

United States Environmental Protection Agency  
 Region 10  
 1200 Sixth Avenue  
 Seattle, Washington 98101

**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”,

**City and Borough of Juneau  
 Mendenhall Wastewater Treatment Facility**

is authorized to discharge from the Mendenhall Wastewater Treatment Facility located in Juneau, Alaska, at the following location(s):

<b>Outfall</b>	<b>Receiving Water</b>	<b>Latitude</b>	<b>Longitude</b>
001	Mendenhall River	58° 21' 43”	134° 35' 53”

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

This permit shall become effective May 1, 2006

This permit and the authorization to discharge shall expire at midnight, April 30, 2011

The permittee must reapply for a permit reissuance on or before November 1, 2010, 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 15th day of March, 2006,

/s/  
 Michael F. Gearheard, Director  
 Office of Water and Watersheds

## Schedule of Submissions

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:

<b>Item</b>	<b>Due Date</b>
1. Discharge Monitoring Reports (DMR)	DMRs are due monthly and must be postmarked on or before the 10 <sup>th</sup> day of the month following the monitoring month (see II.B.).
2. Quality Assurance Plan (QAP)	The permittee must provide EPA and ADEC with written notification that the Plan has been developed and implemented by July 31 <sup>st</sup> , 2006 (see II.B.). The Plan must be kept on site and made available to EPA and ADEC upon request.
3. Operation and Maintenance (O&M) Plan	The permittee must provide EPA and ADEC with written notification that the Plan has been developed and implemented by July 31 <sup>st</sup> , 2006 (see II.A.). The Plan must be kept on site and made available to EPA and ADEC upon request.
4. NPDES Renewal Application	The application must be submitted by November 1, 2010 (see V.B.).
5. Surface Water Monitoring Report	Surface water monitoring results must be submitted to EPA and ADEC with the NPDES renewal application (see I.D.9.)
6. Hardness and river flow correlation report	The report must be submitted with the NPDES renewal application (see I.D.10.)

**Schedule of Submissions..... 2**

**I. Limitations and Monitoring Requirements ..... 5**

    A. Discharge Authorization ..... 5

    B. Effluent Limitations and Monitoring ..... 5

    C. Whole Effluent Toxicity Testing Requirements ..... 9

    D. Surface Water Monitoring ..... 11

**II. Special Conditions..... 13**

    A. Operation and Maintenance ..... 13

    B. Quality Assurance Plan (QAP) ..... 13

    C. Design Criteria Requirements ..... 14

    D. Pretreatment Requirements ..... 15

**III. General Monitoring, Recording and Reporting Requirements..... 16**

    A. Representative Sampling (Routine and Non-Routine Discharges)..... 16

    B. Reporting of Monitoring Results ..... 17

    C. Monitoring Procedures..... 17

    D. Additional Monitoring by Permittee ..... 17

    E. Records Contents ..... 17

    F. Retention of Records..... 18

    G. Twenty-four Hour Notice of Noncompliance Reporting..... 18

    H. Other Noncompliance Reporting ..... 19

    I. Notice of New Introduction of Toxic Pollutants..... 19

**IV. Compliance Responsibilities ..... 19**

    A. Duty to Comply..... 19

    B. Penalties for Violations of Permit Conditions ..... 20

    C. Need To Halt or Reduce Activity not a Defense ..... 21

    D. Duty to Mitigate..... 21

    E. Proper Operation and Maintenance ..... 22

    F. Bypass of Treatment Facilities..... 22

    G. Upset Conditions..... 23

    H. Toxic Pollutants ..... 23

    I. Planned Changes..... 23

    J. Anticipated Noncompliance..... 24

    K. Reopener ..... 24

**V. General Provisions ..... 24**

    A. Permit Actions ..... 24

    B. Duty to Reapply ..... 24

    C. Duty to Provide Information..... 24

    D. Other Information ..... 24

    E. Signatory Requirements..... 25

    F. Availability of Reports..... 26

    G. Inspection and Entry ..... 26

- H. Property Rights ..... 26
- I. Transfers ..... 26
- J. State Laws ..... 27
- VI. Definitions..... 27**

## **I. Limitations and Monitoring Requirements**

### **A. Discharge Authorization**

During the effective period of this permit, the permittee is authorized to discharge pollutants from Outfall 001 to the Mendenhall River, 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.

