**ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM**

# MULTI-SECTOR GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY (MSGP)

Permit Number: AKR060000 – **Draft**

**ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION**
**Wastewater Discharge Authorization Program**
**555 Cordova Street**
**Anchorage, AK 99501**

In compliance with the provisions of the Clean Water Act (CWA), 33 U.S.C. §1251 *et seq*., as amended by the Water Quality Act of 1987, P.L. 100-4, this permit is issued under provisions of Alaska Statutes (AS) 46.03; the Alaska Administrative Code (AAC) as amended; and other applicable State laws and regulations. Operators of storm water discharges associated with industrial activity located in an area identified in Part 1.1 where the Alaska Department of Environmental Conservation (DEC) is the permitting authority are authorized to discharge to waters of the United States in accordance with the eligibility and Notice of Intent (NOI) requirements, effluent limitations, inspection requirements, and other conditions set forth in this permit. This permit is structured as follows:

- General requirements that apply to all facilities are found in Parts 1 through 10, and
- Industry sector-specific requirements are found in Part 11.

The Appendices (A through F) contain additional permit conditions that apply to all operators covered under this permit.

This permit becomes effective on TBD.

This permit and the authorization to discharge expire at midnight, TBD.

| DRAFT | TBD |
|---|---|
| Signature | Date |
| DRAFT | Program Manager |
| Printed Name | Title |

# APDES MULTI-SECTOR GENERAL PERMITS FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

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**Appendix C – Definitions**
**Appendix D – Facilities and Activities Covered**
**Appendix E – Calculating Hardness in Receiving Waters for Hardness Dependent Metals**
**Appendix F – MSGP Forms**

## SCHEDULE OF SUBMISSIONS

The Schedule of Submissions summarizes some of the required submissions and activities the permittee must complete and/or submit to the Alaska Department of Environmental Conservation (DEC) during the term of this permit. The permittee is responsible for all submissions and activities even if they are not summarized below.

**Table: Schedule of Submissions**

| Permit Part | Submittal or Completion | Frequency | Due Date | Submit to [a] |
|---|---|---|---|---|
| 1.3 | No Exposure Certification | Once, depending on facility status | Once every five years | Permitting Program |
| 2.1.3, 5.2 | Storm Water Pollution Prevention Plan (SWPPP) | Once at beginning of coverage | At filing of NOI | Permitting Program |
| 2.1.5, 2.2 | Notice of Intent (NOI) | Once at beginning of coverage | Once per permit cycle | Permitting Program |
| 2.7 | NOI Modification | As needed | As needed | Permitting Program |
| 7.2.1.2, 7.2.2.1 | Monitoring | Quarterly during first year | the 15th day of the following month | Compliance and Enforcement Program |
| 9.3 | Noncompliance Notification Form | Upon exceedance of effluent limit | the 15th day of the following month | Compliance and Enforcement Program |
| 8.4 | Corrective Action Report | Upon exceedance (See Part 8.1 and 8.2) | Submit with Annual Report | Compliance and Enforcement Program |
| 9.2 | Annual Report | Annually | By Feb 15th of the year following the reporting year | Compliance and Enforcement Program |
| 9.4 | Additional Reporting | See Section for details | See Section for details | Compliance and Enforcement Program |
| 10.1 | Notice of Termination | Once | At end of permit coverage | Permitting Program |

Notes:
a. See Part 9.6 Addresses for Reports

## Summary of Permit Required On-Site Documentation

| Permit Part | Document Name or Title | Frequency | Purpose of Document |
|---|---|---|---|
| 1.3 | No Exposure Certification | Once every five years | To demonstrate facility has reviewed the permit and facility to determine they do not need to file for permit coverage |
| 2.1.3, 5.2 | SWPPP | Developed prior to submitting the NOI. Updated as necessary | To describe the project and the control measures to minimize the discharge of pollutants into waters of the U.S. Documents installation, maintenance, inspections, corrective actions, and reporting. |
| 2.1.5, 2.2 | NOI | Once at start of coverage | Applicant request for authorization to discharge under permit coverage |
| 2.4 | DEC NOI Reply Letter | Once at start of coverage | To provide permittee with DEC permit tracking number indicating project is covered by MSGP |
| 2.7 | NOI Modification | As needed | To modify the original NOI if facility conditions or lead personnel change |
| 5.8.3 | Copy of Permit Part 1-10 and Sector specific section | Include in SWPPP | To provide reference during permit period |
| 6.1, 6.3.2 | Inspection Reports | Conducted at frequency specified in MSGP and SWPPP | To monitor compliance with SWPPP and MSGP |
| 7.2, 7.2.2.1 7.2.1.2 | Monitoring Reports | Conducted at frequency specified in MSGP | To monitor compliance with MSGP |
| 7.2.2.3, 9.3 | Noncompliance Notification | As needed | To report any exceedances found during monitoring |
| 8.4 | Corrective Action Report | As needed | To report the corrective actions taken at the facility |
| 9.2 | Annual Report | Annually | To report annual results of inspections |
| 9.4 | Additional Reporting | As required | To provide additional information |
| 10.1 | Notice of Termination | Once | To close coverage by the permit. |

# 1. Coverage under this Permit.

## 1.1 Permit Area.

This general permit covers waters of the United States (U.S.) located in the State of Alaska, except the Indian Reservation of Metlakatla and the Denali National Park and Preserve.

## 1.2 Eligibility.

1.2.1 **Facilities Covered**. To be eligible to discharge under this permit, a permittee must (1) have a storm water discharge associated with industrial activity from the permittee's primary industrial activity, as defined in Appendix C, provided their primary industrial activity is included in Appendix D, or (2) be notified by DEC that the permittee is eligible for coverage under Sector AD of this permit.

1.2.2 **Allowable Storm Water Discharges**. Unless otherwise made ineligible under Part 1.2.4, the following discharges are eligible for coverage under this permit:

1.2.2.1 Storm water discharges associated with industrial activity for any primary industrial activities and co-located industrial activities, as defined in Appendix C;

1.2.2.2 Discharges designated by DEC as needing a storm water permit as provided in Sector AD;

1.2.2.3 Discharges that are not otherwise required to obtain APDES permit authorization but are commingled with discharges that are authorized under this permit (i.e., allowable non-storm water discharges commingled with allowable storm water discharges); and

1.2.2.4 Discharges subject to any of the national storm water-specific effluent limitations guidelines listed in Table 1-1.

*(Table 1-1: Storm Water-Specific Effluent Limitations Guidelines located on following page.)*

**Table 1-1: Storm Water-Specific Effluent Limitations Guidelines**

| Regulated Discharge | 40 CFR Section | MSGP Sector | New Source Performance Standard (NSPS) | New Source Date |
|---|---|---|---|---|
| Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas | Part 429, Subpart I | A | Yes | 1/26/81 |
| Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874) | Part 418, Subpart A | C | Yes | 4/8/74 |
| Runoff from asphalt emulsion facilities | Part 443, Subpart A | D | Yes | 7/28/75 |
| Runoff from material storage piles at cement manufacturing facilities | Part 411, Subpart C | E | Yes | 2/20/74 |
| Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities | Part 436, Subparts B, C, and D | J | No | N/A |
| Runoff from hazardous waste and non-hazardous waste landfills | Part 445, Subparts A and B | K, L | Yes | 2/2/00 |
| Runoff from coal storage piles at steam electric generating facilities | Part 423 | O | Yes | 11/19/82 (10/8/74)[1] |
| Existing and new primary airports with 1,000 or more annual jet departures that discharge wastewater associated with airfield pavement deicing that contains urea commingled with stormwater | Part 449, Subpart A | S | Yes | 6/15/12 |

1.2.3 **Allowable Non-Storm Water Discharges**. The following are the non-storm water discharges authorized under this permit, provided the non-storm water component of the permittees discharge is in compliance with Part 4.2.10:

- Discharges from emergency/unplanned fire-fighting activities;
- Fire hydrant flushings;
- Potable water, including water line flushings;
- Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
- Irrigation drainage;
- Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;

[1] NSPS promulgated in 1974 were not removed via the 1982 regulation; therefore wastewaters generated by Part 423-applicable sources that were New Sources under the 1974 regulations are subject to the 1974 NSPS.

- Pavement wash waters where no detergents or hazardous cleaning products are used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits or any other toxic or hazardous materials (unless cleaned up using dry clean-up methods). The permittee is prohibited from directing any authorized pavement wash waters directly into any surface water or storm drain inlet unless the permittee has implemented appropriate control measures that meet the non-numeric effluent limits in Part 4.2. Where appropriate control measures are not in place, wash water runoff must first undergo treatment prior to discharge such as filtration, detention, or settlement;

- Routine external building washdown / power washwater that does not remove significant amount of building paint or use detergents or hazardous cleaning products, (such as those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols);

- Uncontaminated ground water or spring water;

- Foundation or footing drains where flows are not contaminated with process materials;

- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains);

- Discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage (applicable only to Sector A facilities provided the non-stormwater component of the discharge is in compliance with the non-numeric effluent limits requirements in Part 4.2).

- Other uncontaminated discharges meeting water quality criteria that the Department approves on a case-by-case basis.

1.2.3.1 Also allowed for all sectors are discharges of stormwater listed above in Parts 1.2.2 or authorized non-stormwater discharges in Part 1.2.3, mixed with a discharge authorized by a different APDES permit and/or a discharge that does not require APDES permit authorization. All other non-stormwater discharges requiring APDES permit coverage except those specifically listed in Part 1.2.3 are not authorized by this permit. If non-stormwater discharges requiring APDES permit coverage other than those specifically authorized in Part 1.2.3, including sector-specific non-stormwater discharges that are listed in Part 11 as prohibited (a non-exclusive list provided to raise awareness of contaminants or sources of contaminants characteristic of certain sectors), will be discharged, such non-stormwater discharges are not authorized by this permit and must either be eliminated or covered under another APDES permit.

1.2.4 **Limitations on Coverage**.

1.2.4.1 **Discharges Mixed with Non-Storm Water.** Storm water discharges that are mixed with non-storm water, other than those non-storm water discharges listed in Part 1.2.3, are not eligible for coverage under this permit.

1.2.4.2 **Discharges Associated with Construction Activity**. Storm water discharges associated with construction activity disturbing one acre or more, or that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more, are not eligible for coverage under this permit, unless in conjunction with mining activities or certain oil and gas extraction activities as specified in Sectors G, H, I, and J of this permit.

1.2.4.3 **Discharges Currently or Previously Covered by another Permit.** Unless the permittee received written notification from DEC specifically allowing these discharges to be covered under this permit, the permittee is not eligible for coverage under this permit for any of the following:

- Storm water discharges associated with industrial activity that are currently covered under an individual APDES permit or an alternative APDES general permit;
- Discharges covered within five years prior to the effective date of this permit by an individual permit or alternative general permit where that permit established site-specific numeric water quality-based limitations developed for the storm water component of the discharge; or
- Discharges from facilities where any APDES permit has been or is in the process of being denied, terminated, or revoked by EPA (this does not apply to the routine reissuance of permits every five years).

1.2.4.4 **Discharges Subject to Effluent Limitations Guidelines.** For discharges subject to storm water effluent limitation guidelines under 40 CFR, Subchapter N, only those storm water discharges identified in Table 1-1 are eligible for coverage under this permit.

1.2.4.5 **Eligibility for New Dischargers: Based on Water Quality Standards**. A new discharger (as defined in Appendix C), is not eligible for coverage under this permit for discharges that DEC, prior to authorization under this permit, determines will not meet WQS. Where such a determination is made prior to authorization, DEC may notify the applicant that an individual or other general permit APDES application is necessary in accordance with Part 2.8. However, DEC may authorize coverage under this permit after the applicant has included appropriate controls and implementation procedures designed to ensure the discharge meets WQS. In the absence of information demonstrating otherwise, DEC expects that compliance with the storm water control requirements of

this permit, including the requirements applicable to such discharges in Part 4, will meet WQS.

1.2.4.6 **New Discharges to Water Quality Impaired Waters**.[2] If the permittee is a new discharger they are not eligible for coverage under this permit to discharge to an "impaired water", as defined in Appendix C unless they:

- Prevent all exposure to storm water of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent exposure onsite with the SWPPP; or

- Prior to submitting the permittee's NOI, provide to the Department technical information or other documentation that the pollutant(s) for which the waterbody is impaired is not present at the site, and retain documentation of this finding with their SWPPP; or

- Prior to submitting the permittee's NOI, provide to the Department data or other technical documentation to support a conclusion that the discharge is not expected to cause or contribute to an exceedance of a water quality standard (WQS), and retain such data onsite with the SWPPP. To do this, the permittee must provide data and other technical information to the Department sufficient to demonstrate:

  - For discharges to waters without an EPA approved or established Total Maximum Daily Load (TMDL), that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody; or

  - For discharges to waters with an EPA approved or established TMDL, that there are sufficient remaining wasteload allocations in an EPA approved or established TMDL to allow the permittees discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with WQS. The permitee must also evaluate the recommendations in the Implementation Section of the EPA approved or established TMDL and incorporate applicable measures into their operations.

A permittee is eligible under Part 1.2.4.6 if they receive an affirmative determination from the Department that their discharge will not contribute to the existing impairment, in

[2] The project will be considered to discharge to an impaired water if the first water of the U.S. to which the discharge enters is identified by the Department pursuant to Section 303(d) of the CWA as not meeting a WQS, or is included in an EPA-approved or established total maximum daily load (TMDL). For discharges that enter a storm sewer system prior to discharge, the first water of the U.S. to which the discharge is the waterbody that receives the stormwater discharge from the storm sewer system.

which case the permittee must maintain such determination onsite with the SWPPP, or if the Department fails to respond within 30 days of submission of data to the Department.

### 1.3 Conditional Exclusion for No Exposure.

If the permittee is covered by this permit, and becomes eligible for a no exposure exclusion from permitting under 40 CFR 122.26(g), the permittee may file a No Exposure Certification. The permittee is no longer required to have a permit upon submission of a complete and accurate no exposure certification to DEC. If the permittee is no longer required to have permit coverage because of a no exposure exclusion and has submitted a No Exposure Certification form to DEC, they are required to submit a Notice of Termination (NOT) to terminate permit coverage before being covered by the No Exposure Certification. The permittee must submit a No Exposure Certification to DEC once every five years from the initial date of filing.

Facilities which have multiple industrial sectors covered under one permit can not use the No Exposure Certification form to remove those individual sectors from permit coverage. Upon a thorough evaluation to determine some sectors have no exposure to storm water, those areas must be noted in the facility wide SWPPP and inspected annually during the comprehensive site inspections to ensure no exposure exists. If inspections reveal those individual sectors eligible for coverage under this permit have exposure, the SWPPP must be updated to include those sectors and all permit requirements applied to those areas. The No Exposure Certification for Exclusion applies to an entire facility and not individual outfalls or areas located within the facility covered under a single permit.

## 2. Authorization under this Permit.

### 2.1 How to Obtain Authorization.

To obtain authorization under this permit, the permittee must:

2.1.1 Be located in the area where DEC is the permitting authority;

2.1.2 Meet the Part 1.2 eligibility requirements;

2.1.3 Develop a SWPPP according to the requirements in Part 5 of this permit. The permittee must submit a copy of the SWPPP to DEC as specified in Part 9.6;

2.1.4 Select, design, install, and implement control measures in accordance with Part 4.2 to meet numeric and non-numeric effluent limits;

2.1.5 Submit a complete and accurate Notice of Intent (NOI) either using DEC's electronic Notice of Intent (eNOI) system (accessible at http://dec.alaska.gov/water/wastewater/stormwater/apdesenoi/ or using a paper form (included in Appendix F of this permit) and then submitting that paper form to the address listed in Part 2.2.2; and

2.1.6 Pay the general permit authorization fee in accordance with 18 AAC 72. Existing permittees when renewing permit coverage do not need to pay two permit authorization fees in one calendar year;

2.1.7 DEC will post on the Internet, at http://dec.alaska.gov/Applications/Water/WaterPermitSearch/Search.aspx, all authorizations issued. Late NOIs will be accepted but authorization to discharge will not be retroactive.

2.1.8 If the information on the NOI is incorrect or is missing, the NOI will be deemed incomplete and permit authorization will not be granted. A complete NOI shall include the following information, at a minimum:

2.1.8.1 The operator information includes: Organization name, contact person, complete mailing address, telephone number and fax number and email address if available;

2.1.8.2 The billing contact information includes: organization name, contact person, complete mailing address, telephone number and fax number and email address if available. If the billing contact information is the same as the operator information, check the box on the NOI indicating that it is the same;

2.1.8.3 The industrial facility information includes: facility name, physical location, the city and zip code, the borough, latitude and longitude, how the latitude and longitude were determined, an estimate of the area of industrial activity exposed to storm water, if the facility storm water discharges have been previously permitted under an APDES permit, a brief description of activity(ies) carried out on-site;

2.1.8.4 The discharge information includes: does the facility discharge to a municipal separate storm sewer system (MS4), and if so the name of the MS4 operator, outfall(s) location (latitude/longitude), the name(s) of the water bodies to which the facility discharges, does the facility discharge to a water body that is impaired or have a TMDL, if it is the discharge is consistent with the assumptions and requirements of the TMDL, and is any storm water discharge subject to federal effluent limitation guideline and sector-specific requirements, and if so which affected MSGP Sector;

2.1.8.5 The additional information includes: the four-digit Standard Industrial Classification (SIC) code or two-letter Activity Code that best represents the products or services rendered by the facility in which it is primarily engaged in and applicable sector and subsectors of industry activity, including co-located industrial activity for which coverage is requested, and is the facility presently inactive or unstaffed and if so for how long;

2.1.8.6 The SWPPP information includes: SWPPP contact name, phone, email, and URL for SWPPP (if applicable) (the SWPPP does not need to be reposted on the internet each time it is updated);

2.1.8.7 The signatory information in compliance with Appendix A, Part 1.12

## 2.2 How to Submit an NOI.

2.2.1 Electronically (strongly encouraged) at http://dec.alaska.gov/water/wastewater/stormwater/apdesenoi/ . Operators who submit an eNOI must pay the general permit authorization fee during a step in the eNOI process where payment is required.

2.2.2 Through use of a paper form (available at the above web site) and then submit that paper form to Permitting Program address in Appendix A, Part 1.1.1.

2.2.3 Each operator submitting the NOI via paper form[3] must include a check payable to the "State of Alaska" for the amount of the General Permit Authorization Fee, in accordance with 18 AAC 72.

*(Submission Deadlines continued on next page.)*

[3] Note: Electronic submittal of an NOI will likely be processed more quickly and result in faster receipt of an authorization to discharge.

## 2.3 Submission Deadlines.

Timeframes for discharge authorization are contained in Table 2-1.

**Table 2-1: NOI Submittal Deadlines/Discharge Authorization Dates**

| Category | NOI Submission Deadline | Discharge Authorization Date[1] | Fee |
|---|---|---|---|
| *Existing Dischargers* – in operation as of March 31, 2020 and authorized for coverage under 2015 MSGP. | Existing Dischargers must submit new NOI and SWPPP no later than one hundred twenty (120) calendar days after the effective date of this permit. | The date specified in the DEC authorization letter. The permittees authorization under the 2015 MSGP is automatically continued until they have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated. | Existing Dischargers pay annual fee based on invoice from DEC |
| *New Dischargers or New Sources* - who commence discharging one hundred twenty (120) calendar days after the effective date of this permit. | A minimum of thirty (30) calendar days prior to commencing discharge. | The date specified in the DEC authorization letter. | New Discharges pay fee at time of submitting NOI |
| *New Owner/Operator of Existing Discharger* - transfer of ownership and/or operation of a facility whose discharge is authorized under this permit | New Owner shall submit a new NOI no later than thirty (30) calendar days after the date that the transfer will take place to the new owner/operator. | The date specified in the DEC authorization letter. | New Owner pays fee upon reciept of invoice from DEC |
| *Other Eligible Dischargers* - in operation prior to March 31, 2020, but not covered under the 2015 MSGP or another APDES permit. | Immediately, to minimize the time discharges from the facility will continue to be unauthorized. | The date specified in the DEC authorization letter. | New Discharges pay fee at time of submitting NOI |

Note:

1. Based on a review of the permittees NOI or other information, DEC may delay their authorization for further review, notify the permittee that additional effluent limitations or control measures are necessary, or may deny coverage under this permit and require submission of an application for an individual or other APDES general permit, as detailed in Part 2.8. In these instances, DEC will notify the permittee in writing of the delay, of the need for additional effluent limits or control measures, or of the request for submission of an individual APDES permit application.
2. If the permittee has missed the deadline to submit the NOI, any and all discharges from the industrial activities will continue to be unauthorized under the CWA until they are covered by this or a different APDES permit. DEC may take enforcement action for any unpermitted discharges that occur between the commencement of discharging and discharge authorization.
3. Discharges are not authorized if the NOI is incomplete or inaccurate or if the permittee was never eligible for permit coverage.

## 2.4 Date of Authorization to Begin Discharge.

An operator is authorized to discharge industrial storm water under the terms and conditions of this permit upon the date specified in the issuance of the DEC authorization letter, which is posted to the DEC's website (http://dec.alaska.gov/Applications/Water/WaterPermitSearch/Search.aspx). Once the authorization is granted by the Department the applicant is then considered a permittee covered by this permit.

## 2.5 Continuation of Expired General Permit.

2.5.1 If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 18 AAC 83.155 and remain in force and effect for discharges that were covered prior to expiration. The permittee is required to abide by all limitations, monitoring, and reporting included herein if the permit enters administrative extension until such time a permit is reissued authorizing the discharge or an NOT is submitted by the permittee. If a permittee is authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

2.5.1.1 Authorization for coverage under a reissued permit or a replacement of this permit following a permittee's timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the new permit;

2.5.1.2 Submittal of a NOT;

2.5.1.3 Issuance or denial of an individual permit for the facility's discharges; or

2.5.1.4 A formal decision by DEC not to reissue this general permit or not cover a particular discharger previously covered by the general permit, at which time DEC will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.

2.5.2 Any permittee with a discharge covered under the 2015 MSGP that the Department determines shall transition to a different APDES permit for that discharge that filed a timely and complete NOI and was granted administrative extension of the 2015 MSGP, the administrative extension (i.e., continued permit coverage) from the 2015 MSGP survives the effective date of the 2020 MSGP until the facility receives coverage under the new APDES permit.

## 2.6 Permit Compliance.

Any noncompliance with any of the requirements of this permit constitutes a violation of the CWA. As detailed in Part 8 (Corrective Actions) of this permit, failure to take any required corrective actions constitute an independent, additional violation of this permit and the CWA. Any actions and time periods specified for remedying noncompliance do not absolve parties of the initial underlying noncompliance. Where corrective action is triggered by an event that does not itself constitute permit noncompliance, such as an exceedance of an applicable benchmark, there is no permit violation provided the permittee takes the required corrective action within the relevant deadlines established in Part 8.3.

## 2.7 Submittal of Modification to Original NOI.

2.7.1 For an existing permittee, if any of the information supplied on the NOI form changes such as name of receiving waterbody, acreage of industrial area exposed to storm water, addition or deletion of industrial sectors, and facility contact information, the permittee must submit an NOI Modification form within thirty (30) calendar days after the change. See Appendix F for the modification form.

2.7.2 At facilities where there is a transfer of ownership and/or a new operator takes over operational control at an existing facility the new operator shall submit an NOI no later than thirty (30) calendar days after a change in owner/operator. The previous owner/operator must submit a NOT no later than thirty (30) calendar days after DEC authorization of the new operator. The new operator does not need to pay a permit authorization fee if the facility has paid for the year in which the transfer occurs.

## 2.8 Alternative Permits.

2.8.1 **DEC Requiring Coverage under an Alternative Permit**.
DEC may require a permittee to apply for and/or obtain authorization to discharge under an alternative permit, i.e., either an individual APDES permit or an alternative APDES general permit in accordance with 40 CFR 122.64 and 124.5. Any interested person may petition DEC to take action under this paragraph. If DEC requires the permittee to apply for an alternative APDES permit, DEC will notify the permittee in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and will contain alternative permit application requirements, including deadlines for completing the application.

In addition, if the permittee is an existing discharger authorized to discharge under this permit, the notice will set a deadline to file the permit application, and will include a statement that on the effective date of the individual APDES permit, or the alternative general permit as it applies to the permittee, coverage under this general permit will terminate. DEC may grant additional time to submit the application if the permittee requests it. If the permittee is covered under this permit and fails to submit an alternative APDES permit application as required by DEC, then the applicability of this permit to the permittee is terminated at the end of the day specified by DEC as the deadline for application submittal. DEC may take appropriate enforcement action for any unpermitted discharge.

2.8.2 **Permittee Requesting Coverage under an Alternative Permit**.
A permittee may request to be excluded from coverage under this general permit by applying for an individual permit. In such a case, the permittee must submit an individual permit application in accordance with the requirements of 18 AAC 83.305 – 83.385 with reasons supporting the request, to DEC at the address listed in Part 9.6 of this permit. The request may be granted by issuance of an individual permit or authorization of coverage under an alternative general permit if the permittees reasons are adequate to support the request.

When an individual APDES permit is issued to a permittee or a permittee is authorized to discharge under an alternative APDES general permit, the permittees authorization to discharge under this permit is terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

# 3. Compliance with Standards and Limits.

## 3.1 Requirements for all Facilities.

3.1.1 A permittee must select, install, implement, and maintain control measures (described in Part 4) at the facility that minimize pollutants in the discharge as necessary to meet WQS (18 AAC 70). A permittee must comply with all permit conditions with respect to installation and maintenance of control measures, inspections, monitoring, corrective actions, reporting, and recordkeeping.

3.1.2 In general, except in situations explained in part 3.1.3, the storm water controls planned, developed, implemented, maintained, and updated by the permittee that are consistent with the provisions of Parts 3 through 9 and Part 11 are considered to meet the requirements of this permit to ensure that the discharges do not cause or contribute to an excursion above any WQS (18 AAC 70).

3.1.3 At any time after authorization, upon a DEC determination that the permittee's storm water discharges will cause, have a reasonable potential to cause, or contribute to an excursion above any WQS, DEC may require the permittee to:

3.1.3.1 Take corrective actions and modify storm water controls in accordance with Part 8 to adequately address the identified water quality concerns;

3.1.3.2 Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining WQS; or

3.1.3.3 Minimize discharges of storm water from the facility or activity, implement corrective actions, and submit an individual permit application in accordance with Part 2.8.

3.1.4 All written responses required under Part 3.1 must include a signed certification consistent with Appendix A, Part 1.12.

## 3.2 Water Quality-Based Effluent Limitations.

3.2.1 **Water Quality Standards (WQS).**

3.2.1.1 A permittees discharge must be controlled as necessary to meet a WQS (18 AAC 70) in relation to the pollutants of concern.

3.2.1.2 DEC expects that compliance with the other conditions in this permit will control discharges as necessary to meet a WQS. If at any time the permittee becomes aware, or DEC determines, that the permittees discharge causes or contributes to an exceedance of a WQS in the receiving water, the permittee must:

- Take corrective action as required in Part 8.1;
- Document the corrective actions as required in Parts 8.4 and 5.8; and
- Report the corrective actions to DEC as required in Part 9.2.

3.2.1.3 Additionally, DEC may impose additional permit stipulations on a site-specific basis, or require the permittee to obtain coverage under an individual permit, if information in a permittees NOI, required reports, or from other sources indicates that their discharges are not controlled as necessary to meet a WQS in the receiving water.

3.2.2 **Discharges to Water Quality Impaired Waters**.[4]

3.2.2.1 ***Existing Discharge to an Impaired Water with an EPA Approved or Established TMDL.*** If the permittee discharges to an impaired water with an EPA approved or established TMDL, DEC will inform the permittee if any additional limits or controls are necessary for their discharge to be consistent with the assumptions of any available wasteload allocation in the TMDL, or if coverage under an individual permit is necessary in accordance with Part 2.8.1.

3.2.2.2 ***Existing Discharge to an Impaired Water without an EPA Approved or Established TMDL***. If the permittee discharges to an impaired water without an EPA approved or established TMDL, they are required to comply with Part 3.2.1 and the monitoring requirement of Part 7.2.3. Note that this provision also applies to situations where DEC determines that the permittees discharge is not controlled as necessary to meet WQS in a downstream water segment, even if their discharge is to a receiving water that is not specifically identified on a Section 303(d) list.

3.2.2.3 ***New Discharge to an Impaired Water***. If a permittees authorization to discharge under this permit relied on Part 1.2.4.6 for a new discharge to an impaired water, the permittee must implement and maintain any control measures or conditions at the facility that enabled the permittee to become eligible under Part 1.2.4.6, and modify such measures or conditions as necessary pursuant to any Part 5 corrective actions. The permittee is also required to comply with Part 3.2.1 and the monitoring requirements of Parts 7.2.3.

[4] The project will be considered to discharge to an impaired water if the first water of the U.S. to which the discharge enters is identified by the Department pursuant to Section 303(d) of the CWA as not meeting an WQS, or is included in an EPA-approved or established total maximum daily load (TMDL). For discharges that enter a storm sewer system prior to discharge, the first water of the U.S. to which the discharge is the waterbody that receives the stormwater discharge from the storm sewer system.

# 4. Control Measures.

A permittee must select, design, install, and implement control measures (including best management practices) to address the selection and design considerations in Part 4.1, meet the non-numeric effluent limits in Part 4.2, and meet limits contained in applicable effluent limitations guidelines in Part 4.3. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. Note that the permittee may deviate from such manufacturer's specifications where the permittee provides justification for such deviation and includes documentation of their rationale in the part of the SWPPP that describes the permittees control measures, consistent with Part 5.2.5. If the permittee finds that their control measures are not achieving their intended effect of minimizing pollutant discharges, the permittee must modify these control measures in accordance with the corrective action requirements set forth in Part 8. Regulated storm water discharges from the permittees facility include storm water run-on that commingles with storm water discharges associated with industrial activity at the permittees facility.

In the technology-based limits included in Part 4.2 and in Part 11, the term "minimize" means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

## 4.1 Control Measure Selection and Design Considerations.

A permittee must use the following considerations when selecting and designing control measures:

- Preventing storm water from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from storm water;
- Using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in the storm water discharge;
- Using technologically available and economically practicable and achievable in light of best industry practice;
- Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- Minimizing impervious areas at the permittees facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
- Attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;

- Conserving and/or restoring of riparian buffers will help protect streams from storm water runoff and improve water quality; and
- Using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

## 4.2 Non-Numeric Technology-Based Effluent Limits.

In addition to complying with the non-numeric technology-based effluent limits in Part 11, the permittee must also:

4.2.1 **Minimize Exposure**.

A permittee must evaluate the facility regarding exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff and minimize exposure by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended). In minimizing exposure, the permittee should pay particular attention to the following:

- Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- Locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
- Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- Use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- Use spill/overflow protection equipment;
- Drain fluids from equipment and vehicles that will be decommissioned or will remain unused for extended periods of time;
- Perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- Ensure that all washwater, with the exception of discharges from pavement wash water and routine building washdown described in Part 1.2.3 drains to a sanitary sewer, sump, or other proper collection system (i.e., not the storm water drainage system).

The discharge of vehicle and equipment washwater, including tank cleaning operations, is not authorized by this permit. These wastewaters must be covered under a separate APDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

4.2.2 **Good Housekeeping**. A permittee must keep clean all exposed areas that are potential sources of pollutants, including but not limited to: using such measures as sweeping at regular intervals, keeping materials orderly and labeled, keeping all dumpster lids closed when not in use, and storing materials in appropriate containers.

4.2.3 **Maintenance**. A permittee must regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in storm water discharged to receiving waters. This includes performing inspections and preventive maintainance of storm water control measures and cleaning catch basins when the depth of debris reaches one-half (1/2) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe. The permittee must maintain all control measures that are used to achieve the effluent limits required by this permit in effective operating condition. Record of routine maintainance to be kept onsite and made available upon request (it does not need to be stored with the SWPPP). Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). If the permittee finds that their control measures need to be replaced or repaired, the permittee must make the necessary repairs or modifications within 14 days or as expeditiously as practicable.

4.2.4 **Spill Prevention and Response Procedures**. A permittee must minimize the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur. At a minimum, the permittee must implement:

4.2.4.1 Procedures for plainly labeling containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides,” etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;

4.2.4.2 Procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas;

4.2.4.3 Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the permittees storm water pollution prevention team (see Part 5.1.1); and

4.2.4.4 Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, 40 CFR Part 302, AS 75.300 and 18 AAC 75 Article 3 occurs, the permittee must notify the National Response Center (NRC) at (800) 424-8802. During normal business hours call the nearest DEC Area Response Team Office – Southeast (Juneau) 465-5340; Central (Anchorage) 269-3063; or Northern (Fairbanks) 451-2121. Outside of normal business hours, the permittee must call (800) 478-9300 as soon as the permittee has knowledge of the discharge. State or local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be posted, where practicable, in locations that are readily accessible and available.

4.2.4.5 The permitee must provide a description of the release, the circumstances leading to the release, and the date of the release to the nearest DEC Area Response Team Office, in accordance to AS 75.300 (See Part 4.2.4.4). The permitee must also implement measures to prevent the reoccurrence of such releases and to respond to such releases.

4.2.5 **Erosion and Sediment Controls**. A permittee must stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants. Among other actions the permittee must take to meet this limit, the permittee must place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants. In selecting, designing, installing, and implementing appropriate control measures, the permittee is encouraged to consult with EPA's internet-based resources relating to BMPs for erosion and sedimentation, including the sector-specific Industrial Stormwater Fact Sheet Series, (https://www.epa.gov/npdes/final-2015-msgp-documents ), National Menu of Stormwater BMPs (https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu ), and National Management Measures to Control Nonpoint Source Pollution from Urban Areas (https://www.epa.gov/nps/urban-runoff-national-management-measures ), and any similar State or Tribal publications such as the Alaska Storm Water guide (http://dec.alaska.gov/water/wastewater/stormwater/guidance/ ) and the Best Management Practices Manual for Gravel Quarries found at http://dec.alaska.gov/water/wastewater/stormwater/gravel/ .

4.2.6 **Management of Runoff**. A permittee must divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, to minimize pollutants in their discharges. In selecting, designing, installing, and implementing appropriate control measures, permittees are encouraged to consult with EPA's internet-based resources relating to runoff management, including the sector-specific Industrial Storm Water Fact Sheet Series, (https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#factsheet ), National Menu of Storm Water BMPs (https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu ), and National Management Measures to Control Nonpoint Source Pollution from Urban Areas (https://www.epa.gov/nps/urban-runoff-national-management-measures ), and any similar State or Tribal publications.

4.2.7 **Salt Storage Piles or Piles Containing Salt**. A permittee must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. A permittee must also implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile.

4.2.8 **Sector Specific Technology-Based Effluent Limits**. A permittee must achieve any additional non-numeric limits stipulated in the relevant sector-specific section(s) of Part 11.

4.2.9 **Employee Training**. A permittee must train all employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of the permitttee's Pollution Prevention Team. Training must cover both the specific control measures used to achieve the effluent limits in this Part, and monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit. Training shall be conducted at least annually (or more often if employee turnover is high) and documented in the SWPPP (See Part 5.8.5).

4.2.10 **Non-Storm Water Discharges**. A permittee must eliminate non-storm water discharges not authorized by an APDES permit. See Part 1.2.3 for a list of non-storm water discharges authorized by this permit.

4.2.11 **Waste, Garbage and Floatable Debris**. A permittee must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.

4.2.12 **Dust Generation and Vehicle Tracking of Industrial Materials**. A permittee must minimize generation of dust and off-site tracking of raw, final, or waste materials. Appropriate BMPs to minimize tracking include the establishment of stabilized access and exit points.

## 4.3 Numeric Effluent Limitations Based on Effluent Limitations Guidelines.

If the permittee is in an industrial category subject to one of the effluent limitations guidelines identified in Table 7-1 (see Part 7.2.2.1), the permittee must meet the effluent limits referenced in Table 4-1 below:

**Table 4-1: Applicable Effluent Limitations Guidelines**

| Regulated Activity | 40 CFR Part/Subpart | Effluent Limit |
|---|---|---|
| Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas | Part 429, Subpart I | See Part 11.A.7 |
| Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874) | Part 418, Subpart A | See Part 11.C.4 |
| Runoff from asphalt emulsion facilities | Part 443, Subpart A | See Part 11.D.4 |
| Runoff from material storage piles at cement manufacturing facilities | Part 411, Subpart C | See Part 11.E.5 |
| Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities | Part 436, Subparts B, C, or D | See Part 11.J.9 |
| Runoff from hazardous waste landfills | Part 445, Subpart A | See Part 11.K.6 |
| Runoff from non-hazardous waste landfills | Part 445, Subpart B | See Part 11.L.10 |
| Runoff from coal storage piles at steam electric generating facilities | Part 423 | See Part 11.O.8 |
| Existing and new primary airports with 1,000 or more annual jet departures that discharge wastewater associated with airfield pavement deicing that contains urea commingled with stormwater | Part 449 | See Part 11.S.9 |

## 4.4 Plan Approval for Nondomestic Wastewater Treatment Works.

For all new facilities operators who construct, install or operate any part of a nondomestic wastewater treatment works shall submit a copy of the engineering plans to DEC for review at the address in Part 9.6, and pay an engineering plan review fee (see 18 AAC 72.600 and 18 AAC 72.955). Engineering plan approval must be obtained from DEC prior to construction. Nondomestic wastewater includes storm water runoff. All permanent storm water treatment devices shall receive engineering plan approval per 18 AAC 72.600. (For the purposes of Part 4.4 "permanent storm water treatment device" means a treatment device with a design life longer than two years.)

## 4.5 Projects near a Public Water System (PWS)

4.5.1 Where the project intersects a PWS drinking water protection area (DWPA) (see Part 5.2.3.3), notify the PWS contact. PWS contact information can be obtained using the online application, Drinking Water Watch, http://dec.alaska.gov:8080/DWW by entering the appropriate 6-digit PWS ID (e.g., 225025).

4.5.2 Within the identified DWPA, restrict project activities that could significantly change the natural surface water drainage or groundwater gradient.

4.5.3 Immediately notify the nearby PWS of any identified potential contamination, such as spills or excess erosion.

# 5. Storm Water Pollution Prevention Plan (SWPPP).

A permittee must prepare a SWPPP for their facility before submitting their Notice of Intent (NOI) for permit coverage. If a permittee prepared a SWPPP for coverage under a previous APDES permit, the permittee must review and update the SWPPP to implement all provisions of this permit prior to submitting their NOI. The SWPPP does not contain effluent limitations; the limitations are contained in Part 4 of the permit, and for some sectors, Parts 11 of the permit. The SWPPP is intended to document the selection, design, and installation of control measures. As distinct from the SWPPP, the additional documentation requirements (see Part 5.8) are intended to document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

## 5.1 Storm Water Pollution Prevention Plan (SWPPP).

For coverage under this permit, the SWPPP must contain all of the following elements:

5.1.1 Storm water pollution prevention team (see Part 5.2.2);

5.1.2 Site description (see Part 5.2.3);

5.1.3 Summary of potential pollutant sources (see Part 5.2.4);

5.1.4 Description of control measures (see Part 5.2.5);

5.1.5 Schedules and procedures (see Part 5.2.6); and

5.1.6 Signature requirements (see Part 5.2.7).

Where the SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan or an Environmental Management System (EMS) developed for a National Environmental Performance Track facility, copies of the relevant portions of those documents must be kept with the SWPPP.

## 5.2 Contents of the SWPPP.

5.2.1 **Permittee.**
Identify the permittee for the facility.

5.2.2 **Storm Water Pollution Prevention Team**.
Identify the staff members (by name or title) that comprise the facility's storm water pollution prevention team as well as their individual responsibilities. The storm water pollution prevention team is responsible for assisting the facility manager in developing and revising the facility's SWPPP as well as maintaining control measures and taking corrective actions where required. Each member of the storm water pollution prevention team must have ready

access to either an electronic or paper copy of applicable portions of this permit and the SWPPP.

5.2.3 **Site Description**.
The SWPPP must include the following:

5.2.3.1 **Activities at the Facility**. Provide a description of the nature of the industrial activities at the facility.

5.2.3.2 **General location map**. Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of the facility and all receiving waters for the storm water discharges.

5.2.3.3 **Site map**. Provide a map showing:

- the size of the property in acres;
- the boundaries of the facility or activity;
- the location and extent of significant structures and impervious surfaces;
- directions of storm water flow (use arrows);
- locations of all existing structural control measures;
- locations of all receiving waters (including wetlands) in the immediate vicinity of the permittees facility, indicating if any of the waters are impaired and, if so, whether the waters have TMDLs established for them;
- locations of all storm water conveyances including ditches, pipes, and swales;
- locations of potential pollutant sources identified under Part 5.2.4.2;
- locations where significant spills or leaks identified under Part 5.2.4.3 have occurred;
- locations of all storm water monitoring points;
- locations of storm water inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 1, No. 2, etc), indicating if permittees are treating one or more outfalls as "substantially identical" under Parts 6.2.3, 5.2.6.2, and 7.1.1, and an approximate outline of the areas draining to each outfall;
- areas of designated critical habitat for endangered or threatened species located within 2,000 feet, if applicable;
- municipal separate storm sewer systems, where the facilities storm water discharges to them;
- locations and descriptions of all non-storm water discharges identified under Part 4.2.10;
- Location of existing public water system (PWS) drinking water protection areas (DWPA) for PWS sources (e.g. springs, wells, or surface water intakes) that intersect the boundary of the proposed project/permit area. The DWPAs can be found using the

interactive web map application, "*Alaska DEC Drinking Water Protection Areas*", located at http://dec.alaska.gov/das/GIS/apps.htm ;

- locations of the following activities where such activities are exposed to precipitation:
  - fueling stations;
  - vehicle and equipment maintenance and/or cleaning areas;
  - loading/unloading areas;
  - locations used for the treatment, storage, or disposal of wastes;
  - liquid storage tanks;
  - processing and storage areas;
  - immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
  - transfer areas for substances in bulk; and
  - machinery; and
- locations and sources of run-on to the facility from adjacent property that contains significant quantities of pollutants.

5.2.4 **Summary of Potential Pollutant Sources**.

A permittee must document areas at their facility where industrial materials or activities are exposed to storm water and from which allowable non-storm water discharges are released. Industrial materials or activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each area identified, the description must include:

***5.2.4.1 Activities in the Area.*** A list of the industrial activities exposed to storm water (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).

***5.2.4.2 Pollutants.*** A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity, which could be exposed to rainfall or snowmelt and could be discharged from the facility. The pollutant list must include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to storm water in the three years prior to the date the permittee prepared or amended the SWPPP.

5.2.4.3 ***Spills and Leaks.*** A permittee must document where potential spills and leaks could occur that could contribute pollutants to storm water discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. The permittee must document all significant spills and leaks[5] of oil or toxic or hazardous pollutants that occurred in the three years prior to the date the permittee prepared the SWPPP for this permit term. Specifically, include spills or leaks that occurred in areas exposed to storm water or that drained to a storm water conveyance. The spill or leak history must be maintained in the SWPPP throughout this permit term. The permit term goes from the permit effective date to the permit expiration date.

5.2.4.4 ***Non-Storm Water Discharges.*** A permittee must document that they have evaluated for the presence of non-storm water discharges and that all unauthorized discharges have been eliminated. Documentation of the evaluation must include:

- The date of any evaluation;
- A description of the evaluation criteria used;
- A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
- The different types of non-storm water discharge(s) and source locations; and
- The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an APDES permit application was submitted for an unauthorized cooling water discharge.

5.2.4.5 ***Salt Storage***. A permittee must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

5.2.4.6 ***Sampling Data***. A permittee must summarize all storm water discharge sampling data collected at their facility during the previous permit term. The summary shall include a narrative description (and may include data tables/figures) that adequately summarizes the collected sampling data to support identification of potential pollution sources at the facility.

[5] Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117, 40 CFR 302, Alaska Statute 46.04 and Section 18 AAC Chapter 75 (i.e. 18 AAC 75.300) relating to spills or other releases of oils or hazardous substances. (See 4.2.4)

5.2.5 **Description of Control Measures**.

5.2.5.1 ***Control Measures to Meet Technology-Based and Water Quality-Based Effluent Limits***. A permittee must document the location and type of control measures installed and implemented at the facility to achieve the non-numeric effluent limits in Part 4.2, and where applicable in Part 11, the effluent limitations guidelines-based limits in Part 4.3, the water quality-based effluent limits in Part 3.2, and describe how the permittee addressed the control measure selection and design considerations in Part 4.1. This documentation must describe how the control measures at the facility address both the pollutant sources identified in Part 5.2.4, and any storm water run-on that commingles with any discharges covered under this permit.

5.2.6 **Schedules and Procedures.**

5.2.6.1 ***Pertaining to Control Measures Used to Comply with the Effluent Limits in Part 4***. The following must be documented in the SWPPP:

- *Good Housekeeping* (See Part 4.2.2) – A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers;

- *Maintenance* (See Part 4.2.3) – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line. The SWPPP shall include the schedule or frequency for maintaining all control measures used to comply with the effluent limits in Part 4;

- *Spill Prevention and Response Procedures* (See Part 4.2.4) – Procedures for preventing and responding to spills and leaks. The permittee may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by an APDES permit for the facility, provided that the permittee keeps a copy of that other plan onsite and makes it available for review consistent with Part 5.7; and

- *Employee Training* (Part 4.2.9) – The elements of the employee training plan shall include, but not be limited to, the requirements set forth in Part 4.2.9 and also the following:

    - The content of the training to include site, facility and sector-specifc details;

- The frequency/schedule of training for employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit; and
- A log of the dates on which specific employees received training (to be maintained in the SWPPP)

5.2.6.2 ***Pertaining to Monitoring and Inspection***. A permittee must document in the SWPPP procedures for conducting the four types of analytical monitoring specified by this permit, where applicable to the facility, including:

- Benchmark monitoring (see Part 7.2.1);
- Effluent limitations guidelines monitoring (see Part 7.2.2);
- Impaired waters monitoring (see Part 7.2.3); and
- Other monitoring as required by DEC (see Part 7.2.4).

