4.1.3.2.4 Contains any substance or combination of substances in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill, aquatic life, other animals, plants or humans; or

1.4.1.3.2.5 Contains any substances or combination of substances that will cause or contribute to the growth of aquatic plants or algae to such degree as to create a nuisance, be unsightly, or otherwise impair the designated use.

1.4.2 **Discharges Threatening Water Quality**. Co-permittees are not authorized to discharge storm water that the DEC determines will cause or have the reasonable potential to cause or contribute to violations of water quality standards (WQS, 18 AAC 70).

1.4.3 **Snow Disposal to Receiving Waters**

1.4.3.1 Co-permittees are not authorized to dispose of snow directly to waters of the United States, or directly to the MS4(s). Discharges from the co-permittee's snow disposal and snow management practices are authorized under this permit when such practices are operated using appropriate BMPs required in Part 3.6. BMPs may include detention basins, dikes, berms, ditches, and vegetative buffers. BMPs shall be designed, operated, and maintained to prevent and reduce pollutants in the discharges to the maximum extent practicable so as to avoid excursions above WQS.

1.4.4 **Discharges to Water Quality-Impaired Receiving Waters**

1.4.4.1 For the purposes of this Permit, the CWA §303(d) listed water bodies are those cited in the Final DEC 2010 Integrated Report – the Noyes Slough, Chena River, and Chena Slough. "Pollutant(s) of concern" refer to the pollutant(s) identified as causing or contributing to the water quality impairment. Pollutants of concern for the purposes of this Permit are: residues (in the form of debris), petroleum hydrocarbons, oil and grease, and sediment.

1.4.4.2 The co-permittees must conduct a storm water discharge monitoring program as required in Part 4.0.

1.4.4.3 The co-permittees' SWMP documentation must include a description of how the activities of each minimum control measure in Part 3.0 are implemented by the co-permittees to control the discharge of pollutants of concern and ensure that the MS4 discharges will not cause or contribute to an excursion above applicable WQS. This discussion must specifically identify how the co-permittees evaluates and measures the effectiveness of the SWMP to control the pollutants of concern. Consistent with Part 2.0, the co-permittees must update its description annually in subsequent Annual Reports.

1.5 Co-Permittees' Responsibilities

1.5.1 Each co-permittee is individually responsible for permit compliance related only to portions of the MS4 owned or operated solely by that co-permittee, and where this permit directs action or inaction by that named co-permittee.

1.5.2 Each co-permittee is jointly responsible for permit compliance:

1.5.2.1 Related to portions of the MS4 where operational or storm water management program implementation authority has been transferred from one co-permittee to another in accordance with an enforceable intergovernmental cooperative agreement;

1.5.2.2 Related to portions of the MS4 where co-permittees jointly own or operate a portion of the MS4; and

1.5.2.3 Related to the submission of plans, reports, strategies, and assessments required by Parts 2.0, 3.0 and 4.0 of this permit.

1.5.3 The co-permittees must maintain an intergovernmental agreement describing each organization's respective roles and responsibilities related to this Permit. Any previously signed agreement may be updated, as necessary, to comply with this requirement. An updated intergovernmental agreement must be completed within 180 days from the effective date of this permit. A copy of the updated intergovernmental agreement must be submitted to the DEC with the 1st Year Annual Report.

2.0 STORM WATER MANAGEMENT PROGRAM (SWMP) REQUIREMENTS

2.1 Storm Water Management Program Document

The co-permittees shall prepare a joint SWMP document that reflects each co-permittee's unique program implementation.

2.1.1 No later than one year from the effective date of the permit, the co-permittees shall review, and revise as necessary their written documentation of the SWMP as implemented within their jurisdiction. The SWMP documentation must be organized according to the program components in Parts 3.0 and 4.0 of this permit. At a minimum, each co-permittee must include the following information:

2.1.1.1 Ordinances or other regulatory mechanisms, providing the legal authority necessary to implement and enforce the requirements of this permit.

2.1.1.2 A written outline describing how the co-permittees will implement the requirements of Parts 3.0 and 4.0 of this permit.

2.1.2 Each co-permittee must track the annual number of inspections, official enforcement actions, and types of public education activities and outcomes, as stipulated by the respective program requirement. Information summarizing these activities during the previous reporting period must be included in the Annual Report.

2.1.3 The SWMP document must be reviewed and updated at least annually and submitted with the Annual Report. The co-permittees shall provide one cohesive Annual Report that includes the SWMP actions and activities for each co-permittee referenced in the Annual Report.

2.2 General Requirements

2.2.1 **Reduce pollutants to the maximum extent practicable**. Co-permittees must implement and enforce a SWMP designed to reduce the discharge of pollutants from their MS4 to the maximum extent practicable to protect water quality in the receiving waters. The SWMP must include BMPs, control techniques, system design, engineering methods, and other provisions appropriate to control and minimize the discharge of pollutants from the MS4s.

2.2.2 The SWMP developed by the co-permittees and submitted to DEC covers the term of this permit and must be updated annually or as required by the Department to ensure compliance with Section 402(p)(3)(B) of the CWA, 33 U.S.C. §1342(p)(3)(B). Modifications to the SWMP must be made in accordance with Part 2.2.5.3 of this permit. The SWMP submitted to DEC by the co-permittees, and all approved updates made in accordance with Part 2.2.5.3 of this permit, are hereby incorporated by reference. All components and requirements of the SWMP are enforceable as conditions of this permit.

2.2.3 Co-permittees must submit any plan revisions or documents, which require review and approval by DEC to the Permitting Program address listed in Appendix A, Part 1.1.1, and in accordance with Parts 2.2.5.3 and/or 4.0 of this permit. Within 60 days of receipt of such plans or documents, DEC shall have the right to disapprove or require modifications to the plans or documents for approval.

2.2.4 **SWMP Elements**. The SWMP actions and activities are outlined through the minimum control measures in Part 3.0 and the assessment/monitoring requirements described in Part 4.1. Each co-permittee must implement their respective sections of the SWMP that provides:

2.2.4.1 BMPs that are selected, implemented, maintained and updated to ensure that storm water discharges do not cause or contribute to an exceedance of an applicable numeric or narrative WQS; and

2.2.4.2 Measurable Goals, including interim milestones, for each BMP.

2.2.5 **Shared Implementation with Outside Entities**. Implementation of one or more of the minimum measures may be shared with another entity who is not subject to this permit, or the entity may fully take over the measure. A co-permittee may rely on another entity only if:

2.2.5.1 The other entity, in fact, implements the control measure;

2.2.5.2 The control measure, or component of that measure, is at least as stringent as the corresponding permit requirement; and

2.2.5.3 The other entity agrees to implement the control measure on the co-permittee's behalf. A legally binding written acceptance of this obligation is required. The co-permittee must maintain this obligation as part of the SWMP description. If the other entity agrees to report on the minimum measure, the co-permittee must supply the other entity with the reporting requirements in Part 4.3 of this permit. The co-permittee remains responsible for compliance with the permit obligations.

