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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA)**  
**REGION 10**  
**1200 SIXTH AVENUE, SUITE 155**  
**SEATTLE, WASHINGTON 98101**

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**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act,"

**HILCORP ALASKA, LLC.**  
3800 CENTERPOINT DRIVE, SUITE 1400  
ANCHORAGE, ALASKA 99503

is authorized to discharge from the

**LIBERTY DRILLING AND PRODUCTION ISLAND**  
located 4.78 nautical miles offshore of the North Slope, Alaska

to

**STEFANSSON SOUND IN THE BEAUFORT SEA** (the "receiving waters"),  
at Latitude 70° 16' 27" North, Longitude 147° 35' 14" West

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective December 31, 2018.

This permit and the authorization to discharge shall expire at midnight, December 30, 2023.

The Permittee shall reapply for a permit reissuance on or before July 3, 2023 (180 days before the expiration of this permit) if the Permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this 26<sup>th</sup> day of October 2018.

/s/

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Daniel D. Opalski, Director  
Office of Water and Watersheds

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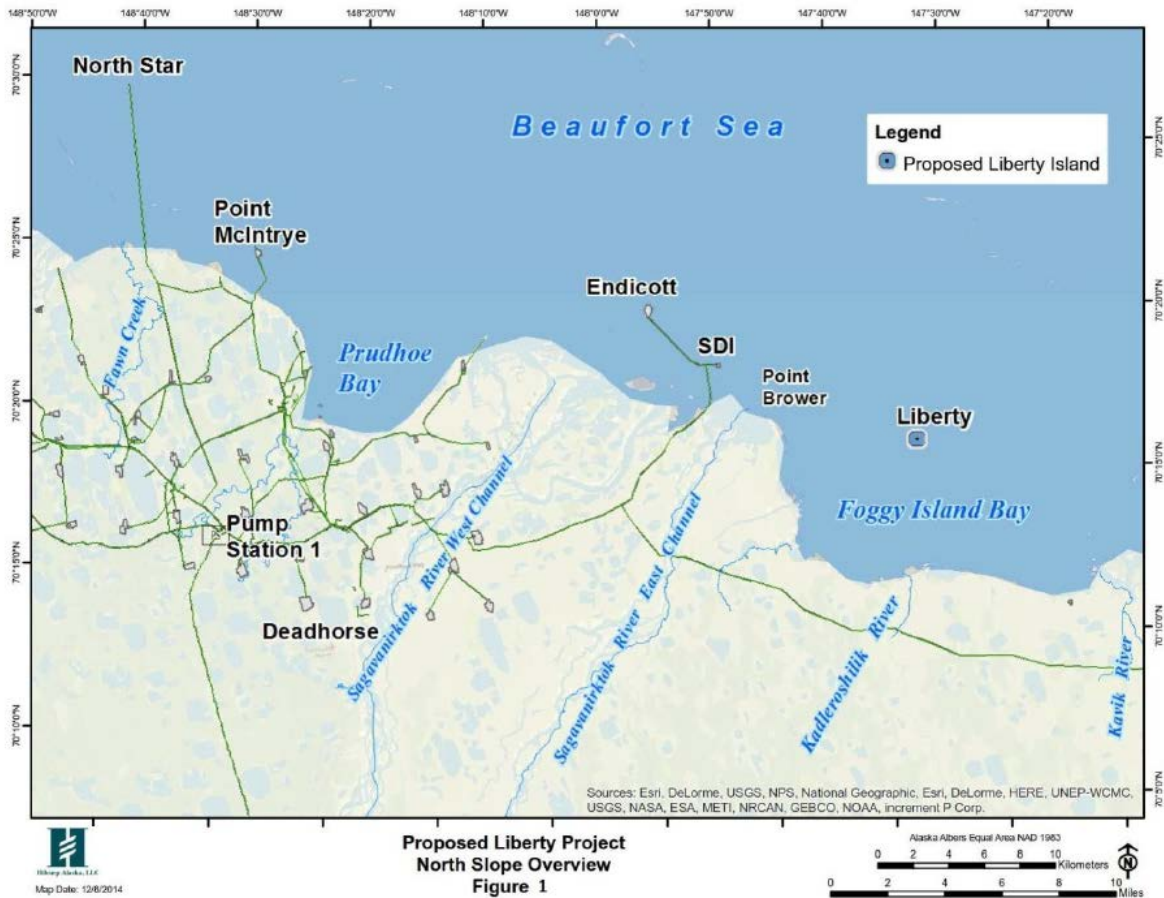
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**TABLE OF SUBMITTALS**

*The following is a summary of some of the items the Permittee must complete and/or submit to EPA during the term of this permit:*

ITEM	PERMIT SECTION	DUE DATE
DISCHARGE MONITORING REPORTS (DMR)	III.B.	DMRs are due monthly and must be postmarked on or before the 20 <sup>th</sup> of the month following the monitoring month.
CHEMICAL ADDITIVES INVENTORY	I.B.10.	The Permittee must submit an inventory of chemical additives used and documentation of each additive's concentration determinations and limitation compliance with the December DMR once authorized discharges have commenced.
BEST MANAGEMENT PRACTICES (BMP) PLAN	II.A.	The Permittee must provide EPA with written notification that the Plan has been developed, or updated, and implemented at least 180 days prior to commencing any authorized discharges. The Plan must be kept on site and made available to EPA upon request.
ANNUAL BMP SUBMISSION	II.A.3.k.	The Permittee must provide EPA with an annual statement that the Plan has been reviewed and fulfills the requirements set forth in this permit. The statement shall be certified by the dated signatures of each BMP Committee member. This statement must be submitted to EPA with the December DMR once authorized discharges have commenced.
QUALITY ASSURANCE PLAN (QAP)	II.B.	The Permittee must provide EPA with written notification that the Plan has been developed, or updated, and implemented at least 180 days prior to commencing any authorized discharges. The Plan must be kept on site and made available to EPA upon request.
TWENTY-FOUR HOUR NOTICE OF NONCOMPLIANCE REPORTING	III.G.1. and III.H.	The Permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the Permittee becomes aware of the circumstances.
NPDES APPLICATION RENEWAL	V.B	The application must be submitted at least 180 days before the expiration date of the permit.
DUTY TO PROVIDE INFORMATION	V.C	As specified in the request for information.



**FIGURE 1:** Location of the Liberty Drilling and Production Island, approximately 5.5 miles (4.8 nautical miles) offshore.