For each type of monitoring, the SWPPP must document:

- Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- Parameters for sampling and the frequency of sampling for each parameter;
- Schedules for monitoring at the facility, including schedule for alternate monitoring periods for climates with irregular storm water runoff (see Part 7.1.6);
- Any numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges from each outfall; and
- Procedures (e.g., responsible staff, logistics, laboratory to be used, etc.) for gathering storm event data, as specified in Part 7.1.
- If a permittee is invoking the exception for inactive and unstaffed sites for benchmark monitoring, the permittee must include in the SWPPP the information to support this claim as required by Part 7.2.1.6.

A permittee must document the following in the SWPPP if they plan to use the substantially identical outfall exception for quarterly visual assessment requirements in Part 6.2 or benchmark monitoring requirements in Part 7.2.1:

- Location of each of the substantially identical outfalls;
- Description of the general industrial activities conducted in the drainage area of each outfall;
- Description of the control measures implemented in the drainage area of each outfall;
- Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to storm water discharges;
- An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%); and
- Why the outfalls are expected to discharge substantially identical effluents.

A permittee must document in the SWPPP their procedures for performing, as appropriate, the three types of inspections specified by this permit, including:

- Routine facility inspections (see Part 6.1);
- Quarterly visual assessment of storm water discharges (see Part 6.2); and
- Comprehensive site inspections (see Part 6.3).

For each type of inspection performed, the SWPPP must identify:

- Person(s) or positions of person(s) responsible for inspection;
- Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular storm water runoff discharges (see Part 6.2.3); and
- Specific items to be covered by the inspection, including schedules for specific outfalls.

If the permittee is invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, the permittee must include in the SWPPP the information to support this claim as required by Parts 6.1.3and 6.2.3.

5.2.7 **Signature Requirements.**

A permittee must sign and date the SWPPP in accordance with Appendix A, Subsection 1.12, including the date of signature.

## 5.3 Inspections.

5.3.1 The SWPPP must document the procedures for performing facility inspections specified by this permit in Part 6, and where necessary, taking corrective actions, in accordance with Part 8. At a minimum the SWPPP must document the following:

5.3.1.1 Person(s) or position of person(s) responsible for conducting facility inspections;

5.3.1.2 Schedules to be followed for conducting inspections;

5.3.1.3 Any inspection checklist or form that will be used; and

5.3.1.4 How conditions that require corrective action will be addressed.

5.3.2 A record of each inspection and of any corrective actions taken in accordance with Parts 6 and 8 must be retained with the SWPPP for at least three (3) years from the date permit coverage expires or is terminated.

5.3.3 If a permittee is invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, the permittee must include in the SWPPP the information to support this claim as required by Parts 6.1.3 and 6.2.3.

## 5.4 Monitoring.

5.4.1 The SWPPP must document the procedures for performing facility monitoring specified by this permit in Part 7, and where necessary, taking corrective actions, in accordance with Part 8. At a minimum, the SWPPP must document the following:

5.4.1.1 Person(s) or position of person(s) responsible for conducting facility monitoring;

5.4.1.2 Schedules to be followed for conducting monitoring;

5.4.1.3 Any monitoring checklist or form that will be used; and

5.4.1.4 How conditions that require corrective action will be addressed.

5.4.2 A record of each monitoring event and of any corrective actions taken in accordance with Parts 7 and 8 must be retained with the SWPPP for at least three (3) years from the date permit coverage expires or is terminated.

## 5.5 Documentation of Permit Eligibility Related to a Total Maximum Daily Load.

The SWPPP must include documentation supporting determination of permit eligibility with regards to waters that have an EPA-established or approved TMDL. See Part 3.2.2 for additional information to determine permit eligibility related to a TMDL. The SWPPP must include the following:

5.5.1 Identification of whether the discharge is identified, either specifically or generally, in an EPA – established or approved TMDL and any associated allocations, requirements, and assumptions identified for the discharge;

5.5.2 Summaries of consultation with state or federal TMDL authorities on consistency of SWPPP conditions with the approved TMDL; and

5.5.3 Measures taken by the permittee to ensure that the discharge of pollutants from the facility is consistent with the assumptions and requirements of the EPA – established or approved TMDL, including any specific wasteload or load allocation that has been established that would apply to the discharge.

## 5.6 Maintaining and Updated SWPPP.

5.6.1 A permittee must modify the SWPPP whenever necessary to address any of the triggering conditions for corrective action in Part 8.1 and to ensure that they do not reoccur, or to reflect changes implemented when a review following the triggering conditions in Part 8.2 indicates that changes to the control measures are necessary to meet the effluent limits in this permit. Changes to the SWPPP document must be made in accordance with the corrective action deadlines in Parts 8.3 and 8.4, and must be signed and dated in accordance with Appendix A, Subsection 1.12.

5.6.2 A permittee must modify the SWPPP if inspections or investigations by facility staff or by state, federal, local or tribal officials determine that SWPPP modifications are necessary for compliance with this permit.

5.6.3 A permittee must modify the SWPPP to reflect any revisions to applicable state, federal, local or tribal law or regulations that affect the control measures implemented at the facility.

5.6.4 A permittee must keep a log showing dates, name of person authorizing the change, and a brief summary of changes for all significant SWPPP modifications (e.g. adding a new control measure, changes in facility layout or design, or significant storm events that cause for replacement of control measures).

5.6.5 A permittee must amend the SWPPP within thirty (30) calendar days whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the U.S., or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified in the SWPPP, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. The SWPPP must be updated at least annually.

## 5.7 SWPPP Availability.

A permittee must retain a copy of the current complete SWPPP required by this permit at the facility, and it must be immediately available to DEC or EPA at the time of an onsite inspection or upon request. If the facility is inactive the SWPPP must be retained at a readily available location or the office of the operator. DEC may provide access to portions of the SWPPP to a member of the public upon request. Confidential Business Information (CBI) may be withheld from the public, but may not be withheld from those staff cleared for CBI review within DEC, EPA, USFWS, or NMFS.

DEC encourages permittees to post their SWPPP online and provide the website address on the NOI (the SWPPP does not need to be reposted on the internet each time it is updated).

## 5.8 Additional Documentation Requirements.

A permittee is required to keep up-to-date copies of the following inspection, monitoring, corrective action, additional documentation, and certification records with the SWPPP:

5.8.1 A copy of the NOI submitted to DEC along with any correspondence exchanged between the permittee and DEC specific to coverage under this permit;

5.8.2 A copy of the acknowledgment letter the permittee receives from DEC or eNOI system assigning the permittees permit tracking number;

5.8.3 A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);

5.8.4 Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to waters of the U.S., through storm water or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases (see Part 4.2.4);

5.8.5 Records of employee training, including date training received (see Part 4.2.9);

5.8.6 Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part 4.2.3);

5.8.7 Log of SWPPP modifications;

5.8.8 All inspection reports, including the Routine Facility Inspection Reports (see Part 6.1), the Quarterly Visual Assessment Reports (see Part 6.2), and the Comprehensive Site Inspection Reports (see Part 6.3);

5.8.9 Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of discharge from a measurable storm event) (see Parts 6.2.1, 7.1.4, and 7.2.1.2);

5.8.10 Description of any corrective action taken at the permittees site shall be listed in a corrective action log, including triggering event and dates when problems were discovered and modifications occurred (see Part 8.4);

5.8.11 Documentation of any benchmark exceedances and how they were responded to, including either (1) corrective action taken, (2) a finding that the exceedence was due to natural background pollutant levels, or (3) a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice consistent with Part 7.2.1.2;

5.8.12 Documentation of any effluent limitation exceedances and how they were responded to, including any corrective action;

5.8.13 Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if the permittee discharges directly to impaired waters, and that such pollutants were not detected in their discharge or were solely attributable to natural background sources (see Part 7.2.3.2); and

5.8.14 Documentation to support the permittees claim that the permittees facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections (see Part 6.1.3), quarterly visual assessments (see Part 6.2.3), and/or benchmark monitoring (see Part 7.2.1.6).

# 6. Inspections.

A permittee must conduct the inspections in Parts 6.1, 6.2, and 6.3 at their facility.

## 6.1 Routine Facility Inspections.

6.1.1 **Routine Facility Inspection Procedures**.
During normal facility operating hours, the permittee must conduct inspections of areas of the facility covered by the requirements in this permit, including the following:

- Areas where industrial materials or activities are exposed to storm water.
- Areas identified in the SWPPP and those that are potential pollutant sources (see Part 5.1.3).
- Areas where spills and leaks have occurred in the past 3 years.
- Discharge points.
- Control measures used to comply with the effluent limits contained in this permit.

Inspections must be conducted at least quarterly (i.e., once each permit quarter), or in some instances more frequently (e.g., monthlyfor facilities that operate seasonally), as appropriate. Increased frequency may be appropriate for some types of equipment, processes, and stormwater control measures, or areas of the facility with significant activities and materials exposed to stormwater. At least one of the routine inspections must be conducted during a period when a stormwater discharge is occurring (in arid areas of the state this requirement is to be met as practicable). The permittee must specify the relevant inspection schedules in their SWPPP document as required in Part 5.2.6.

Inspections must be performed by qualified personnel (as defined in Appendix C) with at least one member of the permittee's stormwater pollution prevention team participating. Inspector(s) must consider the results of visual and analytical monitoring (if any) for the past year when planning and conducting inspections.

During the inspection the inspectors must examine or look out for the following:

- Industrial materials, residue or trash that may have or could come into contact with stormwater.
- Leaks or spills from industrial equipment, drums, tanks, and other containers.
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site.
- Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas.
- Control measures needing replacement, maintenance, or repair.

During an inspection occurring during a stormwater discharge, control measures implemented to comply with effluent limits must be observed to ensure they are functioning correctly. Discharge points must also be observed during this inspection. If such discharge locations are inaccessible, nearby downstream locations must be inspected.

6.1.2 **Routine Facility Inspection Documentation**.

A permittee must document the findings of each routine facility inspection performed and maintain this documentation onsite with the SWPPP as required in Part 5.8. The permittee is not required to submit their routine facility inspection findings to DEC, unless specifically requested to do so. At a minimum, the permittees documentation of each routine facility inspection must include:

- The inspection date and time;
- The name(s) and signature(s) of the inspector(s);
- Weather information;
- All observations relating to the implementation of control measures at the facility, including:
    - A description of any discharges occurring at the time of the inspection;

- Any previously unidentified discharges of pollutants from the site;
- Any evidence of, or the potential for, pollutants entering the drainage system;
- Observations regarding the physical condition of and around all outfalls including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water;
- Any control measures needing maintenance, repairs; or replacement;

- Any additional control measures needed to comply with the permit requirements; and
- Any incidents of noncompliance observed.

The inspection report must be signed and certified in accordance with Appendix A, Subsection 1.12 of the permit.

Any corrective action required as a result of a routine facility inspection must be performed consistent with Part 8 of this permit.

6.1.3 **Exceptions to Routine Facility Inspections**.

**Inactive and Unstaffed Sites**: The requirement to conduct routine facility inspections on a quarterly basis does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. Such a facility is only required to conduct an annual comprehensive site inspection in accordance with the requirements of Part 6.3. To invoke this exception, the permittee must maintain a statement in the SWPPP pursuant to Part 5.2.6.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Appendix A, Subsection 1.12. If circumstances change and industrial materials or activities become exposed to storm water or the facility becomes active and/or staffed, this exception no longer applies and the permittee must immediately resume quarterly facility inspections. If the permittee is not qualified for this exception at the time of authorization under this permit, but during the permit term becomes qualified because their facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then the permittee must include the same signed and certified statement as above and retain it with the facility records pursuant to Part 5.8.

Inactive and unstaffed facilities or those undergoing winter shutdown covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the “no industrial materials or activities exposed to storm water” standard to be eligible for this exception from routine inspections, consistent with the requirements established in Parts 11.G.8.4, 11.H.8.1, and 11.J.8.1.

## 6.2 Quarterly Visual Assessment of Storm Water Discharges.

6.2.1 **Quarterly Visual Assessment Procedures**.

Once each calendar quarter for the entire permit term, the permittee must collect a storm water sample from each outfall (except as noted in Part 6.2.3) and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with 40 CFR Part 136 procedures but should be collected in such a manner that the samples are representative of the storm water discharge. If no discharge occurs during the quarterly visual assessment period, the permittee must still report no discharge for this monitoring period and follow the requirements of Part 7.1.6.

The visual assessment must be made:

- Of a sample in a clean, clear glass, or plastic container, and examined in a well-lit area;
- On samples collected within the first 30 minutes of an actual discharge from a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes. The permittee must document in the SWPPP why it was not possible to take samples within the first 30 minutes and document in the SWPPP their alternative method/order for collecting samples. In the case of snowmelt, samples must be taken during a period with a measurable discharge from the permittees site; and
- For storm events, on discharges that occur at least 72 hours (3 days) from the previous discharge. The 72-hour (3-day) storm interval does not apply if the permittee documents that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period.

A permittee must visually inspect the sample for the following water quality characteristics:

- Color;
- Odor;
- Clarity (dimished);
- Floating solids;
- Settled solids;
- Suspended solids;
- Foam;
- Oil sheen; and
- Other obvious indicators of storm water pollution.

6.2.2 **Quarterly Visual Assessment Documentation**.

A permittee must document the results of their visual assessments and maintain this documentation onsite with the SWPPP as required in Part 6.2.3. The permittee is not required

to submit their visual assessment findings to DEC, unless specifically requested to do so. At a minimum, the permittees documentation of the visual assessment must include:

- Sample location(s)
- Sample collection date and time, and visual assessment date and time for each sample;
- Personnel collecting the sample and performing visual assessment, and their signatures;
- Nature of the discharge (i.e., runoff or snowmelt);
- Results of observations of the storm water discharge;
- Photographs or sample and sample location;
- Probable sources of any observed storm water contamination, and
- If applicable, why it was not possible to take samples within the first 30 minutes.
- Quarterly Visual Assessment Documentation must be signed and certified in accordance with Appendix A, Subsection 1.12 of the permit.

Any corrective action required as a result of a quarterly visual assessment must be performed consistent with Part 8 of this permit.

6.2.3 **Exceptions to Quarterly Visual Assessments**.

*Adverse Weather Conditions*: When adverse weather conditions prevent the collection of samples during the quarter, the permittee must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with the SWPPP records as described in Part 5.8. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions.

*Climates with Irregular Storm Water Runoff*: If the facility is located in an area where limited rainfall occurs during many parts of the year (e.g., arid or semi-arid climate) or in an area where freezing conditions exist that prevent runoff from occurring for extended periods, then the samples for the quarterly visual assessments may be distributed during seasons when precipitation runoff occurs. (See Part 7.1.6)

*Areas Subject to Snow*: In areas subject to snow, at least one quarterly visual assessment must capture snowmelt discharge, as described in Part 7.1.3, taking into account the exception described above for climates with irregular storm water runoff.

*Inactive and Unstaffed Sites*: The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. To invoke this exception, the permittee must maintain a statement in the SWPPP as required in Part 5.2.6.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must

be signed and certified in accordance with Appendix A, Subsection 1.12. If circumstances change and industrial materials or activities become exposed to storm water or the facility becomes active and/or staffed, this exception no longer applies and the permittee must immediately resume quarterly visual assessments. If the permittee is not qualified for this exception at the time they are authorized under this permit, but during the permit term they become qualified because their facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then the permittee must include the same signed and certified statement as above and retain it with their records pursuant to Part 5.8.

Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the "no industrial materials or activities exposed to storm water" standard to be eligible for this exception from quarterly visual assessment, consistent with the requirements established in Parts 11.G.8.4, 11.H.8.1, and 11.J.8.1.

*Substantially Identical Outfalls*: If a permittees facility has two or more outfalls that discharge substantially identical effluents, as documented in Part 5.2.6.2, the permittee may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that the permittee performs visual assessments on a rotating basis of each substantially identical outfall throughout the period of coverage under this permit.

If storm water contamination is identified through visual assessment performed at a substantially identical outfall, the permittee must assess and modify their control measures as appropriate for each outfall represented by the monitored outfall.

## 6.3 Comprehensive Site Inspections.

6.3.1 **Comprehensive Site Inspection Procedures**.

A permittee must conduct annual comprehensive site inspections while covered under this permit. Annual, as defined in this Part, means once during each of the following inspection periods beginning with the period the permittee is authorized to discharge under this permit:

| | | | |
|---|---|---|---|
| Year 1: | Permit Effective Date | – | December 31, 2020 |
| Year 2: | January 1, 2021 | – | December 31, 2021 |
| Year 3: | January 1, 2022 | – | December 31, 2022 |
| Year 4: | January 1, 2023 | – | December 31, 2023 |
| Year 5: | January 1, 2024 | – | December 31, 2024 |

A permittee is waived from having to perform a comprehensive site inspection for an inspection period, as defined above, if authorization to discharge is obtained less than three months before the end of that inspection period.

Should a permittees coverage be administratively continued after the expiration date of this permit, the permittee must continue to perform these inspections annually until they are no longer covered.

Comprehensive site inspections must be conducted by qualified personnel with at least one member of the storm water pollution prevention team participating in the comprehensive site inspections.

The comprehensive site inspections must cover all areas of the facility affected by the requirements in this permit, including the areas identified in the SWPPP as potential pollutant sources (see Part 5.2.4) where industrial materials or activities are exposed to storm water, any areas where control measures are used to comply with the effluent limits in Part 3, and areas where spills and leaks have occurred in the past 3 years. If the permittee has documented in the SWPPP that some industrial sector sites within the facility have no exposure to storm water the comprehensive site inspection should include those sector areas as well to verify no exposure still exists. The inspections must also include a review of monitoring data collected in accordance with Part 7.2. Inspectors must use the results of the past year's visual and analytical monitoring when planning and conducting inspections. Inspectors must examine the following:

- Industrial materials, residue, or trash that may have or could come into contact with storm water;
- Leaks or spills from industrial equipment, drums, tanks, and other containers;
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
- Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; and
- Control measures needing replacement, maintenance, or repair.

Storm water control measures required by this permit must be observed to ensure that they are functioning correctly. If discharge locations are inaccessible, nearby downstream locations must be inspected.

The annual comprehensive site inspection may also be used as one of the routine inspections, as long as all components of both types of inspections are included.

6.3.2 **Comprehensive Site Inspection Documentation**.

A permittee must document the findings of each comprehensive site inspection and maintain this documentation onsite with the SWPPP as required in Part 5.8. In addition, the permittee must submit this documentation in an annual report as required in Part 9.2. At a minimum, the

permittees documentation of the comprehensive site inspection must include (see the Annual Reporting Form included in Appendix F):

- The date of the inspection;
- The name(s) and title(s) of the personnel making the inspection;
- Findings from the examination of areas of the facility identified in Part 6.3.1 including inspections of the individual industrial sectors within a facility under a single permit which have been noted as having no exposure in the SWPPP;
- All observations relating to the implementation of the permittees control measures including:
    - previously unidentified discharges from the site,
    - previously unidentified pollutants in existing discharges,
    - evidence of, or the potential for, pollutants entering the drainage system;
    - evidence of pollutants discharging to receiving waters at all facility outfall(s), and the condition of and around the outfall, including flow dissipation measures to prevent scouring, and
    - additional control measures needed to address any conditions requiring corrective action identified during the inspection.
- Any required revisions to the SWPPP resulting from the inspection;
- Any incidents of noncompliance observed or a certification stating the facility is in compliance with this permit (if there is no noncompliance); and
- A statement, signed and certified in accordance with Appendix A, Subsection 1.12 of the permit.

Any corrective action required as a result of the comprehensive site inspection must be performed consistent with Part 8 of this permit.

## 7. Monitoring.

A permittee must collect and analyze storm water samples and document monitoring activities consistent with the procedures described in Part 7 and Appendix A, Subsections 3.0, and any additional sector-specific requirements in Part 11. Refer to Part 9 for reporting and recordkeeping requirements.

## 7.1 Monitoring Procedures.

7.1.1 **Monitored Outfalls**.

Applicable monitoring requirements apply to each outfall authorized by this permit, except as otherwise exempt from monitoring as a "substantially identical outfall." If the permittees facility has two or more outfalls that they believe discharge substantially identical effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to storm water, and runoff coefficients of their drainage areas, they may monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s). As required in Part 5.2.6.2, the SWPPP must identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations. The allowance for monitoring only one of the substantially identical outfalls is not applicable to any outfalls with numeric effluent limitations. The permittee is required to monitor each outfall covered by a numeric effluent limit as identified in Part 7.2.2.

7.1.2 **Commingled Discharges**.

If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams.

7.1.3 **Measurable Storm Events**.

All required monitoring must be performed on a storm event that results in an actual discharge from the facility ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (three days). The 72-hour (three-day) storm interval does not apply if the permittee is able to document that less than a 72-hour (three-day) interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at the facility.

For each monitoring event, except snowmelt monitoring, the permittee must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event. For snowmelt monitoring, the permittee must identify the date of the sampling event.

7.1.4 **Sample Type**.

A permittee must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part 7.1.3. Samples must be collected within the first 30 minutes of a discharge produced from a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge.

7.1.5 **Adverse Weather Conditions**.
When adverse weather conditions as described in Part 6.2.3 prevent the collection of samples according to the relevant monitoring schedule, the permittee must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt a permittee from having to file a benchmark monitoring report in accordance with their sampling schedule. The permittee must report any failure to monitor as specified in Part 9.1 indicating the basis for not sampling during the usual reporting period.

7.1.6 **Climates with Irregular Storm Water Runoff**.
If a permittees facility is located in areas where limited rainfall occurs during parts of the year (e.g., arid or semi-arid climates) or in areas where freezing conditions exist that prevent runoff from occurring for extended periods, required monitoring events may be distributed during seasons when precipitation occurs, or when snowmelt results in a measurable discharge from the facility. The permittee must still collect the required number of samples.

7.1.7 **Monitoring Periods**.
Monitoring requirements in this permit begin in the first full quarter following either April 1, 2020 or the permittees date of discharge authorization, whichever date comes later. If the permittees monitoring is required on a quarterly basis (e.g., benchmark monitoring), the permittee must monitor at least once in each of the following three-month intervals:

- **Quarter 1**: January 1 - March 31;
- **Quarter 2**: April 1 – June 30;
- **Quarter 3**: July 1 – September 30;
- **Quarter 4**: October 1 – December 31.

For example, if permit coverage was obtained on June 2, 2020, then the permittees first monitoring quarter is July 1 - September 30, 2020. This monitoring schedule may be modified in accordance with Part 7.1.6 if the revised schedule is documented with the SWPPP and provided to DEC with the first monitoring report.

7.1.8 **Monitoring for Allowable Non-Storm Water Discharges.**
The permittee is only required to monitor allowable non-storm water discharges (as delineated in Part 1.2.3) when they are commingled with storm water discharges associated with industrial activity.

## 7.2 Required Monitoring.

This permit includes four types of required analytical monitoring, one or more of which may apply to the permittees discharge:

- Quarterly benchmark monitoring (see Part 7.2.1)
- Annual effluent limitations guidelines monitoring (see Part 7.2.2);
- Impaired waters monitoring (see Part 7.2.3); and

- Other monitoring as required by DEC (see Part 7.2.4).

When more than one type of monitoring for the same parameter at the same outfall applies (e.g., total suspended solids once per year for an effluent limit and once per quarter for benchmark monitoring at a given outfall), the permittee may use a single sample to satisfy both monitoring requirements (i.e., one sample satisfying both the annual effluent limit sample and one of the four quarterly benchmark monitoring samples).

All required monitoring must be conducted in accordance with the procedures described in Appendix A, Subsection 3.0.

7.2.1 **Benchmark Monitoring**.

This permit stipulates pollutant benchmark concentrations that may be applicable to certain sectors / subsectors. Benchmark monitoring data are primarily for the permittees use to determine the overall effectiveness of the permittees control measures and to assist the permittee in knowing when additional corrective action(s) may be necessary to comply with the effluent limitations in Part 4.

The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. However, if corrective action is required as a result of a benchmark exceedance, failure to conduct required corrective action is a permit violation.

At the permittee's discretion, more than four samples may be taken during separate runoff events and used to determine the average benchmark parameter concentration for facility discharges. These extra samples may be taken in any quarter of the permittees' choice.

7.2.1.1 ***Applicability of Benchmark Monitoring***. A permittee must monitor for any benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to the permittees discharge. The industry-specific benchmark concentrations are listed in the sector-specific sections of Part 11. If the facility is in one of the industrial sectors subject to benchmark concentrations that are hardness-dependent, the permittee is required to submit to DEC with their first benchmark report a hardness value, established consistent with the procedures in Appendix E, which is representative of the receiving water.

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which the permittee is required to sample.

7.2.1.2 ***Benchmark Monitoring Schedule***. Benchmark monitoring must be conducted quarterly, as identified in Part 7.1.7, for the permittees first four full consecutive quarters of permit coverage commencing no earlier than April 1, 2020. Facilities in climates with irregular storm water runoff, as described in Part 7.1.6, may modify this quarterly schedule provided that this revised schedule is reported to DEC when the first benchmark sample is collected and reported, and that this revised schedule is kept with the facility's SWPPP

as specified in Part 5.2.6. When conditions prevent the obtaining of four samples in four consecutive quarters, continue monitoring until achieving the four samples required for calculating the benchmark monitoring average.

7.2.1.3 ***Data Not Exceeding Benchmarks.*** After collection of four quarterly samples, if the average of the four monitoring values for any parameter does not exceed the benchmark, the permittee has fulfilled their monitoring requirements for that parameter for the permit term. For averaging purposes, use a value of zero for any individual sample parameter, analyzed using procedures consistent with Part 7.2.1.1, which is determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit.

7.2.1.4 ***Data Exceeding Benchmarks.*** After collection of four quarterly samples, if the average of the four monitoring values for any parameter exceeds the benchmark, the permittee must, in accordance with Part 8.2, review the selection, design, installation, and implementation of their control measures to determine if modifications are necessary to meet the benchmarks in this permit, and either:

- Make the necessary modifications and continue quarterly monitoring until the permittee has completed four additional quarters of monitoring for which the average does not exceed the benchmark; or

- Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations in Part 3 of this permit, in which case the permittee must continue monitoring once per year. The permittee must also document their rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with their SWPPP. The permittee must also notify DEC of this determination in their next benchmark monitoring report.

In accordance with Part 8.2, the permittee must review its control measures and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full four quarters of monitoring data, if an exceedance of the four quarter average is mathematically certain. If after modifying the permittees control measures and conducting four additional quarters of monitoring, their average still exceeds the benchmark (or if an exceedance of the benchmark by the four quarter average is mathematically certain prior to conducting the full four additional quarters of monitoring), the permittee must again review its control measures and take one of the two actions above.

7.2.1.5 ***Natural Background Pollutant Levels.*** Following the first four quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than four quarters of data, see above), if the average concentration of a pollutant exceeds a benchmark value, and the permittee determines that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, the permittee is not required to perform corrective action or additional benchmark monitoring provided that:

- The average concentration of the permittees benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background;
- The permittee must document and maintain with the SWPPP, as required in Part 5.8, the supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. The permittee must include in their supporting rationale any data previously collected by the permittee or others (including literature studies) that describe the levels of natural background pollutants in their storm water discharge; and
- The permittee must notify DEC on their final quarterly benchmark monitoring report that the benchmark exceedances are attributable solely to natural background pollutant levels.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity at the facility, or pollutants in run-on from neighboring sources which are not naturally occurring.

7.2.1.6 ***Exception for Inactive and Unstaffed Sites[6]***. The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. To invoke this exception, the permittee must do the following:

- Maintain a statement onsite with the SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Appendix A, Subsection 1.12; and
- If circumstances change and industrial materials or activities become exposed to storm water or the facility becomes active and/or staffed, this exception no longer applies and the permittee must immediately begin complying with the applicable benchmark monitoring requirements under Part 7.2 as if they were in their first year of permit coverage. The permittee must indicate in their first benchmark

[6] This exception has different requirements for Sectors G, H, and J (see Part 11).

monitoring report that their facility has materials or activities exposed to storm water or has become active and/or staffed.

- If the permittee is not qualified for this exception at the time they are authorized under this permit, but during the permit term they become qualified because their facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then the permittee must notify DEC of this change in their next benchmark monitoring report. A permittee may discontinue benchmark monitoring once they have notified DEC, and prepared and signed the certification statement described above concerning their facility's qualification for this special exception.

7.2.2 **Effluent Limitations Monitoring**.

7.2.2.1 ***Monitoring Based on Effluent Limitations Guidelines***. Table 7-1 identifies the storm water discharges subject to effluent limitation guidelines that are authorized for coverage under this permit. Beginning in the first full quarter following April 1, 2020 or the permittees date of discharge authorization, whichever date comes later, the permittee must monitor once per year at each outfall containing the discharges identified in Table 7-1 for the parameters specified in the sector-specific section of Part 11.

**Table 7-1: Required Monitoring for Effluent Limits Based on Effluent Limitations Guidelines**

| Regulated Activity | Effluent Limit | Monitoring Frequency | Sample Type |
|---|---|---|---|
| Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas | See Part 11.A.7 | 1/year | Grab |
| Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874) | See Part 11.C.4 | 1/year | Grab |
| Runoff from asphalt emulsion facilities | See Part 11.D.4 | 1/year | Grab |
| Runoff from material storage piles at cement manufacturing facilities | See Part 11.E.5 | 1/year | Grab |
| Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities | See Part 11.J.9 | 1/year | Grab |
| Runoff from hazardous waste landfills | See Part 11.K.6 | 1/year | Grab |
| Runoff from non-hazardous waste landfills | See Part 11.L.10 | 1/year | Grab |
| Runoff from coal storage piles at steam electric generating facilities | See Part 11.O.8 | 1/year | Grab |
| Existing and new primary airports with 1,000 or more annual jet departures that discharge wastewater associated with airfield pavement deicing that contains urea commingled with stormwater | See Part 11.S.8 | 1/year | Grab |

7.2.2.2 ***Substantially Identical Outfalls***. A permittee must monitor each outfall discharging runoff from any regulated activity identified in Table 7-1. The substantially identical outfall monitoring provisions are not available for numeric effluent limits monitoring.

7.2.2.3 **Follow-up Actions if Discharge Exceeds Numeric Effluent Limit**. The permittee must follow-up monitoring within 30 calendar days (or during the next qualifying runoff event, should none occur within 30 days) of implementing corrective action(s) taken pursuant to Part 8 in response to exceedance of a numeric effluent limit contained in this permit. Monitoring must be performed for any pollutant(s) that exceeds the effluent limit. If this follow-up monitoring exceeds the applicable effluent limitation, you must:

- **Submit a Noncompliance Notification Form**: You must submit an Noncompliance Notification Form no later than 30 days after you have received the lab result; and
- **Continue to Monitor**: the permittee must monitor, at least quarterly, until the discharge is in compliance with the effluent limit or until DEC waives the requirement for additional monitoring.

7.2.3 **Discharges to Impaired Waters Monitoring**.

7.2.3.1 ***Permittees Required to Monitor Discharges to Impaired Waters***. If a permittee discharges to an impaired water, the permittee must monitor for all pollutants for which the waterbody is impaired and for which a standard analytical method exists (see 40 CFR Part 136).

If the pollutant for which the waterbody is impaired is suspended solids, turbidity or sediment/sedimentation, the permittee must monitor for Total Suspended Solids (TSS) and turbidity. If the pollutant for which the waterbody is impaired is expressed in the form of an indicator or surrogate pollutant, the permittee must monitor for that indicator or surrogate pollutant. No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or other pollutant.

7.2.3.2 ***Impaired Waters Monitoring Schedule***.

***Discharges to impaired waters without an EPA approved or established TMDL***:
Beginning in the first full calendar quarter following April 1, 2020 or the permittees date of discharge authorization, whichever date comes later, the permittee must monitor once per year at each outfall (except substantially identical outfalls) discharging storm water to impaired waters without an EPA approved or established TMDL. This monitoring requirement does not apply after one year if the pollutant for which the waterbody is impaired is not detected above natural background levels in their storm water discharge, and the permittee must document, as required in Part 5.8 (Additional Documentation Requirements), that this pollutant is not expected to be present above natural background levels in the permittees discharge.

If the pollutant for which the water is impaired is not present and not expected to be present in the permittee's discharge, or it is present but the permittee has determined that

its presence is caused solely by natural background sources, they should include a notification to this effect in their first monitoring report, after which they may discontinue annual monitoring. To support a determination that the pollutant's presence is caused solely by natural background sources, the permittee must keep the following documentation with their SWPPP records:

- An explanation of why the permittee believes that the presence of the pollutant causing the impairment in their discharge is not related to the activities at their facility; and

- Data and/or studies that tie the presence of the pollutant causing the impairment in their discharge to natural background sources in the watershed.

Natural background pollutants include those substances that are naturally occurring as a result of native soils, vegetation, wildlife, or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on the site, or pollutants in run-on from neighboring sources which are not naturally occurring.

***Discharges to impaired waters with an EPA approved or established TMDL WLA***: For storm water discharges to waters for which there is an EPA approved or established TMDL waste load allocation (WLA), the permittee is not required to monitor for the pollutant for which the TMDL was written unless DEC informs the permittee, upon examination of the applicable TMDL and/or WLA, that they are subject to such a requirement consistent with the assumptions of the applicable TMDL and/or WLA. DEC's notice will include specifications on which pollutant to monitor and the required monitoring frequency during the first year of permit coverage. Following the first year of monitoring:

- If the TMDL pollutant is not detected in any of the permittees first year samples, they may discontinue further sampling, unless the TMDL has specific instructions to the contrary, in which case the permittee must follow those instructions. The permittee must keep records of this finding onsite with their SWPPP.

- If the permittee detects the presence (above background levels) of the pollutant causing the impairment in their storm water discharge for any of the samples collected in the first year, the permittee must continue monitoring annually throughout the term of this permit, unless the TMDL specifies more frequent monitoring, in which case the permittee must follow the TMDL requirements.

7.2.4 **Additional Monitoring Required by DEC**.

DEC may notify the permittee of additional discharge monitoring requirements. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

# 8. Corrective Actions.

## 8.1 Conditions Requiring Review and Revision to Eliminate Problem.

If any of the following conditions occur, the permittee must review and revise the selection, design, installation, and implementation of their control measures to ensure that the condition is eliminated and will not be repeated in the future:

8.1.1 An unauthorized release or discharge (e.g., spill, leak, or discharge of non-storm water not authorized by this or another APDES permit) occurs at the permittees facility;

8.1.2 A discharge violates a numeric effluent limit;

8.1.3 The permittee becomes aware, or DEC determines, that the permittee's control measures are not stringent enough for the discharge to meet a WQS in the receiving water;

8.1.4 An inspection or evaluation of the permittees facility by an DEC or EPA official determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or

8.1.5 The permittee finds in their routine operation, facility inspection, quarterly visual assessment, or comprehensive site inspection that their control measures are not being properly installed, operated and maintained.

## 8.2 Conditions Requiring Review to Determine if Modifications Are Necessary.

If any of the following conditions occur, the permittee must review the selection, design, installation, and implementation of their control measures to determine if modifications are necessary to meet the effluent limits in this permit:

8.2.1 Construction or a change in design, operation, or maintenance at a permittees facility significantly changes the nature of pollutants discharged in storm water from their facility, or significantly increases the quantity of pollutants discharged; or

8.2.2 The average of four quarterly sampling results exceeds an applicable benchmark. If less than four benchmark samples have been taken, but the results are such that an exceedence of the four quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than four times the benchmark level) this is considered a benchmark exceedence, triggering this review.

## 8.3 Corrective Action Deadlines.

A permittee must document their discovery of any of the conditions listed in Parts 8.1 and 8.2 within 24 hours of making such discovery. Subsequently, the permittee must comply with Appendix A Part 3.4 to document any corrective action(s) to be taken to eliminate or further investigate the deficiency, or if no corrective action is needed, the basis for that determination. Specific documentation required is detailed in Part 8.4. If a permittee determines that changes are necessary following their review, any

modifications to their control measures must be made before the next storm event if possible, or as soon as practicable following that storm event. These time intervals are not grace periods, but are schedules considered reasonable for documenting a permittees findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements are not allowed to persist indefinitely.

## 8.4 Corrective Action Report.

8.4.1 Comply with Appendix A Part 3.4 upon discovery of any condition listed in Parts 8.1 and 8.2, the permittee must document the following information (i.e., questions 3-5 of the Corrective Actions section in the Annual Reporting Form, provided in Appendix F):

8.4.1.1 Identification of the condition triggering the need for corrective action review;

8.4.1.2 Description of the problem identified; and

8.4.1.3 Date the problem was identified.

8.4.2 Comply with Appendix A Part 3.4 upon discovery of any condition listed in Parts 8.1 and 8.2, the permittee must document the following information (i.e., questions 7-11 of the Corrective Actions section in the Annual Reporting Form, provided in Appendix F):

8.4.2.1 Summary of corrective action taken or to be taken (or, for triggering events identified in Part 8.2 where the permittee determines that corrective action is not necessary, the basis for this determination);

8.4.2.2 Notice of whether SWPPP modifications are required as a result of this discovery or corrective action;

8.4.2.3 Date corrective action initiated; and

8.4.2.4 Date corrective action completed or expected to be completed.

8.4.3 A permittee must submit this documentation in an annual report as required in Part 9.2 and retain a copy onsite with the SWPPP as required in Part 5.8.

## 8.5 Effect of Corrective Action.

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), it must be documented using the Noncompliance Notification Form (see http://dec.alaska.gov/water/compliance/permittee/). Furthermore, correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation.

## 8.6 Substantially Identical Outfalls.

If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, the permittees review must assess the need for corrective action for each outfall represented by

the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event.

# 9. Reporting and Recordkeeping.

## 9.1 Reporting Monitoring Data to DEC.

All monitoring data collected pursuant to Parts 7.2 must be submitted to DEC no later than the 15th day of the following month (email date or postmark date) after the permittee has received the complete laboratory results for all monitored outfalls for the reporting period. Paper reporting forms must be submitted by the deadline to the appropriate address identified in Part 9.6. DEC requires the use of the MSGP discharge monitoring report (MDMR) as provided in Appendix F.

For benchmark monitoring, note that the permittee is required to submit sampling results to DEC no later than the 15th day of the following month after receiving laboratory results for each quarter that are required to collect benchmark samples, in accordance with Part 7.2.1.2. If a permittee collects multiple samples in a single quarter (e.g., due to adverse weather conditions, climates with irregular storm water runoff, or areas subject to snow), they are required to submit all sampling results to DEC no later than the 15th day of the following month afterreceiving the laboratory results. If no discharge occurs during the benchmark monitoring period, the permittee must still report no discharge for this monitoring period.

## 9.2 Annual Report.

A permittee must submit an annual report to DEC that includes the findings from their Part 6.3 comprehensive site inspection and any corrective action documentation as required in Part 8.4. If corrective action is not yet completed at the time of submission of this annual report, the permittee must describe the status of any outstanding corrective action(s). In addition to the information required in Parts 8.4 (Corrective Action Report) and 6.3.2 (Comprehensive Site Inspection Documentation), the permittee must include the following information with their annual report:

- Facility name;
- APDES permit tracking number;
- Facility physical address; and
- Contact person name, title, and phone number.

DEC requires the permittee submit this report using the Annual Report provided as Appendix F. The Annual Report may be submited electronically through the DEC Online Application System (OASys) located at http://www.dec.alaska.gov/water/oasys/index.html. By February 15th of the year following the reporting year, the permittee must submit the annual report to DEC to the address identified in Part 9.6 or via OASys.

## 9.3 Noncompliance Notification for Numeric Effluent Limits.

If follow-up monitoring pursuant to Part 7.2.2.3 exceeds a numeric effluent limit, the permittee must submit a Noncompliance Notification Form (see http://dec.alaska.gov/water/compliance/permittee/) to DEC no later than the 15th day of the following month after they have received their lab results. The permittees report must include the following:

- APDES permit tracking number;
- Facility name, physical address and location;
- Name of receiving water;
- Monitoring data from this and the preceding monitoring event(s);
- An explanation of the situation; what the permittee has done and intend to do (should their corrective actions not yet be complete) to correct the violation; and
- An appropriate contact name and phone number.

## 9.4 Additional Reporting.

9.4.1 A permittee is subject to the standard permit reporting provisions of Appendix A, Subsection 3.0.

9.4.2 Where applicable, the permittee must submit, and DEC must receive, the following reports at the appropriate address in Part 9.6. If the facility discharges through an MS4, the permittee must also submit these reports to the MS4 operator (identified pursuant to Part 5.2.3).

9.4.2.1 24-hour reporting (see Appendix A, Subsection 3.4) - A permittee must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time the permittee becomes aware of the circumstances;

9.4.2.2 Five (5)-day follow-up reporting to the 24 hour reporting (see Appendix A, Subsection 3.4) - A written submission must also be provided within five days of the time the permittee becomes aware of the circumstances;

9.4.2.3 Reportable quantity spills (see Part 4.2.4) - A permittee must provide notification, as required under Part 4.2.4, as soon as they have knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity.

9.4.3 Where applicable, the permittee must submit, and DEC must receive, the following reports at the appropriate address in Part 9.6:

9.4.3.1 Planned changes (see Appendix A, Subsection 2.1) – A Permittee must give notice to DEC as soon as possible of any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;

9.4.3.2 Anticipated noncompliance (see Appendix A, Subsection 2.2) – A Permittee must give advance notice to DEC of any planned changes in the permitted facility or activity which they anticipate will result in noncompliance with permit requirements;

9.4.3.3 Transfer of ownership and/or operation – The new permittee must submit a complete and accurate NOI in accordance with the requirements of Appendix F of this permit and by the deadlines specified in Table 2-1;

9.4.3.4 Compliance schedules (see Appendix A, Subsection 2.4) – 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;

9.4.3.5 Other noncompliance (see Appendix A, Subsection 3.5) - A permittee must report all instances of noncompliance not reported in their monitoring report (pursuant to Part 9.1), compliance schedule report, or 24-hour report at the time monitoring reports are submitted; and

9.4.3.6 Other information (see Appendix A, Subsection 2.5) – A permittee must promptly submit facts or information if they become aware that they failed to submit relevant facts in their NOI, or that they submitted incorrect information in their NOI or in any report.

## 9.5 Recordkeeping.

A permittee must retain copies of their SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 5.8 (including documentation related to corrective actions taken pursuant to Part 5), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least 3 years from the date that the permittees coverage under this permit expires or is terminated.

## 9.6 Addresses for Reports.

Notice of Intent, Notice of Intent modification, Notice of Termination, No Exposure Certificate, and SWPPP's should be submitted using DEC's eNOI system (http://dec.alaska.gov/water/wastewater/stormwater/apdesenoi/ ) or sent to the Permitting Program address in Appendix A, Part 1.1.1.

Paper copies of any reports required in Parts 7 through 9, not otherwise submitted electronically via DEC's eNOI system (http://dec.alaska.gov/water/wastewater/stormwater/apdesenoi/ ) must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

## 9.7 Request for Submittal of Records.

The Department may request copies of all or a portion of the information collected and maintained in the SWPPP. A permittee must provide a response to written request for records to the Department within thirty (30) calendar days of receipt of a written request.

## 9.8 Electronic Reporting (E-Reporting) Rule

9.8.1 E-Reporting Rule for DMR (Phase I).

The Permittee must submit DMR data electronically through Network Discharge Monitoring Report (NetDMR) per Phase I of the E-Reporting Rule (40 CFR §127) upon the effective date of the Permit. Authorized persons may access permit information by logging into the NetDMR Portal (cdxnodengn.epa.gov/oeca-netdmr-web/action/login). DMRs submitted in compliance with the E-Reporting Rule are not required to be submitted as described in Appendix – A-Standard Conditions unless requested or approved by the Department. Any DMR data required by the Permit that cannot be reported in a NetDMR field (e.g., mixing zone receiving water data, etc.), shall be included as an attachment to the NetDMR submittal. DEC has established a website at dec.alaska.gov/water/compliance/electronic-reporting-rule/ that contains general information about this new reporting format. Training materials and webinars for NetDMR can be found at netdmr.zendesk.com/home/.

9.8.2 E-Reporting Rule for Other Reports (Phase II).

Phase II of the E-Reporting rule will integrate electronic reporting for all other reports required by the Permit (e.g., Annual Reports and Certifications) and implementation is expected to begin December 2020. Permittees should monitor DEC's E-Reporting Information website (dec.alaska.gov/water/compliance/electronic-reporting-rule) for updates on Phase II of the E-Reporting Rule and will be notified when they must begin submitting all other reports electronically. Until such time, other reports required by the Permit may be submitted in accordance with Appendix A – Standard Conditions.

## 9.9 Standard Conditions Applicable to Recording and Reporting

9.9.1 The permittee must comply with the following recording and reporting requirements, as described in Appendix A, Standard Conditions unless specified in the body of the permit:

9.9.1.1 Retention of Records, Part 1.11.2;

9.9.1.2 Records Contents, Part 1.11.3;

9.9.1.3 Special Reporting Obligations, Part 2.0; and

9.9.1.4 Monitoring, Recording, and Reporting Requirements, Part 3.0.

# 10. Terminating Coverage.

## 10.1 Submitting a Notice of Termination (NOT).

10.1.1 To terminate permit coverage, a permittee must submit a complete and accurate NOT (see Appendix F) to the Permitting Program address listed in Part 9.6. *(If a permittee submits a NOT without meeting one or more of the conditions identified in Part 10.1.2, then a permitttees NOT is not valid.)* The permittee is responsible for meeting the terms of this permit until their authorization is terminated.

10.1.2 A permittee must submit a NOT within 30 calendar days after one or more of the following conditions have been met:

10.1.2.1 A new owner or operator has taken over responsibility for the facility;

10.1.2.2 The permittee has ceased operations at the facility, there are not or no longer will be discharges of storm water associated with industrial activity from the facility, and has already implemented necessary sediment and erosion controls as required by Part 4.2.5;

10.1.2.3 The permittee is a Sector G, H, or J facility and has met the applicable termination requirements; or

10.1.2.4 The permittee has obtained coverage under an individual or alternative general permit for all discharges required to be covered by an APDES permit, unless DEC has required that they obtain such coverage under authority of Part 2.8.1, in which case coverage under this permit will terminate automatically.

