

Exhibit 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

ALYESKA PIPELINE SERVICE COMPANY
P.O. BOX 196660
900 EAST BENSON BOULEVARD
ANCHORAGE, ALASKA 99519

is authorized to discharge from the

VALDEZ MARINE TERMINAL
located near Jackson Point, Alaska

to

PORT VALDEZ (the "receiving waters"),
at Latitude 61° 05' 23"N and Longitude 146° 23' 12"W (Outfall 001),
and at Latitude 61° 05' 10"N and Longitude 146° 23' 33"W (Outfall 002)

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

This permit shall become effective: **JANUARY 1, 2013**

This permit and the authorization to discharge shall expire at midnight, December 31, 2017

THE PERMITTEE SHALL REAPPLY FOR A PERMIT REISSUANCE ON OR BEFORE JULY 4, 2017
(180 days before the expiration of this permit) if the Permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this 30th day of October 2012

/s/

Daniel D. Opalski, Director
Office of Water and Watersheds

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TABLE OF SUBMITTALS

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

ITEM	PERMIT SECTION	DUE DATE
DISCHARGE MONITORING REPORT (DMR)	III.C.	DMRs are due monthly and must be postmarked on or before the 15th day of the month following the monitoring month.
QUALITY ASSURANCE PLAN (QAP)	I.G.	The Permittee must provide EPA and ADEC with written notification that the Plan has been developed, or updated, and implemented within 60 days after the effective date of the final permit. The Plan must be kept on site and made available to EPA and ADEC upon request.
BEST MANAGEMENT PLAN (BMP)	II.B.	The Permittee must provide EPA and ADEC with written notification that the Plan has been developed, or updated, and implemented within 90 days after the effective date of the final permit. The Plan must be kept on site and made available to EPA and ADEC upon request.
ANNUAL POLLUTION PREVENTION REPORTS	II.C.2.	The Permittee must provide EPA and ADEC with written notification that the Plan has been reviewed and updated, and is being implemented within 90 days after the effective date of the final permit. The Plan must be kept on site and made available to EPA and ADEC upon request.
ANNUAL BMP REVIEW	II.D.3.	The Permittee must provide EPA and ADEC with an annual statement that the Plan has been reviewed and fulfills the requirements set forth in this permit. The statement shall be certified by the dated signatures of each BMP Committee member. This statement shall be submitted to EPA and ADEC on or before June 15 th of each year of operation under this permit after the initial BMP submittal.
WHOLE EFFLUENT TOXICITY REPORTING	I.H.9.a.	The Permittee must submit to EPA and ADEC a full toxicity testing report within 45 days after the completion of

		the tests.
WHOLE EFFLUENT TOXICITY – TOXICITY TRIGGER EXCEEDANCES	I.H.5.c. and I.H.8.b.	The Permittee shall report to EPA, in writing, within 5 days of receipt of test results indicating a toxicity trigger exceedance.
ENVIRONMENTAL MONITORING PROGRAM ANNUAL REPORT	III.A.6.	The Permittee shall submit an annual data report to EPA and ADEC by July 15 th of the year following each sampling period (Part III.A.6.).
ENVIRONMENTAL MONITORING PROGRAM SUPPLEMENTAL OVERVIEW REVIEW	III.A.7.	The Permittee must provide EPA with a supplemental comprehensive analytical and interpretative overview report no later than September 15 th of the year following the sampling conducted during the fourth year of the permit.
ENVIRONMENTAL MONITORING PROGRAM DIGITAL DATA SUBMISSION	III.A.8.	The Permittee must submit the environmental monitoring data to EPA and ADEC in electronic format using a commercially available software package by July 15 th of the year following each sampling period.
TWENTY-FOUR HOUR NOTICE OF NONCOMPLIANCE REPORTING	III.H.1. and III.I.	The Permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the Permittee becomes aware of the circumstances.
CONSTRUCTION AND MAINTENANCE REPORTING	III.K. and II.D.8.e	The Permittee must notify EPA and ADEC in writing of all expected dates and times of abrasive blasting projects at least 15 days prior to project startup, or receive written approval for activities occurring within the 15 day-notification period.
COMPLIANCE SCHEDULE REPORTS	I.E.2.(d)	The Permittee must provide EPA reports of compliance or noncompliance with, or any progress reports on, interim and final requirements of Part I.E.2.(d). in writing no later than 14 days following each schedule date.
NPDES APPLICATION RENEWAL	V.B	The application must be submitted at least 180 days before the expiration date of the permit.
DUTY TO PROVIDE	V.C	As specified in the request for

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

During the term of the permit, the Permittee is authorized to discharge wastewater from the Ballast Water Treatment Facility (BWTF; Outfall 001) and the Sewage Treatment Plant (STP; Outfall 002) to Port Valdez, subject to the conditions set forth herein. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

B. BWTF EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 001)

1. The Permittee must limit and monitor discharges from Outfall 001 as specified in Table 1 and Table 2. The values represent maximum effluent limits unless otherwise indicated. The Permittee must comply with the effluent limits in Table 1 at all times, unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

