



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
330 Harbor Drive
Sitka, AK
(907)747-1811

Meeting Agenda

City and Borough Assembly

*Mayor Steven Eisenbeisz,
Deputy Mayor Kevin Mosher,
Vice Deputy Mayor Crystal Duncan,
Thor Christianson, Chris Ystad,
Timothy Pike, JJ Carlson*

*Municipal Administrator: John Leach
Municipal Attorney: Brian Hanson
Municipal Clerk: Sara Peterson*

Tuesday, September 12, 2023

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. RECITAL OF LANDS ACKNOWLEDGEMENT

IV. ROLL CALL

V. CORRESPONDENCE/AGENDA CHANGES

[23-117](#) Reminders, Calendars, and General Correspondence

Attachments: [Calendars and Reminders](#)

[Clerks Corner Issue 3 082823](#)

VI. CEREMONIAL MATTERS

None.

VII. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Municipal Departments, School District, Students and Guests (five minute time limit)

[23-106](#) Update - Airport Terminal Improvement Project

Attachments: [Airport Terminal Project](#)

[1. SIT-Assembly.Presentation.9.12.23 \(003\)](#)

VIII. PERSONS TO BE HEARD

Public participation on any item off the agenda. All public testimony is not to exceed 3 minutes for any individual, unless the mayor imposes other time constraints at the beginning of the agenda item.

IX. CONSENT AGENDA

All matters under Item IX Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A** [23-107](#) Approve the minutes of the August 22 Assembly meeting

Attachments: [Consent and Minutes](#)

- B** [23-108](#) Approve the following marijuana license renewal applications and forward to the Marijuana Control Board without objection:

- 1) Standard marijuana cultivation facility license renewal applications submitted by AKO Farms, LLC at 1210 Beardslee Way and AKO Farms, LLC dba AKO 2 at 213 Price Street, and
- 2) A retail marijuana store license renewal application submitted by AKO Farms, LLC dba AKO Farms Direct at 1210 Beardslee Way, and
- 3) A marijuana concentrate manufacturing facility license renewal application submitted by AKO Farms, LLC at 1210 Beardslee Way

Attachments: [Motion and Memos](#)

[12253 AKO standard marijuana cultivation facility license](#)

[26162 AKO 2 standard marijuana cultivation facility license renewal](#)

[19898 AKO Farms Direct Retail](#)

[16767 AKO Farms marijuana concentrate](#)

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

- C** [23-109](#) Appoint 1) Woody Widmark to a three-year term on the Health Needs and Human Services Commission 2) Steve Black to a three-year term on the Park and Recreation Committee, and reappoint 1) Ben Hughey to a three-year term on the Parks and Recreation Committee

Attachments: [Motion and applications](#)

- D** [23-111](#) Appoint one to the Planning Commission: 1) Robin Sherman, 2) Chris Spivey, 3) Jeremy Twaddle
Attachments: [Motion Planning Commission](#)
[Sherman- Planning](#)
[Spivey-Planning](#)
[Twaddle-Planning](#)
- XI. UNFINISHED BUSINESS:**
- E** [ORD 23-20](#) Amending Title 2 “Administration,” Chapter 2.04 “City and Borough Assembly” of the Sitka General Code by updating Sections 2.04.190 “Salaries and compensation” and 2.04.195 “Salaries for assembly members and mayor”
Attachments: [Motion](#)
[Memo - Assembly Salaries](#)
[Ord 2023-20](#)
[Signed 2023-20](#)
- XII. NEW BUSINESS:**
- F** [RES 23-25](#) Authorizing the Municipal Administrator to apply for the US Department of Energy Grid Deployment Office Section 247: maintaining and enhancing hydroelectricity incentive program for the Green Lake Rehabilitation Phase II and III project
Attachments: [Motion, Memo, and Res 2023-25](#)
[Signed Res 2023-25](#)
- G** [23-114](#) Approve a Consent to Assignment of Lease between the City and Borough of Sitka, McG Constructors, Inc. and Colaska, Inc. dba Secon for Granite Creek Lease Areas 2 and 3
Attachments: [Motion and Memo](#)
[Consent To Assignment](#)
[Existing Lease Granite Creek Areas 2&3 with only Exhibit 4](#)
- H** [23-113](#) Discussion/Direction/Decision of a Class III tideland lease filed by Evergreen Properties, LLC at 2309 Halibut Point Road
Attachments: [Memo and Materials](#)
- I** [23-110](#) Discussion/Direction/Decision on whether to proceed with a lease of municipal property on Jarvis Street for use as a community garden
Attachments: [Memo](#)
[Planning Commission Materials](#)
[Applicant Materials](#)

- J [23-115](#) Authorize the Municipal Administrator to pursue a funding opportunity and advocate to the Department of Energy to expand supervisory control of the electrical system PULLED

Attachments: [Motion and Memo](#)

- K [23-112](#) Decision on whether to allow sales tax free day(s) following the Thanksgiving holiday and set date(s)

Attachments: [Motion and memo](#)

XIII. PERSONS TO BE HEARD:

Public participation on any item on or off the agenda. Not to exceed 3 minutes for any individual.

XIV. REPORTS

a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other

XV. EXECUTIVE SESSION

- L [23-116](#) Airport Terminal Building Lease with the State of Alaska

Attachments: [Motion Exec Session](#)

XVI. ADJOURNMENT

Note: Detailed information on these agenda items can be found on the City website at <https://sitka.legistar.com/Calendar.aspx> or by contacting the Municipal Clerk's Office at City Hall, 100 Lincoln Street or 907.747.1811. A hard copy of the Assembly packet is available at the Sitka Public Library. Regular and Special Assembly meetings are livestreamed through the City's website and YouTube channel, and aired live on KCAW FM 104.7. To receive Assembly agenda notifications, sign up with GovDelivery on the City website.

*Sara Peterson, MMC, Municipal Clerk
Publish: September 8*



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 23-117 **Version:** 1 **Name:**
Type: Item **Status:** AGENDA READY
File created: 9/8/2023 **In control:** City and Borough Assembly
On agenda: 9/12/2023 **Final action:**
Title: Reminders, Calendars, and General Correspondence
Sponsors:
Indexes:
Code sections:
Attachments: [Calendars and Reminders](#)
[Clerks Corner Issue 3 082823](#)

Date	Ver.	Action By	Action	Result
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REMINDERS

DATE

EVENT

TIME

Tuesday, September 12

Regular Meeting

6:00 PM

Tuesday, September 26

Regular Meeting

6:00 PM



September 2023

Sunday		Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	Aug	28	29	30	31	1	Sep 2
3		4	5	6	7	8	9
		Observed Holiday	6:00pm <u>Sustainability Commission-Liaison Mosher</u>	5:00pm <u>Tourism Task Force- Liaison Carlson</u> 6:00pm <u>Library Commission- Liaison Duncan</u> 6:00pm <u>School Board - Liaison Mosher</u> 7:00pm <u>Planning Commission- Liaison Christianson</u>			
10	11	12	13	14	15	16	
		12:00pm <u>Parks and Recreation Committee-Liaison Duncan</u> 6:00pm <u>Regular Assembly Mtg</u>	5:30pm <u>Tree and Landscape Committee- Liaison Carlson</u> 6:00pm <u>Historic Preservation Commission- Carlson</u> 6:00pm <u>Port and Harbors Commission- Liaison Ystad</u>	12:00pm <u>Local Emergency Planning Committee- Liaison Mosher</u>			
17	18	19	20	21	22	23	
			12:00pm <u>Health Needs and Human Services Commission- Liaison Duncan</u> 7:00pm <u>Planning Commission - Liaison Christianson</u>				
24	25	26	27	28	29	30	Oct
		6:00pm <u>Regular Assembly Mtg</u>	5:30pm <u>Police and Fire Commission- Liaison Pike</u>	6:00pm <u>Tourism Task Force- Liaison Carlson</u>			

October 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 Oct	2	3	4	5	6	7
		Municipal Election 6:00pm <u>Sustainability Commission-Liaison Mosher</u>	6:00pm <u>School Board - Liaison Mosher</u> 7:00pm <u>Planning Commission-Liaison Christianson</u>			
8	9	10	11	12	13	14
		12:00pm <u>Parks and Recreation Committee-Liaison Duncan</u> 6:00pm <u>Regular Assembly Mtg</u>	6:00pm <u>Historic Preservation Commission-Carlson</u> 6:00pm <u>Port and Harbors Commission-Liaison Ystad</u>	12:00pm <u>Local Emergency Planning Committee-Liaison Mosher</u>		
15	16	17	18	19	20	21
			Observed Holiday 12:00pm <u>Health Needs and Human Services Commission-Liaison Duncan</u> 7:00pm <u>Planning Commission - Liaison Christianson</u>			
22	23	24	25	26	27	28
	6:00pm <u>Govt to Govt Dinner Meeting - Westmark Banquet Room</u>	6:00pm <u>Regular Assembly Mtg</u>	5:30pm <u>Police and Fire Commission-Liaison Pike</u>			
29	30	31	1 Nov	2	3	4



Jess Earnshaw/Deputy Clerk, Sara Peterson/Municipal Clerk, Holley Dennison/Admin. Coordinator

SITKA GENERAL CODE REORGANIZATION

Strategic Plan Goals ~ 2.1 ~ 5.3 ~ 5.4 ~ In 2022, the Legal Department and Municipal Clerk's office identified need for a legal review, reorganization, and recodification of the Sitka General Code (SGC).

CURRENT STATUS: The reorganization project is in progress.

FUTURE MILESTONE: Code Publishing will provide a proof for review by late November, consisting of a PDF copy and online version. After review is completed, the code will be finalized and go live!

TARGET COMPLETION DATE: Early 2024, the Municipal Attorney, Legal Assistant, and Municipal Clerk will meet with departments to amend code based on legal review.

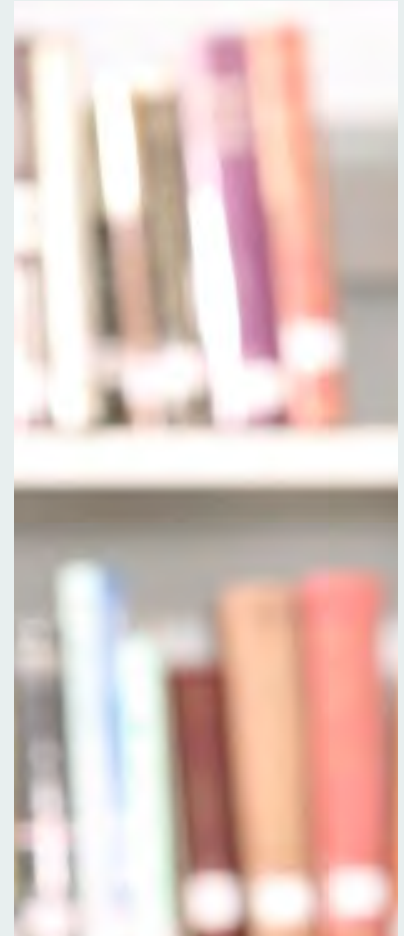
LASERFICHE RECORDS MIGRATION

Strategic Plan Goals ~ 2.1 ~ 5.3 ~ 5.4 ~ Laserfiche, a software solution, will eliminate offsite record storage, create accessibility to CBS records, and automate retention and disposal. This helps us meet the goal of the Information Governance Committee to limit the number of locations CBS records are stored at, gain full record inventory, and decrease liability.

CURRENT STATUS: Megan Gregor, Records Management Consultant, visited CBS onsite during July and August to review stored records, identified records to destroy, and those which must be retained for future scanning. Significant progress was made!

FUTURE MILESTONE: Over the next few months, Megan will work with the Information Governance Committee to develop our Records Management Plan by creating policies and procedures to ensure consistent records management. Once records are ready for scanning, she will also assist with our electronic records procedures.

TARGET COMPLETION DATE: Move out of the Record's Center—November, 2024.



CURRENT PROJECTS

Sitka General Code Reorganization

Laserfiche Records Migration

PUBLIC RECORD REQUEST STATISTICS

June: 4 SPD / 4 OTHER

July: 11 SPD / 7 OTHER

August: 10 SPD / 4 OTHER

**PEOPLE ~ INNOVATION
INTEGRITY ~ SERVICE
SUSTAINABILITY**



Municipal Clerk Expense Report

Fiscal Year to Date 06/30/24

Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year Total
Fund 100 - General Fund										
EXPENSE										
5110										
5110.001	Regular Salaries/Wages	238,258.80	.00	238,258.80	.00	.00	21,248.40	217,010.40	9	202,930.22
5110.002	Holidays	.00	.00	.00	.00	.00	944.72	(944.72)	+++	7,158.68
5110.003	Sick Leave	.00	.00	.00	.00	.00	241.36	(241.36)	+++	3,085.74
5110.010	Temp Wages	50,000.00	.00	50,000.00	.00	.00	.00	50,000.00	0	14,133.20
5110 - Totals		\$288,258.80	\$0.00	\$288,258.80	\$0.00	\$0.00	\$22,434.48	\$265,824.32	8%	\$227,307.84
5120										
5120.001	Annual Leave	6,519.00	.00	6,519.00	.00	.00	1,183.52	5,335.48	18	20,741.84
5120.002	SBS	18,106.82	.00	18,106.82	.00	.00	1,452.40	16,654.42	8	15,275.88
5120.003	Medicare	4,282.98	.00	4,282.98	.00	.00	343.53	3,939.45	8	3,613.45
5120.004	PERS	52,417.04	.00	52,417.04	.00	.00	5,195.96	47,221.08	10	51,461.60
5120.005	Health Insurance	57,634.20	.00	57,634.20	.00	.00	4,499.97	53,134.23	8	52,281.48
5120.006	Life Insurance	30.24	.00	30.24	.00	.00	2.52	27.72	8	31.63
5120.007	Workmen's Compensation	809.09	.00	809.09	.00	.00	66.34	742.75	8	746.59
5120.011	PERS on Behalf	17,419.13	.00	17,419.13	.00	.00	.00	17,419.13	0	5,707.00
5120 - Totals		\$157,218.50	\$0.00	\$157,218.50	\$0.00	\$0.00	\$12,744.24	\$144,474.26	8%	\$149,859.47
5201										
5201.000	Training and Travel	14,150.00	.00	14,150.00	.00	.00	.00	14,150.00	0	13,443.90
5201 - Totals		\$14,150.00	\$0.00	\$14,150.00	\$0.00	\$0.00	\$0.00	\$14,150.00	0%	\$13,443.90
5204										
5204.000	Telephone	500.00	.00	500.00	.00	.00	.00	500.00	0	185.92
5204.001	Cell Phone Stipend	1,500.00	.00	1,500.00	.00	.00	75.00	1,425.00	5	900.00
5204 - Totals		\$2,000.00	\$0.00	\$2,000.00	\$0.00	\$0.00	\$75.00	\$1,925.00	4%	\$1,085.92
5206										
5206.000	Supplies	10,000.00	.00	10,000.00	.00	.00	.00	10,000.00	0	8,433.37
5206 - Totals		\$10,000.00	\$0.00	\$10,000.00	\$0.00	\$0.00	\$0.00	\$10,000.00	0%	\$8,433.37
5211										
5211.000	Data Processing Fees	42,012.00	.00	42,012.00	.00	.00	.00	42,012.00	0	45,737.04
5211 - Totals		\$42,012.00	\$0.00	\$42,012.00	\$0.00	\$0.00	\$0.00	\$42,012.00	0%	\$45,737.04
5212										
5212.000	Contracted/Purchased Serv	92,468.00	.00	92,468.00	.00	16,238.90	19,589.60	56,639.50	39	24,874.40
5212 - Totals		\$92,468.00	\$0.00	\$92,468.00	\$0.00	\$16,238.90	\$19,589.60	\$56,639.50	39%	\$24,874.40
5222										
5222.000	Postage	.00	.00	.00	.00	.00	.00	.00	+++	29.90
5222 - Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$29.90
5224										
5224.000	Dues & Publications	6,595.00	.00	6,595.00	.00	.00	50.00	6,545.00	1	5,596.90
5224 - Totals		\$6,595.00	\$0.00	\$6,595.00	\$0.00	\$0.00	\$50.00	\$6,545.00	1%	\$5,596.90



Municipal Clerk Expense Report

Fiscal Year to Date 06/30/24

Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year Total
Fund 100 - General Fund										
EXPENSE										
5226										
5226.000	Advertising	40,000.00	.00	40,000.00	.00	.00	114.75	39,885.25	0	36,367.60
	5226 - Totals	\$40,000.00	\$0.00	\$40,000.00	\$0.00	\$0.00	\$114.75	\$39,885.25	0%	\$36,367.60
5227										
5227.001	Rent-Buildings	13,066.00	.00	13,066.00	.00	.00	2,013.08	11,052.92	15	13,182.89
	5227 - Totals	\$13,066.00	\$0.00	\$13,066.00	\$0.00	\$0.00	\$2,013.08	\$11,052.92	15%	\$13,182.89
5290										
5290.000	Other Expenses	.00	.00	.00	.00	.00	.00	.00	+++	6.95
	5290 - Totals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$6.95
	EXPENSE TOTALS	\$665,768.30	\$0.00	\$665,768.30	\$0.00	\$16,238.90	\$57,021.15	\$592,508.25	11%	\$525,926.18
	Fund 100 - General Fund Totals	\$665,768.30	\$0.00	\$665,768.30	\$0.00	\$16,238.90	\$57,021.15	\$592,508.25		\$525,926.18
	Grand Totals	\$665,768.30	\$0.00	\$665,768.30	\$0.00	\$16,238.90	\$57,021.15	\$592,508.25		\$525,926.18



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 23-106 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/5/2023 In control: City and Borough Assembly

On agenda: 9/12/2023 Final action:

Title: Update - Airport Terminal Improvement Project

Sponsors:

Indexes:

Code sections:

Attachments: [Airport Terminal Project](#)
[1. SIT-Assembly.Presentation.9.12.23 \(003\)](#)

Date	Ver.	Action By	Action	Result
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Special Report

Sitka Rocky Gutierrez Airport Terminal Improvements Project



CITY AND BOROUGH OF SITKA

Rocky Gutierrez Airport (SIT) Terminal Improvements Project

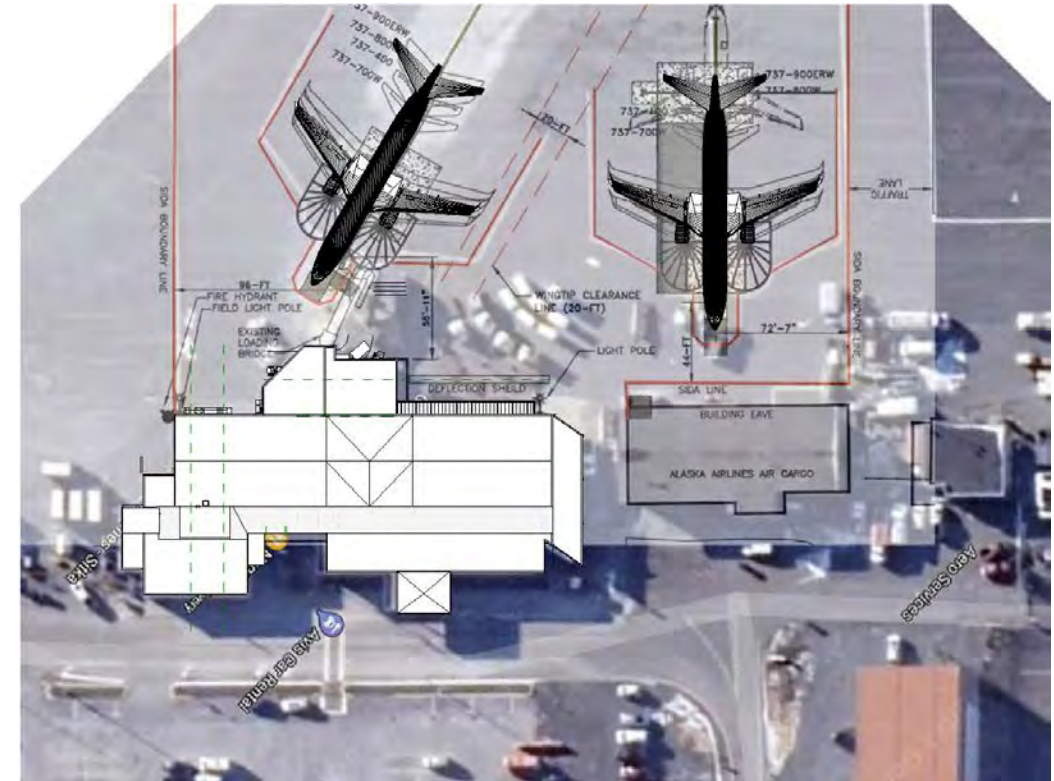


Project Status Briefing – September 2023

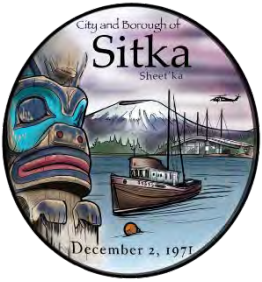
- Project Progress
- Revised Design Renderings & Floor Plans
- Phase 1 Construction

Key Milestones since our last presentation to the Assembly in September 2022:

- Lot 5 Lease and continued lease negotiation with DOT
- Grant funding plan established
- Co-Sponsorship Agreement
- ACDBE/DBE programs established
- Phase 1 design and Guaranteed Maximum Price established and approved by FAA
- Public Outreach
- Interior Design
- Construction phasing and airline coordination



Existing Sitka Terminal and aircraft hardstands



SIT Terminal Improvements Project Funding & Estimated Project Costs

Updated August 31, 2023

Secured Funding:

Revenue Bond funded with new PFCs	(Match Funds*)	\$4,045,000	
TSA Design for Baggage Screening	(5% Match \$12k)	\$ 228,497	
TSA Construction Baggage Screening	(5% Match \$279k)	<u>\$5,294,243</u>	Federal FY23
	Sub-total	\$9,567,740	

Anticipated Funding:

FAA/ADOT Aviation Grant	(6.25% Match \$2.158M)	<u>\$32,372,511</u>	Federal FY23/24/25
Totals	(Match) \$2,449,000*	\$41,952,276	

Estimated Project Cost \$40,700,000

* Required Match Funds to be taken from PFC Revenue Bond Fund Balance

PUBLIC ENGAGEMENT

SURVEY RESULTS ARE NOW LIVE

377 participants in our online survey helped to inform the interior aesthetic and story line concepts and select the exterior color scheme.



THE EXPERIENCE

SENSE OF AUTHENTIC CULTURE

WHAT SETS SITKA APART?

Suggestions are based on research and results from Sitka's 2016 brand blueprint manual completed in partnership with GDS, City & Borough of Sitka, Greater Sitka Chamber of Commerce - Visit Sitka

EXPERIENCES

RANKING RESULTS ARE IN!

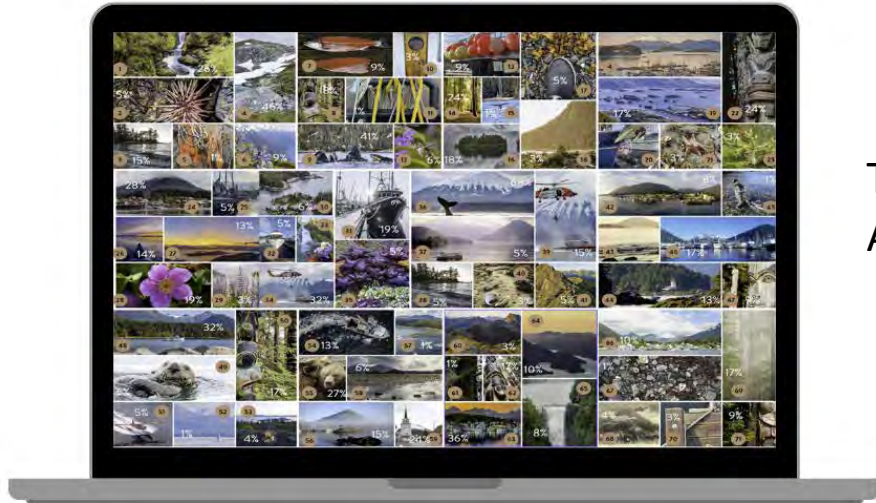
Outdoor Recreation	Maritime Adventures	Heritage & History	Alaska Native Culture	Best salmon fishing in SE Alaska	Nature Education
1	2	3	4	5	6

DIFFERENTIATORS

RANKING RESULTS ARE IN!

1	Most Scenic and beautiful city in Alaska	3	Accessible Wildlife
2	Authenticity: genuine character of the city	4	Cultural Fusion
		5	Best salmon fishing in SE Alaska

PUBLIC ENGAGEMENT



THE RESULTS
ARE IN!

Coming Soon!

- PROJECT SIGNAGE AT THE AIRPORT
- ROUND TWO ONLINE SURVEY

HIGHEST RANKED THEMES

These themes help to inspire the interior color palette and overall storyline.



The storyline

"Sitka is an island community boldly living between the **mountains and sea**, where the **arts flourish** and an ancient **native culture still thrives**. surrounded by rainforest, we **share our home** with the brown bears, bald eagles and all five species of pacific salmon. In Sitka, we are deeply **connected to the natural world** around us. **It informs our culture and inspires our art.**

This is Sitka. The place where wilderness and culture collide."



Aesthetic

Authentic Voice

Nature inspired design draws inspiration from the sea and



Theme

Maritime Adventures

experience characteristic of the fishing culture and the colors,

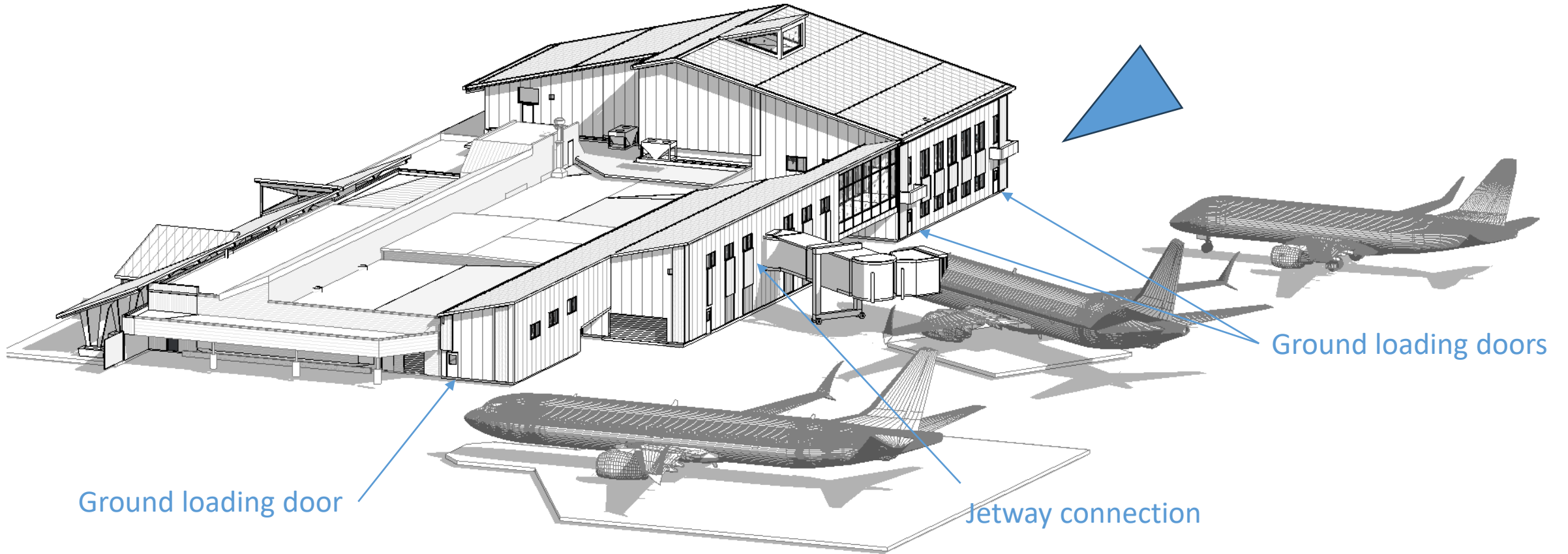


Wayfinding & Art

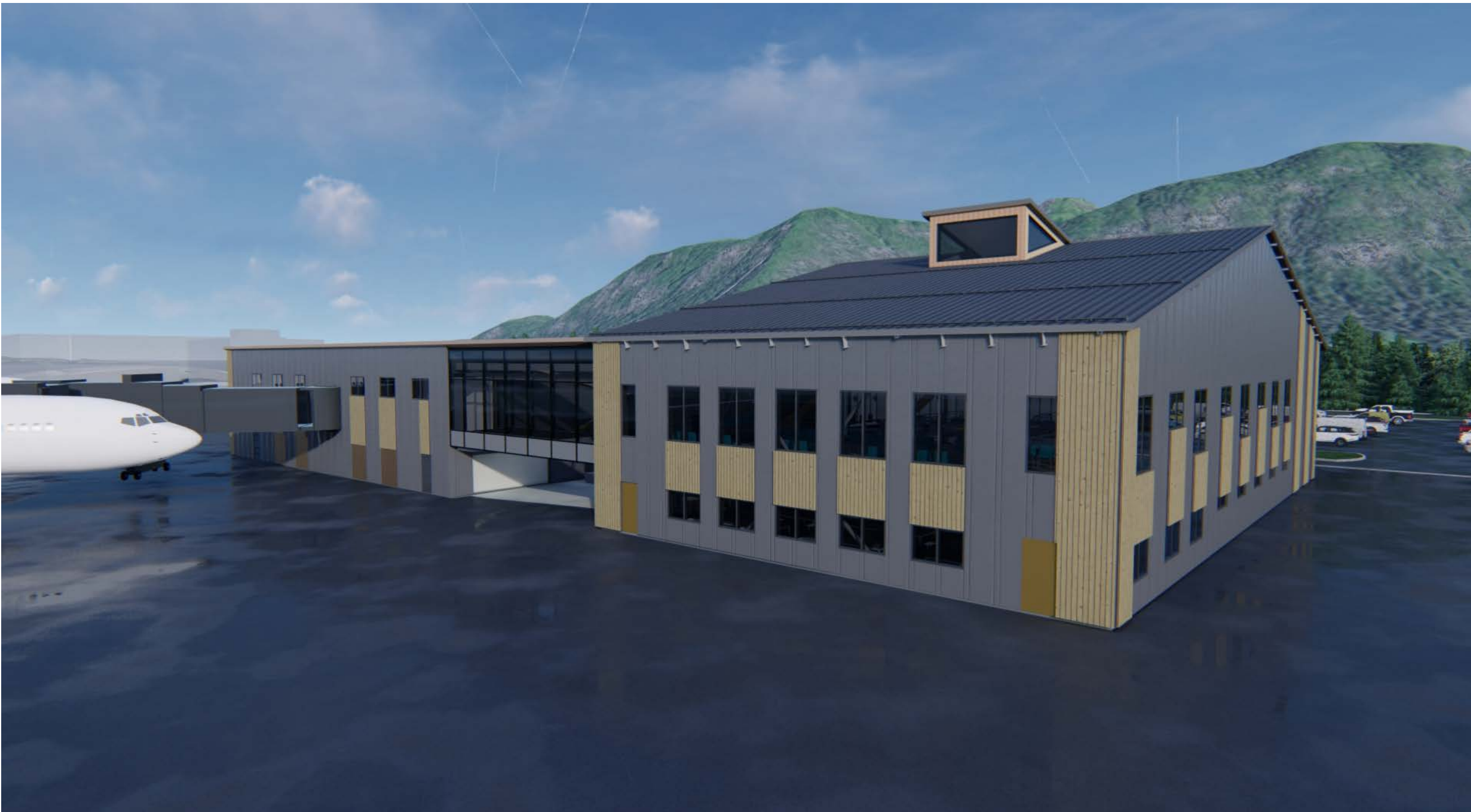
Sitka Community

Provide a common thread that highlight the beauty and cultural richness that

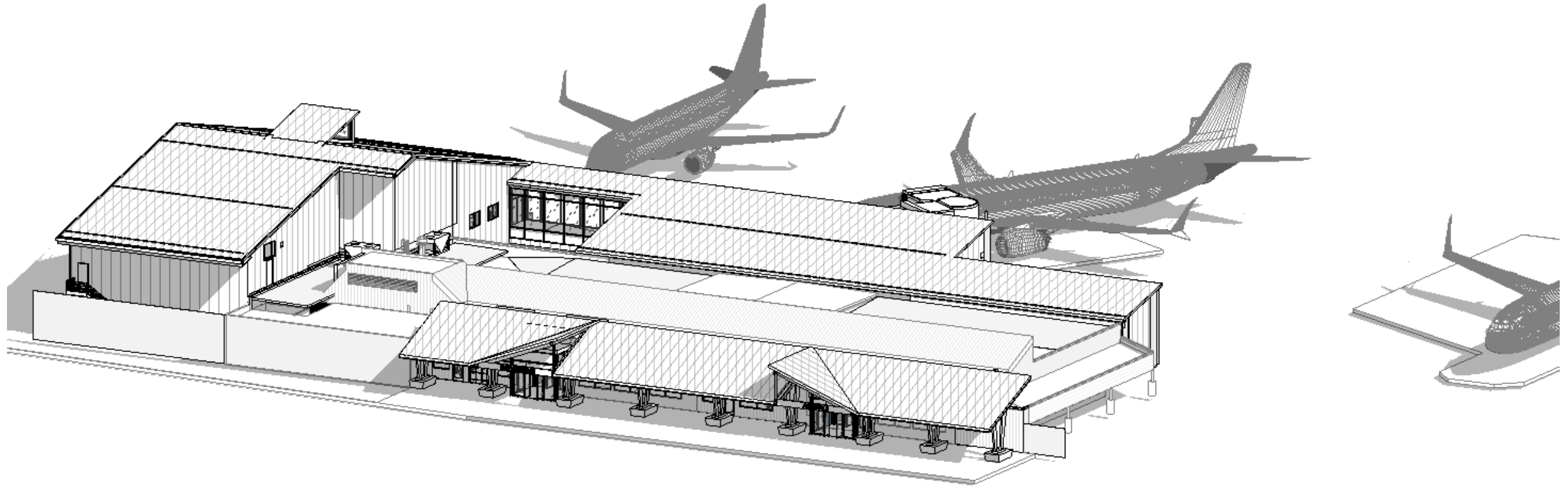
NEW TERMINAL EXTERIOR



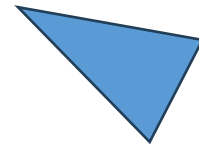
Airside 3D view of Terminal expansion/ remodel



NEW TERMINAL EXTERIOR



Landside 3D view of Terminal expansion/ remodel



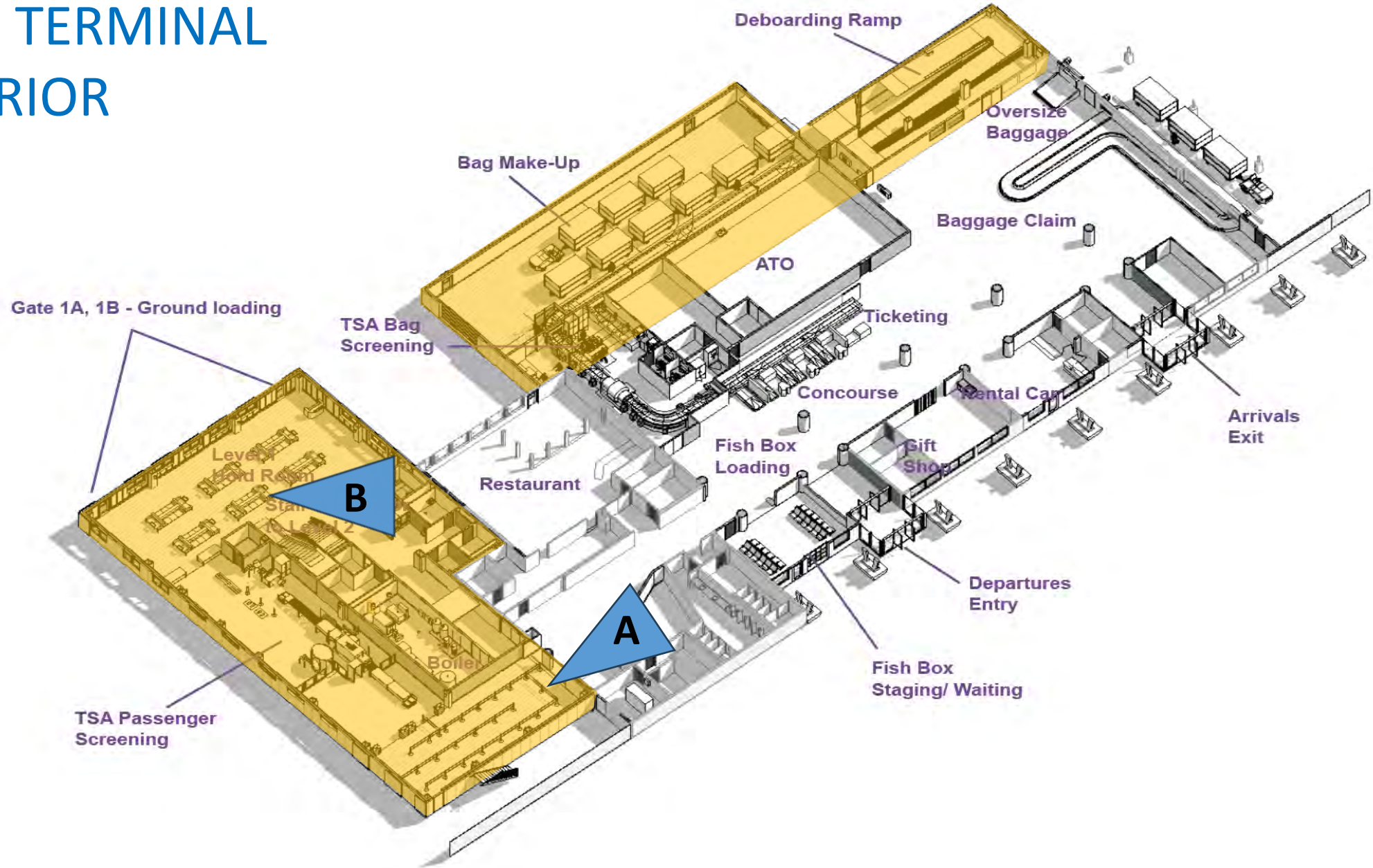


ARRIVALS



Potential locations for thematic design elements

NEW TERMINAL INTERIOR



Level 1 Plan highlighting Phase 1 Additions

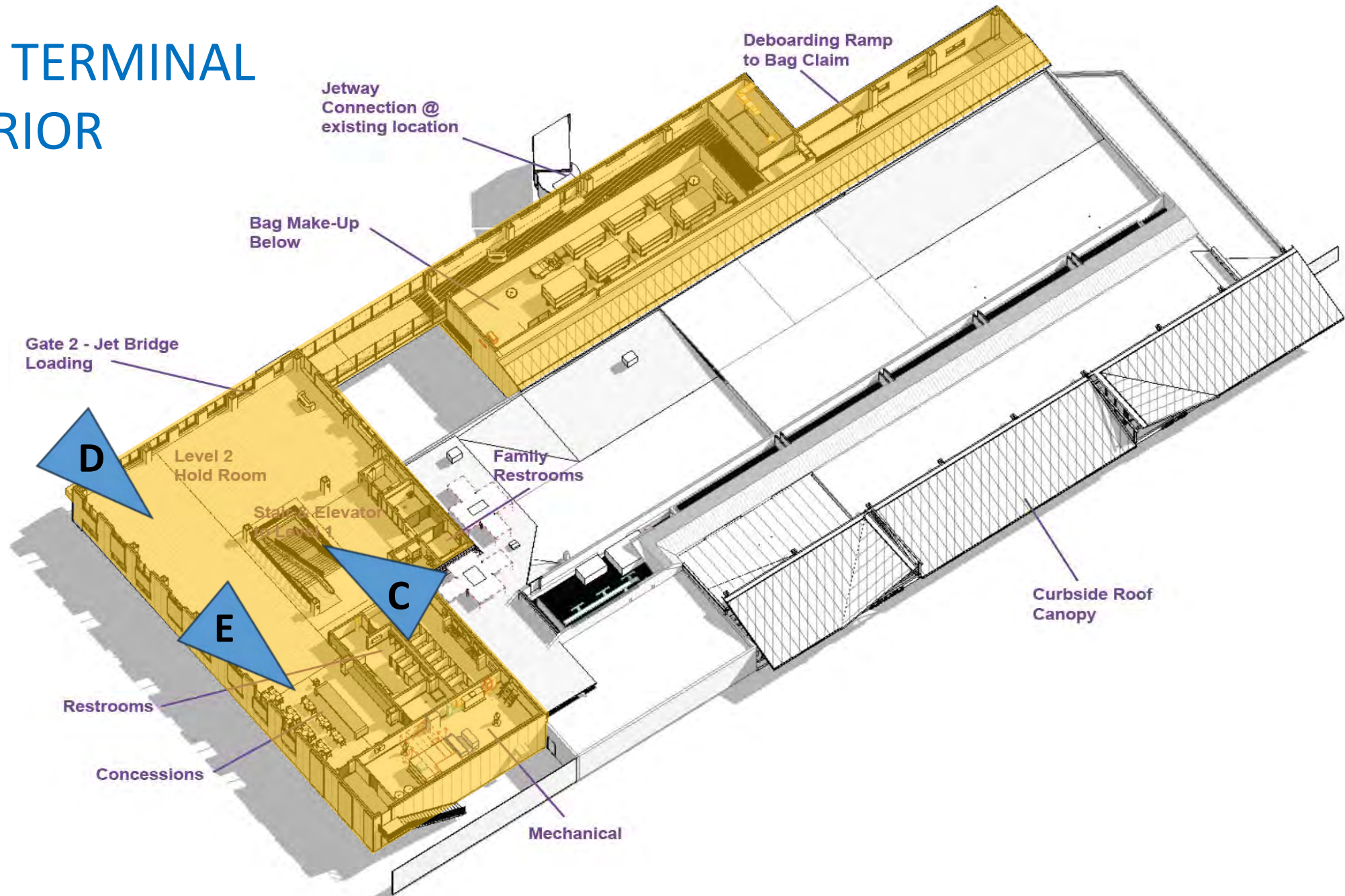
A



B



NEW TERMINAL INTERIOR



Level 2 Plan highlighting Phase 1 Additions

C



D

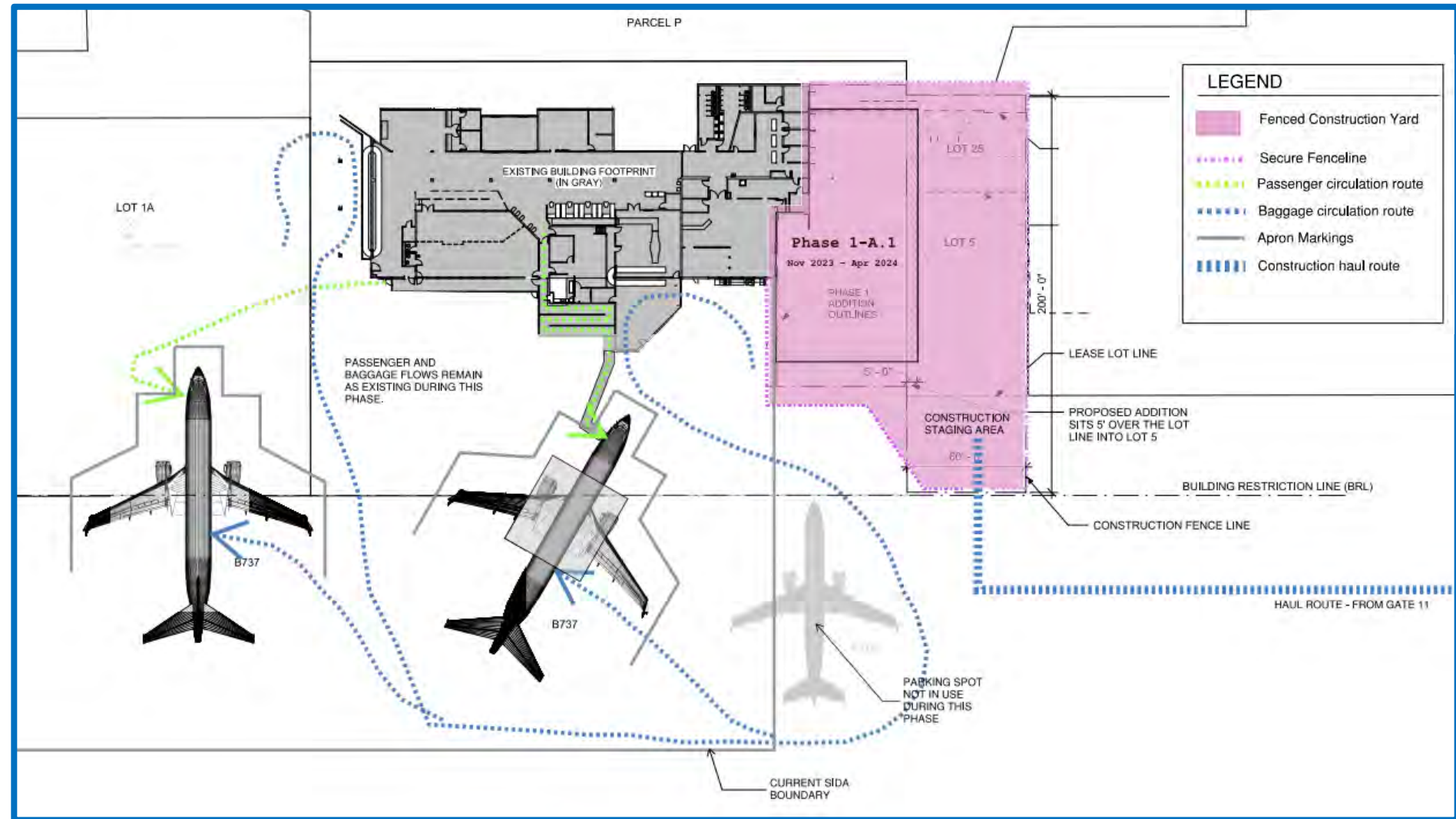


E



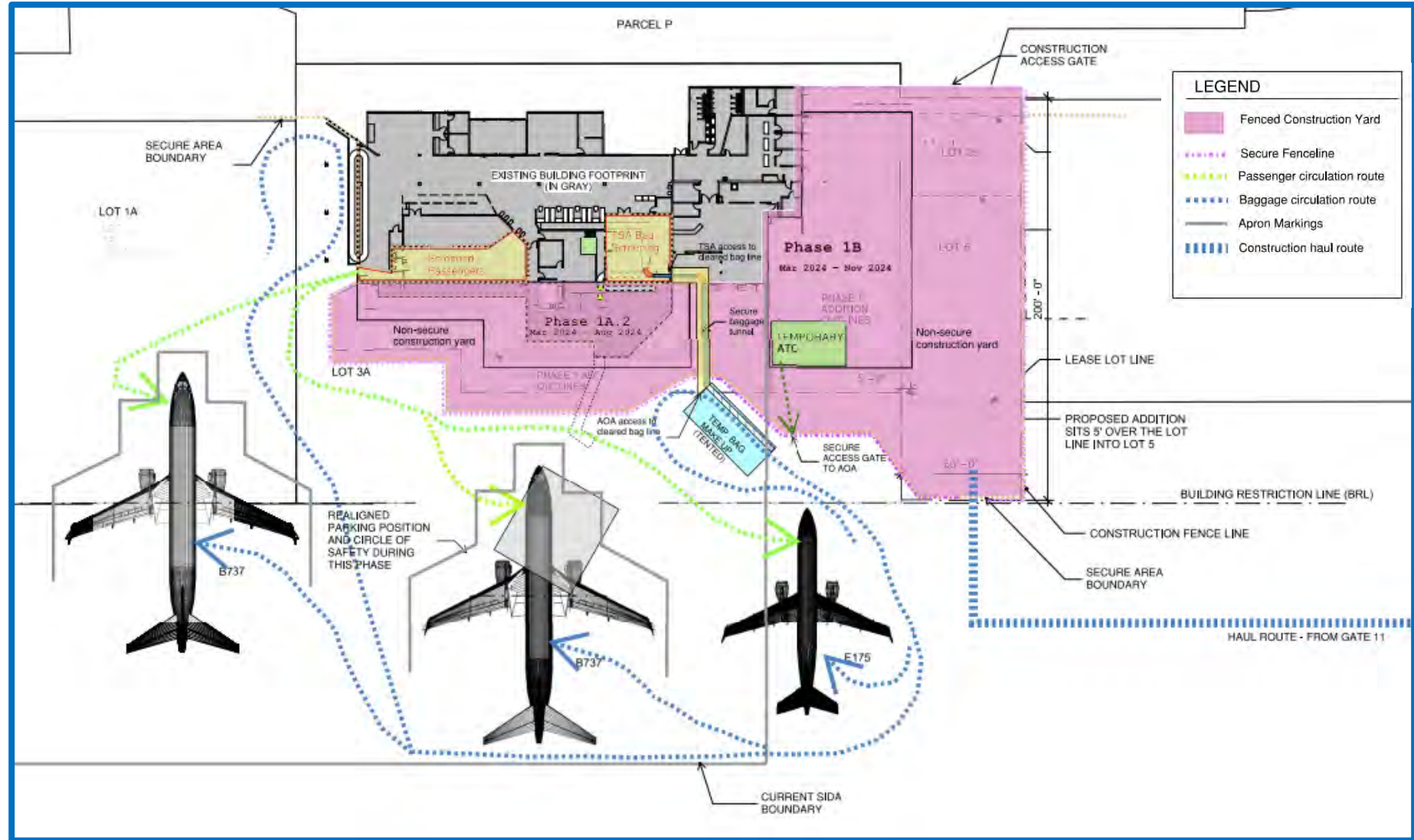
PHASED CONSTRUCTION

- **Phase 1-A1 Construction – October 2023 – March 2024**
- Phase 1-A2 & 1B – March 2024 – November 2024
- Phase 2 Design Complete – November 2023
- Phase 2 Construction – November 2024 – June 2025