10.1.3 All required reports (including DMR if applicable) and certifications have been submitted to DEC.

10.1.4 Termination is effective upon receiving written notification from the Department.

# 11. Sector-Specific Requirements for Industrial Activity.

# 11. Subpart A – Sector A – Timber Products.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.A.1 Covered Storm Water Discharges.

The requirements in Subpart A apply to storm water discharges associated with industrial activity from Timber Products facilities as identified by the SIC Codes specified under Sector A in Table D-1 of Appendix D of the permit.

## 11.A.2 Limitation on Coverage.

*11.A.2.1 Prohibition of Discharges.* (See also Part 1.2.4) Not covered by this permit: storm water discharges from areas where there may be contact with the chemical formulations sprayed to provide surface protection. These discharges must be covered by a separate APDES permit.

*11.A.2.2 Authorized Non-Storm Water Discharges.* (See also Part 1.2.3) Also authorized by this permit, provided the non-storm water component of the discharge is in compliance with the requirements in Part 4.2 (Non-Numeric Effluent Limits): discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage.

## 11.A.3 Additional Technology-Based Effluent Limits.

*11.A.3.1 Good Housekeeping.* (See also Part 4.2.2) In areas where storage, loading and unloading, and material handling occur, perform good housekeeping to limit the discharge of wood debris, minimize the leachate generated from decaying wood materials, and minimize the generation of dust.

## 11.A.4 Additional SWPPP Requirements.

*11.A.4.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in their SWPPP where any of the following may be exposed to precipitation or surface runoff: processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas.

*11.A.4.2 Inventory of Exposed Materials.* (See also Part 5.2.4.2) Document in the SWPPP areas where contaminated soils, treatment equipment, and stored materials still remain and the management practices employed to minimize the contact of these materials with storm water runoff if the facility has used chlorophenolic, creosote, or chromium-copper-arsenic formulations for wood surface protection or preserving

*11.A.4.3 Description of Storm Water Management Controls.* (See also Part 5.2.5) Document measures implemented to address the following activities and sources: log, lumber, and wood product storage areas; residue storage areas; loading and unloading areas; material handling areas; chemical storage areas; and equipment and vehicle maintenance, storage, and repair areas. If the permittees facility performs wood surface protection and preservation activities, address the specific control measures, including any BMPs, for these activities.

## 11.A.5 Additional Inspection Requirements.

See also Part 6.1. If the permittees facility performs wood surface protection and preservation activities, inspect processing areas, transport areas, and treated wood storage areas monthly to assess the usefulness of practices to minimize the deposit of treatment chemicals on unprotected soils and in areas that will come in contact with storm water discharges.

## 11.A.6 Sector-Specific Benchmarks.

Table 11.A.6-1 identifies benchmarks that apply to the specific subsectors of Sector A. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities.

*(Table 11.A.6-1: Sector – Specific Benchmarks – Sector A located on following page.)*

**Table 11.A.6-1: Sector – Specific Benchmarks – Sector A**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| **Subsector A1**. General Sawmills and Planing Mills (SIC 2421) | Chemical Oxygen Demand (COD) | 120.0 mg/L |
| | Total Suspended Solids (TSS) | 100 mg/L |
| | Total Zinc (saltwater)[1]<br>Total Zinc (freshwater)[2] | 0.09 mg/L<br>Hardness Dependent |
| **Subsector A2**. Wood Preserving (SIC 2491) | Total Arsenic (saltwater)[1]<br>Total Arsenic (freshwater)[2] | 0.069mg/L<br>0.15 mg/L |
| | Total Copper (saltwater)[1]<br>Total Copper (freshwater)[2] | 0.0048 mg/L<br>Hardness Dependent |
| **Subsector A3**. Log Storage and Handling (SIC 2411) | Total Suspended Solids (TSS) | 100 mg/L |
| **Subsector A4**. Hardwood Dimension and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood, and Structural Wood; Wood Pallets and Skids; Wood Containers, not elsewhere classified; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified (SIC 2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493, and 2499) | Chemical Oxygen Demand (COD) | 120.0 mg/L |
| | Total Suspended Solids (TSS) | 100.0 mg/L |

Note:

1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 7.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

| Water Hardness Range (mg/L) | Copper (mg/L) | Zinc (mg/L) |
|---|---|---|
| 0 – < 25 | 0.0038 | 0.04 |
| 25 – < 50 | 0.0056 | 0.05 |
| 50 – < 75 | 0.0090 | 0.08 |
| 75 – < 100 | 0.0123 | 0.11 |
| 100 – < 125 | 0.0156 | 0.13 |
| 125 – < 150 | 0.0189 | 0.16 |
| 150 – < 175 | 0.0221 | 0.18 |
| 175 – < 200 | 0.0253 | 0.20 |
| 200 – < 225 | 0.0285 | 0.23 |
| 225 – < 250 | 0.0316 | 0.25 |
| 250+ | 0.0332 | 0.26 |

## 11.A.7 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

**Table** 11.A.7-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

**Table** 11.A.7-1: **Effluent Limitations Based on Effluent Limitations Guidelines**[1]

| Industrial Activity | Parameter | Effluent Limit |
|---|---|---|
| Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas | pH | 6.5 - 8.5 standard pH (s.u.) |
| | Debris (woody material such as bark, twigs, branches, heartwood, or sapwood) | No discharge of debris that will not pass through a 2.54-cm (1-in.) diameter round opening |

Note:
1. Monitor annually.

# 11. Subpart B – Sector B – Paper and Allied Products.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.B.1 Covered Storm Water Discharges.

The requirements in Subpart B apply to storm water discharges associated with industrial activity from Paper and Allied Products Manufacturing facilities, as identified by the SIC Codes specified under Sector B in Table D-1 of Appendix D of the permit.

## 11.B.2 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

**Table 11.B.2-1: Sector – Specific Benchmarks – Sector B**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| **Subsector B1**. Paperboard Mills (SIC Code 2631) | Chemical Oxygen Demand (COD) | 120 mg/L |

# 11. Subpart C – Sector C – Chemical and Allied Products Manufacturing, and Refining.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.C.1 Covered Storm Water Discharges.

The requirements in Subpart C apply to storm water discharges associated with industrial activity from Chemical and Allied Products Manufacturing, and Refining facilities, as identified by the SIC Codes specified under Sector C in Table D-1 of Appendix D of the permit.

## 11.C.2 Limitations on Coverage.

*11.C.2.1 Prohibition of Non-Storm Water Discharges.* (See also Part 1.2.4) The following are not covered by this permit: non-storm water discharges containing inks, paints, or substances (hazardous, nonhazardous, etc.) resulting from an onsite spill, including materials collected in drip pans; washwater from material handling and processing areas; and washwater from drum, tank, or container rinsing and cleaning.

## 11.C.3 Sector-Specific Benchmarks.

Table 11.C.3-1 identifies benchmarks that apply to the specific subsectors of Sector C. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities.

*(Table 11.C.3-1: Sector – Specific Benchmarks – Sector C located on following page.)*

**Table 11.C.3-1: Sector – Specific Benchmarks – Sector C**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| Subsector C1. Agricultural Chemicals (SIC 2873-2879) | Nitrate plus Nitrite Nitrogen | 0.68 mg/L |
| | Total Lead (saltwater)[1]<br>Total Lead (freshwater)[2] | 0.21 mg/L<br>Hardness Dependent |
| | Total Iron | 1.0 mg/L |
| | Total Zinc (saltwater)[1]<br>Total Zinc (freshwater)[2] | 0.09 mg/L<br>Hardness Dependent |
| | Phosphorus | 2.0 mg/L |
| Subsector C2. Industrial Inorganic Chemicals (SIC 2812-2819) | Total Aluminum | 0.75 mg/ L |
| | Total Iron | 1.0 mg/L |
| | Nitrate plus Nitrite Nitrogen | 0.68 mg/L |
| Subsector C3. Soaps, Detergents, Cosmetics, and Perfumes (SIC 2841-2844) | Nitrate plus Nitrite Nitrogen | 0.68 mg/L |
| | Total Zinc (saltwater)[1]<br>Total Zinc (freshwater)[2] | 0.09 mg/L<br>Hardness Dependent |
| Subsector C4. Plastics, Synthetics, and Resins (SIC 2821-2824) | Total Zinc (saltwater)[1]<br>Total Zinc (freshwater)[2] | 0.09 mg/L<br>Hardness Dependent |

Notes:

1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 7.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

| Water Hardness Range (mg/L) | Lead (mg/L) | Zinc (mg/L) |
|---|---|---|
| 0 – < 25 | 0.014 | 0.04 |
| 25 – < 50 | 0.023 | 0.05 |
| 50 – < 75 | 0.045 | 0.08 |
| 75 – < 100 | 0.069 | 0.11 |
| 100 – < 125 | 0.095 | 0.13 |
| 125 – < 150 | 0.122 | 0.16 |
| 150 – < 175 | 0.151 | 0.18 |
| 175 – < 200 | 0.182 | 0.20 |
| 200 – < 225 | 0.213 | 0.23 |
| 225 – < 250 | 0.246 | 0.25 |
| 250+ | 0.262 | 0.26 |

## 11.C.4 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

**Table** 11.C.4-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

**Table** 11.C.4-1: **Effluent Limitations Based on Effluent Limitations Guidelines**[1]

| Industrial Activity | Parameter | Effluent Limit |
|---|---|---|
| Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874) | Total Phosphorus (as P) | 105.0 mg/L, daily maximum |
| | | 35 mg/L, 30-day avg. |
| | Fluoride | 75.0 mg/L, daily maximum |
| | | 25.0 mg/L, 30-day avg. |

1 Monitor annually.

# 11. Subpart D – Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.D.1 Covered Storm Water Discharges.

The requirements in Subpart D apply to storm water discharges associated with industrial activity from Asphalt Paving and Roofing Materials and Lubricant Manufacturing facilities, as identified by the SIC Codes specified under Sector D in Table D-1 of Appendix D of the permit.

## 11.D.2 Limitations on Coverage.

The following storm water discharges associated with industrial activity are not authorized by this permit (See also Part 1.2.4)

*11.D.2.1 Discharges from petroleum refining facilities*, including those that manufacture asphalt or asphalt products, that are subject to nationally established effluent limitation guidelines found in 40 CFR Part 419 (Petroleum Refining); or

*11.D.2.2 Discharges from oil recycling facilities;* or

*11.D.2.3 Discharges associated with fats and oils rendering.*

## 11.D.3 Sector-Specific Benchmarks.

Table 11.D.3-1 identifies benchmarks that apply to the specific subsectors of Sector D. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities, which describe their facility activities.

**Table 11.D.3-1: Sector – Specific Benchmarks – Sector D**

| Subsector | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| Subsector D1. Asphalt Paving and Roofing Materials (SIC 2951, 2952) | Total Suspended Solids (TSS) | 100 mg/L |

## 11.D.4 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

**Table** 11.D.4-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

**Table** 11.D.4-1:**Effluent Limitations Based on Effluent Limitations Guidelines**[1]

| Industrial Activity | Parameter | Effluent Limit |
|---|---|---|
| Discharges from asphalt emulsion facilities. | Total Suspended Solids (TSS) | 23.0 mg/L, daily maximum<br>15.0 mg/L, 30-day avg. |
| | pH | 6.5 - 8.5 s.u. |
| | Oil and Grease | 15.0 mg/L, daily maximum |
| | | 10 mg/L, 30-day avg. |

1. Monitor annually.

# 11. Subpart E – Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.E.1 Covered Storm Water Discharges.

The requirements in Subpart E apply to storm water discharges associated with industrial activity from Glass, Clay, Cement, Concrete, and Gypsum Products facilities, as identified by the SIC Codes specified under Sector E in Table D-1 of Appendix D of the permit.

## 11.E.2 Additional Technology-Based Effluent Limits.

*11.E.2.1 Good Housekeeping Measures.* (See also Part 4.2.2) With good housekeeping, prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, settled dust, or other significant material in storm water from paved portions of the site that are exposed to storm water. Sweep regularly or use other equivalent measures to minimize the presence of these materials. Indicate in the SWPPP the frequency of sweeping or equivalent measures. Determine the frequency based on the amount of industrial activity occurring in the area and the frequency of precipitation, but it must be performed at least once a week if cement, aggregate, kiln dust, fly ash, or settled dust are being handled or processed. Permittee must also prevent the exposure of fine granular solids (cement, fly ash, kiln dust, etc.) to storm water, where practicable, by storing these materials in enclosed silos, hoppers, buildings, or under other covering.

## 11.E.3 Additional SWPPP Requirements.

*11.E.3.1 Drainage Area Site Map.* (See also Part 5.2.3) Document in the SWPPP the locations of the following, as applicable: bag house or other dust control device; recycle/sedimentation pond, clarifier, or other device used for the treatment of process wastewater; and the areas that drain to the treatment device.

*11.E.3.2 Certification.* (See also Part 5.2.4.4) For facilities producing ready-mix concrete, concrete block, brick, or similar products, include in the non-storm water discharge certification a description of measures that ensure that process waste waters resulting from washing trucks, mixers, transport buckets, forms, or other equipment are discharged in accordance with APDES requirements or are recycled.

## 11.E.4 Sector-Specific Benchmarks.

Table 11.E.4-1 identifies benchmarks that apply to the specific subsectors of Sector E. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities, which describe their facility activities.

**Table 11.E.4-1: Sector – Specific Benchmarks – Sector E**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Cutoff Concentration |
|---|---|---|
| Subsector E1. Clay Product Manufacturers (SIC 3251-3259, 3261-3269) | Total Aluminum | 0.75 mg/L |
| Subsector E2. Concrete and Gypsum Product Manufacturers (SIC 3271-3275) | Total Suspended Solids (TSS) | 100 mg/L |
| | Total Iron | 1.0 mg/L |

## 11.E.5 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

Table 11.E.5-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

**Table 11.E.5-1:Effluent Limitations Based on Effluent Limitations Guidelines**[1]

| Industrial Activity | Parameter | Effluent Limit |
|---|---|---|
| Discharges from material storage piles at cement manufacturing facilities | Total Suspended Solids (TSS) | 50 mg/L, daily maximum |
| | pH | 6.5 - 8.5 s.u. |

1. Monitor annually.

# 11. Subpart F – Sector F – Primary Metals.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.F.1 Covered Storm Water Discharges.

The requirements in Subpart F apply to storm water discharges associated with industrial activity from Primary Metals facilities, as identified by the SIC Codes specified under Sector F in Table D-1 of Appendix D of the permit.

## 11.F.2 Additional Technology-Based Effluent Limits.

*11.F.2.1 Good Housekeeping Measures.* (See also Part 4.2.2) As part of the permittees good housekeeping program, include a cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust, or debris may accumulate, especially areas where material loading and unloading, storage, handling, and processing occur; and, where practicable, the paving of areas where vehicle traffic or material storage occur but where vegetative or other stabilization methods are not practicable (institute a sweeping program in these areas too). For unstabilized areas where sweeping is not practicable, use storm water management devices such as sediment traps, vegetative buffer strips, filter fabric fence, sediment filtering boom, gravel outlet protection, or other equivalent measures that effectively trap or remove sediment and debris.

## 11.F.3 Additional SWPPP Requirements.

*11.F.3.1 Drainage Area Site Map.* (See also Part 5.2.3) Identify in the SWPPP where any of the following activities may be exposed to precipitation or surface runoff: storage or disposal of wastes such as spent solvents and baths, sand, slag and dross; liquid storage tanks and drums; processing areas including pollution control equipment (e.g., baghouses); and storage areas of raw material such as coal, coke, scrap, sand, fluxes, refractories, or metal in any form. In addition, indicate where an accumulation of significant amounts of particulate matter could occur from such sources as furnace or oven emissions, pollution control devices, losses from coal and coke handling operations, etc., and could result in a discharge of pollutants to waters of the United States.

*11.F.3.2 Inventory of Exposed Material.* (See also Part 5.2.4.2) Include in the inventory of materials handled at the site that potentially may be exposed to precipitation or runoff, areas where deposition of particulate matter from process air emissions or losses during material-handling activities are possible

**11.F.4 Additional Inspection Requirements.** (See also Part 6.1) As part of conducting the permittees quarterly routine facility inspections (Part 6.1), address all potential sources of pollutants, including (if applicable) air pollution control equipment (e.g., baghouses, electrostatic precipitators, scrubbers, and cyclones), for any signs of degradation (e.g., leaks, corrosion, or improper operation) that could limit their efficiency and lead to excessive emissions. Monitor air flow at inlets and outlets (or use equivalent measures) to check for leaks (e.g., particulate deposition) or blockage in ducts. Also inspect all process and material handling equipment (e.g., conveyors, cranes, and vehicles) for leaks, drips, or the potential loss of material; and material storage areas (e.g., piles, bins, or hoppers for storing coke, coal, scrap, or slag, as well as chemicals stored in tanks and drums) for signs of material losses due to wind or storm water runoff.

**11.F.5 Sector-Specific Benchmarks.** (See also Part 7 of the permit.)

*(Table 11.F.5-1: Sector – Specific Benchmarks –Sector F located on following page.)*

**Table 11.F.5-1: Sector – Specific Benchmarks –Sector F**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| Subsector F1. Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC 3312-3317) | Total Aluminum | 0.75 mg/L |
| | Total Zinc (saltwater)[1]<br>Total Zinc (freshwater)[2] | 0.09 mg/L<br>Hardness Dependent |
| Subsector F2. Iron and Steel Foundries (SIC 3321-3325) | Total Aluminum | 0.75 mg/L |
| | Total Suspended Solids (TSS) | 100 mg/L |
| | Total Copper (saltwater)[1]<br>Total Copper (freshwater)[2] | 0.0048 Mg/L<br>Hardness Dependent |
| | Total Iron | 1.0 mg/L |
| | Total Zinc (saltwater)[1]<br>Total Zinc (freshwater)[2] | 0.09 mg/L<br>Hardness Dependent |
| Subsector F3. Rolling, Drawing, and Extruding of Nonferrous Metals (SIC 3351-3357) | Total Copper (saltwater)[1]<br>Total Copper (freshwater)[2] | 0.0048 mg/L<br>Hardness Dependent |
| | Total Zinc (saltwater)[1]<br>Total Zinc (freshwater)[2] | 0.09 mg/L<br>Hardness Dependent |
| Subsector F4. Nonferrous Foundries (SIC 3363-3369) | Total Copper (saltwater)[1]<br>Total Copper (freshwater)[2] | 0.0048 mg/L<br>Hardness Dependent |
| | Total Zinc (saltwater)[1]<br>Total Zinc (freshwater)[2] | 0.09 mg/L<br>Hardness Dependent |

Notes:

1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 7.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

| Water Hardness Range (mg/L) | Copper (mg/L) | Zinc (mg/L) |
|---|---|---|
| 0 – < 25 | 0.0038 | 0.04 |
| 25 – < 50 | 0.0056 | 0.05 |
| 50 – < 75 | 0.0090 | 0.08 |
| 75 – < 100 | 0.0123 | 0.11 |
| 100 – < 125 | 0.0156 | 0.13 |
| 125 – < 150 | 0.0189 | 0.16 |
| 150 – < 175 | 0.0221 | 0.18 |
| 175 – < 200 | 0.0253 | 0.20 |
| 200 – < 225 | 0.0285 | 0.23 |
| 225 – < 250 | 0.0316 | 0.25 |
| 250+ | 0.0332 | 0.26 |

## 11. Subpart G – Sector G – Metal Mining.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.G.1 Covered Storm Water Discharges.

The requirements in Subpart G apply to storm water discharges associated with industrial activity from Metal Mining facilities, including mines abandoned on Federal lands, as identified by the SIC Codes specified under Sector G in Table D-1 of Appendix D. Coverage is required for metal mining facilities that discharge storm water contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation.

*11.G.1.1 Covered Discharges from Inactive Facilities.* All storm water discharges.

*11.G.1.2 Covered Discharges from Active and Temporarily Inactive Facilities.* Only the storm water discharges from the following areas are covered:

- Waste rock and overburden piles if composed entirely of storm water and not combining with mine drainage;
- Topsoil piles;
- Offsite haul and access roads;
- Onsite haul and access roads constructed of waste rock, overburden, or spent ore if composed entirely of storm water and not combining with mine drainage;
- Onsite haul and access roads not constructed of waste rock, overburden, or spent ore except if mine drainage is used for dust control;
- Runoff from tailings dams or dikes when not constructed of waste rock or tailings and no process fluids are present;
- Runoff from tailings dams or dikes when constructed of waste rock or tailings and no process fluids are present, if composed entirely of storm water and not combining with mine drainage;
- Concentration building if no contact with material piles;
- Mill site if no contact with material piles;

- Office or administrative building and housing if mixed with storm water from industrial area;
- Chemical storage area;
- Docking facility if no excessive contact with waste product that would otherwise constitute mine drainage;
- Explosive storage;
- Fuel storage;
- Vehicle and equipment maintenance area and building;
- Parking areas if mixed with industrial areas;
- Power plant;
- Truck wash areas if no excessive contact with waste product that would otherwise constitute mine drainage;
- Unreclaimed, disturbed areas outside of active mining area;
- Reclaimed areas released from reclamation requirements prior to December 17, 1990; and
- Partially or inadequately reclaimed areas or areas not released from reclamation requirements.

*11.G.1.3 Covered Discharges from Exploration and Construction of Metal Mining and/or Ore Dressing Facilities.* All storm water discharges.

*11.G.1.4 Covered Discharges from Facilities Undergoing Reclamation.* All storm water discharges.

## 11.G.2 Limitations on Coverage.

*11.G.2.1 Prohibition of Storm Water Discharges.* Storm water discharges not authorized by this permit include discharges from active metal mining facilities that are subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

*Note: Storm water runoff from these sources are subject to 40 CFR Part 440 if they are mixed with other discharges subject to Part 440. In this case, they are not eligible for coverage under this permit.*

*Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless they:*

*(1) drain naturally (or are intentionally diverted) to a point source; and*

*(2) combine with "mine drainage" that is otherwise regulated under the Part 440 regulations.*

*For such sources, coverage under this permit would be available if the discharge composed entirely of storm water does not combine with other sources of mine drainage that are not subject to 40 CFR Part 440, and meets the other eligibility criteria contained in Part 1.2 of the permit.*

*Permit applicants bear the initial responsibility for determining if they are eligible for coverage under this permit, or must seek coverage under another APDES permit. DEC recommends that permit applicants contact the DEC for assistance to determine the nature and scope of the "active mining area" on a mine-by-mine basis, as well as to determine the appropriate permitting mechanism for authorizing such discharges.*

*11.G.2.2 Prohibition of Non-Storm Water Discharges.* Not authorized by this permit: adit drainage, and contaminated springs or seeps discharging from waste rock dumps that do not directly result from precipitation events (see also the standard Limitations on Coverage in Part 1.2.4).

## 11.G.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

*11.G.3.1 Mining Operation* - Consists of the active and temporarily inactive phases, and the reclamation phase, but excludes the exploration and construction phases.

*11.G.3.2 Exploration Phase* - Entails exploration and land disturbance activities to determine the financial viability of a site. The exploration phase is not considered part of "mining operations."

*11.G.3.3 Construction Phase* - Includes the building of site access roads, facilities, and removal of overburden and waste rock to expose mineable minerals. The construction phase is not considered part of "mining operations."

*11.G.3.4 Active Phase* - Activities including the extraction, removal or recovery of metal ore. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a). The active phase is considered part of "mining operations."

*11.G.3.5 Reclamation Phase* - Activities undertaken, in compliance with applicable mined land reclamation requirements, following the cessation of the "active phase", intended to return the land to an appropriate post-mining land use in order to meet applicable Federal and State reclamation requirements. The reclamation phase is considered part of "mining operations."

*11.G.3.6 Active Metal Mining Facility* - A place where work or other activity related to the extraction, removal, or recovery of metal ore is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a).

*11.G.3.7 Inactive Metal Mining Facility* - A site or portion of a site where metal mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable State or Federal agency. An inactive metal mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an APDES industrial storm water permit.

*11.G.3.8 Temporarily Inactive Metal Mining Facility* - A site or portion of a site where metal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable State or Federal agency.

## 11.G.4 Technology-Based Effluent Limits for Clearing, Grading, and Excavation Activities.

Clearing, grading, and excavation activities being conducted as part of the exploration and construction phase of mining activities are covered under this permit.

*11.G.4.1 Erosion Control Measures.* A permittee must comply with the erosion control measures in this Part to minimize soil exposure on the site during construction.

*11.G.4.1.1 Delineation of Site.* A permittee must generally delineate (e.g., with flagging, stakes, signs, silt fence, etc.,) the location of specific areas that will be left undisturbed such as trees, boundaries of sensitive areas, or buffers established under Part 11.G.4.1.3.

*11.G.4.1.2 Minimize the Amount of Soil Exposed during Construction Activity.* A permittee must include the following considerations in the selection of control measures and the sequence of project construction as they apply to the project site:

- Preserve areas of native topsoil on the site, unless infeasible; and
- Sequence or phase construction activities to minimize the extent and duration of exposed soils to the extent practicable.

*11.G.4.1.3 Maintain Natural Buffer Areas.*

The permittee must maintain natural buffer areas at stream crossings and around the edge of any waters of the U.S. that are located within or immediately adjacent to the property where the construction activity will take place in accordance with the following:

- The buffer must be a minimum of twenty-five (25) feet wide, unless infeasible based on site dimensions, or the width as required by local ordinance.
- Exceptions are allowed for water dependent activities, specific water access activities, or necessary water crossings.
- A permittee should, to the extent practicable, use perimeter controls adjacent to buffers, and direct storm water sheet flow to buffer areas to increase sediment removal and maximize storm water infiltration, unless infeasible.

*11.G.4.1.4 Control Storm Water Discharges and Flow Rates.* A permittee must include the following control measures to handle storm water and total storm water volume discharges as they apply to the site:

- Divert storm water around the site so that it does not flow onto the project site and cause erosion of exposed soils;
- Slow down or contain storm water that may collect and concentrate within a site and cause erosion of exposed soils;
- Avoid placement of structural control measures in active floodplains to the degree technologically and economically practicable and achievable;
- Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters; and
- Install permanent storm water management controls, if present at a site and where practical, so that they must be functional prior to construction of site improvements (e.g., impervious surfaces).

*11.G.4.1.5 Protect Steep Slopes.* A permittee must include the following considerations in the selection of control measures as they apply to the project site:

- Design and construct cut-and-fill slopes in a manner that will minimize erosion. Applicable practices include, but are not limited to, reducing continuous length of slope with terracing and diversions, reducing slope steepness, and roughening slope surfaces (e.g., track walking);
- Divert concentrated flows of storm water away from and around the disturbed portion of the slope. Applicable practices include, but are not limited to interceptor dikes and swales, grass-lined channels, pipe slope drains, subsurface drains, check dams; and
- Stabilize exposed areas of the slope in accordance with Part 11.G.4.4.

*11.G.4.2 Sediment Control Measures.* Sediment control measures (e.g. sediment ponds, traps, filters, etc.) must be constructed as one of the first steps in grading. These control measures must be functional before other land disturbing activities take place. A permittee must install, establish and use any of the following control measures that apply to the project site.

*11.G.4.2.1 Storm Drain Inlet Protection Meaures.* A permittee must install appropriate protection measures (e.g. filter berms, perimeter controls, temporary diversion dikes, etc.) to minimize the discharge of sediment prior to entry into the inlet for storm drain inlets located on site or immediately downstream of the site. Inlet protection measures must be cleaned or removed and replaced when sediment has filled one-third of the available storage.

*11.G.4.2.2 Water Body Protection Measures.* A permittee must install appropriate protection measures (Part 11.G.4.1.4) to minimize the discharge of sediment prior to entry into the water body for water bodies located on site or immediately downstream of the site. Protection measures must be cleaned or removed and replaced when sediment has filled one-third of the available storage.

*11.G.4.2.3 Down-Slope Sediment Controls.* A permittee must establish and use down-slope sediment controls (e.g., silt fence, temporary diversion dike, etc.) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.

*11.G.4.2.4 Stabilized Construction Vehicle Access and Exit Points.* A permittee must establish construction vehicle access and exit points which must be stabilized. Access and exit points should be limited to one route, if possible. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.

*11.G.4.2.5* *Dust Generation and Track-Out from Vehicles.* A permittee must minimize the generation of dust through the application of water or other dust suppression techniques and prior to vehicle exit. A permittee must provide an effective way of minimizing off-site vehicle tracking of sediment from wheels to prevent track-out onto paved surfaces.

*11.G.4.2.6* *Soil Stockpiles.* A permittee must stabilize or cover soil stockpiles, protect with sediment trapping measures, and where possible, locate soil stockpiles away from storm drain inlets, water bodies, and conveyance channels.

*11.G.4.2.7* *Authorized Non-Storm Water Discharges.* A permittee must minimize any non-storm water authorized by this permit.

*11.G.4.2.8* *Sediment Basins*, where applicable:

- For common drainage locations that serve an area with ten (10) or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from the drainage area from a 2-year, 24-hour storm, or equivalent sediment control measures, must be installed, maintained, and used where practicable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent sediment control measures, must be installed and used where practicable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is practicable, the permittee may consider factors such as site soils, slope, available area on-site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin, and alternative sediment control measures must be used where site limitations would preclude a safe design.

- For drainage locations which serve ten (10) or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not practicable, smaller sediment basins and/or sediment traps should be used. Silt fences, vegetative buffer strips, or equivalent sediment control measures are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).

- For drainage locations serving less than ten (10) acres, smaller sediment basins and/or sediment traps should be used. Silt fences, vegetative buffer strips, or equivalent sediment control measures are required for all down slope

boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm event or 3,600 cubic feet of storage per acre drained is provided.

- When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface where practicable.
- Note: installing sediment basins in the presence of permafrost is challenging and might not be practicable in some instances because permafrost creates poor surface drainage that hinders the infiltration of runoff. Also, the excavation of permafrost in summer can trigger thawing and instability.

*11.G.4.3 Dewatering.*

11.G.4.3.1 If a construction activity includes excavation dewatering and has a discharge that could adversely impact a local drinking water well, an DEC-identified contaminated site, or a waters of the U.S., the permittee must review the DEC Excavation Dewatering General Permit (AKG002000, or most current version) for specific requirements the permittee may have to comply with in addition to the conditions of this permit.

11.G.4.3.2 A discharge from eligible dewatering activities, including discharges from dewatering of trenches and excavations are prohibited unless treated by appropriate control measures. Appropriate control measures include, but are not limited to, sediment basins or traps, dewatering tanks, weir tanks, or filtration systems designed to remove sediment.

*11.G.4.4 Soil Stabilization.*

*11.G.4.4.1 Minimum Requirements for Soil Stabilization.* A permittee must stabilize all disturbed areas of the site to minimize on-site erosion and sedimentation and the resulting discharge of pollutants according to the requirements of this Part. A permittee must ensure that existing vegetation is preserved wherever possible and that disturbed portions of the site are stabilized. Applicable stabilization control measures include, but are not limited to: temporary and permanent seeding, sodding, mulching, rolled erosion control product, compost blanket, soil application of polyacrylamide (PAM), the early application of gravel base on areas to be paved, and dust control. A permittee should avoid using impervious surfaces for stabilization. See the Alaska Plant Materials Center's A Revegetation Manual for Alaska at http://plants.alaska.gov for help in efforts to select appropriate seed mixes and some information on methods for revegetation. Also see the manual for coastal Alaska, Coastal Revegetation & Erosion Control Guide at http://plants.alaska.gov.

*11.G.4.5 Treatment Chemicals.* The use of treatment chemicals to reduce erosion from the land or sediment in a storm water discharge is allowed provided that all of the requirements of this Part are met.

*11.G.4.5.1 Treatment Chemicals.* Documentation of treatment chemicals selected for use at a site must include, at a minimum, the following information:

- Manufacturer and/or supplier provided Material Safety Data Sheets, specifications, and instructions for the transport, handling, storage, application, and disposal of the treatment chemical;
- Approval by EPA for potable water use;
- Approval by EPA or the states of California, Minnesota, Oregon, Washington, or Wisconsin for use in controlling erosion or sediment runoff from agricultural land or construction projects;
- Manufacturer and/or supplier provided test results recognized by EPA or the states of California, Minnesota, Oregon, Washington, or Wisconsin that demonstrate that the treatment chemical is non-toxic to aquatic organisms when applied following the manufacturer or supplier recommended method of use and rate of application;
- A permittee is prohibited from using cationic polymers, except for the use of chitosan as part of an Active Treatment System in compliance with Part 11.G.4.5.4 or as approved by the Department in writing; and
- The names and titles of person(s) who handle and apply treatment chemicals at the construction site, the title of relevant training and date(s) the person(s) who apply the chemicals received training in the proper handling and application of treatment chemicals.

*11.G.4.5.2 Treatment Chemical Use.*

- A permittee must train employees who handle treatment chemicals to comply with the information required by Part 11.G.4.5.1; and
- A permittee must handle, store and dispose of treatment chemicals, waste chemicals, or flocculants in appropriate leak proof containers under a storm-resistant cover or surrounded by secondary containment structures so as to prevent their discharge to the waters of the U.S.

*11.G.4.5.3 Project Site Conditions.* Treatment chemicals are typically developed, tested, and approved in regions of the country that may have soils, soil and water temperatures, and other site conditions significantly different from Alaska. These differences must be considered in the selection of the treatment chemicals for use at the Alaskan site.

- A permittee must make certain the selected treatment chemical is appropriate for soils at the site through project-specific tests of the chemical with local soils or product use data on projects with similar soils.
- A permittee must ensure the selected treatment chemical is appropriate for the site topography, amount of precipitation expected at the site, and type of use.

*11.G.4.5.4 Application of Treatment Chemicals.* The application of treatment chemicals shall be in combination with appropriate physical control measures (e.g., rolled erosion control products, ditch check dams, sediment basins, sediment bags, filtration, etc.) to ensure effectiveness of the treatment chemical. The use of treatment chemicals is not considered a substitute for appropriate physical control measures and does not preclude any other requirement of this permit.

- *Land Application*.
    - A permittee shall comply with all Material Safety Data Sheet requirements and follow the manufacturer and/or suppliers written recommended application rate, including site-specific considerations.
    - A permittee shall use an application method that provides uniform coverage of the target area and avoids drift to non-target areas.
    - The application must always be a sufficient distance upgradient or upstream to allow adequate mixing and reaction prior to reaching a pre-constructed sediment trap, basin inflow structure, or filtering device of sufficient width to ensure adequate removal of sediments laden with treatment chemicals before discharges reach waters of the U.S.
- *Water Application*. (including conveyance channel)
    - A permittee shall follow the manufacturer and/or suppliers written recommended application rate, including site-specific considerations.
    - The application shall always be upstream from a pre-constructed sediment trap, basin inflow structure, vegetated swale, filtering device or a vegetated buffer of sufficient width to ensure adequate removal of sediments laden with treatment chemicals before discharges reach waters of the U.S.

- Treatment chemicals shall not be applied directly to a water of the U.S.
- Application through the use of manufactured products (e.g. gel bars, gel logs, floc blocks, etc.) shall be used in combination with adequate ditch check dams, settling basins, or other physical control measures designed to settle out chemically treated soils and minimize the presence of treatment chemicals before discharges reach waters of the U.S.. At a minimum there must be at least 100 feet of ditch length downstream of the last manufactured product prior to reaching a water of the U.S. to provide a place for sedimentation to occur.

- *Active Treatment Systems*. A permittee who uses an Active Treatment System as a control measure must submit information required by the Department for review at least fourteen (14) days prior to start of operation of the active treatment system at the project and comply with Part 4.4. At a minimum, the information must provide details on the following: relevant information required by Part 11.G.4.5.1, engineering plans, description of treatment process, site conditions (including soil types), treatment chemicals, dose rates, monitoring to be conducted, expected residual chemical, proper operator training, methods for storage, procedures for spill prevention and containment, operation and maintenance, and record keeping and reporting.

*11.G.4.6 Prohibited Discharge.* A permittee is prohibited from discharging the following from the site:

11.G.4.6.1 Wastewater from concrete washout, unless managed by an appropriate control measure;

11.G.4.6.2 Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

11.G.4.6.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

11.G.4.6.4 Soaps or solvents used in vehicle and equipment washing.

*11.G.4.7 Good Housekeeping Measures.* A permittee must design, install, implement, and maintain effective good housekeeping measures to prevent and/or minimize the discharge of pollutants. A permittee must include appropriate measures for any of the following activities that are used at the site.

*11.G.4.7.1 Washing of Equipment and Vehicles and Wheel Wash-Down.* If a permittee conducts washing of equipment or vehicles and/or wheel wash-down at the site the permittee must comply with the following requirements:

- Designate areas to be used for washing of equipment and vehicles and/or wheel wash-down and conduct such activities only in these areas;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Treat all wash water in a sediment basin or use alternative control measures that provide equivalent or better treatment prior to discharge; and
- To comply with the prohibition in Part 11.G.4.6.4, the discharge of soaps and solvents used in equipment and vehicle washing and/or wheel wash-down is strictly prohibited.

*11.G.4.7.2 Fueling and Maintenance Areas.* If a permittee conducts fueling and/or maintenance activities for equipment and vehicles at the site the permittee must comply with the following requirements:

- Designate areas to be used for fueling and/or maintenance of equipment and vehicles and conduct such activities only in these areas (the designated area may move from one location to another on linear projects);
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets and waters of the U.S.;
- Minimize the exposure to precipitation and storm water or use secondary containment structures designed to eliminate the potential for spills or leaked chemicals; and
- To comply with the prohibition in Part 11.G.4.6.3, a permittee must:
    - Clean up spills or contaminated surfaces immediately;
    - Ensure adequate clean up supplies are available at all times to handle spills, leaks, and disposal of used liquids;
    - Use drip pans or absorbents under or around leaky equipment and vehicles; and
    - Dispose of liquid wastes or materials used for fueling and maintenance in accordance with Part 11.G.4.11.

*11.G.4.8 Staging and Material Storage Areas.* If a permittee maintains staging and material storage areas at the site the permittee must comply with the following requirements:

- Designate areas to be used for staging and material storage areas;

- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S; and
- Minimize the exposure to precipitation and storm water and vandalism for all chemicals, treatment chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment.

*11.G.4.9 Washout of Applicators/Containers used for Paint, Concrete, and Other Materials.* If a permittee conducts washing of applicators and/or containers used for paint, concrete, and other materials at the site, the permittee must comply with the following requirements:

- Designate areas to be used for washout;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Direct all concrete, paint, and other material washout activities into a lined, water-tight container or pit to ensure there is no discharge into the underlying soil and onto the surrounding areas;
- Dispose of liquid wastes in accordance with Part 11.G.4.11; and
- For concrete washout areas, remove hardened concrete waste when it has reached one-half (½) the height of the container or pit and dispose of in accordance with Part 11.G.4.11.

*11.G.4.10 Fertilizer or Pesticide Use.* If a permittee uses fertilizers or pesticides the permittee must comply with the following requirements:

- Application of fertilizers and pesticides in a manner and at application rates that will minimize the loss of chemical to storm water runoff. Manufacturers' label requirements for application rates and disposal requirements must be followed; and
- Use pesticides in compliance with federal, state and local requirements.

*11.G.4.11 Storage, Handling, and Disposal of Construction Waste.* If a permittee stores, handles and/or disposes of construction waste at the site, the permittee must comply with the following requirements:

- Locate areas dedicated for management or disposal of construction waste, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;

- Dispose of all collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other domestic wastes according to federal, state and local requirements;

- Store hazardous or toxic waste in appropriate sealed containers and dispose of these wastes in accordance with manufactures recommended method of disposal or federal, state or local requirements; and

- Provide containment of sanitation facilities (e.g., portable toilets) to prevent discharges of pollutants to the storm water drainage system or receiving water. Clean or replace sanitation facilities and inspect them regularly for leaks and spills.

*11.G.4.12 Winter Considerations.*

*11.G.4.12.1 Winter Shutdown.* A permittee who temporarily ceases construction for the winter and plans to resume construction the next summer must plan for winter shutdown. The permittee must identify the anticipated dates of fall freeze-up and spring thaw (see Appendix C) for their site and use these dates to plan for winter shutdown. For the purpose of planning ahead frozen ground by itself is not considered an acceptable control measure for stabilization. A permittee must provide for the following prior to, during, and at the conclusion of winter shutdown:

- Temporary or permanent stabilization for conveyance channels;

- Temporary or permanent stabilization for disturbed slopes, disturbed soils, and soil stockpiles; and

- Erosion and sediment control measures in anticipation of spring thaw.

*11.G.4.12.2 Winter Construction.* In several areas of Alaska, winter construction provides opportunities for construction not available during summer months. Permit coverage is not required for the construction of ice roads or the placement of sand or gravel on frozen tundra with no excavation or potential to pollute waters of the U.S. This permit does address those construction activities that have the potential for erosion or sediment runoff during spring thaw and summer rainfall. A permittee operating winter construction activities must plan for using appropriate control measures to minimize erosion or sediment runoff during spring thaw and summer rainfall. The Alaska Storm Water Guide, Chapters 3 and 4, provide guidance on the selection, design, and installation of winter construction practices and controls.

*11.G.4.12.3 Late Winter Clearing.* Cutting of trees and brush while the ground is frozen, without disturbing the vegetative mat, for the purpose of clearing in accordance with the U.S. Fish & Wildlife Service "Recommended Time Periods for Avoiding Vegetation Clearing" is allowed prior to the submittal of a project NOI. If the cutting occurs after the onset of spring thaw (as defined in Appendix C), conditions that consist of above freezing temperatures that cause melting of snow, then the permittee must develop a SWPPP and file an NOI, and receive authorization for coverage under this permit from DEC, and otherwise comply with the terms of this permit prior to such clearing.

*11.G.4.13 Maintenance of Control Measures.* A permittee must maintain all control measures, good housekeeping measures, and other protective measures in effective operating condition. If site inspections required by Part 6 identify control measures, good housekeeping measures, or other protective measures that are not operating effectively, the permittee must implement corrective actions in accordance with Part 8.

If existing control measures need to be modified or if additional control measures are necessary for any reason, the permittee must complete any corrective action in accordance with Part 8.3.

A permittee must remove sediment from silt fences, check dams, berms or other controls before the accumulated sediment reaches one-half (½) the distance up the above-ground height (or it reaches a lower height based on manufacturer's specifications) of the control measure. For sediment traps or sediment ponds, the permittee must remove accumulated sediment when the design capacity has been reduced by fifty (50%) percent.

*11.G.4.14 Inspection of Clearing, Grading, and Excavation Activities.* (See also Part 6)

*11.G.4.14.1 Inspection Frequency.* Inspections must be conducted at one of the following: at least once every 7 calendar days; or at least once every 14 calendar days and within 24 hours of the end of a storm event that resulted in a discharge from the site; or for areas of the state where the mean annual precipitation is forty (40) inches or greater, or relatively continuous precipitation or sequential storm events, inspect at least once every seven (7) calendar days. If the entire site is temporarily stabilized, inspection frequency may be reduced to at least once every month and within two business days of the end of a measurable storm event at actively staffed sites which resulted in a discharge from the site (pursuant to Part 11.G.4.15.2). Once active mining has begun, those areas comply with inspections according to 11.G.7. A permittee must specify in the SWPPP which schedule will be followed.

*11.G.4.14.2 Winter Shutdown.* If the exploration and construction phase is undergoing winter shutdown the permitee may stop inspections fourteen (14) calendar days after the anticipated fall freeze-up and must resume inspections at least twenty-one (21) calendar days prior to the anticipated spring thaw. The permitee shall identify the winter shutdown period in their SWPPP based upon the definitions of fall freeze-up and spring thaw.

*11.G.4.14.3 Location of Inspections.* Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

*11.G.4.14.4 Inspection Reports.* (See also Part 6.1) For each inspection required above, the permittee must complete an inspection report. At a minimum, the inspection report must include the information required in Part 6.1.

*11.G.4.15 Requirements for Cessation of Clearing, Grading, and Excavation Activities.*

*11.G.4.15.1 Inspections and Maintenance.* Inspections and maintenance of control measures, including BMPs, associated with clearing, grading, and/or excavation activities being conducted as part of the exploration and construction phase of a mining operation must continue until final stabilization has been achieved on all portions of the disturbed area, or until the commencement of the active mining phase for those areas that have been temporarily stabilized as a precursor to mining.

*11.G.4.15.2 Temporary Stabilization of Disturbed Areas.* Stabilization measures should be initiated immediately in portions of the site where clearing, grading and/or excavation activities have temporarily ceased, but in no case more than 14 days after the clearing, grading and/or excavation activities in that portion of the site have temporarily ceased. In arid, semiarid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after exploration, and/or construction activity has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable.

The permittee must identify the anticipated dates of fall freeze-up and spring thaw (see Appendix C) for the site and use those dates to plan for winter shutdown. For the purpose of planning ahead frozen ground by itself is not considered an acceptable control measure for stabilization. Where temporary stabilization by the

14th day is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable following the actual spring thaw.

Until temporary vegetative stabilization is achieved, interim measures (e.g., surface roughening or a surface cover, including but not limited to, establishment of ground vegetation, application of mulch, or surface tackifiers with an appropriate seed base) must be employed. In areas of the site, where exploration and/or construction has permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until such time as the active mining phase commences.

*11.G.4.15.3 Final Stabilization of Disturbed Areas.* Stabilization measures should be initiated immediately in portions of the site where mining, exploration, and/or construction activities have permanently ceased, but in no case more than 14 days after the exploration and/or construction activity in that portion of the site has permanently ceased. In arid, semiarid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures must be used.

## 11.G.5 Additional Technology-Based Effluent Limits.

*11.G.5.1 Employee Training.* (See also Part 4.2.9) Conduct employee training at least annually at active and temporarily inactive sites.

*11.G.5.2 Good Housekeeping Measures.* (See also Part 4.2.2) As part of the permittees good housekeeping program, implement the following, as practicable: use sweepers and covered storage, watering haul roads to minimize dust generation, and conserving vegetation (where possible) to minimize erosion.

