



**AUTHORIZATION TO DISCHARGE  
ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM  
MEDIUM SUCTION DREDGE PLACER MINERS  
GENERAL PERMIT NUMBER AKG371000**

**Authorization Number: [#]**

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

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

Owners and operators of facilities engaged in the processing of placer gold by suction dredging, as defined in Part 1.0 of this Alaska Pollutant Discharge Elimination System (APDES) permit, are authorized to discharge to waters of the United States, only in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

**A COPY OF THIS GENERAL PERMIT MUST BE KEPT AT THE SITE  
WHERE DISCHARGES OCCUR.**

The permit is effective **[Pending]**.

This permit and the authorization to discharge shall expire at midnight on **[Pending]**.

**Draft**

\_\_\_\_\_  
Signature

**Draft**

\_\_\_\_\_  
Date

**Draft**

\_\_\_\_\_  
Printed Name

Program Manager

\_\_\_\_\_  
Title

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## SCHEDULE OF SUBMISSIONS

Table 1 summarizes some of the required submissions and activities the permittee must complete and/or submit to the Alaska Department of Environmental Conservation (hereinafter referred to as DEC or the department) during the term of this permit. The permittee is responsible for all submissions and activities even if they are not summarized below.

**Table 1: Schedule of Submissions**

Permit Part	Submittal or Completion	Frequency	Due Date	Submit To
1.5	Notice of intent (NOI) for a new, recommencing, or changing operation	As necessary	Prior to discharge	DEC Permitting Program <sup>a</sup>
	NOI to continue coverage under a reissued general permit	1/permit cycle	The effective date of the reissued general permit	
	Change of contact information or permit coverage	As necessary	As necessary	
4.0	Daily records	Daily	Retained on site	DEC upon request
	Annual report	1/year	January 31	DEC Compliance Program <sup>b</sup>
	Spill report	As necessary	Upon discovery	DEC Spill Response Team <sup>c</sup>
Appendix A, 2.1	Oral notification of noncompliance	As necessary	Within 24 hours from the time the permittee becomes aware of the circumstances of noncompliance	DEC Compliance Program <sup>b</sup>
	Written documentation of noncompliance	As necessary	Within five days after the permittee becomes aware of the circumstances	

Notes:

- Permitting address: See Appendix A, Part 1.1.1 (an Application for Permits to Mine in Alaska submitted to the Alaska Department of Natural Resources will be accepted as an NOI if all the required information is provided).
- Compliance address: See Appendix A, Part 1.1.2.
- Spill reporting: 1-907-269-0667 or 1-800-478-9300 or <https://dec.alaska.gov/spar/ppr/spill-information/reporting>.

## 1.0 PERMIT COVERAGE

### 1.1 Coverage and Eligibility

- 1.1.1 **This permit provides statewide coverage** for discharges to fresh and marine waters of the U.S. within Alaska. The coverage area is subject to restrictions under Part 1.3.
- 1.1.2 **Existing facilities** with coverage under the prior issuance of this general permit are eligible for coverage under this permit. See Part 1.5 for notice of intent (NOI) requirements.
- 1.1.3 **New or recommencing facilities** that meet the criteria for coverage under this permit will be granted coverage upon completion of NOI requirements outlined in Part 1.5.

### 1.2 Authorized Placer Mining Operations

- 1.2.1 This permit authorizes point-source discharges of process wastewater from suction dredges that process gold placer ores and have the following configurations:
  - 1.2.1.1 Intake diameters greater than six inches and less than or equal to ten inches, or
  - 1.2.1.2 A combination of intake hoses with a combined intake area greater than that of a six-inch suction dredge (28.27 square inches) and less than or equal to that of a ten-inch suction dredge (78.54 square inches).
  - 1.2.1.3 Intake diameter under Part 1.2.1 may be determined based on the size of a constrictor ring, provided that the ring is of solid, one-piece construction with no openings other than the intake and no openings of area greater than one inch square between the constricting ring and nozzle, and that the ring is welded or otherwise permanently attached over the end of the intake nozzle.
  - 1.2.1.4 Discharges of process wastewater from suction dredges that process gold placer ores and have intake diameters less than or equal to six inches, or a combination of intakes with an equivalent intake area, and are otherwise denied coverage under another APDES general permit may be covered under this permit on a case-by-case basis, provided the authorization would not result in conditions less restrictive than those of another available general permit.
  - 1.2.1.5 Authorization to discharge requires written notification from the department that coverage has been granted. Upon authorization, appropriate permit fees must be paid consistent with 18 AAC 83 and 18 AAC 72. Permit authorizations with fee payments greater than 90 days past due may be terminated, or denied renewed coverage, at the discretion of the department.
- 1.2.2 Copies of this general permit, written notification authorizing a discharge, and any additional permits or approvals under Part 3.2 must be kept at the dredge site. Written notification may include either the General Permit cover sheet with permittee name, receiving water, and authorization number or other written documentation from DEC authorizing the discharge.