**I. SPECIFIC LIMITATIONS AND MONITORING REQUIREMENTS****A. DISCHARGE AUTHORIZATION**

During the effective period of this permit, the Permittee is authorized to discharge pollutants from the outfalls specified herein to Stefansson Sound in the Beaufort Sea, within the limits and subject to the conditions set forth herein. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

The Permittee must notify the Director, in writing, 7 days prior to initiation of any discharge. This notification must be signed in accordance with the Signatory Requirements (Section V.E.) of this permit.

**B. REQUIREMENTS FOR ALL DISCHARGES**

1. The Permittee must comply with the effluent limits in this permit at all times, unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.
2. All effluent samples collected from any effluent stream must be taken after the last treatment unit and before discharge into receiving waters, except as otherwise required by discharge-specific provisions of this permit.
3. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application.
4. For purposes of reporting on the DMR for a single sample, if a value is less than the method detection limit (MDL), the Permittee must report “less than {numeric value of the MDL}” and if the value is less than the minimum level (ML), the Permittee must report “less than {numeric value of the ML}.”
5. For purposes of calculating monthly averages, zero may be assigned for values less than the MDL and the numeric value of the MDL may be assigned for values between the MDL and the ML. If the average value is less than the MDL, the Permittee must report “less than {numeric value of the MDL} and if the average value is less than the ML, the Permittee must report “less than {numeric value of the ML}.” If a value is equal to or greater than the ML, then the Permittee must report and use the actual value. The resulting average value must be compared to the compliance level, the ML, in assessing compliance.

6. The Permittee is prohibited from discharging floating solids, garbage, debris, sludge, deposits, foam, scum or other residues of any kind.
7. The Permittee is prohibited from discharging surfactants and dispersants under this permit.
8. Any commingled discharges are subject to the most stringent effluent limitations for each individual discharge. If any individual discharge is not authorized, then a commingled discharge is not authorized.
9. When visual monitoring is required, the Permittee must conduct visual monitoring at the time of maximum estimated or measured discharge.
10. Chemical Additives Use Inventory and Limitations.
  - (a) The concentration of chemical additives (e.g. treatment chemicals, biocides, insecticides, descalers, and corrosion inhibitors, etc...) in any authorized discharge must not exceed the most stringent of the following two limitations:
    - (i) the maximum concentrations and any other conditions specified in the EPA product registration labeling if the chemical is an EPA registered product; or
    - (ii) the maximum manufacturer's recommended concentration.
  - (b) The Permittee must keep an inventory of chemical additives used to treat or maintain the processes resulting in the authorized discharges under this permit. The inventory of chemical additives used must include the commercial product names, the EPA registration number, constituents, total quantities used, rates of use, where in the process they are used, and calculated maximum concentrations in any discharged waste stream.
  - (c) The calculations of maximum concentration must be based on the amount of chemical additives added to the volume of the waste stream discharged. The permittee must include the chemical additive implementation procedures, calculation methods, and record keeping and reporting procedures in the BMP Plan.
  - (d) The inventory of chemical additives used and documentation of each additive's concentration determinations and limitation compliance must be submitted with the December DMR (Part III.B.) once discharges have commenced.

- 11. Whole Effluent Toxicity Characterization.** The Permittee must conduct semi-annual (i.e. two times per year, or once every six months) chronic whole effluent toxicity tests on effluent samples of potable water treatment reject wastewater (001B) and quarterly (i.e. four times per year, or once every three months) chronic whole effluent toxicity tests on effluent samples of seawater treatment plant wastewater (002) during periods when chemicals (e.g. biocides, clarifying agents, and/or chlorination/dechlorination chemicals) are used and when the applicable waste streams are discharged to surface waters subject to this permit. Alternatively, WET testing is not required during the testing schedule specified (above) for the applicable systems when: (1) chemicals are not added to the treatment process; **or** (2) chemicals are added to the treatment process, but the waste stream is not discharged to surface waters subject to this permit.
- (a) Toxicity testing must be conducted on 24-hour composite samples of effluent. If obtaining 24-hour composite samples is not possible, then four (4) equal volume grab samples must be collected and blended, two of which must be taken during periods of peak flow. These samples must be collected during periods of chemical treatment within the applicable systems and when the Permittee reasonably expects the maximum number of chemicals to be discharged. In addition, a split of each sample collected must be analyzed for the chemical and physical parameters required in Parts I.D. and I.E., below. When the timing of sample collection coincides with that of the sample required in Parts I.D. and I.E., analysis of the split sample will fulfill the requirements of Parts I.D. and I.E. as well.
- (b) WET sample holding times are established at 36 hours and samples must not exceed a holding time of 72 hours. The permittee must document the conditions that resulted in the need for the holding time exceeding 36 hours and the potential effect on the results in the DMR for the month following sampling collection (see Permit Part III.B.).
- (c) Chronic Test Species and Methods
- (i) For the applicable waste streams, short-term chronic toxicity tests must be conducted at the frequencies established in Part I.B.11, above, and must coincide with periods of chemical treatment within the systems.



- (ii) The Permittee must conduct the following chronic toxicity tests on each sample, using the following species and protocols:

MARINE CHRONIC TOXICITY TESTS	SPECIES	METHOD
Topsmelt 7-day larval survival and growth test*	<i>Atherinops affinis</i>	EPA/600/R-95-136
Purple sea urchin/Sand dollar survival and development test	<i>Strongylocentrotus purpuratus/Dendraster excentricus</i>	EPA/600/R-95-136

\*NOTE: In the event the topsmelt is unavailable, the inland silverside (*M. beryllina*) larval survival and growth test or the sheepshead minnow (*C. variegatus*) larval survival and growth test may be used as substitutes. The tests are methods 1006.0 and 1004.0, respectively, in EPA-821-R-02-014. If a substitute test species is used, then the Permittee must document in the appropriate DMR that the topsmelt was unavailable at the time of testing.

- (iii) The presence of chronic toxicity must be determined as specified in the respective methods manuals corresponding to the required test method.
- (iv) Results must be reported in TU<sub>C</sub> (chronic toxicity units), which is defined as follows:
  - (a) For chronic survival endpoints, TU<sub>C</sub> = 100/NOEC
  - (b) For all other chronic test endpoints, TU<sub>C</sub> = 100/IC<sub>25</sub>
  - (c) NOEC means “no observed effect concentration.” The NOEC is the highest concentration of toxicant, expressed in percent effluent, to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term test)], that causes no observable adverse effects on the test organisms (i.e. the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).
  - (d) IC<sub>25</sub> means “25% inhibition concentration.” The IC<sub>25</sub> is a point estimate of the toxicant concentration, expressed in percent effluent that causes a 25% reduction in a non-quantal biological measurement (e.g. reproduction or growth) calculated from a continuous model (e.g. Interpolation Method).

