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

**NIBLACK PROJECT, LLC C/O – BLACKWOLF COPPER AND GOLD LTD.**

is authorized to discharge from the Niblack Project Wastewater Treatment Facility located on Prince of Wales Island, in Niblack Anchorage within the State of Alaska at the following location(s):

<table>
<thead>
<tr>
<th>Outfall</th>
<th>Receiving Water or Body</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>Niblack Anchorage within Moira Sound</td>
<td>55.065916</td>
<td>-132.142143</td>
</tr>
</tbody>
</table>

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

- This permit and authorization shall become effective [insert date]
- This permit and the authorization to discharge shall expire at midnight, [insert date]
- The permittee shall reapply for a permit reissuance on or before [insert date], 180 days before the expiration of this permit if the permittee intends to continue operations and discharge(s) at the facility beyond the term of this permit.
- The permittee shall post or maintain a copy of this permit to discharge at the facility and make it available to the public, employees, and subcontractors at the facility.

---

**DRAFT**

---

**Signature**

---

**Date**

---

**Printed Name**

---

**Program Manager**

---

**Title**
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**SCHEDULE OF SUBMISSIONS**

The Schedule of Submissions summarizes some of the required submissions and activities the permittee must complete and/or submit to the Alaska Department of Environmental Conservation (DEC) Permitting (P) or Compliance (C) during the term of this permit. The permittee is responsible for all submissions and activities even if they are not summarized in Table 1.

<table>
<thead>
<tr>
<th>Permit Part</th>
<th>Submittal or Completion</th>
<th>Frequency</th>
<th>Due Date</th>
<th>Submit to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cover Page, Appendix A 1.3</td>
<td>Application for Permit Reissuance</td>
<td>1/permit cycle</td>
<td>180 days before expiration of the final permit</td>
<td>P</td>
</tr>
<tr>
<td>1.4</td>
<td>Whole Effluent Toxicity Test Results (WET)</td>
<td>2/permit cycle</td>
<td>Each biannual test to be performed and submitted between May 1st – Sept 30th and Oct 1st – April 30th</td>
<td>P</td>
</tr>
<tr>
<td>1.8</td>
<td>Annual Ambient Water and Sediment Quality Monitoring and In-situ Bioassay Tissue Analysis Summary</td>
<td>1/Year</td>
<td>March 1st of Next Year</td>
<td>C</td>
</tr>
<tr>
<td>1.9 Appendix A 3.2</td>
<td>Discharge Monitoring Report (DMR)</td>
<td>Quarterly</td>
<td>Submitted electronically through the eDMR system, on or before the 28th of the following month</td>
<td>C</td>
</tr>
<tr>
<td>2.1</td>
<td>Quality Assurance Project Plan (QAPP)</td>
<td>1/permit cycle</td>
<td>Within 90 Days after Permit effective date.</td>
<td>C</td>
</tr>
<tr>
<td>2.2</td>
<td>Written notification that the Best Management Practices (BMP) Plan has been developed and implemented</td>
<td>1/permit cycle</td>
<td>Within 180 days after the effective date of the final permit</td>
<td>C</td>
</tr>
<tr>
<td>2.2.5.2</td>
<td>Certified statement that the BMP Plan fulfills the requirements set forth in this permit</td>
<td>Annually</td>
<td>On or before January 31st of the year following each year of operation</td>
<td>C</td>
</tr>
<tr>
<td>2.3</td>
<td>Written notification that the Operation &amp; Maintenance (O&amp;M) Plan has been developed and implemented</td>
<td>1/permit cycle</td>
<td>Within 180 days after the effective date of the final permit</td>
<td>C</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Appendix A</td>
<td>Reports of compliance or noncompliance with a Compliance Schedule</td>
<td>As required</td>
<td>The Report must be submitted no later than 14 days following each schedule date</td>
<td>C</td>
</tr>
<tr>
<td>Appendix A 3.4</td>
<td>Oral notification of noncompliance</td>
<td>As Necessary</td>
<td>Within 24 hours from the time the permittee becomes aware of the circumstances of noncompliance</td>
<td>C</td>
</tr>
<tr>
<td>Appendix A 3.4</td>
<td>Written documentation of noncompliance</td>
<td>As Necessary</td>
<td>Within 5 days after the permittee becomes aware of the circumstances</td>
<td>C</td>
</tr>
</tbody>
</table>

a) See Appendix A 1.1 for addresses.