### 1.3 Limitations on Coverage

- 1.3.1 The following discharges are not authorized under this permit:
  - 1.3.1.1 Discharges into Tier 3 waters;

- 1.3.1.2 Discharges from facilities located on sea ice and operating in water depths greater than 30 feet, with water depth measured from the sea floor to the upper ice surface;
  - 1.3.1.3 Discharges within 1.0 nautical mile (NM) of a Steller sea lion rookery or haulout area;
  - 1.3.1.4 Discharges that contain chemicals used for the enhancement of mineral recovery;
  - 1.3.1.5 Discharges that contain domestic wastewater; or
  - 1.3.1.6 Discharges resulting from dredging material at a [DEC-listed contaminated site](https://dec.alaska.gov/Applications/SPAR/PublicMVC/CSP/Search/) (<https://dec.alaska.gov/Applications/SPAR/PublicMVC/CSP/Search/>) under the category of *Active* or *Cleanup Complete - Institutional Controls*.
- 1.3.2 Discharges to waters within National Protected Areas, as defined in Appendix C, may be subject to coverage limitations. See notification requirements in Part 1.5.5.
  - 1.3.3 Discharges are not authorized year-round within 1.0 NM of Endangered Species Act (ESA) critical habitat for the spectacled eider or Steller's eider; from August 1 to April 30 within 1.0 NM of locations that are used by 125 or more Steller's eiders as wintering areas; or year-round within ESA critical habitat for the northern sea otter. See Appendix D for a list of ESA habitat areas. The department may grant case-by-case exceptions to the ESA habitat restrictions upon receiving input and a statement of non-objection from the U.S. Fish & Wildlife Service (USFWS). See notification requirements in Part 1.5.5.
  - 1.3.4 Discharges to estuarine habitats will be authorized on a case-by-case basis, based on the duration, scale, and location of the discharge. See notification requirements in Part 1.5.
  - 1.3.5 Operations with NOIs listing locations within the Norton Sound offshore dredge area, as defined in Appendix C, are authorized coverage for the entire offshore dredge area, subject to all other coverage limitations of this permit. Coverage for all other locations is limited to the township, range, and section(s) listed within the NOI, unless notice is provided per Part 1.5.8.

#### 1.4 Operations Requiring an Individual Permit

As detailed in 18 AAC 83.215, the department may terminate or revoke a permittee's coverage under this permit and require the permittee to obtain an APDES individual permit. If an individual permit is required, the department will provide written notification and include a deadline for submission of an individual permit application. If the permittee fails to submit an application by the date in the notification, then coverage under this general permit is automatically terminated at the submittal deadline.

#### 1.5 Notification Requirements

- 1.5.1 Permittees who submitted new NOIs per Part 1.5.6 of the 2021 permit are automatically covered under this permit.
- 1.5.2 Dredgers that are not covered under Part 1.5.1 must submit NOIs prior to discharge. The department recommends submittal of NOIs at least 60 days prior to the anticipated start date. Information required for a complete NOI follows:
  - 1.5.2.1 Permittee (owner or operator) name and contact information;
  - 1.5.2.2 Receiving water name and location information including the mining district, approximate latitude and longitude, and meridian, township, range, and section(s);

- 1.5.2.3 An *Application for Permits to Mine in Alaska* (APMA) number, if applicable (a description and drawing of the operation must be provided if a current APMA number is not available);
- 1.5.2.4 Dredge information including nozzle diameter, pump horsepower, vessel name (marine waters), and notice if under-ice dredging is planned; and
- 1.5.2.5 A signed certification statement, per Appendix A, Parts **Error! Reference source not found.**
- 1.5.3 An APMA submitted to the Alaska Department of Natural Resources (DNR) will be accepted as an NOI if all the required information is provided. A dredger who does not use the APMA process must submit NOIs electronically to DEC per Part 4.3.
- 1.5.4 To ensure dredging does not adversely affect fish spawning, permittees must obtain any necessary Fish Habitat Permits from the Alaska Department of Fish and Game (ADF&G) prior to discharging.
- 1.5.5 Operations proposing discharge within a National Protected Area or ESA habitat area under Parts 1.3.2– 1.3.3 must provide written notification and a review request to the agency with management authority over the area or species 90 days prior to initial discharge and provide a copy of the notification to DEC. Coverage within the area may be authorized per Part 1.5.7 unless DEC receives a valid objection from the managing agency within 60 days of the agency receiving the notice. Operations on State-owned land within a National Protected Area are excluded from the notification requirements of this subpart.
- 1.5.6 Operations proposing discharge to estuarine habitats must provide written notification to DEC 90 days prior to initial discharge. After evaluating the proposal and consulting ADF&G, the department may either authorize the discharge per Part 1.5.7, potentially with a restricted mixing zone size per 18 AAC 70, or require coverage under an individual permit.
- 1.5.7 Completion of the special notification requirements for protected and estuarine areas under Parts 1.5.5 – 1.5.6 requires written confirmation from DEC authorizing coverage. Based on agency input, DEC may include special conditions, such as seasonal or geographic restrictions, within the authorization letter.
- 1.5.8 Facilities that plan to significantly change dredge configurations (or names) or plans of operation or move to a location not covered in the original NOI, must notify the department. At the department’s request, an amended NOI detailing the changes may be required.
- 1.5.9 Permittees must notify the department when contact information changes, responsible parties change, or permit coverage is no longer needed. Permittees failing to provide such notification will remain responsible for meeting permit conditions, including annual fees, as long as coverage remains in effect.
- 1.5.10 Permittees may allow others, such as friends and family members, to operate under the authorization without additional notice, provided the permittee remains the responsible party for all permit conditions.