*11.G.5.3 Preventive Maintenance.* (See also Part 4.2.3) Perform inspections or other equivalent measures of storage tanks and pressure lines of fuels, lubricants, hydraulic fluid, and slurry to prevent leaks due to deterioration or faulty connections.

*11.G.5.4 Storm Water Controls.* Apart from the control measures implemented to meet the Part 4 control measures, implement the following control measures at the facility, as practicable. The potential pollutants identified in Part 11.G.6.3 shall determine the priority and appropriateness of the control measures selected. If the permittee selects or develops a storm water control other than one described below, the permittee shall describe it in the SWPPP.

*11.G.5.4.1 Storm Water Diversions.* Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

*11.G.5.4.2 Velocity Dissipation Devices.* Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) as practicable, along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.

*11.G.5.4.3 Down-Slope Sediment Controls.* Establish and use down-slope sediment controls (e.g., silt fence or temporary diversion dike) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.

*11.G.5.4.4 Stabilized Construction Vehicle Access and Exit Points.* Establish stabilized vehicle access and exit points. Off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.

*11.G.5.4.5 Capping.* When capping is necessary to minimize pollutant discharges in storm water, identify the source being capped and the material used to construct the cap.

*11.G.5.4.6 Treatment.* If treatment of storm water (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. All permanent storm water treatment devices shall receive engineering plan approval per 18 AAC 72.600. Passive and/or active treatment of storm water runoff is encouraged where practicable. Treated runoff may be discharged as a storm water source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

*11.G.5.5 Certification of Discharge Testing.* (See also Part 5.2.4.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-storm water discharges such as seeps or adit discharges, or discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 440), such as mine drainage or process water. Alternatively (if applicable), the permittee may keep a certification with the SWPPP consistent with Part 11.G.6.6.

*11.G.5.6 Overburden, Waste Rock, and Raw Material Piles.* Overburden, topsoil, and waste rock, as well as raw material and intermediate and final product stockpiles, shall be located a minimum of 25 feet away from surface water, other sources of water, and from geologically unstable areas as practicable.

## 11.G.6 Additional SWPPP Requirements.

*11.G.6.1 Nature of Industrial Activities.* (See also Part 5.2.3) Document in the SWPPP the mining and associated activities that can potentially affect the storm water discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.

*11.G.6.2 Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each storm water outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual APDES permit, outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage (where water leaves mine) or other process water; tailings piles and ponds (including proposed ones); heap leach pads; off-site points of discharge for mine drainage and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.

*11.G.6.3 Potential Pollutant Sources.* (See also Part 5.2.4) For each area of the mine or mill site where storm water discharges associated with industrial activities occur, identify the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. Monitor these factors, as relevant: the mineralogy of the ore and waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing ore or waste rock or overburden characterization data and test results for potential generation of acid rock. If any new data is acquired due to changes in ore type being mined, update the SWPPP with this information.

*11.G.6.4 Documentation of Control Measures.* Document all control measures that the permittee implements consistent with Part 11.G.5.4. If control measures are implemented or planned but are not listed in Part 11.G.5.4 (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in the SWPPP.

*11.G.6.5 Employee Training.* To the extent practical, all supervisory personnel involved in directing the maintenance of storm water control measures shall be trained and qualified in the principles and practices of erosion and sediment control. All employee training(s) must be documented in the SWPPP.

*11.G.6.6 Certification of Permit Coverage for Commingled Non-Storm Water Discharges.* If a permittee determines that they are able to certify, consistent with Part 11.G.5.5, that a particular discharge composed of commingled storm water and non-storm water is covered under a separate APDES permit, and that permit subjects the non-storm water portion to effluent limitations prior to any commingling, retain such certification with the SWPPP. This certification must identify the non-storm water discharges, the applicable APDES permit(s), the effluent limitations placed on the non-storm water discharge by the permit(s), and the points at which the limitations are applied.

*11.G.6.7 SWPPP Submittal.* At least 45 calendar days prior to the start of initial construction of a new facility the permittee shall submit the construction phase SWPPP to DEC.

*11.G.6.8 SWPPP Meeting.* At least 20 calendar days before the start of initial construction for a new facility, representatives of the permittee and the prime site construction contractor shall meet with DEC in a pre-construction conference to discuss the details of storm water management during construction.

## 11.G.7 Additional Inspection Requirements.

(See also Part 6.1 and 11.G.4.14.) Except for areas of the site subject to clearing, grading, and/or excavation activities conducted as part of the exploration and construction phase, which are subject to Part 11.G.4.14.1, the permittee must inspect sites at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters designated as outstanding waters or waters which are impaired for sediment or nitrogen must be inspected monthly. See Part 11.G.8.4 for inspection requirements for inactive and unstaffed sites.

## 11.G.8 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

Note: There are no Part 11.G.8 monitoring and reporting requirements for inactive and unstaffed sites.

*11.G.8.1 Benchmark Monitoring for Active Copper Ore Mining and Dressing Facilities.* Active copper ore mining and dressing facilities, the permittee must sample and analyze storm water discharges for the pollutants listed in Table 11.G.8-1.

**Table 11.G.8-1: Benchmark Monitoring for Active Copper Ore Mining and Dressing Facilities**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| Subsector G1. Active Copper Ore Mining and Dressing Facilities (SIC 1021) | Total Suspended Solids (TSS) | 100 mg/L |
| | Nitrate plus Nitrite Nitrogen | 0.68 mg/L |
| | Chemical Oxygen Demand (COD) | 120 mg/L |

*11.G.8.2 Benchmark Monitoring Requirements for Discharges from Waste Rock and Overburden Piles at Active Metal Mining Facilities.* For discharges from waste rock and overburden piles, perform benchmark monitoring once in the first year for the parameters listed in Table 11.G.8-2, and twice annually in all subsequent years of coverage under this permit for any parameters for which the benchmark has been exceeded. The permittee is also required to conduct analytic monitoring for the parameters listed in Table 11.G.8-3 in accordance with the requirements in Part 11.G.8.3. The Department may also notify the permittee that the permittee must perform additional monitoring to accurately characterize the quality and quantity of pollutants discharged from their waste rock and overburden piles.

*(Table 11.G.8-2: Benchmark Monitoring Requirements for Discharges from Waste Rock and Overburden Piles at Active Metal Mining Facilities*
*located on following page.)*

**Table 11.G.8-2: Benchmark Monitoring Requirements for Discharges from Waste Rock and Overburden Piles at Active Metal Mining Facilities**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| **Subsector G2.** Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; and Miscellaneous Metal Ores (SIC Codes 1011, 1021, 1031, 1041, 1044, 1061, 1081, 1094, 1099)<br><br>(Note: when analyzing hardness for a suite of metals, it is more cost effective to add analysis of calcium and magnesium, and have hardness calculated than to require hardness analysis separately) | Total Suspended Solids (TSS) | 100 mg/L |
| | Turbidity | See Note 1 |
| | pH | 6.5 - 8.5 s.u. |
| | Hardness (as CaCO3; calc. from Ca, Mg)[2] | no benchmark value |
| | Total Antimony | 0.64 mg/L |
| | Total Arsenic (saltwater)[2]<br>Total Arsenic (freshwater) | 0.069 mg/L<br>0.15 mg/ L |
| | Total Beryllium | 0.13 mg/L |
| | Total Cadmium (saltwater)[2]<br>Total Cadmium (freshwater)[3] | 0.04 mg/L<br>Hardness Dependent |
| | Total Copper (saltwater)[2]<br>Total Copper (freshwater)[3] | 0.0048 mg/L<br>Hardness Dependent |
| | Total Iron | 1.0 mg/L |
| | Total Lead (saltwater)[2]<br>Total Lead (freshwater)[3] | 0.21 mg/L<br>Hardness Dependent |
| | Total Mercury (saltwater)[2]<br>Total Mercury (freshwater)[3] | 0.0018 mg/L<br>0.0014 mg/L |
| | Total Nickel(saltwater)[2]<br>Total Nickel (freshwater)[3] | 0.074 mg/L<br>Hardness Dependent |
| | Total Selenium | 0.005 mg/L |
| | Total Silver (saltwater)[2]<br>Total Silver (freshwater)[3] | 0.0019 mg/L<br>Hardness Dependent |
| | Total Zinc (saltwater)[2]<br>Total Zinc (freshwater)[3] | 0.09 mg/L<br>Hardness Dependent |

Note:

1. Turbidity in fresh water may not exceed 5 nephelometric turbidity units (NTU) above natural conditions when the natural turbidity is 50 NTU or less, and may not have more than 10% increase in turbidity when the natural turbidity is more than 50 NTU, not to exceed a maximum increase of 25 NTU. See 18 AAC 70.020(b)(12)(A)(i).
2. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
3. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 7.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

| Water Hardness Range (mg/L) | Cadmium (mg/L) | Copper (mg/L) | Lead (mg/L) | Nickel (mg/L) | Silver (mg/L) | Zinc (mg/L) |
|---|---|---|---|---|---|---|
| 0 – < 25 | 0.0005 | 0.0038 | 0.014 | 0.15 | 0.0007 | 0.04 |
| 25 – < 50 | 0.0008 | 0.0056 | 0.023 | 0.20 | 0.0007 | 0.05 |
| 50 – < 75 | 0.0013 | 0.0090 | 0.045 | 0.32 | 0.0017 | 0.08 |
| 75 – < 100 | 0.0018 | 0.0123 | 0.069 | 0.42 | 0.0030 | 0.11 |
| 100 – < 125 | 0.0023 | 0.0156 | 0.095 | 0.52 | 0.0046 | 0.13 |
| 125 – < 150 | 0.0029 | 0.0189 | 0.122 | 0.61 | 0.0065 | 0.16 |
| 150 – < 175 | 0.0034 | 0.0221 | 0.151 | 0.71 | 0.0087 | 0.18 |
| 175 – < 200 | 0.0039 | 0.0253 | 0.182 | 0.80 | 0.0112 | 0.20 |
| 200 – < 225 | 0.0045 | 0.0285 | 0.213 | 0.89 | 0.0138 | 0.23 |
| 225 – < 250 | 0.0050 | 0.0316 | 0.246 | 0.98 | 0.0168 | 0.25 |
| 250+ | 0.0053 | 0.0332 | 0.262 | 1.02 | 0.0183 | 0.26 |

*11.G.8.3 Additional Analytic Monitoring Requirements for Discharges from Waste Rock and Overburden Piles at Active Metal Mining Facilities.* In addition to the monitoring required in Part 11.G.8.2 for discharges from waste rock and overburden piles, the permittee must also conduct monitoring for additional parameters based on the type of ore they mine at their facility. Where a parameter in Table 11.G.8-3 is the same as a pollutant the permittee is required to monitor for in Table 11.G.8-2 (i.e., for all of the metals, the permittee must use the corresponding benchmark in Table 11.G.8-2 and they may use any monitoring results conducted for Part 11.G.8.2 to satisfy the monitoring requirement for that parameter for Part 11.G.6.3. For radium and uranium, which do not have corresponding benchmarks in Table 11.G.8-2, there are no applicable benchmarks.) The frequency and schedule for monitoring for these additional parameters is the same as that specified in Part 7.2.1.2.

**Table 11.G.8-3: Additional Monitoring Requirements for Discharges from Waste Rock and Overburden Piles**

| Supplemental Requirements | | | |
|---|---|---|---|
| Type of Ore Mined | Pollutants of Concern | | |
| | Total Suspended Solids (TSS) | pH | Metals, Total |
| Tungsten Ore | X | X | Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H) |
| Nickel Ore | X | X | Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H) |
| Aluminum Ore | X | X | Iron |
| Mercury Ore | X | X | Nickel (H) |
| Iron Ore | X | X | Iron (Dissolved) |
| Platinum Ore | | | Cadmium (H), Copper (H), Mercury, Lead (H), Zinc (H) |
| Titanium Ore | X | X | Iron, Nickel (H), Zinc (H) |
| Vanadium Ore | X | X | Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H) |
| Molybdenum | X | X | Arsenic, Cadmium (H), Copper (H), Lead (H), Mercury, Zinc (H) |
| Uranium, Radium, and Vanadium Ore | X | X | Chemical Oxygen Demand, Arsenic, Radium (Dissolved and Total), Uranium, Zinc (H) |

Note: An "X" indicated for TSS and/or pH means that permittees are required to monitor for those parameters. (H) indicates that hardness must also be measured when this pollutant is measured.

*11.G.8.4 Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirements for Quarterly Visual Assessments and Routine Facility Inspections.* As a Sector G facility, if the permittee is seeking to exercise a waiver from the quarterly visual assessment and routine facility inspection requirements for inactive and unstaffed sites (including temporarily inactive sites), they are conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to storm water" in Part 6.2.3 and 7.2.1.6, respectively. Additionally, if the permittee is seeking to reduce their required quarterly routine inspection frequency to a once annual comprehensive inspection, as is allowed under Part 6.1.3, the permittee is also conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to storm water." This exemption is conditioned on the following:

- If circumstances change and the permittees facility becomes active and/or staffed, this exception no longer applies and the permittee must immediately begin complying with the quarterly visual assessment requirements; and
- DEC retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above a WQS, including designated uses.

Subject to the two conditions above, if the permittees facility is inactive and unstaffed, they are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. The permittee is not waived from conducting the Part 6.3 comprehensive site inspection. They are encouraged to inspect their site more frequently where they have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

*(Table 11.G.8-4: Applicability of the Multi-Sector General Permit to Storm Water Runoff from Active Mining and Dressing Sites, Temporarily Inactive Sites, and Sites Undergoing Reclamation located on the following page.)*

**Table 11.G.8-4: Applicability of the Multi-Sector General Permit to Storm Water Runoff from Active Mining and Dressing Sites, Temporarily Inactive Sites, and Sites Undergoing Reclamation**

| Discharge/Source of Discharge | Note/Comment |
|---|---|
| Piles | |
| Waste rock/overburden | If composed entirely of storm water and not combining with mine drainage. See note below. |
| Topsoil | — |
| Roads Constructed of Waste Rock or Spent Ore | |
| Onsite haul roads | If composed entirely of storm water and not combining with mine drainage. See note below. |
| Offsite haul and access roads | — |
| Roads Not Constructed of Waste Rock or Spent Ore | |
| Onsite haul roads | Except if mine drainage is used for dust control |
| Offsite haul and access roads | — |
| Milling/Concentrating | |
| Runoff from tailings dams and dikes when constructed of waste rock/tailings | Except if process fluids are present and only if composed entirely of storm water and not combining with mine drainage. See Note below. |
| Runoff from tailings dams/dikes when not constructed of waste rock and tailings | Except if process fluids are present |
| Concentration building | If storm water only and no contact with piles |
| Mill site | If storm water only and no contact with piles |
| Ancillary Areas | |
| Office and administrative building and housing | If mixed with storm water from the industrial area |
| Chemical storage area | — |
| Docking facility | Except if excessive contact with waste product that would otherwise constitute mine drainage |
| Explosive storage | — |
| Fuel storage (oil tanks/coal piles) | — |
| Vehicle and equipment maintenance area/building | — |
| Parking areas | But coverage unnecessary if only employee and visitor-type parking |
| Power Plant | |
| Truck wash area | Except when excessive contact with waste product that would otherwise constitute mine drainage |
| Reclamation-Related Areas | |
| Any disturbed area (unreclaimed) | Only if not in active mining area |
| Reclaimed areas released from reclamation requirements prior to Dec. 17, 1990 | — |
| Partially/inadequately reclaimed areas or areas not released from reclamation requirements | — |

Note: Storm water runoff from these sources are subject to the APDES program for storm water unless mixed with discharges subject to 40 CFR Part 440 that are regulated by another permit prior to mixing. Non-storm water discharges from these sources are subject to APDES permitting and may be subject to the effluent limitation guidelines under 40 CFR Part 440. Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless:

(1) it drains naturally (or is intentionally diverted) to a point source; and

(2) combines with "mine drainage" that is otherwise regulated under the Part 440 regulations. For such sources, coverage under this permit would be available if the discharge composed entirely of storm water does not combine with other sources of mine drainage that are not subject to 40 CFR Part 440, as well as meeting other eligibility criteria contained in Part 1.2 of the permit. Permit applicants bear the initial responsibility for determining the applicable technology-based standard for such discharges. DEC recommends that permit applicants contact the Department for assistance to determine the nature and scope of the "active mining area" on a mine-by-mine basis, as well as to determine the appropriate permitting mechanism for authorizing such discharges.

## 11.G.9 Termination of Permit Coverage.

*11.G.9.1 Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.* A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 11.G.3.5.

*11.G.9.2 Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.* A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state WQS, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

# 11. Subpart H – Sector H – Coal Mines and Coal Mining-Related Facilities.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.H.1 Covered Storm Water Discharges.

The requirements in Subpart H apply to storm water discharges associated with industrial activity from Coal Mines and Coal Mining-Related facilities as identified by the SIC Codes specified under Sector H in Table D-1 of Appendix D.

## 11.H.2 Limitations on Coverage.

*11.H.2.1 Prohibition of Non-Storm Water Discharges.* (See also Part 1.2.4) Not covered by this permit: discharges from pollutant seeps or underground drainage from inactive coal mines, adit discharges and refuse disposal areas that do not result from precipitation events, and discharges from floor drains in maintenance buildings and other similar drains in mining and preparation plant areas. These unauthorized discharges should be covered under a separate APDES discharge permit.

*11.H.2.2 Discharges Subject to Storm Water Effluent Guidelines.* (See also Part 1.2.4.4) Not authorized by this permit: storm water discharges subject to an existing effluent limitation guideline at 40 CFR Part 434.

## 11.H.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

*11.H.3.1 Mining Operation* - Consists of the active and temporarily inactive phases, and the reclamation phase, but excludes the exploration and construction phases.

*11.H.3.2 Exploration Phase* - Entails exploration and land disturbance activities to determine the financial viability of a site. The exploration phase is not considered part of "mining operations."

*11.H.3.3 Construction Phase* - Includes the building of site access roads, facilities, and removal of overburden and waste rock to expose mineable coal. The construction phase is not considered part of "mining operations."

*11.H.3.4* *Active Phase* - Activities including the extraction, removal or recovery of coal. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 434.11(b). The active phase is considered part of "mining operations."

*11.H.3.5* *Reclamation Phase* - Activities undertaken, in compliance with applicable mined land reclamation requirements, following the cessation of the "active phase", intended to return the land to an appropriate post-mining land use. The reclamation phase is considered part of "mining operations."

*11.H.3.6* *Active Coal Mining Facility* - A place where work or other activity related to the extraction, removal, or recovery of coal is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 434.11(b).

*11.H.3.7* *Inactive Coal Mining Facility* - A site or portion of a site where coal mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable State or Federal agency. An inactive coal mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an APDES industrial storm water permit.

*11.H.3.8* *Temporarily Inactive Coal Mining Facility* - A site or portion of a site where coal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable State or Federal agency.

## 11.H.4 Technology-Based Effluent Limits for Clearing, Grading, and Excavation Activities.

Clearing, grading, and excavation activities being conducted as part of the exploration and construction phase of mining activities are covered under this permit.

*11.H.4.1* *Erosion Control Measures.* A permittee must comply with the erosion control measures in this Part to minimize soil exposure on the site during construction.

*11.H.4.1.1* *Delineation of Site.* A permittee must generally delineate (e.g., with flagging, stakes, signs, silt fence, etc.,) the location of specific areas that will be left undisturbed such as trees, boundaries of sensitive areas, or buffers established under Part 11.H.4.1.3.

*11.H.4.1.2 Minimize the Amount of Soil Exposed during Construction Activity.* A permittee must include the following considerations in the selection of control measures and the sequence of project construction as they apply to the project site:

- Preserve areas of native topsoil on the site, unless infeasible; and
- Sequence or phase construction activities to minimize the extent and duration of exposed soils to the extent practicable.

*11.H.4.1.3 Maintain Natural Buffer Areas.*

The permittee must maintain natural buffer areas at stream crossings and around the edge of any waters of the U.S. that are located within or immediately adjacent to the property where the construction activity will take place in accordance with the following:

- The buffer must be a minimum of twenty-five (25) feet wide, unless infeasible based on site dimensions, or the width as required by local ordinance.
- Exceptions are allowed for water dependent activities, specific water access activities, or necessary water crossings.
- A permittee should, to the extent practicable, use perimeter controls adjacent to buffers, and direct storm water sheet flow to buffer areas to increase sediment removal and maximize storm water infiltration, unless infeasible.

*11.H.4.1.4 Control Storm Water Discharges and Flow Rates.* A permittee must include the following control measures to handle storm water and total storm water volume discharges as they apply to the site:

- Divert storm water around the site so that it does not flow onto the project site and cause erosion of exposed soils;
- Slow down or contain storm water that may collect and concentrate within a site and cause erosion of exposed soils;
- Avoid placement of structural control measures in active floodplains to the degree technologically and economically practicable and achievable;
- Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters; and

- Install permanent storm water management controls, if present at a site and where practical, so that they must be functional prior to construction of site improvements (e.g., impervious surfaces).

*11.H.4.1.5 Protect Steep Slopes.* A permittee must include the following considerations in the selection of control measures as they apply to the project site:

- Design and construct cut-and-fill slopes in a manner that will minimize erosion. Applicable practices include, but are not limited to, reducing continuous length of slope with terracing and diversions, reducing slope steepness, and roughening slope surfaces (e.g., track walking);

- Divert concentrated flows of storm water away from and around the disturbed portion of the slope. Applicable practices include, but are not limited to interceptor dikes and swales, grass-lined channels, pipe slope drains, subsurface drains, check dams; and

- Stabilize exposed areas of the slope in accordance with Part 11.H.4.4.

*11.H.4.2 Sediment Control Measures.* Sediment control measures (e.g. sediment ponds, traps, filters, etc.) must be constructed as one of the first steps in grading. These control measures must be functional before other land disturbing activities take place. A permittee must install, establish and use any of the following control measures that apply to the project site.

*11.H.4.2.1 Storm Drain Inlet Protection Meaures.* A permittee must install appropriate protection measures (e.g. filter berms, perimeter controls, temporary diversion dikes, etc.) to minimize the discharge of sediment prior to entry into the inlet for storm drain inlets located on site or immediately downstream of the site. Inlet protection measures must be cleaned or removed and replaced when sediment has filled one-third of the available storage.

*11.H.4.2.2 Water Body Protection Measures.* A permittee must install appropriate protection measures (Part 11.H.4.1.4) to minimize the discharge of sediment prior to entry into the water body for water bodies located on site or immediately downstream of the site. Protection measures must be cleaned or removed and replaced when sediment has filled one-third of the available storage.

*11.H.4.2.3 Down-Slope Sediment Controls.* A permittee must establish and use down-slope sediment controls (e.g., silt fence, temporary diversion dike, etc.) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.

*11.H.4.2.4 Stabilized Construction Vehicle Access and Exit Points.* A permittee must establish construction vehicle access and exit points which must be stabilized. Access and exit points should be limited to one route, if possible. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.

*11.H.4.2.5 Dust Generation and Track-Out from Vehicles.* A permittee must minimize the generation of dust through the application of water or other dust suppression techniques and prior to vehicle exit. A permittee must provide an effective way of minimizing off-site vehicle tracking of sediment from wheels to prevent track-out onto paved surfaces.

*11.H.4.2.6 Soil Stockpiles.* A permittee must stabilize or cover soil stockpiles, protect with sediment trapping measures, and where possible, locate soil stockpiles away from storm drain inlets, water bodies, and conveyance channels.

*11.H.4.2.7 Authorized Non-Storm Water Discharges.* A permittee must minimize any non-storm water authorized by this permit.

*11.H.4.2.8 Sediment Basins*, where applicable:

- For common drainage locations that serve an area with ten (10) or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from the drainage area from a 2-year, 24-hour storm, or equivalent sediment control measures, must be installed, maintained, and used where practicable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent sediment control measures, must be installed and used where practicable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is practicable, the permittee may consider factors such as site soils, slope, available area on-site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin, and alternative sediment control measures must be used where site limitations would preclude a safe design.

- For drainage locations which serve ten (10) or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not practicable, smaller sediment basins and/or sediment traps should be used. Silt fences, vegetative buffer strips, or equivalent sediment control measures are

required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).

- For drainage locations serving less than ten (10) acres, smaller sediment basins and/or sediment traps should be used. Silt fences, vegetative buffer strips, or equivalent sediment control measures are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm event or 3,600 cubic feet of storage per acre drained is provided.

- When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface where practicable.

- Note: installing sediment basins in the presence of permafrost is challenging and might not be practicable in some instances because permafrost creates poor surface drainage that hinders the infiltration of runoff. Also, the excavation of permafrost in summer can trigger thawing and instability.

*11.H.4.3 Dewatering.*

11.H.4.3.1 If a construction activity includes excavation dewatering and has a discharge that could adversely impact a local drinking water well, an DEC-identified contaminated site, or a waters of the U.S., the permittee must review the DEC Excavation Dewatering General Permit (AKG002000, or most current version) for specific requirements the permittee may have to comply with in addition to the conditions of this permit.

11.H.4.3.2 A discharge from eligible dewatering activities, including discharges from dewatering of trenches and excavations are prohibited unless treated by appropriate control measures. Appropriate control measures include, but are not limited to, sediment basins or traps, dewatering tanks, weir tanks, or filtration systems designed to remove sediment.

*11.H.4.4 Soil Stabilization.*

*11.H.4.4.1 Minimum Requirements for Soil Stabilization.* A permittee must stabilize all disturbed areas of the site to minimize on-site erosion and sedimentation and the resulting discharge of pollutants according to the requirements of this Part. A permittee must ensure that existing vegetation is preserved wherever possible and that disturbed portions of the site are stabilized. Applicable stabilization control measures include, but are not limited to: temporary and permanent seeding, sodding, mulching, rolled erosion control product, compost blanket, soil application

of polyacrylamide (PAM), the early application of gravel base on areas to be paved, and dust control. A permittee should avoid using impervious surfaces for stabilization. See the Alaska Plant Materials Center's A Revegetation Manual for Alaska at http://plants.alaska.gov for help in efforts to select appropriate seed mixes and some information on methods for revegetation. Also see the manual for coastal Alaska, Coastal Revegetation & Erosion Control Guide at http://plants.alaska.gov.

*11.H.4.5 Treatment Chemicals.* The use of treatment chemicals to reduce erosion from the land or sediment in a storm water discharge is allowed provided that all of the requirements of this Part are met.

*11.H.4.5.1 Treatment Chemicals.* Documentation of treatment chemicals selected for use at a site must include, at a minimum, the following information:

- Manufacturer and/or supplier provided Material Safety Data Sheets, specifications, and instructions for the transport, handling, storage, application, and disposal of the treatment chemical;
- Approval by EPA for potable water use;
- Approval by EPA or the states of California, Minnesota, Oregon, Washington, or Wisconsin for use in controlling erosion or sediment runoff from agricultural land or construction projects;
- Manufacturer and/or supplier provided test results recognized by EPA or the states of California, Minnesota, Oregon, Washington, or Wisconsin that demonstrate that the treatment chemical is non-toxic to aquatic organisms when applied following the manufacturer or supplier recommended method of use and rate of application;
- A permittee is prohibited from using cationic polymers, except for the use of chitosan as part of an Active Treatment System in compliance with Part 11.H.4.5.4 or as approved by the Department in writing; and
- The names and titles of person(s) who handle and apply treatment chemicals at the construction site, the title of relevant training and date(s) the person(s) who apply the chemicals received training in the proper handling and application of treatment chemicals.

*11.H.4.5.2 Treatment Chemical Use.*

- A permittee must train employees who handle treatment chemicals to comply with the information required by Part 11.H.4.5.1; and

- A permittee must handle, store and dispose of treatment chemicals, waste chemicals, or flocculants in appropriate leak proof containers under a storm-resistant cover or surrounded by secondary containment structures so as to prevent their discharge to the waters of the U.S.

*11.H.4.5.3 Project Site Conditions.* Treatment chemicals are typically developed, tested, and approved in regions of the country that may have soils, soil and water temperatures, and other site conditions significantly different from Alaska. These differences must be considered in the selection of the treatment chemicals for use at the Alaskan site.

- A permittee must make certain the selected treatment chemical is appropriate for soils at the site through project-specific tests of the chemical with local soils or product use data on projects with similar soils.

- A permittee must ensure the selected treatment chemical is appropriate for the site topography, amount of precipitation expected at the site, and type of use.

*11.H.4.5.4 Application of Treatment Chemicals.* The application of treatment chemicals shall be in combination with appropriate physical control measures (e.g., rolled erosion control products, ditch check dams, sediment basins, sediment bags, filtration, etc.) to ensure effectiveness of the treatment chemical. The use of treatment chemicals is not considered a substitute for appropriate physical control measures and does not preclude any other requirement of this permit.

- *Land Application.*
    - A permittee shall comply with all Material Safety Data Sheet requirements and follow the manufacturer and/or suppliers written recommended application rate, including site-specific considerations.
    - A permittee shall use an application method that provides uniform coverage of the target area and avoids drift to non-target areas.
    - The application must always be a sufficient distance upgradient or upstream to allow adequate mixing and reaction prior to reaching a pre-constructed sediment trap, basin inflow structure, or filtering device of sufficient width to ensure adequate removal of sediments laden with treatment chemicals before discharges reach waters of the U.S.

- *Water Application* (including conveyance channel).
    - A permittee shall follow the manufacturer and/or suppliers written recommended application rate, including site-specific considerations.

- The application shall always be upstream from a pre-constructed sediment trap, basin inflow structure, vegetated swale, filtering device or a vegetated buffer of sufficient width to ensure adequate removal of sediments laden with treatment chemicals before discharges reach waters of the U.S.

- Treatment chemicals shall not be applied directly to a water of the U.S.

- Application through the use of manufactured products (e.g. gel bars, gel logs, floc blocks, etc.) shall be used in combination with adequate ditch check dams, settling basins, or other physical control measures designed to settle out chemically treated soils and minimize the presence of treatment chemicals before discharges reach waters of the U.S.. At a minimum there must be at least 100 feet of ditch length downstream of the last manufactured product prior to reaching a water of the U.S. to provide a place for sedimentation to occur.

- *Active Treatment Systems.* A permittee who uses an Active Treatment System as a control measure must submit information required by the Department for review at least fourteen (14) days prior to start of operation of the active treatment system at the project and comply with Part 4.4. At a minimum, the information must provide details on the following: relevant information required by Part 11.H.4.5.1, engineering plans, description of treatment process, site conditions (including soil types), treatment chemicals, dose rates, monitoring to be conducted, expected residual chemical, proper operator training, methods for storage, procedures for spill prevention and containment, operation and maintenance, and record keeping and reporting.

*11.H.4.6 Prohibited Discharge.* A permittee is prohibited from discharging the following from the site:

11.H.4.6.1 Wastewater from concrete washout, unless managed by an appropriate control measure;

11.H.4.6.2 Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

11.H.4.6.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

11.H.4.6.4 Soaps or solvents used in vehicle and equipment washing.

*11.H.4.7 Good Housekeeping Measures.* A permittee must design, install, implement, and maintain effective good housekeeping measures to prevent and/or minimize the discharge of pollutants. A permittee must include appropriate measures for any of the following activities that are used at the site.

*11.H.4.7.1 Washing of Equipment and Vehicles and Wheel Wash-Down.* If a permittee conducts washing of equipment or vehicles and/or wheel wash-down at the site the permittee must comply with the following requirements:

- Designate areas to be used for washing of equipment and vehicles and/or wheel wash-down and conduct such activities only in these areas;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Treat all wash water in a sediment basin or use alternative control measures that provide equivalent or better treatment prior to discharge; and
- To comply with the prohibition in Part 11.H.4.6.4, the discharge of soaps and solvents used in equipment and vehicle washing and/or wheel wash-down is strictly prohibited.

*11.H.4.7.2 Fueling and Maintenance Areas.* If a permittee conducts fueling and/or maintenance activities for equipment and vehicles at the site the permittee must comply with the following requirements:

- Designate areas to be used for fueling and/or maintenance of equipment and vehicles and conduct such activities only in these areas (the designated area may move from one location to another on linear projects);
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets and waters of the U.S.;
- Minimize the exposure to precipitation and storm water or use secondary containment structures designed to eliminate the potential for spills or leaked chemicals; and
- To comply with the prohibition in Part 11.H.4.6.3, a permittee must:
    - Clean up spills or contaminated surfaces immediately;
    - Ensure adequate clean up supplies are available at all times to handle spills, leaks, and disposal of used liquids;
    - Use drip pans or absorbents under or around leaky equipment and vehicles; and

- Dispose of liquid wastes or materials used for fueling and maintenance in accordance with Part 11.H.4.11.

*11.H.4.8 Staging and Material Storage Areas.* If a permittee maintains staging and material storage areas at the site the permittee must comply with the following requirements:

- Designate areas to be used for staging and material storage areas;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S; and
- Minimize the exposure to precipitation and storm water and vandalism for all chemicals, treatment chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment.

*11.H.4.9 Washout of Applicators/Containers used for Paint, Concrete, and Other Materials.* If a permittee conducts washing of applicators and/or containers used for paint, concrete, and other materials at the site, the permittee must comply with the following requirements:

- Designate areas to be used for washout;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Direct all concrete, paint, and other material washout activities into a lined, water-tight container or pit to ensure there is no discharge into the underlying soil and onto the surrounding areas;
- Dispose of liquid wastes in accordance with Part 11.H.4.11; and
- For concrete washout areas, remove hardened concrete waste when it has reached one-half (½) the height of the container or pit and dispose of in accordance with Part 11.H.4.11.

*11.H.4.10 Fertilizer or Pesticide Use.* If a permittee uses fertilizers or pesticides the permittee must comply with the following requirements:

- Application of fertilizers and pesticides in a manner and at application rates that will minimize the loss of chemical to storm water runoff. Manufacturers' label requirements for application rates and disposal requirements must be followed; and
- Use pesticides in compliance with federal, state and local requirements.

*11.H.4.11 Storage, Handling, and Disposal of Construction Waste.* If a permittee stores, handles and/or disposes of construction waste at the site, the permittee must comply with the following requirements:

- Locate areas dedicated for management or disposal of construction waste, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Dispose of all collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other domestic wastes according to federal, state and local requirements;
- Store hazardous or toxic waste in appropriate sealed containers and dispose of these wastes in accordance with manufactures recommended method of disposal or federal, state or local requirements; and
- Provide containment of sanitation facilities (e.g., portable toilets) to prevent discharges of pollutants to the storm water drainage system or receiving water. Clean or replace sanitation facilities and inspect them regularly for leaks and spills.

*11.H.4.12 Winter Considerations.*

*11.H.4.12.1 Winter Shutdown.* A permittee who temporarily ceases construction for the winter and plans to resume construction the next summer must plan for winter shutdown. The permittee must identify the anticipated dates of fall freeze-up and spring thaw (see Appendix C) for their site and use these dates to plan for winter shutdown. For the purpose of planning ahead frozen ground by itself is not considered an acceptable control measure for stabilization. A permittee must provide for the following prior to, during, and at the conclusion of winter shutdown:

- Temporary or permanent stabilization for conveyance channels;
- Temporary or permanent stabilization for disturbed slopes, disturbed soils, and soil stockpiles; and
- Erosion and sediment control measures in anticipation of spring thaw.

*11.H.4.12.2 Winter Construction.* In several areas of Alaska, winter construction provides opportunities for construction not available during summer months. Permit coverage is not required for the construction of ice roads or the placement of sand or gravel on frozen tundra with no excavation or potential to pollute waters of the U.S. This permit does address those construction activities that have the potential for erosion or sediment runoff during spring thaw and summer rainfall. A permittee operating winter construction activities must plan for using appropriate control measures to minimize erosion or sediment runoff during spring thaw and summer rainfall. The Alaska Storm Water Guide, Chapters 3 and 4, provide guidance on the selection, design, and installation of winter construction practices and controls.

*11.H.4.12.3 Late Winter Clearing.* Cutting of trees and brush while the ground is frozen, without disturbing the vegetative mat, for the purpose of clearing in accordance with the U.S. Fish & Wildlife Service "Recommended Time Periods for Avoiding Vegetation Clearing" is allowed prior to the submittal of a project NOI. If the cutting occurs after the onset of spring thaw (as defined in Appendix C), conditions that consist of above freezing temperatures that cause melting of snow, then the permittee must develop a SWPPP and file an NOI, and receive authorization for coverage under this permit from DEC, and otherwise comply with the terms of this permit prior to such clearing.

*11.H.4.13 Maintenance of Control Measures.* A permittee must maintain all control measures, good housekeeping measures, and other protective measures in effective operating condition. If site inspections required by Part 6 identify control measures, good housekeeping measures, or other protective measures that are not operating effectively, the permittee must implement corrective actions in accordance with Part 8.

If existing control measures need to be modified or if additional control measures are necessary for any reason, the permittee must complete any corrective action in accordance with Part 8.3.

A permittee must remove sediment from silt fences, check dams, berms or other controls before the accumulated sediment reaches one-half (½) the distance up the above-ground height (or it reaches a lower height based on manufacturer's specifications) of the control measure. For sediment traps or sediment ponds, the permittee must remove accumulated sediment when the design capacity has been reduced by fifty (50%) percent.

*11.H.4.14 Inspection of Clearing, Grading, and Excavation Activities.* (See also Part 6)

*11.H.4.14.1 Inspection Frequency.* Inspections must be conducted at one of the following: at least once every 7 calendar days; or at least once every 14 calendar days and within 24 hours of the end of a storm event that resulted in a discharge from the site; or for areas of the state where the mean annual precipitation is forty (40) inches or greater, or relatively continuous precipitation or sequential storm events, inspect at least once every seven (7) calendar days. If the entire site is temporarily stabilized, inspection frequency may be reduced to at least once every month and within two business days of the end of a measurable storm event at actively staffed sites which resulted in a discharge from the site (pursuant to Part 11.G.4.15.2). Once active mining has begun, those areas comply with inspections according to 11.G.7. A permittee must specify in the SWPPP which schedule will be followed..

*11.H.4.14.2 Winter Shutdown.* If the exploration and construction phase is undergoing winter shutdown the permitee may stop inspections fourteen (14) calendar days after the anticipated fall freeze-up and must resume inspections at least twenty-one (21) calendar days prior to the anticipated spring thaw. The permitee shall identify the winter shutdown period in their SWPPP based upon the definitions of fall freeze-up and spring thaw.

*11.H.4.14.3 Location of Inspections.* Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

*11.H.4.14.4 Inspection Reports.* (See also Part 6.1) For each inspection required above, the permittee must complete an inspection report. At a minimum, the inspection report must include the information required in Part 6.1.

*11.H.4.15 Requirements for Cessation of Clearing, Grading, and Excavation Activities.*

*11.H.4.15.1 Inspections and Maintenance.* Inspections and maintenance of control measures, including BMPs, associated with clearing, grading, and/or excavation activities being conducted as part of the exploration and construction phase of a mining operation must continue until final stabilization has been achieved on all portions of the disturbed area or until the commencement of the active mining phase for those areas that have been temporarily stabilized as a precursor to mining.

*11.H.4.15.2 Temporary Stabilization of Disturbed Areas.* Stabilization measures should be initiated immediately in portions of the site where clearing, grading and/or excavation activities have temporarily ceased, but in no case more than 14 days after the clearing, grading and/or excavation activities in that portion of the site have temporarily ceased. In arid, semiarid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after exploration, and/or construction activity has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable.

The permittee must identify the anticipated dates of fall freeze-up and spring thaw (see Appendix C) for the site and use those dates to plan for winter shutdown. For the purpose of planning ahead frozen ground by itself is not considered an acceptable control measure for stabilization. Where temporary stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable following the actual spring thaw.

Until temporary vegetative stabilization is achieved, interim measures (e.g., surface roughening or a surface cover, including but not limited to, establishment of ground vegetation, application of mulch, or surface tackifiers with an appropriate seed base) must be employed. In areas of the site, where exploration and/or construction has permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until such time as the active mining phase commences.

*11.H.4.15.3 Final Stabilization of Disturbed Areas.* Stabilization measures should be initiated immediately in portions of the site where mining, exploration, and/or construction activities have permanently ceased, but in no case more than 14 days after the exploration and/or construction activity in that portion of the site has permanently ceased. In arid, semiarid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures must be used.

## 11.H.5 Additional Technology-Based Effluent Limits.

*11.H.5.1 Employee Training.* (See also Part 4.2.9) Conduct employee training at least annually at active and temporarily inactive sites.

*11.H.5.2 Good Housekeeping Measures.* (See also Part 4.2.2) As part of the permittees good housekeeping program, implement the following, as practicable: use sweepers and covered storage, watering haul roads to minimize dust generation, and conserving vegetation (where possible) to minimize erosion.

*11.H.5.3 Preventive Maintenance.* (See also Part 4.2.3) Perform inspections or other equivalent measures of storage tanks and pressure lines of fuels, lubricants, hydraulic fluid, and slurry to prevent leaks due to deterioration or faulty connections.

*11.H.5.4 Storm Water Controls.* Apart from the control measures implemented to meet the Part 4 control measures, implement the following control measures at the facility, as practicable. The potential pollutants identified in Part 11.H.6.3 shall determine the priority and appropriateness of the control measures selected. If the permittee selects or develops a storm water control other than one described below, the permittee shall describe it in the SWPPP.

*11.H.5.4.1 Storm Water Diversions.* Diverting storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

*11.H.5.4.2 Velocity Dissipation Devices.* Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) as practicable, along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.

*11.H.5.4.3 Down-Slope Sediment Controls.* Establish and use down-slope sediment controls (e.g., silt fence or temporary diversion dike) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.

*11.H.5.4.4 Stabilized Construction Vehicle Access and Exit Points.* Establish stabilized vehicle access and exit points. Off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.

*11.H.5.4.5 Capping.* When capping is necessary to minimize pollutant discharges in storm water, identify the source being capped and the material used to construct the cap.

*11.H.5.4.6 Treatment.* If treatment of storm water (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. All permanent storm water treatment devices shall receive engineering plan approval per 18 AAC 72.600. Passive and/or active treatment of storm water runoff is encouraged where practicable. Treated runoff may be discharged as a storm water source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Coal Mining Point Source Category (40 CFR Part 434).

*11.H.5.5 Certification of Discharge Testing.* (See also Part 5.2.4.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-storm water discharges such as discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 434). Alternatively (if applicable), the permittee may keep a certification with the SWPPP consistent with Part 11.H.6.6.

*11.H.5.6 Overburden, Waste Rock, and Raw Material Piles.* Overburden, topsoil, and waste rock, as well as raw material and intermediate and final product stockpiles, should be located a minimum of 25 feet away from surface water, other sources of water, and from geologically unstable areas as practicable.

## 11.H.6 Additional SWPPP Requirements.

*11.H.6.1 Other Applicable Regulations.* Most active coal mining-related areas (SIC Codes 1221-1241) are subject to sediment and erosion control regulations of the U.S. Office of Surface Mining (OSM) that enforces the Surface Mining Control and Reclamation Act (SMCRA). OSM has granted authority to most coal-producing states to implement SMCRA through State SMCRA regulations. All SMCRA requirements regarding control of storm water-related pollutant discharges must be addressed and then documented with the SWPPP (directly or by reference).

*11.H.6.2 Site Map.* (See also Part 5.2.3) The permittee must document in their SWPPP where any of the following may be exposed to precipitation or surface runoff: haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings, areas, and structures; and inactive mines and related areas; acidic spoil, refuse, or unreclaimed disturbed areas; and liquid storage tanks containing pollutants such as caustics, hydraulic fluids, and lubricants.

*11.H.6.3 Potential Pollutant Sources.* (See also Part 5.2.4) The permittee must document in their SWPPP the following sources and activities that have potential pollutants associated with them: truck traffic on haul roads and resulting generation of sediment subject to runoff and dust generation; fuel or other liquid storage; pressure lines containing slurry, hydraulic fluid, or other potential harmful liquids; and loading or temporary storage of acidic refuse or spoil.

*11.H.6.4 Employee Training.* To the extent practical, all supervisory personnel involved in directing the maintenance of storm water control measures shall be trained and qualified in the principles and practices of erosion and sediment control. All employee training(s) must be documented in the SWPPP.

*11.H.6.5 Certification of Permit Coverage for Commingled Non-Storm Water Discharges.* If a permittee determines that they are able to certify, consistent with Part 11.G.5.5, that a particular discharge composed of commingled storm water and non-storm water is covered under a separate APDES permit, and that permit subjects the non-storm water portion to effluent limitations prior to any commingling, retain such certification with the SWPPP. This certification must identify the non-storm water discharges, the applicable APDES permit(s), the effluent limitations placed on the non-storm water discharge by the permit(s), and the points at which the limitations are applied.

*11.H.6.6 SWPPP Submittal.* At least 45 calendar days prior to the start of initial construction of a new facility the permittee shall submit the construction phase SWPPP to DEC for review.

*11.H.6.7 SWPPP Meeting.* At least 20 calendar days before the start of initial construction for a new facility, representatives of the permittee and the prime site construction contractor shall meet with DEC in a pre-construction conference to discuss the details of storm water management during construction.

## 11.H.7 Active Mining Additional Inspection Requirements.

*11.H.7.1 Inspections of Active Mining-Related Areas.* (See also Part 6) Except for areas of the site subject to clearing, grading, and/or excavation activities conducted as part of the exploration and construction phase, which are subject to Part 11.H.4.14.1 perform quarterly inspections of active mining areas covered by this permit, corresponding with the inspections as performed by SMCRA inspectors, of all mining-related areas required by SMCRA. Also maintain the records of the SMCRA authority representative. See Part 11.H.8.1 for inspection requirements for inactive and unstaffed sties.

*11.H.7.2 Sediment and Erosion Control.* (See also Part 4.2.5) As indicated in Part 11.H.6.1, SMCRA requirements regarding sediment and erosion control measures must be complied with for those areas subject to SMCRA authority, including inspection requirements.

*11.H.7.3 Comprehensive Site Inspections.* (See also Part 6.3) The permittees inspection program must include inspections for pollutants entering the drainage system from activities located on or near coal mining-related areas. Among the areas to be inspected are haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings, areas, and structures; and inactive mines and related areas.