b) This due date supersedes the date shown in Appendix A – Standard Conditions, Sections 3.2.1 and 3.2.3 on Page A-9
1. LIMITATIONS AND MONITORING REQUIREMENTS

1.1 Discharge Authorization

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

1.2 Effluent Limits, Monitoring Requirements

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

Table 2 Outfall 001 - Effluent Limits and Monitoring Requirements

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Daily Maximum</th>
<th>30-Day Average</th>
<th>Units</th>
<th>Sample Frequency</th>
<th>Sample Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Discharge Flow</td>
<td>300 a</td>
<td>Report</td>
<td>Gallons Per Minute (GPM)</td>
<td>Continuous</td>
<td>Recorded</td>
</tr>
<tr>
<td>Copper c</td>
<td>300</td>
<td>150</td>
<td>Micrograms per Liter (µg/L)</td>
<td>1/Quarter</td>
<td>Grab</td>
</tr>
<tr>
<td>TSS</td>
<td>30</td>
<td>20</td>
<td>Milligrams/L (mg/L)</td>
<td>1/Quarter</td>
<td>Grab</td>
</tr>
<tr>
<td>pH</td>
<td>6.0 ≤ pH ≤ 9.0</td>
<td></td>
<td>Standard Units (SU)</td>
<td>1/Quarter</td>
<td>Grab</td>
</tr>
<tr>
<td>Cadmium c</td>
<td>100</td>
<td>50</td>
<td>µg/L</td>
<td>1/Quarter</td>
<td>Grab</td>
</tr>
<tr>
<td>Lead c</td>
<td>600</td>
<td>300</td>
<td>µg/L</td>
<td>1/Quarter</td>
<td>Grab</td>
</tr>
<tr>
<td>Mercury b</td>
<td>2</td>
<td>1</td>
<td>µg/L</td>
<td>1/Quarter</td>
<td>Grab</td>
</tr>
<tr>
<td>Zinc c</td>
<td>1500</td>
<td>750</td>
<td>µg/L</td>
<td>1/Quarter</td>
<td>Grab</td>
</tr>
<tr>
<td>Ammonia as NH₃</td>
<td>2642</td>
<td>887</td>
<td>mg/L</td>
<td>1/Quarter</td>
<td>Grab</td>
</tr>
<tr>
<td>Whole Effluent Toxicity</td>
<td>Report</td>
<td>N/A</td>
<td>Toxic Units, Chronic (TU₈)</td>
<td>2/Year d</td>
<td>Grab</td>
</tr>
</tbody>
</table>

a) The wastewater discharge volume shall not exceed the maximum design flow rate approved.

b) Mercury shall be measured as total.

c) All metals shall be measured as total recoverable unless otherwise noted.

d) Tests performed twice per year; one during the summer months (May 1 - September 30) and one during the winter months (October 1 - April 30). WET samples shall be taken at same time as analytical samples.

1.3 General Requirements and Reporting Analytical Data

1.3.1 Discharge shall not cause contamination of surface or ground waters and shall not cause or contribute to a violation of the Alaska Water Quality Standards (18 AAC 70), except if excursions are authorized therein.

1.3.2 The permittee must collect effluent samples from the effluent stream after the flows from both the portal treatment settling pond and the potentially acid generating (PAG) treatment pond facilities are combined, and before discharge into receiving waters.
1.3.3 No discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as was disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.

1.3.4 There shall be no discharge of floating solids, visible foam, or oily wastes that produce a sheen on the surface of the receiving water as per 18 AAC 70.020.

1.3.5 The discharge shall be free of any additives such as antifreeze solutions, methanol, solvents, corrosion inhibitors, garbage, toxic substances, or other contaminants.

1.3.6 For analytical data, monitoring for effluent limitations must use methods with method detection limits that are less than the effluent limitations or are sufficiently sensitive. Monitoring effluent or receiving water for the purpose of comparing to water quality criteria must use methods that are less than the applicable criteria or are sufficiently sensitive. See Appendix C for definition of sufficiently sensitive.

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

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

1.3.9 For all effluent compliance monitoring outlined in Section 2.0, the permittee must use an analytical test method approved under Code of Federal Regulations (CFR) Title 40 (40 CFR) Part 136 and adopted by reference at 18 AAC 83.010, that can achieve a reporting limit less than the effluent limit (See Appendix C – Definitions).

1.3.10 For any permit condition that requires onsite records be maintained and made available upon request, the permittee may use readily accessible electronic documents in lieu of hardcopy information to comply with these requirements.