- (v) For the vertebrate toxicity tests (i.e., topsmelt or inland silverside), daily observation of mortality will also be taken to establish the 24-h, 48-h, and 96-h LC<sub>50</sub>'s. LC<sub>50</sub> means "50% lethal concentration" and is the toxicant concentration that would cause death in 50% of the test population.
- (d) Quality Assurance
- (i) The toxicity testing on each organism must include a series of five test dilutions and a control. The dilution series shall be 100, 50, 25, 12.5, 6.25 and 0 (control) percent effluent. If the addition of brine solution, dry salts, or freshwater is necessary to adjust the salinity of the effluent, it may not be possible to achieve 100% effluent as one of the test concentrations. If this occurs, the maximum effluent concentration achievable after salinity adjustment will be used as a substitute for 100% effluent, and this will be documented in the next WET report. The other test concentrations shall remain the same.
  - (ii) All quality assurance criteria and statistical analyses used for chronic tests and reference toxicant test must be in accordance with EPA/600/R-95-136 and individual test protocols. Toxicity tests that do not meet the quality assurance or test acceptability criteria shall be repeated using fresh effluent samples. Effluent samples collected for re-testing will coincide with the next use of biocides, clarifying agents and/or chlorination/dechlorination chemicals.
  - (iii) In addition to those quality assurance measures specified in the methodology, the following quality assurance procedures must be followed:
    - (a) If organisms are not cultured in-house, concurrent testing with reference toxicants must be conducted. If organisms are cultured in-house, monthly reference toxicant testing is sufficient. Reference toxicant tests must be conducted using the same test conditions as the effluent toxicity tests.
    - (b) If either of the reference toxicant tests or the effluent tests do not meet test acceptability criteria as specified in the test methods manual, the Permittee must re-sample and re-test as soon as possible. Effluent samples collected for re-testing shall be taken to coincide with the

next use of chemicals (e.g. biocides, clarifying agents and/or chlorination/dechlorination chemicals, etc...).

- (c) Control and dilution water must be receiving water or lab water, as appropriate, as described in the manual. If the dilution water used is different from the culture water, a second control, using culture water, must also be used. Receiving water may be used as control and dilution water upon notification of EPA. In no case shall water that has not met test acceptability criteria be used for either dilution or control.
  
- (e) Preparation of Initial Investigation Toxicity Reduction Evaluation (TRE) Workplan. Prior to initiation of the toxicity testing required by this permit, the Permittee must develop and submit to EPA a copy of the Permittee's initial investigation TRE workplan. This plan shall describe the steps the Permittee intends to follow in the event that chronic toxicity is detected at levels greater than 1 TU<sub>C</sub>, and must include at a minimum:
  - (i) A description of the investigation and evaluation techniques that would be used to identify potential causes/sources of toxicity, effluent variability, treatment system efficiency;
  - (ii) A description of the facility's method of maximizing in-house treatment efficiency, good housekeeping practices, and a list of all chemicals used in operation at the facility; and
  - (iii) If a toxicity identification evaluation (TIE) is necessary, who will conduct it (i.e., in-house or other).
  
- (f) Accelerated Testing. If chronic toxicity is detected above 1 TU<sub>C</sub>, the permittee must comply with the following:
  - (i) The Permittee must implement the initial investigation TRE workplan within 48-hours of the Permittee's receipt of the toxicity results demonstrating the exceedance.
  - (ii) The Permittee will retest the effluent the next time chemicals (e.g. biocides, clarifying agents, descalers, and/or chlorination/dechlorination chemicals) are used upstream of, or within, the applicable systems.
  - (iii) The Permittee must notify EPA of the exceedance in writing within 5 calendar days of receipt of the test results indicating

the exceedance. The notification must include the following information:

- (a) A status report on any actions required by the permit, with a schedule for actions not yet completed.
  - (b) A description of any additional actions the permittee has taken or will take to investigate and correct the cause(s) of the toxicity.
  - (c) Where no actions have been taken, a discussion of the reasons for not taking action.
- (iv) If implementation of the initial investigation workplan clearly identifies the source of toxicity to the satisfaction of EPA (e.g., a temporary plant upset), and the retested samples required under Part I.B.11.e.ii. are not above 1 TU<sub>C</sub>, the permittee may return to the regular chronic toxicity testing cycle specified in Part I.A.11.
- (g) Toxicity Reduction Evaluation (TRE)
- (i) If implementation of the initial investigation workplan does not clearly identify the source of toxicity to the satisfaction of EPA, or any of the re-tested chronic toxicity tests indicate toxicity above 1 TU<sub>C</sub>, then the Permittee must begin implementation of the toxicity reduction evaluation (TRE) requirements below. Implementation of the TRE requirements shall begin the next time chemicals (e.g. biocides, clarifying agents, descalers, and/or chlorination/dechlorination chemicals) are used upstream of, or within, the applicable systems.
  - (ii) In accordance with the Permittee's initial investigation workplan and EPA manual EPA/600/2-88/070 (Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations), the Permittee must develop as expeditiously as possible a more detailed TRE workplan, which includes:
    - (a) Further actions to investigate and identify the cause of toxicity;
    - (b) Actions the permittee will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity; and

- (c) A schedule for these actions.
  - (iii) The Permittee may initiate a Toxicity Identification Evaluation (TIE) as part of a TRE to identify the causes of toxicity using the same species and test method and, as guidance, EPA test method manuals: *Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I* (EPA/600/6-91/005F, 1992); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080, 1993); *Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/081, 1993); and *Marine Toxicity Identification Evaluation (TIE): Phase I Guidance Document* (EPA/600/R-96-054, 1996).
  - (iv) If a TIE is initiated prior to completion of the accelerated testing, the accelerated testing schedule may be terminated, or used as necessary in performing the TIE
- (h) Reporting
  - (i) The Permittee must submit the results of the toxicity tests as an attachment to the Discharge Monitoring Report (DMR) for the month following the month in which the results are received.
  - (ii) The report of toxicity test results must include all relevant information outlined in the Report Preparation section of EPA/600/R-95-136. In addition to the toxicity test results, the Permittee must report:
    - (a) dates of sample collection and initiation of each toxicity test,
    - (b) the effluent flow rate at the time of sample collection,
    - (c) the results of the effluent monitoring required in Parts I.D. and I.E.; and
    - (d) progress reports on any TIE/TRE investigations.