## 11.H.8 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

| Table 11.H.8-1: Sector – Specific Benchmarks – Sector H | | |
|---|---|---|
| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration |
| **Subsector H1**. Coal Mines and Related Areas (SIC 1221-1241) | Total Aluminum | 0.75 mg/L |
| | Total Iron | 1.0 mg/L |
| | Total Suspended Solids (TSS) | 100 mg/L |

*11.H.8.1 Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark Monitoring.* As a Sector H facility, if the permittee is seeking to exercise a waiver from either the quarterly visual assessment or the benchmark monitoring requirements for inactive and unstaffed sites (including temporarily inactive sites), they are conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to storm water" in Parts 6.2.3 and 7.2.1.6, respectively. Additionally, if the permittee is seeking to reduce their required quarterly routine inspection frequency to a once annual comprehensive inspection, as is allowed under Part 6.1.3, the permittee is also conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to storm water." These conditional exemptions are based on the following requirements:

- If circumstances change and the permittees facility becomes active and/or staffed, this exception no longer applies and the permittee must immediately begin complying with the applicable benchmark monitoring requirements as if the permittee was in their first year of permit coverage, and the quarterly visual assessment requirements; and

- DEC retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause or contribute to an instream excursion above a WQS, including designated uses.

Subject to the two conditions above, if the permittees facility is inactive and unstaffed, they are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. The permittee is not waived from conducting the Part 6.3 comprehensive site inspection. The permittee is encouraged to inspect their site more frequently where they have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

## 11.H.9 Termination of Permit Coverage.

*11.H.9.1 Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.* A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 11.H.3.5.

*11.H.9.2 Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.* A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state WQS, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

# 11. Subpart I – Sector I – Oil and Gas Extraction.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.I.1 Covered Storm Water Discharges.

The requirements in Subpart I apply to storm water discharges associated with industrial activity from Oil and Gas Extraction facilities as identified by the SIC Codes specified under Sector I in Table D-1 of Appendix D of the permit.

Discharges of storm water runoff from field activities or operations associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities are exempt from APDES permit coverage unless, in accordance with 40 CFR 122.26(c)(1)(iii), the facility:

- Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at anytime since November 16, 1987; or
- Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or
- Contributes to a violation of a WQS.

Any storm water discharges that require permit coverage as a result of meeting one of the conditions of 40 CFR 122.26(c)(1)(iii) may be covered under this permit unless otherwise required to obtain coverage under an alternative APDES general permit or an individual APDES permit as specified in Part 2.8.1

Oil and Gas Facilities in the North Slope Borough with industrial storm water discharges to waters of the U.S. or directly to the tundra must file under APDES permit AKG331000 rather than this permit.

## 11.I.2 Limitations on Coverage.

*11.I.2.1 Storm Water Discharges Subject to Effluent Limitation Guidelines.* (See also Part 1.2.4.4) This permit does not authorize storm water discharges from petroleum drilling operations that are subject to nationally established effluent limitation guidelines found at 40 CFR Part 435, respectively.

*11.I.2.2 Non-Storm Water Discharges.* Discharges of vehicle and equipment washwater, including tank cleaning operations, are not authorized by this permit. Alternatively, washwater discharges must be authorized under a separate APDES permit, or be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements.

## 11.I.3 Additional Technology-Based Effluent Limits.

*11.I.3.1 Storm Water Controls.* Apart from the control measures implemented to meet Part 4 control measures, implement the following control measures at the facility, as practicable. The potential pollutants identified in Part 11.I.4.2 shall determine the priority and appropriateness of the control measures selected. If the permittee selects or develops a storm water control other than one described below, the permittee shall describe it in the SWPPP.

*11.I.3.1.1 Vegetative Controls.* Implement vegetative practices designed to preserve existing vegetation, where attainable, and revegetate open areas as soon as practicable after grade drilling. Use one or more of the following (or equivalent measures), as practicable: temporary or permanent seeding, mulching, sod stabilization, vegetative buffer strips, and tree protection practices. Begin implementing appropriate vegetative practices on all disturbed areas within 14 days following the last activity in that area.

*11.I.3.1.2 Storm Water Diversions.* Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

*11.I.3.1.3 Velocity Dissipation Devices.* (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.

*11.I.3.1.4 Down-Slope Sediment Controls.*

Establish and use down-slope sediment controls (e.g., silt fence or temporary diversion dike) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.

*11.I.3.1.5 Stabilized Vehicle Access and Exit Points.* Establish stabilized vehicle access and exit points. Off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.

## 11.I.4 Additional SWPPP Requirements.

*11.I.4.1* *Drainage Area Site Map.* (See also Part 5.2.3) Document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: Reportable Quantity (RQ) releases; locations used for the treatment, storage, or disposal of wastes; processing areas and storage areas; chemical mixing areas; construction and drilling areas; all areas subject to the effluent guidelines requirements for "No Discharge" in accordance with 40 CFR 435.32; and the structural controls to achieve compliance with the "No Discharge" requirements.

*11.I.4.2* *Potential Pollutant Sources.* (See also Part 5.2.4) Also document in the SWPPP the following sources and activities that have potential pollutants associated with them: chemical, cement, mud, or gel mixing activities; drilling or mining activities; and equipment cleaning and rehabilitation activities. In addition, include information about the reportable quantity (RQ) release that triggered the permit application requirements: the nature of the release (e.g., spill of oil from a drum storage area), amount of oil or hazardous substance released, amount of substance recovered, date of the release, cause of the release (e.g., poor handling techniques and lack of containment in the area), areas affected by the release (i.e., land and water), procedure to clean up release, actions or procedures implemented to prevent or improve response to a release, and remaining potential contamination of storm water from release (taking into account human health risks, the control of drinking water intakes, and the designated uses of the receiving water).

*11.I.4.3* *Erosion and Sedimentation Control.* (See also Part 4.2.5) The additional documentation requirements for sediment and erosion controls for well drillings and sand/shale mining areas include the following:

*11.I.4.3.1* *Site Description.* Also include a description in the SWPPP of the nature of the exploration activity, estimates of the total area of site and area disturbed due to exploration activity, an estimate of runoff coefficient of the site, a site drainage map, including approximate slopes, and the names of all receiving waters.

*11.I.4.3.2* *Vegetative Controls.* Document vegetative practices used consistent with Part 11.I.3.1 in the SWPPP.

## 11.I.5 Additional Inspection Requirements.

11.I.5.1 All erosion and sedimentation control measures must be inspected either: 1) every 7 days; or 2) once every 14 calendar days and within 24 hours of a storm event.

# 11. Subpart J – Sector J – Non-Metallic Mineral Mining and Dressing.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.J.1 Covered Storm Water Discharges.

The requirements in Subpart J apply to storm water discharges associated with industrial activity from Active, Inactive, or Non-Traditional Non-Metallic Mineral Mining and Dressing facilities as identified by the SIC Codes specified under Sector J in Table D-1 of Appendix D of the permit.

*11.J.1.1* *Covered Discharges from Inactive Facilities.* All storm water discharges.

*11.J.1.2* *Covered Discharges from Active and Temporarily Inactive Facilities.* All storm water discharges, except for most storm water discharges subject to the existing effluent limitation guideline at 40 CFR Part 436. Mine dewatering discharges composed entirely of storm water or uncontaminated ground water seepage from: construction sand and gravel, industrial sand, and crushed stone mining facilities is covered by this permit.

*11.J.1.3* *Covered Discharges from Exploration and Construction of Non-Metallic Mineral Mining Facilities.* All storm water discharges.

*11.J.1.4* *Covered Discharges from Sites Undergoing Reclamation.* All storm water discharges.

## 11.J.2 Limitations on Coverage.

Most storm water discharges subject to an existing effluent limitation guideline at 40 CFR Part 436 are not authorized by this permit. The exceptions to this limitation, which are covered by this permit, are mine dewatering discharges composed entirely of storm water or uncontaminated ground water seepage from construction sand and gravel, industrial sand, and crushed stone mining facilities.

## 11.J.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

*11.J.3.1* *Mining Operations* - Consists of the active and temporarily inactive phases, and the reclamation phase, but excludes the exploration and construction phases.

*11.J.3.2* *Exploration Phase* - Entails exploration and land disturbance activities to determine the financial viability of a site. The exploration phase is not considered part of "mining operations."

*11.J.3.3* *Construction Phase* - Includes the building of site access roads, facilities, and removal of overburden and waste rock to expose mineable minerals. The construction phase is not considered part of "mining operations".

*11.J.3.4* *Active Phase* - Activities including the extraction, removal or recovery of minerals. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a). The active phase is considered part of "mining operations."

*11.J.3.5* *Reclamation Phase* - Activities undertaken, in compliance with applicable mined land reclamation requirements, following the cessation of the "active phase", intended to return the land to an appropriate post-mining land use. The reclamation phase is considered part of "mining operations".

*11.J.3.6* *Non-Traditional Non-Metallic Mineral Mining Facility* - Consists of non-metallic mineral mining facilities which conduct mineral mining and dressing for the sale or distribution of aggregate materials from a non-commercial establishment to be used on multiple unrelated projects. These facilities consist of operations without any permanent sales offices, scales, or other facilities being operated by a commercial establishment that would otherwise clearly fit within one of the Standard Industrial Classification (SIC) codes found in Sector J of Appendix D of the permit. These non-traditional facilities are managed by an operator, who oversees the removal of aggregate from the site, with either written contracts for specified aggregate quantities or an informal notice approving the distribution of material. The operator of these facilities who executes the contracts or provides the authority for individuals or parties to remove aggregate would meet the definition of an operator under this permit and be the sole party responsible to obtain permit coverage, maintain a SWPPP, maintain BMPs, conduct inspections and monitoring, and submit reports.

*NOTE: The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).*

*11.J.3.7* *Active Mineral Mining Facility* - A place where work or other activity related to the extraction, removal, or recovery of minerals is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a).

*11.J.3.8 Inactive Mineral Mining Facility* - A site or portion of a site where mineral mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable State or Federal agency. An inactive mineral mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an APDES industrial storm water permit.

*11.J.3.9 Temporarily Inactive Mineral Mining Facility* - A site or portion of a site where mineral mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable State or Federal agency. A temporarily inactive facility includes sites that are temporarily stabilized and have small stockpiles of non-metallic mineral mining material (less than 250 cubic yards/year) for local use or road maintenance during the temporarily inactive phase.

## 11.J.4 Technology-Based Effluent Limits for Clearing, Grading, and Excavation Activities.

Clearing, grading, and excavation activities being conducted as part of the exploration and construction phase of mining activities are covered under this permit.

*11.J.4.1 Erosion Control Measures.* A permittee must comply with the erosion control measures in this Part to minimize soil exposure on the site during construction.

*11.J.4.1.1 Delineation of Site.* A permittee must generally delineate (e.g., with flagging, stakes, signs, silt fence, etc.,) the location of specific areas that will be left undisturbed such as trees, boundaries of sensitive areas, or buffers established under Part 11.J.4.1.3.

*11.J.4.1.2 Minimize the Amount of Soil Exposed during Construction Activity.* A permittee must include the following considerations in the selection of control measures and the sequence of project construction as they apply to the project site:

- Preserve areas of native topsoil on the site, unless infeasible; and
- Sequence or phase construction activities to minimize the extent and duration of exposed soils to the extent practicable.

*11.J.4.1.3 Maintain Natural Buffer Areas.*

The permittee must maintain natural buffer areas at stream crossings and around the edge of any waters of the U.S. that are located within or immediately adjacent to the property where the construction activity will take place in accordance with the following:

- The buffer must be a minimum of twenty-five (25) feet wide, unless infeasible based on site dimensions, or the width as required by local ordinance.
- Exceptions are allowed for water dependent activities, specific water access activities, or necessary water crossings.
- A permittee should, to the extent practicable, use perimeter controls adjacent to buffers, and direct storm water sheet flow to buffer areas to increase sediment removal and maximize storm water infiltration, unless infeasible.

*11.J.4.1.4 Control Storm Water Discharges and Flow Rates.* A permittee must include the following control measures to handle storm water and total storm water volume discharges as they apply to the site:

- Divert storm water around the site so that it does not flow onto the project site and cause erosion of exposed soils;
- Slow down or contain storm water that may collect and concentrate within a site and cause erosion of exposed soils;
- Avoid placement of structural control measures in active floodplains to the degree technologically and economically practicable and achievable;
- Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters; and
- Install permanent storm water management controls, if present at a site and where practical, so that they must be functional prior to construction of site improvements (e.g., impervious surfaces).

*11.J.4.1.5 Protect Steep Slopes.* A permittee must include the following considerations in the selection of control measures as they apply to the project site:

- Design and construct cut-and-fill slopes in a manner that will minimize erosion. Applicable practices include, but are not limited to, reducing continuous length of slope with terracing and diversions, reducing slope steepness, and roughening slope surfaces (e.g., track walking);
- Divert concentrated flows of storm water away from and around the disturbed portion of the slope. Applicable practices include, but are not limited to

interceptor dikes and swales, grass-lined channels, pipe slope drains, subsurface drains, check dams; and

- Stabilize exposed areas of the slope in accordance with Part 11.J.4.4.

*11.J.4.2 Sediment Control Measures.* Sediment control measures (e.g. sediment ponds, traps, filters, etc.) must be constructed as one of the first steps in grading. These control measures must be functional before other land disturbing activities take place. A permittee must install, establish and use any of the following control measures that apply to the project site.

*11.J.4.2.1 Storm Drain Inlet Protection Meaures.* A permittee must install appropriate protection measures (e.g. filter berms, perimeter controls, temporary diversion dikes, etc.) to minimize the discharge of sediment prior to entry into the inlet for storm drain inlets located on site or immediately downstream of the site. Inlet protection measures must be cleaned or removed and replaced when sediment has filled one-third of the available storage.

*11.J.4.2.2 Water Body Protection Measures.* A permittee must install appropriate protection measures (Part 11.J.4.1.4) to minimize the discharge of sediment prior to entry into the water body for water bodies located on site or immediately downstream of the site. Protection measures must be cleaned or removed and replaced when sediment has filled one-third of the available storage.

*11.J.4.2.3 Down-Slope Sediment Controls.* A permittee must establish and use down-slope sediment controls (e.g., silt fence, temporary diversion dike, etc.) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.

*11.J.4.2.4 Stabilized Construction Vehicle Access and Exit Points.* A permittee must establish construction vehicle access and exit points which must be stabilized. Access and exit points should be limited to one route, if possible. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.

*11.J.4.2.5 Dust Generation and Track-Out from Vehicles.* A permittee must minimize the generation of dust through the application of water or other dust suppression techniques and prior to vehicle exit. A permittee must provide an effective way of minimizing off-site vehicle tracking of sediment from wheels to prevent track-out onto paved surfaces.

*11.J.4.2.6 Soil Stockpiles.* A permittee must stabilize or cover soil stockpiles, protect with sediment trapping measures, and where possible, locate soil stockpiles away from storm drain inlets, water bodies, and conveyance channels.

*11.J.4.2.7 Authorized Non-Storm Water Discharges.* A permittee must minimize any non-storm water authorized by this permit.

*11.J.4.2.8 Sediment Basins*, where applicable:

- For common drainage locations that serve an area with ten (10) or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from the drainage area from a 2-year, 24-hour storm, or equivalent sediment control measures, must be installed, maintained, and used where practicable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent sediment control measures, must be installed and used where practicable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is practicable, the permittee may consider factors such as site soils, slope, available area on-site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin, and alternative sediment control measures must be used where site limitations would preclude a safe design.

- For drainage locations which serve ten (10) or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not practicable, smaller sediment basins and/or sediment traps should be used. Silt fences, vegetative buffer strips, or equivalent sediment control measures are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).

- For drainage locations serving less than ten (10) acres, smaller sediment basins and/or sediment traps should be used. Silt fences, vegetative buffer strips, or equivalent sediment control measures are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm event or 3,600 cubic feet of storage per acre drained is provided.

- When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface where practicable.

- Note: installing sediment basins in the presence of permafrost is challenging and might not be practicable in some instances because permafrost creates poor surface drainage that hinders the infiltration of runoff. Also, the excavation of permafrost in summer can trigger thawing and instability.

*11.J.4.3 Dewatering.*

11.J.4.3.1 If a construction activity includes excavation dewatering and has a discharge that could adversely impact a local drinking water well, an DEC-identified contaminated site, or a waters of the U.S., the permittee must review the DEC Excavation Dewatering General Permit (AKG002000, or most current version) for specific requirements the permittee may have to comply with in addition to the conditions of this permit.

11.J.4.3.2 A discharge from eligible dewatering activities, including discharges from dewatering of trenches and excavations are prohibited unless treated by appropriate control measures. Appropriate control measures include, but are not limited to, sediment basins or traps, dewatering tanks, weir tanks, or filtration systems designed to remove sediment.

*11.J.4.4 Soil Stabilization.*

*11.J.4.4.1 Minimum Requirements for Soil Stabilization.* A permittee must stabilize all disturbed areas of the site to minimize on-site erosion and sedimentation and the resulting discharge of pollutants according to the requirements of this Part. A permittee must ensure that existing vegetation is preserved wherever possible and that disturbed portions of the site are stabilized. Applicable stabilization control measures include, but are not limited to: temporary and permanent seeding, sodding, mulching, rolled erosion control product, compost blanket, soil application of polyacrylamide (PAM), the early application of gravel base on areas to be paved, and dust control. A permittee should avoid using impervious surfaces for stabilization. See the Alaska Plant Materials Center's *A Revegetation Manual for Alaska* at http://plants.alaska.gov for help in efforts to select appropriate seed mixes and some information on methods for revegetation. Also see the manual for *Coastal Alaska, Coastal Revegetation & Erosion Control Guide* at http://plants.alaska.gov.

*11.J.4.5 Treatment Chemicals.* The use of treatment chemicals to reduce erosion from the land or sediment in a storm water discharge is allowed provided that all of the requirements of this Part are met.

*11.J.4.5.1 Treatment Chemicals.* Documentation of treatment chemicals selected for use at a site must include, at a minimum, the following information:

- Manufacturer and/or supplier provided Material Safety Data Sheets, specifications, and instructions for the transport, handling, storage, application, and disposal of the treatment chemical;
- Approval by EPA for potable water use;
- Approval by EPA or the states of California, Minnesota, Oregon, Washington, or Wisconsin for use in controlling erosion or sediment runoff from agricultural land or construction projects;
- Manufacturer and/or supplier provided test results recognized by EPA or the states of California, Minnesota, Oregon, Washington, or Wisconsin that demonstrate that the treatment chemical is non-toxic to aquatic organisms when applied following the manufacturer or supplier recommended method of use and rate of application;
- A permittee is prohibited from using cationic polymers, except for the use of chitosan as part of an Active Treatment System in compliance with Part 11.J.4.5.4 or as approved by the Department in writing; and
- The names and titles of person(s) who handle and apply treatment chemicals at the construction site, the title of relevant training and date(s) the person(s) who apply the chemicals received training in the proper handling and application of treatment chemicals.

*11.J.4.5.2 Treatment Chemical Use.*

- A permittee must train employees who handle treatment chemicals to comply with the information required by Part 11.J.4.5.1; and
- A permittee must handle, store and dispose of treatment chemicals, waste chemicals, or flocculants in appropriate leak proof containers under a storm-resistant cover or surrounded by secondary containment structures so as to prevent their discharge to the waters of the U.S.

*11.J.4.5.3 Project Site Conditions.* Treatment chemicals are typically developed, tested, and approved in regions of the country that may have soils, soil and water temperatures, and other site conditions significantly different from Alaska. These differences must be considered in the selection of the treatment chemicals for use at the Alaskan site.

- A permittee must make certain the selected treatment chemical is appropriate for soils at the site through project-specific tests of the chemical with local soils or product use data on projects with similar soils.

- A permittee must ensure the selected treatment chemical is appropriate for the site topography, amount of precipitation expected at the site, and type of use.

*11.J.4.5.4 Application of Treatment Chemicals.* The application of treatment chemicals shall be in combination with appropriate physical control measures (e.g., rolled erosion control products, ditch check dams, sediment basins, sediment bags, filtration, etc.) to ensure effectiveness of the treatment chemical. The use of treatment chemicals is not considered a substitute for appropriate physical control measures and does not preclude any other requirement of this permit.

- *Land Application.*
    - A permittee shall comply with all Material Safety Data Sheet requirements and follow the manufacturer and/or suppliers written recommended application rate, including site-specific considerations.
    - A permittee shall use an application method that provides uniform coverage of the target area and avoids drift to non-target areas.
    - The application must always be a sufficient distance upgradient or upstream to allow adequate mixing and reaction prior to reaching a pre-constructed sediment trap, basin inflow structure, or filtering device of sufficient width to ensure adequate removal of sediments laden with treatment chemicals before discharges reach waters of the U.S.
- *Water Application* (including conveyance channel).
    - A permittee shall follow the manufacturer and/or suppliers written recommended application rate, including site-specific considerations.
    - The application shall always be upstream from a pre-constructed sediment trap, basin inflow structure, vegetated swale, filtering device or a vegetated buffer of sufficient width to ensure adequate removal of sediments laden with treatment chemicals before discharges reach waters of the U.S.
    - Treatment chemicals shall not be applied directly to a water of the U.S.
    - Application through the use of manufactured products (e.g. gel bars, gel logs, floc blocks, etc.) shall be used in combination with adequate ditch check dams, settling basins, or other physical control measures designed to settle out chemically treated soils and minimize the presence of treatment chemicals before discharges reach waters of the U.S.. At a minimum there must be at least 100 feet of ditch length

downstream of the last manufactured product prior to reaching a water of the U.S. to provide a place for sedimentation to occur.

- *Active Treatment Systems.* A permittee who uses an Active Treatment System as a control measure must submit information required by the Department for review at least fourteen (14) days prior to start of operation of the active treatment system at the project and comply with Part 4.4. At a minimum, the information must provide details on the following: relevant information required by Part 11.J.4.5.1, engineering plans, description of treatment process, site conditions (including soil types), treatment chemicals, dose rates, monitoring to be conducted, expected residual chemical, proper operator training, methods for storage, procedures for spill prevention and containment, operation and maintenance, and record keeping and reporting.

*11.J.4.6 Prohibited Discharge.* A permittee is prohibited from discharging the following from the site:

11.J.4.6.1 Wastewater from concrete washout, unless managed by an appropriate control measure;

11.J.4.6.2 Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

11.J.4.6.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

11.J.4.6.4 Soaps or solvents used in vehicle and equipment washing.

*11.J.4.7 Good Housekeeping Measures.* A permittee must design, install, implement, and maintain effective good housekeeping measures to prevent and/or minimize the discharge of pollutants. A permittee must include appropriate measures for any of the following activities that are used at the site.

*11.J.4.7.1 Washing of Equipment and Vehicles and Wheel Wash-Down.* If a permittee conducts washing of equipment or vehicles and/or wheel wash-down at the site the permittee must comply with the following requirements:

- Designate areas to be used for washing of equipment and vehicles and/or wheel wash-down and conduct such activities only in these areas;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Treat all wash water in a sediment basin or use alternative control measures that provide equivalent or better treatment prior to discharge; and

- To comply with the prohibition in Part 11.J.4.6.4, the discharge of soaps and solvents used in equipment and vehicle washing and/or wheel wash-down is strictly prohibited.

*11.J.4.7.2 Fueling and Maintenance Areas.* If a permittee conducts fueling and/or maintenance activities for equipment and vehicles at the site the permittee must comply with the following requirements:

- Designate areas to be used for fueling and/or maintenance of equipment and vehicles and conduct such activities only in these areas (the designated area may move from one location to another on linear projects);
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets and waters of the U.S.;
- Minimize the exposure to precipitation and storm water or use secondary containment structures designed to eliminate the potential for spills or leaked chemicals; and
- To comply with the prohibition in Part 11.J.4.6.3, a permittee must:
    - Clean up spills or contaminated surfaces immediately;
    - Ensure adequate clean up supplies are available at all times to handle spills, leaks, and disposal of used liquids;
    - Use drip pans or absorbents under or around leaky equipment and vehicles; and
    - Dispose of liquid wastes or materials used for fueling and maintenance in accordance with Part 11.J.4.11.

*11.J.4.8 Staging and Material Storage Areas.* If a permittee maintains staging and material storage areas at the site the permittee must comply with the following requirements:

- Designate areas to be used for staging and material storage areas;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S; and
- Minimize the exposure to precipitation and storm water and vandalism for all chemicals, treatment chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment.

*11.J.4.9 Washout of Applicators/Containers used for Paint, Concrete, and Other Materials.* If a permittee conducts washing of applicators and/or containers used for paint, concrete, and other materials at the site, the permittee must comply with the following requirements:

- Designate areas to be used for washout;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Direct all concrete, paint, and other material washout activities into a lined, water-tight container or pit to ensure there is no discharge into the underlying soil and onto the surrounding areas;
- Dispose of liquid wastes in accordance with Part 11.J.4.11; and
- For concrete washout areas, remove hardened concrete waste when it has reached one-half (½) the height of the container or pit and dispose of in accordance with Part 11.J.4.11.

*11.J.4.10 Fertilizer or Pesticide Use.* If a permittee uses fertilizers or pesticides the permittee must comply with the following requirements:

- Application of fertilizers and pesticides in a manner and at application rates that will minimize the loss of chemical to storm water runoff. Manufacturers' label requirements for application rates and disposal requirements must be followed; and
- Use pesticides in compliance with federal, state and local requirements.

*11.J.4.11 Storage, Handling, and Disposal of Construction Waste.* If a permittee stores, handles and/or disposes of construction waste at the site, the permittee must comply with the following requirements:

- Locate areas dedicated for management or disposal of construction waste, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Dispose of all collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other domestic wastes according to federal, state and local requirements;
- Store hazardous or toxic waste in appropriate sealed containers and dispose of these wastes in accordance with manufactures recommended method of disposal or federal, state or local requirements; and

- Provide containment of sanitation facilities (e.g., portable toilets) to prevent discharges of pollutants to the storm water drainage system or receiving water. Clean or replace sanitation facilities and inspect them regularly for leaks and spills.

*11.J.4.12 Winter Considerations.*

*11.J.4.12.1 Winter Shutdown.* A permittee who temporarily ceases construction for the winter and plans to resume construction the next summer must plan for winter shutdown. The permittee must identify the anticipated dates of fall freeze-up and spring thaw (see Appendix C) for their site and use these dates to plan for winter shutdown. For the purpose of planning ahead frozen ground by itself is not considered an acceptable control measure for stabilization. A permittee must provide for the following prior to, during, and at the conclusion of winter shutdown:

- Temporary or permanent stabilization for conveyance channels;
- Temporary or permanent stabilization for disturbed slopes, disturbed soils, and soil stockpiles; and
- Erosion and sediment control measures in anticipation of spring thaw.

*11.J.4.12.2 Winter Construction.* In several areas of Alaska, winter construction provides opportunities for construction not available during summer months. Permit coverage is not required for the construction of ice roads or the placement of sand or gravel on frozen tundra with no excavation or potential to pollute waters of the U.S. This permit does address those construction activities that have the potential for erosion or sediment runoff during spring thaw and summer rainfall. A permittee operating winter construction activities must plan for using appropriate control measures to minimize erosion or sediment runoff during spring thaw and summer rainfall. The Alaska Storm Water Guide, Chapters 3 and 4, provide guidance on the selection, design, and installation of winter construction practices and controls.

*11.J.4.12.3 Late Winter Clearing.* Cutting of trees and brush while the ground is frozen, without disturbing the vegetative mat, for the purpose of clearing in accordance with the U.S. Fish & Wildlife Service "Recommended Time Periods for Avoiding Vegetation Clearing" is allowed prior to the submittal of a project NOI. If the cutting occurs after the onset of spring thaw (as defined in Appendix C), conditions that consist of above freezing temperatures that cause melting of snow, then the permittee must develop a SWPPP and file an NOI, and receive authorization for coverage under this permit from DEC, and otherwise comply with the terms of this permit prior to such clearing.

*11.J.4.13 Maintenance of Control Measures.* A permittee must maintain all control measures, good housekeeping measures, and other protective measures in effective operating condition. If site inspections required by Part 6 identify control measures, good housekeeping measures, or other protective measures that are not operating effectively, the permittee must implement corrective actions in accordance with Part 8.

If existing control measures need to be modified or if additional control measures are necessary for any reason, the permittee must complete any corrective action in accordance with Part 8.3.

A permittee must remove sediment from silt fences, check dams, berms or other controls before the accumulated sediment reaches one-half (½) the distance up the above-ground height (or it reaches a lower height based on manufacturer's specifications) of the control measure. For sediment traps or sediment ponds, the permittee must remove accumulated sediment when the design capacity has been reduced by fifty (50%) percent.

*11.J.4.14 Inspection of Clearing, Grading, and Excavation Activities.* (See also Part 6)

*11.J.4.14.1 Inspection Frequency.* Inspections must be conducted at one of the following: at least once every 7 calendar days; or at least once every 14 calendar days and within 24 hours of the end of a storm event that resulted in a discharge from the site; or for areas of the state where the mean annual precipitation is forty (40) inches or greater, or relatively continuous precipitation or sequential storm events, inspect at least once every seven (7) calendar days. If the entire site is temporarily stabilized, inspection frequency may be reduced to at least once every month and within two business days of the end of a measurable storm event at actively staffed sites which resulted in a discharge from the site (pursuant to Part 11.G.4.15.2). Once active mining has begun, those areas comply with inspections according to 11.G.7. A permittee must specify in the SWPPP which schedule will be followed.

*11.J.4.14.2 Winter Shutdown.* If the exploration and construction phase is undergoing winter shutdown the permitee may stop inspections fourteen (14) calendar days after the anticipated fall freeze-up and must resume inspections at least twenty-one (21) calendar days prior to the anticipated spring thaw. The permitee shall identify the winter shutdown period in their SWPPP based upon the definitions of fall freeze-up and spring thaw.

*11.J.4.14.3 Location of Inspections.* Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

*11.J.4.14.4 Inspection Reports.* (See also Part 6.1) For each inspection required above, the permittee must complete an inspection report. At a minimum, the inspection report must include the information required in Part 6.1.

*11.J.4.15* ***Requirements for Cessation of Clearing, Grading, and Excavation Activities***.

*11.J.4.15.1 Inspections and Maintenance.* Inspections and maintenance of control measures, including any BMPs, associated with clearing, grading, and/or excavation activities being conducted as part of the exploration and construction phase of a mining operation must continue until final stabilization has been achieved on all portions of the disturbed area or until the commencement of the active mining phase for those areas that have been temporarily stabilized as a precursor to mining.

*11.J.4.15.2 Temporary Stabilization of Disturbed Areas.* Stabilization measures should be initiated immediately in portions of the site where clearing, grading and/or excavation activities have temporarily ceased, but in no case more than 14 days after the clearing, grading and/or excavation activities in that portion of the site have temporarily ceased. In arid, semiarid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after exploration and/or construction activity has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable.

The permittee must identify the anticipated dates of fall freeze-up and spring thaw (see Appendix C) for the site and use those dates to plan for winter shutdown. For the purpose of planning ahead frozen ground by itself is not considered an acceptable control measure for stabilization. Where temporary stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable following the actual spring thaw.

Until temporary vegetative stabilization is achieved, interim measures (e.g., surface roughening or a surface cover, including but not limited to, establishment of ground vegetation, application of mulch, or surface tackifiers with an appropriate seed base) must be employed. In areas of the site, where exploration and/or construction

has permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until such time as the active mining phase commences.

*11.J.4.15.3 Final Stabilization of Disturbed Areas.* Stabilization measures should be initiated immediately in portions of the site where mining, exploration, and/or construction activities have permanently ceased, but in no case more than 14 days after the exploration and/or construction activity in that portion of the site has permanently ceased. In arid, semiarid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures must be used.

## 11.J.5 Additional Technology-Based Effluent Limits.

*11.J.5.1 Employee Training.* (See also Part 4.2.9) Conduct employee training at least annually at active and temporarily inactive sites.

*11.J.5.2 Good Housekeeping Measures.* (See also Part 4.2.2) As part of the permittees good housekeeping program, implement the following, as practicable: use sweepers and covered storage, watering haul roads to minimize dust generation, and conserving vegetation (where possible) to minimize erosion.

*11.J.5.3 Preventive Maintenance.* (See also Part 4.2.3) Perform inspections or other equivalent measures of storage tanks and pressure lines of fuels, lubricants, and hydraulic fluid to prevent leaks due to deterioration or faulty connections.

*11.J.5.4 Storm Water Controls.* Apart from the control measures implemented to meet the Part 4 control measures, implement the following control measures at the facility as practicable. The potential pollutants identified in Part 11.J.5.5 shall determine the priority and appropriateness of the control measures selected. . If the permittee selects or develops a storm water control other than one described below, the permittee shall describe it in the SWPPP.

*11.J.5.4.1 Storm Water Diversions.* Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

*11.J.5.4.2 Velocity Dissipation Devices.* Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) as practicable, along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.

*11.J.5.4.3 Down-Slope Sediment Controls.* Establish and use down-slope sediment controls (e.g., silt fence or temporary diversion dike) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.

*11.J.5.4.4 Stabilized Construction Vehicle Access and Exit Points.* Establish stabilized vehicle access and exit points. Off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.

*11.J.5.4.5 Capping.* When capping is necessary to minimize pollutant discharges in storm water, identify the source being capped and the material used to construct the cap.

*11.J.5.4.6 Treatment.* If treatment of storm water (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. All permanent storm water treatment devices shall receive engineering plan approval per 18 AAC 72.600. Passive and/or active treatment of storm water runoff is encouraged where practicable. Treated runoff may be discharged as a storm water source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Mineral Mining and Processing Point Source Category (40 CFR Part 436).

*11.J.5.5 Certification of Discharge Testing.* (See also Part 5.2.4.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-storm water discharges such as discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 436). Alternatively (if applicable), the permittee may keep a certification with the SWPPP consistent with 11.J.6.5.

*11.J.5.6 Overburden, Waste Rock, and Raw Material Piles.* Overburden, topsoil, and waste rock, as well as raw material and intermediate and final product stockpiles, should be located a minimum of 25 feet away from surface water, other sources of water, and from geologically unstable areas as practicable.

## 11.J.6 Additional SWPPP Requirements.

The requirements in Part 11.J.6 are applicable for sites undergoing exploration and construction, active mineral mining facilities, temporarily inactive mineral mining facilities, and sites undergoing reclamation. The requirements in Part 11.J.6 are not applicable to inactive mineral mining facilities.

*11.J.6.1 Nature of Industrial Activities.* (See also Part 5.2.3) Document in the SWPPP the mining and associated activities that can potentially affect the storm water discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.

*11.J.6.2 Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each storm water outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual APDES permit, outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage dewatering or other process water; heap leach pads; off-site points of discharge for mine dewatering and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.

*11.J.6.3 Potential Pollutant Sources.* (See also Part 5.2.4) For each area of the mine or mill site where storm water discharges associated with industrial activities occur, document in the SWPPP the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. For example, phosphate mining facilities will likely need to document pollutants such as selenium, which can be present in significant amounts in their discharges. Consider these factors: the mineralogy of the waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing waste rock or overburden characterization data and test results for potential generation of acid rock drainage.

*11.J.6.4 Storm Water Controls.* To the extent that a permittee uses any of the control measures in Part 11.J.5.4, document them in the SWPPP pursuant to Part 5.2.5. If control measures are implemented or planned but are not listed here (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in the SWPPP.

*11.J.6.5 Certification of Permit Coverage for Commingled Non-Storm Water Discharges.* If a permittee determines that they are able to certify, consistent with Part 11.J.5.5, that a particular discharge composed of commingled storm water and non-storm water is covered under a separate APDES permit, and that permit subjects the non-storm water portion to effluent limitations prior to any commingling, the permittee must retain such certification with their SWPPP. This certification must identify the non-storm water discharges, the applicable APDES permit(s), the effluent limitations placed on the non-storm water discharge by the permit(s), and the points at which the limitations are applied.

*11.J.6.6* *Dewatering.* Mine dewatering discharges composed entirely of storm water or ground water seepage from mines located within fifteen hundred feet of a DEC-identified contaminated site are required to have additional discharge authorization under the DEC Excavation Dewatering General Permit (AKG002000), or most current version. The Notice of Intent, NOI, application for authorization to discharge mine dewatering which may influence a contaminated area can be completed through the DEC's online application system at *http://www.dec.alaska.gov/water/oasys/index.html*.

## 11.J.7 Additional Inspection Requirements.

Except for areas of the site subject to clearing, grading, and/or excavation activities conducted as part of the exploration and construction phase, which are subject to Part 11.J.4.14.1, the permittee must inspect sites at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters which are designated as outstanding waters or waters which are impaired for sediment or nitrogen must be inspected monthly. See Part 11.J.8.1 for inspection requirements for inactive and unstaffed sites. (See also Part 6.1 and 11.J.4.14.)

## 11.J.8 Sector-Specific Benchmarks.

Table 11.J.8-1 identifies benchmarks that apply to the specific subsectors of Sector J. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities, which describe their site activities.

**Table 11.J.8-1: Sector – Specific Benchmarks – Sector J**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| **Subsector J1**. Sand and Gravel Mining (SIC 1442, 1446) | Nitrate plus Nitrite Nitrogen | 0.68 mg/L |
| | Total Suspended Solids (TSS) | 100 mg/L |
| **Subsector J2.** Dimension and Crushed Stone and Nonmetallic Minerals (except fuels) (SIC 1411, 1422-1429, 1481, 1499) | Total Suspended Solids (TSS) | 100 mg/L |

*11.J.8.1* *Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark Monitoring.* As a Sector J facility, if the permittee is seeking to exercise a waiver from either the routine inspection, quarterly visual assessment or the benchmark monitoring requirements for inactive and unstaffed sites (including temporarily inactive sites), they are conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to storm water" in Parts 6.2.3 and 7.2.1.6, respectively. Additionally, if the permittee is seeking to reduce their required quarterly routine inspection frequency to a once annual comprehensive inspection, as is allowed under Part 6.1.3, the permittee is also conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to storm water." This exemption is conditioned on the following:

- If circumstances change and the permittees facility becomes active and/or staffed, this exception no longer applies and the permittee must immediately begin complying with the applicable benchmark monitoring requirements as if they were in their first year of permit coverage, and the quarterly visual assessment requirements; and

- DEC retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above a WQS, including designated uses.

Subject to the two conditions above, if the permittees facility is inactive and unstaffed, they are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. The permittee is not waived from conducting the Part 6.3 comprehensive site inspection. The permittee is encouraged to inspect their site more frequently where they have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

## 11.J.9 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit)

Table 11.J.9-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

**Table 11.J.9-1: Effluent Limitations Based on Effluent Limitations Guidelines**

| Industrial Activity | Parameter | Effluent Limit[1] |
|---|---|---|
| Mine dewatering discharges at crushed stone mining facilities (SIC 1422 - 1429) | pH | 6.5 – 8.5[2] |
| Mine dewatering discharges at construction sand and gravel mining facilities (SIC 1442) | pH | 6.5 – 8.5[2] |
| Mine dewatering discharges at industrial sand mining facilities (SIC 1446) | Total Suspended Solids (TSS) | 25 mg/L, monthly avg. |
| | | 45 mg/L, daily maximum |
| | pH | 6.5 – 8.5[2] |

Note:
1. Monitor annually.
2. pH shall be within the limits specified above.

## 11.J.10 Termination of Permit Coverage.

*11.J.10.1 Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.* A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 11.J.3.5.

*11.J.10.2 Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.* A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state WQS, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

# 11. Subpart K – Sector K – Hazardous Waste Treatment, Storage, or Disposal Facilities.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.K.1 Covered Storm Water Discharges.

The requirements in Subpart K apply to storm water discharges associated with industrial activity from Hazardous Waste Treatment, Storage, or Disposal facilities (TSDFs) as identified by the Activity Code specified under Sector K in Table D-1 of Appendix D of the permit.

## 11.K.2 Industrial Activities Covered by Sector K.

This permit authorizes storm water discharges associated with industrial activity from facilities that treat, store, or dispose of hazardous wastes, including those that are operating under interim status or a permit under subtitle C of Resource Conservation and Recovery Act (RCRA).

Disposal facilities that have been properly closed and capped, and have no significant materials exposed to storm water, are considered inactive and do not require permits.

## 11.K.3 Limitations on Coverage.

*11.K.3.1 Prohibition of Non-Storm Water Discharges.* (See also Part 1.2.4) The following are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory-derived wastewater, and contact washwater from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

## 11.K.4 Definitions.

*11.K.4.1 Contaminated Storm Water* - Storm water that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 11.K.4.5. Some specific areas of a landfill that may produce contaminated storm water include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

*11.K.4.2 Drained Free Liquids* - Aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.

*11.K.4.3* *Landfill* - An area of land or an excavation in which wastes are placed for permanent disposal, but that is not a land application or land treatment unit, surface impoundment, underground injection well, waste pile, salt dome formation, salt bed formation, underground mine, or cave as these terms are defined in 40 CFR 257.2, 258.2, and 260.10.

*11.K.4.4* *Landfill Wastewater* - As defined in 40 CFR Part 445 (Landfills Point Source Category), all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated groundwater, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated storm water, and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

*11.K.4.5* *Leachate* - Liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

*11.K.4.6* *Non-Contaminated Storm Water* - Storm water that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 11.K.4.4. Non-contaminated storm water includes storm water that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

## 11.K.5 Sector-Specific Benchmarks.

Table 11.K.5-1 identifies benchmarks that apply to the specific subsectors of Sector K. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities, which describe their site activities.

*(Table 11.K.5-1: Sector – Specific Benchmarks – Sector K located on following page.)*

**Table 11.K.5-1: Sector – Specific Benchmarks – Sector K**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| **Subsector K1.** ALL - Industrial Activity Code "HZ" (Note: permit coverage limited in some States). Benchmarks only applicable to discharges not subject to effluent limitations in 40 CFR Part 445 Subpart A (see below). | Ammonia | 2.14 mg/L |
| | Total Magnesium | 0.064 mg/L |
| | Chemical Oxygen Demand (COD) | 120 mg/L |
| | Total Arsenic (saltwater)[1]<br>Total Arsenic (freshwater)[2] | 0.069 mg/L<br>0.15 mg/L |
| | Total Cadmium (saltwater)[1]<br>Total Cadmium (freshwater)[2] | 0.04 mg/L<br>Hardness Dependent |
| | Total Cyanide (saltwater)[1]<br>Total Cyanide (freshwater)[2] | 0.001 mg/L<br>0.022 mg/ L |
| | Total Lead (saltwater)[1]<br>Total Lead (freshwater)[2] | 0.21 mg/L<br>Hardness Dependent |
| | Total Mercury (saltwater)[1]<br>Total Mercury (freshwater)[2] | 0.0018<br>0.0014 mg/ L |
| | Total Selenium (saltwater)[1]<br>Total Selenium (freshwater)[2] | 0.29 mg/L<br>0.005 mg/L |
| | Total Silver (saltwater)[1]<br>Total Silver (freshwater)[2] | 0.0019<br>Hardness Dependent |

Note:

1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 7.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

| Water Hardness Range (mg/L) | Cadmium (mg/L) | Lead (mg/L) | Silver (mg/L) |
|---|---|---|---|
| 0 – < 25 | 0.0005 | 0.014 | 0.0007 |
| 25 – < 50 | 0.0008 | 0.023 | 0.0007 |
| 50 – < 75 | 0.0013 | 0.045 | 0.0017 |
| 75 – < 100 | 0.0018 | 0.069 | 0.0030 |
| 100 – < 125 | 0.0023 | 0.095 | 0.0046 |
| 125 – < 150 | 0.0029 | 0.122 | 0.0065 |
| 150 – < 175 | 0.0034 | 0.151 | 0.0087 |
| 175 – < 200 | 0.0039 | 0.182 | 0.0112 |
| 200 – < 225 | 0.0045 | 0.213 | 0.0138 |
| 225 – < 250 | 0.0050 | 0.246 | 0.0168 |
| 250+ | 0.0053 | 0.262 | 0.0183 |

## 11.K.6 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

Table 11.K.6-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

**Table 11.K.6-1: Effluent Limitations Based on Effluent Limitations Guidelines**

| Industrial Activity | Parameter | Effluent Limit |
|---|---|---|
| Discharges from hazardous waste landfills subject to effluent limitations in 40 CFR Part 445 Subpart A (see footnote). | Biochemical Oxygen Demand ($BOD_5$) | 220 mg/L, daily maximum |
| | | 56 mg/L, monthly avg. maximum |
| | Total Suspended Solids (TSS) | 88 mg/L, daily maximum |
| | | 27 mg/L, monthly avg. maximum |
| | Ammonia | 10 mg/L, daily maximum |
| | | 4.9 mg/L, monthly avg. maximum |
| | Alpha Terpineol | 0.042 mg/L, daily maximum |
| | | 0.019 mg/L, monthly avg. maximum |
| | Aniline | 0.024 mg/L, daily maximum |
| | | 0.015 mg/L, monthly avg. maximum |
| | Benzoic Acid | 0.119 mg/L, daily maximum |
| | | 0.073 mg/L, monthly avg. maximum |
| | Naphthalene | 0.059 mg/L, daily maximum |
| | | 0.022 mg/L, monthly avg. maximum |
| | p-Cresol | 0.024 mg/L, daily maximum |
| | | 0.015 mg/L, monthly avg. maximum |
| | Phenol | 0.048 mg/L, daily maximum |
| | | 0.029 mg/L, monthly avg. maximum |
| | Pyridine | 0.072 mg/L, daily maximum |
| | | 0.025 mg/L, monthly avg. maximum |
| | Total Arsenic | 1.1 mg/L, daily maximum |
| | | 0.54 mg/L, monthly avg. maximum |
| | Total Chromium | 1.1 mg/L, daily maximum |
| | | 0.46 mg/L, monthly avg. maximum |
| | Total Zinc | 0.535 mg/L, daily maximum |
| | | 0.296 mg/L, monthly avg. maximum |
| | pH | 6.5 - 8.5 s.u. and within 0.5 s.u. of background level |

Note:

1. Monitor annually. As set forth at 40 CFR Part 445 Subpart A, these numeric limitations apply to contaminated storm water discharges from hazardous waste landfills subject to the provisions of RCRA Subtitle C at 40 CFR Parts 264 (Subpart N) and 265 (Subpart N) except for any of the following facilities:
   a. Landfills operated in conjunction with other industrial or commercial operations when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
   b. Landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
   c. Landfills operated in conjunction with Centralized Waste Treatment (CWT) facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
   d. Landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

# 11. Subpart L – Sector L – Landfills, Land Application Sites, and Open Dumps.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.L.1 Covered Storm Water Discharges.

