



## ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM

### INDIVIDUAL PERMIT – DRAFT

Permit Number: AK0053732

**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

### AURORA ENERGY SERVICES, LLC

is authorized to discharge from the Seward Coal Loading Facility at 903 Port Avenue, Seward, Alaska at the following location(s):

Outfall	Receiving Water or Body	Latitude	Longitude
Shiploader and Overwater Belt Conveyor System	Resurrection Bay	60° 06.919	-149° 25.788

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

This permit and authorization shall become effective [\[insert date\]](#)

This permit and the authorization to discharge shall expire at midnight, [\[insert date\]](#)

The permittee shall reapply for a permit reissuance on or before [\[insert date\]](#), 180 days before the expiration of this permit if the permittee intends to continue operations and discharge(s) at the facility beyond the term of this permit.

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

DRAFT

Signature

Wade Strickland

Printed Name

DRAFT

Date

Program Manager

Title

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## SCHEDULE OF SUBMISSIONS

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

**Table 1: Schedule of Submissions**

Permit Part	Submittal or Completion	Frequency	Due Date	Submit to <sup>a</sup>
1.3.4	Annual Report	1/year	January 31 of the year following the year the report is about	Compliance
1.4	Seafloor Coal Monitoring Survey Report	1 or more/permit cycle	Within 60 days of the seafloor survey report being completed in the first year of the permit and as needed thereafter	Compliance
2.1	Written notification that the Quality Assurance Project Plan (QAPP) has been developed and implemented	1/permit cycle	Within 60 Days prior to seafloor coal monitoring survey	Compliance
2.2	Written notification that the Best Management Practices (BMP) Plan has been developed and implemented	1/permit cycle	Within 180 days after the effective date of the final permit	Compliance
2.2.13.2	Vessel Loading Logs	Once per vessel loading	Within 14 calendar days of conclusion of loading vessel	Compliance
2.3	Written notification that the Adaptive Management Plan has been developed	1/permit cycle	Within 180 days after the effective date of the final permit	Compliance
2.3	Remediation Plan	As necessary	Within 60 days of discovery of conditions that need to be remediated	Permitting
Appendix A, 1.3	Application for Permit Reissuance	1/permit cycle	180 days before expiration of the final permit	Permitting
Appendix A, 3.4	Oral notification of noncompliance	As necessary	Within 24 hours from the time the permittee becomes aware of the circumstances of noncompliance	Compliance
Appendix A, 3.4	Written documentation of noncompliance	As necessary	Within five days after the permittee becomes aware of the circumstances	Compliance
Note:				
a. See Appendix A, 1.1 for addresses.				

## 1.0 LIMITATIONS AND MONITORING REQUIREMENTS

### 1.1 Discharge Authorization

- 1.1.1 During the effective period of this permit, the permittee is authorized to discharge incidental coal to Resurrection Bay from the southern end of the over-the-water portions of the belt conveyor (BC-14) system, transfer feeder conveyor system, or swing arm shiploader system, within the limits and subject to conditions set forth herein.

### 1.2 Permit Limitations & Triggers

- 1.2.1 The following limitations and requirements apply to the discharge from the Aurora Energy Service (AES or permittee) Seward Coal Loading Facility (SCLF or facility). AES is authorized to discharge under this permit.
- 1.2.1.1 *Petroleum Hydrocarbons, Oil, and Grease.* Permittee shall not cause a discharge of hydrocarbons or oil and grease that causes a film, sheen, or discoloration on the surface or floor of the waterbody or adjoining shorelines.
- 1.2.1.2 *Discharge of Incidental Coal.* Permittee shall monitor the incidental spillage of coal during ship loading for use in Part 2.3 Adaptive Management Plan.
- 1.2.1.3 *Zone of Deposit.* DEC authorizes a project area Zone of Deposit (ZOD) as described in Table 2. The project area ZOD authorizes the accumulation of coal on the seafloor from the incidental discharge of coal from the facility as described in Permit Part 1.1.1 within the project area ZOD as described herein. The State of Alaska Water Quality Standard for (WQS) residues must be met at all points outside the authorized project area ZOD.

The authorized project area ZOD extends from the southern end of the belt conveyor (BC-14) of the SCLF to the end of the mooring dolphins and on either side of the conveyor and loader systems. More specifically, the project area ZOD generally reflects the geometry of a trapezoid and is approximately 21 acres in size. The northern boundary of the project area ZOD is 415 feet long, the eastern boundary is 1541 feet long, the southern boundary is 602 feet long and the western boundary is 1639 feet long.

**Table 2: Boundary of the Project Area Zone of Deposit (ZOD)**

Point	North Latitude	West Longitude
NE	60° 06.9858	-149° 25.6843
SE	60° 06.7338	-149° 25.6822
S	60° 06.7342	-149° 25.8433
SW	60° 06.7338	-149° 25.8809
W	60° 06.9390	-149° 25.8803
NW	60° 06.9944	-149° 25.8202

If a seafloor coal monitoring survey (Permit Part 1.4) shows that aggregate coverage by coal equals or exceeds a moderate measurable increase on the seafloor, the permittee shall notify DEC in the Seafloor Coal Monitoring Report that coal exceeds one of the trigger levels or limit described in Permit Part 1.4.3.3

within the authorized project area ZOD. All continuous coal coverage deposits mapped during the seafloor coal monitoring survey must be summed (in acres) up and reported in the Seafloor Coal Monitoring Report. The calculated aggregate (i.e., summed) piles of continuous coal coverage value will be the metric used to determine compliance with the trigger described further in Permit Part 2.3 and the permit limit that triggers the requirement for remediation.

- 1.2.1.4 *Residues.* Except within the authorized project area ZOD, there shall be no discharge of coal, scum, floating solids, oily wastes, foam, or other residues which alone, or in combination, with other substances: a) makes the water unfit or unsafe for use in aquaculture, water supply, recreation, growth and propagation of fish, shellfish, aquatic life and wildlife, or the harvesting and consumption of raw mollusks or other aquatic life; b) causes a film, sheen, or discoloration on the surface of the waterbody or adjoining shorelines; c) causes leaching of toxic or deleterious substances; or d) causes 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.

### **1.3 Additional Monitoring and Reporting**

- 1.3.1 *Tons of Coal Loaded.* The number of tons of coal loaded onto ships at the facility shall be monitored and reported, by each ship loading, in the Annual Report.

- 1.3.2 *Volume of Coal Spilled.* An estimate of the number of cubic yards of coal spilled from the belt conveyor (BC-14) system, transfer feeder conveyor system, or swing arm shiploader system during the loading of ships shall be monitored and reported, by each ship loading, in the Annual Report.

- 1.3.2.1 The permittee shall develop and implement a methodology for making estimates of coal spillage to ensure consistency in approach from ship loading to ship loading.

- 1.3.2.2 The first four estimates of coal spillage shall constitute a baseline average for comparison with future estimates. A visual inspection must be conducted of all BMPs to ensure they are operating as designed prior to each ship loading.

