



**AUTHORIZATION TO DISCHARGE UNDER THE  
ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM  
FOR NORTON SOUND LARGE DREDGE PLACER MINERS**

**GENERAL PERMIT NUMBER AKG374000**

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, 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.**

**[PERMITTEE NAME]**

**NORTON SOUND**

This permit is effective **July 1, 2024**.

This permit and the authorization to discharge expire at midnight on **June 30, 2029**.

  
\_\_\_\_\_  
Signature

James Rypkema

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

May 30, 2024

\_\_\_\_\_  
Date

Program Manager (Acting)

\_\_\_\_\_  
Title

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## SCHEDULE OF SUBMISSIONS

Table 1 summarizes some of the required submissions and activities that must be completed and/or submitted 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 permit required submissions and activities even if they are not summarized below.

<b>Permit Part</b>	<b>Submittal or Completion</b>	<b>Frequency</b>	<b>Due Date</b>	<b>Submit To</b>
1.5.2	Notice of Intent (NOI) for a new, recommencing, or expanding operation	As necessary	60 days prior to discharge	DEC Permitting Program <sup>a</sup>
1.5.8	NOI to continue coverage under a reissued general permit	1/permit cycle	The effective date of the reissued general permit	
1.5.7	Change of address or permit coverage	As necessary	As necessary	
3.3.3	Notification of plans to discharge within 3 NM of a walrus haulout	As necessary	As necessary	USFWS <sup>b</sup> and DEC Permitting Program <sup>a</sup>
3.4 & 4.3	Site-Specific Requirements & Monthly Reports	As specified within the permit authorization	As specified within the permit authorization	DEC Compliance Program <sup>c</sup>
4.1	Daily Records	Daily	With the Annual Report	
4.2	Annual Report	1/year	January 31 of the next year	
4.5	Spill Report	As necessary	Upon discovery	DEC Spill Response Team <sup>d</sup> & Compliance Program <sup>c</sup>
Appendix A, 2.3	Oral notification of noncompliance	As necessary	Within 24 hours after the permittee becomes aware of the circumstances	DEC Compliance Program <sup>c</sup>
	Written documentation of noncompliance	As necessary	Within 5 days after the permittee becomes aware of the circumstances	

**Notes:**

- Permitting address: DEC, Division of Water, 610 University Avenue, Fairbanks, Alaska 99709.
- USFWS Office: 1-800-362-5148 (<https://www.fws.gov/program/alaska-marine-mammals-management-office>)
- Compliance address: DEC, Division of Water, Compliance Program, 555 Cordova Street, Anchorage, Alaska 99501. Non-compliance reporting hotline for oral notifications: 907-269-4114 (from Alaska) or 1-877-569-4114 (toll free nationwide).
- Spill reporting hotline: 907-451-2121 (Within normal business hours) 1-800-478-9300 (outside of normal business hours).

## 1.0 PERMIT COVERAGE

### 1.1 Coverage Area and Eligibility

- 1.1.1 **This permit provides coverage for discharges to marine waters of Norton Sound** up to three nautical miles (NM) offshore between Cape Rodney at 166°24'09" west longitude and Cape Darby at 162°46'54" west longitude (see Appendix D, Map D1: Coverage Area). The permit coverage area is further restricted under Part 1.3.
- 1.1.2 **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. **New or recommencing facilities** that meet the criteria for coverage under this permit will be granted coverage upon completion of the notification requirements in Part 1.5.
- 1.1.3 **New or expanding facilities are considered for permit coverage on a case-by-case bases** provided the dischargers reasonably demonstrate that the proposed facilities can comply with all effluent limitations and special conditions under this permit.

### 1.2 Authorized Placer Mining Operations

- 1.2.1 This permit authorizes point-source discharges of process wastewater from suction and mechanical dredges that process gold placer ores and have the following configurations:
  - 1.2.1.1 Suction dredges with intake diameters greater than 10 inches;
  - 1.2.1.2 Suction dredge operations with a combination of intake hoses that have a combined intake area greater than that of a 10 inch suction dredge (78 square inches); and
  - 1.2.1.3 Mechanical dredges, such as excavators or clamshells.
- 1.2.2 Suction dredges with intake diameters less than or equal to 10 inches may be authorized under this permit provided any such dredge is used in conjunction with a larger operation described under Part 1.2.1.
- 1.2.3 This permit authorizes discharge of only those pollutants resulting from facility processes, waste streams, and operations clearly related to the mining process.
- 1.2.4 Authorization to discharge requires written notification from DEC that coverage has been granted. Upon authorization, appropriate permit fees must be paid consistent with 18AAC 83 and 18 AAC 72. Permit authorizations with fee payments greater than 90 days past due may be terminated at the discretion of the Department.
- 1.2.5 Copies of this general permit, written notification authorizing a discharge, and any DNR land-use approvals or permits for the location must be kept at the site where discharges occur. Written notification authorizing a discharge 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 from operations on sea ice;

- 1.3.1.2 Discharges from March 1 to May 31;
  - 1.3.1.3 Discharges that contain chemicals used for the enhancement of mineral recovery;
  - 1.3.1.4 Discharges that contain domestic wastewater; or
  - 1.3.1.5 Discharges to estuarine waters of Safety Sound or Bonanza, Solomon, or Cache Channels.
- 1.3.2 Discharges from operations within three (3) NM of Sledge Island or east of Cape Nome from 165°10'00" west longitude (see Appendix D, Coverage Area) are not authorized unless a discharger requests an exception and the Department grants written approval. After evaluation of the discharger's request and consultation with the Alaska Department of Fish and Game (ADF&G), the Department may authorize the discharge provided the discharger
- 1.3.2.1 furnishes all available evidence reasonably necessary for a decision; and
  - 1.3.2.2 accepts site-specific requirements that the Department determines are necessary, such as additional monitoring or limitations on water depth or operating periods, under Part 3.4.

