ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM

GENERAL PERMIT FOR DISCHARGES FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Permit Number: **AKR100000**

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 46.03, the Alaska Administrative Code (AAC) as amended, and other applicable State laws and regulations.

Operators of large and small construction activities described in Part 1.4 of this Alaska Pollutant Discharge Elimination System (APDES) general permit, except for those activities excluded from authorization to discharge in Part 1.4.4 of this permit, are authorized to discharge storm water associated with construction activity to Waters of the U.S., in accordance with the conditions and requirements set forth herein. Permit authorization is required from the "commencement of construction activities" until "final stabilization" as defined in Appendix C.

This permit shall become effective on [Insert Date].

This permit and the authorization to discharge shall expire at midnight, [Insert Date].

DRAFT	**DRAFT**
Signature	Date
Wade Strickland	Program Manager

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SCHEDULE OF SUBMISSIONS

The Schedule of Submissions (Table 1) summarizes the required submissions and activities the permittee must complete and/or submit to the Alaska Department of Environmental Conservation (DEC or the Department) during the terms of this permit. The operator is responsible for all submissions and activities even if they are not summarized below.

Table 1: Schedule of Submissions

Permit Part	Type of Project	Submittal Requirement	Frequency	Due Date	Submit to [1]
Prior to Construction					
1.4.4.7	Projects that will construct Permanent Storm Water Management Controls	Engineering Plans	Once	At least 30 calendar days before the start of construction or as required by the MS4 Operator	Permitting Program or MS4 Operator
1.5	Small construction activities that use a waiver in lieu of CGP coverage	Waiver Certification	Once	At least seven calendar days before proposed start of construction	Permitting Program
2.1.3	Projects that disturb greater than or equal to 5 acres of land and are outside an MS4 area	SWPPP [2]	Once	With NOI or within seven business days of NOI submittal	Permitting Program
2.1.4	Projects inside an MS4 area	SWPPP	Once	Depends on requirements of MS4 operator	MS4 Operator
2.1.5 and 4.6.3.3	Project that use an Active Treatment System	Engineering Plans and Project Details	Once	At least 14 days before use of the system	Permitting Program
2.1.6	Projects that discharge to an Outstanding Natural Resource Water	Site-Specific Antidegradation Analysis	Once	At least 14 days before filing NOI	Permitting Program
2.3	Projects that disturb greater than or equal to 1 acre of land	Notice of Intent	Once	At least seven calendar days before the start of construction	Permitting Program
During Construction					
2.7	To update or correct information on the original NOI	NOI Modification	As needed	As needed	Permitting Program
9.1	Projects that disturb greater than or equal to 20 acres of land	Annual Report	As needed for sites meeting Part 3.2	By December 31st or with NOT	Compliance Program

Table 1: Schedule of Submissions

Permit Part	Type of Project	Submittal Requirement	Frequency	Due Date	Submit to [1]
9.2	If the difference between upstream and downstream samples exceed WQS for turbidity	Corrective Action Report	As necessary	At least 14 days after receiving monitoring results	Compliance Program
9.6	All projects with an active NOI	Request for Submittal of Records	As requested by DEC	At least 30 days after receipt of request	As requested by DEC
Post Construction					
10.2	All projects with an active NOI	Notice of Termination (NOT)	Once	Within 30 days of completion of the project	Permitting Program

Note:
1 See Appendix A, Part 1.1 for Permitting and Compliance Program contact information and addresses
2 All projects that require an NOI must prepare a SWPPP. However, only operators who are developing projects that disturb greater than or equal to five (5) acres of land and are outside an MS4 area are required to submit a SWPPP to DEC.

REQUIRED ON-SITE DOCUMENTATION

The Summary of Required On-Site Documentation (Table 2) lists the documents the permittee must have available at the project site or the project management office.

Table 2: Summary of Permit Required On-Site Documentation

Permit Part	Document	Frequency	Purpose of Document
2.3	NOI	Once at start of project	Applicant request for authorization to discharge under permit coverage
2.5	DEC NOI Reply Letter	Once at start of project	To provide permittee with DEC project tracking number indicating project is covered by CGP
2.7	NOI Modification	As needed	To modify the original NOI if project conditions or personnel change.
5.0	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.
5.4; 6.7	Inspection Reports	Conducted at frequency specified in SWPPP	To monitor compliance with SWPPP and CGP.
5.5; 7.0	Monitoring Plan (if required)	As needed	To describe monitoring of storm water discharge for those projects that disturb more than threshold requirement.
5.6	Permit Eligibility related to Total Maximum Daily Load (TMDL)	Once at start of project	To document compliance with TMDL requirements
5.7	Permit Eligibility related to Endangered Species Act (ESA)	Once at start of project	To document compliance with ESA requirements
5.8.1	Copy of this permit	Once at start of project	To include in SWPPP
5.8.2	Additional Documentation in the SWPPP	Updated as necessary	To maintain summaries of various specific activities at the site to document they were accomplished.
8.3	Corrective Action Log (if necessary)	Updated as necessary	To list the corrective actions taken at a site.
8.4; 9.2	Corrective Action Report (if necessary)	As needed	To report exceeding the turbidity requirement and describe
9.1	Annual Report (if required)	Annually or at NOT	To report result of discharge monitoring
9.5	Retention of Records	As needed	To maintain project records
10.2	NOT	Once at completion of project	To notify DEC that the permittee is terminating permit coverage.

1.0 COVERAGE UNDER THIS PERMIT

1.1 Introduction

The Alaska Construction General Permit (CGP) authorizes storm water discharges from large and small construction-related activities that result in a total land disturbance of equal to or greater than one acre and where those discharges enter Waters of the U.S. or a municipal separate storm sewer system (MS4) leading to Waters of the U.S. subject to the conditions set forth in this permit. This permit also authorizes storm water discharges from certain construction support activities and some non-storm water discharges commonly associated with construction sites.

The goal of this permit is to minimize erosion and reduce or eliminate the discharge of pollutants, such as sediment carried in storm water runoff from construction sites through implementation of appropriate control measures. Polluted storm water runoff can adversely affect fish, animals, plants, and humans. In order to ensure protection of water quality and human health, this permit describes control measures that must be used to manage storm water runoff during construction activities. This permit replaces the CGP that became effective July 1, 2011, and expired on January 31, 2016.

1.2 Person(s) Responsible for Obtaining Authorization under this Permit

1.2.1 All operators of large or small construction activities that meet the conditions in Part 1.4 must obtain authorization under this permit. For the purposes of this permit, an "operator" is any party associated with a construction project that meets either of the following two criteria:

1.2.1.1 The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

1.2.1.2 The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit).

Note: Subcontractors generally are not considered operators for the purposes of this permit.

Note: Where there are multiple operators associated with the same project, all operators are required to obtain permit coverage. The following applies in these situations:

- *If one operator has control over plans and specifications and a different operator has control over activities at the project site, they may divide responsibility for compliance with the terms of this permit as long as they develop a group storm water pollution prevention plan (SWPPP) (see Part 5.1), which documents which operator has responsibility for each requirement of the permit.*
- *If an operator only has operational control over a portion of a larger project (e.g., one of four homebuilders in a subdivision), the operator is responsible for compliance with all applicable effluent limits, terms, and conditions of this permit as it relates to the activities on their portion of the construction site, including protection of endangered species, critical*

habitat, and historic properties, and implementation of control measures described in the SWPPP in the areas under their control.

- *An operator must ensure either directly or through coordination with other permittees, that their activities do not render another permittee's pollutant discharge controls ineffective.*
- *If the operator of a "construction support activity" (see Part 1.4.2.3) is different than the operator of the main construction site, that operator is also required to obtain permit coverage.*

1.3 Permit Area

This general permit covers the State of Alaska, except lands within the Metlakatla Indian Reservation and the Denali National Park and Preserve.

1.4 Eligibility

1.4.1 **Eligibility Requirements**. To be authorized under this permit, the project must meet the following conditions or be notified by DEC that the site is eligible for permit coverage.

1.4.1.1 The project will disturb one or more acres of land or will disturb less than one acre of land but is part of a common plan of development or sale that will ultimately disturb one or more acres of land;

1.4.1.2 The site will discharge to Waters of the U.S. or a MS4 leading to a Waters of the U.S.;

1.4.1.3 The project area is located in an area where DEC is the permitting authority;

1.4.1.4 The project is not already covered under a different APDES permit;

1.4.1.5 The project does not discharge to an impaired waterway with an EPA-approved or established Total Maximum Daily Load (TMDL) that specifically precludes such discharges;

1.4.1.6 The project is not likely to jeopardize the continued existence or cause a take of any threatened or endangered species protected under the Endangered Species Act (ESA) or their designated critical habitat.

1.4.2 Authorized Storm Water Discharges. Subject to compliance with the terms and conditions of this permit, the following discharges are authorized under this permit:

1.4.2.1 Storm water discharges associated with large and small construction activities, including those that are part of a common plan of development or sale that will ultimately disturb one or more acres of land.

1.4.2.2 Storm water discharges designated by DEC as needing a storm water permit under 40 CFR §122.26(a)(1)(v) or §122.26(b)(15)(ii).

1.4.2.3 Storm water discharges from support activities (such as concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) (as defined in Appendix C), whether on-site, adjacent to, or off-site, provided:

1.4.2.3.1 The support activity is directly related to the construction site required to have permit authorization for discharges of stormwater associated with construction activity under this permit:

1.4.2.3.2 The support activity is not a commercial operation serving multiple unrelated construction projects by different permittees;

1.4.2.3.3 The support activity does not operate beyond the completion of the construction activity at the project it supports; and

1.4.2.3.4 Appropriate control measures are identified in the Storm Water Pollution Prevention Plan (SWPPP) and pollutant discharges are minimized in compliance with Parts 3.0 and 4.0 of the permit.

1.4.2.4 Discharges composed of allowable discharges listed in Parts 1.4.2 and 1.4.3 commingled with a discharge authorized by a different APDES permit and/or a discharge that does not require APDES permit authorization.

1.4.3 Authorized Non-Storm Water Discharges. Subject to compliance with the terms and conditions of this permit, the following non-storm water discharges are authorized under this general permit, provided the non-storm water component of that the discharge is in compliance with the SWPPP requirements in Part 5.3.9:

1.4.3.1 Discharges from fire-fighting activities;

1.4.3.2 Fire hydrant flushings;

1.4.3.3 Waters used to wash vehicles where detergents are not used;

1.4.3.4 Water used to control dust;

1.4.3.5 Potable water including uncontaminated water line flushings;

1.4.3.6 Routine external building wash down that does not use detergents;

1.4.3.7 Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;

1.4.3.8 Uncontaminated air conditioning or compressor condensate;

1.4.3.9 Uncontaminated, non-turbid discharges of ground water or spring water;

1.4.3.10 Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated groundwater;

1.4.3.11 Construction dewatering waters that are treated by an appropriate control measure in compliance with Part 4.4.2, or have been treated with treatment chemicals in compliance with Part 4.6; and

1.4.3.12 Landscape irrigation.

1.4.4 Limitations on Coverage. The following discharges are not authorized under this permit:

1.4.4.1 **Post-Construction Discharges**. Discharges that originate from the project after construction activities have ceased and a Notice of Termination (NOT) has been submitted in accordance to Part 10.0, including any temporary support activity.

1.4.4.2 **Discharges that May Exceed Water Quality Standards.** Discharges that DEC, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard (WQS). Where such a determination is made prior to authorization, DEC may notify the applicant that an individual permit application is necessary in accordance with Part 2.8. However, DEC may provide permit authorization after the applicant has included appropriate controls and implementation procedures designed to bring the discharge into compliance with WQS's in accordance with Part 3.1.

1.4.4.3 **Discharges to Water Quality Impaired Waters.** Discharges into receiving waters that are listed as impaired waters in the report *Alaska's Final 2010 Integrated Water Quality Monitoring and Assessment Report*, dated July 15, 2010 (or the most current EPA-approved version), or with an approved or established TMDL analysis, unless the discharges are in accordance with Part 3.2.

1.4.4.4 **Comingled Discharges.** Discharges that are mixed with non-storm water, unless they are listed as allowable non-storm water discharges in Part 1.4.3.

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

1.4.4.5.1 Storm water discharges associated with construction activity that have been covered under an individual permit, an alternative APDES general permit, or are required to obtain authorization under an alternative general permit in accordance with Part 2.8.

1.4.4.5.2 Discharges from sites where any APDES permit has been or is in the process of being denied, terminated, or revoked by DEC (*this does not apply to the routine reissuance of permits every five years*).

1.4.4.6 **Discharges of Dredged or Fill Material.** Discharges of dredged or fill material into Waters of the U.S. requiring federal authorization through the U.S Army Corps of Engineers CWA Section 404 Regulatory Program.

1.4.4.7 **Discharges from Nondomestic Treatment Works.** Discharges of storm water to the land or groundwater from a nondomestic wastewater treatment works (as defined in 18 AAC 72) using permanent storm water management controls unless they are in compliance with 18 AAC 72.600 and EPA Underground Injection Control regulations[1].

1.4.5 Emergency Repairs or Reconstruction of a Facility

1.4.5.1 Discharges from construction activities conducted in response to a disaster (as defined in Alaska Statute 26.23.900) are conditionally authorized, provided that the operator does the following:

1.4.5.1.1 Submits a Notice of Intent (NOI) to the Department in accordance with Part 2.3 and 2.4 within 30 calendar days of initiating construction activities.

1.4.5.1.2 Implements appropriate control measures as soon as possible after initiating construction activities. For discharges occurring during the initial 30 day period, the permittee must demonstrate compliance with the terms and conditions of this permit to the extent practicable depending on the disaster.

1.5 Waivers for Certain Small Construction Activities

1.5.1 **Waiver Criteria.** An operator of a small construction activity may qualify for a waiver in lieu of obtaining authorization under this permit if one of the following three criteria are met. Details of the three waiver options and procedures for requesting a waiver are provided in Appendix D:

1.5.1.1 The project has a low rainfall erosivity factor;

1.5.1.2 DEC or EPA has established or approved a TMDL that addresses the pollutant(s) of concern and has determined storm water control measures are not needed to protect water quality;

1.5.1.3 The operator develops an equivalent analysis that determined allocations for pollutant(s) of concern are not needed to protect water quality. This waiver is only available for non-impaired waters.

[1] For additional information refer to DEC's Engineered Wastewater Disposal System web page at https://dec.alaska.gov/Water/wwdp/onsite/ww_planreview-cklist.htm and EPA's Underground Injection Control web page at http://yosemite.epa.gov/r10/water.nsf/UIC/Stormwater+&+UIC

2.0 AUTHORIZATION UNDER THIS GENERAL PERMIT

2.1 Submittal Requirements Prior to Construction Depending on the type and location of the project, the operator may be required to submit information to the DEC and/or an MS4 operator for review prior to filing the NOI and commencement of construction activities. The following is a summary of the information to be submitted to each agency by project type and area of jurisdiction.

2.1.1 **Permanent Storm Water Management Controls (Outside MS4).** An operator installing permanent storm water management controls in accordance with Part 4.10 and where the project is located outside of an APDES permitted MS4 must submit information required by the DEC at least thirty (30) calendar days prior to filing the NOI for the project and must receive the DEC's written reply prior to the commencement of construction activities.

2.1.2 **Permanent Storm Water Management Controls (Inside MS4).** An operator installing permanent storm water management controls in accordance with Part 4.10 and where the project is located inside the area of an APDES permitted MS4 must submit information required by the MS4 operator for the project and must receive the MS4 operator's approval prior to the commencement of construction activities. Check with the respective MS4 operator for their particular submittal requirements.