2.3 Reviewing and Updating the Storm Water Management Program

2.3.1 Co-permittees must annually review the SWMP as part of the preparation of the Annual Report required under Part 4.3.

2.3.2 Co-permittees may request changes to any SWMP action or activity specified in this permit according to the following procedures:

2.3.2.1 Changes to delete or replace an action or activity specifically identified in this permit with an alternate action or activity may be requested at any time. Modification requests to DEC must include:

2.3.2.1.1 An analysis of why the original action or activity is ineffective, infeasible, or cost prohibitive;

2.3.2.1.2 Expectations on the effectiveness of the replacement action or activity; and

2.3.2.1.3 An analysis of why the replacement action or activity is expected to better achieve the SWMP requirements.

2.3.2.2 Change requests or notifications must be made in writing and signed by all co-permittees in accordance with Appendix A, Part 1.12.

2.3.2.3 Documentation of the actions or activities as required by this permit must be submitted to DEC upon request. DEC may review and subsequently notify the co-permittees that changes to the SWMP are necessary to:

2.3.2.3.1 Address discharges from the MS4 that are causing or contributing to water quality impacts;

2.3.2.3.2 Include more stringent requirements necessary to comply with new federal or state statutory or regulatory requirements;

2.3.2.3.3 Include other conditions deemed necessary by DEC to comply with water quality standards, or other goals and requirements of the CWA; or

2.3.2.3.4 Address the SWMP requirements of the permit, if DEC determines that the co-permittees' current SWMP does not meet permit requirements.

2.3.2.4 If DEC notifies the co-permittees that changes are necessary, the notification will offer the co-permittees an opportunity to propose alternative program changes to meet the objectives of the requested modification. Following this opportunity, the co-permittees must implement any required changes according to the schedule set by DEC.

2.4 Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation

2.4.1 Transfer of ownership, operational authority, or responsibility for SWMP implementation requires submittal of all corrected documentation to DEC for a 60-day review before implementation of transfer.

2.4.2 Co-permittees must implement the SWMP in all new areas added or transferred to the co-permittees' MS4s (or for which the co-permittee becomes responsible for implementation of storm water quality controls) as expeditiously as practicable, but no later than one year from the date upon which the new areas are added. Such additions and schedules for implementation must be documented in the next Annual Report following the transfer.

2.5 Storm Water Management Program Resources

Co-permittees must continue to provide adequate finances, staff, equipment, and other support capabilities to implement their SWMP actions and activities outlined in this permit.

3.0 MINIMUM CONTROL MEASURES

The six minimum control measures that must be included in the SWMP are:

3.1 Public Education and Outreach

3.1.1 Co-permittees must maintain a public education program to educate the community about the impacts of storm water discharges on water bodies and the steps that citizens and businesses can take to reduce pollutants in storm water runoff.

3.1.2 At least annually, the co-permittees must distribute storm water educational materials to target audiences that encourages the public to improve water quality.

3.1.3 At least annually, the co-permittees must prepare and distribute appropriate information that encourages the public to improve water quality to local media outlets.

3.1.4 Co-permittees must document the following information related to public education and outreach in each Annual Report:

3.1.4.1 Describe the public education program and outreach activities accomplished during the previous calendar year, including at least one copy of each educational material distributed;

3.1.4.2 Describe the methods and frequency of disseminating information;

3.1.4.3 Describe the target audiences and pollutants / sources that are addressed by the program and how they were selected;

3.1.4.4 Estimate the number of people reached by the program over the previous twelve month period;

3.1.4.5 List the measurable goals for the public education and outreach program over the next calendar year;

3.1.4.6 List the dates by which the measurable goals will be achieved; and

3.1.4.7 Identify the person(s) responsible for implementing and coordinating the education activities.

3.2 Public Involvement and Participation

3.2.1 Co-permittees must comply with applicable state and local public notice requirements when implementing a public involvement/participation program.

3.2.2 Co-permittees must continue to make the SWMP and all Annual Reports available to the public through the municipal library system, a co-permittee-maintained website, or other easily accessible location. Public outreach should include location information whenever appropriate.

3.2.3 Co-permittees must continue the Storm Water Advisory Committee. The Storm Water Advisory Committee meeting schedule must be made known to the public and DEC through direct mail or e-mail notification, if possible, and other locally appropriate means. The committee must meet at a minimum frequency of at least once per quarter.

3.2.4 Co-permittees must continue to implement a storm drain stenciling program.

3.2.5 At least annually, co-permittees must continue to host a community Stream Clean Up Day.

3.2.6 Annually, co-permittees must continue an ongoing volunteer monitoring program and an Adopt-a-Stream program.

3.2.7 Co-permittees must document the following information related to public involvement/participation in each Annual Report:

3.2.7.1 Describe the activities and target audiences for public involvement that the program accomplished for the preceding twelve-month period, including any monitoring and/or survey results, number of storm drains stenciled, etc.;

3.2.7.2 Describe the procedure(s) for receiving and reviewing public comments;

3.2.7.3 Describe the measurable goals for the public involvement/participation program over the next twelve-month period;

3.2.7.4 List the dates by which the co-permittees will accomplish each of the upcoming measurable goals; and

3.2.7.5 Identify the person(s) responsible for implementing and coordinating the public involvement/participation activities.

3.3 Illicit Discharge Detection and Elimination

An illicit discharge is any discharge to an MS4 that is not composed entirely of storm water. Exceptions are described in Part 1.4 of this permit. At the Storm Water Advisory Committee meetings (Part 3.2.3), co-permittees shall discuss illicit discharge detection and elimination.

3.3.1 Annually, the co-permittees shall review and implement a program to detect and eliminate illicit discharges. The co-permittees must, as part of this activity, maintain an information management system to track illicit discharges.

3.3.2 Annually, the co-permittees must review and revise an inventory and map of industrial facilities and activities that are covered by the APDES Multi–Sector General Permit (MSGP) AKR060000, and that discharge directly to their MS4. At a minimum, the inventory must include the facility name and address, nature of the business or activity, Standard Industrial Classification code(s) or the newer North American Industry Classification System code(s) that best reflect the facility product or service, the receiving water body, and type of pollutants that may be discharged by the facility or activity.

3.3.3 Annually, co-permittees must review the effectiveness and revise ordinances or procedures that effectively prohibit non-storm water discharges into their MS4s. Co-permittees must implement appropriate enforcement procedures and actions, including enforcement escalation procedures for recalcitrant or repeat offenders.