1.3.11 The permittee must report all violations of maximum daily limits (MDLs) per Appendix A, Standard Conditions, Section 3.4– Twenty-four Hour Reporting.

1.4 Whole Effluent Toxicity Monitoring

18 AAC 83.435 requires that a permit contain limitations on WET when a discharge has reasonable potential to cause or contribute to exceedances of water quality standards (WQS). The Permit does not establish WET limits because no effluent monitoring data for WET is currently available for use. Since WET is currently not available for use, the Permit requires WET testing twice per year, once in the summer months and once during the winter months and as detailed in Table 2.
WET tests are laboratory tests that measure total toxic effect of an effluent on living organisms. The tests use vertebrate and invertebrate species to measure the aggregate toxicity of an effluent. The permittee must conduct chronic WET testing to screen for the most sensitive species for the first year of the permit term. Once the most sensitive species has been determined, the permittee may request the elimination of the less sensitive species in writing and must be approved by DEC in writing for use in subsequent WET tests. DEC can also approve written requests to substitute the less sensitive species during periods when the more sensitive species is unavailable. The permittee shall not make any changes to the selection of test species or dilution series without prior written DEC approval and shall document the use of substitute species in the DMR for the test. The species to be tested are listed below.

1.4.1 Test Species -Vertebrate (survival and growth): *Atherinops affinis* (topsmelt). In the event that topsmelt is not available, *Menidia beryllina* (inland silverside) may be used as a substitute.

1.4.2 For larval development tests, the permittee must use bivalve species *Crassostrea gigas* (Pacific Oyster) or *Mytilus spp.* (mussel). Due to seasonal variability, it is recommended that testing be performed during reliable spawning periods (e.g., December through February for mussels and June through August for oysters). In the event that bivalves are unavailable, *Americamysis bahia* (formerly *Mysidopsis bahia*, mysid shrimp) may be used as a substitute to determine survival and growth endpoints.

1.4.3 Methods and Endpoints: For the shrimp and alternate fish species, the presence of chronic toxicity must be estimated as specified in *EPA Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, Third Edition* (EPA-821-R-02-014). For the bivalve species and topsmelt, chronic toxicity must be estimated as specified in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to West Coast Marine and Estuarine Organisms* (EPA/600/R-95/136). The WET testing will determine the EC25 endpoint estimate of the effluent concentration that would cause a 25% reduction in normal embryo development for the bivalves or in survival for fish and/or mysid shrimp. The WET testing will also determine the inhibition concentration (IC25) point estimate of the effluent concentration that would cause a 25% reduction in the growth of the fish and/or mysid shrimp.

1.4.4 Reporting Results: Results must be reported on the DMR using TUc, where TUc = 100/EC25 or 100/IC25. The reported EC25 or IC25 must be the lowest point estimate calculated for the applicable survival, growth or normal embryo development endpoints. The permittee must report the no observed effect concentrations (NOECs) in the full WET test report. DEC may compare this information with the IC25 during reissuance of the Permit.

1.4.5 Acute Toxicity Estimates: Although acute WET testing is not required, the permittee must provide an estimate of acute toxicity based on observations of mortality when appropriate. Acute toxicity estimates, if available, must be documented in the full report.

1.4.6 Dilution Series: A series of at least five dilutions and a control must be tested. For the first year of testing designed to screen for the most sensitive species, the dilution series shall be 0.5, 6.25, 12.5, 25, 50 and 75% along with a control of dilution water (0% effluent). In subsequent tests, the dilution series should be modified to bracket toxicity endpoints observed during previous tests. DEC may provide written direction to modify the previous dilution series, or the permittee may request written approval from DEC to modify the dilution series based on previous test results.
1.4.7 Hold Times: WET sample holding times are established at 36 hours and samples must not exceed a hold time of 72 hours. The permittee must document the conditions that resulted in the need for the holding time to exceed 36 hours and the potential effect on the test results.

1.4.8 Additional Quality Assurance Procedures: In addition to those quality assurance measures specified in the methodology, the following quality assurance procedures must be followed:

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

b) If either of the reference toxicant tests or the effluent tests does not meet all test acceptability criteria as specified in the test methods manual, then the permittee shall re-sample and re-test within the following month.

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

1.4.9 Wet Reporting: DMRs and Full Report Deliverables

1.4.9.1 The permittee shall submit chronic WET test results on the next month’s electronic DMR (eDMR) following the month of sample collection. The permittee must also submit the full WET Toxicity Report as an attachment to the eDMR per Section 1.5.2.


