ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM

PORT OF ALASKA MUNICIPAL SEPARATE STORM SEWER SYSTEM

INDIVIDUAL PERMIT – DRAFT

Permit Number: **AKS052426**

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Wastewater Discharge Authorization Program
555 Cordova St.
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

Port of Alaska (Port)
(hereafter "permittee")

is authorized to discharge from all municipal separate storm sewer system (MS4) outfalls existing as of the effective date of this permit to receiving waters named Knik Arm, in accordance with the conditions and requirements set forth herein.

This permit shall become effective on DRAFT.

This permit and the authorization to discharge shall expire at midnight, DRAFT.

The permittee shall reapply for permit reissuance on or before DRAFT, 180 days before the expiration of this permit if the permittee intends to continue operation and discharge(s) from the municipal separate storm sewer systems beyond the term of this permit.

DRAFT	DRAFT
Signature	Date
DRAFT	Program Manager
Printed Name	Title

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SCHEDULE OF SUBMISSIONS

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

Table 1: Schedule of Submissions – Storm Water Management Program

Permit Part	Submittal or Completion [a]	Due Date
General Requirements		
2.1.3	Conduct an annual review of the SWMP implementation and submit with the Annual Report to DEC	Within one year of the permit effective date; annually thereafter
Appendix A, 1.3	Application for Permit Reissuance	180 days before expiration of the final permit
Appendix A, 3.4	Oral notification of noncompliance	Within 24 hours from the time the permittee becomes aware of the circumstances of noncompliance
Appendix A, 3.4	Written documentation of noncompliance	Within 5 days after the permittee becomes aware of the circumstances
Public Education and Outreach		
3.1.1	Revise as necessary, implement, and evaluate an ongoing port education program to educate the lessees and users about the ways to reduce impacts of storm water discharge to receiving waters	Within six months of the permit effective date, include in the Annual Report; annually thereafter
3.1.4	Document the SWMP information related to the control measure in the Annual Report	Annual Report
Public Involvement		
3.2.2	Make SWMP and Annual Reports available to the public by posting them on the Port's website	Within one year of the permit effective date, annually thereafter
3.2.3	Conduct stenciling to Port storm drains	Stencil 50 % of storm drain inlets within two years; stencil 100% of storm drain inlets within four years of permit effective date
3.2.4	Maintain a storm water pollution prevention team representing multiple lessees or units that meets quarterly, document meeting minutes in the Annual Report	Within three months of permit effective date; ongoing thereafter
3.2.5	Document the SWMP information related to the control measure in the Annual Report	Annually
Illicit Discharge Detection and Elimination		
3.3.1.1	Conduct wet weather outfall inspections	Within one year of permit effective date; ongoing thereafter
3.3.1.2	Conduct dry weather inspections of storm water discharge locations to identify illicit discharges	Within one year of permit effective date; ongoing thereafter
3.3.2	Revise as necessary, and implement a plan to detect and address illicit discharges to the MS4	Ongoing
3.3.2	Revise as necessary, and implement a system for tracking information on illicit discharge discovery and response	Ongoing

Table 1: Schedule of Submissions – Storm Water Management Program

Permit Part	Submittal or Completion [a]	Due Date
3.3.3	Adopt ordinance or other control measure to prohibit illicit discharges to the MS4; prohibit any specific non-storm water discharge, if necessary	Within one year of permit effective date
3.3.6	Inventory and map industrial and industrial-like facilities to include in storm sewer system map	Within one year of permit effective date
3.3.7	Provide a description of the controls, timeline, and resources to mitigate groundwater infiltration from petroleum-contaminated sites to the MS4	Within two years from the effective date
3.3.8	Conduct dry weather screening of all outfalls	By no later than the expiration date of this permit
3.3.9	Document the SWMP information related to the control measure in the Annual Report	Annually
Construction Site Storm Water Runoff		
3.4.1	Revise as necessary, and implement a construction site runoff control program	Within one year of permit effective date; ongoing thereafter
3.4.2	Revise as necessary, and implement an ordinance or other regulatory mechanism to require appropriate management of construction site storm water runoff to ensure compliance with the SWMP and ACGP	Within two years of permit effective date; ongoing thereafter
3.4.3	Adopt or develop requirements for construction best management practices	Within two years of permit effective date, ongoing thereafter
3.4.4	Revise as necessary, and implement plan review procedures for reviewing construction plans and project SWPPPs	Within one year of permit effective date; ongoing thereafter
3.4.5	Revise as necessary, and implement procedures for site inspection and enforcement of control measures	Within two years of permit effective date
3.4.6	Revise as necessary, and conduct at least one training	Within two years of permit effective date
3.4.7	Document the SWMP information related to the control measure in the Annual Report	Annually
Post-Construction Site Storm Water Runoff		
3.5.1	Revise as necessary, and implement Green Infrastructure/LID Strategy	Develop Strategy within one year of permit effective date
3.5.2	Revise as necessary, implement, and enforce a post-construction site runoff control program	Within three years of permit effective date; ongoing thereafter
3.5.3	Carry out planning process to develop, implement and enforce controls to reduce post-construction runoff from new development and redevelopment projects	Within three years of permit effective date; ongoing thereafter
3.5.4	Document the SWMP information related to the control measure in the Annual Report	Annually
Pollution Prevention And Good Housekeeping		
3.6.1	Conduct storm water pollution prevention inspections	Within one year of permit effective date, annually thereafter
3.6.2	Develop and implement maintenance standards for storm water facilities	Within one year of permit effective date; annually thereafter
3.6.3	Provide an area for the washing of Port vehicles that will not result in the discharge of wash water	Ongoing