3.3.4 Co-permittees must prohibit any of the non-storm water flows listed in Part 1.4.1.3 through ordinance if such flows are identified by DEC or the co-permittees as a source of pollutants to the MS4. Co-permittees must document any existing local controls or conditions placed on such discharges.

3.3.5 Annually, co-permittees must inform users of the MS4 and the general public of hazards associated with illegal discharges and improper disposal of waste.

3.3.6 Annually, co-permittees must review and revise the comprehensive MS4 map. At a minimum, the map must show jurisdictional boundaries, the location of all inlets and outfalls, names and locations of all waters that receive discharges from those outfalls, and locations of all municipally-owned and operated facilities, including public snow disposal sites. If available, locations of all privately operated snow disposal sites must also be indicated on the comprehensive map. A copy of the completed map must be submitted to DEC as part of the Annual Report.

3.3.7 Co-permittees must continue dry weather field screening for non-storm water flows from all outfalls. By no later than the expiration date of this permit, all of the co-permittees' outfalls within the permit area must be screened for dry weather flows. The screening should include field tests of selected chemical parameters as indicators of discharge sources where sufficient flow is found at an outfall to allow for monitoring. Screening level tests may utilize less expensive "field test kits" using test methods not approved by EPA under 40 CFR Part 136 (adopted by reference at 18 AAC 83.010), provided the manufacturer's published detection ranges are adequate for the illicit discharge detection purposes. The co-permittees must investigate any illicit discharge within 15 days of its detection and must take action to eliminate the source of the discharge within 45 days of its detection. Raw data and narrative review of screening and mapping shall be included in the following year's Annual Report from the year the data was collected.

3.3.8 Co-permittees must document the following information related to illicit discharge detection and elimination in the Annual Report:

3.3.8.1 A description of the criteria used to prioritize investigations in areas suspected of having illicit discharges, for example: targeting older areas of the city, areas of high public complaints, and areas of high recreational value or high environmental value, such as beaches and drinking water sources;

3.3.8.2 A description of procedures used to locate and remove illicit discharges, including detection methods;

3.3.8.3 A summary of all dry weather testing conducted to date and of the co-permittees' activity to remove any illicit discharge(s) identified;

3.3.8.4 A copy of the established ordinance or other regulatory mechanism used to prohibit illicit discharges into the MS4s;

3.3.8.5 A description of enforcement policy and jurisdiction. The program must include procedures for coordination with adjacent municipalities and/or state or federal regulatory agencies to address situations where investigations indicate the illicit discharge originates outside the co-permittees' jurisdiction. Where a co-permittee lacks legal authority to establish enforceable rules or if an illicit discharger fails to comply with procedures or policies established by the co-permittee, the program must include procedures for notifying DEC for assistance in enforcement of this provision of the permit;

3.3.8.6 A description of the methods used over the previous twelve-month period to inform the public and train public employees about illicit discharges and the improper disposal of waste;

3.3.8.7 A list of measurable goals for the illicit discharge detection and elimination program for the next twelve-month period and the dates by which the co-permittees will achieve each of the measurable goals; and

3.3.8.8 The name and title of the person(s) responsible for coordination and implementation of the illicit discharge detection and elimination program.

3.4 Construction Site Storm Water Runoff Control

3.4.1 Co-permittees must annually review and implement their existing program that reduces pollutants in any storm water runoff to the MS4 from construction activities consistent with this permit and the current version of the APDES General Permit for Storm Water Discharges from Large and Small Construction Activities in Alaska Permit #: AKR100000 (Construction General Permit or CGP). The co-permittees must discuss revisions, planned improvements, and schedule in the Annual Report.

3.4.2 If DEC waives the permit requirements for storm water discharges associated with a specific small construction activity (i.e., a single project) in accordance with 40 CFR §122.26(b)(15)(i)(A) or (B), the co-permittee is not required to develop, implement, or enforce the program to reduce pollutant discharges from that particular site.

3.4.3 The co-permittees must maintain an ordinance or other regulatory mechanism to be consistent with this Permit and with the current version of the CGP. This ordinance or regulatory mechanism must include sanctions to ensure compliance.

3.4.4 Co-permittees must continue to publish and distribute requirements for construction site operators to implement appropriate erosion and sediment control BMPs and to control waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site that may cause adverse impacts to water quality. Availability of published materials can be via a permittee-maintained website or other easily accessible location.

3.4.5 Annually, co-permittees must review and implement procedures for reviewing all site plans as required in Part 3.4.1 for potential water quality impacts, including erosion and sediment control, control of other wastes, and any other impacts that must be examined according to the requirements of the law, ordinance, or other enforceable mechanism of Part 3.4.3. These procedures must include provisions for receipt and consideration of information submitted by the public.

3.4.6 Annually, co-permittees must review and implement procedures for site inspection and enforcement of control measures established as required in Parts 3.4.3 and 3.4.4, including enforcement escalation procedures for recalcitrant or repeat offenders. The co-permittees shall inspect all construction activities as required in Part 3.4.1 in their jurisdictions for appropriate erosion, sediment, and waste control at least once per year.

3.4.7 Co-permittees must conduct a biennial training session for the local construction, design, and engineering audiences related to the construction ordinance and BMP requirements referenced in Parts 3.4.3 and 3.4.4.

3.4.8 The Annual Reports will document data, actions, and analysis on data and program elements. The Annual Report must document the following SWMP information related to construction site runoff control:

3.4.8.1 A copy of the established ordinance or other regulatory mechanism used to require erosion, sediment and waste controls at construction sites as referenced in Part 3.4.3;

3.4.8.2 A copy of the written requirements for appropriate erosion, sediment and waste control BMPs at construction sites;

3.4.8.3 A summary of the number of sanctions and enforcement actions taken by the co-permittees to ensure compliance with the construction site ordinance during the previous twelve-month period. To the extent allowable under the legal authority of each co-permittee, sanctions may include both monetary and non-monetary penalties;

3.4.8.4 A summary of the number of site plan reviews conducted by each co-permittee;

3.4.8.5 A description of the procedures for receipt and consideration of information submitted by the public;

3.4.8.6 A summary of the number of sites inspected during the previous twelve–month period, including a description of the site inspection procedures, how sites will be prioritized for inspection, when and how often a site will be inspected;

3.4.8.7 A list of measurable goals for the construction site runoff control program, including dates by which the co-permittees will achieve each of the measurable goals; and

3.4.8.8 The name and title of the person(s) responsible for coordination and implementation of the construction site runoff control program.

3.5 Post–Construction Storm Water Management in New Development and Redevelopment

3.5.1 Co-permittees must review and continue the implementation and enforcement of a program to address post-construction storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale that disturb one acre or more, that discharge into the MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts.

3.5.2 Annually, co-permittees must review the effectiveness and revise ordinances or other regulatory mechanisms to the extent allowable under state or local law to address post-construction runoff from new development and redevelopment projects. Co-permittees must implement appropriate enforcement procedures and actions, including enforcement escalation procedures for recalcitrant or repeat offenders.