1.4.9.3 Additional Reporting Information: In addition to toxicity test results, the permittee shall report:

a) The date and time of sample collection and initiation of each test, and

b) The discharge flow rate at the time of sample collection.

1.5 Receiving Water Monitoring

1.5.1 The permittee must sample the water column just below the surface at a depth of 5 ft. at monitoring site designated as SW-1 just west and outside of the mixing zone in an area midpoint between the nearest boundary of the authorized mixing zone and the mouth of the unnamed creek nearest the facility at a frequency of once per year. See Figure 2 in Permit Fact Sheet.

1.5.1.1 The date, time, and weather conditions must be noted and reported for each sample collected.

1.5.1.2 All receiving water samples must be grab samples.

1.5.1.3 All receiving water samples must be analyzed for the parameters listed in Table 3 below with methods that achieve minimum detection limits (MDL) equivalent to or less than those listed in the table.

1.5.1.4 All metals shall be reported as dissolved and total recoverable with the exception of mercury, which is to be reported as total.
### Table 3: Receiving Water Monitoring Parameters and MDLs

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Units</th>
<th>Sample Frequency</th>
<th>Sample Type</th>
<th>MDL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copper</td>
<td>Micrograms per Liter (µg/L)</td>
<td>1/Year</td>
<td>Grab</td>
<td>0.1</td>
</tr>
<tr>
<td>Cadmium</td>
<td>µg/L</td>
<td>1/Year</td>
<td>Grab</td>
<td>0.03</td>
</tr>
<tr>
<td>Lead</td>
<td>µg/L</td>
<td>1/Year</td>
<td>Grab</td>
<td>0.05</td>
</tr>
<tr>
<td>Mercury</td>
<td>µg/L</td>
<td>1/Year</td>
<td>Grab</td>
<td>0.002</td>
</tr>
<tr>
<td>Zinc</td>
<td>µg/L</td>
<td>1/Year</td>
<td>Grab</td>
<td>0.2</td>
</tr>
<tr>
<td>Ammonia as NH₃</td>
<td>mg/L</td>
<td>1/Year</td>
<td>Grab</td>
<td>-</td>
</tr>
<tr>
<td>pH</td>
<td>Standard Units (s.u.)</td>
<td>1/Year</td>
<td>Grab</td>
<td>-</td>
</tr>
<tr>
<td>TSS</td>
<td>Milligrams/L (mg/L)</td>
<td>1/Year</td>
<td>Grab</td>
<td>-</td>
</tr>
</tbody>
</table>

Note:

- To compare dissolved measurements with total recoverable measurements, use translators specified in the *Alaska Water Quality Criteria Manual for Toxic and Deleterious Organic and Inorganic Substances*.

### 1.6 Sediment Monitoring

#### 1.6.1 The permittee must conduct sediment monitoring once per year at established monitoring station SW-1. See Figure 2 in Permit Fact Sheet.

1.6.1.1 The date, time, and weather conditions must be noted and reported for each sample collected.

1.6.1.2 The Permittee must collect at least 1 samples per sample year at SW-1 site and conduct all chemical tests identified herein.

1.6.1.3 The sediment samples must be analyzed for the metals in Table 4 below using the listed analytical protocols (or equivalent) for each sediment sample.

### Table 4: Sediment Monitoring Parameters and Methods

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Preparation Method</th>
<th>Analysis Method</th>
<th>MDL a (mg/Kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copper</td>
<td>PSEP b</td>
<td>GFAA c</td>
<td>0.3</td>
</tr>
<tr>
<td>Cadmium</td>
<td>PSEP b</td>
<td>ICP d</td>
<td>15.0</td>
</tr>
<tr>
<td>Lead</td>
<td>PSEP b</td>
<td>ICP d</td>
<td>0.5</td>
</tr>
<tr>
<td>Mercury</td>
<td>7471 c</td>
<td>7471 c</td>
<td>0.02</td>
</tr>
<tr>
<td>Zinc</td>
<td>PSEP b</td>
<td>ICP d</td>
<td>15.0</td>
</tr>
</tbody>
</table>

Notes:

- Dry weight basis.
1.7 In-situ Bioassay and Sessile Organism Tissue Analysis

1.7.1 The permittee must conduct analysis or organism tissues at least once per year at established monitoring station SW-1. See Figure 2 in Permit Fact Sheet.