TABLE 1: Ballast Water Treatment Facility Effluent Limitations (Outfall 001)				
PARAMETER	AVERAGE MONTHLY LIMIT	MAXIMUM DAILY LIMIT	SAMPLING METHOD AND FREQUENCY	REPORTED VALUES
Flow	5.54 MGD	10.1 MGD	Calculation or Meter; Continuous	Average Monthly and Maximum Daily; <i>MGD</i>
pH¹	6.0 s.u. – 8.5 s.u. at all times		Meter; Continuous	Minimum and Maximum Values, Exceedances; <i>s.u.</i>
Total Suspended Solids (TSS)²	25 <i>mg/L</i>	40 <i>mg/L</i>	24-hour Composite; 3/week	Average Monthly and Maximum Daily; <i>mg/L</i>
Total Suspended Solids (TSS)³	--	170 <i>mg/L</i>		
Total Aromatic Hydrocarbons (TAH)⁴	0.21 <i>mg/L</i>	0.73 <i>mg/L</i>	Grab; Weekly	Average Monthly and Maximum Daily; <i>mg/L</i>
	9.7 <i>lb/day</i>	61.5 <i>lb/day</i>		Average Monthly and Maximum Daily; <i>lb/day</i>

NOTES: ¹ Indicates the range of permitted values. Under 40 CFR §401.17, when pH is continuously monitored, excursions between 5.0 and 6.0, or 8.5 and 9.5 shall not be considered violations provided no single excursion exceeds 60 minutes in length and total excursions do not exceed 7 hours and 26 minutes per month. Any excursions below 5.0 and above 9.5 are violations. The instantaneous maximum and minimum pH shall be reported monthly.

² TSS measured on the day of and the day after BTT effluent packed-tower air stripper activation shall not be included in the calculation of the monthly average or maximum daily reported values.

³ On day of and day after BTT effluent packed-tower air stripper activation.

⁴ Total aromatic hydrocarbons (TAH) shall be determined by summing the concentrations of the isomers: benzene, toluene, ethylbenzene and xylene. Each aforementioned component shall be separately quantified by the methods identified in 40 CFR Part 136 or other applicable EPA-approved methods, and reported as TAH on the DMR.

PARAMETER	SAMPLING METHOD	FREQUENCY	REPORTED VALUES
Flow	Meter	Continuous	Average Monthly and Maximum Daily; <i>MGD</i>
pH	Meter	Continuous	Maximum, Minimum and all exceedances; <i>s.u.</i>
Total Suspended Solids (TSS) ¹	24-hour Composite	3/week (and on the day of and day after stripper activation)	Average Monthly and Maximum Daily; <i>mg/L</i>
TAH ²	Grab	Weekly	Average Monthly and Maximum Daily; <i>mg/L</i>
Total Aqueous Hydrocarbons (TAqH) ³	Grab	Monthly	Concentration; <i>mg/L</i>
Total Recoverable Oil and Grease	Grab	Monthly	Concentration; <i>mg/L</i>
Density	Meter	Monthly	Monthly Average and Maximum Daily; <i>sigma t</i>
Dissolved Inorganic Phosphorus	Grab	Quarterly	Concentration; <i>mg/L as P</i>
Ammonia	Grab	Quarterly	Concentration; <i>mg/L as N</i>
Total Recoverable Zinc	24-hour Composite	Twice per year	Concentration; <i>mg/L</i>
Chronic Whole Effluent Toxicity (WET) ⁴	Grab	Quarterly	Report; <i>TU_C</i>
Acute Whole Effluent Toxicity (WET) ⁵	Grab	Quarterly ⁶	Report; <i>TU_A</i>

- NOTES: ¹A minimum of three TSS samples shall be analyzed per week. If the BTT effluent packed-tower air strippers are activated then the effluent samples collected on the day of and the day after stripper activation shall also be analyzed for TSS. TSS samples associated with the BTT effluent packed-tower air stripper activation may satisfy the three times per week measurement frequency monitoring requirements. The Permittee shall submit with the DMR a monthly air stripper activity report, which identifies the dates and times of the BTT effluent packed-tower air stripper activation and deactivation.
- ²Total aromatic hydrocarbons (TAH) shall be determined by summing the concentrations of the isomers: benzene, toluene, ethylbenzene and xylene. Each aforementioned component shall be separately quantified by the methods identified in 40 CFR Part 136 or other applicable EPA-approved methods.
- ³Total aqueous hydrocarbons (TAQH) shall be determined using a combination of EPA Method 625 to measure polynuclear aromatic hydrocarbons (PAHs) listed in EPA Method 610 and any applicable EPA-approved test procedure identified in 40 CFR Part 136 to measure TAH.
- ⁴Quarterly sublethal (chronic) WET testing using: 1) echinoderm gametes of either the purple sea urchin or the sand dollar; and 2) a topsmelt larval growth and survival test
- ⁵Quarterly lethal (acute) WET testing using the mysid (*Americamysis bahia*).
- ⁶Acute WET testing frequency will be reduced from quarterly to semi-annually (twice per year) after the effluent exhibits 4 consecutive tests that do not exceed the acute toxicity trigger in Part I.H.5. The Permittee must notify EPA and ADEC upon receipt of the 4th consecutive acute toxicity test below the acute toxicity trigger (See Part I.H.).

2. The Permittee must report all violations of the maximum daily limits for any pollutant in Table 1 in accordance with the 24-hour reporting requirement in Part III.H.1. Violations of all other effluent limits are to be reported in the monthly Discharge Monitoring Reports (DMRs); See Parts III.B., III.G. and III.H.).
3. The Permittee must collect all effluent samples from the effluent stream after the last treatment prior to discharge into the receiving water.
4. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application.