Table 1: Schedule of Submissions – Storm Water Management Program

Permit Part	Submittal or Completion [a]	Due Date
3.6.6	Implement a program to prevent, contain, and respond to spills that may discharge into the MS4	Within six months of the effective date, ongoing thereafter
3.6.7	Implement a program to identify, monitor, and control pollutants in storm water discharges from industrial or commercial discharges	Within six months of the effective date, ongoing thereafter
3.6.10	Implement controls to reduce the discharge of pesticides, herbicides or fertilizers	Within one year of permit effective date; annually thereafter
3.6.11	Conduct training for employees and contractors whose job functions may impact storm water quality	Within one year of permit effective date; annually thereafter
3.6.12	Document the SWMP information related to the control measure in the Annual Report	Annually
MONITORING, EVALUATION, RECORD KEEPING, AND REPORTING REQUIREMENTS		
4.1.2.4.3	Provide monitoring results with the Annual Report	Annually
4.1.2.6	Quality Assurance Project Plan (QAPP) for all analytical monitoring to be conducted	The plan must be reviewed and updated within 6 months after the effective date of the final permit. Provide DEC written notice upon completion.
4.1.2.4.3	Conduct storm water outfall monitoring	Within nine months from the effective date of this permit
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	Annually

Note:
a. See Appendix A 1.1 for Contact Information and Addresses

1.0 APPLICABILITY

1.1 Permit Coverage Area

This permit covers all areas within the jurisdictional boundary of the Port of Alaska (Port), within the Municipality of Anchorage, Alaska, served by, or otherwise contributing to discharges from MS4s owned or operated by the permittee.

1.2 Discharges Authorized Under this Permit

Subject to the conditions set forth herein, the permittee is authorized to discharge storm water to waters of the United States from all portions of the MS4 owned and operated by the permittee. 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 1.3 of this permit. This permit will consider any and all activities conducted by lessees of the Port while within the jurisdictional boundaries of the Port, and which activity leads to a discharge either to or from the MS4 for which this permit is written, to be the activity of the Port and subject to the conditions of this permit.

1.3 Limitations on Permit Coverage

1.3.1 **Non-Storm Water Discharges** The permittee is not authorized to discharge non-storm water from the MS4, except where such discharges satisfy one of the following three conditions:

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

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

1.3.1.2.1 Are the result of an unusual and severe weather event where reasonable and prudent measures have been taken to prevent and minimize the impact of such discharge; or

1.3.1.2.2 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

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

1.3.1.3.1 The discharges consist of uncontaminated water line flushing, potable water sources; landscape irrigation (provided all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions); lawn watering; irrigation water; flows from riparian habitats and wetlands; diverted stream flows; springs; rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR§ 35.2005(20)) to separate storm sewers; uncontaminated pumped ground water or spring water; foundation and footing drains (where flows are not contaminated with process materials such as solvents); uncontaminated air conditioning or compressor condensate; water from crawlspace pumps; individual residential car washing; dechlorinated swimming pool discharges; routine external building wash down which does not use detergents; street and pavement wash waters, where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed); fire hydrant flushing; or flows from emergency firefighting activities; and

1.3.1.3.2 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:

1.3.1.3.2.1 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;

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

1.3.1.3.2.3 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;

1.3.1.3.2.4 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;

1.3.1.3.2.5 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; or

1.3.1.3.2.6 Causes or contributes to an exceedance of other applicable water quality standards (WQS).

1.3.2 **Discharges Threatening Water Quality**

The permittee is not authorized to discharge storm water that the DEC determines will cause or have the reasonable potential to cause or contribute to violations of WQS in the receiving water.

1.3.3 **Snow Disposal to Receiving Waters**

The permittee is not authorized to dispose of snow directly to waters of the United States or directly to the MS4, with the exception of freshly fallen snow from the docks into the inlet. Discharges from the 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 but are not limited to ditches, 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 (MEP) to avoid excursions above WQS in the receiving water.

1.3.4 **Storm Water Discharge Associated with Industrial and Construction Activity**. Permittees are authorized to discharge storm water associated with industrial activity (as defined in 40 CFR 122.26(b)(14)), and storm water associated with construction activity (as defined in 40 CFR 122.26(b)(14)(x) and (b)(15)), from their MS4s, only when such discharges are otherwise authorized under an appropriate APDES permit.

2.0 STORM WATER MANAGEMENT PROGRAM REQUIREMENTS

2.1 Storm Water Management Document

The permittee shall update a Storm Water Management Program (SWMP) document that reflects the permittee's unique program implementation.

2.1.1 No later than one year from the effective date of the permit, the permittee shall review, and revise as necessary their written documentation of the SWMP as implemented within its 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, the 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 permittee will implement the requirements of Parts 3.0 and 4.0 of this permit.

2.1.2 The permittee must track the annual number of inspections, number, and type of 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.

2.2 General Requirements

2.2.1 The permittee must revise as necessary, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the MS4 to the MEP 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 MS4.

2.2.2 The SWMP developed by the permittee and submitted to DEC covers the term of this permit and must be updated as necessary or as required by DEC, 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 2.4 of this permit. The SWMP submitted to DEC by the permittee, and all approved updates made in accordance with Part 2.4 of this permit, are hereby incorporated by reference. All components and requirements of the SWMP are enforceable conditions of this permit.

2.2.3 The permittee must submit any plan revisions or documents that require review and approval by DEC to the address listed in Part 4.5, and in accordance with Parts 2.4 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 The SWMP shall clearly identify the roles and responsibilities of the permittee. Activities required of the lessees by the permittee must also be clearly identified.

2.2.5 The SWMP actions and activities are outlined through the minimum control measures in Part 3.0 and the assessment/monitoring requirements described in Part 4.0. The permittee must implement a SWMP that provides:

2.2.5.1 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

2.2.5.2 Measurable goals, including interim milestones, for each BMP.

2.2.6 Implementation of one or more of the minimum measures may be shared with another entity that is not subject to this permit, or the entity may fully take over the measure. The permittee may rely on another entity only if:

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

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

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

2.3 Legal Authority

The permittee shall ensure legal authority exists to control discharges to and from those portions of the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order, or inter-jurisdictional agreements with entities having existing legal authority to:

2.3.1 Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;

2.3.2 Prohibit illicit discharges to the MS4;

2.3.3 Control the discharge of spills and the dumping or disposal of materials other than storm water into the MS4;

2.3.4 Control through interagency agreements among lessees the contribution of pollutants from one portion of the MS4 to another;

2.3.5 Require compliance with conditions in ordinances, permits, contracts or orders; and,

2.3.6 Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance with permit conditions.