**C. SANITARY AND DOMESTIC WASTEWATER EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 001A)**

1. The Permittee must limit and monitor discharges of sanitary and domestic wastewater from Outfall 001A as specified in Table 1. The values represent maximum effluent limits unless otherwise indicated. The Permittee must comply with the effluent limits in Table 1 at all times, unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.
2. The Permittee is prohibited from discharging food solids and kitchen oils and greases from food preparation.
3. The Permittee is prohibited from discharging total residual chlorine.
4. The Permittee must use phosphate-free and minimally-toxic soaps and detergents for any purpose if domestic wastewater will be discharged into waters subject to this permit. Soaps and detergents must be free from toxic or bioaccumulative compounds.

**TABLE 1: Sanitary and Domestic Wastewater Effluent Limitations and Monitoring Requirements (Outfall 001A)<sup>1</sup>.**

PARAMETER	UNITS	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
		MAXIMUM DAILY LIMIT	WEEKLY AVERAGE LIMIT	AVERAGE MONTHLY LIMIT	SAMPLE FREQUENCY	SAMPLE TYPE	REPORTED VALUES
Flow	<i>gpd</i>	--	--	--	Daily	Measured or Recorded	Maximum Daily and Average Monthly
pH	<i>s.u.</i>	6.0 – 9.0			Weekly	Grab	Minimum and Maximum Values
Total Suspended Solids (TSS)	<i>mg/L</i>	--	45	30	Weekly	Grab <sup>4</sup>	Average Monthly and Weekly Average
Biological Oxygen Demand (BOD <sub>5</sub> )	<i>mg/L</i>	--	45	30	Weekly	Grab <sup>4</sup>	Average Monthly and Weekly Average
Fecal Coliform	<i>cfu/100 mL</i>	200 <sup>2</sup>	--	100 <sup>3</sup>	Monthly	Grab	Instantaneous Maximum and Geometric Mean
Oil and Grease	--	<i>No Discharge</i>			Daily	Visual <sup>5</sup>	Report
Floating Solids & Garbage	--	<i>No Discharge</i>			Daily	Visual <sup>5</sup>	Report
Foam	--	<i>No Discharge</i>			Daily	Visual <sup>5</sup>	Report

**NOTES:**

- <sup>1</sup> Required during periods of discharge.
- <sup>2</sup> Instantaneous maximum limit.
- <sup>3</sup> Must be reported as the monthly geometric mean.
- <sup>4</sup> Composite samples may be collected in lieu of grab samples and must consist of at least 4 equal volume grab samples, two of which must be taken during periods of peak flow.
- <sup>5</sup> The Permittee must monitor by observing the surface of the receiving water in the vicinity of the outfall during daylight at the time of maximum estimated discharge and during conditions when observations on the surface of the receiving water are possible in the vicinity of the discharge. The date of observations and time of day must be recorded. The numbers of days floating solids, foam, garbage or oil sheen are observed must be recorded and reported in the DMR. If visual observations of the outfall area are not possible, the Permittee must document the days in that month's DMR when visual observations were unable to be conducted and must include an explanation as to why the outfall was obscured from view.

**D. POTABLE WATER REJECT WASTEWATER EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 001B)**

The Permittee must monitor potable water reject wastewater discharges from Outfall 001B as specified in Table 2. The Permittee must comply with the requirements in Table 2 at all times, unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

**TABLE 2: Potable Water Reject Waste Effluent Limitations and Monitoring Requirements (Outfall 001B)<sup>1</sup>**

PARAMETER	UNITS	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
		MAXIMUM DAILY LIMIT	WEEKLY AVERAGE LIMIT	AVERAGE MONTHLY LIMIT	SAMPLE FREQUENCY	SAMPLE TYPE	REPORTED VALUES
Flow	<i>gpd</i>	--			Daily	Measured or Recorded	Maximum Daily and Average Monthly
pH	<i>s.u.</i>	6.0 – 9.0			Weekly	Grab	Minimum and Maximum Values
Total Suspended Solids (TSS)	<i>mg/L</i>	--			Weekly	Grab <sup>2</sup>	Report
Temperature	<i>°C</i>	--			Weekly	Grab or Meter	Report
Whole Effluent Toxicity (WET) <sup>3</sup>	<i>TU<sub>C</sub></i>	--			<i>Semi-Annually (2/year)</i>	24-Hour Composite <sup>4</sup>	Report

**NOTES:**

- <sup>1</sup> Required during periods of discharge.
- <sup>2</sup> Composite samples may be collected in lieu of grab samples and must consist of at least 4 equal volume grab samples, two of which must be taken during periods of peak flow.
- <sup>3</sup> See Permit Part I.B.11.
- <sup>4</sup> Toxicity testing must be conducted on 24-hour composite samples of effluent. If obtaining 24-hour composite samples is not possible, then four (4) equal volume grab samples must be collected and blended, two of which must be taken during periods of peak flow. Sample collection must coincide with the use of chemicals (see definitions) in the system.



**E. SEAWATER TREATMENT PLANT WASTEWATER EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 002)**

The Permittee must monitor the seawater treatment plant wastewater discharges from Outfall 002 as specified in Table 3. The Permittee must comply with the requirements in Table 3 at all times, unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

PARAMETER	UNITS	EFFLUENT LIMITATIONS		MONITORING REQUIREMENTS		
		MAXIMUM DAILY LIMIT	AVERAGE MONTHLY LIMIT	SAMPLE FREQUENCY	SAMPLE TYPE	REPORTED VALUES
Flow	MGD	--		Daily	Measured or Recorded	Maximum Daily and Average Monthly
pH	s.u.	6.0 – 9.0		Weekly	Grab	Minimum and Maximum Values
Total Suspended Solids (TSS)	mg/L	--		Weekly	Grab <sup>2</sup>	Report
Temperature	°C	--		Daily	Grab or Meter	Report
Total Residual Chlorine (TRC) <sup>3</sup>	µg/L	204	142	Monthly	Grab	Maximum Daily and Average Monthly
Whole Effluent Toxicity (WET) <sup>4</sup>	TU <sub>C</sub>	--		Quarterly (4/year)	24-Hour Composite <sup>5</sup>	Report

