

TABLE OF CONTENTS

I.	AUTHORIZED FACILITIES	6
	A. Eligible Log Transfer Facilities	6
	B. Authorization to Discharge	6
	C. LTF Classification	6
II.	AUTHORIZED DISCHARGES	7
III.	LIMITATIONS AND PERMIT REQUIREMENTS.....	7
	A. Limitations	7
	B. Best Management Practices	8
	C. Annual Report.....	9
	D. Pollution Prevention Plan	9
	E. Bark Monitoring Plan	9
	F. Oil Sheen Monitoring	9
IV.	APPLICATION / NOTIFICATION REQUIREMENTS	10
	A. Applicability	10
	B. Submittal of Notification	10
	C. Deadlines for Submitting Notification.....	10
	D. Contents of the Notification.....	11
V.	MONITORING, REPORTING, AND RECORDING REQUIREMENTS.....	14
	A. Annual Report.....	14
	B. Oil Sheen Monitoring and Reporting.....	15
	C. Bark Monitoring and Reporting.....	15
VI.	POLLUTION PREVENTION PLAN.....	19
	A. Applicability.	19
	B. Implementation.	19
	C. Purpose.....	20
	D. Objectives.	20
	E. Scope.....	20
	F. Contents.	21
	G. Review	21
	H. Documentation.....	22
	I. Modification.....	22
	J. Effectiveness	22
VII.	TERMINATION OF DISCHARGES.....	22
VIII.	RECORDING AND REPORTING REQUIREMENTS	22
	A. Retention of Records	22
	B. Twenty-four Hour Notice of Noncompliance Reporting.....	23
	C. Other Noncompliance Reporting.	23
IX.	COMPLIANCE RESPONSIBILITIES	23
	A. Duty to Comply.....	23
	B. Penalties for Violations of Permit Conditions	23

C.	Need To Halt or Reduce Activity not a Defense	25
D.	Duty to Mitigate	25
E.	Proper Operation and Maintenance	25
F.	Bypass of Treatment Facilities	25
G.	Upset Conditions.....	26
H.	Toxic Pollutants	27
I.	Planned Changes.....	27
J.	Anticipated Noncompliance	27
X.	General Provisions	27
A.	Permit Actions	27
B.	Duty to Provide Notification.....	27
C.	Duty to Provide Information.....	28
D.	Other Information	28
E.	Signatory Requirements.....	28
F.	Availability of Reports.....	29
G.	Inspection and Entry	29
H.	Property Rights	29
I.	Transfers	30
J.	State Laws.....	30
XI.	DEFINITIONS.....	30
	Appendix 1: Notice of Intent Form.....	35
	Appendix 2: Annual Report Form	41
	Appendix 3: Oil Sheen Monitoring Report Form.....	43
	Appendix 4(A): Bark Monitoring Survey Form.....	44
	Appendix 4(B): Bark Monitoring Survey Report Form	45

The following table summarizes some of the action items the permittee must complete and/or submit to EPA/ADEC during the term of this permit.

Action Item	Due Date
1. Notification	<p>If a facility timely submitted a new Notification at least 180 days prior to March 21, 2005, and unless LTF operations have materially changed since submission of that Notification, the operator of that facility is not required to submit a new Notification, but may: (i) adopt the previously filed Notification in a written adoption letter to EPA and ADEC no later than 90 days after the effective date of this permit; and (ii) in that adoption letter include the information required by subparagraphs D.4.d and D.4.e of Section IV.</p> <p>If a facility timely did not submit a Notification at least 180 days prior to March 21, 2005, written Notification must be submitted to EPA and ADEC within 90 days of the effective date of this general Permit.</p> <p>If a facility has not operated since March 7, 2000, and wishes to begin operations more than 90 days after the effective date of this Pre-85 permit, the facility must provide the Notification required by Section IV, to EPA and ADEC no later than 60 days prior to beginning discharges (see Parts I.A. and IV.)</p>
2. Annual Reports	<p>By January 31 of the year following each calendar year of operation, permittees must prepare and submit an Annual Report of all log transfer activities, discharges, periods of noncompliance, and facility changes. Facilities not operating shall submit a statement indicating so to EPA and ADEC (see V.A.).</p>
3. Oil Sheen Monitoring	<p>During periods of log transfer, receiving waters must be monitored daily for the presence of a sheen. Reporting is required, and oil spills must be reported to the Coast Guard and ADEC (see Part V.B).</p>
4. Bark Monitoring and Reporting	<p>Permittees that will transfer a total volume of timber 15 mmbf or more during the life of the permit, and that are sited in waters less than 100 feet deep mean lower low water (MLLW), must conduct a bark monitoring and reporting program as described in Part V.C. Each permittee required to conduct bark monitoring must also prepare a Quality Assurance Plan (see Part V.C.7).</p>
5. Quality Assurance Plan (QAP) Implementation Statement	<p>For LTFs required to conduct bark monitoring and reporting, a written statement must be submitted to EPA and ADEC within 6 months of authorization to discharge under this general permit, that the QAP has been prepared and has been/will be implemented (see Part V.C.7)</p>
6. Pollution Prevention Plan	<p>All LTFs authorized to discharge under this general permit are required to prepare and implement a Pollution Prevention Plan before submitting a Notification. (see Parts III.D & VI.). Within one</p>

Action Item	Due Date
	(1) month of implementing the PPP, each LTF must submit a written statement to EPA and ADEC notifying the agencies that the PPP has been implemented.
7. Monitoring Records	Monitoring records must be retained for a period of at least five years (see Part VIII.A.).
8. Notice of Termination of Discharge	Facilities must notify EPA and ADEC within 30 days of discharge termination (see Part VII).
9. Duty to Provide Notification	If a permittee intends to continue an activity regulated by this general permit beyond five years from the effective date, a permittee must submit a Notification (acting as an information update) at least 180 days before the expiration date of this permit. (see Part X.B).

I. AUTHORIZED FACILITIES

A. Eligible Log Transfer Facilities

The CWA Section 402 modifications contained in this general permit apply only to log transfer facilities (LTFs) which have received a permit under Section 404 of the CWA before October 22, 1985, from the U.S. Army Corps of Engineers. This general permit modifies all Section 404 permits issued to LTFs in Alaska prior to October 22, 1985 where the LTF is being used for log transfer activities to incorporate the requirements and provisions contained in this permit. LTF owners or operators seeking CWA authorization to discharge bark and wood debris who did not receive a Section 404 permit prior to October 22, 1985, should seek coverage under the general permit AK-G70-1000 (i.e., the Post-1985 permit).

