ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM

INDIVIDUAL PERMIT – PRELIMINARY DRAFT

Permit Number: **AK0053392**

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

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

KETCHIKAN PULP COMPANY

is authorized to discharge from the Ketchikan Pulp Company Ward Cove Landfill facility at Ketchikan, Alaska at the following locations:

Outfall	Receiving Waterbody	Latitude	Longitude
001A	Ward Cove	55.404167° N	131.729167° W
SWL4	Refuge Cove	55.401586° N	131.742258° W
SWL6B	Refuge Cove	55.404407° N	131.740542° W
SWL11	Ward Cove	55.399836° N	131.739767° W
SWL12	Ward Cove	55.400664° N	131.737325° W

In accordance with the discharge points effluent limits, monitoring requirements and other conditions set forth herein:

This permit shall become effective DRAFT

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

The permittee shall reapply for a permit reissuance on or before DRAFT, 180 days before the expiration of this permit if the permittee intends to continue operations and discharge at the facility beyond the term of this permit.

The permittee shall post or maintain a copy of this permit to discharge at the facility and make it available to the public, employees, and subcontractors at the facility.

DRAFT Signature	DRAFT Date
DRAFT Name	Program Manager Title

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APPENDICES

SCHEDULE OF SUBMISSIONS

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

Table 1 - Schedule of Submissions

Location of Requirement	Submittal or Completion	Frequency	Due Date	Submit to *
Permit Section 3.1 Appendix A, 3.2	Discharge Monitoring Report (DMR)	As required	Must be submitted electronically through the eDMR system, on or before the 15th day of the monthly, quarterly, or annual period following the end of a specific limit set's monitoring frequency's requirements (e.g. month, quarter, annual).	NetDMR
Permit Section 1.3.1	Alaska Pollutant Discharge Elimination System (APDES) Form 2C	1/permit cycle	180 days before expiration of the final permit	Permitting
Permit Section 1.3.2	Storm Water Compounds 1-13	1/permit cycle	180 days before expiration of the final permit	Permitting
Permit Section 1.5.6.1	Whole Effluent Toxicity (WET) Monitoring	Once in the Fourth Year of the Permit	The permittee shall submit the results of the toxicity tests with the quarterly DMR following the quarter in which the results are received.	Compliance
Appendix A Section 1.3	APDES Form 1, Application for Permit Reissuance	1/permit cycle	180 days before expiration of the final permit	Permitting
Appendix A Section 3.4	Oral notification of noncompliance	As required	Within 24 hours from the time the permittee becomes aware of the circumstances of noncompliance	Compliance
Appendix A Section 3.4	Written documentation of noncompliance	As required	Within 5 days after the permittee becomes aware of the circumstances	Compliance
Appendix A Section 3.5	Other Noncompliance Reporting	As required	At the time the permittee submits DMRs under Appendix A, Section 3.2	Compliance
*See Appendix A Section 1.1 for addresses				

1.0 LIMITS AND MONITORING REQUIREMENTS

1.1 Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from Outfalls 001A, SWL11 and SWL12 to Ward Cove and Outfalls SWL4 and SWL6B to Refuge Cove within the limits and subject to conditions set forth herein. This permit authorizes discharge of only those pollutants resulting from facility processes, waste streams, and operations clearly identified in the permit application process.

1.2 Effluent Limits and Monitoring Requirements

1.2.1 The permittee must limit and monitor discharges from Outfalls 001A as specified in Table 2 and from Outfalls SWL4, SWL6B, SWL11, and SWL12 as specified in Table 3. All values represent maximum effluent limits, unless otherwise indicated. The permittee must comply with effluent limitations in the table at all times unless otherwise indicated, regardless of monitoring frequency or reporting required by other provisions of this permit.

1.2.2 Discharge shall not cause contamination of surface or ground waters and shall not cause or contribute to a violation of the Alaska Water Quality Standards (18 AAC 70), unless allowed in this permit through exceptions to the standards or in a compliance schedule 18 AAC 70.200 – 70.270 and 18 AAC 70.910.

1.2.3 The permittee must not discharge any floating solids, debris, sludge, deposits, foam, scum or other residues that cause a film, sheen, or discoloration on the surface of the receiving water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.

1.2.4 For all effluent monitoring, the permittee must use a sufficiently sensitive Environmental Protection Agency (EPA) approved test method that quantifies the level of pollutants to a level lower than applicable limits or water quality standards or use the most sensitive test method available, per Title 40 Code of Federal Regulations (CFR) Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants), adopted by reference at 18 AAC 83.010(f).

1.2.5 The permittee shall visually examine storm water discharges from Outfalls SWL4, SWL6B, SWL11, and SWL12 whenever storm water monitoring is conducted. A record of the examination should include the name of the person performing the examination, the date of the examination, the nature of the discharge (runoff or snowmelt), visual quality of the storm water (i.e. color, clarity, foam, sheen, and other obvious indicators of storm water pollution), and if any storm water contamination is suspected, probable sources of contamination. Storm water examination documents shall be maintained electronically or physically at the facility's office of record and made available to DEC upon request.

1.2.6 Permittees have the option of taking more frequent samples than are required in the permit. These samples must be used for averaging if they are conducted using the Department-approved test methods (generally found in 18 AAC 70 and 40 CFR §136) and if the method detection limit (MDL) is less than the effluent limit.

1.2.7 For purposes of reporting on the DMR for a single sample, if a value is less than the MDL, the permittee must report "less than (<) {numeric value of MDL}" and if a value is less than a reporting limit (RL) (also called a minimum reporting limit or a practical quantification limit), the permittee must report "less than (<) {numeric value of RL}."

1.2.8 For purposes of calculating monthly averages, zero may be assigned for values less than the MDL and the numeric value of the MDL may be assigned for values between the MDL and the RL. If the average value is less than the MDL, the permittee must report "less than (<) {numeric value of MDL}" and if the average value is less than the RL, the permittee must report "less than (<) {numeric value of RL}." If a value is equal to or greater than the RL, the permittee must report and use the actual value.

1.2.9 For purposes of calculating the reported daily maximum pounds per day, the permittee must use the maximum observed effluent flow rate measured on the day the effluent sample was collected. For purposes of calculating the reported monthly pounds per day, the permittee should use the average monthly flow.

Table 2 – Outfall 001A Effluent Limits and Monitoring Requirements

Parameter [a]	Effluent Limits				Monitoring Requirements	
	Units [b]	Daily Minimum	Monthly Average	Daily Maximum	Sample Frequency	Sample Type
Flow	mgd	N/A	0.18	N/A	Continuous	Recorded
Total Ammonia, as Nitrogen	mg/L	N/A	4.9	10	1/Year	Grab
	lbs/day [c]		7.4	N/A		Calculated
Total Suspended Solids	mg/L	N/A	27	88	1/Year	Grab
	lbs/day		41	N/A		Calculated
5-day Biochemical Oxygen Demand	mg/L	N/A	37	140	1/Year	Grab
	lbs/day		56	N/A		Calculated
pH	S.U.	6.5	N/A	8.5	1/Quarter	Grab
Manganese	µg/L	N/A	1,500	3,900	1/Quarter	Grab
	lbs/day		2,252	N/A		Calculated
Color [d]	Color Units	N/A	N/A	Report	1/Quarter	Grab
Zinc	µg/L	N/A	33	95	1/Year	Grab
	lbs/day		50	N/A		Calculated

Footnotes:

a. Metals as total recoverable.
b. mgd = million gallons per day, lbs/day = pounds per day, mg/L = milligram per liter, S.U.= standard pH units, µg/L = micrograms per liter
c. lbs/day = [(concentration (mg/L) x (flow in mgd)) x 8.34 (lbs/gal)]
d. Color measurement may be performed on site using 40 CFR 136 method procedures.