- NOTES:**
- <sup>1</sup> Required during periods of discharge.
  - <sup>2</sup> Composite samples may be collected in lieu of grab samples and must consist of at least 4 equal volume grab samples, two of which must be taken during periods of peak flow.
  - <sup>3</sup> Required only when chlorination chemicals are used in the seawater treatment process.
  - <sup>4</sup> See Permit Part I.A.11. The Permittee must conduct quarterly (i.e. four times per year, every three months) short-term chronic WET during periods of chemical treatment **and** when the waste stream is discharged to surface waters subject to this permit. No toxicity testing is required during quarters when no chemicals are used **or** if the waste stream is not discharged to surface waters subject to this permit.
  - <sup>5</sup> Toxicity testing must be conducted on 24-hour composite samples of effluent. If obtaining 24-hour composite samples is not possible, then four (4) equal volume grab samples must be collected and blended, two of which must be taken during periods of peak flow. Sample collection must coincide with the use of chemicals in the system.

**F. CONSTRUCTION DEWATERING WASTEWATER EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 003)**

The Permittee must monitor the construction dewatering wastewater discharges from Outfalls 003 as specified in Table 4. The Permittee must comply with the requirements in Table 4 at all times, unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

**TABLE 4: Construction Dewatering Wastewater Effluent Limitations and Monitoring Requirements (Outfall 003)<sup>1</sup>**

PARAMETER	UNITS	EFFLUENT LIMITATIONS		MONITORING REQUIREMENTS		
		MAXIMUM DAILY LIMIT	AVERAGE MONTHLY LIMIT	SAMPLE FREQUENCY	SAMPLE TYPE	REPORTED VALUES
Flow	<i>gpd</i>	--		Daily	Measured or Estimated	Average Monthly and Maximum Daily
Total Volume	<i>Gal</i>	--		Daily	Measured or Estimated	Report
TSS	<i>mg/L</i>	--		Once per discharge <sup>2</sup>	Grab	Maximum Daily
Free Oil	--	--		Daily	Visual <sup>3</sup>	Report

- NOTES:**
- <sup>1</sup> Required during periods of discharge.
  - <sup>2</sup> The Permittee must collect a grab sample for analysis once per discharge event, coinciding with the period of maximum discharge *and* when construction dewatering wastewater is discharged to surface waters subject to this permit.
  - <sup>3</sup> The Permittee must conduct a visual observation for visual sheen, as determined by the presence of a film or sheen upon or discoloration of the surface of the receiving water, daily during a discharge event. The permittee must monitor by observing the surface of the receiving water in the vicinity of the outfall during daylight at the time of maximum estimated discharge and during conditions when observation on the surface of the receiving water are possible in the vicinity of the discharge. The observations and time of day must be recorded. The number of days a sheen is observed must be recorded and reported in the DMR. If visual observations of the discharge are not possible, then the permittee must sample (grab sample) the construction dewatering effluent and test for sheen using the static sheen test in accordance with Appendix 1 to Subpart A of 40 CFR Part 435. For discharges during unstable or broken ice conditions, a water temperature that approximates surface water temperatures after breakup must be used.

**G. SECONDARY CONTAINMENT DEWATERING WASTEWATER EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 004)**

The Permittee must monitor the secondary containment dewatering wastewater discharges from Outfalls 004 as specified in Table 5. The Permittee must comply with the requirements in Table 5 at all times, unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

<b>TABLE 5: Secondary Containment Dewatering Wastewater Effluent Limitations and Monitoring Requirements (Outfall 004)<sup>1</sup></b>						
<b>PARAMETER</b>	<b>UNITS</b>	<b>EFFLUENT LIMITATIONS</b>		<b>MONITORING REQUIREMENTS</b>		
		<b>MAXIMUM DAILY LIMIT</b>	<b>AVERAGE MONTHLY LIMIT</b>	<b>SAMPLE FREQUENCY</b>	<b>SAMPLE TYPE</b>	<b>REPORTED VALUES</b>
<b>Flow</b>	<i>gpd</i>	--	--	Daily	Measured or Estimated	Average Monthly and Maximum Daily
<b>Total Volume</b>	<i>Gal</i>	--	--	Daily	Measured or Estimated	Report
<b>Free Oil</b>	--	--	--	Daily	Visual <sup>2</sup>	Report

**NOTES:** <sup>1</sup> Required during periods of discharge.

<sup>2</sup> The Permittee must conduct a visual observation for visual sheen, as determined by the presence of a film or sheen upon or discoloration of the surface of the receiving water, daily during a discharge event. The permittee must monitor by observing the surface of the receiving water in the vicinity of the outfall during daylight at the time of maximum estimated discharge and during conditions when observation on the surface of the receiving water are possible in the vicinity of the discharge. The observations and time of day must be recorded. The number of days a sheen is observed must be recorded and reported in the DMR. If visual observations of the discharge are not possible, then the permittee must sample (grab sample) the secondary containment dewatering effluent and test for sheen using the static sheen test in accordance with Appendix 1 to Subpart A of 40 CFR Part 435. For discharges during unstable or broken ice conditions, a water temperature that approximates surface water temperatures after breakup must be used.

**H. MONITORING PROCEDURES**

Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been approved by EPA.

1. Samples and measurements shall be representative of the volume and nature of the monitoring discharge.

2. The Permittee shall ensure that all effluent monitoring is conducted in compliance with good quality assurance and control procedures and the requirements of the permit.

## II. SPECIAL CONDITIONS

### A. BEST MANAGEMENT PRACTICES (BMP) PLAN

#### 1. Purpose

The Permittee must develop and implement a BMP Plan that achieves the objectives and the specific requirements listed below. The Permittee must operate the facility in accordance with its current BMP Plan or in accordance with subsequent amendments to the BMP Plan.

The BMP Plan must be completed prior to commencing activities and kept onsite (Permit Part II.A.4.d.). At least 180 days prior to commencing any authorized discharges, the Permittee must submit a letter to EPA certifying that the BMP Plan has been developed or updated and is being implemented.

#### 2. Through implementation of the BMP Plan, the Permittee must:

- (a) Prevent or minimize the generation and the potential for the release of pollutants from the facility to the waters of the United States through normal operations and ancillary activities; and
- (b) Ensure that methods of pollution prevention, control, and treatment will be applied to all wastes and other substances discharged.