2.1.2.1 Operators of construction activity within the Municipality of Anchorage (with the exception of ADOT&PF, see 2.1.2.2) shall submit information to:

Municipality of Anchorage
Public Works Department
4700 South Elmore Rd.
P.O. Box 196650
Anchorage, AK 99519-6650

2.1.2.2 Alaska Department of Transportation & Public Facilities (ADOT&PF) construction projects within the Municipality of Anchorage shall submit information to:

ADOT&PF
Construction and Operations, Central Region
4111 Aviation Ave.
P.O. Box 196900
Anchorage, AK 99519

2.1.2.3 Operators of construction activity within the Fairbanks North Star Borough shall submit information to:

Fairbanks North Star Borough
Department of Public Works
P.O. Box 71267
Fairbanks, AK 99707

2.1.2.4 Operators of construction activity within the City of Fairbanks shall submit information to:

City of Fairbanks
Engineering Division
800 Cushman St.
Fairbanks, AK 99701

2.1.2.5 Operators of construction activity within the City of North Pole shall submit information to:

City of North Pole
Department of Public Works
125 Snowman Lane
North Pole, AK 99705

2.1.3 **SWPPP Submittal to DEC**. An operator of developing a project that disturbs five or more acres of land and where the project is located outside the area of an APDES permitted MS4 must submit a copy of the SWPPP to the DEC (Appendix A, Part 1.1.1) at the time the NOI is filed (electronic attachments to the eNOI are preferred).

2.1.4 **SWPPP Submittal to MS4**. An operator developing a project that is located inside the area of an APDES permitted MS4 must submit a copy of the SWPPP to the respective MS4 operator. Check with the respective MS4 operator for their particular submittal requirements.

2.1.4.1 Within the Municipality of Anchorage

2.1.4.1.1 An operator of construction projects disturbing one or more acres of land shall submit a copy of the SWPPP to either DEC or the Municipality based on the project type and operator as shown in the following table.

Table 3: SWPPP Submittal within Municipality of Anchorage MS4 coverage area.

Project Type	Submit SWPPP to
Government (Federal, state, or Port of Anchorage) road projects and other government sponsored transportation projects such as ports, railroads, or airports	DEC
Government (municipal) road projects and other government transportation projects	Municipality
Public or private utility projects when the utility is initiating the work	Municipality
Work that requires a building permit	Municipality
Non-publicly funded transportation projects	Municipality

2.1.4.1.2 Submittal of the SWPPP to the Municipality shall be made according to the most recent Municipality requirements and be submitted to the address given in Part 2.1.2.1

2.1.4.1.3 Submittal of the SWPPP to the DEC shall be to the address in Appendix A, Part 1.1.1.

2.1.4.2 Within the road service areas of the Fairbanks North Star Borough, check with the Borough for the latest SWPPP submittal requirements at the address given in Part 2.1.2.3. An operator of a publicly-funded project disturbing one or more acres of land shall submit a copy of the SWPPP to the DEC for review at the address in Appendix A, Part 1.1.1.

2.1.4.3 Within the City of Fairbanks, check with the City for the latest SWPPP submittal requirements at the address given in Part 2.1.2.4. An operator of a public-funded project disturbing one or more acres of land shall submit a copy of the SWPPP to the DEC for review at the address in Appendix A, Part 1.1.1.

2.1.4.4 Within the City of North Pole**,** check with the City for the latest SWPPP submittal requirements at the address given in Part 2.1.2.5. An operator of a public-funded project disturbing one or more acres of land shall submit a copy of the SWPPP to the DEC for review at the address in Appendix A, Part 1.1.1.

2.1.5 **All Projects Using Active Treatment Systems**. Submit engineering plans and projects details listed in Part 4.6.3.3 to DEC at least 14 calendar days prior to use of the active treatment system at the construction site.

2.1.6 **All Projects that Discharge to an Outstanding Natural Resource Water**. Contact DEC at least 30 calendar days prior to commencement of construction activities that may discharge to a high quality water that constitutes an outstanding national resource, such as a water of a national or state park or wildlife refuge or a water of "exceptional recreational or ecological significance" (as described in Appendix C), to discuss the need to conduct a site-specific antidegradation analysis. If an antidegradation analysis is required, it must be submitted at least 14 calendar days prior to filing the NOI. Before beginning construction activities, operators must receive a written approval of the analysis from the DEC.

2.2 How to Obtain Authorization

2.2.1 To obtain authorization under this permit, an operator must:

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

2.2.1.2 Meet the eligibility requirements of Part 1.4;

2.2.1.3 Develop a SWPPP according to the requirements in Part 5.0 prior to filing for an NOI and submit a copy of the SWPPP as specified in Part 2.1;

2.2.1.4 Select, design, install, and implement control measures in accordance with Part 4.0 to meet non-numeric effluent limits;

2.2.1.5 Submit a complete and accurate NOI either using DEC's electronic system or using a paper form in accordance with Part 2.3 prior to commencing construction activities;

2.2.1.6 Pay the general permit authorization fees in accordance with 18 AAC 72.956;

2.2.1.7 Submit any additional information requested by the DEC or MS4 Operator (if applicable); and

2.2.1.8 Be granted authorization to discharge by the DEC.

2.2.2 Submission of the NOI demonstrates the operator's intent to be covered by this permit; it is not a determination by DEC that the operator meets the eligibility requirements for the permit. A discharge is **not authorized** if:

2.2.2.1 The operator's NOI is incomplete or inaccurate;

2.2.2.2 DEC requires the operator to obtain authorization under an individual permit or an alternative general permit; or

2.2.2.3 The discharge does not meet the eligibility requirements under Part 1.4.

2.2.3 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:

2.2.3.1 **Operator**: organization name, contact person and title, complete mailing address, telephone number and fax number and email address;

2.2.3.2 **Billing Contact**: organization name, contact person and title, complete mailing address, telephone number and fax number and email address. If the billing contact information is the same as the operator information, check the box on the NOI indicating that it is the same;

2.2.3.3 **Project/site**: project/site name, a physical location, the nearest city and zip code, the borough, latitude and longitude, how the latitude and longitude were determined, and estimated project start date and completion date, and an estimate of the area to be disturbed;

2.2.3.4 **SWPPP**: acknowledgement of whether a SWPPP has been prepared in advance of filing the NOI, the location of the SWPPP – either with the operator, the project/site, or other location, SWPPP contact if different than the operator contact;

2.2.3.5 **Discharge**: the name(s) of the waterbody to which the project discharges, identification if the project/site discharges to a waterbody that is impaired or has a TMDL, if so, confirmation that the discharge is consistent with the assumptions and requirements of the TMDL;

2.2.3.6 **Treatment Chemicals**: information for those projects that use treatment chemicals includes: the name(s) of the polymers, flocculants, or other treatment chemicals used; and

2.2.3.7 Signatory information in compliance with Appendix A, Part 1.12.

2.3 How to Submit an Notice of Intent (NOI)

2.3.1 **Submittal Options.** Each operator must submit an NOI to be authorized to discharge under this permit at least seven (7) calendar days prior to commencement of construction activities. The complete and accurate NOI can be submitted either:

2.3.1.1 Electronically (*strongly encouraged*): Go to DEC's Water Online Application System (OPA) web page at http://dec.alaska.gov/water/oasys/index.html to prepare and submit electronic NOI (eNOI). *Note the eNOI will likely be processed more quickly and result in faster receipt of an authorization to discharge*.

2.3.1.2 Paper NOI Form: Complete the CGP NOI form on DEC's APDES Storm Water Forms web page at http://dec.alaska.gov/water/wnpspc/ stormwater/Forms.htm. Once the form is complete, scan and email the entire form (5 pages) to the permitting email address in Appendix A, Section 1.1.1 or submit a paper copy to DEC at the address listed in Appendix A, Section 1.1.1.

2.3.2 Applicants must pay the general permit authorization fee (in accordance with 18 AAC 72.956) before their NOI is considered complete.

2.4 Submission Deadlines

2.4.1 New Projects. The operator must submit a complete and accurate NOI and SWPPP (if project disturbs five or more acres in accordance with Part 2.1) prior to commencement of construction activities consistent with Parts 2.2.1 and 2.3 to obtain authorization under this permit.

2.4.2 **Permitted Ongoing Projects.** An ongoing permitted project is one that commenced construction activities prior to the effective date of this permit and where the discharges from that project were authorized under the 2011 CGP (AKR100000). To continue coverage, a permittee must:

2.4.2.1 Continue to comply with the terms and conditions of the 2011 CGP until the permittee has been granted authorization under this permit or an alternative APDES permit, or submits a NOT;

2.4.2.2 Update the existing SWPPP as necessary to comply with the requirements of Part 3.0, Part 4.0 and Part 5.0 before submitting a new NOI, as described in Part 2.4.2.3; and

2.4.2.3 Submit a complete and accurate new NOI within 120 calendar days of the effective date of this permit according to Part 2.3.

2.4.2.4 If the permittee is eligible to submit a NOT (e.g., construction is finished and final stabilization has been achieved) before the 120th day, a new NOI is not required to be submitted, provided a NOT is submitted within 120 calendar days after the effective date of this permit.

2.4.3 **Change of Permittee for an Authorized Ongoing Project**

2.4.3.1 A permittee who submitted a complete and accurate new NOI consistent with Part 2.4.2 for a permitted project must file an NOI modification form consistent with Part 2.7 if there is a change in the permittee after filing the updated new NOI.

2.4.3.2 A permittee of an ongoing project transfers ownership of the project, or a portion thereof, to a different operator, that operator will be required to submit a complete and accurate new NOI for a new project in accordance with Part 2.3.1

2.4.4 Unpermitted Ongoing Project/Late Notification

An operator who commences construction activities without authorization to discharge for a project that requires submission of a NOI consistent with Part 2.2 must develop and/or update a project-specific SWPPP and submit a complete and accurate NOI consistent with Part 2.3 as soon as practicable. The applicant is authorized to discharge in accordance with Part 2.5. The DEC reserves the right to take enforcement action for any unpermitted discharges or permit non-compliance that occurs between the commencement of construction and discharge authorization.

2.5 Date of Authorization to Begin Discharge

Authorization to discharge under this general permit requires the operator seeking authorization to submit to DEC a complete and accurate NOI and SWPPP (if project disturbs five or more acres in accordance with Part 2.1) prior to commencement of construction activities consistent with Parts 2.2.1 and 2.3, and payment of fee. The operator must receive written notification of authorization from DEC that coverage has been granted, and that a specific authorization number has been assigned prior to discharging.

A permittee is authorized to discharge storm water from construction activities under the terms and conditions of this general permit upon the date specified in the issuance of the DEC authorization letter, which is posted on DEC's water permit search website (http://dec.alaska.gov/Applications/Water/WaterPermitSearch/Search.aspx.

2.6 Continuation of Expired General Permit

If this permit is not reissued prior to the expiration date, it will be administratively continued in accordance with 18 AAC 83.155(c) 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 will automatically remain covered by this permit until the earliest of:

2.6.1 Authorization for coverage under a reissued permit or 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;

2.6.2 Submittal of a NOT;

2.6.3 Issuance of an individual permit for the project's discharges; or

2.6.4 A formal permit decision by DEC to not 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.

2.7 Submittal of a Modification to Original NOI

2.7.1 **Modification.** A permittee must file an NOI modification form to DEC to update or correct the following information on the original NOI within 30 calendar days of the change:

2.7.1.1 Owner/Operator address and contact information;

2.7.1.2 Site information;

2.7.1.3 Start or end dates;

2.7.1.4 Small changes in number of acres to be disturbed;

2.7.1.5 Change in decision to use or not use treatment chemicals; or

2.7.1.6 SWPPP location and contact information.

2.7.2 **NOT Instead of Modification.** The permittee must submit a NOT instead of an NOI modification form to DEC within 30 calendar days when any of the following occur:

2.7.2.1 The operator has changed. The new owner/operator must file a new NOI to obtain coverage under the CGP. Coverage is not transferrable.

2.7.2.2 The project disturbance has increased by more than 50%. The permittee must file a new NOI for the larger project.

2.7.3 Submit modification in accordance with Part 2.3.1. No general permit authorization fee is required when submitting an NOI modification.

2.8 Alternative Permits

2.8.1 **DEC Requiring Authorization under an Alternative Permit**

DEC may terminate or revoke a permittee's authorization under this permit and may require a permittee to apply for and/or obtain authorization to discharge under an alternative permit (i.e., an APDES individual permit or an alternative APDES general permit in accordance with 40 CFR 122.64 and 124.5). If DEC requires a permittee to apply for an alternative 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, alternative permit application requirements, and an application form. In addition, the notice will set a deadline to file the application, and will include a statement that on the effective date of issuance or denial of the APDES individual permit, or the effective date of coverage or denial of coverage under the alternative general permit as it applies to the permittee, coverage under this general permit will automatically terminate. An application must be submitted to DEC at the address in Part 2.3. DEC may grant additional time to submit the application upon a written request by the permittee provided the request is received prior to expiration of the deadline. If the permittee is covered under this permit and fails to submit an alternative permit application in a timely manner as required by DEC, then the authorization under this permit will automatically terminate at the end of the

day specified by DEC as the deadline for application submittal. The DEC may take appropriate enforcement action for any unpermitted discharge.

2.8.2 **Operator Requesting Authorization under an Alternative Permit**

An operator may request to be excluded from coverage under this general permit by applying for an individual permit. The operator must submit an individual permit application in accordance with 18 AAC 83.305 – 83.385 to DEC no later than ninety (90) days after publication of the general permit to the address in Appendix A. DEC may grant the request by issuing an individual permit or authorization under an alternative general permit if DEC deems that the reasons cited are adequate to support the request.

2.8.3 When a permittee is issued an APDES individual permit or is authorized to discharge under an alternative APDES general permit, the authorization under this permit is automatically terminated on the effective date of the individual permit or the date of authorization under the alternative general permit, whichever the case may be. If the permittee is denied an APDES individual permit or an alternative APDES general permit, the authorization under this permit is automatically terminated on the date of such denial, unless otherwise specified by DEC.

3.0 COMPLIANCE WITH STANDARDS AND LIMITS

3.1 Requirements for all Projects

3.1.1 A permittee must select, install, implement and maintain control measures (described in Part 4.0) at the construction site to minimize the discharge of pollutants as necessary to meet WQS's (18 AAC 70). A permittee must comply with all permit conditions with respect to installation and maintenance of control measures, inspections, monitoring (if necessary), 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 3.0 through 9.0 are considered to meet the stringent 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, DEC may determine that the permittee's storm water discharges will cause, have reasonable potential to cause, or contribute to an excursion above any applicable WQS. If such a determination is made, DEC may require the permittee to:

3.1.3.1 Take corrective actions and modify storm water controls in accordance with Part 8.0 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 WQSs; or

3.1.3.3 Minimize discharges of storm water from the construction project and submit an individual permit application in accordance with Part 2.8.

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

3.2 Discharge to Impaired Water Body

If the permittee is discharging into a water body with an EPA-established or approved TMDL, the permittee must implement measures to ensure that the discharge of pollutants from the site is consistent with the assumptions and requirements of the EPA-established or approved TMDL, including ensuring that the discharge does not exceed specific wasteload or load allocation that has been established that would apply to the discharge. The permittee must also evaluate the recommendation in the Implementation Section of the TMDL and incorporate applicable measures into the operation.

3.2.1 Discharging to an Impaired Water Body for Turbidity or Sediment (Category 5)

3.2.1.1 Permittees who (1) discharge into a water body that is listed on Alaska's 303(d) List of Impaired Waters (Category 5) for turbidity or sediment (http://dec.alaska.gov/water/wqsar/Docs/Impairedwaters.pdf) and (2) disturbs 20 or more acres of land at one time (including non-contiguous land disturbances that take place at the same time and are part of a larger common plan of development or sale) must:

3.2.1.1.1 Develop, implement, and modify as necessary a written site-specific monitoring plan consistent with Part 7.0 that specifies the sampling frequency and location.

3.2.1.1.2 Conduct turbidity sampling at the following locations to evaluate compliance with the WQS for turbidity;

3.2.1.1.2.1 Upstream turbidity in the impaired water at a representative location (upgradient) from the point of storm water discharge into the impaired water or outside the area of influence of the storm water discharge; and

3.2.1.1.2.2 Downstream turbidity at a representative location downstream from the point of discharge into the impaired water, inside the area of influence of the storm water discharge. Alternatively, the discharge turbidity may be measured at the point where the storm water discharge leaves the construction site, rather than when it is in the receiving water body.

