ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM and WASTEWATER DISPOSAL AUTHORIZATION

MULTI-SECTOR GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY (MSGP)

Permit Number: AKR060000 **– Permit Fact Sheet – Draft**

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

Public Comment Period Start Date: November 9, 2025
Public Comment Period Expiration Date: December 11, 2025
Alaska Online Public Notice System: https://aws.state.ak.us/OnlinePublicNotices/
DEC Online Public Notice System: https://dec.alaska.gov/commish/public-notices/

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Proposed Issuance of the Alaska Pollutant Discharge Elimination System (APDES) General Permit for Storm Water Discharges Associated with Industrial Activity within the State of Alaska

The Alaska Department of Environmental Conservation (the Department or DEC) is reissuing a Multi-Sector General Permit (MSGP, general permit, or permit) for storm water discharges from industrial activity. The permit authorizes and sets conditions on the discharge of pollutants from certain industrial activities to surface waters of the State. In order to ensure protection of water quality and human health, the permit establishes control measures and best management practices that must be used to control the types and amounts of pollutants that can be discharged from certain industrial activities.

This fact sheet explains the nature of potential storm water discharges from industrial activities and the steps in the development of the permit, including:

- information on public comment, public hearing, and appeal procedures,
- a listing of proposed control measures and other conditions for industrial activities,
- technical material supporting the conditions in the permit, and
- proposed inspection, monitoring, and reporting requirements in the permit.

Public Comment

Persons wishing to comment on, or request a public hearing for the draft permit, may do so in writing by the expiration date of the public comment period.

Commenters are requested to submit a concise statement on the permit condition(s) and the relevant facts upon which the comments are based. Commenters are encouraged to cite specific permit requirements or conditions in their submittals.

A request for a public hearing must state the nature of the issues to be raised, as well as the requester's name, address, phone number, and email address. The Department will hold a public hearing whenever the Department finds on the basis of requests, a significant degree of public interest in a draft permit. The Department may also hold a public hearing if a hearing might clarify one or more issues involved in a permit decision or for other good reason, in the Department's discretion. A public hearing will be held at the closest practical location to the site of the operation. If the Department holds a public hearing, the Director will appoint a designee to preside at the hearing. The public may also submit written testimony in lieu of or in addition to providing oral testimony at the hearing. A hearing will be tape recorded. If there is sufficient public interest in a hearing, the comment period will be extended to allow time to public notice the hearing. Details about the time and location of the hearing will be provided in a separate notice.

All comments and requests for public hearings must be in writing and should be submitted to the Department at the DEC Online Public Notice System: https://dec.alaska.gov/commish/public-notices/, or to the technical contact address, or email identified above (see also the public comments section of the attached public notice). Mailed comments and requests must be postmarked on or before the expiration date of the public comment period.

After the close of the public comment period and after a public hearing, if applicable, the Department will review the comments received on the draft permit. The Department will respond to the comments received in a Response to Comments document that will be made available to the public. If no substantive comments are received, the tentative conditions in the draft permit will become the proposed final permit.

The proposed final permit will be made publicly available for a five-day applicant review. The applicant may waive this review period. After the close of the proposed final permit review period, the Department will make a final decision regarding permit issuance.

A final permit will become effective 30 days after the Department's decision, in accordance with the state's appeals process at 18 Alaska Administrative Code (AAC) 15.185.

The Department will transmit the final permit, fact sheet (amended as appropriate), and the Response to Comments to anyone who provided comments during the public comment period or who requested to be notified of the Department's final decision.

Informal Reviews and Adjudicatory Hearings

A person authorized under a provision of 18 AAC 15 may request an informal review of a contested decision by the Division Director in accordance with 18 AAC 15.185 and/or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. See DEC's "Appeal a DEC Decision" web page https://dec.alaska.gov/commish/review-guidance/ for access to the required forms and guidance on the appeal process. Please provide a courtesy copy of the adjudicatory hearing request in an electronic format to the parties required to be served under 18 AAC 15.200. Requests must be submitted no later than the deadline specified in 18 AAC 15.

Documents are Available

The permit, fact sheet, and related documents can be reviewed or obtained by visiting or contacting the Department between 8:00 a.m. and 4:30 p.m., Monday through Friday at the addresses below. The permit, fact sheet, and related documents can also be accessed from the Department's Wastewater Discharge Authorization Program website: https://dec.alaska.gov/water/wastewater/stormwater/permits-approvals/multisector/

Alaska Department of Environmental Conservation Division of Water Wastewater Discharge Authorization Program 555 Cordova Street **Anchorage**, AK 99501 907 269-6285	Alaska Department of Environmental Conservation Division of Water Wastewater Discharge Authorization Program 610 University Avenue **Fairbanks**, AK 99709 907 451-2136
Alaska Department of Environmental Conservation Division of Water Wastewater Discharge Authorization Program Mailing Address: P.O. Box 111800 **Juneau**, Alaska 99811 Location: 410 Willoughby Avenue, **Juneau** 907 465-5180	

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1.0 INTRODUCTION

The Alaska Department of Environmental Conservation (the Department or DEC), Division of Water, Wastewater Discharge Authorization Program (WDAP) is proposing to reissue an Alaska Pollutant Discharge Elimination System (APDES) permit that authorizes the discharge of pollutants in storm water from selected industrial sectors, referred to as the Multi-Sector General Permit (MSGP). In October 2008, EPA approved Alaska's application to administer the National Pollutant Discharge Elimination System (NPDES) Program. The State's program is called the APDES Program. Changes from the 2020 MSGP to the 2025 MSGP are described in this fact sheet.

1.1 Basis for Permit

The permit and fact sheet reference various state and federal regulations. The state regulations primarily providing the regulatory framework for the 2025 MSGP are found in Alaska Administrative Code (AAC), Chapter 83 "Alaska Pollutant Discharge Elimination System Program" (18 AAC 83). The federal regulations specific to this permitting action are adopted by reference in the state APDES regulations in 18 AAC 83.010(b)(3). As an aid to readers, however, the permit and fact sheet in some areas cite the federal regulations where the complete regulatory language can be found.

Per Alaska Statues (AS), Chapter 46, Title 3, Section 100(a) (AS 46.03.100(a)), a person may not construct, modify, or operate a treatment works or dispose of liquid waste into the waters of the State without prior authorization from the Department. Per AS 46.03.100(d), the Commissioner may provide, as a term of a general permit, that a person intending to dispose (or discharge) wastewater under the general permit shall first obtain specific authorization from the Department. The following section discusses the regulatory basis for developing the Permit and covers both the discharge of wastewater to waters of the State and Waters of the U.S.

1.1.1 Wastewater Discharges to Waters of the United States (WOTUS) in Alaska.

Section 301(a) of the Clean Water Act (CWA) and 18 AAC 83.015 provide that the discharge of pollutants is unlawful except in accordance with an APDES permit. Although such permits are usually issued to individual dischargers, DEC regulations, at 18 AAC 83.205, also authorize the issuance of "general permits" to categories of discharges when a number of point sources are:

- Located within the same geographic area and warrant similar pollution control measures;
- Involve the same or substantially similar types of operations;
- Discharge the same types of wastes;
- Require the same effluent limits or operating conditions;
- Require the same or similar monitoring requirements; and
- In the opinion of the Department, are more appropriately controlled under a general permit than under individual permits.

Per 18 AAC 83.210(a), a general permit is to be administered according to the individual permit regulations in 18 AAC 83.115 and 18 AAC 83.120. Like individual permit, a violation of a condition

contained in a general permit constitutes a violation of the CWA and subject the owner or operator of the permitted discharge to the penalties specified in Section 309 of the CWA. Section 402(p) of the CWA provides the basis for regulating storm water from certain categories of industry described in 40 CFR 122.26(b)(14). DEC also notes that the issuance of this permit, including the requirements to submit information in the Notice of Intent (NOI) to be covered, is based, in addition, on the Department's authority under section 308(a) of the CWA.

The MSGP contains provisions that require industrial facilities in 29 different industrial sectors to, among other things, implement control measures and develop site-specific storm water pollution prevention plans (SWPPP) to comply with APDES requirements. In addition, the MSGP includes a thirtieth sector, available for DEC to permit additional industrial activities which the Department determines require permit coverage for industrial storm water discharges not included in the other 29 industrial sectors.

If this permit is not reissued or replaced (or revoked or terminated) prior to its expiration date, then an existing permittee will be covered under an administrative extension, in accordance with 18 AAC 83.155 (i.e., their authorization continues in force and effect until a new authorization is issued under a new or reissued permit). If coverage is provided to a permittee prior to the expiration date of the permit, the permittee is authorized to discharge under the permit until the earliest of the following occurs: (1) the authorization for coverage under a reissuance or replacement of the permit, following timely and appropriate submittal of a complete NOI; (2) submittal of a Notice of Termination; (3) issuance or denial of an individual permit for the permittee's discharge; or (4) a formal permit decision by DEC not to reissue the general permit, at which time DEC will identify a reasonable time period for covered permittees to seek coverage under an alternative general permit or an individual permit.

Any permittee with a discharge covered under the 2020 MSGP that the Department determines shall transition to a different APDES permit for that discharge that filed a timely and complete NOI and was granted administrative extension of the 2020 MSGP, the administrative extension (i.e., continued permit coverage) from the 2020 MSGP survives the effective date of the 2025 MSGP until the facility receives coverage under the new APDES permit.

Throughout this fact sheet, DEC uses consistent terms when referring to different responsible entities. The term "operator" will be used when discussing those actions required prior to permit authorization, while "permittee" will be used for an entity authorized to discharge under the subject permit.

1.1.2 Wastewater Discharges into State Waters

WDAP authorizes discharges of domestic or non-domestic wastewater into state waters under the regulatory authority of 18 AAC 72 – Wastewater Disposal. Determining which waters are state waters is not straightforward because the new definition of WOTUS is still without clear guidance of how the WOTUS determination will be made in certain circumstances. Previously, nearly all waters and wetlands were perceived as WOTUS. However, in the recent Superior Court decision in the case of Sackett v. EPA, the court held that the CWA's use of "waters" in 33 USC 1362(7) refers only to "geographic[al] features that are described in ordinary parlance as 'streams, oceans, rivers, and lakes'

and to adjacent wetlands that are 'indistinguishable' from those bodies of water due to a continuous surface connection."

This recent decision means many waters and wetlands that were previously categorized as WOTUS are, at this time, now state waters. While the determination procedures remain in flux, the level of environmental protection remains the same regardless of whether waters are categorized as WOTUS or state waters (WOTS). In other words, 18 AAC 70 – Water Quality Standards (WQS) applies to both designations and the resulting permit limits and conditions remain the same for either. The primary implication lies in the reporting of monitoring results. Reporting to the EPA is required for discharges to WOTUS while discharges to waters of the state are reported only to the State. Hence, the designation of receiving water only affects the method or reporting in this general permit.

Per 18 AAC 15.100, the Department can issue a State general permit for a term of five years. The authorization for disposal under a State general permit can be administratively extended per 18 AAC 15.110. The permit term and administrative extension process is essentially the same for either APDES or state general permits.

2.0 PROPOSED PERMIT CHANGES

2.1 Summary of the Proposed Changes in the APDES 2025 MSGP

2.1.1 List of changes

- Throughout the document clarified that the permit applies to all surface waters of the State, not only those considered waters of the United States (see point below about definitions used in this permit).
- Throughout the document updated references to document submission procedures requiring use of the Environmental Data Management System (EDMS). This is now the required format for submissions including Notices of Intent (NOIs), Notices of Termination (NOT), Annual reports, Noncompliance Notification, and Corrective Action reports. These updates appear in sections 2.2, 2.4, 8.3, 8.6, multiple sections of Part 9, and 10.1.
- Throughout the document added reminders and references to existing requirements to assist permittees in understanding their obligations.
- In Part 1.2.3 clarified that any case-by-case non-stormwater discharge approval under this permit must be documented in writing.
- In Part 4.2 consolidated Control Measure Resources into 4.2.13 for easier reference.
- In Part 5.2.3.3 added site map requirements for snow disposal and structural control locations. In Part 5.6 added requirement to update SWPPP at least once annually, or to review it and note that no revisions are needed.
- Added new Part 5.9 explaining record retention requirements related to SWPPP document.

- In Part 6.1.1.3 clarified which inspection personnel must participate in-person or virtually via videocall.
- In Part 6.1.2 updated inspection report signature and certification requirements.
- In Part 6.2.1.3 updated Quarterly Visual Assessment documentation requirements.
- In Part 7.1.6 clarified sampling requirements in climates with irregular stormwater runoff.
- In Part 7.2.1.3 moved the requirements for how to respond to benchmark exceedances to Part 8.6, so that all corrective action requirements are in one place.
- Deleted Table 7-1, refer to Table 4-1 instead.
- Part 8 has revised the Corrective Action procedures throughout. See Fact Sheet part 2.1.2 for a detailed rationale for these changes.
- In Part 11 the sector-specific benchmarks have been modified for many sectors, see Fact Sheet part 2.1.3 for a detailed rationale for these changes.

Table 2-1 Parameters removed from Benchmark Monitoring, by sector

Subsector	C	E2	H	K	Q	AA1
Iron	X	X	X		X	X
Magnesium				X		

Table 2-2 Parameters added to Benchmark Monitoring, by sector

Subsector	E3	I1	L2	O1	P1	R1	U3	AB1
TSS and pH	X	X	X	X	X	X	X	X
COD			X				X	X
Ammonia		X						
Nitrite/Nitrate	X							
Metals								
Aluminum			X	X		X		X
Antimony				X	X			
Arsenic			X		X			
Boron				X				
Cadmium			X		X			X
Chromium			X	X		X		X
Copper			X	X	X	X		X
Iron								X
Lead		X	X			X		X
Mercury			X		X			
Nickel		X	X	X		X		X
Selenium			X					

Subsector	E3	I1	L2	O1	P1	R1	U3	AB1
Zinc		X	X	X	X	X		X

- Clarified the benchmark schedules for waste rock, overburden, and ore-specific situations in Sector G – Metal Mining.
- Appendix C has multiple definitions added, and definitions updated. Most significantly, surface waters of the State and Waters of the United States defined, by reference to Alaska statutes and regulations. Note that the definition of "Waters of the United States" in 18 AAC 83 may differ from the definition that term is given in federal law.
- Updated Appendix D to reference industrial sectors by NAICS codes as well as SIC.

2.1.2 Discussion of Corrective Action revisions

DEC has observed over the past permit cycles that there was significant variability in the robustness of Corrective Actions taken, as well as in the quality of documentation. The changes made in the 2025 permit do not change what control measures must be taken in most cases but aim to increase compliance by adding deadlines to the response and reporting to DEC as well as spelling out exemptions more explicitly than past versions of the permit.

There are two primary documentation changes. First, after a benchmark is exceeded or a discharge contributes to impaired waters an inspection (8.3.2.1) and report to DEC (8.3.3) is required within 28 total days. This will avoid situations where nearly a full year would sometimes pass before DEC became aware of incidents. Second, under previous permit versions after a discharge exceeded benchmarks a permittee could assert that further pollutant reductions would not be "economically practicable and achievable" or necessary to meet water quality based effluent limitations. If they made such an assertion, they could reduce monitoring and include the determination in the next Benchmark Report. In this permit, DEC concurrence is required for such a determination (Part 8.3.4.1).

If a benchmark is exceeded, the revised corrective action procedures also call for a routine facility inspection, which can be used to assist in the selection of BMPs to prevent a recurrence. DEC believes this will increase the efficacy of BMP revisions taken as part of the Corrective Action.

In selecting these revisions, DEC compared our Corrective Action protocols with the MSGP for other jurisdictions, including Washington State, Oregon State, and the EPA's permit which applies to states and territories without CWA Section 402 primacy. All three of those jurisdictions include deadlines for taking corrective action within a fixed time after a triggering event, while DEC has not previously had such a requirement. DEC believes that adding timelines to corrective action brings us into line with best practices established by other jurisdictions. Overall, our Corrective Action system remains simpler than the tiered systems employed by other jurisdictions, especially compared to the complex Additional Implementation Measures system that the EPA has used since 2020. Maintaining permit simplicity makes it easier for permittees to understand their obligations and therefore comply with them.

One area where this permit diverges from some other jurisdictions' MSGPs is that under this permit, discharge to an impaired waterbody is not a basis for Corrective Action. As a counter example, the

proposed 2026 EPA MSGP handles a discharge to an impaired waterbody as being similar to a benchmark exceedance. DEC currently considers this to be overly burdensome on permittees discharging to such waters and believes that the ongoing impaired waters monitoring requirements are enough to incentivize reducing such discharges and provide permittees with information to do so.

2.1.3 Discussion of Benchmark revisions

Changes to benchmark monitoring requirements were largely driven by data collected and shared by the EPA. Much of that data comes from "Indicator Monitoring", a report-only category of monitoring which they have been requiring since 2020. Because DEC does not require this type of monitoring, we use national data to justify some permit changes. In their draft 2026 permit the EPA is introducing indicator monitoring of polycyclic aromatic hydrocarbons (PAHs) and per- and polyfluoroalkyl substances (PFAS), so in future permit cycles DEC may consider that data when updating benchmarks for Alaska. The changes to benchmarks in the 2025 Alaska MSGP fall into three categories.

