



United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

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

**the City of Fairbanks,
the City of North Pole,
the University of Alaska - Fairbanks, and
the Alaska Department of Transportation and Public Facilities - Northern Regional Office
(hereinafter "co-permittees")**

are authorized to discharge from all municipal separate storm sewer system outfalls existing as of the effective date of this permit to receiving waters which include Beaver Springs, the Chena River, Chena Slough, Noyes Slough, and other associated waters of the United States within the Fairbanks Urbanized Area, in accordance with the conditions and requirements set forth herein.

This permit shall become effective June 1, 2005.

This permit and the authorization to discharge shall expire at midnight, May 31, 2010.

The co-permittees must reapply for permit reissuance on or before December 3, 2009, 180 days before the expiration of this permit if the co-permittees intend to continue operation and discharges from the municipal separate storm sewer systems beyond the term of this permit.

Signed this 19th day of April, 2005.

/s/ Robert R. Robichaud for
Michael F. Gearheard
Director
Office of Water and Watersheds, Region 10
U.S. Environmental Protection Agency

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I. APPLICABILITY

I.A. Permit Area

This permit covers all areas within the Fairbanks Urbanized Area served by the municipal separate storm sewer systems (MS4s) owned or operated by the co-permittees.

I.B. Discharges Authorized Under this Permit

During the effective date of this permit, the co-permittees are authorized to discharge storm water to waters of the United States from: (1) all portions of the MS4s owned and operated by the City of Fairbanks, City of North Pole, the University of Alaska-Fairbanks, and (2) the portions of the MS4 with State of Alaska rights-of-way located within the boundaries of the Fairbanks Urbanized Area which are owned or operated by the Alaska Department of Transportation and Public Facilities, subject to the conditions set forth herein. This permit also authorizes the discharge of storm water commingled with flows contributed by process wastewater, non-process wastewater, and storm water associated with industrial activity, provided that the storm water in these flows is only commingled with those categories of allowable non-storm water discharges set forth in Part I.D. of this permit.

I.C. Co-Permittees' Responsibilities

1. Each permittee is individually responsible for permit compliance related only to portions of the MS4 owned or operated solely by that permittee, and where this permit directs action or inaction by that named permittee.
2. Each permittee is jointly responsible for permit compliance:
 - a. related to portions of the MS4 where operational or storm water management program implementation authority has been transferred from one permittee to another in accordance with an enforceable intergovernmental cooperative agreement;
 - b. related to portions of the MS4 where co-permittees jointly own or operate a portion of the MS4; and
 - c. related to the submission of plans, reports, strategies, and assessments required by Part II and Part IV of this permit.
3. The co-permittees must develop and maintain an enforceable intergovernmental cooperative agreement between the partners; a copy of this cooperative agreement must be submitted to the U.S. Environmental Protection Agency as soon as it is signed by all co-permittees.

I.D. Limitations on Permit Coverage

1. **Non-Storm Water Discharges.** Co-permittees are not authorized to discharge non-storm water, except where such discharges satisfy one of the following three conditions:
 - a. The non-storm water discharges are in compliance with a separate NPDES permit;
 - b. The non-storm water discharges result from a spill and:
 - (1) are the result of an unforeseen weather event where reasonable and prudent measures have been taken to minimize the impact of such discharge; or
 - (2) consist of emergency discharges required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to minimize the impact of such discharges; or
 - c. The non-storm water discharges satisfy each of the following two conditions:
 - (1) The discharges consist of uncontaminated water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR§ 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensate, irrigation water, springs, water from crawlspace pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, residential building wash waters without detergents, and flows from emergency firefighting activities; and
 - (2) The discharges are not sources of pollution to waters of the United States. A discharge is considered a source of pollution to waters of the United States if it:
 - (i) Causes excessive foam in the receiving waters or contains floating and/or settleable solids in amounts sufficient to make the water unsafe or unfit for providing water supply or other beneficial uses;
 - (ii) Contains oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters;

- (iii) Contains substances that are in amounts sufficient to be unsightly or deleterious or which produce color, odor, or other conditions to such a degree as to create a nuisance;
 - (iv) Contains any substance or combination of substances in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants or humans;
 - (v) Contains any substances or combination of substances that will cause or contribute to the growth of aquatic plants or algae to such degree as to create a nuisance, be unsightly, or otherwise impair the designated use.

- 2. **Discharges Threatening Water Quality.** Co-permittees are not authorized to discharge storm water that the Director determines will cause, or have the reasonable potential to cause or contribute to, violations of water quality standards.

- 3. **Discharge Compliance with Anti-Degradation Policy.** Co-permittees are not authorized to discharge storm water that does not comply with Alaska's anti-degradation policy for water quality standards. Alaska's anti-degradation policy can be obtained from the Alaska Department of Environmental Conservation (ADEC) at the address listed in Part IV.D.

- 4. **Discharges to Water Quality-Impaired Receiving Waters**
 - a. The co-permittees must determine whether storm water discharges from any part of the MS4s contribute pollutants of concern, either directly or indirectly, to any CWA §303(d) listed water bodies, including the Chena River, Chena Slough, and Noyes Slough. "Pollutant(s) of concern" refer to the pollutant(s) identified as causing the water quality impairment, which, for the above mentioned waters, includes petroleum products, sediment and debris.

 - b. Not later than one year from the effective date of this permit, the co-permittees' Storm Water Management Program must include a section describing how the selected Best Management Practices (BMPs) identified by the co-permittees will control the discharge of pollutants of concern, and will ensure that the MS4 discharges will not cause an in-stream violation of the water quality standards. This discussion must specifically identify how the BMPs will collectively control the discharge of the pollutant(s) of concern. The co-permittees must submit this section of the Storm Water Management Program to EPA and ADEC as part of the first Annual Report required in Part IV.C.

- 5. **Snow Disposal to Receiving Waters.** Co-permittees are not authorized to dispose of snow directly to waters of the United States or directly to the MS4(s). Discharges from public snow disposal sites are authorized under this permit when

such sites are operated using appropriate best management practices required in Part II.B.6. Such best management practices shall be designed to prevent pollutants in the runoff and to assure that applicable water quality standards are not violated.