The requirements in Subpart L apply to storm water discharges associated with industrial activity from Landfills and Land Application Sites and Open Dumps as identified by the Activity Code specified under Sector L in Table D-1 of Appendix D of the permit.

## 11.L.2 Industrial Activities Covered by Sector L.

This permit may authorize storm water discharges for Sector L facilities associated with waste disposal at landfills, land application sites, and open dumps that receive or have received industrial waste, including sites subject to regulation under Subtitle D of Resource Conservation and Recovery Act (RCRA). This permit does not cover discharges from landfills that receive only municipal wastes.

## 11.L.3 Limitations on Coverage.

*11.L.3.1* *Prohibition of Non-Storm Water Discharges.* (See also Part 1.2.4) The following discharges are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory wastewater, and contact washwater from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility. Discharges from open dumps as defined under RCRA are also not authorized under this permit.

## 11.L.4 Definitions.

*11.L.4.1* *Contaminated Storm Water* - Storm water that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated storm water include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

*11.L.4.2* *Drained Free Liquids* - Aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.

*11.L.4.3 Landfill Wastewater* - As defined in 40 CFR Part 445 (Landfills Point Source Category) all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated groundwater, and wastewater from recovery pumping wells. Landfill process wastewater includes, but is not limited to, leachate; gas collection condensate; drained free liquids; laboratory-derived wastewater; contaminated storm water; and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

*11.L.4.4 Leachate* - Liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

*11.L.4.5 Non-Contaminated Storm Water* - Storm water that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated storm water includes storm water that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

## 11.L.5 Additional Technology-Based Effluent Limits.

*11.L.5.1 Preventive Maintenance Program.* (See also Part 4.2.3) As part of a permittees preventive maintenance program, maintain the following: all elements of leachate collection and treatment systems, to prevent commingling of leachate with storm water; the integrity and effectiveness of any intermediate or final cover (including repairing the cover as necessary), to minimize the effects of settlement, sinking, and erosion.

*11.L.5.2 Erosion and Sedimentation Control.* (See also Part 4.2.5) Provide temporary stabilization (e.g., temporary seeding, mulching, and placing geotextiles on the inactive portions of stockpiles) for the following: materials stockpiled for daily, intermediate, and final cover; inactive areas of the landfill or open dump; landfills or open dump areas that have gotten final covers but where vegetation has yet to establish itself; and land application sites where waste application has been completed but final vegetation has not yet been established.

*11.L.5.3 Storm Water Diversions.* Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

*11.L.5.4 Place Velocity Dissipation Devices:* (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.

*11.L.5.5 Unauthorized Discharge Test Certification.* (See also Part 5.2.4.4) The discharge test and certification must also be conducted for the presence of leachate and vehicle washwater.

## 11.L.6 Additional SWPPP Requirements.

*11.L.6.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in their SWPPP where any of the following may be exposed to precipitation or surface runoff: active and closed landfill cells or trenches, active and closed land application areas, locations where open dumping is occurring or has occurred, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff, and leachate collection and handling systems.

*11.L.6.2 Summary of Potential Pollutant Sources.* (See also Part 5.2.4) Document in the permittees SWPPP the following sources and activities that have potential pollutants associated with them: fertilizer, herbicide, and pesticide application; earth and soil moving; waste hauling and loading or unloading; outdoor storage of significant materials, including daily, interim, and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; and failure or leaks from leachate collection and treatment systems.

## 11.L.7 Additional Inspection Requirements. (See also Part 6)

*11.L.7.1 Inspections of Active Sites.* Except in arid and semi-arid climates, inspect operating landfills, open dumps, and land application sites at least once every seven (7) days. Focus on areas of landfills that have not yet been finally stabilized; active land application areas, areas used for storage of material and wastes that are exposed to precipitation, stabilization, and structural control measures; leachate collection and treatment systems; and locations where equipment and waste trucks enter and exit the site. Ensure that sediment and erosion control measures are operating properly. For stabilized sites and areas where land application has been completed, or where the climate is arid or semi-arid, conduct inspections at least once every month.

*11.L.7.2 Inspections of Inactive Sites.* Inspect inactive landfills, open dumps, and land application sites at least quarterly. Qualified personnel must inspect landfill (or open dump) stabilization and structural erosion control measures, leachate collection and treatment systems, and all closed land application areas.

## 11.L.8 Additional Post-Authorization Documentation Requirements.

*11.L.8.1 Recordkeeping and Internal Reporting.* Keep records with the SWPPP of the types of wastes disposed of in each cell or trench of a landfill or open dump. For land application sites, track the types and quantities of wastes applied in specific areas.

## 11.L.9 Sector-Specific Benchmarks.

Table 11.L.9-1 identifies benchmarks that apply to the specific subsectors of Sector L. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities.

**Table 11.L.9-1: Sector – Specific Benchmarks – Sector L**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration[1] |
|---|---|---|
| **Subsector L1.** All Landfill, Land Application Sites and Open Dumps (Industrial Activity Code "LF") | Total Suspended Solids (TSS) | 100 mg/L |
| **Subsector L2.** All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60 (Industrial Activity Code "LF") | Total Iron | 1.0 mg/L |

Note:
1. Benchmark monitoring required only for discharges not subject to effluent limitations in 40 CFR Part 445 Subpart B (see Table 11.L 10-1).

## 11.L.10 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

Table 11.L.10-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

*(Table 11.L.10-1: Effluent Limitations Based on Effluent Limitations Guidelines located on following page.)*

**Table 11.L.10-1: Effluent Limitations Based on Effluent Limitations Guidelines**[1]

| Industrial Activity | Parameter | Effluent Limit |
|---|---|---|
| Discharges from non-hazardous waste landfills subject to effluent limitations in 40 CFR Part 445 Subpart B. | Biochemical Oxygen Demand ($BOD_5$) | 140 mg/L, daily maximum |
| | | 37 mg/L, monthly avg. maximum |
| | Total Suspended Solids (TSS) | 88 mg/L, daily maximum |
| | | 27 mg/L, monthly avg. maximum |
| | Ammonia | 10 mg/L, daily maximum |
| | | 4.9 mg/L, monthly avg. maximum |
| | Alpha Terpineol | 0.033 mg/L, daily maximum |
| | | 0.016 mg/L monthly avg. maximum |
| | Benzoic Acid | 0.12 mg/L, daily maximum |
| | | 0.071 mg/L, monthly avg. maximum |
| | p-Cresol | 0.025 mg/L, daily maximum |
| | | 0.014 mg/L, monthly avg. maximum |
| | Phenol | 0.026 mg/L, daily maximum |
| | | 0.015 mg/L, monthly avg. maximum |
| | Total Zinc | 0.20 mg/L, daily maximum |
| | | 0.11 mg/L, monthly avg. maximum |
| | pH | 6.5 - 8.5 s.u. |

Note:

1. Monitor annually. As set forth at 40 CFR Part 445 Subpart B, these numeric limitations apply to contaminated storm water discharges from MSWLFs that have not been closed in accordance with 40 CFR 258.60, and to contaminated storm water discharges from those landfills that are subject to the provisions of 40 CFR Part 257 except for discharges from any of the following facilities:
   a. Landfills operated in conjunction with other industrial or commercial operations, when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
   b. Landfills operated in conjunction with other industrial or commercial operations, when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation, or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
   c. Landfills operated in conjunction with Centralized Waste Treatment (CWT) facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
   d. Landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

# 11. Subpart M – Sector M – Automobile Salvage Yards.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.M.1 Covered Storm Water Discharges.

The requirements in Subpart M apply to storm water discharges associated with industrial activity from Automobile Salvage Yards as identified by the SIC Code specified under Sector M in Table D-1 of Appendix D of this permit.

## 11.M.2 Additional Technology-Based Effluent Limits.

*11.M.2.1 Spill and Leak Prevention Procedures.* (See also Part 4.2.4) Drain vehicles intended to be dismantled of all fluids upon arrival at the site (or as soon thereafter as feasible), or employ some other equivalent means to prevent spills and leaks. Collected automotive fluids should be containerized, labeled, and stored to minimize exposure to storm water. Salvage yard operators should develop and implement a mercury switch removal and disposal procedure to remove mercury as a potential pollutant source. All facilities should be provided with a nearby spill containment kit and fluids managed in accordance with all applicable state and federal regulations.

*11.M.2.2 Employee Training.* (See also Part 4.2.9) If applicable to the facility, address the following areas (at a minimum) in the permittees employee training program: proper handling (collection, storage, and disposal) of oil, used mineral spirits, anti-freeze, mercury switches, and solvents.

*11.M.2.3 Management of Runoff.* (See also Part 4.2.6) Use the following management practices, as practicable: berms or drainage ditches on the property line (to help prevent run-on from neighboring properties); berms for uncovered outdoor storage of oily parts, engine blocks, and above-ground liquid storage; installation of detention ponds; and installation of filtering devices and oil and water separators.

*11.M.2.4 Vehicle Crushing Activities.* If a crusher is used on-site provide timely maintenance and inspection of the crusher to prevent any fluid leaks and document in the SWPPP. The crusher should be provided with a device to capture any automotive fluids generated during crushing.

## 11.M.3 Additional SWPPP Requirements.

*11.M.3.1 Drainage Area Site Map.* (See also Part 5.2.3) Identify locations used for dismantling, storage, and maintenance of used motor vehicle parts. Also identify where any of the following may be exposed to precipitation or surface runoff: dismantling areas, parts (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers) storage areas, and liquid storage tanks and drums for fuel and other fluids.

*11.M.3.2 Potential Pollutant Sources.* (See also Part 5.2.4) Assess the potential for the following to contribute pollutants to storm water discharges: vehicle storage areas, dismantling areas, parts storage areas (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers), and fueling stations.

## 11.M.4 Additional Inspection Requirements.

(See also Part 6.1) Immediately (or as soon thereafter as feasible) inspect vehicles arriving at the site for leaks and inspect area designated for the draining and collecting of automotive fluids. Inspect quarterly for signs of leakage of all equipment containing oily parts, hydraulic fluids, any other types of fluids, or mercury switches. Also, inspect quarterly for signs of leakage of all vessels and areas where hazardous materials and general automotive fluids are stored, including, but not limited to, mercury switches, brake fluid, transmission fluid, radiator water, and antifreeze.

*(Table 11.M.5-1: Sector – Specific Benchmarks – Sector M located on the following page.)*

## 11.M.5 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

**Table 11.M.5-1: Sector – Specific Benchmarks – Sector M**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| **Subsector M1.** Automobile Salvage Yards (SIC 5015) | Total Suspended Solids (TSS) | 100 mg/L |
| | Total Aluminum | 0.75 mg/L |
| | Total Iron | 1.0 mg/L |
| | Total Lead (saltwater)[1]<br>Total Lead (freshwater)[2] | 0.21 mg/L<br>Hardness Dependent |

Note:

1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 7.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

| Water Hardness Range (mg/L) | Lead (mg/L) |
|---|---|
| 0 – < 25 | 0.014 |
| 25 – < 50 | 0.023 |
| 50 – < 75 | 0.045 |
| 75 – < 100 | 0.069 |
| 100 – < 125 | 0.095 |
| 125 – < 150 | 0.122 |
| 150 – < 175 | 0.151 |
| 175 – < 200 | 0.182 |
| 200 – < 225 | 0.213 |
| 225 – < 250 | 0.246 |
| 250+ | 0.262 |

# 11. Subpart N – Sector N – Scrap Recycling and Waste Recycling Facilities.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.N.1 Covered Storm Water Discharges.

The requirements in Subpart N apply to storm water discharges associated with industrial activity from Scrap Recycling and Waste Recycling facilities as identified by the SIC Code specified under Sector N in Table D-1 of Appendix D of the permit.

## 11.N.2 Limitation on Coverage.

Separate permit requirements have been established for recycling facilities that only receive source-separated recyclable materials primarily from non-industrial and residential sources (i.e., common consumer products including paper, newspaper, glass, cardboard, plastic containers, and aluminum and tin cans). This includes recycling facilities commonly referred to as material recovery facilities (MRF). See Part 11.N.3.3

*11.N.2.1 Prohibition of Non-Storm Water Discharges.* (See also Part 1.2.4) Non-storm water discharges from turnings containment areas are not covered by this permit (see also Part 11.N.3.2.3). Discharges from containment areas as well as all others in the absence of a storm event are prohibited unless covered by a separate APDES permit.

## 11.N.3 Additional Technology-Based Effluent Limits.

*11.N.3.1 Scrap and Waste Recycling Facilities (Non-Source Separated, Nonliquid Recyclable Materials).* Requirements for facilities that receive, process, and do wholesale distribution of nonliquid recyclable wastes (e.g., ferrous and nonferrous metals, plastics, glass, cardboard, and paper). These facilities may receive both nonrecyclable and recyclable materials. This section is not intended for those facilities that accept recyclables only from primarily non-industrial and residential sources.

*11.N.3.1.1 Inbound Recyclable and Waste Material Control Program.* Minimize the chance of accepting materials that could be significant sources of pollutants by conducting inspections of inbound recyclables and waste materials. Following are some control measure options: (a) provide information and education to suppliers of scrap and recyclable waste materials on draining and properly disposing of residual fluids (e.g., from vehicles and equipment engines, radiators and transmissions, oil filled transformers, and individual containers or drums) and removal of mercury switches from vehicles before delivery to the facility; (b) establish procedures to minimize the potential of any residual fluids from coming into contact with precipitation or runoff; (c) establish procedures for accepting scrap lead-acid batteries (additional requirements for the handling, storage, and disposal or recycling of batteries are contained in the scrap lead-acid battery program provisions in Part 11.N.3.1.6); (d) provide training targeted for those personnel engaged in the inspection and acceptance of inbound recyclable materials; and (e) establish procedures to ensure that liquid wastes, including used oil, are stored in materially compatible and non-leaking containers and are disposed of or recycled in accordance with the Resource Conservation and Recovery Act (RCRA).

*11.N.3.1.2 Scrap and Waste Material Stockpiles and Storage (Outdoor).* Minimize contact of storm water runoff with stockpiled materials, processed materials, and nonrecyclable wastes. Following are some control measure options: (a) permanent or semi-permanent covers; (b) sediment traps, vegetated swales and strips, catch basin filters, and sand filters to facilitate settling or filtering of pollutants; (c) dikes, berms, containment trenches, culverts, and surface grading to divert runoff from storage areas; (d) silt fencing; and (e) oil and water separators, sumps, and dry absorbents for areas where potential sources of residual fluids are stockpiled (e.g., automobile engine storage areas).

*11.N.3.1.3 Stockpiling of Turnings Exposed to Cutting Fluids (Outdoor Storage).* Minimize contact of surface runoff with residual cutting fluids by: (a) storing all turnings exposed to cutting fluids under some form of permanent or semi-permanent cover, or (b) establishing dedicated containment areas for all turnings that have been exposed to cutting fluids. Any containment areas must be constructed of concrete, asphalt, or other equivalent types of impermeable material and include a barrier (e.g., berms, curbing, elevated pads) to prevent contact with storm water run-on. Storm Water runoff from these areas can be discharged, provided that any runoff is first collected and treated by an oil and water separator or its equivalent. The permittee must regularly maintain the oil and water separator (or its equivalent) and properly dispose of or recycle collected residual fluids.

*11.N.3.1.4 Scrap and Waste Material Stockpiles and Storage (Covered or Indoor Storage).* Minimize contact of residual liquids and particulate matter from materials stored indoors or under cover with surface runoff. Following are some control measure options: (a) good housekeeping measures, including the use of dry absorbents or wet vacuuming to contain, dispose of, or recycle residual liquids originating from recyclable containers, or mercury spill kits for spills from storage of mercury switches; (b) not allowing washwater from tipping floors or other processing areas to discharge to the storm sewer system; and (c) disconnecting or sealing off all floor drains connected to the storm sewer system.

*11.N.3.1.5 Scrap and Recyclable Waste Processing Areas.* Minimize surface runoff from coming in contact with scrap processing equipment. Pay attention to operations that generate visible amounts of particulate residue (e.g., shredding) to minimize the contact of accumulated particulate matter and residual fluids with runoff (i.e., through good housekeeping, preventive maintenance, etc.). Following are some control measure options: (a) regularly inspect equipment for spills or leaks and malfunctioning, worn, or corroded parts or equipment; (b) establish a preventive maintenance program for processing equipment; (c) use dry-absorbents or other cleanup practices to collect and dispose of or recycle spilled or leaking fluids or use mercury spill kits for spills from storage of mercury switches; (d) on unattended hydraulic reservoirs over 150 gallons in capacity, install protection devices such as low-level alarms or equivalent devices, or secondary containment that can hold the entire volume of the reservoir; (e) containment or diversion structures such as dikes, berms, culverts, trenches, elevated concrete pads, and grading to minimize contact of storm water runoff with outdoor processing equipment or stored materials; (f) oil and water separators or sumps; (g) permanent or semi-permanent covers in processing areas where there are residual fluids and grease; (h) retention or detention ponds or basins; sediment traps, and vegetated swales or strips (for pollutant settling and filtration); (i) catch basin filters or sand filters.

*11.N.3.1.6 Scrap Lead-Acid Battery Program.* Properly handle, store, and dispose of scrap lead-acid batteries. Following are some control measure options (a) segregate scrap lead-acid batteries from other scrap materials; (b) properly handle, store, and dispose of cracked or broken batteries; (c) collect and dispose of leaking lead-acid battery fluid; (d) minimize or eliminate (if possible) exposure of scrap lead-acid batteries to precipitation or runoff; and (e) provide employee training for the management of scrap batteries.

*11.N.3.1.7 Spill Prevention and Response Procedures.* (See also Part 4.2.4) Install alarms and/or pump shutoff systems on outdoor equipment with hydraulic reservoirs exceeding 150 gallons in the event of a line break. Alternatively, a secondary containment system capable of holding the entire contents of the reservoir plus room for precipitation can be used. Use a mercury spill kit for any release of mercury from switches, anti-lock brake systems, and switch storage areas.

*11.N.3.1.8 Supplier Notification Program.* As appropriate, notify major suppliers which scrap materials will not be accepted at the facility or will be accepted only under certain conditions.

*11.N.3.2 Waste Recycling Facilities (Liquid Recyclable Materials).*

*11.N.3.2.1 Waste Material Storage (Indoor).* Minimize or eliminate contact between residual liquids from waste materials stored indoors and from surface runoff. The plan may refer to applicable portions of other existing plans, such as Spill Prevention, Control, and Countermeasure (SPCC) plans required under 40 CFR Part 112. Following are some control measure options (a) procedures for material handling (including labeling and marking); (b) clean up spills and leaks with dry absorbent materials, a wet vacuum system; (c) appropriate containment structures (trenching, curbing, gutters, etc.); and (d) a drainage system, including appurtenances (e.g., pumps or ejectors, manually operated valves), to handle discharges from diked or bermed areas. Drainage should be discharged to an appropriate treatment facility or sanitary sewer system, or otherwise disposed of properly. These discharges may require coverage under a separate APDES wastewater permit or industrial user permit under the pretreatment program.

*11.N.3.2.2 Waste Material Storage (Outdoor).* Minimize contact between stored residual liquids and precipitation or runoff. The plan may refer to applicable portions of other existing plans, such as SPCC plans required under 40 CFR Part 112. Discharges of precipitation from containment areas containing used oil must also be in accordance with applicable sections of 40 CFR Part 112. Following are some control measure options (a) appropriate containment structures (e.g., dikes, berms, curbing, pits) to store the volume of the largest tank, with sufficient extra capacity for precipitation; (b) drainage control and other diversionary structures; (c) corrosion protection and/or leak detection systems for storage tanks; and (d) dry-absorbent materials or a wet vacuum system to collect spills.

*11.N.3.2.3 Trucks and Rail Car Waste Transfer Areas.* Minimize pollutants in discharges from truck and rail car loading and unloading areas. Include measures to clean up minor spills and leaks resulting from the transfer of liquid wastes. Following are two control measure options: (a) containment and diversionary structures to minimize contact with precipitation or runoff, and (b) dry clean-up methods, wet vacuuming, roof coverings, or runoff controls.

*11.N.3.3 Recycling Facilities (Source-Separated Materials).* The following identifies considerations for facilities that receive only source-separated recyclables, primarily from non-industrial and residential sources.

*11.N.3.3.1 Inbound Recyclable Material Control.* Minimize the chance of accepting nonrecyclables (e.g., hazardous materials) that could be a significant source of pollutants by conducting inspections of inbound materials. Following are some control measure options: (a) providing information and education measures to inform suppliers of recyclables about acceptable and non-acceptable materials, (b) training drivers responsible for pickup of recycled material, (c) clearly marking public drop-off containers regarding which materials can be accepted, (d) rejecting nonrecyclable wastes or household hazardous wastes at the source, and (e) establishing procedures for handling and disposal of nonrecyclable material.

*11.N.3.3.2 Outdoor Storage.* Minimize exposure of recyclables to precipitation and runoff. Use good housekeeping measures to prevent accumulation of particulate matter and fluids, particularly in high traffic areas. Following are some control measure options (a) provide totally enclosed drop-off containers for the public; (b) install a sump and pump with each container pit and treat or discharge collected fluids to a sanitary sewer system; (c) provide dikes and curbs for secondary containment (e.g., around bales of recyclable waste paper); (d) divert surface water runoff away from outside material storage areas; (e) provide covers over containment bins, dumpsters, and roll-off boxes; and (f) store the equivalent of one day’s volume of recyclable material indoors.

*11.N.3.3.3 Indoor Storage and Material Processing.* Minimize the release of pollutants from indoor storage and processing areas. Following are some control measure options (a) schedule routine good housekeeping measures for all storage and processing areas, (b) prohibit tipping floor washwater from draining to the storm sewer system, and (c) provide employee training on pollution prevention practices.

*11.N.3.3.4 Vehicle and Equipment Maintenance.* Following are some control measure options for areas where vehicle and equipment maintenance occur outdoors (a) prohibit vehicle and equipment washwater from discharging to the storm sewer system, (b) minimize or eliminate outdoor maintenance areas whenever practicable, (c) establish spill prevention and clean-up procedures in fueling areas, (d) avoid topping off fuel tanks, (e) divert runoff from fueling areas, (f) store lubricants and hydraulic fluids indoors, and (g) provide employee training on proper handling and storage of hydraulic fluids and lubricants.

## 11.N.4 Additional SWPPP Requirements.

*11.N.4.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: scrap and waste material storage, outdoor scrap and waste processing equipment; and containment areas for turnings exposed to cutting fluids.

*11.N.4.2 Maintenance Schedules/Procedures for Collection, Handling, and Disposal or Recycling of Residual Fluids at Scrap and Waste Recycling Facilities.* If the permittee is subject to Part 11.N.3.1.3, the SWPPP must identify any applicable maintenance schedule and the procedures to collect, handle, and dispose of or recycle residual fluids.

## 11.N.5 Additional Inspection Requirements.

*11.N.5.1 Inspections for Waste Recycling Facilities.* The inspections must be performed quarterly, pursuant to Part 6.1, and include, at a minimum, all areas where waste is generated, received, stored, treated, or disposed of and that are exposed to either precipitation or storm water runoff.

## 11.N.6 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

*(Table 11.N.6-1: Sector – Specific Benchmarks – Sector N located on following page.)*

**Table 11.N.6-1: Sector – Specific Benchmarks – Sector N**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| Subsector N1. Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling (SIC 5093) | Chemical Oxygen Demand (COD) | 120 mg/L |
| | Total Suspended Solids (TSS) | 100 mg/L |
| | Total Recoverable Aluminum | 0.75 mg/L |
| | Total Copper (saltwater)[1]<br>Total Copper (freshwater)[2] | 0.0048 mg/L<br>Hardness Dependent |
| | Total Recoverable Iron | 1.0 mg/L |
| | Total Lead (saltwater)[1]<br>Total Lead (freshwater)[2] | 0.21 mg/L<br>Hardness Dependent |
| | Total Zinc (saltwater)[1]<br>Total Zinc (freshwater)[2] | 0.09 mg/L<br>Hardness Dependent |

Note:

1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 7.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

| Water Hardness Range (mg/L) | Copper (mg/L) | Lead (mg/L) | Zinc (mg/L) |
|---|---|---|---|
| 0 – < 25 | 0.0038 | 0.014 | 0.04 |
| 25 – < 50 | 0.0056 | 0.023 | 0.05 |
| 50 – < 75 | 0.0090 | 0.045 | 0.08 |
| 75 – < 100 | 0.0123 | 0.069 | 0.11 |
| 100 – < 125 | 0.0156 | 0.095 | 0.13 |
| 125 – < 150 | 0.0189 | 0.122 | 0.16 |
| 150 – < 175 | 0.0221 | 0.151 | 0.18 |
| 175 – < 200 | 0.0253 | 0.182 | 0.20 |
| 200 – < 225 | 0.0285 | 0.213 | 0.23 |
| 225 – < 250 | 0.0316 | 0.246 | 0.25 |
| 250+ | 0.0332 | 0.262 | 0.26 |

# 11. Subpart O – Sector O – Steam Electric Generating Facilities.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.O.1 Covered Storm Water Discharges.

The requirements in Subpart O apply to storm water discharges associated with industrial activity from Steam Electric Power Generating Facilities as identified by the Activity Code specified under Sector O in Table D-1 of Appendix D.

## 11.O.2 Industrial Activities Covered by Sector O.

This permit authorizes storm water discharges from the following industrial activities at Sector O facilities:

11.O.2.1 Steam electric power generation using coal, natural gas, oil, nuclear energy, etc., to produce a steam source, including coal handling areas;

11.O.2.2 Coal pile runoff, including effluent limitations established by 40 CFR Part 423; and

11.O.2.3 Dual fuel facilities that could employ a steam boiler.

## 11.O.3 Limitations on Coverage.

*11.O.3.1 Prohibition of Non-Storm Water Discharges.* Non-storm water discharges subject to effluent limitations guidelines are not covered by this permit.

*11.O.3.2 Prohibition of Storm Water Discharges.* Storm water discharges from the following are not covered by this permit:

*11.O.3.2.1 Ancillary Facilities* (e.g., fleet centers and substations) that are not contiguous to a stream electric power generating facility;

*11.O.3.2.2 Gas Turbine Facilities* (providing the facility is not a dual-fuel facility that includes a steam boiler), and combined-cycle facilities where no supplemental fuel oil is burned (and the facility is not a dual-fuel facility that includes a steam boiler); and

*11.O.3.2.3 Cogeneration* (combined heat and power) facilities utilizing a gas turbine.

**11.O.4 Additional Technology-Based Effluent Limits.** The following good housekeeping measures are required in addition to Part 4.2.2:

*11.O.4.1 Fugitive Dust Emissions.* Minimize fugitive dust emissions from coal handling areas. To minimize the tracking of coal dust offsite, adopt, as practicable, procedures such as installing specially designed tires or washing vehicles in a designated area before they leave the site and controlling the wash water.

*11.O.4.2 Delivery Vehicles.* Minimize contamination of storm water runoff from delivery vehicles arriving at the plant site. Adopt procedures to inspect delivery vehicles arriving at the plant site and ensure overall integrity of the body or container and procedures to deal with leakage or spillage from vehicles or containers.

*11.O.4.3 Fuel Oil Unloading Areas.* Minimize contamination of precipitation or surface runoff from fuel oil unloading areas. Use containment curbs in unloading areas, have personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and use spill and overflow protection devices (e.g., drip pans, drip diapers, or other containment devices placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors).

*11.O.4.4 Chemical Loading and Unloading.* Minimize contamination of precipitation or surface runoff from chemical loading and unloading areas. Use containment curbs at chemical loading and unloading areas to contain spills, have personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and loading and unloading in covered areas and storing chemicals indoors.

*11.O.4.5 Miscellaneous Loading and Unloading Areas.* Minimize contamination of precipitation or surface runoff from loading and unloading areas. Use the following, as practicable, cover the loading area; grade, berm, or curb around the loading area to divert run-on; locate the loading and unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems; or equivalent procedures.

*11.O.4.6 Liquid Storage Tanks.* Minimize contamination of surface runoff from above-ground liquid storage tanks. Use the following, as practicable, protective guards around tanks, containment curbs, spill and overflow protection, dry cleanup methods, or equivalent measures.

*11.O.4.7 Large Bulk Fuel Storage Tanks.* Minimize contamination of surface runoff from large bulk fuel storage tanks. Use containment berms (or their equivalent) as required by applicable State and Federal Laws. The permittee must also comply with applicable State and Federal laws, including Spill Prevention, Control and Countermeasure (SPCC) Plan requirements.

*11.O.4.8 Spill Reduction Measures.* Minimize the potential for an oil or chemical spill, or reference the appropriate part of the permittees SPCC plan. Visually inspect as part of the routine facility inspection the structural integrity of all above-ground tanks, pipelines, pumps, and related equipment that may be exposed to storm water, and make any necessary repairs immediately.

*11.O.4.9 Oil-Bearing Equipment in Switchyards.* Minimize contamination of surface runoff from oil-bearing equipment in switchyard areas. Use level grades and gravel surfaces to retard flows and limit the spread of spills, or collect runoff in perimeter ditches.

*11.O.4.10 Residue-Hauling Vehicles.* Inspect all residue-hauling vehicles for proper covering over the load, adequate gate sealing, and overall integrity of the container body. Repair vehicles without load covering or adequate gate sealing, or with leaking containers or beds.

*11.O.4.11 Ash Loading Areas.* Reduce or control the tracking of ash and residue from ash loading areas. Clear the ash building floor and immediately adjacent roadways of spillage, debris, and excess water before departure of each loaded vehicle.

*11.O.4.12 Areas Adjacent to Disposal Ponds or Landfills.* Minimize contamination of surface runoff from areas adjacent to disposal ponds or landfills. Reduce ash residue that may be tracked on to access roads traveled by residue handling vehicles, and reduce ash residue on exit roads leading into and out of residue handling areas.

*11.O.4.13 Landfills, Scrap yards, Surface Impoundments, Open Dumps, General Refuse Sites.* Minimize the potential for contamination of runoff from these areas.

## 11.O.5 Additional SWPPP Requirements.

*11.O.5.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: storage tanks, scrap yards, and general refuse areas; short- and long-term storage of general materials (including but not limited to supplies, construction materials, paint equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizer, and pesticides); landfills and construction sites; and stock pile areas (e.g., coal or limestone piles).

*11.O.5.2 Documentation of Good Housekeeping Measures.* The permittee must document in the SWPPP the good housekeeping measures implemented to meet the effluent limits in Part 11.O.4.

## 11.O.6 Additional Inspection Requirements.

*11.O.6.1 Comprehensive Site Compliance Inspection.* (See also Part 6.3) As part of the permittees inspection, inspect the following areas monthly: coal handling areas, loading or unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, areas adjacent to disposal ponds and landfills, maintenance areas, liquid storage tanks, and long term and short term material storage areas.

## 11.O.7 Sector-Specific Benchmarks

Table 11.O.7-1 identifies benchmarks that apply to the specific subsectors of Sector O. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities, which describe their facility activities.

**Table 11.O.7-1: Sector – Specific Benchmarks – Sector O**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| **Subsector O1.** Steam Electric Generating Facilities (Industrial Activity Code "SE") | Total Iron | 1.0 mg/L |

## 11.O.8 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

Table 11.O.8-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

**Table 11.O.8-1: Effluent Limitations Based on Effluent Limitations Guidelines**[1]

| Industrial Activity | Parameter | Effluent Limit |
|---|---|---|
| Discharges from coal storage piles at Steam Electric Generating Facilities | TSS | 50 mg/l[2] |
| | pH | 6.5 - 8.5 s.u. |

Notes:
1. Monitor annually.
2. If the permittees facility is designed, constructed, and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event, any untreated overflow of coal pile runoff from the treatment unit is not subject to the 50 mg/L limitation for total suspended solids.

# 11. Subpart P – Sector P – Land Transportation and Warehousing.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.P.1 Covered Storm Water Discharges.

The requirements in Subpart P apply to storm water discharges associated with industrial activity from Land Transportation and Warehousing facilities as identified by the SIC Codes specified under Sector P in Table D-1 of Appendix D of the permit.

## 11.P.2 Limitation on Coverage.

*11.P.2.1 Prohibited Discharges.* (See also Part 1.2.4) This permit does not authorize the discharge of vehicle/equipment/surface washwater, including tank cleaning operations. Such discharges must be authorized under a separate APDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or recycled on-site.

## 11.P.3 Additional Technology-Based Effluent Limits.

*11.P.3.1 Good Housekeeping Measures.* (See also Part 4.2.2) In addition to the Good Housekeeping requirements in Part 4.2.2, the permittee must do the following. Recommended control measures are discussed as indicated:

*11.P.3.1.1 Vehicle and Equipment Storage Areas.* Minimize the potential for storm water exposure to leaky or leak-prone vehicles/equipment awaiting maintenance. Implement the following (or other equivalent measures), as practicable: use of drip pans under vehicles/equipment, indoor storage of vehicles and equipment, installation of berms or dikes, use of absorbents, roofing or covering storage areas, and cleaning pavement surfaces to remove oil and grease.

*11.P.3.1.2 Fueling Areas.* Minimize contamination of storm water runoff from fueling areas. Implement the following (or other equivalent measures), as practicable: Covering the fueling area; using spill/overflow protection and cleanup equipment; minimizing storm water run-on/runoff to the fueling area; using dry cleanup methods; and treating and/or recycling collected storm water runoff.

*11.P.3.1.3 Material Storage Areas.* Maintain all material storage vessels (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) to prevent contamination of storm water and plainly label them (e.g., "Used Oil," "Spent Solvents," etc.). Implement the following (or other equivalent measures), as practicable: storing the materials indoors; installing berms/dikes around the areas; minimizing runoff of storm water to the areas; using dry cleanup methods; and treating and/or recycling collected storm water runoff.

*11.P.3.1.4 Vehicle and Equipment Cleaning Areas.* Minimize contamination of storm water runoff from all areas used for vehicle/equipment cleaning. Implement the following (or other equivalent measures), as practicable: performing all cleaning operations indoors; covering the cleaning operation, ensuring that all washwater drains to a proper collection system (i.e., not the storm water drainage system); treating and/or recycling collected washwater, or other equivalent measures.

*11.P.3.1.5 Vehicle and Equipment Maintenance Areas.* Minimize contamination of storm water runoff from all areas used for vehicle/equipment maintenance. Implement the following (or other equivalent measures), as practicable: performing maintenance activities indoors; using drip pans; keeping an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting wet clean up practices if these practices would result in the discharge of pollutants to storm water drainage systems; using dry cleanup methods; treating and/or recycling collected storm water runoff, minimizing run on/runoff of storm water to maintenance areas.

*11.P.3.1.6 Locomotive Sanding (Loading Sand for Traction) Areas.* Implement the following (or other equivalent measures), as practicable: covering sanding areas; minimizing storm water run on/runoff; or appropriate sediment removal practices to minimize the offsite transport of sanding material by storm water.

*11.P.3.2 Employee Training.* (See also Part 4.2.9) Train personnel at least once a year and address the following activities, as applicable: used oil and spent solvent management; fueling procedures; general good housekeeping practices; proper painting procedures; and used battery management.

## 11.P.4 Additional SWPPP Requirements.

*11.P.4.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: Fueling stations; vehicle/equipment maintenance or cleaning areas; storage areas for vehicle/equipment with actual or potential fluid leaks; loading/unloading areas; areas where treatment, storage or disposal of wastes occur; liquid storage tanks; processing areas; and storage areas.

*11.P.4.2 Potential Pollutant Sources.* (See also Part 5.2.4) Assess the potential for the following activities and facility areas to contribute pollutants to storm water discharges: Onsite waste storage or disposal; dirt/gravel parking areas for vehicles awaiting maintenance; illicit plumbing connections between shop floor drains and the storm water conveyance system(s); and fueling areas. Describe these activities in the SWPPP.

*11.P.4.3 Description of Good Housekeeping Measures.* The permittee must document in the SWPPP the good housekeeping measures they implement consistent with Part 11.P.3.

*11.P.4.4 Vehicle and Equipment Washwater Requirements.* If applicable, attach to or reference in the SWPPP, a copy of the APDES permit issued for vehicle/ equipment washwater; if an APDES permit has not been issued, a copy of the pending application. If an industrial user permit is issued under a local pretreatment program, attach a copy to the SWPPP. In any case, implement all non-storm water discharge permit conditions or pretreatment conditions in the SWPPP. If washwater is handled in another manner (e.g., hauled offsite), describe the disposal method and attach all pertinent documentation/ information (e.g., frequency, volume, destination, etc.) in the plan.

**11.P.5 Additional Inspection Requirements.** (See also Part 6.1) Inspect all the following areas/activities: storage areas for vehicles/equipment awaiting maintenance, fueling areas, indoor and outdoor vehicle/equipment maintenance areas, material storage areas, vehicle/equipment cleaning areas, loading/unloading areas, and any petroleum bulk fuel storage areas. Quarterly visual assessment of the bulk fuel storage areas should focus on identifying any potential leaks in tanks, pipelines, valves, etc. and implementing temporary spill containment measures until permanent corrective actions can be made.

# 11. Subpart Q – Sector Q – Water Transportation.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.Q.1 Covered Storm Water Discharges.

The requirements in Subpart Q apply to storm water discharges associated with industrial activity from Water Transportation facilities as identified by the SIC Codes specified under Sector Q in Table D-1 of Appendix D of the permit.

## 11.Q.2 Limitations on Coverage.

*11.Q.2.1 Prohibition of Non-Storm Water Discharges.* (See also Part 1.2.4) Not covered by this permit: bilge and ballast water, sanitary wastes, pressure wash water, and cooling water originating from vessels.

## 11.Q.3 Additional Technology-Based Effluent Limits.

*11.Q.3.1 Good Housekeeping Measures.* A permittee must implement the following good housekeeping measures in addition to the requirements of Part 4.2.2:

*11.Q.3.1.1 Pressure Washing Area.* If pressure washing is used to remove marine growth from vessels, the discharge water must be permitted by a separate APDES permit. Collect or contain the discharges from the pressure washing areas so that they are not co-mingled with storm water discharges authorized by this permit.

*11.Q.3.1.2 Blasting and Painting Area.* Minimize the potential for spent abrasives, paint chips, and overspray to discharge into receiving waters or the storm sewer systems. Contain all blasting and painting activities or use other measures to minimize the discharge of contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean storm water conveyances of deposits of abrasive blasting debris and paint chips.

*11.Q.3.1.3 Material Storage Areas.* Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. Specify which materials are stored indoors, and consider containment or enclosure for those stored outdoors. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.

*11.Q.3.1.4 Engine Maintenance and Repair Areas.* Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair. Implement the following (or their equivalents), as practicable: performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluid prior to disposal, prohibiting the practice of hosing down the shop floor, using dry cleanup methods, and treating and/or recycling storm water runoff collected from the maintenance area.

*11.Q.3.1.5 Material Handling Area.* Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). Implement the following (or their equivalents), as practicable: covering fueling areas, using spill and overflow protection, mixing paints and solvents in a designated area (preferably indoors or under a shed), and minimizing runoff of storm water to material handling areas.

*11.Q.3.1.6 Drydock Activities.* Routinely maintain and clean the drydock to minimize pollutants in storm water runoff. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock. Implement the following (or their equivalents), as practicable: sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding and making absorbent materials and oil containment booms readily available to clean up or contain any spills.

*11.Q.3.2 Storm Water Diversions.* Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

*11.Q.3.3 Velocity Dissipation Devices.* (e.g., check dams, sediment traps, or riprap) Place velocity dissipation devices, as practicable, along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.

*11.Q.3.4 Employee Training.* (See also Part 4.2.9) As part of the permittees employee training program, address, at a minimum, the following activities (as practicable): used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.

*11.Q.3.5 Preventive Maintenance.* (See also Part 4.2.3) As part of the permittees preventive maintenance program, perform timely inspection and maintenance of storm water management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

## 11.Q.4 Additional SWPPP Requirements.

*11.Q.4.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

*11.Q.4.2 Summary of Potential Pollutant Sources.* (See also Part 5.2.4) The permittee must document in the SWPPP the following additional sources and activities that have potential pollutants associated with them: outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting.)

## 11.Q.5 Additional Inspection Requirements.

(See also Part 6.1) Include the following in all quarterly routine facility inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

## 11.Q.6 Sector-Specific Benchmarks.

(See also Part 7 of the permit.)

*(Table 11.N.6-1: Sector – Specific Benchmarks – Sector N located on following page.)*

**Table 11.Q.6-1: Sector – Specific Benchmarks – Sector Q**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| **Subsector Q1**. Water Transportation Facilities (SIC 4412-4499) | Total Aluminum | 0.75 mg/L |
| | Total Iron | 1.0 mg/L |
| | Total Lead (saltwater)[1] | 0.21 mg/L |
| | Total Lead (freshwater)[2] | Hardness Dependent |
| | Total Zinc (saltwater)[1] | 0.09 mg/L |
| | Total Zinc (freshwater)[2] | Hardness Dependent |

Note:

1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 7.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

| Water Hardness Range (mg/L) | Lead (mg/L) | Zinc (mg/L) |
|---|---|---|
| 0 – < 25 | 0.014 | 0.04 |
| 25 – < 50 | 0.023 | 0.05 |
| 50 – < 75 | 0.045 | 0.08 |
| 75 – < 100 | 0.069 | 0.11 |
| 100 – < 125 | 0.095 | 0.13 |
| 125 – < 150 | 0.122 | 0.16 |
| 150 – < 175 | 0.151 | 0.18 |
| 175 – < 200 | 0.182 | 0.20 |
| 200 – < 225 | 0.213 | 0.23 |
| 225 – < 250 | 0.246 | 0.25 |
| 250+ | 0.262 | 0.26 |

# 11. Subpart R – Sector R – Ship and Boat Building and Repair Yards.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.R.1 Covered Storm Water Discharges.

The requirements in Subpart R apply to storm water discharges associated with industrial activity from Ship and Boat Building and Repair Yards as identified by the SIC Codes specified under Sector R in Table D-1 of Appendix D of the permit.

## 11.R.2 Limitations on Coverage.

*11.R.2.1 Prohibition of Non-Storm Water Discharges.* (See also Part 1.2.4) Discharges containing bilge and ballast water, sanitary wastes, pressure wash water, and cooling water originating from vessels are not covered by this permit.

## 11.R.3 Additional Technology-Based Effluent Limits.

*11.R.3.1 Good Housekeeping Measures.* (See also Part 4.2.2)

*11.R.3.1.1 Pressure Washing Area.* If pressure washing is used to remove marine growth from vessels, the discharged water must be permitted as a process wastewater by a separate APDES permit.

*11.R.3.1.2 Blasting and Painting Area.* Minimize the potential for spent abrasives, paint chips, and overspray to discharging into the receiving water or the storm sewer systems. To the extent practicable contain all blasting and painting activities, or use other measures to prevent the discharge of the contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean storm water conveyances of deposits of abrasive blasting debris and paint chips.

*11.R.3.1.3 Material Storage Areas.* Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.

*11.R.3.1.4 Engine Maintenance and Repair Areas.* Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair. Implement the following (or their equivalents), as practicable: perform all maintenance activities indoors, maintain an organized inventory of materials used in the shop, drain all parts of fluid prior to disposal, prohibit the practice of hosing down the shop floor, use dry cleanup methods, and treat and/or recycle storm water runoff collected from the maintenance area.

*11.R.3.1.5 Material Handling Area.* Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). Implement the following (or their equivalents), as practicable: cover fueling areas, use spill and overflow protection, mix paints and solvents in a designated area (preferably indoors or under a shed), and minimize storm water run-on to material handling areas.

*11.R.3.1.6 Drydock Activities.* Routinely maintain and clean the drydock to minimize pollutants in storm water runoff. Clean accessible areas of the drydock prior to flooding and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, or fuel spills occurring on the drydock. Implement the following (or their equivalents), as practicable: sweep rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding, and have absorbent materials and oil containment booms readily available to clean up and contain any spills.

*11.R.3.2 Storm Water Diversions.* Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

*11.R.3.3 Velocity Dissipation Devices.* (e.g., check dams, sediment traps, or riprap) Place along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.

*11.R.3.4 Employee Training.* (See also Part 4.2.9) As part of the permittees employee training program, address, at a minimum, the following activities (as applicable): used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.

*11.R.3.5 Preventive Maintenance.* (See also Part 4.2.3) As part of the permittees preventive maintenance program, perform timely inspection and maintenance of storm water management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

## 11.R.4 Additional SWPPP Requirements.

*11.R.4.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance or repair; vessel maintenance or repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; treatment, storage, and waste disposal areas; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

*11.R.4.2 Potential Pollutant Sources.* (See also Part 5.2.4) The Permittee must document in the SWPPP the following additional sources and activities that have potential pollutants associated with them (if applicable): outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).

*11.R.4.3 Documentation of Good Housekeeping Measures.* The permittee must document in the SWPPP any good housekeeping measures implemented to meet the effluent limits in Part 11.R.3.

*11.R.4.3.1 Blasting and Painting Areas.* The permittee must document in the SWPPP any standard operating practices relating to blasting and painting (e.g., prohibiting uncontained blasting and painting over open water or prohibiting blasting and painting during windy conditions, which can render containment ineffective).

*11.R.4.3.2 Storage Areas.* Specify in the permittees SWPPP which materials are stored indoors, anddescribe containment or enclosure practices for those stored outdoors.

## 11.R.5 Additional Inspection Requirements.

(See also Part 6.1) Include the following in all quarterly routine facility inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

# 11. Subpart S – Sector S – Air Transportation.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.S.1 Covered Storm Water Discharges.