2.4 Reviewing and Updating the Storm Water Management Program

2.4.1 The permittee must annually review the SWMP as part of the preparation of the Annual Report required under Part 4.3.

2.4.2 The permittee may request changes to any SWMP action or activity specified in this permit according to the following procedures:

2.4.2.1 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:

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

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

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

2.4.2.2 Change requests or notifications must be made in writing and signed by the permittee in accordance with Appendix A, Part 1.12.

2.4.2.3 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 permittee that changes to the SWMP are necessary to:

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

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

2.4.2.3.3 Include other conditions deemed necessary by the DEC to comply with WQS, or other goals and requirements of the CWA; or

2.4.2.3.4 Address the SWMP requirements of the permit, if DEC determines that the permittee's current SWMP does not meet permit requirements.

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

2.5 Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation.

2.5.1 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.

2.5.2 The permittee must implement the SWMP in all new areas added or transferred to the permittee's MS4 (or for which the permittee becomes responsible for implementation of storm water quality controls) as expeditiously as practicable, but within one year from the date upon which the new areas were added. Such additions and schedules for implementation must be documented in the next Annual Report following the transfer.

2.6 Storm Water Management Program Resources

The permittee must continue to provide adequate finances, staff, equipment, and other support capabilities to implement the 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 The permittee must revise as necessary, implement, and evaluate an ongoing Port education program to educate the permittee's lessees and users about the impacts of storm water discharges on water bodies. The program must include the steps that the following key audiences – employees, contractors, lessees and visitors – can take to reduce pollutants in storm water runoff.

3.1.2 The primary goal of the educational program is to reduce or eliminate behaviors and practices that cause or contribute to adverse storm water impacts. The permittee must develop a prioritized schedule and plan in addition to the items listed in Part 3.1.3 to reach the key audiences through the ongoing education efforts.

3.1.3 The permittee shall continue to implement a Port education and outreach program including:

3.1.3.1 A program to promote, publicize, and facilitate reporting of the presence of illicit discharges or improper disposal of materials into the MS4;

3.1.3.2 A program to promote, publicize and facilitate the proper management and disposal of used oil and commonly used hazardous materials;

3.1.3.3 A program to promote, publicize, and facilitate the proper use, application, and disposal of pesticides, herbicides, and fertilizers by commercial and private applicators and distributors conducting such business within the Port of Alaska jurisdictional area; and

3.1.3.4 A program to promote, publicize, and facilitate pollution prevention and good housekeeping practices described in Part 3.6.

3.1.4 The permittee must document the following information related to Port education and outreach in each Annual Report required in Part 4.3:

3.1.4.1 Describe the port 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 port education and outreach program over the next twelve month period;

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 The permittee must comply with applicable State and local public notice requirements when implementing a public involvement and participation program.

3.2.2 Annually, the permittee must make the SWMP and all Annual Reports available to the public by posting them on the permittee's website.

3.2.3 The permittee will continue to implement a storm drain stenciling program with attainment of stenciling 50% of the storm drain inlets within two years, and stenciling 100% of the storm drain inlets within four years.

3.2.4 The permittee must convene a Storm Water Pollution Prevention Team at least quarterly to coordinate and accomplish the goals of the SWMP. The meeting schedule must be made known to the lessees and DEC through direct mail or e-mail notification, if possible, or other locally appropriate means. Document meeting minutes in the Annual Report.

3.2.5 The permittee must document the following information related to public involvement and participation in each Annual Report required in Part 4.3.

3.2.5.1 In the first Annual Report only, describe the State or local requirements for public involvement, including how the public was involved in the development of the SWMP submitted with the permit application;

3.2.5.2 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.;

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

3.2.5.4 Describe the measurable goals for the public involvement and participation program over the next twelve month period;

3.2.5.5 List the dates by which the permittee will accomplish each of the upcoming measurable goals; and

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

3.3 Illicit Discharge Detection and Elimination

3.3.1 Annually, the permittee shall carryout the following inspections:

3.3.1.1 Conduct wet weather outfall inspections to identify and investigate any illicit, inappropriate, or undocumented non-storm water discharge to the storm sewer system; and

3.3.1.2 Conduct dry weather outfall inspections, identify and investigate any illicit, inappropriate, or undocumented non-storm water discharge to the storm sewer system.

3.3.2 Annually, the permittee must revise as necessary, and implement a program to detect and eliminate illicit discharges. Specifically, the program must incorporate detection, identification of the source, and removal of non-storm water discharges, including illegal dumping, into the storm sewer system. The permittee must, as part of this activity, develop a system to track illicit discharges.

3.3.3 The permittee must effectively prohibit non-storm water discharges into their system through an ordinance or other regulatory mechanism to the extent allowable under federal, state or local law. A copy of the ordinance or other regulatory mechanism must be submitted to DEC as part of the corresponding Annual Report. The permittee must implement appropriate enforcement procedures and actions, including enforcement escalation procedures for recalcitrant or repeat offenders.

3.3.4 The permittee must prohibit any of the non-storm water flows listed in Part 1.3.1.3 through ordinance, or other regulatory mechanism, if such flows are identified by DEC or the permittee as a source of pollutants to the MS4. The permittee must document any existing local controls or conditions placed on such discharges.

3.3.5 The permittee must continue to inform users of the MS4 and the lessees of hazards associated with illegal discharges and improper disposal of waste and provide educational outreach materials.

3.3.6 Annually, the permittee must review and update the existing comprehensive storm sewer system 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 operated facilities, including snow disposal sites. A copy of the completed map must be submitted to DEC as part of the corresponding Annual Report.