### **B. Effluent Limitations and Monitoring**

1. The permittee must limit and monitor discharges from Outfall 001 as specified in Tables 1 and 2, below. All figures represent maximum effluent limits unless otherwise indicated. The permittee must comply with the effluent limits at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.
2. The permittee must not discharge any floating solids, debris, sludge, deposits, foam, scum or other residues that cause a film, sheen, or discoloration on the surface of the receiving water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.
3. The permittee must not discharge any petroleum hydrocarbons or oils and grease that cause a sheen, film or discoloration on the surface of the receiving water or adjoining shorelines.
4. Removal Requirements for BOD<sub>5</sub> and TSS: The monthly average effluent concentration must not exceed 15 percent of the monthly average influent concentration. Percent removal of BOD<sub>5</sub> and TSS must be reported on the Discharge Monitoring Reports (DMRs). For each parameter, the monthly average percent removal must be calculated from the arithmetic mean of the influent concentration values and the arithmetic mean of the effluent concentration values measured during that month. Influent and effluent samples must be taken over approximately the same time period.
5. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.
6. Minimum Levels. For all effluent monitoring, the permittee must use methods that can achieve a minimum level (ML) less than the effluent limitation, to the extent practicable. For parameters that do not have effluent limitations, the permittee must use methods that can achieve MLs less than or equal to those specified in Table 3.
7. The permittee must report on the monthly DMR the mass of chlorine added to the effluent for total or partial disinfection during the calendar month. If chlorine is added, the permittee must comply with the applicable conditional

fecal coliform and chlorine effluent limits and monitoring requirements in Tables 1 and 2.

8. The total residual chlorine effluent limits in effect from November through May are not quantifiable using EPA-approved analytical methods. EPA will use the minimum level (ML) of 100  $\mu\text{g/L}$  as the compliance evaluation level for this parameter. The permittee will be considered compliant with the total residual chlorine limitations if the average monthly and maximum daily chlorine concentrations are less than 100  $\mu\text{g/L}$  and the average monthly and maximum daily mass discharges of chlorine are less than 4.09 lb/day.
9. For purposes of calculating monthly averages, zero may be assigned for values less than the method detection limit (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, 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.
10. For purposes of reporting on the DMR for a single sample, if a value is less than the MDL, the permittee must report "less than {numeric value of the MDL}" and if a value is less than the ML, the permittee must report "less than {numeric value of the ML}."
11. The permittee must report the minimum and average effluent dilution ratios observed during the monthly reporting period.
12. The permittee must perform the expanded effluent testing required by Part D of NPDES application Form 2A (EPA Form 3510-2A, revised 1-99). The permittee must submit the results of this testing with its application for renewal of this NPDES permit. To the extent that effluent monitoring required by other conditions of this permit satisfies this requirement, these samples may be used to satisfy the requirements of this paragraph.