- 1.3.2.3 If the most recent estimate of coal spillage from a ship loading exceeds the baseline average by more than 10 percent, then the permittee must follow the adaptive management plan described in Permit Part 2.3.

#### **1.3.3 Oil Sheen Monitoring and Reporting**

During periods of coal loading, receiving waters at the SCLF shall be visually monitored daily for the presence of oil sheen. The presence of any oil sheen shall be recorded and reported on in the Annual Report, with the date, name of observer, cause or source of oil sheen, and corrective measures taken. The permittee must also report to DEC within 24 hours (See Appendix A Part 3.4). This information shall be included in the Annual Report.

Additionally, federal and state laws require reporting of any oil spill to land or water, including those that cause a sheen. Any oil spill shall be reported to both of the following locations.

U.S. Coast Guard National Response Center:  
800-424-8802 (24 hours per day)

Central Alaska Oil Spill Response Team:  
907-269-3063 (8am to 5pm, Monday through Friday)  
800-478-9300 (all other times including holidays)

#### 1.3.4 Annual Report

- 1.3.4.1 *Applicability.* The permittee shall prepare and submit a complete, accurate and timely Annual Report of coal loading activities (such as time of commencement of loading, tons loaded, and end of loading time), discharges, periods of noncompliance, and facility changes. If the SCLF is not operating, the permittee shall submit a statement indicating that the facility did not operate.
- 1.3.4.2 *Purpose.* The Annual Report serves to inform DEC of the annual loading of coal, an estimate of spillage during ship loading, and the implementation and improvement of BMPs by the SCLF to control the incidental discharge of coal.
- 1.3.4.3 *Contents of Report.* The Annual Report must include the information listed below.
- 1.3.4.3.1 APDES Permit Number, facility owner, facility operator (permittee), name of the facility, mailing and email addresses, and telephone and FAX numbers;
- 1.3.4.3.2 A summary of periods of noncompliance with any of the requirements of this permit between January 1 and December 31 of the prior calendar year, the reasons for such noncompliance, and the steps taken to correct the problem and prevent further occurrences;
- 1.3.4.3.3 A summary of the actions carried out under the BMP Plan (Permit Part 2.2), modifications made to improve the BMP Plan, and planned facility improvements for the next year;
- 1.3.4.3.4 A summary of the actions, if any, carried out under the Adaptive Management Plan (Permit 2.3) including increased monitoring, evaluation of alternatives, and adjustments to the facility for the next year;
- 1.3.4.3.5 Visual logs on any oil sheens, residues, film or discoloration observed during operating periods, including the date, name of observer, cause or source of sheen, residue, film or discoloration, and corrective measures taken;
- 1.3.4.3.6 A cumulative count of the days loading during each coal loading shipment and the tons of coal loaded during each shipment;
- 1.3.4.3.7 An estimate of the amount of coal spilled during ship loading from BC-14, transfer feeder conveyor system or swing arm shiploader system, and report the amount of spillage from each loading during the year;
- 1.3.4.3.8 Practices that will be used to minimize additional coal accumulation if continuous coverage of coal exceeds both 1.0-acre and a thickness of four inches at any point; and
- 1.3.4.3.9 A statement of any facility changes from those specified in the permit application to be covered under this permit.

- 1.3.4.4 *Signatory Requirements.* The Annual Report must be signed in accordance with the signatory requirements specified in Appendix A Part 1.12.
- 1.3.4.5 *Submittal of Report.* The permittee must submit (postmark) its Annual Report by January 31 of the year following each calendar year of operation and discharge under this permit. If the SCLF was not operated during the reporting year, the permittee must so indicate in the Annual Report. The permittee must submit its Annual Report to DEC at the address specified in Appendix A Part 1.1.2.

## **1.4 Seafloor Coal Monitoring Survey**

- 1.4.1 *Applicability.* A seafloor coal monitoring survey is required to determine compliance with the authorized project area ZOD and permit limitation of 1.0-acre of coverage four inches deep.
- 1.4.2 *Objectives.* The seafloor coal monitoring survey must determine the depth, total area, and outer boundary of continuous coverage of coal (100%) on the seafloor, in water depths to -100 feet Mean Lower Low Water (MLLW) within the project area ZOD. The seafloor coal monitoring survey shall determine the depth, total area, and outer boundary of discontinuous coverage by coal in the 99% to 50% cover class. In water depths to -100 feet MLLW determine the total area of discontinuous coverage by coal in the 49% to 10% cover class on the seafloor. (Note: Actual diving depths may be equal to or greater than -100 feet MLLW depending upon tidal conditions during a dive survey.)
- 1.4.3 *Monitoring Schedule.*
  - 1.4.3.1 The seafloor coal monitoring survey shall be conducted during the first year after the permit becomes effective;
  - 1.4.3.2 The seafloor coal monitoring survey shall be conducted in the first year even if the SCLF is not operating during that year; and
  - 1.4.3.3 If the seafloor coal monitoring survey conducted in the first year indicates that aggregate coverage by coal within the ZOD has
    - 1.4.3.3.1 No measurable increase, then conduct an additional seafloor coal monitoring survey in year four;
    - 1.4.3.3.2 Moderate measurable increase, then follow the Adaptive Management Plan in Permit Part 2.3 (see Permit Part 2.3.5.2 for additional seafloor monitoring requirements); or
    - 1.4.3.3.3 Significant measurable increase, then follow the Remediation Plan in Permit Part 2.4 (see Permit Part 2.4.4 for minimum seafloor survey monitoring frequencies).
- 1.4.4 *Methods.* The following method is approved by DEC. The permittee may request a waiver from the approved method and request approval of an alternate method, by submitting a detailed description of the circumstances requiring the waiver and by providing an alternate method. This description must demonstrate how the alternate method will meet the objectives stated in Permit Part 1.4.2. The permittee must receive a written approval from DEC prior to implementing the requested alternate method.

