

United States Environmental Protection Agency, Region 10  
1200 Sixth Avenue, OW-130  
Seattle, Washington 98101  
(206) 553-0523

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM FOR  
LOG TRANSFER FACILITIES IN ALASKA

**NPDES Permit Number AK-G70-1000**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. 1251 et seq. (CWA or the Act), the owners and operators of log transfer facilities described in Part I of this general National Pollutant Discharge Elimination System (NPDES) permit are authorized to discharge bark and wood debris associated with log transfer to waters of the United States, except those waters excluded from authorization to discharge in Part III of this permit, in accordance with effluent limitations, monitoring requirements and other conditions set forth herein. The discharge of wastes not specifically set out in Part II of this permit is not authorized under this permit.

This general NPDES permit may be modified or revoked at any time if, on the basis of any new information, the Director of the Office of Water, Region 10, EPA, determines that this information would have justified the application of different permit conditions at the time of issuance. Permit modification or revocation will be conducted in accordance with 40 CFR §122.62, 122.63, and 122.64. In addition to any other grounds specified herein, this general NPDES permit shall be modified or revoked at any time if, on the basis of any new data, the Director determines that continued discharges may cause unreasonable degradation of the marine environment.

**SHORE-BASED LOG TRANSFER FACILITIES DISCHARGING UNDER THE AUTHORITY OF THIS GENERAL NPDES PERMIT MUST KEEP A COPY OF THIS PERMIT AT THE LOG TRANSFER FACILITY WHERE THE DISCHARGES OCCUR. OFF-SHORE LOG TRANSFER FACILITIES DISCHARGING UNDER THE AUTHORITY OF THIS GENERAL NPDES PERMIT MUST RETAIN A COPY OF THIS PERMIT AT THE NEAREST ADMINISTRATIVE OR FIELD OFFICE MANAGING LOG TRANSFER OPERATIONS.**

This permit shall become effective March 21, 2000.

Signed this 23<sup>rd</sup> day of February, 2000.

/s/ Randall F. Smith  
Randall F. Smith  
Director  
Office of Water, Region 10, U.S. EPA

This modified permit shall become effective April 27, 2004 .

This permit and the authorization to discharge shall expire at midnight, March 21, 2005.

Signed this 5th day of April, 2004.

/s/ Robert R. Robichaud for  
Randall F. Smith  
Director  
Office of Water, Region 10, U.S. EPA

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## **I. AUTHORIZED FACILITIES**

### **A. Geographic Area**

This general NPDES permit applies to qualifying log transfer facilities (LTFs) discharging bark and wood debris into marine waters within the geographic area extending from the Alexander Archipelago west through central Gulf of Alaska and Prince William Sound, to Kodiak Island (see Figure 1). This general NPDES permit does not authorize discharges into freshwater habitats (including streams, lakes, rivers, impoundments, and wetlands) or into areas that are excluded from authorization (see Section III).

### **B. LTFs Which May Seek Authorization to Discharge Under this General Permit<sup>1</sup>**

All LTF dischargers may seek authorization to discharge under this general NPDES permit, except those meeting one of the exclusions contained in Section III of this permit. In order to be authorized to discharge under this permit, owners or operators of an LTF must: (1) *submit a Notice of Intent as described in Part V to the Environmental Protection Agency (EPA) and the Alaska Department of Environmental Conservation (ADEC); (2) receive approval and authorization of a project area zone of deposit (ZOD) from ADEC through a written decision document; and (3) receive written authorization to discharge from EPA.* Owners and operators of an LTF who are not granted written authorization under this general NPDES permit are not authorized to discharge to the specified waters, unless EPA has issued an individual NPDES permit to the discharger. Those facilities currently authorized under an individual permit will receive notification of termination of the individual permit upon coverage under the general permit.

The Director may notify a discharger, pursuant to 40 CFR § 122.28(b)(2)(vi), that it is covered by this permit (*but without a state-authorized ZOD*), even if the discharger has not submitted a Notice of Intent to be covered.

### **C. LTFs which have received a Section 404 permit prior to October 22, 1985**

This general NPDES permit does not apply to LTFs which have received a permit under section 404 of the Clean Water Act before October 22, 1985 and have not been authorized under an individual NPDES permit. These LTFs shall be subject to the requirements of General NPDES Permit AK G70-0000 for implementing Section 402 modifications of Section 404 permits issued for LTFs prior to October 22, 1985.

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<sup>1</sup> THIS PAGE HAS BEEN MODIFIED AT SECTION I.B.

## **D. Facility Classification**

Both shore-based and off-shore LTFs may seek authorization to discharge under this general NPDES permit. Shore-based LTFs include those facilities that move logs between land and water. Off-shore LTFs include vessels or helicopters moving logs into or out of off-shore marine waters, and off-shore log storage areas not adjacent to a shore-based LTF.

This general permit further classifies shore-based LTFs by the following Use Descriptions, based on the volume of timber transferred during a typical rotation period of 80-100 years.

Type I: Transfers over 40 mmbf/yr  
20 yrs or more of continuous operations  
Will probably continue to be high volume operation for most of rotation

Type II: Transfers up to 40 mmbf/yr  
Less than 20 yrs of continuous operation  
May have intermittent activity at lower volumes

Type III: Transfers up to 35 mmbf/yr  
Up to 10 yrs of continuous operation  
May have occasional use at lower volume levels during rotation

Type IV: Transfers up to 15 mmbf/yr  
Up to 5 yrs of continuous operation  
May have 1-3 similar periods of activity during rotation

Type V: Transfers less than 15 mmbf during the life of the permit  
May have 1-2 similar periods of activity during rotation

Other: Annual volume and duration/frequency of use to be defined in the Notice of Intent

## **II. AUTHORIZED DISCHARGES**

This general NPDES permit authorizes the marine discharge of bark and wood debris associated with in-water log transfer and storage within the project area, in accordance with the conditions set forth herein. The discharge of pollutants not specifically set out in this Part are not authorized under this general NPDES permit. This general NPDES 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, or any pollutants that are not ordinarily present in such waste streams.

### **III. AREAS EXCLUDED FROM AUTHORIZATION UNDER THIS GENERAL NPDES PERMIT**

#### **A. Protected Water Resources and Special Habitats**

This general NPDES permit does not authorize the discharge of pollutants in the eight protected water resources and special habitats listed below <sup>2</sup>:

1. Within any State Game Sanctuary, Game Refuge, or Critical Habitat Area (see Table 1 and Figure 2);
2. Within any State Park, without written authorization from the State Park Superintendent;
3. Within any unit of the National Park System, National Historic Landmark, or National Natural Landmark, without written authorization from the Park Superintendent (for National Parks) or Program Coordinator (for National Historic or Natural Landmarks) (see Table 2 and Figure 3);
4. Within any National Wildlife Refuge, without written permission from the Regional Director of the U.S. Fish and Wildlife Service (USFWS) or a delegated representative (see Table 3 and Figure 4);
5. Within any National Wilderness Area or National Monument, without written permission of an appropriate official (see Table 4 and Figure 5); and
6. Within the Port Graham/English Bay Area which Merits special Attention (see Figure 6);
7. Within one (1) nautical mile of any major Steller sea lion haul-out or rookery site (see Table 5), or within any Steller sea lion “Critical habitat Area” defined in 58 FR 45269, without written permission from the Regional Director of the National Marine Fisheries Services.
8. Within waters surrounding the Kodiak or Afognak Islands if, in consultation with the USFWS, it is determined that the discharge affects the wintering activities of the Steller’s eider.