3.3.7 Within two years from the effective date of this permit, describe the controls, timeline, and resources to mitigate groundwater infiltration from petroleum-contaminated sites to the MS4 where necessary; submit to DEC as part of the corresponding Annual Report.

3.3.8 The permittee 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 permittee's 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 manufacturers published detection ranges are adequate for the illicit discharge detection purposes. The permittee 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.

3.3.9 The permittee must document the following information related to illicit discharge detection and elimination in the Annual Report:

3.3.9.1 A description of the criteria used to prioritize investigations in areas suspected of having illicit discharges;

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

3.3.9.3 A summary of all dry weather testing conducted to date, and of permittee's activity to remove any illicit discharge(s) identified;

3.3.9.4 A copy of the established ordinance or other regulatory mechanism used to prohibit illicit discharges into the MS4;

3.3.9.5 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 permittee's jurisdiction. Where the permittee lacks legal authority to establish enforceable rules or if an illicit discharger fails to comply with procedures or policies established by the permittee, the program must include procedures for notifying DEC for assistance in enforcement of this provision of the permit;

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

3.3.9.7 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 permittee will achieve each of the measurable goals; and

3.3.9.8 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 The permittee shall continue to implement and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction activities. "Construction activities" for this permit includes, at a minimum, construction involving a total land disturbance of 10,000 square feet or more at a single construction site or as part of a plan of common development.

3.4.1.1 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) ((adopted by reference at 18 AAC 83.010), the permittee is not required to develop, implement, or enforce the program to reduce pollutant discharges from that particular site.

3.4.2 The permittee shall continue to adopt and implement an ordinance or other regulatory mechanism to the extent allowable under federal, state, or local law, which requires construction site operators to practice appropriate erosion, sediment, and waste control. This ordinance or regulatory mechanism must include sanctions to ensure compliance.

3.4.3 The permittee shall continue to adopt or publish and distribute requirements for construction site operators to implement appropriate erosion and sediment control best management practices 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.

3.4.4 The permittee shall continue to implement procedures for reviewing all site plans 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 3.4.2. These procedures must include provisions for receipt and consideration of information submitted by the public.

3.4.5 The permittee shall continue to implement procedures for site inspection and enforcement of control measures established as required in Parts 3.4.2, including enforcement escalation procedures for recalcitrant or repeat offenders. The permittee shall inspect all construction sites and maintain documentation of the inspection findings in their jurisdictions for appropriate erosion/sediment/waste control at least once per year.

3.4.6 Annually, the permittee shall implement a program that provides appropriate education and training for construction site operators.

3.4.7 Each Annual Report must document the following SWMP information related to construction site runoff control:

3.4.7.1 A copy of the established ordinance or other regulatory mechanism used to require erosion, sediment and waste controls at construction sites. If the permittee has yet to develop the required regulatory mechanism, describe the plan and schedule for doing so;

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

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

3.4.7.4 A summary of the number of site plan reviews conducted;

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

3.4.7.6 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;

3.4.7.7 A list of measurable goals for the construction site runoff control program, including dates by which the permittee will achieve each of the measurable goals; and

3.4.7.8 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 The permittee shall continue to implement a strategy that outlines the methods of evaluating Green Infrastructure/LID pilot projects.

3.5.2 The permittee shall continue to implement and enforce a program to address post-construction storm water runoff from new development and redevelopment projects that disturb greater than or equal to 10,000 sq. ft. that discharge into the MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts and comply with the Strategy developed in Part 3.5.1.

3.5.3 The permittee shall implement and enforce controls to reduce post-construction runoff from new development and redevelopment projects.

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

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

3.5.4.2 A copy of the established ordinance or other regulatory mechanism used to address post-construction runoff control. If the permittee has yet to develop the required regulatory mechanism, describe the plan and schedule for doing so;

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

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

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

3.5.4.6 The name and/or title of the person(s) responsible for coordination and implementation of the post-construction storm water management program.

3.6 Pollution Prevention and Good Housekeeping

3.6.1 The permittee shall continue annual storm water pollution prevention inspections, including: bulk fuel facilities and their perimeters, and catch basins.

3.6.2 The permittee shall continue implementation of an operation and maintenance program intended to prevent or reduce pollutant runoff from Port operations. This program must address Port activities occurring with potential for negative storm water related water quality impacts, including: the use of sand and road deicers; fleet maintenance and vehicle washing operations; street sweeping, cleaning and maintenance; grounds, and open space maintenance operations; building maintenance; solid waste transfer activities; storm water system maintenance; and snow disposal site operation and maintenance. In addition, the permittee must address the following: materials storage, scrap metal bins, hazardous materials storage; industrial-like facilities; used oil recycling, spill control and prevention measures for refueling facilities; new construction and land disturbances; and snow removal practices.

3.6.3 The permittee will provide an area for the washing of permittee owned or operated vehicles that will not result in the discharge of wash waters. The permittee will encourage the use of detergent-free methods of vehicle washing and will require regular maintenance

of the area to ensure wash waters, and resulting contaminants, will not be transported by storm water to waters of the United States. This area is not required to be within the permittee's jurisdictional boundaries and does not have to be operated by the permittee personnel.

3.6.4 The permittee may provide the area described in Part 3.6.3 for the washing of permittee vehicles to its lessees solely for the purpose of vehicle washing. In such case, the permittee accepts the responsibility of proper operation and maintenance of this area, and will ensure proper management practices are adhered to at all times.

3.6.5 All vehicle and equipment maintenance areas will be managed to control discharges from these areas to the MEP. All hydrocarbon compounds used in these areas will be handled in a manner that will eliminate or minimize potential discharges to waters of the United States.

3.6.6 The permittee shall continue implementation of a program to prevent, contain, and respond to spills that may discharge into the MS4. This program is to complement the "Oil Discharge Prevention and Contingency Plan" developed to comply with DEC oil terminal regulations. The spill response program may include a combination of spill response actions by the permittee and its lessees.