C. STP EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 002)

1. The Permittee must limit and monitor discharges from Outfall 002 as specified in Table 3. The values represent maximum effluent limits unless otherwise indicated. The Permittee must comply with the effluent limits in Table 3 at all times, unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

TABLE 3: Sewage Treatment Plant Effluent Limitations and Monitoring Requirements (Outfall 002)

Parameter	Maximum Daily Limit	Weekly Average Limit	Monthly Average Limit	Sampling Method and Frequency	Reported Values
Flow	10,000 <i>gpd</i>	--	Report	Calculation or Meter; Continuous	Maximum Daily and Average Monthly; <i>gpd</i>
pH	6.0 <i>s.u.</i> – 9.0 <i>s.u.</i> at all times			Grab or Meter; 2/Day or Continuous	Maximum and Minimum values; <i>s.u.</i>
Total Suspended Solids (TSS)	60 <i>mg/L</i>	45 <i>mg/L</i>	30 <i>mg/L</i>	Grab; Monthly	Maximum Daily, Weekly and Monthly Averages; <i>mg/L</i>
	5 <i>lb/day</i> ¹	3.8 <i>lb/day</i> ¹	2.5 <i>lb/day</i> ¹		
Biological Oxygen Demand (BOD ₅)	60 <i>mg/L</i>	45 <i>mg/L</i>	30 <i>mg/L</i>	Grab; Monthly	Maximum Daily, Weekly and Monthly Averages; <i>mg/L</i>
	5 <i>lb/day</i> ¹	3.8 <i>lb/day</i> ¹	2.5 <i>lb/day</i> ¹		
Fecal Coliform Bacteria ⁵	396 FC/100mL ⁴	--	129 FC/100mL ²	Grab; Monthly	Maximum Daily, Weekly and Monthly Averages; #FC/100 mL
Total Residual Chlorine (TRC) ³	0.14 <i>mg/L</i>	--	0.07 <i>mg/L</i>	Grab; Monthly	Maximum Daily and Average Monthly; <i>mg/L</i>
Enterococci ⁵	2,540 cfu /100mL ⁴	--	322 cfu/100mL ²	Grab; Monthly	Maximum Daily and Monthly Average; #cfu /100mL

NOTES:

¹Loading (*lb/day*) = Concentration (*mg/L*) * Flow (MGD) * 8.34 (conversion factor)²The Permittee must report the geometric mean fecal coliform/*Enterococci* concentration. If any value used to calculate the geometric mean is less than 1, the Permittee must round that value up to 1 for purposes of calculating the geometric mean³Applicable when chlorine is used for disinfection.⁴Instantaneous maximum limit⁵The Permittee shall achieve compliance with these effluent limitations within 36 months after the effective date of this permit in accordance with the schedule of compliance in Part I.E.2.(d).

2. The Permittee must report all violations of the maximum daily limits for any pollutant in Table 3 in accordance with the 24-hour reporting requirement in Part III.H.1. Violations of all other effluent limits are to be reported in the monthly Discharge Monitoring Reports (DMRs); See Parts III.B., III.G. and III.H.).
3. The Permittee must collect all effluent samples from the effluent stream after the last treatment prior to discharge into the receiving water.

D. MIXING ZONES**1. BWTF – Outfall 001**

- (a) Chronic Mixing Zone. A 100-meter by 161-meter, rectangular chronic mixing zone for Outfall 001 has been granted by ADEC for TAH, TAqH, pH, ammonia-nitrogen, total zinc, and chronic WET. The chronic mixing zone is centered on a 61-meter diffuser barrel with 20 ports, such that the boundary of the chronic mixing zone is 50-meters from the outfall in all directions. It extends from the seafloor, excluding sediments, to the receiving water surface. This mixing zone provides a 56:1 dilution factor.
- (b) Acute Mixing Zone. A 10-meter by 71-meter rectangular, acute mixing zone for Outfall 001 has been granted by ADEC for WET and total zinc. The acute mixing zone boundary is 5-meters from the outfall in all directions, centered above the diffuser barrel described above in Part I.D.a. It extends from the sea floor, excluding sediments, to the receiving water surface. This mixing zone provides a 23:1 dilution factor.

2. STP – Outfall 002

- (a) A 0.32-meter mixing zone for Outfall 002 has been granted by ADEC for fecal coliform bacteria, pH, ammonia, *Enterococci* bacteria, and total residual chlorine. The mixing zone is defined as a cylinder with a radius of 0.32 meters centered on the outfall. It extends from the seafloor, excluding sediments, to the receiving water surface. This mixing zone provides a 9.2:1 dilution factor.

E. OTHER EFFLUENT CONDITIONS AND REQUIREMENTS**1. BWTF – Outfall 001**

- (a) *State Water Quality Standards.* The Permittee shall not discharge any parameter in concentrations that exceed applicable State water quality criteria, except for those parameters for which ADEC has authorized a mixing zone. A chronic mixing zone has been authorized by ADEC for the following parameters (Part I.D.1): TAH, TAqH, pH, ammonia-nitrogen, total zinc, and chronic WET. Mixing zones in State waters and State water quality standards are defined at 18 AAC 70.240.
- (b) *Surface and Shoreline.* The discharge shall not, alone or in combination with other substances, cause a film, sheen or discoloration on the surface of the receiving waste or adjoining shorelines.