II. STORM WATER MANAGEMENT PROGRAM REQUIREMENTS

II.A. General Requirements

1. Co-permittees must develop, implement, and enforce a Storm Water Management Program (SWMP) designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The SWMP must include BMPs, control techniques, system design, engineering methods, and other provisions the co-permittees or EPA determines appropriate for the control of pollutants in discharges from the MS4.
2. The Storm Water Management Program developed by the co-permittees and submitted in the application submitted to EPA covers the term of this permit and must be updated as necessary and/or as required by the EPA Director, to ensure compliance with Section 402(p)(3)(B) of the Clean Water Act, 33 U.S.C. §1342(p)(3)(B). Modifications to the SWMP must be made in accordance with Part II.C. of this permit. The SWMP submitted to EPA by the co-permittees, and all approved updates made in accordance with Part II.C. of this permit, are hereby incorporated by reference. All components and requirements of the SWMP are enforceable as conditions of this permit.
3. Co-permittees must submit any plan revisions or documents which require review and approval by EPA and ADEC to the addresses listed in Part IV.D, and in accordance with Parts II.C and/or IV.A.2 of this permit. Within 60 days of receipt of such plans or documents, and after consultation with ADEC, EPA shall have the right to disapprove or require modifications for the approval of plans. If EPA does not disapprove the plans within 60 days, such plans may be deemed approved.
4. The SWMP must include each of the minimum control measures in Part II.B. Co-permittees must implement a SWMP that provides:
 - a. BMPs that are selected, implemented, maintained and updated to ensure that storm water discharges do not cause or contribute to an exceedance of an applicable numeric or narrative water quality standard; and
 - b. Measurable goals, including interim milestones, for each BMP. As appropriate, the months and years in which the co-permittees will undertake the required actions and the frequency of the action must be included. Unless otherwise specified, program development and implementation schedules must provide for full implementation of a

complete SWMP as soon as practicable, but no later than five years from the effective date of this permit. Interim progress in accomplishing the activities summarized in Part III must be made over the five year permit term.

5. Implementation of one or more of the minimum measures may be shared with another entity who is not subject to this permit, or the entity may fully take over the measure. Co-permittees may rely on another entity only if:
 - a. The other entity, in fact, implements the control measure;
 - b. The control measure, or component of that measure, is at least as stringent as the corresponding permit requirement; and
 - c. The other entity agrees to implement the control measure on the co-permittees' behalf. A legally binding written acceptance of this obligation is required. Co-permittees must maintain this obligation as part of the SWMP description. If the other entity agrees to report on the minimum measure, the co-permittees must supply the other entity with the reporting requirements in Part IV.C. of this permit. Co-permittees remain responsible for compliance with the permit obligations if the other entity fails to implement the control measure.

II.B. Minimum Control Measures

The six minimum control measures that must be included in the Storm Water Management Program are:

II.B.1. Public Education and Outreach

- a. Within one year of the effective date of this permit, co-permittees must implement a public education program to educate the community about the impacts of storm water discharges on water bodies and the steps that citizens and businesses can take to reduce pollutants in storm water runoff.
- b. At least once annually, the co-permittees must distribute storm water educational materials to target audiences regarding the co-permittees' storm water management program.
- c. At least once annually, the co-permittees must prepare and distribute appropriate information relevant to the storm water management program to local media outlets.
- d. Co-permittees must document the following information related to public education and outreach in each Annual Report required in Part IV.C:

- (1) Describe the public education program and outreach activities accomplished during the previous calendar year, including at least one copy of each educational material distributed;
- (2) Describe the methods and frequency of disseminating information;
- (3) Describe the target audiences and pollutants/ sources that are addressed by the program and how they were selected;
- (4) Estimate the number of people reached by the program over the previous twelve month period;
- (5) List the measurable goals for the public education and outreach program over the next calendar year;
- (6) List the dates by which the measurable goals will be achieved; and
- (7) Identify the person(s) responsible for implementing and coordinating the education activities.

II.B.2. Public Involvement/Participation

- a. The co-permittees must comply with applicable State and local public notice requirements when implementing a public involvement/participation program.
- b. The co-permittees must make the SWMP and all Annual Reports available to the public.
- c. Within 18 months of the effective date of this permit, and annually thereafter, co-permittees must host a community Stream Clean Up Day.
- d. Within two years of the effective date of this permit, co-permittees must organize an ongoing volunteer monitoring program and an Adopt-a-Stream program, after consultation and coordination with the ADEC.
- e. Within four years of the effective date of this permit, co-permittees must develop and conduct a survey of public knowledge and attitudes related to storm water management in the greater Fairbanks Urbanized Area. Survey results shall be submitted to EPA no later than six months prior to the expiration date of this permit.
- f. Within one year of the effective date of this permit, co-permittees will develop and implement a storm drain stenciling program.
- g. Co-permittees must regularly convene a Storm Water Advisory Committee to coordinate and accomplish the goals of the Storm Water Management Program. The meeting schedule must be made known to the public, EPA and ADEC through direct mail or e-mail notification, if possible, and/or other locally appropriate means.
- h. Co-permittees must document the following information related to public involvement/participation in each Annual Report required in Part IV.C.:

- (1) In the first Annual Report only, describe the State or local requirements for public involvement, including how the public was involved in the development of the SWMP submitted with the permit application;
- (2) Describe the activities and target audiences for public involvement that the program accomplished for the preceding 12 month period, including any monitoring and/or survey results, number of storm drains stenciled, etc.;
- (3) Describe the procedure(s) for receiving and reviewing public comments;
- (4) Describe the measurable goals for the public involvement/participation program over the next 12 month period;
- (5) List the dates by which the co-permittees will accomplish each of the upcoming measurable goals; and
- (6) Identify the person(s) responsible for implementing and coordinating the public involvement/participation activities.

II.B.3. Illicit Discharge Detection and Elimination

An illicit discharge is any discharge to a municipal separate storm sewer that is not composed entirely of storm water. Exceptions are described in Part I.D. of this permit.

- a. Not later than three years from the effective date of this permit, the co-permittees must each conduct a hydrologic study of all roadway drainage structures to determine whether flows from those structures drain to waters of the United States. Results from this study must be reported to EPA in the following Annual Report, and must be incorporated into the MS4 map required in Part II.3.f. of this section.
- b. No later than two years from the effective date of this permit, the co-permittees must develop and implement a program to detect and eliminate illicit discharges. Specifically, the program must incorporate detection, identification of the source, and removal of non-storm water discharges, including illegal dumping, into the storm sewer system. Each co-permittee must, as part of this activity, develop an information management system to track illicit discharges.
- c. No later than three years from the effective date of this permit, all co-permittees must effectively prohibit non-storm water discharges into their system through an ordinance or other regulatory mechanism to the extent allowable under state or local law. Co-permittees must implement appropriate enforcement procedures and actions, including enforcement escalation procedures for recalcitrant or repeat offenders.
- d. Co-permittees must prohibit any of the non-storm water flows listed in Part I.D.1.c. through ordinance if such flows are identified by EPA or the co-permittees as a source of pollutants to the MS4. Co-permittees must

document any existing local controls or conditions placed on such discharges.