B. Authorization to Discharge

In order to be authorized to discharge under this permit, owners or operators of eligible LTFs as described in Part I.A must: (1) submit a Notification as described in Part IV to the Environmental Protection Agency (EPA) and the Alaska Department of Environmental Conservation (ADEC); (2) develop and implement a Pollution Prevention Plan (PPP) in accordance with Part VI; (3) receive written authorization for a project area zone of deposit (ZOD) from ADEC; and, (4) receive a NPDES number from EPA.

Owners and operators of an LTF who are not granted a written ZOD authorization from ADEC are not authorized to discharge to the specified waters, unless EPA has issued individual NPDES permit to the discharger.

The Director may notify a discharger, pursuant to 40 CFR § 122.28(b)(2)(vi), that it is covered by this permit even if the discharger has not submitted a Notification to be covered. Such authorization must also be accompanied by a written project area ZOD authorization from ADEC.

LTFs not utilizing in-water log storage methods such as the direct transfer of logs to a barge or ship are not subject to NPDES permitting requirements and need not seek coverage under this general permit.

C. LTF Classification

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

- Type I: Transfers more than 30 million board feet per year (mmbf/yr)
10 yrs or more of continuous operations
- Type II: Transfers up to 30 mmbf/yr
Less than 10 yrs of continuous operation
May have intermittent activity at lower volumes

- Type III: Transfers up to 15 mmbf/yr
Up to 5 yrs of continuous operation
May have 1-3 similar periods of activity during rotation
- Type IV: Transfers less than 15 mmbf during the life of the permit
May have 1-2 similar periods of activity during rotation
- Other: Annual volume and duration/frequency of use to be defined in the NOI

II. AUTHORIZED DISCHARGES

This general NPDES permit authorizes the marine discharge of bark and wood debris associated with in-water log transfer and storage within the project area, in accordance with the conditions set forth herein. The discharge of pollutants not specifically set out in Part III.A. are not authorized under this general permit. This general NPDES permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility, or any pollutants that are not ordinarily present in such waste streams.

III. LIMITATIONS AND PERMIT REQUIREMENTS

A. Limitations

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

1. **Volume of Timber.** The volume of timber transferred at a facility shall not exceed the maximum annual and total volumes of timber specified in the Notification.
2. **Petroleum Hydrocarbons, Oil, and Grease.** There shall be no discharge of hydrocarbons or oil and grease that causes a film, sheen, or discoloration on the surface or floor of the water body or adjoining shorelines.
3. **Residues.** Except as authorized by a Zone of Deposit (ZOD) issued by ADEC under 18 AAC Section 70.210, there shall be no discharge of bark or wood debris, slash, limbs, scum, floating solids, oily wastes, foam, or other residues which alone, or in combination with other substances: a) makes the water unfit or unsafe for use in aquaculture, water supply, recreation, growth and propagation of fish, shellfish, aquatic life and wildlife, or the harvesting and consumption of raw mollusks or other aquatic life; b) causes a film, sheen, or discoloration on the surface of the water or adjoining shorelines; c) causes leaching of toxic or deleterious substances; or, d) causes a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.

ADEC may authorize a project area ZOD for each LTF upon receipt of the Notification from the owner/operator. The limits of the authorized project area ZOD will be defined in the authorization issued by ADEC. The ZOD authorizes a deposit of substances on the sea floor within the area of the

defined ZOD. All State of Alaska Water Quality Standards must be met at all points outside the authorized ZOD.

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

B. Best Management Practices

The BMPs identified in this Part must be implemented whenever log storage, handling, or transfer activities are occurring under this general permit. The purpose of BMPs are to minimize the discharge of bark, wood debris, and other pollutants from the LTF. BMP requirements identified below are those associated with shore-based LTFs which includes all Pre-1985 facilities. As described in Part IV, each facility must provide a written BMP implementation statement as part of a Notification stating that the BMPs identified in this Part have been or will be implemented at any time when in-water log storage or transfer activities occur.

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

1. Log bundles shall be placed into the receiving only at the discharge point(s) specified in the Section 404 permit;
2. No in-water bundling of logs shall occur;
3. Log rafts, logs, and log bundles which have been transferred to the receiving water must remain floating at all times and must not be allowed to rest on or touch the bottom;
4. Logs, log bundles, and log rafts must be moved out of the log raft make-up and storage areas at the earliest possible time to minimize the retention time of logs in the water;
5. The log transfer device must be operated to eliminate or minimize the discharge of petroleum and lubricating products into receiving waters; and,
6. Solid waste must not be deposited in or adjacent to waters of the United States, including wetlands and marine tidelands. Solid waste includes cables, metal bands, used equipment, machinery, vehicle or boat parts, metal drums, appliances, trash, and other debris.
7. The speed of log bundles entering receiving waters must not exceed 3 feet per second;
8. No in-water sorting of logs shall occur;
9. All logs deposited on the tidelands during float-off log transfer operations must be removed on a daily basis;

10. Bark and wood debris that accumulate at the log transfer device and on adjacent tidelands must be removed daily, to the maximum extent achievable;
11. Bark and wood debris that accumulates in upland traffic flow areas must not be allowed to enter fresh waters, wetlands, marine waters or tidelands. This debris shall be removed and disposed of on a regular basis such that the debris, or its leachate, must not enter marine waters;
12. If continuous coverage of bark and wood debris exceeds both 1.0 acres and a thickness of 10 centimeters at any point, the operator must submit, along with the Bark Monitoring Survey required under Part V.C of this permit, a written statement describing additional operational practices that will be used to minimize additional bark accumulation on the sea bottom, and must immediately incorporate those practices in the Pollution Prevention Plan (Part VI.) for the LTF.

C. Annual Report

During the term of this general permit, all permittees must prepare and submit an accurate and timely Annual Report of log transfer activity, discharges, noncompliance, and any process changes, as described in Part V.A and consistent with the signatory requirements in Part X.E.

D. Pollution Prevention Plan

All permittees must develop a Pollution Prevention Plan (PPP) prior to submitting a Notification to be covered. Facilities currently operating under an administrative extension of the expired general permit must implement the PPP prior to submitting the Notification. Facilities that received a Section 404 permit prior to October 22, 1985, but which are not currently discharging or authorized under this general permit, must implement the PPP upon commencement of in-water log storage or transfer activities. Within one (1) month of implementing the PPP, each facility must submit a written statement to EPA and ADEC, signed in accordance with the requirements in Part X.E, notifying the agencies that the Plan has been implemented. The required content of the PPP is identified in Part VI.

E. Bark Monitoring Plan

Permittees that will transfer a total volume of timber 15 mmbf or more during the life of the permit, and that are sited in waters less than -100 feet deep MLLW, must conduct a bark monitoring program as described in Part V.C. This general NPDES permit does not require permittees classified as Type IV LTFs to conduct a bark monitoring program (see Part I.C).