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- (c) There shall be no discharge of floating solids, garbage, grease, or foam.
- (d) *Clean Ballast.* Introduction of water, including “clean ballast”, to the treatment system for the purpose of achieving the effluent limitations at Part I.B.1. of this permit is prohibited. “Clean ballast” is segregated ballast waters which meet the effluent limitations without treatment.
- (e) *Incoming Ballast Water Review.* In order to determine whether incoming ballast water for each tanker is contaminated with pollutants not authorized for discharge, the Permittee shall (1) examine the tanker’s oil record book and (2) obtain a completed copy of Alyeska’s Valdez Marine Terminal (VMT) Ballast Water Survey Form (see BMP Plan Appendices), containing specific information on the amount and constituents of the ballast and bilge water to be off loaded.
- (i) If the VMT Ballast Water Survey Form indicates that the ballast water contains substances that are not permitted for discharge at the BWTF (e.g. contains a cleaning agent that does not meet specified criteria) then the ballast water shall not be off loaded, unless specific approval is obtained from EPA.
- (ii) The Permittee shall keep a record of the above determinations for each tanker (copies of pertinent pages from the tanker’s oil record book and completed VMT Ballast Water Survey Form) at the facility and make the records available to EPA and/or ADEC upon request.
- (f) *Permittee Notice to Tankers.* The Permittee shall notify active tanker vessels in the Trans-Alaska Pipeline System trade, within 30 days, of BMP Plan changes that will affect those vessels.
2. **STP – Outfall 002**
- (a) *State Water Quality Standards.* The Permittee shall not discharge any parameter in concentrations that exceed applicable State water quality criteria, except those parameters for which ADEC has authorized a mixing zone. ADEC has authorized a mixing zone for the following parameters (Part I.D.2): pH, ammonia, fecal coliform bacteria, *Enterococci*, and total residual chlorine. Mixing zones in State waters and State water quality standards are defined at 18 AAC 70.240.

- (b) *Surface and Shoreline.* The discharge shall not, alone or in combination with other substances, cause a film, sheen or discoloration on the surface of the receiving waster or adjoining shorelines.
- (c) There shall be no discharge of floating solids, garbage, grease, or foam.
- (d) *Compliance Schedule*

The Permittee must achieve compliance with the fecal coliform bacteria and *Enterococci* effluent limitations in Table 3 of the permit. The Permittee shall install and operate a disinfection treatment process for sanitary wastewater discharges through Outfall 002.

Until compliance with the effluent limits is achieved, the Permittee is required to implement the following steps and procedures:

- (i) Within 18 months of the effective date of this permit, the Permittee shall conduct and complete a study and decide on the course of action that the Permittee will take to meet the fecal coliform bacteria and *Enterococci* effluent limitations for Outfall 002. EPA and ADEC must be notified in writing within the 18- month time frame of the results of the study and final decision.
- (ii) Within 24 months of the effective date of this permit, the Permittee shall design and obtain plan approval from ADEC for any additions or modifications to the facility needed to install and operate the chosen disinfection treatment process.
- (iii) Within 36 months of the effective date of the permit, the Permittee shall construct and have operational any additions and/or modifications to the facility needed to install and operate the chosen disinfection treatment process.
- (iv) Within 36 months of the effective date of the permit (January 1, 2016), the Permittee shall achieve compliance with the fecal coliform bacteria and *Enterococci* effluent limitations in Part I.C.1., Table 3.
- (v) Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in the compliance schedule of this permit (Parts

I.E.2.(d)(i)-(iv)) shall be submitted in writing to EPA and ADEC no later than 14 days following each schedule date (40 CFR 122.41(l)(5)).

Until completion of the project is achieved, the Permittee shall submit a semi-annual Report of Progress to EPA and ADEC, which outlines the progress made toward reaching compliance with the fecal coliform bacteria and *Enterococci* effluent limits. The first semi-annual Report of Progress is due within six months of the effective date of the permit and six months thereafter, until compliance with the permit's fecal coliform bacteria and *Enterococci* effluent limits is achieved. At a minimum, the semi-annual report must include:

- (i) An assessment of the previous year's fecal coliform bacteria, *Enterococci* and chlorine data (if applicable) and a comparison to the effluent limitations in Table 3.
- (ii) A report on progress made towards meeting the fecal coliform bacteria and *Enterococci* effluent limitations.
- (iii) Further actions and milestones targeted for the upcoming six months.

F. MONITORING PROCEDURES

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

1. Sample and measurements shall be representative of the volume and nature of the monitoring discharge.
2. The Permittee shall ensure that all effluent monitoring is conducted in compliance with good quality assurance and control procedures and the requirements of the permit.

G. QUALITY ASSURANCE REQUIREMENTS

The Permittee must develop, or update, a quality assurance plan (QAP) for all monitoring required by this permit. Within 60 days of the effective date of this permit, the QAP must be implemented, and EPA and ADEC must be notified in writing that the QAP has been developed and implemented. Any existing QAPs may be modified to fulfill the requirements under this section.

1. The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur.

2. All monitoring equipment shall be maintained in good working order and routinely calibrated. Calibration records shall be kept on all laboratory equipment and effluent monitoring equipment, including but not limited to effluent flow meters, pH meters, temperature meters, and weighing balances.
3. Throughout all sample collection and analysis activities, the Permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in: *EPA Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5). The QAP must be prepared in the form specified in these documents.

At a minimum the QAP shall include the following information:

- (a) Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the Permittee.
 - (b) Sample collection techniques and quality samples (field blanks, replicates, duplicates, control samples, types of containers, holding times, etc...).
 - (c) Sample preservation methods.
 - (d) Sample shipping requirements.
 - (e) Instrument calibration procedures and preventative maintenance (frequency, standard, spare parts).
 - (f) Analytical methods (including quality control checks, quantification/detection levels, precision and accuracy requirements).
 - (g) Qualification and training of personnel.
4. The Permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP or a change in the guidance cited above.
 5. Copies of the QAP must be kept on site and made available to EPA and/or ADEC upon request.