- e. Not later than two years from the effective date of this permit, the co-permittees must inform users of the system and the general public of hazards associated with illegal discharges and improper disposal of waste.
- f. No later than three years from the effective date of this permit, the co-permittees must develop a comprehensive storm sewer system map. At a minimum, the map must show jurisdictional boundaries, the location of all inlets and outfalls, names and locations of all waters that receive discharges from those outfalls, and locations of all municipally-owned and operated facilities, including public snow disposal sites. If available, locations of all privately operated snow disposal sites must also be indicated on the comprehensive map. A copy of the completed map must be submitted to EPA and ADEC as part of the corresponding Annual Report.
- g. Not later than three years from the effective date of this permit, co-permittees must begin dry weather field screening for non-storm water flows from all outfalls. By the expiration date of the permit, at least 50% of the co-permittees' outfalls within the Fairbanks Urbanized Area must be screened for dry weather flows. The screening should include field tests of selected chemical parameters as indicators of discharge sources. Screening level tests may utilize less expensive "field test kits" using test methods not approved by EPA under 40 CFR Part 136, provided the manufacturer's published detection ranges are adequate for the illicit discharge detection purposes. The co-permittees must investigate any illicit discharge within 15 days of its detection, and must take action to eliminate the source of the discharge within 45 days of its detection.
- h. Not later than two years from the effective date of this permit, and annually thereafter, the co-permittees must document the following information related to illicit discharge detection and elimination in the Annual Report to EPA:
 - (1) A description of the criteria used to prioritize investigations in areas suspected of having illicit discharges, for example: targeting older areas of the city, areas of high public complaints, and areas of high recreational value or high environmental value such as beaches and drinking water sources;
 - (2) A description of procedures used to locate and remove illicit discharges, including detection methods;
 - (3) A summary of all dry weather testing conducted to date, and of co-permittee activity to remove any illicit discharge(s) identified;

- (4) A copy of the established ordinance or other regulatory mechanism used to prohibit illicit discharges into the MS4. If the permittee has yet to develop this local requirement, describe the plan and schedule for doing so, and progress towards implementation;
- (5) A description of enforcement policy and jurisdiction. The program must include procedures for coordination with adjacent municipalities and/or state or federal regulatory agencies to address situations where investigations indicate the illicit discharge originates outside the co-permittees' jurisdiction. Where a co-permittee lacks legal authority to establish enforceable rules or if an illicit discharger fails to comply with procedures or policies established by the co-permittee, the program must include procedures for notifying EPA and ADEC for assistance in enforcement of this provision of the permit;
- (6) A description of the methods used over the previous 12 month period to inform the public and/or train public employees about illicit discharges and the improper disposal of waste;
- (7) A list of measurable goals for the illicit discharge detection and elimination program for the next 12 month period, and the dates by which the permittee will achieve each of the measurable goals; and
- (8) The name and title of the person(s) responsible for coordination and implementation of the illicit discharge detection and elimination program.

II.B.4. Construction Site Storm Water Runoff Control

- a. No later than two years from the effective date of this permit, the co-permittees must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction activities resulting in land disturbance of greater than or equal to one acre. This program must include controls for pollutants in storm water discharges from construction activity disturbing less than one acre, if that construction activity is part of a larger common plan of development or sale that disturbs one acre or more.

If EPA waives the permit requirements for storm water discharges associated with a specific small construction activity (i.e., a single project) in accordance with 40 CFR §122.26(b)(15)(i)(A) or (B), the co-permittee is not required to develop, implement, and/or enforce the program to reduce pollutant discharges from that particular site.

- b. Within two years of the effective date of this permit, the co-permittees must adopt an ordinance or other regulatory mechanism to the extent allowable under state or local law which requires construction site operators to practice appropriate erosion, sediment and waste control. This ordinance or regulatory mechanism must include sanctions to ensure compliance.

The co-permittees must evaluate all existing procedures, policies, and authorities pertaining to activities occurring on their property that may be used to assist in the development of the required regulatory mechanism.

- c. No later than two years from the effective date of this permit, the co-permittees must publish and distribute requirements for construction site operators to implement appropriate erosion and sediment control best management practices and to control waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site that may cause adverse impacts to water quality.
- d. No later than two years from the effective date of this permit, the co-permittees must develop procedures for reviewing all site plans for potential water quality impacts, including erosion and sediment control, control of other wastes, and any other impacts that must be examined according to the requirements of the law, ordinance, or other enforceable mechanism of Part II.B.4.b. These procedures must include provisions for receipt and consideration of information submitted by the public.
- e. Not later than three years from the effective date of this permit, co-permittees must develop and implement procedures for site inspection and enforcement of control measures established as required in Parts II.B.4.b and c, including enforcement escalation procedures for recalcitrant or repeat offenders. The co-permittees shall inspect all construction sites in their jurisdictions for appropriate erosion/sediment/waste control at least once per year.
- f. No later than three years from the effective date of this permit, co-permittees must develop and conduct at least one training session for the local construction/design/engineering audience related to the construction ordinance and BMP requirements referenced in Parts II.B.4.b. and c.
- g. Each Annual Report must document the following SWMP information related to construction site runoff control:
- (1) A copy of the established ordinance or other regulatory mechanism used to require erosion, sediment and waste controls at construction sites. If the co-permittees have yet to develop the required regulatory mechanism, describe the plan and schedule for doing so;

- (2) A summary of the number of sanctions and enforcement actions taken by the co-permittees to ensure compliance with the construction site ordinance during the previous 12-month period. To the extent allowable under the legal authority of the permittee, sanctions may include both monetary and non-monetary penalties;
- (3) A copy of the written requirements for appropriate erosion, sediment and waste control BMPs at construction sites;
- (4) A summary of the number of site plan reviews conducted by each permittee;
- (5) A description of the procedures for receipt and consideration of information submitted by the public;
- (6) A summary of the number of sites inspected during the previous 12 month period, including a description of the site inspection procedures, how sites will be prioritized for inspection, when and how often a site will be inspected;
- (7) A list of measurable goals for the construction site runoff control program, including dates by which the co-permittees will achieve each of the measurable goals; and
- (8) The name and title of the person(s) responsible for coordination and implementation of the construction site runoff control program.