- 1.5.11 If this general permit is not reissued prior to the expiration date, it will be administratively extended and remain in force and effect per 18 AAC 83.155(c) and 18 AAC 83.210(h), until reissuance occurs, for all dischargers that were covered prior to the expiration date. To ensure continued coverage under the next permit reissuance, permittees must submit renewal NOIs prior to the effective date of the next reissuance. Renewal NOIs will be accepted starting one year prior to the expiration date of this permit. At its discretion, the department will accept an active APMA per Part 1.5.3, regardless of the received date, as a renewal NOI.

## **2.0 LIMITATIONS AND MONITORING REQUIREMENTS**

### **2.1 Effluent Limitations**

- 2.1.1 Permittees are authorized a 500-foot mixing zone where a turbidity plume may exceed Alaska Water Quality Standards criteria. Freshwater mixing zones in flowing waters extend 500 feet down current from the outfall. Marine mixing zones and freshwater mixing zones in non-flowing waters are measured as a 500-foot radius centered on the outfall.
- 2.1.2 The discharge may not create a visible increase in turbidity (cloudiness or muddiness) outside the mixing zone during operation.
- 2.1.3 If the discharge contributes to noticeable turbidity outside the mixing zone, then operation must decrease or cease until the turbidity plume from the discharge is confined to the mixing zone.
- 2.1.4 The discharge may not result in floating oils on the surface of the waterbody or cause a film, sheen, or discoloration from petroleum hydrocarbons, or oils and grease, on the surface or floor of the waterbody or adjoining shorelines.
- 2.1.5 If floating oil or a film, sheen, or discoloration is observed, operation must cease until the source of the problem can be identified and corrective action can be taken. Spills must be managed as described under Part 3.1.7.

### **2.2 Monitoring Requirements**

- 2.2.1 Permittees must visually monitor for turbidity and for any floating oils, film, sheen, or discoloration from petroleum hydrocarbons a minimum of once daily during operation.
- 2.2.2 The visual turbidity observation must be conducted during discharge after the plume has reached its full extent.
- 2.2.3 Individuals who conduct visual monitoring must observe the turbidity plume downstream (fresh water) or radially (marine water) from the dredge and record the maximum distance the plume extends from the outfall.
- 2.2.4 All visual monitoring results shall be recorded daily in accordance with Parts 4.1 and 4.5.
- 2.2.5 Permittees conducting under-ice dredging are exempt from visual turbidity monitoring under Parts 2.2.1 - 2.2.3, but must still monitor for floating oils, film, sheen, and discoloration.

### 3.0 Special Conditions

#### 3.1 Best Management Practices (BMP) Plan

- 3.1.1 Dredging in fresh water is permitted only within the active stream channel. Dredging within the active stream channel that results in undercutting, littoral channeling, or that otherwise results in erosion of a stream bank is prohibited. This provision does not apply to facilities operating within disconnected ponds or meander cutoffs if the permittee has received an ADF&G determination that the location is non-fish-bearing.
- 3.1.2 Motorized winches or other motorized equipment shall not be used in fresh water to move boulders, logs, or other natural obstructions within the active stream channel; feed the sluice box on the dredge; or stockpile ore. This prohibition does not apply to the non-routine use of such equipment either to move obstructions that present an immediate safety hazard or to assist with reclamation. Dredging may not occur while such equipment is active and may only occur after turbidity from equipment activity has visually subsided to background levels.
- 3.1.3 Boulders, logs, or other natural obstructions must be kept as close to their original location within the active stream channel as possible. Material that is moved by the operator must not be placed in a manner that significantly alters the active stream channel or otherwise redirects the flow of water into the streambank causing erosion or undercutting.
- 3.1.4 Dredging of concentrated silt and clay should be avoided. The permittee shall use reasonable care to avoid dredging silt and clay materials that would result in a significant increase in turbidity. Reasonable care includes moving the dredge to a new location or reducing the discharge rate by limiting the operation speed of the suction dredge.
- 3.1.5 Mercury from historical dredge operations or other pollutants may be encountered during dredge operations. The permittee must take measures to ensure mercury or other pollutants, such as lead, that are removed from the wastewater streams are retained in storage areas and not released to the waters of the U.S. Information on how to safely handle, store, and dispose of mercury or other pollutants can be obtained by contacting DEC at the address in Appendix A, Part 1.1.1.
- 3.1.6 Dredging equipment must not house invasive species. Equipment must be self-inspected and cleaned prior to its placement in waters of the U.S. and when transferring from one waterbody to another.
- 3.1.7 Oil, petroleum, and hazardous substances must be properly managed during storage, refueling, and operation to prevent spillage to surface waters or land [For the purpose of this BMP, “properly managed” is defined by no spills. Unless otherwise documented, spills are considered the result of improper management]. Equipment must be free of excess oils and grease and must not release petroleum products. Drip pans or absorbents must be placed under leaking equipment. Any spills must be cleaned up using materials such as sorbent pads and booms, and reported, per Part 4.3.

#### 3.2 Seasonal Restrictions

- 3.2.1 Permittees must adhere to any seasonal restrictions within ADF&G Fish Habitat Permits obtained under Part 1.5. Copies of required Fish Habitat Permits must be retained on site.