#### 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 prior permit, are automatically covered under this permit.
- 1.5.2 Dischargers that are not covered under Part 1.5.1 must submit new NOIs at least 60 days prior to discharge unless the Department allows for a shorter notice.
- 1.5.3 Information required for a complete NOI is in Appendix E. The NOI shall be signed by the owner, operator, or other signatory authority as described in Appendix A, Part 1.10.
- 1.5.4 An *Application for Permits to Mine in Alaska* (APMA) submitted to the Alaska Department of Natural Resources (DNR) will be accepted as an NOI if all the required information is provided. A discharger who does not use the APMA process must submit a complete NOI to DEC at the address in Appendix A, Part 1.1.1.
- 1.5.5 Facilities that plan to expand (as defined in Appendix C), make significant vessel changes, or move to locations that were not describe in the original NOI must notify the Department. At the Department's request, an amended NOI detailing the changes may be required.
- 1.5.6 A discharger with a new or expanding operation, or with a mixing zone proposed under Part 2.3, may be required to submit additional information reasonably necessary to assist in the permit authorization.
- 1.5.7 Permittees must notify the Department when contact information changes, responsible parties change (e.g., authorization transfers), 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.

- 1.5.8 In the event this general permit is not reissued prior to the expiration date, the permit will be administratively extended and remain in force and effect for all covered discharges until reissuance occurs. To ensure continued coverage under the next permit reissuance, permittees must submit new 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 unless the Department allows for an earlier submittal.

## **2.0 LIMITATIONS AND MONITORING REQUIREMENTS**

### **2.1 Effluent Limitations**

- 2.1.1 A permittee is authorized a 1,600-foot radius mixing zone where turbidity may exceed Alaska Water Quality Standards criteria. The mixing zone is centered on the outfall and constitutes the entire water column within the mixing zone radius. If the operation includes multiple outfalls, the mixing zone is centered on the geometric center of the outfalls, unless the Department designates a different location within the authorization.
- 2.1.2 The discharge may not create a visual increase in turbidity (cloudiness or muddiness) outside the mixing zone during operation.
- 2.1.3 If the discharge results in a visual increase in 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 or sheen 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 3.1.8.

### **2.2 Visual Monitoring Requirements**

- 2.2.1 The permittee must visually monitor for turbidity and for any film or sheen a minimum of once daily during operation.
- 2.2.2 The visual turbidity observation must be conducted during sluicing when the operation has reached equilibrium (e.g., when sluice paydirt loading and effluent discharge are constant and the plume has reached its full extent).
- 2.2.3 A permittee who conducts the visual turbidity observation must observe the turbidity plume from the dredge and record the distance and direction the plume extends from the center of the mixing zone.

2.2.4 If during a given day, an operation relocates and discharges in a spot one (1) NM or more from its previous discharge location, then visual monitoring must be repeated, according to Parts 2.2.2 and 2.2.3, to ensure discharge characteristics have not changed.

2.2.5 All visual monitoring results shall be recorded daily according to Parts 4.1 and 4.6.

### **2.3 Expanded Mixing Zone Requirements**

A permittee who is unable to meet turbidity limits within 1,600 feet of the discharge point, as demonstrated through modeling, monitoring results, or discharge data from similar operations, may request an expanded mixing zone.

2.3.1 DEC will authorize a mixing zone larger than 1,600 feet provided that the discharger supplies all available evidence reasonably necessary to develop a mixing zone authorization consistent with DEC mixing zone regulations at 18 AAC 70.

2.3.2 A permittee authorized a mixing zone larger than 1,600 feet is subject to alternative effluent limitations and monitoring requirements under Part 2.4.

### **2.4 Alternative Effluent Limitations and Monitoring Requirements**

A permittee authorized a mixing zone larger than 1,600 feet or who is unable to comply with visual monitoring may be required to meet numerical effluent limits and/or conduct additional water quality monitoring in lieu of, or in addition to, effluent limitations and visual monitoring requirements under Parts 2.1 and 2.2.

2.4.1 A permittee authorized numerical limits must meet the following minimum requirements:

2.4.1.1 Turbidity at the boundary of the authorized mixing zone may not exceed an instantaneous measurement of 25 nephelometric turbidity units (NTU), unless a modified turbidity limit is authorized under Part 2.4.2;

2.4.1.2 Turbidity samples must be collected during discharge from at least one location down current of the operation; and

2.4.1.3 Turbidity samples must be collected at the frequency, depth, and location specified within the permit authorization.