II.B.5. Post-Construction Storm Water Management in New Development and Redevelopment

- a. Within four years of the effective date of this permit, co-permittees must develop, implement, and enforce a program to address post-construction storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts.
- b. Not later than four years from the effective date of this permit, each co-permittee must adopt an ordinance or other regulatory mechanism to the extent allowable under state or local law to address post-construction runoff from new development and redevelopment projects.

If such a mechanism did not previously exist, development and adoption of a mechanism must be part of the program. The co-permittees must

evaluate existing procedures, policies, and authorities pertaining to activities occurring on their property that may be used to assist in the development of the required regulatory mechanism.

- c. Not later than four years from the effective date of this permit, co-permittees must publish and distribute a BMP design manual for post-construction storm water management which includes a list of strategies reflecting a combination of structural and/or non-structural BMPs appropriate to the MS4(s). This design manual must include, but is not limited to, requirements for the appropriate design and construction of snow disposal sites, septic systems, and parking lots.
- d. Co-permittees must ensure proper long-term operation and maintenance of post-construction BMPs.
- e. Not later than four years from the effective date of this permit, the co-permittees must develop and conduct at least one training for local developers, engineers and the public regarding the requirements of the BMP design manual and local ordinance(s) referenced in Parts II.B.5. b. and c.
- f. Each Annual Report must document the following SWMP information related to post-construction storm water management:
 - (1) A copy of the BMP design manual containing structural and non-structural BMPs that will be used to manage post-construction runoff from new development and redevelopment projects within the MS4(s). List any specific priority areas for this program;
 - (2) An explanation of the design and performance features of the chosen BMPs that are intended to minimize water quality impacts;
 - (3) A copy of the established ordinance or other regulatory mechanism used to address post-construction runoff control. If the permittee has yet to develop the required regulatory mechanism, describe the plan and schedule for doing so;
 - (4) A description of how long-term operation and maintenance of the selected BMPs will be ensured, including the organizations responsible and their expected operation and maintenance schedule;
 - (5) A description of the plans to inform and educate developers and the public about appropriate project designs that minimize water quality impacts;

- (6) A list of measurable goals for the post-construction runoff control program, including dates by which the permittee will achieve each of the measurable goals; and
- (7) The name and/or title of the person(s) responsible for coordination and implementation of the post-construction storm water management program.

II.B.6. Pollution Prevention and Good Housekeeping for Municipal Operations

- a. Within two years of the effective date of this permit, co-permittees must develop and implement an operation and maintenance program intended to prevent or reduce pollutant runoff from municipal operations. This program must include an employee training component. Co-permittees must address the following activities at a minimum: park and open space maintenance, fleet and building maintenance, new construction and land disturbances, storm water system maintenance, and snow disposal site operation and maintenance.
- b. Within two years of the effective date of this permit, co-permittees must complete a study of the effectiveness of current street cleaning operations, storm drain cleaning operations, and other municipal activities with potential for storm water impacts. This study must also examine the existing practices for the disposal of waste removed from the MS4 and the MS4 operations.
- c. Within two years of the effective date of this permit, and annually thereafter, co-permittees must develop and conduct appropriate training for municipal personnel related to optimum maintenance practices for the protection of water quality.
- d. Within two years of the effective date of this permit, co-permittees must ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices;
- e. Each Annual Report must document the co-permittees' efforts to prevent or reduce pollutant runoff from the municipal operations through the operation and maintenance program, including:
 - (1) A description of the activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to the MS4;
 - (2) A description of the employee training program used to prevent and reduce storm water pollution including the targeted department

personnel, frequency of such training, and a copy of training materials;

- (3) A summary description of the controls for reducing or eliminating the discharge of pollutants from areas owned or operated by the co-permittees, including but not limited to streets, roads, and highways; municipal parking lots; maintenance and storage yards; waste transfer stations; fleet or maintenance shops with outdoor storage areas; salt/sand storage locations; and snow disposal sites operated by the co-permittees;
- (4) A description of procedures to ensure proper disposal of waste removed from the MS4 and the MS4 operations including dredge spoil, accumulated sediments, floatables, and other debris;
- (5) A description of procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices;
- (6) A list of all industrial facilities owned or operated by the co-permittees that discharge to the MS4, including industrial facilities that are subject to EPA's Multi-Sector General Permit (MSGP) or individual NPDES permits for discharges of storm water associated with industrial activity. Include the EPA permit tracking number or a copy of the Industrial Notice of Intent form for each facility, as appropriate;
- (7) A list of measurable goals for the pollution prevention and good housekeeping program, including dates by which the co-permittees will achieve each of the measurable goals; and
- (8) The name and title of the person(s) responsible for coordination and implementation of the pollution prevention and good housekeeping program.

II.C. Reviewing and Updating the Storm Water Management Program

1. Co-permittees must annually review the SWMP as part of the preparation of the Annual Report required under Part IV.C.
2. Co-permittees may change the SWMP during the life of the permit according to the following procedures:
 - a. Changes adding (but not subtracting or replacing) components, controls, goals, or requirements to the SWMP may be made at any time upon written notification to the EPA and ADEC.

- b. Changes replacing an ineffective or infeasible BMP or measurable goal specifically identified in the SWMP with an alternate management practice may be requested at any time. Unless denied by EPA, changes proposed according to the criteria below may be considered approved and may be implemented 60 days after submitting the request. If the request is denied, EPA will send a written response giving a reason for the decision. Modification requests to EPA must include:
- (1) An analysis of why the BMP or goal is ineffective, infeasible, or cost prohibitive;
 - (2) Expectations on the effectiveness of the replacement BMP or goal; and
 - (3) An analysis of why the replacement BMP or goal is expected to better achieve the SWMP requirements.
- c. Change requests or notifications must be made in writing and signed by all co-permittees in accordance with Part VI.E.
- d. Documentation of the minimum control measures as required by the SWMP must be submitted to EPA upon request. EPA may review and subsequently notify the co-permittees that changes to the SWMP are necessary to:
- (1) Address discharges from the MS4 that are causing or contributing to water quality impacts;
 - (2) Include more stringent requirements necessary to comply with new federal or state statutory or regulatory requirements;
 - (3) Include other conditions deemed necessary by the EPA to comply with water quality standards, and/or other goals and requirements of the Clean Water Act; or
 - (4) Address the SWMP requirements of the permit, if EPA determines that the permittee's current SWMP does not meet permit requirements.
- e. If EPA notifies the co-permittees that changes are necessary pursuant to Part II.C.2.d, the notification will offer the co-permittees an opportunity to propose alternative program changes to meet the objectives of the requested modification. Following this opportunity, the co-permittees must implement any required changes according to the schedule set by EPA.