- 3.2.2 Permittees operating in marine waters must adhere to any additional seasonal restrictions implemented by DNR and maintain copies of DNR mine plan approvals on site.

### 3.3 Separation Requirements

- 3.3.1 Dredge operations, as defined in Appendix C, must be operated to ensure that there is a zone of passage for fish around the turbidity plume at all times and that there is no overlap of turbidity plumes with other equipment used in the same waters. Dredge operations in fresh waters shall not discharge within 800 feet of another dredging operation discharging simultaneously.
- 3.3.2 Discharges are prohibited within 500 feet of locations where anadromous or resident fish are spawning or where anadromous or resident fish eggs, alevins, or spawning redds are known to exist at the time dredging occurs.
- 3.3.3 Discharges are prohibited within 500 feet up current from the intakes of active public water systems (PWSs) or where the turbidity plumes otherwise impact such intakes. This prohibition only applies to PWS sources using surface water or groundwater under the direct influence of surface water. PWS Information can be found using the web map called “Alaska DEC Drinking Water Protection Areas” at <https://dec.alaska.gov/eh/dw/dwp/protection-areas-map/> or by calling the DEC Drinking Water Protection group at (907) 269-7549 or toll free at (866) 956-7656.
- 3.3.4 Facilities authorized to operate in critical habitat for northern sea otter must maintain an 800-foot distance from any northern sea otter during operation. If an otter moves within 800 feet of the facility, the operator must cease operations and move away from the animal or standby until it has moved beyond 800 feet on its own.
- 3.3.5 Facilities must immediately cease operations if a polar bear moves within sight-range. The department recommends permittees review USFWS Polar Bear Interaction Guidelines at <https://www.fws.gov/pb-interaction-guidelines> and BMPs at <https://www.fws.gov/media/polar-bear-bmps>, and report sightings to USFWS at (907) 786-3800 or [FW7\\_AK\\_Marine\\_Mammals@fws.gov](mailto:FW7_AK_Marine_Mammals@fws.gov).
- 3.3.6 Facilities operating in marine waters must avoid red king crab mating pairs and clusters. If red king crab mating pairs or clusters are observed, dredging operations must move to an alternate location where no crabs are observed or cease operation until the crabs move away on their own.
- 3.3.7 Discharges are prohibited within 0.5 NM of feeding walrus. All vessels proposing to discharge within 3 NM of a walrus haulout must contact the USFWS Marine Mammals Management Office at 1-800-362-5148 (<https://www.fws.gov/program/alaska-marine-mammals-management-office>) to obtain information on preventing marine mammal disturbance and provide notification of the contact to DEC permitting staff prior to operation.
- 3.3.8 Discharges are prohibited within coral beds, eelgrass beds, seagrass beds, kelp beds, vegetated shallows, and shellfish beds.

### 3.4 Reclassified Waters

- 3.4.1 Facilities on fresh waters reclassified as industrial use only per 18 AAC 70.230(e) may be granted a modification of the effluent limitations under Parts 2.1.1 – 2.1.3 and exemptions from stipulations under Parts 3.1.1 – 3.1.4, on a case-by-case basis, provided
- 3.4.1.1 The permittee, upon requesting the modification, submits a detailed mine plan including a list of established industrial users downstream;
  - 3.4.1.2 ADF&G and the land manager are provided an opportunity to review and comment on the modification; and
  - 3.4.1.3 The permittee receives written approval from DEC supplementing the authorization.
- 3.4.2 Upon supplemental approval under Part 3.4.1.3, the following effluent limitations apply to activities authorized under this part:
- 3.4.2.1 The discharge may not create a visual increase in turbidity within 300 feet upstream of the intake of any established industrial user that is actively withdrawing water; and
  - 3.4.2.2 The discharge may not create a visual increase in turbidity that extends into any downstream waterbody not classified as industrial use only under 18 AAC 70.230(e).

## 4.0 RECORDING AND REPORTING REQUIREMENTS

### 4.1 Daily Records

The permittee must maintain daily records that include results of the following:

- 4.1.1 Results of visual monitoring, as required under Part 2.2, and
- 4.1.2 Any noncompliance events, including spills, and actions taken to return to compliance.

### 4.2 Annual Report Requirements

An annual report must be submitted to the DEC Compliance Program and received or postmarked no later than January 31 of each calendar year. Reports must be submitted electronically per Part 4.3. The annual report must include the following:

- 4.2.1 Permittee name and contact information;
- 4.2.2 Mining season year;
- 4.2.3 APDES authorization number, APMA number (if applicable), and receiving water name;
- 4.2.4 Vessel name (marine waters only);
- 4.2.5 The period of operation or a statement that no mining occurred;
- 4.2.6 Monthly summaries of any monitoring results, including total dredge days, and average and maximum plume lengths;
- 4.2.7 Any noncompliance events, including reported spills, per Appendix A, Parts **Error! Reference source not found.** – **Error! Reference source not found.**;
- 4.2.8 Plans for the upcoming season (reported plans may be changed without additional notice); and
- 4.2.9 A signed certification statement, per Appendix A, Parts **Error! Reference source not found.**

### 4.3 Electronic Reporting (E-Reporting) Rule

Per the EPA E-Reporting Rule (40 CFR 127), the permittee must submit all required reports (e.g., annual reports) electronically through the DEC Environmental Data Management System (EDMS) at <https://dec.alaska.gov/water/edms> unless the department directs otherwise or approves a waiver. General information about the new E-Reporting rule is available at <https://dec.alaska.gov/water/compliance/electronic-reporting-rule/>.