2.4.2 If the turbidity measurements under Part 2.4.1 exceed, or are anticipated to exceed 25 NTU because of naturally-elevated background turbidity, a permittee may request a modified turbidity limit reflecting the turbidity concentrations naturally present in the receiving water. DEC will determine the natural condition based on available evidence and approve a modified turbidity limit provided that

2.4.2.1 the turbidity naturally present in the receiving water is determined at a location up current of the mixing zone boundary and unaffected by the discharge of any active mining operation;

2.4.2.2 the discharger, upon request, provides any additional information that the Department determines is necessary to modify an existing limit;

2.4.2.3 the modified limit is consistent with DEC Water Quality Standards at 18 AAC 70;



- 2.4.2.4 the Environmental Protection Agency (EPA) grants any necessary approvals for the modified turbidity limit; and
- 2.4.2.5 the public is provided reasonable notice of and an opportunity to comment on the proposed approval.
- 2.4.3 If a permittee is unable to collect a sample required under this section due to hazardous weather conditions, then the permittee must note the circumstances and collect the sample as soon as conditions allow.
- 2.4.4 Requirements under Part 2.4 are implemented on a case-by-case basis depending on the size, scale, and nature of the operation. The Department will specify the requirements within the permit authorization.

### **3.0 SPECIAL CONDITIONS**

#### **3.1 Best Management Practices**

- 3.1.1 The permittee must refrain from dredging that causes undercutting, littoral channeling, or that otherwise results in beach erosion.
- 3.1.2 Reasonable care shall be used when mining through silt and clay materials that would result in a significant increase in turbidity. Reasonable care includes moving the dredge to a new location; limiting the operating speed of the dredge; or implementing additional turbidity control methods, beyond those under Parts 3.1.3 – 3.1.7, to reduce the suspension of silts and clays.
- 3.1.3 Operational controls to reduce turbidity generated during excavation must be implemented as follows:
  - 3.1.3.1 Mechanical dredge operations must avoid bucket over-penetration and overfilling, multiple bucket bites, bucket dragging, and bottom stockpiling. Bucket ascent speed and lateral movement of the submerged bucket must be reduced or controlled to minimize sediment wash.
  - 3.1.3.2 Cutterhead dredge operations must use reasonable care to reduce cutterhead rotation and swing speed, in relation to suction velocity, in order to eliminate unnecessary side-casting and resuspension of sediment.
- 3.1.4 Site conditions, such as tides, waves, currents, wind, and substrate type, must be considered and operational methods must be adjusted, as necessary, to ensure discharges comply with permit limits and separation distance requirements, per Part 3.3.
- 3.1.5 Operations in water depths greater than 30 feet must install a downspout, or similar equipment, at the primary outfall(s) on the dredge where discharge of fine material occurs. The discharge from the downspout must occur at least five (5) feet below the water surface and as close to the sea floor as practicable. As a standard operating practice, the downspout must be elevated or deflected as necessary to prevent any scouring and minimize resuspension of sediment.

- 3.1.6 All wastewater discharges, including those from oversized, screened material, must be controlled to minimize aeration and reduce air entrainment that may hinder particle settling. Controls include avoiding discharges into air, directing discharges vertically downward or employing downspouts, deflectors, or similar equipment.
- 3.1.7 Mechanical dredges, particularly those that operate in water depths greater than 30 feet, should be fitted with closeable, sealed buckets when economically feasible and practicable.
- 3.1.8 Releases of petroleum products and other hazard substances must be prevented or mitigated as follows:
  - 3.1.8.1 Equipment and systems should be regularly inspected and maintained to avoid situations that result in leaks, spills, and other releases of pollutants. Equipment must be free of excess oils and grease and must not release petroleum products. Biodegradable lubricants and fluids should be used in place of petroleum-based products when economically feasible and practicable.
  - 3.1.8.2 Precaution must be taken to ensure that petroleum products are stored in such a manner that the products cannot spill or otherwise enter the waterbody. Care shall be taken during refueling of the equipment to prevent spills.
  - 3.1.8.3 Drip pans or absorbents must be used under or around leaky equipment. Any spills must be cleaned up using materials such as sorbent pads and booms. All spills must be reported upon discovery, per Part 4.5.
- 3.1.9 Mercury from historical dredge operations or other pollutants may be encountered during dredge operations. The permittee must take measures to ensure mercury or other heavy metal 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.

## 3.2 Seasonal Restrictions

In addition to seasonal coverage limitations under Part 1.3, seasonal separation requirements under Part 3.3, and any additional site-specific limits implemented under this permit, the permittee must adhere to all seasonal restrictions contained within DNR land-use approvals and permits.

## 3.3 Separation Requirements

- 3.3.1 The permittee must ensure that the turbidity plume does not overlap with the plume of any other dredging operation.
- 3.3.2 A permittee authorized to discharge within three (3) NM of Sledge Island or east of Cape Nome from 165°10'00" west longitude (see Appendix D, Coverage Area) must maintain a minimum distance of 1,000 feet from any large flock of spectacled eiders during discharge.
- 3.3.3 Discharges are prohibited within one-half (0.5) NM of feeding walrus. All vessels proposing to discharge within three (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.