3.2.1.1.3 Based on the sampling (as described in Part 3.2.1.1.2), the resulting water quality must meet the state WQS for turbidity, as follows:

3.2.1.1.3.1 The downstream sample may not exceed 5 nephelometric turbidity units (NTU) above the upstream sample when the upstream turbidity is 50 NTU or less; and

3.2.1.1.3.2 The downstream sample may not have more than 10% increase in turbidity when the upstream turbidity is more than 50 NTU, not to exceed a maximum increase of 25 NTU.

3.2.1.1.4 If the difference between the upstream and downstream sample exceeds the WQS for turbidity, the permittee must:

3.2.1.1.4.1 Review the SWPPP and the control measures selected for the project and make appropriate improvements and corrections to the control measures within seven calendar days of the date the discharge exceeds the WQS;

3.2.1.1.4.2 Update the SWPPP with the improvements and changes to the control measures;

3.2.1.1.4.3 Submit a corrective action report consistent with Part 9.2; and

3.2.1.1.4.4 Continue to sample daily until the discharged storm water is less than the WQS for turbidity for the receiving water.

3.2.2 Discharging to an Impaired Water Body with an Approved or Established TMDL for Turbidity or Sediment (Category 4a or 4b)

3.2.2.1 Operators are not eligible for authorization under this permit if:

3.2.2.1.1 An EPA-approved or established TMDL specifically precludes such discharges; or

3.2.2.1.2 The project involves a discharge of pollutants of concern (e.g. turbidity, sediment, debris, etc.) to waters with an EPA-approved or established TMDL for turbidity or sediment, unless control measures are implemented as necessary for consistency with the assumptions and requirements of the TMDL.

3.2.2.2 If a specific wasteload or load allocation has been established for turbidity or sediment that would apply to the discharge of storm water from the construction site, the permittee must implement necessary steps to meet that allocation. The permittee must also evaluate the implementation measures recommended in the TMDL and incorporate them as appropriate.

3.2.2.3 In a situation where an EPA-approved or established TMDL for turbidity or sediment has specified a general wasteload or load allocation for a pollutant of concern (e.g. turbidity, sediment, debris, etc.) that is applicable to construction storm water discharges, but no specific requirements for construction sites have been identified in the TMDL, the permittee should consult with DEC to confirm that meeting the standards in Parts 3.0 and 4.0 will be consistent with the approved TMDL.

3.2.2.4 Where an EPA-approved or established TMDL has not specified a wasteload or load allocation applicable to construction storm water discharges, but has not specifically excluded these discharges, compliance with the requirements in Parts 3.0 and 4.0 of this permit will generally be assumed to be consistent with the approved TMDL.

3.3 Protection of Endangered Species

A permittee must protect federally-listed endangered or threatened species, or federally-designated critical habitat.

3.3.1 An applicant is not eligible to discharge if the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities (as defined in Appendix C) are likely to jeopardize the continued existence of any species that are federally-listed as endangered or threatened (listed) under the ESA or result in the adverse modification or destruction of habitat that is federally-designated as critical under the ESA.

3.3.2 An applicant is not eligible to discharge if the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities (as defined in Appendix C) would cause a prohibited take of federally-listed endangered or threatened species (as defined under Section 3 of the ESA and 50 CFR §17.3), unless such takes are authorized under Sections 7 or 10 of the ESA.

4.0 CONTROL MEASURES

4.1 Control Measure Selection and Design Considerations

4.1.1 Permittees must select, design, install, and implement the control measures in this Part to the extent practicable in light of site-specific conditions. The specific control measures are based on the requirements of the national effluent limitation guidelines (ELG) that apply to the construction and development industry (40 CFR Part 450).

4.1.2 The selection, design, installation, maintenance, and removal of control measures must be in accordance with good engineering practices and manufacturer specifications and address site-specific conditions such as precipitation, site topography, soil characteristics, and growing season. Permittees may deviate from such manufacturer's specifications where the permittee provides justification for such deviation and includes documentation of their rationale in the SWPPP. If a 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 8.0.

4.1.3 A permittee must consider the following when selecting and designing control measures:

4.1.3.1 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;

4.1.3.2 Using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in the storm water discharge;

4.1.3.3 Using technologically available and economically practicable and achievable in light of best industry practices;

4.1.3.4 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;

4.1.3.5 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;

4.1.3.6 Attenuating flow using open vegetated swales and natural depressions can reduce in stream impacts of erosive flows;

4.1.3.7 Conserving and/or restoring of riparian buffers will help protect streams from storm water runoff and improve water quality; and

4.1.3.8 Using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

4.2 Erosion Control Measures

A permittee must comply with the erosion control measures in this Part to minimize soil exposure on the site during construction.

4.2.1 Delineation of Site

A permittee must generally delineate (e.g., with flags, stakes, signs, silt fence, etc.) the location of any of the following that apply to the site:

4.2.1.1 All areas where land disturbing activities will occur, including clearing and grading; and

4.2.1.2 Specific areas that will be left undisturbed such as trees, boundaries of sensitive areas, or buffers established under Part 4.2.3.

4.2.2 Minimize the Amount of Soil Exposed during Construction Activity

A permittee must include the following in the selection of control measures and the sequence of project construction as they apply to the project site:

4.2.2.1 Preserve areas of native topsoil on the site, unless infeasible; and

4.2.2.2 Sequence or phase construction activities to minimize the extent and duration of exposed soils.

4.2.3 Maintain Natural Buffer Areas

A 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 construction activity in accordance with the following:

4.2.3.1 The buffer must be a minimum of 25 feet wide or the width as required by local ordinance, unless infeasible based on site dimensions;

4.2.3.2 Exceptions are allowed for water dependent activities, specific water access activities, or necessary water crossings;

4.2.3.3 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.

4.2.4 Clearing Vegetation

4.2.4.1 Grubbing of vegetation (as defined in Appendix C) that disturbs the vegetative mat and exposes soil is **prohibited** prior to obtaining authorization under this permit.

4.2.4.2 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.

4.2.5 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:

4.2.5.1 Divert storm water around the site so that it does not flow onto the project site and cause erosion of exposed soils;

4.2.5.2 Slow down or contain storm water that may collect and concentrate within a site and cause erosion of exposed soils;

4.2.5.3 Avoid placement of structural control measures in active floodplains to the degree technologically and economically practicable and achievable;

4.2.5.4 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; and

4.2.5.5 Install permanent storm water management controls, where practical, so that they are functional prior to construction of site improvements (e.g., impervious surfaces).

4.2.6 Protect Steep Slopes

A permittee must consider the following in the selection of control measures as they apply to the project site:

4.2.6.1 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);

4.2.6.2 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

4.2.6.3 Stabilize exposed areas of the slope in accordance with Part 4.5.

4.3 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.

4.3.1 Storm Drain Inlet Protection Measures

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 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-half of the available storage.

4.3.2 Water Body Protection Measures

A permittee must install appropriate protection measures (e.g. velocity dissipation devices in accordance with Part 4.2.5.4) 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-half of the available storage.

4.3.3 Down-Slope Sediment Controls

A permittee must 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.

4.3.4 Stabilized Construction Vehicle Access and Exit Points

A permittee must establish construction vehicle access and exit points. 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.

4.3.5 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.

4.3.6 **Soil Stockpiles**

In accordance with Part 4.5.2, 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.

4.3.7 **Authorized Non-Storm Water Discharges**

A permittee must minimize any non-storm water authorized by this permit.

4.3.8 **Sediment Basins**, where applicable:

4.3.8.1 For common drainage locations that serve an area with 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.

4.3.8.1.1 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.

4.3.8.1.2 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.

4.3.8.2 For drainage locations which serve 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).

4.3.8.3 For drainage locations serving less than 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.

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

4.3.8.5 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.

4.4 Dewatering

4.4.1 If a construction activity includes excavation dewatering that may adversely impact a local drinking water well, a DEC-identified contaminated site or groundwater plume, or Waters of the U.S., the permittee may be required to obtain authorization under the DEC General Permit for Excavation Dewatering (AKG002000 or most current version) in addition to this permit.

4.4.2 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.

4.5 Soil Stabilization

4.5.1 **Minimum Requirements for Soil Stabilization**. A permittee must stabilize all disturbed areas of the site to minimize 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, disturbed portions of the site are stabilized (Part 4.1.2), and a natural buffer is maintained (4.2.3). A permittee should avoid using impervious surfaces for stabilization. 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);
- Early application of gravel base on areas to be paved; and
- Dust control.

4.5.2 **Temporary Stabilization**. A permittee must consider the selection and implementation of control measures and the sequence of project construction as they apply to the project site.

4.5.2.1 For areas where clearing, grading, excavating, or other earth disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days the permittee must:

4.5.2.1.1 For those areas of the state with a mean annual precipitation greater than 40 inches initiate temporary stabilization measures immediately or within seven calendar days; or

4.5.2.1.2 For those areas of the state with a mean annual precipitation less than or equal to 40 inches initiate temporary stabilization measures as soon as practicable or within 14 calendar days.

4.5.2.2 For those areas of the state with a mean annual precipitation less than or equal to 40 inches and where initiating perennial vegetative stabilization measures is not possible within 14 calendar days after construction activity has temporarily ceased, vegetative or non-vegetative stabilization measures must be initiated as soon as practicable.

4.5.2.3 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 7th day or 14th day (as applicable) is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable following the actual spring thaw.

4.5.3 **Final Stabilization**. A permittee must consider the selection and implementation of control measures and the sequence of project construction as they apply to the project site.

4.5.3.1 For areas where clearing, grading, excavating or other earth disturbing activities have permanently ceased the permittee must:

4.5.3.1.1 For those areas of the state with a mean annual precipitation greater than 40 inches initiate final stabilization measures within seven calendar days; or

4.5.3.1.2 For those areas of the state with a mean annual precipitation less than or equal to 40 inches initiate final stabilization measures within 14 calendar days.

4.5.3.2 Within seven calendar days of initiating final stabilization (as defined in Appendix C), the permittee is required to complete or continue maintenance for:

4.5.3.2.1 All soil conditioning, seeding, watering, mulching, and any other required activities for the establishment of vegetative cover;

4.5.3.2.2 The installation or application of all such measures for vegetative cover; and/or

4.5.3.2.3 The placement of non-vegetative permanent stabilization measures.

4.5.3.3 For those areas of the state with a mean annual precipitation less than or equal to 40 inches and where initiating perennial final vegetative stabilization measures is not possible within 14 calendar days after construction activity has finally ceased, vegetative or non-vegetative stabilization measures must be initiated as soon as practicable.

4.5.4 **Stabilization Requirements for Terminating Permit Authorization**

To terminate authorization under this permit, final stabilization (as defined in Appendix C), must be achieved on all portions of the site for which a permittee is responsible and all ground disturbing construction activity and support activities must be completed, in accordance with Part 10.2.1.

4.6 Treatment Chemicals

The use of treatment chemicals to reduce erosion or sediment in a storm water discharge is allowed provided that all of the requirements of this Part are met.

4.6.1 **Selection of Treatment Chemicals**. Because conditions, such as soil type, water temperature, and topography vary widely within the state, it is critical that treatment chemicals be selected to accommodate site-specific conditions at each construction site. Permittees must select treatment chemicals that meet the following criteria and document the selection process in the SWPPP:

4.6.1.1 The chemical is appropriate for soils likely to be exposed during construction, the amount of precipitation expected at the site, topography, and water chemistry;

4.6.1.2 Manufacturer and/or supplier provided Material Safety Data Sheets, specifications, and instructions for the transport, handling, storage, application, and disposal of the treatment chemical;

4.6.1.3 Approval by EPA for potable water use;

4.6.1.4 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;

4.6.1.5 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;

4.6.1.6 It is non-toxic to aquatic organisms when applied following the manufacturer or supplier recommended method of use and rate of application. A permittee is <u>prohibited</u> from using cationic polymers, except for the use of chitosan as part of an Active Treatment System in compliance with Part 4.6.3.3; and

4.6.1.7 All person(s) who handle and apply treatment chemicals at the construction site must receive training in the proper handling and application of treatment chemicals. The names and titles of persons who receive training and the date(s) training occurred must be documented in the SWPPP in accordance with Part 5.8.2.7.

4.6.2 **Use of Treatment Chemicals**. If treatment chemicals are used, the permittee must comply with the following requirements:

4.6.2.1 Use treatment chemicals in accordance with good engineering practices and product-specific specifications. If during an inspection the DEC finds the permittee exceeds the manufacturer specifications in the use of a treatment chemical, the DEC may prohibit further use of the treatment chemical at the construction activity;

4.6.2.2 Prior to and after use, install appropriate physical control measures (e.g., rolled erosion control products, ditch check dams, sediment basins, sediment bags, filtration) to ensure effectiveness of the treatment chemical;

4.6.2.3 Document the following in the SWPPP:

4.6.2.3.1 Specific chemicals and chemical treatment systems used;

4.6.2.3.2 Names and titles of person(s) who handle and apply treatment chemicals;

4.6.2.3.3 Title of training conducted, date, and attendees.

4.6.2.3.4 A permittee must train employees who handle treatment chemicals to comply with the information required by 4.6.1; and

4.6.2.4 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 Waters of the U.S.

4.6.3 **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.

4.6.3.1 **Land Application**

4.6.3.1.1 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;

4.6.3.1.2 A permittee shall use an application method that provides uniform coverage of the target area and avoids drift to non-target areas;

4.6.3.1.3 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.; and

4.6.3.2 **Water Application** (including conveyance channel)

4.6.3.2.1 A permittee shall follow the manufacturer and/or suppliers written recommended application rate, including site-specific considerations;

4.6.3.2.2 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.;

4.6.3.2.3 Treatment chemicals shall not be applied directly to a Waters of the U.S.; and

4.6.3.2.4 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.

4.6.3.3 Active Treatment System**s**. A permittee who uses an Active Treatment System must submit the following project information to the DEC at least 14 days prior to the start of operation of an active treatment system at the project location[2]. At a minimum, the information must provide details on the following:

- Relevant information required by Part 4.6.1,
- Engineering plans,
- Description of treatment process,
- Site conditions (including soil types),
- Treatment chemicals and 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.

4.7 Prohibited Discharge

4.7.1 **A permittee is prohibited from discharging the following from the site**:

4.7.1.1 Wastewater from concrete washout, unless managed by an appropriate control measure;

4.7.1.2 Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

[2] Specific submittal requirements can be found at the DEC storm water website at http://dec.alaska.gov/water/wnpspc/stormwater/sw_construction.htm

4.7.1.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

4.7.1.4 Soaps or solvents used in vehicle and equipment washing.

4.8 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.

4.8.1 **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:

4.8.1.1 Designate areas to be used for washing of equipment and vehicles and/or wheel wash-down and conduct such activities only in these areas;

4.8.1.2 Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and Waters of the U.S.;

4.8.1.3 Treat all wash water in a sediment basin or use alternative control measures that provide equivalent or better treatment prior to discharge; and

4.8.1.4 To comply with the prohibition in Part 4.7.1.4, the discharge of soaps and solvents used in equipment and vehicle washing and/or wheel wash-down is strictly prohibited.

4.8.2 **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:

4.8.2.1 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);

4.8.2.2 Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and Waters of the U.S.;

4.8.2.3 Minimize the exposure to precipitation and storm water or use secondary containment structures designed to eliminate the potential for spills or leaked chemicals; and

4.8.2.4 To comply with the prohibition in Part 4.7.1.3, a permittee must:

4.8.2.4.1 Clean up spills or contaminated surfaces immediately;

4.8.2.4.2 Ensure adequate clean up supplies are available at all times to handle spills, leaks, and disposal of used liquids;

4.8.2.4.3 Use drip pans or absorbents under or around leaky equipment and vehicles; and

4.8.2.4.4 Dispose of liquid wastes or materials used for fueling and maintenance in accordance with Part 4.8.6.

4.8.3 **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:

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

4.8.3.2 Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and Waters of the U.S.; and

4.8.3.3 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.

4.8.4 **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:

4.8.4.1 Designate areas to be used for washout;

4.8.4.2 Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and Waters of the U.S.;

4.8.4.3 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;

4.8.4.4 Dispose of liquid wastes in accordance with Part 4.8.6; and

4.8.4.5 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 4.8.6.