3.5.3 Annually, co-permittees must review and revise the publishing and distribution of a BMP design manual for post-construction storm water management, which includes a list of strategies reflecting a combination of structural and non-structural BMPs appropriate to the MS4s.

3.5.4 Co-permittees must ensure proper long-term operation and maintenance of post-construction BMPs.

3.5.5 Co-permittees must continue to conduct biennial training for local construction, design, and engineering audiences.

3.5.6 Green Infrastructure/Low Impact Development (LID) Incentive Strategy

3.5.6.1 Within the first year of the effective date of the permit, co-permittees must review and implement a strategy that provides incentives for the increased use of Green Infrastructure/LID technique(s) or practice(s) in private and public sector development projects.

3.5.6.2 Co-permittees shall continue to incorporate into their education materials information about green infrastructure strategies, such as green roofs, rain gardens, rain barrels, bioswales, permeable piping, dry wells, and permeable pavement that mimic natural processes and direct storm water to areas where it can be infiltrated, evapotranspirated, or reused. The information must discuss the benefits and costs of such strategies and provide guidance to the public on how to implement them.

3.5.6.3 The co-permittees must finalize the evaluation of the performance of LID technique(s) or practice(s) of the previous permit cycle's pilot project and submit in the first year's Annual Report as a final pilot project evaluation. The co-permittees must monitor, calculate, or model runoff quantities for the pilot project site in the following manner:

3.5.6.3.1 For a retrofit project, changes in runoff quantities shall be calculated as a percentage of 100% pervious surface before and after implementation of the LID technique(s) or practice(s).

3.5.6.3.2 For new construction projects, changes in runoff quantities shall be calculated for development scenarios both with LID technique(s) or practice(s) and without LID technique(s) or practice(s).

3.5.6.3.3 The co-permittees must measure runoff flow rate and subsequently prepare runoff hydrographs to characterize peak runoff rates and volumes, discharge rates and volumes, and duration of discharge volumes. The evaluation must include quantification and description of each type of land cover contributing to surface runoff for the pilot project, including area, slope, vegetation type and condition for pervious surfaces, and the nature of impervious surfaces.

3.5.6.3.4 The co-permittees must use these runoff values to evaluate overall effectiveness of various LID technique(s) or practice(s) and to develop recommendations for future adoption of LID technique(s) or practice(s) that address appropriate use, design, type, size, soil type and operation and maintenance practices.

3.5.6.4 No later than two years from the effective date of this permit, the co-permittees must use the recommendations obtained through the LID demonstration pilot project to revise the Green Infrastructure Resource Guide for Fairbanks, Alaska.

3.5.7 **Snow Disposal Sites**. Within one year of the permit effective date, the permittee must inventory and map locations of all permittee-owned and privately owned snow disposal sites that discharge directly to the MS4 or to receiving waters. The snow disposal site inventory and map must be updated annually thereafter.

3.5.7.1 Within two years from the effective date of this permit, the permittee must evaluate whether to further protect water quality by explicitly regulating the operation of private snow disposal sites within boundaries of the MS4 through ordinance or other regulatory mechanism.

3.5.7.1.1 An evaluation report, determining whether private snow disposal sites should be subject to ordinance or other regulatory mechanism to adequately protect water quality, must be submitted to DEC with the corresponding Annual Report.

3.5.7.1.2 Within three years of the effective date of this permit, the permittee must revise all applicable requirements as necessary in accordance with recommendations contained in the evaluation report.

3.5.8 The Annual Report must document the following SWMP information related to post-construction storm water management:

3.5.8.1 A copy of the BMP design manual containing structural and non-structural BMPs that will be used to manage post-construction runoff from new development and redevelopment projects within the MS4s. List any specific priority areas for this program;

3.5.8.2 An explanation of the design and performance features of the chosen BMPs that are intended to minimize water quality impacts;

3.5.8.3 A copy of the established ordinance or other regulatory mechanism used to address post-construction runoff control;

3.5.8.4 A description of how long-term operation and maintenance of the selected BMPs is ensured, including the organizations responsible and their expected operation and maintenance schedule;

3.5.8.5 A description of the plans to inform and educate developers and the public about appropriate project designs that minimize water quality impacts;

3.5.8.6 A list of measurable goals for the post-construction runoff control program, including dates by which the co-permittee will achieve each of the measurable goals; and

3.5.8.7 The name and/or title of the person(s) responsible for coordination and implementation of the post-construction SWMP.

3.6 Pollution Prevention and Good Housekeeping

3.6.1 Co-permittees must continue to maintain and implement an operation and maintenance program intended to prevent or reduce pollutant runoff from municipal activities. This program must:

3.6.1.1 Include an employee training component;

3.6.1.2 Address the following activities at a minimum:

3.6.1.2.1 Park and open space maintenance,

3.6.1.2.2 Fleet and building maintenance,

3.6.1.2.3 New construction and land disturbances,

3.6.1.2.4 Storm water system maintenance, and

3.6.1.2.5 Snow disposal site operation and maintenance.

3.6.2 Annually, co-permittees must continue appropriate training for municipal personnel related to optimum maintenance practices for the protection of water quality.

3.6.3 Co-permittees must continue to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.

3.6.4 The Annual Report must document the co-permittees' efforts during the previous twelve-month period to prevent or reduce pollutant runoff from the municipal operations through the operation and maintenance program, including:

3.6.4.1 A description of the activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to the MS4s;

3.6.4.2 A description of the employee training program used to prevent and reduce storm water pollution, including the targeted department personnel, frequency of such training, and a copy of training materials;

3.6.4.3 A summary description of the controls for reducing or eliminating the discharge of pollutants from areas owned or operated by the co-permittees, including but not limited to, streets, roads, and highways; municipal parking lots; maintenance and storage yards; waste transfer stations; fleet or maintenance shops with outdoor storage areas; salt/sand storage locations; and snow disposal sites operated by the co-permittees;

3.6.4.4 A description of procedures to ensure proper disposal of waste removed from the MS4s and the MS4s operations including dredge spoil, accumulated sediments, floatables, and other debris;

3.6.4.5 A description of procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices;

3.6.4.6 A list of all industrial facilities owned or operated by the co-permittees that discharge to the MS4, including industrial facilities that are subject to the MSGP or APDES individual permits for discharges of storm water associated with industrial activity. Include the DEC permit tracking number or a copy of the Industrial Notice of Intent (NOI) form for each facility, as appropriate;

3.6.4.7 A list of measurable goals for the pollution prevention and good housekeeping program, including dates by which the co-permittees will achieve each of the measurable goals; and

3.6.4.8 The name and title of the person(s) responsible for coordination and implementation of the operation and maintenance program.