- 3.3.4 Red king crab mating pairs and clusters must be avoided. If red king crab mating pairs or clusters are observed, mining operations must move to an alternate location where no crabs are observed or cease operation until the crabs move away on their own.
- 3.3.5 Discharges are prohibited within coral beds, eelgrass beds, seagrass beds, kelp beds, vegetated shallows, and shellfish beds.
- 3.3.6 In addition to separation requirements outlined in this section, the permittee must adhere to separation distances from shore fish nets and anadromous streams or rivers required within any DNR land-use approval or permit for the location.

### **3.4 Site-Specific Requirements**

The Department, on a case-by-case basis, may include additional site-specific requirements for any operation, provided that the requirements do not relieve the permittee of any other stipulations under this permit. The Department will detail any site-specific requirements in the permit authorization.

## **4.0 RECORDING AND REPORTING REQUIREMENTS**

### **4.1 Daily Records**

The permittee must maintain daily monitoring and operational records that include the following:

- 4.1.1 Arrival and departure time, and outfall coordinates for each dredge site;
- 4.1.2 Results of turbidity and sheen monitoring, as required under Parts 2.2 and 2.4;
- 4.1.3 Coordinates (i.e., latitude and longitude), water depth, and substrate type (i.e., clay, silt, sand, gravel, cobbles) for each discharge location where turbidity monitoring occurs;
- 4.1.4 The results of any site-specific monitoring required under Part 3.4;
- 4.1.5 The results of any additional monitoring, as described in Appendix A, Part 2.1;
- 4.1.6 Total hours of discharge; and
- 4.1.7 Total cubic yards of material processed.

### **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 the next calendar year following the operating season. Reports may be mailed to the address in Appendix A, Part 1.1.2. Starting on December 21, 2025, reports must be submitted electronically per Part 4.4. The Annual Report must include the following:

- 4.2.1 Permittee name;
- 4.2.2 APDES authorization number;
- 4.2.3 The period of operation or a statement that no mining occurred;
- 4.2.4 Total cubic yards processed;

- 4.2.5 Total days of operation;
- 4.2.6 Copies or summaries of daily records required under Part 4.1;
- 4.2.7 Any effluent limitation exceedances under Part 2.0 and actions taken to return to compliance;
- 4.2.8 Any spills reported under Part 4.5 and actions taken to clean up the spill; and
- 4.2.9 A signed certification statement as required by Appendix A, Part 1.10.

### **4.3 Monthly Report Requirements**

At the Department's discretion, a permittee with a new or expanding operation may be required to submit monthly Discharge Monitoring Reports (DMRs) for a minimum of one season of operation. Monthly reporting requirements may be discontinued upon the permittee reasonably demonstrating an ability to meet permit limits and upon receipt of written approval from the Department.

### **4.4 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> starting on December 21, 2025, unless the Department directs otherwise or approves a waiver. Until such time, reports may be submitted to the address in Appendix A, Part 1.1.2. General information about the new E-Reporting rule is available at <https://dec.alaska.gov/water/compliance/electronic-reporting-rule/>.

### **4.5 Spill Reporting**

All spills containing fuel, oil, or other hazardous substances must be reported upon discovery to the DEC spill response team at 907-269-3063 (Central Region), 907-451-2121 (Northern Region), 907-465-5340 (Southeast Region), or 1-800-478-9300 (outside of normal business hours).

### **4.6 Standard Conditions Applicable to Recording and Reporting**

The permittee must adhere to all standard recording and reporting requirements contained in Appendix A including Monitoring and Records (Part 1.9), Signature Requirement (Part 1.10), and Special Reporting Obligations (Part 2.0).

## APPENDIX A. STANDARD CONDITIONS

Appendix A contains standard regulatory language that must be included in all APDES permits. These requirements are based on APDES regulations and cannot be challenged in the context of an APDES permit action. The standard regulatory language covers requirements such as monitoring, recording, reporting requirements, compliance responsibilities, and other general requirements. Standard conditions are generally included by reference unless a permittee would benefit from inclusion of a particular condition within the permit. 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 permit violation and is subject to enforcement.

### 1.0 STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

#### 1.1 Contact Information and Addresses

##### 1.1.1 Permitting Program

Permit related documents shall be submitted to:

Wastewater Discharge Authorization Program  
DEC Division of Water  
610 University Avenue  
Fairbanks, Alaska 99709  
Phone (907) 451-2142  
Fax (907) 451-2187  
Email: [dec.placer@alaska.gov](mailto:dec.placer@alaska.gov)  
or Online: <https://dec.alaska.gov/water/edms>

##### 1.1.2 Compliance and Enforcement Program

Compliance related documents, including Annual Reports, shall be submitted to:

Compliance and Enforcement Program  
DEC Division of Water  
555 Cordova Street  
Anchorage, Alaska 99501  
Phone Nationwide (877) 569-4114  
Anchorage Area / International (907) 269-4114  
Fax (907) 269-4604  
Email: [dec-wqreporting@alaska.gov](mailto:dec-wqreporting@alaska.gov)  
or Online: <https://dec.alaska.gov/water/edms>

## **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 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.

## **1.4 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.

## **1.5 Proper Operation and Maintenance**

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 Property Rights**

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

## **1.7 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.

## **1.8 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:

- 1.8.1 enter the premises where a permittee's regulated facility or activity is located or conducted, or where permit conditions require records to be kept;
- 1.8.2 have access to and copy any records that permit conditions require the permittee to keep;

- 1.8.3 inspect any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under a permit; and
- 1.8.4 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).