- 1.4.4.1 Establish survey location control on the shore and in the water.
- 1.4.4.2 Determine the number and configuration of transects that will most accurately delineate the area of coal accumulation. Use the transect layout described in Section 1.4.4.5 as the basis for the grid of sample plots. Closer transects may be used to prove the exact extent of the coverage.
- 1.4.4.3 Conduct a video tow through the area of interest prior to conducting any in-water survey activity in an effort to make a preliminary determination of areas where coal deposit(s) are visible on the seafloor.
- 1.4.4.4 Concurrently collect dissolved oxygen (DO) data throughout the area of interest by attaching a DO meter to the video camera. The DO meter must have the capability to continuously collect DO data during the video tow. GPS Coordinates shall be collected continuously, to the extent practicable.
- 1.4.4.5 Establish transect lines with a surveyor's tape or other precise methodology extending seaward from the discharge location. Measurements must extend beyond the area of continuous coal coverage accumulation or to a water depth of -100 feet MLLW, whichever occurs first.
- 1.4.4.6 Establish transect lines perpendicular to the coal conveyor. The initial transect (Transect 1) shall be established at the terminus of the conveyor. A western and eastern portion of Transect 1 shall be established at 90 degrees true from the terminus of the coal conveyor. Subsequent transects shall be established at 90 degrees true from the coal conveyor both north and south of Transect 1 at the following spacing; however, note that the permittee may establish closer transects to more precisely delineate the extent of coverage as long as all other survey protocols are adhered to:
  - 1.4.4.6.1 For transects north of Transect 1, the first transect shall be established 15 feet north of Transect 1 and labeled on a diagram as Transect N1. Transect N2 shall be established 30 feet north of Transect N1. Subsequent transects shall be established at 75 foot intervals and labeled as N3, N4, etc.;
  - 1.4.4.6.2 Sample plots (3 foot by 3 foot) shall initially be established 15 feet east and west of the coal conveyor along each north transect. All subsequent plots will be established to 30 foot intervals along transects;
  - 1.4.4.6.3 For transects south of Transect 1, the first transect shall be established 15 feet south of Transect 1 and labeled as Transect S1. Transect S2 shall be established 30 feet south of Transect S1. Subsequent transects shall be established at 75 foot intervals and labeled as S2, S3, etc.; and
  - 1.4.4.6.4 Plots shall initially be established 15 feet east and west of a line of projection from the coal conveyor and all subsequent plots will be established at 30 foot intervals along transects.

- 1.4.4.7 Determine the total aggregate area of continuous coverage by coal within the project area in water depths to -100 feet MLLW or within the project area ZOD boundary. Determine the total area of discontinuous coverage by coal in the 99% to 50% cover class in water depths to -100 feet MLLW to determine the total area of discontinuous coverage by coal in the 49% to 10% cover class within the project area ZOD.
- 1.4.4.8 If continuous coverage extends more than 15 feet beyond and perpendicular to the lateral transects that bound the two sides of the survey area, then additional transects shall be established to determine the extent of continuous coverage beyond the lateral transects. The areas of continuous or discontinuous coverage shall be calculated as the area in acres enclosed by a line connecting the outermost measured points of continuous or discontinuous coverage, respectively, for that area on the transect array, or by another method approved by DEC.
- 1.4.4.9 The following information shall be recorded at each sample plot.
- 1.4.4.9.1 *Coal Thickness.* Measure and record depth of coal deposit using a marked stick or pipe to the nearest one inch using the following rounding rule. If the thickness is measured as a whole number (i.e., one inch) plus some fraction of a whole number, round up to the next higher whole number if the fraction is  $\frac{1}{2}$  inch or more. If the thickness is measured as a whole number (i.e., one inch) plus some fraction of a whole number that is less than  $\frac{1}{2}$  inch, round the number down to the lower whole number. If coal is visible but less than one inch deep, record the depth as less than one inch. (If it aids in measurement, mark the stick in  $\frac{1}{2}$  inch increments.)
- 1.4.4.9.2 *Percent Cover.* Estimate and record the percentage (0% to 100%) of area covered by coal at each sample plot defined as a three foot-square plot. A sampling area is measured within a three foot-square (one square yard) sample plot. Digital photographs shall be collected that depict the nature and coverage of coal on the seafloor at representative sample plots along transects, including all of the stations with continuous coverage (100%), and at least half of the sample plots with discontinuous coverage (10%-99%).
- Digital photographs at each sample plot shall include information on the name of the SCLF, survey date, and sample plot identifier.
- 1.4.4.9.3 Water depth adjusted to MLLW.
- 1.4.4.9.4 Presence of metal and other debris.
- 1.4.5 *Contents of Report.* The permittee shall submit a Seafloor Coal Monitoring Survey Report that includes the following information.
- 1.4.5.1 The name of the facility and the permit number;
- 1.4.5.2 Date, exact place and time of survey, and name(s) of individual(s) who performed the survey;
- 1.4.5.3 Name and signature of person responsible for survey;
- 1.4.5.4 Method used to establish transects, locate sample stations, measure coal depths, estimate percent cover at each station, and calculate area of coal coverage;

- 1.4.5.5 Date of completion of report, and first and last name(s) of individual(s) who completed the report;
  - 1.4.5.6 Table showing coal thickness and percent cover measurements at each sample location along each transect line;
  - 1.4.5.7 Map (with scale) delineating the project area and showing the location of each transect line, area of 100% coal coverage, and to the extent practicable, area of 99% to 50% discontinuous cover, area of 49% to 10% discontinuous cover, and outer boundary of the waste pile as it relates to the project area;
  - 1.4.5.8 The results of a survey shall clearly state the area of aggregate continuous (100%) coal coverage, area of 99% to 50% discontinuous cover, and area of 49% to 10% discontinuous cover, in acres to one tenth of an acre.
  - 1.4.5.9 Include still digital photographs that clearly depict the nature and coverage of coal on the seafloor at representative sample plots along the transect at the sample plots specified in Part 1.4.4.9.2.
  - 1.4.5.10 A statement of whether or not the 1.0-acre aggregate continuous cover coal threshold within the project area ZOD has been exceeded.
  - 1.4.5.11 If coal monitoring surveys submitted by the permittee, and other available evidence, are not sufficient to determine whether aggregate continuous coverage by coal exceeds both 1.0-acre and a thickness of four inches at any point, DEC will, in its discretion, require the permittee to conduct additional seafloor coal monitoring surveys or other monitoring for that purpose.
  - 1.4.5.12 If a coal monitoring survey shows that aggregate continuous coverage by coal exceeds both 1.0-acre and a thickness of four inches at any point, the permittee shall notify DEC that coal exceeds the 1.0-acre aggregate continuous coverage coal accumulation limit within the authorized project area ZOD and shall submit a proposed Remediation Plan to DEC within 60 days of discovery of such conditions..
  - 1.4.5.13 If a coal monitoring survey shows that aggregate continuous coverage by coal exceeds both 1.0-acre and a thickness of four inches at any point, the permittee shall submit (if applicable), along with the survey report, a written statement describing additional practices that will be used to minimize additional coal accumulation until such time as a Remediation Plan (Part 2.3) is approved by DEC in writing and the permittee incorporates those practices into the BMP Plan for the SCLF within 14 days.
- 1.4.6 *Signatory Requirements.* The Seafloor Coal Monitoring Survey Report shall be signed in accordance with the signatory requirements specified in Appendix A Part 1.12.
- 1.4.7 *Submittal of Report.* The Seafloor Coal Monitoring Survey Report shall be submitted (postmarked) to DEC in electronic format (portable document file (pdf) preferable) within 60 days of receipt of the survey by the permittee at the address found in Appendix A Part 1.1.2.

- 1.4.8 *Modification.* The seafloor coal monitoring survey methods may be modified if DEC determines that it is appropriate and consistent with the objectives outlined in Permit Part 1.4.2. All modifications must be approved in writing by DEC prior to implementation.