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<sup>2</sup> With the exception of Parts III.A.7 and 8, these exclusions do not apply to private in-holdings within state or federal lands.

**B. Areas Not Meeting the Alaska Timber Task Force Guidelines**

This general NPDES permit does not authorize discharges into areas which do not meet the Alaska Timber Task Force Guidelines (ATTF) listed below. An applicant must apply for and obtain a waiver from EPA in order to discharge into a site which fails to meet any of the five siting guidelines listed below:

1. **Proximity to Rearing and Spawning Areas:** Siting of log transfer and log storage facilities within 300 feet of the mouths of anadromous fish streams, or in areas that are important for fish spawning or rearing, is normally prohibited.
2. **Bark Dispersal:** LTFs should be sited along or adjacent to straits and channels or deep bays where currents are strong enough to disperse sunken or floating wood debris. Siting LTFs in embayments with sills or other natural restrictions to tidal exchange should be avoided.
3. **Site Productivity:** Sites for log transfer and log storage should be located in areas having the least ecologically productive intertidal and subtidal zones.
4. **Sensitive Habitats:** Log transfer and storage facilities should not be sited on or adjacent to (i.e., near enough to affect) extensive tideflats, salt marshes, kelp or eelgrass beds, seaweed harvest areas or shellfish concentration areas.
5. **Storage and Rafting:** Log storage and rafting areas should be located in areas where logs and log rafts will not ground at low tide. Log rafting and storage areas shall be located in waters at least 40 feet deep measured at Mean Lower Low Water (MLLW).

**C. Impaired Waterbodies**

1. This general NPDES permit does not authorize new dischargers into any waterbody included in the Alaska Department of Environmental Conservation (ADEC) CWA Section 305(b) report or effective CWA Section 303(d) list of waters which are "impaired" or "water quality-limited" for residues related to log transfer or storage activities.
2. This general NPDES permit does not authorize new dischargers where the existing continuous coverage by bark and wood debris exceeds both 1.0 acre and a thickness of 10 centimeters at any point.

#### **D. Request for Waiver to Discharge into Excluded Areas**

An owner or operator of a proposed LTF may request a waiver to discharge under this general NPDES permit in the excluded area(s) listed in Part III.B (Areas Not Meeting the Alaska Timber Task Force Siting Guidelines). An applicant seeking a waiver to discharge into an excluded area identified in Part III.B must submit a timely and complete request for a waiver with the following information:

1. A Notice of Intent (NOI) to be authorized to discharge under this general NPDES permit in accordance with the requirements of Part V;
2. Identification of the specific siting guideline in Part III.B for which the waiver is requested;
3. A detailed description of the circumstances requiring discharges to the excluded area(s). This description must evaluate any practicable alternatives to discharging within the excluded area(s), and demonstrate that none of these alternatives are less environmentally damaging than the proposed discharge; and
4. A description of how and why the discharges will not cause a violation of State water quality standards in the receiving waters, or any other condition of this general NPDES permit.

EPA may require additional site-specific data, including an underwater survey, in making a determination whether to grant a waiver for a proposed discharge. EPA will consult with ADEC and other appropriate government offices before granting a waiver under this Section.<sup>3</sup>

### **IV. CATEGORIES OF PERMITTEES AND REQUIREMENTS**

#### **A. Limitations**

The following limitations and requirements apply to all shore-based and off-shore LTFs authorized to discharge under this general NPDES permit:

1. **Volume of Timber.** The volume of timber transferred at a facility shall not exceed the maximum annual and total volumes of timber specified in the NOI.
2. **Petroleum Hydrocarbons, Oil and Grease.** There shall be no discharge of hydrocarbons, oil and grease that causes a film, sheen, or discoloration on the surface or floor of the water body or adjoining shorelines.

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<sup>3</sup> THIS PAGE HAS BEEN MODIFIED AT SECTION III.E, WHICH HAS BEEN DELETED.

3. **Residues.** Except as authorized by a Zone of Deposit (ZOD) issued by ADEC under 18 AAC Section 70.210, there shall be no discharge of bark or wood debris, slash, limbs, scum, floating solids, oily wastes, foam, or other residues which alone, or in combination with other substances: a) makes the water unfit or unsafe for use in aquaculture, water supply, recreation, growth and propagation of fish, shellfish, aquatic life and wildlife, or the harvesting and consumption of raw mollusks or other aquatic life; b) Causes a film, sheen, or discoloration on the surface of the water or adjoining shorelines; c) causes leaching of toxic or deleterious substances; or d) Causes a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.

*Upon issuance of a final decision document for each facility, ADEC may authorize a ZOD for LTFs that limits the accumulation of bark and wood debris on the ocean bottom to *within* the project area. The ZOD may include continuous coverage, discontinuous coverage, and trace coverage by bark and wood debris. To the extent practicable, the primary area of continuous coverage must be collocated with the primary area of continuous coverage existing prior to discharge under this permit, unless a different area is authorized by ADEC.*<sup>4</sup>

4. **State Water Quality Standards.** Discharges shall not cause violation of the Alaska Water Quality Standards 18 AAC Section 70.

## **B. Best Management Practices**

The following best management practices shall be implemented no later than six (6) months from the date of authorization to discharge under this general NPDES permit. The best management practices shall minimize the discharge of bark and other pollutants from the LTF. Additional requirements are listed separately for shore-based and off-shore LTFs in Parts IV.B.2 and 3, respectively. A statement shall be submitted to EPA and ADEC, consistent with XI.K, at the addresses contained in Section V.B, within six (6) months of authorization to discharge under the permit stating that the BMPs have been implemented.

1. **Shore-based and Off-shore LTFs**

The following requirements apply to all LTFs authorized to discharge under this general NPDES permit:

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<sup>4</sup> THIS PAGE HAS BEEN MODIFIED AT SECTION IV.A.3.

- a. Log bundles shall be placed into the receiving waters at a single discharge point specified in the NOI;
- b. No in-water bundling of logs shall occur;
- c. Log rafts, logs and log bundles which have been transferred to the receiving water shall remain floating at all times and shall not be allowed to rest on or touch the bottom;
- d. Rafting and/or storage shall be in water at least 40 feet deep at MLLW, in an area with currents strong enough to disperse wood debris;
- e. Logs or log bundles shall be moved out of the log raft make-up and storage areas at the earliest possible time to minimize the retention time of logs in the water;
- f. The log transfer device shall be operated to minimize the discharge of petroleum and lubricating products into receiving waters; and
- g. Solid waste shall not be deposited in or adjacent to waters of the United States, including wetlands and marine tidelands. Solid waste includes cables, metal bands, used equipment, machinery, vehicle or boat parts, metal drums, appliances, and other debris.