## 1.9 Monitoring and Records

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

- 1.9.1 Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity;
- 1.9.2 The permittee shall retain records of all monitoring information for at least three (3) 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
  - 1.9.2.1 all calibration and maintenance records;
  - 1.9.2.2 all original strip chart recordings or other forms of data approved by the department for continuous monitoring instrumentation;
  - 1.9.2.3 all reports required by a permit; and
  - 1.9.2.4 records of all data used to complete the application for a permit [inapplicable to authorizations under this general permit per 18 AAC 83.105, 110, and 990(5)];
- 1.9.3 Records of monitoring information must include
  - 1.9.3.1 the date, exact place, and time of any sampling or measurement;
  - 1.9.3.2 the name of any individual who performed the sampling or measurement;
  - 1.9.3.3 the date any analysis was performed;
  - 1.9.3.4 the name of any individual who performed any analysis;
  - 1.9.3.5 any analytical technique or method used; and
  - 1.9.3.6 the results of the analysis; and
- 1.9.4 Monitoring must be conducted according to test procedures approved under 40 C.F.R. Part 136, adopted by reference in 18 AAC 83.010, unless other test procedures have been specified in the permit.

## 1.10 Signature Requirement; Penalties

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 a permit shall, upon conviction, be subject to penalties under 33 U.S.C. 1319(c)(4). (Eff. 7/29/2006, Register 179; am 11/10/2007, Register 184)

## 1.11 Other Standard Conditions

Permittees are subject all other applicable Standard Conditions under APDES regulations at 18 AAC 83.405(c) Duty to Reapply, and (g) Permit Actions.

## 2.0 SPECIAL REPORTING OBLIGATIONS

### 2.1 Additional Monitoring

If the permittee monitors any pollutant more frequently than the permit requires using test procedures approved under 40 C.F.R. Part 136, adopted by reference in 18 AAC 83.010, or as specified in the permit, the results of that additional monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report or annual report. All limitations that require averaging of measurements must be calculated using an arithmetic mean unless the department specifies another method in the permit.

### 2.2 Compliance Schedules

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.

### 2.3 Twenty-four Hour Reporting

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

- 2.3.1 A report must be made orally within 24 hours and in writing within five (5) days after the permittee becomes aware of the circumstances;
- 2.3.2 A report must include the following information:
  - 2.3.2.1 a description of the noncompliance and its cause;
  - 2.3.2.2 the period of noncompliance, including exact dates and times;
  - 2.3.2.3 if the noncompliance has not been corrected, a statement regarding the anticipated time the noncompliance is expected to continue; and
  - 2.3.2.4 steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance;
- 2.3.3 An event that must be reported within 24 hours includes
  - 2.3.3.1 an unanticipated bypass [as described at 18 AAC 83.415 and 18 AAC 83.990(10)] that exceeds any effluent limitation in the permit;
  - 2.3.3.2 an upset [as defined at 18 AAC 83.990(75) is inapplicable to this permit] that exceeds any effluent limitation in the permit;
  - 2.3.3.3 a violation of a maximum daily discharge limitation for any of the pollutants listed in the permit as requiring 24-hour reporting;



2.3.4 The department may waive the written report on a case-by-case basis for reports under this subpart if the oral report has been received within 24 hours.

## **2.4 Other Noncompliance**

A permittee shall report all instances of noncompliance not reported under Appendix A, Parts 2.1 – 2.3 at the time the permittee submits monitoring reports. A report of noncompliance under this subsection must contain the information listed in Appendix A, Part 2.3.2.

## **2.5 Corrective Information**

If a permittee becomes aware that they 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.

## **2.6 Other Reporting Obligations**

Permittees are subject all other applicable Special Reporting Obligations under APDES regulations at 18 AAC 83.410(a) Planned Changes, (b) Anticipated Noncompliance, (c) Transfers, and (e) Compliance Schedules.

# **3.0 OTHER GENERAL CONDITIONS**

## **3.1 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.

## **3.2 Cultural and Paleontological Resources**

If cultural or paleontological resources are discovered because of this disposal activity, work that would disturb such resources must be stopped, and the Office of History and Archaeology, Alaska's State Historic Preservation Office (SHPO), within DNR (<https://dnr.alaska.gov/parks/oha/>), shall be notified immediately at (907) 269-8721.

## **3.3 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.

## **3.4 Other General Conditions**

Permittees are subject all other applicable General Conditions under APDES regulations at 18 AAC 83.165 Proprietary or Confidential Business Information, 415 Bypass, 420 Upset [“upset”, as defined at 18 AAC 83.990(75) is inapplicable to this permit], and 905(a) Permit Fees.