PHASED CONSTRUCTION

- **Phases 1-A2 & 1B – March 2024 – November 2024**
- Phase 2 Design Complete – November 2023
- Phase 2 Construction – November 2024 – June 2025



CITY AND BOROUGH OF SITKA

Rocky Gutierrez Airport (SIT) Terminal Improvements Project

Feedback Go To:

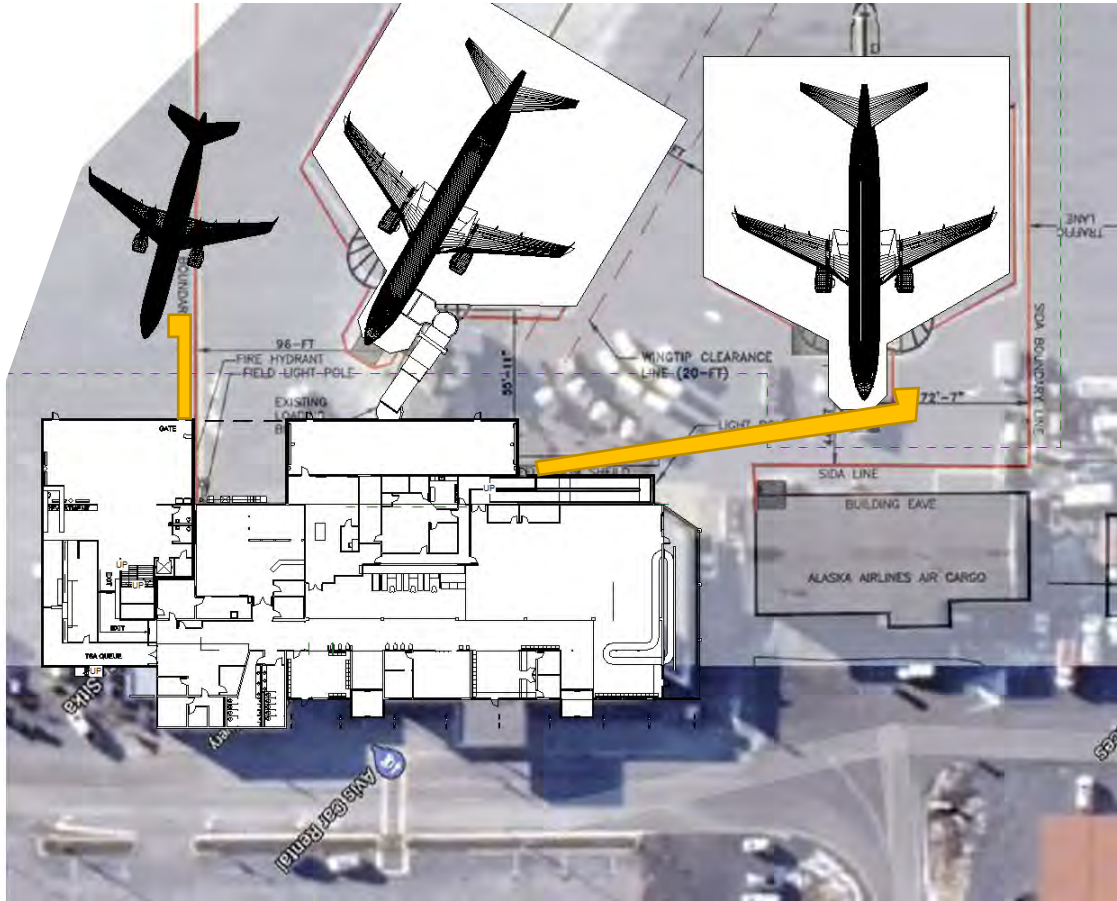
[Sitka Airport Website \(exploresitkaairportdesign.net\)](https://exploresitkaairportdesign.net)

Next Steps

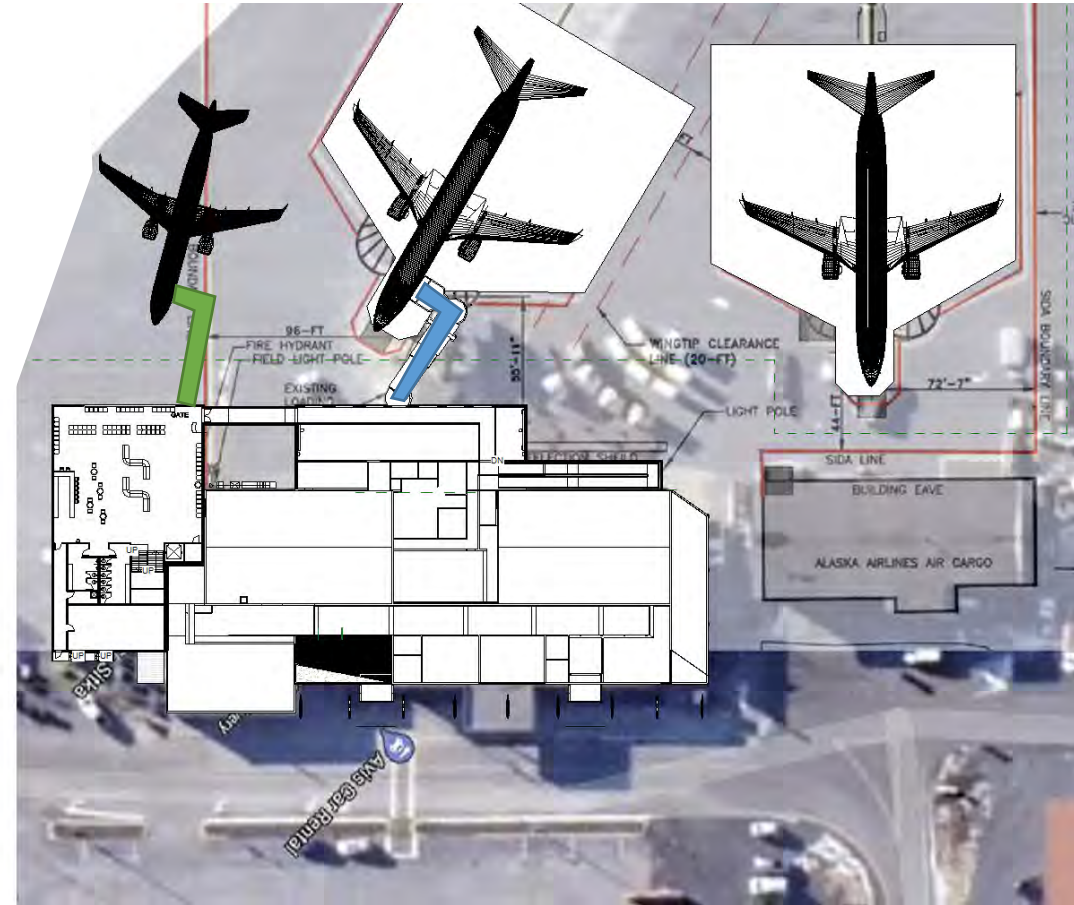
- Stay connected with Project Stakeholders
- Phase 1 Construction begins October 2023
- Lease Negotiations ongoing with DOT
- Winter 2023 Completion of Phase 2 Design
- Phase 1B and Phase 2 FAA Grant Applications

Questions/Comments?





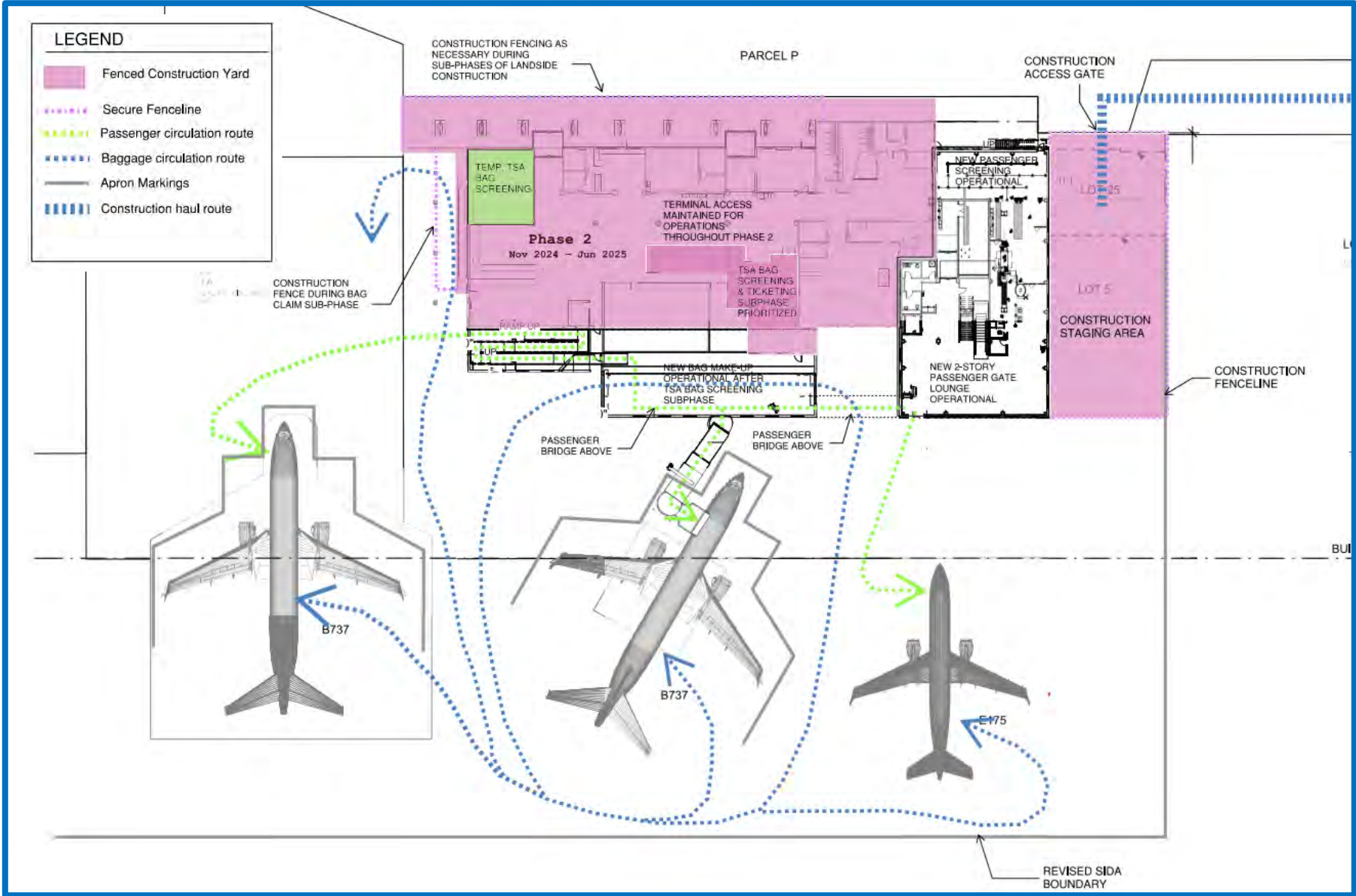
Level 1 - Gate 1 Ground Loading and Gate 2 Ground Loading via Jet Bridge and Ramp



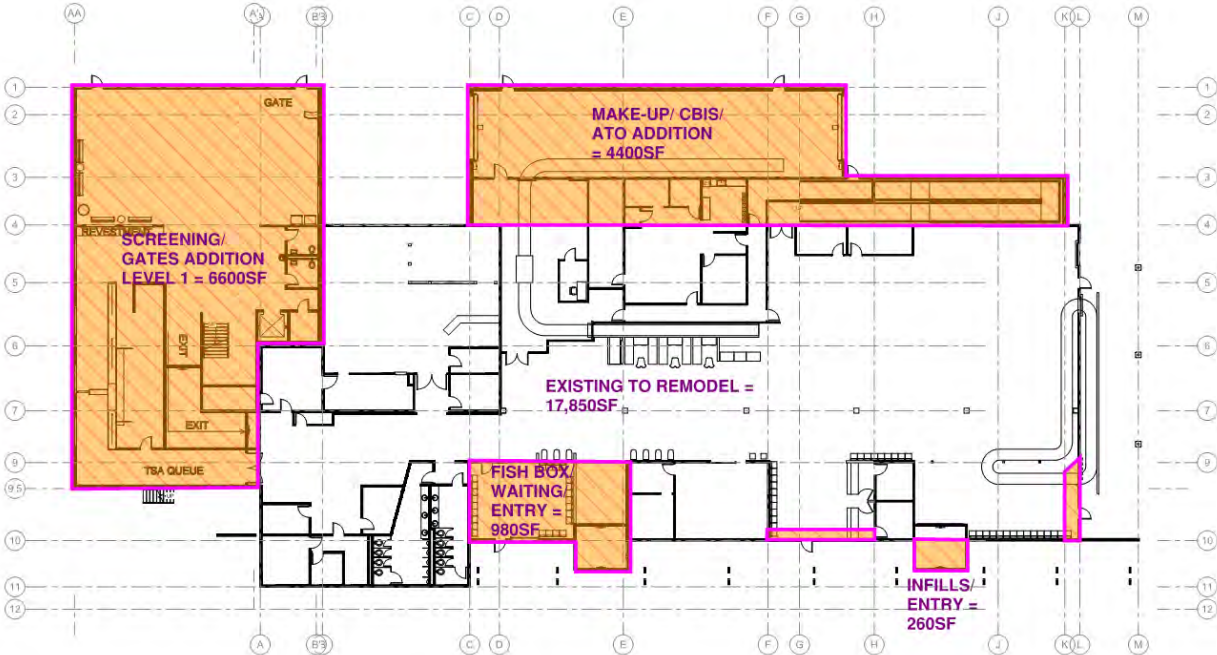
Level 2 - Gate 2 Jetway Loading from existing position (Green indicates potential future Jetways)

PHASED CONSTRUCTION

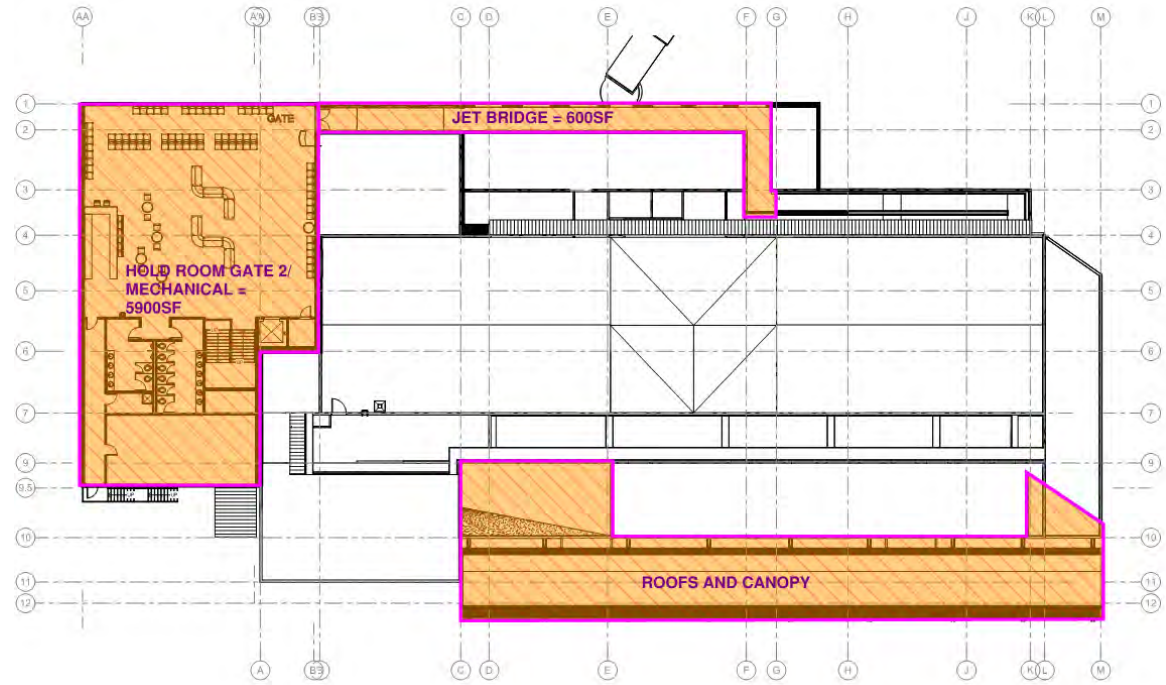
- Phase 2 Design Complete – November 2023
- **Phase 2 Construction – November 2024 – June 2025**



ADDITIONS TO TERMINAL

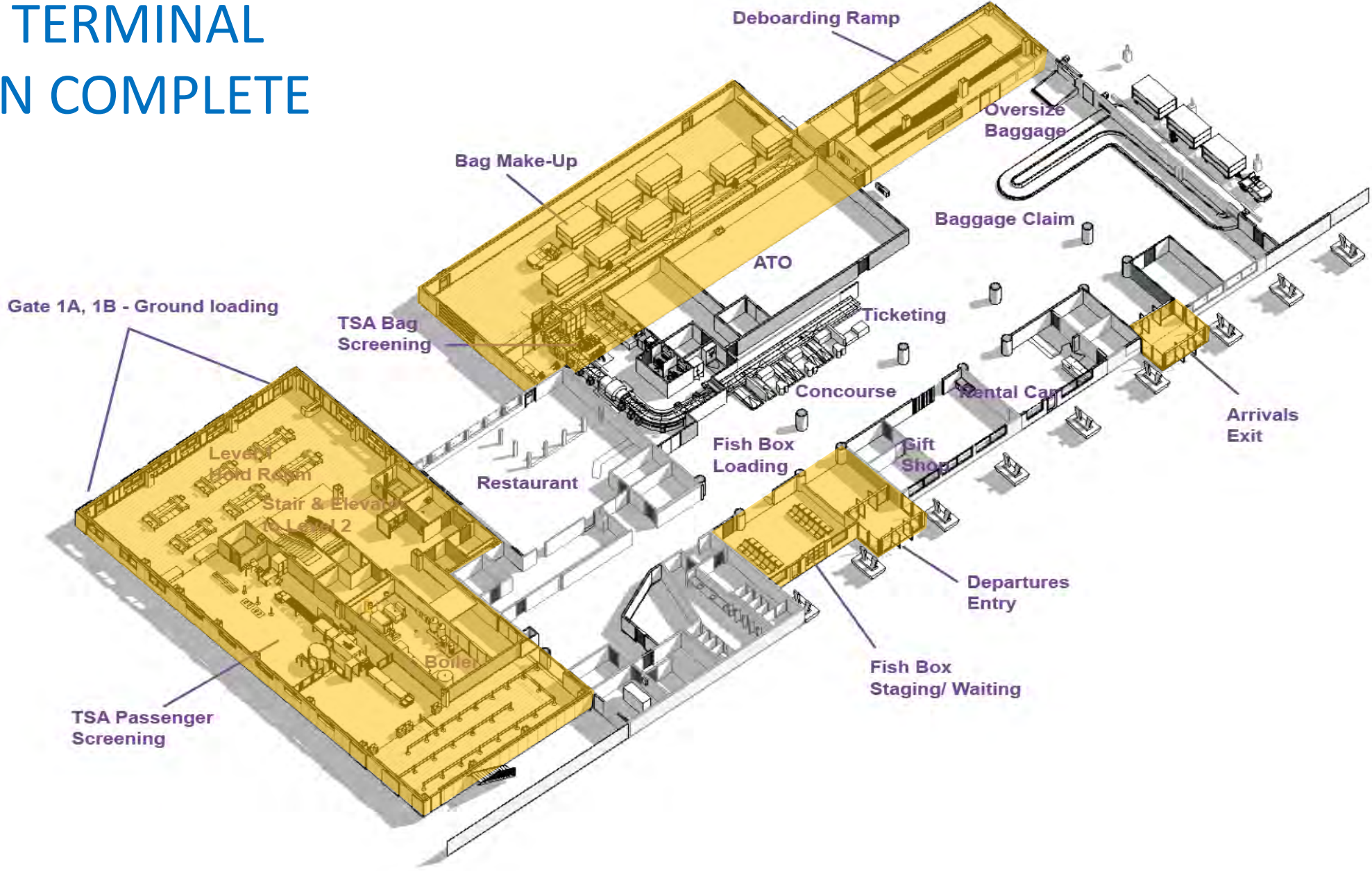


Level 1



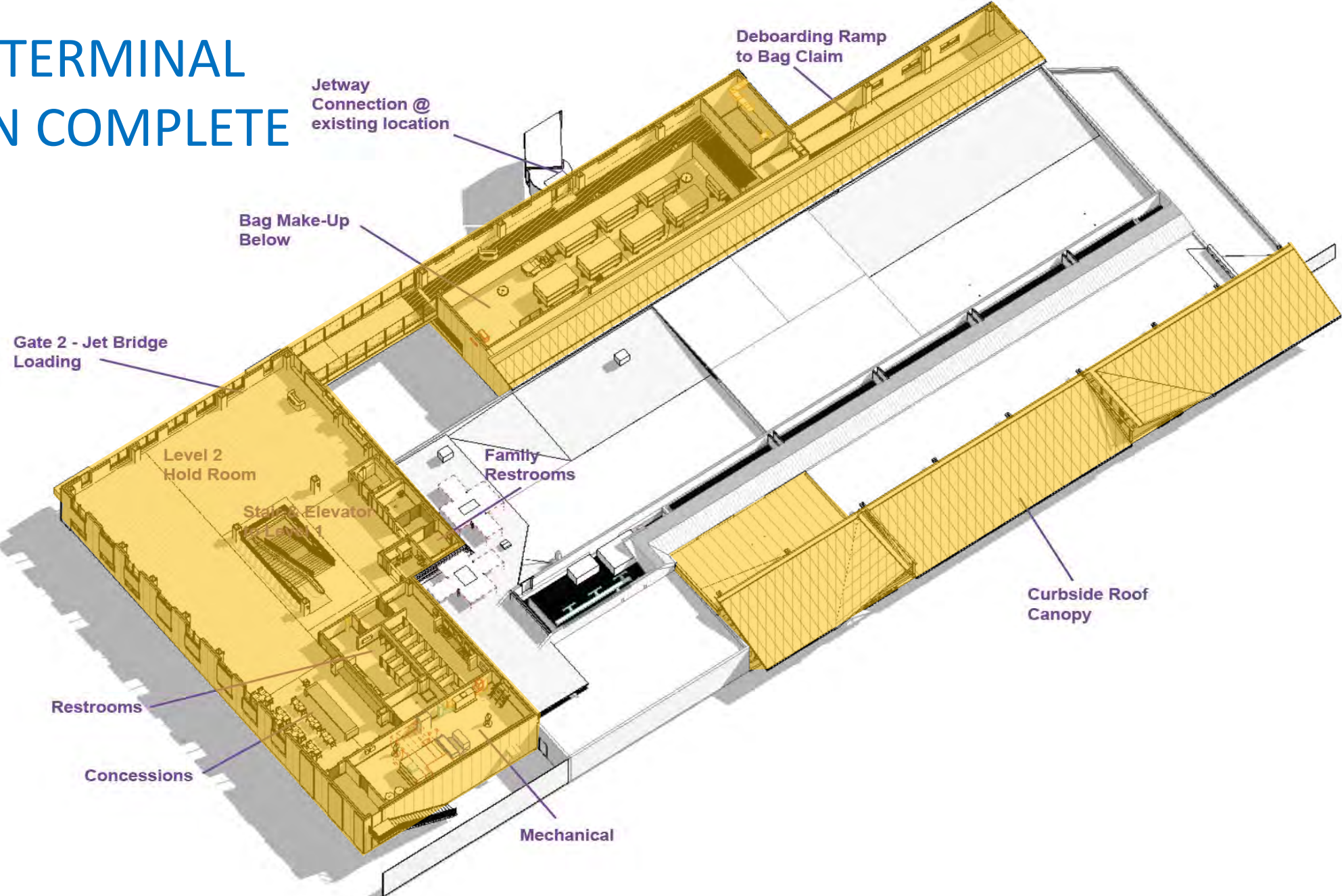
Level 2

NEW TERMINAL WHEN COMPLETE



Level 1 Plan of proposed Terminal expansion/ remodel

NEW TERMINAL WHEN COMPLETE



Level 2 Plan of proposed Terminal expansion/ remodel

SIT Terminal Critical Deficiencies Identified for Improvement – FAA Approved PFC Application

Improvement of the critical deficiencies will add Airport Capacity, Improve Airport Security & Safety.

- **Expansion of the Gate Departure Lounge/Hold Room:** Expand departure lounge to better accommodate full and multiple flights.
- **Expansion of the TSA Baggage Screening Area and the connected Baggage Makeup Area:** Improve flow and processing capacity of TSA baggage screening and airline baggage handling and loading.
- **Relocate Jet Bridge and Ramp:** Improve passenger flow and allow modifications the baggage screening and make-up areas.
- **Separate Terminal Building Entry and Exit points with a new direct Exit added from the Baggage Claim Area:** Improve passenger flow and decrease concourse congestion.
- **Modify Baggage Claim Area and Baggage Claim Belt:** Reduce congestion at baggage claim area and improve passenger flow.
- **Install new full length terminal building canopy:** Improve passenger flow and provide shelter from the elements for passenger departure and arrival and fish box staging.
- **Construct new fish box holding areas:** Improve passenger flow and decrease concourse congestion and improve baggage screening, processing, and handling.
- **Building Systems Upgrade/Replacement:** Reduce operating costs, modify/replace building mechanical, electrical, life safety systems, & network systems.

Project History

2005: Airport Master Plan

2011: Airport Terminal Master Plan – Short term, correct critical deficiencies & long term, plan and develop design & financial plan for a new airport terminal.

2014: Baggage Screening Study

2015: Delta Airlines starts service to Sitka

2016: TSA Grant for the design for the TSA Baggage Screening Area & Inline baggage screening equipment.

2017: SIT Terminal Improvements Concept Development & Funding Plan / Assembly Approval of Passenger Facility Charge (PFC) Application to FAA/State of Alaska / Preferred Conceptual Design Option Decision – Stakeholder/Assembly/Public Process.

2018: FAA/ State Approval of PFC Collection for SIT Terminal Improvements Project / Development of Schematic Design (35% Design milestone) Submitted to State Aviation With AIP Grant Funding Request / Assembly Approval for **\$4.25 Million Revenue Bond Funded With PFCs** / TSA Baggage Screening Schematic Design Submitted to TSA For Review & Approval.

2019: Project Delayed due to: Federal Government Shutdown, TSA Review & Approval of Schematic Design Submittal / Request For Additional TSA Grant Funding to Cover Delay and Design Extra Costs.

2020: Received TSA Conditional Approval of Schematic Baggage Screening Design & Additional Grant Funds / Review & Revisions to the Schematic Design for Project Start-up After Long Delay / Confirmation Terminal Improvements Project is in the State Of Alaska Aviation AIP Funding Plan for **\$7 Million in FY23**

2021: Developed and advertised RFP for a Construction Manager At Risk (CMAR) to join the team.

2022: Awarded CMAR contract bringing Dawson-McG Constructors JV onto the team/ Reconvened airline stakeholders to review designs/ completed 100% TSA baggage screening design documents and completed review process with TSA/ CMAR bid TSA scope/ Developed concept design ALT1 based on recommendations of the CMAR and stakeholder feedback.

2023: Completion of Phase 1 Design (Permitting in Process). Phase 1A Grant Application to FAA. Approval of Phase 1A GMP for CMAR. Start of Phase 1 Construction in October.



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 23-107 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 9/5/2023 In control: City and Borough Assembly
On agenda: 9/12/2023 Final action:
Title: Approve the minutes of the August 22 Assembly meeting
Sponsors:
Indexes:
Code sections:
Attachments: [Consent and Minutes](#)

Date	Ver.	Action By	Action	Result
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CONSENT AGENDA

POSSIBLE MOTION

I MOVE TO APPROVE THE CONSENT AGENDA
CONSISTING OF ITEMS A & B.

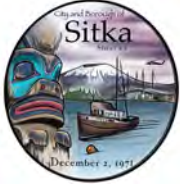
I wish to remove Item(s) _____

REMINDER – When making the motion to approve the consent agenda, please read the title of each item being voted on that is included in the consent vote.

Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve the minutes of the August 22 Assembly meeting.



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
330 Harbor Drive
Sitka, AK
(907)747-1811

Minutes - Draft

City and Borough Assembly

*Mayor Steven Eisenbeisz,
Deputy Mayor Kevin Mosher,
Vice Deputy Mayor Crystal Duncan,
Thor Christianson, Chris Ystad,
Timothy Pike, JJ Carlson*

*Municipal Administrator: John Leach
Municipal Attorney: Brian Hanson
Municipal Clerk: Sara Peterson*

Tuesday, August 22, 2023

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. RECITAL OF LANDS ACKNOWLEDGEMENT

IV. ROLL CALL

Present: 6 - Christianson, Mosher, Eisenbeisz, Duncan, Ystad, and Pike

Absent: 1 - Carlson

V. CORRESPONDENCE/AGENDA CHANGES

No agenda changes.

[23-104](#)

Reminders, Calendars, and General Correspondence

VI. CEREMONIAL MATTERS

None.

VII. **SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Municipal Departments, School District, Students and Guests (five minute time limit)**

Sitka Tribe of Alaska Chairman, Lawrence Widmark, reported on recent Council activity.

VIII. PERSONS TO BE HEARD

Richard Wein commented on the new Visit Sitka app.

IX. CONSENT AGENDA

A motion was made by Mosher that the Consent Agenda consisting of items A & B be APPROVED. The motion PASSED by the following vote.

Yes: 6 - Christianson, Mosher, Eisenbeisz, Duncan, Ystad, and Pike

Absent: 1 - Carlson

A [23-102](#) Approve the August 8 assembly meeting minutes

This item was APPROVED ON THE CONSENT AGENDA.

B [23-103](#) Approve a retail marijuana store renewal application for Weed Dudes, Inc dba Weed Dudes at 1321 Sawmill Creek Road #J & K

This item was APPROVED ON THE CONSENT AGENDA.

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

C [23-101](#) Reappoint Darrell Windsor to a three-year term on the Planning Commission

Richard Wein commented.

Christianson thanked Windsor for his service.

A motion was made by Christianson that this Item be APPROVED. The motion PASSED by the following vote.

Yes: 6 - Christianson, Mosher, Eisenbeisz, Duncan, Ystad, and Pike

Absent: 1 - Carlson

XI. UNFINISHED BUSINESS:

D [ORD 23-17](#) Amending Title 4 "Revenue and Finance" of the Sitka General Code by updating Chapter 4.05 "Marine Passenger Fee Fund"

A motion was made by Ystad that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

Yes: 6 - Christianson, Mosher, Eisenbeisz, Duncan, Ystad, and Pike

Absent: 1 - Carlson

E [ORD 23-18](#) Authorizing the lease of a portion of Tract C, ASLS 79-4 on Harbor Mountain Bypass Road for the purpose of a telecommunications site

Richard Wein commented.

A motion was made by Christianson that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

Yes: 6 - Christianson, Mosher, Eisenbeisz, Duncan, Ystad, and Pike

Absent: 1 - Carlson

- F** [ORD 23-19](#) Making supplemental appropriations for fiscal years 2023 and 2024 (reappropriations and supplemental appropriations)

A motion was made by Duncan that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

Yes: 6 - Christianson, Mosher, Eisenbeisz, Duncan, Ystad, and Pike

Absent: 1 - Carlson

XII. NEW BUSINESS:

New Business First Reading

- G** **ORD 23-20** Amending Title 2 “Administration,” Chapter 2.04 “City and Borough Assembly” of the Sitka General Code by updating Sections 2.04.190 “Salaries and compensation” and 2.04.195 “Salaries for assembly members and mayor”

Municipal Administrator John Leach pointed out that it had been 21 years since any adjustments had been made to the salaries of the mayor and assembly members. He emphasized that the procedure for increasing these salaries was clearly outlined in the Home Rule Charter. Leach explained that if the proposed salary adjustments received approval, they would take effect following the upcoming municipal election. Furthermore, he highlighted the substantial workload placed on assembly members, which extended beyond their attendance at the two regular monthly meetings.

From the public, Richard Wein and Austin Cranford commented.

Members discussed and reiterated the amount of time and sacrifice made when serving as an elected official. The increase would provide some recognition to future assemblies and encourage a greater pool of candidates.

A motion was made by Duncan that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.

Yes: 6 - Christianson, Mosher, Eisenbeisz, Duncan, Ystad, and Pike

Absent: 1 - Carlson

Additional New Business Items

- H** [RES 23-24](#) Supporting the State of Alaska Department of Transportation and Public

Facilities Lighting and Airport Beacon Project for the Sitka Rocky Gutierrez Airport

Municipal Administrator John Leach reviewed the Resolution outlining needed work at the Sitka Rocky Gutierrez Airport.

From the public, Richard Wein commented.

A motion was made by Mosher that this Resolution be APPROVED on FIRST AND FINAL READING. The motion PASSED by the following vote.

Yes: 6 - Christianson, Mosher, Eisenbeisz, Duncan, Ystad, and Pike

Absent: 1 - Carlson

XIII. PERSONS TO BE HEARD:

Richard Wein offered additional comments on item G and spoke about SEARHC discontinuing Home Health services.

XIV. REPORTS

a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other

Mayor - Eisenbeisz reported on his trip to Homer for the Alaska Municipal League (AML) Summer Conference and recent meeting with Tribal Council Chair Lawrence Widmark.

Administrator - Leach also reported on the AML Summer Conference and told of conversations with GCI regarding poor broadband service in Southeast.

Attorney - Hanson planned to be out of the office August 21-23.

Clerk - Peterson shared municipal election information and told of vacancies on boards and commissions.

XV. EXECUTIVE SESSION

I [23-100](#) Legal/Financial Matter - Gary Paxton Industrial Park Property Transaction

A motion was made by Duncan to go into executive session to discuss a legal matter, a Gary Paxton Industrial Park (GPIP) property transaction, the immediate knowledge of which would adversely affect the finances of the municipality and which involve legal matters affecting the municipality or legal consequences of past, present or future municipal actions, and invite in Finance Director, Melissa Haley and GPIP Director Garry White. The motion PASSED by the following vote.

Yes: 6 - Ystad, Eisenbeisz, Mosher, Pike, Christianson, and Duncan

Absent: 1 - Carlson

From the public, Richard Wein spoke in opposition.

The Assembly was in executive session from 7:05-7:31p.m.

A motion was made by Christianson to reconvene as the Assembly in regular session. The motion PASSED by a unanimous voice vote.

A motion was made by Christianson to direct the Administrator to move forward with the right to repurchase Lot 4 Block 4 Gary Paxton Industrial Park (4690 Sawmill Creek Road) in accordance with the reservations in the quit claim deed, with the understanding that any appropriations will come back to the Assembly for approval. The motion PASSED by the following vote.

Yes: 6 - Ystad, Duncan, Mosher, Eisenbeisz, Pike, and Christianson

Absent: 1 - Carlson

XVI. ADJOURNMENT

A motion was made by Ystad to ADJOURN. Hearing no objections, the meeting ADJOURNED at 7:35pm.

ATTEST: _____
Sara Peterson, MMC
Municipal Clerk



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 23-108 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/5/2023 In control: City and Borough Assembly

On agenda: 9/12/2023 Final action:

Title: Approve the following marijuana license renewal applications and forward to the Marijuana Control Board without objection:

- 1) Standard marijuana cultivation facility license renewal applications submitted by AKO Farms, LLC at 1210 Beardslee Way and AKO Farms, LLC dba AKO 2 at 213 Price Street, and
- 2) A retail marijuana store license renewal application submitted by AKO Farms, LLC dba AKO Farms Direct at 1210 Beardslee Way, and
- 3) A marijuana concentrate manufacturing facility license renewal application submitted by AKO Farms, LLC at 1210 Beardslee Way

Sponsors:

Indexes:

Code sections:

Attachments: [Motion and Memos](#)
[12253 AKO standard marijuana cultivation facility license](#)
[26162 AKO 2 standard marijuana cultivation facility license renewal](#)
[19898 AKO Farms Direct Retail](#)
[16767 AKO Farms marijuana concentrate](#)

Date	Ver.	Action By	Action	Result
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Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve the following marijuana license renewal applications and forward to the Marijuana Control Board without objection:

1. a standard marijuana cultivation facility license renewal applications submitted by AKO Farms, LLC at 1210 Beardslee Way and AKO Farms, LLC dba AKO 2 at 213 Price Street,
2. a retail marijuana store license renewal application submitted by AKO Farms, LLC dba AKO Farms Direct at 1210 Beardslee Way, and
3. a marijuana concentrate manufacturing facility license renewal application submitted by AKO Farms, LLC at 1210 Beardslee Way.



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator

From: Sara Peterson, Municipal Clerk

Date: August 30, 2023

Subject: Marijuana License Renewals

The Municipal Clerk's Office has received notification from the Alcohol and Marijuana Control Office of the license renewal applications listed below. A memo was circulated to various departments who may have a reason to protest these requests. No departmental objections were received.

Renewal – Standard Marijuana Cultivation Facility

License #: 12253
License Type: Standard Marijuana Cultivation Facility
Licensee: AKO Farms, LLC
D.B.A.: AKO Farms, LLC
Physical Address: 1210 Beardslee Way
Designated Licensee: Elizabeth Martin

Renewal – Retail Marijuana Store

License #: 19898
License Type: Retail Marijuana Store
Licensee: AKO Farms, LLC
D.B.A.: AKO Farms Direct
Physical Address: 1210 Beardslee Way
Designated Licensee: Elizabeth Martin

Renewal – Marijuana Concentrate Manufacturing Facility

License #: 16767
License Type: Marijuana Concentrate Manufacturing Facility
Licensee: AKO Farms LLC
D.B.A.: AKO Farms LLC
Physical Address: 1210 Beardslee Way
Designated Licensee: Elizabeth Martin

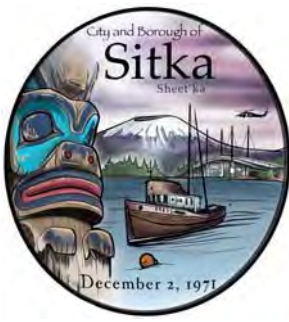
Renewal – Standard Marijuana Cultivation Facility

License #: 26162
Licensee: AKO Farms LLC
License Type: Standard Marijuana Cultivation Facility
D.B.A.: AKO 2
Physical Address: 213 Price Street

Recommendation:

Approve the following marijuana license renewal applications and forward to the Marijuana Control Board without objection:

- 1) Standard marijuana cultivation facility license renewal applications submitted by AKO Farms, LLC at 1210 Beardslee Way and AKO Farms, LLC dba AKO 2 at 213 Price Street, and
- 2) A retail marijuana store license renewal application submitted by AKO Farms, LLC dba AKO Farms Direct at 1210 Beardslee Way, and
- 3) A marijuana concentrate manufacturing facility license renewal application submitted by AKO Farms, LLC at 1210 Beardslee Way



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Memorandum

To: Planning Department
Collections - Carolyn
Municipal Billing – Ashley
Utility Billing Clerk – Ashley
Sales Tax/Property Tax – Justin
Public Works Department – Shilo
Fire Department
Police Department
Electric Department
Building Official

From: Sara Peterson, Municipal Clerk

Date: August 21, 2023

Subject: Marijuana License Renewals

The Municipal Clerk's Office has been notified by the Alcohol and Marijuana Control Office of the following license renewal applications submitted by:

Renewal – Standard Marijuana Cultivation Facility

License #: 12253
License Type: Standard Marijuana Cultivation Facility
Licensee: AKO Farms, LLC
D.B.A.: AKO Farms, LLC
Physical Address: 1210 Beardslee Way
Designated Licensee: Elizabeth Martin

Renewal – Retail Marijuana Store

License #: 19898
License Type: Retail Marijuana Store
Licensee: AKO Farms, LLC
D.B.A.: AKO Farms Direct
Physical Address: 1210 Beardslee Way
Designated Licensee: Elizabeth Martin

Renewal – Marijuana Concentrate Manufacturing Facility

License #: 16767
License Type: Marijuana Concentrate Manufacturing Facility
Licensee: AKO Farms LLC
D.B.A.: AKO Farms LLC
Physical Address: 1210 Beardslee Way
Designated Licensee: Elizabeth Martin

Please review the licensee above and notify me if there is a reason to protest or not. Response needed by noon on **Friday, September 1**. These license applications are scheduled to go before the Assembly September 12.