1. Benchmarks for iron and magnesium were removed from many sectors due to lack of evidence for acute aquatic toxicity. The 1.0 mg/L iron benchmark was retained for sectors at high risk of chronically exceeding that threshold, since that is equal to the Water Quality Criteria for chronic exposure of aquatic life in freshwater. For more information, please see Chapter 2 of "Improving the EPA Multi-Sector General Permit for Industrial Stormwater Discharges".[1]

2. Benchmarks for TSS and pH were added to many sectors based on Indicator Monitoring conducted under the 2020 EPA MSGP. These two parameters are both environmental impacts in their own right and serve as indices of stormwater impacts more broadly. A facility that has significant pH and TSS impacts in the stormwater is likely having other impacts as well, and should take a holistic look at their industrial processes exposure to stormwater. The EPA also uses chemical oxygen demand (COD) as an industry-wide index, but upon examining their data DEC has decided to only require COD benchmark monitoring for industrial sectors where it is a specific concern, and that TSS and pH do an adequate job of serving as overall indices. This strategy of using pH, TSS, and COD as proxies was suggested in a 2019 study conducted by the National Research Council (NRC) titled "Improving the EPA Multi-Sector General Permit for Industrial Stormwater Discharges".[2]

3. Benchmarks for various metals, nitrates and nitrites, and/or ammonia were added to specific sectors based on indicator monitoring or other updated information showing those sectors are at an increased risk of runoff for specific pollutants. All references to TSS and pH data from EPA Indicator Monitoring are from the Proposed 2026 MSGP Fact Sheet draft for public comment.[3]

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[1] National Academies of Sciences, Engineering, and Medicine. (2019). Improving the EPA Multi-Sector General Permit for Industrial Stormwater Discharges. Washington, DC: The National Academies Press. https://doi.org/10.17226/25355. https://www.nap.edu/catalog/25355/improving-the-epa-multi-sector-general-permit-for-industrial-stormwater-discharges .

[2] Ibid.

[3] EPA (U.S. Environmental Protection Agency). (2025). United States Environmental Protection Agency (Epa) National Pollutant Discharge Elimination System (Npdes) Multi-Sector General Permit (Msgp) For Stormwater Discharges Associated With Industrial Activity Fact Sheet. https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-proposed-2026-msgp

- Subsector I1 (Oil and Gas Extraction): TSS data indicated that more than 20% of the data points exceeded the benchmark threshold and numerous results were at least one order of magnitude above the threshold. These widespread stormwater quality issues indicate a need to more closely examine runoff for pollutants known to be commonly associated with this industry.
- Subsector L2 (Landfill, Land Application Sites and Open Dumps, except Closed Municipal Solid Waste Landfill Areas): TSS and pH data showed more than 20% of data points exceeded benchmarks. Additionally, EPA conducted a review of data from the Toxics Release Inventory which demonstrated which particular pollutants warranted additional attention.[4]
- Subsector O1 (Steam electric generating facilities): TSS and pH data show certain facilities with particularly high TSS values, some over 200 times the benchmark, as well as a large number of pH benchmark range exceedances. Additionally, the EPA last year finalized a new rule governing several categories of process waters from coal-fired power plants within this industrial sector.[5] While this permit does not cover process water, it will update the benchmarks for stormwater runoff to align with the pollutants of concern generated at the facility overall.
- Subsector P1 (Land Transportation and Warehousing): TSS, COD, and pH data showed more than 20% of data points exceeded benchmarks, with some TSS results recorded at over 100 times the benchmark. Specific pollutants for benchmark monitoring were selected through use of Toxic Release Inventory data[6] as well as recommendations from the 2019 NRC study[7].
- Subsector R1 (Ship and Boat Building and Repair Yards): TSS data indicated that the mean was above the benchmark, indicating both the prevalence and severity of exceedances. The 2019 NRC study found that sampling done under the 2015 EPA MSGP had exceedances of multiple metals, informing the selection of metals to benchmark for in this permit.[8]
- Subsector AB1 (Transportation Equipment, Industrial or Commercial Machinery Facilities): COD data indicated that the mean is almost two times the benchmark threshold, an exceptional

[4] EPA (U.S. Environmental Protection Agency). (2023). 2022 TRI factsheet: NAICS: Solid waste landfill, NAICS 562212. https://enviro.epa.gov/triexplorer/industry.html?pYear=2022&pLoc=562212&pParent=TRI&pDataSet=TRIQ1

[5] EPA (U.S. Environmental Protection Agency). (2024b). Final Rule: Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Category. https://www.epa.gov/eg/steam-electric-power-generating-effluent-guidelines#2024-final

[6] EPA. (U.S. Environmental Protection Agency). (2024). TRI data and tools. https://www.epa.gov/toxics-release-inventory-tri-program/tri-data-and-tools

[7] NASEM (National Academies of Sciences, Engineering, and Medicine). (2019). Improving the EPA Multi-Sector General Permit for industrial stormwater discharges. https://www.nap.edu/catalog/25355/improving-the-epa-multi-sector-general-permit-for-industrial-stormwater-discharges

[8] Ibid.

pattern of non-attainment. This subsector therefore will be monitored for COD, in addition to several relevant metals for the industrial sector as identified by Toxics Release Inventory data[9].

3.0 DESCRIPTION OF INDUSTRY AND RECEIVING WATERS

3.1 Industry Summary

Storm water discharges associated with industrial activities are defined by 40 CFR 122.26(b)(14)(i-ix and xi), which specifies ten categories of regulated industry. These ten categories of industry are divided into twenty-nine sectors, based on Standard Industrial Classification (SIC) code or narrative activity. The MSGP contains provisions that require industrial facilities in twenty-nine different industrial sectors to implement control measures and develop site-specific SWPPPs to comply with APDES requirements. An additional thirtieth sector is available to DEC to permit additional industrial activities which the Department determines require permit coverage not included in the other 29 industrial sectors. Approximately 350 facilities located in the State of Alaska are currently operating under the MSGP; and approximately 200 facilities have filed for Non-Exposure Certification. Potential applicants for this permit are public and private facility Owners/Operators whose facilities have storm water discharges as described in 40 CFR 122.26(b)(14)(i-ix and xi).

3.2 Potential Industry Impacts on Water Quality

This general permit is intended to regulate storm water (rain, snow, and snowmelt) runoff which comes into contact with industrial activities and significant materials (materials which have the potential to cause contamination, see appendix C). The quantities and types of storm water discharged are dependent on many variables, including the type of industrial activity that the facility is engaged in (sector of industry), pollutants of concern, and the type and intensity of the runoff event.

DEC has identified six types of activities at industrial facilities that have the potential to be major sources of pollutants in storm water:

- **Loading and Unloading Operations.** Loading and unloading operations can include pumping of liquids or gases from tankers to storage facilities, pneumatic transfer of dry chemicals, transfer by mechanical conveyor systems, or transfer of bags, boxes, drums, totes, or other containers by forklift or other material handling equipment. Material spills or losses in these areas can accumulate and be washed away during a storm.
- **Outdoor Storage.** Outdoor storage activities include storage of fuels, raw materials, by-products, intermediate products, final products, and process residuals. Materials may be stored in containers, on platforms or pads, in bins, boxes or silos, or as piles. Storage areas that are exposed to rainfall and/or runoff can contribute pollutants to storm water when solid materials wash off or materials dissolve into solution.

[9] EPA. (U.S. Environmental Protection Agency). (2024). TRI data and tools. https://www.epa.gov/toxics-release-inventory-tri-program/tri-data-and-tools

- **Outdoor Process Activities.** Although many manufacturing activities are performed indoors, some activities, such as timber processing, rock crushing, and concrete mixing, occur outdoors. Outdoor processing activities can result in liquid spillage and losses of material solids, which makes associated pollutants available for discharge in runoff.
- **Dust or Particulate Generating Processes.** Dust or particulate generating processes include industrial activities with stack emissions or process dusts that settle on surfaces. Some industries, such as mines, cement manufacturing, and coal handling, also generate significant levels of dust that can be mobilized in storm water runoff.
- **Illicit Connections and Non-Storm Water Discharges.** Illicit connections of process wastes or other pollutants to storm water collection systems can be a significant source of storm water pollution. Non-storm water discharges include any discharge from the facility that is not generated by rainfall runoff (for example, wash water from industrial processes). With few exceptions, these non-storm water discharges are prohibited. Refer to the permit for a list of authorized non-storm water discharges.
- **Waste Management.** Waste management practices include everything from landfills to waste piles to trash containment. All industrial facilities conduct some type of waste management at their site, much of it outdoors, which must be controlled to prevent pollutant discharges in storm water.

3.3 Potential Industry Pollutants

Industrial materials or activities include but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product, or waste product.

Pollutants exposed to storm water could consist of petroleum, oil, and lubricants used in industrial equipment which may leak onto impervious areas and become entrained in storm water runoff. The industrial storm water waste stream could contain various petroleum products, heavy metals, salts, anti-freeze, and other automotive fluids which may be present at industrial sites. Operations which also consist of earth disturbance activities would also be a significant source of sediment.

3.4 Receiving Waters

3.4.1 Water Quality Standards

The protection of surface water occurs primarily through the development, adoption, and implementation of water quality standards (WQS) and the use of the WQS in APDES permits. The WQS designate specific uses for which water quality must be protected. Alaska WQS designate seven uses for fresh waters (drinking water; agriculture; aquaculture; industrial; contact recreation; non-contact recreation; and growth and propagation of fish, shellfish, other aquatic life, and wildlife) and seven uses for marine waters (aquaculture; seafood processing; industrial; contact recreation; non-contact

recreation; growth and propagation of fish, shellfish, other aquatic life, and wildlife; and harvesting raw mollusks or other raw aquatic life for human consumption).

Alaska's water resources are extensive, and the state is rich in water quantity, water quality, and aquatic resources – almost half of the total surface waters of the United States are located in Alaska. Because of the state's size, sparse population, and remote character, the vast majority of Alaska's water resources are in pristine condition. More than 99.9% of Alaska's waters are considered unimpaired. The protection of surface water occurs primarily through the development, adoption, and implementation of WQS and the use of the WQS in APDES discharge permits. The WQS designate specific uses for which water quality must be protected.

4.0 PERMIT CONDITIONS

4.1 Coverage under this Permit

4.1.1 Permit Area

The MSGP provides coverage within the State of Alaska's jurisdictional surface waters, except the Indian Reservation of Metlakatla and the Denali National Park and Preserve. EPA retains the authority to permit discharges in these areas. Operators in these areas must apply for permit coverage through EPA.

4.1.2 Facilities Covered

This permit is available for storm water discharges from the following 29 sectors of industrial activity (Sector A – Sector AC), as well as any discharge not covered under the 29 sectors (Sector AD) that has been identified by DEC as appropriate for coverage. The sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes consistent with the definition of storm water discharge associated with industrial activity at 40 CFR 122.26(b)(14)(i-ix, xi). See Appendix D in this permit for specific information on each sector. The sectors are listed below:

Table 4-1: Industrial Activity Sectors

Sector A – Timber Products	**Sector P** – Land Transportation and Warehousing
Sector B – Paper and Allied Products Manufacturing	**Sector Q** – Water Transportation
Sector C – Chemical and Allied Products Manufacturing, and Refining	**Sector R** – Ship and Boat Building and Repair Yards
Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing	**Sector S** – Air Transportation
Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products	**Sector T** – Treatment Works
Sector F – Primary Metals	**Sector U** – Food and Kindred Products
Sector G – Metal Mining (Ore Mining and Dressing)	**Sector V** – Textile Mills, Apparel, and Other Fabric Products
Sector H – Coal Mines and Coal Mining-Related Facilities	**Sector W** – Furniture and Fixtures
Sector I – Oil and Gas Extraction	**Sector X** – Printing and Publishing
Sector J – Non-Metallic Mineral Mining and Dressing	**Sector Y** – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries
Sector K – Hazardous Waste Treatment, Storage, or Disposal Facilities	**Sector Z** – Leather Tanning and Finishing
Sector L – Landfills, Land Application Sites, and Open Dumps	**Sector AA** – Fabricated Metal Products
Sector M –Automobile Salvage Yards	**Sector AB** – Transportation Equipment, Industrial or Commercial Machinery Facilities
Sector N – Scrap Recycling and Waste Recycling Facilities	**Sector AC** – Electronic and Electrical Equipment and Components, Photographic and Optical Goods
Sector O – Steam Electric Generating Facilities	**Sector AD** – Reserved for Facilities Not Covered Under Other Sectors and Discharges Designated by the Director

4.1.3 Allowable Storm Water Discharges

Permit Part 1.2.2 lists the type of storm water discharges eligible for coverage under the permit. Operators should use this section to determine which storm water discharges from their site can be covered under the MSGP. For example, Permit Part 1.2.2.3 specifies that discharges that are not otherwise required to obtain APDES permit authorization but are commingled with discharges that are authorized under this permit (e.g., under-drain water combining groundwater and surface water subject to this permit) are eligible for coverage under this permit.

4.1.4 Allowable Non-Storm Water Discharges

Permit Part 1.2.3 lists the non-storm water discharges authorized under the permit. The section specifies which non-storm water discharges are covered under the permit as exceptions to the general exclusion of non-storm water discharge from eligibility. To be authorized under this permit, any sources of non-storm water (except flows from firefighting activities) must be identified in the SWPPP.

4.1.5 Limitations on Coverage

Discharges Mixed with Non-Storm Water

The MSGP does not authorize storm water discharges that are mixed with non-storm water other than those non-storm water discharges listed in Permit Part 1.2.3. The prohibition on mixed storm water and non-storm water discharges further ensures that non-storm water discharges (except for those classes of non-storm water discharges that are specifically authorized by the permit) are not authorized by this permit. Where a storm water discharge is mixed with non-storm water that is not authorized by the MSGP or another APDES permit, the operator must submit the appropriate application forms to obtain authorization to discharge the non-storm water portion of the discharge in accordance with the CWA and implementing APDES regulations.

Storm Water Discharges Associated with Construction Activity

This permit does not apply to storm water discharges associated with construction activity, defined in 40 CFR 122.26(b)(14)(x) and (b)(15), unless it is in conjunction with mining or oil and gas activities, where the applicable sector-specific requirements for construction storm water discharges as specified in sectors G, H, I and J are met. The exception to this provision is that discharges from land disturbances less than one (1) acre in size are covered by this permit consistent with Permit Part 1.2.2 of the permit for discharges not otherwise required to obtain permit coverage but that are commingled with discharges that are authorized under this permit. The exclusion of coverage for construction storm water discharges recognizes the distinction that has been made between construction and other types of storm water discharges associated with industrial activity. The exception to this provision for sectors G, H, I, and J acknowledges that many of the industrial activities associated with mining, and oil and gas extraction are similar to construction activities, and adding construction activities for these sectors establishes a more streamlined approach for operators preferring to be covered by one permit, instead of two.

Discharges Currently or Previously Covered by another Permit

This section of the MSGP describes situations where an operator is ineligible for coverage under this permit because of coverage under another permit. These include operators covered by a permit within the past five years prior to the effective date of this permit, which established site-specific numeric water quality-based limitations developed for the storm water component of the discharge; or operators with discharges from facilities where the associated APDES permit has been or is in the process of being denied, terminated, or revoked by the regulated authority; although this last provision does not apply to the routine reissuance of permits every five years. To avoid conflict with the anti-backsliding provisions of the CWA, transfer from an individual permit to the MSGP is only allowed under limited conditions, including that the individual permit does not contain numeric water quality-based effluent limits. Where a transfer is permissible, DEC believes that compliance with all the conditions of the MSGP is at least as stringent as meeting the conditions of an individual permit.

Discharges Subject to Effluent Limitations Guidelines

Discharges subject to storm water-specific effluent limitations guidelines that are eligible for coverage under this permit are listed in Permit Table 4-1. All other storm water and non-storm water discharges subject to effluent limitation guidelines must be covered under any applicable alternate general permit or

an individual permit. This provision ensures that discharges subject to Federal effluent limitations guidelines comply with all relevant limits.

New Dischargers Based on Water Quality Standards

Permit Part 1.2.4.5 describes permit eligibility with regard to new discharges (as defined in Appendix C). If the facility is a "new discharger", it is not eligible for coverage under the MSGP for any discharges that DEC determines will not meet any applicable WQS. Where such a determination is made prior to authorization, DEC may notify the permittee that an individual permit application is necessary in accordance with Permit Part 2.8. However, DEC may authorize coverage under this permit after the permittee has included appropriate controls and implementation procedures designed to ensure the discharge meets WQS. Part 1.2.4.5 describes that in the absence of information demonstrating otherwise, DEC expects that compliance with the storm water control requirements of this permit, including the requirements applicable to such discharges in Permit Part 4, will result in discharges that meet applicable WQS.