II.D. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation.

Co-permittees must implement the SWMP in all new areas added or transferred to the permittee's MS4 (or for which the permittee becomes responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from the date upon which the new areas were added. Such additions and schedules for implementation must be documented in the next Annual Report following the transfer.

II.E. Storm Water Management Program Resources

Co-permittees must provide adequate finances, staff, equipment and other support capabilities to implement their activities under the Storm Water Management Program.

III. SCHEDULE FOR IMPLEMENTATION AND COMPLIANCE

Table III.A			
Storm Water Management Program - Schedule for Implementation and Compliance			
Part of Permit	Storm Water Management Program Component	Compliance Date	Responsibility
<i>General Requirements</i>			
Part I.C.3.	Submit to EPA a copy of the final intergovernmental Cooperative Agreement signed by all four co-permittees	Upon signature	Each permittee must sign this agreement.
Part I.D.4	Submit to EPA a written description of how SWMP activities control the discharge of sediment, petroleum products and debris to waters of the U.S. from the MS4(s)	One year of the effective date of this permit	Each permittee
Parts II.C, IV.A.I, and IV.C	Conduct an annual review of SWMP implementation and submit an Annual Report to EPA and ADEC	One year from the effective date of this permit, then annually thereafter	Each permittee
Parts IV.B, II.B.2, and II.B.3	Submit a Monitoring Program Plan including Quality Assurance Requirements	270 days from the effective date of this permit	Each permittee
<i>Public Education and Outreach (40 CFR §122.34(b)(1))</i>			
Part II.B.1	Plan and implement public education program for local communities (II.B.1.a)	One year from effective date of this permit	All co-permittees will work together to accomplish these tasks
	Distribute storm water educational materials to target audiences (II.B.1.b)	At least annually, in April of each year	
	Prepare & distribute outreach material to local print and broadcast media (II.B.1.c)	Annually, in April of each year	

Table III.A, continued			
Storm Water Management Program - Schedule for Implementation and Compliance			
Part of Permit	Storm Water Management Program Component	Compliance Date	Responsibility
<i>Public Involvement and Participation (40 CFR §122.34(b)(2))</i>			
Part II.B.2	Organize and host one “Stream Clean Up Day” event (II.B.2.c)	Within 18 months of the effective date of this permit, then annually thereafter	Fairbanks, North Pole (UAF and ADOT&PF will assist)
	Organize and coordinate an on-going Volunteer Monitoring Program and Adopt- a-Stream program (II.B.2.d)	Within two years of the effective date of this permit, and ongoing thereafter	Each permittee will contribute to these joint projects
	Develop and distribute a “Storm water Attitude Survey” to Fairbanks area residents (II.B.2.e) Report summary of survey results to EPA and ADEC	Within four years of the effective date of this permit Six months prior to permit expiration date	
	Organize and conduct a Storm Drain Stenciling Program (II.B.2.f)	Within one year of the effective date of this permit	
	Convene a Storm Water Advisory Committee to coordinate and advise SWMP activities on a regularly scheduled basis (II.B.2.g)	Upon the effective date of this permit, ongoing	
<i>Illicit Discharge Detection and Elimination (40 CFR §122.34 (b)(3))</i>			
Part II.B.3	Conduct hydrologic study of all roadway drainage structures within the jurisdiction (II.B.3.a)	Within three years of the effective date of this permit	Each permittee is responsible for completing its own study
	Develop and implement a plan to detect and address illicit discharges to the MS4(s) Develop a system for tracking information on illicit discharge discovery and response (II.B.3.b)	Within two years of the effective date of this permit	Each permittee responsible for planning, sampling and tracking information in its jurisdiction
	Adopt an ordinance or other control measure to prohibit illicit discharges to the MS4(s); prohibit any specific non-storm water discharge, if necessary (II.B.3.c & d)	Within three years of the effective date of this permit	Each permittee responsible for their ordinance or procedure

Table III.A, continued			
Storm Water Management Program - Schedules for Implementation and Compliance			
Part of Permit	Storm Water Management Program Component	Compliance Date	Responsibility
<i>Illicit Discharge Detection and Elimination (40 CFR §122.34 (b)(3)), continued</i>			
Part II.B.3	Inform the public, et al, of the hazards associated with illegal discharges and improper waste disposal to the MS4. (II.B.3.e)	Within two years of the effective date of this permit	Each permittee
	Finalize a comprehensive storm sewer map (II.B.3.f)	Within three years of the effective date of this permit	Each permittee is responsible for map based on their hydrologic study
	Complete dry weather field screening for non-storm water from 50% of all outfalls (II.B.3.g)	Within five years of the effective date of this permit	Each permittee is responsible for screening their outfalls
<i>Construction Site Storm Water Runoff (40 CFR §122.34(b)(4))</i>			
Part II.B.4	Develop, implement and enforce a construction site runoff control program for sites disturbing one or more acres of land (II.B.4.a)	Within two years of the effective date of this permit	Each permittee
	Adopt an ordinance or other control measure to require construction site operators to practice erosion, sediment and waste control (II.B.4.b)		Each permittee responsible adoption and implementation
	Publish and distribute written requirements for construction site best management practices (II.B.4.c)		Each permittee (Co-permittees may develop joint documents).
	Develop procedures for reviewing site plans and receiving public comment (II.B.4.d)		Each permittee
	Develop and implement procedures for site inspection and enforcement (II.B.4.e)	Within three years from the effective date of this permit	Each permittee
	Conduct training for contractors/developers/engineers on the construction ordinance(s) and BMP requirements (Part II.B.4.f)		Each permittee responsible for participating in the training