1.7.1.1 The date, time, and weather conditions must be noted and reported for each sample collected.

1.7.1.2 The tissue samples must be collected from the organisms and locations listed in Table 5 below.

<table>
<thead>
<tr>
<th>Sample Location</th>
<th>In-situ Test Organism a</th>
<th>Parameters (total in mg/K)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SW-1</td>
<td><strong>Nephthys proceras</strong> (polychaetae) and <strong>Nereis spp.</strong> (polychaetas) b</td>
<td>Cadmium Copper Lead Mercury Zinc</td>
</tr>
<tr>
<td>SW-1</td>
<td><strong>Mytilus edulis</strong> (blue mussel)</td>
<td></td>
</tr>
</tbody>
</table>

Notes:

a. The organisms must be collected from each of the locations identified.
b. *Nereis sp.* may be replaced with other local species if *Nereis sp.* is not available.

1.7.1.3 The tissue samples must be prepared following EPA Method 200.2, where 0.3 grams of dry tissue and 5 milliliters (mL) of nitric acid are heated to 85 °C for four hours, cooled, and diluted to a volume of 22 mL. Levels of the elements must be determined by inductively coupled plasma mass spectrometer.

1.7.1.4 Quality assurance/quality control (QA/QC) plans for all the ambient water monitoring must be covered in the Quality Assurance Project Plan (QAPP) required under Permit Part 2.1.

1.7.1.5 Reporting. All monitoring results must be included in the Annual Report and submitted to DEC by March 1st of the next year. See Permit Part 1.8. The report must include a presentation of the analytical results and an evaluation of the results. The Annual Report must include a statistical evaluation of data showing averages, variations, and changes over time including a comparison of the past year’s data to annual averages from the pre-production period and the production period. The report must include relevant QA/QC information. The report must be submitted electronically, and a hard copy provided upon request.

1.8 Annual Ambient Water Quality, Sediment Quality, and Sessile Organism Tissue Analysis

Annual discharge and receiving water quality monitoring results must be summarized in an Annual Water Quality Monitoring Summary (Annual Report) and submitted by March 1 of the next year. The report must include a presentation of the analytical results and an evaluation of the results. The evaluation must include an electronic spreadsheet containing historical data, a graphical presentation of the data at each monitoring station versus time, and a comparison of upstream and downstream monitoring results. The Annual Report must be certified and signed in accordance with Permit Appendix A, Part 1.12 and contain information required by Permit Parts 1.7.1.5, and 2.2.6.
1.9 Electronic Discharge Monitoring Reports

1.9.1 E-Reporting Rule – Phase I

The permittee must submit a DMR for each month by the 28th day of the following month. DMRs shall be submitted electronically through NetDMR per Phase I of the E Reporting Rule (40 CFR 127). For access to the NetDMR Portal, go to https://npdes-ereporting.epa.gov/net-netdmr. 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., full WET Reports, 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 http://dec.alaska.gov/water/compliance/electronic-reporting-rule/ which contains general information about this new reporting format. Training modules and webinars for NetDMR can be found at https://netdmr.zendesk.com/hc/en-us.

1.9.2 E-Reporting Rule – Phase II (Other Reports)

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 during the permit cycle. Permittees should monitor DEC’s E-Reporting website at http://dec.alaska.gov/water/compliance/electronic-reporting-rule/ 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.

1.10 Additional Monitoring

DEC may require additional monitoring of effluent or receiving water for facility or site-specific purposes, including, but not limited to: obtaining data to support applications, demonstration of water quality protection, obtaining data to evaluate ambient water quality, evaluating causes for elevated parameters in the effluent, and conducting chronic WET toxicity identification and reduction. If additional monitoring is required, DEC will provide the permittee the request in writing. The permittee also has the option of taking more frequent samples than required under the Permit. These additional samples must be used for averaging if they are conducted using the Department approved test methods (generally found in 18 AAC 70 and 40 CFR 136 [adopted by reference in 18 AAC 83.010]). The results of any additional monitoring must be included in the calculation and reporting of the data on DMRs as required by the Permit and Standard Conditions Part 3.2 and 3.3 (Permit Appendix A).

1.11 Mixing Zone

1.11.1 In accordance with state regulations at 18 AAC 70.240, as amended through June 23, 2003, a mixing zone for copper, cadmium, lead, mercury, zinc, pH, and ammonia as NH₃ is authorized in Niblack Anchorage for this discharge.