Permit Part 1.2.4.5 provides greater guidance for new dischargers in complying with 40 CFR 122.4(i). Part 1.2.4.5 clarifies that, in the absence of information demonstrating otherwise. DEC expects that compliance with the permit will not adversely impact applicable water quality. DEC notes that while Part 1.2.4.5 is designed to specifically implement 40 CFR 122.4(i), other water quality-based requirements apply to new and existing dischargers. Part 3.2 of the permit includes water quality-based effluent limits applicable to all sources, which are designed to ensure that discharges from both new and existing permittees are controlled as necessary to meet WQS. In addition, Part 1.2.4.6 of the permit includes specific eligibility requirements that are designed to comply with 40 CFR 122.4(i) for new dischargers who are discharging to impaired waterbodies.

New Discharges to Water Quality Impaired Waters

Part 1.2.4.6 of the permit requires any new discharger to demonstrate its ability to comply with 40 CFR 122.4(i) (prohibiting the issuance of permits to new dischargers that will cause or contribute to the violation of WQS) prior to coverage under the permit. To satisfy the requirements of 40 CFR 122.4(i), an operator must (a) eliminate all exposure to storm water of the pollutant(s) for which the water body is impaired, and document no exposure and retain such documentation with the SWPPP; or (b) demonstrate that the pollutant for which the water body is impaired is not present at the site, and retain documentation of this finding with the SWPPP; or (c) submit data to the appropriate DEC office documenting that the pollutant discharge will not cause or contribute to an excursion of WQS because the discharge will meet WQS at the point of discharge or because there are sufficient remaining waste load allocations in an approved Total Maximum Daily Load (TMDL) and the discharge is controlled at least as stringently as similar discharges subject to that TMDL. Permit Part 1.2.4.5, which applies to new dischargers and not to existing dischargers, is designed to comply with 40 CFR 122.4(i) requirements that address new discharges to water bodies not meeting in-stream WQS.

4.1.6 Conditional Exclusion for No Exposure

Permit Part 1.3 states that after submittal of a No Exposure Certification and a Notice of Termination for prior permit coverage (if applicable), a permittee is no longer authorized by, nor required to comply with

the MSGP. To be excluded from APDES industrial storm water requirements, the operator must submit a No Exposure Certification once every five years. This provision allows permittees who become eligible for a no exposure exclusion from permitting under 40 CFR 122.26(g) to file a No Exposure Certification to DEC. For background, under the conditional no exposure exclusion, operators of industrial facilities have the opportunity to certify to a condition of "no exposure" if their industrial materials and operations are not exposed to storm water. As long as the condition of "no exposure" exists at a certified facility, the operator is excluded from APDES industrial storm water permit requirements provided that the operator notifies the permitting authority at least every five years consistent with 40 CFR 122.26(g) requirements.

4.2 Authorization under this Permit

4.2.1 How to Obtain Authorization

Permit Part 2.1 specifies that to be covered under the MSGP as a permittee, the operator must meet the requirements in Part 2.1 and submit to DEC a complete and accurate NOI prior to obtaining coverage (see 18 AAC 83.210). Submission of a complete and accurate NOI eliminates the need to apply for an individual permit for a regulated discharge, unless DEC specifically notifies the applicant that an individual permit application must be submitted. DEC also clarifies that authorization is not valid if the NOI upon which authorization is based is incomplete or inaccurate, or if the discharge is not eligible for permit coverage. DEC has included these provisions in the 2025 MSGP to establish the fundamental principle that discharges of storm water are not authorized until permit coverage is obtained, and that permit coverage is obtained for the 2025 MSGP through the submission of a complete and accurate NOI.

A complete NOI shall include the following information. If the information is incorrect or is missing, the NOI will be deemed incomplete and permit authorization will not be granted.

- The operator information includes: organization name, contact name, contact title, complete mailing address, telephone number and email address.
- The billing contact information includes: organization name, contact name, contact title, complete mailing address, telephone number and email address.
- The industrial facility information includes: facility name, physical location, the city and zip code, the borough, latitude and longitude, how the latitude and longitude were determined, and an estimate of the acreage of industrial activity exposed to storm water, if the facility storm water discharges have been previously permitted under an APDES permit, if this is a federal facility, and a brief description of activities carried out on-site.
- The discharge information includes:
    - does the facility discharge to a municipal separate storm sewer system (MS4), and if so the name of the MS4 operator;
    - the name(s) of the water bodies to which the facility discharges;

- does the facility discharge to a water body that is impaired or have a TMDL, if it does is the discharge consistent with the assumptions and requirements of the TMDL;
- is the request for permit coverage for any storm water discharge subject to federal effluent limitation guideline and sector-specific requirements, and if so, which affected MSGP Sector;
- if Sector S (Air Transportation) facility annual use rate determination of deicing chemicals;
- the Primary North American Industry Classification System code (NAICS) and the four-digit Primary Standard Industrial Classification (SIC) code, or two-letter Activity Code (https://dec.alaska.gov/water/wastewater/stormwater/permits-approvals/multisector/sic-naics/) that best represents the products or services rendered by the facility in which it is primarily engaged in and applicable sector and subsectors of industry activity, including co-located industrial activity for which coverage is requested;
- is the facility presently inactive or unstaffed, and if so for how long.

- The SWPPP information includes: SWPPP contact name, contact title, phone, email, and URL of SWPPP (if applicable). The SWPPP posted to the internet is the SWPPP completed at filing of the NOI. The signatory information in compliance with Permit Appendix A, Part 1.12.

4.2.2 How to Submit an NOI

Permit Part 2.2 requires operators to electronically submit a complete and accurate Notice of Intent (NOI) using DEC's Environmental Data Management System (EDMS), accessible at https://dec.alaska.gov/water/edms. Operators who submit an online application must pay the general permit authorization fee during a step in the online application process.

4.2.3 Submission Deadlines

Timeframes for discharge authorization are contained in Table 2-1 of the permit, which identifies the category of discharger, NOI Submission Deadline, and Discharge Authorization Date. Existing dischargers (those facilities that have been paying their annual fee based on invoices from DEC) will continue to pay the annual fee based on invoices from DEC. They will not need to pay permit fee when they submit their NOI at the start of the new permit term.

4.2.4 Date of Authorization to Begin Discharge

2.4.1 An operator is authorized to discharge industrial storm water under the terms and conditions of this permit upon the date specified in the issuance of the DEC authorization letter, which is posted to the DEC's website: https://dec.alaska.gov/Applications/Water/EDMS/nsite/map/, unless DEC notifies the applicant that authorization has been delayed. The permit will remain in effect until midnight on the day the permit expires.

DEC strongly encourages applicants to use the online application system to speed processing. DEC will attempt to contact the NOI submitter directly with information about delays as soon as possible (by

telephone, online application system, or email), but it is the applicant's responsibility to ensure that authorization has been granted.

Actions to be taken depend on the nature of the eligibility concerns (e.g. water quality or impaired receiving waters). Additional actions may include review of the SWPPP; a requirement to revise the SWPPP; or required to apply for an individual permit or coverage under an alternative APDES general permit, as per Permit Part 2.8. For sake of expediency in obtaining coverage, any requests should be complied with as soon as possible. When an applicant is notified that additional actions must be taken, a discharge is not authorized until notified of such by DEC.

4.2.5 Continuation of Expired General Permit

If this permit is not reissued prior to the expiration date, it will be administratively continued in accordance with 18 AAC 83.155 and remain in force and effect for discharges that were covered prior to expiration. The permittee is required to abide by all limitations, monitoring, and reporting included in the permit when the permit enters administrative extension until such time a permit is reissued authorizing the discharge or an NOT is submitted by the permittee. If a permittee is authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of set of conditions specified in Permit Part 2.5 are met.

Any permittee with a discharge covered under the 2020 MSGP that the Department determines shall transition to a different APDES permit for that discharge that filed a timely and complete NOI and was granted administrative extension for the 2020 MSGP, the administrative extension (i.e., continued permit coverage) from the 2020 MSGP survives the effective date of the 2025 MSGP until the facility receives coverage under the new APDES permit.

4.2.6 Permit Compliance

Permit Part 2.6 of the permit explains that any failure to comply with the conditions of this permit constitutes a violation of the CWA. Where requirements and schedules for taking corrective actions are included, the time intervals are not grace periods, but are schedules considered reasonable for making repairs and improvements. For provisions specifying a time period to remedy noncompliance, the initial failure, such as a violation of a numeric or non-numeric effluent limit, constitutes a violation of the 2020 MSGP and the CWA, and subsequent failure to remedy such deficiencies within the specified time periods constitutes an independent, additional violation of this permit and CWA. However, where corrective action is triggered by an event, which does not itself constitute permit noncompliance, such as an exceedance of an applicable benchmark, there is no permit violation provided the permittee takes the required corrective action within the deadlines in Permit Part 8.3. Part 2.6 is intended to instruct the permittee of the ramifications for failure to comply with the conditions of the permit. Also applicable to all permittees is the standard APDES permit condition for the "duty to comply", included in Permit Appendix A, Section 1.2.

4.2.7 Submittal of Modification to Original NOI

A permittee must file an NOI modification form with DEC to update or correct information on the original NOI (e.g. such as name of receiving water body, acreage of industrial area exposed to storm

water, addition or deletion of industrial sectors, and facility contact information) using DEC's online application system EDMS: https://dec.alaska.gov/water/edms. No general permit authorization fee is required when submitting an NOI modification.

At facilities where there is a transfer of ownership and/or a new operator takes over operational control at an existing facility, the new operator shall submit an NOI no later than 30 calendar days after a change in owner/operator. The previous owner/operator must submit a Notice of Termination no later than 30 calendar days after DEC authorization of the new permittee. All applications must be submitted using the online application system EDMS: https://dec.alaska.gov/water/edms.

4.2.8 Alternative Permits

DEC may require an individual permit in accordance with 18 AAC 83.215 or coverage under an alternative APDES general permit instead of the MSGP. These regulations also provide that any interested party may petition DEC to take such an action. The issuance of the individual permit or alternative APDES general permit is in accordance with 18 AAC 83.115 and 18 AAC 83.210 and provides for public comment and appeal of any final permit decision.

Permit Part 2.8.1 clarifies that DEC may require any permittee covered under this general permit to apply for and/or obtain coverage under an APDES individual permit, or coverage under an alternative APDES general permit, based upon a number of different situations (e.g., applicable numeric effluent limitations resulting from a TMDL, or a determination that the permittee has the potential to cause or contribute to a water quality standard excursion). If DEC determines that APDES individual permit coverage or an alternative APDES general permit coverage is necessary, written notification of this required change in permit coverage, including the reason for this decision, an application form, and a deadline for filing the application, will be provided to the permittee. DEC may grant additional time to submit the application upon request. If the permittee is covered under the permit and fails to submit in a timely manner an individual or alternative general permit application as required by DEC, then the coverage under the permit is automatically terminated at the end of the day specified by DEC as the deadline for application submittal.

In 2019 DEC issued a general permit for storm water discharges from Ted Stevens Anchorage International Airport (ANC-GP). The facilities and activities at the Airport were covered by the MSGP until DEC developed this alternative permit.

Additionally, Permit Part 2.8.2 clarifies that any industrial activity may apply for an APDES individual permit or alternative APDES general permit rather than apply for coverage under this general permit, in accordance with 18 AAC 83.215. An individual or alternative general permit application must be submitted for coverage under such a permit with reasoning supporting the request within 90 days of the effective date of this general permit. If such reasoning is considered adequate by DEC, the request will be granted and an APDES individual permit will be issued or authorization to discharge under an alternative APDES general permit will be provided.

If an APDES individual permit is issued to an industrial activity (as an entity that is otherwise subject to the permit) or is authorized to discharge under an alternative APDES general permit, the applicability of the general permit is automatically terminated on the effective date of the individual permit or the date

of authorization of coverage under the alternative general permit, whichever the case may be. If an industrial activity (as an entity that is otherwise subject to the permit) is denied an APDES individual permit or an alternative APDES general permit; the applicability of the general permit is automatically terminated on the date of such denial, unless otherwise specified by DEC.

4.3 Compliance with Standards and Limits

4.3.1 Requirements for all Facilities

APDES regulations at 18 AAC 83.435 state that permits must contain conditions to achieve WQS. Unlike an individual permit that includes requirements tailored to site-specific considerations, a general permit, while tailored to specific industrial processes or types of discharges (e.g., offshore oil and gas or storm water), does not contain site-specific requirements that address the water quality conditions of the waters receiving the discharge. Therefore, a general permit relies on permittees to certify that they meet the eligibility conditions and implement requirements that will ensure compliance with the conditions of the permit. The requirements in Permit Part 3.1.1 are intended to ensure that those seeking coverage under this general permit select, install, implement, and maintain control measures at their construction site that will be adequate and sufficient to meet WQS.

Permittees determine whether their discharges are eligible for authorization under the general permit and, if so, certifies to that determination and implements control measures to achieve the protections described in Part 4.0 of the permit. The permit language is included to ensure that those seeking coverage under the permit select, install, implement, and maintain control measures at their industrial site that will be adequate and sufficient to meet WQS. Based on EPA's *1996 Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits (EPA 833-D-96-001)*, DEC determined that control measures when properly selected, installed, implemented, and maintained provide effluent quality that can meet WQS. However, because proper selection, installation, implementation, and maintenance are so critical to the success of control measures, the effectiveness of simply "installing control measures" at industrial sites may not provide adequate water quality protection. Unless notified otherwise by DEC, compliance with the permit requirement will be assumed to be as stringent as necessary to ensure that discharges do not cause or contribute to an excursion above any applicable WQS.

Permit Part 3.1.3 specifies that DEC may determine that the permittee's discharge will cause, have reasonable potential to cause, or contribute to an excursion above WQS, including failure to protect and maintain existing designated uses of receiving water. This sub-part is adapted from the APDES Construction General Permit. Where such a determination is made, DEC may require the permittee to take one of three actions (Permit Part 3.1.3):

- Take corrective actions and modify storm water controls to adequately address the identified water quality concerns;
- Submit to DEC valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining WQS; or

- Minimize discharges of storm water from the facility or industrial activity, implement corrective actions, and apply for an individual permit in accordance with Permit Part 2.8.

Data that are valid and verifiable are collected and analyzed with a level of precision, accuracy, and representativeness that yield data to help ensure that Alaska Water Quality Standards are met and that water quality uses (Public health and public resource protection) are protected. If additional control measures are required, DEC expects the permittee to follow in-good-faith and document the process for control measure selection, installation, implementation, and maintenance, and cooperate to eliminate the identified problem within a time frame stipulated by DEC.

4.3.2 Water Quality Considerations

Permit Part 3.2 requires a permittee to determine whether an approved or established TMDL exists that specifically addresses its discharge and if so, implement measures consistent with the assumptions and requirements of that approved TMDL, including any specific waste load allocation that has been established that would apply to the discharge. To make such a determination, a permittee can access DEC's TMDL website at https://dec.alaska.gov/water/water-quality/integrated-report/ . See Table 4-2 of this Fact Sheet for a list of water bodies impaired for sediment or turbidity. Part 3.2 of the permit requires the permittee to implement control measures necessary to be consistent with the assumptions and requirements of such TMDLs. In certain instances, the TMDL may specifically identify each discharger contributing (or that will be contributing) pollutants to the receiving stream and the controls that are necessary for each discharger to meet the established waste load allocation. More likely for industrial activities, the TMDL will identify a category of dischargers and will identify the types of controls necessary to meet the cumulative waste load allocation for the group of dischargers. If the TMDL specifically identifies measures or controls, the permittee must implement these. If specific measures or controls are not required in the TMDL, the permittee shall continue to apply the control measures in Permit Part 4.0. If necessary, DEC may notify the permittee that additional requirements are necessary to be consistent with the assumptions and requirements of the TMDL, or that an individual permit is required.

The CWA mandates that states monitor and report on the quality of their waters. Section 305(b) requires that the quality of all water bodies be characterized and Section 303(d) requires that states list any water bodies that do not meet WQS. Every two years, Alaska compiles and analyzes water quality data to determine if waterbodies are meeting Alaska Water Quality Standards . Historically DEC prepared a paper Integrated Report to satisfy the reporting requirements of the Clean Water Act. There is no longer a paper report, instead water quality assessment information is managed in a system called ATTAINS (Assessment and Total Maximum Daily Load Tracking and Implementation System). The most recent Integrated Report may be accessed at: https://integrated-report-adec.hub.arcgis.com/#final. More information regarding DEC's Integrated Water Quality Monitoring and Assessment Report can be found at DEC's website https://dec.alaska.gov/water/water-quality/integrated-report/.

DEC is incorporating this language to emphasize the importance of implementing control measures required to be consistent with the assumptions and requirements of the TMDL, where applicable. DEC considers it to be inherent in a requirement to document measures taken to ensure that the discharge is

consistent with the assumptions and requirements of a TMDL that such measures actually be implemented.

Waters that do not meet the numeric/narrative criteria for their use designation(s) are listed as impaired, in compliance with the CWA and state rules. TMDLs are a calculation of the maximum amount of a pollutant that a water body can receive and still meet WQS and an allocation of that amount of pollutant to the source of the pollutant. Section 303(d) of the federal CWA requires states to identify waters that do not meet applicable WQS applying technology-based controls alone. The Department identifies and prioritizes the water quality-limited waters and then develops TMDLs at a level necessary to achieve the applicable WQS. Table 4-2 summarizes the water bodies in Alaska listed as impaired for sediment or turbidity.