## 2.0 SPECIAL CONDITIONS

### 2.1 Quality Assurance Project Plan

- 2.1.1 The permittee shall develop a facility-specific quality assurance project plan (QAPP) for all monitoring required by this permit. Written notification of completion of the QAPP shall be submitted (postmarked) to DEC within 60 days of the instigation of the seafloor coal monitoring survey and implemented with the dive survey. Any existing QAPP may be modified under this Part.
- 2.1.2 The QAPP shall be designed to assist in planning for the seafloor coal monitoring survey in support of the permit and to help explain data anomalies whenever they occur.
- 2.1.3 Throughout all sample collection and analysis activities, the permittee shall use DEC-approved QA/QC and chain-of-custody procedures, as described in the *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5). The QAPP shall be prepared in the format specified in these documents.
- 2.1.4 At a minimum, a QAPP shall include:
- 2.1.4.1 Adequate documentation to allow reconstruction of the seafloor coal monitoring survey from field records and notes, dive plans, and still and video photography. The QAPP shall include a detailed description of the methods and procedures for conducting the seafloor coal monitoring survey as identified in Part 1.4 including, but not limited to: establishing survey location control on the beach and in the water, measuring coal accumulation thickness, determining percent coal cover (continuous vs. discontinuous cover), including photographic procedures, and measuring water depth and tide stage. A copy of the written notification submitted to DEC as required in Part 2.1.1. The statement must be submitted to the addresses contained in Appendix A Part 1.1.2.
  - 2.1.4.2 Maps indicating the location of each sampling plot;
  - 2.1.4.3 Qualification and training of personnel; and
  - 2.1.4.4 Name, address, and telephone number of all laboratories used by or proposed to be used by the permittee.
- 2.1.5 The permittee shall amend the QAPP whenever sample collection, sample analysis, or other procedure addressed by the QAPP is modified.
- 2.1.6 Copies of the QAPP shall be kept on site and made available to DEC upon request.

## 2.2 Best Management Practices Plan

- 2.2.1 *Purpose.* Through implementation of the BMP Plan the permittee shall prevent or minimize the generation and the potential for release of pollutants from the facility to the waters of the U.S. through normal operations of the facility.
- 2.2.2 *Development and Implementation Schedule.* The permittee shall develop and implement a BMP Plan which achieves the objectives and the specific requirements listed below. The permittee shall submit (postmark) written notice to DEC that the BMP Plan has been developed and implemented within 180 days of the effective date of the permit. Any existing BMP Plan may be modified for compliance with this Part. The permittee shall implement provisions of the plan as conditions of this permit within 180 days of the effective date of this permit.
- 2.2.3 *Objectives.* The permittee shall develop and amend the BMP Plan consistent with the following objectives for the control of pollutants.
- 2.2.3.1 The number and quantity of pollutants and the toxicity of material generated, discharged, or potentially discharged at the facility shall be minimized by the permittee to the extent feasible by managing waste streams in the most appropriate manner.
- 2.2.3.2 Under the BMP Plan and especially within any standard operating procedures in the BMP Plan, the permittee shall ensure proper operation and maintenance of coal management and containment system. BMP Plan elements shall be developed in accordance with good engineering practices.
- 2.2.3.3 Each facility component or system shall be examined for its waste minimization opportunities and its potential for causing a release of coal (and other pollutants) to waters of the U.S. due to equipment failure, improper operation, or natural phenomena such as rain or snowfall, etc. The examination shall include all normal operations and ancillary activities including material storage areas, fallback of coal into the water, storm water, in-plant transfer, material handling and process handling areas, loading or unloading operations, spillage or leaks, sludge and waste disposal, or drainage from raw material storage.
- 2.2.4 *Elements of the BMP Plan.* The BMP Plan shall be consistent with the objectives above and the general guidance contained in *Guidance Manual for Developing Best Management Practices* (EPA 833-B-93-004, October 1993) and *Storm Water Management for Industrial Activities, Developing Pollution Prevention Plans and Best Management Practices* (EPA 832-R-92-006) or any subsequent revision to these guidance documents.
- 2.2.4.1 *Plan Components.* The BMP Plan shall include, at a minimum, the following items:
- 2.2.4.1.1 *Statement of BMP Policy.* The BMP Plan shall include a statement of management commitment to provide the necessary financial, staff, equipment, and training resources to develop and implement the BMP Plan on a continuing basis;

- 2.2.4.1.2 Establishment of a BMP Committee responsible for developing, implementing, and maintaining the BMP Plan. The BMP Plan must specify the structure, functions, and procedures of the BMP Committee;
  - 2.2.4.1.3 Description of potential pollutant sources;
  - 2.2.4.1.4 Risk identification and assessment;
  - 2.2.4.1.5 Standard operating procedures to achieve the above objectives and specific BMPs (see Permit Part 2.2.4.1.15);
  - 2.2.4.1.6 Reporting of BMP incidents. The reports shall include a description of the circumstances leading to the incident, corrective actions taken and recommended changes to operating and maintenance practices to prevent recurrence;
  - 2.2.4.1.7 Materials compatibility;
  - 2.2.4.1.8 Good housekeeping;
  - 2.2.4.1.9 Inspections of BMPs, including while loading, visual inspections and reports of any failure of the BMPs, the consequences from such failure, and measures taken in response to such failure; such visual inspections shall be conducted once every four hours when coal is being loaded;
  - 2.2.4.1.10 Preventative maintenance and repair;
  - 2.2.4.1.11 Security;
  - 2.2.4.1.12 Employee training;
  - 2.2.4.1.13 Record keeping and reporting, including daily visual logs during ship loading;
  - 2.2.4.1.14 Prior evaluation of any planned modifications to the facility to ensure that the requirements of the BMP Plan are considered as part of the modifications; and,
  - 2.2.4.1.15 Final constructed site plans, drawings, and maps.
- 2.2.4.2 *Specific Best Management Practices.* The BMP Plan shall establish specific BMPs or other measures to achieve the objectives under Permit Part 2.4 (Remediation Plan) to ensure that the following specific requirements are met:
- 2.2.4.2.1 The permittee shall amend the BMP Plan whenever a change in the facility or in the operation of the facility materially increases the generation of pollutants or the release of coal or potential release to waters of the U.S. Additionally, the permittee shall amend the BMP Plan whenever the BMP Plan is found to be ineffective in achieving the general objective of preventing and minimizing the generation and potential for release of pollutants from the conveyor or shiploader of the facility to waters of the U.S.
  - 2.2.4.2.2 Solids, sludge, or other pollutants removed in the course of treatment or control of water and residues shall be disposed of in a manner to prevent any pollutant from such materials from entering waters of the U.S.

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

2.2.5 *Review and Certification.* The BMP Plan shall be reviewed and certified as follows:

2.2.5.1 Annual review by the plant manager and BMP Committee.

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

2.2.6 *Documentation.*

2.2.6.1 The permittee shall maintain a copy of the BMP Plan at the facility and make it available to DEC or an authorized representative upon request.