Thank you.



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Memorandum

To: Planning Department
Collections - Carolyn
Municipal Billing – Ashley
Utility Billing Clerk – Ashley
Sales Tax/Property Tax – Justin
Public Works Department – Shilo
Fire Department
Police Department
Electric Department
Building Official

From: Sara Peterson, Municipal Clerk

Date: August 24, 2023

Subject: Marijuana License Renewal – AKO 2

The Municipal Clerk's Office has been notified by the Alcohol and Marijuana Control Office of the following license renewal application submitted by:

Renewal – Standard Marijuana Cultivation Facility

License #: 26162
Licensee: AKO Farms LLC
License Type: Standard Marijuana Cultivation Facility
D.B.A.: AKO 2
Physical Address: 213 Price Street

Please review the licensee above and notify me if there is a reason to protest or not. A response is needed by noon on **Friday, September 1**. This license application is scheduled to go before the Assembly September 12.

Thank you.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

August 16, 2023

From: marijuana.licensing@alaska.gov ; amco.localgovernmentonly@alaska.gov

Licensee: AKO FARMS, LLC

DBA: AKO FARMS, LLC

VIA email: akofarmsllc@gmail.com

CC: n/a

Local Government: City and Borough of Sitka

Via Email: sara.peterson@cityofsitka.org; jessica.earnshaw@cityofsitka.org

Community Council: n/a

Via Email: sara.peterson@cityofsitka.org; jessica.earnshaw@cityofsitka.org

CC: n/a

BCC: amco.admin@alaska.gov

Re: Retail Marijuana Store #12253 Combined Renewal Notice

License Number:	#12253
License Type:	Standard Marijuana Cultivation Facility
Licensee:	AKO FARMS, LLC
Doing Business As:	AKO FARMS, LLC
Physical Address:	1210 Beardslee Way Sitka, AK 99835
Designated Licensee:	Elizabeth Martin
Phone Number:	907-355-4120
Email Address:	akofarmsllc@gmail.com

License Renewal Application

Endorsement Renewal Application

Dear Licensee:

After reviewing your renewal documents, AMCO staff has deemed the application complete for the purposes of 3 AAC 306.035(c).

Your application will now be sent electronically, in its entirety, to your local government, your community council (if your proposed premises is in Anchorage or certain locations in the Mat-Su Borough), and to any non-profit agencies who have requested notification of applications. The local government has 60 days to protest your application per 3 AAC 306.060.

At the May 15, 2017 Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications. However, the board is required to consider this application independently if you have been issued any notices of violation for this license, if your local government protests this application, or if a public objection to this application is received within 30 days of this notice under 3 AAC 306.065.

If AMCO staff determines that your application requires independent board consideration for any reason, you will be sent an email notification regarding your mandatory board appearance. Upon final approval, your 2023/2024 license will be provided to you during your annual inspection. If our office determines that an inspection is not necessary, the license will be mailed to you at the mailing address on file for your establishment.

Please feel free to contact us through the marijuana.licensing@alaska.gov email address if you have any questions.

Dear Local Government:

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Dear Community Council (Municipality of Anchorage and Mat-Su Borough only)

AMCO has received a complete renewal application for the above listed license within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To object to the approval of this application pursuant to 3 AAC 306.065, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the objection within 30 days of the date of this notice. We recommend that you contact the local government with jurisdiction over the proposed premises to share objections you may have about the application.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application independently. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email marijuana.licensing@alaska.gov.

Sincerely,

A handwritten signature in blue ink that reads "Joan M. Wilson". The signature is written in a cursive, flowing style.

Joan M. Wilson, Director
907-269-0350



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

marijuana.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	AKO FARMS, LLC	License Number:	12253
License Type:	STANDARD MARIJUANA CULTIVATION		
Doing Business As:	AKO FARMS		
Premises Address:	1210 BEARDSLEE WAY		
City:	SITKA	State:	AK
		ZIP:	99835

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	ELIZABETH MARTIN
Title:	OWNER

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have not been convicted of any criminal charge in the previous two calendar years.

I certify that I have not committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has not been issued for this license between July 1, 2022 and June 30, 2023.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

12253,26162,19898 ,16767

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

ELIZABETH MARTIN

Printed name of licensee

Elizabeth Martin
Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	AKO FARMS , LLC	License Number:	12253
License Type:	STANDARD MARIJUANA CULTIVATION		
Doing Business As:	AKO FARMS		
Premises Address:	1210 BEARDSLEE WAY		
City:	SITKA	State:	AK
		ZIP:	99835

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	JUSTIN BROWN
Title:	OWNER

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

JB

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

JB

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

JB

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).

--



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

JB

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

JB

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

JB

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

JB

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

JB

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

JB

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

12253,26162,19898 ,16767

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

JB

JUSTIN BROWN

Printed name of licensee

Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	AKO FARMS ,LLC	License Number:	12253
License Type:	STANDARD MARIJUANA CULTIVATION		
Doing Business As:	AKO FARMS		
Premises Address:	1210 BEARDSLEE WAY		
City:	SITKA	State:	AK
		ZIP:	99835

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	MARTY MARTIN
Title:	OWNER

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

MM

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

MM

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

MM

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development’s laws and requirements pertaining to employees.

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

MARTY MARTIN

Printed name of licensee

Signature of licensee

Alcohol & Marijuana Control Office

License Number: 12253

License Status: Active-Operating

License Type: Standard Marijuana Cultivation Facility

Doing Business As: AKO FARMS, LLC.

Business License Number: 1090969

Designated Licensee: Elizabeth Martin

Email Address: akofarmsllc@gmail.com

Local Government: Sitka (City and Borough of)

Local Government 2:

Community Council:

Latitude, Longitude: 57.051579, -135.306230

Physical Address: 1210 Beardslee Way
Sitka, AK 99835
UNITED STATES

Licensee #1

Type: Entity

Alaska Entity Number: 10037708

Alaska Entity Name: AKO Farms, LLC

Phone Number: 907-623-0417

Email Address: akofarmsllc@gmail.com

Mailing Address: P O Box 2426
1210 Beardslee Way
sitka, AK 99835
UNITED STATES

Entity Official #1

Type: Individual

Name: Elizabeth Martin

[REDACTED]

[REDACTED]

Phone Number: 907-738-3484

Email Address: lizaak13@gmail.com

Mailing Address: P O Box 2752 2217 hpr
sitka, AK 99835
UNITED STATES

Entity Official #2

Type: Individual

Name: justin brown

[REDACTED]

[REDACTED]

Phone Number: 907-738-5301

Email Address: rgrjrb@hotmail.com

Mailing Address: 103 metlakatla st
sitka, AK 99835
UNITED STATES

Entity Official #3

Type: Individual

Name: marty Martin

[REDACTED]

[REDACTED]

Phone Number: 907-738-4048

Email Address: martinent@gci.net

Mailing Address: P O Box 2752 2217 hpr
Sitka, AK 99835
UNITED STATES

Note: No affiliates entered for this license.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

August 22, 2023

Licensee: AKO Farms, LLC

DBA: AKO 2

VIA email: akofarmsllc@gmail.com

Local Government: Sitka (City and Borough of)

Via Email: sara.peterson@cityofsitka.org ; jessica.earnshaw@cityofsitka.org

Re: Standard Marijuana Cultivation Facility #26162 Combined Renewal Notice

License Number:	#26162
License Type:	Standard Marijuana Cultivation Facility
Licensee:	AKO Farms, LLC
Doing Business As:	AKO 2
Physical Address:	213 PRICE STREET SITKA, AK 99835
Designated Licensee:	Elizabeth Martin
Phone Number:	907-623-0417
Email Address:	akofarmsllc@gmail.com

License Renewal Application

Endorsement Renewal Application

Dear Licensee:

After reviewing your renewal documents, AMCO staff has deemed the application complete for the purposes of 3 AAC 306.035(c).

Your application will now be sent electronically, in its entirety, to your local government, your community council (if your proposed premises is in Anchorage or certain locations in the Mat-Su Borough), and to any non-profit agencies who have requested notification of applications. The local government has 60 days to protest your application per 3 AAC 306.060.

At the May 15, 2017 Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications. However, the board is required to consider this application independently if you have been issued any notices of violation for this license, if your local government protests this application, or if a public objection to this application is received within 30 days of this notice under 3 AAC 306.065.

If AMCO staff determines that your application requires independent board consideration for any reason, you will be sent an email notification regarding your mandatory board appearance. Upon final approval, your 2022/2023 license will be provided to you during your annual inspection. If our office determines that an inspection is not necessary, the license will be mailed to you at the mailing address on file for your establishment.

Please feel free to contact us through the marijuana.licensing@alaska.gov email address if you have any questions.

Dear Local Government:

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Sincerely,

A handwritten signature in blue ink that reads "Joan M. Wilson". The signature is written in a cursive, flowing style.

Joan M. Wilson, Director
907-269-0350



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

marijuana.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 - Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	AKO 2 FARMS	License Number:	26162		
License Type:	STANDARD MARIJUANA CULTIVATION				
Doing Business As:	AKO 2				
Premises Address:	213 PRICE STREET				
City:	SITKA	State:	AK	ZIP:	99835

Section 2 - Individual Information

Enter information for the individual licensee who is completing this form.

Name:	ELIZABETH MARTIN
Title:	OWNER

Section 3 - Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

I certify that I have not been convicted of any criminal charge in the previous two calendar years.	Initials	<input type="text" value="EM"/>
I certify that I have not committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.	Initials	<input type="text" value="EM"/>
I certify that a notice of violation has not been issued for this license between July 1, 2022 and June 30, 2023.	Initials	<input type="text" value="EM"/>

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).	Initials	<input type="text"/>
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Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

EM

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

EM

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

EM

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

EM

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

EM

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

EM

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

12253,26162,19898 ,16767

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

EM

ELIZABETH MARTIN

Printed name of licensee

Elizabeth Martin
Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	AKO 2 FARMS	License Number:	26162		
License Type:	STANDARD MARIJUANA CULTIVATION				
Doing Business As:	AKO 2				
Premises Address:	213 PRICE STREET				
City:	SITKA	State:	AK	ZIP:	99835

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	JUSTIN BROWN
Title:	OWNER

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

	Initials
I certify that I have not been convicted of any criminal charge in the previous two calendar years.	<input type="text" value="JB"/>
I certify that I have not committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.	<input type="text" value="JB"/>
I certify that a notice of violation has not been issued for this license between July 1, 2022 and June 30, 2023.	<input type="text" value="JB"/>

Sign your initials to the following statement **only if you are unable to certify one or more of the above statements:**

	Initials
I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).	<input type="text"/>



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

JB

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

JB

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

JB

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

JB

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

JB

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

JB

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

12253,26162,19898 ,16767

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

JB

JUSTIN BROWN

Printed name of licensee

Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	AKO 2 FARMS	License Number:	26162		
License Type:	STANDARD MARIJUANA CULTIVATION				
Doing Business As:	AKO 2				
Premises Address:	213 PRICE STREET				
City:	SITKA	State:	AK	ZIP:	99835

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	MARTY MARTIN
Title:	OWNER

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

- | | |
|---|---------------------------------|
| | Initials |
| I certify that I have not been convicted of any criminal charge in the previous two calendar years. | <input type="text" value="MM"/> |
| I certify that I have not committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years. | <input type="text" value="MM"/> |
| I certify that a notice of violation has not been issued for this license between July 1, 2022 and June 30, 2023. | <input type="text" value="MM"/> |

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

	Initials
I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).	<input type="text"/>



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

MARTY MARTIN

Printed name of licensee

Signature of licensee

Alcohol & Marijuana Control Office

License Number: 26162

License Status: Active-Operating

License Type: Standard Marijuana Cultivation Facility

Doing Business As: AKO 2

Business License Number: 2109355

Designated Licensee: Elizabeth martin

Email Address: akofarmsllc@gmail.com

Local Government: Sitka (City and Borough of)

Local Government 2:

Community Council:

Latitude, Longitude: 57.051480, -135.305550

Physical Address: 213 PRICE STREET
SITKA, AK 99835
UNITED STATES

Licensee #1

Type: Entity

Alaska Entity Number: 10037708

Alaska Entity Name: AKO Farms, LLC

Phone Number: 907-623-0417

Email Address: akofarmsllc@gmail.com

Mailing Address: P O BOX 2426
213 PRICE STREET
SITKA, AK 99835
UNITED STATES

Entity Official #1

Type: Individual

Name: justin brown

Phone Number: 907-738-5301

Email Address: rgrjrb@hotmail.com

Mailing Address: 103 metlakatla st
sitka, AK 99835
UNITED STATES

Entity Official #2

Type: Individual

Name: MARTY MARTIN

Phone Number: 907-747-8546

Email Address: martinent@gci.net

Mailing Address: p o box 2752
2217 HPR
SITKA, AK 99835
UNITED STATES

Entity Official #3

Type: Individual

Name: Elizabeth martin

Phone Number: 907-783-3484

Email Address: lizaak13@gmail.com

Mailing Address: p o box 2752
2217 HPR
SITKA, AK 99835
UNITED STATES

Note: No affiliates entered for this license.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

August 18, 2023

From: marijuana.licensing@alaska.gov ; amco.localgovernmentonly@alaska.gov

Licensee: AKO FARMS, LLC

DBA: AKO FARMS DIRECT

VIA email: akofarmsllc@gmail.com

CC: n/a

Local Government: City and Borough of Sitka

Via Email: sara.peterson@cityofsitka.org; jessica.earnshaw@cityofsitka.org

Community Council: n/a

Via Email: sara.peterson@cityofsitka.org; jessica.earnshaw@cityofsitka.org

CC: n/a

BCC: amco.admin@alaska.gov

Re: Retail Marijuana Store #19898 Combined Renewal Notice

License Number:	#19898
License Type:	Retail Marijuana Store
Licensee:	AKO FARMS, LLC
Doing Business As:	AKO FARMS DIRECT
Physical Address:	1210 Beardslee Way Sitka, AK 99835
Designated Licensee:	Elizabeth Martin
Phone Number:	907-738-3484
Email Address:	akofarmsllc@gmail.com

License Renewal Application

Endorsement Renewal Application

Dear Licensee:

After reviewing your renewal documents, AMCO staff has deemed the application complete for the purposes of 3 AAC 306.035(c).

Your application will now be sent electronically, in its entirety, to your local government, your community council (if your proposed premises is in Anchorage or certain locations in the Mat-Su Borough), and to any non-profit agencies who have requested notification of applications. The local government has 60 days to protest your application per 3 AAC 306.060.

At the May 15, 2017 Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications. However, the board is required to consider this application independently if you have been issued any notices of violation for this license, if your local government protests this application, or if a public objection to this application is received within 30 days of this notice under 3 AAC 306.065.

If AMCO staff determines that your application requires independent board consideration for any reason, you will be sent an email notification regarding your mandatory board appearance. Upon final approval, your 2023/2024 license will be provided to you during your annual inspection. If our office determines that an inspection is not necessary, the license will be mailed to you at the mailing address on file for your establishment.

Please feel free to contact us through the marijuana.licensing@alaska.gov email address if you have any questions.

Dear Local Government:

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Dear Community Council (Municipality of Anchorage and Mat-Su Borough only)

AMCO has received a complete renewal application for the above listed license within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To object to the approval of this application pursuant to 3 AAC 306.065, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the objection within 30 days of the date of this notice. We recommend that you contact the local government with jurisdiction over the proposed premises to share objections you may have about the application.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application independently. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email marijuana.licensing@alaska.gov.

Sincerely,

A handwritten signature in blue ink that reads "Joan M. Wilson". The signature is written in a cursive, flowing style.

Joan M. Wilson, Director
907-269-0350



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	AKO FARMS , LLC	License Number:	19898
License Type:	RETAIL MARIJUANA STORE		
Doing Business As:	AKO FARMS DIRECT		
Premises Address:	1210 BEARDSLEE WAY		
City:	SITKA	State:	AK
		ZIP:	99835

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	ELIZABETH MARTIN
Title:	OWNER

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

EM

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

EM

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

EM

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

EM

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

EM

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

EM

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

EM

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

EM

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

EM

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

12253,26162,19898 ,16767

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

EM

ELIZABETH MARTIN

Printed name of licensee

Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	AKO FARMS , LLC	License Number:	19898
License Type:	RETAIL MARIJUANA STORE		
Doing Business As:	AKO FARMS DIRECT		
Premises Address:	1210 BEARDSLEE WAY		
City:	SITKA	State:	AK
		ZIP:	99835

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	JUSTIN BROWN
Title:	OWNER

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

Sign your initials to the following statement **only if you are unable to certify one or more of the above statements:**

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 - Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

JB

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

JB

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

JB

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

JB

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

JB

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

JB

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

12253,26162,19898 ,16767

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

JB

JUSTIN BROWN

Printed name of licensee

Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	AKO FARMS , LLC	License Number:	19898
License Type:	RETAIL MARIJUANA STORE		
Doing Business As:	AKO FARMS DIRECT		
Premises Address:	1210 BEARDSLEE WAY		
City:	SITKA	State:	AK
		ZIP:	99835

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	MARTY MARTIN
Title:	OWNER

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

MM

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

MM

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

MM

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

MM

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

MM

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

MM

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

MM

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

MM

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

MM

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

12253,26162,19898 ,16767

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

MM

MARTY MARTIN

Printed name of licensee

Signature of licensee

Alcohol & Marijuana Control Office

License Number: 19898

License Status: Active-Operating

License Type: Retail Marijuana Store

Doing Business As: AKO FARMS DIRECT

Business License Number: 2098780

Designated Licensee: elizabeth martin

Email Address: akofarmsllc@gmail.com

Local Government: Sitka (City and Borough of)

Local Government 2:

Community Council:

Latitude, Longitude: 57.051579, -135.306230

Physical Address: 1210 Beardslee Way
Sitka, AK 99835
UNITED STATES

Licensee #1

Type: Entity

Alaska Entity Number: 10037708

Alaska Entity Name: AKO Farms, LLC

Phone Number: 907-623-0417

Email Address: akofarmsllc@gmail.com

Mailing Address: P O Box 2426
Sitka, AK 99835
UNITED STATES

Entity Official #1

Type: Individual

Name: Marty Martin

Phone Number: 907-738-4048

Email Address: akofarmsllc@gmail.com

Mailing Address: P O Box 2752
2217 HPR
Sitka, AK 99835
UNITED STATES

Entity Official #2

Type: Individual

Name: elizabeth martin

Phone Number: 907-623-0417

Email Address: akofarmsllc@gmail.com

Mailing Address: PO Box 2752
2217 HPR
Sitka, AK 99835
UNITED STATES

Entity Official #3

Type: Individual

Name: Justin Brown

Phone Number: 907-623-0417

Email Address: akofarmsllc@gmail.com

Mailing Address: 103 Metlakatla St.
Sitka, AK 99835
UNITED STATES

Note: No affiliates entered for this license.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

August 17, 2023

From: marijuana.licensing@alaska.gov ; amco.localgovernmentonly@alaska.gov

Licensee: AKO FARMS, LLC

DBA: AKO FARMS, LLC

VIA email: akofarmsllc@gmail.com

CC: n/a

Local Government: City and Borough of Sitka

Via Email: sara.peterson@cityofsitka.org; jessica.earnshaw@cityofsitka.org

Community Council: n/a

Via Email: sara.peterson@cityofsitka.org; jessica.earnshaw@cityofsitka.org

CC: n/a

BCC: amco.admin@alaska.gov

Re: Retail Marijuana Store #16767 Combined Renewal Notice

License Number:	#16767
License Type:	Marijuana Concentrate Manufacturing Facility
Licensee:	AKO FARMS, LLC
Doing Business As:	AKO FARMS, LLC
Physical Address:	1210 Beardslee Way Sitka, AK 99835
Designated Licensee:	Elizabeth Martin
Phone Number:	907-738-3484
Email Address:	akofarmsllc@gmail.com

License Renewal Application

Endorsement Renewal Application

Dear Licensee:

After reviewing your renewal documents, AMCO staff has deemed the application complete for the purposes of 3 AAC 306.035(c).

Your application will now be sent electronically, in its entirety, to your local government, your community council (if your proposed premises is in Anchorage or certain locations in the Mat-Su Borough), and to any non-profit agencies who have requested notification of applications. The local government has 60 days to protest your application per 3 AAC 306.060.

At the May 15, 2017 Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications. However, the board is required to consider this application independently if you have been issued any notices of violation for this license, if your local government protests this application, or if a public objection to this application is received within 30 days of this notice under 3 AAC 306.065.

If AMCO staff determines that your application requires independent board consideration for any reason, you will be sent an email notification regarding your mandatory board appearance. Upon final approval, your 2023/2024 license will be provided to you during your annual inspection. If our office determines that an inspection is not necessary, the license will be mailed to you at the mailing address on file for your establishment.

Please feel free to contact us through the marijuana.licensing@alaska.gov email address if you have any questions.

Dear Local Government:

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Dear Community Council (Municipality of Anchorage and Mat-Su Borough only)

AMCO has received a complete renewal application for the above listed license within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To object to the approval of this application pursuant to 3 AAC 306.065, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the objection within 30 days of the date of this notice. We recommend that you contact the local government with jurisdiction over the proposed premises to share objections you may have about the application.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application independently. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email marijuana.licensing@alaska.gov.

Sincerely,

A handwritten signature in blue ink that reads "Joan M. Wilson". The signature is written in a cursive, flowing style.

Joan M. Wilson, Director
907-269-0350



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	AKO FARMS, LLC	License Number:	16767
License Type:	MARIJUANA CONCENTRATE MANUFACTURING FACILITY		
Doing Business As:	AKO FARMS		
Premises Address:	1210 BEARDSLEE WAY		
City:	SITKA	State:	AK
		ZIP:	99835

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	ELIZABETH MARTIN
Title:	OWNER

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

I certify that I have not been convicted of any criminal charge in the previous two calendar years.

Initials

EM

I certify that I have not committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

EM

I certify that a notice of violation has not been issued for this license between July 1, 2022 and June 30, 2023.

EM

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

EM

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

EM

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

EM

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

EM

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

EM

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

EM

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

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12253,26162,19898 ,16767

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

EM

ELIZABETH MARTIN

Printed name of licensee

Elizabeth Martin
Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

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Enter information for the licensed establishment, as identified on the license application.

Licensee:	AKO FARMS , LLC	License Number:	16767
License Type:	MARIJUANA CONCENTRATE MANUFACTURING FACILITY		
Doing Business As:	AKO FARMS		
Premises Address:	1210 BEARDSLEE WAY		
City:	SITKA	State:	AK
		ZIP:	99835

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	JUSTIN BROWN
Title:	OWNER

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

Initials

JB

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

JB

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

JB

Sign your initials to the following statement **only if you are unable to certify one or more of the above statements:**

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).

--



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

12253,26162,19898 ,16767

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

JUSTIN BROWN

Printed name of licensee

Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

marijuana.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	AKO FARMS , LLC	License Number:	16767
License Type:	MARIJUANA CONCENTRATE MANUFACTURING FACILITY		
Doing Business As:	AKO FARMS		
Premises Address:	1210 BEARDSLEE WAY		
City:	SITKA	State:	AK
		ZIP:	99835

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	MARTY MARTIN
Title:	OWNER

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have not been convicted of any criminal charge in the previous two calendar years.

I certify that I have not committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has not been issued for this license between July 1, 2022 and June 30, 2023.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

MM

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

MM

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

MM

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

MM

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

MM

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

MM

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

12253,26162,19898 ,16767

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

MM

MARTY MARTIN

Printed name of licensee

Signature of licensee

Alcohol & Marijuana Control Office

License Number: 16767

License Status: Active-Operating

License Type: Marijuana Concentrate Manufacturing Facility

Doing Business As: AKO FARMS, LLC.

Business License Number: 1090969

Designated Licensee: Elizabeth Martin

Email Address: akofarmsllc@gmail.com

Local Government: Sitka (City and Borough of)

Local Government 2:

Community Council:

Latitude, Longitude: 57.051579, -135.306230

Physical Address: 1210 Beardslee Way
Sitka, AK 99835
UNITED STATES

Licensee #1

Type: Entity

Alaska Entity Number: 10037708

Alaska Entity Name: AKO Farms, LLC

Phone Number: 907-738-5301

Email Address: akofarmsllc@gmail.com

Mailing Address: bx 2426
sitka, AK 99835
UNITED STATES

Entity Official #1

Type: Individual

Name: Marty Martin

Phone Number: 907-747-3815

Email Address: martinent@gci.net

Mailing Address: P O Box 2752
sitka, AK 99835
UNITED STATES

Entity Official #2

Type: Individual

Name: justin brown

Phone Number: 907-738-5301

Email Address: rgrjrb@hotmail.com

Mailing Address: 103 metlakatla
sitka, AK 99835
UNITED STATES

Entity Official #3

Type: Individual

Name: Elizabeth Martin

Phone Number: 907-738-3484

Email Address: lizaak13@gmail.com

Mailing Address: P O Box 2752
sitka, AK 99835
UNITED STATES

Affiliate #1

Type: Individual

Name: Marty Martin

Phone Number: 907-738-4048

Email Address: martinent@gci.net

Mailing Address: P O Box 2752
2217 HPR
sitka, AK 99835
UNITED STATES

Affiliate #2

Type: Individual

Name: justin brown

Phone Number: 907-738-5301

Email Address: rgrjrb@hotmail.com

Mailing Address: 103 metlakatla st
sitka, AK 99835
UNITED STATES

Affiliate #3

Type: Individual

Name Elizabeth Martin

[REDACTED]

[REDACTED]

Phone Number: 907-747-3815

Email Addre lizaak13@gmail com

Mailing Address: P O Box 2752
2217 HPR
itka, AK 99835
UNITED STATES



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 23-109 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/5/2023 In control: City and Borough Assembly

On agenda: 9/12/2023 Final action:

Title: Appoint 1) Woody Widmark to a three-year term on the Health Needs and Human Services Commission 2) Steve Black to a three-year term on the Park and Recreation Committee, and reappoint 1) Ben Hughey to a three-year term on the Parks and Recreation Committee

Sponsors:

Indexes:

Code sections:

Attachments: [Motion and applications](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO

Appoint:

1. Woody Widmark to a three-year term on the Health Needs and Human Services Commission,
2. Steve Black to a three-year term on the Park and Recreation Committee, and

Reappoint:

1. Ben Hughey to a three-year term on the Parks and Recreation Committee.



**CITY & BOROUGH OF SITKA
BOARD/COMMITTEE/COMMISSION APPLICATION**

Municipal Clerk's Office, 100 Lincoln Street, Floor 3
Phone: 907.747.1826 Fax: 907.747.7403 Email: clerk@cityofsitka.org

Submit this completed application AND either a letter of interest or resume to the Municipal Clerk's Office by noon on the Wednesday prior to an advertised Assembly meeting.

Board/Commission/Committee Applying For: Health, Needs & Human Services Commission

Name: Woody Widmark Phone Number: _____

Mailing Address: _____

Email Address: _____

Length of Residence in Sitka: 69 Registered to vote in Sitka? Yes No

Employer Business Name and your position: retired (SSD)

Organizations you belong to or participate in:
SITKA Tribe of Alaska Tribal Council
SEARHC Board

Explain your main reason for applying:
Passion for community health & services

What experience or credentials will you bring to the board, commission, or committee membership?

Belong to SEARHC SITKA Rep, member of STA Health & Human Service Committee.

Appointments are typically made during Assembly meeting open sessions. However, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? Yes No

Potential conflicts of interest that may arise from your appointment must be disclosed. These may include, but are not limited to, a substantial financial interest of \$1000 annually that could be influenced by your appointment, or an immediate family member employed within the scope of this appointment. Do you have any potential conflicts of interest to disclose? Yes No

If yes, please explain:

I understand this is a volunteer position appointed by the City and Borough of Sitka Assembly and requires regular meeting attendance. I further understand this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in media outlets. If I am appointed to serve, I will follow all laws, procedures, and practices associated with my appointment.

I certify that the information in my application is true and accurate.

Date: 08.28.2023 Applicant Signature: Woody Widmark

August 28, 2023

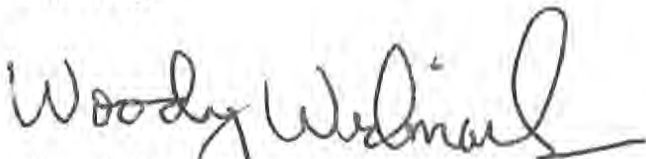
City and Borough of Sitka Assembly

I am interested in serving on the Health Needs & Human Services Commission.

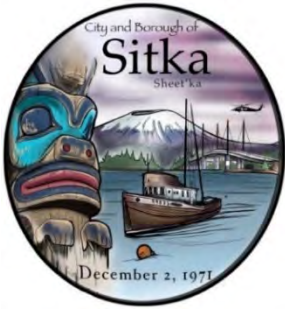
I've served on several boards and committees – currently I'm on Sitka Tribe of Alaska Tribal Council and STA Health & Human Services committee and the SEARHC Board of Directors (Sitka Rep).

Thank you for your consideration. Please let me know if you need any further information. I can be reached by _____ by cell phone at _____

Sincerely,



Woody Widmark



Health Needs and Human Services Commission

NAME	CONTACT NUMBERS	TERM STARTS	EXPIRES	CATEGORY
<i>TRISTAN GUEVIN</i> 200 Seward Street	907-738-5415 <i>tristan.guevin@gmail.com</i>	3/23/21 2/9/22	1/8/22 2/9/25	<i>Resigned</i> 7/24/2023
LAKOTA HARDEN 113 Metlakatla Street	510-827-7689 lakotaharden@yahoo.com	3/23/21 11/8/22	11/26/22 11/8/25	
ANNETTE EVANS PO Box 902	406-579-1936 wannitta12@yahoo.com	1/24/23	12/8/23	
ELISE DAVIDSON KITKA 113 Metlakatla Street	907-738-7057 ekitka@scpsak.org	2/28/23	4/13/24	
RACHEL WORTHEY 705 Sawmill Creek Road	731-610-5199 rachelworthey@gmail.com	6/14/23	8/24/24	
AMANDA ROBERTS 1212 Seward Avenue	907-966-8745 amandar@searhc.org	8/9/23	11/9/24	
<i>DOUG OSBORNE</i> 222 Tongass Drive	<i>907-966-8674</i> <i>douglaso@searhc.org</i>	1/27/15 10/24/17 11/10/20	10/14/17 10/24/20 11/10/23	<i>Resigned</i> 1/31/23
Jess Earnshaw Deputy Clerk	907-747-1826 jessica.earnshaw@cityofsitka.org			Secretary
Crystal Duncan PO Box 174	907-738-1910 assemblyduncan@cityofsitka.org			Assembly Liaison
Kevin Mosher 100 Lincoln Street	907-752-0467 assemblymosher@cityofsitka.org			Alternate Assembly Liaison

Established by Ordinance 2013-23

7 members, 3-year terms. A vacancy on the commission shall be filled by appointment by the Assembly for any remainder of an unexpired term.

Meeting schedule: 3rd Wednesday of the month; Noon at Harrigan Centennial Hall, 330 Harbor Drive – Meetings are to be held no less than four times per year.

Revised: August 9, 2023



**CITY & BOROUGH OF SITKA
BOARD/COMMITTEE/COMMISSION APPLICATION**

Municipal Clerk's Office, 100 Lincoln Street, Floor 3
Phone: 907.747.1826 Fax: 907.747.7403 Email: clerk@cityofsitka.org

Submit this completed application AND either a letter of interest or resume to the Municipal Clerk's Office by noon on the Wednesday prior to an advertised Assembly meeting.

Board/Commission/Committee Applying For: Parks & Recreation Committee

Name: Steve Black Phone Number: [REDACTED]

Mailing Address: [REDACTED]

Email Address: [REDACTED]

Length of Residence in Sitka: 4 Registered to vote in Sitka? Yes No

Employer Business Name and your position: Samson Tug & Barge - Southeast Sales Rep

Organizations you belong to or participate in:

- Baranof Ballers
- Sitka Youth Football
- Sitka Little League

Explain your main reason for applying:

My family and I are active users of our Parks & Recreation facilities. Being active in our community, I want to be part of developing and maintaining our youth and family activities. Increasing participation for the betterment of our community.

What experience or credentials will you bring to the board, commission, or committee membership?

10-years experience marine terminal Operations Manager (American President Lines / North Star Terminal & Stevedore Company). 3-year board member for both Baranof Ballers and Sitka Little League.

Appointments are typically made during Assembly meeting open sessions. However, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? Yes No

Potential conflicts of interest that may arise from your appointment must be disclosed. These may include, but are not limited to, a substantial financial interest of \$1000 annually that could be influenced by your appointment, or an immediate family member employed within the scope of this appointment. **Do you have any potential conflicts of interest to disclose?** Yes No

If yes, please explain:

I understand this is a volunteer position appointed by the City and Borough of Sitka Assembly and requires regular meeting attendance. I further understand this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in media outlets. If I am appointed to serve, I will follow all laws, procedures, and practices associated with my appointment.

I certify that the information in my application is true and accurate.

Date: 8/30/2023 Applicant Signature: [Signature]



PARKS AND RECREATION COMMITTEE

NAME	CONTACT NUMBERS	TERM STARTS	EXPIRES	CATEGORY
JAMES POULSON 1610 Sawmill Creek Road	907-623-8302 907-747-3219 w james.poulson1@gmail.com	8/30/18 11/12/19 11/8/22	11/22/19 11/12/22 11/8/25	Chair
BEN HUGHEY 501 Marine Street	907-738-1252 ben@sitkatrailworks.org	9/8/20	9/8/23	Vice Chair
BRANDON MARX PO Box 6171	907-747-1700 907-738-1392 marxlaw@sitkcalawyer.com	5/28/19 7/27/21	6/12/21 7/27/24	
RICH KRUPA PO Box 3126	907-966-1956 907-747-3904 krupar@sitkaschools.org	6/11/19 6/14/22	6/11/22 6/14/25	
KEVIN KNOX 324 Wachusetts St	907-738-4664 kevin@bluesteel.org	10/11/22	10/11/25	
KATHERINE PRUSSIAN 302 Wachusetts	907-738-5379 kkprussian@yahoo.com	2/14/23	3/26/24	
<i>SARAH LAWRIE 116 Molly Lane</i>	<i>907-738-5234 justsosarah@gmail.com</i>	<i>11/12/19</i>	<i>11/12/22</i>	
Crystal Duncan PO Box 174	907-738-1910 assemblyduncan@cityofsitka.org			Assembly Liaison
Chris Ystad 104 Chirikov Drive	907-738-1560 assemblyystad@cityofsitka.org			Alternate Assembly Liaison
Connor Dunlap Building, Grounds, and parks Supervisor City and Borough of Sitka	907-747-4039 connor.dunlap@cityofsitka.org			Ex-Officio
Jess Earnshaw Deputy Clerk	907-747-1826 jessica.earnshaw@cityofsitka.org			Secretary

7 Members from public - 3-year terms
 Established by Ordinance 75-199 (2.56 SGC)
 Second Tuesday, Noon – Harrigan Centennial Hall, 330 Harbor Drive

Community Resources				
Mary Miller Sitka National Historical Park 106 Metlakatla Street	907-747-0111 w 907-747-5938- fax mary_miller@nps.gov			

Revised: August 1, 2023



CITY & BOROUGH OF SITKA BOARD/COMMITTEE/COMMISSION APPLICATION

Municipal Clerk's Office, 100 Lincoln Street, Floor 3
Phone: 907.747.1826 Fax: 907.747.7403 Email: clerk@cityofsitka.org

Submit this completed application AND either a letter of interest or resume to the Municipal Clerk's Office by noon on the Wednesday prior to an advertised Assembly meeting.

Board/Commission/Committee Applying For: Parks & Recreation Committee

Name: Ben Hughey

Phone Number: [REDACTED]

Mailing Address: [REDACTED]

Email Address: [REDACTED]

Length of Residence in Sitka: 24 years **Registered to vote in Sitka?** Yes No

Employer Business Name and your position: Sitka Trail Works, Executive Director

Organizations you belong to or participate in:

Sitka Cycling Club, Sitka Recreation Foundation

Explain your main reason for applying:

I am already highly involved in issues of outdoor recreation in Sitka professionally and personally.

What experience or credentials will you bring to the board, commission, or committee membership?

I have over a decade of experience in public lands management, outdoor recreation, and a graduate degree in Public Administration.

Appointments are typically made during Assembly meeting open sessions. However, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? Yes No

Potential conflicts of interest that may arise from your appointment must be disclosed. These may include, but are not limited to, a substantial financial interest of \$1000 annually that could be influenced by your appointment, or an immediate family member employed within the scope of this appointment. **Do you have any potential conflicts of interest to disclose?** Yes No

If yes, please explain:

If issues of funding for Sitka Trail Works are discussed, I will recuse myself.

I understand this is a volunteer position appointed by the City and Borough of Sitka Assembly and requires regular meeting attendance. I further understand this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in media outlets. If I am appointed to serve, I will follow all laws, procedures, and practices associated with my appointment.

I certify that the information in my application is true and accurate.

Date: 8/30/2023 **Applicant Signature:** Ben Hughey



PARKS AND RECREATION COMMITTEE

NAME	CONTACT NUMBERS	TERM STARTS	EXPIRES	CATEGORY
JAMES POULSON 1610 Sawmill Creek Road	907-623-8302 907-747-3219 w james.poulson1@gmail.com	8/30/18 11/12/19 11/8/22	11/22/19 11/12/22 11/8/25	Chair
BEN HUGHEY 501 Marine Street	907-738-1252 ben@sitkatrailworks.org	9/8/20	9/8/23	Vice Chair
BRANDON MARX PO Box 6171	907-747-1700 907-738-1392 marxlaw@sitkalawyer.com	5/28/19 7/27/21	6/12/21 7/27/24	
RICH KRUPA PO Box 3126	907-966-1956 907-747-3904 krupar@sitkaschools.org	6/11/19 6/14/22	6/11/22 6/14/25	
KEVIN KNOX 324 Wachusetts St	907-738-4664 kevin@bluesteel.org	10/11/22	10/11/25	
KATHERINE PRUSSIAN 302 Wachusetts	907-738-5379 kkprussian@yahoo.com	2/14/23	3/26/24	
<i>SARAH LAWRIE 116 Molly Lane</i>	<i>907-738-5234 justsosarah@gmail.com</i>	<i>11/12/19</i>	<i>11/12/22</i>	
Crystal Duncan PO Box 174	907-738-1910 assemblyduncan@cityofsitka.org			Assembly Liaison
Chris Ystad 104 Chirikov Drive	907-738-1560 assemblyystad@cityofsitka.org			Alternate Assembly Liaison
Connor Dunlap Building, Grounds, and parks Supervisor City and Borough of Sitka	907-747-4039 connor.dunlap@cityofsitka.org			Ex-Officio
Jess Earnshaw Deputy Clerk	907-747-1826 jessica.earnshaw@cityofsitka.org			Secretary

7 Members from public - 3-year terms
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Community Resources				
Mary Miller Sitka National Historical Park 106 Metlakatla Street	907-747-0111 w 907-747-5938- fax mary_miller@nps.gov			

Revised: August 1, 2023



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 23-111 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/6/2023 In control: City and Borough Assembly

On agenda: 9/12/2023 Final action:

Title: Appoint one to the Planning Commission: 1) Robin Sherman, 2) Chris Spivey, 3) Jeremy Twaddle

Sponsors:

Indexes:

Code sections:

Attachments: [Motion Planning Commission](#)
[Sherman- Planning](#)
[Spivey-Planning](#)
[Twaddle-Planning](#)

Date	Ver.	Action By	Action	Result
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Appointment: Planning Commission

Step 1

I NOMINATE 1) Robin Sherman, 2) Chris Spivey, and 3) Jeremy Twaddle to fill an unexpired term on the Planning Commission.

*Public comment to be taken after nominations are made.

Step 2

The Municipal clerk will ask each Assembly Member to state their applicant choice. To be appointed, an applicant must receive at least four votes.



**CITY & BOROUGH OF SITKA
BOARD/COMMITTEE/COMMISSION APPLICATION**

Municipal Clerk's Office, 100 Lincoln Street, Floor 3
Phone: 907.747.1826 Fax: 907.747.7403 Email: clerk@cityofsitka.org

Submit this completed application AND either a letter of interest or resume to the Municipal Clerk's Office by noon on the Wednesday prior to an advertised Assembly meeting.

Board/Commission/Committee Applying For: Planning Commission

Name: Robin Sherman **Phone Number:** _____

Mailing Address: _____

Email Address: _____

Length of Residence in Sitka: since November 2015 **Registered to vote in Sitka?** Yes No

Employer Business Name and your position: Special Projects Director, Sitka Tribe of Alaska

Organizations you belong to or participate in:

Not involved in any Sitka organizations at present

Explain your main reason for applying:

I am interested in land use policy, housing, and economic development, have education and experience in the field, and would like to serve my community.

What experience or credentials will you bring to the board, commission, or committee membership?

I have a master's degree in Urban and Environmental Policy, a master's degree in public administration, seven years of experience as a municipal planner in a rural community the size of Sitka, and seven years of experience as executive director of a rural regional housing authority.


Appointments are typically made during Assembly meeting open sessions. However, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? Yes No

Potential conflicts of interest that may arise from your appointment must be disclosed. These may include, but are not limited to, a substantial financial interest of \$1000 annually that could be influenced by your appointment, or an immediate family member employed within the scope of this appointment. **Do you have any potential conflicts of interest to disclose?** Yes No

If yes, please explain: I am related to the owners of Allen Marine by marriage. Neither my husband or I have an ownership interest in the company, but we do receive income of more than \$1,000 annually from the business.

I understand this is a volunteer position appointed by the City and Borough of Sitka Assembly and requires regular meeting attendance. I further understand this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in media outlets. If I am appointed to serve, I will follow all laws, procedures, and practices associated with my appointment.

I certify that the information in my application is true and accurate.

Date: _____ **Applicant Signature:** 

ROBIN SHERMAN

SUMMARY

- Mission-driven leader with record of integrity and excellence in the public and non-profit sectors
- Record of success in executive management, policy research, planning and fundraising
- Creative, pragmatic problem-solver with superior analytical, strategic and communication skills

PROFESSIONAL EXPERIENCE

Special Projects Director, Sitka Tribe of Alaska

2022 – present

High-level generalist for Tribal government with diverse portfolio of functions and projects.

Executive Director, Justice Not Politics Alaska

2021

Interim leadership for Justice Not Politics Alaska and JNPA Civics Education fund, 501(c)4 and 501(c)3 organizations that work on judicial independence in Alaska, completed 12 month contract.

Owner and Principal, Cape Decision Consulting

2019 – present

Interim executive leadership, strategy, research, communications, administrative and other services for government agencies and nonprofit organizations. Co-owner with husband Rob Allen.

Affiliate Program Manager, The Alaska Community Foundation

2017 – 2021

Strategic and administrative support, communications, development and program management for Sitka Legacy Foundation, a local Affiliate of the statewide philanthropic organization.

Consulting writer

2016 – 2019

Research, analysis, writing and editing for nonprofit organizations in Alaska and Massachusetts.

General Manager, Raven Radio Foundation

2018

Interim leadership of public community radio station in Sitka, Alaska for six months.

Executive Director, Franklin County Regional Housing Authority

2008 – 2015

Chief executive officer for two public agencies and a nonprofit affiliate providing affordable housing and community development services in rural western Massachusetts. Responsible for staff of 30 and annual operating budget of approximately \$3.4 million.

Research Manager, UMass Donahue Institute

2007 – 2008

Project manager for research on state policy issues for think tank based at University of Massachusetts.

Town Planner, Montague, Massachusetts

1999 – 2006

Supported boards and committees responsible for planning, economic development and conservation in rural community (population 8,800). Wrote grants and administered projects. Initiated RiverCulture, an arts-based economic development program that won a 2011 state award for creative communities.

Farmland Information Specialist, American Farmland Trust

1995 – 1999

Researched and wrote technical publications for national nonprofit. Organized conferences and workshops.

Education Programs Coordinator, Union of Concerned Scientists 1990 – 1994

Developed and promoted environmental education programs and managed speakers bureau of scientists for national nonprofit.

EDUCATION

Master of Public Administration, Harvard Kennedy School of Government

Focus on state and local government. Winner of Taubman Urban Prize for research on the Massachusetts Community Preservation Act.

Master of Arts, Urban and Environmental Policy, Tufts University

Bachelor of Arts, Environmental Studies and English, Oberlin College

Phi Beta Kappa, Magna cum Laude

PUBLICATIONS

RAFT in Review, RAFT During the Pandemic. Policy Reports, MetroHousing Boston, 2020. Author.

The Massachusetts RAFT Program: Preventing Homelessness, Providing Family Stability. Policy reports, Regional Housing Network of Massachusetts, 2018, 2019. Author.