#### 3. The BMP Plan must be consistent with the following objectives and the general guidance contained in the publication entitled *Guidance Manual for Developing Best Management Practices* (EPA 833-B-93-004, October 1993) or any subsequent revisions to this guidance document:

- (a) The number and quantity of pollutants and the toxicity of effluent generated, discharged or potentially discharged at the facility must be minimized by the Permittee to the extent feasible by managing each waste stream in the most appropriate manner.
- (b) The Permittee must establish specific objectives for the control of pollutants by conducting the following evaluations:
  - (i) Each facility component or system must be examined for its waste minimization opportunities and its potential for causing a release of significant amounts of pollutants to waters of the United States due to equipment failure, improper operation, and natural phenomena such as rain or snowfall, etc. The examination must include all normal operations and ancillary activities including loading or unloading operations or spillage or leaks.

- (ii) Where experience indicates a reasonable potential for equipment failure, natural condition (e.g. precipitation), or other circumstances to result in significant amounts of pollutants reaching the surface waters, the Plan should include prediction of the rate of flow and total quantity of pollutants that could be discharged from the facility as a result of each condition or circumstance.
- (c) Ensure that the requirements of the BMP Plan are considered as part of planned facility modifications, and that construction and supervisory personnel are aware of and take into account possible spills or releases of pollutants during facility construction or demobilization.
- (d) Establish specific best management practices for each component or system capable of generating or causing a release of significant amounts of pollutants, and identify specific preventative or remedial measures to be implemented.
- (e) 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.
- (f) Reflect requirements for Spill Prevention, Control, and Countermeasure plans under Section 311 of the Act and 40 CFR Part 112 and may incorporate any part of such plans into the BMP Plan by reference.
- (g) Ensure that solids, sludges, or other pollutants removed in the course of treatment or control of water and wastewaters are disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.
- (h) Identify chemical additive inventory procedures (i.e. implementation procedures, calculation methods, record-keeping, and reporting procedures) to ensure compliance with Permit Part I.B.10.
- (i) Ensure the seawater treatment plant intake structure and operational measures minimize the impingement mortality and entrainment of fish and shellfish.

- (j) Use of local containment devices such as liners, dikes, drip pans and other structures where chemicals, fuels, and/or oils are being managed or stored.
- (k) Include the following provisions concerning BMP Plan review:
  - (i) Annual review by engineering staff and the responsible facility manager.
  - (ii) Annual review and endorsement by the Permittee's BMP Committee.
  - (iii) Include a statement that the above annual review has been completed and that the BMP Plan fulfills the requirements set forth in this permit. The statement must include the dated signatures of each BMP Committee member as certification of the annual reviews.
  - (iv) The Permittee must submit a copy of the annual certification statement and a report of all changes in the BMP Plan to the Director with the December DMR each year of operation (once authorized discharges have commenced) under this permit after the initial BMP submittal.

#### **4. Documentation**

- (a) Be documented in narrative form, and must include any necessary plot plans, drawings or maps, and shall be developed in accordance with good engineering practices.
- (b) The BMP Plan must be organized with the following structure:
  - (i) name and location of the facility;
  - (ii) statement of BMP policy;
  - (iii) identification and assessment of potential effects of the pollutant discharges;
  - (iv) specific management practices and standard operating procedures to achieve the above objectives, including, but not limited to:
    - (a) The modification of equipment, facilities, technology, processes, and procedures, and

- (b) The improvement in management, inventory control, materials handling, or general operational phases of the facility;
  - (v) Reporting of BMP incidents. The written reports must include a description of the circumstances leading to the incident, corrective actions take and recommended changes to operating and maintenance practices and procedures to prevent reoccurrence.
  - (vi) good housekeeping;
  - (vii) preventative maintenance;
  - (viii) inspections and records; and
  - (ix) employee training.
- (c) The BMP Plan will include the following provisions concerning its review:
  - (i) provide for a review by the facility manager and appropriate staff; and
  - (ii) include a statement that the above review has been completed and that the BMP Plan fulfills the requirements set forth in the permit – the facility manager must certify and date the statement.
- (d) The Permittee shall maintain a copy of its BMP Plan at the facility and shall make the plan available to EPA for review and approval upon request.

## **5. Modification of the BMP Plan**

- (a) The Permittee shall amend the BMP Plan whenever there is a change in the facility, its operations, or when any other circumstances materially increase the generation of pollutants and their release or potential release to the receiving waters.
- (b) The Permittee shall modify the BMP Plan, as appropriate, when facility operations covered by the Plan change. Any such changes to the BMP Plan must be consistent with the objectives and specific requirements listed in Part II.A.2 and II.A.3. The facility manager or their designee must review and approve each change to the BMP Plan in accordance with Part II.A.3.i. and Part II.A.4.c.



- (c) If a BMP Plan proves to be ineffective in achieving the general objective of preventing and minimizing the generation of pollutants and their release or potential release to the receiving waters and/or the specific requirements above, then the permit or the BMP Plan will be subject to modification to incorporate revised BMP requirements.

## **B. QUALITY ASSURANCE PLAN (QAP)**

The Permittee must develop, or update, a quality assurance plan (QAP) for all monitoring required by this permit. At least 180 days prior to commencing any authorized discharge, the Permittee must submit written notice to EPA that the QAP has been developed and implemented. Any existing QAPs may be modified to fulfill the requirements under this section.

1. The QAP must be designed to assist in planning for the collection and analysis of effluent samples in support of the permit and in explaining data anomalies when they occur.
2. Throughout all sample collection and analysis activities, the Permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in: *EPA Requirements for Quality Assurance Project Plans (EPA/QA/R-5)* and *Guidance for Quality Assurance Project Plans (EPA/QA/G-5)*. The QAP must be prepared in the form specified in these documents.

At a minimum the QAP shall include the following information:

- (a) Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the Permittee.
- (b) Sample locations.
- (c) Sample collection techniques and quality samples (field blanks, replicates, duplicates, control samples, types of containers, holding times, etc...).
- (d) Sample preservation methods.
- (e) Sample shipping requirements.
- (f) Instrument calibration procedures and preventative maintenance (frequency, standard, spare parts).
- (g) Analytical methods (including quality control checks, quantification/detection levels, precision and accuracy requirements).

(h) Qualification and training of personnel.

3. All monitoring equipment shall be maintained in good working order and routinely calibrated. Calibration records shall be kept on all laboratory equipment and effluent monitoring equipment, including but not limited to effluent flow meters, pH meters, temperature meters, and weighing balances.
4. The Permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP or a change in the guidance cited above.
5. Copies of the QAP must be kept on site and made available to EPA upon request.