4.0 MONITORING, EVALUATION, REPORTING, AND RECORD KEEPING REQUIREMENTS

4.1 Monitoring Program Plan

4.1.1 The co-permittees must continue to implement a comprehensive Monitoring Program Plan. A description of this program must be included in the SWMP document. The Monitoring Program Plan must be designed to meet the following objectives:

4.1.1.1 Assess compliance with this permit;

4.1.1.2 Measure the effectiveness of the co-permittee's SWMP;

4.1.1.3 Measure the chemical, physical, and biological impacts to receiving waters resulting from storm water discharges;

4.1.1.4 Characterize storm water discharges;

4.1.1.5 Identify sources of specific pollutants;

4.1.1.6 Detect and eliminate illicit discharges and illegal connections to the MS4.

4.1.2 When the co-permittees conduct water quality monitoring, the co-permittees must comply with the following:

4.1.2.1 **Representative monitoring**: All samples and measurements must be representative of the monitored activity;

4.1.2.2 **Test Procedures**. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 (adopted by reference at 18 AAC 83.010), unless otherwise specified; and

4.1.2.3 **Discharge Monitoring Report**: Monitoring results must be recorded on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent, and submitted annually for the previous twelve-month period along with the Annual Report.

4.1.3 **Monitoring Program Plan including Quality Assurance Requirements**: Within 180 days of the effective date of this permit, the co-permittees must submit a current Monitoring Program Plan that includes a Quality Assurance Project Plan (QAPP) for all analytical monitoring to be conducted, including but not limited, to discharge detection and elimination activities described in Parts 3.2 and 3.3. The Monitoring Program Plan must be submitted to the Compliance and Enforcement Program address listed in Appendix A, Part 1.1.2.

4.1.3.1 The Monitoring Program Plan must include a list of at least 15 outfalls prioritized to identify "high" and "medium" priority monitoring locations. The co-permittees must select a subset of at least eight outfall locations to monitor throughout the permit term. The outfalls selected by the co-permittees must be representative of major land uses within the permit coverage area as defined in Part 1.2.

4.1.3.2 The QAPP must be designed to assist in planning for the collection and analysis of water samples in support of the SWMP.

4.1.3.3 Throughout all sample collection and analysis activities, the co-permittees must use the EPA-approved Quality Assurance/Quality Control (QA/QC) and chain-of-custody procedures described in *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5), *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5) and the DEC Quality Assurance Plan Checklist. The QAPP must be formatted as specified in these documents.

4.1.3.4 At a minimum, the QAPP must include the following:

4.1.3.4.1 Details on the 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.

4.1.3.4.2 Map(s) indicating the location(s) of each sampling point.

4.1.3.4.3 Qualification and training of personnel.

4.1.3.4.4 Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the co-permittees.

4.1.3.5 Annually, co-permittees must review the adequacy of the QAPP based on permit compliance activities and sampling results. The co-permittees must amend this Monitoring Program Plan and QAPP whenever there is a modification in the sample collection, sample analysis, or other conditions or requirements of the plan.

4.1.4 Copies of the Monitoring Program Plan and QAPP must made available to DEC upon request.

4.1.5 The co-permittees must continue monitoring the identified storm water outfalls in Part 4.1.3.1 during wet weather events at least two times per year. The monitoring requirements are listed in Table 2: Outfall Monitoring Requirements.

Table 2: Outfall Monitoring Requirements

Effluent Characteristics	Monitoring Requirements			
Parameter	**Units**	**Sample Location [a]**	**Sample Frequency [b]**	**Sample Type [c]**
Dissolved Oxygen	mg/L		2 times/year	Grab or Recording
pH	SU		2 times/year	Grab or Recording
Temperature	˚ C		2 times/year	Grab or Recording
Turbidity	NTU		2 times/year	Grab or Recording
Flow	cfs		2 times/year	Grab or Recording, or gauge
Total Suspended Solids (TSS)	mg/L		2 times/year	Grab
Conductivity	µS/cm		2 times/year	Grab or Recording
Chloride	mg/L		2 times/year	Grab
Oil and Grease [d]	sheen	Noyes Slough	Monthly	Visual

Notes:

a. Sample locations must be defined in the co-permittees' Monitoring Program Plan.

b. A minimum of two (2) samples must be collected in calendar year (spring and late summer) assuming the presence of storm events sufficient to produce a discharge.

c. Co-permittees may use other sample types as long as previously identified in the Monitoring Program Plan. Grab samples may be taken manually or with an automatic water sampler.

d. Monthly observations during open water season during periods of both wet and dry weather, with potential identification of source of sheen on Noyes Slough if present.

4.1.6 Records of monitoring information must include:

4.1.6.1 The date, exact place, and time the samples or measurements were taken;
4.1.6.2 The names(s) of the individual(s) who performed the sampling or measurements;
4.1.6.3 The date(s) upon which analysis of each sample was performed;
4.1.6.4 The names of the individuals who performed each analysis;
4.1.6.5 The analytical techniques or methods used; and
4.1.6.6 The results of each analysis.

4.1.7 If any of the co-permittees monitors more frequently than required by this permit using test procedures approved under 40 CFR Part 136 (adopted by reference at 18 AAC 83.010), or as otherwise specified by this permit, the results of this monitoring must be included with the data submitted as part of the Annual Report.

4.2 Evaluation of Overall Program Effectiveness

Annual Effectiveness Assessment – At least annually, each co-permittee must evaluate its compliance with the permit conditions, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals for each of the minimum control measures in Part 3.0. This evaluation of program compliance must be documented in the Annual Report. The annual effectiveness assessment must:

4.2.1 Use the monitoring and assessment data described in Part 4.1 to specifically assess the effectiveness of each of the following:

4.2.1.1 Each significant activity/control measures or type of activity/control measure implemented;

4.2.1.2 Implementation of each major component of the SWMP (Public Education/Involvement, Illicit Discharges, Construction, Post-Construction, Pollution Prevention and Good Housekeeping); and

4.2.1.3 Implementation of the SWMP as a whole.

4.2.2 Identify and use measurable goals, assessment indicators, and assessment methods for each of the items listed in Part 4.2.1.

4.2.3 Document the co-permittees' compliance with permit conditions.

4.2.4 Based on the results of the effectiveness assessment, the co-permittees must annually review their activities or control measures to identify modifications and improvements needed to maximize SWMP effectiveness to achieve compliance with this permit. The co-permittees must develop and implement a plan and schedule to address the identified modifications and improvements. Municipal activities/control measures that are ineffective or less effective than other comparable municipal activities/control measures must be replaced or improved upon by implementation of more effective municipal activities/control measures.