2. **Shore-based LTFs**

In addition to the requirements listed above in Part IV.B.1., the following requirements apply to all shore-based LTFs authorized to discharge under this general NPDES permit:

- a. The speed of log bundles entering receiving waters shall not exceed 3 feet per second;
- b. No in-water sorting of logs shall occur;
- c. All logs deposited on the tidelands during float-off log transfer operations shall be removed on a daily basis;
- d. Bark and wood debris that accumulate at the log transfer device and on adjacent tidelands shall be removed daily, to the maximum extent achievable;
- e. Bark and wood debris that accumulates in upland traffic flow areas shall not be allowed to enter fresh waters, wetlands, marine waters or

tidelands. This debris shall be removed and disposed of on a regular basis such that the debris, or its leachate, shall not enter marine waters; and

- f. If continuous coverage of bark and wood debris exceeds both 1.0 acre and a thickness of 10 centimeters at any point, the operator shall submit, along with the bark monitoring survey required under Part VI.C of this permit, a statement describing remedial practices that will be used to minimize additional bark accumulation and shall immediately incorporate those practices in the Pollution Prevention Plan (Section VII of the permit) for the LTF.

### 3. **Off-shore LTFs**

In addition to the requirements listed above in Part IV.B.1, the following requirements apply to all off-shore LTFs authorized to discharge under this general NPDES permit:

- a. The speed of logs or log bundles entering receiving waters shall not exceed 10 feet per second for self-dumping barges and shall not exceed 3 feet per second for all other off-shore log transfer devices;
- b. Log transfer shall occur in waters at least -60 feet deep at MLLW, except that log transfer may occur in waters -40-60 feet deep at MLLW if the permittee demonstrates, and EPA agrees, that no practicable alternatives are available in deeper water;
- c. No in-water disposal of limbs and other debris removed from logs shall occur; and
- d. All logs shall be limbed, to the maximum extent practicable, prior to their discharge into the receiving waters.

### **C. Annual Report**

During the term of this general NPDES permit, all permittees shall prepare and submit an accurate and timely annual report of log transfer activity, discharges, noncompliance, and any process changes, as described in Part VI.A and consistent with XI.K.

### **D. Pollution Prevention Plan**

Within six (6) months of the date of authorization to discharge under this general NPDES permit, all shore-based permittees shall develop and implement a Pollution

Prevention Plan in accordance with Part VII. This general NPDES permit does not require permittees classified as off-shore LTFs to develop a Pollution Prevention Plan. A statement shall be submitted to EPA and ADEC, consistent with Section XI.K, at the addresses contained in Section V.B, within six (6) months of authorization to discharge under the general permit stating that the Pollution Prevention Plan has been implemented.

#### **E. Bark Monitoring Plan**

Permittees that will transfer a total volume of timber 15 mmbf or more during the life of the permit and that are sited in waters less than -60 feet deep MLLW shall conduct a bark monitoring program as described in Part VI.C. This general NPDES permit does not require permittees classified as Type V LTFs to conduct a bark monitoring program.

### **V. APPLICATION TO BE PERMITTED UNDER THIS GENERAL NPDES PERMIT**

The information collection requirements of Part V of this general NPDES permit have been approved by the Office of Management and Budget under the Applications Information Collection Request (OMB Control No. 2040-0086).

#### **A. Applicability**

All LTFs wishing to discharge under the authority of this general NPDES permit shall submit a timely and complete NOI to EPA and ADEC in accordance with the requirements of this Part. Any discharger who fails to submit a NOI in accordance with the requirements of this general NPDES permit is not authorized to discharge under this permit. A qualified applicant will be authorized to discharge under this general NPDES permit upon its receipt of *written approval and authorization of a project area zone of deposit from ADEC* and written authorization and assignment of an NPDES permit number from EPA.<sup>5</sup>

#### **B. Submittal of Notice of Intent (NOI)**

A permittee shall submit its NOI to be authorized to discharge under this general NPDES permit to both of the following addresses:

U.S. Environmental Protection Agency, Region 10,  
1200 Sixth Avenue, OW-130  
Seattle, Washington 98101  
Attn: LTF Reporting

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<sup>5</sup> THIS PAGE HAS BEEN MODIFIED AT SECTION V.A.

Alaska Department of Environmental Conservation  
Division of Air and Water Quality  
410 Willoughby Avenue, Suite 105  
Juneau, AK 99801  
Attn: LTF Reporting

### C. **Deadlines for Submitting Initial Notice of Intent**

1. **New LTFs.** Owners or operators of a new LTF seeking authorization to discharge under this general NPDES permit shall submit an NOI at least **sixty (60) days** prior to anticipated commencement of operation and discharge.
2. **Existing LTFs.** Owners or operators of an LTF who are authorized to discharge under an effective individual NPDES permit and who seek authorization to continue discharging under this general NPDES permit must submit an NOI no later than sixty (60) days prior to the expiration date of the individual NPDES permit. Owners or operators of an LTF who are authorized to discharge under an administratively extended individual NPDES permit pursuant to 40 CFR §122.6, or who do not have an effective or extended NPDES permit, and who seek authorization to discharge under this general NPDES permit, must submit an NOI at least sixty (60) days prior to anticipated commencement of operation and discharge or, if currently operating, no later than sixty (60) days from the effective date of this general NPDES permit.

### D. **Contents of the Notice of Intent**

The following information must be included in the NOI to discharge under this general NPDES permit. Appendix 1 provides an optional NOI form which may be helpful to streamline the application process. All attachments shall be submitted on 8½ by 11 inch paper. The use of dot shading, hatching, or similar graphic symbols may be used to clarify the drawings. Color shading should not be used, as it cannot be reproduced with a black and white copier.

1. **Permit Information.** The NOI shall include any NPDES number(s) currently or previously assigned to the LTF.
2. **Owner Information.** The NOI shall include the name, complete address, telephone number and FAX number of the owner of the LTF and the name of his/her duly authorized representative.
3. **Operator Information.** The NOI shall include the name, complete address, telephone number and FAX number of the operator of the LTF and the name of his/her duly authorized representative.

4. **Facility Information.** The NOI shall include the following information about the LTF:
- a. Name, complete address, general telephone number and FAX number of the LTF (to the extent this information is available);
  - b. U.S. Army Corps of Engineers permit name, number, and date of issuance;
  - c. The physical location, including the latitude and longitude of the proposed discharge with a precision of at least 15 seconds of a degree (approximately 0.25 miles), and the distance and direction to the nearest town/city;
  - d. A nautical chart, showing the location of the proposed discharge and any catalogued anadromous fish streams, estuaries, and mudflats within one-half mile.
  - e. A vicinity map, showing the physical location of the proposed discharge and project area, the name of the waterbody receiving the proposed discharge, and the name of any larger, adjacent receiving waterbody. The vicinity map shall be based upon an official map or chart with a scale of resolution between 1:20,000 to 1:65,000, and shall include a north arrow and scale. If the discharge is to waters surrounding Kodiak or Afognak Islands, a written concurrence of “no effect” or “not likely to effect” the wintering activities of the Steller’s Eider is required from the U.S. Fish and Wildlife Service;
  - f. A plan drawing, showing the dimensions of the proposed LTF as viewed from above, including in-water log rafting and storage areas, and contiguous upland log storage or sorting areas. The drawing shall include the name of the waterbody, existing shorelines, mean higher high water (MHHW) and MLLW lines, average water depths around the proposed discharge, north arrow, and scale;
  - g. An elevation and/or cross section view, showing the dimensions of the proposed LTF as viewed from the side, front, or rear. Where the proposed LTF is a low-angle slide, these dimensions shall include the angle of the ramp. The drawing shall include the name of the waterbody, existing shorelines, MHHW and MLLW lines, average water depths around the proposed discharge, north arrow, and scale;
  - h. The facility classification including a brief description of the log transfer operations. The operations description shall include an assessment of