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

4.8.5.1 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

4.8.5.2 Obtain authorization under the Pesticide General Permit for Discharges from the Application of Pesticides (AKG870000 or current version) from the DEC Division of Water and/or a Pesticide-Use Permit from the DEC Division of Environmental Health[3].

4.8.5.3 Use pesticides in compliance with federal, state, and local requirements.

4.8.6 **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:

[3] Detailed information on the General Permit for Discharges from the Application of Pesticides can be accessed at: http://dec.alaska.gov/water/wnpspc/stormwater/PesticideGP.html and information on Pesticide-Use Permits can be accessed at: http://dec.alaska.gov/eh/pest/pe.htm

4.8.6.1 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.;

4.8.6.2 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;

4.8.6.3 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

4.8.6.4 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.

4.9 Spill Notification

4.9.1 A permittee is prohibited from discharging hazardous substance or oil from a spill or other release. Upon discovery of a spill, a permittee must report the spill in accordance with Part 9.4.

4.10 Permanent Storm Water Management Control

A permittee must comply with applicable APDES MS4 permit requirements, local requirements, and the applicable requirements under 18 AAC 72.600 (i.e., Nondomestic Wastewater System Plan Review) regarding the design and installation of permanent storm water management controls. Structural measures should be placed on upland soils to the degree practicable and achievable.

4.10.1 A permittee who constructs, alters, installs, modifies, or operates any part of a permanent storm water management control at a site and is located outside a municipality operating under an APDES MS4 permit must submit a copy of the engineering plans in accordance with 18 AAC 72.600 to DEC for review at the address in Appendix A Part 1.1.1 at least 30 calendar days before the commencement of construction.

4.10.2 A permittee who constructs, alters, installs, modifies, or operates any part of a permanent storm water management control measure at a site and is located inside a municipality operating under an APDES MS4 permit must submit a copy of the required submittal information to the respective MS4 operator for review . Permittees must contact the MS4 Operator for submittal deadlines. See http://dec.alaska.gov/water/wnpspc/stormwater/sw_municipal.htm for a list of MS4 Operators and their contact information

4.11 Winter Considerations

4.11.1 **Winter Shutdown**. A permittee who plans to cease construction during the winter and resume construction the next summer must plan for winter shutdown and prepare their site to manage storm water flows until construction activities resume. 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. **Frozen ground by itself is not considered an acceptable control measure for stabilization**.

A permittee must ensure the following measures are complete prior to fall freeze-up and maintained until construction activities resume:

4.11.1.1 Temporary or permanent stabilization for conveyance channels;

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

4.11.1.3 Proper installation of erosion and sediment control measures in anticipation of spring thaw.

4.11.2 **Winter Construction**. A permittee conducting winter construction activities that may extend beyond spring thaw must install appropriate control measures to minimize erosion or sediment runoff during spring thaw and summer rainfall[4].

Permit authorization 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..

4.12 Maintenance of Control Measures

4.12.1 A permittee must maintain all control measures, good housekeeping measures, and other protective measures in effective operating condition. If site inspections required by Part 6.0 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 8.0.

4.12.2 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 the deadlines stated in Part 8.2.

4.12.3 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.

[4] The Alaska Storm Water Guide, Chapters 3 and 4, provide guidance on the selection, design, and installation of winter construction practices and controls.

4.13 Storm Water Lead and Training of Employees

A permittee must identify one "qualified person" (as defined in Appendix C) as the storm water lead to ensure the control measures described in the SWPPP are implemented as written, or modified as necessary, during construction. The qualifications and training for the storm water lead, SWPPP preparer, storm water inspector, and monitoring person for a site varies with the size of the project. A permittee must ensure that employees and subcontractors receive adequate training to ensure proper installation, maintenance, and removal of the control measures described in the SWPPP for the project.

4.14 Applicable Federal, State, Tribal, or Local Requirements

A permittee must ensure that the storm water control measures implemented at the site are consistent with all applicable federal, state, tribal, or local requirements for soil and erosion control and storm water management.

5.0 STORM WATER POLLUTION PREVENTION PLAN

5.1 Storm Water Pollution Prevention Plan (SWPPP)

5.1.1 A permittee must prepare a SWPPP for each site before submitting their NOI for permit coverage and document the control measures implemented at the site. The SWPPP is intended to document the selection, design, installation, and implementation of control measures that are being used to comply with the requirements set forth in Parts 3.0 and 4.0.

5.1.2 The SWPPP must, at a minimum:

5.1.2.1 Include the information described in Part 5.3.

5.1.2.2 Be implemented as written, including any modifications for changes in design or field conditions, until the submittal of the NOT.

5.1.2.3 Be developed by a "qualified person" (as defined in Appendix C).

5.1.2.4 Be signed and certified in accordance with Appendix A, Part 1.12.

5.2 Deadlines for SWPPP Preparation

5.2.1 An operator must prepare a SWPPP before submitting the NOI for authorization under this permit.

5.2.2 A permittee with an ongoing project with authorization under a previous construction general permit and a SWPPP that was developed based on that permit must review and update the SWPPP prior to submitting the NOI for authorization under this permit (see Part 2.4.2.2).

5.2.3 A permittee must provide a copy of the applicable portions of the SWPPP, or site–specific training to each subcontractor who engages in soil disturbing activities prior to the subcontractor conducting any soil disturbing activity. Any significant revisions to the SWPPP that affect the subcontractor's soil disturbing activities must be provided to the subcontractor in a timely manner.

5.3 SWPPP Contents

At a minimum, the SWPPP must include the following:

5.3.1 **Permittee(s)**

Identify the permittee(s) for the site and any subcontractors that may work on the site, including the areas where the subcontractors may be or are expected to conduct activities covered by this permit.

5.3.2 **Storm Water Contact(s)**

Identify the following qualified person(s) responsible for the following (Note: A small project may have all these responsibilities carried out by one person):

5.3.2.1 Storm Water Lead;

5.3.2.2 Updating the SWPPP according to Part 5.9;

5.3.2.3 Conducting inspections according to Part 6.0;

5.3.2.4 Conducting monitoring (if applicable) according to Part 7.0; and

5.3.2.5 Operating an Active Treatment System (if applicable) according to 4.6.3.3.

5.3.3 **Project Site-Specific Conditions**. Briefly describe the existing site-specific conditions, including:

5.3.3.1 The mean annual precipitation based on the nearest appropriate weather station;

5.3.3.2 Site conditions such as soils, topography, drainage patterns, approximate growing season, and vegetation; and

5.3.3.3 Receiving waters such as impaired waters or waters listed in the Alaska Department of Fish &Game (ADF&G) Anadromous Waters Catalog.

5.3.4 **Nature of Construction Activity**. Briefly describe the nature of the construction activity, including:

5.3.4.1 The function of the project (e.g., low density residential, shopping mall, subdivision, airport, highway, etc.);

5.3.4.2 The intended sequence and timing of activities that disturb soils at the site;

5.3.4.3 Size of the property including support activities described in Part 1.4.2.3 (in acres) and the total area expected to be disturbed by excavation, grading, or other construction activities (in acres);

5.3.4.4 A general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) with enough detail to identify the location of the construction site and Waters of the U.S. within one mile of the site; and

5.3.4.5 Identification of all potential sources of pollutants that may reasonably be expected to affect the quality of the storm water discharges from the site.

5.3.5 **Site Map(s)**. The SWPPP must contain a legible site map (or set of maps for large projects) showing the entire site and identifying the following site-specific information:

5.3.5.1 Boundaries of the property where construction activities will occur;

5.3.5.2 Locations where earth-disturbing activities will occur, noting any phasing of construction activities;

5.3.5.3 Location of areas that will not be disturbed and natural features to be preserved;

5.3.5.4 Location of all storm water conveyances including ditches, pipes, and swales;

5.3.5.5 Locations of storm water inlets and outfalls, with a unique identification code for each outfall;

5.3.5.6 Municipal separate storm sewer systems, if present;

5.3.5.7 Direction(s) of storm water flow and approximate slopes anticipated after grading activities;

5.3.5.8 Locations of existing public water system drinking water protection areas (e.g., springs, wells, or surface water intakes) that intersect the boundary of the site;

5.3.5.9 Locations where control measures will be or have been installed;

5.3.5.10 Locations where exposed soils will be stabilized or have been stabilized;

5.3.5.11 Locations where post-construction storm water controls will be or have been installed;

5.3.5.12 Locations of support activities described in Part 1.4.2.3;

5.3.5.13 Locations where authorized non-storm water will be used, including the types that will be used on-site;

5.3.5.14 Locations and sources of run-on to the site from adjacent property that may contain significant quantities of pollutants;

5.3.5.15 Locations of all Waters of the U.S. (including significant wetland areas 10,000 square feet or greater) on the site and those located within 2,500 feet of the site boundary that may be affected by storm water discharges from the site;

5.3.5.16 Locations where storm water and/or authorized non-storm water discharges to Waters of the U.S. (including wetlands) or an MS4; and

5.3.5.17 Sampling Point(s) (if applicable): A permittee subject to the requirements of Parts 3.2 must include the location(s) of the storm water discharge sampling point(s). For a linear project, indicate which sampling points are considered substantially identical, in accordance with Part 7.3.4; and

5.3.5.18 Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.

5.3.6 **Control Measures**. The SWPPP must describe and document the location of all control measures that will be installed and maintained to meet the requirements in Parts 3.0 and 4.0. For each major activity identified in the project description, the SWPPP must clearly document the following.

5.3.6.1 The type of control measure to be installed and maintained and the location on the site for installation.

5.3.6.2 The general sequence during the construction process in which the control measures will be installed and made operational, as well as the manufacturer's specifications for installation.

5.3.6.3 The general sequence of the stabilization practices that will be used to achieve temporary or final stabilization on exposed portions of the site as required in Part 4.5.

5.3.6.4 The type of treatment chemicals used on the site and a description of the general location of their use at the site, in accordance with in Part 4.6.

5.3.6.5 The information submitted to DEC for an active treatment system, in accordance with Part 4.6.3.3

5.3.6.6 The good housekeeping measures that will be used at the site, if any, in accordance with Part 4.8.

5.3.6.7 A description of spill prevention and response measures that will be used at the site, in accordance with Part 4.9. The permittee may reference the existence of other plans for Spill Prevention and Control and Countermeasure (SPCC) for the project, provided that a copy of the other plan(s) is kept with the SWPPP.

5.3.6.8 A description of all permanent storm water management controls that will be installed at the site, including their location, in accordance with Part 4.9.

5.3.6.9 For projects that expect a winter shutdown, the SWPPP must provide a description of the following:

5.3.6.9.1 Anticipated dates of fall freeze-up and spring thaw (as defined in Appendix C); and

5.3.6.9.2 The methods the permittee will use to address winter considerations in accordance with Part 4.11.

5.3.6.10 A description of maintenance procedures for the control measures in accordance with Part 4.12.

5.3.6.11 A description of the training relevant to the construction activity and control measures used at the site in accordance with Part 4.13.

5.3.7 **Construction and Waste Materials**. The SWPPP must describe in general terms the type of construction and waste materials expected to be stored at the site with updates as appropriate and describe the measures for the handling and disposal of all wastes generated at the site, including clearing and demolition debris or other waste soils removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

5.3.8 **Locations of Other Industrial Storm Water Discharges**. The SWPPP must describe and identify the location of any storm water discharge associated with support activities described in Part 1.4.2.3. This includes storm water discharges from dedicated asphalt plants and dedicated concrete plants that are covered by this permit.

5.3.9 **Non-Storm Water Discharges**. The SWPPP must identify all authorized sources of non-storm water discharges listed in Part 1.4.3 of this permit, except for flows from fire-fighting activities that are combined with storm water discharges associated with construction activity at the site. The SWPPP must also describe the good housekeeping measures used to control or reduce non-storm water discharges.

5.3.10 Schedules and Procedures

5.3.10.1 **Good Housekeeping**. A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks, and containers;

5.3.10.2 **Maintenance**. Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all equipment 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 even occur while a control measure is off-line;

5.3.10.3 **Spill Prevention and Response Procedures**. Procedures for preventing and responding to spills and leaks. The permittee may reference the existence of other plans for Spill Prevention Control and Countermeasures (SPCC) developed for the facility under Section 311 of the CWA provided that the permittee keeps a copy of that other plan onsite and makes it available for review;

5.3.10.4 **Employee Training**. A schedule for all types of necessary training.

5.4 Inspections

5.4.1 The SWPPP must document the procedures for performing site inspections specified by Part 6.0 of this permit, and where necessary, procedures for taking corrective actions in accordance with Part 8.0. At a minimum, the SWPPP must document the following:

5.4.1.1 Person(s) or positions of person(s) responsible for conducting site inspections;

5.4.1.2 Schedules to be followed for conducting inspections;

5.4.1.3 Any inspection checklist or form that will be used to collect and summarize data and observations; and

5.4.1.4 How conditions found that require corrective action will be addressed.

5.4.2 A record of each inspection and of any corrective actions taken in accordance with Part 8.0 must be retained with the SWPPP for at least three years from the date that permit authorization expires or is terminated.

5.5 Monitoring Plan (if applicable)

5.5.1 A permittee subject to the monitoring requirements in Part 3.2 must include a copy of the monitoring plan that complies with Part 7.0. At a minimum the SWPPP must document the following:

5.5.1.1 Person(s) or positions of person(s) responsible for conducting monitoring;

5.5.1.2 Schedules to be followed for conducting the monitoring;

5.5.1.3 Any monitoring checklist or form that will be used to record monitoring results; and

5.5.1.4 How conditions found that require corrective action will be addressed.

5.5.1.5 A record of each monitoring event,

5.5.1.6 The annual report submitted to DEC in accordance with Part 9.1, and

5.5.1.7 Any corrective actions taken in accordance with Part 8.0.

5.5.2 A record of each monitoring event and of any corrective actions taken in accordance with Part 7.0 and 8.0 must be retained with the SWPPP for at least three years from the date permit coverage expires or is terminated.

5.6 Documentation of Permit Eligibility Related to a Total Maximum Daily Load

The SWPPP must include documentation supporting a determination of permit eligibility with regards to waters that have an EPA-established or approved TMDL. See Part 3.2 for additional information to determine eligibility related to a TMDL. The SWPPP must include the following:

5.6.1 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;

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

5.6.3 Measures taken by the permittee to ensure that the discharge of pollutants from the site 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.

5.7 Documentation of Permit Eligibility Related to Endangered Species

The SWPPP must include documentation supporting a determination of permit compliance with regard to the Endangered Species Act (ESA), including:

5.7.1 Information on whether federally-listed endangered or threatened species or designated critical habitat may be in the project area;

5.7.2 Whether such species or critical habitat may be adversely affected by storm water discharges or storm water discharge-related activities from the project;

5.7.3 Results of the listed species and critical habitat screening determinations;

5.7.4 Any correspondence between the U.S. Fish and Wildlife Service (USFWS), EPA, National Marine Fisheries Service (NMFS), or others and the permittee regarding listed species and critical habitat, including any notification that delays the permittee's authorization to discharge under this permit; and

5.7.5 A summary description of measures necessary to protect federally-listed endangered or threatened species or federally-designated critical habitat.

5.8 Post-Authorization Records

5.8.1 **Copy of Permit Requirements**. The SWPPP must contain the following documents:

5.8.1.1 A copy of this permit;

5.8.1.2 A copy of the signed and certified NOI form submitted to DEC; and

5.8.1.3 Upon receipt, a copy of the letter from DEC authorizing permit coverage and providing the permit tracking number.