H. WHOLE EFFLUENT TOXICITY (WET) TESTING REQUIREMENTS

The Permittee must conduct quarterly (i.e., four times per year, every three months) short-term chronic toxicity tests and quarterly acute toxicity tests on effluent samples from Outfall 001. The acute toxicity testing frequency will be reduced from quarterly to semi-annually after the effluent exhibits 4 consecutive

test that do not exceed the toxicity identification evaluation acute toxicity trigger (See Part I.H.5). The Permittee must submit a letter to the permitting authority certifying that there have been 4 consecutive acute toxicity test results below the acute toxicity trigger. This letter must be sent within 45 days of receipt of the 4th consecutive acute toxicity test, along with the information required under Part I.H.8.a. Testing must be conducted in accordance with Part I.H.1 through Part I.H.7.

1. Toxicity testing must be conducted on 24-hour composite samples of effluent. In addition, a split of each sample collected must be analyzed for the chemical and physical parameters required in Part I.B. above with a required sampling frequency of monthly or more frequently, using the sample type required in Part I.B. For parameters that require grab samples in Part I.B., the grab samples must be taken during the same 24-hour period as the 24-hour composite sample used for the toxicity tests. When the timing of sample collection for toxicity testing coincides with the sampling required in Part I.B., analysis of the split sample will fulfill the requirements of Part I.B. as well.
2. Chronic Test Species and Methods
 - (a) For Outfall 001, short-term chronic toxicity tests must be conducted quarterly.
 - (b) The Permittee must conduct the following two chronic toxicity tests on each sample, using the species and protocols in Table 4.

TABLE 4: Toxicity Test Species and Protocols		
MARINE CHRONIC TOXICITY TESTS	SPECIES	METHOD
Sand dollar fertilization test ^{1,2}	<i>Dendraster excentricus</i>	EPA/600/R-95/136
Topsmelt larval growth and survival test ¹	<i>Atherinops affinis</i>	EPA/600/R-95/136
MARINE ACUTE TOXICITY TEST	SPECIES	METHOD
48-hour mysid test	<i>Americamysis bahia</i>	EPA/821/R-02/012

NOTES: ¹Each of the above referenced chronic toxicity tests should be performed quarterly (four tests per year per species).

²If the sand dollar (*Dendraster excentricus*) is unavailable, the Purple sea urchin (*Strongylocentrotus purpuratus*) may be used as a substitute. If desired, both species can be tested simultaneously for comparison of results.

- (c) The presence of chronic toxicity must be determined as specified in the methods manuals corresponding to the individual testing protocols.

- (d) Results must be reported in TU_C (chronic toxic units), which is defined as follows:
- (i) For all chronic survival endpoints, $TU_C = 100/NOEC$.
 - (ii) For all other chronic test endpoints, $TU_C = 100/IC_{25}$
 - (iii) IC_{25} means "25% inhibition concentration." The IC_{25} is a point estimate of the toxicant concentration, expressed in percent effluent, that causes a 25% reduction in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).
 - (iv) $NOEC$ means "no observed effect concentration." The $NOEC$ is the highest concentration of toxicant, expressed in percent effluent, to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).
- (e) For the vertebrate toxicity tests, daily observation of mortality will also be taken to establish the 24-h, 48-h, and 96-h LC_{50} 's. LC_{50} is defined in Part VI.

3. Acute Test Species and Methods

- (a) For Outfall 001, acute toxicity tests must be conducted quarterly. The acute toxicity testing frequency will be reduced from quarterly to semi-annually (twice per year) after the effluent exhibits 4 consecutive test that do not exceed the toxicity identification evaluation acute toxicity trigger (See Part I.H.5). The Permittee must submit a letter to the permitting authority certifying that there have been 4 consecutive acute toxicity test results below the acute toxicity trigger. This letter must be sent within 45 days of receipt of the 4th consecutive acute toxicity test, along with the information required under Part I.H.8.a.
- (b) The Permittee must conduct the acute toxicity tests on each sample, using the species and protocols identified in Table 4, above.
- (c) The presence of acute toxicity must be determined as specified in the methods manuals corresponding to the individual testing protocols.

- (d) Results must be reported in TU_A (acute toxic units), which is defined as the reciprocal of the LC_{50} . LC_{50} is defined in Part VI.

4. Quality Assurance

The toxicity testing on each organism must include a series of five test dilutions and a control. The test concentrations for the acute toxicity tests shall be 100, 85, 50, 25, 14.5 and 7.25% effluent. The test concentrations for the chronic tests shall be 10, 7.5, 3.6, 1.8, and 0.9% effluent. If the addition of brine solution or dry salts is necessary to adjust the salinity of the effluent, it may not be possible to achieve 100% effluent as one of the test concentrations. If this occurs, the maximum effluent concentration achievable after salinity adjustment will be used as a substitute for, and treated as, the 100% effluent concentration. Salinity adjustments will be documented in the next WET report. The other test concentrations shall remain the same.

- (a) All quality assurance, test acceptability criteria, and statistical analyses used for acute, chronic, and reference toxicant tests must be in accordance with the methods manuals and individual testing protocols. Toxicity tests that do not meet the quality assurance or test acceptability criteria shall be repeated using fresh effluent samples.

- (b) In addition to those quality assurance measures specified in the methodology, the following quality assurance procedures must be followed:

- (i) If organisms are not cultured in-house, concurrent testing with reference toxicants must be conducted. If organisms are cultured in-house, monthly reference toxicant testing is sufficient. Reference toxicant tests must be conducted using the same test conditions as the effluent toxicity tests.
- (ii) If either the reference toxicant tests or the effluent tests do not meet all test acceptability criteria as specified in the test methods manual, the Permittee must repeat the test using fresh effluent samples.