### **III. MONITORING, RECORDING AND REPORTING REQUIREMENTS**

#### **A. REPRESENTATIVE SAMPLING (ROUTINE AND NON-ROUTINE DISCHARGES)**

1. To ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the Permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The Permittee must analyze the additional samples for those parameters in Part I.C. through Part I.G. of this permit.
2. The Permittee must collect additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with Part III.C (“Monitoring Procedures”). The Permittee must report all additional monitoring in accordance with Part III.E (“Additional Monitoring by Permittee”).

#### **B. REPORTING OF MONITORING RESULTS**

1. The Permittee must submit monitoring data and other reports electronically using NetDMR, a web-based tool that allows the Permittee to electronically submit DMRs and other required reports via a secure internet connection.
2. Monitoring data must be submitted electronically to EPA no later than the 20th of the month following the completed reporting period.
3. Unless otherwise specified in this Permit, the Permittee may submit all reports to EPA as NetDMR attachments rather than as hard copies. The file name of the electronic attachment must be as follows: YYYY\_MM\_DD\_AK0053805\_Report Type Name\_Identifying Code, where YYYY\_MM\_DD is the date that the Permittee submits the attachment.

4. The Permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E., of this permit (“Signatory Requirements”).
5. The Permittee may use NetDMR after requesting and receiving permission from U.S. EPA, Region 10. NetDMR is accessed from <https://netdmr.epa.gov/netdmr/public/home.htm>.

**C. MONITORING PROCEDURES**

Monitoring must be conducted according to test procedures approved under 40 CFR 136 or other EPA-approved methods, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.

**D. ADDITIONAL MONITORING BY PERMITTEE**

If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the Permittee must include the results of that monitoring in the calculation and reporting of the data submitted in the DMR.

Upon request by EPA, the Permittee must submit results of any other sampling, regardless of the test method used.

**E. RECORDS CONTENTS**

Records of monitoring information must include the:

1. date, exact place, and time of sampling or measurements;
2. name(s) of the individual(s) who performed the sampling or measurements;
3. date(s) analyses were performed;
4. names of the individual(s) who performed the analyses;
5. analytical techniques or methods used; and
6. results of such analyses.

**F. RETENTION OF RECORDS**

The Permittee must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five (5) years from the date of the sample, measurement, report or application. This period may be extended by request of the EPA at any time.

**G. TWENTY-FOUR HOUR NOTICE OF NONCOMPLIANCE REPORTING**

1. The Permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the Permittee becomes aware of the circumstances:
  - (a) any noncompliance that may endanger health or the environment;
  - (b) any unanticipated bypass that exceeds any effluent limitation in the permit (See Part IV.G., "Bypass of Treatment Facilities");
  - (c) any upset that exceeds any effluent limitation in the permit (See Part IV.H., "Upset Conditions"); or
2. The Permittee must also provide a written submission within five (5) days of the time that the Permittee becomes aware of any event required to be reported under Part III.G.1 ("Notice of Noncompliance Reporting"). The written submission must contain:
  - (a) a description of the noncompliance and its cause;
  - (b) the period of noncompliance, including exact dates and times;
  - (c) the estimated time noncompliance is expected to continue if it has not been corrected;
  - (d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
3. The Director of the Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
4. Reports must be submitted in paper form. The Permittee must sign and certify the report in accordance with the requirements of Part V.E. of this permit ("Signatory Requirements"). The Permittee must submit legible originals of these documents to the Director, Office of Compliance and Enforcement at the following address:

U.S. Environmental Protection Agency  
1200 Sixth Avenue  
Suite 155 (OCE-201)  
Seattle, Washington 98101  
ATTN: Director of the Office of Compliance and Enforcement

**H. OTHER NONCOMPLIANCE REPORTING**

The Permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part III.B. ("Reporting of Monitoring Results") are submitted. The reports must contain the information listed in Part III.G. of this permit ("Twenty-Four Hour Notice of Noncompliance Reporting").

**I. NOTICE OF NEW INTRODUCTION OF POLLUTANTS**

The Permittee must provide notice to the Director of the Office of Water and Watersheds as soon as it knows, or has reason to believe:

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any pollutant that is not limited in the permit.
2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in the permit.
3. The Permittee must submit the notification to EPA, Region 10, Office of Water and Watersheds at the following address:

U.S. Environmental Protection Agency  
1200 Sixth Avenue  
Suite 155 (OWW-191)  
Seattle, Washington 98101  
ATTN: NPDES Permits Unit Manager

**J. COMPLIANCE SCHEDULES**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

**IV. COMPLIANCE RESPONSIBILITIES**

**A. DUTY TO COMPLY**

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

**B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS**

1. **Civil and Administrative Penalties.** Pursuant to 40 CFR 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$53,484 per day for each violation).
2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$21,393 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$53,484). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$21,393 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$267,415).
3. **Criminal Penalties**
  - (a) **Negligent Violations.** The Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

- (b) **Knowing Violations.** Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- (c) **Knowing Endangerment.** Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- (d) **False Statements.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

**C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE**

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

**D. DUTY TO MITIGATE**

The Permittee must 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.

**E. PROPER OPERATION AND MAINTENANCE**

The Permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems installed by the Permittee and used when necessary to achieve compliance with the conditions of the permit.

**F. REMOVED SUBSTANCES**

Solids, sludges, or other pollutants removed in the course of treatment or control of water and waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the United States, except as specifically authorized in Part I.

**G. BYPASS OF TREATMENT FACILITIES**

1. Bypass not exceeding limitations. The Permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Parts IV.G.2 and IV.G.3.
2. Notice.
  - (a) Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it must submit prior notice, if possible, at least 10 days before the date of the bypass.
  - (b) Unanticipated bypass. The Permittee must submit notice of an unanticipated bypass as required under Part III.H ("Notice of Noncompliance Reporting").
3. Prohibition of bypass.
  - (a) Bypass is prohibited, and the Director of the Office of Compliance and Enforcement may take enforcement action against the Permittee for a bypass, unless:
    - (i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;



- (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
  - (iii) The Permittee submitted notices as required under Part IV.G.2.
- (b) The Director of the Office of Compliance and Enforcement may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part IV.G.3.a.