5.8.2 **Additional Documentation Requirements**. Summaries of the following information, or copies of the reports, must be maintained with the SWPPP by the permittee following authorization under this permit:

5.8.2.1 Grading and Stabilization Activities Log

5.8.2.1.1 Date(s) when grading activities occur;

5.8.2.1.2 Description of Grading Activity and Location

5.8.2.1.3 Date(s) when construction activities temporarily or permanently cease on a portion of the site;

5.8.2.1.4 Date(s) when stabilization measures are initiated;

5.8.2.1.5 Description of Stabilization Measure.

5.8.2.2 Date of beginning and ending period for winter shutdown;

5.8.2.3 Copies of inspection reports as required in Part 5.5.1.5;

5.8.2.4 Copies of monitoring reports or annual reports (if applicable) as required in Part 5.5.2 and 9.1.

5.8.2.5 Log of SWPPP modifications;

5.8.2.6 Documentation required in Part 4.6.2 (i.e. Material Safety Data Sheet, manufacturer and/or supplier test results, or employee training information)

5.8.2.7 Records of employee training, including the date(s) training was received;

5.8.2.8 Documentation of maintenance and repairs of control measures, including date(s) of regular maintenance, date(s) of discovery of areas in need of repair/maintenance, and date(s) that the control measure(s) returned to full function; and

5.8.2.9 Description of any corrective action taken at the site, including the event that caused the need for corrective action and dates when problems were discovered and modifications occurred, in accordance with Part 8.0.

5.9 Maintaining an Updated SWPPP

5.9.1 **SWPPP Modifications**. A permittee must modify the SWPPP, including site map(s) in response to any of the following:

5.9.1.1 Whenever changes are made to construction plans, control measures, good housekeeping measures, monitoring plan (if applicable), or other activities at the site that are no longer accurately reflected in the SWPPP. This includes changes made in response to corrective actions triggered under Part 8.0 and notifications by the permittee(s);

5.9.1.2 If inspections or investigations by site staff or by local, state, tribal or federal officials determine that SWPPP modifications are necessary for compliance with this permit; or

5.9.1.3 To reflect any revisions to applicable federal, state, tribal, or local law that affect the control measure implemented at the construction site.

5.9.2 **Log of SWPPP Modifications**. 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 new control measures, changes in project design, or significant storm events that cause for the replacement of control measures).

5.9.3 **Deadlines for SWPPP Modifications**. Revisions to the SWPPP must be completed within seven days of the inspection that identified the need for a SWPPP modification or within seven days of substantial modifications to the construction plans or changes in site conditions.

5.10 Additional SWPPP Requirements

5.10.1 **Retention of the SWPPP**

5.10.1.1 A copy of the SWPPP (including a copy of the permit), NOI, and acknowledgement letter from DEC must be retained at the construction site or other location easily accessible during normal business hours. If the permittee has day-to-day operational control over SWPPP implementation, the permittee must have a copy of the SWPPP available at a central location at the site for the use of all those identified as having responsibilities under the SWPPP whenever they are on the construction site. If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance at the site.

5.10.2 **Main Entrance Signage**

A sign or other notice must be posted conspicuously near the main entrance of the site. If there is insufficient space near the main entrance to post a sign or notice, the notice can be posted in a local public building such as the town hall or public library. For linear projects (e.g. highways or utilities) the sign or other notice must be posted at a location near the main entrance of the construction project (such as where a pipeline project crosses a public road) where the public may read it during non-business hours. The sign or other notice must contain the following information:

5.10.2.1 A copy of the completed NOI (and NOI modification) as submitted to DEC; and

5.10.2.2 The location of the SWPPP or the name and telephone number of the contact person for scheduling SWPPP viewing times. If the location of the SWPPP or the name and telephone number of the contact person for scheduling SWPPP viewing times has changed (i.e., is different than that submitted to DEC in the NOI), the current location of the SWPPP and name and telephone number of a contact person for scheduling viewing times.

5.10.3 **Availability of SWPPP**

5.10.3.1 A permittee is required to keep a current copy of the SWPPP at the site or other location easily accessible during normal business hours.

5.10.3.2 A permittee may move the location where the SWPPP is available during the winter shut down for a site that is expected to have a winter shutdown provided that the winter SWPPP location conforms to the requirements of Part 5.10.2.

5.10.3.3 A permittee must ensure that each subcontractor who engages in soil disturbing activities is provided access to a copy of the SWPPP and is familiar with relevant portion(s) thereof that relate to the subcontractor's activities at the project.

5.10.3.4 The SWPPP must be made available upon request by: DEC; EPA; a state, tribal or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; the operator of a MS4 receiving discharges from the site; and representatives of the ADF&G, USFWS or the NMFS. An electronic or hard copy of the SWPPP must be made available in its entirety to DEC staff for review and copying upon request.

5.10.4 **Signature and Certification**

The SWPPP must be signed and certified in accordance with the requirements of Appendix A, Part 1.12

5.11 Requirements for Different Types of Operators

The permittee may meet one or both of the operational control components in the definition of operator found in Appendix C. Part 5.11.3 applies to all permittees having control over only a portion of a construction site.

5.11.1 If the permittee has operational control over construction plans and specifications, the permittee must ensure that:

5.11.1.1 The project specifications meet the minimum requirements of this Part and all other applicable permit conditions;

5.11.1.2 The SWPPP indicates the areas of the project where the permittee has operational control over project specifications, including the ability to make modifications in specifications;

5.11.1.3 All other permittees implementing portions of the SWPPP (or their own SWPPP) who may be impacted by a change to the construction plan are notified of such changes in a timely manner; and

5.11.1.4 The SWPPP indicates the name of the party(ies) with day-to-day operational control of those activities necessary to ensure compliance with the SWPPP or other permit conditions.

5.11.2 If the permittee has operational control over day-to-day activities, the permittee must ensure that:

5.11.2.1 The SWPPP meets the minimum requirements of this Part and identifies the parties responsible for implementation of control measures identified in the plan;

5.11.2.2 The SWPPP indicates areas of the project where the permittee has operational control over day-today activities; and

5.11.2.3 The SWPPP indicates the name of the parties with operational control over project specifications (including the ability to make modifications in specifications).

5.11.3 If the permittee has operational control over only a portion of a larger common plan of development (e.g., one of four homebuilders in a subdivision), the permittee must ensure that:

5.11.3.1 They comply with all applicable control measures, terms, and conditions of this permit as it relates to the activities on the permittee's portion of the construction site, including, but not limited to: monitoring (if applicable), inspections, and protection of endangered species, critical habitat, and cultural resources.

5.11.3.2 They implement a portion of a comprehensive SWPPP or develop and implement a separate SWPPP that covers only their portion of the project in compliance with Part 5.1.

5.11.3.3 Activities on their portion of the site do not render another party's control measures ineffective.

6.0 INSPECTIONS

6.1 Inspection Frequency

6.1.1 A permittee must conduct inspections at one of the following schedule:

6.1.1.1 Once every seven calendar days; or

6.1.1.2 Once every 14 calendar days and within 24 hours of the end of a storm event that resulted in a discharge from the site.

6.1.2 A permittee must specify in the SWPPP which schedule will be followed.

6.2 Case-by-Case Reductions in Inspection Frequency

A permittee may reduce inspection frequency in the following situations:

6.2.1 If the entire site is temporarily stabilized in accordance with Part 4.5, a permittee may reduce the frequency of inspections to at least once every 30 calendar days and within two business days of the end of a storm event that resulted in a discharge from the site;

6.2.2 If portions of the site have achieved final stabilization in accordance with Part 4.5 but construction activity remains on other portions of the site, a permittee may suspend inspections for those portions that have achieved final stabilization; however, the permittee must conduct subsequent inspections within two business days of the end of a storm event that results in a discharge from that portion of the site previously considered finally stabilized;

6.2.3 If construction is occurring during seasonal arid or semi-arid periods, the permittee may reduce the frequency of inspections to at least once every 30 calendar days and within two business days of the end of a storm even that results in a discharge from the site;

6.2.4 If the project is undergoing winter shutdown (as defined in Appendix C) and is documented in accordance with Part 5.3.6.9, a permittee may stop inspections 14 calendar days after the anticipated fall freeze-up and must resume inspections in accordance with Part 6.1 at least 21 calendar days prior to the anticipated spring thaw; or

6.2.5 If the entire site has achieved final stabilization (as defined in Appendix C) and a NOT has been submitted, no further inspection requirements apply to the site.

6.3 Qualified Person

An inspection must be conducted by a qualified person (as defined in the Appendix C) provided by a permittee.

6.4 Site Inspection

6.4.1 **Location of Inspections**. During a site inspection, a permittee must at a minimum inspect the following areas of the site:

6.4.1.1 Areas of the site disturbed by construction activity (e.g., areas cleared, graded, or excavated);

6.4.1.2 Areas used for storage of materials that are exposed to precipitation;

6.4.1.3 Areas where control measures are installed and maintained at the site;

6.4.1.4 Areas where sediment and other pollutants have accumulated or been deposited and may have the potential for or are entering the storm water conveyance system;

6.4.1.5 Locations where vehicles enter or exit the site;

6.4.1.6 Areas where storm water typically flows, including the storm water conveyance system;

6.4.1.7 Points of discharge from the site. Where such discharge locations are inaccessible, the nearest downstream location must be inspected to the extent that such inspections are practicable; and

6.4.1.8 Portions of the site where temporary or permanent stabilization measures have been initiated.

6.4.2 **Scope of Inspection**. At a minimum, the scope of the site inspection must include the following:

6.4.2.1 Check whether all control measures are installed and operating as intended and determine if any control measures need to be replaced, repaired, or maintained;

6.4.2.2 Check for the presence of accumulated sediment near the project area boundary that has a potential for being washed outside of the project boundary on locations such as roadways or parking lots, storm water conveyance systems, storm drain inlets, and discharge points;

6.4.2.3 Check for the evidence of, or the potential for spills, leaks, or other accumulations of pollutants on the site entering the storm water conveyance system or Waters of the U.S.;

6.4.2.4 Describe visible areas where erosion has occurred near the project area boundary that has a potential for being washed outside of the project boundary;

6.4.2.5 Identify any locations where new or modified control measures are necessary to meet the requirements in Part 4.0;

6.4.2.6 Identify all points where there is a discharge from the site and describe the conditions that are contributing to that discharge (e.g., recent storm event with failure of a control measure); and

6.4.2.7 Any incidents of noncompliance observed and corrective actions taken pursuant to Part 8.0.

6.5 Linear Project Inspections

6.5.1 Representative inspections may be performed at linear projects if the areas described in Part 6.4 are inaccessible, unsafe for personnel, would compromise stabilized areas, or would cause additional disturbance of soils.

6.5.2 Representative inspections must be performed by a qualified person (as defined in Appendix C).

6.5.3 To conduct representative inspections, a qualified person must inspect control measures along the site 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the site and allows access to the areas described in Part 6.4. The conditions of the control measures along each inspected 0.25 mile segment may be considered as representative of the condition of control measures along that reach extending from the end of the 0.25 mile segment to either the end of the next 0.25 mile inspected segment, or to the end of the project, whichever occurs first.

6.5.4 If treatment chemicals are used then inspections must be conducted of all areas using the treatment chemicals.

6.6 Inspections by DEC or Applicable Government Authority

6.6.1 A permittee must allow an authorized representative of DEC, EPA, or the MS4 operator at any reasonable time to:

6.6.1.1 Enter onto the site where a regulated construction activity is conducted or where records are kept under the conditions of this permit;

6.6.1.2 Access and copy any records that must be kept under the conditions of this permit;

6.6.1.3 Inspect any portion of the site, including any off-site staging areas or material storage areas and the erosion and/or sediment control measures; and

6.6.1.4 Sample or monitor for the purpose of ensuring compliance.

6.7 Inspection Report

For each inspection required by this Part, the permittee must complete an inspection report.

6.7.1 At a minimum, the inspection report must include:

6.7.1.1 The inspection date;

6.7.1.2 Names, titles, and qualifications of personnel conducting the inspection;

6.7.1.3 Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a general estimate of the beginning day of each storm event, duration of each storm event, and whether any discharges occurred (information from the nearest National Weather Service Station may be adequate);

6.7.1.4 Weather information and a description of any discharges occurring at the time of the inspection;

6.7.1.5 Location(s) of discharges of sediment or other pollutants from the site;

6.7.1.6 Location(s) of control measures that need to be maintained;

6.7.1.7 Location(s) of control measures that failed to operate as designed or proved inadequate for a particular location;

6.7.1.8 Location(s) where additional control measures are needed that did not exist at the time of inspection; and

6.7.1.9 Corrective action required, if any, including complete-by dates.

6.7.2 The inspection report must be signed in accordance with Appendix A, Part 1.12.

7.0 MONITORING

7.1 General Requirements

7.1.1 A permittee whose project is subject to Part 3.2 Discharge to Impaired Water Body is required to develop, implement, and modify a written site-specific plan for analytical monitoring that includes all the requirements of this Part and follows the applicable DEC Quality Assurance Guidance for a Water Quality Monitoring Plan[5].

7.1.2 The 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.

7.2 Qualified Person

Monitoring must be conducted by a qualified person (as defined in Appendix C) provided by a permittee.

7.3 Discharge Monitoring Requirements

7.3.1 **Sampling Parameter**

A permittee must sample for turbidity if the construction activity meets the requirements of Part 7.1.

7.3.2 **Sampling Frequency**

7.3.2.1 Sampling must be conducted during or immediately following any storm event (as defined in Appendix C) or snowmelt event that results in a discharge from the site.

7.3.2.2 A permittee must collect at least two representative samples of the discharge. In the monitoring plan the permittee must characterize the number and frequency of samples to be measured/collected per discharge so as to represent the water quality conditions in the discharge (at minimum two samples per day per storm event).

7.3.2.3 A permittee is only required to collect samples during normal business hours and when conditions are safe for sampling personnel. When unsafe conditions (i.e., those that are dangerous or create inaccessibility for personnel) prevent the collection of samples, the permittee must conduct sampling of the discharge from the site as soon as the conditions are safe for sampling.

7.3.2.4 If a permittee is unable to collect a sample of the discharge due to unsafe conditions, the reason must be documented and attached to all required reports and records of the sampling activity.

[5] Detailed requirements can be accessed at the following web page: http://dec.alaska.gov/water/wqapp/wqapp_index.htm

7.3.3 **Sampling Locations**

7.3.3.1 The permittee is required to conduct sampling at all discharge points where storm water or authorized non-storm water is discharged offsite.

7.3.3.2 Linear projects are also subject to the visual monitoring requirements in Part 7.4.

7.3.3.3 All sampling locations must be identified on the SWPPP site map and be clearly marked in the field with a flag, tape, stake, or other visible marker.

7.3.3.4 **Discharging to an Impaired Water body**. If the project is subject to Part 3.2, the permittee is required to conduct sampling at the following locations:

- At a representative location upstream from the point of discharge into receiving water body or outside the area of influence of the discharge; and
- At a representative location downstream from the point of discharge into the receiving water body, inside the area of influence of the discharge. Alternative, the sample may be taken at the point it leaves the construction site, rather than when it is in the receiving water body.

7.3.4 **Representative Discharge Point for a Linear Project.** If a linear project has two or more outfalls that discharge substantially identical effluents, based on similarities of the soil disturbance and construction activity occurring within the drainage areas of the discharge point, the permittee may collect a representative sample of the storm water discharge at one of the discharge points and report that the quantitative data also apply to the substantially identical discharge point(s). For this to be permissible, the permittee must describe the following in the monitoring plan:

7.3.4.1 Locations of the discharge points;

7.3.4.2 Why the discharge points are expected to discharge substantially identical pollutants; and

7.3.4.3 Estimates of the size of the drainage area (in square feet) for each of the discharge points.

7.3.5 **Commingled Discharges**. If, prior to discharging, storm water flow commingles with sources of storm water that originate outside of the construction site or on property that is not owned or operated by the permittee, the following applies:

7.3.5.1 A permittee is required to collect samples of discharges from the construction site that consist in part of storm water that originates outside of the construction site and discharges from the site; or

7.3.5.2 If storm water originates outside of the construction site then discharges from the permittee's property but does not come into contact with the site construction activities, the permittee is not required to sample this discharge.

7.3.6 **Sample Type**. All sampling performed by the permittee must be representative of the flow and characteristics of the discharge.

7.3.7 **Sampling and Analysis Methods**

7.3.7.1 Turbidity analysis must be performed with an EPA-approved field-calibrated nephelometer or turbidity meter (turbidimeter) for water quality measurements.