Table 3 – Storm Water Outfall SWL4 Monitoring Requirements

Parameter [a]	Storm Water Limits				Monitoring Requirements	
	Units [b]	Daily Minimum	Monthly Average	Daily Maximum	Sample Frequency	Sample Type
Flow	gpd	N/A	N/A	Report	2/Year [c, d]	Measured or Estimated
pH	S.U.	Report	N/A	Report	2/Year	Grab
Manganese	µg/L	N/A	N/A	Report	2/Year	Grab
Color [e]	Color Units	N/A	879	1,764	2/Year	Grab

Footnotes:

a. Metals as total recoverable.
b. gpd = gallons per day, S.U. = standard units, µg/L = micrograms per liter
c. Twice per year means one time between April and September and one time between October and March.
d. Samples shall be collected as soon as reasonably possible following the onset of a measurable storm event before mixing with receiving water.
   A measurable storm event means a rainfall event of at least 0.5 inch of precipitation in a 24-hour period that produces a discharge.
e. Color measurement may be performed on site using 40 CFR 136 method procedures.

Table 4 – Storm Water Outfall SWL6B Monitoring Requirements

Parameter [a]	Storm Water Limits				Monitoring Requirements	
	Units [b]	Daily Minimum	Monthly Average	Daily Maximum	Sample Frequency	Sample Type
Flow	gpd	N/A	N/A	Report	2/Year [c, d]	Measured or Estimated
pH	S.U.	Report	N/A	Report	2/Year	Grab
Color [e]	Color Units	N/A	234	470	2/Year	Grab
Copper	µg/L	N/A	N/A	Report	2/year	Grab
Nickel	µg/L	N/A	N/A	Report	2/year	Grab

Footnotes:

a. Metals as total recoverable.
b. gpd = gallons per day, S.U. = standard units, µg/L = micrograms per liter
c. Twice per year means one time between April and September and one time between October and March.
d. Samples shall be collected as soon as reasonably possible following the onset of a measurable storm event before mixing with receiving water. A measurable storm event means a rainfall event of at least 0.5 inch of precipitation in a 24-hour period that produces a discharge.
e. Color measurement may be performed on site using 40 CFR 136 method procedures.

Table 5 – Storm Water Outfall SWL11 Requirements

Parameter [a]	Storm Water Limits				Monitoring Requirements	
	Units [b]	Daily Minimum	Monthly Average	Daily Maximum	Sample Frequency	Sample Type
Flow	gpd	N/A	N/A	Report	2/Year [c, d]	Measured or Estimated
pH	S.U.	Report	N/A	Report	2/Year	Grab
Color [e]	Color Units	N/A	103	206	2/Year	Grab
Copper	µg/L	N/A	N/A	Report	2/year	Grab
Nickel	µg/L	N/A	N/A	Report	2/Year	Grab

Footnotes:

a. Metals as total recoverable.
b. gpd = gallons per day, S.U. = standard units, µg/L = micrograms per liter
c. Twice per year means one time between April and September and one time between October and March.
d. Samples shall be collected as soon as reasonably possible following the onset of a measurable storm event before mixing with receiving water.
   A measurable storm event means a rainfall event of at least 0.5 inch of precipitation in a 24-hour period that produces a discharge.
e. Color measurement may be performed on site using 40 CFR 136 method procedures.

Table 6 – Storm Water Outfall SWL12 Monitoring Requirements

Parameter [a]	Storm Water Limits				Monitoring Requirements	
	Units [b]	Daily Minimum	Monthly Average	Daily Maximum	Sample Frequency	Sample Type
Flow	gpd	N/A	N/A	Report	2/Year [c, d]	Measured or Estimated
pH	S.U.	Report	N/A	Report	2/Year	Grab
Manganese	µg/L	Report	N/A	Report	2/Year	Grab
Color [e]	Color Units	N/A	165	331	2/Year	Grab
Copper	µg/L	N/A	N/A	Report	2/year	Grab
Nickel	µg/L	N/A	N/A	Report	2/Year	Grab

Footnotes:

a. Metals as total recoverable.
b. gpd = gallons per day, S.U. = standard units, µg/L = micrograms per liter
c. Twice per year means one time between April and September and one time between October and March.
d. Samples shall be collected as soon as reasonably possible following the onset of a measurable storm event before mixing with receiving water. A measurable storm event means a rainfall event of at least 0.5 inch of precipitation in a 24-hour period that produces a discharge.
e. Color measurement may be performed on site using 40 CFR 136 method procedures.

1.3 Additional Effluent and Storm Water Monitoring Requirements

1.3.1 The permittee must perform Outfall 001A effluent testing as specified in APDES application Form 2C for existing manufacturing, commercial, mining and silvicultural operations. To the extent applicable, monitoring results collected to satisfy requirements in Table 2 may be used to satisfy Form 2C. Form 2C must be submitted with the application for permit reissuance.

1.3.2 The discharge from Outfalls SWL4, SWL6B, SWL11, and SWL12 must be monitored for metals in the fourth year of the permit. Metals are those pollutants identified as Compound Nos. 1-13 by the National Toxics Rule at 40 CFR 131.36. To the extent applicable, monitoring results collected to satisfy the requirements in Tables 3, 4, 5, and 6 may be used to satisfy Compounds Nos 1-13 monitoring. Monitoring results must be included with the application for permit reissuance.

1.4 Mixing Zones

1.4.1 In accordance with state regulations at 18 AAC 70.240, a chronic mixing zone is authorized for manganese, color, and whole effluent toxicity is authorized in Ward Cove for Outfall 001A. The mixing zone for Outfall 001A is defined as centered on the outfall measuring 4.3 feet long by 2.3 feet wide with a dilution of 15:1.

1.4.2 In accordance with state regulations at 18 AAC 70.240, a chronic mixing zone is authorized for color in Refuge Cove for SWL4. The chronic mixing zone for SWL4 is defined as centered on the storm water outlet measuring 111 meters long by 46 meters wide with a dilution of 68.8:1.

1.4.3 In accordance with state regulations at 18 AAC 70.240, a chronic mixing zone is authorized for color, copper, and nickel in Refuge Cove for SWL6B. The chronic mixing zone for SWL6B is defined as centered on the storm water outlet measuring 45 meters long by 21 meters wide with a dilution of 18.2:1. An acute mixing zone is authorized for copper and nickel and is defined as centered on the storm water outlet measuring 12 meters long by 8.8 meters wide with a dilution of 2.1:1.

1.4.4 In accordance with state regulations at 18 AAC 70.240, a chronic mixing zone is authorized for color, copper, and nickel in Ward Cove for SWL11. The chronic mixing zone for SW11 is defined as centered on the storm water outlet measuring 31meters long by 16 meters wide with a dilution of 7.9:1. An acute mixing zone is authorized for copper and nickel and is defined as centered on the storm water outlet measuring 20 meters long by 12 meters wide with a dilution of 3.8:1.