Table 4-2: Water Bodies Impaired for Sediment or Turbidity

Pollutant Source	Water Body	Location	Category
Urban Runoff	Duck Creek	Juneau	4a
Urban Runoff	Jordan Creek	Juneau	4a
Urban Runoff	Lemon Creek	Juneau	4a
Urban Runoff	Vanderbilt Creek	Juneau	4a
Gravel Mining	Granite Creek	Sitka	2
Placer Mining	Birch Creek drainage: Eagle Creek, Gold Dust Creek	North of Fairbanks	4a
Placer Mining	Crooked Creek Watershed: Boulder Creek, Crooked Creek, Deadwood, Ketchem	North of Fairbanks	5
Placer Mining	Goldstream Creek	Fairbanks	5
Timber Harvest	Fubar Creek	Prince of Wales Island	2
Timber Harvest	Katlian River	North of Sitka, Baranof Island	5
Motorized Watercraft	Little Susitna River	Matanuska-Susitna Borough	5

Source: *Alaska's Final 2024 Integrated Water Quality Monitoring and Assessment Report* (November 2018)
Note: Category 4a – Impaired water with a final/approved TMDL
Category 5 – Impaired water, Section 303(d) list, require TMDL

4.4 Control Measures

4.4.1 Control Measure Selection and Design Considerations

Permit Part 4.1 of the permit requires the operator to select, design, install and implement control measures to meet the technology-based effluent limits listed in Permit Parts 4.2 and 4.3. The selection, design, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. Regulated storm water discharges from the facility include storm water run-on that commingles with storm water discharges associated with industrial activity at the facility. If operators find their control measures are not reducing pollutant discharges adequately, the control measures must be modified as expeditiously as practicable.

4.4.2 Non-Numeric Technology-Based Effluent Limits

This permit requires permittees to comply with non-numeric technology-based effluent limits (found in Permit Parts 4.2 and 11) by implementing control measures. The achievement of these non-numeric limits will result in the reduction or elimination of pollutants from the operator's storm water discharge. Such limits constitute this permit's technology-based limits, expressed narratively per 40 CFR 122.44(k), and are developed using best professional judgment (BPJ).

DEC notes that this permit uses the term "control measures" more often than "best management practices" and "BMPs". This change was adopted to better describe the range of pollutant reduction practices that may be employed, whether they are structural, non-structural or procedural. In addition, the definition of "control measures" in Appendix C of this permit includes both BMPs and "other methods" used to prevent or reduce the discharge of pollutants to receiving waters. The greater breadth of meaning for control measures vis-à-vis BMPs is why DEC uses this term in Permit Part 2.1.4, and throughout the permit.

The permit requires the operator to achieve all of the non-numeric effluent limits delineated in Permit Part 4.2. The following is a summary of the permit's non-numeric technology-based effluent limits.

Minimize Exposure to Storm Water. To the extent technologically available and economically practicable and achievable, locate industrial materials and activities inside or protect them with storm-resistant coverings: this is one of the most important control options. Minimizing exposure prevents pollutants from coming into contact with precipitation and can reduce the need for control measures to treat or otherwise reduce pollutants in storm water runoff. Examples include covering materials or activities with temporary structures (e.g., tarps) when wet weather is expected or moving materials or activities to existing or new permanent structures (e.g., buildings, silos, sheds). Even the simple practice of keeping a dumpster lid closed can be very effective. While the permit requires consideration of exposure minimization, DEC does not recommend significantly increasing impervious surfaces to achieve it.

In minimizing exposure, the permittee should pay particular attention to manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, and cleaning, maintenance, and fueling operations).

Good Housekeeping. Keep all exposed areas that are potential pollutant sources clean. Good housekeeping is an inexpensive way to maintain a clean and orderly facility and keep contaminants out of storm water discharges. Often the most effective first step towards preventing pollution in storm water from industrial sites simply involves using common sense to improve the facility's basic housekeeping methods. Poor housekeeping can result in more storm water running off a site than necessary and an increased potential for storm water related contamination. A clean and orderly work area reduces the possibility of accidental spills caused by mishandling of chemicals and equipment. Well-maintained material and chemical storage areas will reduce the possibility of storm water mixing with pollutants.

There are some simple procedures a facility can use to meet the good housekeeping effluent limit, including improved operation and maintenance of industrial machinery and processes, improved

materials storage practices, better materials inventory controls, more frequent and regular clean-up schedules, maintaining well organized work areas, and education programs for employees about all of these practices.

Examples of control measures that a permittee may implement to meet the good housekeeping effluent limit include: containerizing materials appropriately, storing chemicals neatly and orderly; maintaining packaging in good condition; promptly cleaning up spilled liquids; sweeping, vacuuming or other cleanup of dry chemicals and wastes to prevent them from reaching receiving waters, and using designated storage areas for containers or drums to keep them from protruding where they can be ruptured or spilled. Proper storage techniques can include:

- Providing adequate aisle space to facilitate material transfer and easy access for inspections;
- Storing containers, drums, and bags away from direct traffic routes to prevent accidental spills;
- Stacking containers according to manufacturers' instructions to avoid damaging the containers from improper weight distribution;
- Storing containers on pallets or similar devices to prevent corrosion of the containers, which can result when containers come in contact with moisture on the ground; and
- Assigning the responsibility of hazardous material inventory to a limited number of people who are trained to handle hazardous materials.

Maintenance. Regularly inspect, test, maintain and repair or replace all industrial equipment and systems to prevent releases of pollutants to storm water. Maintain all control measures in effective operating condition. Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel trained).

Most facilities will already have preventive maintenance programs (PMPs) that provide some environmental protection. Preventive maintenance involves regular inspection and testing of equipment and operational systems to uncover conditions such as cracks or slow leaks that could cause breakdowns or failures that result in discharges of pollutants to storm sewers and surface water. To prevent breakdowns and failures, operators should adjust, repair, or replace equipment.

As part of a typical PMP, operators must include regular inspection and maintenance of storm water management devices and other equipment and systems. Operators should identify the devices, equipment and systems that will be inspected; provide a schedule for inspections and tests; and address appropriate adjustment, cleaning, repair or replacement of devices, equipment and systems. For storm water management devices such as catch basins and oil-water separators, PMPs should include the periodic removal of debris to ensure that the devices are operating efficiently. For other equipment and systems, there should be procedures to reveal and correct conditions that could cause breakdowns or failures that may result in the release of pollutants.

The PMP should include a suitable records system for scheduling tests and inspections, recording test results and facilitating corrective action. The program should be developed by qualified plant personnel who evaluate the existing plant and recommend changes as necessary to protect water quality.

Spill Prevention and Response Procedures. Minimize the potential for leaks, spills and other releases, which are major sources of storm water pollution, to be exposed to storm water. The purpose of this effluent limit is not only to prevent spills and leaks but, in the event one does occur, to limit environmental damage via development of spill prevention and response procedures. Operators should identify potential spill areas and keep an inventory of materials handled, used, and disposed of. Based on an assessment of possible spill scenarios, permittees must specify appropriate material handling procedures, storage requirements, containment or diversion equipment, and spill cleanup procedures that will minimize the potential for spills and, in the event of a spill, ensure proper and timely response.

Areas and activities that typically pose a high risk for spills include loading and unloading areas, storage areas, process activities, and waste disposal activities. These activities and areas, and their accompanying drainage points, must be addressed in the procedures. For a spill prevention and response program to be effective, employees should clearly understand the proper procedures and requirements and have the equipment necessary to respond to spills.

The following are suggestions to incorporate into spill prevention and response procedures:

- Install leak detection devices, overflow controls and diversion berms;
- Perform visual inspections and identify signs of wear;
- Perform preventive maintenance on storage tanks, valves, pumps, pipes and other equipment;
- Use filling procedures for tanks and other equipment that minimize spills;
- Use material transfer procedures that reduce the chance of leaks or spills;
- Substitute less toxic materials;
- Ensure that clean-up materials are available where and when needed;
- Ensure appropriate security; and
- Notify emergency response agencies where necessary (as specified in Permit Part 4.2.4.4).

In the event of a spill, it is important that the facility have clear, concise, step-by-step instructions for responding to spills. The approach will depend on the specific conditions at the facility such as size, number of employees and the spill potential of the site.

Erosion and Sediment Controls. Stabilize and contain runoff from exposed areas to minimize onsite erosion and sediment creation, and the accompanying discharge of pollutants (other pollutants can bind to soil and other particles and be discharged along with the sediment).

There may be exposed areas of industrial sites that, due to construction activities, steep slopes, sandy soils or other factors, are prone to soil erosion. Construction activities typically remove grass and other protective ground covers resulting in the exposure of underlying soil to wind and rain. Similarly, steep slopes or sandy soils may not be able to hold plant life so that soils are exposed. Because the soil surface is unprotected, dirt and sand particles are easily picked up by wind or washed away by rain. This erosion process can be controlled or prevented through the use of certain control measures.

To meet this limit, operators must select, design, install, and implement controls to address the on-site exposed areas prone to soil erosion. Erosion control practices such as seeding, mulching and sodding prevent soil from becoming dislodged and should be considered first. Sediment control practices such as silt fences, sediment ponds, and stabilized entrances trap sediment after it has eroded. Sediment control practices, such as flow velocity dissipaters and sediment catchers, should be used to back-up erosion control practices. In addition, to further minimize hazards to fish and wildlife, temporary erosion and sediment control products should be promptly removed when they are no longer required before their removal becomes too difficult, potentially damaging new vegetation.

USFWS has previously recommended to the extent practical, avoiding the use of erosion and sediment control materials that contain plastic. Prior to degradation plastic materials, especially mesh netting found in erosion control mats, can entangle wildlife, including amphibians, birds, small mammals, and fish. These materials also contribute to plastic debris pollution ranging from large sections of dislodged netting to small bits of plastic fragments entering the environment and posing secondary hazards to fish and wildlife. USFWS recommends using temporary erosion and sediment control products that are either free of plastic netting, or that contain netting manufactured from 100% biodegradable non-plastic materials such as jute, sisal, or coir fiber. Degradable, photodegradable, UV-degradable, oxo-degradable, or oxo-biodegradable plastic netting (including polypropylene, nylon, polyethylene, polyester, poly-jute, etc.) are not recommended alternatives as all these materials contain plastics, which eventually degrade into small fragments that can be ingested by fish and wildlife. If netting is used, it should have a loose-weave, wildlife-safe design with movable joints between the horizontal and vertical twines, allowing the twines to move independently and thus reducing the potential for wildlife entanglement. Please refer to the following link for more information: https://documents.coastal.ca.gov/assets/water-quality/permits/Wildlife-Friendly_Netting_in_Erosion_&_Sediment_Control-Factsheet_r5_Sept_2016.pdf.

Management of Runoff. Operators must divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff to minimize pollutants in the discharge. Employ practices that direct the flow of storm water away from areas of exposed materials or pollutant sources. Such practices can also be used to divert runoff that contains pollutants to natural areas or other types of treatment locations.

To meet this effluent limit, operators may consider vegetative swales, collection and reuse of storm water, inlet controls, snow management, infiltration devices, and wet detention/retention basins. If infiltration is a selected control, permittees should pay special attention to the fact that storm water infiltration control measures that meet the definition of a Class V Injection Well could be subject to the Underground Injection Control (UIC) Regulations.

Salt Storage Piles or Pile Containing Salt. Enclose or cover piles of salt or piles containing salt used for deicing or other industrial purposes. Implement appropriate measures to minimize the exposure of the piles during the adding to or removing from processes.

Options for meeting the salt pile effluent limit include covering the piles or eliminating the discharge from such areas of the facility. Preventing exposure of piles to storm water or run-on also eliminates the economic loss from materials being dissolved and washed away. A permanent under-roof storage

facility is the best way to protect chemicals from precipitation and runoff, but where this is not possible, salt piles can be located on impermeable bituminous pads and covered with a waterproof cover.

Sector-Specific Technology-Based Effluent Limits. Achieve any additional non-numeric limits stipulated in the relevant sector-specific controls in Permit Part 11.

Employee Training. Operators must train all employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit.

Employee training programs should thoroughly educate members of the Storm Water Pollution Prevention Team (see Permit Part 5.2.2) on their roles in implementing the control measures employed to meet the limits in the permit. Training should address the processes and materials on the plant site, good housekeeping practices for preventing discharges, and procedures for responding properly and rapidly to spills or other incidents. The training program should also address other requirements in the permit such as inspections and record-keeping.

Training sessions should be conducted at least annually to assure adequate understanding of the objectives of the control measures and the individual responsibilities of each employee. More frequent training may be necessary at facilities with high employee turnover or where storm water programs are involved or multi-faceted. Often, training could be a part of routine employee meetings for safety or fire protection. Where appropriate, contractor personnel also must be trained in relevant aspects of storm water pollution prevention.

Training sessions should review all aspects of the control measures and associated procedures. Facilities should conduct spill or incidence drills on a regular basis which can serve to evaluate the employee's knowledge of the control measures and spill procedures and are a fundamental part of employee training. Such meetings should highlight previous spill events or failures, malfunctioning equipment and new or modified control measures.

Non-Storm Water Discharges. Eliminate non-storm water discharges that are not authorized by an APDES permit. This limit is intended to reinforce the fact that, with the exception of the allowable non-storm water discharges listed in Permit Part 1.2.3, non-storm water discharges are ineligible for coverage. Operators needing help in finding and eliminating unauthorized discharges may find the following guidance helpful: *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments*, Chapters 7, 8, 9 at: https://www.epa.gov/sites/default/files/2015-11/documents/idde_manualwithappendices.pdf.

Waste, Garbage, and Floatable Debris. Operators must ensure that waste, garbage, and floatable debris are not discharged to receiving waters. Trash and floating debris in waterways have become significant pollutants, especially near areas where a large volume of trash can be generated in a concentrated area. Trash can cause physical impairments in water bodies to aquatic species and birds and is also visual pollution and detracts from the aesthetic qualities of receiving waters.

This effluent limit can be met through the implementation of a variety of control measures. For instance, to prevent garbage from being carried in runoff to receiving waters, there are essentially two methods of control: source control and structural control. Source control includes personnel education, improved

infrastructure, and cleanup campaigns. Education, such as informing employees about options for recycling and waste disposal and about the consequences of littering, is one of the best ways. Another topic that should be emphasized is proper trash storage and disposal. Improved infrastructure can include optimizing the location, number, and size of trash receptacles, recycling bins, and cigarette butt receptacles based on expected need. Clean-up campaigns are an effective way to reduce trash. Facilities should determine whether the number and placement of receptacles are adequate and if regular maintenance activities (e.g., sweeping, receptacle servicing) are preventing litter from entering receiving waters. Structural controls include physical filtering structures and continuous deflection separation. Filtering structures concentrate diffuse, floating debris and prevent it from traveling downstream. Some examples are trash racks, mesh nets, bar screens and trash booms. Continuous deflection separation targets trash from storm flows during and after heavy precipitation.

Dust Generation and Vehicle Tracking of Industrial Materials. Operators must minimize generation of dust and off-site tracking of raw, final, or waste materials. Dust control practices can reduce the activities and air movement that cause dust to be generated. Control measures to minimize the generation of dust include:

- ***Vegetative Cover***. In areas not expected to handle vehicle traffic, vegetative stabilization of disturbed soil is often desirable. By establishing a vegetative cover, exposed soil is stabilized and wind velocity at ground level can be reduced, thus reducing the potential for dust to become airborne.
- ***Mulch***. Mulching can be a quick and effective means of dust control for a recently disturbed area.
- ***Wind Breaks***. Wind breaks are barriers (either natural or constructed) that reduce wind velocity through a site which then reduces the possibility of suspended particles. Wind breaks can be trees or shrubs left in place during site clearing or constructed barriers such as a wind fence, snow fence, tarp curtain, hay bale, crate wall, or sediment wall.
- ***Stone***. Stone can be an effective dust deterrent in areas where vegetation cannot be established.
- ***Spray-on Chemical Soil Treatments (Palliatives)***. Examples of chemical adhesives include anionic asphalt emulsion, latex emulsion, resin-water emulsions, and calcium chloride. Chemical palliatives should be used only on mineral soils. When considering chemical application to suppress dust, determine whether the chemical is biodegradable or water-soluble and what effect its application could have on the surrounding environment, including water bodies and wildlife.
- ***Vehicle Trackout***. To reduce vehicle tracking of materials, the operator should keep stored or spilled materials away from all roads within the site. Specific measures such as setting up a wash site or separate pad to clean vehicles prior to their leaving the site may be effective as well.

4.4.3 Numeric Effluent Limitations Based on Effluent Limitations Guidelines

This requirement holds permittees responsible for complying with any applicable Federal effluent limitation guidelines eligible and authorized for coverage under this permit. Table 4-1 in the permit describes where the limits can be found.