- the feasibility of onshore log storage and barging, as well as a description of the proposed storage, handling, sorting, bundling, transfer, and rafting of logs;
- i. Copies of any written permissions or authorizations required by Part III.A. above for siting an LTF in a Protected Water or Special Habitat;
  - j. Any requests for waivers, under Part III.D or Part IV.B.3.b;
  - k. A demonstration that operation of the LTF constitutes important social or economic development in the area, and that a ZOD is necessary to accommodate operation of the LTF; and
  - l. A description of known existing uses of the receiving water where the LTF is located, and a demonstration that those uses will be fully protected by the proposed operation of the LTF.
  - m. Bark monitoring surveys not previously submitted to EPA.
5. **Facility Classification.** The NOI shall classify the facility as follows:
- a. Shore-based or Off-shore;
  - b. Method of log transfer; and
  - c. Use description (Type I-V). An alternative use description may be provided if Types I-V do not apply.
6. **Production Data.** To the extent the information is available, the NOI shall include the following production data:
- a. Expected facility life span;
  - b. Maximum volume of timber expected to be transferred during the life of the permit;
  - c. Average and maximum volume of timber expected to be transferred per year; and
  - d. Projected months of operation.

Projected volumes shall be given in board feet, Scribner scale.

7. **Pre-discharge Survey.**

- a. **Applicability.** A pre-discharge survey is required for all applicants (persons submitting a NOI) except off-shore and Type V shore-based LTFs.
- b. **Purpose.** The purpose of the pre-discharge survey is to document the biological resources which may be affected by the discharge, and any existing bark and wood debris deposits.
- c. **Objectives.** The pre-discharge survey shall provide adequate site-specific information to indicate whether the discharge meets the requirements of Part III of this permit, and whether a waiver from the Part III.B requirements is necessary for authorization under this permit, and to document the area and depth of any existing bark and wood debris deposits.
- d. **Submittal.** The results of the pre-discharge dive survey shall be submitted with the NOI.
- e. **Methods.** The pre-discharge survey shall include a representative description of the numbers and species of marine organisms, and depths and substrate types where the organisms are found within a 300' radius of the center of the discharge site to a water depth of -60 feet MLLW.

If bark is present, the pre-discharge survey shall also measure and report the areal extent and thickness of bark deposits as required in Part VI.C. The survey data for biological resources shall be submitted in writing or in the form of a narrated underwater video.

- f. **Contents of Report.** The report shall provide sampling data, a summary of the survey, and an evaluation of whether the discharge site meets each of the requirements of Part III.

8. **Signatory Requirements.** The NOI shall be signed as follows:

- a. For a corporation: by a principal 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.

## VI. MONITORING, REPORTING, AND RECORDING REQUIREMENTS

The information collection requirements, including Discharge Monitoring Reports, of Part VI have been approved by the Office of Management and Budget.

### A. Annual Report

1. **Applicability.** During the term of this general NPDES permit, all permittees shall prepare and submit a complete, accurate and timely annual report of log transfer activities, discharges, periods of noncompliance, and facility changes.
2. **Purpose.** The annual report serves to inform the regulatory agencies of the use and potential degradation of public water resources by LTFs discharging pollutants to these receiving waters under this general NPDES permit.
3. **Contents of Report.** The annual report shall include the information listed below. An optional Annual Report form is provided in Appendix 2 to assist the permittee.
  - a. NPDES permit number, facility owner, facility operator, name of the facility, mailing address, telephone and FAX number;
  - b. A summary of periods of noncompliance with any of the requirements of this general NPDES permit between January 1st and December 31st, the reasons for such noncompliance, and the steps taken to correct the problem and prevent further occurrences;
  - c. Information on any oil sheens observed during operating periods, including the date, name of observer, cause or source of oil sheen, and corrective measures taken;
  - d. A summary of log transfer activity during the previous year, including:
    - (i) Volume of timber transferred (mmbf) at the facility and
    - (ii) Method of log transfer.
  - e. A statement of any changes to a permittee's NOI to be covered under this general NPDES permit (e.g., changes in log transfer device or volume of timber to be transferred).

4. **Signatory Requirements.** A permittee shall ensure that the annual report is signed by a principal officer or a duly appointed representative of the permittee.
5. **Submittal of Report.** A permittee shall submit its annual report by January 31st of the year following each calendar year of operation and discharge under this general NPDES permit. If the LTF was not operated during the reporting year, the permittee shall so indicate in the annual report. The permittee shall submit its annual report to both of the following addresses:

U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, OW-130  
Seattle, Washington 98101  
Attn: LTF Reporting

Alaska Department of Environmental Conservation  
Division of Air and Water Quality  
410 Willoughby Avenue, Suite 105  
Juneau, AK 99801  
Attn: LTF Reporting

## **B. Oil Sheen Monitoring and Reporting**

During periods of log transfer operation, receiving waters at the LTF shall be visually monitored daily for the presence of an oil sheen. The presence of any oil sheen shall be recorded, with the date, name of observer, cause or source of oil sheen, and corrective measures taken and shall be reported to EPA within 24 hours in accordance with Part X.B. This information shall be included in the annual report. If desired, the permittee may use the Oil Sheen Monitoring Report form provided in Appendix 3.

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

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

SE Alaska Oil Spill Response Team:  
907-465-5340 (8 am to 5 pm, Monday through Friday)  
800-478-9300 (all other times including holidays)

## **C. Bark Monitoring and Reporting**

1. **Applicability.** Bark monitoring is required annually for all permittees which transfer a total of 15 mmbf or more during the life of this permit, and which are located in water depths less than -60 feet at MLLW. Permittees classified as Type V LTFs are not required to conduct bark monitoring.
2. **Purpose.** The purpose of the Bark Monitoring Program is to determine compliance with the Alaska Water Quality Standards for settleable residues in marine waters. In accordance with 18 AAC Section 70.210, *upon issuance of a final decision document ADEC may authorize a ZOD for facilities authorized to discharge under this general NPDES permit, which includes the project area. The ZOD may include continuous coverage, discontinuous coverage, and trace coverage by bark and wood debris. At an LTF with an on-shore transfer device, to the extent practicable, the primary area of continuous coverage must be collocated with the primary area of continuous coverage existing prior to discharge under the General NPDES Permit, unless a different area is authorized by ADEC.*<sup>6</sup>
3. **Objectives.** The bark monitoring survey shall determine the depth, total area, and *outer boundary of continuous coverage by bark and wood debris on the bottom, in water depths to -100 feet. The bark monitoring survey shall determine the depth, total area, and outer boundary of discontinuous coverage by bark and wood debris on the bottom, in water depths to -60 feet MLLW.*<sup>7</sup>
4. **Monitoring Schedule.**
  - a. The bark monitoring survey shall be conducted annually. The preferred time period for conducting an annual bark monitoring survey in a given year is March through May, or prior to operation. The results of an underwater pre-discharge survey shall be submitted with the NOI to be covered by this general NPDES permit as described in Part V.D.7.
  - b. The annual bark monitoring survey is not required during years when the LTF is not operating except if subsection c below applies.
  - c. If the annual bark monitoring survey conducted at the beginning of the season indicates continuous coverage by bark and wood debris of 0.9 acre or greater, the next annual bark monitoring survey shall be conducted after cessation of log transfer, or in the following year prior to any additional log transfer.