## 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) \$500,000; (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)(1), (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
BMP	Best Management Practice
CFR	Code of Federal Regulations
CWA	Clean Water Act
DEC	Alaska Department of Environmental Conservation
DMR	Discharge Monitoring Report
DNR	Alaska Department of Natural Resources
EPA	U.S. Environmental Protection Agency
NM	Nautical Mile
NOI	Notice of Intent
NTU	Nephelometric Turbidity Unit
SHPO	State Historic Preservation Office
U.S.C.	United States Code
USGS	United States Geological Survey

**APPENDIX C. DEFINITIONS**

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 <sup>b</sup>	With respect to fish, has the meaning given in the definition of "anadromous fish" in the definitions section of the <i>Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes</i> , adopted by reference in 5 AAC 95.011.
Application <sup>a</sup>	Has the meaning given at 18 AAC 990(5); "application" does not include a notice of intent (NOI) submitted pursuant to 18 AAC 83.210.
Available Evidence <sup>b</sup>	Means all relevant and applicable data and information the discharger has or can obtain, and all relevant and applicable data and information available to the Department from other sources; "available evidence" does not include data and information that the collection or preparation of which, in the Department's determination, is not practicable.
Best Management Practices (BMPs) <sup>a</sup>	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.; and treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
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>	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.
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 United States, the waters of the contiguous zone, or the ocean.
Expanding Facility	Means any facility increasing in size such as to affect the discharge but operating within the permit area covered by its general permit.
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.

a) See 18 AAC 83.990

b) See 18 AAC 70.990

Intake diameter or Intake area	Means a measurement, of either diameter or area, based on 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.
Mixing Zone <sup>b</sup>	Means a volume of water adjacent to a discharge in which wastes discharged mix with the receiving water.
New Operation	Means an operation that has not discharged in the area specified in the Notice of Intent (NOI) prior to the submission of the NOI.
Operation	Means the same as “facility.”
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.
Pollutant <sup>a</sup>	Means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under 42 U.S.C. 2011), heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, or agricultural waste discharged into water.
Receiving Water	Means waters such as lakes, rivers, streams, creeks, wetlands, or any other surface waters that receive wastewater discharges.
Recommencing Facilities	Means those facilities that may have let permit coverage lapse but still meet the coverage requirements of the permit.
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;
Wastewater or Process Wastewater	Unless specified, means all water used in and resulting from the gold recovery process, including but not limited to the water used to aid in classification, and the water used in gravity separation.
Waters of the United States (U.S.)	Has the meaning given in 18 AAC 83.990(77).

a) See 18 AAC 83.990

b) See 18 AAC 70.990

**APPENDIX D. COVERAGE AREA**

**D.1 Coverage Area Map**

The following map outlines the permit coverage area.