4.4.4 Plan Approval for Nondomestic Wastewater Treatment Works

The Part 4.4 review of nondomestic wastewater treatment review only applies to treatment systems not covered by SMCRA regulations or not covered by a separate APDES Permit, so there is no duplication of review requirements.

4.5 Storm Water Pollution Prevention Plan

4.5.1 Storm Water Pollution Prevention Plan

The operation-specific SWPPP must contain the following sections: storm water pollution prevention team; site description; summary of potential pollutant sources; description of control measures; schedules and procedures; and documentation to support eligibility considerations under other laws. The SWPPP must be signed in accordance with Appendix A, Section 1.12 of the permit.

4.5.2 Contents of the SWPPP

Permittee. Identify the permittee for the facility.

Pollution Prevention Team. Developing a SWPPP requires that a qualified individual or team of individuals be identified as responsible for developing and revising the facility's SWPPP. Additionally, this team is responsible for implementing and maintaining the control measures to meet effluent limits, and taking corrective action where necessary. Team members should be chosen for their expertise in the relevant departments at the facility to ensure that all aspects of facility operations are considered in developing the plan. The SWPPP must clearly describe the responsibilities of each team member to ensure that each aspect of the plan is addressed. DEC expects most permittees will have more than one individual on the team, except for small facilities with relatively simple plans and/or staff limitations. The permit requires that team members have ready access to all applicable portions of the SWPPP and the permit.

Identification of a storm water pollution prevention team ensures that appropriate persons (or positions) are identified as necessary for developing and implementing the plan. Inclusion of the team in the plan provides notice to facility staff and management (i.e., those responsible for signing and certifying the plan) of the responsibilities of certain key staff for following through on compliance with the permit's conditions and limits.

Site Description. The SWPPP must describe industrial activities, materials, and physical features of the facility that may contribute significant amounts of pollutants to storm water runoff or, during periods of dry weather, result in pollutant discharges through the municipal separate storm sewers or storm water drainage systems that drain the facility. The SWPPP must also contain both a general location map of the site that shows the location of the facility in relationship to receiving waters and other geographical features, and a more detailed site map that contains information on facility/site characteristics that affect storm water runoff quality and quantity. See 5.2.3.3 of the permit for complete Site Map requirements. For areas of the facility that generate storm water discharges with a reasonable potential to contain significant amounts of pollutants, the map must indicate the probable direction of storm water flow and the pollutants likely to be in the discharge. Flows with a significant potential to cause soil erosion also must be identified. The site map must also include locations of: existing structural control measures;

receiving waters; storm water conveyances, inlets and outfalls; potential pollutant sources; past significant spills or leaks; storm water monitoring points; municipal separate storm sewer systems; and locations and sources of run-on to the permittee's site (see permit for complete list of required items). To improve readability of the map, some detailed information may be kept as an attachment to the site map and pictures may be included as deemed appropriate. A detailed site description assists permittees in subsequent efforts to identify and set priorities for the selection, design, and implementation of measures taken to meet effluent limits and in identifying necessary changes in materials, materials management practices, or site features.

Summary of Potential Pollutant Sources. This permit requires permittees to identify potential sources of pollutants in storm water resulting from exposure of industrial activities to storm water. In addition, permittees must document in their SWPPP any authorized non-storm water discharges that are released. The permit and the APDES regulations at 40 CFR 122.26(b)(14) define "storm water discharges associated with industrial activities" to include, but not be limited to: storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. The term "storm water discharges associated with industrial activity" excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas.

Additionally, the term "material handling activities" is defined in the permit to include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product.

Part 5.2.4 of the permit is only applicable to those parts of the site for which the permittee is covered under the permit. For example, a site that discharges storm water to an area of the site covered by a different APDES permit, is not required to identify the specific activities occurring in that area. DEC does expect permittees to clearly identify those areas of the site and describe why they do not require coverage under this permit.

When identifying potential pollutant sources at the site, permittees must consider industrial storm water from the following sources: activities in the area; pollutants; spills and leaks; non-storm water discharges; salt storage; and sampling data.

Description of Control Measures. A permittee must describe in its SWPPP the control measures it has implemented at its site to achieve each of the effluent limits in Permit Parts 4.1, 4.2, and 4.3, and to address any storm water run-on that commingles with discharges covered under the permit. The description of the control measures implemented to meet the effluent limits must include a brief explanation of the measures implemented at the site, including how the Permit Part 4.1.1 selection and

design considerations were followed. The description in the SWPPP must describe how the operator specifically plans to meet the applicable technology-based or water quality-based effluent limits.

Schedules and Procedures. The permit identifies specific information that must be documented in the SWPPP. DEC emphasizes that ALL control measures implemented to meet the Permit Part 4 limits must be documented in the SWPPP. In addition to the description to the on-the-ground control measures implemented to meet the effluent limits, the permit requires certain schedules and procedures to be documented in the SWPPP.

The permit requires permittees to document in the SWPPP monitoring and inspection procedures that will be followed. For monitoring activities, the permittee must document in the SWPPP information such as locations where samples are to be collected, person(s) or position(s) responsible for collecting those samples, the frequency of sampling and the parameters to be sampled, applicable control values at each sample location, and procedures that will be followed to gather storm event data.

If a permittee chooses to use the substantially identical outfall exception in Permit Part 6.2 for quarterly visual assessments or Permit Part 7.2 for benchmark monitoring, he/she is required to describe in the SWPPP: the locations of each of these outfalls, the general industrial activities conducted in the drainage area of each outfall, the control measures being implemented for each outfall, the exposed materials that are likely to be a significant contributor of pollutants to the storm water discharge, an estimate of the runoff coefficient of the drainage area, and why the outfalls are expected to discharge substantially identical effluents.

Runoff coefficients can be found in Table 3-2 of the Alaska Storm Water Guide located on DEC's Storm Water Website https://dec.alaska.gov/water/wastewater/stormwater/resources/guidance/.

For inspection activities, permittees must document procedures for performing the three types of inspections specified in the permit, namely, routine facility inspections (Permit Part 6.1), quarterly visual assessments (Permit Part 6.2), and Comprehensive Site Inspections (Permit Part 6.3). For each of these types of inspections, the SWPPP must include information such as person(s) or position(s) performing inspections, the inspection schedule, and specific items to be covered by the inspection.

DEC is requiring these documentation provisions to help ensure that appropriate monitoring and inspection procedures consistent with permit requirements are implemented. DEC believes documenting these activities will help to improve facility compliance with the requirements.

Signature Requirements. The permittee must sign and date the SWPPP in accordance with Permit Appendix A Subsection 1.12, including the date of the signature.

4.5.3 Inspections

The permit requires that the SWPPP document the procedures for performing facility inspections and include copies of the inspection reports.

4.5.4 Monitoring

The permit requires that the SWPPP document the procedures for performing facility monitoring and include copies of the monitoring reports.

4.5.5 Documentation of Permit Eligibility Related to a Total Maximum Daily Load

The permit requires that the SWPPP include documentation supporting determination of permit eligibility with regards to waters that have an approved TMDL. See Permit Part 3.2 for additional information to determine eligibility related to a TMDL.

4.5.6 Maintaining and Updated SWPPP

The SWPPP must be reviewed at least once annually. If it is updated or modified due to any of the trigger conditions, that satisfies this requirement for that year. This permit requires that the SWPPP be updated whenever any of the triggering conditions for corrective action in Permit Part 8.1 occur, or when a review following the triggering conditions in Permit Part 8.2 indicates that changes to the permittee's control measures are necessary to meet the effluent limits in this permit. The permit requires that the SWPPP be signed and dated by an authorized representative each time it is modified. Changes to the SWPPP must be made in accordance with Permit Part 5.6.

It is important to note that failure to update the SWPPP in accordance with Permit Part 5.6 is a recordkeeping violation, not a violation of an effluent limit. For example, if the permittee changes its maintenance procedures, but fails to update its SWPPP to reflect these changes, a recordkeeping violation will result. The permittee must revise its SWPPP to reflect the new maintenance procedures and include documentation of the corrective action (in accordance with Part 8) to return to full compliance.

4.5.7 SWPPP Availability

This permit requires that a copy of the SWPPP be kept at the facility and be immediately available to representatives of DEC, EPA, or a local storm water agency (e.g., MS4 operator), at the time of an on-site inspection or upon request. Permit Part 5.7 indicates that DEC may provide access to portions of the SWPPP to a member of the public upon request. Confidential Business Information (CBI) may be withheld from the public but may not be withheld from DEC or EPA. The purpose of Part 5.7 is to require permittees to retain copies of their SWPPP on site, and to make the document available to DEC or EPA immediately upon request. If a member of the public wishes to have access to the non-CBI portions of the permittee's SWPPP, they must first contact DEC. DEC may require that a copy be sent to the Agency so that it can be provided to the requestor. The mechanism for providing DEC with a copy of the SWPPP is at the discretion of the permittee (e.g., web-based, hard copy), though DEC strongly encourages that SWPPPs be provided electronically. For Sector J facilities, the SWPPP can be either kept on-site if there is an office, or at the permittee's office.

Copies of the SWPPP, inspections, or supporting documentation must be on-site and available for DEC inspectors to review. The permit does not exclude electronic copies. In fact, electronic storage of documents can be used as long as they are accessible when a DEC inspector conducts an on-site inspection. In other words, the documents must be available at the facility (either paper or electronically). The MSGP allows for permittees to use electronic storage and describes four conditions (5.7.1-5.7.4) that must be met to allow this alternative method of SWPPP availability.

4.5.8 Additional Documentation Requirements

DEC requires documentation of various implementation activities, such as reports of routine facility inspections and descriptions of corrective actions, after facilities are authorized to discharge (see Section 5.8). This documentation is useful both for facility personnel and DEC inspectors to assess overall performance of the control measures selected to meet the technology-based and water quality-based effluent limits in the permit.

4.5.9 Record Retention Requirements

Permittees must retain copies of the SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 5.8 (including documentation related to any corrective actions or responses taken pursuant to Part 8), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least three years from the date that your coverage under this permit expires or is terminated.

4.6 Inspections

4.6.1 Routine Facility Inspections

Permittees are required to conduct routine inspections, at least quarterly, of all areas of the facility where industrial materials or activities are exposed to storm water, including the perimeter of authorized area as defined in Site Map, and of all storm water control measures used to comply with the effluent limits required by the MSGP. Qualified personnel must conduct the routine facility inspections with at least one member of the Pollution Prevention Team participating either in-person or virtually via videocall. One person can fulfill both roles – being a qualified person and a member of the pollution prevention team. Because some equipment, processes, and procedures may require more frequent inspections, the relevant inspection schedules must be documented in the SWPPP. For example, inspection of outdoor areas associated with regular industrial activity may require more frequent inspections to ensure that the site is swept, garbage picked up, drips and spills cleaned, etc., on a regular basis.

Permit Part 6.1 of the MSGP elaborates on the specific information to be documented for each routine inspection. Most importantly, this documentation must include when the inspection took place, who conducted the inspection, and any indication that controls may not be adequate or are not functioning properly. The findings of these routine inspections must be maintained on-site with the SWPPP. It is clearly stated in Part 6.1.2 that the inspection form be signed and certified in accordance with Permit Appendix A Part 1.12. The permit allows the signatory identified in Appendix A, Subsection 1.12 to delegate responsibility to sign inspection reports to either a person or a position, such as pollution prevention team lead or the environmental manager. A copy of the delegation memo or letter must be included in the SWPPP.

Some industry sectors have more specific routine inspection requirements, which are described in more detail in Permit Part 11 for the relevant sectors.

At least once each calendar year, the routine facility inspection must be conducted during a period when a storm water discharge is occurring. As permittees are already required to perform visual monitoring,

benchmark monitoring, and effluent limitations monitoring during storm events, DEC does not believe this imposes significant additional burden on permittees. Rather, DEC maintains this permit requirement is a potentially important tool for the permittee to be able to better identify sources of pollutants discharged in storm water runoff from the facility and to actively observe the effectiveness of control measures.

4.6.2 Quarterly Visual Assessment of Storm Water Discharges

This permit retains the requirement from the four previous MSGPs to conduct quarterly visual examinations of storm water discharges. All industrial sectors covered by this permit are required to conduct these examinations. To ensure that all inspection and assessment requirements were described in the same part of the permit, DEC retains the requirement to conduct quarterly visual assessments from the monitoring section of the permit in Permit Part 6.2 addressing inspections.

This permit requires that grab samples of storm water discharges be taken and examined visually for the presence of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. No analytical tests are required to be performed on these samples. The grab samples must be taken within the first 30 minutes or as soon as practicable after the occurrence of an actual discharge from the site (including documentation of why sampling was not practicable within the first 30 minutes). The trigger for visual monitoring is the precipitation event that causes an actual discharge to occur. The permit includes conditions specific to the monitoring of snowmelt. The 2025 MSGP requires that at least one of the quarterly samples be collected from snowmelt in areas subject to snow (see 6.2.2.3). For practical purposes, the permit does not require that these snowmelt samples be collected within the first 30 minutes of discharge as is the case for samples collected during rain events.

The storm/snowmelt event must create an actual discharge from the site (“measurable storm event”). This storm event will vary based on numerous factors at the facility, the most obvious being the actual size and duration of the storm event. However, the amount of impervious surface at the facility will impact this as well. If the facility is covered mostly by grass or another type of vegetation with only a small amount of paved surfaces or roofs, it will take a larger storm to create a discharge from the site than it would at a facility that is entirely paved. Another factor affecting whether and how frequently there will be a measurable storm event will be how frequently rain occurs at the facility and the size of the most recent storms. Saturated soil will generate a storm water discharge more quickly than dry soil; however, very dry soil can also become compacted and become nearly impervious to rain, thereby converting precipitation to runoff quickly as well. Each facility will need to pay attention to the facility’s particular characteristics to develop an understanding of what type of rain events or snowmelt results in a discharge.

Permittees must document the results of their visual assessments in a report that includes the sample location, date and time, personnel collecting the sample and performing visual assessments, results of the observations, and probable sources of any observed storm water contamination (see 6.2.1.3). The visual examination reports must be maintained with the SWPPP. The inspection form has to be signed and certified according to Permit Appendix A Part 1.12 as is clearly stated in MSGP Permit Part 6.2.2.

When conducting a storm water visual examination, the pollution prevention team, or individual team member, should attempt to relate the results of the examination to potential sources of storm water contamination on the site. For example, should an oil sheen be observed, facility personnel (preferably members of the pollution prevention team) should conduct an inspection of the area of the site draining to the examined discharge to look for obvious sources of spilled oil, leaks, etc. If a source can be located, then this information would allow the facility operator to immediately conduct a clean-up of the pollutant source, and/or to revise control measures to minimize the contaminant source.

The permit includes exceptions to these requirements in order to account for circumstances during which conducting quarterly visual assessments may not be infeasible, namely during adverse (e.g., dangerous) weather conditions, or in parts of the state subject to climates with irregular storm water runoff or to large amounts of snowfall (see 6.2.2). Where these types of conditions prevent a facility from performing these assessments quarterly, permittees have the ability to modify their assessment schedule such that the four assessments are conducted over the course of the year during periods when discharges, be it from rain or snow, actually occur and can be safely observed.

Operators of inactive and unstaffed sites may invoke a visual monitoring exception if they eliminate all exposure of industrial activities and materials to storm water, and document this in the SWPPP. This waiver is available to all sectors covered under this permit. In addition, inactive and unstaffed mines covered under Sectors G, H, and J are eligible for this waiver even if all exposure has not been eliminated, due to the unique issues affecting such facilities, such as the remoteness of many mining sites. Facilities that make use of this waiver must still implement any necessary control measures and comply with other applicable permit requirements. Inactive and unstaffed sites must still conduct annual inspections.

Operators with two or more essentially identical outfalls may also elect to conduct a visual assessment at just one of these outfalls each quarter but must perform their quarterly assessments on a rotating basis to ensure that each substantially identical outfall is periodically observed throughout the period of permit coverage. If storm water contamination is identified through visual monitoring performed at a substantially identical outfall, the operator must assess and modify his/her control measures as appropriate for each outfall represented by the monitored outfall. This approach ensures that operators will assess discharges from the entire site over the term of the permit and will address any identified problems at all substantially identical outfalls where the problem may be occurring.

4.6.3 Comprehensive Site Inspections

This permit requires that permittees conduct comprehensive site inspections at least once a year for the entire permit term. Since facilities will obtain coverage at different times over the course of the permit, DEC added clarifying language identifying the inspection periods for the duration of the permit, based on the issuance date of the permit, including language clarifying that should the permit be administratively extended (i.e., DEC fails to reissue the general permit on-time), these inspection requirements continue to apply. Also, the permit provides a one-time waiver for facilities that obtain permit coverage less than three months before the end of one of these inspection periods to allow new permittees more time to fully assess the adequacy of their storm water control measures.

Comprehensive site inspections may be conducted simultaneously with other site inspections (such as with the routine facility inspection described in Permit Part 6.1), provided the scope is sufficient to address the minimum requirements of the comprehensive site inspection. Qualified personnel must conduct inspections, and the inspection team must include at least one member of the stormwater pollution prevention team. Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at the facility, and who can also evaluate the effectiveness of controls selected. Permittees may hire outside contractors to perform these inspections; however, signature and certification of inspection reports must be by a duly authorized representative of the facility, as defined in Permit Appendix A Subsection 1.12.