## **H. UPSET CONDITIONS**

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the Permittee meets the requirements of IV.H.2. of this permit. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the Permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (a) an upset occurred and that the Permittee can identify the cause(s) of the upset;
  - (b) the permitted facility was being properly operated at the time of the upset;
  - (c) the Permittee submitted notice of the upset as required under Part III.H, “Notice of Noncompliance Reporting;” and
  - (d) the Permittee complied with any remedial measures required under Part IV.D, “Duty to Mitigate.”
3. Burden of proof. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

**I. TOXIC POLLUTANTS**

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the applicable standard or prohibition.

**J. PLANNED CHANGES**

The Permittee must notify the Director of the Office of Water and Watersheds as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. the alteration or addition to the facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this permit, nor to requirements under Part III.J (“Notice of New Introduction of Pollutants”).

**K. ANTICIPATED NONCOMPLIANCE**

The Permittee must give advance notice to the Director of the Office of Compliance and Enforcement of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

**V. GENERAL PROVISIONS****A. PERMIT ACTIONS**

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. The filing of a request by the Permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

**B. DUTY TO REAPPLY**

If the Permittee intends to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit. In accordance with 40 CFR 122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Director, the Permittee must submit a new application at least 180 days before the expiration date of this permit.

**C. DUTY TO PROVIDE INFORMATION**

The Permittee must furnish to EPA, within the time specified in the request, any information that the EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee must also furnish to the Director, upon request, copies of records required to be kept by this permit.

**D. OTHER INFORMATION**

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to EPA, it must promptly submit such facts or information.

**E. SIGNATORY REQUIREMENTS**

All applications, reports or information submitted to EPA must be signed and certified as follows.

1. All permit applications must be signed as follows:
  - (a) For a corporation: by a responsible corporate officer.
  - (b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
  - (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the EPA must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - (a) The authorization is made in writing by a person described above;
  - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
  - (c) The written authorization is submitted to the EPA.
3. Changes to authorization. If an authorization under Part V.E.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the

requirements of Part V.E.2. must be submitted to the EPA prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this Part must make the following certification:

"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."

**F. AVAILABILITY OF REPORTS**

In accordance with 40 CFR Part 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the Permittee. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the Permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

**G. INSPECTION AND ENTRY**

The Permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

**H. PROPERTY RIGHTS**

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, nor any infringement of state or local laws or regulations.

**I. TRANSFERS**

Pursuant to 40 CFR §122.61(b)(1)-(3), this permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in section (2) of this paragraph;
2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR §122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in section (2) of this paragraph.

**J. OIL AND HAZARDOUS SUBSTANCE LIABILITY**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Act.

**K. STATE LAWS**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

**L. SEVERABILITY**

The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**M. REOPENER CLAUSE**

1. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Act, as amended, if the effluent standard, limitation, or requirement so issued or approved:

(a) Contains conditions more stringent than any effluent limitation in the permit; or

(b) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

2. This permit may be modified, or alternatively, revoked and reissued in accordance with 40 CFR 122 and 124, to address the application of different permit conditions, if new information, such as future water quality studies or waste load allocation determinations, or new regulations such as changes in water quality standards, show the need for different conditions.

**VI. DEFINITIONS AND ACRONYMS**

1. § means section or subsection.
2. Act means the Clean Water Act.
3. Administrator means the Administrator of the EPA, or an authorized representative.
4. AML means average monthly limit; “monthly average limit” is synonymous.
5. Annual means once per calendar year
6. Average Monthly Discharge Limitation 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 during that month.
7. Best Management Practices (“BMPs”) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the 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.
8. Biochemical Oxygen Demand (BOD<sub>5</sub>) means the amount, in milligrams per liter, of oxygen used in the biochemical oxidation of organic matter in five days at 20°C.
9. BOD<sub>5</sub> means five-day biochemical oxygen demand.
10. Bypass means the intentional diversion of waste streams from any portion of a treatment facility, as specifically defined at 40 CFR § 122.41(m).
11. °C means degrees centigrade.
12. CFR means the Code of Federal Regulations.
13. CWA, or the Act, means the Clean Water Act.
14. Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
15. Daily Maximum Discharge means the highest allowable "daily discharge" and is also referred to as the "maximum daily discharge."

16. Director means the Director of the Office of Water and Watersheds, or Director of the Office of Compliance and Enforcement, EPA, or authorized representatives.
17. Discharge Monitoring Report (“DMR”) means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by Permittees. DMRs must be used by “approved States” as well as by EPA.
18. Discharge, when used without qualification, means the discharge of a pollutant.
19. Discharge of a pollutant means any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source".
20. Effluent 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.
21. EPA means the United States Environmental Protection Agency.
22. °F means degrees Fahrenheit.
23. GC/MS means gas chromatograph/mass spectrometer.
24. gpd means gallons per day.
25. Grab Sample is an individual sample collected over a period of time not exceeding 15 minutes.
26. Graywater means wastewater from a kitchen, sink, or other domestic source that does not contain excrement, urine or combined storm water.
27. Maximum means the highest measured discharge or pollutant in a waste stream during the time period of interest.
28. Maximum Daily Discharge Limitation means the highest allowable “daily discharge.”
29. 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.
30. Method Detection Limit (MDL) is defined as the minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.
31. MGD means million gallons per day.



32. Milligrams per liter (mg/L) means the concentration at which one thousandth of a gram ( $10^{-3}$ ) is found in a volume of one liter.
33. mg/L means milligrams per liter.
34. Month means the time period from the 1<sup>st</sup> of a calendar month to the last day in the month.
35. 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.
36. NPDES means National Pollutant Discharge Elimination System.
37. 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.
38. pH 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.
39. Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
40. Process Wastewater means any wastewater which, during processor operations, comes into direct contact with or results from the production or use of any raw material, intermediate product or by-product, or waste product.
41. QAP means the Quality Assurance Plan.
42. QA/QC means quality assurance/quality control.
43. Regional Administrator means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
44. Report means report results of an analysis.
45. RWC means receiving water concentration, which is the inverse of the dilution factor.
46. Severe Property Damage 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.

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47. Sheen means an iridescent appearance on the water or ice surface.
  48. s.u. means standard units for pH measurements.
  49. Total Suspended Solids (TSS) means a measure of the filterable solids present in a sample, as determined by the method specified in 40 CFR Part 136.
  50. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit 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.
  51. 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 receiving environment.
  52. 24-Hour Composite Sample means a combination of at least 8 discrete sample aliquots of at least 100 milliliters, collected at periodic intervals from the same location, during the operating hours of the facility over a 24-hour period. The composite must be flow-proportional. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.