7.3.7.2 Samples required by this permit should be analyzed immediately.

7.3.7.3 Automatic sampling may be used; however, samples from automatic samplers must be collected no later than the next business day after their accumulation, unless flow through automated analysis is used and analyzed consistent with Part 7.3.7.2.

7.3.7.4 If the permittee cannot conduct field turbidity measurements, then all laboratory analysis must be conducted according to test procedures specified in 40 CFR Part 136, unless other test procedures have been specified in this permit. Samples must be preserved as required by the appropriate EPA-approved method of analysis and analyzed within specified holding times.

7.3.8 **Rainfall Monitoring**

7.3.8.1 A permittee must use a rain gauge on site or utilize the nearest National Weather Service (NWS) precipitation gauge station to determine the amount of rainfall during a storm event if the NWS gauge used is located within 20 miles of the site.

7.3.8.2 A permittee must maintain records of the rainfall amounts and dates of rainfall events as part of the SWPPP, in accordance with Part 9.5.

7.3.9 **Recording Monitoring Data**. A permittee must retain records of all sampling information and reports as part of the SWPPP, in accordance with Part 9.5. For each sample collected, the permittee must record the following:

7.3.9.1 The date, monitoring location, method, and time of sampling;

7.3.9.2 The name and title of the individual(s) who performed the sampling and analyses;

7.3.9.3 The date(s) analyses were performed;

7.3.9.4 The analytical techniques or methods used; and

7.3.9.5 The results of such analyses in nephelometric turbidity units (NTU) and all calibration and quality control information used to validate the measurement(s).

7.3.10 **Reporting Monitoring Results**

7.3.10.1 All monitoring data collected pursuant to Part 7.0 must be submitted to DEC, in accordance with Part 9.1, Annual Reports. (Note: The monitoring data collected under this Part does not need to conform to Appendix A Part 3.2.)

7.3.10.2 For each discharge point, a permittee must submit the following information:

7.3.10.2.1 Name of discharge point. If the discharge point is on a linear project and is representative of one or more substantially similar discharge points, include the names of the other discharge points;

7.3.10.2.2 Date sample(s) collected;

7.3.10.2.3 Result of each individual sample collected in NTUs, or, if no discharge occurred during the sampling period for that discharge point indicate no discharge;

7.3.10.2.4 The arithmetic mean of all samples collected for each day; and

7.3.10.2.5 If the sample result(s) are from a representative discharge point, indicate representative sample.

7.3.10.3 A permittee is required to report all sampling results, including those that reflect samples collected beyond the minimum frequency required in Part 7.3.2.

7.4 Visual Monitoring for a Linear Project

A permittee for a linear project subject to the monitoring requirements in Part 3.2 or Part 7.1 are also required to visually monitor drainage areas and discharge locations in portions of the site where temporary or final stabilization has been initiated and document monitoring activities with the procedures described in this Part.

7.4.1 **Visual Monitoring Frequency**. Visual monitoring must be conducted at least once every seven calendar days, and the permittee may choose to do it more frequently.

7.4.2 **Visual Monitoring Locations**. The inspector must visually observe discharge points in portions of the site where temporary or final stabilization has been initiated and each drainage area associated with the linear project for the presence of current (and indications of prior) discharges and their sources.

7.4.3 **Visual Monitoring Requirements**. During conditions at the project in which a discharge is occurring, the permittee must:

7.4.3.1 Observe and document the visual quality and characteristics of the discharge, including color, odor, floating, settled, or suspended solids, foam, oil sheen, and other obvious indicators of storm water pollutants; and

7.4.3.2 Document whether control measures are operating effectively or are in need of maintenance.

7.4.4 **Recording Visual Monitoring Data**. A permittee must document the results of the visual monitoring and maintain this documentation with the SWPPP as required in Part 9.5. A permittee is not required to submit the visual monitoring findings to DEC, unless specifically requested to do so. At a minimum, the documentation of the visual monitoring must include:

7.4.4.1 The visual monitoring date;

7.4.4.2 Name and title of personnel conducting the visual monitoring;

7.4.4.3 Observations and documentation of the visual monitoring; and

7.4.4.4 Any conditions requiring corrective action and a description of the corrective action.

8.0 CORRECTIVE ACTIONS

A permittee must take corrective actions as identified through the inspections conducted under Part 6.0 or as indicated by monitoring conducted under Part 7.0. This includes addressing the performance of control measures, including modifications to the selection, design, installation, and/or implementation of those control measures or to address permit violations.

8.1 Corrective Action Conditions

8.1.1 A permittee must review and revise the selection, design, installation, and implementation of their control measures whenever any of the following conditions are discovered at the site to ensure that the condition is eliminated and will not be repeated in the future:

8.1.1.1 An unauthorized release or prohibited discharge (e.g., spill, leak, or discharge of non-storm water not authorized by this or another APDES permit)

8.1.1.2 Control measures are not designed, installed and/or maintained as required in Part 4.0;

8.1.1.3 The permittee becomes aware, or DEC determines that the control measures are not operating as intended or are not effective enough to meet a WQS in the receiving water in accordance with Part 3.1.2;

8.1.1.4 An inspection by DEC or EPA official determines that modification to the control measures are necessary to meet the requirements of this permit;

8.1.1.5 The accumulation or tracking of sediment in or near any storm water conveyance channels, on roadways or parking lots outside the project area and adjacent to the site, in the immediate vicinity of control measures, at discharge points or entry points into the storm sewer system, or in other areas of the site; or.

8.1.1.6 Pollutants (other than sediment such as trash or litter) have accumulated in or near any storm water conveyance channels, on roadways or parking lots within and adjacent to the site, in the immediate vicinity of control measures, at discharge points or entry points into the storm sewer system, or in other areas of the site.

8.2 Deadlines for Corrective Actions

8.2.1 A permittee must review the design, installation, and maintenance of control measures upon detecting any condition in Part 8.1.1 and document any corrective action(s) to be taken to eliminate or further investigate the deficiency and comply with the following:

8.2.1.1 For conditions that are easily remedied (i.e., removal of tracked sediment, maintenance of control measures, or spill clean-up), the permittee must initiate appropriate steps to correct the problem within 24 hours from the time of discovery and correct the problem as soon as possible; or

8.2.1.2 If installation of a new control measure is needed or an existing control measure requires significant redesign and reconstruction or replacement, the permittee must install the new or modified measure and make it operational within seven calendar days from the time of discovery of the need for the corrective action, unless infeasible;

8.2.1.3 If a discharge occurs during a local 2-year, 24-hour storm event, a corrective action must be initiated the next day after the storm event ends as described in Part 8.1.1;

8.2.1.4 Monitoring, if required, must continue while corrective actions are being carried out.

8.2.2 Where a permittee takes corrective actions that could affect a subcontractor, the permittee must provide notification to the subcontractor within three calendar days of taking the corrective action.

8.2.3 Subcontractors must notify the permittee within 24 hours of becoming aware of any of conditions listed in Part 8.1.1.

8.3 Corrective Action Log

8.3.1 A permittee must document the following information in the corrective action log, within 24 hours of discovery of any condition listed in Part 8.1 or upon notification from a subcontractor:

8.3.1.1 Date the problem was identified;

8.3.1.2 Summary of corrective action taken or to be taken (or, for conditions triggering corrective actions identified in Part 8.1, where the determination is made that action is not necessary, the basis for this determination);

8.3.1.3 Notice of whether SWPPP modifications were required as a result of this discovery or corrective action; and

8.3.1.4 Date corrective action completed.

8.3.2 A permittee must retain a copy of the corrective action log on-site with the SWPPP as required in Part 9.5.

8.4 Corrective Action Report

If monitoring pursuant to Part 3.2 exceeds a WQS, the permittee must submit a corrective action report consistent with Part 9.2; except when there is a discharge that results from a storm event in that same day that is larger than the local 2-year, 24-hour storm.

8.5 Effect of Corrective Action

8.5.1 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.html). Furthermore, correcting it does not remove the original violation. Failing to take corrective action in accordance with this section is an additional permit violation.

8.6 Substantially Identical Outfalls

8.6.1 If the event triggering correction 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.

9.0 REPORTING AND RECORDKEEPING

9.1 Annual Report

9.1.1 All water quality monitoring data collected by the permittee pursuant to Part 3.2 or Part 7.0 must be submitted to DEC in an annual report. The annual report form must be submitted to the appropriate address in Appendix A, Part 1.1.2 by December 31 of each year during construction and upon submittal of the NOT (see Part 10.0). (Note: The monitoring data reported under this part does not need to conform to Appendix A Part 3.2.)

9.1.2 Monitoring results must be presented in a clearly legible format in tabular form. Upon written notification, DEC may require the permittee to submit the monitoring results on a more frequent basis. Monitoring and analysis of any storm water discharge(s) or the receiving water(s) beyond the minimum frequency stated in this permit must be reported in a similar manner to DEC.

9.1.3 A permittee must sign and certify all annual reports in accordance with the requirements of Appendix A, Part 1.12, Signatory Requirements and Penalties. All signed and certified legible original annual reports and all other reports and documents must be submitted to DEC Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

9.2 Corrective Action Report

If a corrective action report is required by Part 8.4, a permittee must submit a corrective action report to DEC Compliance and Enforcement Program address in Appendix A, Part 1.1.2 no later than 14 calendar days after receiving the monitoring results. The report must include the following:

9.2.1 APDES Permit Tracking Number;

9.2.2 Project name, physical address and location;

9.2.3 Name of receiving water;

9.2.4 Monitoring data from the event that exceeded a WQS;

9.2.5 An explanation of the conditions that caused the excursion;

9.2.6 Steps taken or planned (should corrective actions not yet be complete) to correct the violation; and

9.2.7 An appropriate contact name, telephone number and e-mail address.

9.3 Noncompliance Notification

9.3.1 If a permittee become aware of a permit noncompliance, the permittee must submit a Noncompliance Notification Form (see http://dec.alaska.gov/water/Compliance/permittee.html) to DEC within five days of becoming aware of the event. Verbal notification must be made to DEC within 24 hours of discovery of noncompliance.

9.4 Spill of Hazardous Substances Report

9.4.1 A permittee is prohibited from discharging hazardous substances or oil from a spill or other release. Alaska state law (18 AAC 75.300) requires all oil and hazardous substance release be reported to DEC Spill Prevention and Response program. Spill reporting placards can be found at the following webpage: http://dec.alaska.gov/spar/spillreport.htm.

9.4.2 To report a spill, call the nearest DEC Area Response Team Office:

- Southeast (Juneau) – 465-5340
- Central (Anchorage) – 269-3063 or
- Northern (Fairbanks) – 451-2121

9.4.3 Outside of normal business hours, the permittee must call (800) 478-9300 to report the spill as soon as the permittee has knowledge of the discharge

9.4.4 Within seven calendar days of knowledge of the release, the permittee 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 listed in Part 9.4.2. The permittee must also implement measures to prevent the reoccurrence of and to respond to such releases.

9.5 Retention of Records

A permittee must retain the following records at the site or the records must be readily available at a designated alternate location during the life of the construction activity and for a minimum of three years from the date that authorization under this permit expires or is terminated. This period may be extended by request of DEC at any time.

9.5.1 Records of all data used to complete the NOI to be covered by this permit;

9.5.2 A copy of the SWPPP (including any modifications made during the term of this permit);

9.5.3 A copy of all monitoring information (if applicable) and reports required by this permit;

9.5.4 A copy of all inspection reports generated in accordance with Part 6.0;

9.5.5 Documentation related to noncompliance and corrective actions taken pursuant to Part 8.0; and

9.5.6 Any other reports and certifications required by this permit.

9.6 Request for Submittal of Records

The DEC 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 requests for records to the Department within 30 calendar days of receipt of a written request.

10.0 TERMINATION OF PERMIT AUTHORIZATION

10.1 Submitting a Notice of Termination (NOT)

10.1.1 To terminate permit coverage, a permittee must submit a complete and accurate NOT to DEC that certifies that one or more of the conditions in Part 10.2 have been met to terminate permit coverage. A permittee must comply with this permit until an NOT is submitted.

10.2 When to Submit a Notice of Termination

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

10.2.1 Final stabilization has been achieved on all portions of the site, in accordance with Part 4.5.4, for which a permittee is responsible, all ground disturbing construction activity or use of support activities has been completed, and all temporary BMP's have been removed;

10.2.2 A new permittee has assumed control according to Appendix A, Part 2.3, over all areas of the site that have not been finally stabilized;

10.2.3 Authorization under an individual permit or alternative APDES general permit has been obtained, unless DEC has required that a permittee obtain such coverage under authority of Part 2.8, in which case authorization under this permit will automatically terminate;

10.2.4 For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner; or

10.2.5 The planned construction activity identified on the original NOI was never initiated (e.g., no grading or earthwork was ever started) and plans for the construction have been permanently abandoned or indefinitely postponed.

10.3 Submitting a Notice of Termination

10.3.1 A permittee must submit an NOT to terminate authorization under this permit. The complete and accurate NOT can be submitted either:

10.3.1.1 Electronically (strongly encouraged): Go to DEC's Water Online Application System (OPA) web page at www.dec.state.ak.us/water/wnpspc/stormwater/stormwater.htm to prepare and submit electronic NOI (eNOI). Note: the eNOI will likely be processed more quickly and result in faster receipt of an authorization to discharge.

10.3.1.2 Paper NOI Form**:** Complete the form in Appendix E or access the form on DEC's APDES Storm Water Forms web page at http://dec.alaska.gov/water/wnpspc/stormwater/Forms.htm. Once the form is complete, scan and email the entire form to DEC OPA. Submit a paper copy to DEC at the address listed in Appendix A, Section 1.1.1.

10.3.2 A permittee's authorization to discharge terminates at midnight of the day the NOT is signed.

10.3.3 If a permittee submits a NOT without meeting one or more of the conditions identified in Part 10.2, then the NOT is invalid and a permittee remains responsible for meeting the requirements of this permit until authorization is terminated pursuant to Part 10.3.2.

11.0 PERMIT REOPENER CLAUSE

11.1 Procedures for Modification or Revocation

Permit modification or revocation will be conducted according 18 AAC 83.130, 18 AAC 83.135, 18 AAC 83.140, or 18 AAC 83.145.

11.2 Water Quality Protection

If there is evidence indicating that the storm water discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable WQS, the permittee may be required to obtain an individual permit in accordance with Part 2.8 of this permit, or the permit may be modified to include different limitations and/or requirements.

11.3 Timing of Permit Modification

DEC may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines that may be promulgated in the course of the current cycle.

APPENDIX A

STANDARD CONDITIONS

APDES PERMIT

NONDOMESTIC DISCHARGES

September 2011

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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 Conditions 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

1.12.2.1.2.3 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

The permittee shall summarize monitoring results on the annual report form or approved equivalent. The permittee shall submit its annual report at the interval specified in the permit. The permittee shall sign and certify all annual reports and other reports in accordance with the requirements of Appendix A, Part 1.12, Signatory Requirement and Penalties. The permittee shall submit the legible originals of these documents to the ADEC Compliance and Enforcement Program at the address in Appendix A, Part 1.1.2.