3.6.7 The permittee shall continue implementation of a program to identify, monitor, and control pollutants in storm water discharges to the MS4 from: hazardous waste treatment, storage, and disposal facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; bulk storage facilities; and, any other industrial or commercial discharges the permittee determines are contributing a substantial pollutant loading to the MS4. The program shall include priorities and procedures for inspections and establishing and implementing control measures for such discharges. The program shall also include an inventory listing the facility name, address, nature of business or activity, and Standard Industrial Classification (SIC) code(s) that best reflect the facilities product or service.

3.6.8 The permittee shall operate and maintain any storm water structural controls over which it has jurisdiction, in a manner to reduce the discharge of pollutants (including floatables) to the MEP.

3.6.9 The permittee shall operate and maintain public streets, roads, parking areas, and cargo storage/staging areas under its jurisdiction in a manner to reduce, to the MEP, discharge of pollutants (including those related to deicing or sanding activities).

3.6.10 The permittee shall continue to implement controls to reduce, to the MEP, the discharge of pollutants related to application of pesticides, herbicides, and fertilizers applied by the permittee's employees, contractors, or lessees to public right of ways, and all Port lands and facilities.

3.6.11 Annually, the permittee must develop and conduct appropriate training for appropriate Port personnel related to optimum maintenance practices for the protection of water quality.

3.6.12 Each Annual Report must document the permittees efforts to prevent or reduce pollutant runoff from the Port operations through pollution prevention and the operation and maintenance program, including:

3.6.12.1 A description of the activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to the MS4;

3.6.12.2 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;

3.6.12.3 A summary description of the controls for reducing or eliminating the discharge of pollutants from areas owned or operated by the permittee, including but not limited to streets and roads; leasee 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 permittee;

3.6.12.4 A list of measurable goals for the pollution prevention and good housekeeping program, including dates by which the permittee will achieve each of the measurable goals; and

3.6.12.5 The name and title of the person(s) responsible for coordination and implementation of the pollution prevention and good housekeeping program.

4.0 MONITORING, EVALUATION, REPORTING, AND RECORD KEEPING REQUIREMENTS

4.1 Monitoring Program Plan

4.1.1 The permittee must implement, and revise as necessary, a comprehensive Monitoring Program Plan. A description of this plan 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 permittee’s SWMP;

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

4.1.1.4 Characterize storm water discharges;

4.1.1.5 Identify sources of specific pollutants; and

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

4.1.2 When the permittee conducts water quality monitoring, the permittee 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 **Industrial and High Risk Runoff Monitoring**: The permittee shall continue a program to identify, monitor, and control pollutants in storm water discharges to the MS4 from: hazardous waste treatment, storage and disposal facilities that are subject to EPCRA Title III, Section 313; bulk storage facilities; and, any other industrial or commercial discharges the permittee determines are contributing a substantial pollutant loading to the MS4. The program shall include:

4.1.2.3.1 Priorities and procedures for inspections and establishing and implementing control measures for such discharges;

4.1.2.3.2 A monitoring (or self-monitoring) program for facilities identified under this section, including the collection of quantitative data on the following parameters:

(a) Any pollutants limited in an existing APDES permit for an identified facility,
(b) sheen,
(c) Total Aromatic Hydrocarbons (TAH), and Total Aqueous Hydrocarbons (TaqH) ,
(d) Chemical Oxygen Demand (COD),
(e) pH,
(f) biochemical oxygen demand, five-day (BOD_5),
(g) total suspended solids (TSS),
(h) any of the metals cadmium, copper, lead, and zinc which can be reasonably expected in storm water runoff from such industrial site, and
(i) any information on discharges required under 40 CFR 122.21(g)(7)(iii) - (iv).

4.1.2.4 **Storm Water Discharge Monitoring**. The permittee must conduct a storm water discharge monitoring program which meets the following minimum requirements:

4.1.2.4.1 The permittee must develop a Storm Water Outfall Monitoring Plan consistent with the monitoring objectives described in Part 4.1.

4.1.2.4.2 The permittee shall monitor representative outfalls and/or instream monitoring locations to characterize the quality of storm water discharges from the MS4. The outfalls selected by the permittee in the Storm Water Outfall Monitoring Plan must be representative of major land uses at the Port or from the major Industrial and High Risk Runoff locations identified in Part 4.1.2.3 (example: precipitation that accumulates and is discharged from the bulk fuel storage tank farms).

4.1.2.4.2.1 Representative Monitoring Outfall Descriptions:

Table 2: Representative Monitoring Outfall Descriptions

Outfall	Location	Description
001	Transit Area B	Storm water drain for Transit Area B. This area is 52.0 total acres with 16.2 acres of impervious surface.
002	Transit Area D and Transit Area A	Storm water drain for Transit Area D and a portion of Transit Area A. Transit Area D is 43.4 total acres and has 7.8 acres of impervious surface. This portion of Transit Area A has 55 total acres covered by impervious surface. The total acreage of impervious surface draining to outfall 002 is 22.8 acres.
003	Transit Area 12-B	Storm water drain for consists of drainage from the South Transit Area, portions of Tract H, and Lots 7B, 8B, and 8C (Tesoro and AFSC). Area 12-B is 36.7 total acres with 16.8 acres of impervious surface.