1.4.5 In accordance with state regulations at 18 AAC 70.240, a chronic mixing zone is authorized for color, manganese, copper, and nickel in Ward Cove for SWL12. The chronic mixing zone for SWL12 is defined as centered on the storm water outlet measuring 41 meters long by 19 meters wide with a dilution of 12.75:1. An acute mixing zone is authorized for copper and nickel and is defined as centered on the storm water outlet measuring 0.86 meters long by 0.84 meters wide with a dilution of 1:1.

1.5 Whole Effluent Toxicity (WET) Testing Requirements

The permittee must conduct chronic WET testing on effluent samples from Outfall 001A in the fourth year of the permit in accordance with Permit Sections 1.5.1 through 1.5.6.

1.5.1 The permittee must conduct toxicity tests on grab effluent samples as described below.

1.5.2 **Chronic Test Species and Methods**

1.5.2.1 The permittee shall conduct tests with a bivalve species, Pacific oyster (*Crassostrea gigas*) or blue mussel (*Mytilus galloprovincialis*) (larval development test) depending on availability, and an echinoderm, purple sea urchin (*Strongylocentrotus purpuratus*) or sand dollar (*Dendraster excentricus*) (fertilization test), depending upon the availability of the echinoderm. The permittee must conduct initial tests on both a bivalve species and an echinoderm species. After this screening procedure, any subsequent toxicity testing throughout the permit cycle shall be conducted on the more sensitive, either a bivalve or echinoderm, with species determined on availability.

1.5.2.2 If the permittee proposes an alternative species to be used for chronic toxicity testing, the permittee shall first perform a side-by-side comparison screening using both the required species and the

proposed alternative species and provide the results to DEC for review and written approval prior to implementing the use of the new test species.

1.5.2.3 Presence of chronic toxicity must be estimated as specified in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms* (EPA/600/R95-136, August 1995).

1.5.2.4 Results must be reported in TUc (chronic toxic units), where TUc = 100/no observed effect concentration (NOEC). See Appendix C for a definition of NOEC.

1.5.3 **Quality Assurance - Whole Effluent Toxicity**

1.5.3.1 The toxicity testing on each organism shall include a series of five test dilutions and a control. The series must include the instream waste concentration (IWC), two dilutions above the IWC, and two dilutions below the IWC. No concentration shall be greater than two times that of the next lower concentration. The IWC for this discharge is estimated at 6.7% effluent.

1.5.3.2 The chronic toxicity trigger is defined as toxicity exceeding 15 TUc corresponding to receiving water dilution of 6.7%.

1.5.3.3 All quality assurance criteria and statistical analyses used for chronic tests and reference toxicant tests must be in accordance with *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms* (EPA/600/R95-136, August 1995).and individual test protocols.

1.5.3.4 In addition to those quality assurance measures specified in the methodology, the following quality assurance procedures must be followed:

1.5.3.4.1 The permittee shall make every effort to have the toxicity tests initiated within thirty-six hours of sample collection. If this is not possible, the permittee must document that the delivery time cannot be met and describe how the issue will be resolved. In no case should more than seventy-two hours elapse between sample collection and use of the sample. The sample must be held at 0-6 degrees Celsius, from sample collection until test preparation.

1.5.3.4.2 If organisms are not cultured in house, concurrent testing with reference toxicants must be conducted. If organisms are cultured in house, monthly reference toxicant testing is sufficient. Reference toxicant tests must be conducted using the same test conditions as the effluent toxicity tests.

1.5.3.4.3 If either of the reference toxicant tests or the effluent tests does not meet all test acceptability criteria as specified in the test methods manual, the permittee must re-sample and re-test within two weeks of receipt of the test results.

1.5.3.4.4 To the extent practicable, control and dilution water should be receiving water. If the dilution water used is different from the culture water, a second control using culture water shall also be used For purpose of this paragraph, “receiving water” means water collected from Ward Cove outside of the influence of the permittee’s discharge. In no case shall water that has not met test acceptability criteria be used as dilution water.

1.5.4 **Accelerated Testing**

1.5.4.1 If toxicity is greater than 15 TUc in any test, the permittee shall conduct four biweekly (every two weeks) tests over an eight-week period. Accelerated testing must be initiated within two weeks of receipt of test results that indicate exceedance.

1.5.4.2 Initial investigation: If the permittee demonstrates through an evaluation of facility operations that the cause of the exceedance is known and corrective actions have been implemented, only one accelerated test is necessary.

1.5.4.3 The permittee must notify DEC of the exceedance in writing within two weeks of receipt of test results. Notification shall include the following information:

1.5.4.3.1 a status report on any actions required by the permit with a schedule for actions not yet completed;

1.5.4.3.2 a description of any additional actions the permittee has taken or will take to investigate and correct the cause(s) of toxicity; and

1.5.4.3.3 where no actions have been taken, a discussion of all reasons for not taking action.

1.5.4.4 If none of the four accelerated tests exceed 15 TUc, the permittee may return to the normal testing frequency.

1.5.4.5 If toxicity is greater than 15 TUc in any of the accelerated tests, the permittee must initiate a toxicity reduction evaluation (TRE) as outlined in Section 1.5.5 within 15 days of the exceedance.

1.5.4.6 If the permittee is able to adequately demonstrate through an evaluation of facility operations that the cause of the exceedance(s) is known and corrective actions have been immediately implemented, or in cases where additional test quality assurance or quality control is necessary, only one accelerated test is necessary. If toxicity is greater than 15 TUc in this test, then TRE requirements in Permit Section 1.5.5 shall apply.

1.5.5 **Toxicity Reduction Evaluation and Toxicity Identification Evaluation**

1.5.5.1 If toxicity is greater than 15 TUc in any of the accelerated tests, the permittee shall initiate a TRE in accordance with *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600-2-88-070, 1989). The permittee will develop a more detailed TRE workplan as expeditiously as possible. At a minimum, the workplan shall include:

1.5.5.1.1 Further actions to investigate and identify the cause of toxicity,

1.5.5.1.2 Actions the permittee will take to mitigate impact of the discharge and to prevent recurrence of toxicity, and

1.5.5.1.3 A schedule for these actions.

1.5.5.2 If a TRE is initiated before completion of accelerated testing, the accelerated testing schedule may be terminated or used as necessary in performing the TRE.

1.5.5.3 The permittees may initiate a toxicity identification evaluation (TIE) as part of the TRE process. Any TIE must be performed in accordance with EPA guidance manuals,

1.5.5.4 *Toxicity Identification Evaluation, Characterization of Chronically Toxic Effluents, Phase I* (EPA/600-6-91-005F, May 1992),

1.5.5.5 *Methods for Aquatic Toxicity Identification Evaluation: Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600-R-92-080, September 1993), and *Methods for Aquatic Toxicity Identification Evaluations: Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600-R-92-081, September 1993).

1.5.6 **Reporting**

1.5.6.1 The permittee shall submit the results of the toxicity tests with the quarterly DMR following the quarter in which the results are received.