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<sup>6</sup> THIS PAGE HAS BEEN MODIFIED AT SECTIONS VI.C.2 AND 3.

5. **Methods.** The following method is approved by EPA. An equivalent method may be acceptable if it meets the purpose stated in Part VI.C.2 above.
- a. Conduct preliminary dive to identify the approximate area of bark accumulation.
  - b. Determine the number and configuration (radial or parallel) of transects which will most accurately delineate the area of bark accumulation.
  - c. Establish transect lines with a surveyor's tape or other precise methodology extending seaward from permanent shore-marker(s). Measurements should extend beyond the area of bark accumulation, or to a water depth of -60 feet MLLW, whichever is first.

Surveys using Radial Transects: Set a central permanent marker on shore at the face of the LTF or other suitable location. Establish at least five transects radially from the permanent marker. Transects should be no more than 30° apart, extending from one side of the facility to the other.

Surveys using Parallel Transects: Set up at least five permanent markers on shore, centered around the face of the LTF or other suitable location. Transects should be no more than 75 feet apart, and should extend in a perpendicular direction from the shoreline. The number of transects should be adequate to encompass the entire area of bark accumulation and shall be equal to five or more.

- d. *Determine the total area of continuous coverage by bark and wood debris within the project area in water depths to -100 feet MLLW.*<sup>7</sup> Determine the total area of discontinuous coverage by bark and wood debris, within the project area in water depths to -60 feet MLLW. Measurement stations along a transect shall be no longer than 50 feet apart in areas of continuous bark coverage and no more than 100 feet apart in areas of discontinuous bark coverage.

If continuous coverage extends more than 15 feet beyond and perpendicular to the lateral transects that bound the two sides of the survey area, then additional transects must be established to determine the extent of continuous coverage beyond the lateral transects. An area of continuous or discontinuous coverage must be calculated as the area in acres enclosed by a line connecting the outermost measured points of

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<sup>7</sup> THIS PAGE HAS BEEN MODIFIED AT SECTION VI.C.5.d.

continuous or discontinuous coverage, respectively, for that area on the transect array, or by another method approved by EPA and ADEC.

The following information shall be recorded at each measuring station. If desired, the permittee may use the optional Transect Data Form provided in Appendix 4.

- (i) **Bark Depth.** Measure and record depth of bark deposit using a marked stick or pipe to the nearest centimeter. If bark is visible but less than one centimeter deep, record the depth as less than one centimeter.
  - (ii) **Percent Cover.** Estimate and record the percentage (0% to 100%) of area covered by bark within the immediate vicinity of the measuring station. A sampling area is measured within a three-foot-square (one square yard) measuring station. Photographs must be included that depict the nature and coverage of bark and wood debris on the ocean bottom at representative measuring stations along the transects, including all of the stations with continuous coverage (100%) and at least half of the measuring stations with discontinuous coverage (10%-99%). Photographs at each measuring station must include information on the name of the LTF facility, survey date, and measuring station identifier.
  - (iii) **Water depth (adjusted to MLLW).**
  - (iv) **Presence of metal and other debris.**
  - (v) **Still photographs that clearly depict the nature and coverage of bark and wood debris on the ocean bottom at representative sample plots along the transects.**
6. **Contents of Report.** A permittee shall submit a bark monitoring report that includes the following information. If desired, the permittee may use the Bark Monitoring Survey Report Form provided in Appendix 5.
- a. **Date, exact place and time of dive survey, and name(s) of individual(s) who performed the survey;**
  - b. **Name and signature of person responsible for dive survey;**
  - c. **Method used to establish transects, locate sample stations, measure bark depths, estimate percent cover at each station, and calculate area of bark coverage;**

- d. Date of completion of report, and first and last name(s) of individual(s) who performed the analysis;
  - e. Table showing bark depth and percent cover measurements along each transect line (See Appendix 4 for an example);
  - f. Map (with scale) delineating the project area and showing the location of each transect line, area of 100% bark coverage, and outer boundary of the waste pile as it relates to the project area; and
  - g. Area of continuous (100%) bark coverage and area of discontinuous coverage, in acres to one tenth of an acre and in square meters; and
  - h. A statement of whether or not the project area ZOD has been exceeded.
7. **Quality Assurance Project Plan.** Each permittee covered under this Permit shall develop a Quality Assurance Project Plan (QAPP) within six (6) months of authorization to discharge under the general permit. The QAPP shall ensure that adequate documentation is available to allow complete reconstruction of the data from initial field records through data storage retrieval; verification of data through evaluation of field notes, photography, video, or other means; reproducibility of the data through replication of well-documented methods; and comparability of results through the use of similar or equivalent sampling and analytical procedures and standardized reporting. QAPPs shall include provisions to ensure that early and effective corrective action can be taken when data quality falls outside established data quality objectives. QAPPs shall include mechanisms to be used when corrective action is needed. A statement shall be submitted to EPA and ADEC, consistent with XI.K, at the addresses contained in Section V.B, within six (6) months of authorization to discharge under the permit stating that the QAPP has been completed and implemented.

The QAPP must be in place prior to data collection, and shall include the following information:

- a. Title page, with provision for approval signatures
- b. Project description
- c. Project organization and responsibilities
- d. Objectives for measurement data
- e. Sampling procedures

- f. Analytical procedures
- g. Data reduction, validation, and reporting
- h. Internal quality control checks
- i. Specific routine procedures used to assess data precision, accuracy, completeness, representativeness, and comparability

General and specific guidance on the contents of the plan may be obtained from EPA, Region 10.

8. **Signatory Requirements.** The bark monitoring survey shall be signed as follows:
- a. For a corporation: by a principal corporate officer;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; and
  - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
9. **Submittal of Report.** A permittee shall submit the bark monitoring reports within **sixty (60) days** of completion of the survey. Facilities not operating shall submit a statement indicating so. A permittee shall submit its annual bark monitoring report to the following addresses:

U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, OW-133  
Seattle, Washington 98101  
Attn: LTF Reporting

Alaska Department of Environmental Conservation  
Division of Air and Water Quality  
410 Willoughby Avenue, Suite 105  
Juneau, AK 99801  
Attn: LTF Reporting

In Southeast Alaska:  
Department of Natural Resources  
Division of Mining, Land and Water  
Southeast Regional Manager  
400 Willoughby Avenue, Suite 400  
Juneau, AK 99801-1724

In Southcentral Alaska:  
Department of Natural Resources  
Division of Mining, Land and Water  
Southcentral Regional Manager  
555 West 7<sup>th</sup>, 12<sup>th</sup> floor  
Anchorage, AK 99503

11. **Modification.** The monitoring program may be modified if EPA and ADEC determine that it is appropriate. The modified program may include changes in survey stations, times, or parameters.