Table 1: Effluent Limits and Monitoring Requirements							
Parameter	Units	Effluent limits			Monitoring Requirements		
		Average Monthly Limit	Average Weekly Limit	Maximum Daily Limit	Monitoring Location	Monitoring Frequency	Sample Type
Flow	mgd	Report	---	4.9	Effluent	Continuous	Recording
Effluent Dilution Ratio	dimensionless	See I.B.11.			Effluent	Daily	Calculation
Turbidity	NTU	Report	---	Report	Effluent	Continuous	Recording
Fecal Coliform	#/100ml	See Table 2			Effluent	See Table 2	Grab
BOD <sub>5</sub>	mg/L	30	45	60	Influent and Effluent	2/month	24-hour composite
	lb/day	1226	1829	2452			
	% Removal	See I.B.4.			% Removal	1/month	Calculation
TSS	mg/L	30	45	60	Influent and Effluent	2/month	24-hour composite
	lb/day	1226	1829	2452			
	% Removal	See I.B.4.			% Removal	1/month	Calculation
pH (Nov. 1 – May 31)	s.u.	6.5 – 9.0 at all times			Effluent	5/week	Grab
pH (June 1 – 30)	s.u.	6.4 – 9.0 at all times			Effluent	5/week	Grab
pH (July 1 – Oct. 31)	s.u.	6.3 – 9.0 at all times			Effluent	5/week	Grab
Copper <sup>4</sup> (Nov. 1 – May 31)	µg/L	86.7	---	187 <sup>5</sup>	Effluent	1/month	24-Hour Composite
	lb/day	3.54	---	7.63 <sup>5</sup>			
Copper <sup>4</sup> (July 1 – Sep. 30)	µg/L	44.5	---	95.8 <sup>5</sup>	Effluent	2/month	24-Hour Composite
	lb/day	1.82	---	3.92 <sup>5</sup>			
Copper <sup>4</sup> (June 1 – 30 and Oct. 1 – 31)	µg/L	Report	---	Report	Effluent	1/month	24-Hour Composite
Lead <sup>4</sup>	µg/L	Report	---	Report	Effluent	3/year <sup>8</sup>	24-Hour Composite
Silver <sup>4</sup>	µg/L	Report	---	Report	Effluent	3/year <sup>8</sup>	24-Hour Composite
Zinc <sup>4</sup>	µg/L	Report	---	Report	Effluent	3/year <sup>8</sup>	24-Hour Composite
Hardness as CaCO <sub>3</sub> (July 1 – Sep. 30)	mg/L	Report	---	Report	Effluent	2/month	24-Hour Composite
Hardness as CaCO <sub>3</sub> (October 1 – June 30)	mg/L	Report	---	Report	Effluent	1/month	24-Hour Composite
Alkalinity as CaCO <sub>3</sub>	mg/L	Report	---	Report	Effluent	1/quarter <sup>3</sup>	24-Hour Composite
Total Residual Chlorine <sup>1,7</sup> (Nov. 1 – May 31)	µg/L	33.2	---	96.7 <sup>5</sup>	Effluent	5/week	Grab
	lb/day	1.36	---	3.95 <sup>5</sup>			
Total Residual Chlorine <sup>1</sup> (June 1 – 30)	µg/L	186	---	543 <sup>5</sup>	Effluent	5/week	Grab
	lb/day	7.61	---	22.2 <sup>5</sup>			

Table 1: Effluent Limits and Monitoring Requirements							
Parameter	Units	Effluent limits			Monitoring Requirements		
		Average Monthly Limit	Average Weekly Limit	Maximum Daily Limit	Monitoring Location	Monitoring Frequency	Sample Type
<b>Total Residual Chlorine<sup>1</sup></b> (July 1 – Sept. 30)	µg/L	500	750	1000 <sup>5</sup>	Effluent	5/week	Grab
	lb/day	20.4	30.6	40.9 <sup>5</sup>			
<b>Total Residual Chlorine<sup>1</sup></b> (October 1 - 31)	µg/L	309	---	901 <sup>5</sup>	Effluent	5/week	Grab
	lb/day	12.6	---	36.8 <sup>5</sup>			
<b>Total Residual Chlorine<sup>2</sup></b>	µg/L	---	---	---	Effluent	3x/5years	Grab
<b>Total Ammonia as N</b> (Nov. 1 – May 31)	mg/L	28.5	---	48.0 <sup>5</sup>	Effluent	1/month	24-Hour Composite
	lb/day	1164	---	1963 <sup>5</sup>			
<b>Total Ammonia As N</b> (June 1 – Oct. 31)	mg/L	Report	---	Report	Effluent	1/month	24-Hour Composite
<b>Whole Effluent Toxicity</b>	TU <sub>c</sub>	See I.C.			Effluent	2/year	24-Hour Composite
<b>Floating Solids or Visible Foam</b>	Visual	See I.B.2.			Effluent	Monthly	Visual
<b>Oil and Grease</b>	Visual	See I.B.3.			Effluent	Monthly	Visual
<b>Oil and Grease</b>	mg/L	See I.B.3.			Effluent	3x/5years	Grab
<b>Total Dissolved Solids</b>	mg/L	---	---	---	Effluent	3x/5years	24-Hour Composite
<b>Total Phosphorus</b>	mg/L	---	---	---	Effluent	3x/5years	24-Hour Composite
<b>Total Kjeldahl Nitrogen</b>	mg/L	---	---	---	Effluent	3x/5years	24-Hour Composite
<b>Nitrate Plus Nitrite Nitrogen</b>	mg/L	---	---	---	Effluent	3x/5years	24-Hour Composite
<b>Dissolved Oxygen</b>	mg/L	See Note 6			Effluent	1/month	Grab
<b>Expanded Effluent Testing</b>	See I.B.12.				Effluent	3x/5years	---

