

AREA	STATION NUMBER	DEPTH RANGE (M)	LATITUDE (NORTH)	LONGITUDE (WEST)
Diffuser	D33	48 – 80	61°05.42'	146°23.07'
Near-field and Shallow	D25	61 – 81	61°05.47'	146°23.32'
	D51	65 – 100	61°05.42'	146°23.52'
	D69	59 – 100	61°05.43'	146°23.85'
	80	65 – 90	61°05.52'	146°24.33'
	82	37 – 67	61°05.50'	146°22.40'
	143	60 – 80	61°05.39'	146°23.32'
	145	65 – 85	61°05.42'	146°23.20'
Near-field and Deep	D73	195 – 245	61°05.59'	146°23.30'
	D77	235 – 238	61°05.75'	146°22.75'
	16	225 – 240	61°05.90'	146°21.80'
Far-field and Deep	11	197 – 251	61°06.35'	146°20.00'
	40	230 – 253	61°06.35'	146°28.70'
	50	243 – 250	61°06.35'	146°35.70'

4. *Receiving Water Monitoring.* The receiving water monitoring shall address the impacts of the BWTF effluent on survival, growth, or reproduction of biota in the water column by performing the following monitoring:

- (a) *Effluent Chemistry.* The Permittee shall use effluent chemistry data collected under Part I of this permit to quantitatively assess whether applicable water quality standards are being met at the edge of the chronic and acute mixing zones.
- (b) *Effluent Toxicity.* The Permittee shall use whole effluent toxicity testing data collected under Part I.H of this permit to quantitatively assess whether the corresponding water quality standards are being met at the edge of the chronic and acute mixing zones.

5. *Sediment Monitoring.* The sediment monitoring program shall address the question of whether the contaminants discharged by the BWTF bioaccumulate, concentrate, or persist above natural levels in sediments to significantly adverse levels by performing the following monitoring.

Sediment monitoring shall be conducted annually between August and October at the monitoring stations identified in Table 5.

Sediment samples shall be archived for one year unless EPA or ADEC request that samples be held for a longer period.

- (a) *Sediment Chemistry.* The Permittee shall collect three replicate samples at the stations identified in Part III.A.3. All samples collected at stations D25, D33, 143, and 145 shall be analyzed.

For all other stations, one replicate shall be analyzed initially and the other two replicates shall be archived (except in the fourth year of the permit, see next paragraph). For all stations except D25, D33, 143, and 145, if the first sample has hydrocarbon concentrations significantly different than the past results for that station, then the other two replicates shall be analyzed. The second and third replicate samples from a station shall be analyzed whenever the sum of the concentrations of all polynuclear aromatic hydrocarbon analytes (TARO) from the first replicate lies above the 95% confidence interval surrounding the arithmetic mean (calculated using logarithmically transformed data) of TARO values determined at that station measured from 1989 through 2001 as part of the NPDES permit.

In the fourth year of the permit, the Permittee shall collect and analyze three replicate samples at the stations identified in Part III.A.3.

Sediment samples shall be analyzed for polynuclear aromatic hydrocarbons (PAH) and total organic carbon (TOC). Hydrocarbon analyses shall be performed using GC/MS methods. Sediment chemistry data shall be normalized to both dry weight and to organic carbon.

Results of sediment hydrocarbon analyses shall be compared to historic Port Valdez values and published guidelines which may include EPA's draft Sediment Quality Criteria (U.S. EPA 1993c, d, e; State of Washington marine sediment quality standards - chemical criteria (WAC, 1991), and NOAA's Effects Range-Low and Effects Range-Medium criteria (Long and Morgan, 1990; Long 1992). If the above criteria are revised or new criteria are published, the most recent criteria should be used for comparison.

## 6. *Annual Data Report*

- (a) The Permittee shall submit an annual data report to EPA and ADEC by July 15<sup>th</sup> of the year following each sampling period. The Permittee shall submit five (5) copies of the report to ADEC. The report shall:
  - (i) Describe sampling and analytical methodologies used and quality assurance/quality control procedures,
  - (ii) Discuss how the monitoring addresses the environmental monitoring program purpose (see Part III.A.1) and objectives (see Part III.A.2) by using appropriate descriptive, analytical, and statistical methods to test for

and describe impacts of the effluent on the receiving water, sediment, and

- (iii) Provide an interpretative summary of the results of Parts III.A.4 and 5. of the Permit, which addresses the magnitude and environmental significance of observed changes in parameters over time and distance from the outfall.