Heat Rises: The Growing Burden of Residential Heating Costs on Massachusetts Households. Research report, UMass Donahue Institute, 2008. Lead author. Received public service award from Mass Energy Consumers Alliance. Report covered on front page of *Boston Globe*.

Growing Talent: Meeting the Evolving Needs of the Massachusetts Life Sciences Industry. Report commissioned by Massachusetts Life Sciences Center and Massachusetts Biotechnology Council, 2008. Lead Author.

The Massachusetts Community Preservation Act: Who Benefits, Who Pays? White Paper, Kennedy School of Government, Rappaport Institute for Greater Boston. 2007. Co-author. Received Taubman Urban Prize. Report was the subject of editorial in *Boston Globe*.

Revisiting Community Preservation. (Op-ed, *Boston Globe*). July 27, 2007. Co-author.

Investing in the Future of Agriculture: The Massachusetts Farmland Protection Program and the Permanence Syndrome (American Farmland Trust, 1998). Lead Author.

Renewables are Ready: People Creating Renewable Energy Solutions. (Chelsea Green Press, 1995). Contributing author.

CIVIC LEADERSHIP AND VOLUNTEER SERVICE

Regional Housing Network of Massachusetts Board of Directors, 2008 – 2015

Greenfield Savings Bank Board of Corporators, 2011 – 2015

Franklin County Chamber of Commerce Board of Directors, 2005 – 2006, 2009 – 2015

MHIC New Markets Tax Credits Investment Advisory Committee, 2009 – 2015

Comprehensive Economic Development Strategy Committee Franklin County, 2005 – 2006; 2009 – 2015

Greenfield Community College Foundation Board of Directors, 2008 – 2014

Montague, Massachusetts Town Meeting Elected Member, 1996 – 2011



PLANNING COMMISSION

NAME	CONTACT NUMBERS	TERM STARTS	EXPIRES	CATEGORY
JAMES PRIMEY 333 Harbor Drive	738-2224 jprimey@cityofsitka.org	12/11/12 1/18/14 1/21/17 1/14/20 1/22/22	2/8/14 1/28/17 1/24/20 1/14/23 12/27/25	Designated 8/19/2023
DARRELL WINDSOR PO Box 1973	738-4046 dwindsor@gci.net	6/28/11 6/24/14 7/25/17 8/11/20 8/22/23	6/28/14 6/24/17 7/25/20 8/11/23 8/22/26	VICE CHAIR
STACY MUDRY PO Box 1366	738-8693 stacym@sitkareadymix.com	8/27/19 8/23/22	8/27/22 8/25/25	
WENDY ALDERSON 714 Etolin Street	752-0246 wendyalderson@gci.net	9/22/20 5/11/22	5/14/22 5/11/25	
CATHERINE RILEY 1709 Halibut Pt Rd Spc	907-209-2019 katie.really@gmail.com	10/13/20 10/26/21	10/26/21 10/26/24	
Amy Ainslie Planning Director	747-1814 amy.ainslie@cityofsitka.org			Staff Liaison
Thor Christianson 500 Lincoln Street A9	738-2491 assemblychristianson@cityofsitka.org			Assembly Liaison

5 members from public, 3-year terms

Established by Ordinance 74-118/SGC2.18 & Charter Article VIII

Must be registered to vote

First and Third Wednesday at 7:00 p.m. – Harrigan Centennial Hall, 330 Harbor Drive

**CONFLICT OF INTEREST FORMS
OATHS OF OFFICE**

Revised: August 23, 2023



**CITY & BOROUGH OF SITKA
BOARD/COMMITTEE/COMMISSION APPLICATION**

Municipal Clerk's Office, 100 Lincoln Street, Floor 3
Phone: 907.747.1826 Fax: 907.747.7403 Email: clerk@cityofsitka.org

Submit this completed application AND either a letter of interest or resume to the Municipal Clerk's Office by noon on the Wednesday prior to an advertised Assembly meeting.

Board/Commission/Committee Applying For: Planning and Zoning Commission

Name: Chris Spivey

Phone Number: _____

Mailing Address: _____

Email Address: _____

Length of Residence in Sitka: 22yr

Registered to vote in Sitka? Yes No

Employer Business Name and your position: Arrowhead Transfer Inc.

Organizations you belong to or participate in:

None

Explain your main reason for applying:

I am regretting my decision to resign from the planning commission. I would like to continue my service to the community.

What experience or credentials will you bring to the board, commission, or committee membership?

I have been a part of the planning and zoning commission for many years.

Appointments are typically made during Assembly meeting open sessions. However, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? Yes No

Potential conflicts of interest that may arise from your appointment must be disclosed. These may include, but are not limited to, a substantial financial interest of \$1000 annually that could be influenced by your appointment, or an immediate family member employed within the scope of this appointment. **Do you have any potential conflicts of interest to disclose?** Yes No

If yes, please explain:

I understand this is a volunteer position appointed by the City and Borough of Sitka Assembly and requires regular meeting attendance. I further understand this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in media outlets. If I am appointed to serve, I will follow all laws, procedures, and practices associated with my appointment.

I certify that the information in my application is true and accurate.

Date: 09/06/2023

Applicant Signature: _____



PLANNING COMMISSION

NAME	CONTACT NUMBERS	TERM STARTS	EXPIRES	CATEGORY
CHRIS SPIVEY 109 Lillian Drive	738-2524 spi3050@yahoo.com	12/11/12 1/28/14 1/24/17 1/14/20 12/27/22	2/8/14 1/28/17 1/24/20 1/14/23 12/27/25	Resigned 8/15/2023
DARRELL WINDSOR PO Box 1973	738-4046 dwindsor@gci.net	6/28/11 6/24/14 7/25/17 8/11/20 8/22/23	6/28/14 6/24/17 7/25/20 8/11/23 8/22/26	VICE CHAIR
STACY MUDRY PO Box 1366	738-8693 stacym@sitkareadymix.com	8/27/19 8/23/22	8/27/22 8/25/25	
WENDY ALDERSON 714 Etolin Street	752-0246 wendyalderson@gci.net	9/22/20 5/11/22	5/14/22 5/11/25	
CATHERINE RILEY 1709 Halibut Pt Rd Spc	907-209-2019 katie.really@gmail.com	10/13/20 10/26/21	10/26/21 10/26/24	
Amy Ainslie Planning Director	747-1814 amy.ainslie@cityofsitka.org			Staff Liaison
Thor Christianson 500 Lincoln Street A9	738-2491 assemblychristianson@cityofsitka.org			Assembly Liaison

5 members from public, 3-year terms
 Established by Ordinance 74-118/SGC2.18 & Charter Article VIII
 Must be registered to vote
 First and Third Wednesday at 7:00 p.m. – Harrigan Centennial Hall, 330 Harbor Drive

CONFLICT OF INTEREST FORMS OATHS OF OFFICE

Revised: August 23, 2023



**CITY & BOROUGH OF SITKA
BOARD/COMMITTEE/COMMISSION APPLICATION**

Municipal Clerk's Office, 100 Lincoln Street, Floor 3
Phone: 907.747.1826 Fax: 907.747.7403 Email: clerk@cityofsitka.org

Submit this completed application AND either a letter of interest or resume to the Municipal Clerk's Office by noon on the Wednesday prior to an advertised Assembly meeting.

Board/Commission/Committee Applying For: Sitka Planning Commission

Name: Jeremy Twaddle **Phone Number:** _____

Mailing Address: _____

Email Address: _____

Length of Residence in Sitka: 47 Years **Registered to vote in Sitka?** Yes No

Employer Business Name and your position: Self Employed

Organizations you belong to or participate in:
N/A

Explain your main reason for applying:

The Sitka planning commission serves a vital role within the City of Sitka. After the recent abrupt vacancy on the Planning board a few members of the public have reached out to me and ask me to consider filling the remaining term of Chris Spivey. I am happy to do so.

What experience or credentials will you bring to the board, commission, or committee membership?

In the past I have served several terms on the Sitka Planning commission as a member and as the Chair so I am quite familiar with the duties involved. In addition I bring experience as a builder, developer and life long resident.

Appointments are typically made during Assembly meeting open sessions. However, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? Yes No

Potential conflicts of interest that may arise from your appointment must be disclosed. These may include, but are not limited to, a substantial financial interest of \$1000 annually that could be influenced by your appointment, or an immediate family member employed within the scope of this appointment. **Do you have any potential conflicts of interest to disclose?** Yes No

If yes, please explain:

I understand this is a volunteer position appointed by the City and Borough of Sitka Assembly and requires regular meeting attendance. I further understand this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in media outlets. If I am appointed to serve, I will follow all laws, procedures, and practices associated with my appointment.

I certify that the information in my application is true and accurate.

Date: 9/06/2023 **Applicant Signature:** Jeremy Twaddle



PLANNING COMMISSION

NAME	CONTACT NUMBERS	TERM STARTS	EXPIRES	CATEGORY
CHRIS SPIVEY 109 Lillian Drive	738-2524 spi3050@yahoo.com	12/11/12 1/28/14 1/24/17 1/14/20 12/27/22	2/8/14 1/28/17 1/24/20 1/14/23 12/27/25	Resigned 8/15/2023
DARRELL WINDSOR PO Box 1973	738-4046 dwindsor@gci.net	6/28/11 6/24/14 7/25/17 8/11/20 8/22/23	6/28/14 6/24/17 7/25/20 8/11/23 8/22/26	VICE CHAIR
STACY MUDRY PO Box 1366	738-8693 stacym@sitkareadymix.com	8/27/19 8/23/22	8/27/22 8/25/25	
WENDY ALDERSON 714 Etolin Street	752-0246 wendyalderson@gci.net	9/22/20 5/11/22	5/14/22 5/11/25	
CATHERINE RILEY 1709 Halibut Pt Rd Spc	907-209-2019 katie.really@gmail.com	10/13/20 10/26/21	10/26/21 10/26/24	
Amy Ainslie Planning Director	747-1814 amy.ainslie@cityofsitka.org			Staff Liaison
Thor Christianson 500 Lincoln Street A9	738-2491 assemblychristianson@cityofsitka.org			Assembly Liaison

5 members from public, 3-year terms
 Established by Ordinance 74-118/SGC2.18 & Charter Article VIII
 Must be registered to vote
 First and Third Wednesday at 7:00 p.m. – Harrigan Centennial Hall, 330 Harbor Drive

CONFLICT OF INTEREST FORMS OATHS OF OFFICE

Revised: August 23, 2023



CITY AND BOROUGH OF SITKA

Legislation Details

File #: ORD 23-20 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 8/16/2023 In control: City and Borough Assembly

On agenda: 9/12/2023 Final action:

Title: Amending Title 2 "Administration," Chapter 2.04 "City and Borough Assembly" of the Sitka General Code by updating Sections 2.04.190 "Salaries and compensation" and 2.04.195 "Salaries for assembly members and mayor"

Sponsors:

Indexes:

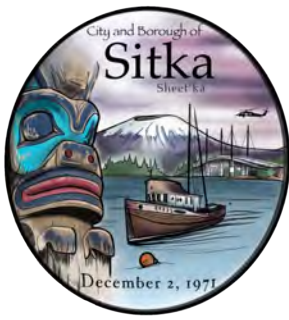
Code sections:

Attachments: [Motion](#)
[Memo - Assembly Salaries](#)
[Ord 2023-20](#)
[Signed 2023-20](#)

Date	Ver.	Action By	Action	Result
8/22/2023	1	City and Borough Assembly	PASSED ON FIRST READING	Pass

POSSIBLE MOTION

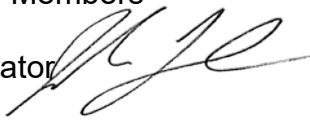
I MOVE TO approve Ordinance 2023-20 on second and final reading amending Title 2 “Administration,” Chapter 2.04 “City and Borough Assembly” of the Sitka General Code by updating Sections 2.04.190 “Salaries and compensation” and 2.04.195 “Salaries for assembly members and mayor”.



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members
From: John Leach, Municipal Administrator 
Date: July 20, 2023
Subject: Salary Adjustment for Assembly Members and Mayor

Background

Per Section 2.07 of the Home Rule Charter of the City and Borough of Sitka (CBS), “[t]he assembly by ordinance shall determine the salary of the mayor and other assembly members. An increase in salary shall not take effect until the assembly meeting following the regular election after the ordinance has been adopted. With the approval and authorization of the assembly, assembly members shall also receive their actual and necessary expenses incurred in the performance of their duties of office.”

Analysis

The Assembly’s salary has not been adjusted since Ordinance 02-1701, which was passed, approved, and adopted on November 4, 2002.

The purpose of this ordinance is intended to compensate more justly those serving on the Assembly by increasing their salaries from the level last set in 2002 to a level more representative of similar positions in southeast Alaska and commensurate with inflation and non-represented staff increases.

Since 2002, calculated inflation was 62.09%. If the CBS had raised Assembly salaries by inflation since they were last set in 2002, the mayor would be paid \$810.44 per month today and members would be paid \$486.26 per month today.

Since 2002, aggregate staff increases were approximately 58.6% for non-represented CBS employees. If the Assembly had been treated the same as non-represented staff, the monthly salary would be \$793 per month for the mayor and \$475.80 for an assembly member today.

This ordinance proposes an increase to the mayor’s salary from \$500 per month to \$800 per month and an increase to assembly member salaries from \$300 per month to \$500 per month.

Fiscal Note

Should this ordinance pass, the salary increases would become effective on October 10, 2023. The proposed salary increases would constitute an increase of \$18,000 to the General Fund for a total amount of \$46,500 for annual Mayor and Assembly salaries. Should the increases pass, a supplemental appropriation will come forward.

Recommendation

Consider the information presented in this ordinance and memo to determine if the salaries being proposed are appropriate to provide adequate compensation for services rendered while enhancing recruitment incentives for new members.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2023-20

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 2 "ADMINISTRATION," CHAPTER 2.04 "CITY AND BOROUGH ASSEMBLY" OF THE SITKA GENERAL CODE BY UPDATING SECTIONS 2.04.190 "SALARIES AND COMPENSATION" AND 2.04.195 "SALARIES FOR ASSEMBLY MEMBERS AND MAYOR"

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code (SGC).

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. PURPOSE. This ordinance is intended to compensate more justly those serving on the Assembly by increasing their salaries from the level last set in 2002 to a level more representative of similar positions in southeast Alaska.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 2, entitled "Administration", Chapter 2.04, entitled "City and Borough Assembly," at Section 2.04.190, entitled "Salaries and compensation" and Section 2.04.195, entitled "Salaries for assembly members and mayor" be amended to read as follows (deleted language stricken, new language underlined):

Title 2
ADMINISTRATION

Chapters:

2.04 City and Borough Assembly

Chapter 2.04
City and Borough Assembly

Sections:

2.04.190 Salaries and compensation.
2.04.195 Salaries for assembly members and mayor.

2.04.190 Salaries and compensation.

The assembly, by ordinance, shall determine the salary of the mayor and other assembly members. With the exception of any increase adopted in July of 2002, An increase in salary shall not take effect until the assembly meeting following the regular election after the ordinance has been adopted. With the approval and authorization of the assembly, assembly members

52 shall also receive their actual and necessary expenses incurred in the performance of their
53 duties in office.

54 **2.04.195 Salaries for assembly members and mayor.**

55 A. The salary for the mayor of the city and borough of Sitka is ~~increased from two~~ eight
56 ~~hundred fifty~~ dollars per month ~~to five hundred dollars per month.~~

57 B. The salary for each assembly member is ~~increased from one~~ five hundred dollars per
58 month ~~to three hundred dollars per month.~~

59 * * *

60
61 **5. EFFECTIVE DATE.** This ordinance shall become effective October 10, 2023.

62
63 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of
64 Sitka, Alaska, this 12th day of September, 2023.

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66
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68 _____
Steven Eisenbeisz, Mayor

69 ATTEST:

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72 _____
73 Sara Peterson
74 Municipal Clerk

75
76 1st reading: 8/22/2023
77 2nd and final reading: 9/12/2023

78
79 Sponsor: Administrator
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83

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2023-20

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 2
"ADMINISTRATION," CHAPTER 2.04 "CITY AND BOROUGH ASSEMBLY" OF THE
SITKA GENERAL CODE BY UPDATING SECTIONS 2.04.190 "SALARIES AND
COMPENSATION" AND 2.04.195 "SALARIES FOR ASSEMBLY MEMBERS AND
MAYOR"**

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code (SGC).

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. PURPOSE. This ordinance is intended to compensate more justly those serving on the Assembly by increasing their salaries from the level last set in 2002 to a level more representative of similar positions in southeast Alaska.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 2, entitled "Administration", Chapter 2.04, entitled "City and Borough Assembly," at Section 2.04.190, entitled "Salaries and compensation" and Section 2.04.195, entitled "Salaries for assembly members and mayor" be amended to read as follows (deleted language stricken, new language underlined):

**Title 2
ADMINISTRATION**

Chapters:

2.04 City and Borough Assembly

* * *

**Chapter 2.04
City and Borough Assembly**

Sections:

* * *

2.04.190 Salaries and compensation.
2.04.195 Salaries for assembly members and mayor.

* * *

2.04.190 Salaries and compensation.

The assembly, by ordinance, shall determine the salary of the mayor and other assembly members. ~~With the exception of any increase adopted in July of 2002,~~ An increase in salary shall not take effect until the assembly meeting following the regular election after the ordinance has been adopted. With the approval and authorization of the assembly, assembly members

shall also receive their actual and necessary expenses incurred in the performance of their duties in office.

2.04.195 Salaries for assembly members and mayor.

A. The salary for the mayor of the city and borough of Sitka is ~~increased from two~~ eight hundred ~~fifty~~ dollars per month ~~to five hundred dollars per month.~~

B. The salary for each assembly member is ~~increased from one~~ five hundred dollars per month ~~to three hundred dollars per month.~~

* * *

5. **EFFECTIVE DATE.** This ordinance shall become effective October 10, 2023.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska, this 12th day of September, 2023.



Steven Eisenbeisz, Mayor

ATTEST:



Sara Peterson
Municipal Clerk

1st reading: 8/22/2023

2nd and final reading: 9/12/2023

Sponsor: Administrator



CITY AND BOROUGH OF SITKA

Legislation Details

File #: RES 23-25 Version: 1 Name:
Type: Resolution Status: AGENDA READY
File created: 9/6/2023 In control: City and Borough Assembly
On agenda: 9/12/2023 Final action:
Title: Authorizing the Municipal Administrator to apply for the US Department of Energy Grid Deployment Office Section 247: maintaining and enhancing hydroelectricity incentive program for the Green Lake Rehabilitation Phase II and III project

Sponsors:

Indexes:

Code sections:

Attachments: [Motion, Memo, and Res 2023-25](#)
[Signed Res 2023-25](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve Resolution 2023-25 on first and final reading authorizing the Municipal Administrator to apply for the US Department of Energy Grid Deployment Office Section 247: maintaining and enhancing hydroelectricity incentive program for the Green Lake Rehabilitation Phase II and III project.




CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator 

From: Scott Elder, Utility Director / Bri Gabel, Sustainability Coordinator / Melissa Henshaw, Public & Government Relations Director

Date: September 6, 2023

Subject: Authorization to Submit a full application to the US Department of Energy Grid Deployment Office Section 247: Maintaining and Enhancing Hydroelectricity Incentive Program for the Green Lake Rehabilitation Phase II and III project

Background

At the June 13th Assembly meeting, the Assembly approved authorization to submit a letter of intent to the US Department of Energy Grid Deployment Office Section 247: Maintaining and Enhancing Hydroelectricity Incentive Program for the Green Lake Rehabilitation Phase II and III project.

The letter of intent was filed by the June 22 due date. The next step is to submit a full application by 5:00 p.m. ET, October 6.

Section 247 is one of three Bipartisan Infrastructure Law-supported programs created through EPAct and administered by DOE's Grid Deployment Office, the Maintaining and Enhancing Hydroelectricity Incentives (BIL provision 40333 and EPAct section 247) was created to maintain and enhance hydroelectric facilities to ensure generators continue to provide clean, affordable electricity, while integrating renewable energy resources such as wind and solar, improving dam safety, and reducing environmental impacts. \$553.6 million is available through Section 247 to incentivize projects that improve grid resiliency, dam safety, or make environmental improvements to a non-federally owned hydroelectric facility.

Link to the program: <https://www.energy.gov/gdo/section-247-maintaining-and-enhancing-hydroelectricity-incentives>

The Green Lake project was placed in service in 1982 and has been in continuous service since then. In 2021 the Green Lake project was shut down to perform phase I of the Green Lake Rehabilitation which included inspections of the turbine generator units. The purpose of the inspections was to identify the repairs necessary to extend the useful life of the equipment. Phase

II and III of the Green Lake Rehabilitation involve a partial rebuild of each turbine-generator based on the findings of phase I. The estimated cost of phase II and III is approximately \$11 million.

Analysis

To extend the life of the Green Lake project, phase II and III of the rehabilitation are critical, however, funding has been a major obstacle. Because the generator turbines are aging and supply approximately 40% of Sitka's power, this project fits within the goal of Section 247 by improving the reliability of the grid by improving the overall reliability and longevity of the turbines.

Additionally, this funding supports two Strategic Goals.

- Goal 1.3 preserve the quality of life and affordability of all Sitkans - Identify opportunities to relieve the burden of utility costs by reducing the total cost of the project.
- Goal 4.1 plan and invest in sustainable infrastructure for future generations - Identify and pursue funding to address existing capital needs and deferred maintenance.

Fiscal Note

This funding could provide up to \$3.6 million to support phase II and III, reducing the amount of funding required by almost one third.

Limitations for the incentive payments include:

- (1) Incentive payments shall not exceed 30% of the costs of the applicable capital improvement(s).
- (2) Not more than one incentive payment may be made to a single qualified hydroelectric facility in any fiscal year, the amount of which shall not exceed \$5,000,000.

Recommendation

Approve the resolution authorizing the CBS Municipal Administrator to apply for and execute the full application with the US Department of Energy Grid Deployment Office Section 247: Maintaining and Enhancing Hydroelectricity Incentive Program for \$3,600,000 to support the Green Lake Rehabilitation Phase II and III project.

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2023-25

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA (CBS) AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO APPLY FOR THE US DEPARTMENT OF ENERGY GRID DEPLOYMENT OFFICE SECTION 247: MAINTAINING AND ENHANCING HYDROELECTRICITY INCENTIVE PROGRAM FOR THE GREEN LAKE REHABILITATION PHASE II AND III PROJECT

WHEREAS, on June 13, 2023, the Assembly approved item 23-077, authorizing the pursuit of this program to help fund phases II and III of the Green Lake rehabilitation project; and

WHEREAS, the Green Lake project is an 18 MW capacity hydroelectric facility that was placed in service in 1982 and has been in near continuous service since that supplies approximately 40% of Sitka’s power; and

WHEREAS, to extend the useful life of the Green Lake project, a three-phase rehabilitation effort was developed; and

WHEREAS, in 2021, the Green Lake project was shut down to perform phase I of the Green Lake Rehabilitation which included inspections of the turbine generator units which identified the necessary repairs termed phase II and II of the Green Lake Rehabilitation project to extend the useful life of the equipment; and

WHEREAS, executing phases II and III improves the cost effectiveness of the rehabilitation by consolidating both work on the turbines into a single mobilization; and

WHEREAS, this work supports Category 1, Improving Grid Resiliency, of the EPAAct 2005 Section 247 program which will increase responsiveness to the grid, provide additional operational control, and increase overall grid resiliency, reliability, and longevity of the turbines; and

WHEREAS, the phase II and III rehabilitation are critical, however, funding has been a major obstacle; and

WHEREAS, the cost for both phases is estimated at \$11 million and CBS requests \$3.6 million; and

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the City and Borough of Sitka hereby supports the Green Lake Rehabilitation Phase II and III project and authorizes the CBS Municipal Administrator to apply for the US Department of Energy Grid Deployment Office Section 247: Maintaining and Enhancing Hydroelectricity Incentive Program.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 12th day of September 2023.

Steven Eisenbeisz, Mayor

ATTEST:

45 _____
46 Sara Peterson, MMC
47 Municipal Clerk
48
49 1st and final reading: 9/12/2023
50
51 Sponsor: Administrator
52

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2023-25

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA (CBS) AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO APPLY FOR THE US DEPARTMENT OF ENERGY GRID DEPLOYMENT OFFICE SECTION 247: MAINTAINING AND ENHANCING HYDROELECTRICITY INCENTIVE PROGRAM FOR THE GREEN LAKE REHABILITATION PHASE II AND III PROJECT

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WHEREAS, the Green Lake project is an 18 MW capacity hydroelectric facility that was placed in service in 1982 and has been in near continuous service since that supplies approximately 40% of Sitka's power; and

WHEREAS, to extend the useful life of the Green Lake project, a three-phase rehabilitation effort was developed; and

WHEREAS, in 2021, the Green Lake project was shut down to perform phase I of the Green Lake Rehabilitation which included inspections of the turbine generator units which identified the necessary repairs termed phase II and III of the Green Lake Rehabilitation project to extend the useful life of the equipment; and

WHEREAS, executing phases II and III improves the cost effectiveness of the rehabilitation by consolidating both work on the turbines into a single mobilization; and

WHEREAS, this work supports Category 1, Improving Grid Resiliency, of the EPA Act 2005 Section 247 program which will increase responsiveness to the grid, provide additional operational control, and increase overall grid resiliency, reliability, and longevity of the turbines; and

WHEREAS, the phase II and III rehabilitation are critical, however, funding has been a major obstacle; and

WHEREAS, the cost for both phases is estimated at \$11 million and CBS requests \$3.6 million; and

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the City and Borough of Sitka hereby supports the Green Lake Rehabilitation Phase II and III project and authorizes the CBS Municipal Administrator to apply for the US Department of Energy Grid Deployment Office Section 247: Maintaining and Enhancing Hydroelectricity Incentive Program.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 12th day of September 2023.



Steven Eisenbeisz, Mayor

ATTEST:



Sara Peterson, MMC
Municipal Clerk

1st and final reading: 9/12/2023

Sponsor: Administrator



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 23-114 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/6/2023 In control: City and Borough Assembly

On agenda: 9/12/2023 Final action:

Title: Approve a Consent to Assignment of Lease between the City and Borough of Sitka, McG Constructors, Inc. and Colaska, Inc. dba Secon for Granite Creek Lease Areas 2 and 3

Sponsors:

Indexes:

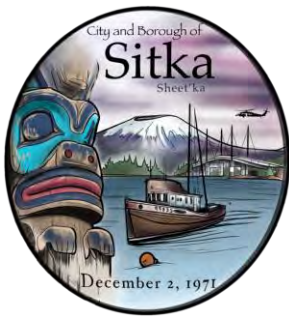
Code sections:

Attachments: [Motion and Memo](#)
[Consent To Assignment](#)
[Existing Lease Granite Creek Areas 2&3 with only Exhibit 4](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve a Consent to Assignment of Lease between the City and Borough of Sitka, McG Constructors, Inc. and Colaska, Inc. dba Secon for Granite Creek Lease Areas 2 and 3.





CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator 

From: Ron Vinson, Public Works Director 

Date: August 22, 2023

Subject: Reassignment of Granite Creek Lease Area 2 and 3

Background

In December of 2021 the City and Borough of Sitka (CBS) publicly advertised a Request for Proposal (RFP) to solicit bids for a mineral extraction lease at Granite Creek Lease Areas 2 and 3.

By January of 2022, the RFP solicitation for Granite Creek Lease Areas 2 and 3 closed. Though the solicitation period for the RFP was open for approximately one month, the solicitation yielded only one respondent, McG Constructors Incorporated (McG). In October of 2022, CBS entered into a 5-year lease agreement with McG for the advertised lease areas.

In April of 2023, citing the unfortunate passing of a principal member of the lessee's business operations, McG formally requested consent from CBS to reassign the role of lessee from McG to Colaska/SECON.

Analysis

In consideration of providing consent to reassign this lease to the proposed candidate lessee, the CBS has evaluated several key areas which could carry potential for risk. Key areas of evaluation focus around verification of good-standing status with regulatory bodies and good-standing with past and current financial engagements with the CBS for both parties.

Financial Compliance – As of the date of this evaluation, both McG and SECON are in good financial standing with the CBS. McG has paid all due royalties that are associated with the existing lease and has made timely lease payments throughout the existing lease. Additionally, Colaska/SECON has paid all due lease payments during their existing lease at the Granite Creek Lease Site 7.

Safety Compliance – As of the date of this evaluation, both McG and Colaska/SECON are in good standing with the Federal Mine Safety and Health Administration (MSHA) and do not have any outstanding violations.

Environmental Compliance – As of the date of this evaluation, both McG and Colaska/SECON are in good standing with the Alaska Department of Environmental Conservation (ADEC) and do not have any outstanding Multi-Sector General Use Permit (MSGP) violations.

Fiscal Note

There are no proposed changes to the financial terms of the lease and therefore no financial impact related to the assignment of this lease.

Recommendation

Following the evaluation of key risk areas associated with providing consent to reassign the lease from McG to Colaska/SECON, it is recommended that the CBS provide consent to reassign the lease. It is further proposed that all lease terms and conditions remain the same as the initial lease that was assigned to McG.

Enc:

1. Letter of request from McG Constructors Incorporated
2. Letter of request from Colaska/SECON
3. Letter of good standing with Alaska DEC; from Colaska/SECON
4. Letter of good standing with MSHA; from Colaska/SECON
5. Existing Lease for Lease Areas 2 & 3
6. Consent to Assignment of Lease Between CBS, McG Constructors, Inc., and Colaska, Inc. D/B/A Secon



To Whom it May Concern,

McG Constructors is requesting the CBS Assembly to approve assignment of the Granite Creek Lease Areas 2 & 3 to Secon.

The reason for this request is our son Chuck Jr. passed away last August . He was the principal person in charge of all operations at the quarry and performed most of the work. He was listed in our RFP as the principal individual responsible for the operation of the quarry.

Without Chuck Jr. we have no responsible individual to manage and operate the quarry. We had hoped the Chuck Jr's son Alec would take over. Alec has started his own excavation company and does not have the time or inclination to operate the quarry.

McG Constructors, Inc. was the only responder to the RFP that was issued for lease areas 2&3. Which tends to indicate very little interest by other contractors for lease areas 2 & 3. Secon has an adjoining lease area in the Granite Creek quarry. Secon's willingness to take over the lease on these areas 2 & 3 makes sense due to this fact.

Thank you for your consideration for McG Constructors, Inc to assign the lease for Granite Creek areas 2 & 3 to Secon.

Chuck McGraw
President
McG Constructors, Inc.



P.O. Box 32159
Juneau, Alaska 99801
(907) 780-5145
Fax (907) 780-5896

A COLAS COMPANY

July 18, 2023

Ron Vinson
City and Borough of Sitka
100 Lincoln St.
Sitka, AK 99827

Re: **Granite Creek Lease Areas 2 & 3**
Statement of qualifications and compliance.

Ron,

Secon has operated in Granite Creek Lease area 7 since 2016. In this time SECON has maintained compliance with all environmental permitting, inspection, and reporting requirements necessary for the activities performed in the leased area with all necessary regulatory agencies. If the City consents to assignment of lease area 2 & 3 to SECON, these areas would be added to all appropriate environmental permits and maintained in the same manor and to the same standards as our currently leased and maintained area.

In addition, SECON operates and maintains hard rock quarries, aggregate manufacturing, and sales facilities throughout Southeast Alaska. SECON is experienced in the safe and responsible mining practices in quarries and in civil road construction settings and delivering aggregates to the market for public consumption.

SECON is qualified and capable of continuing to operate the Granite Creek Lease Areas 2 & 3 in the interest of the City and Borough of Sitka, while maintaining safe, responsible, and environmentally compliant mining practices.

Sincerely,

A handwritten signature in blue ink that reads "B. Maller".

Brian Maller
Assistant General Manager
SECON



500 108th Ave. NE Suite 1740
Bellevue, Washington 98004
(425) 827-3193
Fax (425) 576-5113

P.O. Box 32159
Juneau, Alaska 99803
(907) 780-5145
Fax (907) 780-5896

P.O. Box 7038
Ketchikan, Alaska 99901
(907) 225-6491
Fax (907) 225-6492

September 5th, 2023,

To Whom It May Concern:

Secon currently holds a lease and SWPPP permit in the Sitka Granite Creek Pit. That SWPPP is currently in good standing with DEC.

Secon has hired Crouse Environmental Compliance and Admiralty Environmental to ensure that we stay in compliance throughout the transition of adding a new pit to our SWPPP and lease.

Sincerely,

A handwritten signature in black ink, appearing to read "Noah Molnar", written in a cursive style.

Noah Molnar
Responsible Official



P.O. Box 32159 – Juneau, AK 99803 – (907) 780 5145 – Fax (907) 780 5896

September 5th, 2023

To whom it may concern,

Secon operates and maintains 7 separate Mine IDs throughout Southeast Alaska. Each is eligible for 2 annual MSHA site inspections when active. Workload throughout our region determines what sites will be active and for what duration. MSHA has an online reference to determine mine operators' compliance with the agency, and what citations have been issued to that quarry in the past. This can be found at <https://www.msha.gov/data-and-reports/mine-data-retrieval-system>

Secon has and will continue to comply with regulations enacted to protect our miners employed at our sand and gravel quarries. We operate under an MSHA approved training plan that requires an initial 24-hour classroom-based introduction to mining hazards to entry level employees, and 8 hours of annual refresher training to our experienced miners.

Below is a list of our current Mine IDs;

- 50-00244
- 50-01601
- 50-01633
- 50-01755
- 50-01847
- 50-01861
- M905

Jason Lindley

Safety Specialist



Office : 907- 780-5145

Cell : 907-723-4447

jlindley@colaska.com

After Recording Return To:

Municipal Clerk
City and Borough of Sitka
100 Lincoln Street
Sitka, Alaska 99835

**CONSENT TO ASSIGNMENT OF LEASE BETWEEN CBS, MCG
CONSTRUCTORS, INC., AND COLASKA, INC. D/B/A SECON**

City and Borough of Sitka ("CBS" or "Owner"), of 100 Lincoln Street, Sitka, Alaska 99835, entered into the Lease Between City and Borough of Sitka and McG Constructors, Inc. for Granite Creek Lease Areas 2 and 3, dated October 12, 2022 ("Lease"), with McG Constructors, Inc. ("Lessee"), of PO Box 718, Sitka, Alaska 99835, for certain Premises as described in the Lease (Granite Creek Lease Areas 2 and 3). Lessee desires to assign the Lease to COLASKA, INC. D/B/A SECON ("Assignee"), of PO Box 32159, Juneau, Alaska 99801, and has requested of CBS consent to assignment of the Lease to Assignee, effective September 13, 2023.

CBS consents to the assignment of the Lease to Assignee in accordance with Section 8.1 of the Lease, with all rights, title, interest, obligations, and liabilities. Assignee shall be subject to all terms and conditions of the Lease, including any amendments.

CBS has been provided with all the terms of the proposed assignment and CBS hereby consents to the assignment. The Lessee and Assignee warrant that the agreed upon assignment makes no changes to the Lease.

This Consent is contingent upon the following provisions occurring before any

**Consent To Assignment Of Lease
between CBS, MCG CONSTRUCTORS, INC., AND COLASKA, INC. D/B/A SECON**

execution of this document:

1. Assignee shall provide a copy of the assignment which will be used at closing, with a copy of the executed assignment to be provided when available upon closing;
2. Assignee shall provide copies of any required licenses, permits, plans and certificates in order to perform under the Lease; and
3. Assignee shall provide the name and address of the official contact of Assignee, who shall receive all future notices required by the Lease.

This Consent is also based on the Assignee providing the following assurances by

signing this Consent:

1. Assignee will be liable under the Lease in accordance with the assignment;
2. Assignee affirms that it is legally bound by the Lease and that it will comply with all the terms and conditions contained in the Lease;
3. Assignee agrees that it is liable to indemnify and hold harmless CBS pursuant to indemnity obligations set forth in the Lease; and
4. Assignee agrees that it is liable to indemnify and hold harmless CBS pursuant to any claims, actions, or damages arising from this Consent.

This Consent was approved by the CBS Assembly at its regular meeting of September 12, 2023, with authority given to the Municipal Administrator to sign this Consent.

CBS may record and Assignee shall pay for the recording of this Consent.

Assignee may record and shall pay for the recording of the assignment.

[SIGNATURES AND ACKNOWLEDGEMENTS ON FOLLOWING PAGE]

CITY AND BOROUGH OF SITKA

Date

By: John Leach
Its: Municipal Administrator

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by John Leach, Municipal Administrator of the CITY AND BOROUGH OF SITKA, an Alaska home rule municipality, on behalf of the municipality.

Notary Public in and for the State of Alaska
My commission expires: _____

MCG CONSTRUCTORS, INC.

Date

By: Chris McGraw
Its: Treasurer

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by Chris McGraw, Treasurer of McG Constructors, Inc., an Alaskan Corporation, on behalf of the Corporation.

Notary Public in and for the State of Alaska
My commission expires: _____

COLASKA, INC., D/B/A SECON

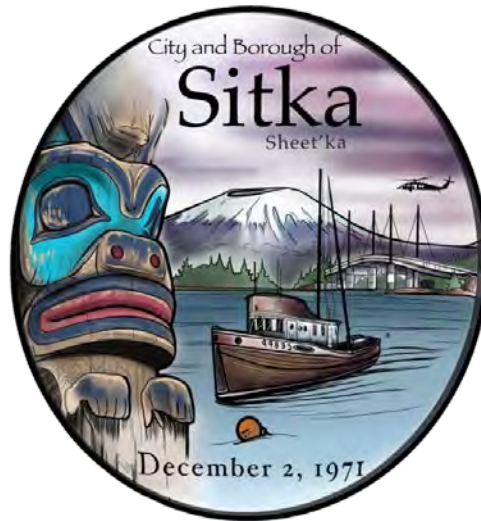
Date

By: Brian Maller
Its: Assistant General Manager

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by Brian Maller, Assistant General Manager of COLASKA, INC., D/B/A SECON, an Alaskan Corporation, on behalf of the Corporation.

Notary Public in and for the State of Alaska
My commission expires: _____



LEASE AGREEMENT

BETWEEN

**CITY AND BOROUGH OF
SITKA**

AND

McG CONSTRUCTORS, INC.

FOR

GRANITE CREEK LEASE AREAS 2 AND 3

**LEASE AGREEMENT
BETWEEN
CITY AND BOROUGH OF SITKA
AND
MCG CONSTRUCTORS, INC.**

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Exhibits

- Exhibit 1 – Granite Creek Industrial Site Lease Area Map – to be revised by Lessee with Boundary Survey completed by registered land surveyor and stamped survey to be submitted by Lessee prior to commencing operations; See Section 3.1 (j) for more information
- Exhibit 2 – Cross Sections of Site – To be completed by a registered land surveyor and stamped cross sections to be submitted by Lessee prior to commencing operations and each year thereafter; See Section 2.4(d) for more information
- Exhibit 3 – Mining Plan – To be submitted by Lessee prior to commencing operations; See Section 3.1 (a) for more information
- Exhibit 4 – Storm Water Pollution Prevent Plan (SWPPP) – To be submitted by Lessee prior to commencing operations; See Section 3.1(b)(1) and Section 9.5 for more information

Attachments

- Attachment A – Conditional Use Permit 01-16

**LEASE AGREEMENT
BETWEEN
CITY AND BOROUGH OF SITKA
AND
MCG CONSTRUCTORS, INC.**

PREAMBLE

This Lease Agreement (“Lease”) between City and Borough of Sitka, 100 Lincoln Street, Sitka, Alaska 99835 (“Sitka,” “CBS” or “Lessor”) and McG Constructors, Inc., PO Box 718, Sitka, Alaska 99835 (“Lessee”), is effective April 13, 2022. This Lease consists of the Special Provisions, the General Provisions, Conditional Use Permit, and the attached Exhibits 1, 2, 3 and 4.

- Exhibit 1 – Granite Creek Industrial Site Lease Area Map – to be revised by Lessee with Boundary Survey completed by registered land surveyor and stamped survey to be submitted by Lessee prior to commencing operations; See Section 3.1 (j) for more information
- Exhibit 2 – Cross Sections of Site – To be completed by a registered land surveyor and stamped cross sections to be submitted by Lessee prior to commencing operations and each year thereafter; See Section 2.4(d) for more information
- Exhibit 3 – Mining Plan – To be submitted by Lessee prior to commencing operations; See Section 3.1 (a) for more information
- Exhibit 4 – Storm Water Pollution Prevent Plan (SWPPP) – To be submitted by Lessee prior to commencing operations; See Section 3.1(b)(1) and Section 9.5 for more information

SPECIAL PROVISIONS

ARTICLE I LEASE, TERM OF LEASE, AND TERMINATION OF LEASE

Section 1.1 Conveyance of Estate in Lease.

Lessor, for and in consideration of the Rents received and of the covenants and agreements made by Lessee, does lease to Lessee, and Lessee leases from Lessor, the “Subject Property” or “Site” as shown on Exhibit 1. Exhibit 1 shows the approximately 12.7-acre combined area Lease Site in the Granite Creek Industrial Area.

Section 1.2 Lease Term.

The Lease term is for five (5) years and commences on April 13, 2022, and ends on April 13, 2027, unless sooner terminated or extended as provided in this Lease. The Lease term may be extended, based on the Option to Renew in Section 1.3.

Section 1.3 Option to Renew.

Provided there is capacity and safe production limits are available, and there does not then exist a continuing material default by Lessee, and under this Lease at the time of exercise of this right or

Section 1.3 Option to Renew.

Provided there is capacity and safe production limits are available, and there does not then exist a continuing material default by Lessee, and under this Lease at the time of exercise of this right or at commencement of any extended term, with written mutual agreement, the Lease may be extended for a maximum of one (1) successive term of five (5) years for a total lease duration of ten (10) years. This option is effective only if (a) Lessee makes a written request to exercise such an option not more than one year or less than six months from the end of the immediately preceding term; (b) Lessee is in compliance with all applicable laws; and (c) Lessee is not in default under this Lease. Successive terms are dependent on remaining quarry capacity, safe production limits, and approval by CBS and at CBS' discretion and may be denied without cause. When requesting the renewal term, Lessee shall update the Mining Plan and provide site drawings with current extraction limits and projected extraction limits within the additional term. Site boundaries and lease and royalty rates may be adjusted upon agreement of both parties. Any successive terms shall be incorporated via amendment signed by Lessee and CBS. The option to renew must be approved by Lessor Assembly.

Section 1.4 Expiration/Termination and Suspension of Lease.

(a) This Lease may be terminated by CBS if the Site is not being utilized for its intended purpose, i.e., material excavation and sale. If the Lease is terminated under this condition, Lessee shall be responsible to vacate the site in accordance with expiration/termination terms of the Lease.

(b) It is not the intent of CBS to allow indeterminate holding of the Site without development. Lessee must begin active mining within three (3) months of execution of this Lease. If active mining ceases for more than six (6) months, the Lease will revert to CBS.

(c) This Lease may be terminated by CBS if Lessee breaches the Lease and fails to correct the breach within thirty (30) days after written notice is served upon Lessee.

(d) Failure of Lessee to take immediate action to correct unwarranted damage to natural resources may be corrected by CBS to prevent additional damage. Any cost incurred by CBS shall be paid by Lessee.

(e) This Lease may be terminated by mutual agreement of both parties on terms and conditions agreed upon in writing by both parties.

(f) At the expiration/termination of the Lease, Lessee shall restore the Site to vacant, pre-Lease conditions at the existing grade and without structures, equipment, materials, stockpiles or other items present. Any improvements or personal property not removed after thirty (30) days have passed after expiration/termination of this Lease shall be deemed abandoned, and at Lessor's option, shall become the property of Lessor. Lessee shall repay to Lessor any costs of removing, disposing of, storing, and any other costs of such improvements or personal property from the Subject Property if Lessor does not exercise such option. Subject to Lessor's obligations under Subsections 3.1 below, Lessee agrees to leave Subject Property in a neat and clean condition, subject to the approval of CBS, at the end of the Lease.

(g) At the expiration/termination of this Lease, Lessee shall notify the Public Works Director, or his or her written designee, so an inspection of the Site can be scheduled. This inspection shall include general clean-up, removal of all Lessee's equipment and any other item CBS determines, in its sole discretion, a responsible element of the final inspection.

(h) All responsibilities and liabilities of Lessee shall remain in effect until this Lease expires/terminates, and all its conditions are met, including cleanup of the Site.

(i) Lessee agrees to submit an itemized transaction summary and payment for material removed or sold within forty-five (45) days of the expiration date or completion, whichever occurs earlier.

(j) If Lessee is forced to end, restrict or curtail its operations due to State or Federal law or regulations or for any other cause over which CBS has no control, CBS shall have no liability, whatsoever for resulting damages and losses by Lessee for such an event(s).

Section 1.5 Covenants to Perform.

This Lease is made upon the above and the following terms and conditions, each of which the Party bound by such covenants and conditions agrees to perform, irrespective of whether the particular provision is in the form of a covenant, an agreement, a condition, a direction, or otherwise, and each Party agrees to provide the other Party with documents or further assurances as may be required to carry out the expressed intentions.