Note that the comprehensive site inspections are not the same as routine facility inspections. Routine facility inspections (Permit Part 6.1) are required more frequently and are meant to be less formal evaluations of the facility's exposed industrial activities so that permittees have a mechanism for ensuring that problems are not developing. Comprehensive site inspections, as the term implies, include a much more in-depth review of the site and all operations, as they relate to storm water management and the requirements of this permit.

The comprehensive site inspection must cover all areas of the facility affected by the requirements in the permit including areas where industrial materials or activities are exposed to storm water, storm water control measures used to comply with the effluent limits, and areas where any leaks, spills, or other accidental discharge may have occurred in the past three years. The comprehensive site inspection is to be submitted to DEC with the Annual Report. The Annual Report Form focuses on assessments at each outfall and the areas of the facility that may contribute storm water discharges associated with industrial activity to that outfall. The permit identifies the specific activities that may occur at the facility that are to be inspected. Also, the comprehensive site inspection must include observation of storm water control measures used to meet permit requirements to assess the adequacy of these control measures, including any measures in need of maintenance, repair, or replacement or where additional controls are needed.

The results of each comprehensive site inspection must be documented in a report signed and certified by an authorized company official in accordance with Appendix A Subsection 1.12 of the permit. In addition to documenting findings of the assessment and observations described above, the report must also include basic inspection information (e.g., inspectors, date, and APDES permit number), must certify if the facility is in compliance with the permit, and must describe any corrective action initiated or completed during the reporting period or required as a result of the inspection. Monitoring Procedures

This permit requires certain permittees to sample and analyze their storm water discharges as a way to assess the effectiveness of control measures in meeting the effluent limitations. Analytical monitoring is a means by which to measure the concentration of a pollutant in a storm water discharge. Analytical results are quantitative and therefore can be used to compare discharge results and to quantify the effectiveness of storm water control measures, including identifying pollutants that are not being successfully controlled. Permit Part 7.1 of the permit identifies procedures for collecting samples and identifies where to sample, when to sample, and what to sample. These requirements are similar to those in the 2020 MSGP. These requirements are in addition to the standard permit conditions described in Permit Appendix A, Subsection 3.0.

Monitored Outfalls. The monitoring requirements in the permit apply to each outfall discharging storm water associated with industrial activity, unless the permittee qualifies for the substantially identical outfalls exemption as described in this section. To be considered substantially identical, outfalls must have generally similar industrial activities, control measures, exposed materials that may significantly contribute pollutants to storm water, and runoff coefficients of their drainage areas. When a permittee believes its facility has two or more outfalls that qualify as substantially identical, the permittee may monitor one of these outfalls and report that the quantitative data also apply to the other substantially identical outfalls. The permittee must also document the location of each of the outfalls and explain why the outfalls are expected to discharge substantially identical effluent, addressing each of the factors to be considered in this determination (industrial activities, control measures, exposed materials, and runoff coefficients). Permittees do not need advance DEC approval for this determination, however, DEC may subsequently determine that outfalls are not substantially identical and require sampling of additional outfalls. DEC clarifies in Permit Part 7.1.1 that the allowance for monitoring only one of the substantially identical outfalls is not applicable to any outfalls with the numeric effluent limitations. The permittee is required to monitor each outfall covered by a numeric effluent limit as identified in Permit Part 7.2.2. This substantially identical outfall provision provides facilities that have multiple storm water outfalls with a means to reduce the number of outfalls that must be sampled and analyzed while still providing monitoring data that are indicative of discharges from each outfall. This may result in a substantial reduction of the resources required for a facility to comply with analytical monitoring requirements.

Commingled Discharges. If storm water discharges associated with industrial activity commingle with discharges not authorized by this permit (e.g., unregulated storm water or other permitted wastewater), then permittees must sample the storm water discharge before it mixes with the other discharges when practicable. The commingled discharge provision is intended to ensure that monitoring results are representative of discharges covered under this permit and not indicative of other discharges from the site. DEC acknowledges that in certain instances, such as when authorized discharges are commingled with other waste streams prior to on-site treatment, sampling only authorized waste streams may be infeasible.

Measurable Storm Events. This permit specifies the characteristics of a measurable storm event as an event that results in a discharge from the permitted facility. This permit retains the same requirements as the 2020 MSGP regarding the interval between qualified rain events and does not include a requirement for a specific storm magnitude (i.e., 0.1 inches or greater). Samples must be collected from the discharge resulting from a storm event that occurs at least 72 hours (3 days) after a previous measurable storm event. The 72-hour (3-day) requirement may be waived by the permittee where the permittee documents that less than a 72-hour (3-day) interval is representative for local storm events during the season when sampling is being conducted. This permit includes a provision that allows for sampling of snowmelt in addition to storm water runoff. The 72-hour (3-day) requirement does not apply to snowmelt as the actual discharge is not clearly tied to a specific snow event (i.e., may be the accumulation from multiple events). The permit also specifies the type of documentation required to show consistency with this requirement.

The measurable storm event provision in the permit requires only that a storm event results in a discharge from the permitted facility, and that it follows a period of greater than or equal to 72-hours (3-days) when no storm water discharge occurred. The 72-hour (3-day) period is included in an attempt to eliminate monitoring discharges soon after a previous storm event washed away residual pollutants. By defining a storm event as one that results in discharge, rather than prescribing a minimum magnitude, affords the permittee flexibility to sample during any storm event that produces a discharge, rather than having to ensure that minimum magnitude is reached. The purpose of defining the measurable event is to capture and characterize actual storm water discharge. The provision also provides flexibility to address snowmelt discharges when they occur, rather than based on when the storm producing the snowfall occurred.

Sample Type. The permit specifies that a minimum of one grab sample must be taken from the measurable storm event being monitored. The grab sample must be taken during the first 30 minutes of the discharge, except for snowmelt monitoring which has no 30 minute requirement. If more than one grab sample or a composite sample is collected, only those samples collected during the first 30 minutes of discharge are to be used for performing any necessary analyses. If the collection of a grab sample during the first 30 minutes is impractical, a grab sample can be taken during the first hour of the discharge, but the permittee must document and keep with the SWPPP an explanation of why a grab sample during the first 30 minutes was impractical.

DEC is requiring a sample during the first 30 minutes to account for any first flush effects that may result from a precipitation event. The highest pollutant concentrations generally occur during these first flush events. The first 30 minutes of the discharge is also the time when receiving stream flows are the lowest during wet weather events and thereby presents the greatest potential pollutant impacts to aquatic species.

The 2020 MSGP added an exemption from the 30 minute requirement for facilities covered by Subpart 11.G, 11.H, and 11.J. This is in recognition these are generally large facilities, and it is not possible to sample all monitoring sites within 30 minutes.

This permit identifies the type of samples and when these samples are to be collected. This will allow facilities to make accurate comparisons of monitoring results to the corresponding benchmark or effluent limitations to determine whether additional action may be needed to reduce concentrations of pollutants detected in storm water discharges. Grab samples of discharges resulting from snowmelt that have been exposed to industrial activities, materials storage, or materials handling areas are to be collected from each outfall for characterization, but they do not have to be collected within 30 minutes of discharge since (1) runoff typically does not occur during a snow event (2) collecting a snowmelt sample within 30 minutes of commencement of discharge is impractical, and (3) the “first flush” effects of snowmelt are not as well defined.

Adverse Weather Conditions. When adverse weather conditions make sampling dangerous, storm event monitoring may be postponed until the next runoff event. This provision applies to serious weather conditions such as: lightning, flash flooding, and high winds. This provision should not be used as an excuse for not conducting sampling under conditions associated with more typical storm events. Adverse weather conditions do not exempt the permittee from having to file a benchmark monitoring

report in accordance with the corresponding reporting period. In many cases, sampling during a subsequent non-hazardous storm event may still be possible during the reporting period. Where this is not possible, permittees are still required to report the inability to monitor indicating the basis for not sampling during the reporting period. This provision applies to all monitoring requirements of this permit. As with the 2020 MSGP, this permit allows the permittee to postpone sampling under conditions immediately hazardous to the life and health of monitoring staff and offers examples of adverse conditions. If postponement is required, the permittee is afforded the flexibility to collect samples during the next qualifying storm event to ensure the safety of facility personnel.

Climates with Irregular Storm Water Runoff. This permit provides for development of alternative monitoring schedules for facilities located in arid and semi-arid climates, or in areas subject to snow or prolonged freezing. In this case, the permittee is responsible for identifying those periods during which discharges are most likely to occur and establish a schedule distributing the required monitoring events during those periods. Alternate monitoring schedules allow facilities the flexibility to allocate their resources effectively to capture the required number of storm water discharge events during the permit term. This flexibility will provide a more accurate characterization of pollutant concentrations in facility storm water discharges during times of the year when precipitation is actually occurring, and during snowmelt discharges in areas subject to extended winter seasons and prolonged freezing. This special exception should reduce the number of times permittees report that there was no discharge due to lack of precipitation during a particular quarter during the dry or extremely cold weather season, which in turn will provide DEC with more data, which can be used to evaluate facility pollutant levels, than in previous permit terms. The flexibility in the monitoring periods for climatic conditions and the revised definition of a measurable event (Permit Part 7.1.3) together are more readily adapted to capturing and characterizing storm water discharges and snowmelt events.

Monitoring Periods. Certain monitoring must be conducted quarterly (e.g., benchmark monitoring). For such monitoring, DEC is defining the permit quarters during which monitoring must occur and also describing when the first monitoring quarter is to commence based on the date of permit coverage. This section specifies that the monitoring requirements commence during the first full permit quarter following the effective date of the permit, or following the date of the authorization to discharge, whichever date comes later. Note that permittees in climates with irregular storm water runoff may define alternate monitoring periods, as described above, provided documentation of the revised schedule is kept with the SWPPP and the new schedule is provided to DEC on the first monitoring report.

Monitoring for Allowable Non-Storm Water Discharges. This provision clarifies that permittees are only required to monitor allowable non-storm water discharges when they are commingled with storm water discharges associated with industrial activity.

4.6.4 Required Monitoring

This permit contains four general types of monitoring requirement:

1. Quarterly benchmark monitoring;
2. Annual effluent limitations guidelines monitoring;
3. Discharges to impaired waters monitoring; and

4. Additional monitoring required by DEC.

Derivation of the Benchmark Levels. For the proposed 2025 MSGP, DEC has retained the same benchmark values from the 2020 MSGP. For a full discussion of DEC's approach for the derivation of the benchmarks, see the fact sheet for the EPA 1995 MSGP, EPA 2008 MSGP, and the proposed draft EPA 2013 MSGP, and the DEC 2020 MSGP.

The following table presents the proposed permit's benchmark values, and the source of those values.

Table 4-3: MSGP Benchmark Values and Sources

Pollutant		MSGP Benchmark	MSGP Source
Ammonia*		2.14 mg/L	14
Biochemical Oxygen Demand (5 day)		30 mg/L	4
Chemical Oxygen Demand		120 mg/L	5
Total Suspended Solids		100 mg/L	7
Turbidity		See Note a	9
Nitrate + Nitrite Nitrogen		0.68 mg/L	7
Total Phosphorus		2.0 mg/L	6
pH		6.5 – 8.5 s.u.	4
Aluminum (T) (pH 6.5 – 9)		0.75 mg/L	1
Antimony (T)		0.64 mg/L	12
Arsenic (T)	(Freshwater) (Saltwater)	0.15 mg/L 0.069 mg/L	3 15
Beryllium (T)		0.13 mg/L	2
Cadmium (T)	(Freshwater)† (Saltwater)	0.0021 mg/L 0.04 mg/L	1 15
Copper (T)*	(Freshwater)† (Saltwater)	0.014 mg/L 0.0048 mg/L	1 15
Cyanide	(Freshwater) (Saltwater)	0.022 mg/L 0.001 mg/L	1 15
Iron (T)		1.0 mg/L	3
Lead (T)*	(Freshwater)† (Saltwater)	0.082 mg/L 0.21 mg/L	3 15
Magnesium (T)		0.064 mg/L	8
Mercury (T)	(Freshwater) (Saltwater)	0.0014 mg/L 0.0018 mg/L	1 15
Nickel (T)	(Freshwater)† (Saltwater)	0.47 mg/L 0.074 mg/L	1 15
Selenium (T)*	(Freshwater) (Saltwater)	0.005 mg/L 0.29 mg/L	3 15
Silver (T)*	(Freshwater)† (Saltwater)	0.0038 mg/L 0.0019 mg/L	1 15
Zinc (T)	(Freshwater)† (Saltwater)	0.12 mg/L 0.09 mg/L	1 15

Notes:

(T) Total Recoverable

* New criteria are currently under development, but values are based on existing criteria.

† These pollutants are dependent on water hardness where discharged into freshwaters. The freshwater benchmark value listed is based on a hardness of 100 mg/L. When a facility analyzes receiving water samples for hardness, the permittee must use the hardness ranges provided in Table 1 in Appendix E of this permit and in the appropriate tables in Part 11 of this permit to determine applicable benchmark values for that facility. Benchmark values for discharges of these pollutants into saline waters are not dependent on receiving water hardness and do not need to be adjusted.

^ The values for these pollutants do not have a new basis. They are still based on the water quality criteria, but the "National Recommended Water Quality Criteria" was updated in 2002.

a. Turbidity in fresh water may not exceed 5 nephelometric turbidity units (NTU) above natural conditions when the natural turbidity is 50 NTU or less and may not have more than 10% increase in turbidity when the natural turbidity is more than 50 NTU, not to exceed a maximum increase of 25 NTU. See 18 AAC 70.020(b)(12)(A)(i)

Sources:

1. "National Recommended Water Quality Criteria." Acute Aquatic Life Freshwater (EPA-822-F-04-010-2006-CMC)
2. "EPA Recommended Ambient Water Quality Criteria for Beryllium." LOEL Acute Freshwater (EPA-440-5-80-024 October 1980)

3. "National Recommended Water Quality Criteria." Chronic Aquatic Life Freshwater (EPA-822-F-04-010-2006-CCC)
4. 18 AAC 70.020(b)(6) Alaska Water Quality Standards
5. Factor of 4 times BOD5 (5 day biochemical oxygen demand) concentration – North Carolina Benchmark
6. North Carolina stormwater benchmark derived from NC Water Quality Standards
7. National Urban Runoff Program (NURP) median concentration
8. Minimum Level (ML) based upon highest Method Detection Limit (MDL) times a factor of 3.18
9. 18 AAC 70.020(b)(12)(A)(i) – Alaska Water Quality Standards
10. "National Ambient Water Quality Criteria." Chronic Aquatic Life Freshwater. This is an earlier version of the criteria document that has subsequently been updated. (See source #1)
11. "National Ambient Water Quality Criteria." Chronic Aquatic Life Freshwater. This is an earlier version of the criteria document that has subsequently been updated. (See source #3)
12. "National Ambient Water Quality Criteria." Human Health for the Consumption of Organism Only (EPA-822-F-01-0102006
13. Consistent with many state numeric Water Quality Criteria. This benchmark was agreed to in negotiations for the 1998 modification to the 1995 MSGP.
14. "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses." USEPA Office of Water (PB85-227049 January 1985).
15. National Recommended Water Quality Criteria - Aquatic Life Criteria Table available at https://www.epa.gov/wqc/national-recommended-water-quality-criteria-aquatic-life-criteria-table

4.6.5 Follow-up Actions if Discharge Exceeds Numeric Effluent Limit

This permit includes follow-up monitoring provisions for pollutants that exceed any effluent limit contained in the permit. This requirement is to ensure that existing control measures are modified as necessary to bring a facility back into compliance with the effluent limitations contained in the permit. DEC emphasizes in the permit that failure to complete follow-up monitoring and reporting within the stipulated time frames constitutes an additional violation of the permit, in addition to the initial effluent limit violation.

4.7 Corrective Actions

4.7.1 Conditions Requiring Review and Revision to Eliminate Problem

Permittees are required to review and revise the selection, design, installation, and implementation of their control measures in response to any of the following conditions:

- an unauthorized release or discharge occurs at the facility;
- a discharge violates a numeric effluent limit;
- the permittee becomes aware, or DEC determines, that control measures are not stringent enough for the discharge to meet applicable WQS;
- an inspection or evaluation of the facility by an DEC official, or local, state, federal, or Tribal entity, determines that modifications are necessary to meet the non-numeric effluent limits in Permit Part 4.1; or
- a routine facility inspection, quarterly visual assessment, or comprehensive site inspection finds that control measures are not being properly operated and maintained.

The corrective action must ensure that any of the above conditions are eliminated and will not be repeated in the future.

4.7.2 Conditions Requiring Review to Determine if Modifications are Necessary

Permittees are required to review the selection, design, installation, and implementation of their control measures to determine if modifications are necessary to meet the Part 4 control measures if any of the following conditions occur:

- construction or a change in design, operation or maintenance at the permittee's facility significantly changes the nature of pollutants discharged in storm water from the facility, or increases the quantity of pollutants discharged; or
- the average of quarterly sampling results exceeds an applicable benchmark.