- (b) At the written request of ADEC, the Permittee shall discuss specific ADEC or public comments on the annual data reports in writing.

7. *Supplemental Overview Report.*

- (a) The Permittee shall prepare a supplemental comprehensive analytical and interpretative overview report. This report shall be submitted to EPA no later than September 15<sup>th</sup> of the year following the sampling conducted during the fourth year of the permit. The Permittee shall submit five (5) copies of the report to ADEC. The overview report shall address the informational goals of the Annual Data Report identified above and also:

- (i) Evaluate the environmental monitoring conducted during the current permit in relation to the historical environmental monitoring data base, and

- (ii) Provide recommendations for future environmental monitoring.

- (b) At the written request of ADEC, the Permittee shall discuss specific ADEC or public comments on the overview report in writing.

8. *Digital Data Coding and Submission Requirements.* The Permittee shall submit the environmental monitoring data to EPA and ADEC in electronic format using a commercially available software package by July 15<sup>th</sup> of the year following each sampling period.

9. *Continuation of Monitoring.* The environmental monitoring program shall be continued annually until the permit is reissued.

10. *Adjusted Monitoring.* Based on the results of the monitoring reports required under Parts III.A.6. and 7. of the Permit, the Permittee may be required to adjust sampling frequency, modify sampling locations, and/or adjust the sampling design. EPA shall not reduce the requirements without the concurrence of ADEC. Increases in the sampling frequency, the number of monitoring stations, and additional monitoring requirements

shall be made as part of a permit modification in accordance with 40 CFR 122 and 124. ADEC requests for increases in sampling frequency, the number of monitoring stations, and additional monitoring requirements shall be made in accordance with Part IV.M (Reopener Clause) of this Permit.

**B. REPRESENTATIVE SAMPLING (ROUTINE AND NON-ROUTINE DISCHARGES)**

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

**C. 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 15<sup>th</sup> day of the month immediately following the monitoring 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").

1. The Permittee must submit legible originals of these documents (i.e. DMRs, annual reports and Signatory Pages) to:

U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 900 (OCE-133)  
Seattle, Washington 98101  
ATTN: ICIS Data Entry Team

*Copies should be sent to:*

Alaska Department of Environmental Conservation  
Attn: Marc Bentley  
Division of Water  
555 Cordova Street  
Anchorage, Alaska 99501-2617

**D. MONITORING PROCEDURES**

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

**E. ADDITIONAL MONITORING BY PERMITTEE**

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

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

**F. RECORDS CONTENTS**

Records of monitoring information must include the:

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

**G. RETENTION OF RECORDS**

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

**H. NOTICE OF NONCOMPLIANCE REPORTING**

1. The Permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the Permittee becomes aware of the circumstances:

(a) any noncompliance that may endanger health or the environment;

- (b) any unanticipated bypass that exceeds any effluent limitation in the permit (See Part IV.G., "Bypass of Treatment Facilities"); or
  - (c) any upset that exceeds any effluent limitation in the permit (See Part IV.H., "Upset Conditions");
  - (d) any violation of a maximum daily or instantaneous maximum discharge limitation for any pollutants in Table 1 or Table 3 of Part I. of the permit.
- 2. The Permittee must also provide a written submission within five (5) days of the time that the Permittee becomes aware of any event required to be reported under Part III.H.1. The written submission must contain:
  - (a) a description of the noncompliance and its cause;
  - (b) the period of noncompliance, including exact dates and times;
  - (c) the estimated time noncompliance is expected to continue if it has not been corrected;
  - (d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- 3. The Director of the Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
- 4. Reports must be submitted to the addresses in Part III.C ("Reporting of Monitoring Results").

**I. 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.C ("Reporting of Monitoring Results") are submitted. The reports must contain the information listed in Part III.H of this permit ("Notice of Noncompliance Reporting").