1.5.6.2 The permittee shall submit results of any accelerated testing, under Permit Section 1.5.4, within two weeks of receipt of results from the lab. The full report must be submitted to DEC within four weeks of receipt of the results from the lab. If an initial investigation indicates the source of toxicity and accelerated testing is unnecessary, the result of the investigation must be submitted with the DMR for the month following completion of the investigation.

1.5.6.3 The toxicity test report results must include all relevant information outlined in Section 10, "Report Preparation", Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms (EPA/600/R95-136, August 1995).

2.0 SPECIAL CONDITIONS

2.1 Quality Assurance Project Plan (QAPP)

2.1.1 Within 120 days of the effective date of the permit, the permittee shall review, update as necessary, and implement a QAPP for all monitoring required by this permit.

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

2.1.3 The QAPP shall be retained electronically or physically at the facility's office of record and made available to DEC upon request.

2.1.4 The QAPP must be reviewed annually. Documentation of annual review shall be retained electronically or physically at the facility's office of record and made available to DEC upon request.

2.1.5 Throughout all sample collection and analysis activities, the permittee must use DEC-approved quality assurance/quality control (QA/QC)and chain-of-custody procedures, as described in *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5, March 2001) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5, December 2002).

2.1.6 The QAPP must be prepared in the format specified in these documents.

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

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

2.1.7.2 Maps indicating the location of each sampling point;

2.1.7.3 Qualification and training of personnel;

2.1.7.4 Specifications for the collection and analysis of quality assurance samples for each sampling event, including matrix spiked and duplicate samples and analysis of field blanks (sample blanks); and

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

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

2.2 Best Management Practices (BMP) Plan

2.2.1 Within 120 days of the effective date of this permit, the permittee shall review, update as necessary, and implement its BMP Plan. The BMP Plan shall incorporate practices to achieve the objectives and specific requirements listed below. The permittee shall fully comply with the BMP Plan along with any amendments.

2.2.2 BMP Plan shall be retained electronically or physically at the facility's office of record and made available to DEC upon request.

2.2.3 The BMP Plan must be reviewed annually. Documentation of annual BMP Plan review by the permittee shall be retained electronically or physically at the facility's office of record and made available to DEC upon request.

2.2.4 Objectives. The permittee must develop and amend the BMP Plan to be consistent with the following objectives for the control of pollutants:

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

2.2.4.2 Under the BMP Plan and especially within any standard operating procedures in the BMP Plan, the permittee must ensure proper operation and maintenance of water management systems.

2.2.5 The permittee must establish specific objectives for the control of pollutants by conducting the following evaluations:

2.2.5.1 Each facility component or system must be examined for its waste minimization opportunities and its potential for causing a release of significant amounts of pollutants to lands and waters of the U.S. due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc. The examination must include all normal operations and ancillary activities including material storage areas, in-plant transfer, material handling and process handling areas, loading and unloading operations, spillage of leaks, sludge and waste disposal, the leachate collection and treatment processes, the landfill cover, as well as the storm water collection and conveyance systems.
Requirements. The BMP Plan must be consistent with the objectives of Permit Section 2.2.4 and the general guidance contained in *Guidance Manual for Developing Best Management Practices* (EPA/ 833-B-93-004, October 1993) and *Storm Water Management for Industrial Activities: Developing Pollution*

Prevention Plans and Best Management Practices (EPA/832-R-92-006, September 1992) or any subsequent revision to these guidance documents.

2.2.6 The BMP Plan must comply with the following conditions:

2.2.6.1 The BMP Plan shall be developed in accordance with good engineering practices.

2.2.6.2 The BMP Plan shall be documented in narrative form, and shall include any necessary plat plans, drawings, or maps.

2.2.7 The BMP Plan shall be organized and written with the following structure:

2.2.7.1 Name and location of the facility.

2.2.7.2 Statement of BMP policy.

2.2.7.3 Structure, functions, and procedures of the BMP Committee.

2.2.8 Specific management practices and operating procedures to achieve the BMP objectives, including, but not limited to, the following:

2.2.8.1 Modification of equipment, facilities, technology, processes, and procedures,

2.2.8.2 Statement of BMP policy,

2.2.8.3 Substitution of materials,

2.2.8.4 Improvement in management, inventory control, materials handling or general operational phases of the facility,

2.2.8.5 Risk identification and assessment,

2.2.8.6 Materials compatibility,

2.2.8.7 Good housekeeping,

2.2.8.8 Preventative maintenance,

2.2.8.9 Inspections and records,

2.2.8.10 Security,

2.2.8.11 Employee training.

2.2.9 The BMP Plan must include, at a minimum, the following items:

2.2.9.1 At a minimum, the BMP Plan must contain the planning, development and implementation, and evaluation/reevaluation components discussed in *Guidance Manual for Developing Best Management Practices* (EPA/833-B-93-004, October 1993) or any subsequent revisions to the guidance document.

2.2.9.2 Final constructed site plans, drawings, and maps (including detailed storm water outfall/culvert configurations).

2.2.10 Specific Best Management Practices. The BMP Plan must establish specific BMPs or other measures to achieve the objectives under Permit Section 2.4, which ensure that the following specific requirements are met:

2.2.10.1 Ensure that all water control devices, including but not limited to structures and berms, and all solids retention structures such as berms, dikes, and pond structures and dams, shall be maintained to continue their effectiveness and protect from unexpected and catastrophic failure.

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

2.2.10.3 The facility's storm water pollution prevention plan (SWPPP) in Section 2.3, below, shall be incorporated into the facility's overall BMP Plan.

2.2.11 BMP Plan Modification. The permittee must amend the BMP Plan whenever there is a change in the facility design, construction, operations, or maintenance which materially affects the facility's potential for discharge of significant amounts of hazardous or toxic pollutants into the waters of the U.S.

2.2.12 Modifications to the BMP Plan must be consistent with the objectives and requirements of Permit Section 2.2.

2.2.13 If the BMP Plan proves to be ineffective as determined by the permittee or DEC, in achieving the general objective of preventing the release of significant amounts of pollutants to waters of the U.S. and the specific objectives and requirements listed in this section, the permit and/or the BMP Plan shall be subjected to modification to incorporate the revised BMP requirements.

2.3 Storm Water Pollution Prevention Plan (SWPPP)

2.3.1 The SWPPP shall be incorporated into the facility's overall BMP Plan.

2.3.2 The SWPPP shall be prepared in accordance with good engineering practices and must be consistent with the general guidance contained in *Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices* (EPA/832-R-92-006). The SWPPP must:

2.3.2.1 Identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the facility,

2.3.2.2 Describe and ensure implementation of practices to reduce the pollutants in storm water discharges from the facility, and

2.3.2.3 Assure compliance with the terms of this permit that pertain to storm water.

Contents:

2.3.3 The SWPPP must include the following:

2.3.3.1 The SWPPP must identify staff individual(s) responsible for developing, implementing, maintaining, and revising the facility's SWPPP by name or title.

2.3.3.2 The SWPPP must describe the nature of activities that occur at the facility.

2.3.3.3 The SWPPP must include a site map which identifies the directions of storm water flow, location of structural BMPs, locations of surface waterbodies, locations of where significant materials are exposed to precipitation, locations of storm water outfalls and the approximate outline of the area draining to each outfall, location and description of non-storm water discharges, and location and source of runoff onto the facility property from adjacent property.