4.3 Annual Reports

4.3.1 According to the schedule in Table 3: Submission Deadlines for Annual Reports, and annually thereafter, the co-permittees must submit an Annual Report for the previous twelve months to DEC at the Compliance and Enforcement Program address in Appendix A, Part 1.1.2. The Annual Report must clearly refer to the permit requirements and describe in quantifiable terms the status of activities undertaken to comply with each requirement. In addition, copies of all Annual Reports must be available to the public through the municipal library system, a co-permittee-maintained website, or other easily accessible location.

Table 3: Submission Deadlines for Annual Reports

Reporting Period	Submission Deadline
1st year Annual Report (permit issuance date – December 2018)	February 15, 2019
2nd year Annual Report (January 1, 2019 – December 31, 2019)	February 15, 2020
3rd year Annual Report (January 1, 2020 – December 31, 2020)	February 15, 2021
4th year Annual Report (January 1, 2021 – December 31, 2021)	February 15, 2022
5th year Annual Report (January 1, 2022 – permit expiration date[1])	February 15, 2023

Note:

1. Unless the permit is extended to or past December 31, 2022; in which case December 31, 2022. Subsequent reporting periods will follow similar format for the calendar year with submission deadline of February 15 the following year.

4.3.2 **Summary Annual Report** – The co-permittees must use the MS4 – Summary Annual Report template in APPENDIX - D to document a summary of the past year's activities. All of the information required on this form must be submitted.

4.3.3 **Detailed Annual Report** – The co-permittees must also submit a detailed Annual Report that addresses the activities described in the SWMP document required in Part 2.0. The Annual Report must include, at a minimum:

4.3.3.1 An updated SWMP document as required in Part 2.0.

4.3.3.2 A description of the effectiveness of each SWMP program component or activity (see Part 4.2).

4.3.3.3 Planned activities and changes for the next reporting period for each SWMP program component or activity.

4.3.3.4 An evaluation of compliance with the requirements of this permit, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals of the SWMP for each minimum control measure.

4.3.3.5 Results of any information collected and analyzed during the previous -twelve month reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the maximum extent practicable.

4.3.3.6 A summary of the activities the co-permittees' plan to undertake during the next reporting cycle (including an implementation schedule) for each minimum control measure.

4.3.3.7 Proposed changes and completed changes to the SWMP, including changes to any BMPs or any identified measurable goals for any minimum control measures.

4.3.3.8 Description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable water quality standards.

4.3.3.9 Notice if the co-permittees are relying on another entity to satisfy some of the permit obligations, if applicable.

4.4 Record Keeping

4.4.1 **Retention of Records**: Co-permittees must retain records and copies of all information (including all monitoring, calibration and maintenance records and all original strip chart recordings for any continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the APDES permit, and records of all data used to complete the application for this permit) for a period of at least five years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended at the request of DEC at any time. Records include all information used in the development of the SWMP, all monitoring data, copies of all reports, and all data used in the development of the permit application.

4.4.2 **Availability of Records**: Co-permittees must retain the SWMP required by this permit (including a copy of the permit language and all Annual Reports) at a location accessible to DEC. The co-permittees must make records, including the permit application and the SWMP, available to the public if requested to do so in writing and make those records available for view during normal business hours.

4.4.3 **Electronic Reporting (**E-Reporting) Rule

4.4.3.1 E-Reporting Rule for DMRs (Phase I). If a permittee is required to submit a DMR, the permittee must submit DMR data electronically through Network Discharge Monitoring Report (NetDMR) per Phase I of the E-Reporting Rule (40 CFR §127) upon the effective date of the Permit. Authorized persons may access permit information by logging into the NetDMR Portal (https://cdxnodengn.epa.gov/oeca-netdmr-web/action/login). DMRs submitted in compliance with the E-Reporting Rule are not required to be submitted as described in APPENDIX - A – Standard Conditions unless requested or approved by the Department. Any DMR data required by the Permit that cannot be reported in a NetDMR field (e.g., mixing zone receiving water data, etc.), shall be included as an attachment to the NetDMR submittal. DEC has established a website at http://dec.alaska.gov/water/Compliance/EReporting Rule.htm that contains general information about this new reporting format. Training materials and webinars for NetDMR can be found at https://netdmr.zendesk.com/home.

4.4.3.2 E-Reporting Rule for Other Reports (Phase II). Phase II of the E-Reporting Rule will integrate electronic reporting for all other reports required by the Permit (e.g., Annual Reports and Certifications) and implementation is expected to begin December 2020. Permittees should monitor DEC's E-Reporting Information website (http://dec.alaska.gov/water/Compliance/EReportingRule.htm) for updates on Phase II of the E-Reporting Rule and will be notified when they must begin submitting all other reports electronically. Until such time, other reports required by the Permit may be submitted in accordance with APPENDIX - A – Standard Conditions.

5.0 TERMINATION OF COVERAGE FOR A SINGLE CO-PERMITTEE.

Permit coverage may be terminated, in accordance with the provisions of 18 AAC 83.130, for a single co-permittee without terminating coverage for other co-permittees.

APPENDIX - A Standard Conditions

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

The permittee shall summarize monitoring results on the annual report form or approved equivalent. The permittee shall submit its annual report at the interval specified in the permit. The permittee shall sign and certify all annual reports and other reports in accordance with the requirements of Appendix A, Part 1.12, Signature Requirement and Penalties. The permittee shall submit the legible originals of these documents to the ADEC Compliance and Enforcement Program at the address in Appendix A, Part 1.1.2.

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 or annual report 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

(for the purposes of this permit)

Abbreviations	Nomenclature
AAC	Alaska Administrative Code
ADOT&PF	Alaska Department of Transportation and Public Facilities
APDES	Alaska Pollutant Discharge Elimination System
AS	Alaska Statute
BMP	Best Management Practice
C&D	Construction and Development
CFR	Code of Federal Regulations
CGP	Alaska Construction General Permit
CWA	Clean Water Act
DEC	Alaska Department of Environmental Conservation
DMR	Discharge Monitoring Report
DO	Dissolved Oxygen
EFH	Essential Fish Habitat
ELG	Effluent Limitation Guideline
EPA	United States Environmental Protection Agency
ESC	Erosion and Sediment Control
LID	Low Impact Development
MS4	Municipal Separate Storm Sewer System
MSGP	Multi-Sector General Permit
NMFS	United States National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NTU	Nephelometric Turbidity Units
NURP	Nationwide Urban Runoff Program
QA/QC	Quality Assurance/Quality Control
QAPP	Quality Assurance Project Plan
SWMP	Storm Water Management Program
SWPPP	Storm Water Pollution Prevention Plan
TMDL	Total Maximum Daily Load
TSS	Total Suspended Solids
U.S.C.	United States Code
USFWS	United States Fish and Wildlife Service
WQS	Water Quality Standard

APPENDIX - C **Definitions** (for the purposes of this permit)