## VII. POLLUTION PREVENTION PLAN

- A. **Applicability.** All shore-based LTFs authorized to discharge under this general NPDES permit are required to develop and implement a Pollution Prevention Plan, as described in this Part. A Pollution Prevention Plan is not required for off-shore LTFs authorized to discharge under this general NPDES permit.
- B. **Implementation.** All permittees subject to this requirement shall develop and implement a Pollution Prevention Plan within three (3) months of the date of that permittee's authorization to discharge under this general NPDES permit.
- C. **Purpose.** The purpose of the Pollution Prevention Plan is to identify and employ all reasonable practices to avoid the discharge of bark, wood debris and other pollutants to waters of the United States, and to contain the discharge to the smallest area that is practicable and is consistent with safe and orderly operation of the log transfer facility.
- D. **Objectives.** The Pollution Prevention Plan shall be consistent with the following objectives:
  1. To minimize the types and amounts of pollutants generated at the source;
  2. To recycle or utilize waste materials whenever feasible; and
  3. To minimize the discharge of pollutants into waters of the United States.

**E. Scope.** The Pollution Prevention Plan shall evaluate potential discharges of pollutants from the entire log transfer operation, including the following elements:

1. Log transfer, processing, storage and handling areas, and all other aspects of normal operations. Evaluation of potential stormwater discharges may be incorporated by reference to an existing Pollution Prevention Plan;
2. Operation and maintenance of tools and equipment;
3. Storage and management of petroleum products and other substances. Evaluation of potential discharges associated with fuel storage and management may be incorporated by reference to an existing Spill Prevention Control and Countermeasure Plan;
4. Disposal of sludge and sanitary waste. Evaluation of potential discharges associated with sludge and sanitary waste may be incorporated by reference to an existing ADEC Wastewater Disposal Permit; and
5. Any other aspect of the LTF which may result in spills or leaks in areas adjacent to or draining into surface waters.

**F. Contents.**

The Pollution Prevention Plan shall be in narrative form, and may include plan drawings or maps. The Pollution Prevention Plan shall include the following elements:

1. Name and location of the facility;
2. Identification of potential pollutant pathways and risk of pollutant releases to the aquatic environment (e.g., fuel storage, debris piles, solid waste, surface runoff);
3. Specific management practices and standard operating procedures to achieve the objectives of the plan, including, but not limited to:
  - a. Proper operation and maintenance of the facility, including good housekeeping practices and preventive maintenance;
  - b. Regular examination of equipment for potential failure;
  - c. Provisions for emergency measures to be taken in the event of equipment failure; and

- d. Any modification of equipment, facilities, technology, or procedures (e.g., changes in volume of log throughput);
  4. Inspections and records related to implementation of the Pollution Prevention Plan; and
  5. Employee training in Pollution Prevention.
  6. Practices that will be used to minimize additional bark accumulation if continuous coverage of bark and wood debris exceeds both 1.0 acre and a thickness of 10 centimeters at any point.
- G. Review.** The Pollution Prevention Plan shall be reviewed periodically by the facility manager and appropriate staff.
- H. Documentation.** No later than six (6) months from the date of authorization to discharge under this general NPDES permit, a permittee shall submit to EPA and ADEC written certification signed by a principal officer or a duly appointed representative of the permittee, that a Pollution Prevention Plan has been completed, read by on-site employees, and implemented. A permittee shall maintain a copy of its Pollution Prevention Plan at its facility and shall make the plan available to EPA or ADEC upon request.
- I. Modification.** A permittee shall amend the Pollution Prevention Plan prior to any change in the facility or its operation which increases the generation of pollutants or their release or potential release to the receiving waters. The Pollution Prevention Plan shall be modified if a bark monitoring survey shows that continuous coverage by bark and wood debris exceeds both 1.0 acre and a thickness of 10 centimeters at any point to include practices that will be used to minimize additional bark accumulation. Any changes to the Pollution Prevention Plan shall be consistent with the objectives and specific requirements listed above. All changes in the Pollution Prevention Plan shall be reviewed by the facility manager.
- J. Effectiveness.** At any time, if a Pollution Prevention Plan proves to be ineffective in achieving the objectives and requirements listed above, this general NPDES permit and/or the Pollution Prevention Plan shall be subject to modification to incorporate revised Pollution Prevention requirements.

### VIII. DUTY TO REAPPLY

If a permittee intends to continue an activity regulated by this general NPDES permit after the expiration date of this permit, a permittee must apply for and obtain a new permit. The Notice of Intent application shall be submitted at least 180 days before the expiration date of this permit.

**IX. TERMINATION OF DISCHARGES**

The permittee shall notify EPA within 60 days following the final termination of discharges from the authorized LTF. This notification may be provided in the annual report or under separate cover.

**X. RECORDING AND REPORTING REQUIREMENTS**

**A. Retention of Records.** A permittee shall retain records of all monitoring information, including copies of all reports required by this general NPDES permit, a copy of the 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, or for the term of this permit, whichever is longer.

**B. Twenty-four Hour Notice of Noncompliance Reporting.**

1. A permittee shall report the following occurrences of noncompliance by telephone (206-553-1846) within 24 hours from the time a permittee becomes aware of the circumstances:
  - a. Any discharge(s) to the receiving waters not authorized for coverage under this general NPDES permit, including but not limited to observance of an oil sheen; and
  - b. Any noncompliance that may endanger health or the environment.
2. A permittee shall also provide a written submission within five days of the time that a permittee becomes aware of any event required to be reported under Part X.B.1 above. The written submission shall 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 reoccurrence of the noncompliance.
3. Written reports shall be submitted to the addresses in Part VI.A.5 of this general NPDES permit.

- C. Other Noncompliance Reporting.** A permittee shall report all instances of noncompliance, not required to be reported within 24 hours, with the annual report and the bark monitoring survey report. Reports of other noncompliance shall contain the information listed in Part X.B.2. above.

## **XI. COMPLIANCE RESPONSIBILITIES**

- A. Duty to Comply.** A permittee shall comply with all conditions of this general NPDES 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. A permittee shall give reasonable advance notice to the Director and ADEC of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

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

1. **Civil and Administrative Penalties.** Any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil or administrative penalty, not to exceed the maximum amounts authorized by Sections 309(d) and 309(g) 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).
2. **Criminal Penalties.** Nothing in this general NPDES permit shall be construed to relieve a permittee of the civil or criminal penalties for noncompliance.
  - a. **Negligent violations.** Section 309(c)(1) of the Act provides that any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(1) of the Act.
  - b. **Knowing violations.** Section 309(c)(2) of the Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(2) of the Act.
  - c. **Knowing endangerment.** Section 309(c)(3) of the Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 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 and/or imprisonment as specified in Section 309(c)(3) of the Act.

- d. False statements. Section 309(c)(4) of the Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(4) of the Act.

- C. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this general NPDES permit.
- D. **Duty to Mitigate.** A permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this general NPDES permit that has a reasonable likelihood of adversely affecting human health or the environment.
- E. **Proper Operation and Maintenance.** A permittee shall at all times properly operate and maintain all facilities that are installed or used by a permittee to achieve compliance with the conditions of this general NPDES 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 only when the operation is necessary to achieve compliance with the conditions of this general NPDES permit.
- F. **Planned Changes.** A permittee shall give notice to the Director 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 general NPDES permit.

A permittee shall give notice to the Director and ADEC as soon as possible of any planned changes in process or chemical use whenever such change could significantly change the nature or increase the quantity of pollutants discharged.