F. Oil Sheen Monitoring

During periods of log transfer, permittees must visually monitor receiving waters on a daily basis for the presence of oil sheen, and report the results of such monitoring to EPA and ADEC (see Part V.B).

IV. APPLICATION / NOTIFICATION REQUIREMENTS

In compliance with the Paperwork Reduction Act of 1980, the information collection requirements of Part IV of this general NPDES permit have been approved by the Office of Management and Budget under the Applications Information Collection Request (OMB Control No. 2040-0086).

A. Applicability

All LTFs seeking authority to discharge under this general permit must submit a timely and complete Notification to EPA and ADEC in accordance with the requirements of this Part. Upon receipt and review of the Notification by EPA and ADEC, a qualified applicant will be authorized to discharge bark and wood debris under this general permit upon its receipt of: 1) written approval and authorization of a project area ZOD from ADEC; and, (2) assignment of an NPDES permit number from EPA.

B. Submittal of Notification

To be authorized to discharge under this general permit, LTFs must submit a complete Notification, signed in accordance with Part X.E, to the following addresses:

U.S. Environmental Protection Agency, Region 10,
1200 Sixth Avenue, Suite 900, OWW-130
Seattle, Washington 98101
Attn: LTF Reporting

Alaska Department of Environmental Conservation
Division of Water
410 Willoughby Avenue, Suite 303
PO Box 111800
Juneau, AK 99811-1800
Attn: LTF Reporting

C. Deadlines for Submitting Notification

If a facility timely submitted a new Notification at least 180 days prior to March 21, 2005, and unless LTF operations have materially changed since submission of that Notification, the operator of that facility is not required to submit a new Notification, but may: (i) adopt the previously filed Notification in a written adoption letter to EPA no later than 90 days after the effective date of this permit; and (ii) in that adoption letter include the information required by subparagraphs D.4.d and D.4.e of this section.

If a facility timely did not submit a Notification at least 180 days prior to March 21, 2005, written Notification must be submitted to EPA and ADEC within 90 days of the effective date of this general Permit.

If a facility has not operated since March 7, 2000, and wishes to begin operations more than 90 days after the effective date of this Pre-85 permit, the facility must

provide the Notification required by Section IV to EPA no later than 60 days prior to beginning discharges.

D. Contents of the Notification

To be eligible for coverage under this general permit, the information identified in this Part must be included in the NOI. Appendix 1 provides an example NOI form which may be helpful to streamline the application process. NOI materials should be submitted in both hard copy and electronic format (portable document file (pdf) preferred). The use of dot shading, hatching, or similar graphic symbols may be used to clarify the drawings. Color shading may be used.

- 1. Permit Information.** The Notification must include the Section 404 permit number and any NPDES permit number(s) currently or previously assigned to the LTF.
- 2. Owner Information.** The Notification must include the name, complete address, telephone and FAX numbers, and email address of the owner of the LTF and the name of his/her duly authorized representative.
- 3. Operator Information.** The Notification must include the name, complete address (mailing and street if applicable), telephone and FAX numbers, email address, and the name of his/her duly authorized representative.
- 4. Facility Information.** The NOI must include the following information about the LTF:
 - a. Name, mailing address, street address if applicable, and telephone and FAX numbers of the facility.
 - b. Indicate whether the LTF is operating under an administrative extension of the expired Pre-85 GP.
 - c. U.S. Army Corps of Engineers permit name, number, and date of issuance;
 - d. The physical location, including the latitude and longitude of the proposed discharge(s) with a precision of at least three (3) meters on average by using a GPS receiver, and the distance and direction to the nearest town/city;
 - e. A nautical chart, showing the location of the proposed discharge and any catalogued or known anadromous fish streams, estuaries, and mudflats within one-half mile. The location of the -40, -60, and -100 foot depth lines should be depicted. The chart must clearly delineate the project area ZOD boundary and include project area acreage. It must include the perimeter of the sort yard, and the location of any areas of continuous bark coverage located in dive surveys.
 - f. A vicinity map, showing the physical location of the proposed discharge and project area, the name of the waterbody receiving the proposed discharge, and the name of any larger, adjacent receiving waterbody. The

vicinity map shall be based upon an official map or chart with a scale of resolution between 1:15,840 and 1:63,360, and shall include a north arrow and scale.

- g. A plan drawing, showing the dimensions of the LTF as viewed from above, including in-water log rafting and storage areas, and contiguous upland log storage or sorting areas. The drawing must include the name of the waterbody, existing shorelines, mean higher high water (MHHW) and MLLW lines, average water depths around the proposed discharge, north arrow, and scale;
- h. An elevation and/or cross section view, showing the dimensions of the LTF as viewed from the side, front, or rear. Where the LTF is a low-angle slide, these dimensions must include the angle of the ramp. The drawing must include the name of the waterbody, existing shorelines, MHHW and MLLW lines, average water depths around the proposed discharge, north arrow, and scale;
- i. The facility classification from Part I.C, and a brief description of the log transfer operations. The operations description must include an assessment of the feasibility of onshore log storage and barging, as well as a description of the proposed storage, handling, sorting, bundling, transfer, and rafting of logs;
- j. A demonstration that operation of the LTF constitutes important social or economic development in the area, and that a ZOD is necessary to accommodate operation of the LTF;
- k. A description of known existing uses of the receiving water where the LTF is located, and a demonstration that those uses will be fully protected by the proposed operation of the LTF; and,
- l. Bark monitoring surveys not previously submitted to EPA.
- m. Identify if the receiving waterbody is listed as impaired for residue according to the most recent *Integrated Water Quality Monitoring and Assessment Report*. If the waterbody is listed as impaired for residue under Category 4b, indicate if the facility is operating under an ADEC approved Remediation Plan. Pre-1985 LTFs seeking coverage under this general NPDES permit for the first time, and who intend to operate in Category 4b waters, must submit a Remediation Plan to ADEC with the Notification, and obtain state approval of the plan prior to discharging.

5. Facility Classification. The Notification must classify the facility as follows:

- a. Shore-based or Off-shore;
- b. Method of log transfer; and

- c. Use description (Type I-IV) from Part I.C. An alternative use description may be provided if Types I-IV do not apply.