Word or Phrase	Definition
Best Management Practice or BMP	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 runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
Biennial	Occurring once every two years.
Clean Water Act (CWA)	Means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500 as amended by Pub.L 95-217, Pub.L 95-576, Pub.L. 96-483 and Pub.L. 97-117, 33 U.S.C. 1251 et seq.
Control Measure	For the purposes of this permit, means any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.
Discharge	When used without a qualifier, refers to "discharge of a pollutant" as defined at 40 CFR §122.2.
Discharge Monitoring Report (DMR)	Means the EPA uniform national form, including any subsequent additions, revisions or modification for the reporting of self-monitoring results by permittees. See 40 CFR §122.2.
Discharge of Storm Water Associated with Construction Activity	For the purposes of this permit, refers to a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling) or other industrial storm water directly related to the construction process are located. (See 40 CFR §122.26(b)(14)(x) and 40 CFR §122.26(b)(15) for the two regulatory definitions of storm water associated with construction sites.)
Discharge of Storm Water Associated with Industrial Activity	Is defined at 40 CFR § 122.26(b)(14)
Discharge-related Activities	For the purposes of this permit include: activities which cause, contribute to, or result in storm water point source pollutant discharges and measures to control storm water discharges, including the siting, construction, and operation of best management practices to control, reduce or prevent storm water pollution.

Word or Phrase	Definition
Evapotranspiration	Means the sum of evaporation and transpiration of water from the earth's surface to the atmosphere. It includes evaporation of liquid or solid water plus the transpiration from plants.
Facility or Activity	Means any NPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES or APDES program.
Green Infrastructure	Means runoff management approaches and technologies that utilize, enhance and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse.
Illicit Connection	Means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
Illicit Discharge	Defined at 40 CFR §122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.
Industrial Activity	For the purposes of this permit, refers to the eleven categories of industrial activities included in the definition of discharges of storm water associated with industrial activity at 40 CFR§ 122.26(b)(14).
Industrial Storm Water	For the purposes of this permit, refers to storm water runoff associated with the definition of discharges of storm water associated with industrial activity.
Infiltration	The process by which storm water penetrates into soil.
Low Impact Development or LID	Means storm water management and land development techniques, controls and strategies applied at the parcel and subdivision scale that emphasize conservation and use of on-site natural features integrated with engineered, small scale hydrologic controls to more closely mimic pre-development hydrologic functions.
Maximum Extent Practicable	Means the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA §402(p). A discussion of Maximum Extent Practicable as it applies to small MS4s is found at 40 CFR §122.34.
Measurable Goal	Means a quantitative measure of progress in implementing a component of the storm water management program.

Word or Phrase	Definition
Municipal Separate Storm Sewer	Means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.
Municipal Separate Storm Sewer System (MS4)	Is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System. The term, as used within the context of this permit, refers to small MS4s (see definition below) and includes systems operated by a variety of public entities (e.g., military facilities, prisons, and systems operated by other levels of government).
Municipality	Means a city, town, borough, county, parish, 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 the CWA.
National Pollutant Discharge Elimination System (NPDES)	Means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318 and 405 of the CWA. The term includes an approved program
Outfall	For the purposes of this permit, means a point source (defined below) at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.
Owner or Operator	Means the owner or operator of any facility or activity subject to regulation under the NPDES program.

Word or Phrase	Definition
Point Source	Means any discernible, confined, and discrete conveyance, including but not limited to, 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. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
Pollutant	Defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.
Significant Contributors of Pollutants	Means any discharge that causes or could cause or contribute to a violation of surface water quality standards.
Small Municipal Separate Storm Sewer System	Is defined at 40 CFR §122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, A state, city, town, borough, county, parish, district association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, but is not defined as large or medium municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas such as individual buildings.
Snow Disposal Site	A snow disposal site is a centralized off-site storage location where snow is relocated and stored as part of the snow removal and management process.
Snow Management	Means the plowing, relocation, and collection of snow.
Storm Water	Is defined at 40 CFR §122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.
Storm Water Management Program (SWMP)	Refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

Word or Phrase	Definition
Total Maximum Daily Load (TMDL)	An analysis of pollutant loading to a body of water detailing the sum of the individual waste load allocations for point sources and load allocations for non-point sources and natural background. See 40 CFR §130.2.
waters of the United States	Has the meaning given in 40 CFR §1222.22
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. Wetlands generally include swamps, marshes, bogs, and similar areas.

APPENDIX - D MS4 – Summary Annual Report Form

ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM
MS4 – Summary Annual Report Form
Permit Number: AKS-053406

1. MS4 Information

_____
Name of MS4

_____ _____ _____
Name of Contact Person (First) (Last) (Title)

_____ _____
Telephone (including area code) Email

_____
Mailing Address

_____ Alaska _____
City State Zip Code

What size population does your MS4 serve? _____

What is the reporting period for this report? (mm/dd/yyyy) From _____ to _____

2. Water Quality Priorities

A. Does your MS4 discharge to waters listed as impaired on a state 303(d) list? ☐ Yes ☐ No

B. If yes, identify each impaired water, the impairment, whether a TMDL has been approved by EPA for each, and whether the TMDL assigns a wasteload allocation to your MS4. Use a new line for each impairment, and attach additional pages as necessary.

Impaired Water	Impairment	Approved TMDL		TMDL assigns WLA to MS4	
		☐ Yes	☐ No	☐ Yes	☐ No
		☐ Yes	☐ No	☐ Yes	☐ No
		☐ Yes	☐ No	☐ Yes	☐ No
		☐ Yes	☐ No	☐ Yes	☐ No
		☐ Yes	☐ No	☐ Yes	☐ No
		☐ Yes	☐ No	☐ Yes	☐ No

C. What specific sources contributing to the impairment(s) are you targeting in your storm water program?

_____

D. Do you discharge to any high-quality waters (e.g., Tier 2, Tier 3, outstanding natural resource waters, or other state or federal designation)? ☐ Yes ☐ No

E. Are you implementing additional specific provisions to ensure their continued integrity? ☐ Yes ☐ No

3. Public Education and Public Participation

A. Is your public education program targeting specific pollutants and sources of those pollutants? ☐ Yes ☐ No

B. If yes, what are the specific sources and/or pollutants addressed by your public education program?

C. Note specific successful outcome(s) (e.g., quantified reduction in fertilizer use; NOT tasks, events, publications) fully or partially attributable to your public education program during this reporting period.

D. Do you have an advisory committee or other body comprised of the public and other stakeholders that provides regular input on your storm water program? ☐ Yes ☐ No

4. Construction

A. Do you have an ordinance or other regulatory mechanism stipulating:

- Erosion and sediment control requirements? ☐ Yes ☐ No
- Other construction waste control requirements? ☐ Yes ☐ No
- Requirement to submit construction plans for review? ☐ Yes ☐ No
- MS4 enforcement authority? ☐ Yes ☐ No

B. Do you have written procedures for:

- Reviewing construction plans? ☐ Yes ☐ No
- Performing inspections? ☐ Yes ☐ No
- Responding to violations? ☐ Yes ☐ No

C. Identify the total number of active construction sites ≥ 1 acre in operation in your jurisdiction during the reporting period.