1.11.2 The chronic mixing zone for the discharge has a dilution of 587:1 and is defined as a parallelogram shaped box extending from the ocean floor to the water surface. It has a maximum length of 165 meters (m) centered along the 26.01 m long diffuser and has a total width of 110 m.
1.11.3 The acute mixing zone for the discharge has a dilution of 378:1 and is defined as a parallelogram shaped box extending from the ocean floor to the water surface. It has a maximum length of 53 m centered along the 26.01 m long diffuser and has a total width of 57 meters.

2. SPECIAL CONDITIONS

2.1 Quality Assurance Project Plan

2.1.1 The permittee must develop a facility specific QAPP for all monitoring required by this Permit. The permittee must submit written notice to DEC affirming that the QAPP is up to date and is being implemented within 90 of the effective date of this Permit. Any existing QAPP may be modified under this Section.

2.1.2 All procedures in the previous QAPP must be followed until the new QAPP has been implemented.

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

2.1.4 The permittee may use the generic DEC Wastewater Treatment Facility Assurance Project Plan (DEC QAPP) as a template to develop a facility-specific QAPP required per Section 2.1.1. If using the generic DEC template, the developed QAPP must be specific for the facility.

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

2.1.6 At a minimum, a QAPP must include:

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

2.1.6.2 Maps indicating the location of each sampling point.

2.1.6.3 Qualification and training of personnel; and

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

2.1.7 The permittee must amend the QAPP whenever sample collection, sample analysis, or other procedure addressed by the QAPP is modified.

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

2.2 Best Management Practices Plan

2.2.1 Purpose. Through implementation of the best management practices (BMP) Plan the permittee must prevent or minimize the generation and the potential for release of pollutants from the facility to the lands and waters of the U.S. through normal and ancillary activities.
2.2.2 Development and Implementation Schedule. The permittee must develop and implement a BMP Plan which achieves the objectives and the specific requirements listed below. The permittee must submit written notice to DEC that the plan has been developed and implemented within 180 days of the effective date of the permit. Any existing BMP Plans may be modified for compliance with this Part. The permittee must implement provisions of the plan as conditions of this permit within 180 days of the effective date of this permit.

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

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

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

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

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

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

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

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

2.2.3.8 Description of potential pollutant sources.

2.2.3.9 Risk identification and assessment.

2.2.3.10 Standard operating procedures to achieve the above objectives and specific best management practices (see below).
2.2.3.11 Materials compatibility.
2.2.3.12 Good housekeeping.
2.2.3.13 Inspections.
2.2.3.14 Preventative maintenance and repair.
2.2.3.15 Security.
2.2.3.16 Employee training.
2.2.3.17 Record keeping and reporting.
2.2.3.18 Prior evaluation of any planned modifications to the facility to ensure that the requirements of the BMP plan are considered as part of the modifications.
2.2.3.19 Final constructed site plans, drawings, and maps (including detailed storm water outfall/ culvert configurations).

2.2.4 Specific Best Management Practices. The BMP Plan must establish specific BMPs or other measures to achieve the objectives under Part 2.3 which ensure that the following specific requirements are met:

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

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

2.2.5 Review and Certification. The BMP must be reviewed and certified as follows:

2.2.5.1 Annual review by the plant manager and BMP Committee.

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

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

2.2.6 BMP Plan Modification.

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

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

2.2.6.2 Any changes to the BMP Plan must be consistent with the objectives and specific requirements listed above. All changes in the BMP Plan must be reported to DEC with the annual certification required under Part 2.2.5.2.
2.3 Operation and Maintenance Plan

In addition to requirements specified in Appendix A, Part 1.6 of this permit (Proper Operation and Maintenance), by 180 days after the effective date of this permit, the permittee shall develop and implement an operation and maintenance plan for the wastewater treatment facility. The permittee must submit written notice to DEC that the plan has been developed and implemented within 180 days of the effective date of the permit. The plan shall be retained on site and made available on request to DEC.

2.4 Identification Sign(s)

The permittee shall post a sign or signs on the shoreline adjacent to the discharge point that indicate the name and contact number for the facility, the permit and authorization number, the type of discharge (treated non-domestic wastewater), and the approximate location and size of the mixing zone. The sign(s) should inform the public that certain activities, such as harvesting of aquatic life for raw consumption, should not take place in the mixing zone.

2.5 Removed Substances

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

2.6 Air and Land Releases

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