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 Acronyms (for the purposes of this permit)

Abbreviations	
ADEC	Alaska Department of Environmental Conservation
ADF&G	Alaska Department of Fish & Game
AK-CESCL	Alaska Certified Erosion and Sediment Control Lead
APDES	Alaska Pollutant Discharge Elimination System
BMP	Best Management Practice
CESSWI	Certified Erosion, Sediment and Storm Water Inspector
CFR	Code of Federal Regulations
CGP	Construction General Permit
CISEC	Certified Inspector of Sediment and Erosion Control
CPESC	Certified Professional in Erosion and Sediment Control
CPSWQ	Certified Professional in Storm Water Quality
CWA	Clean Water Act
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FWS	United States Fish and Wildlife Service
MS4	Municipal Separate Storm Sewer System
MSGP	Multi-Sector General Permit
NHPA	National Historic Preservation Act
NMFS	United States National Marine Fisheries Service
NOI	Notice of Intent
NOT	Notice of Termination
PAM	Polyacrylamides
POTW	Publicly Owned Treatment Works
SHPO	State Historic Preservation Office
SWPPP	Storm Water Pollution Prevention Plan
THPO	Tribal Historic Preservation Officer
TMDL	Total Maximum Daily Load
WQS	Water Quality Standard

Appendix C Definitions

Definitions

2-yr, 24-hr storm event	Means the maximum 24-hour precipitation event with a probable recurrence interval of once in two (2) years, respectively.
Active Treatment System (ATS)	For the purposes of this permit, means a treatment system comprised of automated chemical dispensing, mechanical aeration, pumps, and/or mechanical filtration that employs chemical coagulation, chemical flocculation, or electrocoagulation in order to reduce turbidity caused by fine suspended sediment. The system may also use gravity separation, inert media filtration and absorptive media. It does not include the passive application of treatment chemicals through the use of pre-manufactured products (e.g. floc logs, floc blocks, etc).
Actively Staffed	Projects that employ a sufficient number of essential personnel to maintain day-to-day operations at a construction site. Examples of essential personnel usually include a project engineer, foreman, or inspectors.
Activity	Any "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the APDES program.
Alaska Climatic Regions	For the purposes of this permit, means the climatic region (Coastal, South-central, Western, Interior, and Arctic) that the construction activity is located.
Anionic Polyacrylamide	Means a negatively charged chemical agent that binds soil particles together, which promotes coagulation and rapid settling.
Arid Areas	Areas with an average total precipitation of 0 to 10 inches. See www.wrcc.dri.edu for precipitation data from the weather station closet to the construction project.
Best Management Practices (BMPs)	Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States (U.S.). BMPs also include treatment requirements, operating procedures, and practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Buffer	For the purposes of this permit, means a setback that establishes a no-disturbance vegetated zone along and around Waters of the U.S.. The buffer consists of a dense turf or vegetation judiciously placed across the path of surface runoff in a way that promotes sheet flow that can reduce the velocity of flow, increase the likelihood of infiltration, and promote the trapping and settling of suspended matter. It may be used in combination with other control measures in a treatment train approach to promote erosion and sediment control.
Bypass	Defined in 40 CFR 122.41 and incorporated here by reference. Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
Cationic Polyacrylamide	For the purposes of this permit, means a positively charged chemical agent that is prohibited from use by this general permit.
Clean Water Act (CWA)	Means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.
Clearing	For the purposes of this permit, means the cutting down and removal of trees and brush without the disturbance of soils and the root mass.
Coagulants	Are substances that cause clumping of particles in a discharge to settle out impurities, often induced by chemicals such as lime, alum, and iron salts.
Commencement of Construction Activities	For the purposes of this permit, means the initial disturbance of soils associated with clearing, grubbing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material, establishment of staging areas, or development of project-specific material sources).
Common Plan of Development or Sale	For the purposes of this permit, means a site where multiple separate and distinct construction activities may be taking place at different times on different schedules, but still under a single plan. Examples include: 1) phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (e.g., a development where lots are sold to separate builders); 2) a development plan for a rural infrastructure project that may be phased over multiple years and is under a consistent plan for long-term development (e.g., a project that is designed to be built over several years, however funding is available for those phases on a year-to-year basis). Projects that have multiple year development plans but have year-to-year funding shall file NOI and NOT at the beginning and end of each funded phase of the project; and

3) projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same facility.

If the project is part of a common plan of development or sale, the disturbed area of the entire plan shall be used in determining permit requirements. For land subdivided for residential lots, see the definition of 'Residential Subdivision' for further discussion of the requirements.

Where discrete construction projects within a larger common plan of development or sale are located one-quarter mile or more apart and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not being disturbed. If a utility company is constructing new trunk lines off an existing transmission line to serve separate residential subdivisions located more than one-quarter mile apart, the two trunk line projects could be considered to be separate projects.

Control Measure	For the purposes of this permit, refers to any BMP or other method used to prevent or reduce the discharge of pollutants to Waters of the U.S..
Construction and Development Rule (C&D Rule)	As published in 40 CFR Part 450 is the regulation requiring effluent limitations guidelines (ELG's) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.
Disaster	Has the meaning in AS 26.23.900. As defined in AS 26.23.900 the term include, but are not limited to, the occurrence or imminent threat of widespread or serve damage, injury, loss of life or property, or shortage of food, water, or fuel resulting from an incident such as storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, avalanche, snowstorm, prolonged extreme cold, drought, fire, flood, epidemic, explosion, or riot; the release of oil or a hazardous substance if the release requires prompt action to avert environmental danger or mitigate environmental damage; and equipment failure if the failure is not a predictably frequent or recurring event or preventable by adequate equipment maintenance or operation.
Disaster Emergency	For the purposes of this permit, means the condition declared by proclamation of the governor or declared by the principal executive officer of a political subdivision to designate the imminence or occurrence of a disaster.
Department or DEC	Refers to the Alaska Department of Environmental Conservation

Discharge	When used without qualification means the "discharge of a pollutant"
Discharge of Storm Water Associated with Construction Activity	For the purposes of this permit, refers to a discharge of pollutants in storm water from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck chute washdown, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located.
Discharge Point	Means the location where collected and concentrated storm water flows are discharged from the construction site.
Disturbed Area	Is a portion of any site that has been altered from pre-existing conditions, including but not limited to the following: providing access to a site, grubbing and clearing of vegetation (including the roots), grading, earth moving, altering land forms, and other construction-related activities (such as placement of project related stockpiles).
Effluent	For the purposes of this permit, means any discharge of storm water and allowable non-storm water by a permittee either to the receiving water or beyond the property boundary controlled by the permittee.
Electronic Notice of Intent (eNOI)	For the purposes of this permit, means the ADEC online system for submitting electronic Construction General Permit forms.
Eligible	Qualified for authorization to discharge storm water under this general permit.
Equivalent Analysis Waiver	Means a waiver, available only to small construction activities which discharge to non-impaired waters only, based on the permittee performance of an equivalent analysis using existing instream concentrations, expected growth in pollutant concentrations from all sources, and a margin of safety
Erosion	Is the process of wearing away of the land surface by water, wind, ice, gravity, or other geologic agents.
Erosion Control Measures	Are control measures intended to minimize dislodging and mobilizing of sediment particles
Exceptional Recreational or Ecological Significance	For the purposes of this permit, means a waterbody that is important, unique, or sensitive ecologically and has been designated as an Outstanding Natural Resource Water or Tier 3 water by the Department.

Fall Freeze-up	For the purposes of this permit, means for planning purposes in the development of the SWPPP and initial planning of 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 site on the website www.wrcc.dri.edu/summary/Climsmak.html. NOTE: this estimation of "Fall Freeze-up" is for planning purposes only. During construction the permittee will need to maintain control measures based on actual conditions.
Facility	See "activity."
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.
Field Measurements	Are testing procedures performed in the field with portable field-testing kits or meters.
Fill-only projects	For the purposes of this permit, means projects where the road prism or gravel pad is constructed using fill material placed over an undisturbed vegetative mat. Typically, there is not soil disturbance that may be subject to erosion.
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.
4. For individual lots in residential construction, final stabilization means that either:
   a. The homebuilder has completed final stabilization as specified above, or
   b. The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.
5. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to ‘‘water of the United States,’’ and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria (1) or (2) or (3) above.

Flocculants — Are substances that interact with suspended particles and bind them together to form flocs. These flocs more readily settle out compared to individual particles.

Frozen Ground — For the purposes of this permit, is characterized by soil temperature below freezing. Frozen ground by itself is not considered an acceptable stabilization control measure. If may be used in combination with control measures (e.g. track walking, downgradient control measures, etc.)

Good Housekeeping Measures	For the purposes of this permit, means storm water controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling and/or disposal practices, employee education, and other actions.
Grubbing	For the purposes of this permit, means the stripping and removal of the root mass on or near the ground surface. This is considered soil disturbance activity and requires coverage under this permit.
Impaired Water	(or "Water Quality Impaired Water" or "Water Quality Limited Segment") is defined as a water that is impaired for purposes of this permit if it has been identified by the State of Alaska or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State WQSs (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. For more information and current listing of impaired waters, see http://dec.alaska.gov/water/wqsar/waterbody/integratedreport.htm.
Indian Country	Defined at 40 CFR §122.2 to mean: 1. 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; 2. All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof and whether within or without the limits of a state; and 3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.
Infeasible	Defined in 40 CFR §450.11 and incorporated here by reference. Infeasible means not technologically possible, or not economically practicable and achievable in light of best industry practices.
Large Construction Activity	Defined at 40 CFR §122.26(b)(14)(x) and incorporated here by reference. A large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity of conveyance channels, or original purpose of the site.

Linear Project	Is a land disturbing activity as conducted by an underground/overhead utility or highway department, including but not limited to any cable line or wire for the transmission of electrical energy; any conveyance pipeline for transportation of gaseous or liquid substance; any cable line for communications; or any other energy resource transmission right-of-way or utility infrastructure (e.g., roads and highways) along a long narrow area.
Maintenance	Activities performed to maintain the original line and grade, hydraulic capacity of conveyance channels, or original purpose of the site. For the purposes of this permit, means projects that repair, rehabilitate, or replace existing structures or facilities, provided that the maintenance activity does not change the original purpose of the structure or facility. Maintenance may include minor deviations in the configuration of the structure or facility due to changes in materials, construction methods, or current construction codes or safety standards.
Master Plan	For the purposes of this permit, means if the permittee has a long-range master plan of development (e.g. a rural infrastructure improvement project or military base construction) where some portions of the master plan are a conceptual rather than a specific plan of future development and the future construction activities would, if they occur at all, happen over an extended time period, the permittee may consider the "conceptual" phases of a master plan to be separate "common plans" provided the periods of construction for the physically interconnected phases do not overlap.
Mean Annual Precipitation	This is the average total precipitation based on weather records. This data is available on the website for the Western Regional Climate Center www.wrcc.dri.edu/summary/Climsmak.html.
Minimize	To reduce and/or eliminate to the extent achievable using control measures and good housekeeping measures that are technologically available and economically practicable and achievable in light of best industry practices.
Minimize Pollutant Discharge	See 'Minimize'
Municipality	A home rule municipality is a municipal corporation and political subdivision. It is a city or a borough that has adopted a home rule charter, or it is a unified municipality. A home rule municipality has all legislative powers not prohibited by law or charter. (§ 3 ch 74 SLA 1985) A general law municipality is a municipal corporation and political subdivision and is an unchartered borough or city. It has legislative powers conferred by law. (§ 3 ch 74 SLA 1985)

Municipal Separate Storm Sewer System (MS4)	Defined at 40 CFR §122.26(b)(8) to mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains): 1. Owned and 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 U.S.; 2. Designed or used for collecting or conveying storm water; 3. Which is not a combined sewer; and 4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.
Nephelometric Turbidity Unit (NTU)	Is an expression of the optical property that causes light to be scattered and absorbed rather than transmitted in a straight line through the water.
New Project	The "commencement of construction" occurs after the effective date of this permit.
New Source	For the purpose of this permit, is any source whose discharges are defined in 40 CFR §122.26(b)(14)(x) and (b)(15), that commences construction activity after the effective date of the new Construction &Development rule.
New Source Performance Standards (NSPS)	Are technology-based standards for a construction site that qualifies as new source under 40 CFR §450.24.
Non-Storm Water Discharges	Are discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, non-contact cooling water, vehicle wash water, sanitary wastes, concrete washout water, paint wash water, irrigation water, or pipe testing water.
Notice of Intent (NOI)	Is the form required to be submitted by an applicant to the Department to obtain authorization of coverage under the Alaska Construction General Permit.
Notice of Termination (NOT)	Is the form required for terminating coverage under the Alaska Construction General Permit.
Ongoing Project	The "commencement of construction" occurs before the effective date of this permit.

Operator	For the purpose of this permit, and in the context of storm water associated with construction activity, means any person associated with a construction project that meets either of the following two criteria: 1. The person has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or 2. The person has day-to-day operational control of those activities at a site which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., the person is authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform permittees of the Department's interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of storm water associated with construction activity. Subcontractors generally are not considered operators for the purposes of this permit.
Owner	For the purposes of this permit, means the owner of any "facility or activity" subject to regulation under the APDES program.
Outfall	See 'Discharge Point.'
Permanent Storm Water Management Controls	For the purposes of this permit, refers to "Nondomestic wastewater treatment works" as described in 18 AAC 72.990. These controls include: dry extended detention ponds, constructed wetlands, wet ponds, sand filters, oil/grit separator, rotational flow separators, etc.
Permitted Ongoing Project	Is a construction project that commenced prior to the effective date of this permit, which has been covered by a prior general permit for storm water discharges.
Permittee	Is a person who is authorized to discharge pollutants to Waters of the U.S. in accordance with the conditions and requirements of this permit.
Person	For the purposes of this permit, means any public or private entity including but not limited to an individual, trust, firm, joint stock company, corporation (including government corporation), partnership, association, federal agency, state agency, city, borough, municipality, commission, political subdivision of the State, any interstate body or tribe.

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.
Pollutant	Defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.
Pollution Prevention Measures	See "Good Housekeeping Measures."
Polyacrylamide (PAM)	For the purposes of this permit, is a long-chain organic polymer developed to clarify drinking water that has many other beneficial uses including erosion control, enhanced infiltration, and nutrient removal. Some forms of PAM can be used to stabilize soils and remove fine suspended sediments from storm water runoff. In powder form PAM is easy to store, easy to transport, and is not a health concern when used as directed. PAM dissolved in nonaqueous emulsions are not recommended for use in this permit.
Polymers	For the purposes of this permit, are coagulants and flocculants used to control erosion on soil or to enhance the sediment removal capabilities of sediment traps or basins. Common construction site polymers include polyacyrlamide (PAM), chitosan, alum, polyaluminum chloride, and gypsum. A permittee using polymers should carefully consider the appropriateness of usage of these materials where there are sensitive or protected aquatic organisms in the receiving waters, including threatened or endangered species and their critical habitat.
Post-Construction Discharges	For the purposes of this permit, means the storm water discharges occurring after construction has been completed and final stabilization has been attained.
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.
Project Area	For the purposes of this permit , meant that

1. The areas on the construction site where storm water discharges originate and flow toward the point of discharge into the receiving waters (including areas where excavation, site development, or other ground disturbance activities occur) and the immediate vicinity. (Example: 1. Where bald eagles nest in a tree that is on or bordering a construction site and could be disturbed by the construction activity. 2. Where grading causes storm water to flow into a small wetland or other habitat that is on the site that contains listed species.)
2. The areas where storm water discharges flow from the construction site to the point of discharge into receiving waters. (Example: Where storm water flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as amphibians) are found in the ditch, swale, or gully.)
3. The areas where storm water from construction activities discharge into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where storm water from construction activities discharges into a stream segment that is known to harbor listed aquatic species.)
4. The areas where storm water BMPs will be constructed and operated, including any areas where storm water flows to and from BMPs. (Example: Where a storm water retention pond would be built.)
5. The areas upstream and /or downstream from construction activity that discharges into a stream segment that may be affected by the discharges. (Example: Where sediment discharged to a receiving stream settles downstream and impacts a breeding area of a listed aquatic species.)

Qualified Person

Given the range in size and types of projects in Alaska the following is a description of the experience and skills of a “qualified person” for the different roles typically required at a site to ensure compliance with this permit. The recommended experience or educational requirements for each of these “roles” is described below. The required training is described in Table 4. For projects that disturb 1 to less than 5acres, all the roles described below will or may be carried out by one person. For the larger projects there will or maybe the need to have one person for each role (that is a project-specific choice by the permittee).

Storm Water Lead

A. A person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any erosion and sediment control measures selected to control the quality of storm water discharges from the construction activity.

B. Such person shall have the authority to prepare the SWPPP, stop and/or modify construction activities as necessary to comply with the SWPPP and the terms and conditions of the permit, and modify the SWPPP.

C. Such a person shall be responsible for inspections and recordkeeping.

D. Such a person shall have the authority to supervise or initiate corrective actions identified by inspections, monitoring, or observation to fix control measures and minimize the discharge of pollutants.