If less than four benchmark samples have been taken, but the results are such that an exceedance by the quarterly average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than four times the benchmark level) this is considered a benchmark exceedance, triggering this review.

4.7.3 Corrective Action Deadlines

The permit includes specific deadlines for permittees to take corrective actions. Permit Part 8.4 requires that within 24 hours following identification or discovery of any of the conditions listed in Permit Parts 8.2 or 8.3, the permittee must document such discovery. Subsequently, the permittee must comply with Appendix A Part 3.4 to document corrective actions taken or to be taken to eliminate the condition and any additional review necessary to further investigate the condition. If the permittee determines that changes are necessary following the review, any modifications to the control measures must be made before the next storm event if possible, or as soon as practicable following that storm event.

4.7.4 Corrective Action Report

For any event described in Permit Parts 8.2 or 8.3 of the permit, permittees must document basic information describing the event and the permittee's response to that event. As described above, the permit establishes conditions for both 24-hour and 5-day response periods. The Annual Report Form includes a section for Corrective Actions for use by permittees to clarify expectations for documentation of conditions triggering a response and the details of the response taken. For triggering events in Permit Part 8.3, where the permittee determines that revision to control measures is not necessary, the permittee must still document the review and the basis for this determination. As described elsewhere in the permit, permittees are required to maintain a copy of this documentation with their SWPPP as well as submit this information in an annual report.

4.7.5 Effect of Corrective Action

The permit clarifies that if the condition triggering the corrective action review is a permit violation (e.g., exceedance of an effluent limit), correcting it does not remove the original violation. Additionally, failure to take corrective action in accordance with Part 8 is a separate, additional permit violation. DEC will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

4.7.6 Substantially Identical Outfalls

If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, the permittee's review must assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event.

4.8 Reporting and Recordkeeping

4.8.1 Reporting Monitoring Data to DEC

All monitoring data must be submitted to DEC using NetDMR (see 4.8.6) no later than the 15th day of the following month after a permittee has received their complete laboratory results for all monitored outfalls for the reporting period.

4.8.2 Annual Report

The permit requires all permittees to submit an annual report to DEC that contains the results of the required comprehensive site inspection and a discussion of corrective actions required and/or taken at any time since the previous comprehensive site inspection or, for the first comprehensive inspection required under this permit, since permit authorization. These annual reports must be submitted electronically via EDMS by February 15th of the year following the reporting year for each year of permit coverage. In addition to the information required in the corrective action report (Permit Part 8.4) and comprehensive site inspection report (Permit Part 6.3.2), the permittee is required to include the facility name, the APDES permit tracking number, the facility physical address, and the contact person's name, title, and phone number. Exceedance Report for Numeric Effluent Limits

As described in Permit Part 7.3, permittees must conduct follow-up monitoring any time a monitoring event identifies an exceedance of a numeric effluent limit, such as a limited based on an effluent limitation guideline. Permit Part 9.3 specifies that this data must be submitted to DEC no later than the 15th day of the following month after receiving lab results. Part 9.3 also identifies the specific information to be included in this report, which is necessary for DEC to assess the potential impact of this discharge on water quality and the adequacy of the permittees response in addressing the exceedance. DEC is requiring submission of exceedance reporting information as a way to assess the potential impact of these discharges on water quality and also as a way to assess the adequacy of the permittees response to the exceedance.

4.8.3 Additional Reporting

Permittees must comply with a number of different reporting requirements described throughout this permit. Specific reporting requirements are included in Permit Part 9; however, additional reporting requirements are described in Permit Appendix A, Subsection 3.0. Permit Part 9.4 includes a summary of all of the required reports from Appendix A, Subsection 3.0, and specifies which reports are to be submitted to the Department. This section provides notice to the permittee of applicable reporting requirements not elsewhere described in Part 9.

4.8.4 Recordkeeping

Permit Part 9.5 describes recordkeeping requirements associated with activities covered under this permit. These include the original SWPPP and any modifications, so as to provide a traceable historical record of the SWPPP and its evolution, additional documentation, all reports and certifications required by the permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit. Permittees must retain copies of these documents for a period of at least 3 years from the date that the permittee's coverage under this permit expires or is terminated. The recordkeeping requirements in Permit Appendix A, Subsection 1.11 include a more general statement of the APDES standard condition for records retention, but does not impose additional requirements on the permittee above what is required in Part 9.5. This permit requires permittees to maintain certain records to help them assess performance of control measures and as a way to document compliance with permit conditions. These requirements are consistent with Federal regulations at 40 CFR 122.41(j), but have been tailored to more closely reflect requirements of the 2025 MSGP.

4.8.5 Address for Reports

Notices of Intent, Notices of Termination, NOI Modification, and No Exposure Certificates shall be submitted using DEC's online application system EDMS: https://dec.alaska.gov/water/edms.

All reports required in Permit Parts 7 through 9 shall be submitted using DEC's online application system EDMS: https://dec.alaska.gov/water/edms.

4.8.6 Electronic Reporting (E-Reporting) Rule

The Permittee must submit DMR data electronically through NetDMR per Phase I of the E-Reporting Rule (40 CFR §127) upon the effective date of the permit (see Permit Part 9.8). Authorized persons may access permit information by logging into the NetDMR Portal (https://cdx.epa.gov/). DMRs submitted in compliance with the E-Reporting Rule are not required to be submitted as described in permit Appendix A – Standard Conditions unless requested or approved by the Department. Any DMR data required by the Permit that cannot be reported in a NetDMR field (e.g. mixing zone receiving water data, etc.), shall be included as an attachment to the NetDMR submittal. DEC has established an e-Reporting Information website at https://dec.alaska.gov/water/compliance/electronic-reporting-rule/ that contains general information about this new reporting format. Training materials and webinars for NetDMR can be found at https://usepa.servicenowservices.com/oeca_icis?id=netdmr_homepage.

Phase II of the E-Reporting rule will integrate electronic reporting for all other reports required by the Permit (e.g., Annual Reports and Certifications) and implementation is expected to begin December 2025. Permittees should monitor DEC's E-Reporting Information website (https://dec.alaska.gov/water/compliance/electronic-reporting-rule/) for updates on Phase II of the E-Reporting Rule and will be notified when they must begin submitting all other reports electronically. Until such time, other reports required by the Permit may be submitted in accordance with Appendix A – Standard Conditions.

4.9 Terminating Coverage

4.9.1 Submitting a Notice of Termination

Permit Part 10.1 indicates that permittees should use the online application system to file a Notice of Termination. To terminate coverage under this permit, the permittee is required under the permit to submit a Notice of Termination. The permittee's authorization to discharge under the permit terminates at midnight of the day the permittee is notified that a complete NOT has been processed, which includes submittal of all required reports (including DMR if applicable) and certifications. DEC requires permittees to file a Notice of Termination to notify DEC that its obligation to manage industrial storm water no longer is necessary for one of the DEC-approved reasons (as described in Permit Part 10.1.2).

4.9.2 When to Submit a Notice of Termination

Once a storm water discharge associated with industrial activity is eliminated from a facility, the permittee must submit a Notice of Termination, as described in Permit Part 10.1, within 30 days after one or more of the following conditions have been met: (1) a new owner or operator has assumed responsibility for the facility; (2) operations have ceased at the facility and there are no longer discharges of storm water associated with industrial activity, and necessary sediment and erosion controls have already been implemented at the facility as required by Permit Part 4.3; (3) the permittee is covered under one of the three mining-related sectors in the permit (i.e., Sectors G, H, and J) and has met the specific termination requirements described in the specific sector under which they are covered; or (4) permit coverage has been obtained under an individual or alternative general permit for all discharges requiring APDES permit coverage, either because DEC required the permittee to obtain such coverage or the permittee petitioned DEC requesting coverage under an alternative permit.

4.10 Sector-Specific Requirements for Industrial Activity

Permit Part 11 follows the general format and requirements of Permit Part 11 of the 2020 MSGP, which follows Permit Part 8 of the 2008 MSGP. The changes to multiple sectors consist of changing the pH range to match Alaska WQS. Any other minor changes made in the permit are noted in the Summary of Changes in Part 2.1 of this fact sheet. Where major changes are made to individual sectors, they are described in the following:

4.10.1 Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing)

Sectors G, H, and J each contain mining operations with different phases of operation including exploration and construction. The 2020 MSGP, storm water and sediment controls were clarified in regards to "Additional Technology-Based Effluent Limits" for Clearing, Grading and Excavation activities, and additional requirements added that are consistent with DEC's issued Alaska CGP. This makes the construction requirements for Sectors G, H, and J the same as the construction general permit, which are based on federal requirements (40 CFR Part 450). For Sector H these requirements complement the Surface Mining Control and Reclamation Act (SMCRA) requirements but do not apply to areas covered by the SMCRA requirements.

Due to the long winters in Alaska some exploration and construction areas, which are subject to snow or freezing conditions may undergo a period of winter shutdown, a reduced inspection frequency was introduced. The reduction of inspections for those areas which have been temporarily stabilized or are under winter shutdown conditions, coincides with similar requirements as specified in the Alaska CGP.

Inspections may be reduced in areas undergoing clearing, grading, and excavation activities as part of the exploration and construction phase which have been temporarily stabilized. If the entire site is temporarily stabilized, inspection frequency may be reduced to at least once every month and within two business days of a measurable storm event at actively staffed sites which result in a discharge from the site.

In the Exploration Phase, a permit authorization and SWPPP are required if the exploration disturbs the vegetative mat through clearing and grubbing (for an access road or to construct a drill pad). There are some exploration projects that use helicopters and air-lift laydown matts for the drill pad to operate without disturbing the vegetative mat. These types of projects do not need to obtain a permit authorization or development of a SWPPP.

In the Exploration Phase projects may consist State or Federal mineral claims, patented lands, and other private or public properties. Subsurface mineral rights are granted in many of these ownership situations but exclude the surface rights needed to preclude or control access by non-project personnel. The SWPPP map (Sections 5.2.3.3 and 11.G.6.2) may include these diverse land holdings to identify the areas covered by the SWPPP and the areas not covered by the SWPPP.

A reduced inspection schedule to address winter shutdown was introduced:

- ***Winter Shutdown***. If the exploration and construction phase is undergoing winter shutdown, the permittee may stop inspections 14 calendar days after the anticipated fall freeze-up and must resume inspections at least 21 calendar days prior to the anticipated spring thaw. The permittee shall identify the winter shutdown period in their SWPPP based upon the definitions of fall freeze-up and spring thaw.

To address winter shutdown, the following condition was added to describe the time frame when facilities could claim the reduced winter shutdown inspection frequency for temporary stabilization of disturbed areas:

- The permittee must identify the anticipated dates of fall freeze-up and spring thaw (see Permit Appendix C) for the site and use those dates to plan for winter shutdown. For the purpose of planning ahead, frozen ground by itself is not considered an acceptable control measure for stabilization. Where temporary stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable following the actual spring thaw.

Since new conditions were added to allow for an inspection reduction for those areas which have been temporarily stabilized or are under winter shutdown the following definitions of temporary stabilization, winter shutdown, fall freeze-up and spring thaw were added to the definitions in Permit Appendix C.

- ***Temporary Stabilization*** – measures taken to protect soils from erosion by rainfall, snowmelt, runoff, or wind with surface roughening or a surface cover, including but not limited to, establishment of ground vegetation, application of mulch, surface tackifiers, rolled erosion control products, gravel or paving.
- ***Winter Shutdown*** – the cessation of soil disturbing or soil stabilizing construction activity for the winter. Typically this period is from October/November to April/May and is approximately from fall freeze-up to spring thaw.
- ***Fall Freeze-up*** – the date in the fall that has an 80% probability that a minimum temperature below a threshold of 32.5 degrees Fahrenheit will occur on or after the given date. This date can be found by looking up the "Fall 'Freeze' Probabilities" for the weather station closest to the site on the website https://wrcc.dri.edu/summary/Climsmak.html.
- ***Spring Thaw*** – the date in the spring that has a 20% probability that a minimum temperature below a threshold of 32.5 degree Fahrenheit will occur on or after a given date. This date can be found by looking up the "Spring 'Freeze' Probabilities" for the weather station closest to the project on the website https://wrcc.dri.edu/summary/Climsmak.html.

The following multiple additional control measures were added as "Additional Technology- Based Effluent Limits" for Sectors G, H, and J since similar land disturbance activities take place at all three of these sectors. The additional control measures were added to provide additional erosion and sediment controls to reduce the storm water pollutant potential from industrial areas where practicable.

The following additional storm water controls were added:

- ***Velocity Dissipation Devices***. Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
- ***Down-Slope Sediment Controls***. Establish and use down-slope sediment controls (e.g., silt fence or temporary diversion dike) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.
- ***Stabilized Construction Vehicle Access and Exit Points***. Establish stabilized vehicle access and exit points. Off-site accumulations of sediment beyond exit points must be removed at a frequency sufficient to minimize off-site impacts.

The following additional storm water control was added for Sector H (Coal Mining) to make the "Additional Technology-Based Effluent Limits" consistent with Sectors G and J.

- ***Storm Water Diversions***. Diverting storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g.,

channels or gutters, open-top box culverts, and water bars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

Since Sectors G, H, and J all consist of various phases of mining often times which involves the placement of overburden material the following "Additional Technology-Based Effluent Limit" was added to these sectors.

- ***Overburden, Waste Rock, and Raw Material Piles***. Overburden, topsoil, and waste rock, as well as raw material and intermediate and final product stockpiles, shall be located away from surface water, other sources of water and from geologically unstable areas as practicable.

Due to the fact that multiple facilities operating under Sector J may conduct pit dewatering an explanation of the DEC Excavation Dewatering General Permit was added to the Additional SWPPP Requirements section. The following additional item to note in the SWPPP was added.

- ***Dewatering***. Mine dewatering discharges composed entirely of storm water or ground water seepage from mines located within 1,500 feet of a DEC-identified contaminated site are required to have additional discharge authorization under the DEC Excavation Dewatering General Permit (AKG002000), or most current version. The Notice of Intent, NOI, application for authorization to discharge mine dewatering which may influence a contaminated area can be completed through the DEC's online application system EDMS: https://dec.alaska.gov/water/edms.

With the 2020 MSGP, the Department allowed the use of treatment chemicals. There are conditions on the selection, application, and disposal of treatment chemicals. Anionic polymers are generally allowed due to their minimal effect on fish. Cationic polymers, while allowed, are controlled in their application to limit their potential effect on fish. The permittee's who wish to use cationic polymers must receive approval from the Department prior to use. The permittee must submit the relevant information described in Part 11.H.4.5. The Department will be reviewing the type of polymer used, toxicity data provided by the supplier/provider of the cationic polymer to be used, method of application, proximity to anadromous fish streams, potential effect on fish, and other information that will assist DEC in evaluating the use of these chemicals. For the MSGP, the Treatment Chemicals Subpart 11.G.4.5, 11.H.4.5 and 11.J.4.5 were revised to more closely align with the EPA 2016 CGP Part 2.2.13 on Treatment Chemicals. This revision also addressed changes in the industry products and practices, and the confusion of whether or not a tackifiers or soil stabilizer is considered a treatment chemical. For a detailed discussion of cationic treatment chemicals, see the EPA 2012 Fact Sheet for the Construction General Permit pages 20-28 and 71-75.

For the 2008 MSGP the Department in its 401 certificate of the EPA permit inserted the requirements for developing and submitting the SWPPP prior to the start of construction and a pre-construction conference. These requirements were incorporated into the 2020 MSGP and retained in the 2025 MSGP.

In Permit Part 11.J.3.9 the Department describes a temporarily inactive mineral mining facility. Specifically, the amount of material that may be stockpiled and used while considering the facility inactive. More than 250 cubic yards/year would be considered an active material facility.

4.10.2 Sector I (Oil and Gas Extraction)

Oil and gas facilities located in the North Slope Borough shall receive industrial storm water coverage under the AKG 33-2000 general permit, which covers various discharges associated with oil and gas facilities in the North Slope Borough including industrial storm water. AKG 33-2000 authorizes the discharge from six unique discharges associated with oil and gas facilities operating in the North Slope Borough including industrial storm water. AKG 33-2000 designates Outfall 006 as an authorized industrial storm water discharge and defines specific monitoring requirements which are more stringent than the current MSGP. Facilities not otherwise located in the North Slope Borough which don't meet the oil and gas storm water exemption [40 CFR § 122.26(a)(2)(ii)] and require industrial storm water coverage may receive coverage under the 2025 MSGP.

Multiple control measures were added in the 2020 MSGP as "Additional Technology-Based Effluent Limits" to provide additional erosion and sediment controls to reduce the storm water pollutant potential from industrial storm water discharges from oil and gas activities. The following control measures were added:

- ***Storm Water Diversions***. Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and water bars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.
- ***Velocity Dissipation Devices.*** Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) as practicable, along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
- ***Down-Slope Sediment Controls***. Establish and use down-slope sediment controls (e.g., silt fence or temporary diversion dike) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.
- ***Stabilized Vehicle Access and Exit Points***. Establish stabilized vehicle access and exit points. Off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.