6. Production Data. To the extent the information is available, the Notification must include the following production data:

- a. Expected facility life span;
- b. Maximum volume of timber expected to be transferred during the five year life of the permit;
- c. Average and maximum volume of timber expected to be transferred per year;
- d. Projected months of operation; and,
- e. Approximate volume of timber previously transferred over the facility, if known. Timber volumes shall be given in million board feet (mmbf), Scribner scale

7. Pre-discharge Survey.

- a. **Applicability.** A pre-discharge underwater survey is required for all LTFs which have received a permit under Section 404 of the CWA that did not receive NPDES permit coverage under the 2000 issuance of the Pre-85 general permit.
- b. **Purpose.** The purpose of the pre-discharge underwater survey is to document the biological resources which may be affected by the discharge, and any existing bark and wood debris deposits.
- c. **Submittal.** The results of the pre-discharge underwater survey must be submitted with the Notification.
- d. **Methods.** The pre-discharge survey must include a representative description of the numbers and species of marine organisms, and depths and substrate types where the organisms are found within a 300' radius of the center of the discharge site to a water depth of -60 feet MLLW.

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

- e. **Contents of Report.** The report must provide sampling data, and a summary of the survey.

8. BMP Implementation Statement. This general permit requires that facilities provide certification that the Best Management Practices identified in Part III.B have been or will be implemented at any time when in-water log storage or transfer activities occur. This statement must be certified as per the signatory requirements in Part X.E.

- 9. Signatory Requirements.** The NOI must be signed in accordance with the signatory requirements specified in Part X.E.

V. MONITORING, REPORTING, AND RECORDING REQUIREMENTS

The information collection and reporting requirements of this Part have been approved by the Office of Management and Budget.

A. Annual Report

- 1. Applicability.** During the term of this general NPDES permit, all permittees must prepare and submit a complete, accurate and timely Annual Report of all log transfer activities, discharges, periods of noncompliance, and facility changes. Facilities not operating must submit a statement indicating so.
- 2. Purpose.** The Annual Report serves to inform the regulatory agencies of the use and potential degradation of public water resources by LTFs discharging pollutants to these receiving waters under this general NPDES permit.
- 3. Contents of Report.** The Annual Report must include the information listed below. An optional Annual Report form is provided in Appendix 2 to assist permittees.
 - a. NPDES permit number, Section 404 permit number, facility owner, facility operator, name of the facility, mailing and email addresses, and telephone and FAX numbers;
 - b. A summary of periods of noncompliance with any of the requirements of this general NPDES permit between January 1st and December 31st, the reasons for such noncompliance, and the steps taken to correct the problem and prevent further occurrences;
 - c. Information on any oil sheens observed during operating periods, including the date, name of observer, cause or source of oil sheen, and corrective measures taken;
 - d. A summary of log transfer activity during the previous year, including:
 - (i) Volume of timber transferred (mmbf) at the facility; and,
 - (ii) Method of log transfer.
 - e. Practices that will be used to minimize additional bark accumulation if continuous coverage of bark and wood debris exceeds both 1.0 acre and a thickness of 10 centimeters at any point.
 - f. A statement of any facility changes from those specified in the Notification to be covered under this general NPDES permit.
- 4. Signatory Requirements.** The Annual Report must be signed in accordance with the signatory requirements specified in Part X.E.
- 5. Submittal of Report.** A permittee must submit its Annual Report by January 31st of the year following each calendar year of operation and discharge under this general permit. If the LTF was not operated during the reporting year,

permittees must so indicate in the Annual Report. Permittees must submit its Annual Report to EPA and ADEC at the addresses specified in Part IV.B.

B. Oil Sheen Monitoring and Reporting

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

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

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

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

C. Bark Monitoring and Reporting

- 1. Applicability.** Underwater bark monitoring is required annually for all permittees which transfer a total of 15 mmbf or more during the life of this permit, and which are located in water depths less than -100 feet at MLLW. Permittees classified as Type IV LTFs are not required to conduct bark monitoring.
- 2. Purpose.** The purpose of the bark monitoring program is to determine compliance with the Alaska Water Quality Standards for settleable residues in marine waters. In accordance with 18 AAC Section 70.210, ADEC has authorized a ZOD for facilities authorized to discharge under this general permit, which includes the project area. The ZOD may include continuous coverage, discontinuous coverage, and trace coverage by bark and wood debris. At an LTF with an on-shore transfer device, to the extent practicable, the primary area of continuous coverage must be collocated with the primary area of continuous coverage existing prior to discharge under the general permit, unless a different area is authorized by ADEC.
- 3. Objectives.** The bark monitoring survey must determine the depth, total area, and outer boundary of continuous coverage by bark and wood debris on the bottom, in water depths to -100 feet. The bark monitoring survey must determine the depth, total area, and outer boundary of discontinuous coverage by bark and wood debris on the bottom, in water depths to -60 feet MLLW. (Note: Actual diving depths may be equal to or greater than -100 feet MLLW depending upon tidal conditions during a dive survey).
- 4. Monitoring Schedule.**

- a. The underwater bark monitoring survey must be conducted annually for applicable LTFs (Part V.C1.). The preferred time period for conducting an annual bark monitoring survey in a given year is March through May, or prior to operation.
 - b. The annual bark monitoring survey is not required during years when the LTF is not operating except if Part V.C.4.c below applies.
 - c. If a bark monitoring survey indicates that continuous coverage of bark and wood debris is 0.9 acre or greater, and log transfer occurs in that year after that survey, an additional survey must be conducted either: (i) in that year, after cessation of log transfer; or (ii) in the following year, prior to any additional log transfer.
- 5. Methods.** The following method is approved by EPA and ADEC. An equivalent method may be acceptable if it meets the purpose stated in Part V.C.2 above.

- a. Conduct preliminary dive to identify the approximate area of bark accumulation.
- b. Determine the number and configuration (radial or parallel) of transects which will most accurately delineate the area of bark accumulation.
- c. Establish transect lines with a surveyor's tape or other precise methodology extending seaward from permanent shore-marker(s). Measurements should extend beyond the area of continuous cover bark accumulation, or to a water depth of -100 feet MLLW, whichever is first.

Surveys using Radial Transects: Set a central permanent marker on shore at the face of the LTF or other suitable location. GPS coordinates derived using WAAS (Wide Area Augmentation System) technologies must be recorded at the location of the permanent shore marker. Establish at least five transects radially from the permanent marker. Transects should be 30° apart, extending from one side of the facility to the other. Measurement stations along each transect must be not more than 15 feet apart.

Surveys using Parallel Transects: Set up at least five permanent markers on shore, centered around the face of the LTF or other suitable location. GPS coordinates derived using WAAS (Wide Area Augmentation System) technologies must be recorded for each permanent shore marker. Transects should be no more than 75 feet apart, and should extend in a perpendicular direction from the shoreline. The number of transects should be adequate to encompass the entire area of bark accumulation, and must be equal to five or more. Measurement stations along each transect must be not more than 15 feet apart.

- d. Determine the total aggregate area of continuous coverage by bark and wood debris within the project area in water depths to -100 feet MLLW. Determine the total area of discontinuous coverage by bark and wood debris, within the project area in water depths to -60 feet MLLW.