SWPPP Preparer

A person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact storm water quality, the effectiveness of any erosion and sediment control measures selected to control the quality of storm water discharges from the construction activity, and is familiar with Part 5 as a means to implement this permit.

Storm Water Inspector

A person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact storm water quality, the effectiveness of any erosion and sediment control measures selected to control the quality of storm water discharges from the construction activity, and is familiar with Part 6 as a means to ensure compliance with this permit. The person is familiar with the project specific inspection forms and how to fill them out, responsible for conducting and signing inspection reports, and responsible for reporting the need for follow-up corrective action to the Storm Water Lead or site supervisor.

Monitoring Person

A person knowledgeable in the principles and practices of water quality monitoring who is familiar with Part 7 and the monitoring plan for the site and how to conduct water quality sampling, testing, and reporting.

Active Treatment System Operator

A person knowledgeable in the principles and practices of treatment systems that employs chemical coagulation, chemical flocculation, or electrocoagulation to aid in the treatment of storm water runoff who is familiar with Part 4.5 as a means to implement and comply with this permit.

Table 4: Recommended Experience or Required Training for Specific Roles

Storm Water Role	**Total Project Disturbed Acreage**		
	1 to < 5 acres	**5 acres to <20 Acres**	**> 20 Acres**
Storm Water Lead	Recommend AK-CESCL training but not required	Be AK-CESCL certified	Be AK-CECSL certified
SWPPP Preparer	Be familiar with permit.	Recommend taking a course in SWPPP preparation.	Visited the site prior to writing the SWPPP or soon after project start and revised the SWPPP based on site conditions. Taken a course in SWPPP preparation.
Storm Water Inspector	Be familiar with permit and SWPPP.	Be AK-CESCL certified	Be AK-CECSL certified
Monitoring Person	Not Required	Not Required	Be AK-CECSL certified
Active Treatment System Operator	Be AK-CECSL certified and have general experience and knowledge of storm water control measures. Operational experience with the specific equipment used on-site.	Be AK-CECSL certified and have general experience and knowledge of storm water control measures. Operational experience with the specific equipment used on-site.	Be AK-CECSL certified and have general experience and knowledge of storm water control measures. Operational experience with the specific equipment used on-site.

Note: The following training and certifications may substitute for AK-CESCL training and certification: CPESC, CESSWI, or CPSWQ by EnviroCert International, Inc (ECI, http://envirocertintl.org) or CISEC by CISEC, Inc. (http://cisecinc.org).

Rain Gauge	For the purposes of this permit, means a type of instrument to gather and measure the amount of liquid precipitation occurring during a storm event for a set period of time.
Rainfall Erosivity Factor or R Factor	Means a measure of the erosive force and intensity of rain in a normal year. Two components of the factor are total energy and the maximum 30-minute intensity of storms. The R-Factor is the sum of the product of these two components for all major storms in the area during an average year.
Rainfall Erosivity Waiver	Means a waiver, available only to small construction activities, that is based on the rainfall erosivity factor for the project.
Reasonable	For purposes of this permit, means the permittee has selected, designed, installed, implemented and maintained control measures in light of manufacture's specifications and good engineering practices at the project to meet the control measures and good housekeeping measures established in Part 4.0 of the permit.
Reasonable Time(s)	For inspections it is time when inspections may occur, typically during normal business hours of 8:00 am to 5:00 pm Monday through Friday, except for those construction sites that are operational outside of these times. For information requests it is thirty (30) calendar days from the date of the receipt of a written request for information from the department, unless specified otherwise in this permit.
Receiving Water	The "Water of the United States" as defined in 40 CFR §122.2 into which the regulated storm water discharges
Residential Subdivision	For the purposes of this permit, means any parcel of land that is divided into smaller parcels with the intent of selling the smaller parcels for the development of residential homes for individual ownership.
Rural Infrastructure Improvement Project	For the purposes of this permit, means a project that is a rural water, wastewater, solid waste, or energy project that is funded, designed, or built by a third party such as the Alaska Native Tribal Health Consortium, DEC Village Safe Water Program, or the Alaska Energy Authority for a 2nd class city, Tribe, Community Association, or statutory improvement district.
Rural Infrastructure Improvement Project Operators	For the purposes of this permit, means the agency or entity with "design control over plans and specifications" that acts as the operator rather than the ultimate owner of the rural infrastructure improvement project.
Sampling Point	For the purposes of this permit, means that point at which storm water samples are collected where the storm water or authorized non-storm water is discharged from the site.

Sediment	Is solid particulate matter, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.
Sedimentation	Is the process of deposition of suspended matter carried by water, wastewater, or other liquids by gravity. It is usually accomplished by reducing the velocity of the liquid below the point at which it can transport the suspended material.
Sediment Control Measures	Are control measures that serve to capture sediment particles that have mobilized and are entrained in storm water with the objective of removing sediment and other pollutants from the storm water discharge
Semi-Arid Areas	Areas with an average total precipitation of 10 to 20 inches. See www.wrcc.dri.edu for precipitation data from the weather station closest to the project.
Sensitive Area	For the purposes of this permit, means any lakes, ponds, perennial and intermittent streams, vernal pools, wetlands, floodplains, floodways and areas with highly erodible soils, which need special protection.
Sheet Flow	Is slow-velocity runoff that flows or is directed to flow across an overland area where there are no defined channels and the water spreads out over a large area at a uniform depth. Sometimes referred to as “sheetwash.”
Site	The land or water area where any “facility or activity” is physically located or conducted, including adjacent and off-site land used in connection with the facility or activity, including related areas for support activities.
Small Construction Activity	Defined at 40 CFR §122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity of conveyance channels, or original purpose of the site.
Snowmelt	Is the conversion of snow into water runoff that may infiltrate into the ground with the onset of warmer temperatures.

Spring Thaw	For the purposes of this permit, means for planning purposes in the development of the SWPPP and initial planning of 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 project on the website www.wrcc.dri.edu/summary/Climsmak.html. NOTE: this estimation of "Spring Thaw" is for planning purposes only. During construction the permittee will need to maintain control measures based on actual conditions.
Steep Slope	For the purposes of this permit, mean any slope occurring on the construction site that is 20 percent or greater in grade for a length of the slope that exceeds 25 feet.
Storm Event	For the purposes of this permit, means a rainfall event that produces more than 0.5 inch of precipitation in 24 hours and that is separated from the previous storm event by at least 3 days of dry weather.
Storm Water	Storm water runoff, snow melt runoff, and surface runoff and drainage.
Storm Water Controls	See 'Control Measure'
Storm Water Discharge-Related Activities	Activities that cause, contribute to, or result in storm water point source pollutant discharges, including but not limited to: excavation, site development; grading and other surface disturbance activities; and measures to control storm water including the sitting, construction and operation of BMPs to control, reduce or prevent storm water pollution.
Storm Water Pollution Prevention Plan (SWPPP)	Means a site-specific, written document that: (1) identifies potential sources of storm water pollution at the construction site; (2) describes practices to reduce or eliminate pollutants in storm water discharges from the construction site; and (3) identifies procedures the permittee will implement to comply with the terms and conditions of this general permit.
Support Activities	For the purposes of this permit, means any concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas provided: 1. The support activity is directly related to the construction project that is covered under this general permit, 2. The support activity is not a commercial operation serving multiple unrelated construction projects by different permittees,

3. The support activity does not operate beyond the completion of the construction activity at the project it supports, and
4. Appropriate control measures are identified in the SWPPP covering the discharges from the support activity areas.

Material borrow areas that are developed specific for the projects and are non-contiguous to the project site (e.g. the material is barged in from another area not nearby the project area) are considered "support activities" however, they would not need to be routinely inspected as part of the project. These areas would need to comply with other conditions of the permit to control storm water discharge as described in the SWPPP. The permit provides an exception for concrete or asphalt plants used for highway paving projects that may also, incidental to the main project contract, pave residential driveways. This additional paving is allowed under this permit provided those activities are covered under the SWPPP.

For communities where equipment or materials are barged in, flown in, or shipped by Alaska Marine Highway, the support activities may serve more than one project if: (1) each project that qualifies for coverage under this permit files a project-specific NOI and includes an acknowledgement of the shared support activities; (2) identifies the operator responsible for maintaining those support activities in compliance with permit requirements; and (3) identifies the operator responsible for the support activities until an NOT is filed at the conclusion of use of the support activity.

Temporary Stabilization	For the purposes of this permit, means protecting soils from erosion by rainfall, snow melt, runoff, or wind, with surface roughening (track-walking) 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 Load (TMDL)	The sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.
TMDL Waiver	Means a waiver, available only to small construction activities, based on an EPA established or approved TMDL.

Treatment Chemicals	For the purposes of this permit, means chemicals specifically used for chemical coagulation, chemical flocculation, erosion control or sediment control.
Turbidmeter	For the purposes of this permit, means an instrument that measures the amount of light scattered at right angles to an incident light beam by particles present in a storm water sample.
Turbidity	Means a condition of water quality characterized by the presence of suspended solids and/or organic material.
Upset	Defined in 40 CFR 122.41 and incorporated here by reference. Upset means an exceptional incident in which there is unintentional and temporary non-compliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
Water Quality Impaired	See 'Impaired Water.'
Water Quality Standard (WQS)	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 U.S. 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.
Waters of the U.S. (WOUS)	Defined in 40 CFR 122.2 and incorporated here by reference.
Wetland	Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
Winter Construction	For the purposes of this permit, means the commencement of construction specifically during frozen conditions to aid in construction. Typically, this period is from December to March and is approximately from after fall freeze-up to before spring thaw.

Winter Shutdown	For the purposes of this permit, means 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.

Appendix D Small Construction Waivers and Instructions

These waivers are only available to storm water discharges associated with small construction activities (i.e., 1-5 acres). As the operator of a small construction activity, the operator may be able to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on: (A) a low rainfall erosivity factor, (B) a TMDL analysis, or (C) an equivalent analysis that determines allocations for small construction sites are not needed. Each applicant, otherwise needing permit coverage, must notify DEC of its intention for a waiver. It is the responsibility of that person wishing to obtain a waiver from coverage under this general permit to submit a complete and accurate waiver certification as described below. Where the operator changes or another is added during the construction project, the new operator must also submit a waiver certification to be waived.

D.1 Rainfall Erosivity Waiver

Under this scenario the small construction project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Loss Equation) is less than 5 during the period of construction activity. The operator must certify to the Department that construction activity will occur only when the rainfall erosivity factor is less than 5. The period of construction activity begins at initial earth disturbance and ends with final stabilization. Where vegetation will be used for final stabilization, the date of installation of a stabilization practice that will provide temporary non-vegetative stabilization can be used for the end of the construction period, provided the operator commits (as a condition of waiver eligibility) to periodically inspect and properly maintain the area until the criteria for final stabilization as defined in the construction general permit have been met. If use of this temporary stabilization eligibility condition was relied on to qualify for the waiver, signature on the waiver with its certification statement constitutes acceptance of and commitment to complete the final stabilization process. The applicant must submit a waiver certification to the Department prior to commencing construction activities.

Note: The basis of the rainfall erosivity factor "R" was determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21–64, dated January 1997; United States Department of Agriculture (USDA), Agricultural Research Service. R factor information for Alaska can be found in the Fact Sheet and were obtained from RUSLE2 Version 1.26.6.4 http://fargo.nserl.purdue.edu/rusle2_dataweb/RUSLE2_Index.htm . (Database last modified on Feb, 28, 2008).

If the operator is eligible for a waiver based on low erosivity potential, the operator may submit a rainfall erosivity waiver to the address listed in Part 2.3 and provide the following information on the waiver certification form in order to be waived from permitting requirements:

1. Name, address and telephone number of the operator;
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;

4. The rainfall erosivity factor calculation that applies to the active construction phase at your project site; and
5. A statement, signed and dated by an authorized representative as provided in Appendix A, Part 1.12, which certifies that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five.

An applicant can access the waiver certification form from ADEC's website at: (www.dec.state.ak.us/water/wnpspc/stormwater/index.htm). The form must be sent to the addresses listed in Part 2.3 of this permit.

Note: If the R factor is 5 or greater, you cannot apply for the rainfall erosivity waiver, and must apply for permit coverage as per Part 2.2 of the construction general permit, unless you qualify for the Water Quality Waiver as described below.

If the small construction project continues beyond the projected completion date given on the waiver certification, the applicant must recalculate the rainfall erosivity factor for the new project duration. If the R factor is below five (5), the owner or operator must update all applicable information on the waiver certification and retain a copy of the revised waiver as part of the site SWPPP. The new waiver certification must be submitted prior to the projected completion date listed on the original waiver form to assure exemption from permitting requirements is uninterrupted. If the new R factor is five (5) or above, the applicant must submit an NOI, in accordance with Part 2 of the permit.

D.2 TMDL Waiver

This waiver is available if DEC or EPA has established or approved a TMDL that addresses the pollutant(s) of concern and has determined that controls on stormwater discharges from small construction activity are not needed to protect water quality. The pollutant(s) of concern include sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. Information on TMDLs that have been established or approved by EPA is available from EPA online at http://www.epa.gov/owow/tmdl and from DEC online at http://dec.alaska.gov/water/tmdl/approvedtmdls.htm.

If an applicant of the construction activity is eligible for a waiver based on compliance with a DEC or EPA established or approved TMDL, the operator must provide the following information on the Waiver Certification form in order to be waived from permitting requirements:

1. Name, address and telephone number of the operator;
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the water body(s) that would be receiving storm water discharges from your construction project;

5. The name and approval date of the TMDL;
6. A statement, signed and dated by an authorized representative as provided in Appendix A, Part 1.12 that certifies that the construction activity will take place and that the storm water discharges will occur, within the drainage area addressed by the TMDL.

D.3 Equivalent Analysis Waiver

This waiver is available for non-impaired waters only (see *2010 Approved Integrated Report*, or most current EPA-approved version: http://dec.alaska.gov/water/wqsar/waterbody/integratedreport.htm and http://dec.alaska.gov/water/wqsar/Docs/Impairedwaters.pdf for list of impaired waters). The operator can develop an equivalent analysis that determines allocations for the small construction site for the pollutant(s) of concern or determines that such allocations are not needed to protect water quality. This waiver requires a small construction site to develop an equivalent analysis based on existing in-stream concentrations, expected growth in pollutant concentrations from all sources, and a margin of safety.

If an operator wants to use this waiver, the operator must develop an equivalent analysis and provide the following information to be waived from permitting requirements:

1. Name, address and telephone number of the operator;
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the water bodies that would be receiving storm water discharges from your construction project;
5. The equivalent analysis;
6. A statement, signed and dated by an authorized representative as provided in Appendix A, Part 1.12, that certifies that the construction activity will take place and that the storm water discharges will occur, within the drainage area addressed by the equivalent analysis.

D.4 Waiver Deadlines and Submissions

1. Waiver certifications must be submitted prior to commencement of construction activities.
2. If an operator submits a TMDL or equivalent analysis waiver request, the operators request is not waived until the Department approves the request. As such, the operator may not commence construction activities until receipt of approval from the Department.
3. Late Notifications: operators are not prohibited from submitting waiver certifications after initiating clearing, grading, excavation activities, or other construction activities. The Department reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and waiver authorization is granted.

Submittal of a waiver certification is an optional alternative to obtaining permit coverage for discharges of storm water associated with small construction activity, provided the operator qualifies for the waiver.

Any discharge of storm water associated with small construction activity not covered by either a permit or a waiver may be considered an unpermitted discharge under the CWA. As mentioned above, the Department reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and either discharge authorization is granted or a complete and accurate waiver certification is submitted. The Department may notify any operator covered by a waiver that they must apply for a permit. The Department may notify any construction project that has been in non-compliance with a waiver that they may no longer use the waiver for future projects. Any member of the public may petition the Department to take action under this provision by submitting written notice along with supporting justification.

Appendix E Forms

The following forms can be accessed at http://dec.alaska.gov/water/wnpspc/stormwater/forms.htm:

- Notice of Intent (NOI)
- Notice of Termination (NOT)
- Notice of Intent Modification
- Low Erosivity Waiver
- Corrective Action Report
- Annual Report