### 4.4 Spill Reporting

All spills of oil, petroleum, or other hazardous substances must be reported upon discovery to the DEC spill response team at 1-800-478-9300, 1-907-269-0667, or <https://dec.alaska.gov/applications/spar/spill-reporter/> as follows:

#### 4.4.1 Spills of oil or petroleum

4.4.1.1 to water, in any amount, must be reported immediately;

4.4.1.2 to land, greater than 55 gallons must be reported immediately, greater than 10 gallons but less than 55 gallons must be reported within 48 hours, and volumes from 1 to 10 gallons must be reported as a monthly log; and

4.4.1.3 to impermeable secondary containment, must be reported within 48 hours.

4.4.2 Spills of any hazardous substance, other than oil, must be reported immediately upon discovery.

### 4.5 Standard Conditions

4.5.1 The permittee must adhere to all standard recording and reporting requirements contained in Appendix A, including the following: Monitoring and Records (Part **Error! Reference source not found.**); Signature Requirement and Penalties (Part **Error! Reference source not found.**); and Special Reporting Obligations (Part **Error! Reference source not found.**).

4.5.2 The following events are not subject to twenty-four hour reporting under Appendix A, Part **Error! Reference source not found.**:

4.5.2.1 Administrative violations, such as missing records or late reports;

4.5.2.2 Spills reported under Permit Part 4.4; and

4.5.2.3 Short-term exceedances of the turbidity limit under Permit Part 2.1.2.

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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.WQPermit@alaska.gov](mailto:DEC.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  
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### **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 (<https://dnr.alaska.gov/parks/oha/index.htm>), is to be notified immediately at (907) 269-8721.

### **1.16 Fee**

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

### **1.17 Other Legal Obligations**

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

## **2.0 Special Reporting Obligations**

### **2.1 Planned Changes**

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

- 2.1.1.1 The alteration or addition may make the facility a “new source” under one or more of the criteria in 18 AAC 83.990(44); or
- 2.1.1.2 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged if those pollutants are not subject to effluent limitations in the permit or to notification requirements under 18 AAC 83.610.

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

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

### **2.2 Anticipated Noncompliance**

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

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

## **2.3 Transfers**

- 2.3.1 A permittee may not transfer a permit for a facility or activity to any person except after notice to the Department in accordance with 18 AAC 83.150. The Department may modify or revoke and reissue the permit to change the name of the permittee and incorporate such other requirements under 33 U.S.C. 1251-1387 (Clean Water Act) or state law.
- 2.3.2 Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

## **2.4 Compliance Schedules**

- 2.4.1 A permittee must submit progress or compliance reports on interim and final requirements in any compliance schedule of a permit no later than 14 days following the scheduled date of each requirement.
- 2.4.2 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

## **2.5 Corrective Information**

- 2.5.1 If a permittee becomes aware that it failed to submit a relevant fact in a permit application or submitted incorrect information in a permit application or in any report to the Department, the permittee shall promptly submit the relevant fact or the correct information.
- 2.5.2 Information must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

## **2.6 Bypass of Treatment Facilities**

### **2.6.1 Prohibition of Bypass**

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

- 2.6.1.1 The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- 2.6.1.2 There were no feasible alternatives to the bypass, including use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. However, this condition is not satisfied if the permittee, in the exercise of reasonable engineering judgment, should have installed adequate back-up equipment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
- 2.6.1.3 The permittee provides notice to the Department of a bypass event in the manner, as appropriate, under Appendix A, Part 2.6.2.

### **2.6.2 Notice of bypass**

- 2.6.2.1 For an anticipated bypass, the permittee submits notice at least 10 days before the date of the bypass. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the conditions of Appendix A, Parts 2.6.1.1 and 2.6.1.2.
- 2.6.2.2 For an unanticipated bypass, the permittee submits 24-hour notice, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting.

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

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

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

2.6.3.2 Is for essential maintenance to assure efficient operation.

## **2.7 Upset Conditions**

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

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

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

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

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

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

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

## **2.8 Existing Manufacturing, Commercial, Mining, and Silvicultural Discharges**

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

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

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

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

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

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

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

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

- 2.8.1.2.2 One milligram per liter (1 mg/L) for antimony;
- 2.8.1.2.3 Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with 18 AAC 83.310(c)-(g); or
- 2.8.1.2.4 The level established by the Department in accordance with 18 AAC 83.445.