Table III.A, continued			
Storm Water Management Program - Schedules for Implementation and Compliance			
Part of Permit	Storm Water Management Program Component	Compliance Date	Responsibility
<i>Post-Construction Storm Water Management (40 CFR §122.34(b)(5))</i>			
Part II.B.5	Develop, implement and enforce a program to address post-construction runoff from new development and redevelopment (II.B.5.a)	Within four years of the effective date of this permit	Each permittee is responsible for the development and implementation
	Adopt and implement an ordinance or other control measure requiring BMPs to reduce pollutants in storm water runoff from new development or redevelopment projects (II.B.5.b)		Each permittee is responsible for the adoption and implementation
	Publish and distribute BMP design manual for post-construction storm water management (II.B.5.c)		Each permittee will contribute to this joint project
	Develop and conduct at least one workshop for developers and engineers (II.B.5.e)		Each permittee will contribute to this joint project
<i>Pollution Prevention/Good Housekeeping (40 CFR §122.34(b)(6))</i>			
Part II.B.6	Develop and implement an operation and maintenance program to prevent pollutant runoff from municipal activities. (II.B.6.a)	Within two years of the effective date of this permit	Each permittee is responsible for evaluating their own practices, developing guidance for operational effectiveness and conveying that information to their maintenance personnel. Co-permittees may work together to accomplish these objectives.
	Evaluate effectiveness of existing street cleaning, storm drain cleaning, and waste disposal practices within the co-permittee jurisdictions. (II.B.6.b)		
	Develop appropriate training for municipal personnel (II.B.6.c), provided annually after initial offering		
	Evaluate other municipal activities/flood management projects for potential storm water impacts on water quality, make changes if necessary (II.B.6.d)		

IV. MONITORING, RECORD KEEPING AND REPORTING REQUIREMENTS

IV.A. Monitoring

1. At least once annually, co-permittees must evaluate their compliance with the permit conditions, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals for each of the minimum control measures. This evaluation of program compliance must be documented in each Annual Report required as described in Part IV.C.
2. When the co-permittees conduct water quality monitoring, the co-permittees must comply with the following:
 - a. **Representative monitoring**: All samples and measurements must be representative of the monitored activity;
 - b. **Test Procedures**. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless otherwise specified; and
 - c. **Discharge Monitoring Report**: Monitoring results must be recorded on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent, and submitted annually for the previous 12-month period along with the Annual Report required in Part IV.C.
 - d. **Monitoring Program Plan including Quality Assurance Requirements**: Within 270 days of the effective date of this permit, the co-permittees must develop a Monitoring Program Plan that includes a Quality Assurance/Quality Control (QA/QC) program for all analytical monitoring to be conducted, including but not limited to the activities described in Parts II.B.2 and II.B.3. Prior to beginning any analytical monitoring, co-permittees must submit the plan to both EPA and ADEC for review as described in Part II.A.3. The plan shall be submitted to addresses indicated in Part IV.D.
 - (1) The Quality Assurance Plan (QAP) must be designed to assist in planning for the collection and analysis of water samples in support of the SWMP.
 - (2) Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5), *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5) and the ADEC Quality Assurance Plan Checklist. The QAP must be formatted as specified in these documents.

- e. The QAP must include the following:
 - (1) Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
 - (2) Map(s) indicating the location(s) of each sampling point.
 - (3) Qualification and training of personnel.
 - (4) Name(s), address(es) and telephone number(s) of the laboratories, used by or proposed to be used by the co-permittees.
 - f. The co-permittees must amend this Monitoring Program Plan whenever there is a modification in the sample collection, sample analysis, or other conditions or requirements of the plan.
 - g. Copies of the Monitoring Program Plan must be kept on site and must be made available to EPA and ADEC immediately upon request.
3. Records of monitoring information must include:
- a. The date, exact place, and time the samples or measurements were taken;
 - b. The names(s) of the individual(s) who performed the sampling or measurements;
 - c. The date(s) upon which analysis of each sample was performed;
 - d. The names of the individuals who performed each analysis;
 - e. The analytical techniques or methods used; and
 - f. The results of each analysis.
4. If any of the co-permittees monitors more frequently than required by this permit, using test procedures approved under 40 CFR Part 136, or as otherwise specified by this permit, the results of this monitoring must be included with the data submitted as part of the Annual Report required by Part IV.C. of this permit.

IV.B. RECORD KEEPING

- 1. ***Retention of Records:*** Co-permittees must retain records and copies of all information (including all monitoring, calibration and maintenance records and all original strip chart recordings for any continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit) for a period of at least three years from the date of the sample,

measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended at the request of the EPA at any time. Records include all information used in the development of the storm water management program, all monitoring data, copies of all reports, and all data used in the development of the permit application.

2. ***Availability of Records:*** The co-permittees must submit the records referred to in Part IV.B.1 to EPA and ADEC only when specifically asked to do so. Co-permittees must retain the SWMP required by this permit (including a copy of the permit language and all Annual Reports) at a location accessible to the EPA. The co-permittees must make records, including the permit application and the SWMP, available to the public if requested to do so in writing. The public may view the records during normal business hours. Co-permittees may charge the public a reasonable fee for copying requests.

IV.C. Annual Reports

1. One year from the effective date of this permit, and annually thereafter, the co-permittees must prepare and submit an Annual Report to EPA and ADEC. In addition, copies of all Annual Reports must be available to the public through the municipal library system, a co-permittee-maintained website, or other easily accessible location. A suggested format for the Annual Report is provided in Appendix A of this permit. The Annual Report must be mailed to the addresses found in Part IV.D. and must include, at a minimum:
 - a. An evaluation of compliance with the requirements of this permit, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals of the SWMP for each minimum control measure;
 - b. Results of any information collected and analyzed during the previous 12-month reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the maximum extent practicable;
 - c. A summary of the activities the co-permittees plan to undertake during the next reporting cycle (including an implementation schedule) for each minimum control measure;
 - d. Proposed changes and completed changes to the SWMP, including changes to any BMPs or any identified measurable goals for any minimum control measures;
 - e. A description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable water quality standards; and

- f. Notice if the co-permittees are relying on another entity to satisfy some of the permit obligations, if applicable.