ARTICLE II RENT

Section 2.1 Calculation and Method of Payment of Rent and Royalty During the Initial Five-Year Term of the Lease.

(a) The first year of the Lease begins on the commencement date of this Lease set out in Article I. Each successive year of the Lease begins on the corresponding anniversary commencement date of the Lease. Notwithstanding any other provision of this Lease, on the term start date set out in Article I, Lessee shall pay Rent each month in advance on the first day of each and every month at a rate of One Thousand Eight Hundred Seventy-Five and 00/100 Dollars (\$1,875.00) per calendar month.

(b) Lessee shall pay royalty fees to CBS on a monthly basis. The royalty rate shall be Three and 55/100 Dollars (\$3.55) per cubic yard of material removed.

The royalty fee for material removed for the Site shall be paid using one of the following methods:

1. Prior to each shot based on in place calculated blast yield quantities. These quantities shall be verified for each 100,000 cubic yards removed from the quarry by field survey cross sections certified by a registered engineer/surveyor; or
2. Monthly based on submitted shot records and verified by field survey cross sections certified by a registered engineer/surveyor for each 100,000 yards of material removed. This method of payment will be guaranteed by a payment bond. The shot records are due with the royalty payment check on the first day of the month for the previous month's work. Failure to submit the payment by the 15th of the month shall result in a penalty of one hundred dollars (\$100) and the option to terminate the lease per Section 1.4(c).

This method shall be verified by field survey cross sections for each 100,000 yards certified by a registered engineer/surveyor, unless the quarry has produced no rock for the preceding quarter. However, the initial quarry cross section, yearly anniversary quarry cross section, and the final quarry cross sections, are also required; or

3. Monthly based on quantities measured by certified scale. The scale tickets will be used to determine the weight of material removed from the quarry. If a certified scale method of measurement is used, quarterly quantity based on cross section of the quarry is not required. However, the initial quarry cross section, yearly anniversary quarry cross sections, and the final quarry cross sections are required. This method of payments shall be guaranteed by payment bond. The certified scale records are due with the royalty payment check on the first of the month for the previous month's work. Failure to submit the payment by the 15th of the month shall result in a penalty of one hundred dollars (\$100) and the option to terminate the lease per Section 1.4 (c).

In addition, Lessee will collect Sales Tax on all transactions at the Site and remit said tax along with CBS Payment. Lessee shall provide a quarterly report of volumes removed from the Site.

Lessee shall reimburse CBS on a monthly basis for all material removed and for topsoil sold or removed (if applicable) from the Site according to the following formula:

Payment to CBS = Rent + (monthly extracted volume of rock in CY X \$3.55) + (quarterly exported volume of topsoil in CY X 10% of sale price) + Sales Tax

All final royalty payments will be adjusted based on survey cross sections quantities.

(c) Lessee shall be required to pay minimum royalty payments for material removed of \$5,000 per year during the term of this Lease. The minimum royalty payment shall be made on a monthly basis. The Lessee shall make a minimum monthly payment of \$416.67.

(d) Lease payments will be made in monthly installments in advance in cash or by check, bank draft or money order made available to the City and Borough of Sitka. Installments to be delivered or mailed to 100 Lincoln Street, Sitka, Alaska 99835, by or on the first day of each calendar month with the option to pay in advance either monthly, yearly, or for the full term of the lease.

(e) Lease payments shall become delinquent if not paid within ten (10) days after the due date. Delinquent payments are subject to a late charge of \$25 and interest accrued from the due date at 12% per annum.

(f) The charges and fees paid by Lessee to Lessor must be separated according to Lessor's accounting standards.

(g) Lessor will only invoice if Lease payments are delinquent. Lessor will only invoice if failure to make Lease payment within thirty (30) days of due date. Lessor, at its option, can terminate the Lease for Lessee's failure to make payment, in accordance with this Lease.

Section 2.2 Adjustment to Lease Rate Upon Exercise of Lease Renewal.

If the option to renew is exercised and approved by Lessor Assembly, monthly Rent and Royalty as set in Section 2.1 shall be adjusted during the second (2nd) and all subsequent years of the lease or extension period, based on the Consumer Price Index, at a time when any adjustment would be made effective July 1st of the year applied. The adjustment shall be based on the previous year's annual percent change for Anchorage, Alaska (also referred to as Urban Alaska) for All Urban Consumers (CPI-U) as published by the U.S. Department of Labor, Bureau of Labor Statistics. The first adjustment date shall be July 1, 2027.

Section 2.3 Property Tax Responsibility.

Beginning with the Term of this Lease and each calendar year after, Lessee will be responsible to pay Lessor property taxes for its possessory interest in the land to the extent taxable as determined by the Municipal Assessor.

Section 2.4 Record Keeping Responsibility.

Lessee is responsible for record keeping including but not limited to:

- (a) Maintaining records of material leaving the Site by certified scale and/or shot records.
- (b) Preparing and submitting quarterly reports to CBS, as defined below.
- (c) Lessee shall provide a quarterly report to CBS summarizing activities, permit compliance or violations, shot summary, topsoil transactions (if applicable), and payment summary.
- (d) Cross sections of the Site shall be surveyed annually on the Lease anniversary date, and at the beginning and end of the term of the Lease, by a professional land surveyor registered to practice in the State of Alaska. Cross sections shall be stamped by the surveyor and provided to CBS. Cross sections shall be provided to CBS in a pdf format, to be printable in a 11"x17" format and an electronic AutoCad file. Surveyed volume will be compared to royalty yardage paid as a method of accounting control.
- (e) Alternatively, the Lessee may have the material taken from the quarry measured by either the following methods:
 1. Certified scale. The scale tickets will be used to determine the weight of material removed from the quarry and must be submitted to CBS. If certified scale method of measurement is used, quantity cross sections of the quarry are not required. However, the initial quarry cross sections, yearly anniversary quarry cross sections, and the final quarry cross sections are required; or
 2. Shot records. The shot records will be used to determine the volume of material removed from the quarry and must be submitted to CBS. If shot records are used, quantity cross sections are required every 100,000 cubic yards. In addition to the intermediate cross sections, initial quarry cross sections, yearly anniversary quarry cross sections, and the final quarry cross sections are required.

All final royalty payments will be adjusted based on survey cross section quantities.

ARTICLE III RESTRICTIONS UPON USE OF SUBJECT PROPERTY

Section 3.1 Lessee's Obligations as to Construction, Maintenance, Repair and Safety.

(a) Mining Plan – Lessee shall conduct all operations in accordance with industry standards and regulations, and a CBS approved Mining Plan. This plan shall be prepared by Lessee and approved by CBS before work begins on the Site. Subjects to be addressed in the plan include but are not limited to:

1. Mining operations within the Site shall not compromise or otherwise impact areas outside the Site or the Shared Access Road or Staging Area. Limits and boundaries shall be clearly illustrated;
2. Lessee shall provide an estimated rate of disturbance and an estimated life expectancy for the Site; and
3. Reclamation and continuation plan applicable to termination of Lease or closure of the Site.
4. Adherence to Mine Safety and Health Administration (MSHA) Part 46 requirements and regulations including but not limited to obtaining and maintaining a MSHA ID#, an approved training plan (to be included in Mining Plan), commencement notices, and MSHA quarterly reports.
5. Operations shall also be in accordance with the following:
 - i. Warning signs shall be placed every 50 feet along the top of all rock cuts over 20 feet in height. The metal signs shall be 12” x 12” in size with the legend “Warning, Steep Embankment” clearly displayed. They shall be installed on metal sign posts. Signs shall be painted safety orange in color;
 - ii. Slopes of back walls of rock cuts and benching shall be as determined by MSHA requirements;
 - iii. Upon completion of a rock cut the back wall shall be scaled back of all loose rock rubble; and
 - iv. Storage and handling of explosives shall be performed under the direction of persons holding proper certifications for such work.

(b) Lessee shall monitor and maintain the existing overburden waste disposal area. Efforts include but are not limited to:

1. This area shall be included in Lessee’s Storm Water Pollution Prevention Plan (SWPPP) for the Site. Lessee shall maintain the Site in compliance with the approved SWPPP at all times.
2. Slope failures shall be repaired by Lessee at no cost to CBS.
3. Lessee is responsible for providing material for berm construction as well as any required cover material at no cost to CBS.
4. Lessee is responsible for controlling run-on water and surface ponding to minimize infiltration into the waste area mass.
5. Lessee is responsible for maintaining all ditches and drainages within the landfill perimeter, including drainages around the toe of the waste area, to preclude turbid water

from exiting the Site. This work may include the construction and maintenance of sedimentation ponds, silt fences, etc.

6. Lessee's maintenance and monitoring methods shall be directed towards containment of saturated soils, reduction of soil moisture content through drainage, and long-term consolidations with associated gains in soil strength and stability.
7. Lessee shall utilize stumps and logs to reinforce the down slope face of the landfill. Log and stump berms shall be constructed in advance of waste disposal to contain saturated materials.

(c) Lessee may produce and stockpile topsoil from the wasted overburden from the existing overburden waste disposal area provided stability of the area is not compromised. Production and sale of topsoil shall be requested in writing by Lessee for review and approval by CBS prior to beginning production and sale of topsoil. Lessee shall submit engineering plans depicting slope stabilization measures to CBS for review and approval with the request. The plans shall be sealed and signed by a registered engineer, properly licensed to practice in the State of Alaska. The request shall include proposed rate of sale per cubic yard. Lessee agrees to pay royalty fees of 10% per cubic yard rate agreed to and shall maintain records of all material leaving the Site for inclusion in quarterly reporting. Any agreement for production and sale of topsoil shall be incorporated via amendment signed by Lessee and CBS and shall be fully permitted prior to execution. Lessee shall obtain and maintain all necessary permits, including applications, payment, inspection, and reporting.

(d) The intent is for this Site to be developed as a service to the public, and no one will be turned away from the Site without concurrence by CBS.

(e) Lessee shall sell the extracted material, and topsoil if produced, at a uniform cost to all purchasers.

(f) Sound engineering practices and procedures shall be adhered to at all times during removal operations. Engineering plans for roads, drainage, and other components of the project shall be submitted for review. The plans shall be sealed and signed by a registered engineer, properly licensed to practice in the State of Alaska.

(g) Lessee shall obtain and maintain all necessary permits, including applications, payment, inspection, and reporting.

(h) Lessee shall also use the Subject Property and any improvements placed on the Subject Property only for lawful uses and as specified in the Lease and only for permitted and approved conditional uses subject to the Sitka General Code, Title 22 and the Conditional Use Permit 01-16, attached as Attachment A.

(i) Operations shall be performed in a manner designed to leave the Site in a condition conducive to additional mining after termination of this Lease.

(j) Boundary Lines and Survey Monuments – Prior to the commencing operations, Lessee shall have the Site surveyed and control monuments placed by a registered land surveyor to fully

identify the property boundaries, easements, Shared Access Road, existing contours, and existing improvements (attached as Exhibit 1 revision). Boundaries established shall match approximate boundaries provided in attached Exhibits. Lessee to consult with CBS as needed to confirm boundary details. All operations of the Site shall be contained within the boundaries as set forth in the Boundary Survey. A copy of the survey shall be provided to CBS in a pdf format, to be printable in a 11"x17" format and an electronic AutoCad file.

No boundary mark of the Site or any survey lines or witness tree to any survey corner or monument, shall be severed or removed, nor shall any survey corner or monument be damaged or destroyed. Any violation of this subsection will require Lessee to pay for reestablishing the lines, corners, or monuments by a registered land surveyor.

(k) Lessee shall confine its equipment, storage and operation to the Subject Property and shall be responsible for the accurate location of operations under this Lease, including any survey that may be necessary for such location unless otherwise specified in this Lease. Storage of materials or equipment not associated with operation/maintenance of the Subject Property shall not be allowed.

(l) Lessee may use the Subject Property for the processing and storage of materials for operations and for the temporary location and operation of rock extraction and processing, scales, crushers, and other such equipment necessary to produce marketable materials products. Other material incidental to the production of rock may be stored on the Site, as needed. A temporary small one bay equipment maintenance shop may also be allowed specifically for equipment used at the Site.

Granite Creek is, in fact, a long term source of gravel and other mineral products. As such, it is not the Contractor's storage yard area. Permanent or long term improvements such as garages and shops or other type buildings and uses shall NOT be allowed. Further, storage of materials or equipment not associated with operation/maintenance of the Site shall NOT be allowed.

(m) Erosion Control and Protection of Waters – Operations in connection with this Site shall be conducted to avoid damage to streams, lakes or other water areas and lands adjacent thereto. Vegetation and materials shall NOT be deposited into any stream or other lease area. Locations and/or improvements such as road crossings over streams shall be approved, in advance, by CBS.

All roads or other areas to be abandoned or an area to cease being an active portion of the Lessee's operation shall be treated with such measures to prevent erosion. Any damages resulting from any failure to perform to these requirements shall be repaired by the Lessee to the satisfaction of CBS. This includes, but is not limited, to waters defined in Title 5 – Fish and Game Title 6 – Protection to Anadromous Fish; State of Alaska

Should CBS determine that the operations cause silting or pollution of Granite Creek to a degree unacceptable to the Alaska Department of Environmental Conservation and/or the U.S. Fish and Wildlife Service after all reasonable attempts have been made to have Lessee correct the problems, this Lease shall be void upon notification to Lessee by CBS. Lessee shall indemnify and hold CBS harmless from any litigation whatsoever which may result from this action.

Siltation of Granite Creek and associated tributaries is to be minimized. Therefore, no earthmoving will be allowed during significant rains as defined by the National Weather Service, and Lessee will, at its own expense, provide all proper drainage and routine settlement ponds for permanent uses.

Construction equipment, stockpiles, etc., shall be stored no closer than 25 feet, or as dictated by the approved SWPPP, to Granite Creek, whichever is greater.

Lessee shall maintain the existing stream side vegetated buffers along Granite Creek. No earth disturbing activities including clearing and grubbing shall be done within 25 feet of Granite Creek.

(n) All surfaces will be graded to drain. Ponding of water on the surface will not be acceptable. Lessee shall grade completed sections of the Site in a manner acceptable to CBS.

(o) All operations shall be performed in accordance with an approved SWPPP and adhere to the Granite Creek Total Maximum Daily Load (TMDL). This plan shall be prepared by Lessee and approved by CBS and the State of Alaska Department of Environmental Conservation (ADEC) before work begins on the Site. The SWPPP may require the installation and maintenance of siltation control structures at the Lessee's expense.

(p) Lessee shall adhere to all State, local regulations, and permitting regarding the storage and handling of explosives.

(q) No earth disturbing activities including clearing, and grubbing shall be done outside the approved Mining Plan or without prior written approval from CBS.

(r) Trees, stumps, overburden, and any other debris shall be disposed of by burning (subject to ADEC approval), burying in an authorized location and in a manner considered suitable by CBS, or at the overburden disposal site in Granite Creek Industrial Area.

(s) In working the land to the effect the removal of the Lessee's entitlement under this Lease, Lessee agrees to so manage that upon completion of the removal, a reasonable degree of level land is maintained, per the Mining Plan, from which material has been taken, and no holes-of-water are formed.

(t) Site Supervision – Lessee shall maintain adequate supervision at all times when operations, including blasting and existing overburden site maintenance, are in progress to ensure that the terms and conditions of this Lease and all applicable Federal, State and local laws, rules and regulations governing such operations are enforced. At all times, when operations are in progress, Lessee or a person authorized by Lessee to assume the responsibilities imposed by this Lease, shall be present on the Site. Lessee shall have a representative readily available at the Site, who shall be authorized to receive on behalf of Lessee, any notices and instructions given by authorized CBS personnel in regard to the performance under this Lease, and to take such action as is required by the terms of this Lease.

(u) Lessee acknowledges that Lessor has made no representation or warranty with respect to Lessee's ability to obtain any permit, license, or approval. Site operation shall not commence until all Permits are in place and CBS provides written Notice to Proceed.

Lessee shall obtain and maintain all necessary permits, including applications, payment, inspection, compliance, and reporting. Lessee shall copy CBS on all permit or regulatory correspondence, including reporting, with respect to the Site. The CBS point of contact shall be:

Public Works Director
907-747-1804
publicworks@cityofsitka.org

(v) Fire Protection – Lessee shall take all necessary precautions for the prevention of wild fires and shall be responsible for the suppression and bear the suppression costs of any and all destructive or uncontrolled fires occurring within or without the Site, resulting from any and all operations involved under the provisions of this Lease. Lessee shall comply with all laws, regulations and rules promulgated by the agency responsible for fire protection in the area

(w) Roads – Before constructing any haul road, secondary or spur roads across CBS property, Lessee shall obtain written approval of the location and construction standards of such roads from CBS.

Maintenance of access, including the Shared Access Road, drainage ditches, culverts and other such improvements shall be maintained by Lessee at no expense to CBS. The responsibility for maintenance of the Shared Access Road shall be solely the Lessee's up and until the adjacent quarry area(s) is leased and a Shared Maintenance Agreement has been signed by all Lessees and approved by CBS roads within the Site as well as ponding and drainage to limit leachates, sediment load and turbidity entering Granite Creek shall be maintained by the Lessee at no expense to CBS.

Access over any route not under CBS control is the sole responsibility of Lessee. Lessee agrees that any permanent route, access or right of way obtained over privately owned property shall include a permanent easement to CBS.

Access through the Site to adjacent quarry site(s), scales and/or Phase 2 Staging Area shall be maintained and not restricted without prior written approval from CBS.

(x) Lessee may erect outdoor signage at its expense with the written permission of Lessor Building Official and the Public Works Director, or his or her written designee. The style, size and physical placement location of the sign will be approved on a case-by-case basis.

(y) All operations, whether construction, maintenance, repair or safety related, shall be developed in coordination with a registered engineer, properly licensed to practice in the State of Alaska, to ensure proper and safe site development. At the termination of the Lease, Lessee is responsible for providing CBS a final Site inspection report from a registered engineer verifying that the Site was developed pursuant to approved plans and is stable and safe, while denoting any safety concerns

and remediation measures needed. Lessee will be responsible for any remediation measures needed as identified by the registered engineer at no cost to CBS.

Section 3.2 Lessor's Approval of Certain Alterations or Improvements.

Any improvements to transportation facilities including crushers, mixing plants, buildings, bridges, roads, or any other constructed by Lessee in connection with this Lease and within the Site area shall be in accordance with plans approved by CBS. In requesting consent, Lessee shall comply with all applicable laws and ordinances, and shall submit to the Lessors Public Works Director, or his or her written designee, detailed plans and specifications of proposed work, an explanation of the needs and reasons for the work, and a plan of full payment of the costs of the work. Lessor shall notify Lessee of its approval or objections no later than thirty (30) days after receiving the information described in the previous sentence. In approving or objecting, Lessor shall be acting in its proprietary function and not its regulatory function, any such approval in this proprietary function does not relieve Lessee of any obligation to obey the law. Nothing in this Section shall be interpreted to prevent Lessee from removing at the expiration/termination of this Lease any improvements or personal property as described in Section 1.4. Improvement and facility safety (both design and operation) shall be the responsibility of Lessee, and not the responsibility of CBS. Lessee agrees to follow all applicable safety and building codes, regulations, and permits.

Section 3.3 Rights of Access to Property.

(a) Lessor reserves for itself and its officials, employees, and authorized representatives, and any public utility company the right to access the Subject Property at all reasonable times in a reasonable manner for the purposes of opening, inspecting, repairing, replacing, reconstructing, maintaining, or servicing the public utilities, if any, located on the Subject Property, as well as for the purposes of constructing or installing new public utilities. Lessor also reserves for itself and the Alaska Department of Environmental Conservation, the U.S. Fish and Wildlife Service, and/or any other pertinent regulatory agencies the right to access the Subject Property at all reasonable times in a reasonable manner for the purposes of regulation and enforcement of this Lease. Lessor also reserves for itself the right to access the Subject Property at all reasonable times in a reasonable manner. Lessee shall not charge for any of the access allowed in the situations described in this subsection.

(b) Lessee shall not construct any permanent improvements over or within the boundary lines of any easement for public utilities without receiving the written prior consent of Lessor and any applicable utility company.

Section 3.4 Additional Conditions of Lease.

Lessee recognizes and shall cause all beneficiaries of Lessee and all permitted successors in interest in or to any part of the Subject Property to recognize that:

(a) Except for those portions of the operation which are associated with low sound levels, 70 dba or lower as defined by OSHA, such as maintenance of equipment, the Lessees operations shall be confined to the hours of 7:00 A.M. to 7:00 P.M. daily without prior written approval by CBS. CBS reserves the right to restrict operations on weekends and holidays

(b) Lessee shall coordinate its activities insofar as possible with other lessees who now or in the future may hold lease agreements with the Granite Creek Industrial Area. Before interrupting access to any other operations, Lessee shall make arrangements satisfactory to the affected parties for coordinating operations. The affected parties cannot unreasonably withhold such approval if proper alternate arrangements have been made. In the case where the affected parties cannot reach agreement, CBS shall be the sole arbitrator to reach a satisfactory result.

(c) The terms and conditions of this Lease shall apply with equal force upon any agent, employee, representative or sublessee designated by Lessee to perform any or all of the operations of production and sale of rock under this Lease, and Lessee shall be liable for non-compliance caused by any such agent, employee representative or sublessee.

(d) Lessee covenants and agrees that as it relates to use of the Subject Property, it will not, on the grounds of race, color or national origin, age, disability, sex, marital status, changes in marital status, pregnancy, or parenthood, discriminate or permit discrimination against any person or group of person in any manner prohibited by Federal, State or local laws or regulations promulgated under such laws, and Lessee further grants Lessor the right to take such action to enforce such covenant as it deems necessary or as it is directed pursuant to any Federal, State or local laws or regulations.

Lessee shall state, in all solicitations or advertisements for employees to work on jobs relating to this Lease, that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age disability, sex, marital status, changes in marital status, pregnancy, or parenthood.

Lessee shall not discriminate on the basis of race, color, national origin, or sex in the performance of this Lease. Lessee shall carry out applicable requirements of 40 CFR part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by Lessee to carry out these requirements is a material breach of this Lease which may result in the termination of this Lease or other legally available remedies

(e) Lessee shall be responsible for taking any measures that Lessee deems necessary to provide security for the Site and their personal property on the Site. Lessor is not responsible for theft or vandalism.

(f) Lessee shall timely pay all other Lessor billings (i.e., electricity, business taxes, etc.).

(g) Failure of Lessee to file and pay such Lessor taxes, and pay utilities, assessment payments, and all other Lessor billings, may subject this Lease to be terminated.

Section 3.5 Reservations.

(a) CBS reserves the right to enter into other agreements regarding other sites in the Granite Creek Industrial Area to other parties during the term of this Lease.

(b) CBS reserves the right to permit other compatible users, including storage areas, on the lands near the Site provided CBS determines that such uses will not unduly impair Lessee's operations under this Lease.

(c) CBS reserves the right to permit other compatible users, including material extraction sites, on the lands near the Site provided CBS determines that such uses will not unduly impair Lessee's operations under this Lease.

ARTICLE IV UTILITY SERVICES AND RATES

Section 4.1 Provision of Utility Services.

Lessee will pay for utilities, if available.

Section 4.2 Rates for Utility Services Provided by Lessor.

Utility rates charged by Lessor for utility services shall be those set forth in Sitka's Customer Service Policies and/or Sitka General Code. Lessee acknowledges the requirements of Section 9.4 as to utility lines. The Sitka Assembly may change utility rates from time to time by amending the Customer Service Policies and/or Sitka General Code.

Section 4.3 Lessee to Pay for Utility Services.

Lessee will pay, or cause to be paid, all proper charges for any of the following, if available: electricity and solid waste; sewer and water; and for all other public or private utility services, which shall be used by or supplied to the Subject Property at any time during the Term of this Lease. In the event that any charge, cost, or expense for any of the above-mentioned utility services or for any of the other above-mentioned services shall not be paid when due and payable, Lessor shall have the right, but shall not be obligated, to pay it, with the understanding that amounts paid by Lessor shall constitute additional Rent due and payable under this Lease, and shall be repaid to Lessor by Lessee immediately on rendition of a bill by Lessor. Interest at the highest rate allowable by law shall be added as a charge for unpaid utility bills paid by Lessor on behalf of Lessee. Lessor reserves the right to suspend utility services if Lessee does not pay for utility services. Failure to timely pay utility services may also result in Lessor terminating this Lease.

Section 4.4 Lessor Not Liable for Failure of Utilities or Building.

Except to the extent that any such failure, injury, or other casualty is due to Lessor's negligence or breach of any obligation under this Lease, Lessor shall not be liable for any failure of water supply, sewer, or electric current, or for any injury or damages to person or property caused by or resulting from any natural disaster, natural condition, gasoline, oil, steam, gas, electricity, or hurricane, tornado, flood, wind or similar storms or disturbances, or water, rain, or snows which may leak or flow from the street, sewer, or from any part of the building or the Subject Property, or leakage of gasoline or gas from pipes, appliances, sewer, or plumbing works or from any other place. Lessor shall not be held responsible or liable for any claim or action due to or arising from any suspension of operation, breakage, unavoidable accident or injury of any kind occurring to, or caused by the sewer mains by an act of God or Nature, beyond Lessor's control, or caused by the elements, strikes, riots, or a terrorist or terrorists.

Section 4.5. [RESERVED]

ARTICLE V LIABILITY

Section 5.1 Limits on Lessor Liability.

Lessee agrees to indemnify, defend, and hold harmless Lessor and its officials, employees, and authorized representatives or its successors against and from any and all claims by or on behalf of any person, firm, or entity arising, other than due to acts or omissions of Lessor, arising out of or connected with the exercise, conduct or management of the Lessee's privileges granted and duties required by this Lease, or arising out of any incident whatsoever which may occur on the Site or commonly used facility. This includes but is not limited to damage to power lines, poles and facilities, telephone lines and poles, survey monuments, roads, bridges and culverts, pollution and/or damage to water systems, or personal injury. Lessee also agrees to indemnify, defend, and save Lessor harmless against and from any and all claims and damages arising, other than due to acts or omissions of Lessor, during the term of this Lease from: (a) any condition of the Subject Property, improvements placed on it, or equipment and materials on it; (b) any breach or default on the part of Lessee regarding any act or duty to be performed by Lessee pursuant to the terms of this Lease; and (c) any act or negligence of Lessee or any of its agents, contractors, servants, employees or licensees. Lessee agrees to indemnify, defend, and hold harmless Lessor from and against all costs, counsel and legal fees, expenses, and liabilities incurred, other than due to acts or omissions of Lessor, in any claim or action or proceeding brought asserting claims of or asserting damages for any alleged act, negligence, omission, conduct, management, work, thing, breach, default, accident, injury, or damage described in the previous three sentences. The above agreements of indemnity are in addition to and not by way of limitation of any other covenants in this Lease to indemnify or compensate Lessor. The agreements of indemnity by Lessee do not apply to any claims of damage arising out of the failure of Lessor to perform acts or render services in its municipal capacity.

Section 5.2 Limits on Lessee Liability.

Except to the extent of liabilities arising from Lessee's acts or omissions, Lessor indemnifies, defends, and holds Lessee harmless for liabilities to the extent that they were incurred by reason of conditions existing on the Site as of the date of execution of this Lease or by reasons of Lessor's acts or omissions. Lessor also agrees to indemnify, defend, and save Lessee harmless against and from any and all claims and damages arising, other than due to acts or omissions of Lessee, during the term of this Lease from (a) any condition of the Subject Property existing on the Site as of the date of execution of this lease, improvements placed on it by Lessor, or equipment and materials placed on it by Lessor; (b) any breach or default on the part of Lessor regarding any act or duty to be performed by Lessor pursuant to the terms of the Lease; and (c) any act or negligence of Lessor or any of its agents, contractors, servants, employees, or licensees. Lessor agrees to indemnify, defend, and save harmless Lessee from and against all costs, counsel and legal fees, expenses, and liabilities incurred, other than due to acts or omissions of Lessee, in any claim or action or proceeding brought asserting claims of or asserting damages for any alleged act, negligence, omission, conduct, management, work, thing, breach, default, accident, injury, or damage described in the previous two sentences. The above agreements are in addition to and not by way of limitation of any other covenants in this Lease to indemnify or compensate Lessee.

Section 5.3 Reimbursement of Costs of Obtaining Possession.

Each Party agrees to pay and to indemnify the other Party prevailing in any dispute under this Lease against, all costs and charges, including but not limited to, full reasonable counsel and legal fees lawfully and reasonably incurred in enforcing any provision of this Lease including obtaining possession of the Subject Property and establishing Lessor's title free and clear of this Lease upon expiration or earlier termination of this Lease.

GENERAL PROVISIONS

ARTICLE VI DEFINITIONS

Section 6.1 Defined Terms.

For the purposes of this Lease, the following words shall have the meanings attributed to them in this Section:

- (a) "Event of Default" means the occurrence of any action specified in Section 14.1.
- (b) "Imposition" means all of the taxes, assessments, fees, utility rates or charges, levies and other governmental charges, levied or assessed against the Subject Property; any part of the Subject Property, or any right or interest or any rent, taxes and income received, including sales taxes on rent.
- (c) "Improvements" or "improvements" means all buildings, structures, Lessor approved physical modifications (such as material extraction and site disturbing activities), and improvements of any nature now or in the future located upon the Subject Property, as well as all apparatus and equipment necessary for the complete and comfortable use, occupancy, enjoyment and operation of the Subject Property, excepting only in each case articles of personal property appurtenances and fixtures (including trade fixtures) owned by Lessee, sublessees, or others, which can be removed without defacing or materially injuring the improvements remaining on the Subject Property, with the portion of the Subject Property from which such items are removed being returned to a condition at least as good as that existing on the date of this Lease.
- (d) "Party" means either or both Lessor and Lessee.
- (e) "Personal Property" means tangible personal property owned or leased and used by Lessee or any sublessee of Lessee, in connection with and located upon the Subject Property.
- (f) "Premises" means the "Subject Property."
- (g) "Rent" means the lease rate, which is the amount Lessee periodically owes and is obligated to pay Lessor as lease payments under this Lease for the use of the Subject Property.
- (h) "Site" means the "Subject Property."
- (i) "Subject Property" is the area leased as shown on Exhibits 1, 2 and 3.

(j) "Sublessee" means any sublessee, concessionaire, licensee, or occupant of space in or on the Subject Property holding by or through Lessee; the term "lease" shall mean any lease, license, concession or other agreement for the use and occupancy of any part of the Subject Property made by any Person holding by or through Lessee, which has been approved by Lessor Assembly.

(k) "Term" means the period of time Lessee rents or leases the Subject Property from Lessor.

(l) "Quarry" means the "Subject Property."

ARTICLE VII INSURANCE

Section 7.1 Insurance and Bonding.

(a) Lessee shall have and maintain property damage and comprehensive general liability insurance in the amount of Two Million Dollars (\$2,000,000), occurrence and aggregate limits. This policy shall in no way limit or exclude significant exclusions of coverage shall be shown on the certificate of insurance.

(b) Lessee shall have the statutory amount of any Worker's Compensation. This policy shall also include coverage of Employers' Liability limits of no less than Five Hundred Thousand Dollars (\$500,000), or the minimum required by State law, whichever is greater. A sole proprietor without employees is not required to carry this insurance; however, they must provide documentation supporting the exception.

(c) Lessee shall carry Business Automobile insurance with limits of One Million Dollars (\$1,000,000). This shall cover all owned, non-owned and hired automobiles that are used in the operations related to this Lease.

(d) Lessee shall carry Excess or Umbrella Liability insurance with limits of no less than Five Million Dollars (\$5,000,000). This insurance shall be in excess to the Commercial General Liability, Business Automobile and Employers' Liability. This insurance requirement is based on current activity. If the activity changes to include higher risk activities the insurance limits may be adjusted upward by CBS to address the higher risk activity.

Lessee shall provide a Certificate of Insurance that evidences the above. This Certificate shall also allow for a 30 day notice of cancellation or material change of coverage.

(e) All insurance policies shall name CBS as an Additional Insured. CBS shall also be granted a full waiver of any rights of subrogation by endorsement under all required policies. These requirements extend to all subcontractors and sublessees.

(f) Two types of bonds will be required during the Term of this Lease: payment and reclamation.

Payment Bond

A Payment Bond in the amount of \$100,000.00 is required. On the yearly anniversary date of the commencement date Lease, CBS shall release in writing the prior year's bond, and accept a new

bond for the next year of operation. The purpose of the bond shall be to pay for unpaid rent or royalties, or other costs owed to CBS, such as anniversary surveys.

Reclamation Bond

A Reclamation Bond in the amount of \$100,000 is required. On the yearly anniversary date of the commencement date Lease, and after the pit cross sections are accomplished and Lessee is inspected for adherence to a continuation plan, CBS shall release in writing the prior year's bond, and accept a new bond for the next year of operation.

The purpose of the bond shall be to correct non-conforming conditions created by Lessee. An example might be to do necessary continuation work left undone or otherwise correct site problems, such as drainage control. The bond may also be used to pay for unpaid royalties or other costs owed to CBS, such as anniversary surveys.

Section 7.2 Notification of Claim, Loss, or Adjustment.

Lessee shall advise Lessor of any claim, loss, adjustment, or negotiations and settlements involving any loss on the Subject Property under all policies of the character described in Section 7.1.

Section 7.3 Waiver of Subrogation.

The Party insured (or so required) releases the other Party from any liability the other Party may have on account of loss, cost, damage or expense to the extent of any amount recoverable by reason of insurance and waives any right of subrogation which might otherwise exist in or accrue to any person on account of the following circumstances: (i) any loss, cost, damage or expense resulting from fire, explosion or any other casualty or occurrence is incurred by either of the Parties to this Lease, or anyone claiming under it in connection with the Subject Property or improvements; and (ii) the Party is then covered in whole or in part by insurance with respect to loss, cost, damage or expense or is required under this Lease to be insured. The release of liability and waiver of the right of subrogation shall not be operative in any case where the effect is to invalidate the insurance coverage or increase its cost. In the case of increased cost, the other Party shall have the right, within thirty (30) days following written notice, to pay the increased cost keeping the release and waiver in full force and effect.

ARTICLE VIII RESTRICTIONS REGARDING ASSIGNMENT, LEASES, AND TRANSFERS OF SUBJECT PROPERTY

Section 8.1 Lessee Without Power to Assign, Lease, or Encumber Subject Property.

Lessee has no power without Lessor prior written approval under this Lease to assign the Lease. Lessee has no power under this Lease to transfer the Subject Property. Lessee has no power to encumber Subject Property or pledge its interest in Subject Property as collateral for a loan or mortgage or allow any liens to be filed against the Subject Property without Lessor prior written approval. Any such actions under this section may cause termination of the Lease.

Section 8.2 Limitations on Subleases.

Lessee shall not sublease the Subject Property or any portion of it without the prior written approval of Lessor. All subleases entered into demising all or any part of the Improvements or the Subject Property shall be expressly subject and subordinate to this Lease. Lessor's consent to a

sublease of the Subject Property shall not release Lessee from its obligations under the Lease. Lessor's consent to a sublease shall not be deemed to give any consent to any subsequent subletting.

Lessee shall request any sublease of the site in writing. Prior to the approval of any such assignment, CBS shall be provided with all the terms of the proposed assignment or agreement. This shall include time of assignment and potential use. If such terms are deemed inflationary or of such a type to be considered an abandonment of further interest in the Site by the original party, the assignment may be denied. Any agreement for subleasing shall be incorporated via amendment signed by Lessee and CBS and shall be fully permitted prior to execution. Lessee shall pay CBS 10% of any rent paid to the Lessee by sublessee.

ARTICLE IX USE AND PROTECTION OF THE SUBJECT PROPERTY

Section 9.1 Property As Is - Repairs.

Lessee acknowledges that it has examined the Subject Property and the present improvements including any public improvements presently located there, and knows the condition of them, and accepts them in their present condition without any representations or warranties of any kind or nature whatsoever by Lessor as to their condition or as to the use or occupancy which may be made of them. Lessee assumes the sole responsibility for the condition of and the improvements located on the Subject Property. The foregoing shall not be deemed to relieve Lessor of its general municipal obligations, or of its obligations under Section 3.1 above.

Section 9.2 Compliance with Laws.

Lessee shall throughout any term of this Lease, at Lessee's sole expense, promptly comply with all the laws and ordinances and the orders, rules, regulations, and requirements of all federal, state, and municipal governments and appropriate departments, commissions, boards, and officers and all other legal requirements that may be applicable to the Subject Property and its use. Nothing in the foregoing sentence shall be deemed to relieve Lessee of its general obligations to Lessor in its municipal capacity.

Section 9.3 Notification of Lessor's Public Works Director of Discovery of Contamination.

Lessee shall promptly notify Lessor's Public Works Director, or his or her written designee, within 24 hours if any contaminated soils or other contaminated materials that require special handling are encountered during construction or other activities.

Section 9.4 Use of Utility Lines.

Lessee shall connect or otherwise discharge to such utility lines as approved by Lessor's Public Works Director and/or Electric Department Director, and shall obtain any permits and comply with any conditions specified by Lessor's Public Works Department Director and/or Electric Department Director for such connections.

Section 9.5 Permits and Approvals for Activities.

Lessee shall be responsible for obtaining all necessary permits and approvals for its activities unless otherwise specifically allowed by Lessor. Not less than ten (10) days in advance of applying for permits to any public entity other than Lessor, Lessee shall provide copies of all permit applications and associated plans and specifications to Lessor's Public Works Department

Director, or his or her written designee, to facilitate review by departments of Lessor. Lessor is not obligated to comment on the permit applications and plans, and the result of any review by Lessor does not affect Lessee's obligation to comply with any applicable laws.

Lessee shall prepare and submit a new Storm Water Pollution Prevention Plan (SWPPP). The plan shall be approved by CBS and the ADEC before work begins on the Site. If the Lease Term is renewed, the current SWPPP will be reviewed to determine if modifications are required.

Failure to comply with environmental or permitting requirements and failure to perform corrective actions associated with issues of non-compliance as identified by regulatory agencies or CBS within 30 days of Lessee notification will result in Liquidated Damages of \$2,000/month.

All operations shall be in accordance with the City and Borough of Sitka Conditional Use Permit 01-16, as it now exists or as modified in the future.

Lessee shall obtain and pay for any other permits required as needed to operate at the Site.

ARTICLE X LESSOR'S RIGHT TO PERFORM LESSEE'S COVENANTS; REIMBURSEMENT OF LESSOR FOR AMOUNTS SO EXPENDED

Section 10.1 Performance of Lessee's Covenants To Pay Money.

Lessee covenants that if it shall at any time default resulting in the Lease being in a condition of default as described in Article XIV or shall fail to timely make any other payment (other than Rent), and the failure shall continue for ten (10) days after written notice to Lessee, then Lessor may, but shall not be obligated so to do, and without further notice to or demand upon Lessee and without releasing Lessee from any obligations of Lessee under this Lease, make any other payment in a manner and extent that Lessor may deem desirable.

Section 10.2 Lessor's Right To Cure Lessee's Default.

If there is a default involving the failure of Lessee to keep the Subject Property in good condition and repair in accordance with the provisions of this Lease, to make any necessary renewals or replacements or to remove any dangerous condition in accordance with the requirements of this Lease or to take any other action required by the terms of this Lease, then Lessor shall have the right, but shall not be required, to make good any default of Lessee. Lessor shall not in any event be liable for inconvenience, annoyance, disturbance, loss of business, or other damage of or to Lessee by reason of bringing materials, supplies and equipment onto the Site during the course of the work required to be done to make good such default. The obligations of Lessee under this Lease shall remain unaffected by such work, provided that Lessor uses reasonable care under the circumstances prevailing to avoid unnecessary inconvenience, annoyance, disturbance, loss of business, or other damage to Lessee.

Section 10.3 Reimbursement of Lessor and Lessee.

All sums advanced by Lessor pursuant to this Article and all necessary and incidental costs, expenses and attorney's fees in connection with the performance of any acts, together with interest at the highest rate of interest allowed by law from the date of the making of advancements, shall be promptly payable to Lessor by Lessee in the respective amounts so advanced. This

reimbursement shall be made on demand, or at the option of Lessor, may be added to any Rent then due or becoming due under this Lease. Lessee covenants to pay the sum or sums with interest. Lessor shall have, in addition to any other right or remedies, the same rights and remedies in the event of the nonpayment by Lessee as in the case of default by Lessee in the payment of any installment of Rent.

Conversely, Lessee shall be entitled to receive from Lessor prompt payment or reimbursement on any sums due and owing from Lessor to Lessee, together with interest at the highest rate allowed by law. However, nothing contained in this Lease shall entitle Lessee to withhold any Rent due to Lessor or to offset or credit any sums against rent, except with respect to unpaid Rent due from Lessor to Lessee under any sublease of the Subject Property.

ARTICLE XI [RESERVED]

ARTICLE XII MECHANIC'S LIENS

Section 12.1 Discharge of Mechanics' Liens.

Lessee shall neither suffer nor permit any mechanics' liens to be filed against the title to the Subject Property, nor against Lessee's interest in the Subject Property, nor against the improvements by reason of work, labor, services or materials supplied or claimed to have been supplied to Lessee or anyone having a right to possession of the Subject Property or Improvements as a result of an agreement with or the assent of Lessee. If any mechanics' lien shall be filed against the Subject Property, including the Improvements, Lessee shall cause it to be discharged of record within thirty (30) days after the date that Lessee has knowledge of its filing. Failure to comply may subject the Lease to be terminated.

ARTICLE XIII LIEN FOR RENT AND OTHER CHARGES

Section 13.1 Lien for Rent.

The whole amount of the Rent and each and every installment, and the amount of all taxes, assessments, utility payments, insurance premiums and other charges, fees and impositions paid by Lessor under the provisions of this Lease, and all costs, attorney's fees and other expenses which may be incurred by Lessor in enforcing the provisions of this Lease or on account of any delinquency of Lessee in carrying out any of the provisions of this Lease, shall be and they are declared to constitute a valid and prior lien against property of Lessee, except the Subject Property, and may be enforced by law and equitable remedies, including the appointment of a receiver.

ARTICLE XIV DEFAULT PROVISIONS

Section 14.1 Events of Default.

Each of the following events is defined as an "Event of Default":

- (a) Failure of Lessee to pay any installment of Rent, or any other payments or deposits of money, or furnish receipts for deposits as required, when due and the continuance of the failure for a period of ten (10) days after notice in writing from Lessor to Lessee.

(b) Failure of Lessee to perform any of the other covenants, conditions and agreements under this Lease, including filing tax forms and/or payment of taxes, fees, utilities, and the continuance of failure for a period of thirty (30) days after Lessor's notice in writing. The notice shall specify the respects in which Lessor contends that Lessee has failed to perform any of the covenants, conditions and agreements. With respect to any default which cannot be cured within thirty (30) days, Lessee, or any person holding by, through or under Lessee, in good faith, promptly after receipt of written notice, shall have commenced and shall continue diligently and reasonably to prosecute all action necessary to cure the default within an additional sixty (60) days.

(c) The filing of an application by Lessee (the term, for this purpose, to include any approved transferee other than a sublessee of Lessee's interest in this Lease): (i) for a consent to the appointment of a receiver, trustee or liquidator of itself or all its assets; (ii) of a voluntary petition in bankruptcy or the filing of a pleading in any court of record admitting in writing of its inability to pay its debts as they come due; (iii) of a general assignment for the benefit of creditors; or (iv) of an answer admitting the material allegations of, or its consenting to, or defaulting in answering, a petition filed against it in any bankruptcy proceeding.

(d) The entry of an order, judgment or decree by any court of competent jurisdiction, adjudicating Lessee a bankrupt, or appointing a receiver, trustee or liquidator of it or of its assets, and this order, judgment or decree continuing unstayed and in effect for any period of sixty (60) consecutive days, or if this Lease is taken under a writ of execution.

Section 14.2 Force Majeure.

Any failure to perform by either party due to force majeure shall not be deemed a violation or breach hereof. As used in this Lease, force majeure is an act or event of substantial magnitude, beyond the control of the delayed party, which delays the completion of this Lease, including without limitation:

(a) Any interruption, suspension, or interference resulting solely from the act of Sitka or neglect of Sitka not otherwise governed by the terms of this Lease.

(b) Strikes or work stoppages.

(c) Any interruption, suspension, or interference with the project caused by acts of God, or acts of a public enemy, wars, blockades, insurrections, pandemics, riots, arrests or restraints of governments and people, civil disturbances or similar occurrences.

(d) Order of court, administrative agencies or governmental officers other than Sitka.

Section 14.3 Assumption or Assignment of Lease to Bankruptcy Trustee.

In the event that this Lease is assumed by or assigned to a trustee pursuant to the provisions of the Bankruptcy Reform Act of 1978 (referred to as "Bankruptcy Code") (11 U.S.C. § 101 et seq.), and the trustee shall cure any default under this Lease and shall provide adequate assurances of future performance of this Lease as are required by the Bankruptcy Code (including but not limited to, the requirement of Code § 365(b)(1)) (referred to as "Adequate Assurances"), and if the trustee does not cure such defaults and provide such adequate assurances under the Bankruptcy Code

within the applicable time periods provided by the Bankruptcy Code, then this Lease shall be deemed rejected automatically and Lessor shall have the right immediately to possession of the Subject Property immediately and shall be entitled to all remedies provided by the Bankruptcy Code for damages for breach or termination of this Lease.