2.3.3.4 The SWPPP must include a summary of storm water data generated during the previous five-year permit term.

2.3.3.5 The SWPPP must describe the type and location of existing non-structural and structural BMPs in place for each of the potential pollutant sources on the facility. Additionally, describe BMPs that will be used to control pollutants in storm water discharges for areas where BMPs are not currently in place.

2.3.3.6 The SWPPP must require on-going and permanent maintenance of the limestone lining within the storm water check dams of the landfill area or implementation of other BMPs that will achieve equivalent protection from pH depressions in storm water runoff.

2.3.3.7 The following types of structural and non-structural BMPs must be considered for implementation at your facility. In the SWPPP, describe how each is, or will be implemented; and if any of these BMPs are not appropriate for the facility, explain why they are not appropriate for the facility. If BMPs are being used or planned at the facility, which are not listed here, describe them in the SWPPP.

2.3.3.7.1 Good Housekeeping: All exposed areas that could contribute pollutants to storm water discharges must be kept in a clean and orderly manner.

2.3.3.7.2 Minimizing Exposure: Where practicable, industrial activity and potential sources of pollutants should be protected by a storm-resistant shelter to minimize and/or prevent exposure to rain, snow, snowmelt, or runoff.

2.3.3.7.3 Preventative Maintenance: The facility should have in place a preventative maintenance program which requires timely inspection and maintenance of storm water management devices.

2.3.3.7.4 Spill Prevention and Response Procedures: Procedures should be developed for implementation following spills and leaks, including leaks of landfill leachate, which could contribute pollutants to storm water discharges. If appropriate, procedures should address materials handling, storage requirements, secondary containment, and equipment intended to minimize spills and leaks.

2.3.3.7.5 Routine Facility Inspections: The SWPPP must identify the interval between inspections and require routine inspection of all areas of the facility where pollutants are potentially exposed to storm water. Each inspection must include an evaluation of BMPs. Results of inspections and the corrective actions taken in response to deficiencies or opportunities for improvement must be documented in the SWPPP.

2.3.3.7.6 Employee Training: The SWPPP must describe the facility's employee training program regarding storm water pollution prevention. Training should inform employees of the components and goals of the SWPPP.

2.3.3.7.7 Sediment and Erosion Control: Areas which have significant potential for soil erosion due to topography, land disturbance, or other factors must be identified. Describe the structural, vegetative, and/or stabilization BMPs that are in-place, or will be implemented, to limit erosion and control sediment.

2.3.3.7.8 Management of Runoff: Describe the traditional storm water management practices that currently exist or are planned for the facility, typically, these types of BMPs are used to divert, infiltrate, reuse, or otherwise reduce pollutants in storm water discharges.

2.3.3.7.9 Example BMPs: BMPs may include, but are not limited to, storm water detention structures, flow attenuation by use of open vegetated swales and natural depressions, infiltration of runoff onsite, and sequential systems that combine several practices.

2.3.4 All BMPs identified in the SWPPP as in place or planned for use at the facility must be maintained in effective operating conditions.

2.3.5 The SWPPP must include a certification by the facility manager that all storm water outfalls have been evaluated for the presence of non-storm water. In the circumstance of the KPC Ward Cove Landfill, non-storm water includes landfill leachate. If such a certification cannot be provided, the permittee must notify DEC within 180 days of the effective date of this permit.

2.3.6 The SWPPP must describe whether listed endangered or threatened species, or critical habitat, are found in proximity to the facility; whether such species may be affected by storm water discharges from the facility or storm water discharge-related activities; and the measures undertaken to protect listed endangered or threatened species, or critical habitat.

2.3.7 The SWPPP must describe whether storm water discharges or storm water-related activities have an effect on property that is listed or eligible for listing on the National Register of Historic Places; agreements made with the State Historic Preservation Officer or other responsible agency to mitigate those effects; and the measures necessary to avoid or minimize adverse impacts on places listed, or eligible for listing, on the National Register of Historic Places.

2.3.8 The SWPPP must be consistent with applicable State, Tribal, and/or local storm water, waste disposal, sanitary sewer, or septic system regulations to the extent these apply to the facility and are more stringent than the requirements of this permit.

2.3.9 Facility inspections must occur at least once per year by qualified personnel (either employees or outside consultants), who are knowledgeable and possess the skills to assess conditions at the facility that could impact storm water quality and assess the effectiveness of BMPs in use to control the quality of storm water discharges. Based on the results of each inspection, the SWPPP must be modified to include additional or modified BMPs designed to correct problems identified. Such revisions to the SWPPP must be completed within two weeks following the inspection and implementation of new or modified BMPs must be completed not more than 12 weeks after completion of the site inspection. A report summarizing the scope of the inspection, the names of personnel making the inspection, the date of the inspection, and major observations relating to implementation of the SWPPP must be prepared and retained as part of the SWPPP.

2.3.10 The SWPPP must be amended whenever there is a change in design, construction, operation, or maintenance at the facility which has a significant effect on the discharge, or potential for discharge, of pollutants from the facility. The SWPPP must also be amended whenever State or federal officials, during authorized inspections, monitoring, or other investigations, determine the SWPPP is ineffective in eliminating or significantly minimizing pollutants introduced to storm water runoff or is otherwise not achieving the general objectives of controlling pollutants in discharges from the facility.

3.0 GENERAL PROVISIONS

3.1 Electronic Reporting (E-Reporting) Rule

3.1.1 The permittee must submit DMR data electronically through NetDMR per Phase I of the E-Reporting Rule (40 CFR 127) upon the effective date of the Permit. Authorized persons may access permit information by logging into the NetDMR Portal (https://cdxnodengn.epa.gov/oeca-netdmr-web/action/login). DMRs submitted in compliance with the E-Reporting Rule are not required to be submitted as described in Appendix A – Standard Conditions unless requested or approved by the Department. Any DMR data required by the Permit that cannot be reported in a NetDMR field (e.g. mixing zone receiving water data, etc…), shall be included as an attachment to the NetDMR submittal. DEC has established an e-Reporting Information website at https://dec.alaska.gov/water/compliance/electronic-reporting-rule that contains general information about this new reporting format.

3.1.2 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 in December 2020. 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.

3.2 Cause to Modify or Revoke and Reissue

The Department may find cause to modify or revoke and reissue the permit under the provisions of 18 AAC 83.135. Cause to modify the permit may include the receipt by the Department of new information that was not available at the time of permit issuance and that would have justified the imposition of different permit conditions at the time of issuance.

3.3 Identification Sign

At least one sign must be posted on the shoreline near Outfall 001A during discharge. Signs must inform the public that treated landfill leachate is being discharged, state that there is a mixing zone and describe it and provide the phone number and identify of the discharger.