1. The permittee must comply with these effluent limits and monitoring requirements for total residual chlorine **whenever chlorine is used** for total or partial disinfection of the effluent. See I.B.7.
2. The permittee must comply with these monitoring requirements for total residual chlorine **whenever chlorine is not used** for total or partial disinfection of the effluent.
3. Quarters are defined as January through March, April through June, July through September and October through December. Results for monitoring performed quarterly must be submitted with the DMR for the last month of the quarter (i.e. the March, June, September and December DMRs). Pollutants with a required monitoring frequency of three times per year must be sampled, at a minimum, once during the period of January through April, once during the period of May through August, and once during the period of September through December.
4. Copper, lead, silver and zinc in the effluent must be analyzed and reported as total recoverable metal.
5. 24-hour reporting is required in case of a maximum daily limit violation (see Part III.G.).
6. The permittee must report the monthly average and daily minimum dissolved oxygen concentrations.
7. See I.B.8.
8. The permittee must sample the effluent for lead, silver and zinc at least once during each of the following periods each year: January through April, May through August and September through December. Results must be submitted with the April, August, and December DMRs.

<b>Table 2: Effluent Limits and Monitoring Requirements for Fecal Coliform</b>					
Conditions	Units	Effluent limits			Monitoring Requirements
		Monthly Geometric Mean Limit	Weekly Geometric Mean Limit	Maximum Daily Limit <sup>5</sup>	Monitoring Frequency and Sample Type
<b>November 1 – May 31</b>					
Average effluent dilution ratio for the monthly reporting period <sup>4</sup> < 15:1, regardless of method of disinfection.	#/100ml	161 <sup>3</sup>	---	See Note 2	2 grab samples per week
Average effluent dilution ratio for the monthly reporting period <sup>4</sup> ≥ 15:1 and < 30:1, regardless of the method of disinfection.	#/100ml	200 <sup>3</sup>	400 <sup>3</sup>	800	2 grab samples per week
Average effluent dilution ratio for the monthly reporting period <sup>4</sup> ≥ 30:1 <b>and chlorine is used</b> for total or partial disinfection during the monthly reporting period. <sup>1</sup>	#/100ml	200 <sup>3</sup>	400 <sup>3</sup>	800	2 grab samples per week
Average effluent dilution ratio for the monthly reporting period <sup>4</sup> ≥ 30:1 <b>and chlorine is not used</b> for total or partial disinfection during the monthly reporting period.	#/100ml	400 <sup>3</sup>	800 <sup>3</sup>	1200	2 grab samples per week
<b>June 1 – October 31</b>					
<b>Chlorine is used</b> for total or partial disinfection during the monthly reporting period. <sup>1</sup>	#/100ml	200 <sup>3</sup>	400 <sup>3</sup>	800	1 grab sample per week
<b>Chlorine is not used</b> for total or partial disinfection during the monthly reporting period.	#/100ml	400 <sup>3</sup>	800 <sup>3</sup>	1200	1 grab sample per week
<p>1. See I.B.7.</p> <p>2. No more than 10% of the samples collected during a monthly reporting period when the average effluent dilution ratio is &lt; 15:1 may exceed 314 organisms/100 ml.</p> <p>3. The permittee must report the geometric mean fecal coliform concentration. If any value used to calculate the geometric mean is less than 1, the permittee must round that value up to 1 for purposes of calculating the geometric mean.</p> <p>4. Any tiered effluent limitations that are contingent upon the effluent dilution ratio are determined by the average effluent dilution ratio for a given monthly reporting period. Only one effluent limit tier can be effective during a given monthly reporting period.</p> <p>5. 24-hour reporting is required in case of a maximum daily limit violation for fecal coliform (see Part III.G. of this permit).</p>					

### C. Whole Effluent Toxicity Testing Requirements

The permittee must conduct chronic toxicity tests on effluent samples from outfall 001. Testing must be conducted in accordance with subsections 1 through 4, below.

1. Toxicity testing must be conducted on 24-hour composite samples of effluent. In addition, a split of each sample collected must be analyzed for the chemical and physical parameters required in Table 1, above, that have a required

monitoring frequency of quarterly or more frequently. When the timing of sample collection coincides with that of the sampling required in Table 1, analysis of the split sample will fulfill the requirements of Table 1 as well.