The requirements in Subpart S apply to storm water discharges associated with industrial activity from Air Transportation facilities identified by the SIC Codes specified under Sector S in Table D-1 of Appendix D of the permit at primary airports.

## 11.S.2 Limitation on Coverage.

*11.S.2.1* *Limitations on Coverage.* This permit authorizes storm water discharges from only those portions of the air transportation facility that are involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations or deicing operations.

*Note: "deicing" will generally be used to imply both deicing (removing frost, snow or ice) and anti-icing (preventing accumulation of frost, snow or ice) activities, unless specific mention is made regarding anti-icing and/or deicing activities.*

*11.S.2.2* *Prohibition of Non-Storm Water Discharges.* (See also Part 1.2.4 and Part 11.S.3) This permit does not authorize the discharge of aircraft, ground vehicle, runway and equipment washwaters; nor the dry weather discharge of deicing chemicals. Such discharges must be covered by separate APDES permit(s). Note that a discharge resulting from snowmelt is not a dry weather discharge.

## 11.S.3 Multiple Operators at Air Transportation Facilities

Air transportation facilities often have more than one operator who could discharge stormwater associated with industrial activity. Operators include the airport authority and airport tenants, including air passenger or cargo companies, fixed based operators, and other parties who routinely perform industrial activities on airport property.

11.S.3.1 *Permit Coverage/Submittal of NOIs.* Where an airport transportation facility has multiple industrial operators that discharge stormwater, each individual operator must obtain coverage under an APDES stormwater permit. To obtain coverage under the MSGP, all such operators must meet the eligibility requirements in Part 1.2 and must submit an NOI, per Part 2.2 (or, if appropriate, a no exposure certification per Part 1.3).

11.S.3.2 *MSGP Implementation Responsibilities for Airport Authority and Tenants.* The airport authority, in collaboration with its tenants, may choose to implement certain MSGP requirements on behalf of its tenants in order to increase efficiency and eliminate redundancy or duplication of effort. Options available to the airport authority and its tenants for implementation of MSGP requirements include:

*11.S.3.2.1* The airport authority performs certain activities on behalf of itself and its tenants and reports on its activities*;*

*11.S.3.2.2* Tenants provide the airport authority with relevant inputs about tenants' activities, including deicing chemical usage*, and the airport authority compiles and reports on tenants' and its own activities; or

*11.S.3.2.3* Tenants independently perform, document and submit required information on their activities.

**Tenants who report their deicing chemical usage to the airport authority and rely on the airport authority to perform monitoring should not check the glycol and urea use box on their NOI forms.*

*11.S.3.3 SWPPP Requirements.* A SWPPP must be developed for all stormwater discharges associated with industrial activity at the airport before submittal of any NOIs. The airport authority, in collaboration with its tenants, may choose to develop a single comprehensive SWPPP, or they may choose to develop individual SWPPP. The comprehensive SWPPP should be developed collaboratively by the airport authority and tenants. If any operator develops a SWPPP for discharges from its own areas of the airport, that SWPPP must be coordinated and integrated with the comprehensive SWPPP. All operators and their separate SWPPP contributions and compliance responsibilities must be clearly identified in the comprehensive SWPPP, which all operators must sign and certify per Part 5.2.7. As applicable, the comprehensive SWPPP must clearly specify the MSGP requirements to be complied with by*:*

- The airport authority for itself;
- The airport authority on behalf of its tenants;
- Tenants for themselves.

For each activity that an operator (e.g., the airport authority) conducts on behalf of another operator (e.g., a tenant), the comprehensive SWPPP must describe a process for reporting results to the latter operator and for ensuring appropriate follow-up, if necessary, by all affected operators. This is to ensure all actions are taken to correct any potential deficiencies or permit violations. For example, where the airport authority is conducting monitoring for itself and its tenants, the comprehensive SWPPP must identify how the airport authority will share the monitoring results with its tenants, and then follow-up with its tenants where there are any exceedances of benchmarks, effluent limits, or water quality standards. In turn, the comprehensive SWPPP must describe how the tenants will also follow-up to ensure permit compliance. If the airport authority and its tenants choose to use a comprehensive SWPPP, they have one hundred eighty (180) days after the effective date of this permit to develop a comprehensive SWPPP and file the NOI according to Part 2.1.

*11.S.3.4 Duty to Comply.* All individual operators are responsible for implementing their assigned portion of the comprehensive SWPPP, and operators must ensure that their individual activities do not render another operator's stormwater controls ineffective. In addition, the standard permit conditions found in Appendix A apply to each individual operator, including 1.2 Duty to Comply (which states, in part, "A permittee [each individual operator] shall comply with all conditions of the permittee's APDES permit."). For multiple operators at an airport this means that each individual operator remains responsible for ensuring all requirements of its own MSGP are met regardless of whether the comprehensive SWPPP allocates the actual implementation of any of those responsibilities to another entity. That is, the failure of the entity allocated responsibility in the SWPPP to implement an MSGP requirement on behalf of other operators does not negate the other operators' ultimate liability.

## 11.S.4 Additional Technology-Based Effluent Limits.

*11.S.4.1 Good Housekeeping Measures.* (See also Part 4.2.2) Implement control measures (as described in 11.S.4.1.1 through 11.S.4.1.7–each list is not exclusive) where determined to be practicable and that accommodate considerations of safety, space, operational constraints, and flight considerations.

*11.S.4.1.1 Aircraft, Ground Vehicle and Equipment Maintenance Areas.* Minimize the contamination of storm water runoff from all areas used for aircraft, ground vehicle and equipment maintenance (including the maintenance conducted on the terminal apron and in dedicated hangers). Consider the following control measures: performing maintenance activities indoors; maintaining an organized inventory of material used in the maintenance areas; draining all parts of fluids prior to disposal; prohibiting the practice of hosing down the apron or hanger floor; using dry cleanup methods; and collecting the storm water runoff from the maintenance area and providing treatment or recycling.

*11.S.4.1.2 Aircraft, Ground Vehicle and Equipment Cleaning Areas.* Clearly demarcate these areas on the ground using signage or other appropriate means. Minimize the contamination of storm water runoff from cleaning areas.

*11.S.4.1.3 Aircraft, Ground Vehicle and Equipment Storage Areas.* Store all aircraft, ground vehicles and equipment awaiting maintenance in designated areas only and minimize the contamination of storm water runoff from these storage areas. Consider the following control measures, including any BMPs: store aircraft and ground vehicles indoors; use drip pans for the collection of fluid leaks; and perimeter drains, dikes or berms surrounding the storage areas.

*11.S.4.1.4 Material Storage Areas.* Maintain the vessels of stored materials (e.g., used oils, hydraulic fluids, spent solvents, and waste aircraft fuel) in good condition, to prevent or minimize contamination of storm water. Also plainly label the vessels (e.g., "used oil," "Contaminated Jet A," etc.). Minimize contamination of precipitation/runoff from these areas. Consider the following control measures: store materials indoors; store waste materials in a centralized location; and install berms/dikes around storage areas.

*11.S.4.1.5 Airport Fuel System and Fueling Areas.* Minimize the discharge of fuel to the storm sewer/surface waters resulting from fuel servicing activities or other operations conducted in support of the airport fuel system. Consider the following control measures: implement spill and overflow practices; use only dry cleanup methods; and collect storm water runoff.

*11.S.4.1.6 Source Reduction.* Minimize, and where practicable, eliminate the use of urea and glycol-based deicing chemicals, in order to reduce the aggregate amount of deicing chemicals used and/or lessen the environmental impact. Chemical options to replace ethylene glycol, propylene glycol and urea include: potassium acetate; magnesium acetate; calcium acetate; and anhydrous sodium acetate.

- *Runway Deicing Operation:* Minimize contamination of storm water runoff from runways as a result of deicing operations. Evaluate whether over-application of deicing chemicals occurs by analyzing application rates, and adjust as necessary, consistent with considerations of flight safety. Consider these control measure options: metered application of chemicals; pre-wetting dry chemical constituents prior to application; install a runway ice detection system; implement anti-icing operations as a preventive measure against ice buildup.

- *Aircraft Deicing Operations.* Minimize contamination of storm water runoff from aircraft deicing operations. Determine whether excessive application of deicing chemicals occurs and adjust as necessary, consistent with considerations of flight safety. Evaluate using alternative deicing/anti-icing

agents as well as containment measures for all applied chemicals. Consider these control measure options for reducing deicing fluid use: forced-air deicing systems, computer-controlled fixed-gantry systems, infrared technology, hot water, varying glycol content to air temperature, enclosed-basket deicing trucks, mechanical methods, solar radiation, hangar storage, aircraft covers, and thermal blankets for MD-80s and DC-9s. Also consider using ice-detection systems and airport traffic flow strategies and departure slot allocation systems. The evaluations and determinations required by this Part should be carried out by the personnel most familiar with the particular aircraft and flight operations and related systems in question (versus an outside entity such as the airport authority).

*11.S.4.1.7 Management of Runoff.*

(See also 4.2.6) Where deicing operations occur, implement a program to control or manage contaminated runoff to minimize the amount of pollutants being discharged from the site. Consider these control measure options: a dedicated deicing facility with a runoff collection/recovery system; using vacuum/collection trucks; storing contaminated storm water/deicing fluids in tanks and releasing controlled amounts to a publicly owned treatment works; collecting contaminated runoff in a wet pond for biochemical decomposition (be aware of attracting wildlife that may prove hazardous to flight operations); or directing runoff into vegetative swales or other infiltration measures. Also consider recovering deicing materials when these materials are applied during non-precipitation events (e.g., covering storm sewer inlets, using booms, installing absorptive interceptors in the drains, etc.) to prevent these materials from later becoming a source of storm water contamination. Deicing operations should be developed with an emphasis on using a combination of the BMPs listed above to contain, capture, and reuse deicing materials. Used deicing fluid should be recycled whenever practicable.

*11.S.4.2 Deicing Season.* (See also Part 11.S.7.) The permittee must determine the seasonal timeframe (e.g., December- February, October - March, etc.) during which deicing activities typically occur at the facility. Implementation of control measures, including any BMPs, facility inspections and monitoring must be conducted with particular emphasis throughout the defined deicing season. If the permittee meets the deicing chemical usage thresholds of 100,000 gallons glycol and/or 100 tons of urea, the deicing season they identified is the timeframe during which the permittee must obtain the four required benchmark monitoring event results for deicing-related parameters, i.e., BOD, COD, ammonia and pH.

## 11.S.5 Additional SWPPP Requirements.

An airport authority and tenants of the airport are encouraged to work in partnership in the development of a SWPPP. If an airport tenant obtains authorization under this permit and develops a SWPPP for discharges from his or her own areas of the airport, prior to authorization, that SWPPP must be coordinated and integrated with the SWPPP for the entire airport. Tenants of the airport facility include air passenger or cargo companies, fixed based operators and other parties who have contracts with the airport authority to conduct business operations on airport property and whose operations result in storm water discharges associated with industrial activity.

*11.S.5.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: aircraft and runway deicing operations; fueling stations; aircraft, ground vehicle and equipment maintenance/cleaning areas; storage areas for aircraft, ground vehicles and equipment awaiting maintenance.

*11.S.5.2 Potential Pollutant Sources.* (See also Part 5.2.4) In the permittees inventory of exposed materials, describe in the SWPPP the potential for the following activities and facility areas to contribute pollutants to storm water discharges: aircraft, runway, ground vehicle and equipment maintenance and cleaning; aircraft and runway deicing operations (including apron and centralized aircraft deicing stations, runways, taxiways and ramps). If the permittee uses deicing chemicals, they must maintain a record of the types (including the Material Safety Data Sheets [MSDS]) used and the monthly quantities, either as measured or, in the absence of metering, as estimated to the best of the permittees knowledge. This includes all deicing chemicals, not just glycols and urea (e.g., potassium acetate), because large quantities of these other chemicals can still have an adverse impact on receiving waters. Tenants or other fixed-based operations that conduct deicing operations must provide the above information to the airport authority for inclusion with any comprehensive airport SWPPPs.

*11.S.5.3 Vehicle and Equipment Washwater Requirements.* Attach to or reference in the SWPPP, a copy of the APDES permit issued for vehicle/equipment washwater or, if an APDES permit has not been issued, a copy of the pending application. If an industrial user permit is issued under a local pretreatment program, include a copy in the SWPPP. In any case, if the permittee is subject to another permit, describe the control measures for implementing all non-storm water discharge permit conditions or pretreatment requirements in the SWPPP. If washwater is handled in another manner (e.g., hauled offsite, retained onsite), describe the disposal method and attach all pertinent documentation/information (e.g., frequency, volume, destination, etc.) in the SWPPP.

*11.S.5.4 Documentation of Control Measures Used for Management of Runoff.* Document in the SWPPP the control measures used for collecting or containing contaminated melt water from collection areas used for disposal of contaminated snow.

## 11.S.6 Additional Inspection Requirements.

*11.S.6.1 Inspections.* (See also Part 6.1) At a minimum, conduct routine facility inspections at least monthly during the deicing season (e.g., October through April for most airports). If a permittees facility needs to deice before or after this period, expand the monthly inspections to include all months during which deicing chemicals may be used. The Department may specifically require the permittee to increase inspection frequencies.

*11.S.6.2 Comprehensive Site Inspections.* (See also Part 6.3) Using only qualified personnel, conduct the annual site inspection during periods of actual deicing operations, if possible. If not practicable during active deicing because of weather, conduct the inspection during the season when deicing operations occur and the materials and equipment for deicing are in place.

## 11.S.7 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

Monitor per the requirements in Table 11.S.7-1.

**Table 11.S.7-1: Sector – Specific Benchmarks – Sector S**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| For airports where a single permittee, or a combination of permitted facilities use more than 100,000 gallons of pure glycol in glycol-based deicing fluids and/or 100 tons or more of urea on an average annual basis, monitor the first four parameters in ONLY those outfalls that collect runoff from areas where deicing activities occur (SIC 4512-4581). | Biochemical Oxygen Demand ($BOD_5$)[1] | 30 mg/L |
| | Chemical Oxygen Demand (COD)[1] | 120 mg/L |
| | Ammonia[1, 2] | 2.14 mg/L |
| | pH[1] | 6.5 – 8.5 s.u. |

Note:
1. These are deicing-related parameters. Collect the four benchmark samples, and any required follow-up benchmark samples, during the timeframe defined in Part 11.S.4.2 when deicing activities are occurring.
2. If a permittee certifies annually that it does not use airfield deicing products that contain urea, then the permittee does not need to sample for ammonia.

## 11.S.8 Sector-Specific Effluent Limitation Guideline.

There shall be no discharge of airfield pavement deicers containing urea, unless there is monitoring. To comply with this limitation, any existing point source must certify annually that it does not use airfield deicing products that contain urea or alternatively, airfield pavement discharges at every discharge point must achieve the numeric limitations for ammonia in Table 11.S.8-1, prior to any dilution or commingling with any non-deicing discharge. The certification statement shall be maintained in the SWPPP and signed in accordance with Appendix A, Part 1.12. Monitor per the requirements in Table 11.S.8-1.

**Table 11.S.8-1: Effluent Limitations Based on 40 CFR Part 449 BAT Limitations**

| Wastestream | Paramter | Daily Maximum |
|---|---|---|
| Runoff containing urea from airfield pavement deicing at existing primary airports with 1,000 or more annual non-propeller aircraft[1] departures. | Ammonia as Nitrogen[2] | 14.7 mg/l |

Note:
1. Annual non-propellar aircraft is the average annual aircraft departures of commercial turbine-engine aircraft that are propelled by jet, i.e., turbojet or turbofan as tabulated by the Federal Aviation Administration.
2. Monitor twice a deicing season during the timeframe defined in Part 11.S.4.2 when deicing activities are occuring.

## 11.S.9 Technology Based – Effluent Limits for New Sources with At Least 1,000 Annual Non-Propellar Aircraft Departures.

A new airport with at least 1,000 annual non-propeller aircraft departures must apply for an individual APDES permit.

# 11. Subpart T – Sector T – Treatment Works.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.T.1 Covered Storm Water Discharges.

The requirements in Subpart T apply to storm water discharges associated with industrial activity from Treatment Works as identified by the Activity Code specified under Sector T in Table D-1 of Appendix D of the permit.

## 11.T.2 Industrial Activities Covered by Sector T.

The requirements listed under this part apply to all existing point source storm water discharges associated with the following activities:

*11.T.2.1* *Treatment works treating domestic sewage,* or any other sewage sludge or wastewater treatment device or system used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge; that are located within the confines of a facility with a design flow of 1.0 million gallons per day (MGD) or more; or are required to have an approved pretreatment program under 40 CFR Part 403.

*11.T.2.2* *The following are not required to have permit coverage:* farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located within the facility, or areas that are in compliance with Section 405 of the CWA.

## 11.T.3 Limitations on Coverage.

*11.T.3.1* *Prohibition of Non-Storm Water Discharges.* (See also Part 1.2.4) Sanitary and industrial wastewater and equipment and vehicle washwater are not authorized by this permit.

## 11.T.4 Additional Technology-Based Effluent Limits.

*11.T.4.1* *Control Measures.* (See also the non-numeric effluent limits in Part 4.2) In addition to the other control measures, implement the following, as practicable: routing storm water to the treatment works; or covering exposed materials (i.e., from the following areas: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station).

*11.T.4.2 Employee Training.* (See also Part 4.2.9) At a minimum, training must address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and controls; fueling procedures; general good housekeeping practices; and proper procedures for using fertilizer, herbicides, and pesticides.

## 11.T.5 Additional SWPPP Requirements.

*11.T.5.1 Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and storage areas for process chemicals, petroleum products, solvents, fertilizers, herbicides, and pesticides.

*11.T.5.2 Potential Pollutant Sources.* (See also Part 5.2.4) Document in the SWPPP the following additional sources and activities that have potential pollutants associated with them, as applicable: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and access roads and rail lines.

*11.T.5.3 Wastewater and Washwater Requirements.* Keep a copy of all the permittees current APDES permits issued for wastewater and industrial, vehicle and equipment washwater discharges or, if an APDES permit has not yet been issued, a copy of the pending application(s) with the SWPPP. If the washwater is handled in another manner, the disposal method must be described and all pertinent documentation must be retained onsite.

## 11.T.6 Additional Inspection Requirements.

(See also Part 6.1) Include the following areas in all inspections: access roads and rail lines; grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station.

# 11. Subpart U – Sector U – Food and Kindred Products.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.U.1 Covered Storm Water Discharges.

The requirements in Subpart U apply to storm water discharges associated with industrial activity from Food and Kindred Products facilities as identified by the SIC Codes specified in Table D-1 of Appendix D of the permit.

## 11.U.2 Limitations on Coverage.

*11.U.2.1 Prohibition of Non-Storm Water Discharges.* (See also Part 1.2.4) The following discharges are not authorized by this permit: discharges containing boiler blowdown, cooling tower overflow and blowdown, ammonia refrigeration purging, and vehicle washing and clean-out operations.

## 11.U.3 Additional Technology-Based Limitations.

*11.U.3.1 Employee Training.* (See also Part 4.2.9) Address pest control in the permittees employee training program.

## 11.U.4 Additional SWPPP Requirements.

*11.U.4.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP the locations of the following activities if they are exposed to precipitation or runoff: vents and stacks from cooking, drying, and similar operations; dry product vacuum transfer lines; animal holding pens; spoiled product; and broken product container storage areas.

*11.U.4.2 Potential Pollutant Sources.* (See also Part 5.2.4) The permittee must document in the SWPPP, in addition to food and kindred products processing-related industrial activities, application and storage of pest control chemicals (e.g., rodenticides, insecticides, fungicides) used on plant grounds.

## 11.U.5 Additional Inspection Requirements.

(See also Part 6.1) Inspect on a quarterly basis, at a minimum, the following areas where the potential for exposure to storm water exists: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; vents and stacks emanating from industrial activities; spoiled product and broken product container holding areas; animal holding pens; staging areas; and air pollution control equipment.

## 11.U.6 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

**Table 11.U.6-1: Sector – Specific Benchmarks – Sector U**

| Subsector (Permittees may be subject to requirements for more than one Sector / Subsector) | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| **Subsector U1.** Grain Mill Products (SIC 2041-2048) | Total Suspended Solids (TSS) | 100 mg/L |
| **Subsector U2.** Fats and Oils Products (SIC 2074-2079) | Biochemical Oxygen Demand ($BOD_5$) | 30 mg/L |
| | Chemical Oxygen Demand (COD) | 120 mg/L |
| | Nitrate plus Nitrite Nitrogen | 0.68 mg/L |
| | Total Suspended Solids (TSS) | 100 mg/L |

# 11. Subpart V – Sector V – Textile Mills, Apparel, and Other Fabric Products.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.V.1 Covered Storm Water Discharges.

The requirements in Subpart V apply to storm water discharges associated with industrial activity from Textile Mills, Apparel, and Other Fabric Product manufacturing as identified by the SIC Codes specified under Sector V in Table D-1 of Appendix D of the permit.

## 11.V.2 Limitations on Coverage.

*11.V.2.1 Prohibition of Non-Storm Water Discharges.* (See also Part 1.2.4) The following are not authorized by this permit: discharges of wastewater (e.g., wastewater resulting from wet processing or from any processes relating to the production process), reused or recycled water, and waters used in cooling towers. If the permittee has these types of discharges from the facility, the permittee must cover them under a separate APDES permit.

## 11.V.3 Additional Technology-Based Limitations.

*11.V.3.1 Good Housekeeping Measures.* (See also Part 4.2.2)

*11.V.3.1.1 Material Storage Areas.* Plainly label and store all containerized materials (e.g., fuels, petroleum products, solvents, and dyes) in a protected area, away from drains. Minimize contamination of the storm water runoff from such storage areas. Implement an inventory control plan to prevent excessive purchasing of potentially hazardous substances. For storing empty chemical drums or containers, ensure that the drums and containers are clean (consider triple-rinsing) and that there is no contact of residuals with precipitation or runoff. Collect and dispose of washwater from these cleanings properly.

*11.V.3.1.2 Material Handling Areas.* Minimize contamination of storm water runoff from material handling operations and areas. Implement the following (or their equivalents), as practicable: use of spill and overflow protection; cover fueling areas; and cover or enclose areas where the transfer of material may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals, dyes, or wastewater.

*11.V.3.1.3 Fueling Areas.* Minimize contamination of storm water runoff from fueling areas. Implement the following (or their equivalents), as practicable: cover the fueling area, use of spill and overflow protection, minimize run-on of storm water to the fueling areas, use of dry cleanup methods, and treating and/or recycling storm water runoff collected from the fueling area.

*11.V.3.1.4 Above-Ground Storage Tank Area.* Minimize contamination of the storm water runoff from above-ground storage tank areas, including the associated piping and valves. Implement the following (or their equivalents), as practicable: regular cleanup of these areas; include measures for tanks, piping and valves explicitly in the permittees SPCC program; minimize runoff of storm water from adjacent areas; restrict access to the area; insert filters in adjacent catch basins; provide absorbent booms in unbermed fueling areas; use dry cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

*11.V.3.2 Employee Training.* (See also Part 4.2.9) As part of the permittees employee training program, address, at a minimum, the following activities (as applicable): use of reused and recycled waters, solvents management, proper disposal of dyes, proper disposal of petroleum products and spent lubricants, spill prevention and control, fueling procedures, and general good housekeeping practices.

## 11.V.4 Additional SWPPP Requirements.

*11.V.4.1 Potential Pollutant Sources.* (See also Part 5.2.4) The permittee must document in the SWPPP the following additional sources and activities that have potential pollutants associated with them: industry-specific significant materials and industrial activities (e.g., backwinding, beaming, bleaching, backing bonding, carbonizing, carding, cut and sew operations, desizing, drawing, dyeing locking, fulling, knitting, mercerizing, opening, packing, plying, scouring, slashing, spinning, synthetic-felt processing, textile waste processing, tufting, turning, weaving, web forming, winging, yarn spinning, and yarn texturing).

*11.V.4.2 Description of Good Housekeeping Measures for Material Storage Areas.* The permittee must document in the SWPPP the containment area or enclosure for materials stored outdoors in connection with Part 11.V.3.1.1 above.

## 11.V.5 Additional Inspection Requirements.

(See also Part 6.1) Inspect, at least monthly, the following activities and areas (at a minimum): transfer and transmission lines, spill prevention, good housekeeping practices, management of process waste products, and all structural and nonstructural management practices.

# 11. Subpart W – Sector W – Furniture and Fixtures.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of a permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.W.1 Covered Storm Water Discharges.

The requirements in Subpart W apply to storm water discharges associated with industrial activity from Furniture and Fixtures facilities as identified by the SIC Codes specified under Sector W in Table D-1 of Appendix D of the permit.

## 11.W.2 Additional SWPPP Requirements.

*11.W.2.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: material storage (including tanks or other vessels used for liquid or waste storage) areas; outdoor material processing areas; areas where wastes are treated, stored, or disposed of; access roads; and rail spurs.

# 11. Subpart X – Sector X – Printing and Publishing.

The permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.X.1 Covered Storm Water Discharges.

The requirements in Subpart X apply to storm water discharges associated with industrial activity from Printing and Publishing facilities as identified by the SIC Codes specified under Sector X in Table D-1 of Appendix D of the permit.

## 11.X.2 Additional Technology-Based Effluent Limits.

*11.X.2.1 Good Housekeeping Measures.* (See also Part 4.2.2)

*11.X.2.1.1 Material Storage Areas.* Plainly label and store all containerized materials (e.g., skids, pallets, solvents, bulk inks, hazardous waste, empty drums, portable and mobile containers of plant debris, wood crates, steel racks, and fuel oil) in a protected area, away from drains. Minimize contamination of the storm water runoff from such storage areas. Implement an inventory control plan to prevent excessive purchasing of potentially hazardous substances. In order to minimize storm water exposure materials should be stored indoors or under cover.

*11.X.2.1.2 Material Handling Area.* Minimize contamination of storm water runoff from material handling operations and areas (e.g., blanket wash, mixing solvents, loading and unloading materials). Implement the following (or their equivalents), as practicable: use spill and overflow protection, cover fueling areas, and cover or enclose areas where the transfer of materials may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals or wastewater.

*11.X.2.1.3 Fueling Areas.* Minimize contamination of storm water runoff from fueling areas. Implement the following (or their equivalents), as practicable: cover the fueling area, use spill and overflow protection, minimize runoff of storm water to the fueling areas, use dry cleanup methods, and treat aor recycle storm water runoff collected from the fueling area.

*11.X.2.1.4 Above Ground Storage Tank Area.* Minimize contamination of the storm water runoff from above-ground storage tank areas, including the associated piping and valves. Implement the following (or their equivalents), as practicable: regularly clean these areas, explicitly address tanks, piping and valves in the SPCC program, minimize storm water runoff from adjacent areas, restrict access to the area, insert filters in adjacent catch basins, provide absorbent booms in unbermed fueling areas, use dry cleanup methods, and permanently seal drains within critical areas that may discharge to a storm drain.

*11.X.2.2 Employee Training.* (See also Part 4.2.9) As part of the permittees employee training program, address, at a minimum, the following activities (as applicable): spent solvent management, spill prevention and control, used oil management, fueling procedures, and general good housekeeping practices.

## 11.X.3 Additional SWPPP Requirements.

*11.X.3.1 Description of Good Housekeeping Measures for Material Storage Areas.* In connection with Part 11.X.2.1.1, describe in the SWPPP the containment area or enclosure for materials stored outdoors.

# 11. Subpart Y – Sector Y – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.Y.1 Covered Storm Water Discharges.

The requirements in Subpart Y apply to storm water discharges associated with industrial activity from Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries facilities as identified by the SIC Codes specified under Sector Y in Table D-1 of Appendix D of the permit.

## 11.Y.2 Additional Technology-Based Effluent Limits.

*11.Y.2.1 Controls for Rubber Manufacturers.* (See also Part 4.2) Minimize the discharge of zinc in a permittees storm water discharges. Parts 11.Y.2.1.1 to 11.Y.2.1.5 give possible sources of zinc to be reviewed and list some specific control measures to be considered for implementation (or their equivalents). Following are some general control measure options to consider: using chemicals purchased in pre-weighed, sealed polyethylene bags; storing in-use materials in sealable containers, ensuring an airspace between the container and the cover to minimize "puffing" losses when the container is opened, and using automatic dispensing and weighing equipment.

*11.Y.2.1.1 Zinc Bags.* Ensure proper handling and storage of zinc bags at the permittees facility. Following are some control measure options: employee training on the handling and storage of zinc bags, indoor storage of zinc bags, cleanup of zinc spills without washing the zinc into the storm drain, and the use of 2,500-pound sacks of zinc rather than 50- to 100-pound sacks.

*11.Y.2.1.2 Dumpsters.* Minimize discharges of zinc from dumpsters. Following are some control measure options: covering the dumpster, moving the dumpster indoors, or providing a lining for the dumpster.

*11.Y.2.1.3 Dust Collectors and Baghouses.* Minimize contributions of zinc to storm water from dust collectors and baghouses. Replace or repair, as appropriate, improperly operating dust collectors and baghouses.

*11.Y.2.1.4 Grinding Operations.* Minimize contamination of storm water as a result of dust generation from rubber grinding operations. One control measure option is to install a dust collection system.

*11.Y.2.1.5 Zinc Stearate Coating Operations.* Minimize the potential for storm water contamination from drips and spills of zinc stearate slurry that may be released to the storm drain. One control measure option is to use alternative compounds to zinc stearate.

*11.Y.2.2 Controls for Plastic Products Manufacturers.* Minimize the discharge of plastic resin pellets in the storm water discharges. Control measures to be considered for implementation (or their equivalents) include minimizing spills, cleaning up of spills promptly and thoroughly, sweeping thoroughly, pellet capturing, employee education, and disposal precautions.

## 11.Y.3 Additional SWPPP Requirements.

*11.Y.3.1 Potential Pollutant Sources for Rubber Manufacturers.* (See also Part 5.2.4) The permittee must document in the SWPPP the use of zinc at their facility and the possible pathways through which zinc may be discharged in storm water runoff.

## 11.Y.4 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

**Table 11.Y.4-1: Sector – Specific Benchmarks – Sector Y**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| Subsector Y1. Rubber Products Manufacturing (SIC 3011, 3021, 3052, 3053, 3061, 3069) | Total Zinc (saltwater)[1] | 0.09 mg/L |
| | Total Zinc (freshwater)[2] | Hardness Dependent |

Note:
1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 7.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

| Water Hardness Range (mg/L) | Zinc (mg/L) |
|---|---|
| 0 – < 25 | 0.04 |
| 25 – < 50 | 0.05 |
| 50 – < 75 | 0.08 |
| 75 – < 100 | 0.11 |
| 100 – < 125 | 0.13 |
| 125 – < 150 | 0.16 |
| 150 – < 175 | 0.18 |
| 175 – < 200 | 0.20 |
| 200 – < 225 | 0.23 |
| 225 – < 250 | 0.25 |
| 250+ | 0.26 |

# 11. Subpart Z – Sector Z – Leather Tanning and Finishing.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.Z.1 Covered Storm Water Discharges.

The requirements in Subpart Z apply to storm water discharges associated with industrial activity from Leather Tanning and Finishing facilities as identified by the SIC Code specified under Sector Z in Table D-1 of Appendix D of the permit.

## 11.Z.2 Additional Technology-Based Effluent Limits.

*11.Z.2.1 Good Housekeeping Measures.* (See also Part 4.2.2)

*11.Z.2.1.1 Storage Areas for Raw, Semiprocessed, or Finished Tannery By-products.* Minimize contamination of storm water runoff from pallets and bales of raw, semiprocessed, or finished tannery by-products (e.g., splits, trimmings, shavings). Use indoor storage or protection with polyethylene wrapping, tarpaulins, roofed storage, etc. Place materials on an impermeable surface and enclose or put berms (or equivalent measures) around the area to prevent storm water run-on and runoff.

*11.Z.2.1.2 Material Storage Areas.* Label storage containers of all materials (e.g., specific chemicals, hazardous materials, spent solvents, waste materials) minimize contact of such materials with storm water.

*11.Z.2.1.3 Buffing and Shaving Areas.* Minimize contamination of storm water runoff with leather dust from buffing and shaving areas. Use dust collection enclosures, preventive inspection and maintenance programs, or other appropriate preventive measures.

*11.Z.2.1.4 Receiving, Unloading, and Storage Areas.* Minimize contamination of storm water runoff from receiving, unloading, and storage areas. If these areas are exposed, use the following (or their equivalents): covering all hides and chemical supplies, diverting drainage to the process sewer, or grade berming or curbing the area to prevent storm water runoff.

*11.Z.2.1.5 Outdoor Storage of Contaminated Equipment.* Minimize contact of storm water with contaminated equipment. Use the following (or their equivalents): covering equipment, diverting drainage to the process sewer, or cleaning thoroughly prior to storage.

*11.Z.2.1.6 Waste Management.* Minimize contamination of storm water runoff from waste storage areas. Use the following (or their equivalents): covering dumpsters, moving waste management activities indoors, covering waste piles with temporary covering material such as tarpaulins or polyethylene, or minimizing storm water runoff by enclosing the area or building berms around the area.

## 11.Z.3 Additional SWPPP Requirements.

*11.Z.3.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: processing and storage areas of the beamhouse, tanyard, and re-tan wet finishing and dry finishing operations.

*11.Z.3.2 Potential Pollutant Sources.* (See also Part 5.2.4) The permittee must document in the SWPPP the following sources and activities that have potential pollutants associated with them (as appropriate): temporary or permanent storage of fresh and brine-cured hides; extraneous hide substances and hair; leather dust, scraps, trimmings, and shavings.

# 11. Subpart AA – Sector AA – Fabricated Metal Products.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.AA.1 Covered Storm Water Discharges.

The requirements in Subpart AA apply to storm water discharges associated with industrial activity from Fabricated Metal Products facilities as identified by the SIC Codes specified under Sector AA in Table D-1 of Appendix D of the permit.

## 11.AA.2 Additional Technology-Based Effluent Limits.

*11.AA.2.1 Good Housekeeping Measures.* (See also Part 4.2.2)

*11.AA.2.1.1 Raw Steel Handling Storage.* Minimize the generation of and/or recover and properly manage scrap metals, fines, and iron dust. Include measures for containing materials within storage handling areas.

*11.AA.2.1.2 Paints and Painting Equipment.* Minimize exposure of paint and painting equipment to storm water.

*11.AA.2.2 Spill Prevention and Response Procedures.* (See also Part 4.2.4) Ensure that the necessary equipment to implement a cleanup is available to personnel. The following areas should be addressed:

*11.AA.2.2.1 Metal Fabricating Areas.* Maintain clean, dry, orderly conditions in these areas. Use dry clean-up techniques.

*11.AA.2.2.2 Storage Areas for Raw Metal.* Keep these areas free of conditions that could cause, or impede appropriate and timely response to, spills or leakage of materials. Implement the following (or their equivalents): maintaining storage areas so that there is easy access in the event of a spill, and labeling stored materials to aid in identifying spill contents.

*11.AA.2.2.3 Metal Working Fluid Storage Areas.* Minimize the potential for storm water contamination from storage areas for metal working fluids.

*11.AA.2.2.4 Cleaners and Rinse Water.* Control and clean up spills of solvents and other liquid cleaners, control sand buildup and disbursement from sand-blasting operations, and prevent exposure of recyclable wastes. Substitute environmentally benign cleaners when possible.

*11.AA.2.2.5 Lubricating Oil and Hydraulic Fluid Operations.* Minimize the potential for storm water contamination from lubricating oil and hydraulic fluid operations. Use appropriate monitoring methods or equipment or other devices to detect and control leaks and overflows. Install perimeter controls such as dikes, curbs, grass filter strips, or equivalent measures, as practicable.

*11.AA.2.2.6 Chemical Storage Areas.* Minimize storm water contamination and accidental spillage in chemical storage areas. Include a program to inspect containers and identify proper disposal methods.

*11.AA.2.3 Spills and Leaks.* (See also Part 5.2.4.3) In the permittees spill prevention and response procedures, required by Part 4.2.4, pay attention to the following materials (at a minimum): chromium, toluene, pickle liquor, sulfuric acid, zinc and other water priority chemicals, and hazardous chemicals and wastes.

## 11.AA.3 Additional SWPPP Requirements.

*11.AA.3.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: raw metal storage areas; finished metal storage areas; scrap disposal collection sites; equipment storage areas; retention and detention basins; temporary and permanent diversion dikes or berms; right-of-way or perimeter diversion devices; sediment traps and barriers; processing areas, including outside painting areas; wood preparation; recycling; and raw material storage.

*11.AA.3.2 Potential Pollutant Sources.* (See also Part 5.2.4) The permittee must document in the SWPPP the following additional sources and activities that have potential pollutants associated with them: loading and unloading operations for paints, chemicals, and raw materials; outdoor storage activities for raw materials, paints, empty containers, corn cobs, chemicals, and scrap metals; outdoor manufacturing or processing activities such as grinding, cutting, degreasing, buffing, and brazing; onsite waste disposal practices for spent solvents, sludge, pickling baths, shavings, ingot pieces, and refuse and waste piles.

## 11.AA.4 Additional Inspection Requirements.

*11.AA.4.1 Inspections.* (See also Part 6) At a minimum, include the following areas in all inspections: raw metal storage areas, finished product storage areas, material and chemical storage areas, recycling areas, loading and unloading areas, equipment storage areas, paint areas, and vehicle fueling and maintenance areas.

*11.AA.4.2 Comprehensive Site Inspections.* (See also Part 6.3) As part of the permittees inspections, also inspect areas associated with the storage of raw metals, spent solvents and chemicals storage areas, outdoor paint areas, and drainage from roof. Potential pollutants include chromium, zinc, lubricating oil, solvents, aluminum, oil and grease, methyl ethyl ketone, steel, and related materials.

## 11.AA.5 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

**Table 11.AA.5-1: Sector – Specific Benchmarks – Sector AA**

| Subsector (Permittees may be subject to requirements for more than one sector/subsector) | Parameter | Benchmark Monitoring Concentration |
|---|---|---|
| **Subsector AA1**. Fabricated Metal Products, except Coating (SIC 3411-3499; 3911-3915) | Total Aluminum | 0.75 mg/L |
| | Total Iron | 1.0 mg/L |
| | Total Zinc (saltwater)[1]<br>Total Zinc (freshwater)[2] | 0.09 mg/L<br>Hardness Dependent |
| | Nitrate plus Nitrite Nitrogen | 0.68 mg/L |
| **Subsector AA2**. Fabricated Metal Coating and Engraving (SIC 3479) | Total Zinc (saltwater)[1]<br>Total Zinc (freshwater)[2] | 0.09 mg/L<br>Hardness Dependent |
| | Nitrate plus Nitrite Nitrogen | 0.68 mg/L |

Note:

1. Saltwater benchmark values apply to storm water discharges into saline waters where indicated.
2. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 7.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

| Water Hardness Range (mg/L) | Zinc (mg/L) |
|---|---|
| 0 – < 25 | 0.04 |
| 25 – < 50 | 0.05 |
| 50 – < 75 | 0.08 |
| 75 – < 100 | 0.11 |
| 100 – < 125 | 0.13 |
| 125 – < 150 | 0.16 |
| 150 – < 175 | 0.18 |
| 175 – < 200 | 0.20 |
| 200 – < 225 | 0.23 |
| 225 – < 250 | 0.25 |
| 250+ | 0.26 |

# 11. Subpart AB – Sector AB — Transportation Equipment, Industrial or Commercial Machinery Facilities.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.AB.1 Covered Storm Water Discharges.

The requirements in Subpart AB apply to storm water discharges associated with industrial activity from Transportation Equipment, Industrial or Commercial Machinery facilities as identified by the SIC Codes specified under Sector AB in Table D-1 of Appendix D of the permit.

## 11.AB.2 Additional SWPPP Requirements.

*11.AB.2.1 Drainage Area Site Map.* (See also Part 5.2.3) Identify in the permittees SWPPP where any of the following may be exposed to precipitation or surface runoff: vents and stacks from metal processing and similar operations.

# 11. Subpart AC– Sector AC –Electronic and Electrical Equipment and Components, Photographic and Optical Goods.

A Permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.AC.1 Covered Storm Water Discharges.

The requirements in Subpart AC apply to storm water discharges associated with industrial activity from facilities that manufacture Electronic and Electrical Equipment and Components, Photographic and Optical goods as identified by the SIC Codes specified in Table D-1 of Appendix D of the permit.

## 11.AC.2 Additional Requirements.

No additional sector-specific requirements apply.

# 11. Subpart AD – Sector AD – Discharges Designated by the Director as Requiring Permits.

A permittee must comply with Part 11 sector-specific requirements associated with their primary industrial activity and any co-located industrial activities, as defined in Appendix C. The sector-specific requirements apply to those areas of the permittees facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## 11.AD.1 Covered Discharges.

Sector AD is used to provide permit coverage for facilities designated by the Department.

*11.AD.1.1 Eligibility for Permit Coverage.* Because this sector is primarily intended for use by discharges designated by the Department as needing a permit (which is an atypical circumstance), the permittee must obtain the Department's written permission to use this permit prior to submitting an NOI. If a permittee is authorized to use this permit, they will still be required to ensure that their discharges meet the basic eligibility provisions of this permit at Part 1.2.

## 11.AD.3 Sector-Specific Benchmarks and Effluent Limits. (See also Part 7 of the permit.)

The Department will establish any additional monitoring and reporting requirements for the permittees facility prior to authorizing the permittee to be covered by this permit. Additional monitoring requirements would be based on the nature of activities at the facility and the storm water discharges.

# Appendix A – Standard Conditions

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Appendix A of the permit contains standard regulatory language that must be included in all APDES permits. These requirements are based on the regulations and cannot be challenged in the context of an individual APDES permit action. The standard regulatory language covers requirements such as monitoring, recording, reporting requirements, compliance responsibilities, and other general requirements. Appendix A, Standard Conditoins is an integral and enforceable part of the permit. Failure to comply with a Standard Condition in this Appendix constitutes a violation of the permit and is subject to enforcement.

## 1.0 Standard Conditions Applicable to All Permits

### 1.1. Contact Information and Addresses

#### 1.1.1. Permitting Program

Documents, reports, and plans required under the permit and Appendix A are to be sent to the following address:

State of Alaska
Department of Environmental Conservation
Division of Water
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, Alaska 99501
Telephone (907) 269-6285
Fax (907) 269-3487
Email: DEC.Water.WQPermit@alaska.gov

#### 1.1.2. Compliance and Enforcement Program

Documents and reports required under the permit and Appendix A relating to compliance are to be sent to the following address:

State of Alaska
Department of Environmental Conservation
Division of Water
Compliance and Enforcement Program
555 Cordova Street
Anchorage, Alaska 99501
Telephone Nationwide (877) 569-4114
Anchorage Area / International (907) 269-4114
Fax (907) 269-4604
Email: dec-wqreporting@alaska.gov

### 1.2. Duty to Comply

A permittee shall comply with all conditions of the permittee's APDES permit. Any permit noncompliance constitutes a violation of 33 U.S.C. 1251-1387 (Clean Water Act) and state law and is grounds for enforcement action including termination, revocation and reissuance, or modification of a permit, or denial of a permit renewal application. A permittee shall comply with effluent standards or prohibitions established under 33 U.S.C. 1317(a) for toxic pollutants

within the time provided in the regulations that establish those effluent standards or prohibitions even if the permit has not yet been modified to incorporate the requirement.

### 1.3. Duty to Reapply

If a permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain a new permit. In accordance with 18 AAC 83.105(b), a permittee with a currently effective permit shall reapply by submitting a new application at least 180 days before the existing permit expires, unless the Department has granted the permittee permission to submit an application on a later date. However, the Department will not grant permission for an application to be submitted after the expiration date of the existing permit.

### 1.4. Need to Halt or Reduce Activity Not a Defense

In an enforcement action, a permittee may not assert as a defense that compliance with the conditions of the permit would have made it necessary for the permittee to halt or reduce the permitted activity.

### 1.5. Duty to Mitigate

A permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

### 1.6. Proper Operation and Maintenance

1.6.1. A permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances that the permittee installs or uses to achieve compliance with the conditions of the permit. The permittee's duty to operate and maintain properly includes using adequate laboratory controls and appropriate quality assurance procedures. However, a permittee is not required to operate back-up or auxiliary facilities or similar systems that a permittee installs unless operation of those facilities is necessary to achieve compliance with the conditions of the permit.

1.6.2. Operation and maintenance records shall be retained and made available at the site.

### 1.7. Permit Actions

A permit may be modified, revoked and reissued, or terminated for cause as provided in 18 AAC 83.130. If a permittee files a request to modify, revoke and reissue, or terminate a permit, or gives notice of planned changes or anticipated noncompliance, the filing or notice does not stay any permit condition.

### 1.8. Property Rights

A permit does not convey any property rights or exclusive privilege.

### 1.9. Duty to Provide Information

A permittee shall, within a reasonable time, provide to the Department any information that the Department requests to determine whether a permittee is in compliance with the permit, or whether cause exists to modify, revoke and reissue, or terminate the permit. A permittee shall also provide to the Department, upon request, copies of any records the permittee is required to keep under the permit.

### 1.10. Inspection and Entry

A permittee shall allow the Department, or an authorized representative, including a contractor acting as a representative of the Department, at reasonable times and on presentation of credentials establishing authority and any other documents required by law, to:

1.10.1. Enter the premises where a permittee's regulated facility or activity is located or conducted, or where permit conditions require records to be kept;

1.10.2. Have access to and copy any records that permit conditions require the permittee to keep;

1.10.3. Inspect any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under a permit; and

1.10.4. Sample or monitor any substances or parameters at any location for the purpose of assuring permit compliance or as otherwise authorized by 33 U.S.C. 1251-1387 (Clean Water Act).