IV.D. Addresses

Submittals required by this permit must be made to the following addresses:

EPA: United States Environmental Protection Agency
Attention: Storm Water Program
NPDES Compliance Unit
1200 6th Avenue (OCE-133)
Seattle, WA 98101

ADEC: Alaska Department of Environmental Conservation
Water Division, Non-point Source Water Pollution Control
Attention: Ms. Mel Langdon, Program Manager
555 Cordova Street
Anchorage, Alaska 99501

V. COMPLIANCE RESPONSIBILITIES

- V.A. Duty to Comply.** Co-permittees must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (Act) and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

V.B. Penalties for Violations of Permit Conditions

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

violation, with the maximum amount of any Class I penalty assessed not to exceed \$32,500). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$157,500).

3. Criminal Penalties:

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

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

- V.C. Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for the co-permittees 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.
- V.D. Duty to Mitigate.** Co-permittees must take all reasonable steps to minimize or prevent any discharge or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
- V.E. Proper Operation and Maintenance.** The co-permittees 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 co-permittees to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the co-permittees only when the operation is necessary to achieve compliance with the conditions of the permit.
- V.F. Toxic Pollutants.** The co-permittees must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- V.G. Planned Changes.** Co-permittees must give notice to the Director and Alaska Department of Environmental Conservation 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 pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in the permit.

V.H. Anticipated Noncompliance. Co-permittees must give advance notice to the Director and Alaska Department of Environmental Conservation of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

VI. GENERAL PROVISIONS

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

VI.B. Duty to Reapply. If co-permittees intend to continue an activity regulated by this permit after the expiration date of this permit, the co-permittees must apply for and obtain a new permit. In accordance with 40 CFR §122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Director, the co-permittees must submit a new application at least 180 days before the expiration date of the permit, or in conjunction with the fourth Annual Report. The reapplication package must contain the information required by 40 CFR §122.21(f) which includes: name and mailing address(es) of the permittee(s) that operate the MS4(s), and names and titles of the primary administrative and technical contacts for the municipal permittee(s). In addition, co-permittees must identify the identification number of the existing NPDES MS4 permit; any previously unidentified water bodies that receive discharges from the MS4; a summary of any known water quality impacts on the newly identified receiving waters; a description of any changes in co-applicants; and any changes or modifications to the Storm Water Management Program. The reapplication package may incorporate by reference the fourth Annual Report when the reapplication requirements have been addressed within that report.

VI.C. Duty to Provide Information. Co-permittees must furnish to the Director and ADEC, within the time specified in the request, any information that the Director or ADEC may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. Co-permittees must also furnish to the Director or ADEC, upon request, copies of records required to be kept by this permit.

VI.D. Other Information. When any of the co-permittees become aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to the Director or ADEC, the co-permittee must promptly submit the omitted facts or corrected information.

VI.E. Signatory Requirements. All applications, reports or information submitted to the Director and ADEC must be signed and certified as follows.

1. All permit applications must be signed as follows:

- a. For a corporation: by a responsible corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Director or the Alaska Department of Environmental Conservation 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 organization; and
 - c. The written authorization is submitted to the Director and ADEC.
3. Changes to authorization. If an authorization under Part VI.E.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part VI.E.2 must be submitted to the Director and ADEC prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this Part must make the following certification:

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

VI.F. Availability of Reports. In accordance with 40 CFR Part 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the co-permittees. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the co-permittees. If a claim

is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

VI.G. Inspection and Entry. The co-permittees must allow the Director, ADEC, or an authorized representative (including an authorized contractor acting as a representative of the Director), upon the presentation of credentials and other documents as may be required by law, to:

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

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

VI.I. Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the co-permittees and incorporate such other requirements as may be necessary under the Act. (See 40 CFR §122.61; in some cases, modification or revocation and reissuance is mandatory.)

VI.J. State/Tribal Environmental Laws.

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the co-permittees from any responsibilities, liabilities, or penalties established pursuant to any applicable State/Tribal law or regulation under authority preserved by Section 510 of the Act.
2. No condition of this permit releases the co-permittees from any responsibility or requirements under other environmental statutes or regulations.

VI.K. Oil and Hazardous Substance Liability. Nothing in this permit shall be constructed to preclude the institution of any legal action or relieve the co-permittees from any

responsibilities, liabilities, or penalties to which the co-permittees is or may be subject under section 311 of the CWA or section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

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

VII. REOPENER CLAUSE

VII.A. Reopener Clause. This permit may be modified, or alternatively, revoked and reissued, to address the application of different permit conditions if new information, (such as future water quality studies and waste load allocation determinations) or new regulations, show the need for different conditions. If there is evidence indicating that the storm water discharges authorized by this permit cause, or have the potential to cause a violation of a water quality standard, EPA may reopen this permit to include different limitations or requirements

VII.B. Termination of Coverage for a Single Co-permittee. Permit coverage may be terminated, in accordance with the provisions of 40 CFR §§122.64 and 124.5, for a single co-permittee without terminating coverage for other co-permittees.

VIII. DEFINITIONS AND ACRONYMS

All definitions contained in Section 502 of the Act and 40 CFR Part 122 apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided but, in the event of a conflict, the definition found in the statute or regulation takes precedence.

“ADEC” means the Alaska Department of Environmental Conservation.

“Administrator” means the Administrator of the EPA, or an authorized representative.

“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 runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“Control Measure” as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

“CWA” or “The Act” means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-

500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et seq.

“Director” means the Regional Administrator, the Director of the Office of Water and Watersheds, EPA, or an authorized representative.

“Discharge” when used without a qualifier, refers to “discharge of a pollutant” as defined at 40 CFR §122.2.

“Discharge of Storm Water Associated with Construction Activity” as used in this permit, refers to a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling) or other industrial storm water directly related to the construction process are located. (See 40 CFR §122.26(b)(14)(x) and 40 CFR §122.26(b)(15) for the two regulatory definitions of storm water associated with construction sites.)

“Discharge of Storm Water Associated with Industrial Activity” is defined at 40 CFR §122.26(b)(14).

“Discharge-related Activities” include: activities which cause, contribute to, or result in storm water point source pollutant discharges and measures to control storm water discharges, including the siting, construction, and operation of best management practices to control, reduce or prevent storm water pollution.

“Discharge Monitoring Report or DMR” means the EPA uniform national form, including any subsequent additions, revisions or modification for the reporting of self monitoring results by permittees. See 40 CFR §122.2.

“EPA” means the Environmental Protection Agency Regional Administrator, the Director of the Office Water and Watersheds, or an authorized representative.