4.1.2.4.2.2 **Outfall Monitoring Requirements**:

Table 3: Outfall Monitoring Requirements

Parameter	Monitoring Requirements								
	Sample Location[1]			Sample Frequency[2] (#/year)					Sample Type[3]
	001	002	003	CY 2020	CY 2021	CY 2022	CY 2023	CY 2024	
Flow (cfs)	X	X	–	2	2	2	2	2	Grab
Temperature (º C)	X	X	X	2	2	2	2	2	Grab
pH (S.U.)	X	X	X	2	2	2	2	2	Grab
Dissolved Oxygen	X	X	–	1	1	1	1	1	Grab
Biochemical Oxygen Demand, 5-day (BOD_5, mg/L)	X	X	–	1	1	1	1	1	Grab
Chemical Oxygen Demand (COD) (mg/L)	X	X	–	1	1	1	1	1	Grab
Total Suspended Solids (TSS) (mg/L)	X	X	–	1	1	1	1	1	Grab
Sheen	X	X	X	2	2	2	2	2	Grab
Total Aromatic Hydrocarbons (TAH), and Total Aqueous Hydrocarbons (TaqH)	X	X	X	2	2	2	2	2	Grab
Dissolved Cadmium (µg/L)	X	X	–	–	–	–	1	–	Grab
Dissolved Copper (µg/L)	X	X	–	–	–	–	1	–	Grab
Dissolved Lead (µg/L)	X	X	–	–	–	–	1	–	Grab
Dissolved Zinc (µg/L)	X	X	–	–	–	–	1	–	Grab
Hardness (as $CaCO_3$) (mg/L)	X	X	–	–	–	–	1	–	Grab
Salinity - receiving water (g/kg)[4]	X	X	–	–	–	–	1	–	Grab

Notes:
1. Outfall locations #001, #002, and #003.
2. Sample frequency is represented by (1) once/year or (2) twice/year, i.e., calendar year (CY). Twice per year consists of one sample taken in the (January – June) and one sample taken in (July - December), with a minimum of 14 days separation between sampling events.
3. Grab samples may be taken manually or with an automatic water sampler.
4. Salinity may be estimated from other appropriate reports or other supporting data.

4.1.2.4.3 The permittee must monitor the storm water outfalls identified in the Storm Water Outfall Monitoring Plan during a measurable storm event at the frequency identified in Table 3: Outfall Monitoring Requirements.

4.1.2.5 **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.

4.1.2.6 **Monitoring Program Plan including Quality Assurance Requirements***:* The permittee must update, implement, and maintain 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 Part 3.3. The permittee must submit written notice to DEC (Appendix A, Part 1.1.2) within 6 months of the effective date of this permit affirming that its QAPP is up to date and has been developed or updated and implemented. Any existing QAPP may be modified under this Part.

4.1.2.6.1 The QAPP must be designed to assist in planning for the collection and analysis of water samples in support of the SWMP and in explaining data anomalies when they occur.

4.1.2.6.2 Throughout all sample collection and analysis activities, the permittee must use the DEC-approved 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). The QAPP must be formatted as specified in these documents.

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

4.1.2.6.3.1 Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantification 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.

4.1.2.6.3.2 Map(s) indicating the location(s) of each sampling point with physical description including latitude/longitude.

4.1.2.6.3.3 Qualification and training of personnel.

4.1.2.6.3.4 Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the permittee.

4.1.2.7 Annually the permittee must review the adequacy of the QAPP based on permit compliance activities and sampling results, and document the review in the Annual Report. The permittee must amend this Monitoring Program Plan and QAPP whenever there is modification in the sample collection, sample analysis, or other conditions or requirements of the plan. A copy of the amended Monitoring Program Plan and QAPP are to be included in the Annual Report.

4.1.2.8 When a permittee is unable to collect samples due to adverse climatic or tidal conditions, the permittee must submit in lieu of sampling data a description of why samples could not be collected, including available documentation of the event. Adverse climatic conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, tsunamis, high tides, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.). Permittees are precluded from exercising this waiver more than once during a two year period.

4.1.2.9 The permittee shall continue ongoing efforts to detect the presence of illicit connections and improper discharges to the MS4. All portions (but not necessarily all outfalls) of the MS4 must be screened at least once during the permit term.

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

4.1.3 Records of monitoring information must include:

4.1.3.1 The date, exact place, and time the samples or measurements were taken;
4.1.3.2 The names(s) of the individual(s) who performed the sampling or measurements;
4.1.3.3 The date(s) upon which analysis of each sample was performed;
4.1.3.4 The names of the individuals who performed each analysis;
4.1.3.5 The analytical techniques or methods used; and
4.1.3.6 The results of each analysis.

4.1.4 If the permittee 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, the 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 the following:

4.2.1.1 Each significant activity/control measure 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 permittee’s compliance with permit conditions.

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

4.2.5 As part of its Annual Reports, the permittee must report on its SWMP effectiveness assessment as implemented in Part 4.2.1.

4.3 Annual Reports

4.3.1 **Submission Deadlines** - According to the schedule in Table 4: Submission Deadlines for Annual Reports, and annually thereafter, the permittee must submit an Annual Report for the previous twelve months to DEC at the address in Part 4.5. 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 permittee-maintained website, or other easily accessible location.

Table 4: Submission Deadlines for Annual Reports

Reporting Period	Submission Deadline
1st year Annual Report (permit issuance date – December 31, 2020)	February 15, 2021
2nd year Annual Report (January 1, 2021 – December 31, 2021)	February 15, 2022
3rd year Annual Report (January 1, 2022 – December 31, 2022)	February 15, 2023
4th year Annual Report (January 1, 2023 – December 31, 2023)	February 15, 2024
5th year Annual Report (January 1, 2024 – December 31, 2024)	February 15, 2025
6th year Annual Report (January 1, 2025 – permit expiration date[1]	February 15, 2026

Note:
1. Unless the permit is extended to or past December 31, 2025; in which case December 31, 2025. Subsequent reporting periods will follow similar format for the calendar year with submission deadline of February 15th the following year.

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

4.3.3 **Detailed Annual Report** – The permittee 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 2.4.

4.3.3.2 A description of the effectiveness of each SWMP program component or activity.

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 MEP.

4.3.3.6 A summary of the activities the permittee plans 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 WQS.

4.3.3.9 Notice if the permittee is relying on another entity to satisfy some of the permit obligations, if applicable.

4.4 Recordkeeping

4.4.1 **Retention of Records** The permittee 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 three 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 the DEC at any time. Records include all information used in the development of the storm water management program, all monitoring data, copies of all reports, and all data used in the development of the permit application.