Section 14.4 Remedies in Event of Default.

Lessor may treat any one or more of the Events of Default as a breach of this Lease. At its option, by serving written notice on Lessee and each Secured Party and Leasehold Mortgagee of whom Lessor has notice (such notice not to be effective unless served on each such person) of the Event of Default, Lessor shall have, in addition to other remedies provided by law, one or more of the following remedies:

(a) Lessor may terminate this Lease. In such an event, Lessor may repossess the entire Subject Property and Improvements, and be entitled also to recover as damages a sum of money equal to the value as of the date of termination of this Lease, of the Rent due from Lessee for the balance of the stated term of this Lease, and any other sum of money and damages due under the terms of this Lease to Lessor. Any personal property not removed after such termination shall be addressed as provided for in Section 1.4 above.

(b) Lessor may terminate Lessee's right of possession and may repossess the entire Subject Property and Improvements by forcible entry and detainer suit or otherwise, without demand or notice of any kind to Lessee (except as above expressly provided for) and without terminating this Lease. In such event, Lessor may, but shall be under no obligation to do so, relet all or any part of the Subject Property for rent and upon terms as shall be satisfactory in the judgment reasonably exercised by Lessor (including the right to relet the Subject Property for a term greater or lesser than that remaining under the stated term of this Lease). For the purpose of reletting, Lessor may make any repairs, changes, alterations or additions in or to the Subject Property and Improvements that may be reasonably necessary or convenient in Lessor's judgment reasonably exercised. If Lessor shall be unable, after a reasonable effort to do so, to relet the Subject Property, or if the Subject Property is relet and a sufficient sum shall not be realized from reletting after paying all of the costs and expenses of repairs, change, alterations and additions and the expense of reletting and the collection of the Rent accruing from it, to satisfy the Rent above provided to be paid, then Lessee shall pay to Lessor as damages a sum equal to the amount of the Rent reserved in this Lease for the period or periods as and when payable pursuant to this Lease. If the Subject Property or any part of it has been relet, Lessee shall satisfy and pay any deficiency upon demand from time to time. Lessee acknowledges that Lessor may file suit to recover any sums falling due under the terms of this section from time to time, and that any suit or recovery of any portion due Lessee shall be no defense to any subsequent action brought for any amount not reduced to judgment in favor of Lessor. Any personal property not removed after such termination shall be addressed as provided for in Section 1.4 above.

(c) In the event of any breach or threatened breach by Lessee of any of the terms, covenants, agreements, provisions or conditions in this Lease, Lessor shall have the right to invoke any right and remedy allowed at law or in equity or by statute or otherwise as through reentry, summary proceedings, and other remedies not specifically provided for in this Lease.

(d) Upon the termination of this Lease, or upon the termination of Lessee's right of possession, whether by lapse of time or at the option of Lessor, Lessee will at once surrender possession of the Subject Property and dispose of personal property and Improvements as described in Section 1.4. If possession is not immediately surrendered, Lessor may reenter the Subject Property and Improvements and repossess itself of it as of its former estate and remove all persons and their personal property, without being deemed guilty of any manner of trespass or forcible entry or detainer. Lessor may at its option seek expedited consideration to obtain possession if Lessor determines that the Lease has terminated as described in the first sentence of this paragraph, and Lessee agrees not to oppose such expedited consideration.

(e) In the event that Lessee shall fail to make any payment required to be made provided for in this Lease or defaults in the performance of any other covenant or agreement which Lessee is required to perform under this Lease during the period when work provided for in this Lease shall be in process or shall be required by the terms of this Lease to commence, Lessor may treat the default as a breach of this Lease and, in addition to the rights and remedies provided in this Article, but subject to the requirements of service of notice pursuant to this Lease, Lessor shall have the right to carry out or complete the work on behalf of Lessee without terminating this Lease.

Section 14.5 Waivers and Surrenders To Be In Writing.

No covenant or condition of this Lease shall be deemed to have been waived by Lessor unless the waiver be in writing, signed by Lessor, or Lessor's agent duly authorized in writing and shall apply only with respect to the particular act or matter to which the consent is given. It shall not relieve Lessee from the obligation, wherever required under this Lease, to obtain the consent of Lessor to any other act or matter.

ARTICLE XV LESSOR'S TITLE AND LIEN

Section 15.1 Lessor's Title and Lien Paramount.

Lessor will hold title to the Subject Property.

Section 15.2 Lessee Not To Encumber Lessor's Interest.

Lessee shall have no right or power to and shall not in any way encumber the title of Lessor regarding the Subject Property. The fee-simple estate of Lessor in the Subject Property shall not be in any way subject to any claim by way of lien or otherwise, whether claimed by operation of law or by virtue of any express or implied lease or contract or other instrument made by Lessee. Lessee's interest in the Improvements shall in all respects be subject to the paramount rights of Lessor in the Subject Property.

ARTICLE XVI REMEDIES CUMULATIVE

Section 16.1 Remedies Cumulative.

No remedy conferred upon or reserved to Lessor shall be considered exclusive of any other remedy, but shall be cumulative and shall be in addition to every other remedy given under this Lease or existing at law or in equity or by statute. Every power and remedy given by this Lease to Lessor may be exercised from time to time and as often as occasion may arise or as may be deemed expedient by Lessor. No delay or omission of Lessor to exercise any right or power arising

from any default shall impair any right or power, nor shall it be construed to be a waiver of any default or any acquiescence in it.

Section 16.2 Waiver of Remedies Not To Be Inferred.

No waiver of any breach of any of the covenants or conditions of this Lease shall be construed to be a waiver of any other breach or to be a waiver of, acquiescence in, or consent to any further or succeeding breach of it or similar covenant or condition.

Section 16.3 Right to Terminate Not Waived.

Neither the rights given to receive, sue for or distrain from any Rent, moneys or other payments, or to enforce any of the terms of this Lease, or to prevent the breach or nonobservance of it, nor the exercise of any right or of any other right or remedy shall in any way impair or toll the right or power of Lessor to declare ended the term granted and to terminate this Lease because of any event of default.

ARTICLE XVII SURRENDER AND HOLDING OVER

Section 17.1 Surrender at End of Term.

On the last day of the last Lease year of the original Term, or on the earlier termination of the Term, Lessee shall peaceably and quietly leave, surrender and deliver the entire Subject Property to Lessor, subject to the provisions of Section 1.4, in good repair, order, and condition, reasonable use, wear and tear excepted, free and clear of any and all mortgages, liens, encumbrances, and claims. At the time of the surrender, Lessee shall also surrender any and all security deposits and rent advances of sublessees to the extent of any amounts owing from Lessee to Lessor. If the Subject Property is not so surrendered, Lessee shall repay Lessor for all expenses which Lessor shall incur by reason of it, and in addition, Lessee shall indemnify, defend and hold harmless Lessor from and against all claims made by any succeeding Lessee against Lessor, founded upon delay occasioned by the failure of Lessee to surrender the Subject Property.

Section 17.2 Rights Upon Holding Over.

At the termination of this Lease, by lapse of time or otherwise, Lessee shall yield up immediately possession of the Subject Property to Lessor and failing to do so agrees at the option of Lessor, to pay to Lessor for the whole time such possession is withheld, a sum per day equal to one hundred and seventy-five percent (175%) times 1/30th of the aggregate of the Rent paid or payable to Lessor during the last month of the term of the Lease. The provisions of this Article shall not be held to be a waiver by Lessor of any right or reentry as set forth in this Lease, nor shall the receipt of a sum, or any other act in apparent affirmance of the tenancy, operate as a waiver of the right to terminate this Lease and the Term granted for the period still unexpired for any breach of Lessee under this Lease.

ARTICLE XVIII MODIFICATION

Section 18.1 Modification.

None of the covenants, terms or conditions of this Lease to be kept and performed by either Party to this Lease shall in any manner be waived, modified, changed or abandoned except by a written instrument duly signed, acknowledged, and delivered by both Lessor and Lessee.

ARTICLE XIX INVALIDITY OF PARTICULAR PROVISIONS

Section 19.1 Invalidity of Provisions.

If any provision of this Lease or the application of it to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Lease, or the application of such provision to persons or circumstance other than those as to which it is invalid or unenforceable, shall not be affected, and each provision of this Lease shall be valid and be enforced to the fullest extent permitted by law.

ARTICLE XX APPLICABLE LAW AND VENUE

Section 20.1 Applicable Law.

This Lease shall be construed and enforced in accordance with the laws of the State of Alaska. The forum and venue for any action seeking to interpret, construe, or enforce this Lease shall be only in the Superior Court for the State of Alaska at Sitka, Alaska.

ARTICLE XXI NOTICES

Section 21.1 Manner of Mailing Notices.

In every case where under any of the provisions of this Lease or otherwise it shall or may become necessary or desirable to make or give any declaration or notice of any kind to Lessor or Lessee, it shall be sufficient if a copy of any declaration or notice is sent by United States Postal Service, certified, registered, or express mail, postage prepaid, return receipt requested, addressed: If to Lessor at: Municipal Administrator, City and Borough of Sitka, Alaska, of 100 Lincoln Street, Sitka, Alaska 99835, with a copy to: Municipal Clerk at address listed above; and if to Lessee, at: the address set out in the Preamble. Each party from time to time may change its address for purposes of receiving declarations or notices by giving written notice of the changed address, to become effective seven (7) days following the giving of notice.

Section 21.2 Notice to Leasehold Mortgagee and Secured Parties.

Lessor shall provide each Leasehold Mortgagee and Secured Party, who has so requested, copies of all notices from Lessor to Lessee relating to existing or potential default under, or other noncompliance with the terms of this Lease. All notices, demands or requests which may be required to be given by Lessor or Lessee to any Leasehold Mortgagee and Secured Parties shall be sent in writing, by United States Postal Service, registered or certified mail or express mail, postage prepaid, addressed to the Leasehold Mortgagee at a place as the Leasehold Mortgagee may from time to time designate in a written notice to Lessor and Lessee.

Section 21.3 Sufficiency of Service.

Service of any demand or notice as in this Article provided shall be sufficient for all purposes.

Section 21.4 When Notice Deemed Given or Received.

Whenever a notice is required by this Lease to be given by any Party to the other Party or by any Party to a Leasehold Mortgagee, the notice shall be considered as having been given when a registered or certified notice is placed in the United States Post Office mail as provided by this

Article. It shall be deemed received on the third business day thereafter. For all purposes under this Lease of starting any time period after notice, the time period shall be conclusively deemed to have commenced three (3) business days after the giving of notice, whether or not it is provided that a time period commences after notice is given or after notice is received.

ARTICLE XXII MISCELLANEOUS PROVISIONS

Section 22.1 Captions.

The captions of this Lease and the index preceding it are for convenience and reference only and in no way define, limit or describe the scope or intent of this Lease, nor in any way affect this Lease.

Section 22.2 Conditions and Covenants.

All the provisions of this Lease shall be deemed and construed to be "conditions" as well as "covenants," as though the words specifically expressing or importing covenants and conditions were used in each separate provision.

Section 22.3 Entire Agreement.

This Lease contains the entire agreement between the Parties and shall not be modified in any manner except by an instrument in writing executed by the Parties or their respective successors or assigns in interest.

Section 22.4 Time of Essence as to Covenants of Lease.

Time is of the essence as to the covenants in this Lease.

ARTICLE XXIII COVENANTS TO BIND AND BENEFIT RESPECTIVE PARTIES AND TO RUN WITH THE SUBJECT PROPERTY

Section 23.1 Covenants to Run with the Subject Property.

All covenants, agreements, conditions and undertakings in this Lease shall extend and inure to the benefit of and be binding upon the successors and assigns of each of the Parties, the same as if they were in every case named and expressed, and they shall be construed as covenants running with the Subject Property. Wherever in this Lease reference is made to any of the Parties, it shall be held to include and apply to, wherever applicable, also the officers, directors, successors and assigns of each Party, the same as if in each and every case so expressed.

ARTICLE XXIV ADDITIONAL GENERAL PROVISIONS

Section 24.1 Absence of Personal Liability.

No member, official, or employee of Lessor shall be personally liable to Lessee, its successors and assigns, or anyone claiming by, through or under Lessee or any successor in interest to the Subject Property, in the event of any default or breach by Lessor or for any amount which may become due to Lessee, its successors and assigns, or any successor in interest to the Subject Property, or on any obligation under the terms of this Lease. No member, official, or employee of Lessee shall be personally liable to Lessor, its successors and assigns, or anyone claiming by, through or under Lessor or any successor in interest to the Subject Property, in the event of any default or breach by

Lessee or for any amount which become due to Lessor, its successors and assigns, or any successor in interest to the Subject Property, or on any obligation under the terms of this Lease.

Section 24.2 Lease Only Effective As Against Lessor Upon Assembly Approval.

This Lease is effective as against Lessor only upon the approval of such Lease by the Sitka Assembly.

Section 24.3 Binding Effects and Attorney's Fees.

This Lease shall be binding up and inure to the benefit of the respective successors and assigns of the Parties hereto. In the event of litigation over this Lease, the Parties agree that the prevailing party shall receive full reasonable attorney's fees.

Section 24.4 Duplicate Originals.

This Lease may be executed in any number of copies, each of which shall constitute an original of this Lease. The warranties, representations, agreements and undertakings shall not be deemed to have been made for the benefit of any person or entity, other than the Parties.

In the event there is any difference between an attachment to the original of this Lease on file with CBS Clerk and any attachment to a duplicate original of the Lease, the attachments to the original filed with CBS shall control.

Section 24.5 Declaration of Termination.

With respect to Lessor's rights to obtain possession of the Subject Property or to revest title in itself with respect to the leasehold estate of Lessee in the Subject Property, Lessor shall have the right to institute such actions or proceedings as it may deem desirable to effectuate its rights including, without limitation, the right to execute and record or file with the Recorder of the Sitka Recording District, a written declaration of the termination of all rights and title of Lessee in the Subject Property, and the revesting of any title in Lessor as specifically provided in this Lease.

Section 24.6 Authority.

Lessor and Lessee represent to each other that each has, and has exercised, the required power and authority and has complied with all applicable legal requirements necessary to adopt, execute and deliver this Lease and perform its obligations. Both parties also represent that this Lease has been duly executed and delivered by each and constitutes a valid and binding obligation of each enforceable in accordance with its terms, conditions, and provisions.

Section 24.7 Recordation.

The parties agree that the Lease will be not be recorded. At the request of either party, the parties shall execute a memorandum of the Lease for recording purposes in lieu of recording this Lease in such form as many be satisfactory to the parties or their respective attorneys. Each party shall bear their own related expenses, including attorney fees. Lessor shall pay for all recording fees.

DESCRIPTIONS (Continued from Page 1)

policy.

Bond No. 09399432

RECLAMATION BOND

KNOW ALL MEN THESE PRESENTS, That we McG Constructors, Inc.
hereinafter referred to as the Principal, and Fidelity and Deposit Company of Maryland, a corporation organized and existing
under the laws of the State of Illinois, as Surety, are held and firmly bound unto
City and Borough of Sitka hereinafter referred to as Obligee, in the sum of
One Hundred Thousand and no/100 (\$ 100,000.00) Dollars, lawful money of the
United States of America, to the payment of which sum, well and truly to be made, we bind ourselves, our executors,
administrators, successors, and assigns, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas, the Principal made application for Permit to the
Obligee for the purpose of, or to exercise reclamation of Property located at:

Granite Creek Lease Areas 2 and 3

NOW THEREFORE, if the principal shall faithfully comply with all ordinances, rules and regulations concerning said Site,
and shall save and keep harmless the Obligee from all loss or damage which it may sustain or which it may be liable on
account of the issuance of the permit to the Principal, then this obligation shall be void; otherwise, to remain in full force and
effect.

PROVIDED, that regardless of the number of years this bond shall continue or be continued in force and of the number of
premiums that shall be payable or paid, the Surety shall not be liable hereunder for a larger amount, in the aggregate, than the
amount of this bond, and

PROVIDED FURTHER, THAT THIS BOND WILL EXPIRE ON April 14, 2023 but may be
continued by continuation certificate signed by Principal and Surety. The Surety may at any time terminate its liability by
giving (30) thirty days written notice to the Obligee, and the Surety shall not be liable for any default after such thirty day
notice period, except for defaults occurring prior thereto.

SIGNED, SEALED, AND DATED this 14th day of April, 2022.

McG Constructors, Inc.

By- 

Principal

Fidelity and Deposit Company of Maryland

By- 

, Attorney-in-Fact- Surety

Jim S. Kuich, Attorney-in-fact

Accepted By: 

Obligee

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Jim S. KUICH, Emma C. DOLESHEL, Heather L. ALLEN, Jim W. DOYLE, Julie M. GLOVER, Steven M. WAGNER, Michael A. MURPHY, Chad M. EPPLE, S. M. SCOTT, Andy D. PRILL, Danielle ENRIQUEZ, Sarah H. BEHRENS, Theresa A. LAMB of Bothell, Washington, EACH**, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 11th day of November, A.D. 2021.



**ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

By: *Robert D. Murray*
Vice President

By: *Dawn E. Brown*
Secretary

**State of Maryland
County of Baltimore**

On this 11th day of November, A.D. 2021, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2023

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 14th day of April, 2022



Brian M. Hodges

By: Brian M. Hodges
Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
www.reportsfclaims@zurichna.com
800-626-4577

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**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Jim S. KUICH, Emma C. DOLESHEL, Heather L. ALLEN, Jim W. DOYLE, Julie M. GLOVER, Steven M. WAGNER, Michael A. MURPHY, Chad M. EPPLE, S. M. SCOTT, Andy D. PRILL, Danielle ENRIQUEZ, Sarah H. BEHRENS, Theresa A. LAMB of Bothell, Washington, EACH**, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 11th day of November, A.D. 2021.



**ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

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Vice President

By: *Dawn E. Brown*
Secretary

**State of Maryland
County of Baltimore**

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IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn

Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2023

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Storm Water Pollution Prevention Plan

for:

Granite Creek Quarry Lease Areas 2 & 3
Granite Creek Rd.
Sitka, AK
99835

SWPPP Contact(s):

McG Constructors, Inc.
Charles R. McGraw
4513 Halibut Point Rd.
Sitka, AK, 99835-9507
(907) 623-0620
chuck@mcgconstructors.com

SWPPP Preparation Date:

05 / 27 / 2022

APDES Permit Tracking Number: AKR06GC75

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SECTION 1: FACILITY DESCRIPTION AND CONTACT INFORMATION

1.1 Facility Information

Facility Information

Name of Facility: Granite Creek Quarry Lease Areas 2 & 3

Street: Granite Creek Road

City: Sitka

State: Alaska

ZIP Code: 99835

Borough or Similar Government Subdivision: City and Borough of Sitka (CBS)

Prior Permit Tracking Number: N/A, existing permits are for other Granite Creek Industrial Site lease areas.

Latitude/Longitude (Use one of three possible formats, and specify method)

Latitude: 57 ° 6 '18" N (deg., min., sec.)

Longitude: 135 ° 23 ' 11" W (deg., min., sec.)

Method for determining latitude/longitude (check one): Google Earth (WGS 84 Datum)

Is the facility located in Indian Country? Yes No

If yes, name of Reservation, or if not part of a Reservation, indicate "not applicable." Not Applicable

Is this facility considered a Federal Facility? Yes No

Estimated area of industrial activity at site exposed to storm water: 13.1 (acres)

Discharge Information

Does this facility discharge storm water into an MS4? Yes No

If yes, name of MS4 operator: N.A.

Name(s) of water(s) that receive storm water from your facility: Granite Creek

Are **any of your discharges directly into any segment of an "impaired" water?** Yes No

If Yes, identify name of the impaired water (and segment, if applicable): Granite Creek

Identify the pollutant(s) causing the impairment: Sedimentation/Siltation, Turbidity

For pollutants identified, which do you have reason to believe will be present in your discharge?

Sedimentation/Siltation, Turbidity

For pollutants identified, which have a completed TMDL? Sedimentation/Siltation, Turbidity (See Section 4.2)

Are any of your storm water discharges subject to effluent guidelines? Yes No

If Yes, which guidelines apply? N/A

Primary SIC Code or 2-letter Activity Code (refer to Appendix D of the 2020 MSGP): 1442 Construction Sand and Gravel; 1422-1429 Crushed and Broken Stones, including Rip Rap

Identify your applicable sector and subsector: Sector J Mineral Mining and Dressing, Subsectors J1 and J2

1.2 Contact Information/Responsible Parties

Facility Operator (s):

Name: McG Constructors, Inc., Charles R. McGraw Jr.
 Title: Quarry Operations Manager
 Address: 4513 Halibut Point Rd.
 City, State, Zip Code: Sitka, AK, 99835-9507
 Telephone Number: (907) 623-0620
 Email address: chuck@mcgconstructors.com
 Fax number: none

Facility Owner (s):

Name: City and Borough of Sitka, Shilo Williams, Environmental Superintendent
 Address: 100 Lincoln Street
 City, State, Zip Code: Sitka, AK 99835
 Telephone Number: 907-747-4060
 Email address: shilo.williams@cityofsitka.org

SWPPP Contact:

Name: Alec McGraw, McG Constructors, Inc.
 Telephone number: 907-738-8851
 Email address: alecmcgraw@gmail.com

1.3 Storm Water Pollution Prevention Team

Team Member Names/Titles	Individual Responsibilities
Alec McGraw Storm Water Manager McG Constructors, Inc. (McG)	Primary contact for Facility Operator and responsible for managing and updating the facility SWPPP. Duties include implementing and maintaining BMP's, overseeing SWPPP scheduling, record keeping, conducting quarterly visual inspections, monitoring and annual reporting. Responsible for identifying other potential pollutant sources or other deficiencies in the plan and adding them or updating the SWPPP as necessary. Responsible for ensuring that any changes in operational plans are address in the SWPPP.
Shilo Williams Environmental Superintendent City & Borough of Sitka	Primary contact for Facility Owner. Project Manager for Granite Creek TMDL and Recovery Project.

1.4 Activities at the Facility

The Granite Creek Quarry (GCQ) Lease Areas 2 and 3 are part of the larger Granite Creek Industrial Area owned by the City and Borough of Sitka (CBS). The quarry has been leased to MCG Contractors Inc. for gravel extraction and is located at the end of Granite Creek Road, northwest of Sitka, Alaska. Land to the north and to the east of the quarry are undeveloped. Land to the southeast is utilized by other contractors conducting gravel mining and other construction operations. To the west is a golf course and additional undeveloped land. *See Figures 2-4 of Appendix B.*

The SWPPP boundary for the GCQ is approximately 13.1 acres and includes: 2 existing materials processing and storage areas (>4 acres, ~0.6 acres); a closed overburden area (>1 acre); and three proposed gravel mining areas (~6.9 acres). The remaining project acreage is dedicated to access roads, and vegetation.

The primary Standard Industrial Code (SIC) for the facility is 1442, subject to the requirements of Sector J – Mineral Mining and Dressing, Subsector J1 – Construction Sand and Gravel, of the 2020 MSQP. Proposed work at GCQ will occur in 3 phases over an anticipated timeframe of 5 years as follow:

Phase 1

Activities in this area will include clearing and grubbing, rock drilling and blasting, and material extraction and removal. An existing road along the southern lease boundary will provide access for drilling and excavation equipment, as well as providing a route for haul truck, to move material to an existing processing and storage area. Material extraction will continue along the existing road, until all available rock has been removed and the road is obliterated.

Approximate area of impact 1 acre.
Expected timeframe first 1-2 years.

Phase II

Activities in this area will include clearing and grubbing, road construction, rock drilling and blasting, and material extraction and removal. An access road will be constructed along the northern boundary line to provide access for drilling and blasting equipment. Excavation and hauling equipment will access the blasted material from an existing processing area.

Approximate area of impact 2.5 acres
Expected timeframe years 3-5.

Phase III

Activities in this area will be like Phase II and would extend material extraction to the western most **lease boundary. The expected duration of this phase is 5 years; however, MCG's lease with the CBS** is for 5 years and are uncertain of whether this work will begin prior to the leases end.

Approximate area of impact 3.4 acres.

1.5 *General Location Map*

See Appendix A

1.6 *Site Map(s)*

See Appendix B

SECTION 2: POTENTIAL POLLUTANT SOURCES

2.1 *Industrial Activity and Associated Pollutants*

Industrial Activity	Associated Pollutants
Equipment Maintenance and Fueling	Diesel: Petroleum distillate, oil and grease, naphthalene, xylenes Gasoline: Benzene, ethyl benzene, toluene, xylene, MTBE Hydraulic Oil: Mineral oil, lube oil Antifreeze/coolant: Ethylene glycol, propylene glycol, heavy metals (copper, lead, zinc) Refuse from users
Mining, Excavation, and Gravel Extraction	Sediment (TSS), turbidity
Crushing and Screening	Dust, sediment (TSS)
Material Hauling and Stockpiling	Dust, sediment (TSS)
Drainage and BMP Maintenance	Dust, sediment (TSS), turbidity

2.2 *Spills and Leaks*

Areas of Site Where Potential Spills/Leaks Could Occur:

Location	Outfalls
Crushing and Screening Areas	Discharge Point #1
Equipment Maintenance and Fueling Areas	Discharge Point #1
Mining, Excavation and Gravel Extraction Areas	Discharge Point #1

Past Spills and Leaks:

The Operator is not aware of any spills of a reportable quantity within the last 3 years at the Facility **and there are no contaminated sites currently shown at the Facility on ADEC's Contaminated Sites ArcGIS web map.**

2.3 *Non-Storm Water Discharges Documentation*

In general, non-storm water discharges are not authorized under this permit (except in specific cases as discussed below). Prohibited discharges include wastewater from concrete washout; wastewater from washout and cleanout of stucco, paint, form release oil, curing compounds and other construction materials; fuels, oils, or other vehicle/equipment pollutants; and soaps or solvents used in vehicle and equipment washing. Such discharges must be authorized under a separate Alaska Pollutant Discharge Elimination System (APDES) permit, discharged to a sanitary sewer in accordance with pretreatment requirements, or recycled onsite.

As part of this permit, authorized non-storm water discharges include uncontaminated ground water and spring water (MSGP 1.2.3). Other anticipated non-storm water discharges at the facility include watering for dust control and effluent generated by wash plant or drilling operations used in mineral mining and dressing production. There are no buildings or other industrial operations not listed herein at the facility with the potential to produce authorized non-storm water discharges.

In accordance with the requirements for the 2020 MSGP, the Granite Creek Quarry Lease Areas 2 & 3 facility was visually evaluated as follows:

- Date of evaluation: May 5, 2022. During the evaluation, weather at the facility was overcast with no precipitation, though there were signs of standing water and puddles throughout the site indicating there had been precipitation at the facility within the prior 48-hours.
- Description of the evaluation criteria used: Visual inspection, including photo documentation.
- List of the outfalls or onsite drainage points that were directly observed during the evaluation: Outfall A, the final discharge of effluent to the receiving waterbody, the North Fork of Granite Creek and eventually Granite Creek after the confluence of the North and the South Forks.
- Different types of non-storm water discharge(s) and source locations: Seepage from the existing face of the extraction area was seen draining into a depression at the base of the face, but no discharge from that depression was observed. The existing, closed overburden waste disposal area appears to generate a continuous seepage into downslope ditches, which is then directed into an existing sedimentation basin prior to reaching the facility outfall into the North Fork of Granite Creek. The discharge from the closed overburden waste disposal area will be treated using the proposed settling pond and BMPs listed herein.
- Action(s) taken: none, there were no unauthorized discharges identified during the evaluation.

There are adjacent sites and facilities that discharge their runoff into the North Fork of Granite Creek through outfalls that are similar in location as the proposed outfall for this Facility. Discharges from those adjacent sites and facilities are not covered under this SWPPP, and instead shall be monitored and managed using SWPPPs specific for those sites, operators, and operations. Refer to the following permits for additional information on adjacent sites; AKR06AE30, AKR06GC20, AKR06AF70, and AKR06AA97.

2.4 *Salt Storage*

No salt(s) or deicing materials stored onsite or used in stockpiles.

2.5 *Sampling Data Summary*

The Facility is subject to the benchmark monitoring requirements of the 2020 MSGP Sector J. Annual impaired water discharge monitoring is required for turbidity and sediment (total suspended solids, TSS). Since TSS samples are monitored through quarterly benchmark monitoring, additional samples need not be collected, but if collected, the results must be reported. Annual effluent limitations guidelines monitoring will be required if dewatering is occurring onsite as part of the mining activities, though dewatering is currently not part of or planned for facility operations. The Facility is not required to collect State or Tribal monitoring. The Facility has not received notification of any other monitoring requirements by the ADEC (see MSGP Part 7.2.5).

Historic benchmark monitoring results have not been included, as there is no prior permit and no historical water quality sampling and testing reports specific to Granite Creek Quarry Lease Areas 2 and 3, to the best of the Operator's knowledge.

SECTION 3: STORM WATER CONTROL MEASURES

The ADEC refers to 'control measures' as any best management practice (BMP) or other methods, including non-numeric and numeric effluent limitations, used to prevent or reduce the discharge of pollutants to waters of the United States. The Operator uses good housekeeping practices and BMPs to minimize the exposure of potential pollutant sources (source control) and treatment control measures for reducing pollutants from runoff prior to discharge. Section 4.2 of the 2020 MSGP specifies non-numeric technology based effluent limits based on the implementation of storm water control measures.

3.1 *Minimize Exposure*

The Operator will use a combination of source control (minimizing exposure) and treatment (erosion and sediment controls) to reduce the effects of storm water runoff on the receiving water bodies. Source control BMPs are preventive measures that reduce the exposure of materials to storm water thereby limiting pollutants picked up by storm water runoff. Source control BMPs are a cost-effective way to manage storm water runoff. BMPs for the control of storm water pollution sources include the following:

Source control BMPs:

- 1) Use of drainage ditches onsite to direct water from the active face of the extraction area directly to sedimentation basins for treatment to avoid runoff across disturbed areas such as the compacted gravel portion of the site.
- 2) Diligent maintenance of non-structural control measures.
- 3) Stabilization of stockpiled material to limit sediment released during a storm event.
- 4) Training covering specific control measures used to achieve the effluent limits as well as monitoring, inspection, planning, reporting, and documentation requirements for this SWPPP.

- 5) Ensuring waste, garbage and floatable debris are not discharged to receiving waters through site outfall, monitored as part of the routine facility inspections.
- 6) There is a Vegetated Buffer Strip (BMP 2) downslope of the facility for treatment of storm water discharges and a Diversion Berm (BMP 1) along the eastern access road perimeter of the site that diverts surface runoff to the nearest ditch line and then to the settling pond as shown on the Site Map.

Erosion and Sediment Control BMPs:

- 1) Use of sedimentation basins (also called settling ponds or retention basins) to remove silt and suspended clays from sediment loaded storm water.
- 2) Use of natural vegetation in the ditches connecting sedimentation basins to reduce erosion on the channel banks.
- 3) Use of naturally occurring gravel and material as check dams to dissipate energy in the flowing water and reduce velocities that may generate erosion.
- 4) Use of permeable gravel berms for velocity reduction and pollutant control.
- 5) A preservation of vegetated buffers along the access road and adjacent to drainages.

3.2 *Good Housekeeping*

The following Good Housekeeping BMPs will be implemented:

- 1) The Operator will regularly pickup and dispose of trash/waste materials no less frequent than once per quarter.
- 2) **The Operator and its' employees will conduct routine inspections of equipment, vehicles, drums, tanks, and other containers for leaking of potential contaminants.**
- 3) The Operator will discourage topping-off of fuel tanks.
- 4) Facility access roads will be re-graded on a regular basis to limit the formation of mud puddles and depressions that hold surface waters.
- 5) Vehicle and equipment washing, as well as wheel wash-down equipment, will not be performed or installed at the facility. The discharge of soaps and solvents used in equipment washing is prohibited.
- 6) Haul trucks leaving the site are required to have means by which to contain all material within the transportation device during hauling.

3.3 **Maintenance**

The following BMPs will be implemented as Maintenance BMPs:

- 1) Equipment used in facility operations will be inspected for leaks regularly, and any discovery or **problems will be immediately reported to the Operator or its' maintenance representatives.**

- 2) Major maintenance and repair of equipment used in facility operations will be performed offsite.
- 3) On-site equipment maintenance will be limited to minor servicing activities, such as re-fueling, filling of oils, or the application of grease, unless an equipment breakdown dictates the need for repairs to move the equipment to an off-site maintenance location.
- 4) Maintenance and re-fueling of equipment will be performed as far as practical from surface water flows, sediment ponds, and other water channels.
- 5) PSC Devices, such as containment pools and oil absorbent pads, will be available at a location shown on the Facility Site Maps for use when performing fueling or equipment maintenance activities.
- 6) Maintenance of Erosion and Sediment Control Measures will be performed regularly or whenever needed to ensure proper operation, but in no case shall maintenance be performed less than once per year where/if needed for the following (see Site Map for locations):
 - a. An overall inspection of the site will be performed to identify corrective actions, problems, or necessary repairs to existing draining features and control measures.
 - b. The settling pond prior to the Outfall will be cleaned and maintained to ensure proper flow and function.
 - c. Check dams, sumps, and sediment traps will be inspected and cleaned.
 - d. Culverts, temporary swales, diversion ditches, and roadside ditches will be inspected for debris or blockages and cleaned to ensure proper flow.
 - e. Construction entrance/exits will be inspected for the accumulation of debris/soils and repaired or cleaned as needed.
 - f. Sediment collected by check dams, berms, or other control measures must be removed before the accumulated sediment reaches one-half (1/2) the distance up the above-ground **height (or reaches a lower height based on manufacturer's specs) of the control measure.** For sediment traps or sediment ponds, accumulated sediment must be removed when the design capacity has been reduced by fifty percent (50%).

3.4 *Spill Prevention and Response*

The following spill prevention and response measures, controls, and procedures will be implemented:

- 1) The Operator will maintain a Material Data Safety Sheet program that identifies all potential hazardous materials on site and contains instructions for proper disposal and/or cleanup. All drums and containers are accurately and obviously labeled with their contents. All excess material or fluids not required for daily operation will be stored off site.
- 2) Washout activities and cleaning solvents shall not be performed or used at the Site. There is to be no washing out of applicators or containers used for paint, concrete, and other materials.
- 3) There will be no fertilizers or pesticides stored at the Site.

- 4) There will be no underground storage of oils or petroleum products at the Site, and the aggregate above ground storage of these products shall not exceed 1,320 gallons.
- 5) PSC Devices shall be readily available for facility users, and an emergency pop-up containment device kept at a location shown on the Facility Site Maps at all times. Absorbent pads, drip pans/buckets, PSC Devices, and other spill clean up and control supplies shall be replaced whenever depleted.
- 6) Maintenance and re-fueling of equipment will be performed as far as practical from surface water flows, sediment ponds, and other water channels.
- 7) Disposal of used oils, used clean up supplies, or other liquid hazardous wastes and materials shall be in accordance with all Local, State, and Federal Regulations.

Facility users shall clean up and control spills as soon as they are identified. Once the incident is under control, facility users shall immediately contact the Operator to report the spill. Depending on the amount of the spill and substrate released to, the reporting steps listed in the table on the next page shall be followed

Material Type Released	Substrate Released to	Amount	Reporting	
			Timeframe	Steps (below)
Oil/Petroleum	Water	Any	as soon as the person has knowledge of the discharge	1 - 5
	Land	in excess of 55 gallons	as soon as the person has knowledge of the discharge	1, 2, and 4
		in excess of 10 gallons but less than 55 gallons	within 48 hours after the person has knowledge of the discharge	1, 2, and 4
		from 1 to 10 gallons	Monthly	1, 2, and 4
	Impermeable Secondary Containment Areas	in excess of 55 gallons	within 48 hours after the person has knowledge of the discharge	1, 2, and 4
Hazardous Substance Release	Any	exceeding the Reportable Quantity (RQ) level	as soon as the person has knowledge of the discharge	1 - 5
		less than the RQ level	as soon as the person has knowledge of the discharge	1, 2, and 4

Reporting Steps:

1. Notify the Operator.
2. Notify the Alaska Department of Environmental Conservation (DEC) Area Response Team at the following telephone number:

Area	Phone	FAX
Central (Anchorage)	269-3063	269-7648
Northern (Fairbanks)	451-2121	451-2362
Southeast (Juneau)	465-5340	465-2237

Outside normal business hours, call: 1-800-478-9300

3. Notify the National Response Center in Washington, D.C., immediately at (800) 424-8802 or 202-267-2675 if you do not have 800 access.
There is also an online reporting tool available at <http://www.nrc.uscg.mil/nrchp.html>
4. Update the SWPPP inspection reports and applicable logs describing the release, all actions taken and any revisions made to the SWPPP (additions or deletions).
5. Within 14 days, submit a written description of the release to the Environmental Protection Agency (EPA) Regional Office providing the date and circumstances of the release and the steps to be taken to prevent another release:

U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, WA 98101

3.5 *Erosion and Sediment Controls*

Erosion and Sediment Control Measures (see Site Map for locations):

- 1) Construction Entrances and Exits (BMP 4) – A stabilized construction exit at Granite Creek Road will limit sediment tracking from vehicles and equipment leaving the construction site onto public right-of-way and streets.
- 2) Stormwater Conveyance Structures (BMP 7) – These are used to collect the flow of stormwater and surface waters, directing the collected waters away from areas with higher erosion potential. Stormwater conveyances include many kinds of channels, swales, ditches, and culverts. Stormwater conveyances can be either temporary or permanent. They are constructed or lined with many different materials, including gravel, riprap, compacted soils, vegetation, and plastic or metal pipe. The type of material used depends on the use of the conveyance. These BMPs are located throughout the site.
- 3) Check Dam (BMP 3) - Check dams are small dams constructed in open channels, swales, or drainageways. Check dams may be temporary or permanent flow velocity dissipation devices made of logs and brush, straw bales, stone, gravel, or other materials. A triangular silt dike is a geotextile-encased check dam that consists of a urethane foam core encased in geotextile material. Check dams will be incorporated into the settling pond to reduce sedimentation as the drainage moves through the system.

- 4) Vegetated Buffer Strip (BMP 2) – A vegetative buffer strip is a gently sloping area of vegetative cover that runoff water flows through before entering a stream, storm sewer, or other conveyance. The buffer strip may be an undisturbed strip of natural vegetation, or it can be a graded and planted area. Vegetative buffer strips can be found along the perimeter of the site and around the settling pond.
- 5) Diversion Berm (BMP 1) – Diversion berms are ridges built to direct runoff around the site, as well as prevent runoff from leaving the site. Diversion berms can be temporary or permanent, and constructed out of soils, aggregates, fill, excavation spoils, or other compactible materials. Limiting the flow of stormwater onto the site reduces the volume of stormwater that may carry pollutants from work areas. The use of berms along the downstream limits of a site ensures only controlled stormwater flows leave the site through permitted discharge points. Diversion berms can be found on the Site Map, but nearly the entirety of this Site is encompassed by berms.
- 6) Vegetated Buffer Strip (BMP 2) – Vegetative buffer strips act as living sediment filters that intercept and detain stormwater runoff. They reduce the flow and velocity of surface runoff, promote infiltration, and reduce pollutant discharge by capturing and holding sediments and other pollutants carried in the runoff water. Vegetative buffer strips can be found around the perimeters of the site and settling pond.
- 7) Sedimentation Trap (or Settling Pond) (BMP 3) – Sedimentation traps/settling ponds may be temporary or permanent structures used to collect, trap, and store sediment laden stormwater until the particles have fallen out of suspension. They also function as a flow detention facility for reducing peak runoff rates from a site. They can be constructed by excavating to create a hole, or by embanking material across a low area or drainage swale. Most are constructed with a pipe or outlet for a controlled release of detained stormwater. There is a small settling pond alongside the access road used to detain sediment-laden runoff long enough to allow sediment to settle-out prior to discharging from the facility.
- 8) Site Delineation (BMP 6) – Site delineations will be made prior to the expansion of mining operations Phase 1, 2, and 3 (as described on page 3 of this document). Existing vegetation will remain in place for as long as possible and will only be removed as necessary.

3.6 Management of Runoff

Runoff management controls include (see Site Map for locations):

- 1) Stormwater Conveyance Structures (BMP 7) – These are used to collect the flow of stormwater and surface waters, directing the collected waters away from areas with higher erosion potential. Stormwater conveyances include many kinds of channels, swales, ditches, and culverts. Stormwater conveyances can be either temporary or permanent. They are constructed or lined with many different materials, including gravel, riprap, compacted soils, vegetation, and plastic or metal pipe. The type of material used depends on the use of the conveyance. These BMPs are located throughout the site.
- 2) Diversion Berm (BMP 1) – Diversion berms are ridges built to direct runoff around the site, as well as prevent runoff from leaving the site. Diversion berms can be temporary or permanent, and

constructed out of soils, aggregates, fill, excavation spoils, or other compactible materials. Limiting the flow of stormwater onto the site reduces the volume of stormwater that may carry pollutants from work areas. The use of berms along the downstream limits of a site ensures only controlled stormwater flows leave the site through permitted discharge points. A diversion beam along the access road will divert runoff to the proper drainage pathway.

- 3) Sedimentation Trap (or Settling Pond) (BMP 3) – Sedimentation traps/settling ponds may be temporary or permanent structures used to collect, trap, and store sediment laden stormwater until the particles have fallen out of suspension. They also function as a flow detention facility for reducing peak runoff rates from a site. They can be constructed by excavating to create a hole, or by embanking material across a low area or drainage swale. Most are constructed with a pipe or outlet for a controlled release of detained stormwater. There is a small settling pond alongside the access road used to detain sediment-laden runoff long enough to allow sediment to settle-out prior to discharging from the Site.
- 4) Material stockpile areas are graded towards stormwater conveyance structures that flow to an on-site settling pond prior to discharge through the Outfall.

3.7 *Salt Storage Piles or Piles Containing Salt*

Salt storage and use of salts in stockpiles will not be conducted at this facility.

3.8 *MSGP Sector-Specific Non-Numeric Effluent Limits*

The following controls and procedures will be implemented as needed and where needed to comply with the sector-specific requirements of Part 11 of the 2020 MSGP, Technology-Based Effluent Limits for Clearing, Grading, and Excavation Activities associated with Subpart J – Sector J – Non-Metallic Mineral Mining and Dressing. Information on the specific BMPs that may be employed to address these requirements can be found in the preceding sections of this SWPPP.

11.J.4.1 Erosion Control Measures - The following Erosion Control Measures will be implemented to minimize soil exposure on the site during construction:

- 1) 11.J.4.1.1 Delineation of Site – New areas to be disturbed shall be delineated by flagging or staking prior to clearing and grubbing. Perimeter vegetation not flagged to be cleared shall be considered no-cut areas, acting as temporary and/or permanent vegetative buffer strips.
- 2) 11.J.4.1.2 Minimize the Amount of Soil Exposed During Construction Activity – Mining activities shall be phased and sequenced to minimize the extent and duration of exposed soils as much as possible. Where possible, areas of native topsoil will be preserved.
- 3) 11.J.4.1.3 Maintain Natural Buffer Areas - Maintain a minimum **twenty-five foot (25') wide natural** buffer from waters of the U.S., unless infeasible due to site conditions or if the width required is otherwise permitted (or dictated) by local jurisdictional requirements.
- 4) 11.J.4.1.4 Control Storm Water Discharges and Flow Rates - The Operator will control storm water discharges and flow rates by:

- a. Diverting storm water around the site, to the extent possible, by use of perimeter diversion berms, and interception ditches or swales.
 - b. Where possible, grade pit floor to 2% or less to disperse and slow the velocity of storm water.
 - c. Stabilize areas of exposed soils after reaching final grade or determining areas are no longer being actively worked.
- 5) 11.J.4.1.5 Protect Steep Slopes - The Operator will protect steep slopes considered by this SWPPP to be steeper than 0.5H:1V (rock cuts and quarry faces are not considered steep slopes as they are stabilized, non-erodible surfaces), by:
- a. Minimizing the construction of steep slopes, placing excavated materials or embanked soils at slopes flatter than 0.5H:1V.
 - b. Placed erodible materials shall be left with a roughened surface.
 - c. Temporarily or permanently stabilize steep slopes after reaching final grade or determining areas are no longer being actively worked.

11.J.4.2 Sediment Control Measures - Sediment control measures will be constructed as one of the first steps in grading and will be functional before other land disturbing activities take place.