**J. NOTICE OF NEW INTRODUCTION OF POLLUTANTS**

The Permittee must provide notice to the EPA and ADEC as soon as it knows, or has reason to believe:

- 1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any pollutant that is not

limited in the permit if that discharge will exceed the highest of the following “notification levels”:

- (a) one hundred micrograms per liter (100 µg/L)
  - (b) two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
  - (c) five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
  - (d) the level established by EPA in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in the permit if that discharge will exceed the highest of the following “notification levels”:
- (a) five (5) hundred micrograms per liter (500 µg/L)
  - (b) one (1) milligram per liter (1 mg/L) for antimony;
  - (c) ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
  - (d) the level established by EPA in accordance with 40 CFR 122.44(f).
3. The Permittee must submit the notification to EPA, Region 10, Office of Water and Watersheds at the following address:

U.S. Environmental Protection Agency (OWW-130)  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101  
ATTN: NPDES Permits Unit Manager

#### **K. REQUIREMENTS FOR CONSTRUCTION & MAINTENANCE ACTIVITIES**

The Permittee shall notify EPA and ADEC in writing of all expected dates and times of abrasive blasting projects at least 15 days prior to project startup (see Part II.D.8.e. of this permit). This notification may be done for the entire project prior to initial startup. In the event that an abrasive blasting project needs to occur within the 15-day notification period, the Permittee must receive prior written approval from EPA and/or ADEC.

The Permittee shall record (1) the construction/maintenance activity performed, (2) the days during which these were conducted, and (3) the type and amount of material used (e.g., type of blasting grit). This information shall be made available to the EPA and/or ADEC upon request.

**L. COMPLIANCE SCHEDULES**

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

**IV. COMPLIANCE RESPONSIBILITIES**

**A. DUTY TO COMPLY**

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

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

1. Civil and Administrative Penalties. Pursuant to 40 CFR 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$37,500 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 \$16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$37,500). 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 \$16,000

per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$177,500).

### 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 or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

**E. PROPER OPERATION AND MAINTENANCE**

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

**F. REMOVED SUBSTANCES**

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

**G. BYPASS OF TREATMENT FACILITIES**

1. Bypass not exceeding limitations. The Permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Parts IV.G.2 and IV.G.3.

**2. Notice.**

- (a) Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it must submit prior notice, if possible, at least 10 days before the date of the bypass.
- (b) Unanticipated bypass. The Permittee must submit notice of an unanticipated bypass as required under Part III.H ("Notice of Noncompliance Reporting").

**3. Prohibition of bypass.**

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

**H. UPSET CONDITIONS**

- 1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the Permittee meets the requirements of IV.H.2. of this permit. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- 2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the Permittee must demonstrate, through

properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) an upset occurred and that the Permittee can identify the cause(s) of the upset;
  - (b) the permitted facility was being properly operated at the time of the upset;
  - (c) the Permittee submitted notice of the upset as required under Part III.H, "Notice of Noncompliance Reporting;" and
  - (d) the Permittee complied with any remedial measures required under Part IV.D, "Duty to Mitigate."
3. Burden of proof. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

**I. TOXIC POLLUTANTS**

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

**J. PLANNED CHANGES**

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

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

**K. ANTICIPATED NONCOMPLIANCE**

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

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

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

**B. DUTY TO REAPPLY**

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

**C. DUTY TO PROVIDE INFORMATION**

The Permittee must furnish to EPA and ADEC, within the time specified in the request, any information that the 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 the Director 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 such facts or 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, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the EPA 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 EPA 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 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 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 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. 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. OIL AND HAZARDOUS SUBSTANCE LIABILITY**

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

**K. STATE LAWS**

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

**L. SEVERABILITY**

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

**M. REOPENER CLAUSE**

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

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

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

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

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

3. At the written request of ADEC, this Permit may be modified, or alternatively revoked and reissued to address the application of different permit conditions if new information, such as future water quality studies and waste load allocation determinations, or new regulations, such as changes in water quality standards, show the need for different conditions. A modification of the permit shall be conducted in accordance with the requirements of 18 AAC 15.120 through 18 AAC 15.170.

**VI. DEFINITIONS AND ACRONYMS**

1. § means section or subsection.
2. AAC means the Alaska Administrative Code.
3. Act means the Clean Water Act.
4. ADEC means Alaska Department of Environmental Conservation.
5. Administrator means the Administrator of the EPA, or an authorized representative.
6. AML means average monthly limit; "monthly average limit" is synonymous.
7. 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.
8. Ballast Water means harbor, river, and seawater added to tankers' cargo tanks to maintain proper ship stability when not loaded with cargo.
9. 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.
10. Bilge Water means water which collects in the lower internal parts of a vessel and which may be contaminated with oil, grease, rust and scale, and/or cleaning agents.
11. BOD5 means five-day biochemical oxygen demand.
12. BTT means biological treatment tanks.
13. BWTF means ballast water treatment facility
14. Bypass means the intentional diversion of waste streams from any portion of a treatment facility, as specifically defined at 40 CFR § 122.41(m).
15. °C means degrees centigrade.
16. CFR means the Code of Federal Regulations.
17. Chronic Toxic Unit (TU<sub>c</sub>) is a measure of chronic toxicity. TU<sub>c</sub> 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/NOEC).
18. CWA, or the Act, means the Clean Water Act.