Control and dilution water must be receiving water or lab water, as appropriate, as described in the methods manuals. If the dilution water used is different from the culture water, a second control, using culture water must also be used. Receiving water may be used as control and dilution water upon notification of the permitting authority. In no case shall water that has not met test acceptability criteria be used for either dilution or control.

5. Toxicity Triggers

- (a) *Chronic Toxicity Trigger.* If the results of the chronic toxicity test exceed $13.5 TU_C$, the Permittee must conduct accelerated toxicity testing pursuant to Part 6, below.
- (b) *Acute Toxicity Trigger.* If the results of the acute toxicity test exceed $1.2 TU_A$, the Permittee must conduct accelerated toxicity testing pursuant to Part 6, below.
- (c) Exceedance of a toxicity trigger must be reported to EPA and ADEC in writing within 5 calendar days of receipt of the test results indicating the exceedance.

6. Accelerated Testing

- (a) If the source of toxicity causing the exceedance is known (e.g., temporary plant upset), the Permittee shall conduct one additional toxicity test using the same species and test method. This test shall begin within 14 days of the receipt of test results indicating an exceedance. If the additional toxicity test does not exceed $13.5 TU_C$ for a chronic test or $1.2 TU_A$ for an acute test, then the Permittee may return to their regular testing frequency.
- (b) If the source of toxicity is not known, the Permittee shall conduct six additional toxicity tests using the same species and test method, approximately every two weeks, over a 12 week period. This testing shall begin within 14 days of the receipt of test results indicating an exceedance. If none of the additional toxicity tests exceed $13.5 TU_C$ for a chronic test or $1.2 TU_A$ for an acute test, then the Permittee may return to their regular testing frequency.
- (c) If one of the additional toxicity tests (in Parts I.H.6.a and I.H.6.b, above) exceeds $13.5 TU_C$ for a chronic test or $1.2 TU_A$ for an acute test, then, within 14 days of receipt of this test result, the Permittee shall initiate a TIE in accordance with Part I.H.7, below. If one of the additional toxicity tests exceeds $56 TU_C$ for a chronic test or $6.9 TU_A$ for an acute test, then, within 14 days of receipt of this test result, the Permittee shall initiate a TRE in accordance with I.H.8, below.

7. Toxicity Identification Evaluation

- (a) If any accelerated test required under Part I.H.6.a or I.H.6.b exceeds $13.5 TU_C$ for a chronic test or $1.2 TU_A$ for an acute test, then, within 14 days of receipt of this test result, the Permittee shall initiate a TIE to identify the causes of toxicity using the same species and test method and, as guidance, EPA test method

manuals: *Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I* (EPA/600/6-91/005F, 1992); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080, 1993); *Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/081, 1993); and *Marine Toxicity Identification Evaluation (TIE): Phase I Guidance Document* (EPA/600/R-96-054, 1996).

- (b) If a TIE is initiated prior to completion of the accelerated testing, the accelerated testing schedule may be terminated, or used as necessary in performing the TIE.
 - (c) Upon completion of the TIE the Permittee shall submit the results of the analysis to EPA and ADEC within 120-days of initiating the evaluation, unless written approval for an extension is granted by the permitting authority.
8. Toxicity Reduction Evaluation (TRE)
- (a) The Alaska Department of Environmental Conservation has authorized acute and chronic mixing zones for WET. The acute and chronic mixing zones provide for a dilution of 23:1 and 56:1, respectively. The authorized acute and chronic WET dilution values result in end-of-pipe toxicity allocations of $6.9 TU_A$ and $56 TU_C$, respectively. Any toxicity result above these values indicates an exceedance of the allocation provided for WET, and the Permittee shall notify the permitting authority, in writing, within 5 calendar days of receipt of the test results indicating the exceedance.
 - (b) If any accelerated test required under Part I.H.6.a or I.H.6.b exceeds $56 TU_C$ for a chronic test or $6.9 TU_A$ for an acute test (I.H.8.a.), the Permittee must begin implementation of the toxicity reduction evaluation (TRE) requirements below. Implementation of the TRE requirements shall begin within 14 calendar days of receipt of the accelerated toxicity testing results demonstrating the exceedance.
 - (c) In accordance with EPA manual EPA/600/2-88/070 (Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations), the Permittee must develop as expeditiously as possible a detailed TRE workplan, which includes:
 - (i) Actions to investigate and identify the cause of toxicity;

- (ii) Actions the Permittee will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity; and
 - (iii) A schedule for these actions.
- (d) The Permittee shall initiate a Toxicity Identification Evaluation (TIE) as part of a TRE to identify the causes of toxicity using the same species and test method and, as guidance, EPA test method manuals: *Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I* (EPA/600/6-91/005F, 1992); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080, 1993); *Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/081, 1993); and *Marine Toxicity Identification Evaluation (TIE): Phase I Guidance Document* (EPA/600/R-96-054, 1996).
- (e) If a TIE is initiated prior to completion of the accelerated testing, the accelerated testing schedule may be terminated, or used as necessary in performing the TIE.

9. Reporting

- (a) The Permittee shall submit a full laboratory report with the results of the toxicity tests within 45 days after completion of the tests. The laboratory report must include the following:
- (i) The toxicity test results;
 - (ii) The dates of sample collection and initiation of each toxicity test;
 - (iii) The flow rate at the time of sample collection;
 - (iv) The results of the effluent analysis for chemical parameters required for Outfall 001 as defined in Part I.B of this permit;
 - (v) All raw data and statistical analyses from the tests, including reference toxicant tests; and
 - (vi) Progress reports on any TIE/TRE investigations.
- (b) Exceedance of a toxicity trigger must be reported to EPA in writing within 5 calendar days of receipt of the test results indicating the exceedance.