2.2.6.2 Within 14 calendar days of the conclusion of coal being loaded on a vessel, the permittee shall submit (postmark) all completed visual logs compiled during ship loading activities, along with a written summary detailing the effectiveness of the BMP Plan during coal loading activities. The written summary shall include a description of any modification made to the BMP Plan

2.2.7 *BMP Plan Modification*

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

2.2.7.2 Any modifications to the BMP Plan must be consistent with the objectives and specific requirements listed in Permit Part 2.2. All modifications to the BMP Plan must be reported to DEC with the annual certification required under Part 2.2.12.

## 2.3 **Adaptive Management Plan**

2.3.1 *Purpose.* Through implementation of the Adaptive Management Plan the permittee shall use a structured, iterative process to monitor operations of the facility and provide feedback for making operational and monitoring improvements to the facility to reduce the incidental discharge of coal.

2.3.2 *Development and Implementation Schedule.* The permittee shall develop and implement an Adaptive Management Plan which achieves the objectives and specific requirements listed below. The permittee shall submit (postmark) written notice to DEC that the Adaptive Management Plan has been developed and is ready to implement within 180 days of the effective date the permit. The permittee shall implement provisions of the plan as conditions of this permit consistent with Permit Part 1.4.3.3.2.

- 2.3.3 *Objectives.* The permittee shall develop and amend the Adaptive Management Plan consistent with the objective of monitoring the effect of the BMP Plan for reducing coal spillage during ship loading and using specific monitored criteria to provide feedback to the permittee on managing the facility.
- 2.3.4 *Approach to Use in the Adaptive Management Plan to Address Spillage.*
- 2.3.4.1 *Assess Problem.* This step consists of two basic components: assessment of spillage of coal during ship loading, and assessment of BMPs.
- 2.3.4.2 *Increase Monitoring.*
- 2.3.4.2.1 During the process of estimating the spillage, identify where the spillage occurs.
- 2.3.4.2.2 During ship loading, monitor BMPs and identify any that need repair or replacement.
- 2.3.4.3 *Evaluate Alternatives.* Based on the results of monitoring (Permit Part 2.3.4.2), conduct engineering assessment of additional BMPs to reduce coal spillage.
- 2.3.4.4 *Adjust Facility.* Using the information collected and evaluated in Part 2.3.4 to inform decision-making, the facility shall determine and implement appropriate solutions to correct any problems identified. The goal of any adjustment is to return to less than a 10 percent increase between the baseline average of coal spillage and the most recent estimate of coal spillage reported in the annual report (Permit Part 1.3.4.3.7).
- 2.3.5 *Approach to Use in the Adaptive Management Plan to Address Seafloor Coal Monitoring.*
- 2.3.5.1 *Assess Problem.* This step consists of two basic components: assessment of accumulation of coal on the seafloor and assessment of BMPs.
- 2.3.5.2 *Increase Monitoring.*
- 2.3.5.2.1 During the process of conducting the seafloor coal monitoring survey, identify, to the extent practicable, where the spillage occurs.
- 2.3.5.2.2 During ship loading, monitor BMPs and identify any that need repair or replacement.
- 2.3.5.2.3 An increase in coal deposits on the seafloor from no measurable increase to moderate measurable increase triggers the requirement to conduct a seafloor coal monitoring survey one year after the previous survey and yearly thereafter until the no measurable increase threshold is again achieved.
- 2.3.5.3 *Evaluate Alternatives.* Based on the results of monitoring (Part 2.4.4.2), conduct engineering assessment of additional BMPs to reduce coal spillage.
- 2.3.5.4 *Adjust Facility.* Using the information collected and evaluated in Part 2.4.4 to inform decision-making, the facility will determine and implement appropriate solutions to correct any problems identified. The goal of any adjustment is to return to a no measurable increase in coal on the seafloor.

- 2.3.6 *Review and Certification.* The Adaptive Management Plan shall be reviewed and certified as follows:
- 2.3.6.1 Annual Review by the plant manager and the BMP Committee.
  - 2.3.6.2 Certified statement that the above approach was completed and the Adaptive Management Plan fulfills the requirements set forth in this permit. The statement shall be certified by the dated signatures of each BMP Committee member. The statement shall be submitted (postmarked) to DEC on or before January 31 of each year of operation under this permit after the initial Adaptive Management Plan submittal (the initial statement shall be submitted to DEC within six months after adoption of the Adaptive Management Plan).
- 2.3.7 *Documentation.* The permittee shall maintain a copy of the Adaptive Management Plan at the facility and make it available to DEC or an authorized representative upon request.
- 2.3.8 *Adaptive Management Plan Modification*
- 2.3.8.1 The permittee shall amend the Adaptive Management Plan whenever a change in the facility or in the operation of the facility materially increases the generation of pollutants or their release or potential release to receiving waters.
  - 2.3.8.2 Any modifications to the Adaptive Management Plan must be consistent with the objectives and specific requirements listed in Permit Part 2.3. All modifications to the Adaptive Management Plan must be reported to DEC with the annual certification required under part 2.3.6.

## 2.4 Remediation Plan

- 2.4.1 *Criteria for Conducting Remediation.* If coal monitoring surveys submitted by the permittee, and other available evidence demonstrates aggregate continuous coverage by any accumulated coal, whenever deposited within the ZOD, exceeds both 1.0-acre and a thickness of four inches at any point, the permittee shall submit a proposed Remediation Plan to DEC within 60 days of discovery of such conditions, unless additional time is granted by DEC. All continuous coal coverage deposits mapped during the seafloor coal monitoring survey must be summed (in acres) up and reported in the Seafloor Coal Monitoring Report. The calculated aggregate (i.e., summed) piles of continuous coal coverage value will be the metric used to determine compliance with the 1.0-acre and four inches deep permit limit.
- 2.4.2 *Contents of Remediation Plan.* A Remediation Plan shall identify, as a result of the evaluation, a set of feasible, reasonable, and effective measures that the permittee proposes to implement to reduce existing and future continuous coverage by coal to less than both 1.0-acre and a thickness of four inches at any point.

The Remediation Plan shall include:

- 2.4.2.1 A description of the expected future coal transfer processes and volumes at the site;
- 2.4.2.2 An evaluation of environmental impacts caused by existing deposits of coal, and environmental impacts of methods to reduce continuous coverage;

- 2.4.2.3 An evaluation of methods to reduce continuous coverage, including:
  - 2.4.2.3.1 Alternative methods of coal transfer and transport;
  - 2.4.2.3.2 Operational practices, including handling of coal, and other operational elements;
  - 2.4.2.3.3 Feasible methods and costs of removing coal from the seafloor; and
  - 2.4.2.3.4 Other methods.
- 2.4.2.4 The proposed Remediation Plan shall provide justification for the measures identified.

2.4.3 *Remediation Plans Proposing Coal Removal.* If removal of coal is proposed, the Remediation Plan shall specify the following:

- 2.4.3.1 The proposed areas, methods, and timing of removal;
- 2.4.3.2 The volume and nature of material to be removed;
- 2.4.3.3 The method of disposal of removed material, and management practices at the disposal site to assure meeting water quality standards and other applicable standards and to assure prevention of objectionable odors; and
- 2.4.3.4 The costs of removal by the proposed methods and alternatives considered.