“Facility or Activity” means any NPDES “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

“Fairbanks Urbanized Area” means the greater Fairbanks area delineated by the Year 2000 Census by the U.S. Bureau of the Census according to the criteria defined by the Bureau on March 15, 2002 (67 FR 11663) namely, the area consisting of contiguous, densely settled census block groups and census blocks that meet minimum population density requirements, along with adjacent densely settled census blocks that together encompass a population of at least 50,000 people. The Fairbanks Urbanized Area was named by the Bureau on May 1, 2002 (67 FR 21962).

“Illicit Connection” means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

“Illicit Discharge” is defined at 40 CFR §122.26(b)(2) and refers to any discharge to a municipal

separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

“Industrial Activity” as used in this permit refers to the eleven categories of industrial activities included in the definition of discharges of storm water associated with industrial activity at 40 CFR § 122.26(b)(14).

“Industrial Storm Water” as used in this permit refers to storm water runoff associated with the definition of discharges of storm water associated with industrial activity.

“MEP” means "maximum extent practicable," the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA §402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR §122.34.

“Measurable Goal” means a quantitative measure of progress in implementing a component of a storm water management program.

“MS4” means "municipal separate storm sewer system" and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System. The term, as used within the context of this permit, refers to small MS4s (see definition below) and includes systems operated by a variety of public entities (e.g., military facilities, prisons, and systems operated by other levels of government).

“Municipality” means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA.

“Municipal Separate Storm Sewer” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

“National Pollutant Discharge Elimination System” or “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. The term includes an “approved program.”

“Outfall” means a point source (defined below) at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

“Owner or operator” means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

“Permitting Authority” means EPA, Region 10.

“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 storm water runoff.

"Pollutant" is 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.

“QA/QC” means quality assurance/quality control.

“QAP” means quality assurance plan.

“Regional Administrator” means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.

“Significant contributors of pollutants” means any discharge that causes or could cause or contribute to a violation of surface water quality standards.

“Small Municipal Separate Storm Sewer System” is defined at 40 CFR §122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, but is not defined as “large” or “medium” municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas such as individual buildings.

“Storm Water” is defined at 40 CFR §122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.

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“Storm Water Management Program (SWMP)” refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

“TMDL” means Total Maximum Daily Load, an analysis of pollutant loading to a body of water detailing the sum of the individual waste load allocations for point sources and load allocations for non-point sources and natural background. See 40 CFR §130.2.

“Waters of the United States” means:

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate "wetlands";
3. All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs 1. through 4. of this definition;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1. through 6. of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds for steam electric generation stations per 40 CFR Part 423) which also meet the criteria of this definition) are not waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

“Wetlands” means 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.

Appendix A: Suggested Annual Report Format

EPA provides the following format as a possible means of submitting the Annual Report information required under Part IV.C. and Parts II.B.1-6 of this permit. The Annual Report information may be submitted to EPA and ADEC in electronic format on CD-ROM(s) using universally available document formats, such as Adobe Acrobat PDF or other available means. However, please note that while the Annual Report text can be submitted in electronic format, the required certification statement must be signed and dated in hard copy by all co-permittees as directed in Part VI.E. of this permit. EPA encourages the co-permittees to prepare the Annual Report(s) as a joint effort, with each party providing activity updates for their particular responsibilities under the permit.

Other guidance on the required elements of the Annual Report are provided in italics below.

A. PERMITTEE INFORMATION

Permit Number: _____

Permittee: _____

Mailing Address: _____

City, State and Zip Code: _____

Phone Number: _____

Have any areas been added to the MS4 due to annexation or other legal means?

YES NO

(If yes, include updated map.)

B. REPORTING PERIOD _____ to _____**C. STATUS OF STORM WATER MANAGEMENT PROGRAM**

For each of the six minimum control measures, (i.e., as found in Parts II.B.1-6, regarding public education, public participation/involvement, illicit discharge detection and elimination, construction, post-construction, and good housekeeping for municipal operations) address each of the following items. The status of each program area must be addressed, even if the program area was completed and fully implemented in a previous reporting year or has not yet been implemented due to existing schedules. (Depending on the size of the municipality and the complexity of the programs, the attachments for this section will likely comprise 1 to 5 pages per control measure.) As necessary, include any specific report elements or submittal as outlined in Parts II.B.1-6.

- a. General summary of activities
- b. An evaluation of compliance with the requirements of this permit, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals of the SWMP for each minimum control measure.

Factors to consider in determining appropriateness include, but are not limited to, effectiveness for local population, pollution sources, receiving water concerns, and integration with local management procedures. Include a general discussion on your assessment of the overall program effectiveness at protecting water quality.

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- c. Results of any information collected and analyzed during the previous 12-month reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the maximum extent practicable. *If the co-permittees collected any monitoring data for storm water discharges, the operator must submit a summary of the information and any analysis completed. Examples of data sources include survey/polling results, miles of riverbank cleaned up, number of hits on a website before and after a public education campaign, etc.*
- d. A summary of the number and nature of inspections and formal enforcement actions performed.
- e. A summary of the activities the co-permittees will undertake during the next reporting cycle (including an implementation schedule) for each minimum control measure. *Provide a short summary based on your existing Storm Water Management Program implementation schedule. If any changes are planned from the original descriptions provided in the application or previous reports, they should be summarized in Item f. Include implementation schedules for new areas added to the MS4 .*
- f. Proposed and completed changes to the SWMP, including changes to any BMPs or any identified measurable goals for any minimum control measures since previous report or permit application. *Include a summary of any changes made in accordance with Part II.C. of the permit. Significant changes that involve replacing or deleting an ineffective or unfeasible BMP may require EPA review as outlined in Part II.C.*
- g. Notice if the co-permittees are relying on another entity to satisfy some of the permit obligations, if applicable. *Another entity may be relied on to perform requirements of your MS4 permit. However, as the permittee, the MS4 operator remains liable for compliance with the terms of the permit if the requirements are not fulfilled. Co-permittees must complete this Annual Report for the geographic areas covered under their permit, for all program areas, even if one or more program elements is being performed by another entity.*

D. 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 gathered and evaluated 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 Permittee (legally responsible person)

Date Signed

Name & Title (printed)

Note: Collection of Annual Report information required under 40 CFR §122.34(g)(3) is covered under Paperwork Reduction Act Information Collection Request #1820.03, OMB NO.: 2040-0211, Expiration Date: 06/30/2006.