### 1.11. Monitoring and Records

A permittee must comply with the following monitoring and recordkeeping conditions:

1.11.1. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

1.11.2. The permittee shall retain records in Alaska of all monitoring information for at least three years, or longer at the Department's request at any time, from the date of the sample, measurement, report, or application. Monitoring records required to be kept include:

1.11.2.1. All calibration and maintenance records,

1.11.2.2. All original strip chart recordings or other forms of data approved by the Department for continuous monitoring instrumentation,

1.11.2.3. All reports required by a permit,

1.11.2.4. Records of all data used to complete the application for a permit,

1.11.2.5. Field logbooks or visual monitoring logbooks,

1.11.2.6. Quality assurance chain of custody forms,

1.11.2.7. Copies of discharge monitoring reports, and

1.11.2.8. A copy of this APDES permit.

1.11.3. Records of monitoring information must include:

1.11.3.1. The date, exact place, and time of any sampling or measurement;

1.11.3.2. The name(s) of any individual(s) who performed the sampling or measurement(s);

1.11.3.3. The date(s) and time any analysis was performed;

1.11.3.4. The name(s) of any individual(s) who performed any analysis;

1.11.3.5. Any analytical technique or method used; and

1.11.3.6. The results of the analysis.

1.11.4. Monitoring Procedures

Analyses of pollutants must be conducted using test procedures approved under 40 CFR Part 136, adopted by reference at 18 AAC 83.010, for pollutants with approved test procedures, and using test procedures specified in the permit for pollutants without approved methods.

## 1.12. Signature Requirement and Penalties

1.12.1. Any application, report, or information submitted to the Department in compliance with a permit requirement must be signed and certified in accordance with 18 AAC 83.385. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, or other document filed or required to be maintained under a permit, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be subject to penalties under 33 U.S.C. 1319(c)(4), AS 12.55.035(c)(1)(B), (c)(2) and (c)(3), and AS 46.03.790(g).

1.12.2. In accordance with 18 AAC 83.385, an APDES permit application must be signed as follows:

1.12.2.1. For a corporation, a responsible corporate officer shall sign the application; in this subsection, a responsible corporate officer means:

1.12.2.1.1. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

1.12.2.1.2. The manager of one of more manufacturing, production, or operating facilities, if

1.12.2.1.2.1. The manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations;

1.12.2.1.2.2. The manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and

1.12.2.1.3. Authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

1.12.2.2. For a partnership or sole proprietorship, by the general partner or the proprietor, respectively, shall sign the application.

1.12.2.3. For a municipality, state, federal, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means:

1.12.2.3.1. The chief executive officer of the agency; or

1.12.2.3.2. A senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.

1.12.3. Any report required by an APDES permit, and a submittal with any other information requested by the Department, must be signed by a person described in Appendix A, Part 1.12.2, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1.12.3.1. The authorization is made in writing by a person described in Appendix A, Part 1.12.2;

1.12.3.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, including the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility; or an individual or position having overall responsibility for environmental matters for the company; and

1.12.3.3. The written authorization is submitted to the Department to the Permitting Program address in Appendix A, Part 1.1.1.

1.12.4. If an authorization under Appendix A, Part 1.12.3 is no longer effective because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Appendix A, Part 1.12.3 must be submitted to the Department before or together with any report, information, or application to be signed by an authorized representative.

1.12.5. Any person signing a document under Appendix A, Part 1.12.2 or Part 1.12.3 shall certify as follows:

"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."

## 1.13. Proprietary or Confidential Information

1.13.1. A permit applicant or permittee may assert a claim of confidentiality for proprietary or confidential business information by stamping the words “confidential business information” on each page of a submission containing proprietary or confidential business information. The Department will treat the stamped submissions as confidential if the information satisfies the test in 40 CFR §2.208, adopted by reference at 18 AAC 83.010, and is not otherwise required to be made public by state law.

1.13.2. A claim of confidentiality under Appendix A, Part 1.13.1 may not be asserted for the name and address of any permit applicant or permittee, a permit application, a permit, effluent data, sewage sludge data, and information required by APDES or NPDES application forms provided by the Department, whether submitted on the forms themselves or in any attachments used to supply information required by the forms.

1.13.3. A permittee's claim of confidentiality authorized under Appendix A, Part 1.13.1 is not waived if the Department provides the proprietary or confidential business information to the EPA or to other agencies participating in the permitting process. The Department will supply any information obtained or used in the administration of the state APDES program to the EPA upon request under 40 CFR §123.41, as revised as of July 1, 2005. When providing information submitted to the Department with a claim of confidentiality to the EPA, the Department will notify the EPA of the confidentiality claim. If the Department provides the EPA information that is not claimed to be confidential, the EPA may make the information available to the public without further notice.

### 1.14. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any action or relieve a permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under state laws addressing oil and hazardous substances.

### 1.15. Cultural and Paleontological Resources

If cultural or paleontological resources are discovered because of this disposal activity, work that would disturb such resources is to be stopped, and the Office of History and Archaeology, a Division of Parks and Outdoor Recreation of the Alaska Department of Natural Resources (http://www.dnr.state.ak.us/parks/oha/), is to be notified immediately at (907) 269-8721.

### 1.16. Fee

A permittee must pay the appropriate permit fee described in 18 AAC 72.

### 1.17. Other Legal Obligations

This permit does not relieve the permittee from the duty to obtain any other necessary permits from the Department or from other local, state, or federal agencies and to comply with the requirements contained in any such permits. All activities conducted and all plan approvals implemented by the permittee pursuant to the terms of this permit shall comply with all applicable local, state, and federal laws and regulations.

## 2.0 Special Reporting Obligations

### 2.1. Planned Changes

2.1.1. The permittee shall give notice to the Department as soon as possible of any planned physical alteration or addition to the permitted facility if:

2.1.1.1. The alteration or addition may make the facility a "new source" under one or more of the criteria in 18 AAC 83.990(44); or

2.1.1.2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged if those pollutants are not subject to effluent limitations in the permit or to notification requirements under 18 AAC 83.610.

2.1.2. If the proposed changes are subject to plan review, then the plans must be submitted at least 30 days before implementation of changes (see 18 AAC 15.020 and 18 AAC 72 for plan review requirements). Written approval is not required for an emergency repair or routine maintenance.

2.1.3. Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

**2.2. Anticipated Noncompliance**

2.2.1. A permittee shall give seven days' notice to the Department before commencing any planned change in the permitted facility or activity that may result in noncompliance with permit requirements.

2.2.2. Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

**2.3. Transfers**

2.3.1. A permittee may not transfer a permit for a facility or activity to any person except after notice to the Department in accordance with 18 AAC 83.150. The Department may modify or revoke and reissue the permit to change the name of the permittee and incorporate such other requirements under 33 U.S.C. 1251-1387 (Clean Water Act) or state law.

2.3.2. Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

**2.4. Compliance Schedules**

2.4.1. A permittee must submit progress or compliance reports on interim and final requirements in any compliance schedule of a permit no later than 14 days following the scheduled date of each requirement.

2.4.2. Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

**2.5. Corrective Information**

2.5.1. If a permittee becomes aware that it failed to submit a relevant fact in a permit application or submitted incorrect information in a permit application or in any report to the Department, the permittee shall promptly submit the relevant fact or the correct information.

2.5.2. Information must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

**2.6. Bypass of Treatment Facilities**

2.6.1. **Prohibition of Bypass**

Bypass is prohibited. The Department may take enforcement action against a permittee for any bypass, unless:

2.6.1.1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2.6.1.2. There were no feasible alternatives to the bypass, including use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. However, this condition is not satisfied if the permittee, in the exercise of reasonable engineering judgment, should have installed adequate back-up equipment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

2.6.1.3. The permittee provides notice to the Department of a bypass event in the manner, as appropriate, under Appendix A, Part 2.6.2.

2.6.2. **Notice of bypass**

2.6.2.1. For an anticipated bypass, the permittee submits notice at least 10 days before the date of the bypass. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the conditions of Appendix A, Parts 2.6.1.1 and 2.6.1.2.

2.6.2.2. For an unanticipated bypass, the permittee submits 24-hour notice, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting.

2.6.2.3. Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

2.6.3. Notwithstanding Appendix A, Part 2.6.1, a permittee may allow a bypass that:

2.6.3.1. Does not cause an effluent limitation to be exceeded, and

2.6.3.2. Is for essential maintenance to assure efficient operation.

## 2.7. Upset Conditions

2.7.1. In any enforcement action for noncompliance with technology-based permit effluent limitations, a permittee may claim upset as an affirmative defense. A permittee seeking to establish the occurrence of an upset has the burden of proof to show that the requirements of Appendix A, Part 2.7.2 are met.

2.7.2. To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

2.7.2.1. An upset occurred and the permittee can identify the cause or causes of the upset;

2.7.2.2. The permitted facility was at the time being properly operated;

2.7.2.3. The permittee submitted 24-hour notice of the upset, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting; and

2.7.2.4. The permittee complied with any mitigation measures required under 18 AAC 83.405(e) and Appendix A, Part 1.5, Duty to Mitigate.

2.7.3. Any determination made in administrative review of a claim that noncompliance was caused by upset, before an action for noncompliance is commenced, is not final administrative action subject to judicial review.

### 2.8. Existing Manufacturing, Commercial, Mining, and Silvicultural Discharges

2.8.1. In addition to the reporting requirements under 18 AAC 83.410, an existing manufacturing, commercial, mining, and silvicultural discharger shall notify the Department as soon as that discharger knows or has reason to believe that any activity has occurred or will occur that would result in:

2.8.1.1. The discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

2.8.1.1.1. One hundred micrograms per liter (100 µg/L);

2.8.1.1.2. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile, 500 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;

2.8.1.1.3. Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 18 AAC 83.310(c)-(g); or

2.8.1.1.4. The level established by the Department in accordance with 18 AAC 83.445.

2.8.1.2. Any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

2.8.1.2.1. Five hundred micrograms per liter (500 µg/L);

2.8.1.2.2. One milligram per liter (1 mg/L) for antimony;

2.8.1.2.3. Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with 18 AAC 83.310(c)-(g); or

2.8.1.2.4. The level established by the Department in accordance with 18 AAC 83.445.

## 3.0 Monitoring, Recording, and Reporting Requirements

### 3.1. Representative Sampling

A permittee must collect effluent samples from the effluent stream after the last treatment unit before discharge into the receiving waters. Samples and measurements must be representative of the volume and nature of the monitored activity or discharge.

### 3.2. Reporting of Monitoring Results

At intervals specified in the permit, monitoring results must be reported on the EPA discharge monitoring report (DMR) form, as revised as of March 1999, adopted by reference.

3.2.1. Monitoring results shall be summarized each month on the DMR or an approved equivalent report. The permittee must submit reports monthly postmarked by the 15th day of the following month.

3.2.2. The permittee must sign and certify all DMRs and all other reports in accordance with the requirements of Appendix A, Part 1.12, Signature Requirement and Penalties. All signed and certified legible original DMRs and all other documents and reports must be submitted

to the Department at the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

3.2.3. If, during the period when this permit is effective, the Department makes available electronic reporting, the permittee may, as an alternative to the requirements of Appendix A, Part 3.2.2, submit monthly DMRs electronically by the 15th day of the following month in accordance with guidance provided by the Department. The permittee must certify all DMRs and other reports, in accordance with the requirements of Appendix A, Part 1.12, Signature Requirement and Penalties. The permittee must retain the legible originals of these documents and make them available to the Department upon request.

### 3.3. Additional Monitoring by Permittee

If the permittee monitors any pollutant more frequently than the permit requires using test procedures approved in 40 CFR Part 136, adopted by reference at 18 AAC 83.010, or as specified in this permit, the results of that additional monitoring must be included in the calculation and reporting of the data submitted in the DMR or annual report required by Appendix A, Part 3.2. All limitations that require averaging of measurements must be calculated using an arithmetic means unless the Department specifies another method in the permit. Upon request by the Department, the permittee must submit the results of any other sampling and monitoring regardless of the test method used.

### 3.4. Twenty-four Hour Reporting

A permittee shall report any noncompliance event that may endanger health or the environment as follows:

3.4.1. A report must be made:

3.4.1.1. Orally within 24 hours after the permittee becomes aware of the circumstances, and

3.4.1.2. In writing within five days after the permittee becomes aware of the circumstances.

3.4.2. A report must include the following information:

3.4.2.1. A description of the noncompliance and its causes, including the estimated volume or weight and specific details of the noncompliance;

3.4.2.2. The period of noncompliance, including exact dates and times;

3.4.2.3. If the noncompliance has not been corrected, a statement regarding the anticipated time the noncompliance is expected to continue; and

3.4.2.4. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3.4.3. An event that must be reported within 24 hours includes:

3.4.3.1. An unanticipated bypass that exceeds any effluent limitation in the permit (see Appendix A, Part 2.6, Bypass of Treatment Facilities).

3.4.3.2. An upset that exceeds any effluent limitation in the permit (see Appendix A, Part 2.7, Upset Conditions).

3.4.3.3. A violation of a maximum daily discharge limitation for any of the pollutants listed in the permit as requiring 24-hour reporting.

3.4.4. The Department may waive the written report on a case-by-case basis for reports under Appendix A, Part 3.4 if the oral report has been received within 24 hours of the permittee becoming aware of the noncompliance event.

3.4.5. The permittee may satisfy the written reporting submission requirements of Appendix A, Part 3.4 by submitting the written report via e-mail, if the following conditions are met:

3.4.5.1. The Noncompliance Notification Form or equivalent form is used to report the noncompliance;

3.4.5.2. The written report includes all the information required under Appendix A, Part 3.4.2;

3.4.5.3. The written report is properly certified and signed in accordance with Appendix A, Parts 1.12.3 and 1.12.5;

3.4.5.4. The written report is scanned as a PDF (portable document format) document and transmitted to the Department as an attachment to the e-mail; and

3.4.5.5. The permittee retains in the facility file the original signed and certified written report and a printed copy of the conveying email.

3.4.6. The e-mail and PDF written report will satisfy the written report submission requirements of this permit provided the e-mail is received by the Department within five days after the time the permittee becomes aware of the noncompliance event and the e-mail and written report satisfy the criteria of Part 3.4.5. The e-mail address to report noncompliance is: dec-wqreporting@alaska.gov.

### 3.5. Other Noncompliance Reporting

A permittee shall report all instances of noncompliance not required to be reported under Appendix A, Parts 2.4 (Compliance Schedules), 3.3 (Additional Monitoring by Permittee), and 3.4 (Twenty-four Hour Reporting) at the time the permittee submits monitoring reports under Appendix A, Part 3.2. (Reporting of Monitoring Results). A report of noncompliance under this part must contain the information listed in Appendix A, Part 3.4.2 and be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

## 4.0 Penalties for Violations of Permit Conditions

Alaska laws allow the State to pursue both civil and criminal actions concurrently. The following is a summary of Alaska law. Permittees should read the applicable statutes for further substantive and procedural details.

### 4.1. Civil Action

Under AS 46.03.760(e), a person who violates or causes or permits to be violated a regulation, a lawful order of the Department, or a permit, approval, or acceptance, or term or condition of a permit, approval or acceptance issued under the program authorized by AS 46.03.020 (12) is liable, in a civil action, to the State for a sum to be assessed by the court of not less than $500

nor more than $100,000 for the initial violation, nor more than $10,000 for each day after that on which the violation continues, and that shall reflect, when applicable:

4.1.1. Reasonable compensation in the nature of liquated damages for any adverse environmental effects caused by the violation, that shall be determined by the court according to the toxicity, degradability, and dispersal characteristics of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality;

4.1.2. Reasonable costs incurred by the State in detection, investigation, and attempted correction of the violation;

4.1.3. The economic savings realized by the person in not complying with the requirements for which a violation is charged; and

4.1.4. The need for an enhanced civil penalty to deter future noncompliance.

### 4.2. Injunctive Relief

4.2.1. Under AS 46.03.820, the Department can order an activity presenting an imminent or present danger to public health or that would be likely to result in irreversible damage to the environment be discontinued. Upon receipt of such an order, the activity must be immediately discontinued.

4.2.2. Under AS 46.03.765, the Department can bring an action in Alaska Superior Court seeking to enjoin ongoing or threatened violations for Department-issued permits and Department statutes and regulations.

### 4.3. Criminal Action

Under AS 46.03.790(h), a person is guilty of a Class A misdemeanor if the person negligently:

4.3.1. Violates a regulation adopted by the Department under AS 46.03.020(12);

4.3.2. Violates a permit issued under the program authorized by AS 46.03.020(12);

4.3.3. Fails to provide information or provides false information required by a regulation adopted under AS 46.03.020(12);

4.3.4. Makes a false statement, representation, or certification in an application, notice, record, report, permit, or other document filed, maintained, or used for purposes of compliance with a permit issued under or a regulation adopted under AS 46.03.020(12); or

4.3.5. Renders inaccurate a monitoring device or method required to be maintained by a permit issued or under a regulation adopted under AS 46.03.020(12).

### 4.4. Other Fines

Upon conviction of a violation of a regulation adopted under AS 46.03.020(12), a defendant who is not an organization may be sentenced to pay a fine of not more than $10,000 for each separate violation (AS 46.03.790(g)). A defendant that is an organization may be sentenced to pay a fine not exceeding the greater of: (1) $200,00; (2) three times the pecuniary gain realized by the defendant as a result of the offense; or (3) three times the pecuniary damage or loss

caused by the defendant to another, or the property of another, as a result of the offense (AS 12.55.035(c)(B), (c)(2), and (c)(3)).

# APPENDIX B
# ABBREVIATIONS AND ACRONYMS

# Appendix B – Abbreviations and Acronyms

$BOD_5$ – Biochemical Oxygen Demand (5-day test)

BMP – Best Management Practice

CERCLA – Comprehensive Environmental Response, Compensation and Liability Act

CGP – Construction General Permit

COD – Chemical Oxygen Demand

CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)

CWT – Centralized Waste Treatment

DMR – Discharge Monitoring Report

EPA – U. S. Environmental Protection Agency

ESA – Endangered Species Act

FWS – U. S. Fish and Wildlife Service

LA – Load Allocations

MDMR – MSGP Discharge Monitoring Report

MGD – Million Gallons per Day

MOS – Margin of Safety

MS4 – Municipal Separate Storm Sewer System

MSDS – Material Safety Data Sheet

MSGP – Multi-Sector General Permit

NAICS – North American Industry Classification System

NEPA – National Environmental Policy Act

NHPA – National Historic Preservation Act

NMFS – U. S. National Marine Fisheries Service

NOI – Notice of Intent

NOT – Notice of Termination

NPDES – National Pollutant Discharge Elimination System

NRC – National Response Center

NRHP – National Register of Historic Places

NSPS – New Source Performance Standard

NTU – Nephelometric Turbidity Unit

OMB – U. S. Office of Management and Budget

ORW – Outstanding Resource Water

OSM – U. S. Office of Surface Mining

POTW – Publicly Owned Treatment Works

RCRA – Resource Conservation and Recovery Act

RQ – Reportable Quantity

SARA – Superfund Amendments and Reauthorization Act

SHPO – State Historic Preservation Officer

SIC – Standard Industrial Classification

SMCRA – Surface Mining Control and Reclamation Act

SPCC – Spill Prevention, Control, and Countermeasures

SWPPP – Stormwater Pollution Prevention Plan

THPO – Tribal Historic Preservation Officer

TMDL – Total Maximum Daily Load

TSDF – Treatment, Storage, or Disposal Facility

TSS – Total Suspended Solids

USGS – United States Geological Survey

WLA – Wasteload Allocation

WQS – Water Quality Standard

# APPENDIX C
# DEFINITIONS

# Appendix C – Definitions (for the purposes of this permit).

**Action Area** – all areas to be affected directly or indirectly by the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities, and not merely the immediate area involved in these discharges and activities.

**Arid Climate** – areas where annual rainfall averages from 0 to 10 inches.

**Best Management Practices (BMPs)** – schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to 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. See 40 CFR 122.2.

**Co-Located Industrial Activities** – Any industrial activities, excluding your primary industrial activity(ies), located on-site that are defined by the storm water regulations at 122.26(b)(14)(i)-(ix) and (xi). An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the storm water regulations or identified by the SIC code list in Appendix D.

**Control Measure** – refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

**Director** – a Director of the Division of Water within the Department of Environmental Conservation.

**Discharge** – when used without qualification, means the "discharge of a pollutant." See 40 CFR 122.2.

**Discharge of a Pollutant** – any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

**Discharge-Related Activities** – activities that cause, contribute to, or result in storm water and allowable non-storm water point source discharges, and measures such as the siting, construction and operation of BMPs to control, reduce, or prevent pollution in the discharges.

**Drought-Stricken Area** – a period of below average water content in streams, reservoirs, ground-water aquifers, lakes and soils.

**EPA Approved or Established Total Maximum Daily Loads (TMDLs)** – "EPA Approved TMDLs" are those that are developed by a State and approved by EPA. "EPA Established TMDLs" are those that are developed by EPA.

**Existing Discharger** – an operator applying for coverage under this permit for discharges authorized previously under an NPDES general or individual permit.

**Facility or Activity** – any NPDES "point source" (including land or appurtenances thereto) that is subject to regulation under the NPDES program. See 40 CFR 122.2.

**Fall Freeze-up** –For the purposes of this permit, means for planning purposes in the development of the SWPPP and initial planning of the control measure maintenance the date in the fall that air temperatures will be predominately below freezing. It is the date in the fall that has an 80% probability that a minimum temperature below a threshold of 32.5 degrees Fahrenheit will occur on or after the given date. This date can be found by looking up the "Fall 'Freeze' Probabilities" for the weather station closest to the facility on the website www.wrcc.dri.edu/summary/Climsmak.html. NOTE: This estimation of "Fall Freeze-up" is for planning purposes only. During construction and operation the permittee will need to maintain control measures based on actual conditions.

**Federal Facility** – any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the federal government.

**Final Stabilization** - For the purposes of this permit, means that:

1. All soil disturbing activities at the site have been completed and either of the two following criteria shall be met:

    a. a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or

    b. equivalent non vegetative permanent stabilization measures have been employed (such as the use of riprap, gabions, porous backfill (ADOT&PF Specification 703-2.10), railroad ballast or subballast, ditch lining (ADOT&PF Specification 610-2.01 with <3% smaller than #200 sieve), geotextiles, or fill material with low erodibility as determined by an engineer familiar with the site and documented in the SWPPP).

2. When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, then 70 percent of 50 percent (0.70 X 0.50 = 0.35) would require 35 percent total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.

3. In arid and semi-arid areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:

    a. Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the permittee;

    b. The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.

**Impaired Water (or "Water Quality Impaired Water" or "Water Quality Limited Segment")** – A water is impaired for purposes of this permit if it has been identified by a State or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards (these waters are called "water quality limited segments" under 40 CFR 30.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

**Indian Country** – (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe. (18 U.S.C. 1151)

**Industrial Activity** – the 10 categories of industrial activities included in the definition of "storm water discharges associated with industrial activity" as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

**Industrial Storm Water** – storm water runoff from industrial activity.

**Measurable Storm Event** - a storm event that results in an actual discharge from the facility that follows the preceding measurable storm event by at least 72 hours (3 days). No specific storm magnitude (i.e., 0.1 inches or greater) is specified, only an event which results in a discharge. For snowmelt, an event which some point in time produces a measurable discharge from the facility.

**Minimize** – To reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

**Municipal Separate Storm Sewer System (MS4)** – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

a. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage,

industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

b. Designed or used for collecting or conveying storm water;

c. Which is not a combined sewer; and

d. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. See 40 CFR 122.26(b)(4) and (b)(7).

**New Discharger** – a facility from which there is a discharge, that did not commence the discharge at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective NPDES permit for discharges at that site. See 40 CFR 122.2.

**New Source** – any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced:

- after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
- after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal. See 40 CFR 122.2.

**New Source Performance Standards (NSPS)** – technology-based standards for facilities that qualify as new sources under 40 CFR 122.2 and 40 CFR 122.29.

**No exposure** – all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. See 40 CFR 122.26(g).

**Operator** – any entity with a storm water discharge associated with industrial activity that meets either of the following two criteria:

a. The entity has operational control over industrial activities, including the ability to modify those activities;

b. The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit); or

c. The entity is either the owner or leasee of a parcel of land which is being used as a Non-Traditional Non-Metallic Mineral Mining facility.

**Permittee** – Is a person who is authorized to discharge pollutants to waters of the United States in accordance with the conditions and requirements of this permit.

**Person** – an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof. See 40 CFR 122.2.

**Point Source** – any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff. See 40 CFR 122.2.

**Pollutant** – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water. See 40 CFR 122.2.

**Pollutant of Concern** – A pollutant which causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in a state's 303(d) list.

**Practicable** – For the purposes of this permit, means capable of being done after taking into consideration costs, existing technology, standards of construction practice, impacts to water quality, site conditions, and logistics in light of the overall project purpose.

**Primary Airport** – are publicly owned airports that receive scheduled passenger service and have more than 10,000 passengers boarding each year.

**Primary Industrial Activity** – includes any activities performed on-site which are (1) identified by the facility's primary SIC code; or (2) included in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). [For co-located activities covered by multiple SIC codes, it is recommended that the primary industrial determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary industrial activity.] Narrative descriptions in 40 CFR 122.26(b)(14) identified above include: (i) activities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application sites and open dumps that receive or have received industrial wastes; (vii) steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 mgd or more.

**Qualified Personnel** – Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at your facility, and who can also evaluate the effectiveness of control measures.

**Reportable Quantity Release** – a release of a hazardous substance at or above the established legal threshold that requires emergency notification. Refer to 40 CFR Parts 110, 117, and 302 for complete definitions and reportable quantities for which notification is required.

**Runoff Coefficient** – the fraction of total rainfall that will appear at the conveyance as runoff. See 40 CFR 122.26(b)(11).

**Saline Water** – salinity equal or exceed 0.5 parts per thousand (by mass).

**Semi-Arid Climate** – areas where annual rainfall averages from 10 to 20 inches.

**Significant Materials** – includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges. See 40 CFR 122.26(b)(12).

**Special Aquatic Sites** – sites identified in 40 CFR 230 Subpart E. These are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region.

**Spring Thaw** –For the purposes of this permit, means for planning purposes in the development of the SWPPP and initial planning of the control measure maintenance the date in the spring that air temperatures will be predominately above freezing. It is the date in the spring that has a 20% probability that a minimum temperature below a threshold of 32.5 degrees Fahrenheit will occur on or after the given date. This date can be found by looking up the "Spring 'Freeze' Probabilities" for the weather station closest to the facility on the website www.wrcc.dri.edu/summary/Climsmak.html NOTE: This estimation of "Spring Thaw" is for planning purposes only. During construction and operation the permittee will need to maintain control measures based on actual conditions.

**Storm Water** – storm water runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).

**Storm Water Discharges Associated with Construction Activity** – a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

**Storm Water Discharges Associated with Industrial Activity** – the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges

from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities include those that are federally, State, or municipally owned or operated that meet the description of the facilities listed in 40 CFR 122.26(b)(14). The term also includes those facilities designated under the provisions of 40 CFR 122.26(a)(1)(v). See 40 CFR 122.26(b)(14).

**Temporary Stabilization** – measures taken to protect soils from erosion by rainfall, snow melt, runoff, or wind, with surface roughening or a surface cover, including, but not limited to, establishment of ground vegetation, application of mulch, surface tackifers, rolled erosion control products, gravel or paving.

**Total Maximum Daily Loads (TMDLs)** – A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See Section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

**Uncontaminated** – Free from the presence of pollutants attributable to industrial activity.

**Water Quality Impaired** – See ‘Impaired Water’.

**Water Quality Standards** – For the purposes of this permit, means the Alaska Water Quality Standards (18 AAC 70) as approved by U.S. EPA. As defined in 40 CFR § 131.3 water quality standards are provisions of State or Federal law which consist of a designated use or uses for the waters of the United States and water quality criteria for such waters based upon such uses. Water quality standards are to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act.

**Winter Shutdown** – The cessation of soil disturbing or soil stabilizing construction activity for the winter. Typically this period is from October/November to April/May and is approximately from fall freeze-up to spring thaw.

**"You" and "Your"** – as used in this permit are intended to refer to the permittee, the operator, or the discharger as the context indicates and that party's facility or responsibilities. The use of "you" and "your" refers to a particular facility and not to all facilities operated by a particular entity. For example, "you must submit" means the permittee must submit something for that particular facility. Likewise, "all your discharges" would refer only to discharges at that one facility.

# APPENDIX D
# ACTIVITIES COVERED

# Appendix D – Facilities and Activities Covered

Your permit eligibility is limited to discharges from facilities in the "sectors" of industrial activity summarized in Table D-1. These sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes. References to "sectors" in this permit (e.g., sector-specific monitoring requirements) refer to these groupings.

**Table D-1. Sectors of Industrial Activity Covered by This Permit**

| Subsector (May be subject to more than one sector/subsector) | SIC Code or Activity Code[1] | Activity Represented |
|---|---|---|
| **SECTOR A: TIMBER PRODUCTS** | | |
| A1 | 2421 | General Sawmills and Planing Mills |
| A2 | 2491 | Wood Preserving |
| A3 | 2411 | Log Storage and Handling |
| A4 | 2426 | Hardwood Dimension and Flooring Mills |
| | 2429 | Special Product Sawmills, Not Elsewhere Classified |
| | 2431-2439 (except 2434) | Millwork, Veneer, Plywood, and Structural Wood (see Sector W) |
| | 2448 | Wood Pallets and Skids |
| | 2449 | Wood Containers, Not Elsewhere Classified |
| | 2451, 2452 | Wood Buildings and Mobile Homes |
| | 2493 | Reconstituted Wood Products |
| | 2499 | Wood Products, Not Elsewhere Classified |
| A5 | 2441 | Nailed and Lock Corner Wood Boxes and Shook |
| **SECTOR B: PAPER AND ALLIED PRODUCTS** | | |
| B1 | 2631 | Paperboard Mills |
| B2 | 2611 | Pulp Mills |
| | 2621 | Paper Mills |
| | 2652-2657 | Paperboard Containers and Boxes |
| | 2671-2679 | Converted Paper and Paperboard Products, Except Containers and Boxes |
| **SECTOR C: CHEMICALS AND ALLIED PRODUCTS** | | |
| C1 | 2873-2879 | Agricultural Chemicals |
| C2 | 2812-2819 | Industrial Inorganic Chemicals |
| C3 | 2841-2844 | Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations |
| C4 | 2821-2824 | Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass |
| C5 | 2833-2836 | Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances |
| | 2851 | Paints, Varnishes, Lacquers, Enamels, and Allied Products |
| | 2861-2869 | Industrial Organic Chemicals |
| | 2891-2899 | Miscellaneous Chemical Products |
| C5 | 3952 (limited to list of inks and paints) | Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors |
| | 2911 | Petroleum Refining |

**Table D-1. Sectors of Industrial Activity Covered by This Permit**

| Subsector (May be subject to more than one sector/subsector) | SIC Code or Activity Code[1] | Activity Represented |
|---|---|---|
| **SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS** | | |
| D1 | 2951, 2952 | Asphalt Paving and Roofing Materials |
| D2 | 2992, 2999 | Miscellaneous Products of Petroleum and Coal |
| **SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS** | | |
| E1 | 3251-3259 | Structural Clay Products |
| | 3261-3269 | Pottery and Related Products |
| E2 | 3271-3275 | Concrete, Gypsum, and Plaster Products |
| E3 | 3211 | Flat Glass |
| | 3221, 3229 | Glass and Glassware, Pressed or Blown |
| | 3231 | Glass Products Made of Purchased Glass |
| | 3241 | Hydraulic Cement |
| | 3281 | Cut Stone and Stone Products |
| | 3291-3299 | Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products |
| **SECTOR F: PRIMARY METALS** | | |
| F1 | 3312-3317 | Steel Works, Blast Furnaces, and Rolling and Finishing Mills |
| F2 | 3321-3325 | Iron and Steel Foundries |
| F3 | 3351-3357 | Rolling, Drawing, and Extruding of Nonferrous Metals |
| F4 | 3363-3369 | Nonferrous Foundries (Castings) |
| F5 | 3331-3339 | Primary Smelting and Refining of Nonferrous Metals |
| | 3341 | Secondary Smelting and Refining of Nonferrous Metals |
| | 3398, 3399 | Miscellaneous Primary Metal Products |
| **SECTOR G: METAL MINING (ORE MINING AND DRESSING)** | | |
| G1 | 1021 | Copper Ore and Mining Dressing Facilities |
| G2 | 1011 | Iron Ores |
| | 1021 | Copper Ores |
| | 1031 | Lead and Zinc Ores |
| | 1041, 1044 | Gold and Silver Ores |
| | 1061 | Ferroalloy Ores, Except Vanadium |
| | 1081 | Metal Mining Services |
| | 1094, 1099 | Miscellaneous Metal Ores |
| **SECTOR H: COAL MINES AND COAL MINING-RELATED FACILITIES** | | |
| H1 | 1221-1241 | Coal Mines and Coal Mining-Related Facilities |
| **SECTOR I: OIL AND GAS EXTRACTION AND REFINING** | | |
| I1 | 1311 | Crude Petroleum and Natural Gas |
| | 1321 | Natural Gas Liquids |
| | 1381-1389 | Oil and Gas Field Services |
| **SECTOR J: MINERAL MINING AND DRESSING** | | |
| J1 | 1442 | Construction Sand and Gravel |
| | 1446 | Industrial Sand |
| J2 | 1411 | Dimension Stone |
| | 1422-1429 | Crushed and Broken Stone, Including Rip Rap |
| | 1481 | Nonmetallic Minerals Services, Except Fuels |
| | 1499 | Miscellaneous Nonmetallic Minerals, Except Fuels |
| J3 | 1455, 1459 | Clay, Ceramic, and Refractory Materials |
| | 1474-1479 | Chemical and Fertilizer Mineral Mining |

**Table D-1. Sectors of Industrial Activity Covered by This Permit**

| Subsector (May be subject to more than one sector/subsector) | SIC Code or Activity Code[1] | Activity Represented |
|---|---|---|
| **SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES** | | |
| K1 | HZ | Hazardous Waste Treatment, Storage, or Disposal Facilities, including those that are operating under interim status or a permit under subtitle C of RCRA |
| **SECTOR L: LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS** | | |
| L1 | LF | All Landfill, Land Application Sites and Open Dumps |
| L2 | LF | All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60 |
| **SECTOR M: AUTOMOBILE SALVAGE YARDS** | | |
| M1 | 5015 | Automobile Salvage Yards |
| **SECTOR N: SCRAP RECYCLING FACILITIES** | | |
| N1 | 5093 | Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling |
| N2 | 5093 | Source-separated Recycling Facility |
| **SECTOR O: STEAM ELECTRIC GENERATING FACILITIES** | | |
| O1 | SE | Steam Electric Generating Facilities, including coal handling sites |
| **SECTOR P: LAND TRANSPORTATION AND WAREHOUSING** | | |
| P1 | 4011, 4013 | Railroad Transportation |
| | 4111-4173 | Local and Highway Passenger Transportation |
| | 4212-4231 | Motor Freight Transportation and Warehousing |
| | 4311 | United States Postal Service |
| | 5171 | Petroleum Bulk Stations and Terminals |
| **SECTOR Q: WATER TRANSPORTATION** | | |
| Q1 | 4412-4499 | Water Transportation Facilities |
| **SECTOR R: SHIP AND BOAT BUILDING AND REPAIRING YARDS** | | |
| R1 | 3731, 3732 | Ship and Boat Building or Repairing Yards |
| **SECTOR S: AIR TRANSPORTATION FACILITIES** | | |
| S1 | 4512-4581 | Air Transportation Facilities |
| **SECTOR T: TREATMENT WORKS** | | |
| T1 | TW | Treatment Works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA |
| **SECTOR U: FOOD AND KINDRED PRODUCTS** | | |
| U1 | 2041-2048 | Grain Mill Products |
| U2 | 2074-2079 | Fats and Oils Products |
| U3 | 2011-2015 | Meat Products |
| | 2021-2026 | Dairy Products |

**Table D-1. Sectors of Industrial Activity Covered by This Permit**

| Subsector (May be subject to more than one sector/subsector) | SIC Code or Activity Code[1] | Activity Represented |
|---|---|---|
| U3 | 2032-2038 | Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties |
| | 2051-2053 | Bakery Products |
| | 2061-2068 | Sugar and Confectionery Products |
| | 2082-2087 | Beverages |
| | 2091-2099 | Miscellaneous Food Preparations and Kindred Products |
| | 2111-2141 | Tobacco Products |
| **SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING; LEATHER AND LEATHER PRODUCTS** | | |
| V1 | 2211-2299 | Textile Mill Products |
| | 2311-2399 | Apparel and Other Finished Products Made from Fabrics and Similar Materials |
| | 3131-3199 | Leather and Leather Products (note: see Sector Z1 for Leather Tanning and Finishing) |
| **SECTOR W: FURNITURE AND FIXTURES** | | |
| W1 | 2434 | Wood Kitchen Cabinets |
| | 2511-2599 | Furniture and Fixtures |
| **SECTOR X: PRINTING AND PUBLISHING** | | |
| X1 | 2711-2796 | Printing, Publishing, and Allied Industries |
| **SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES** | | |
| Y1 | 3011 | Tires and Inner Tubes |
| | 3021 | Rubber and Plastics Footwear |
| | 3052, 3053 | Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting |
| | 3061, 3069 | Fabricated Rubber Products, Not Elsewhere Classified |
| Y2 | 3081-3089 | Miscellaneous Plastics Products |
| | 3931 | Musical Instruments |
| | 3942-3949 | Dolls, Toys, Games, and Sporting and Athletic Goods |
| | 3951-3955 (except 3952 – see Sector C) | Pens, Pencils, and Other Artists' Materials |
| | 3961, 3965 | Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal |
| | 3991-3999 | Miscellaneous Manufacturing Industries |
| **SECTOR Z: LEATHER TANNING AND FINISHING** | | |
| Z1 | 3111 | Leather Tanning and Finishing |
| **SECTOR AA: FABRICATED METAL PRODUCTS** | | |
| AA1 | 3411-3499 (except 3479) | Fabricated Metal Products, Except Machinery and Transportation Equipment, and Coating, Engraving, and Allied Services. |
| | 3911-3915 | Jewelry, Silverware, and Plated Ware |
| AA2 | 3479 | Fabricated Metal Coating and Engraving |
| **SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY** | | |
| AB1 | 3511-3599 (except 3571-3579) | Industrial and Commercial Machinery, Except Computer and Office Equipment (see Sector AC) |

**Table D-1. Sectors of Industrial Activity Covered by This Permit**

| Subsector (May be subject to more than one sector/subsector) | SIC Code or Activity Code[1] | Activity Represented |
|---|---|---|
| AB1 | 3711-3799 (except 3731, 3732) | Transportation Equipment Except Ship and Boat Building and Repairing (see Sector R) |
| **SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS** | | |
| AC1 | 3571-3579 | Computer and Office Equipment |
| | 3812-3873 | Measuring, Analyzing, and Controlling Instruments; Photographic and Optical Goods, Watches, and Clocks |
| | 3612-3699 | Electronic and Electrical Equipment and Components, Except Computer Equipment |
| **SECTOR AD: NON-CLASSIFIED FACILITIES** | | |
| AD1 | Other stormwater discharges designated by the Director as needing a permit (see 40 CFR 122.26(a)(9)(i)(C) & (D)) or any facility discharging stormwater associated with industrial activity not described by any of Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Director may assign a facility to Sector AD. | |

[1] A complete list of SIC Codes (and conversions from the newer North American Industry Classification System" (NAICS)) can be obtained from the Internet at www.census.gov/epcd/www/naics.html or in paper form from various locations in the document titled *Handbook of Standard Industrial Classifications*, Office of Management and Budget, 1987.

# Appendix E
# Calculating Hardness in Receiving Waters for Hardness Dependent Metals

# Appendix E – Calculating Hardness in Receiving Waters for Hardness Dependent Metals

## E.1 Overview

DEC adjusted the benchmarks for six hardness-dependent metals (i.e., cadmium, copper, lead, nickel, silver, and zinc) to further ensure compliance with water quality standards and provide additional protection for endangered species and their critical habitat. For any sectors required to conduct benchmark samples for a hardness-dependent metal, DEC includes 'hardness ranges' from which benchmark values are determined. To determine which hardness range to use, you must collect data on the hardness of your receiving water(s). Once the site-specific hardness data have been collected, the corresponding benchmark value for each metal is determined by comparing where the hardness data fall within 25 mg/L ranges, as shown in Table E.1.

**Table E.1: Hardness Ranges to Be Used to Determine Benchmark Values for Cadmium, Copper, Lead, Nickel, Silver, and Zinc.**

| | **Benchmark Values** (mg/L, total) | | | | | |
|---|---|---|---|---|---|---|
| **Hardness** (mg/L) | **Cadmium** | **Copper** | **Lead** | **Nickel** | **Silver** | **Zinc** |
| **0 - 25** | 0.0005 | 0.0038 | 0.014 | 0.15 | 0.0007 | 0.04 |
| **25 - 50** | 0.0008 | 0.0056 | 0.023 | 0.20 | 0.0007 | 0.05 |
| **50 - 75** | 0.0013 | 0.0090 | 0.045 | 0.32 | 0.0017 | 0.08 |
| **75 - 100** | 0.0018 | 0.0123 | 0.069 | 0.42 | 0.0030 | 0.11 |
| **100 - 125** | 0.0023 | 0.0156 | 0.095 | 0.52 | 0.0046 | 0.13 |
| **125 - 150** | 0.0029 | 0.0189 | 0.122 | 0.61 | 0.0065 | 0.16 |
| **150 - 175** | 0.0034 | 0.0221 | 0.151 | 0.71 | 0.0087 | 0.18 |
| **175 - 200** | 0.0039 | 0.0253 | 0.182 | 0.80 | 0.0112 | 0.20 |
| **200 - 225** | 0.0045 | 0.0285 | 0.213 | 0.89 | 0.0138 | 0.23 |
| **225 - 250** | 0.0050 | 0.0316 | 0.246 | 0.98 | 0.0168 | 0.25 |
| **250+** | 0.0053 | 0.0332 | 0.262 | 1.02 | 0.0183 | 0.26 |

## E.2 How to Determine Hardness for Hardness-Dependent Parameters.

You may select one of three methods to determine hardness, including; individual grab sampling, grab sampling by a group of operators which discharge to the same receiving water, or using third-party data. Regardless of the method used, you are responsible for documenting the procedures used for determining hardness values. Once the hardness value is established, you are required to include this information in your first benchmark report submitted to DEC so that the Department can make appropriate comparisons between your benchmark monitoring results and the corresponding benchmark. You must retain all report and monitoring data in accordance with Part 9.5 of the permit. The three method options for determining hardness are detailed in the following sections.

### *(1) Permittee Samples for Receiving Stream Hardness*

This method involves collecting samples in the receiving water and submitting these to a laboratory for analysis. If you elect to sample your receiving water(s) and submit samples for analysis, hardness must be determined from the closest intermittent or perennial stream downstream of your point of discharge.

The sample can be collected during either dry or wet weather. Collection of the sample during wet weather is more representative of conditions during stormwater discharges; however, collection of in-stream samples during wet weather events may be impracticable or present safety issues.

Hardness must be sampled and analyzed using approved methods as described in 40 CFR Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants).

***(2) Group Monitoring for Receiving Stream Hardness***

You can be part of a group of permittees discharging to the same receiving waters and collect samples that are representative of the hardness values for all members of the group. In this scenario, hardness of the receiving water must be determined using 40 CFR Part 136 procedures and the results shared by group members. To use the same results, hardness measurements must be taken on a stream reach within a reasonable distance of the discharge points of each of the group members.

***(3) Collection of Third-Party Hardness Data***

You can submit receiving stream hardness data collected by a third party provided the results are collected consistent with the approved 40 CFR Part 136 methods. These data may come from a local water utility, previously conducted stream reports, TMDLs, peer reviewed literature, other government publications, or data previously collected by the permittee. Data should be less than 10 years old.

Water quality data for many of the nation's surface waters are available on-line or by contacting EPA or a state environmental agency. EPA's data system STORET, short for STOrage and RETrieval, is a repository for receiving water quality, biological, and physical data and is used by state environmental agencies, EPA and other federal agencies, universities, private citizens, and many others. Similarly, state environmental agencies and the U.S. Geological Service (USGS) also have water quality data available that, in some instances, can be accessed online. "Legacy STORET" codes for hardness include: 259 hardness, carbonate; 260 hardness, noncarbonated; and 261 calcium + magnesium, while more recent, "Modern STORET" data codes include: 00900 hardness, 00901 carbonate hardness, and 00902 noncarbonate hardness; or the discrete measurements of calcium (00915) and magnesium (00925) can be used to calculate hardness. Hardness data historically has been reported as "carbonate," "noncarbonate," or "Ca + Mg." If these are unavailable, then individual results for calcium (Ca) and magnesium (Mg) may be used to calculate hardness using the following equation:

$$\frac{mg}{L}CAO_3 = 2.497\left(Ca\frac{mg}{L}\right) + 4.118\left(Mg\ \frac{mg}{L}\right)$$

When interpreting the data for carbonate and non-carbonate hardness, note that total hardness is equivalent to the sum of carbonate and noncarbonate hardness if both forms are reported. If only carbonate hardness is reported, it is more than likely that noncarbonate hardness is absent and the total hardness is equivalent to the available carbonate hardness.

# Appendix F – MSGP Forms

**Notice of Intent (NOI) Form**

To obtain coverage under this permit, you must submit a Notice of Intent (NOI). You must submit an NOI using either:

(1) DEC's Electronic Notice of Intent (eNOI) system, available at http://dec.alaska.gov/water/wastewater/stormwater/apdesenoi/, or

(2) file a paper copy of the NOI.

**Notice of Termination (NOT) Form**

To terminate coverage under this permit, you must submit a Notice of Termination (NOT). You must either

(1) terminate coverage using DEC's online eNOI system, available at http://dec.alaska.gov/water/wastewater/stormwater/apdesenoi/ or

(2) file a paper copy of the NOT.

**The following forms are available at:**

http://dec.alaska.gov/water/wastewater/stormwater/forms-msgp/

- Notice of Intent (NOI) Form
- Notice of Termination (NOT) Form
- Annual Report Form
- Corrective Action Form
- NOI Modification Form
- MSGP Industrial Discharge Monitoring Report (MDMR)
- No Exposure Certification Form
- Noncompliance Notification Form