4.10.3 Sector J (Non-Metallic Mineral Mining and Dressing)

Permit conditions are included to define non-traditional facilities which conduct operations similar to traditional industrial activities which are covered under Sector J. Non-traditional facilities do not need to have a permanent industrial activity at the site but simply need to be conducting a field activity where services or operations are performed.

If the field activity at these sites consists of Non-Metallic Mineral mining which is described in the SIC codes found in Appendix D of Sector J, they meet eligibility to be covered under the 2025 MSGP. The added definition (Part 11.J.3.6) for a *Non-Traditional Non-Metallic Mineral Mining Facility* provides

clarification that these sites are operating with the same intent of commercial establishments covered under Sector J and thus be permitted the same. The clarification to the definition of ***Operator*** was added to make it clear as to who should obtain the permit since the intent of covering these non-traditional sites is not to have multiple permits from all the parties removing material from the site. A majority of these sites are typically used for the excavation of stone, sand, gravel, or general fill to support area construction projects, but can't be covered under the 2016 Alaska CGP as a "Support Activity" since the non-traditional mining site is not directly related to a single project. Covering these sites under the CGP is not practical since the sites are to remain open or temporarily inactive.

Based upon this description if these non-traditional mining operations are considered an industrial activity they would fall within this SIC code(s).

As further documentation that these non-traditional non-metallic mineral mining operations were never waived from being required to obtain industrial storm water discharge authorization through the 2020 MSGP, a Frequently Asked Question (FAQ) explaining the proper permitting was presented in the US EPA-Region 10 FAQs dated August 14, 2015, https://www3.epa.gov/region10/pdf/npdes/stormwater/msgp_faq_aug2015.pdf.

> **Q42**: What if I operate a gravel pit that I am leasing from a state or federal land agency? Am I responsible as the operator to get MSGP coverage? What if a state or tribal agency operates a gravel pit with a private company? Who is responsible for MSGP coverage?
>
> **A42**: The operator as defined in the MSGP is the one who must comply with the permit requirements.
>
> Any entity with a storm water discharge associated with industrial activity that meets either of the following criteria:
>
> - The entity has operational control over industrial activities, including the ability to modify those activities, or …
> - The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit); or
> - The entity is either the owner or lessee of a parcel of land which is being used as a Non-Traditional Non-Metallic Mineral Mining facility.

The above answer to the FAQ makes it clear that the EPA intended for these Non-traditional mining facilities to be covered under the 2015 EPA MSGP, but with the current definition of "Operator" there could realistically be multiple concurrent operators for the same site with overlapping mining areas.

The best option to provide clarity in the permitting of these sites is to use a modified definition of "Operator" which clearly states who should obtain the permit for these sites (See Appendix C).

4.10.4 Sector S (Air Transportation)

On May 16, 2012 EPA promulgated Effluent Limitations Guidelines (ELGs) including new source performance standards for the airport deicing point source category (FR Vol. 77, No. 95 pp. 29168-

29205). In accordance with 40 CFR Part 449, a new federal Effluent Limitation Guideline (ELG) representing the best available technology economically achievable (BAT) has been established for ammonia for Sector S facilities. The new ELG applies to existing and new airports with at least 1,000 annual non-propeller aircraft departures and requires the implementation of appropriate BMPs to reduce the storm water pollutant potential impact from deicing agents containing urea (ex: Ted Stevens International Airport, Fairbanks International Airport, Juneau International Airport, etc.,). The new ELG prohibits all airfield pavement deicing discharges which contain urea unless ammonia monitoring is conducted. Airports which fall under this new ELG must certify annually that all airfield point source discharges do not contain urea or alternatively, all discharges must meet the ELG listed in Permit Part 11.S.8.

In accordance with Permit Part 11.S.8, there shall be no discharge of airfield pavement deicers containing urea. To comply with this limitation, any existing point source must certify annually that it does not use airfield deicing products that contain urea or alternatively, airfield pavement discharges at every discharge point must achieve the numeric limitations for ammonia in Permit Table 11.S.8-1, prior to any dilution with other wastewaters or commingling with any non-deicing discharge. The certification statement shall be maintained in the SWPPP and signed in accordance with Permit Appendix A, Part 1.12. The annual effluent limitation guideline monitoring requirement for those airports required to monitor for ammonia will be to sample twice a year during the deicing season.

A new section was added to detail the relation of airport authorities and airport tenants – 11.S.3 Multiple Operators at Air Transportation Facilities. This section describes some flexibility on how the airport authority and airport tenant organize and coordinate their SWPPP, monitoring, sampling, and reporting. For those airports that choose to develop a comprehensive SWPPP, the SWPPP must clearly describe the roles and responsibilities of the airport authority and the tenants for all aspects of the MSGP. For example, the SWPPP must clearly specify the MSGP requirements to be complied with: (1) the airport authority for itself; (2) the airport authority on behalf of its tenants; and (3) tenants for themselves. The Pollution Prevention Team (Part 5.2.2) must include a representative cross-section of signatories to the comprehensive SWPPP.

Airlines, fixed-base operators, and sometimes, even the airport often have control over specific areas and infrastructure on airport sites where other permittees exercise no control. When developing and implementing a comprehensive SWPPP, it is important to clearly define the roles and responsibilities between permittees. When a permittee fails to uphold its obligations under the comprehensive SWPPP, the Department's response will be dependent on the event, permit conditions, comprehensive SWPPP, corrective action taken, and other factors. Each situation is unique, but in general, under a comprehensive SWPPP, the permittees would be jointly responsible for those permit obligations that they hold jointly (e.g.; sampling or reporting), they would not necessarily be jointly responsible for activities in areas or with respect to infrastructure over which they have no right to operate.

On November 1, 2019 DEC issued a general permit to address all the airlines and fix-based operators at Ted Stevens Anchorage International Airport so they are covered by the general permit (ANC-GP) and not the MSGP.

Definitions

The following definitions were either updated or added: Background Pollutant Level, Background Turbidity, Construction Dewatering, Critical Habitat, Drought-Stricken Area, Endangered Species, Feasible, Hazardous Waste, Hazardous Substance, Impaired Water, Infeasible, Month, MS4, Non-Stormwater Discharges, Outfall, Permittee, pH, Qualified Personnel, Receiving Water, Run-on, Saline Water, Snowmelt, Spill, Storm Event, Storm Water, Storm Water Discharges Associated with Construction Activity, SWPPP, Temporary Stabilization, Threatened Species, TMDL, Toxic Waste, Uncontaminated Discharge, Upset, surface waters of the State, Waters of the United States, Wastestream, Week

5.0 ANTIBACKSLIDING

18 AAC 83.480 requires that "effluent limitations, standards, or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit." 18 AAC 83.480(c) also states that a permit may not be reissued "to contain an effluent limitation that is less stringent than required by effluent guidelines in effect at the time the permit is renewed or reissued." The effluent limitations in this permit reissuance are consistent with 18 AAC 83.430. The permit effluent limitations, standards, and conditions are as stringent as in the previous permit.

6.0 ANTIDEGRADATION

Section 303(d)(4) of the CWA states that, for water bodies where the water quality meets or exceeds the level necessary to support the water body's designated uses, WQBELs may be revised as long as the revision is consistent with the State's Antidegradation policy. The State's Antidegradation policy is found in the 18 AAC 70 *Water Quality Standards* (WQS) regulations at 18 AAC 70.015. The Department's approach to implementing the Antidegradation policy is found in 18 AAC 70.016 *Antidegradation implementation methods for discharges authorized under the federal Clean Water Act*. Both the Antidegradation policy and the implementation methods are consistent with 40 CFR 131.12 and approved by EPA. This section analyzes and provides rationale for the Department's decisions in the permit issuance with respect to the Antidegradation policy and implementation methods.

Using the policy and corresponding implementation methods, the Department determines a Tier 1 or Tier 2 classification and protection level on a parameter by parameter basis. A Tier 3 protection level applies to a designated water. At this time, no Tier 3 waters have been designated in Alaska.

18 AAC 70.015(a)(1) states that the existing water uses and the level of water quality necessary to protect existing uses must be maintained and protected (Tier 1 protection level).

There are freshwater or marine waters covered under the general permit listed as impaired (Category 4 or 5) on DEC's most recent *Alaska's Final 2024 Integrated Water Quality Monitoring and Assessment Report*; therefore, no parameters have been identified where only the Tier 1 protection level applies. Accordingly, this antidegradation analysis conservatively assumes that the Tier 2 protection level applies to all parameters, consistent with 18 AAC 70.016(c)(1).

18 AAC 70.015(a)(2) states that if the quality of water exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality must be maintained and protected, unless the Department authorizes a reduction in water quality (Tier 2 protection level).

The Department may allow a reduction of water quality only after the specific analysis and requirements under 18 AAC 70.016(b)(5)(A-C), 18 AAC 70.016(c), 18 AAC 70.016(c)(7)(A-F), and 18 AAC 70.016(d) are met.

The State's Antidegradation Policy in 18 AAC 70.015(a)(2) states that if the quality of water exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water (i.e., Tier 2 waters), that quality must be maintained and protected. The Department may allow a reduction of water quality only after finding five specific requirements of the Antidegradation Policy at 18 AAC 70.015(a)(2)(A)-(E) are met. 18 AAC 70.015(a)(2)(A)-(E) and the Department's findings are as follows:

18 AAC 70.016(b)(5)

(A) existing uses and the water quality necessary for protection of existing uses have been identified based on available evidence, including water quality and use related data, information submitted by the applicant, and water quality and use related data and information received during public comment;

(B) existing uses will be maintained and protected; and

(C) the discharge will not cause water quality to be lowered further where the department finds that the parameter already exceeds applicable criteria in 18 AAC 70.020(b), 18 AAC 70.030, or 18 AAC 70.236(b).

Per 18 AAC 70.020 and 18 AAC 70.050 all fresh waters and marine waters are protected for all uses; therefore, the most stringent water quality criteria found in 18 AAC 70.020 and in the *Alaska Water Quality Criteria Manual for Toxic and Other Deleterious Organic and Inorganic Substances* (September 2022) apply and were evaluated. This will ensure existing uses and the water quality necessary for protection of existing uses of the receiving waterbody are fully maintained and protected.

The permit places limits and conditions on the discharge of pollutants. The limits and conditions are established after comparing TBELs and WQBELs and applying the more restrictive of these limits. The WQ criteria, upon which the permit effluent limits are based, serve the specific purpose of protecting the existing and designated uses of the receiving water. WQBELs are set equal to the most stringent water quality criteria available for any of the protected water use classes. The permit also requires ambient water quality monitoring to evaluate possible impacts to the receiving waters and existing uses.

Pollutants of concern include sediment, turbidity, petroleum products, pavement deicing chemicals, and aircraft deicing fluids.

The general permit includes numeric or narrative effluent limits and best management practices addressing each of these pollutants of concern. The permit requires facilities to implement BMP Plans to minimize the production of waste and the discharge of pollutants to surface waters of the State, to ensure that air transportation facilities provide for the protection or attainment of existing and designated uses.

The permit requires that the discharge shall not cause or contribute to a violation of the WQS at 18 AAC 70. As previously stated, there are no fresh water or marine waters covered under the general permit that are listed as impaired; therefore, no parameters were identified as already exceeding the applicable criteria in 18 AAC 70.020(b) or 18 AAC 70.030. No waters covered under the general permit are listed under 18 AAC 70.236(b) as subject to site specific criteria and therefore does not apply.

The Department concludes the terms and conditions of the permit will be adequate to fully protect and maintain the existing uses of the water and that the findings under 18 AAC 70.016(b)(5) are met.

18 AAC 70.016(c)

(c) **Tier 2 analysis for the lowering or potential lowering of water quality not exceeding applicable criteria**. *Tier 2 applies when the water quality for a parameter in a water of the United States within this state does not exceed the applicable criteria under 18 AAC 70.020(b), 18 AAC 70.030, or 18 AAC 70.236(b) and receives the protection under 18 AAC 70.015(a)(2).*

(3) *the department will not conduct a Tier 2 antidegradation analysis for*

(A) *reissuance of a license or general or individual permit for a discharge that the applicant is not proposing to expand;*

In the prior permit cycle, DEC conservatively assumed that all discharges under AKR060000 were Tier 2 waters, and accordingly conducted a Tier 2 antidegradation analysis. DEC determined the AKR060000 general permit would meet the Antidegradation Policy (18 AAC 70.015) and the Antidegradation Implementation Methods (18 AAC 70.016) requirements.

18 AAC 70.16(c)(3)(A) states that the Department will not conduct a Tier 2 antidegradation analysis for reissuance of a license or general or individual permit for a discharge that the applicant is not proposing to expand. 18 AAC 70.990(75) states that an expanded discharge is one in which discharges are expanded such that they could result in an increase in a permitted parameter load or concentration or other changes in discharge characteristics that could lower water quality or have other adverse environmental impacts. The discharges covered under AKR060000 are not expanded from the prior issuance of the general permit. There will not be an increase in a permitted parameter load, concentration, or other change in discharge characteristics that could lower water quality or have other adverse environmental impacts.

18 AAC 70.16(c)(3)(A), states that the Department will not conduct a Tier 2 antidegradation analysis for reissuance of a license or general or individual permit for a discharge that the applicant is not proposing to expand. Therefore, consistent with 18 AAC 70.016(c)(2)(A) and 18 AAC 70.16(c)(3)(A), DEC is not conducting a Tier 2 antidegradation analysis for this permit reissuance.

7.0 OTHER LEGAL REQUIREMENTS

7.1 Endangered Species Act

Generally, the National Marine Fisheries Service (NMFS), also known as NOAA Fisheries, is the lead agency for marine species listed under the Endangered Species Act (ESA; i.e., marine mammals, sea

turtles, marine and anadromous fish, and marine invertebrates and plants), while the U.S. Fish and Wildlife Service (USFWS) manages land and freshwater species. In Alaska those species include Polar Bears, the SW population of Northern Sea Otters, Alaska-Breeding Steller's Eiders, Short-tailed Albatross, and the Aleutian Shield Fern.

Section 7(a)(2) of the ESA states that Federal agencies must ensure that their activities are not likely to: 1) jeopardize the continued existence of any listed species, or 2) result in the destruction or adverse modification of designated critical habitat. As a state agency, DEC is not required to consult with USFWS or NMFS regarding permitting actions; however, DEC interacts voluntarily with these federal agencies to obtain listings of threatened and endangered species and critical habitat.

The general permit covers industrial facilities that discharge storm water into all potential marine and freshwater surface water bodies in the State of Alaska. The Department reviews the listings periodically for updates. USFWS Endangered and Threatened Species Search can be accessed through the following link: https://www.fws.gov/program/endangered-species/species. The USFWS offers a planning tool (IPaC) to assist project proponents with identifying sensitive species that may be present within their project footprint. For more information on IPaC, please see https://ipac.ecosphere.fws.gov/. IPaC does not display listed species or critical habitats under the sole jurisdiction of NMFS, as USFWS does not have the authority to speak on behalf of NMFS and the Department of Commerce. IPaC includes only those species for which USFWS is the sole lead agency or for which USFWS and NMFS share the lead responsibilities. To obtain a list of species in your project area for which NMFS is the sole lead agency see the link https://www.fisheries.noaa.gov/species-directory/threatened-endangered. NMFS Endangered Species Act Section 7 Alaska Region information, may be accessed through the following link: https://www.fisheries.noaa.gov/insight/endangered-species-act-section-7-alaska-region.

7.2 Essential Fish Habitat

The Magnuson-Stevens Fishery Conservation and Management Act (January 21, 1999) designates Essential Fish Habitat (EFH) in waters used by anadromous salmon and various life stages of marine fish under NMFS jurisdiction. EFH refers to those waters and associated river bottom substrates necessary for fish spawning, breeding, feeding, or growth to maturity – including aquatic areas and their associated physical, chemical, and biological properties that are used by fish and may include aquatic areas historically used by fish. Spawning, breeding, feeding, or growth to maturity covers a species' full life cycle necessary for fish from commercially fished species to spawn, breed, feed, or grow to maturity.

The EFH regulations define an adverse effect as any impact which reduces quality and/or quantity of EFH and may include direct (e.g., contamination or physical disruption), indirect (e.g., loss of prey, reduction in species' fecundity), site-specific, or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

Section 305(b) of the Magnuson-Stevens Act 916 USC 1855(b)) requires federal agencies to consult the NMFS when any activity proposed to be permitted, funded, or undertaken by a federal agency may have an adverse effect on designated EFH as defined by the Act. As a state agency, DEC is not required to consult with NMFS regarding permitting actions but interacts voluntarily with NMFS to identify EFH.

EFH for Alaska marine waters may be accessed at https://www.fisheries.noaa.gov/region/alaska/habitat. Alaska Department of Fish and Game also maintains regulatory and interactive maps that identify anadromous streams, fish passage, and fish inventory at: http://www.adfg.alaska.gov/sf/SARR/AWC/index.cfm?ADFG=maps.maps.

7.3 Permit Expiration

The permit will expire five years from the effective date of the permit.