4.4.2 **Availability of Records** The permittee must submit the records referred to in Part 4.4.1 to DEC only when specifically asked to do so. The permittee must retain the SWMP required by this permit (including a copy of the permit language and all Annual Reports) at a location accessible to the DEC. The permittee must make records, including the permit application and the SWMP, available to the public if requested to do so in writing. The public may view the records during normal business hours. The permittee may charge the public a reasonable fee for copying requests.

4.5 Address

Submittals required by this permit must be made to the following address specified in Appendix A, Part 1.1.2 Compliance and Enforcement Program.

4.6 Electronic Reporting

4.6.1 **E-Reporting Rule for Discharge Monitoring Reports (DMRs, Phase I)**. The permittee must submit DMR data electronically through 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 (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 an e-Reporting Information website at dec.alaska.gov/water/Compliance/EReportingRule.htm that contains general information about this new reporting format. Training materials and webinars for NetDMR can be found at netdmr.zendesk.com/home.

4.6.2 **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 (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.

APPENDIX A

STANDARD CONDITIONS

APDES PERMIT

NONDOMESTIC DISCHARGES

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

1.0 Standard Conditions Applicable to All Permits

1.1 Contact Information and Addresses

1.1.1 Permitting Program

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

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

1.1.2 Compliance and Enforcement Program

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

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

1.2 Duty to Comply

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

1.3 Duty to Reapply

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

1.4 Need to Halt or Reduce Activity Not a Defense

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

1.5 Duty to Mitigate

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

1.6 Proper Operation and Maintenance

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

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

1.7 Permit Actions

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

1.8 Property Rights

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

1.9 Duty to Provide Information

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

1.10 Inspection and Entry

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

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

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

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

1.10.4 Sample or monitor any substances or parameters at any location for the purpose of assuring permit compliance or as otherwise authorized by 33 U.S.C. 1251-1387 (Clean Water Act).

1.11 Monitoring and Records

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

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

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

1.11.2.1 All calibration and maintenance records,

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

1.11.2.3 All reports required by a permit,

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

1.11.2.5 Field logbooks or visual monitoring logbooks,

1.11.2.6 Quality assurance chain of custody forms,

1.11.2.7 Copies of discharge monitoring reports, and

1.11.2.8 A copy of this APDES permit.

1.11.3 Records of monitoring information must include:

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

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

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

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

1.11.3.5 Any analytical technique or method used; and

1.11.3.6 The results of the analysis.

1.11.4 Monitoring Procedures

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

1.12 Signature Requirement and Penalties

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

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

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

1.12.2.1.1 A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

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

1.12.2.1.2.1 The manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations;

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

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

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

1.12.2.3 For a municipality, state, federal, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means:

1.12.2.3.1 The chief executive officer of the agency; or

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

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

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

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

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

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

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

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

1.13 Proprietary or Confidential Information

1.13.1 A permit applicant or permittee may assert a claim of confidentiality for proprietary or confidential business information by stamping the words “confidential business information” on each page of a submission containing proprietary or confidential business information. The Department will treat the stamped submissions as confidential if the information satisfies the test in 40 CFR §2.208, adopted by reference at 18 AAC 83.010, and is not otherwise required to be made public by state law.

1.13.2 A claim of confidentiality under Appendix A, Part 1.13.1 may not be asserted for the name and address of any permit applicant or permittee, a permit application, a permit, effluent data, sewage sludge data, and information required by APDES or NPDES application forms provided by the Department, whether submitted on the forms themselves or in any attachments used to supply information required by the forms.

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

1.14 Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any action or relieve a permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under state laws addressing oil and hazardous substances.

1.15 Cultural and Paleontological Resources

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

1.16 Fee

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

1.17 Other Legal Obligations

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

2.0 Special Reporting Obligations

2.1 Planned Changes

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

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

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

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

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

2.2 Anticipated Noncompliance

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

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

2.3 Transfers

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

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

2.4 Compliance Schedules

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

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

2.5 Corrective Information

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

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

2.6 Bypass of Treatment Facilities

2.6.1 Prohibition of Bypass

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

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

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

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

2.6.2 Notice of bypass

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

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

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

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

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

2.6.3.2 Is for essential maintenance to assure efficient operation.

2.7 Upset Conditions

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

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

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

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

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

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

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

2.8 Existing Manufacturing, Commercial, Mining, and Silvicultural Discharges

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

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

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

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

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

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

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

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

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

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

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

3.0 Monitoring, Recording, and Reporting Requirements

3.1 Representative Sampling

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

3.2 Reporting of Monitoring Results

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

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

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

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

3.3 Additional Monitoring by Permittee

If the permittee monitors any pollutant more frequently than the permit requires using test procedures approved in 40 CFR Part 136, adopted by reference at 18 AAC 83.010, or as specified in this permit, the results of that additional monitoring must be included in the calculation and reporting of the data submitted in the DMR 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

Abbreviations	Nomenclature
AAC	Alaska Administrative Code
ACGP	Alaska Construction General Permit
ADOT&PF	Alaska Department of Transportation and Public Facilities
AFSC	Anchorage Fueling and Service Company
APDES	Alaska Pollutant Discharge Elimination System
AS	Alaska Statute
AST	Aboveground Storage Tank
BMP	Best Management Practice
C&D	Construction and Development
CFR	Code of Federal Regulations
CWA	Clean Water Act
CY	Calendar Year
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
JBER	Joint Base Elmendorf-Richardson
LID	Low Impact Development
MEP	Maximum Extent Practicable
MS4	Municipal Separate Storm Sewer System
MOA	Municipality of Anchorage
MSGP	Multi-Sector General Permit
NMFS	United States National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration

Abbreviations	Nomenclature
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NTU	Nephelometric Turbidity Units
NURP	Nationwide Urban Runoff Program
PHF	Pesticides, Herbicides, and Fertilizers
POA, Port	Port of Alaska
POL	Petroleum, Oil, and Lubricant
QA/QC	Quality Assurance/Quality Control
QAPP	Quality Assurance Project Plan
SIC	Standard Industrial Classification
SWMP	Storm Water Management Program
SWPPP	Storm Water Pollution Prevention Plan
Tesoro	Tesoro Alaska Petroleum Co.
TMDL	Total Maximum Daily Load
TOTE	Totem Ocean Trailer Express
TSS	Total Suspended Solids
TTLR	Tank Truck Loading Rack
U.S.C.	United States Code
USFWS	United States Fish and Wildlife Service
VFA	Vehicle Fueling Area
WQS	Water Quality Standard

Appendix C: Definitions

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.
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.
Clean Water Act	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.
Discharge	When used without a qualifier, refers to "discharge of a pollutant" as defined at 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.
Discharge Monitoring Report	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.
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.
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 firefighting activities.