### **3.0 Monitoring, Recording, and Reporting Requirements**

#### **3.1 Representative Sampling**

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

#### **3.2 Reporting of Monitoring Results**

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

- 3.2.1 Monitoring results shall be summarized each month on the DMR or an approved equivalent report. The permittee must submit reports monthly postmarked by the 15th day of the following month.
- 3.2.2 The permittee must sign and certify all DMRs and all other reports in accordance with the requirements of Appendix A, Part 1.12, 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.
- 3.2.3 If, during the period when this permit is effective, the Department makes available electronic reporting, the permittee may, as an alternative to the requirements of Appendix A, Part 3.2.2, submit monthly DMRs electronically by the 15th day of the following month in accordance with guidance provided by the Department. The permittee must certify all DMRs and other reports, in accordance with the requirements of Appendix A, Part 1.12, 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 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](mailto: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) \$200,000; (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**

AAC	Alaska Administrative Code
ADF&G	Alaska Department of Fish and Game
APDES	Alaska Pollutant Discharge Elimination System
APMA	Application for Permits to Mine in Alaska
AS	Alaska Statutes
BMP	Best Management Practice
CFR	Code of Federal Regulations
CWA	Clean Water Act
DEC	Alaska Department of Environmental Conservation
DNR	Alaska Department of Natural Resources
EDMS	Environmental Data Monitoring System
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
NM	Nautical Mile
NOI	Notice of Intent
PWS	Public Water System
U.S.C.	United States Code
USFWS	U.S. Fish and Wildlife Service

## APPENDIX C. DEFINITIONS

**Active Stream Channel** – Means 1) that part of the channel that is below the level of the water; or 2) any unvegetated gravel bars that occur below the ordinary high-water mark.

**Alaska Pollutant Discharge Elimination System (APDES)**<sup>a</sup> – Means the State’s program, approved by EPA under 33 U.S.C. 1342(b), for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under 33 U.S.C. 1317, 1328, 1342, and 1345.

**Anadromous Fish**<sup>b</sup> – For the purpose of this permit, means a fish or fish species that spends portions of its life cycle in both fresh and salt waters, entering fresh water from the sea to spawn and includes the anadromous forms of pacific trout and salmon of the genus *Oncorhynchus* (rainbow and cutthroat trout and chinook, coho, sockeye, chum and pink salmon), Arctic char, Dolly Varden, sheefish, and whitefish.

**Application**<sup>a</sup> – When used without qualification, means an application for an APDES individual permit; “Application” does not include a notice of intent submitted pursuant to 18 AAC 83.210(b).

**Best Management Practices (BMPs)** – Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the U.S. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from mined areas.

**Clean Water Act (CWA)**<sup>a</sup> – Means the federal law codified at 33 U.S.C. 1251-1387, also referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972.

**Department**<sup>a</sup> – When used alone, means the Alaska Department of Environmental Conservation

**Discharge**<sup>a</sup> – When used without qualification, means any addition of any pollutant or combination of pollutants to waters of the United States from any point source and includes any addition to waters of the United States from (1) surface runoff that is collected or channeled by humans or (2) discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person that do not lead to treatment works.

**Dredging Operation** – Means 1) a medium suction dredge; or 2) two medium suction dredges operating within 800 feet of one another with no single or combined plume length greater than 500 feet long.

**Effluent**<sup>b</sup> – Means the segment of a wastewater stream that follows the final step in a treatment process and precedes discharge of the wastewater stream to the receiving environment.

**Effluent Limitation or Effluent Limit**<sup>a</sup> – Means any restriction imposed by the department on quantities, discharge rates, and concentrations of pollutants that are discharged from point sources into waters of the U.S., the waters of the contiguous zone, or the ocean.

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<sup>a</sup> See 18 AAC 83

<sup>b</sup> See 18 AAC 70.990

- Estuarine Habitat** – In general, means a partially enclosed, coastal waterbody where fresh water from rivers and streams mixes with salt water from the ocean.
- Facility**<sup>a</sup> – Means any point source or any other facility or activity, including land or appurtenances, that is subject to regulation under the APDES program.
- Intake Diameter** – Means the measurement across the smallest internal cross-section of the primary inlet.
- Littoral or Littoral Zone** – Means the strip of land along the shoreline between the high and low water levels.
- Medium Suction Dredge** – Means those facilities having coverage under the effective Medium Suction Dredge Placer Miners General Permit, AKG371000.
- Mining Season** – Means the time between the start of mining in a calendar year and when mining has ceased for that same calendar year.
- Mixing Zone**<sup>b</sup> – Means a volume of water adjacent to a discharge, in which wastes discharged mix with the receiving water.
- National Protected Area** – Means National Park System Units, National Monuments, National Sanctuaries, National Wildlife Refuges, National Conservation Areas, National Wilderness Areas, or wild segments of designated Wild and Scenic Rivers under federal land management.
- New Facility** – Means a facility that has not received prior permit coverage under any issuance of this general permit for the area specified in the notice of intent.
- Norton Sound Offshore Dredge Area** – Means marine waters of Norton Sound up to three nautical miles offshore between Cape Rodney at 166°24'09" west longitude and Cape Nome at 165°10'00" west longitude excluding waters within three nautical miles of Sledge Island.
- Operation** – Means the same as “facility.”
- Ordinary High Water Mark**<sup>c</sup> – Means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.
- Outfall** – Means the discharge point of a wastewater stream into the receiving water.
- Permittee** – Means a company, organization, association, entity, or person who is issued a wastewater permit and is responsible for ensuring compliance, monitoring, and reporting as required by the permit.
- Point Source**<sup>a</sup> – Means any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged.