3.4 Removed Substances

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

Appendix A – Standard Conditions: APDES Permit Nondomestic Discharges

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

1.0 Standard Conditions Applicable to All Permits

1.1 Contact Information and Addresses

1.1.1 Permitting Program

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

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

1.1.2 Compliance and Enforcement Program

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

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

1.2 Duty to Comply

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

1.3 Duty to Reapply

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

1.4 Need to Halt or Reduce Activity Not a Defense

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

1.5 Duty to Mitigate

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

1.6 Proper Operation and Maintenance

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

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

1.7 Permit Actions

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

1.8 Property Rights

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

1.9 Duty to Provide Information

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

1.10 Inspection and Entry

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

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

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

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

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

1.11 Monitoring and Records

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

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

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

1.11.2.1 All calibration and maintenance records,

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

1.11.2.3 All reports required by a permit,

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

1.11.2.5 Field logbooks or visual monitoring logbooks,

1.11.2.6 Quality assurance chain of custody forms,

1.11.2.7 Copies of discharge monitoring reports, and

1.11.2.8 A copy of this APDES permit.

1.11.3 Records of monitoring information must include:

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

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

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

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

1.11.3.5 Any analytical technique or method used; and

1.11.3.6 The results of the analysis.

1.11.4 Monitoring Procedures

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

1.12 Signature Requirement and Penalties

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

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

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

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

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

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

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

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

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

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

1.12.2.3.1 The chief executive officer of the agency; or

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

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

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

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

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

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

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

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

1.13 Proprietary or Confidential Information

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

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

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

1.14 Oil and Hazardous Substance Liability

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

1.15 Cultural and Paleontological Resources

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

1.16 Fee

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

1.17 Other Legal Obligations

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

2.0 Special Reporting Obligations

2.1 Planned Changes

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

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

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

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

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

2.2 Anticipated Noncompliance

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

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

2.3 Transfers

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

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

2.4 Compliance Schedules

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

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

2.5 Corrective Information

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

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

2.6 Bypass of Treatment Facilities

2.6.1 Prohibition of Bypass

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

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

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

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

2.6.2 Notice of bypass

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

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

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

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

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

2.6.3.2 Is for essential maintenance to assure efficient operation.

2.7 Upset Conditions

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

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

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

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

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

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

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

2.8 Existing Manufacturing, Commercial, Mining, and Silvicultural Discharges

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

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

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

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

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

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

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

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

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

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

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

3.0 Monitoring, Recording, and Reporting Requirements

3.1 Representative Sampling

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

3.2 Reporting of Monitoring Results

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

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

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

3.2.3 If, during the period when this permit is effective, the Department makes available electronic reporting, the permittee may, as an alternative to the requirements of Appendix A, Part 3.2.2, submit monthly DMRs electronically by the 15th day of the following month in accordance with guidance provided by the Department. The permittee must certify all DMRs and other reports, in accordance with the requirements of Appendix A, Part 1.12, Signature Requirement and Penalties. The permittee must retain the legible originals of these documents and make them available to the Department upon request.

3.3 Additional Monitoring by Permittee

If the permittee monitors any pollutant more frequently than the permit requires using test procedures approved in 40 CFR Part 136, adopted by reference at 18 AAC 83.010, or as specified in this permit, the results of that additional monitoring must be included in the calculation and reporting of the data submitted in the DMR required by Appendix A, Part 3.2. All limitations that require averaging of measurements must be calculated using an arithmetic means unless the Department specifies another method in the permit. Upon request by the Department, the permittee must submit the results of any other sampling and monitoring regardless of the test method used.

3.4 Twenty-four Hour Reporting

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

3.4.1 A report must be made:

3.4.1.1 Orally within 24 hours after the permittee becomes aware of the circumstances, and

3.4.1.2 In writing within five days after the permittee becomes aware of the circumstances.

3.4.2 A report must include the following information:

3.4.2.1 A description of the noncompliance and its causes, including the estimated volume or weight and specific details of the noncompliance;

3.4.2.2 The period of noncompliance, including exact dates and times;

3.4.2.3 If the noncompliance has not been corrected, a statement regarding the anticipated time the noncompliance is expected to continue; and

3.4.2.4 Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3.4.3 An event that must be reported within 24 hours includes:

3.4.3.1 An unanticipated bypass that exceeds any effluent limitation in the permit (see Appendix A, Part 2.6, Bypass of Treatment Facilities).

3.4.3.2 An upset that exceeds any effluent limitation in the permit (see Appendix A, Part 2.7, Upset Conditions).

3.4.3.3 A violation of a maximum daily discharge limitation for any of the pollutants listed in the permit as requiring 24-hour reporting.

3.4.4 The Department may waive the written report on a case-by-case basis for reports under Appendix A, Part 3.4 if the oral report has been received within 24 hours of the permittee becoming aware of the noncompliance event.

3.4.5 The permittee may satisfy the written reporting submission requirements of Appendix A, Part 3.4 by submitting the written report via e-mail, if the following conditions are met:

3.4.5.1 The Noncompliance Notification Form or equivalent form is used to report the noncompliance;

3.4.5.2 The written report includes all the information required under Appendix A, Part 3.4.2;

3.4.5.3 The written report is properly certified and signed in accordance with Appendix A, Parts 1.12.3 and 1.12.5.;

3.4.5.4 The written report is scanned as a PDF (portable document format) document and transmitted to the Department as an attachment to the e-mail; and

3.4.5.5 The permittee retains in the facility file the original signed and certified written report and a printed copy of the conveying email.

3.4.6 The e-mail and PDF written report will satisfy the written report submission requirements of this permit provided the e-mail is received by the Department within five days after the time the permittee becomes aware of the noncompliance event and the e-mail and written report satisfy the criteria of Part 3.4.5. The e-mail address to report noncompliance is: dec-wqreporting@alaska.gov

3.5 Other Noncompliance Reporting

A permittee shall report all instances of noncompliance not required to be reported under Appendix A, Parts 2.4 (Compliance Schedules), 3.3 (Additional Monitoring by Permittee), and 3.4 (Twenty-four Hour Reporting) at the time the permittee submits monitoring reports under Appendix A, Part 3.2 (Reporting of Monitoring Results). A report of noncompliance under this part must contain the information listed in Appendix A, Part 3.4.2 and be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

4.0 Penalties for Violations of Permit Conditions

Alaska laws allow the State to pursue both civil and criminal actions concurrently. The following is a summary of Alaska law. Permittees should read the applicable statutes for further substantive and procedural details.

4.1 Civil Action

Under AS 46.03.760(e), a person who violates or causes or permits to be violated a regulation, a lawful order of the Department, or a permit, approval, or acceptance, or term or condition of a permit, approval or acceptance issued under the program authorized by AS 46.03.020 (12) is liable, in a civil action, to the State for a sum to be assessed by the court of not less than $500 nor more than $100,000 for the initial violation, nor more than $10,000 for each day after that on which the violation continues, and that shall reflect, when applicable:

4.1.1 Reasonable compensation in the nature of liquated damages for any adverse environmental effects caused by the violation, that shall be determined by the court according to the toxicity, degradability, and dispersal characteristics of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality;

4.1.2 Reasonable costs incurred by the State in detection, investigation, and attempted correction of the violation;

4.1.3 The economic savings realized by the person in not complying with the requirements for which a violation is charged; and

4.1.4 The need for an enhanced civil penalty to deter future noncompliance.

4.2 Injunctive Relief

4.2.1 Under AS 46.03.820, the Department can order an activity presenting an imminent or present danger to public health or that would be likely to result in irreversible damage to the environment be discontinued. Upon receipt of such an order, the activity must be immediately discontinued.

4.2.2 Under AS 46.03.765, the Department can bring an action in Alaska Superior Court seeking to enjoin ongoing or threatened violations for Department-issued permits and Department statutes and regulations.