19. 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.
20. Daily Maximum Discharge means the highest allowable "daily discharge" and is also referred to as the "maximum daily discharge."
21. Director means the Director of the Office of Water and Watersheds, or Director of the Office of Compliance and Enforcement, EPA, or authorized representatives.
22. Discharge Monitoring Report ("DMR") means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by Permittees. DMRs must be used by "approved States" as well as by EPA.
23. Discharge of a pollutant means any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source".
24. DO means dissolved oxygen.
25. EC<sub>50</sub> means a point estimate of the concentration of a substance producing a specific biological effect on 50% of the exposed organisms during a specific period of exposure.
26. EPA means the United States Environmental Protection Agency.
27. °F means degrees Fahrenheit.
28. GC/MS means gas chromatograph/mass spectrometer.
29. gpd means gallons per day.
30. Grab Sample is an individual sample collected over a period of time not exceeding 15 minutes.
31. IC<sub>25</sub>, Inhibition concentration, is a point estimate of the toxicant concentration that causes a 25 percent reduction (p) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).
32. LC<sub>50</sub> means the concentration of a toxicant (e.g., effluent) which is lethal to 50 percent of the test organisms exposed in the time period prescribed by the test.
33. Maximum means the highest measured discharge or pollutant in a waste stream during the time period of interest.

34. Maximum Daily Discharge Limitation means the highest allowable “daily discharge.”
35. Method Detection Limit (MDL) is defined as the minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.
36. MGD means million gallons per day.
37. mg/L means milligrams per liter.
38. Mixing Zone means the zone of dilution authorized by the Alaska Department of Environmental Conservation under 18 AAC 70.240-270 wherein pollutant concentrations may exceed the criteria of the Alaska Water Quality Standards for the proscribed pollutants.
39. NOEC means no observed effect concentration. The NOEC is the highest concentration of toxicant (e.g., effluent) to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short-term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).
40. NPDES means National Pollutant Discharge Elimination System.
41. PAH means polynuclear aromatic hydrocarbons.
42. Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
43. Process Wastewater means any wastewater which, during processor operations, comes into direct contact with or results from the production or use of any raw material, intermediate product or by-product, or waste product.
44. QAP means the Quality Assurance Plan.
45. QA/QC means quality assurance/quality control.
46. RWC means receiving water concentration, which is the inverse of the dilution factor.
47. Regional Administrator means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.

48. 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.
49. STP means sewage treatment plant.
50. s.u. means standard units for pH measurements.
51. TAH means total aromatic hydrocarbons, as defined by Alaska Water Quality Standards at 18 AAC 70.990.60.
52. TAqH means total aqueous hydrocarbons.
53. TIE means Toxicity Identification Evaluation
54. TOC means total organic carbon.
55. TRE means Toxicity Reduction Evaluation
56. TSS means total suspended solids.
57. TU means toxicity units, whether chronic ( $TU_C$ ) or acute ( $TU_A$ ).
58.  $TU_A$  means acute toxic unit and is a measure of acute toxicity; the number of  $TU_A$  in the effluent is calculated as  $100/LC_{50}$ , where the  $LC_{50}$  is measured in percent effluent.
59.  $TU_C$  means chronic toxic unit and is a measure of chronic toxicity; the number of  $TU_C$  is calculated as  $100/IC_{25}$ , where the  $IC_{25}$  is measured in permit effluent.
60. 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.
61. VOC means volatile organic compounds.
62. VMT means Valdez Marine Terminal.
63. WET means Whole Effluent Toxicity.
64. 24-Hour Composite Sample means a combination of at least 8 discrete sample aliquots of at least 100 milliliters, collected at periodic intervals from the same location, during the operating hours of the facility over a 24 hour period. The

composite must be flow-proportional. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.