## 2. Chronic Test Species and Methods

- a) Chronic tests must be conducted twice per year. The permittee must test for chronic toxicity once during the period from June 1 through October 31, and once during the period from November 1 through May 31.
- b) The permittee must conduct short-term tests with the water flea, *Ceriodaphnia dubia* (survival and reproduction test), and the fathead minnow, *Pimephales promelas* (larval survival and growth test), for the first three suites of tests. After this screening period, monitoring must be conducted using the most sensitive species.
- c) The presence of chronic toxicity must be determined as specified in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Fourth Edition, EPA/821-R-02-013, October 2002.
- d) Results must be reported in  $TU_c$  (chronic toxic units), where  $TU_c = 100/IC_{25}$ . See Part VI. for a definition of  $IC_{25}$ .

## 3. Quality Assurance

- a) The toxicity testing on each organism must include a series of five test dilutions and a control. The dilution series must include the receiving water concentration (RWC), which is the dilution associated with the chronic toxicity trigger, two dilutions above the RWC, and two dilutions below the RWC. The RWCs are 18.7% effluent for November through May and 3.0% effluent for June through October.
- b) All quality assurance criteria and statistical analyses used for chronic tests and reference toxicant tests must be in accordance with *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Fourth Edition, EPA/821-R-02-013, October 2002, and individual test protocols.
- c) In addition to those quality assurance measures specified in the methodology, the following quality assurance procedures must be followed:
  - (i) 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.
  - (ii) If either of the reference toxicant tests or the effluent tests do not meet all test acceptability criteria as specified in the test methods manual, the permittee must re-sample and re-test within 14 days of receipt of the test results.

- (iii) 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 and ADEC. In no case shall water that has not met test acceptability criteria be used for either dilution or control.

#### 4. Reporting

- a) The permittee must submit the results of the toxicity tests with the discharge monitoring reports (DMR). Toxicity tests taken from June 1 through October 31 must be reported with the October DMR. Toxicity tests taken from November 1 through May 31 must be reported with the May DMR.
- b) The report of toxicity test results must include all relevant information outlined in Section 10, Report Preparation, of *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Fourth Edition, EPA/821-R-02-013, October 2002. In addition to toxicity test results, the permittee must report: dates of sample collection and initiation of each test; flow rate at the time of sample collection; effluent dilution ratio at the time of sample collection; and the results of the monitoring required in Table 1.

#### **D. Surface Water Monitoring**

The permittee must conduct surface water monitoring in accordance with the following requirements. Surface water monitoring must begin by May 31, 2006 and continue until the expiration date of the permit. The program must meet the following requirements:

1. Monitoring stations must be established in the Mendenhall River at the following locations:
  - a) 150 meters upstream of the discharge.
  - b) 150 meters downstream of the discharge.
2. Monitoring stations must be approved by ADEC.
3. To the extent practicable, surface water sample collection must occur on the same day as effluent sample collection.
4. All ambient samples must be grab samples.
5. Copper, lead, silver, and zinc in the receiving water must be analyzed as dissolved metal.
6. The flow rate must be measured as near as practicable to the time that other ambient parameters are sampled.
7. Samples must be analyzed for the parameters listed in Table 3, and must achieve minimum levels (MLs) that are equivalent to or less than those listed

in Table 3. The permittee may request different MLs. The request must be in writing and must be approved by EPA. Once approved, these MLs supersede the maximum MLs in Table 3.

8. Quality assurance/quality control plans for all the monitoring must be documented in the Quality Assurance Plan required under Part I.F., “Quality Assurance Plan”.
9. Surface water monitoring results must be submitted to EPA and ADEC with the NPDES permit renewal application (see Part V.B.). At a minimum, the report must include the following:
  - a) Dates of sample collection and analyses.
  - b) Results of sample analysis.
  - c) Relevant quality assurance/quality control (QA/QC) information.
10. The permittee must prepare a report utilizing all available ambient hardness and river flow data, showing the correlation between river flow and ambient hardness. The permittee must submit this report with the NPDES permit renewal application (See Part V.B).
11. If the fecal coliform concentration at the mixing zone boundary exceeds a 30-day geometric mean of 20 FC per 100 ml, or if more than 10 % of the samples collected in any 30-day period exceeds 40 FC per 100 ml, the permittee must report these exceedances to ADEC within 24 hours of discovery in accordance with the conditions of Part III.G. of this permit. Reporting to EPA is not required for exceedances of fecal coliform criteria at the edge of the mixing zone.