4.3 Criminal Action

Under AS 46.03.790(h), a person is guilty of a Class A misdemeanor if the person negligently:

4.3.1 Violates a regulation adopted by the Department under AS 46.03.020(12);

4.3.2 Violates a permit issued under the program authorized by AS 46.03.020(12);

4.3.3 Fails to provide information or provides false information required by a regulation adopted under AS 46.03.020(12);

4.3.4 Makes a false statement, representation, or certification in an application, notice, record, report, permit, or other document filed, maintained, or used for purposes of compliance with a permit issued under or a regulation adopted under AS 46.03.020(12); or

4.3.5 Renders inaccurate a monitoring device or method required to be maintained by a permit issued or under a regulation adopted under AS 46.03.020(12).

4.4 Other Fines

Upon conviction of a violation of a regulation adopted under AS 46.03.020(12), a defendant who is not an organization may be sentenced to pay a fine of not more than $10,000 for each separate violation (AS 46.03.790(g)). A defendant that is an organization may be sentenced to pay a fine not exceeding the greater of: (1) $200,00; (2) three times the pecuniary gain realized by the defendant as a result of the offense; or (3) three times the pecuniary damage or loss caused by the defendant to another, or the property of another, as a result of the offense (AS 12.55.035(c)(B), (c)(2), and (c)(3)).

Appendix B. Acronyms

The following acronyms are common terms that may be found in an Alaska Pollutant Discharge Elimination System (APDES) permit.

18 AAC 15	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 15: Administrative Procedures
18 AAC 70	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 70: Water Quality Standards
18 AAC 72	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 72: Wastewater Disposal
18 AAC 83	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 83: Alaska Pollutant Discharge Elimination System.
All chapters of Alaska Administrative Code, Title 18 are available at the Alaska Administrative Code database	https://dec.alaska.gov/commish/regulations/
40 CFR	Code of Federal Regulations Title 40: Protection of Environment
AAC	Alaska Administrative Code
ADEC	Alaska Department of Environmental Conservation
APDES	Alaska Pollutant Discharge Elimination System
AS	Alaska Statutes
AS 46.03	Alaska Statues Title 46, Chapter 03: Environmental Conservation. Available at https://www.akleg.gov/basis/statutes.asp#46
BOD_5	5- day Biochemical Oxygen Demand
BMP	Best Management Practice
$CBOD_5$	5-day Carbonaceous Biochemical Oxygen Demand
CIU	Categorical Industrial User
CFR	Code of Federal Regulations
CWA	Clean Water Act
DML	Daily Maximum Limit
DMR	Discharge Monitoring Report
DO	Dissolved Oxygen
EPA	U.S. Environmental Protection Agency
FC	Fecal Coliform
GPD or gpd	Gallons per day
Hg	Mercury
IC_{25}	Inhibition Concentration 25%
I/I	Infiltration and Inflow

IPP	Industrial Pretreatment Program
LC_{50}	Lethal Concentration 50%
LOQ	Limit of Quantification
MDL	Method Detection Limit
mg/L	Milligrams per Liter
ML	Minimum Level
MLLW	Mean Lower Low Water
N/A	Not Applicable
Ni	Nickel
NOEC	No Observed Effect Concentration
POTW	Publicly Owned Treatment Works
PQL	Practical Quantification Limit
QA	Quality Assurance
QA/QC	Quality Assurance/Quality Control
QAPP	Quality Assurance Project Plan
QC	Quality Control
RL	Reporting Limit
RWC	Receiving Water Concentration
SIU	Significant Industrial User
SU	Standard Units
TIE	Toxicity Identification Evaluation
TRC	Total Residual Chlorine
TRE	Toxicity Reduction Evaluation
TSS	Total Suspended Solids
TUc	Toxic Unit, Chronic
µg/L	Micrograms per Liter
U.S.C.	United States Code
WET	Whole Effluent Toxicity
WQS	Water Quality Standards
WWTF	Wastewater Treatment Facility

Appendix C. Definitions

The following are common definitions of terms associated with APDES permits. Not all the terms listed may appear in a permit. Consult the footnote references for a complete list of terms and definitions.

Administrator [a] – Means the Administrator of the EPA or an authorized representative.

Alaska Pollutant Discharge Elimination System (APDES) [a] – Means the state's program, approved by EPA under 33 U.S.C. 1342(b), for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under 33 U.S.C. 1317, 1328, 1342, and 1345.

Aquaculture [b] – Means the cultivation of aquatic plants or animals for human use or consumption.

Average – Means an arithmetic mean obtained by adding quantities and dividing the sum by the number of quantities.

Average Monthly Limit – Means the highest allowable average of "daily discharges" over a calendar month calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured for that month.

Biochemical Oxygen Demand (BOD) [c] – Means the amount, in milligrams per liter, of oxygen used in the biochemical oxidation of organic matter in five days at 20º C.

Bypass [a] – Means the intentional diversion of waste streams from any portion of a treatment facility.

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

Commissioner [a] – Means the commissioner of the Alaska Department of Environmental Conservation or the commissioner's designee.

Composite Samples – Composite samples must consist of at least eight equal volume grab samples. 24 hour composite sample means a combination of at least eight discrete samples of equal volume collected at equal time intervals over a 24-hour period at the same location. A "flow proportional composite" sample means a combination of at least eight discrete samples collected at equal time intervals over a 24-hour period with each sample volume proportioned according to the flow volume. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.

Criterion [b] – Means a set concentration or limit of a water quality parameter that, when not exceeded, will protect an organism, a population of organisms, a community of organisms, or a prescribed water use with a reasonable degree of safety. A criterion might be a narrative statement instead of a numerical concentration or limit.

Daily Discharge [a] – Means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants measured in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with a limitation expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Department [a] – Means the Alaska Department of Environmental Conservation.

Design Flow [a] – Means the wastewater flow rate that the plant was designed to handle.

Director [a] – Means the commissioner or the commissioner's designee assigned to administer the APDES program or a portion of it, unless the context identifies an EPA director.

Discharge [a] – When used without qualification, discharge means the discharge of a pollutant.

Discharge of a Pollutant [a] – Means any addition of any pollutant or combination of pollutants to waters of the United States from any point source or to waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft that is being used as a means of transportation. Discharge includes any addition of pollutants into waters of the United States from surface runoff that is collected or channeled by humans; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person that do not lead to a treatment works; discharges through pipes, sewers, or other conveyances leading into privately owned treatment works; and does not include an addition of pollutants by any indirect discharger.

Dissolved Oxygen (DO) [b] – Means the concentration of oxygen in water as determined either by the Winkler (iodometric) method and its modifications or by the membrane electrode method. The oxygen dissolved in water or wastewater and usually expressed in milligrams per liter or percent saturation.

Domestic Equivalent – Means businesses that only discharge pollutants similar in nature to domestic wastewater that is discharged from residential dwellings, and that do not otherwise qualify as an SIU or an MIU as defined in this glossary. This definition is intended for use when categorizing industries and businesses, and not intended to be used as a general APDES definition.

Domestic Wastewater [c] – 18 AAC 72.72.990(23) "domestic wastewater" means waterborne human wastes or graywater derived from dwellings, commercial buildings, institutions, or similar structures; "domestic wastewater" includes the contents of individual removable containers used to collect and temporarily store human wastes; "domestic wastewater" does not include (A) liquid or solid material removed from a septic tank, cesspool, or similar treatment works, if those facilities receive nondomestic or industrial wastewater; or (B) grease removed from a grease trap at a restaurant.