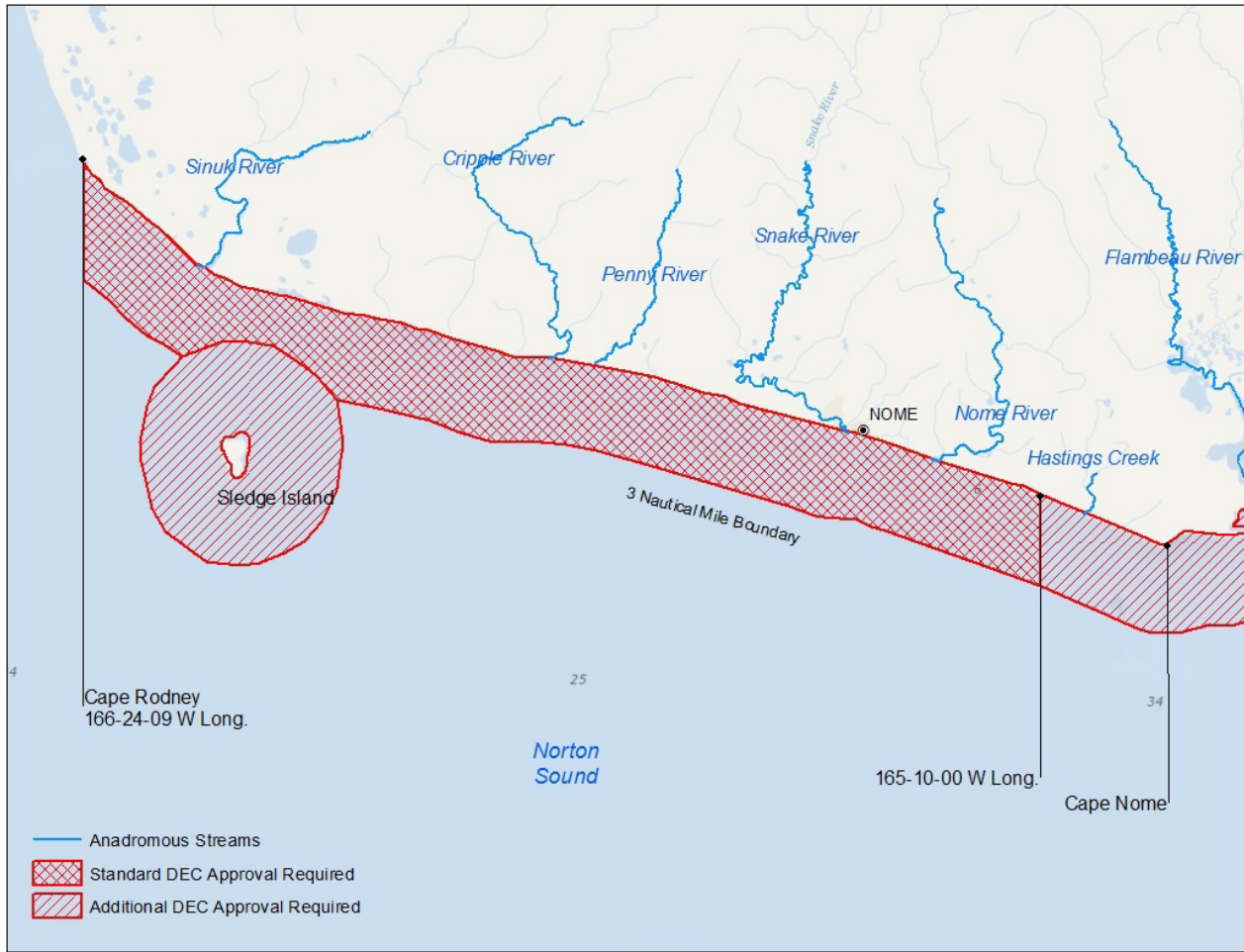
**Map D1: Coverage Area**



**D.2 Anadromous Streams and Rivers**

The following maps and tables provide the general locations of anadromous streams and rivers that occur within the permit coverage area. Permittees with facilities near a stream or river should consult the Alaska Department of Fish and Game (ADF&G) Anadromous Waters Catalog and Atlas at <http://www.adfg.alaska.gov/sf/SARR/AWC/>; or contact ADF&G, Division of Habitat at (907) 459-7282.

**Map D2: Anadromous Streams – Cape Rodney to Cape Nome**



**Table D2: Anadromous Waters<sup>a</sup> – Cape Rodney to Cape Nome**

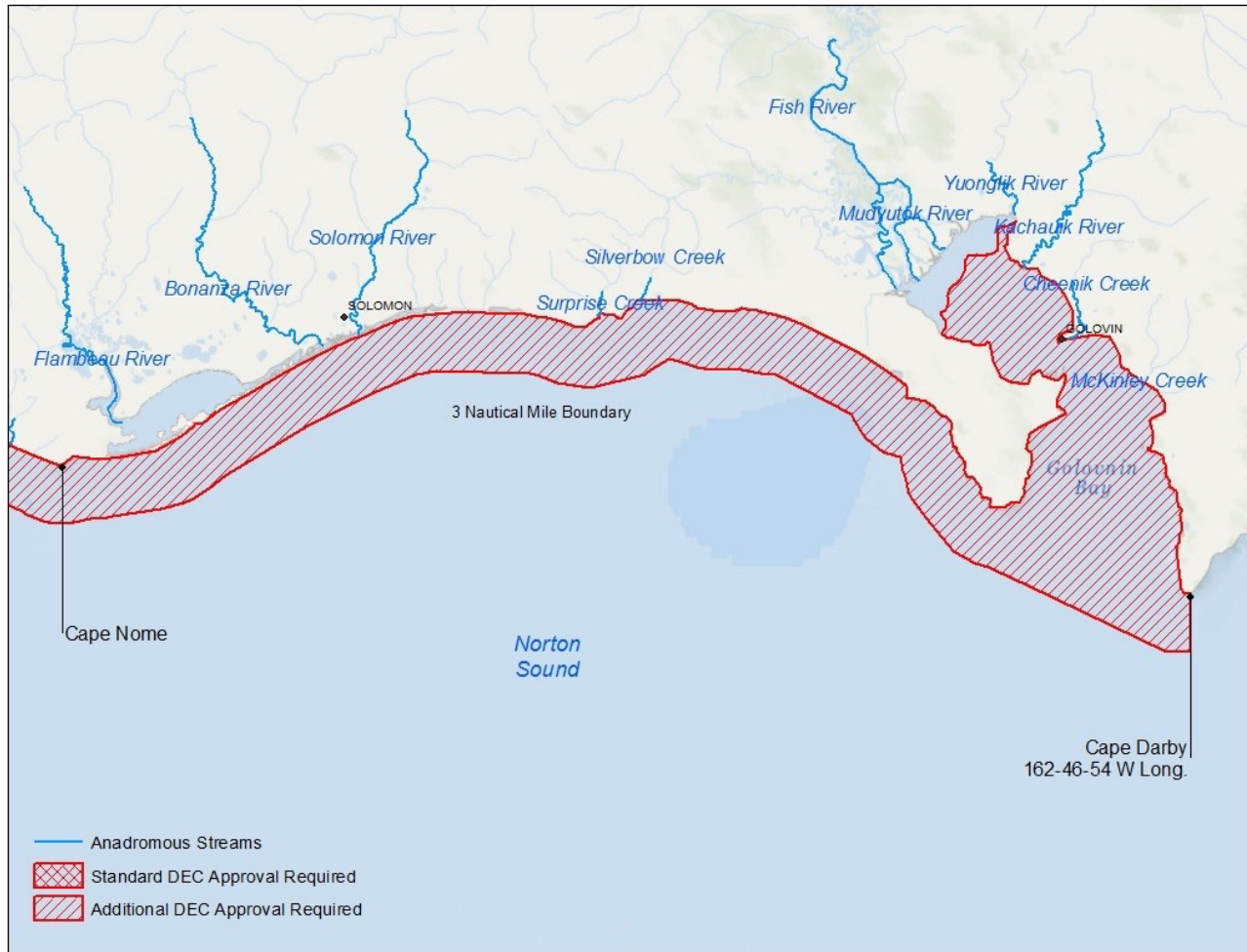
Waterbody Name	Quad Map <sup>b</sup>	Latitude <sup>c</sup>	Longitude <sup>c</sup>
Sinuk River	NOME C-3	64.59075 N	166.25531 W
Cripple River	NOME C-2	64.53945 N	165.80186 W
Penny River	NOME C-2	64.53719 N	165.74248 W
Snake River	NOME B-1	64.49750 N	165.41479 W
Nome River	NOME B-1	64.48283 N	165.30466 W
Hastings Creek	NOME B-1	64.45229 N	165.10866 W