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<sup>c</sup> See 33 CFR 328.3(e)

- Pollutant**<sup>a</sup> – Principal dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under 42 U.S.C. 2011), heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, or agricultural waste discharged into water.
- Process Wastewater** – Means all water used in and resulting from the gold recovery process, including but not limited to water used to aid in classification and water used in gravity separation.
- Receiving Water** – Means a water, such as a lake, river, stream, creek, wetland, or any other surface water, that wastewater is directly discharged into.
- Recommencing Facilities** – Means those facilities that may have let permit coverage lapse but still meet the coverage requirements of the permit.
- Resident Fish** – In this permit, means Arctic grayling; northern pike; lake trout; brook trout; burbot; landlocked coho, chinook, or sockeye salmon; and non-anadromous forms of sheefish, rainbow or cutthroat trout, Arctic char, Dolly Varden, or whitefish.
- Sheen**<sup>b</sup> – Means an iridescent appearance on the water surface.
- Silt and Clay** – Means soil particles having a diameter of less than 0.002 mm (2 microns).
- Turbidity**<sup>b</sup> – Means an expression of the optical property that causes light to be scattered and absorbed rather than transmitted in straight lines through a water sample; turbidity in water is caused by the presence of suspended matter such as clay, silt, finely divided organic and inorganic matter, plankton, and other microscopic organisms.
- Spawning**<sup>b</sup> – Means the process of producing, emitting, or depositing eggs, sperm, seed, germ, larvae, young, or juveniles, especially in large numbers, by aquatic life.
- Waters of the United States or Waters of the U.S.** – Has the meaning given in 18 AAC 83.990(77).

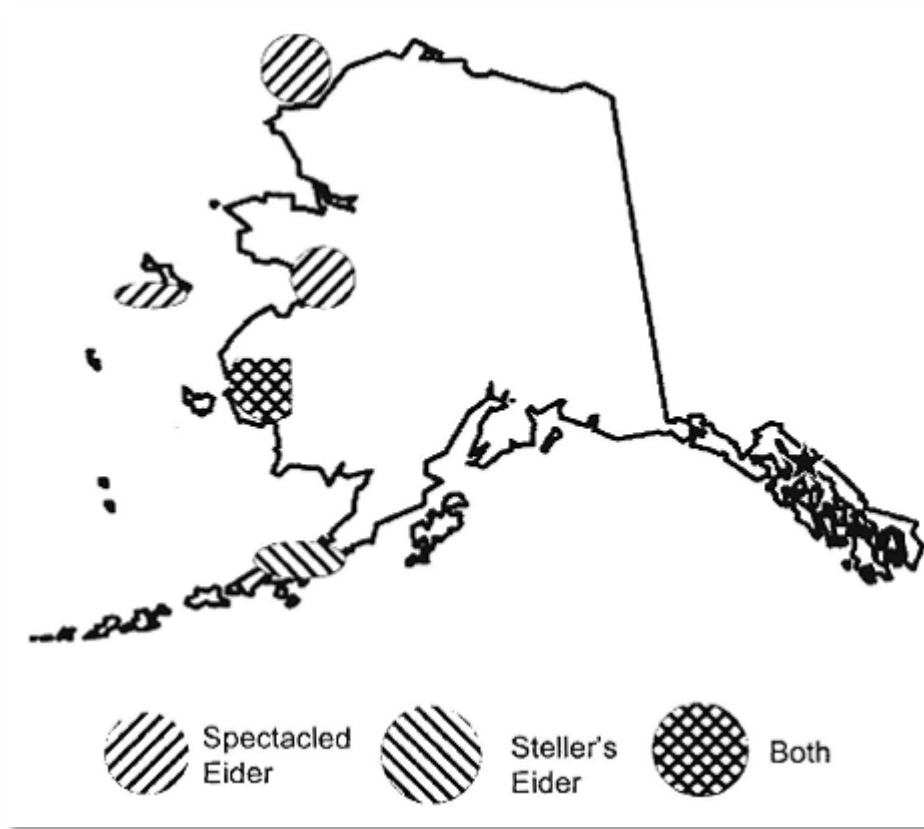
## APPENDIX D. ENDANGERED SPECIES ACT (ESA) HABITAT AREAS

The following maps and tables provide the general locations of areas that contain ESA critical habit or are otherwise important to certain life stages of ESA-listed species. Permittees with facilities proposed for an area listed below should consult the U.S. Fish and Wildlife Service website at <https://ecos.fws.gov/ipac/>; or contact the Fairbanks office at (907) 456-0441 or the Anchorage Field Office at (907) 271-1467.