If continuous coverage extends more than 15 feet beyond and perpendicular to the lateral transects that bound the two sides of the survey area, then additional transects must be established to determine the extent of continuous coverage beyond the lateral transects. The areas of continuous or discontinuous coverage must be calculated as the area in acres enclosed by a line connecting the outermost measured points of continuous or discontinuous coverage, respectively, for that area on the transect array, or by another method approved by EPA and ADEC.

The following information must be recorded at each measuring station. If desired, permittees may use the optional Bark Monitoring Survey/Transect Data Form provided in Appendix 4A.

- (i) Bark Depth. Measure and record depth of bark deposit using a marked stick or pipe to the nearest one centimeter. If bark is visible but less than one centimeter deep, record the depth as less than one centimeter.
 - (ii) Percent Cover. Estimate and record the percentage (0% to 100%) of area covered by bark within the immediate vicinity of the measuring station. A sampling area is measured within a three-foot-square (one square yard) measuring station. Digital photographs must be included that depict the nature and coverage of bark and wood debris on the ocean bottom at representative measuring stations along transects, including all of the stations with continuous coverage (100%), and at least half of the measuring stations with discontinuous coverage (40%-99%). Digital photographs at each measuring station must include information on the name of the LTF facility, survey date, and measuring station identifier.
 - (iii) Water depth (adjusted to MLLW).
 - (ii) Presence of metal and other debris.
 - (iii) Digital still photographs that clearly depict the nature and coverage of bark and wood debris on the ocean bottom at representative sample plots along each transect, including at least half the sample plots.
- 6. Contents of Report.** A permittee must submit a Bark Monitoring Report that includes the following information. If desired, the permittee may use the Bark Monitoring Survey Report Form provided in Appendix 4B.
- a. The name of the LTF and the individual coverage number issued under this general permit;
 - b. Date, exact place and time of dive survey, and name(s) of individual(s) who performed the survey;
 - c. Name and signature of person responsible for dive survey;

- d. Method used to establish transects, locate sample stations, measure bark depths, estimate percent cover at each station, and calculate area of bark coverage;
- e. Date of completion of report, and first and last name(s) of individual(s) who performed the analysis;
- f. Table showing bark depth and percent cover measurements along each transect line (See Appendix 4 for an example);
- g. Map (with scale) delineating the project area and showing the location of each transect line, area of 100% bark coverage, and outer boundary of the waste pile as it relates to the project area;
- h. Area of continuous (100%) bark coverage and area of discontinuous coverage, in acres to one tenth of an acre and in square meters; and,
- i. A statement of whether or not the 1.0-acre continuous cover bark threshold within the project area ZOD has been exceeded.
- j. If bark monitoring surveys submitted by the operator, and other available evidence, are not sufficient to determine whether continuous coverage by bark and wood debris exceeds both 1.0 acre and a thickness of 10 centimeters at any point, ADEC will, in its discretion, require the operator to conduct additional bark monitoring surveys or other monitoring for that purpose.

- 7. Quality Assurance Plan.** Each permittee covered under this general permit must develop a Quality Assurance Plan (QAP) for each LTF that requires bark monitoring and reporting within six (6) months of authorization to discharge under this general permit.

The QAP must ensure that adequate documentation is available to allow reconstruction of the dive survey from field records and notes, dive plans, and still and video photography. The QAP must include a detailed description of the methods and procedures for conducting the dive survey as identified in Part V.C.5 including, but not limited to, establishing survey location control on the beach and in the water, measuring bark accumulation thickness, determining percent bark and wood debris cover, continuous vs. discontinuous cover, photographic procedures, and measuring water depth and tide stage. A written statement must be submitted to EPA and ADEC, consistent with Part X.E, and to the addresses contained in Part IV.B, within six (6) months of authorization to discharge under the permit stating that the QAP has been completed and has been/will be implemented.

- 8. Signatory Requirements.** The Bark Monitoring Report must be signed in accordance with the signatory requirements specified in Part X.E.
- 9. Submittal of Report.** The Bark Monitoring Report must be submitted to EPA, ADEC and the Alaska Department of Natural Resources (ADNR) at the addresses below within sixty (60) days of completion of the survey. LTFs required to perform annual bark monitoring surveys in accordance with Part V.C must submit a written statement to EPA and ADEC indicating so.

U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900, OWW-130
Seattle, Washington 98101
Attn: LTF Reporting

Alaska Department of Environmental Conservation
Division of Water
410 Willoughby Avenue, Suite 303
PO Box 111800
Juneau, AK 99811-1800
Attn: LTF Reporting

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

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

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

VI. POLLUTION PREVENTION PLAN

- A. Applicability.** All shore-based LTFs authorized to discharge under this general NPDES permit are required to prepare and implement a Pollution Prevention Plan (PPP) in accordance with Part VI.B of this permit. If the permittee prepared a PPP for coverage under the 2000 Post-85 LTF general permit, the plan must be reviewed and updated to meet all provisions of this permit prior to submitting a Notification. The permittee's PPP must include Best Management Practices (BMPs), economically reasonable and appropriate measures in light of current industry practices that are selected, designed, installed, implemented and maintained in accordance with good engineering practices to eliminate or reduce pollutants from entering waters of the United States.
- B. Implementation.** All permittees subject to this requirement must develop and implement a PPP before submitting a Notification seeking authorization to discharge under this general NPDES permit.
1. Facilities That Are Currently Discharging. Permittees must prepare and implement a PPP for the LTF before submitting the Notification for permit coverage.

2. Facilities That Are Not Currently Discharging. Permittees must prepare a PPP for the LTF before submitting Notification for permit coverage. The permittee's PPP must be implemented with the commencement of log handling and storage activities.
 3. PPP Implementation Statement. Within one (1) month of implementing the PPP, each LTFs authorized under this general permit must submit a written statement to EPA and ADEC, at the addresses indicated in Part IV.B and signed in accordance with the requirements in Part X.E, notifying the agencies that the PPP has been implemented.
- C. Purpose.** The purpose of the PPP required by this NPDES general permit is to identify and employ all reasonable practices to avoid the discharge of bark, wood debris; and other pollutants to waters of the United States, and contain the discharge to the smallest area that is practicable and is consistent with safe and orderly operation of the log transfer facility. Practices addressed in the PPP must include handling of logs out of water, method of transfer, handling of logs in water, and other operational elements.
- D. Objectives.** The PPP must be consistent with the following objectives:
1. To minimize the types and amounts of pollutants generated at the source
 2. To recycle or utilize waste materials whenever feasible.
 3. To minimize the discharge of pollutants into waters of the United States.
- E. Scope.** The PPP must evaluate potential discharges of pollutants from the entire log transfer operation, including the following elements:
1. Log transfer, processing, storage and handling areas, and all other aspects of normal operations. Evaluation of potential stormwater discharges may be incorporated by reference to an existing PPP;
 2. Operation and maintenance of tools and equipment;
 3. Storage and management of petroleum products and other substances. Evaluation of potential discharges associated with fuel storage and management may be incorporated by reference to an existing Spill Prevention Control and Countermeasure Plan;
 4. Disposal of sludge and sanitary waste. Evaluation of potential discharges associated with sludge and sanitary waste may be incorporated by reference to an existing ADEC Wastewater Disposal Permit; and
 5. Any other aspect of the LTF which may result in spills or leaks in areas adjacent to or draining into surface waters.
- F. Contents.**
- The PPP must be in narrative form, and may include plan drawings or maps. The PPP must include the following elements:
1. Name and location of the facility;
 2. Identification of potential pollutant pathways and risk of pollutant releases to