Notes:

- ADF&G *Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes – Arctic Region*, Effective June 1, 2023
- U.S. Geological Survey map quadrangle containing the mouth of the waterbody
- Approximate coordinates of the mouth of the waterbody in decimal degrees (NAD 1983 datum)



**Map D3: Anadromous Streams – Cape Nome to Cape Darby**



<b>Table D3: Anadromous Waters<sup>a</sup> – Cape Nome to Cape Darby</b>			
<b>Waterbody Name</b>	<b>Quad Map<sup>b</sup></b>	<b>Latitude<sup>c</sup></b>	<b>Longitude<sup>c</sup></b>
Flambeau River	SOLOMON B-6	64.46879 N	164.72868 W
Safety Sound	SOLOMON B-6	64.49642 N	164.75196 W
Bonanza Channel	SOLOMON C-6	64.50133 N	164.64303 W
Bonanza River	SOLOMON C-5	64.53716 N	164.48787 W
Solomon River	SOLOMON C-5	64.55004 N	164.41215 W
Solomon Channel	SOLOMON C-5	64.53634 N	164.48724 W
Cache Channel	SOLOMON C-5	64.55070 N	164.38567 W
Surprise Creek	SOLOMON C-4	64.56224 N	163.94738 W
Silverbow Creek	SOLOMON C-4	64.57440 N	163.85985 W
Fish River	SOLOMON C-3	64.58498 N	163.36052 W

<b>Table D3: Anadromous Waters<sup>a</sup> – Cape Nome to Cape Darby</b>			
<b>Waterbody Name</b>	<b>Quad Map<sup>b</sup></b>	<b>Latitude<sup>c</sup></b>	<b>Longitude<sup>c</sup></b>
Unnamed Stream	SOLOMON C-3	64.59240 N	163.31567 W
Mudyutok River	SOLOMON C-3	64.61935 N	163.26404 W
Yuonglik River	SOLOMON C-3	64.64780 N	163.12927 W
Kachauik River	SOLOMON C-3	64.60258 N	163.11125 W
Cheenik Creek	SOLOMON C-3	64.54346 N	163.02117 W
McKinley Creek	SOLOMON C-2	64.50713 N	162.88746 W
Notes:			
a. ADF&G <i>Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes – Arctic Region</i> , Effective June 1, 2023			
b. U.S. Geological Survey map quadrangle containing the mouth of the waterbody			
c. Approximate coordinates of the mouth of the waterbody in decimal degrees (NAD 1983 datum)			

**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.

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**Alaska Department of Environmental Conservation  
Division of Water  
Wastewater Discharge Authorization Program**

**Notice of Intent (NOI) to Discharge under General Permit  
AKG374000 for Norton Sound Large Dredge Placer Miners**

<b>Permittee Name</b> (First Last, Business):  <input type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Other:		<b>Previous Discharge Authorization #:</b>  AKG374 _____
Address:	Phone:	<b>Please attach a drawing and description of your operation and/or reference any current Application for Permits to Mine in Alaska (APMA).</b>
Email:		
<b>Additional Contact</b> (First Last, Business):  <input type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Agent <input type="checkbox"/> Other:		
Address:	Phone:	<b>APMA number(s):</b>
Email:		
<b>Waterbody:</b>	<b>Mining District:</b>	Approximate <b>Latitude:</b>  <b>Longitude:</b>
<b>Meridian, Township, Range, Section:</b>		
<input type="checkbox"/> <b>Suction Dredge</b> Nozzle Diameter: _____   Hose Diameter: _____ Pump Horsepower: _____		<input type="checkbox"/> <b>Mechanical Dredge</b> Bucket Volume: _____
<b>Vessel Name:</b>		
<b>Average Wastewater Discharge Rate:</b> _____ gallons per minute	<b>Average Material Processing Rates:</b> _____ cubic yards per hour _____ cubic yards per day   _____ cubic yards per year	
<small><b>Certification:</b> 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.</small>		
<b>Signature:</b>		<b>Date:</b>
<b>Printed Name</b> (First Last, Title, Business):		
<b>Mailing Address:</b> DEC Division of Water 610 University Ave. Fairbanks, AK 99709		<b>Phone:</b> (907) 451-2142 <b>Fax:</b> (907) 269-4604 <b>Email:</b> <a href="mailto:dec.placer@alaska.gov">dec.placer@alaska.gov</a>