2.4.4 *Remediation Plan Performance Schedule and Measures.* A Remediation Plan shall include a performance schedule and performance measures for implementation of the plan. A Remediation Plan must describe measures that will be implemented in phases that include, at a minimum, conducting annual seafloor coal monitoring surveys to determine when permit compliance has been achieved.

2.4.5 *Remediation Plan Approval.* Within 30 days of receipt of a proposed Remediation Plan, DEC will, in writing, approve, approve with modification, or deny the proposed Remediation Plan. In acting on a Remediation Plan, DEC will consider the extent of exceedance; environmental impacts of accumulated coal; environmental impacts of methods to reduce continuous coverage; the feasibility, reasonableness, effectiveness, and cost of proposed and alternative measures; the timing of recovery under various alternatives; and other pertinent factors. An approved Remediation Plan constitutes an enforceable condition of the permit. The permittee must implement the Remediation Plan upon DEC approval.

## 2.5 Identification Sign(s)

The permittee shall post a sign or signs on the shoreline adjacent to the project area ZOD that indicates the name and contact number for the facility, the permit number, the type of discharge (coal), and the approximate location and size of the project area ZOD.

## 2.6 Termination of Discharges

The permittee shall notify DEC within 30 days of discharge termination. The notification must be in writing, include the date of discharge termination, and be signed in accordance with the signatory requirements of Appendix A Part 1.12. Termination of permit coverage will be effective 30 days from the date of written notification from DEC

that the coverage under this permit has been terminated. The permittee is required to submit any monitoring reports specified in Part 1.3.2 until the effective date of termination. In cases such as temporary shutdowns, the permit should not submit a notice of discharge termination as this action results in the termination of APDES coverage.

**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.WQPermit@alaska.gov](mailto:DEC.WQPermit@alaska.gov)

#### **1.1.2 Compliance and Enforcement Program**

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

State of Alaska  
Department of Environmental Conservation  
Division of Water  
Compliance and Enforcement Program  
555 Cordova Street  
Anchorage, Alaska 99501  
Telephone Nationwide (877) 569-4114  
Anchorage Area / International (907) 269-4114  
Fax (907) 269-4604  
Email: [dec-wqreporting@alaska.gov](mailto: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 (<http://www.dnr.state.ak.us/parks/oha/>), 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**

The permittee shall summarize monitoring results on the annual report form or approved equivalent. The permittee shall submit its annual report at the interval specified in the permit. The permittee shall sign and certify all annual reports and other reports in accordance with the requirements of Appendix A, Part 1.12, Signatory Requirement and Penalties. The permittee shall submit the legible originals of these documents to the ADEC Compliance and Enforcement Program at the address in Appendix A, Part 1.1.2.

#### **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 or annual report required by Appendix A, Part 3.2. All limitations that require averaging of measurements must be calculated using an arithmetic means unless the Department specifies another method in the permit. Upon request by the Department, the permittee must submit the results of any other sampling and monitoring regardless of the test method used.

#### **3.4 Twenty-four Hour Reporting**

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

- 3.4.1 A report must be made:
  - 3.4.1.1 Orally within 24 hours after the permittee becomes aware of the circumstances, and
  - 3.4.1.2 In writing within five days after the permittee becomes aware of the circumstances.
- 3.4.2 A report must include the following information:
  - 3.4.2.1 A description of the noncompliance and its causes, including the estimated volume or weight and specific details of the noncompliance;
  - 3.4.2.2 The period of noncompliance, including exact dates and times;
  - 3.4.2.3 If the noncompliance has not been corrected, a statement regarding the anticipated time the noncompliance is expected to continue; and
  - 3.4.2.4 Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- 3.4.3 An event that must be reported within 24 hours includes:
  - 3.4.3.1 An unanticipated bypass that exceeds any effluent limitation in the permit (see Appendix A, Part 2.6, Bypass of Treatment Facilities).
  - 3.4.3.2 An upset that exceeds any effluent limitation in the permit (see Appendix A, Part 2.7, Upset Conditions).
  - 3.4.3.3 A violation of a maximum daily discharge limitation for any of the pollutants listed in the permit as requiring 24-hour reporting.
- 3.4.4 The Department may waive the written report on a case-by-case basis for reports under Appendix A, Part 3.4 if the oral report has been received within 24 hours of the permittee becoming aware of the noncompliance event.
- 3.4.5 The permittee may satisfy the written reporting submission requirements of Appendix A, Part 3.4 by submitting the written report via e-mail, if the following conditions are met:
  - 3.4.5.1 The Noncompliance Notification Form or equivalent form is used to report the noncompliance;
  - 3.4.5.2 The written report includes all the information required under Appendix A, Part 3.4.2;
  - 3.4.5.3 The written report is properly certified and signed in accordance with Appendix A, Parts 1.12.3 and 1.12.5.;
  - 3.4.5.4 The written report is scanned as a PDF (portable document format) document and transmitted to the Department as an attachment to the e-mail; and
  - 3.4.5.5 The permittee retains in the facility file the original signed and certified written report and a printed copy of the conveying email.
- 3.4.6 The e-mail and PDF written report will satisfy the written report submission requirements of this permit provided the e-mail is received by the Department within five days after the time the permittee becomes aware of the noncompliance event and the e-mail and written report satisfy the criteria of Part 3.4.5. The e-mail address to report noncompliance is:  
[dec-wqreporting@alaska.gov](mailto:dec-wqreporting@alaska.gov)

### **3.5 Other Noncompliance Reporting**

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

## **4.0 Penalties for Violations of Permit Conditions**

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

### **4.1 Civil Action**

Under AS 46.03.760(e), a person who violates or causes or permits to be violated a regulation, a lawful

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

- 4.1.1 Reasonable compensation in the nature of liquated damages for any adverse environmental effects caused by the violation, that shall be determined by the court according to the toxicity, degradability, and dispersal characteristics of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality;
- 4.1.2 Reasonable costs incurred by the State in detection, investigation, and attempted correction of the violation;
- 4.1.3 The economic savings realized by the person in not complying with the requirements for which a violation is charged; and
- 4.1.4 The need for an enhanced civil penalty to deter future noncompliance.

## **4.2 Injunctive Relief**

- 4.2.1 Under AS 46.03.820, the Department can order an activity presenting an imminent or present danger to public health or that would be likely to result in irreversible damage to the environment be discontinued. Upon receipt of such an order, the activity must be immediately discontinued.
- 4.2.2 Under AS 46.03.765, the Department can bring an action in Alaska Superior Court seeking to enjoin ongoing or threatened violations for Department-issued permits and Department statutes and regulations.