- the aquatic environment (e.g., fuel storage, debris piles, solid waste, surface runoff);
3. Specific management practices and standard operating procedures to achieve the objectives of the plan, including, but not limited to:
 - a. Proper operation and maintenance of the facility, including good housekeeping practices and preventive maintenance;
 - b. Regular examination of equipment for potential failure;
 - c. Provisions for emergency measures to be taken in the event of equipment failure; and
 - d. Any modification of equipment, facilities, technology, or procedures;
 4. Inspections and records related to implementation of the PPP;
 5. Employee training in Pollution Prevention; and
 6. Practices that will be used to minimize additional bark accumulation if continuous coverage of bark and wood debris exceeds both 1.0 acre and a thickness of 10 centimeters at any point.
 7. A site map that shows the following:
 - a. the boundaries of the entire upland area used for log handling, storage and transfer activities and size of this area in acres;
 - b. Locations of the following activities:
 - (i) access roads,
 - (ii) log transfer ramp,
 - (iii) truck unloading areas,
 - (iv) log processing and bundle make up area
 - (v) log deck storage areas,
 - (vi) locations used for the treatment, storage or disposal of wastes including residue storage,
 - (vii) fuel storage tanks and fueling stations,
 - (viii) vehicle and equipment maintenance and/or cleaning areas,
 - (ix) locations of buildings (scale shack, etc.) if applicable.

G. Review

The PPP must be reviewed periodically by the facility manager and appropriate staff.

H. Documentation

No later than six (6) months from the date of authorization to discharge under this general NPDES permit, a permittee shall submit to EPA and ADEC written certification signed by a principal officer or a duly appointed representative of the permittee, that a PPP has been completed, read by on-site employees, and implemented. A permittee shall maintain a copy of its PPP at its facility and shall make the plan available to EPA or ADEC upon request.

I. Modification

A permittee shall amend the PPP prior to any change in the facility or its operation which increases the generation of pollutants or their release or potential release to the receiving waters. If a bark monitoring survey shows that continuous coverage by bark and wood debris exceeds both 1.0 acre and a thickness of 10 centimeters at any point, the operator shall submit, along with the survey, a written statement describing additional practices that will be used to minimize additional bark accumulation until such time as a Remediation Plan is approved by ADEC, and shall within 14 days incorporate those practices into the PPP for the LTF. Any changes to the PPP must be consistent with the objectives and specific requirements listed above. All changes in the PPP must be reviewed by the facility manager.

J. Effectiveness

At any time, if a PPP proves to be ineffective in achieving the objectives and requirements listed above, this general NPDES permit and/or the PPP must be subject to modification to incorporate revised pollution prevention requirements.

VII. TERMINATION OF DISCHARGES

The facility must notify EPA and ADEC within 30 days of discharge termination. The notification must be in writing, and include the date of discharge termination, and signed in accordance with the signatory requirements of Part X.E of this general permit. Termination of permit coverage shall be effective 30 days from the date of written notification from the Director that the coverage under this general permit has been terminated. The permittee is required to submit any monitoring reports specified in Part V until the effective date of termination. In cases such as temporary shutdowns, a LTF should not submit a notice of discharge termination as this action results in the termination of NPDES coverage.

VIII. RECORDING AND REPORTING REQUIREMENTS

A. Retention of Records

The permittee must retain records of all monitoring information, including records of all dive surveys, bark and oil sheen monitoring activities, copies of all reports required by this permit, a copy of this NPDES permit, and records of all data used to complete the Notification for this permit, for a period of at least five (5) years from the date of the sample, measurement, report or Notification submittal. This period may be extended by request of the Director at any time.

B. Twenty-four Hour Notice of Noncompliance Reporting.

1. A permittee must report any violation in effluent limitations described in Part III.A to EPA by telephone (206/553-1846) within 24 hours from the time a permittee becomes aware of the circumstances. This includes, but is not limited to the observance of an oil sheen on the water surface or adjoining shorelines.

2. A written submission must also be provided within five (5) days of the time permittees become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.

C. Other Noncompliance Reporting.

A permittee must report all instances of noncompliance, not required to be reported under VIII.B within 24 hours, with the annual report and the bark monitoring survey report. Reports of other noncompliance must contain the information listed in Part VIII.B.2 above.

IX. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

A permittee must comply with all conditions of this general NPDES permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application or Notification.

B. Penalties for Violations of Permit Conditions

1. **Civil and Administrative Penalties.** Pursuant to 40 CFR 19 and the CWA, any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the CWA, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the CWA and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$32,500 per day for each violation).
2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the CWA and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) [currently \$11,000 per day for each violation, with the maximum amount of any Class I penalty assessed not to exceed \$32,500]. Pursuant to 40

CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the CWA and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) [currently \$11,000 per day for each violation, with the maximum amount of any Class II penalty not to exceed \$157,500].

3. Criminal Penalties:

- a. Negligent Violations. The CWA provides that any person who negligently violates Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.
- b. Knowing Violations. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- c. Knowing Endangerment. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- d. False Statements. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person

under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both. The CWA further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

C. Need To Halt or Reduce Activity not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

D. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

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

F. Bypass of Treatment Facilities

1. Bypass not exceeding limitations.

The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.

2. Notice.

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.
- b. Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part VIII.B (“Twenty-four Hour Notice of Noncompliance Reporting”).

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

G. Upset Conditions

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with a technology-based permit effluent limitation if a permittee meets the requirements of paragraph 2 of this Part. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under Part VIII.B, "Twenty-four Hour Notice of Noncompliance Reporting;" and
 - d. The permittee complied with any remedial measures required under Part IX.D, "Duty to Mitigate."
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

H. Toxic Pollutants

The permittee must comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in

the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

I. Planned Changes

A permittee shall give notice to the Director and ADEC as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR §122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of the pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this general NPDES permit.