Effluent [b] – Means the segment of a wastewater stream that follows the final step in a treatment process and precedes discharge of the wastewater stream to the receiving environment.

Fecal Coliform (FC) [b] – Bacteria that can ferment lactose at 44.5° + 0.2°C to produce gas in a multiple tube procedure. Fecal coliform bacteria also means all bacteria that produce blue colonies in a

membrane filtration procedure within 24 ± 2 hours of incubation at 44.5° + 0.2°C in an M-FC broth.

Final Approval to Operate – Means the approval that the Department issues after it has reviewed and approved the construction and operation of the engineered wastewater treatment works plans submitted to the Department in accordance with 18 AAC 72.215 through 18 AAC 72.280 or as amended.

Geometric Mean – The geometric mean is the N^{th} root of the product of N. All sample results of zero will use a value of 1 for calculation of the geometric mean.
Example geometric mean calculation: $\sqrt[4]{(12 \times 23 \times 34 \times 990)} = 55$

Grab Sample – Means a single instantaneous sample collected at a particular place and time that represents the composition of wastewater only at that time and place.

Influent – Means untreated wastewater before it enters the first treatment process of a wastewater treatment works.

Inhibition Concentration 25% (IC_{25}) [e] – Means the point estimate of the toxicant concentration that would cause 25% reduction in a nonlethal biological measurement of the test organisms, such as reproduction or growth.

Lethal Concentration 50% (LC_{50}) – Means the toxicant concentration that would cause death in 50% of the test organisms.

Maximum Daily Limit [a] **–** Means the highest allowable "daily discharge".

Mean [b] – Means the average of values obtained over a specified period and, for fecal coliform analysis, is computed as a geometric mean.

Mean Lower Low Water [b] – Means the tidal datum plane of the average of the lower of the two low waters of each day, as would be established by the National Geodetic Survey, at any place subject to tidal influence.

Measured – Means the actual volume of wastewater discharged using appropriate mechanical or electronic equipment to provide a totalized reading. Measure does not provide a recorded measurement of instantaneous rates.

Method Detection Limit (MDL) [d] – Means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

Micrograms per Liter (µg/L) [b] – Means the concentration at which one millionth of a gram (10^{-6} g) is found in a volume of one liter.

Milligrams per Liter (mg/L) [b] – Means the concentration at which one thousandth of a gram (10^{-3} g) is found in a volume of one liter. It is approximately equal to the unit "parts per million (ppm)," formerly of common use.

Minimum Level (ML) [e] – Means the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes, and processing steps have been followed. This level is used as the compliance level if the effluent limit is below it.

Minor Industrial User (MIU) – Means businesses that do not qualify as SIUs according to the SIU definition, but who still either have some discharges of wastewater containing pollutants not typical of domestic wastewater, and potentially of concern to the POTW, or have a potential to discharge or spill chemicals to the POTW which could impair the normal operation of the POTW, adversely affect worker health or safety, or violate Alaska Water Quality Standards (18 AAC 70). This definition is intended for use when categorizing industries and businesses, and not intended to be used as a general APDES definition.

Mixing Zone [b] – Means a volume of water adjacent to a discharge in which wastes discharged mix with the receiving water.

Month – Means the time period from the 1st of a calendar month to the last day in the month.

Monthly Average – Means the average of daily discharges over a monitoring month calculated as the sum of all daily discharges measured during a monitoring month divided by the number of daily discharges measured during that month.

No Observed Effect Concentration (NOEC) [e] – Means the highest concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organisms at a specific time of observation. NOEC is determined using hypothesis testing.

Permittee – Means a company, organization, association, entity, or person who is issued a wastewater permit and is responsible for ensuring compliance, monitoring, and reporting as required by the permit.

pH [g] – Means a measure of the hydrogen ion concentration of water or wastewater; expressed as the negative log of the hydrogen ion concentration in mg/L. A pH of 7 is neutral. A pH less than 7 is acidic, and a pH greater than 7 is basic.

Pollutant [a] – Means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under 42 U.S.C. 2011), heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, or agricultural waste discharged into water.

Primary Contact Recreation – Means activities in which there is direct and intimate contact with water. Contact recreation includes swimming, diving, and water skiing. Contact recreation does not include wading.

Priority Pollutants – Means the set of chemical pollutants that EPA regulates and for which EPA has published analytical test methods. A list of the Priority Pollutants can be found in Appendix A to 40 CFR Part 423.

Principal Executive Officer [a] – Means the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of division of the agency.

Quality Assurance Project Plan (QAPP) – Means a system of procedures, checks, audits, and corrective actions to ensure that all research design and performance, environmental monitoring and sampling, and other technical and reporting activities are of the highest achievable quality.

Quarter – Means the time period of three months based on the calendar year beginning with January.

Receiving Waterbody – Means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, straits, passages, canals, the Pacific Ocean, Gulf of Alaska, Bering Sea, and Arctic Ocean, in the territorial limits of the state, and all other bodies of surface water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially in or bordering the state or under the jurisdiction of the state. (See "Waters of the U.S." at 18 AAC 83.990(77)).

Recorded – Means a permanent record using mechanical or electronic equipment to provide a totalized reading, as well as a record of instantaneous readings.

Report – Report results of analysis.

Reporting Limit – Minimum concentration of a given parameter that can be reliably measured and reported by a laboratory using a particular analytical method. A reporting limit is greater than or equal to a method detection limit and is typically set by a laboratory.

Residual Chlorine – Means chlorine remaining in water or wastewater at the end of a specified contact period as combined or free chlorine.

Responsible Corporate Officer [a] – Means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision making functions for the corporation.
The Responsible Corporate Officer can also be the manager of one or more manufacturing, production, or operating facilities if the requirements of 18 AAC 83.385(a)(1)(B)(i)-(iii) are met.

Secondary Recreation [b] – Means activities in which incidental water use can occur. Secondary recreation includes boating, camping, hunting, hiking, wading, and recreational fishing. Secondary contact recreation does not include fish consumption.

Significant Industrial User (SIU) [g] – Means all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N; and any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6).

Suspended Solids – Means insoluble solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids. The quantity of material removed from wastewater in a laboratory test, as prescribed in *Standard Methods for the Examination of Water and Wastewater* and referred to as nonfilterable.

Total Suspended Solids (TSS) [g] – Means a measure of the filterable solids present in a sample, as determined by the method specified in 40 CFR Part 136.

Toxic Unit, Chronic (TUc) [e] – Means the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period (i.e., 100/NOEC).

Twice per year – Means two time periods during the calendar year: October through April and May through September.

Upset [a] – Means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Waters of the United States or **Waters of the U.S.** – Has the meaning given in 18 AAC 83.990(77).

Water Supply [b] – Means any of the waters of the United States that are designated in 18 AAC 70 to be protected for fresh water or marine water uses. Water supply includes waters used for drinking, culinary, food processing, agricultural, aquacultural, seafood processing, and industrial purposes. Water supply does not necessarily mean that water in a waterbody that is protected as a supply for the uses listed in this paragraph is safe to drink in its natural state.

Week – Means the time period of Sunday through Saturday.