## **4.3 Criminal Action**

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

- 4.3.1 Violates a regulation adopted by the Department under AS 46.03.020(12);
- 4.3.2 Violates a permit issued under the program authorized by AS 46.03.020(12);
- 4.3.3 Fails to provide information or provides false information required by a regulation adopted under AS 46.03.020(12);
- 4.3.4 Makes a false statement, representation, or certification in an application, notice, record, report, permit, or other document filed, maintained, or used for purposes of compliance with a permit issued under or a regulation adopted under AS 46.03.020(12); or
- 4.3.5 Renders inaccurate a monitoring device or method required to be maintained by a permit issued or under a regulation adopted under AS 46.03.020(12).

## **4.4 Other Fines**

Upon conviction of a violation of a regulation adopted under AS 46.03.020(12), a defendant who is not an organization may be sentenced to pay a fine of not more than \$10,000 for each separate violation (AS 46.03.790(g)). A defendant that is an organization may be sentenced to pay a fine not exceeding the greater of: (1) \$200,00; (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**

## 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 <http://www.legis.state.ak.us/cgi-bin/folioisa.dll/aac>

- 40 CFR [Code of Federal Regulations Title 40: Protection of Environment](#)
- AAC Alaska Administrative Code
- ACMP Alaska Coastal Management Program
- ADEC Alaska Department of Environmental Conservation
- AES Aurora Energy Services
- Ag Silver
- Al Aluminum
- As Arsenic
- APDES Alaska Pollutant Discharge Elimination System
- AS Alaska Statutes
- AS 46.03 Alaska Statutes Title 46, Chapter 03: Environmental Conservation. Available at <http://www.legis.state.ak.us/default.htm>
- BOD<sub>5</sub> Biochemical Oxygen Demand, 5-day
- BMP Best Management Practice
- Cd Cadmium
- CFR Code of Federal Regulations

COD	Chemical Oxygen Demand
Cr <sup>+3</sup>	Chromium (III) or Trivalent Chromium
Cr <sup>+6</sup>	Chromium (VI) or Hexavalent Chromium
Cu	Copper
CWA	Clean Water Act
DMR	Discharge Monitoring Report
DO	Dissolved Oxygen
EPA	U.S. Environmental Protection Agency
FC	Fecal Coliform Bacteria
Fe	Iron
GPD or gpd	Gallons per day
GPY or gpy	Gallons per year
Hg	Mercury
IC <sub>25</sub>	Inhibition Concentration 25%
I/I	Infiltration and Inflow
LC <sub>50</sub>	Lethal Concentration 50%
MDL	Method Detection Limit
mg/L	Milligrams per Liter
MGD or mgd	Million gallons per day
ML	Minimum Level
MLLW	Mean Lower Low Water
MZ	Mixing Zone
N/A	Not Applicable
Ni	Nickel

NOEC	No Observed Effect Concentration
Pb	Lead
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
SCLF	Seward Coal Loading Facility
Se	Selenium
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
WQS	Water Quality Standards
WWTF	Wastewater Treatment Facility
Zn	Zinc
ZOD	Zone of Deposit

# Appendix C

## Definitions

- a) See 18 AAC 83
- b) See 18 AAC 70.990
- c) See 18 AAC 72.990
- d) See 40 CFR Part 136
- e) See EPA Technical Support Document
- f) See Standard Methods for the Examination of Water and Wastewater 18th Edition
- g) See EPA Permit Writers Manual

## 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.

Adaptive Management	Means a structured, iterative process of robust decision making in the face of uncertainty, with an aim to reducing uncertainty over time via system monitoring.
Administrator <sup>a</sup>	Means the Administrator of the EPA or an authorized representative
Alaska Pollutant Discharge Elimination System (APDES) <sup>a</sup>	Means the state’s program, approved by EPA under 33 U.S.C. 1342(b), for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under 33 U.S.C. 1317, 1328, 1342, and 1345
Annual	Means once per calendar year
Aquaculture <sup>b</sup>	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 Discharge Limitation <sup>a</sup>	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
Best Management Practices (BMPs) <sup>a</sup>	Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
Biochemical Oxygen Demand (BOD) <sup>c</sup>	Means the amount, in milligrams per liter, of oxygen used in the biochemical oxidation of organic matter in five days at 20° C
Boundary <sup>b</sup>	Means line or landmark that serves to clarify, outline, or mark a limit, border, or interface
Bypass <sup>a</sup>	Means the intentional diversion of waste streams from any portion of a treatment facility

a) See 18 AAC 83

b) See 18 AAC 70.990

c) See 18 AAC 72.990

d) See 40 CFR Part 136

e) See EPA Technical Support Document

f) See Standard Methods for the Examination of Water and Wastewater 18th Edition

g) See EPA Permit Writers Manual

Chemical Oxygen Demand (COD) <sup>f</sup>	Is used as a measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant
Clean Water Act (CWA) <sup>a</sup>	Means the federal law codified at 33 U.S.C. 1251-1387, also referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972
Color <sup>b</sup>	Means the condition that results in the visual sensations of hue and intensity as measured after turbidity is removed
Commissioner <sup>a</sup>	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 <i>Standard Methods for the Examination of Water and Wastewater</i> .
Contact Recreation <sup>b</sup>	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.
Continuous Coverage	Means an estimation of the total aggregate area of continuous coverage of areas of coal that are estimated to cover 100% of the seafloor, as measured within a three-foot-square sample plot and will, at DEC's discretion, include boulders, rock outcrops, and other protrusions within an area of continuous coverage that are not covered by coal.
Criterion <sup>b</sup>	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 <sup>a</sup>	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

a) See 18 AAC 83

b) See 18 AAC 70.990

c) See 18 AAC 72.990

d) See 40 CFR Part 136

e) See EPA Technical Support Document

f) See Standard Methods for the Examination of Water and Wastewater 18th Edition

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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.

Datum	A datum defines the position of the spheroid, a mathematical representation of the earth, relative to the center of the earth. It provides a frame of reference for measuring locations on the surface of the earth by defining the origin and orientation of latitude and longitude lines.
Department <sup>a</sup>	Means the Alaska Department of Environmental Conservation
Director <sup>a</sup>	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 <sup>a</sup>	When used without qualification, discharge means the discharge of a pollutant
Discharge of a Pollutant <sup>a</sup>	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.
Discontinuous Coverage	Means an estimation of the total aggregate area of discontinuous coverage of areas of coal that are estimated to cover 10% or more of the seafloor, but less than 100%, as measured within a three-foot-square sample plot.
Dissolved Oxygen (DO) <sup>b</sup>	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 Wastewater <sup>c</sup>	Means waterborne human wastes or graywater derived from dwellings, commercial buildings, institutions, or similar structures. "Domestic

a) See 18 AAC 83

b) See 18 AAC 70.990

c) See 18 AAC 72.990

d) See 40 CFR Part 136

e) See EPA Technical Support Document

f) See Standard Methods for the Examination of Water and Wastewater 18th Edition

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wastewater" includes the contents of individual removable containers used to collect and temporarily store human wastes.