- 1) 11.J.4.2.1 Storm Drain Inlet Protection Measures - Ensure sumps are cleaned and maintained at inlet to culverts throughout the site.
- 2) 11.J.4.2.2 Water Body Protection Measures – Maintain vegetative buffer strips or other sediment control measures as water body protection around the perimeter of the site, and between disturbed areas and any water bodies (including settling pond).
- 3) 11.J.4.2.3 Down Slope Sediment Controls – Maintain vegetation buffer strips and/or diversion berms, as down-slope sediment control measures, below and to the side perimeter of disturbed areas within the site.
- 4) 11.J.4.2.4 Stabilized Construction Vehicle Access and Exit Points – A stabilized construction exit is required for all haul truck traffic to access Granite Creek Road. The existing gravel haul road is considered a stabilized access/exit point at its' **junction with the paved Granite Creek Road**.
- 5) 11.J.4.2.5 Dust Generation and Track-Out from Vehicles – Dust generation shall be minimized by the use of water spray bars on crushers, dust collectors on drills, and application of water-by-water truck on site access roads. Track-out, should it occur, shall be swept up or removed by the Operator from Granite Creek Road when identified by routine inspections.
- 6) 11.J.4.2.6 Soil Stockpiles – Where possible, erodible soil stockpiles will be located as far away from water bodies, conveyance channels, and storm water inlets. Erodible oil stockpiles not being actively worked by the Operator shall be temporarily or permanently stabilized as soon as practicable. This SWPPP does not consider processed aggregate and rock stockpiles to be erodible.

- 7) 11.J.4.2.7 Authorized Non-Storm Water Discharges – There will be no non-storm water discharges from the site with exception of those listed in Section 2.3 of this SWPPP.
- 8) 11.J.4.2.8 Sediment Basins – Sedimentation basins/traps/settling ponds may be temporary or permanent structures used to collect, trap, and store sediment laden stormwater until the particles have fallen out of suspension. They also function as a flow detention facility for reducing peak runoff rates from a site. They can be constructed by excavating to create a hole, or by embanking material across a low area or drainage swale. Most are constructed with a pipe or rock weir outlet for a controlled release of detained stormwater.
- 9) 11.J.4.3 Dewatering – There are no DEC-identified contaminated sites or groundwater plumes within 1500 feet of the site. Any dewatering performed by the permittee will be done in accordance with Subsection 11.J.4.3 of the MSGP. No Dewatering is currently planned. If it is necessary, discharge will be pumped to the settling pond, or conveyances leading to the settling ponds, prior to discharging from the site. Should dewatering occur, discharges from Discharge Point No. 1 will be monitored as required by this SWPPP.
- 10) 11.J.4.4 Soil Stabilization - Areas of exposed erodible soils that are not being actively worked shall be temporarily stabilized, and areas of exposed soils that have reached final grade shall be permanently stabilized. Temporary soil stabilization measures include; plastic coverings, non-erodible aggregates, brush mats, track walking, hydromulch (bonded fiber matrix), wood mulch/chips, and hand-strewn straw. Permanent soil stabilization measures include compacted non-erodible aggregates, shot rock, natural plantings or natural re-vegetation, hydroseeding and/or hand-strewn grass seed (considered permanent once vegetation is established). Areas of exposed gravel or rock surfaces are considered by this SWPPP as stabilized and do not require soil stabilization measures as described herein.
- 11) 11.J.4.5 Treatment Chemicals - No treatment chemicals are currently used to reduce erosion or treat sediment in storm water discharges. Should the permittee elect to utilize treatment chemicals, this SWPPP will be amended accordingly to reflect the requirements of Subsection 11.J.4.5 of the MSGP.
- 12) 11.J.4.6 Prohibited Discharge – The following are prohibited from being discharged from the site:
 - a. Wastewater from concrete washout, unless managed by an appropriate control measure.
 - b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials.
 - c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
 - d. Soaps or solvents used in vehicle and equipment washing.
- 13) 11.J.4.7 Good Housekeeping Measures – Refer to Sections 3.2 and 3.4 of this SWPPP.

14. 11.J.4.8 Staging and Material Storage Areas - Staging and material storage areas shall be located in areas designated by the Operator, as far away as practicable from waters of the U.S., settling ponds, and conveyance channels. Refer to Section 3.4 of this SWPPP for additional information.
15. 11.J.4.9 Washout of Applicators/Containers used for Paint, Concrete, and Other Materials – There will be no washing out of applicators or containers used for paint, concrete, and other similar materials. If the permittee elects to perform these activities at the site, appropriate BMPS will be implemented and the requirements of Subsection 11.J.4.9 of the MSGP shall be followed.
16. 11.J.4.10 Fertilizer or Pesticide Use – Pesticides shall not be used at the site. If fertilizers are used to help establish plant growth, such as during the application of hydroseed, Manufacturer recommended application rates and disposal requirements will be followed.
17. 11.J.4.11 Storage, Handling, and Disposal of Construction Waste - No Portland cement concrete (PCC) rubble, asphalt concrete (AC), recycled asphalt pavement (RAP), or other construction waste materials will be stored onsite or disposed of at the facility.

Toxic waste or hazardous materials shall not be stored or disposed of at this facility. Common construction waste materials will be stored in suitable containers, such as commercial dumpsters or household trash cans, and disposed of at an approved off-site land fill. Portable toilets, if in use at the site, will be located as far as possible from conveyance channels and water bodies, and will be cleaned, replaced and inspected for leaks and spills at regular intervals.

18. 11.J.4.12 Winter Considerations
 - a. 11.J.4.12.1 Winter Shutdown – For this site, the anticipated fall freeze-up (80% probability) date is October 13th and the anticipated spring thaw (80% probability) date is May 2nd. Should the permittee elect to temporarily cease mining, reclamation, and earth disturbing activities for the winter, the following measures will be taken:
 - i. Conveyance channels shall be temporarily or permanently stabilized.
 - ii. Disturbed slopes and soils, including soil stockpiles, shall be temporarily or permanently stabilized; and
 - iii. Implement erosion and sediment control measures prior to winter shutdown in anticipation of spring thaw.
 - b. 11.J.4.12.2 Winter Construction – Winter construction activity requirements do not apply to the climate for this site.
 - c. 11.J.4.12.3 Late Winter Clearing – Later winter clearing activity requirements do not apply to the conditions of this site.
19. 11.J.4.13 Maintenance of Control Measures – Refer to Section 3.3 of this SWPPP.

20. 11.J.4.14 Inspection of Clearing, Grading, and Excavation Activities – Earth disturbing activities at this site are solely associated with mining and BMP maintenance activities. There are no ongoing construction or exploration phases of this site, and as such the inspection frequency requirements for Subsection 11.J.4.14 of the MSGP do not apply.
21. 11.J.4.15 Requirements for Cessation of Clearing, Grading and Excavation Activities - Earth disturbing activities at this site are solely associated with mining and BMP maintenance activities. There are no ongoing construction or exploration phases of this site, and as such the requirements for Subsection 11.J.4.15 of the MSGP do not apply.

3.9 Employee Training

Employee Training will occur in the following manner:

Location

- a. Office Training – new SWPPP team members will read or review the SWPPP documents, including the MSGP. See below for training content.
- b. In the Field – the SWPPP team will make site visits. See below for the content of the field training.

Content

- a. Office Training:
 - New team members will read the entire SWPPP and MSGP documents; existing team members will review the documents every year.
 - Review comprehensive site inspection annual report, noting any changes made to SWPPP or site map.
 - Review inspection and monitoring requirements and procedures.
 - Develop or review plans for performing inspections, monitoring, and sampling.
 - Review erosion and sediment control concepts.
 - Review good housekeeping and maintenance requirements (Sections 3.2 and 3.3).
 - Review and update spill response procedures (Section 3.4).
- b. Field Training at the Facility:
 - Review erosion and sediment control concepts.
 - Review good housekeeping and maintenance requirements (Sections 3.2 and 3.3).
 - Review spill response procedures (Section 3.4).
 - Inspect all erosion and sediment control measures of the SWPPP (Sections 3.5 – 3.8).
 - Discuss maintenance evaluation methods and criteria with team members.
 - Discuss control measure performance with team members.
 - SWPPP Team Members will train and meet with facility users as necessary.

Frequency

- a. Regular training will occur annually.

- b. New SWPPP team members will be trained when they are added to the team.
- c. Storm water pollution prevention research or courses will be taken by SWPPP team members as ongoing training.

3.10 Non-Storm Water Discharges

Refer to Section 2.3 of this SWPPP.

3.11 Waste, Garbage and Floatable Debris

There is no activity at the site that is expected to produce waste, garbage or floatable debris. Users of the facility will be notified to pick up and dispose of any waste items they leave on site. The SWPPP team will regularly monitor the entirety of the site and remove any waste materials left behind by facility users.

3.12 Dust Generation and Vehicle Tracking of Industrial Materials

During extended periods of dry weather, dust can be generated on haul roads and at extraction, crushing or screening operations. The following steps have and will be taken to address dust generation:

- **Equipment used in crushing and screening operations includes the use of spray bars, which helps to control dust generated from material processing.**
- **The vegetative buffer strip around the perimeter of the site will be maintained to help act as a wind break.**

The following measures have been implemented to minimize vehicle tracking:

- A stabilized construction exit will be constructed and maintained to reduce the amount of tracked material leaving the site.
- **All facility users are required to clean loose debris from their haul trucks prior to leaving the site.**
- **The approaches to the truck weigh station are compacted and provide an additional opportunity for tracked sediment to fall from the vehicle prior to exiting the site.**

SECTION 4: SCHEDULES AND PROCEDURES FOR MONITORING

Benchmark monitoring data are primarily used to determine the overall effectiveness of the control measures in place at the site and assist in knowing when additional corrective action(s) may be necessary to comply with the conditions of the permit. A benchmark exceedance is not a permit violation. However, if appropriate corrective actions are not conducted as a result of a benchmark exceedance within the allowable time frame, lack of corrective action is considered a permit violation.

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

Storm water runoff from the facility generally flows through a series of ditches, check dams, and culverts before reaching a settling pond prior to discharging from the site through a rock weir at the outfall location shown in the Site Maps in Appendix B. While Part 7.1.2 of the MSGP suggests monitoring prior to commingling with discharges not authorized under this permit, the main pollutant of concern (sediment) will likely be in higher concentrations in the upstream portion of the sedimentation treatment train. To obtain a representative sample of the water being discharged into Granite Creek, only discharge from the final discharge location will be monitored. If the effluent from this location does not meet the benchmark monitoring standards shown in the table below, this SWPPP can be modified to include upstream locations to determine the source of the problem.

Benchmark sampling will be conducted during site inspections by **the Operator's representative** and performed within the first 30 minutes of an actual discharge from a storm event and on discharges that occur at least 72 hours (3 days) from the previous discharge. The 72-hour interval can be waived when the previous storm did not yield a measurable discharge. The 72-hour (3-day) storm interval does not apply if it is documented that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. Documentation must be submitted to the DEC justifying the situation. At least one benchmark monitoring event will be collected during a snowmelt event on samples taken during a period with a measurable discharge from the site.

If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes. If an assessment cannot be conducted during a specific quarter, a makeup assessment will occur in the following quarter. Deviations from this schedule must be recorded on the Quarterly Visual Assessment Deviations from Schedule form, provided as Attachment 5 to Appendix D.

A grab sample will be collected in an open container at a single point at the outfall shown on the Site Maps in Appendix B. The sample will be collected from mid-flow at the outfall. The sampler will record the time, date, and site conditions during the sampling. Samples for nitrate+nitrite TSS, turbidity, and pH testing will be transferred to a third-party certified laboratory for analysis. All sampling and testing shall be performed in accordance with EPA-approved methods and as directed by the third-party certified laboratory responsible for sample analysis.

After the collection of one year of samples (and including any additional samples that are collected during the time period), if the average of the monitoring values for any parameter does not exceed the benchmark, the Facility will have fulfilled the monitoring requirements for that parameter for this permit term. If, after the collection of samples, the average value for any parameter exceeds the benchmark, the Facility will review the selection, design, installation, and implementation of the control measures to determine if modifications are necessary. At such a point, the Facility may either make the necessary modifications and continue scheduled or more frequent monitoring until averages from a 1-year period do not exceed the benchmark, or make a determination that no further pollutant reductions are technologically available and economically practicable. For the latter, the Facility will document the rationale, notify the DEC, and continue benchmark monitoring at a frequency of once annually.

Benchmark Monitoring (MSGP 7.2.1 & 11.J.8):

The following table summarizes the Benchmark Monitoring required for this facility and Subsector J1 (1442) and J2 (1422-1429) industrial activities:

Sample Location	Schedule	Pollutant	Numeric Limit	Procedure
Discharge Point #1	4 per year; see 2020 MSGP, Part 7.1.6 and 7.1.7 with freezing weather schedule modification below.	Nitrate plus Nitrite Nitrogen	0.68 mg/L	One grab sample from a measurable storm event (see MSGP 7.1.3) collected by SWPPP Team Member, or appointed personnel. Sample will be delivered to a certified laboratory for analysis. Sample collection and handling will be in accordance with instructions from laboratory performing sample analysis.
Discharge Point #1	4 per year; see 2020 MSGP, Part 7.1.6 and 7.1.7 with freezing weather schedule modification below.	TSS	100 mg/L	One grab sample from a measurable storm event (see MSGP 7.1.3) collected by SWPPP Team Member, or appointed personnel. Sample will be delivered to a certified laboratory for analysis. Sample collection and handling will be in accordance with instructions from laboratory performing sample analysis.

Freezing Weather Schedule Modification (MSGP 7.1.6):

Freezing weather conditions and periods of winter shutdown are likely to occur between December 1st and March 31st of each year. Therefore, quarterly Benchmark Monitoring samples will be collected according to the following modified schedule:

- April 1 – May 31
- June 1 - July 31
- August 1 – September 30
- October 1 – November 30

Effluent Limitations Monitoring (MSGP 7.2.2 & 11.J.9):

If activities onsite include dewatering, effluent limitation as shown in the table below are in effect and will require annual monitoring. If discharge exceeds the effluent limit listed, follow up monitoring will be completed within 30 calendar days (or during the next storm event if none occur prior to the 30 day window) of implementing corrective actions. If follow up monitoring exceeds the effluent limitation, a noncompliance notification form must be submitted no later than 30 days after receiving the lab results and the discharge monitoring must continue until the discharge is in compliance with the limit or DEC waives the requirement for additional monitoring.

The following table summarizes the Effluent Limitations Monitoring required for this facility, only if performing mine dewatering:

Sample Location	Schedule	Pollutant	Numeric Limit	Procedure
Discharge Point #1	1 per year	pH	6.5 - 8.5	One grab sample from a measurable storm event (see MSGP 7.1.3) collected by SWPPP Team Member, or appointed personnel. Sample will be delivered to a certified laboratory for analysis. Sample collection and handling will be in accordance with instructions from laboratory performing sample analysis.

Impaired Waters Monitoring (MSGP 7.2.3):

The Facility discharges into the North Fork of Granite Creek just above the confluence of the North Fork and the South Fork of Granite Creek, which is listed as an Impaired Water Body for sediment and turbidity. The 2020 MSGP requires annual monitoring to be conducted for TSS and Turbidity; however, since TSS is collected quarterly as part of the benchmark monitoring requirements, an additional TSS sample is not needed to meet these requirements. TSS reporting for annual monitoring will be included with the quarterly benchmark monitoring reports.

The TMDL established for Granite Creek in 2002 by the EPA identified sedimentation/siltation and turbidity as pollutants; however, the Waste Load Allocation (WLA) was set to zero because, at the time, no individually permitted point sources contributed to the impairment and load reductions were associated with nonpoint sources. There has been no indication from the ADEC or other authority that additional sampling is necessary, and nearby operators of MSGPs who discharge to Granite Creek verbally confirmed they do not perform annual sampling for turbidity. Therefore, an annual sample of turbidity will not be collected unless informed by DEC that monitoring for turbidity is required at this Facility.

Other Monitoring Required by DEC (MSGP 7.2.4):

The Facility is not located on Tribal lands and has never received a request from either the State of Alaska or EPA for additional monitoring; as such, no additional monitoring is currently required by DEC.

Inactive and Unstaffed Sites Exception (7.2.1.6 and 11.J.8.1):

If the site is inactive and unstaffed, including temporarily inactive, an exception to the routine inspection, the quarterly visual assessment or the benchmark monitoring requirements may be invoked provided that the permittee does the following:

- Maintain a statement with the SWPPP stating that the site is inactive and unstaffed in accordance with 40 CFR 122.26(g) and Appendix A, Subsection 1.12 of the MSGP.
- If circumstances change and the facility becomes active and/or staffed, this exception no longer applies and the permittee must immediately begin complying with the applicable benchmark monitoring requires as if they were in their first year of permit coverage, including documenting in the first benchmark monitoring report the change of conditions.
- If the permittee is not qualified for this exemption at the time they are authorized under this permit, but during the permit term they become qualified, they will notify DEC of the change in the next benchmark monitoring report, prepare and sign the certification statement and then discontinue benchmark monitoring.

This waiver is available to **Sectors J sites without requiring certification that “there are no industrial materials or activities exposed to storm water” as stated in Part 6.1.3, 6.2.3 and 7.2.1.6 of the 2020 MSGP.** Facilities that make use of this waiver must still implement any necessary control measures and comply with other applicable permit requirements. Inactive and unstaffed sites must still conduct annual comprehensive site inspections required in Part 6.3 of the 2020 MSGP. The permittee is encouraged to inspect the site more frequently where they have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

Substantially Identical Outfall Exception:

Not applicable to this facility.

SECTION 5: INSPECTIONS

Routine Facility Inspections (MSGP 6.1):

Routine facility inspections will be conducted by the Storm Water Manager or other Qualified Personnel as appointed by the Facility Operator. Inspections will be performed and documented in accordance with Section 6.1 of the MSGP, and completed routine facility inspection forms filed in Appendix F.

Since Granite Creek is an impaired waterbody, routine facility inspections will be conducted monthly in accordance with MSGP Section 11.J.7 unless adverse weather conditions make the site inaccessible or if the site is both inactive and unstaffed per Section MSGP 11.J.8.1. The Facility is in a region identified as having irregular storm water runoff due to winter freezing, therefore this schedule may have to be modified. Any deviations to monthly routine facility inspection schedule will be reported to the DEC (see MSGP Section 7.2.1.2).

Routine inspections will include the following areas of the facility and potential issues:

- Areas where industrial materials or activities are exposed to stormwater;
- Areas identified in the SWPPP as potential pollutant sources;
- Areas where spills and leaks have occurred in the past three years;
- Discharge Point #1 (Site Outfall);
- Settling Pond;
- Erosion Control Measures;
- Source Control Measures;
- Site entrance/exit for tack-out;
- All other BMPs noted in the SWPPP.

Quarterly Visual Assessments (MSGP 6.2):

Quarterly visual assessments for the site outfall (Outfall A) will be conducted by the Storm Water Manager or other Qualified Personnel as appointed by the Facility Operator. Quarterly visual assessments will be performed and documented in accordance with Section 6.2 of the MSGP.

Quarterly visual assessments will be performed quarterly per the modified freezing winter weather schedule below, and completed assessment forms filed in Appendix F.

- April 1 – May 31
- June 1 - July 31
- August 1 – September 30
- October 1 – November 30

Comprehensive Site Inspections (MSGP 6.3):

Comprehensive site inspections for the entire facility will be conducted annually by the Storm Water Manager or other Qualified Personnel as appointed by the Facility Operator. Comprehensive site inspections will be performed and documented in accordance with MSGP 6.3, and completed inspection reports filed in Appendix F.

SECTION 6: SWPPP 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.

Name: Chris McGraw Title: Treasurer

Signature: Chris McGraw Date: 6-9-22

SWPPP ATTACHMENTS

Appendix A – General Location Maps

Appendix B – Site Maps

Appendix C – Copy of 2020 MSGP

Appendix D – Additional MSGP Documentation and SWPPP Compliance Forms

Appendix E – Filed Notice of Intent and DEC Correspondence

Appendix F – Completed Inspection Reports and Compliance Forms

APPENDIX A - General Location Maps



**GRANITE CREEK QUARRY LEASE LOTS 2 AND 3 SWPPP
APPENDIX A - GENERAL LOCATION MAP
SHEET 1 OF 2**



Granite Creek Quarry

Granite Creek Rd.
Sitka, AK 99801

APPENDIX A - GENERAL LOCATION MAP SHEET 2 OF 2

Apx Site Boundary

Granite Creek Quarry
Lease Lots 2 and 3
APX. 13.1 Acres

Granite Creek Rd.

Sea Mountain Golf Course | Event Venue

Google Earth

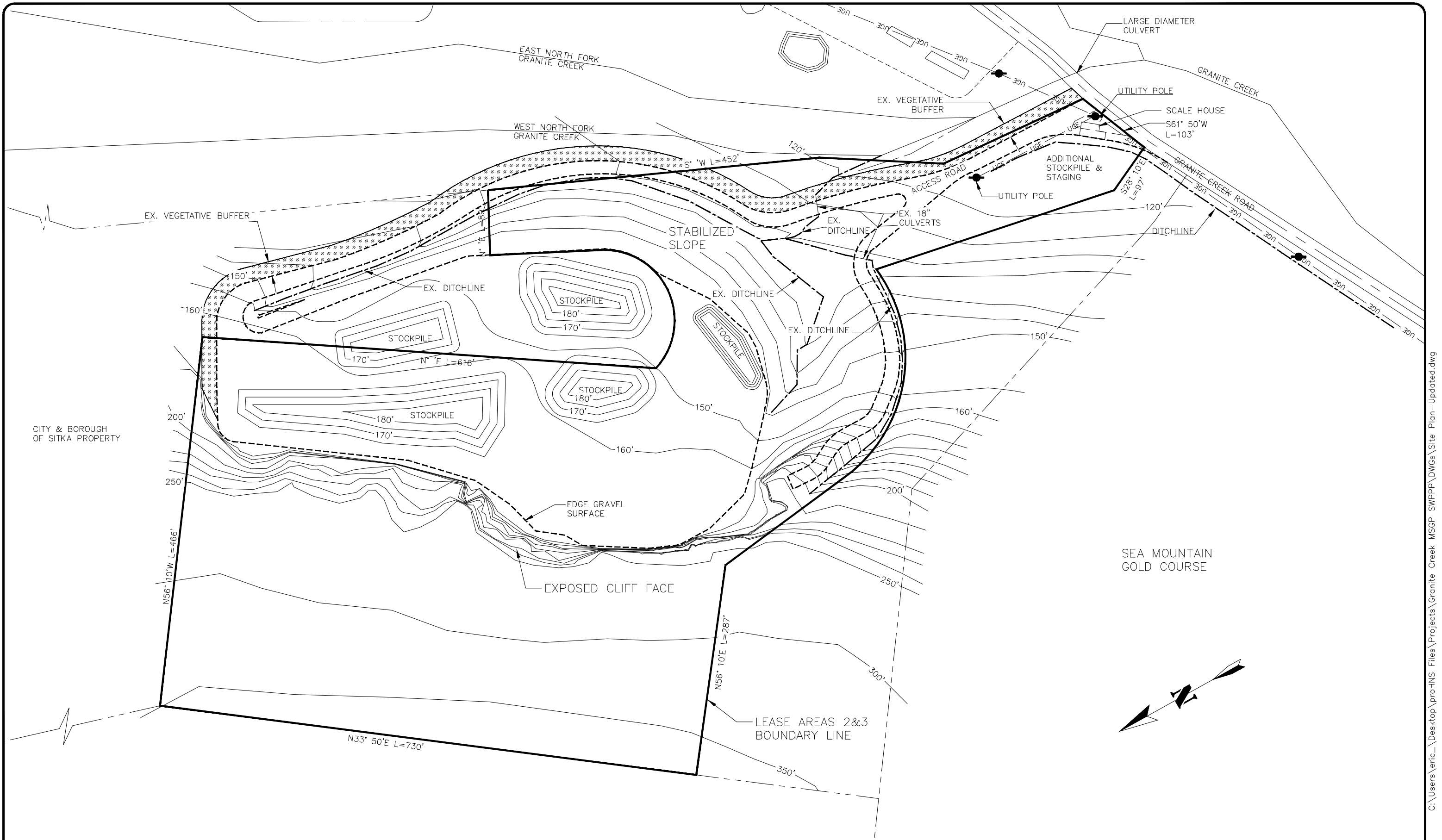
Image © 2022 Maxar Technologies

Granite Creek

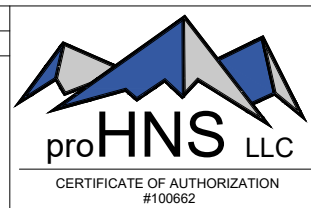
700 ft



APPENDIX B - Site Maps



RECORD OF REVISIONS			
No.	DATE	DESCRIPTION	BY

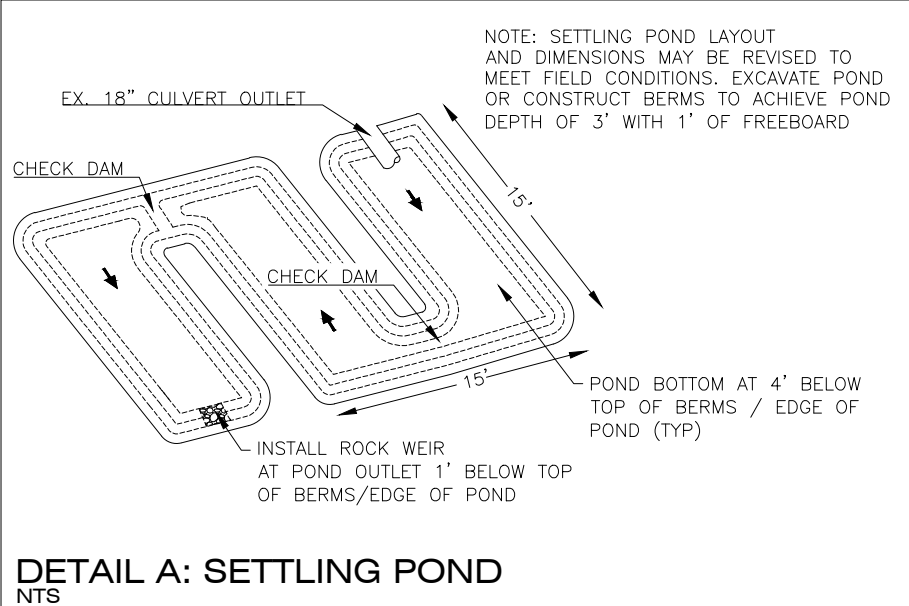
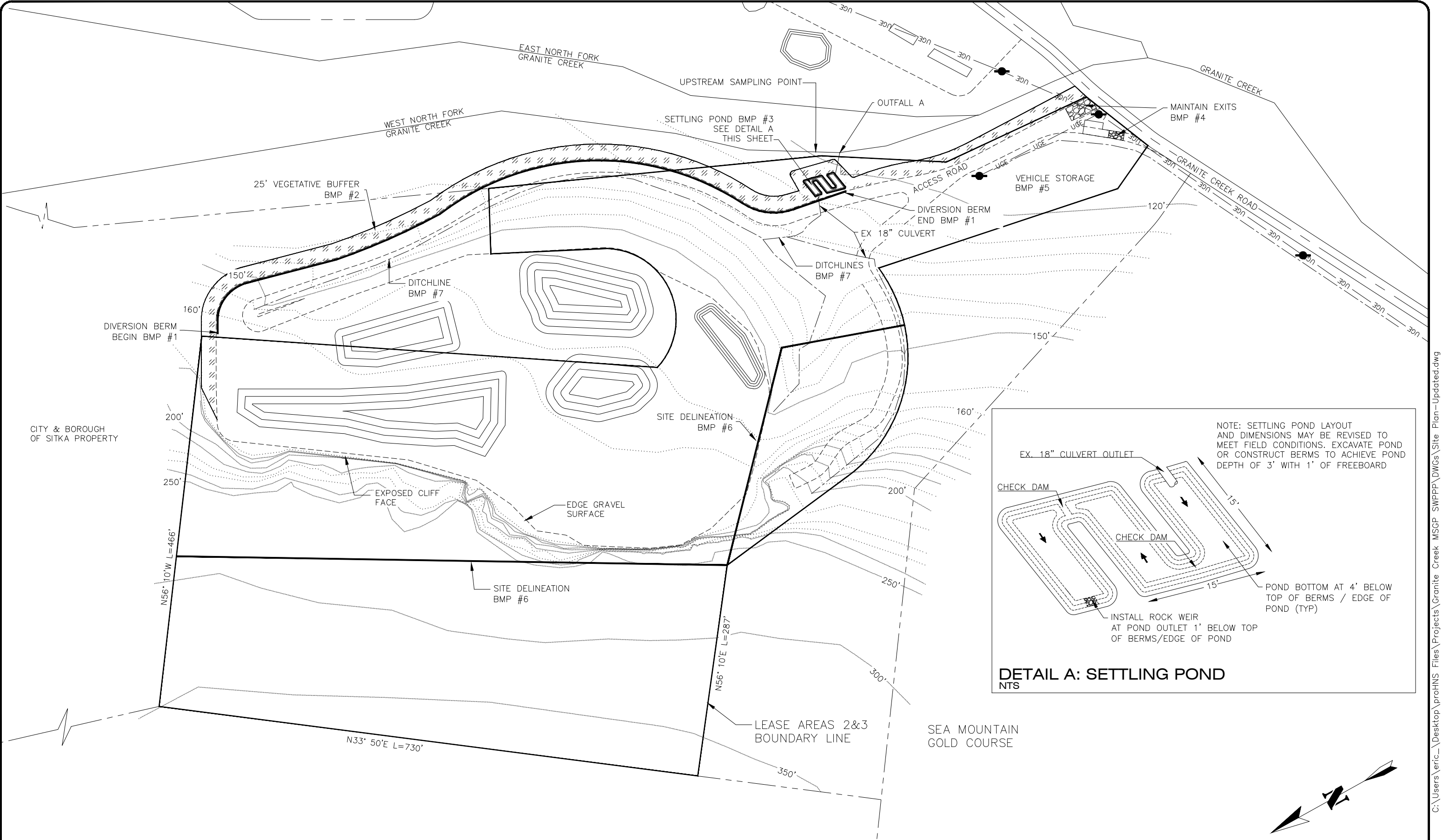


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 DESIGNED BY: E. CUMMINGS
 CHECKED BY: G. GLADSO
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 907-780-4004
 solutions@proHNS.com
 www.proHNS.com

**GRANITE CREEK QUARRY
LEASE AREAS 2 & 3 SWPPP**

**EXISTING CONDITIONS
SITE MAP**

SHEET NUMBER
1
OF
2



RECORD OF REVISIONS			
No.	DATE	DESCRIPTION	BY



DRAWN BY: E. CUMMINGS
 DESIGNED BY: E. CUMMINGS
 CHECKED BY: G. GLADSO
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 solutions@proHNS.com
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**GRANITE CREEK QUARRY
LEASE AREAS 2 & 3 SWPPP**

**BEST MANAGEMENT PRACTICES
SITE MAP**

SHEET NUMBER	2
OF	2

APPENDIX C - Copy of MSGP



**ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM
MULTI-SECTOR GENERAL PERMIT FOR STORM WATER
DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY
(MSGP)**

Permit Number: AKR060000 – Final

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

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

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

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

This permit becomes effective on April 1, 2020.

This permit and the authorization to discharge expire at midnight, March 31, 2025.

Signature

February 20, 2020

Date

Gene McCabe

Printed Name

Program Manager

Title

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

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Appendices

Appendix A – Standard Conditions

Appendix B – Abbreviations and Acronyms

Appendix C – Definitions

Appendix D – Facilities and Activities Covered

Appendix E – Calculating Hardness in Receiving Waters for Hardness Dependent Metals

Appendix F – MSGP Forms

SCHEDULE OF SUBMISSIONS

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

Permit Part	Submittal or Completion	Frequency	Due Date	Submit to ^a
1.3	No Exposure Certification	Once, depending on facility status	Once every five years	Permitting Program
2.1.3, 5.2	Storm Water Pollution Prevention Plan (SWPPP)	Once at beginning of coverage	At filing of NOI	Permitting Program
2.1.5, 2.2	Notice of Intent (NOI)	Once at beginning of coverage	Once per permit cycle	Permitting Program
2.7	NOI Modification	As needed	As needed	Permitting Program
7.2.1.2, 7.2.2.1	Monitoring	Quarterly during first year	the 15 th day of the following month	Compliance and Enforcement Program
9.3	Noncompliance Notification Form	Upon exceedance of effluent limit	the 15 th day of the following month	Compliance and Enforcement Program
8.4	Corrective Action Report	Upon exceedance (See Part 8.1 and 8.2)	Submit with Annual Report	Compliance and Enforcement Program
9.2	Annual Report	Annually	By Feb 15 th of the year following the reporting year	Compliance and Enforcement Program
9.4	Additional Reporting	See Section for details	See Section for details	Compliance and Enforcement Program
10.1	Notice of Termination	Once	At end of permit coverage	Permitting Program
Notes:				
a. See Part 9.6 Addresses for Reports				

Summary of Permit Required On-Site Documentation

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

1. Coverage under this Permit.

1.1 Permit Area.

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

1.2 Eligibility.

- 1.2.1 **Facilities Covered.** To be eligible to discharge under this permit, a permittee must (1) have a storm water discharge associated with industrial activity from the permittee's primary industrial activity, as defined in Appendix C, provided their primary industrial activity is included in Appendix D, or (2) be notified by DEC that the permittee is eligible for coverage under Sector AD of this permit.
- 1.2.2 **Allowable Storm Water Discharges.** Unless otherwise made ineligible under Part 1.2.4, the following discharges are eligible for coverage under this permit:
- 1.2.2.1 Storm water discharges associated with industrial activity for any primary industrial activities and co-located industrial activities, as defined in Appendix C;
 - 1.2.2.2 Discharges designated by DEC as needing a storm water permit as provided in Sector AD;
 - 1.2.2.3 Discharges that are not otherwise required to obtain APDES permit authorization but are commingled with discharges that are authorized under this permit (i.e., allowable non-storm water discharges commingled with allowable storm water discharges); and
 - 1.2.2.4 Discharges subject to any of the national storm water-specific effluent limitations guidelines listed in Table 1-1.

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

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

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

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

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

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

- Pavement wash waters where no detergents or hazardous cleaning products are used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits or any other toxic or hazardous materials (unless cleaned up using dry clean-up methods). The permittee is prohibited from directing any authorized pavement wash waters directly into any surface water or storm drain inlet unless the permittee has implemented appropriate control measures that meet the non-numeric effluent limits in Part 4.2. Where appropriate control measures are not in place, wash water runoff must first undergo treatment prior to discharge such as filtration, detention, or settlement;
- Routine external building washdown / power washwater that does not remove significant amount of building paint or use detergents or hazardous cleaning products, (such as those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols);
- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials;
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown or drains);
- Discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage (applicable only to Sector A facilities provided the non-stormwater component of the discharge is in compliance with the non-numeric effluent limits requirements in Part 4.2).
- Other uncontaminated discharges meeting water quality criteria that the Department approves on a case-by-case basis.

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

1.2.4 Limitations on Coverage.

- 1.2.4.1 **Discharges Mixed with Non-Storm Water.** Storm water discharges that are mixed with non-storm water, other than those non-storm water discharges listed in Part 1.2.3, are not eligible for coverage under this permit.
- 1.2.4.2 **Discharges Associated with Construction Activity.** Storm water discharges associated with construction activity disturbing one acre or more, or that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more, are not eligible for coverage under this permit, unless in conjunction with mining activities or certain oil and gas extraction activities as specified in Sectors G, H, I, and J of this permit.
- 1.2.4.3 **Discharges Currently or Previously Covered by another Permit.** Unless the permittee received written notification from DEC specifically allowing these discharges to be covered under this permit, the permittee is not eligible for coverage under this permit for any of the following:
- Storm water discharges associated with industrial activity that are currently covered under an individual APDES permit or an alternative APDES general permit;
 - Discharges covered within five years prior to the effective date of this permit by an individual permit or alternative general permit where that permit established site-specific numeric water quality-based limitations developed for the storm water component of the discharge; or
 - Discharges from facilities where any APDES permit has been or is in the process of being denied, terminated, or revoked by EPA (this does not apply to the routine reissuance of permits every five years).
- 1.2.4.4 **Discharges Subject to Effluent Limitations Guidelines.** For discharges subject to storm water effluent limitation guidelines under 40 CFR, Subchapter N, only those storm water discharges identified in Table 1-1 are eligible for coverage under this permit.
- 1.2.4.5 **Eligibility for New Dischargers: Based on Water Quality Standards.** A new discharger (as defined in Appendix C), is not eligible for coverage under this permit for discharges that DEC, prior to authorization under this permit, determines will not meet WQS. Where such a determination is made prior to authorization, DEC may notify the applicant that an individual or other general permit APDES application is necessary in accordance with Part 2.8. However, DEC may authorize coverage under this permit after the applicant has included appropriate controls and implementation procedures designed to ensure the discharge meets WQS. In the absence of information demonstrating otherwise, DEC expects that compliance with the storm water control requirements of this permit, including the requirements applicable to such discharges in Part 4, will meet WQS.

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

- Prevent all exposure to storm water of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent exposure onsite with the SWPPP; or
- Prior to submitting the permittee’s NOI, provide to the Department technical information or other documentation that the pollutant(s) for which the waterbody is impaired is not present at the site, and retain documentation of this finding with their SWPPP; or
- Prior to submitting the permittee’s NOI, provide to the Department data or other technical documentation to support a conclusion that the discharge is not expected to cause or contribute to an exceedance of a water quality standard (WQS), and retain such data onsite with the SWPPP. To do this, the permittee must provide data and other technical information to the Department sufficient to demonstrate:
 - For discharges to waters without an EPA approved or established Total Maximum Daily Load (TMDL), that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody; or
 - For discharges to waters with an EPA approved or established TMDL, that there are sufficient remaining wasteload allocations in an EPA approved or established TMDL to allow the permittees discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with WQS. The permittee must also evaluate the recommendations in the Implementation Section of the EPA approved or established TMDL and incorporate applicable measures into their operations.

A permittee is eligible under Part 1.2.4.6 if they receive an affirmative determination from the Department that their discharge will not contribute to the existing impairment, in which case the permittee must maintain such determination onsite with the SWPPP, or if the Department fails to respond within 30 days of submission of data to the Department.

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

1.3 Conditional Exclusion for No Exposure.

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

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

2. Authorization under this Permit.

2.1 How to Obtain Authorization.

To obtain authorization under this permit, the permittee must:

- 2.1.1 Be located in the area where DEC is the permitting authority;
- 2.1.2 Meet the Part 1.2 eligibility requirements;
- 2.1.3 Develop a SWPPP according to the requirements in Part 5 of this permit. The permittee must submit a copy of the SWPPP to DEC as specified in Part 9.6;
- 2.1.4 Select, design, install, and implement control measures in accordance with Part 4.2 to meet numeric and non-numeric effluent limits;
- 2.1.5 Submit a complete and accurate Notice of Intent (NOI) either using DEC's electronic Notice of Intent (eNOI) system (accessible at <http://dec.alaska.gov/water/wastewater/stormwater/apdesenoi/>) or using a paper form (included in Appendix F of this permit) and then submitting that paper form to the address listed in Part 2.2.2; and
- 2.1.6 Pay the general permit authorization fee in accordance with 18 AAC 72. Existing permittees when renewing permit coverage do not need to pay two permit authorization fees in one calendar year;

- 2.1.7 DEC will post on the Internet, at <http://dec.alaska.gov/Applications/Water/WaterPermitSearch/Search.aspx>, all authorizations issued. Late NOIs will be accepted but authorization to discharge will not be retroactive.
- 2.1.8 If the information on the NOI is incorrect or is missing, the NOI will be deemed incomplete and permit authorization will not be granted. A complete NOI shall include the following information, at a minimum:
- 2.1.8.1 The operator information includes: Organization name, contact person, complete mailing address, telephone number and fax number and email address if available;
 - 2.1.8.2 The billing contact information includes: organization name, contact person, complete mailing address, telephone number and fax number and email address if available. If the billing contact information is the same as the operator information, check the box on the NOI indicating that it is the same;
 - 2.1.8.3 The industrial facility information includes: facility name, physical location, the city and zip code, the borough, latitude and longitude, how the latitude and longitude were determined, an estimate of the area of industrial activity exposed to storm water, if the facility storm water discharges have been previously permitted under an APDES permit, a brief description of activity(ies) carried out on-site;
 - 2.1.8.4 The discharge information includes: does the facility discharge to a municipal separate storm sewer system (MS4), and if so the name of the MS4 operator, outfall(s) location (latitude/longitude), the name(s) of the water bodies to which the facility discharges, does the facility discharge to a water body that is impaired or have a TMDL, if it is the discharge is consistent with the assumptions and requirements of the TMDL, and is any storm water discharge subject to federal effluent limitation guideline and sector-specific requirements, and if so which affected MSGP Sector;
 - 2.1.8.5 The additional information includes: the four-digit Standard Industrial Classification (SIC) code or two-letter Activity Code that best represents the products or services rendered by the facility in which it is primarily engaged in and applicable sector and subsectors of industry activity, including co-located industrial activity for which coverage is requested, and is the facility presently inactive or unstaffed and if so for how long;
 - 2.1.8.6 The SWPPP information includes: SWPPP contact name, phone, email, and URL for SWPPP (if applicable) (the SWPPP does not need to be reposted on the internet each time it is updated);
 - 2.1.8.7 The signatory information in compliance with Appendix A, Part 1.12

2.2 How to Submit an NOI.

- 2.2.1 Electronically (strongly encouraged) at <http://dec.alaska.gov/water/wastewater/stormwater/apdesenoi/>. Operators who submit an eNOI must pay the general permit authorization fee during a step in the eNOI process where payment is required.
- 2.2.2 Through use of a paper form (available at the above web site) and then submit that paper form to Permitting Program address in Appendix A, Part 1.1.1.
- 2.2.3 Each operator submitting the NOI via paper form³ must include a check payable to the “State of Alaska” for the amount of the General Permit Authorization Fee, in accordance with 18 AAC 72.

(Submission Deadlines continued on next page.)

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

2.3 Submission Deadlines.

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

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

Category	NOI Submission Deadline	Discharge Authorization Date ¹	Fee
<i>Existing Dischargers</i> – in operation as of March 31, 2020 and authorized for coverage under 2015 MSGP.	Existing Dischargers must submit new NOI and SWPPP no later than one hundred twenty (120) calendar days after the effective date of this permit.	The date specified in the DEC authorization letter. The permittees authorization under the 2015 MSGP is automatically continued until they have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated.	Existing Dischargers pay annual fee based on invoice from DEC
<i>New Dischargers or New Sources</i> - who commence discharging one hundred twenty (120) calendar days after the effective date of this permit.	A minimum of thirty (30) calendar days prior to commencing discharge.	The date specified in the DEC authorization letter.	New Discharges pay fee at time of submitting NOI
<i>New Owner/Operator of Existing Discharger</i> - transfer of ownership and/or operation of a facility whose discharge is authorized under this permit	New Owner shall submit a new NOI no later than thirty (30) calendar days after the date that the transfer will take place to the new owner/operator.	The date specified in the DEC authorization letter.	New Owner pays fee upon receipt of invoice from DEC
<i>Other Eligible Dischargers</i> - in operation prior to March 31, 2020, but not covered under the 2015 MSGP or another APDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.	The date specified in the DEC authorization letter.	New Discharges pay fee at time of submitting NOI
<p>Note:</p> <ol style="list-style-type: none"> Based on a review of the permittees NOI or other information, DEC may delay their authorization for further review, notify the permittee that additional effluent limitations or control measures are necessary, or may deny coverage under this permit and require submission of an application for an individual or other APDES general permit, as detailed in Part 2.8. In these instances, DEC will notify the permittee in writing of the delay, of the need for additional effluent limits or control measures, or of the request for submission of an individual APDES permit application. If the permittee has missed the deadline to submit the NOI, any and all discharges from the industrial activities will continue to be unauthorized under the CWA until they are covered by this or a different APDES permit. DEC may take enforcement action for any unpermitted discharges that occur between the commencement of discharging and discharge authorization. Discharges are not authorized if the NOI is incomplete or inaccurate or if the permittee was never eligible for permit coverage. 			

2.4 Date of Authorization to Begin Discharge.

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

2.5 Continuation of Expired General Permit.

- 2.5.1 If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 18 AAC 83.155 and remain in force and effect for discharges that were covered prior to expiration. The permittee is required to abide by all limitations, monitoring, and reporting included herein if the permit enters administrative extension until such time a permit is reissued authorizing the discharge or an NOT is submitted by the permittee. If a permittee is authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:
- 2.5.1.1 Authorization for coverage under a reissued permit or a replacement of this permit following a permittee's timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the new permit;
 - 2.5.1.2 Submittal of a NOT;
 - 2.5.1.3 Issuance or denial of an individual permit for the facility's discharges; or
 - 2.5.1.4 A formal decision by DEC not to reissue this general permit or not cover a particular discharger previously covered by the general permit, at which time DEC will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.
- 2.5.2 Any permittee with a discharge covered under the 2015 MSGP that the Department determines shall transition to a different APDES permit for that discharge that filed a timely and complete NOI and was granted administrative extension of the 2015 MSGP, the administrative extension (i.e., continued permit coverage) from the 2015 MSGP survives the effective date of the 2020 MSGP until the facility receives coverage under the new APDES permit.