- G. Anticipated Noncompliance.** A permittee shall also give advance notice to the Director and ADEC of any planned changes in the permitted facility or activity that may result in noncompliance with this general NPDES permit.
- H. Permit Actions.** This general NPDES permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by a permittee for a general NPDES permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- I. Duty to Provide Information.** A permittee shall furnish to the Director and ADEC, within the time specified in the request, any information that the Director or ADEC may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this general NPDES permit, or to determine compliance with this permit. A permittee shall also furnish to the Director or ADEC, upon request, copies of records required to be kept by this general NPDES permit.
- J. Incorrect Information and Omissions.** When a permittee becomes aware that it failed to submit any relevant facts in the NOI to be authorized under this general NPDES permit, or that it submitted incorrect information in the NOI or any report to the Director or ADEC, it shall promptly submit the omitted facts or corrected information.
- K. Signatory Requirements.** All NOIs, reports or information submitted to EPA and ADEC shall be signed and certified.
1. All NOIs to be authorized under this general NPDES permit shall be signed as follows:
    - a. For a corporation: by a principal corporate officer;
    - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; and
    - 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 this general NPDES permit and other information requested by EPA or ADEC shall 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 and submitted to EPA and ADEC, and

- 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, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to Authorization. If an authorization under Part XI.K.2 above 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 XI.K.2 must be submitted to EPA 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 shall 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."

- L. Availability of Reports.** Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with this general NPDES permit shall be available for public inspection at the offices of the Director and ADEC. As required by the CWA, permit applications, permits and effluent data shall not be considered confidential.
- M. Inspection and Entry.** A permittee shall allow the Director, 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 a permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this general NPDES permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this general NPDES permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this general NPDES 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.

**N. Oil and Hazardous Substance Liability.** Nothing in this general NPDES permit shall be construed to preclude the institution of any legal action or relieve a permittee from any responsibilities, liabilities, or penalties to which a permittee is or may be subject under Section 311 of the Act.

**O. Property Rights.** The issuance of this general NPDES permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

**P. Severability.** The provisions of this general NPDES 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.

**Q. Transfers.** Authorization to discharge under this general NPDES 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;
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.

If the notice described in Part XI.Q.3 above is not received, the transfer is effective on the date specified in the agreement mentioned in Part XI.Q.2 above.

**R. State Laws.** Nothing in this general NPDES permit shall be construed to preclude the institution of any legal action or relieve a 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.

**S. Re-opener Clause/Requirement for an individual Permit.**

1. This general NPDES 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 different conditions or is otherwise more stringent than any condition in this general NPDES permit; or
  - b. Controls any pollutant or disposal method not addressed in this general NPDES permit.

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

2. This general NPDES permit may be re-opened to adjust any effluent limitations if future water quality studies, waste load allocation determinations, or changes in water quality standards show the need for different requirements.
3. The Director may require any discharger authorized under this general NPDES permit to apply for and obtain an individual NPDES permit pursuant to 40 CFR §122.28(b)(3).

**XII. DEFINITIONS**

*AAC* means Alaska Administrative Code.

*ADEC* means Alaska Department of Environmental Conservation.

*Act* means the Clean Water Act.

*Alaska Timber Task Force Guidelines* means the guidelines developed for log transfer siting, construction, operation and monitoring/reporting dated October 21, 1985.

*At any point* means at any single point within the area of continuous coverage. It does not mean at all points and does not mean a single piece of bark or wood protruding from the surface of bark and wood debris.

*Bark and Wood debris* means pieces of bark, wood, and minute amounts of organic material (soil, lichen or moss) dislodged from logs during processing. Bark and wood debris may also include whole logs which lost their commercial value during processing (e.g., lost, damaged, or sunken logs).

*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.

*CFR* means the Code of Federal Regulations.

*Continuous coverage* means areas of bark and wood debris that are estimated to cover 100 % of the ocean bottom, as measured within a three-foot-square sample plot and will, at ADEC's discretion, include boulders, rock outcrops, ridges, and other protrusions within an area of continuous coverage that are not covered by bark.

*CWA* means the Clean Water Act.

*Director* means the Director of the Office of Water, Region 10, EPA.

*Discharge of a pollutant* means

- a) any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or
- b) any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

*Discontinuous coverage* means areas of bark and wood debris that are estimated to cover 10% or more of the ocean bottom, but less than 100%, as measured within a three-foot-square sample plot.

*EPA* means the United States Environmental Protection Agency.

*Effluent limitation* means any restriction imposed by the Director on quantities, discharge rates, and concentrations of "pollutants" which are "discharged" from "point sources" into "waters of the United States," the waters of the "contiguous zone," or the ocean.

*Excluded area* means an area not authorized as a receiving water under this general NPDES permit.

*Float-off LTF* means an LTF where logs or log bundles are placed on tidelands or ramps and the incoming tide floats the logs or log bundles into marine waters.

*General NPDES permit* means an NPDES "permit" issued under 40 CFR §122.28 authorizing a category of discharges under the CWA within a geographical area.

*Log transfer facility* means a facility which is constructed in whole or in part in waters of the United States and which is utilized for the purpose of transferring commercially harvested logs to or from a vessel or log raft, including the formation of a log raft.

*Low Angle Slide* means an LTF which consists of two or more parallel rails. Logs are placed on the rails by a log stacker or end loader. Logs or log bundles are either pushed into the water with the log stacker or end loader, or slide into the water through gravity.

*LTF* means log transfer facility.

*Mean Higher High Water* means the average of the higher of the two daily high tides observed over a given period of time.

*Mean Lower Low Water* means the average of the lower of the two daily low tides observed over a given period of time.

*Notice of Intent (NOI)* means an application to be authorized to discharge under a general NPDES permit.

*National Pollutant Discharge Elimination System (NPDES)* means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the CWA.

*New Log Transfer Facility* means a log transfer facility which has not commenced the discharge of pollutants at a particular site prior to the effective date of this general NPDES permit.

*Off-shore log transfer facility* means a log transfer facility where logs are moved between a vessel or helicopter and off-shore marine waters, or an off-shore log storage area which is not adjacent to a shore-based LTF.

*Permit* means an authorization, license, or equivalent control document issued by EPA or an "approved state" to implement the requirements of 40 CFR Parts 122, 123 and 124. "Permit" includes an NPDES "general permit". Permit does not include any permit which has not yet been the subject of final agency action, such as a "draft permit" or a "proposed permit."

*Point source* means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container,

rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.

*Pollutant* means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

*Practicable alternative* means an alternative available and capable of being done after taking into consideration costs, existing technology, and logistics in light of overall project purposes.

*Project area* means the entire marine operating area of an LTF, either shore-based or off-shore, including the following components: shore-based log transfer devices; shore-based log transfer, rafting, and storage areas; helicopter drop areas; vessel and barge loading and unloading areas; off-shore log storage areas not adjacent to a shore-based LTF; bulkheads, ramps, floating walkways, docks, pilings, dolphins, anchors, buoys and other marine appurtenances; and the marine water and ocean bottom underlying and connecting these features.

*Remediation Plan* means the plan containing practices to minimize additional bark accumulation that is required to be developed and approved by ADEC when the continuous coverage of bark and wood debris exceeds both 1.0 acre and a thickness of 10 centimeters at any point.