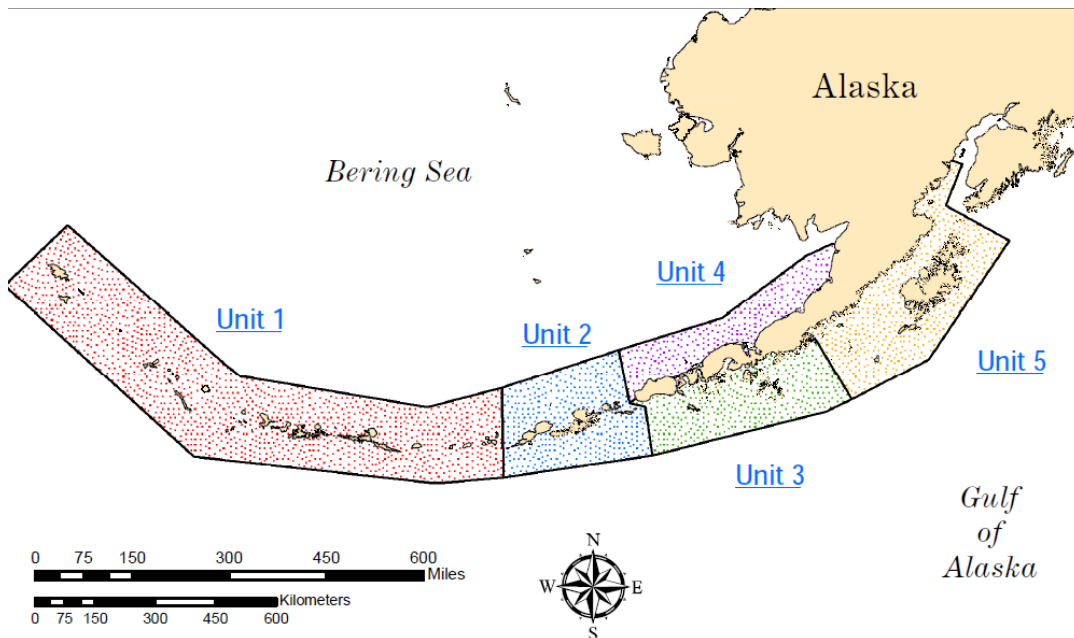
### D.1 Eider and Sea Otter Critical Habitat

Adak	Hooper Bay	Norton Bay	St. Lawrence
Afognak	Iliamna	Nunivak Island	St. Michael
Amukta	Kaguyak	Point Hope	Stepovak Bay
Atka	Karluk	Point Lay	Sutwik Island
Attu	Kenai – (west side of Cook Inlet south of Redoubt Point)	Port Moller	Trinity Islands
Baird Inlet		Rat Islands	Ugashik
Chignik	Kiska	Samalga Islands	Umnak
Cold Bay	Kodiak	Seguam	Unalakleet
DeLong Mountain (D-4 & 5)	Kuskokwim Bay	Seldovia	Unalaska
False Pass	Marshall	Simeonof Island	Unimak
Gareloi Island	Mt. Katmai	Solomon	Wainwright

**Figure D-1: Map of Spectacled and Steller's Eider Critical Habitat Areas**



**Figure D-2: Map of Northern Sea Otter Southwest Alaska DPS Critical Habitat Areas**



## D.2 Steller's Eider Wintering Areas

**Table D-2: Steller's Eider Wintering Areas**

<b>Location</b>	<b>USGS Quad Map *</b>
The coastal seaward waters from Tununuk to Toksook Bay on Nelson Island	Nunivak Island
The south side of Nunivak Island from Cape Mohican to Atahgo Point	Nunivak Island, <b>Cape Mendenhall</b>
The coastal seaward waters from the south end of Carter Spit north to Jacksmith Bay	Kuskokwim Bay <b>Goodnews Bay</b>
Goodnews Bay	<b>Goodnews Bay</b>
Chagvan Bay	<b>Hagemeister Island</b>
Egegik Bay	<b>Naknek</b>
Ugashik Bay	Ugashik, <b>Bristol Bay</b>
Bechevin Bay	Cold Bay, False Pass
Cape Lapin	Unimak
Akutan Harbor	Unimak
The waters of Unalaska Bay south of Amaknak Island	Unalaska
The coastline between Cape Star on Umnak Island and the western tip of Samalga Island	Samalga Island
The south coast of the Ikatan Pen. between Otter Cove and Cape Pankof on Unimak Island	False Pass
Thin Point to the east end of Kinzarof Lagoon in Cold Bay	False Pass, Cold Bay
Sanak Islands	False Pass
Moss Cape near Volcano Bay on the Alaska Peninsula	Port Moller
Bear Bay	Cold Bay
Volcano Bay	Port Moller
Coal Bay to McGinty Point	Port Moller
Bay Point to Unga Spit on Unga Island	Port Moller
Zachary Bay on Unga Island	Port Moller
East Head to Popof Island airstrip on Popof Island	Port Moller
Chignik Lagoon	Chignik
Wide Bay east to the mouth of Pass Creek and Hartman Island	Ugashik
The following locations on Kodiak Island: Ugak Bay, Pasagshak Bay, Cape Chiniak, Kalsin Bay, Middle Bay, Womans Bay, and St. Paul Harbor	Kodiak, <b>Kaguyak, Trinity Islands</b>
Seldovia Bay in Kachemak Bay	Seldovia
Homer Spit to Bishop's Beach	Seldovia
Happy Valley to Clam Gulch in Cook Inlet	Seldovia, Kenai
Kirschner Lake outlet to Rocky Cove on the western shore of Cook Inlet	Iliamna
* <b>Bolded</b> names are not listed in Table D1 as critical habitat for eiders.	

## **APPENDIX E. FORMS**

**Appendix E** includes forms that may be used for the recording and/or submission of information required under this permit. Information may be recorded or submitted in a different format provided all required data elements are included. The department reserves the right to modify the format of any of the attached forms at any point after the permit issuance date.