**Table 3: Receiving Water Monitoring Requirements**

Parameter (units)	Sample Locations	Sample Frequency	Sample Type	Maximum ML
pH (s.u.)	Upstream and Downstream	Monthly	Grab	---
Temperature, (°C)	Upstream and Downstream	Monthly <sup>4</sup>	Grab	---
Total Ammonia as N (mg/L)	Upstream and Downstream	4/year <sup>2</sup>	Grab	0.05
Copper <sup>1,5</sup> (µg/L)	Upstream and Downstream	4/year <sup>2</sup>	Grab	2.0
Lead <sup>1,5</sup> (µg/L)	Upstream	2/year <sup>3</sup>	Grab	0.25
Silver <sup>1,5</sup> (µg/L)	Upstream	2/year <sup>3</sup>	Grab	0.25
Zinc <sup>1,5</sup> (µg/L)	Upstream	2/year <sup>3</sup>	Grab	5
Fecal Coliform (#/100 ml)	Upstream and Downstream	Monthly	Grab	1.0
Hardness <sup>5</sup> (mg/L as CaCO <sub>3</sub> )	Upstream and Downstream	Monthly	Grab	10
Dissolved Oxygen (mg/L)	Upstream and Downstream	Monthly	Grab	---
Alkalinity (mg/L as CaCO <sub>3</sub> )	Upstream	Monthly	Grab	10
Turbidity (NTU)	Upstream and Downstream	4/year <sup>2</sup>	Grab	0.05
Flow (CFS)	USGS Station #15052900	Daily	Discrete	---

## Notes for Table 3:

1. Monitoring for copper, lead, silver and zinc in the receiving water must be in dissolved metal.
2. Sampling for these pollutants must occur at least once during each of the following seasons: November through May, June, July through September, and October.
3. Monitoring for lead, silver and zinc must occur at least once during the season of November through May and at least once during the season of October through June.
4. Receiving water monitoring for temperature is required during May, June, July, August, September and October only.
5. Receiving water monitoring for hardness must coincide with receiving water monitoring for metals, to the extent practicable.

## II. Special Conditions

### A. Operation and Maintenance

1. In addition to the requirements specified in Section IV.E. of this permit (Proper Operation and Maintenance), by July 31, 2006, the permittee must develop and implement an operation and maintenance plan for the wastewater treatment facility. The plan must be retained on site and made available on request to EPA and ADEC. Any existing operation and maintenance plans may be modified for submittal under this section.
2. The permittee must maintain the diffuser in a manner that provides maximum diffusion and mixing at all times with minimal port plugging. The permittee must inspect the diffuser in the final year of the permit and provide the results of that inspection to EPA and ADEC.
3. **Outfall Location Signs.** The permittee must maintain a sign, or signs on the shoreline near the mixing zone and outfall line. The sign, or signs, must:
  - a) state that treated domestic wastewater is being discharged, the name and owner of the facility, and the approximate location and size of the mixing zone;
  - b) inform the public that certain activities, such as the harvesting of shellfish for raw consumption and contact recreation should not take place in the mixing zone; and
  - c) give a contact telephone number for additional information.

### B. Quality Assurance Plan (QAP)

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. The permittee must provide EPA with written notification that the plan has been developed and implemented by July 31, 2006. Any existing QAPs may be modified for submittal under this section.

1. The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water 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

*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 format that is specified in these documents.

3. At a minimum, the QAP must include the following:
  - a) Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
  - b) Map(s) indicating the location of each sampling point.
  - c) Qualification and training of personnel.
  - d) Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the permittee.
4. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
5. Copies of the QAP must be kept on site and made available to EPA and/or ADEC upon request.

### C. Design Criteria Requirements

The design criteria for the permitted facility are as follows in table 4:

Criteria	Value	Units
Flow	See II.C.4.	mgd
Influent BOD <sub>5</sub> Loading	7356	lbs/day
Influent TSS Loading	8990	lbs/day

1. Each month, the permittee must compute an annual average value for flow, and BOD<sub>5</sub> and TSS loading entering the facility based on the previous twelve months data or all data available, whichever is less. If the facility performs plant upgrades that affect design criteria listed in the table, only data collected after the upgrade should be used in determining the annual average value.
2. When the average annual values exceed 85% of the design criteria values listed in the table for three consecutive months, the permittee must develop a facility plan and schedule within 18 months from the date of the third consecutive exceedance of 85% of the design criteria values listed above. The plan must include the permittee's strategy for continuing to maintain compliance with effluent limits and will be made available to the Director or authorized representative upon request.
3. The permittee must notify ADEC whenever there is an increase of more than 10 percent of annual average flow or BOD<sub>5</sub> or TSS loading based on the previous twelve months of data.