D. How many of the sites identified in 4.C did you inspect during this reporting period?

E. Describe, on average, the frequency with which your program conducts construction site inspections.

F. Do you prioritize certain construction sites for more frequent inspections? If Yes, based on what criteria? ☐ Yes ☐ No

G. Identify which of the following types of enforcement actions you used during the reporting period for construction activities, indicate the number of actions, or note those for which you do not have authority:

☐ Yes	Notice Of Violation	#	No Authority	☐
☐ Yes	Administrative Fines	#	No Authority	☐
☐ Yes	Stop Work Orders	#	No Authority	☐
☐ Yes	Civil Penalties	#	No Authority	☐
☐ Yes	Criminal Actions	#	No Authority	☐
☐ Yes	Administrative Orders	#	No Authority	☐
☐ Yes	Other	#		

H. Do you use an electronic tool (e.g., GIS, data base, spreadsheet) to track the locations, inspection results, and enforcement actions of active construction sites in your jurisdiction? ☐ Yes ☐ No

I. What are the 3 most common types of violations documented during this reporting period?
a. b. c.

J. How often do municipal employees receive training on the construction program?

5. Illicit Discharge Elimination

A. Have you completed a map of all outfalls and receiving waters of your storm sewer system? ☐ Yes ☐ No

B. Have you completed a map of all storm drain pipes and other conveyances in the storm sewer system? ☐ Yes ☐ No

C. Identify the number of outfalls in your storm sewer system. _____

D. Do you have documented procedures, including frequency, for screening outfalls? ☐ Yes ☐ No

E. Of the outfalls identified in 5.C, how many were screened for dry weather discharges during this reporting period? _____

F. Of the outfalls identified in 5.C, how many have been screened for dry weather discharges at any time since you obtained MS4 permit coverage? _____

G. What is your frequency for screening outfalls for illicit discharges? Describe any variation based on size/type.

_____

H. Do you have an ordinance or other regulatory mechanism that effectively prohibits illicit discharges? ☐ Yes ☐ No

I. Do you have an ordinance or other regulatory mechanism that provides authority for you to take enforcement action and/or recover costs for addressing illicit discharges? ☐ Yes ☐ No

J. During this reporting period, how many illicit discharges/illegal connections have you discovered? _____

K. Of those illicit discharges/illegal connections that have been discovered or reported, how many have been eliminated? _____

L. How often do municipal employees receive training on the illicit discharge program? _____

6. Storm Water Management for Municipal Operations

A. Have storm water pollution prevention plans (or an equivalent plan) been developed for:

- All public parks, ball fields, other recreational facilities and other open spaces ☐ Yes ☐ No
- All municipal fleet and building maintenance activities ☐ Yes ☐ No
- All municipal construction activities, including those disturbing greater than 1 acre ☐ Yes ☐ No
- All municipal storm water system maintenance ☐ Yes ☐ No
- All municipal snow disposal site operation and maintenance activities ☐ Yes ☐ No
- Other _____

B. Are storm water inspections conducted at these facilities? ☐ Yes ☐ No

C. If Yes, at what frequency are inspections conducted? _____

D. List activities for which operating procedures or management practices specific to storm water management have been developed (e.g., road repairs, catch basin cleaning).

_____

E. Do you prioritize certain municipal activities and/or facilities for more frequent inspection? ☐ Yes ☐ No

F. If Yes, which activities and/or facilities receive most frequent inspections? _____

G. Do all municipal employees and contractors overseeing planning and implementation of storm water-related activities receive comprehensive training on storm water management? ☐ Yes ☐ No

H. If yes, do you also provide regular updates and refreshers? ☐ Yes ☐ No

I. If so, how frequently and/or under what circumstances? _____

7. Long-term (Post-Construction) Storm Water Measures

A. Do you have an ordinance or other regulatory mechanism to require:

Site plan reviews for storm water/water quality of all new and re-development projects?	☐ Yes	☐ No
Long-term operation and maintenance of storm water management controls?	☐ Yes	☐ No
Retrofitting to incorporate long-term storm water management controls?	☐ Yes	☐ No

B. If you have retrofit requirements, what are the circumstances/criteria?

_____

C. What are your criteria for determining which new/re-development storm water plans you will review (e.g., all projects, projects disturbing greater than one acre, etc.)

_____

D. Do you require water quality or quantity design standards or performance standards, either directly or by reference to a state or other standard, be met for new development and re-development? ☐ Yes ☐ No

E. Do these performance or design standards require that pre-development hydrology be met for:

Flow volumes	☐ Yes	☐ No
Peak discharge rates	☐ Yes	☐ No
Discharge frequency	☐ Yes	☐ No
Flow duration	☐ Yes	☐ No

F. Please provide the URL/reference where all post-construction storm water management standards can be found.

_____

G. How many development and redevelopment project plans were reviewed during the reporting period to assess impacts to water quality and receiving stream protection? _____

H. How many of the plans identified in 7.G were approved? _____

I. How many privately owned permanent storm water management practices/facilities were inspected during the reporting period? _____

J. How many of the practices/facilities identified in 7.I were found to have inadequate maintenance? _____

K. How long do you give operators to remedy any operation and maintenance deficiencies identified during inspections? _____

L. Do you have authority to take enforcement action for failure to properly operate and maintain storm water practices/facilities? ☐ Yes ☐ No

M. How many formal enforcement actions (i.e., more than a verbal or written warning) were taken for failure to adequately operate and/or maintain storm water management practices? _____

N. Do you use an electronic tool (e.g., GIS, database, spreadsheet) to track post-construction BMPs, inspections and maintenance? _____

O. Do all municipal departments and/or staff (as relevant) have access to this tracking system? ☐ Yes ☐ No

P. How often do municipal employees receive training on the post-construction program? _____

8. Additional Information

Please include any additional information on the performance of your MS4 program. If providing clarification to any of the questions on this form, please provide the question number (e.g., 2C) in your response.

Certification Statement and Signature

☐ Yes

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.

Per Appendix A, Part 1.12.2 This report to be signed as follows: **For a municipal, State, Federal, or other public facility**: by either a principal executive or ranking elected official; **for a corporation**, a responsible corporate officer.

Signature _____ Date _____

Name of Certifying Official, Title _____

Signature _____ Date _____

Name of Certifying Official, Title _____

Signature _____ Date _____

Name of Certifying Official, Title _____

Signature _____ Date _____

Name of Certifying Official, Title _____