*Rotation Period* means the planned number of years between the formation or the regeneration of a crop or stand of trees and its final cutting at a specified stage of maturity. In Southeast Alaska, the typical length of time it takes for a seedling to grow to commercial size is 80-100 years. However, the duration may vary, depending upon the land management objectives for a given area.

*Shore-based log transfer facility* means a log transfer facility where logs are moved between land and water.

*Trace coverage* means areas of bark and wood debris that are estimated to cover 10% or less of the ocean bottom and having a depth under one inch, as measured within a three-foot square sample plot.

*U.S.C.* means United States Code.

*Use Description* means one of five classifications (see Part I.B) to describe the range of use for log transfer operations. The intensity and duration of site use will vary over time

and the descriptions for each use provide a benchmark description relating to operating levels and characteristics.

*Water depth* means the depth of the water between the surface and the seafloor as measured at mean lower low water (0.0).

*Zone of deposit (ZOD)* means an area of the bottom in marine or estuarine waters in which the Alaska Department of Environmental Conservation has authorized the deposit of substances in exceedance of the water quality criteria of 18 AAC Section 70.020(b) and the anti-degradation requirement of 18 AAC Section 70.0101(c). For LTFs authorized to discharge under this general NPDES permit, ADEC has defined the ZOD as the outer boundary of the project area.

Appendix 1

|   |   |
|---|---|
| <p><b>Notice of Intent</b><br/> <b>to be covered under the General NPDES Permit AK-G70-1000 for</b><br/> <b>Log Transfer Facilities in Alaska</b><br/>         (see Part V of the permit)</p>   |   |
| <p>Submission of this document constitutes a request that certain discharges into waters of the United States resulting from the operation of the log transfer facility identified herein be authorized under General NPDES Permit AK-G70-1000.</p> |   |
| <p>Previously Assigned NPDES Permit No. (if applicable):</p>  | <p>NPDES Permit No. AK-G70-1_____ (to be assigned by EPA)</p> |
| <p><b>Landowner Information</b></p>   |   |
| <p>Landowner Name:</p>  |   |
| <p>Address:</p>   | <p>Phone:</p>   |
|   | <p>FAX:</p>   |
| <p>Representative:</p>  |   |
| <p><b>Operator Information</b></p>  |   |
| <p>Company Name:</p>  |   |
| <p>Address:</p>   | <p>Phone:</p>   |
|   | <p>FAX:</p>   |
| <p>Representative:</p>  |   |
| <p><b>Facility Information</b></p>  |   |
| <p>Section 404 Permit No. (if applicable):</p>  |   |
| <p>Waterway Name:</p>   |   |
| <p>Facility Name:</p>   |   |
| <p>Address:</p>   | <p>Phone:</p>   |
|   | <p>FAX:</p>   |
| <p>Latitude/Longitude:</p>  |   |
| <p>Distance/Direction to nearest town/city:</p>   |   |
| <p>Attachments:    <input type="checkbox"/> Vicinity Map        <input type="checkbox"/> Plan Drawing        <input type="checkbox"/> Elevation/Cross Section View</p>  |   |
| <p>Description of operations:</p>   |   |

Appendix 1 (continued)

| <b>Facility Classification</b>  |                                |
|---|--------------------------------|
| Category: <input type="checkbox"/> Shore-based<br><input type="checkbox"/> Off-shore  | Method of Log Transfer:        |
| Use Description (Type I, II, III, IV or V):   |                                |
| <b>Production Data</b>  |                                |
| Expected facility lifespan:   | Projected Months of Operation: |
| Volume to be transferred (board feet, Scribner scale)<br><br>Maximum over life of permit: _____<br><br>Average per year: _____<br><br>Maximum per year: _____   |                                |
| <b>Receiving Water Information</b>  |                                |
| <b>ATTACHMENTS</b> (for Type I-IV shore-based LTFs)   |                                |
| <input type="checkbox"/> Pre-discharge survey<br><input type="checkbox"/> Bark monitoring survey (for previously used LTFs)<br><input type="checkbox"/> Discharge is from a shore-based facility on either Kodiak or Afognak Islands<br><input type="checkbox"/> A written concurrence is required from USFWS as to its effects to the Steller's eider.   |                                |
| <b>Signature and Certification</b>  |                                |
| 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. |                                |
| Signature of Principal Corporate or Executive Officer/General Proprietor  | Printed Name                   |
| Title/Company   | Date                           |

| Submit this Notice of Intent to:   |   |
|--|---|
| U.S. Environmental Protection Agency<br>Region 10<br>1200 Sixth Avenue, OW-130<br>Seattle, Washington 98101<br>Attn: LTF Reporting   | Alaska Dept. of Environmental Conservation<br>Division of Air and Water Quality<br>410 Willoughby Avenue, Suite 105<br>Juneau, AK 99801<br>Attention: LTF Reporting |
| Qualified applicants will be authorized to discharge under this general NPDES permit upon receipt of written authorization from EPA. |   |



Appendix 2 (continued)

|  |                              |
|--|------------------------------|
| <b>Annual Report for the Year _____ (Page 2)</b><br><b>NPDES Permit No. AK-G70-1 _____</b>   |                              |
| <b>Summary of Log Transfer Activity</b>  |                              |
| Method of Log Transfer   | Volume of Timber Transferred |
|  |                              |
| <b>Changes to Notice of Intent</b>   |                              |
| List any planned changes to Notice of Intent (e.g., changes in log transfer device or volume of timber to be transferred).   |                              |
| <b>Signature and Certification</b>   |                              |
| 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. |                              |
| Signature of Principal Corporate or Executive Officer/General Proprietor   | Printed Name                 |
| Title/Company  | Date                         |

|   |   |
|---|---|
| <b>Submit this Annual Report to:</b>  |   |
| U.S. Environmental Protection Agency<br>Region 10<br>1200 Sixth Avenue, OW-130<br>Seattle, Washington 98101<br>Attn: LTF Reporting  | Alaska Dept. of Environmental Conservation<br>Division of Air and Water Quality<br>410 Willoughby Avenue, Suite 105<br>Juneau, AK 99801<br>Attention: LTF Reporting |
| Submit this Annual Report by January 31st of the year following each calendar year of operation and discharge under this general NPDES permit. If the LTF was not operated during the reporting year, the permittee shall so indicate in the annual report. |   |





Appendix 5

| <b>Bark Monitoring Survey Report Form</b>   |  |
|---|--|
| NPDES Permit Number: AK-G70-1_____  | Name of Permittee:                       |
| Location of LTF:  | Volume Transferred this year (mmbf):     |
| Method of Log Transfer:   | Estimated Area of 100% Coverage (acres): |
| Date of Survey:   | Time of Survey:                          |
| Date of Completion of Dive Survey Report:   |  |
| Name(s) of Person(s) who Performed Analysis:  |  |
| Name(s) of Person(s) Conducting Survey:   |  |
| Name and Signature of Person Responsible for Dive Survey:   |  |
| Statement of compliance, or noncompliance, with the project area ZOD:   |  |
| <b>ATTACHMENTS</b>  |  |
| <input type="checkbox"/> Narrative description of analytical methods used to delineate bark deposits  |  |
| <input type="checkbox"/> Map (to scale) showing location of LTF and transect lines, outer boundary of bark deposit as it relates to the project area, and area of 100% bark cover |  |