J. Anticipated Noncompliance

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

X. GENERAL PROVISIONS

A. Permit Actions

This permit, which modifies permittee's Section 404 permit, may be modified, revoked, and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

B. Duty to Provide Notification

If a permittee intends to continue an activity regulated by this general permit beyond five years from the effective date, a permittee must submit a Notification (acting as an information update) at least 180 days before the expiration date of this permit.

C. Duty to Provide Information

A permittee must furnish to the Director, within the time specified in the request, any information that the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. A permittee must also furnish to the Director, upon request, copies of records required to be kept by this permit.

D. Other Information

When a permittee becomes aware that it failed to submit any relevant facts in a NOI, or that it submitted incorrect information in a NOI or any report to the

Director or ADEC, it shall promptly submit the omitted facts or corrected information.

E. Signatory Requirements

All applications (including Notifications), reports or information submitted to EPA and ADEC must be signed and certified as follows.

1. All Notifications submitted to the Director shall be signed and certified by:
 - a. For a corporation: by a principal corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal, Indian tribe, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by EPA or ADEC must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the Director of the Office of Compliance and Enforcement and ADEC.
3. Changes to authorization. If an authorization under paragraph 2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph 2 shall be submitted to EPA and ADEC to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this Part must make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

F. Availability of Reports

In accordance with 40 CFR 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the permittee. In accordance with the CWA, permit applications, permits, and effluent data are not considered confidential. Any confidential claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR 2, Subpart B (Public Information) and 41 Fed. Reg. 36924 (September 1, 1976), as amended.

G. Inspection and Entry

A permittee must allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

H. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, nor any infringement of federal, tribal, state or local laws or regulations.

I. Transfers

This permit is not transferable to any person except after written notice to the Director of the Office of Water and Watersheds. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the CWA. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit.

J. State Laws

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

XI. DEFINITIONS

AAC means Alaska Administrative Code.

ADEC means Alaska Department of Environmental Conservation.

Act means the Clean Water Act.

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

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

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

Best Management Practices (“BMPs”) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

CFR means the Code of Federal Regulations.

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

CWA means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*

Director means the Region 10 Administrator of the Environmental Protection Agency, or the Commissioner of the Alaska Department of Environmental Conservation, or an authorized representative thereof.

Discharge - when used without qualification, means the “discharge of a pollutant.”

Discharge of a pollutant means

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

This includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

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

EPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

LTF means log transfer facility.

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

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

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing

permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the CWA.

New Discharger - as used in this permit, means an operator applying for coverage under this permit for discharges not covered previously under an NPDES general or individual permit.

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

Notification means an application or notification to be covered by this permit (see Part IV of this permit.)

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

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

Permittees as used in this permit is intended to refer to the operator, or the discharger as the context indicates and that party’s facility or responsibilities. The use of “Permittees” and “Permittees” refers to a particular facility and not to all facilities operated by a particular entity. For example, “Permittees must submit” means must submit something for that particular facility. Likewise, “all Permittees discharges” would refer only to discharges at that one facility.

Point source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

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

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

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

marine appurtenances; and the marine water and ocean bottom underlying and connecting these features.

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

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

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

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

Total Maximum Daily Loads (TMDLs) - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources, and a margin of safety (MOS).

U.S.C. means United States Code.

Use Description means one of four classifications (see Part I.C) to describe the range of use for log transfer operations. The intensity and duration of site use will vary over time and the descriptions for each use provide a benchmark description relating to operating levels and characteristics.

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

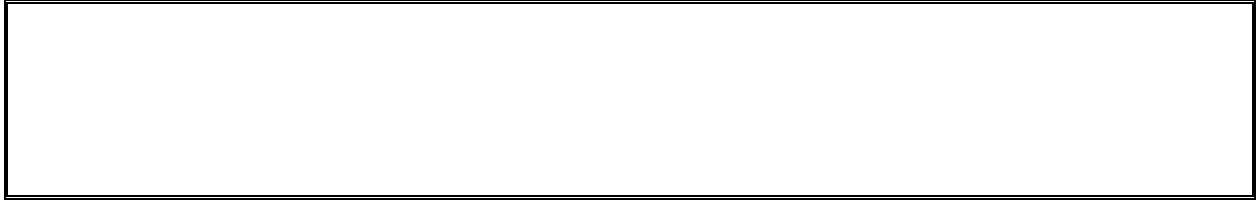
Zone of deposit (ZOD) means an area of the bottom in marine or estuarine waters in which the ADEC has authorized the deposit of substances in exceedance of the water quality criteria of 18 AAC Section 70.020(b) and the anti-degradation requirement of 18 AAC Section 70.0101(c). For LTFs authorized to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

APPENDIX 1: NOTIFICATION FORM

<p>Notice of Intent to be covered under the General NPDES Permit AK-G70-0000 for Log Transfer Facilities in Alaska (see Part IV of the permit)</p>		
<p>Submission of this document constitutes a request that certain discharges into waters of the United States resulting from the operation of the log transfer facility identified herein be authorized under General NPDES Permit AK-G70-1000.</p>		
Previously Assigned NPDES Permit No. (if applicable):		NPDES Permit No. AK-G70-0
Is your facility operating under an administratively extended permit ? (Y or N)		(to be assigned by EPA)
Landowner Information		
Landowner Name:		
Mailing Address:	Phone:	
	FAX:	
Representative:	Email:	
Operator Information		
Company Name:		
Mailing Address:	Phone:	
	FAX:	
Representative:	Email:	
Facility Information		
Facility Name:		
Name of Waterbody LTF is Located on:		
Mailing Address:	Phone:	
	FAX:	
Physical location (if different from mailing address):	Borough (if applicable):	
	Coastal District (if applicable):	
Representative:	Email:	
Section 404 Permit Number:	Section 10 Permit Number (if applicable):	
Latitude (degrees, minutes, seconds):	Distance/Direction to nearest town/city:	This discharge is: <input type="checkbox"/> New <input type="checkbox"/> Existing
Longitude (degrees, minutes, seconds):		

Lat/long Coordinate Source: WAAS Augmented GPS		
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Description of operations:



ATTACHMENTS		
<input type="checkbox"/> Vicinity Map		
<input type="checkbox"/> Plan Drawing		
<input type="checkbox"/> Elevation/Cross Section View		
<input type="checkbox"/> A written demonstration that the operation of the LTF constitutes important social or economic development in the area, and that a ZOD (zone of deposit) is necessary to accommodate operation of the LTF. This may include discussion of project-associated employment and the overall contribution to local and regional economies. You must include a discussion on how without the ZOD your facility will be unable to operate.		
<input type="checkbox"/> A written description of known existing uses of the receiving waters where the LTF is located, and a demonstration that those uses will be fully protected by the proposed operation of the LTF. Some uses to consider are fish and wildlife use, human consumption of fish and wildlife, boat anchorage, aquatic farms, recreation, commercial and personal use harvest, etc.		
<input type="checkbox"/> A written narrative of the methods that will be employed to avoid the discharge of bark and wood debris waste introduction into the marine environment. The description must include as assessment of the feasibility of onshore log storage and barging, as well as a description of the proposed storage, handling, sorting, bundling, transfer and rafting of logs.		
<input type="checkbox"/> Best Management Practices implementation statement		
Facility Classification		
Category: <input type="checkbox"/> Shore-based	Method of Log Transfer: <input type="checkbox"/> Crane <input type="checkbox"/> Single A-Frame <input type="checkbox"/> Double A-Frame <input type="checkbox"/> Low Angle Ramp with Rails	<input type="checkbox"/> Low Angle Ramp Drive Down <input type="checkbox"/> Chain Conveyor <input type="checkbox"/> Float-Off <input type="checkbox"/> Other (describe)
Use Description (Type I, II, III, or IV):		
Production Data		
Expected facility lifespan:	Projected Months of Operation:	
Volume to be transferred (million board feet, Scribner scale)		
	Maximum over life of permit:	
	Average per year:	
	Maximum per year:	

Receiving Water Information	
ATTACHMENTS (for Type I-IV shore-based LTFs)	
	<input type="checkbox"/> Pre-discharge survey (new facilities only)
	<input type="checkbox"/> Copies of any previous bark monitoring surveys not previously submitted to EPA.
Signature and Certification	
<p>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.</p>	
Signature of Principal Corporate or Executive Officer/General Proprietor	Printed Name
Title/Company	Date
Submit this Notice of Intent to:	
U.S. Environmental Protection Agency Region 10 1200 Sixth Avenue, Suite 900, OWW-130 Seattle, Washington 98101 Attn: LTF Reporting	Alaska Dept. of Environmental Conservation Division of Air and Water Quality 410 Willoughby Avenue, Suite 303 PO Box 111800 Juneau, AK 99811-1800 Attention: LTF Reporting
Qualified applicants will be authorized to discharge under this general NPDES permit upon receipt of written ZOD from ADEC and a permit number from EPA.	

ADEC REQUIRED INFORMATION	
RESPONSIBLE PARTY (Person responsible for overall management of the project and the discharge):	
First Name:	Last Name:
Company Name:	
Mailing Address:	State:
City:	Zip:
Phone Number:	Fax Number:
Email Address:	Website:
ON SITE CONTACT: <input type="checkbox"/> Check if same as Responsible Party	
First Name:	Last Name:
Company Name:	
Mailing Address:	State:
City:	Zip:
Phone Number:	Fax Number:
Email Address:	Website:
BILLING CONTACT: <input type="checkbox"/> Check if same as Responsible Party	
First Name:	Last Name:
Company Name:	
Mailing Address:	State:
City:	Zip:
Phone Number:	Fax Number:
Email Address:	Website:
FACILITY INFORMATION:	
Email Address:	Website:
CONSULTANT (if applicable):	
First Name:	Last Name:
Company Name:	
Mailing Address:	State:
City:	Zip:
Phone Number:	Fax Number:
Email Address:	Website:

APPENDIX 2: ANNUAL REPORT FORM

Annual Report for the Year			
General NPDES Permit AK-G70-0000			
Log Transfer Facilities in Alaska			
The annual report serves to inform the regulatory agencies of the use and potential degradation of public water resources by facilities discharging pollutants to receiving waters in Alaska under this permit.			
NPDES Permit No. AK-G70-0			
Facility Owner:			
Facility Operator:			
Name of Facility:			
Address:		Phone:	
		FAX:	
Representative:			
Periods of Noncompliance			
Summarize any periods of noncompliance with permit requirements, reasons for noncompliance, and steps taken to correct problem and prevent further occurrences (i.e. exceedance of the project area ZOD).			
Use continuation sheet if necessary.			
Oil Sheen Observations			
Date	Observer	Cause/Source	Corrective Measures
Use continuation sheet if necessary			

Appendix 2 (continued)

Annual Report for the Year 		Page 2
NPDES Permit No. AK-G70-0000 		
Summary of Log Transfer Activity		
Method of Log Transfer	Volume of Timber Transferred	
Changes to Notice of Intent		
List any planned changes to Notice of Intent (e.g., changes in log transfer device or volume of timber to be transferred).		
Signature and Certification		
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.		
Signature of Principal Corporate or Executive Officer/General Proprietor	Printed Name	
Title/Company	Date	
Submit this Annual Report to:		
U.S. Environmental Protection Agency Region 10 1200 Sixth Avenue, Suite 900, OWW-130 Seattle, Washington 98101 Attn: LTF Reporting	Alaska Dept. of Environmental Conservation Division of Water PO Box 111800 Juneau, AK 99811-1800 Attention: LTF Reporting	
Submit this Annual Report by January 31st of the year following each calendar year of operation and discharge under this general NPDES permit. If the LTF was not operated during the reporting year, permittees shall so indicate in the Annual Report.		

APPENDIX 4(A): BARK MONITORING SURVEY FORM

Bark Monitoring Survey: Transect Data Form					
NPDES Permit Number: AK-G70-0					
Name of Permittee:					
Date/Time of Survey:					
Distance along Transect (m)	Transect #1 BD/WD/% Cover	Transect #2 BD/WD/% Cover	Transect #3 BD/WD/% Cover	Transect #4 BD/WD/% Cover	Transect #5 BD/WD/% Cover

- Notes:
- BD - Bark Depth
 - WD - Water Depth at Mean Lower Low Water
 - % Cover - Percent of sample area covered by bark (0-100)
 - T - Trace amounts of bark (10% or less percent cover, less than 1 centimeter deep)

APPENDIX 4(B): BARK MONITORING SURVEY REPORT FORM

Bark Monitoring Survey Report Form	
NPDES Permit Number: AKG70-0	Name of Permittee:
Location of LTF:	Volume Transferred this year (mmbf):
Method of Log Transfer:	Estimated Area of 100% Coverage (Acres)
Date of Survey:	Time of Survey:
Date of Completion of Dive Survey Report:	
Name(s) of Person(s) who Performed Analysis:	
Name(s) of Person(s) Conducting Survey:	
Signature of Person Responsible for Dive Survey:	
Statement of Compliance or noncompliance with the project area ZOD	
ATTACHMENTS	
	Narrative description of analytical methods used to delineate bark deposits
	Map (to scale) showing location of LTF and transect lines, outer boundary of bark deposit as it relates to the project area, and area of 100% bark coverage.