4. The permittee must calculate an annual average design flow rate for the treatment plant that will allow the permittee to consistently comply with the 4.9 mgd maximum daily flow limit.

**D. Pretreatment Requirements**

1. Prohibited discharges:
  - a) General Prohibition: The permittee must not allow a User to introduce into the POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph (b) of this section apply to each User introducing pollutants into a POTW whether or not the User is subject to other National Pretreatment Standards or any national, State, or local Pretreatment Requirements.
  - b) Specific Prohibitions: The permittee must not allow the introduction of the following pollutants into the POTW:
    - (i) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
    - (ii) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges.
    - (iii) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, including sewers, resulting in Interference.
    - (iv) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
    - (v) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
    - (vi) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
    - (vii) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
    - (viii) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

2. The permittee must enforce any National Pretreatment Standards including the above listed prohibited discharges (40 CFR 403.5(a) and (b)), Categorical Standards (40 CFR 403.6), and locally developed effluent limits (40 CFR 403.5(c)) in accordance with Sections 307(b) and (c) of the Clean Water Act.
3. The permittee must require any industrial user of its treatment works to comply with any applicable requirements in 40 CFR 403 through 471.
4. The permittee must implement and enforce local law and regulations (e.g. municipal code, sewer use ordinance) addressing the regulation of non-domestic users.
5. The permittee must retain all records relating to its pretreatment activities in accordance with 40 CFR 403.12(o) and must make such records available to EPA upon request. The permittee must also provide public access to information considered effluent data under 40 CFR 2.
6. The permittee must require SIUs to conduct wastewater sampling as specified in 40 CFR 403.12(e) or (h). Frequency of wastewater sampling by the SIUs must be appropriate for the character and volume of the wastewater but no less than once every six months. Sample collection and analysis must be performed in accordance with 40 CFR 403.12 (b)(5)(ii) through (v) and 40 CFR 136. If the permittee elects to conduct all of the non-domestic user monitoring for any SIU instead of requiring self-monitoring, the permittee must conduct sampling in accordance with the requirements of this paragraph.
7. The permittee must require all categorical and non-categorical users to notify the permittee immediately of all discharges that could cause problems to the POTW, including any slug loadings as defined by 40 CFR 403.5. As soon as the permittee becomes aware of such discharges, the permittee must comply with the requirements of part III.A., Representative Sampling.
8. The permittee must enforce and obtain remedies for any industrial user noncompliance with applicable pretreatment standards and requirements or local law and regulations. This must include timely and appropriate reviews of industrial reports to identify all violations of the local ordinance and federal pretreatment standards and requirements. Once violations have been uncovered, the permittee must take timely and appropriate action to address the noncompliance.

### **III. General Monitoring, Recording and Reporting Requirements**

#### **A. Representative Sampling (Routine and Non-Routine Discharges)**

Samples and measurements must be representative of the volume and nature of the monitored discharge.

In order 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 limited in Part I.B. of this permit that are likely to be affected by the discharge.

The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with paragraph II.C. (“Monitoring Procedures”). The permittee must report all additional monitoring in accordance with paragraph III.D. (“Additional Monitoring by Permittee”).

**B. Reporting of Monitoring Results**

The permittee must summarize monitoring results each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent. The permittee must submit reports monthly, postmarked by the 10th day of the following month. 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”). The permittee must submit the legible originals of these documents to the Director, Office of Compliance and Enforcement, with copies to ADEC at the following addresses:

US EPA Region 10  
Attn: PCS Data Entry Team  
1200 Sixth Avenue, OCE-133  
Seattle, WA 98101

Alaska Department of Environmental Conservation  
410 Willoughby Ave. #303  
Juneau, AK 99801

**C. Monitoring Procedures**

Monitoring must be conducted according to test procedures approved under 40 CFR 136, 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 this 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:

1. the date, exact place, and time of sampling or measurements;

2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the date(s) analyses were performed;
4. the names of the individual(s) who performed the analyses;
5. the analytical techniques or methods used; and
6. the 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 years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or ADEC 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.F., "Bypass of Treatment Facilities");
  - c) any upset that exceeds any effluent limitation in the permit (See Part IV.G., "Upset Conditions"); or
  - d) any violation of a maximum daily discharge limitation for any of the pollutants indicated in Table 1 of Part I.B.
  - e) any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.
2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1 above. 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; and
  - d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

- e) if the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.
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 to the addresses in Part III.B (“Reporting of Monitoring Results”).