II. BEST MANAGEMENT PRACTICES (BMP) PLAN**A. PURPOSE**

Through implementation of the BMP Plan, the Permittee must prevent or minimize the generation and the potential for release of pollutants from the facility to the waters of the United States through normal and ancillary activities of the facility. Discharges that cannot be prevented or reduced shall be recycled or treated and discharged in an environmentally safe manner.

B. DEVELOPMENT AND IMPLEMENTATION SCHEDULE

The Permittee must develop and implement a BMP Plan that achieves the objectives and the specific requirements listed below. Any existing BMP Plans may be modified to comply with this section and the general guidance contained in *Guidance Manual for Developing Best Management Practices* (EPA 833-B-93-004, October 1993) and *Storm Water Management For Industrial Activities, Developing Pollution Prevention Plans and Best Management Practices* (EPA 832-R.92.006) or any subsequent revision to these guidance documents.

The Permittee shall develop its BMP Plan consistent with these objectives:

- (a) The number and quantity of pollutants and the toxicity of effluent generated, discharged or potentially discharged at the facility shall be minimized by the Permittee to the extent feasible by managing each influent waste stream in the most appropriate manner.
- (b) Under the BMP Plan, and any Standard Operating Procedures (SOPs) included in the Plan, the Permittee shall ensure proper operation and maintenance of the treatment facility.
- (c) The Permittee shall establish specific objectives for the control of pollutants by addressing the pollution prevention requirements in Part II.C, below.

Within 90 days of the effective date of this permit, the Permittee must submit a letter to EPA and ADEC certifying that the BMP Plan has been developed or updated and is being implemented.

C. POLLUTION PREVENTION REQUIREMENTS

The Permittee shall establish specific performance objectives for preventing or reducing pollutants by ensuring that the following pollution prevention planning activities and evaluations are conducted.

1. **Pollution Prevention Framework.** The Permittee shall continue to maintain a Pollution Prevention Framework Program consistent with the Framework document submitted by letter to EPA and ADEC on June 12, 2000, Letter No. 00-15799. The Framework document shall be reviewed

by the Permittee annually to ensure that its objectives, goals and priorities are current and effective. Any amendments to the Framework document must be submitted to EPA and ADEC.

2. Annual Pollution Prevention Notification. The Permittee shall submit a letter to EPA and ADEC certifying that the Pollution Prevention Framework has been reviewed and updated, if necessary, and is being implemented. The letter shall be submitted with the BMP annual statement, Part II.D.3., on or before June 15th of each year.

D. BMP REQUIREMENTS

The BMP Plan shall be consistent with the objectives in Part II.B, above, and the general guidance developed by EPA. The BMP plan shall continue to address the standard components of BMP Plans and shall also:

1. Be documented in narrative form, and shall include any necessary plot plans, drawings or maps, and shall be developed in accordance with good engineering practices.
2. Ensure that the requirements of the BMP Plan are considered as part of planned facility modifications, and that construction and supervisory personnel are aware of and take into account possible spills or releases of pollutants during construction.
3. Require an annual BMP Plan review by the responsible manager and the BMP Committee. The Plan shall also require an annual statement that the above reviews have been completed and that the BMP Plan fulfills the requirements set forth in this permit. The statement shall be certified by the dated signatures of each BMP Committee member. This statement shall be submitted to EPA and ADEC on or before June 15th of each year of operation under this permit after the initial BMP submittal.
4. Establish specific best management practices for each component or system capable of generating or causing a release of significant amounts of pollutants, and identify specific preventative or remedial measures to be implemented.
5. Continue to ensure proper management of solid and hazardous waste in accordance with regulations promulgated under the Resource Conservation and Recovery Act (RCRA) and the Alaska Solid Waste Management (ASWM) Regulations (18 AAC 60). Management practices required under RCRA and ASWM regulations shall be referenced in the BMP Plan.
6. Continue to reflect requirements for Spill Prevention, Control, and Countermeasure plans under Section 311 of the Act and 40 CFR Part 112

and may incorporate any part of such plans into the BMP Plan by reference.

7. Continue to reflect appropriate storm water controls to eliminate, to the extent practicable, the contamination of storm water runoff at the Valdez Marine Terminal through the development and implementation of storm water pollution prevention practices. Monitoring of storm water discharges shall meet the minimum monitoring requirements of 40 CFR 122.44(i)(4)(i, ii, and iii). If the evaluation required by 40 CFR 122.44(i)(4)(i) identifies that additional measures are necessary to reduce pollutant loading, then the storm water pollution prevention practices shall be amended within six months to appropriately reduce pollutant loading. The term "storm water" as used in this paragraph is given the meaning of "storm water" associated with industrial activity as defined in 40 CFR 122.26(b)(14).
8. Continue to address the following specific BMP requirements:
 - (a) *BTT Monitoring.* Dissolved oxygen shall be continuously monitored in the biological treatment tanks (BTTs) and temperature shall be continuously monitored at the effluent sampling location. Analytical results shall be made available to the EPA and/or ADEC upon request.
 - (b) *Scraper Pigs.* The readily removable crude oil residues from scraper pigs shall be drained off and returned to the crude tanks. After such readily removable residues are removed, cleaning and wash down water used to clean off the crude, which requires scrubbing, may be treated through the BWTF.
 - (c) *Sludge Handling.* Sludge removed from the treatment system during cleaning of the treatment units shall not be reintroduced into the treatment system or discharged to waters of the United States.