Effluent <sup>b</sup>	Means the segment of a wastewater stream that follows the final step in a treatment process and precedes discharge of the wastewater stream to the receiving environment
Estimated	Means a way to estimate the discharge volume. Approvable estimations include, but are not limited to, the number of persons per day at the facility, volume of potable water produced per day, lift station run time, etc.
Excluded area	Means an area not authorized as a receiving water under a permit
Fecal Coliform Bacteria (FC) <sup>b</sup>	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.
Fish <sup>b</sup>	Means any of the group of cold-blooded vertebrates that live in water and have permanent gills for breathing and fins for locomotion
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.
Fixed location	Means the outfall(s) (past or present) of an on-shore facility or the anchorage of a vessel within a circular area with a radius equal to one-half (0.5) nautical mile
Geometric Mean	The geometric mean is the N <sup>th</sup> 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
Gray Water <sup>b</sup>	Means wastewater from a laundry, kitchen, sink, shower, bath, or other domestic source that does not contain excrement, urine, or combined stormwater

a) See 18 AAC 83

b) See 18 AAC 70.990

c) See 18 AAC 72.990

d) See 40 CFR Part 136

e) See EPA Technical Support Document

f) See Standard Methods for the Examination of Water and Wastewater 18th Edition

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Influent	Means untreated wastewater before it enters the first treatment process of a wastewater treatment works
Inhibition Concentration 25% (IC <sub>25</sub> ) <sup>e</sup>	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 <sub>50</sub> ) <sup>e</sup>	Mean the point estimate of the toxicant that would be lethal to 50% of the test organisms during a specific period
Marine sanitation device	Means any equipment for installation on board a vessel that is designed to receive, retain, treat or discharge sewage or any process to treat such sewage
Maximum Daily Discharge Limitation <sup>a</sup>	Means the highest allowable “daily discharge”
Mean <sup>b</sup>	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 <sup>b</sup>	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) <sup>d</sup>	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) <sup>b</sup>	Means the concentration at which one millionth of a gram (10 <sup>-6</sup> g) is found in a volume of one liter
Milligrams per Liter (mg/L) <sup>b</sup>	Means the concentration at which one thousandth of a gram (10 <sup>-3</sup> g) is found in a volume of one liter. It is approximately equal to the unit “parts per million (ppm),” formerly of common use.

a) See 18 AAC 83

b) See 18 AAC 70.990

c) See 18 AAC 72.990

d) See 40 CFR Part 136

e) See EPA Technical Support Document

f) See Standard Methods for the Examination of Water and Wastewater 18th Edition

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Minimum Level (ML) <sup>e</sup>	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.
Mixing Zone <sup>b</sup>	Means a volume of water adjacent to a discharge in which wastes discharged mix with the receiving water
Moderate Measurable Increase	Means the seafloor coal monitoring survey shows that aggregate coverage by coal exceeds a trace coverage but is less than continuous coverage.
Month	Means the time period from the 1 <sup>st</sup> 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 Measurable Increase	Means the seafloor coal monitoring survey shows that aggregate coverage by coal is trace coverage.
No Observed Effect Concentration (NOEC) <sup>e</sup>	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 <sup>g</sup>	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.
Practical Quantification Limit (PQL) <sup>g</sup>	Means the lowest level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions.
Primary Contact Recreation	See Contact Recreation

a) See 18 AAC 83

b) See 18 AAC 70.990

c) See 18 AAC 72.990

d) See 40 CFR Part 136

e) See EPA Technical Support Document

f) See Standard Methods for the Examination of Water and Wastewater 18th Edition

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Principal Executive Officer <sup>a</sup>	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
Pollutant <sup>a</sup>	Means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under 42 U.S.C. 2011), heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, or agricultural waste discharged into water
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 Water Body	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
Responsible Corporate Officer <sup>a</sup>	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.
Running Average	Means the mathematical average of the four most recent coal spillage estimates.

a) See 18 AAC 83

b) See 18 AAC 70.990

c) See 18 AAC 72.990

d) See 40 CFR Part 136

e) See EPA Technical Support Document

f) See Standard Methods for the Examination of Water and Wastewater 18th Edition

g) See EPA Permit Writers Manual

Seafood	Means the raw material, including freshwater and saltwater fish and shellfish, to be processed in the form in which it is received as the processing plant
Secondary Recreation <sup>b</sup>	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.
Settleable Solids <sup>b</sup>	Means solid material of organic or mineral origin that is transported by and deposited from water, as measured by the volumetric Imhoff cone method and at the method detection limits specified in method 2540(F), <i>Standard Methods for the Examination of Water and Wastewater</i> , 18th edition (1992), adopted by reference in 18 AAC 70.020(c)(1)
Severe Property Damage <sup>a</sup>	Means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
Sheen <sup>b</sup>	Means an iridescent appearance on the water surface
Shellfish <sup>b</sup>	Means a species of crustacean, mollusk, or other aquatic invertebrate with a shell or shell-like exoskeleton in any stage of its life cycle
Significant Industrial User (SIU) <sup>g</sup>	Means an indirect discharger that is the focus of control efforts under the national pretreatment program; includes all indirect dischargers subject to national categorical pretreatment standards, and all other indirect dischargers that contribute 25,000 gpd or more of process wastewater, or which make up five percent or more of the hydraulic or organic loading to the municipal treatment plant, subject to certain exceptions [40 CFR §403.3(t)].
Significant Measurable Increase	Means the seafloor coal monitoring survey shows that aggregate continuous coverage by coal exceeds both 1.0-acre and a thickness of four inches at any point.
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

a) See 18 AAC 83

b) See 18 AAC 70.990

c) See 18 AAC 72.990

d) See 40 CFR Part 136

e) See EPA Technical Support Document

f) See Standard Methods for the Examination of Water and Wastewater 18th Edition

g) See EPA Permit Writers Manual

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) <sup>g</sup>	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) <sup>e</sup>	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)
Trace Coverage	Means an estimation of the total aggregate area of coverage of areas of coal that are estimated to cover less than 10% of the seafloor, as measured within a three-foot-square sample plot.
Twice per year	Means two time periods during the calendar year: October through April and May through September
Upset <sup>a</sup>	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.
Water Depth	Means the depth of the water between the surface and the seafloor as measured at MLLW
Wastewater Treatment	Means any process to which wastewater is subjected in order to remove or alter its objectionable constituents and make it suitable for subsequent use or acceptable for discharge to the environment
Waters of the United States or Waters of the U.S.	Has the meaning given in 18 AAC 83.990(77)
Water Recreation <sup>b</sup>	See contact recreation or secondary recreation
Water Supply <sup>b</sup>	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.

a) See 18 AAC 83

b) See 18 AAC 70.990

c) See 18 AAC 72.990

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Week	Means the time period of Sunday through Saturday
Zone of Deposit	Means the total area of the bottom in marine or estuarine waters in which ADEC has authorized the deposit of substances in exceedance of the water quality criteria in 18 AAC 70.020(b) and the antidegradation requirement in 18 AAC 70.010(c).

- a) See 18 AAC 83
- b) See 18 AAC 70.990
- c) See 18 AAC 72.990
- d) See 40 CFR Part 136
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