#### **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.2 of this permit (“Twenty-four Hour Notice of Noncompliance Reporting”).

#### **I. Notice of New Introduction of Toxic Pollutants**

The permittee must notify the Director of the Office of Water and Watersheds and ADEC of:

1. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
3. For the purposes of this section, adequate notice must include information on:
  - a) The quality and quantity of effluent to be introduced into the POTW, and
  - b) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
4. The permittee must notify the Director of the Office of Water and Watersheds at the following address:

US EPA Region 10  
Attn: NPDES Permits Unit Manager  
1200 6<sup>th</sup> Avenue, OWW-130  
Seattle, WA 98101

### **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 Part 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 \$32,500 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 \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$32,500). 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 \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$157,500).
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) which 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 which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

**F. 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 assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.
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.G (“Twenty-four Hour 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 paragraph 2 of this Part.
  - 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 paragraph 3.a. of this Part.

**G. 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 paragraph 2 of this Part. 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 at the time being properly operated;
  - c) The permittee submitted notice of the upset as required under Part III.G, "Twenty-four Hour 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.

**H. 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 requirement.

**I. Planned Changes**

The permittee must give notice to the Director of the Office of Water and Watersheds as specified in part III.I.4. and ADEC as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted 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.
3. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites

not reported during the permit application process or not reported pursuant to an approved land application site.

**J. Anticipated Noncompliance**

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

**K. Reopener**

This permit may be reopened to include any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the Act. The Director may modify or revoke and reissue the permit if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the 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 Regional Administrator, 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 and ADEC, within the time specified in the request, any information that EPA or ADEC 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 EPA or ADEC, 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 or ADEC, it must promptly submit the omitted facts or corrected information.

#### **E. Signatory Requirements**

All applications, reports or information submitted to EPA and ADEC 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, Indian tribe, 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 EPA or ADEC 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 Director of the Office of Compliance and Enforcement and ADEC.
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 Director of the Office of Compliance and Enforcement and ADEC 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 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 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; ADEC; 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 federal, tribal, state or local laws or regulations.

**I. Transfers**

This permit is not transferable to any person except after notice to the Director of the Office of Water and Watersheds as specified in part III.I.4. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be

necessary under the Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

#### **J. 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.

### **VI. Definitions**

1. “Act” means the Clean Water Act or the Federal Water Pollution Control Act, as Amended (33 U.S.C. 466 et seq.).
2. “ADEC” means Alaska Department of Environmental Conservation.
3. “Administrator” means the Administrator of the EPA, or an authorized representative.
4. “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.
5. “Average weekly discharge limitation” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
6. “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 areas.
7. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.
8. “Chronic toxic unit” (“TUc”) is a measure of chronic toxicity. TUc is 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.,  $100/IC_{25}$ ).
9. “Composite” - see “24-hour composite”.
10. “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.

11. “Director of the Office of Compliance and Enforcement” means the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative.
12. “Director of the Office of Water and Watersheds” means the Director of the Office of Water and Watersheds, EPA Region 10, or an authorized representative.
13. “DMR” means discharge monitoring report.
14. “EPA” means the United States Environmental Protection Agency.
15. “Geometric Mean” means a mean of  $n$  objects that is computed by taking the  $n^{\text{th}}$  root of the product of the  $n$  terms.
16. “Grab” sample is an individual sample collected over a period of time not exceeding 15 minutes.
17. “Inhibition concentration” ( $IC_p$ ) is a point estimate of the toxicant concentration that causes a given percent reduction ( $p$ ) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).
18. “Maximum daily discharge limitation” means the highest allowable “daily discharge.”
19. “Method Detection Limit (MDL)” 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.
20. “Minimum Level (ML)” 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.
21. “NPDES” means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under sections 307, 402, 318, and 405 of the CWA.
22. “POTW” means Publicly Owned Treatment Works, as defined at 40 CFR 403.3(o).
23. “QA/QC” means quality assurance/quality control.
24. “Regional Administrator” means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.

25. “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.
26. “SIU” means Significant Industrial User, as defined in 40 CFR 403.3(t).
27. “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.
28. “24-hour composite” sample means a combination of at least 8 discrete sample aliquots of at least 100 milliliters, collected over periodic intervals from the same location, during the operating hours of a 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*.