Word or Phrase	Definition
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.
Maximum Extent Practicable or MEP	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 MEP 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.
Measurable Storm Event	A storm event that results in an actual discharge from the facility that follows the preceding measurable storm event by at least 72 hours (3 days). No specific storm magnitude (i.e., 0.1 inches or greater) is specified, only an event which results in a discharge. For snowmelt, an event which some point in time produces a measurable discharge from the facility.
Municipal Separate Storm Sewer System (MS4)	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.
Municipal Separate Storm Sewer or MS4	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.
National Pollutant Discharge Elimination System	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.

Word or Phrase	Definition
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.
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 or Small MS4	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.
Standard Industrial Classification Code	The Standard Industrial Classification is a system for classifying industries by a four-digit code.
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	Refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.
Total Maximum Daily Load	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.

Word or Phrase	Definition
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: Summary Annual Report

ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM
MS4 – Summary Annual Report Form

1. MS4 Information

Permit Number _____ Name of MS4 _____

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

Telephone (including area code) _____ Email _____

Mailing Address _____

City _____ State Alaska 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? ☐ Yes ☐ No
If Yes, based on what criteria?

_____

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.

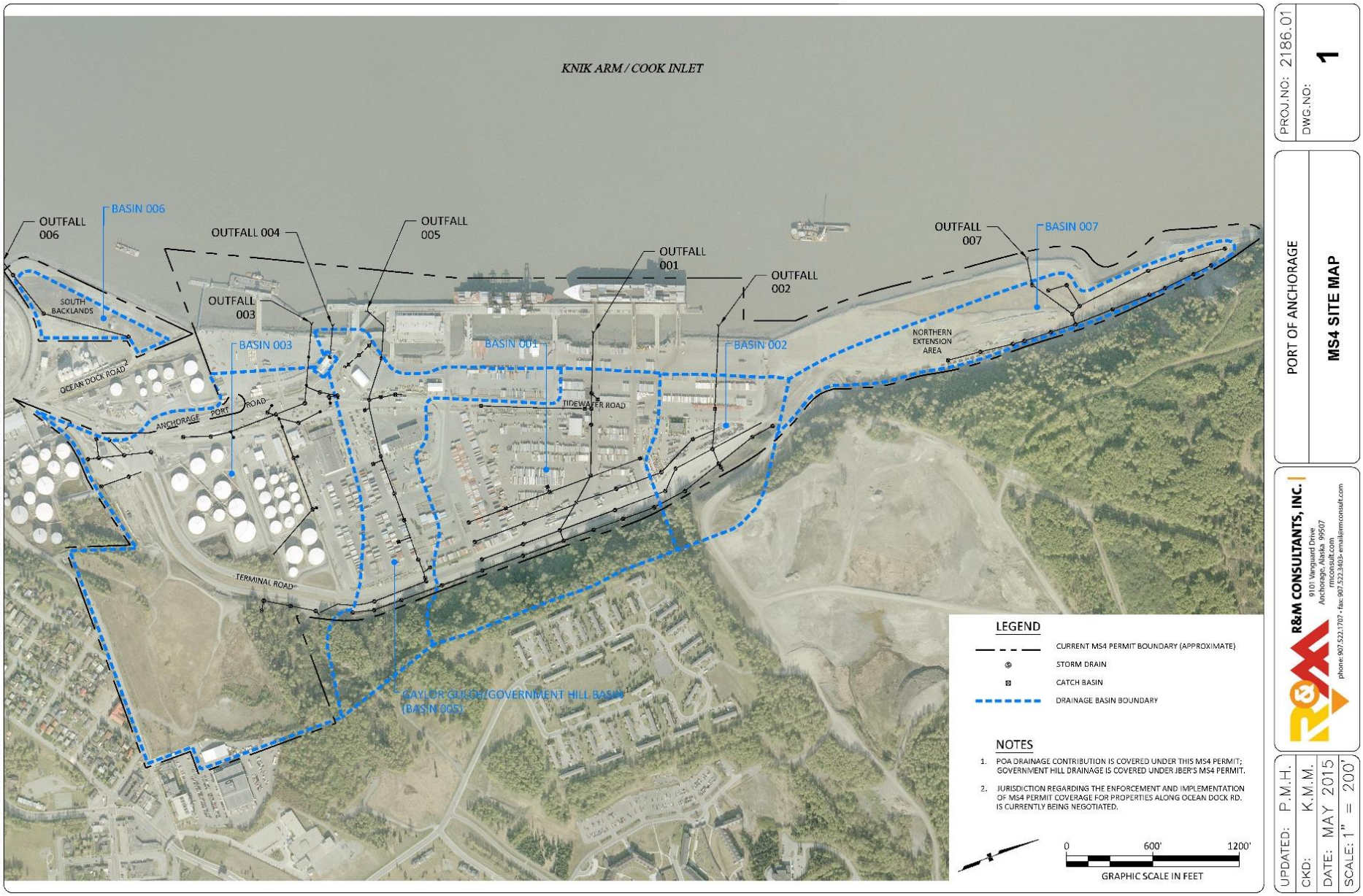
Certification Statement and Signature

☐ 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 _____

Signature _____ Date _____

Appendix E: Map (Approximate Boundary)