The Permittee shall summarize sludge handling activities each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent, and submit the form the following month. The Permittee will provide EPA and/or ADEC, upon request, with any additional information on the Permittee's processing of sludge and disposal of solids.
 - (d) *Incoming Ballast Water Review Procedures.* The Permittee shall develop and update provisions in the BMP Plan addressing (1) incoming ballast water review procedures; (2) identification of pollutants and substances not allowed for discharge; (3) development and identification of procedures and specified criteria for evaluating substances that are not permitted for discharge and

obtaining specific EPA approval; and (4) record-keeping procedures.

- (e) *Construction/Maintenance Activities.* The Permittee shall develop and update provisions in the BMP Plan to maximize the collection and minimize the discharge of wastes generated during construction and/or maintenance activities from the berths, Valdez Marine Terminal docks, main firewater pump house, boat launches, and navigational/mooring buoys. Activities covered shall include, but are not limited to, surface preparation, hydro blasting, cleaning, demolition, metal cutting, and welding. The Permittee shall develop best management practices within the BMP Plan to minimize to the extent technically and economically feasible the discharge of construction and maintenance wastes. The Permittee shall notify EPA and ADEC, in writing, of the expected dates of the activity at least 15 days prior to project startup. If activities need to occur within the 15-day notification period, the Permittee must receive prior written approval from the permitting authority.
- (f) *Valdez Marine Terminal Fire Water System Discharges.* The Permittee shall develop and update BMPs to limit, manage, and control the discharges from the jockey pump, firewater pump testing and maintenance, berth fire foam system testing, and hydrant testing and maintenance. The BMPs shall to the extent possible, (1) direct discharges to the oily water sewer system, (2) minimize fire water discharges during snowless conditions, (3) minimize discharges into No Name and Dayville Creeks, (4) discharge when the ground surface is covered with snow and/or ice, and (5) minimize floating residue from the berth fire foam testing system.
- (g) *Coagulants and Other Treatment Chemicals.* The Permittee shall insure that the BMP Plan addresses coagulants and other treatment chemical in the "Description of Influent."
- (h) *Air Stripper Media Maintenance Practices.* The Permittee shall develop and update provisions in the BMP Plan to prevent the discharge of air stripper media.

E. DOCUMENTATION

1. The Permittee shall develop a BMP Plan in accordance with good engineering practices. The Permittee shall provide the necessary plot plans, drawings, or maps in its BMP Plan. The BMP Plan will be organized and written with the following structure:

-
- (a) name and location of the facility;
 - (b) statement of BMP policy;
 - (c) identification and assessment of potential effects of the pollutant discharges;
 - (d) specific management practices and standard operating procedures to achieve the above objectives, including, but not limited to:
 - (i) The modification of equipment, facilities, technology, processes, and procedures, and
 - (ii) The improvement in management, inventory control, materials handling, or general operational phases of the facility;
 - (e) good housekeeping;
 - (f) preventative maintenance;
 - (g) inspections and records; and
 - (h) employee training.
2. The BMP Plan will include the following provisions concerning its review:
- (a) provide for a review by the facility manager and appropriate staff; and
 - (b) include a statement that the above review has been completed and that the BMP Plan fulfills the requirements set forth in the permit – the facility manager must certify and date the statement.
3. The Permittee shall maintain a copy of its BMP Plan at the facility and shall make the plan available to EPA and ADEC for review and approval upon request.

F. MODIFICATION OF THE BMP PLAN

1. The Permittee shall amend the BMP Plan whenever there is a change in the facility, its operations, or when any other circumstances materially increase the generation of pollutants and their release or potential release to the receiving waters. The Permittee shall modify the BMP Plan, as appropriate, when facility operations covered by the Plan change. Any such changes to the BMP Plan must be consistent with the objectives and specific requirements listed in Part II. The facility manager or their

designee must review and approve each change to the BMP Plan in accordance with Part II.C.2.

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

III. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. ENVIRONMENTAL MONITORING PROGRAM

1. *Purpose.* The purpose of the environmental monitoring requirements is to continue to monitor the level of impacts on the Port Valdez ecosystem from the BWTF discharge.
2. *Objectives.* The Permittee shall develop and implement an environmental monitoring program which addresses the following objectives:
 - (a) Early detection/warning of any significant adverse effects due to the BWTF discharge,
 - (b) Ensure compliance with Alaska Water Quality Standards,
 - (c) Determine statistically significant and ecologically significant changes in the sediment hydrocarbon concentrations over time and distance due to the BWTF discharge,
 - (d) Determine whether changes to the monitoring program are warranted, and
 - (e) Gather information for permit renewal or future regulatory decisions (e.g., trends, exceedances of benchmarks or criteria, etc.).
3. *Monitoring Stations.* Locations and approximate depths of stations for environmental monitoring sampling collection are identified in Table 5. The latitude and longitude coordinates are the intended sampling locations. The depth values reflect the ranges reported previously.

TABLE 5: Location of Environmental Monitoring Stations

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 15th 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 15th 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 15th 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.D ("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 15th 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.F., "Bypass of Treatment Facilities"); or
 - (c) any upset that exceeds any effluent limitation in the permit (See Part IV.G., "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.B ("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.B ("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.G ("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.G, "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 (TUc) is a measure of chronic toxicity. TUc is the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period (i.e., 100/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. EC₅₀ 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. IC₂₅, 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. LC₅₀ 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*.