2.6 Permit Compliance.

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

2.7 Submittal of Modification to Original NOI.

- 2.7.1 For an existing permittee, if any of the information supplied on the NOI form changes such as name of receiving waterbody, acreage of industrial area exposed to storm water, addition or deletion of industrial sectors, and facility contact information, the permittee must submit an NOI Modification form within thirty (30) calendar days after the change. See Appendix F for the modification form.
- 2.7.2 At facilities where there is a transfer of ownership and/or a new operator takes over operational control at an existing facility the new operator shall submit an NOI no later than thirty (30) calendar days after a change in owner/operator. The previous owner/operator must submit a NOT no later than thirty (30) calendar days after DEC authorization of the new operator. The new operator does not need to pay a permit authorization fee if the facility has paid for the year in which the transfer occurs.

2.8 Alternative Permits.

2.8.1 DEC Requiring Coverage under an Alternative Permit.

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

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

2.8.2 Permittee Requesting Coverage under an Alternative Permit.

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

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

3. Compliance with Standards and Limits.

3.1 Requirements for all Facilities.

- 3.1.1 A permittee must select, install, implement, and maintain control measures (described in Part 4) at the facility that minimize pollutants in the discharge as necessary to meet WQS (18 AAC 70). A permittee must comply with all permit conditions with respect to installation and maintenance of control measures, inspections, monitoring, corrective actions, reporting, and recordkeeping.
- 3.1.2 In general, except in situations explained in part 3.1.3, the storm water controls planned, developed, implemented, maintained, and updated by the permittee that are consistent with the provisions of Parts 3 through 9 and Part 11 are considered to meet the requirements of this permit to ensure that the discharges do not cause or contribute to an excursion above any WQS (18 AAC 70).
- 3.1.3 At any time after authorization, upon a DEC determination that the permittee's storm water discharges will cause, have a reasonable potential to cause, or contribute to an excursion above any WQS, DEC may require the permittee to:
 - 3.1.3.1 Take corrective actions and modify storm water controls in accordance with Part 8 to adequately address the identified water quality concerns;
 - 3.1.3.2 Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining WQS; or
 - 3.1.3.3 Minimize discharges of storm water from the facility or activity, implement corrective actions, and submit an individual permit application in accordance with Part 2.8.
- 3.1.4 All written responses required under Part 3.1 must include a signed certification consistent with Appendix A, Part 1.12.

3.2 Water Quality-Based Effluent Limitations.

3.2.1 Water Quality Standards (WQS).

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

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

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

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

3.2.2 Discharges to Water Quality Impaired Waters.⁴

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

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

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

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

4. Control Measures.

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

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

4.1 Control Measure Selection and Design Considerations.

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

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

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

4.2 Non-Numeric Technology-Based Effluent Limits.

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

4.2.1 Minimize Exposure.

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

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

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

- 4.2.2 **Good Housekeeping.** A permittee must keep clean all exposed areas that are potential sources of pollutants, including but not limited to: using such measures as sweeping at regular intervals, keeping materials orderly and labeled, keeping all dumpster lids closed when not in use, and storing materials in appropriate containers.
- 4.2.3 **Maintenance.** A permittee must regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in storm water discharged to receiving waters. This includes performing inspections and preventive maintenance of storm water control measures and cleaning catch basins when the depth of debris reaches one-half (1/2) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe. The permittee must maintain all control measures that are used to achieve the effluent limits required by this permit in effective operating condition. Record of routine maintenance to be kept onsite and made available upon request (it does not need to be stored with the SWPPP). Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). If the permittee finds that their control measures need to be replaced or repaired, the permittee must make the necessary repairs or modifications within 14 days or as expeditiously as practicable.
- 4.2.4 **Spill Prevention and Response Procedures.** A permittee must minimize the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur. At a minimum, the permittee must implement:
- 4.2.4.1 Procedures for plainly labeling containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides,” etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
 - 4.2.4.2 Procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas;
 - 4.2.4.3 Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the permittees storm water pollution prevention team (see Part 5.1.1); and

- 4.2.4.4 Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, 40 CFR Part 302, AS 75.300 and 18 AAC 75 Article 3 occurs, the permittee must notify the National Response Center (NRC) at (800) 424-8802. During normal business hours call the nearest DEC Area Response Team Office – Southeast (Juneau) 465-5340; Central (Anchorage) 269-3063; or Northern (Fairbanks) 451-2121. Outside of normal business hours, the permittee must call (800) 478-9300 as soon as the permittee has knowledge of the discharge. State or local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be posted, where practicable, in locations that are readily accessible and available.
- 4.2.4.5 The permittee must provide a description of the release, the circumstances leading to the release, and the date of the release to the nearest DEC Area Response Team Office, in accordance to AS 75.300 (See Part 4.2.4.4). The permittee must also implement measures to prevent the reoccurrence of such releases and to respond to such releases.
- 4.2.5 **Erosion and Sediment Controls.** A permittee must stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants. Among other actions the permittee must take to meet this limit, the permittee must place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants. In selecting, designing, installing, and implementing appropriate control measures, the permittee is encouraged to consult with EPA’s internet-based resources relating to BMPs for erosion and sedimentation, including the sector-specific Industrial Stormwater Fact Sheet Series, (<https://www.epa.gov/npdes/final-2015-msgp-documents>), National Menu of Stormwater BMPs (<https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu>), and National Management Measures to Control Nonpoint Source Pollution from Urban Areas (<https://www.epa.gov/nps/urban-runoff-national-management-measures>), and any similar State or Tribal publications such as the Alaska Storm Water guide (<http://dec.alaska.gov/water/wastewater/stormwater/guidance/>) and the Best Management Practices Manual for Gravel Quarries found at <http://dec.alaska.gov/water/wastewater/stormwater/gravel/> .

- 4.2.6 **Management of Runoff.** A permittee must divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, to minimize pollutants in their discharges. In selecting, designing, installing, and implementing appropriate control measures, permittees are encouraged to consult with EPA's internet-based resources relating to runoff management, including the sector-specific Industrial Storm Water Fact Sheet Series, (<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#factsheet>), National Menu of Storm Water BMPs (<https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu>), and National Management Measures to Control Nonpoint Source Pollution from Urban Areas (<https://www.epa.gov/nps/urban-runoff-national-management-measures>), and any similar State or Tribal publications.
- 4.2.7 **Salt Storage Piles or Piles Containing Salt.** A permittee must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. A permittee must also implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile.
- 4.2.8 **Sector Specific Technology-Based Effluent Limits.** A permittee must achieve any additional non-numeric limits stipulated in the relevant sector-specific section(s) of Part 11.
- 4.2.9 **Employee Training.** A permittee must train all employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of the permittee's Pollution Prevention Team. Training must cover both the specific control measures used to achieve the effluent limits in this Part, and monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit. Training shall be conducted at least annually (or more often if employee turnover is high) and documented in the SWPPP (See Part 5.8.5).
- 4.2.10 **Non-Storm Water Discharges.** A permittee must eliminate non-storm water discharges not authorized by an APDES permit. See Part 1.2.3 for a list of non-storm water discharges authorized by this permit.
- 4.2.11 **Waste, Garbage and Floatable Debris.** A permittee must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.
- 4.2.12 **Dust Generation and Vehicle Tracking of Industrial Materials.** A permittee must minimize generation of dust and off-site tracking of raw, final, or waste materials. Appropriate BMPs to minimize tracking include the establishment of stabilized access and exit points.

4.3 Numeric Effluent Limitations Based on Effluent Limitations Guidelines.

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

Table 4-1: Applicable Effluent Limitations Guidelines

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

4.4 Plan Approval for Nondomestic Wastewater Treatment Works.

For all new facilities operators who construct, install or operate any part of a nondomestic wastewater treatment works shall submit a copy of the engineering plans to DEC for review at the address in Part 9.6, and pay an engineering plan review fee (see 18 AAC 72.600 and 18 AAC 72.955). Engineering plan approval must be obtained from DEC prior to construction.

Nondomestic wastewater includes storm water runoff. All permanent storm water treatment devices shall receive engineering plan approval per 18 AAC 72.600. (For the purposes of Part 4.4 “permanent storm water treatment device” means a treatment device with a design life longer than two years.)

4.5 Projects near a Public Water System (PWS)

- 4.5.1 Where the facility intersects a PWS drinking water protection area (DWPA) (see Part 5.2.3.3), notify the PWS contact. PWS contact information can be obtained using the online application, Drinking Water Watch, <http://dec.alaska.gov:8080/DWW> by entering the appropriate 6-digit PWS ID (e.g., 225025).
- 4.5.2 Within the identified DWPA, restrict project activities that could significantly change the natural surface water drainage or groundwater gradient.

- 4.5.3 Immediately notify the nearby PWS of any identified potential contamination, such as reportable spills or excess erosion that intersects their PWS drinking water protection area.

5. Storm Water Pollution Prevention Plan (SWPPP).

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

5.1 Storm Water Pollution Prevention Plan (SWPPP).

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

- 5.1.1 Storm water pollution prevention team (see Part 5.2.2);
- 5.1.2 Site description (see Part 5.2.3);
- 5.1.3 Summary of potential pollutant sources (see Part 5.2.4);
- 5.1.4 Description of control measures (see Part 5.2.5);
- 5.1.5 Schedules and procedures (see Part 5.2.6); and
- 5.1.6 Signature requirements (see Part 5.2.7).

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

5.2 Contents of the SWPPP.

5.2.1 Permittee.

Identify the permittee for the facility.

5.2.2 Storm Water Pollution Prevention Team.

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

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

5.2.3 Site Description.

The SWPPP must include the following:

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

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

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

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

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

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

5.2.4 Summary of Potential Pollutant Sources.

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

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

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

- 5.2.4.3 **Spills and Leaks.** A permittee must document where potential spills and leaks could occur that could contribute pollutants to storm water discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. The permittee must document all significant spills and leaks⁵ of oil or toxic or hazardous pollutants that occurred in the three years prior to the date the permittee prepared the SWPPP for this permit term. Specifically, include spills or leaks that occurred in areas exposed to storm water or that drained to a storm water conveyance. The spill or leak history must be maintained in the SWPPP throughout this permit term. The permit term goes from the permit effective date to the permit expiration date.
- 5.2.4.4 **Non-Storm Water Discharges.** A permittee must document that they have evaluated for the presence of non-storm water discharges and that all unauthorized discharges have been eliminated. Documentation of the evaluation must include:
- The date of any evaluation;
 - A description of the evaluation criteria used;
 - A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
 - The different types of non-storm water discharge(s) and source locations; and
 - The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an APDES permit application was submitted for an unauthorized cooling water discharge.
- 5.2.4.5 **Salt Storage.** A permittee must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.
- 5.2.4.6 **Sampling Data.** A permittee must summarize all storm water discharge sampling data collected at their facility during the previous permit term. The summary shall include a narrative description (and may include data tables/figures) that adequately summarizes the collected sampling data to support identification of potential pollution sources at the facility.

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

5.2.5 Description of Control Measures.

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

5.2.6 Schedules and Procedures.

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

- ***Good Housekeeping*** (See Part 4.2.2) – A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers;
- ***Maintenance*** (See Part 4.2.3) – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line. The SWPPP shall include the schedule or frequency for maintaining all control measures used to comply with the effluent limits in Part 4;
- ***Spill Prevention and Response Procedures*** (See Part 4.2.4) – Procedures for preventing and responding to spills and leaks. The permittee may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by an APDES permit for the facility, provided that the permittee keeps a copy of that other plan onsite and makes it available for review consistent with Part 5.7; and
- ***Employee Training*** (Part 4.2.9) – The elements of the employee training plan shall include, but not be limited to, the requirements set forth in Part 4.2.9 and also the following:
 - The content of the training to include site, facility and sector-specific details;

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

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

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

For each type of monitoring, the SWPPP must document:

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

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

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

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

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

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

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

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

5.2.7 Signature Requirements.

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

5.3 Inspections.

- 5.3.1 The SWPPP must document the procedures for performing facility inspections specified by this permit in Part 6, and where necessary, taking corrective actions, in accordance with Part 8. At a minimum the SWPPP must document the following:
 - 5.3.1.1 Person(s) or position of person(s) responsible for conducting facility inspections;
 - 5.3.1.2 Schedules to be followed for conducting inspections;
 - 5.3.1.3 Any inspection checklist or form that will be used; and
 - 5.3.1.4 How conditions that require corrective action will be addressed.
- 5.3.2 A record of each inspection and of any corrective actions taken in accordance with Parts 6 and 8 must be retained with the SWPPP for at least three (3) years from the date permit coverage expires or is terminated.
- 5.3.3 If a permittee is invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, the permittee must include in the SWPPP the information to support this claim as required by Parts 6.1.3 and 6.2.3.

5.4 Monitoring.

- 5.4.1 The SWPPP must document the procedures for performing facility monitoring specified by this permit in Part 7, and where necessary, taking corrective actions, in accordance with Part 8. At a minimum, the SWPPP must document the following:
 - 5.4.1.1 Person(s) or position of person(s) responsible for conducting facility monitoring;
 - 5.4.1.2 Schedules to be followed for conducting monitoring;
 - 5.4.1.3 Any monitoring checklist or form that will be used; and
 - 5.4.1.4 How conditions that require corrective action will be addressed.
- 5.4.2 A record of each monitoring event and of any corrective actions taken in accordance with Parts 7 and 8 must be retained with the SWPPP for at least three (3) years from the date permit coverage expires or is terminated.

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

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

- 5.5.1 Identification of whether the discharge is identified, either specifically or generally, in an EPA – established or approved TMDL and any associated allocations, requirements, and assumptions identified for the discharge;
- 5.5.2 Summaries of consultation with state or federal TMDL authorities on consistency of SWPPP conditions with the approved TMDL; and
- 5.5.3 Measures taken by the permittee to ensure that the discharge of pollutants from the facility is consistent with the assumptions and requirements of the EPA – established or approved TMDL, including any specific wasteload or load allocation that has been established that would apply to the discharge.

5.6 Maintaining and Updated SWPPP.

- 5.6.1 A permittee must modify the SWPPP whenever necessary to address any of the triggering conditions for corrective action in Part 8.1 and to ensure that they do not reoccur, or to reflect changes implemented when a review following the triggering conditions in Part 8.2 indicates that changes to the control measures are necessary to meet the effluent limits in this permit. Changes to the SWPPP document must be made in accordance with the corrective action deadlines in Parts 8.3 and 8.4, and must be signed and dated in accordance with Appendix A, Subsection 1.12.
- 5.6.2 A permittee must modify the SWPPP if inspections or investigations by facility staff or by state, federal, local or tribal officials determine that SWPPP modifications are necessary for compliance with this permit.
- 5.6.3 A permittee must modify the SWPPP to reflect any revisions to applicable state, federal, local or tribal law or regulations that affect the control measures implemented at the facility.
- 5.6.4 A permittee must keep a log showing dates, name of person authorizing the change, and a brief summary of changes for all significant SWPPP modifications (e.g. adding a new control measure, changes in facility layout or design, or significant storm events that cause for replacement of control measures).
- 5.6.5 A permittee must amend the SWPPP within thirty (30) calendar days whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the U.S., or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified in the SWPPP, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. The SWPPP must be updated at least annually.

5.7 SWPPP Availability.

A permittee must retain a copy of the current complete SWPPP required by this permit at the facility, and it must be immediately available to DEC or EPA at the time of an onsite inspection or upon request.

If the facility is inactive the SWPPP must be retained at a readily available location or the office of the operator. DEC may provide access to portions of the SWPPP to a member of the public upon request. Confidential Business Information (CBI) may be withheld from the public, but may not be withheld from those staff cleared for CBI review within DEC, EPA, USFWS, or NMFS.

DEC will allow electronic storage and accessibility of the SWPPP and all documents (inspection reports, training records, DMRs, and all additional documentation required by Part 5.8) where facility infrastructure supports immediate access, as long as the following conditions are met:

- 5.7.1 All permit required signatures must be signed by the appropriate official in accordance with Appendix A, Part 1.12. If an electronic signature is used it must be a certified electronic signature;
- 5.7.2 Modifications to the SWPPP must be documented with dated revision pages;
- 5.7.3 ALL supporting documents (required by Part 5.8) must meet permit requirements; and
- 5.7.4 The electronic SWPPP and all supporting documents must be available for review by a DEC or EPA inspector during a facility Inspection.

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

5.8 Additional Documentation Requirements.

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

- 5.8.1 A copy of the NOI submitted to DEC along with any correspondence exchanged between the permittee and DEC specific to coverage under this permit;
- 5.8.2 A copy of the acknowledgment letter the permittee receives from DEC or eNOI system assigning the permittees permit tracking number;
- 5.8.3 A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- 5.8.4 Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to waters of the U.S., through storm water or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases (see Part 4.2.4);
- 5.8.5 Records of employee training, including date training received (see Part 4.2.9);

- 5.8.6 Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part 4.2.3);
- 5.8.7 Log of SWPPP modifications;
- 5.8.8 All inspection reports, including the Routine Facility Inspection Reports (see Part 6.1), the Quarterly Visual Assessment Reports (see Part 6.2), and the Comprehensive Site Inspection Reports (see Part 6.3);
- 5.8.9 Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of discharge from a measurable storm event) (see Parts 6.2.1, 7.1.4, and 7.2.1.2);
- 5.8.10 Description of any corrective action taken at the permittees site shall be listed in a corrective action log, including triggering event and dates when problems were discovered and modifications occurred (see Part 8.4);
- 5.8.11 Documentation of any benchmark exceedances and how they were responded to, including either (1) corrective action taken, (2) a finding that the exceedence was due to natural background pollutant levels, or (3) a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice consistent with Part 7.2.1.2;
- 5.8.12 Documentation of any effluent limitation exceedances and how they were responded to, including any corrective action;
- 5.8.13 Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if the permittee discharges directly to impaired waters, and that such pollutants were not detected in their discharge or were solely attributable to natural background sources (see Part 7.2.3.2); and
- 5.8.14 Documentation to support the permittees claim that the permittees facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections (see Part 6.1.3), quarterly visual assessments (see Part 6.2.3), and/or benchmark monitoring (see Part 7.2.1.6).

6. Inspections.

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

6.1 Routine Facility Inspections.

6.1.1 Routine Facility Inspection Procedures.

During normal facility operating hours, the permittee must conduct inspections of areas of the facility covered by the requirements in this permit, including the following:

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

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

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

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

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

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

6.1.2 Routine Facility Inspection Documentation.

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

- The inspection date and time;
- The name(s) and signature(s) of the inspector(s);
- Weather information;
- All observations relating to the implementation of control measures at the facility, including:
 - A description of any discharges occurring at the time of the inspection;
 - Any previously unidentified discharges of pollutants from the site;
 - Any evidence of, or the potential for, pollutants entering the drainage system;
 - Observations regarding the physical condition of and around all outfalls including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water;
 - Any control measures needing maintenance, repairs; or replacement;
- Any additional control measures needed to comply with the permit requirements; and
- Any incidents of noncompliance observed.

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

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

6.1.3 Exceptions to Routine Facility Inspections.

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

exposed to storm water, then the permittee must include the same signed and certified statement as above and retain it with the facility records pursuant to Part 5.8.

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

6.2 Quarterly Visual Assessment of Storm Water Discharges.

6.2.1 Quarterly Visual Assessment Procedures.

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

The visual assessment must be made:

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

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

- Color;
- Odor;
- Clarity (diminished);
- Floating solids;

- Settled solids;
- Suspended solids;
- Foam;
- Oil sheen; and
- Other obvious indicators of storm water pollution.

6.2.2 Quarterly Visual Assessment Documentation.

A permittee must document the results of their visual assessments and maintain this documentation onsite with the SWPPP as required in Part 6.2.3. The permittee is not required to submit their visual assessment findings to DEC, unless specifically requested to do so. At a minimum, the permittees documentation of the visual assessment must include:

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

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

6.2.3 Exceptions to Quarterly Visual Assessments.

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

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

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

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

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

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

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

6.3 Comprehensive Site Inspections.

6.3.1 Comprehensive Site Inspection Procedures.

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

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

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

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

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

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

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

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

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

6.3.2 Comprehensive Site Inspection Documentation.

A permittee must document the findings of each comprehensive site inspection and maintain this documentation onsite with the SWPPP as required in Part 5.8. In addition, the permittee must submit this documentation in an annual report as required in Part 9.2. At a minimum, the permittees documentation of the comprehensive site inspection must include (see the Annual Reporting Form included in Appendix F):

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

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

7. Monitoring.

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

7.1 Monitoring Procedures.

7.1.1 Monitored Outfalls.

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

7.1.2 Commingled Discharges.

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

7.1.3 Measurable Storm Events.

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

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

7.1.4 Sample Type.

A permittee must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part 7.1.3. Samples must be collected within the first 30 minutes of a discharge produced from a measurable storm event. If it is not possible to

collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge.

For facilities covered by Subparts 11.G, 11.H, and 11.J, they are exempt from the 30 minute requirement. These facilities must sample as soon as practical after a storm event. The SWPPP must contain a list and map of the monitoring locations and the order in which sample collection occurs.

7.1.5 Adverse Weather Conditions.

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

7.1.6 Climates with Irregular Storm Water Runoff.

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

7.1.7 Monitoring Periods.

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

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

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

7.1.8 **Monitoring for Allowable Non-Storm Water Discharges.**

The permittee is only required to monitor allowable non-storm water discharges (as delineated in Part 1.2.3) when they are commingled with storm water discharges associated with industrial activity.

7.2 Required Monitoring.

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

- Quarterly benchmark monitoring (see Part 7.2.1)
- Annual effluent limitations guidelines monitoring (see Part 7.2.2);
- Impaired waters monitoring (see Part 7.2.3); and
- Other monitoring as required by DEC (see Part 7.2.4).

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

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

7.2.1 **Benchmark Monitoring.**

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

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

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

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

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

7.2.1.2 **Benchmark Monitoring Schedule.** Benchmark monitoring must be conducted quarterly, as identified in Part 7.1.7, for the permittees first four full consecutive quarters of permit coverage commencing no earlier than April 1, 2020. Facilities in climates with irregular storm water runoff, as described in Part 7.1.6, may modify this quarterly schedule provided that this revised schedule is reported to DEC when the first benchmark sample is collected and reported, and that this revised schedule is kept with the facility's SWPPP as specified in Part 5.2.6. When conditions prevent the obtaining of four samples in four consecutive quarters, continue monitoring until achieving the four samples required for calculating the benchmark monitoring average.

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

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

- Make the necessary modifications and continue quarterly monitoring until the permittee has completed four additional quarters of monitoring for which the average does not exceed the benchmark; or
- Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry

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

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

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

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

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

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

- Maintain a statement onsite with the SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Appendix A, Subsection 1.12; and
- If circumstances change and industrial materials or activities become exposed to storm water or the facility becomes active and/or staffed, this exception no longer applies and the permittee must immediately begin complying with the applicable benchmark monitoring requirements under Part 7.2 as if they were in their first year of permit coverage. The permittee must indicate in their first benchmark monitoring report that their facility has materials or activities exposed to storm water or has become active and/or staffed.
- If the permittee is not qualified for this exception at the time they are authorized under this permit, but during the permit term they become qualified because their facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then the permittee must notify DEC of this change in their next benchmark monitoring report. A permittee may discontinue benchmark monitoring once they have notified DEC, and prepared and signed the certification statement described above concerning their facility's qualification for this special exception.

7.2.2 Effluent Limitations Monitoring.

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

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

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

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

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

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

- **Submit a Noncompliance Notification Form:** The permittee must submit a Noncompliance Notification Form no later than the 15th day of the following month after they have received all the lab results; and
- **Continue to Monitor:** the permittee must monitor, at least quarterly, until the discharge is in compliance with the effluent limit or until DEC waives the requirement for additional monitoring.

7.2.3 Discharges to Impaired Waters Monitoring.

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

If the pollutant for which the waterbody is impaired is suspended solids, turbidity or sediment/sedimentation, the permittee must monitor for Total Suspended Solids (TSS) and turbidity. If the pollutant for which the waterbody is impaired is expressed in the

form of an indicator or surrogate pollutant, the permittee must monitor for that indicator or surrogate pollutant. No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or other pollutant.

7.2.3.2 *Impaired Waters Monitoring Schedule.*

Discharges to impaired waters without an EPA approved or established TMDL:

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

If the pollutant for which the water is impaired is not present and not expected to be present in the permittee's discharge, or it is present but the permittee has determined that its presence is caused solely by natural background sources, they should include a notification to this effect in their first monitoring report, after which they may discontinue annual monitoring. To support a determination that the pollutant's presence is caused solely by natural background sources, the permittee must keep the following documentation with their SWPPP records:

- An explanation of why the permittee believes that the presence of the pollutant causing the impairment in their discharge is not related to the activities at their facility; and
- Data and/or studies that tie the presence of the pollutant causing the impairment in their discharge to natural background sources in the watershed.

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

Discharges to impaired waters with an EPA approved or established TMDL WLA: For storm water discharges to waters for which there is an EPA approved or established TMDL waste load allocation (WLA), the permittee is not required to monitor for the pollutant for which the TMDL was written unless DEC informs the permittee, upon examination of the applicable TMDL and/or WLA, that they are subject to such a requirement consistent with the assumptions of the applicable TMDL and/or WLA.

DEC's notice will include specifications on which pollutant to monitor and the required monitoring frequency during the first year of permit coverage. Following the first year of monitoring:

- If the TMDL pollutant is not detected in any of the permittees first year samples, they may discontinue further sampling, unless the TMDL has specific instructions to the contrary, in which case the permittee must follow those instructions. The permittee must keep records of this finding onsite with their SWPPP.
- If the permittee detects the presence (above background levels) of the pollutant causing the impairment in their storm water discharge for any of the samples collected in the first year, the permittee must continue monitoring annually throughout the term of this permit, unless the TMDL specifies more frequent monitoring, in which case the permittee must follow the TMDL requirements.

7.2.4 **Additional Monitoring Required by DEC.**

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

8. Corrective Actions.

8.1 Conditions Requiring Review and Revision to Eliminate Problem.

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

- 8.1.1 An unauthorized release or discharge (e.g., spill, leak, or discharge of non-storm water not authorized by this or another APDES permit) occurs at the permittees facility;
- 8.1.2 A discharge violates a numeric effluent limit;
- 8.1.3 The permittee becomes aware, or DEC determines, that the permittee's control measures are not stringent enough for the discharge to meet a WQS in the receiving water;
- 8.1.4 An inspection or evaluation of the permittees facility by an DEC or EPA official determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or
- 8.1.5 The permittee finds in their routine operation, facility inspection, quarterly visual assessment, or comprehensive site inspection that their control measures are not being properly installed, operated and maintained.

8.2 Conditions Requiring Review to Determine if Modifications Are Necessary.

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

- 8.2.1 Construction or a change in design, operation, or maintenance at a permittees facility significantly changes the nature of pollutants discharged in storm water from their facility, or significantly increases the quantity of pollutants discharged; or
- 8.2.2 The average of four quarterly sampling results exceeds an applicable benchmark. If less than four benchmark samples have been taken, but the results are such that an exceedence of the four quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than four times the benchmark level) this is considered a benchmark exceedence, triggering this review.

8.3 Corrective Action Deadlines.

A permittee must document their discovery of any of the conditions listed in Parts 8.1 and 8.2 within 24 hours of making such discovery. Subsequently, the permittee must comply with Appendix A Part 3.4 to document any corrective action(s) to be taken to eliminate or further investigate the deficiency, or if no corrective action is needed, the basis for that determination. Specific documentation required is detailed in Part 8.4. If a permittee determines that changes are necessary following their review, any modifications to their control measures must be made before the next storm event if possible, or as soon as practicable following that storm event. These time intervals are not grace periods, but are schedules considered reasonable for documenting a permittees findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements are not allowed to persist indefinitely.

8.4 Corrective Action Report.

- 8.4.1 Comply with Appendix A Part 3.4 upon discovery of any condition listed in Parts 8.1 and 8.2, the permittee must document the following information (i.e., questions 3-5 of the Corrective Actions section in the Annual Reporting Form, provided in Appendix F):
 - 8.4.1.1 Identification of the condition triggering the need for corrective action review;
 - 8.4.1.2 Description of the problem identified; and
 - 8.4.1.3 Date the problem was identified.
- 8.4.2 Comply with Appendix A Part 3.4 upon discovery of any condition listed in Parts 8.1 and 8.2, the permittee must document the following information (i.e., questions 7-11 of the Corrective Actions section in the Annual Reporting Form, provided in Appendix F):

- 8.4.2.1 Summary of corrective action taken or to be taken (or, for triggering events identified in Part 8.2 where the permittee determines that corrective action is not necessary, the basis for this determination);
 - 8.4.2.2 Notice of whether SWPPP modifications are required as a result of this discovery or corrective action;
 - 8.4.2.3 Date corrective action initiated; and
 - 8.4.2.4 Date corrective action completed or expected to be completed.
- 8.4.3 A permittee must submit this documentation in an annual report as required in Part 9.2 and retain a copy onsite with the SWPPP as required in Part 5.8.

8.5 Effect of Corrective Action.

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

8.6 Substantially Identical Outfalls.

If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, the permittees review must assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event.

9. Reporting and Recordkeeping.

9.1 Reporting Monitoring Data to DEC.

All monitoring data collected pursuant to Parts 7.2 must be submitted to DEC using the NetDMR system (Part 9.8.1 E-Reporting Rule for DMR (Phase I)) (unless a waiver from electronic reporting has been granted, in which case you may submit a paper DMR form) no later than the 15th day of the following month after the permittee has received the complete laboratory results for all monitored outfalls for the reporting period. If a waiver from electronic reporting has been granted, paper reporting forms (DMR as provided in [Appendix F](#)) must be submitted by the deadline to the appropriate address identified in Part 9.6.

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

later than the 15th day of the following month after receiving all the laboratory results. If no discharge occurs during the benchmark monitoring period, the permittee must still report no discharge for this monitoring period.

9.2 Annual Report.

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

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

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

9.3 Noncompliance Notification for Numeric Effluent Limits.

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

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

9.4 Additional Reporting.

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

- 9.4.2 Where applicable, the permittee must submit, and DEC must receive, the following reports at the appropriate address in Part 9.6. If the facility discharges through an MS4, the permittee must also submit these reports to the MS4 operator (identified pursuant to Part 5.2.3).
- 9.4.2.1 24-hour reporting (see Appendix A, Subsection 3.4) - A permittee must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time the permittee becomes aware of the circumstances;
 - 9.4.2.2 Five (5)-day follow-up reporting to the 24 hour reporting (see Appendix A, Subsection 3.4) - A written submission must also be provided within five days of the time the permittee becomes aware of the circumstances;
 - 9.4.2.3 Reportable quantity spills (see Part 4.2.4) - A permittee must provide notification, as required under Part 4.2.4, as soon as they have knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity.
- 9.4.3 Where applicable, the permittee must submit, and DEC must receive, the following reports at the appropriate address in Part 9.6:
- 9.4.3.1 Planned changes (see Appendix A, Subsection 2.1) – A Permittee must give notice to DEC as soon as possible of any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;
 - 9.4.3.2 Anticipated noncompliance (see Appendix A, Subsection 2.2) – A Permittee must give advance notice to DEC of any planned changes in the permitted facility or activity which they anticipate will result in noncompliance with permit requirements;
 - 9.4.3.3 Transfer of ownership and/or operation – The new permittee must submit a complete and accurate NOI in accordance with the requirements of Appendix F of this permit and by the deadlines specified in Table 2-1;
 - 9.4.3.4 Compliance schedules (see Appendix A, Subsection 2.4) – Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date;
 - 9.4.3.5 Other noncompliance (see Appendix A, Subsection 3.5) - A permittee must report all instances of noncompliance not reported in their monitoring report (pursuant to Part 9.1), compliance schedule report, or 24-hour report at the time monitoring reports are submitted; and

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

9.5 Recordkeeping.

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

9.6 Addresses for Reports.

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

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

9.7 Request for Submittal of Records.

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

9.8 Electronic Reporting (E-Reporting) Rule

9.8.1 E-Reporting Rule for DMR (Phase I)

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

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

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

9.9 Standard Conditions Applicable to Recording and Reporting

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

9.9.1.1 Retention of Records, Part 1.11.2;

9.9.1.2 Records Contents, Part 1.11.3;

9.9.1.3 Special Reporting Obligations, Part 2.0; and

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

10. Terminating Coverage.

10.1 Submitting a Notice of Termination (NOT).

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

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

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

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

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

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

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

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

11. Sector-Specific Requirements for Industrial Activity.

11. Subpart A – Sector A – Timber Products.

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

11.A.1 Covered Storm Water Discharges.

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

11.A.2 Limitation on Coverage.

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

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

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

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

11.A.4 Additional SWPPP Requirements.

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

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

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

11.A.5 Additional Inspection Requirements.

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

11.A.6 Sector-Specific Benchmarks.

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

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

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

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

Note:

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

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

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

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

Table 11.A.7-1: Effluent Limitations Based on Effluent Limitations Guidelines¹

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

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

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

11.B.1 Covered Storm Water Discharges.

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

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

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

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

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

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

11.C.1 Covered Storm Water Discharges.

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

11.C.2 Limitations on Coverage.

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

11.C.3 Sector-Specific Benchmarks.

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

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

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

Notes:

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

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

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

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

Table 11.C.4-1: Effluent Limitations Based on Effluent Limitations Guidelines¹

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

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

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

11.D.1 Covered Storm Water Discharges.

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

11.D.2 Limitations on Coverage.

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

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

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

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

11.D.3 Sector-Specific Benchmarks.

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

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

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

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

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

Table 11.D.4-1: Effluent Limitations Based on Effluent Limitations Guidelines¹

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

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

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

11.E.1 Covered Storm Water Discharges.

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

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

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

11.E.3 Additional SWPPP Requirements.

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

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

11.E.4 Sector-Specific Benchmarks.

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

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

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

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

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

Table 11.E.5-1: Effluent Limitations Based on Effluent Limitations Guidelines¹

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

11. Subpart F – Sector F – Primary Metals.

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

11.F.1 Covered Storm Water Discharges.

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

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

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

11.F.3 Additional SWPPP Requirements.

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

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

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

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

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

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

Notes:

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

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

11. Subpart G – Sector G – Metal Mining.

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

11.G.1 Covered Storm Water Discharges.

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

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

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

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

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

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

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

11.G.2 Limitations on Coverage.

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

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

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

- (1) *drain naturally (or are intentionally diverted) to a point source; and*
- (2) *combine with "mine drainage" that is otherwise regulated under the Part 440 regulations.*

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

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

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

11.G.3 Definitions.

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

- 11.G.3.1** *Mining Operation* - Consists of the active and temporarily inactive phases, and the reclamation phase, but excludes the exploration and construction phases.
- 11.G.3.2** *Exploration Phase* - Entails exploration and land disturbance activities to determine the financial viability of a site. The exploration phase is not considered part of "mining operations."
- 11.G.3.3** *Construction Phase* - Includes the building of site access roads, facilities, and removal of overburden and waste rock to expose mineable minerals. The construction phase is not considered part of "mining operations."
- 11.G.3.4** *Active Phase* - Activities including the extraction, removal or recovery of metal ore. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a). The active phase is considered part of "mining operations."

- 11.G.3.5 Reclamation Phase* - Activities undertaken, in compliance with applicable mined land reclamation requirements, following the cessation of the “active phase”, intended to return the land to an appropriate post-mining land use in order to meet applicable Federal and State reclamation requirements. The reclamation phase is considered part of "mining operations."
- 11.G.3.6 Active Metal Mining Facility* - A place where work or other activity related to the extraction, removal, or recovery of metal ore is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR 440.132(a).
- 11.G.3.7 Inactive Metal Mining Facility* - A site or portion of a site where metal mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable State or Federal agency. An inactive metal mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an APDES industrial storm water permit.
- 11.G.3.8 Temporarily Inactive Metal Mining Facility* - A site or portion of a site where metal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable State or Federal agency.

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

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

- 11.G.4.1 Erosion Control Measures.* A permittee must comply with the erosion control measures in this Part to minimize soil exposure on the site during construction.
- 11.G.4.1.1 Delineation of Site.* A permittee must generally delineate (e.g., with flagging, stakes, signs, silt fence, etc.) the location of specific areas that will be left undisturbed such as trees, boundaries of sensitive areas, or buffers established under Part 11.G.4.1.3.
- 11.G.4.1.2 Minimize the Amount of Soil Exposed during Construction Activity.* A permittee must include the following considerations in the selection of control measures and the sequence of project construction as they apply to the project site:

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

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

11.G.4.1.3 Maintain Natural Buffer Areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11.G.4.2.8 Sediment Basins, where applicable:

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

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

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

11.G.4.3 Dewatering.

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

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

11.G.4.4 Soil Stabilization.

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

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

- 11.G.4.5.1 Use of conventional sediment controls before and after the application of treatment chemicals. Chemicals may only be applied where storm water is treated upstream and is directed to a sediment control (e.g., sediment trap, sediment basin) before discharge.
- 11.G.4.5.2 Select appropriate treatment chemicals. Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated (i.e., the expected turbidity, pH, and flow rate of storm water flowing into the chemical treatment system or area, etc.)
- 11.G.4.5.3 Minimize discharge risk from stored chemicals. Store all treatment chemicals in leak-proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures (e.g., spill berms, decks, spill containment pallets), with adequate spill kits available on-site to respond if the event of a discharge of treatment chemicals occurs.
- 11.G.4.5.4 Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these specifications and how they reflect good engineering practice.
- 11.G.4.5.5 Application of treatment chemicals through the use of manufactured products (e.g., gel bars, gel logs, floc blocks, etc.) must be used in combination with adequate ditch check dams, sediment traps, sediment basins, or physical control measure designed to settle out chemically treated storm water and minimize the presence of treatment chemicals before discharges reach waters of the U.S.. At a minimum there must be adequate ditch length downstream of the last manufactured product prior to reaching the discharge point into a water of the U.S. to provide a place for sedimentation to occur.
- 11.G.4.5.6 Ensure proper training. Ensure that all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training. Among other things, the training must cover proper dosing requirements.
- 11.G.4.5.7 Perform additional measures specified by the Department for the authorized use of cationic treatment chemicals. If the permittee plans to add “cationic treatment chemicals” (as defined in Appendix C) to storm water and/or authorized non-storm water prior to discharge, they must submit a request to the Department fourteen (14) calendar days in advance of proposed usage. The request must include the following:
 - Operator Name, mailing address, phone number, and email address;

- Project/Site name, physical address, contact name, phone number, email address and MSGP permit authorization number;
- Site Map with all receiving waterbodies, proposed location of chemical treatment system, and proposed point of discharge into receiving waterbodies;
- Schematic drawing of the proposed treatment system; and
- Description of the proposed treatment system including; type of system being used, type of cationic chemicals being used, estimated start and finish date, sampling and recordkeeping schedule and reporting, and name of treatment system operator or company.

The permittee must perform all additional measures as conditioned by the Department authorization to ensure that the use of such chemicals will not cause an exceedance of water quality standards.

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

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

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

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

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

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

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

- Designate areas to be used for washing of equipment and vehicles and/or wheel wash-down and conduct such activities only in these areas;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;

- Treat all wash water in a sediment basin or use alternative control measures that provide equivalent or better treatment prior to discharge; and
- To comply with the prohibition in Part 11.G.4.6.4, the discharge of soaps and solvents used in equipment and vehicle washing and/or wheel wash-down is strictly prohibited.

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

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

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

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

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

- Designate areas to be used for washout;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Direct all concrete, paint, and other material washout activities into a lined, water-tight container or pit to ensure there is no discharge into the underlying soil and onto the surrounding areas;
- Dispose of liquid wastes in accordance with Part 11.G.4.11; and
- For concrete washout areas, remove hardened concrete waste when it has reached one-half ($\frac{1}{2}$) the height of the container or pit and dispose of in accordance with Part 11.G.4.11.

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

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

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

- Locate areas dedicated for management or disposal of construction waste, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Dispose of all collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other domestic wastes according to federal, state and local requirements;
- Store hazardous or toxic waste in appropriate sealed containers and dispose of these wastes in accordance with manufactures recommended method of disposal or federal, state or local requirements; and

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

11.G.4.12 Winter Considerations.

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

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

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

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

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

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

A permittee must remove sediment from silt fences, check dams, berms or other controls before the accumulated sediment reaches one-half ($\frac{1}{2}$) the distance up the above-ground height (or it reaches a lower height based on manufacturer's specifications) of the control measure. For sediment traps or sediment ponds, the permittee must remove accumulated sediment when the design capacity has been reduced by fifty (50%) percent.

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

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

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

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

such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 11.G.5.4.2 Velocity Dissipation Devices.* Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) as practicable, along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
- 11.G.5.4.3 Down-Slope Sediment Controls.* Establish and use down-slope sediment controls (e.g., silt fence or temporary diversion dike) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.
- 11.G.5.4.4 Stabilized Construction Vehicle Access and Exit Points.* Establish stabilized vehicle access and exit points. Off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.
- 11.G.5.4.5 Capping.* When capping is necessary to minimize pollutant discharges in storm water, identify the source being capped and the material used to construct the cap.
- 11.G.5.4.6 Treatment.* If treatment of storm water (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. All permanent storm water treatment devices shall receive engineering plan approval per 18 AAC 72.600. Passive and/or active treatment of storm water runoff is encouraged where practicable. Treated runoff may be discharged as a storm water source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).
- 11.G.5.5 Certification of Discharge Testing.* (See also Part 5.2.4.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-storm water discharges such as seeps or adit discharges, or discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 440), such as mine drainage or process water. Alternatively (if applicable), the permittee may keep a certification with the SWPPP consistent with Part 11.G.6.6.
- 11.G.5.6 Overburden, Waste Rock, and Raw Material Piles.* Overburden, topsoil, and waste rock, as well as raw material and intermediate and final product stockpiles, shall be located a minimum of 25 feet away from surface water, other sources of water, and from geologically unstable areas as practicable.

11.G.6 Additional SWPPP Requirements.

- 11.G.6.1 Nature of Industrial Activities.* (See also Part 5.2.3) Document in the SWPPP the mining and associated activities that can potentially affect the storm water discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.
- 11.G.6.2 Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each storm water outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual APDES permit, outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage (where water leaves mine) or other process water; tailings piles and ponds (including proposed ones); heap leach pads; off-site points of discharge for mine drainage and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.
- 11.G.6.3 Potential Pollutant Sources.* (See also Part 5.2.4) For each area of the mine or mill site where storm water discharges associated with industrial activities occur, identify the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. Monitor these factors, as relevant: the mineralogy of the ore and waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing ore or waste rock or overburden characterization data and test results for potential generation of acid rock. If any new data is acquired due to changes in ore type being mined, update the SWPPP with this information.
- 11.G.6.4 Documentation of Control Measures.* Document all control measures that the permittee implements consistent with Part 11.G.5.4. If control measures are implemented or planned but are not listed in Part 11.G.5.4 (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in the SWPPP.
- 11.G.6.5 Employee Training.* To the extent practical, all supervisory personnel involved in directing the maintenance of storm water control measures shall be trained and qualified in the principles and practices of erosion and sediment control. All employee training(s) must be documented in the SWPPP.

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

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

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

11.G.7 Additional Inspection Requirements.

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

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

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

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

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

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

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

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

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

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

Note:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11.G.9 Termination of Permit Coverage.

- 11.G.9.1 Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.* A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 11.G.3.5.
- 11.G.9.2 Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.* A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state WQS, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

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

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

11.H.1 Covered Storm Water Discharges.

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

11.H.2 Limitations on Coverage.

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

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

11.H.3 Definitions.

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

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

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

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

- 11.H.3.4 Active Phase* - Activities including the extraction, removal or recovery of coal. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR 434.11(b). The active phase is considered part of “mining operations.”
- 11.H.3.5 Reclamation Phase* - Activities undertaken, in compliance with applicable mined land reclamation requirements, following the cessation of the “active phase”, intended to return the land to an appropriate post-mining land use. The reclamation phase is considered part of "mining operations."
- 11.H.3.6 Active Coal Mining Facility* - A place where work or other activity related to the extraction, removal, or recovery of coal is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR 434.11(b).
- 11.H.3.7 Inactive Coal Mining Facility* - A site or portion of a site where coal mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable State or Federal agency. An inactive coal mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an APDES industrial storm water permit.
- 11.H.3.8 Temporarily Inactive Coal Mining Facility* - A site or portion of a site where coal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable State or Federal agency.

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

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

- 11.H.4.1 Erosion Control Measures.* A permittee must comply with the erosion control measures in this Part to minimize soil exposure on the site during construction.
- 11.H.4.1.1 Delineation of Site.* A permittee must generally delineate (e.g., with flagging, stakes, signs, silt fence, etc.) the location of specific areas that will be left undisturbed such as trees, boundaries of sensitive areas, or buffers established under Part 11.H.4.1.3.

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

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

11.H.4.1.3 Maintain Natural Buffer Areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11.H.4.2.8 Sediment Basins, where applicable:

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

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

- For drainage locations serving less than ten (10) acres, smaller sediment basins and/or sediment traps should be used. Silt fences, vegetative buffer strips, or equivalent sediment control measures are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm event or 3,600 cubic feet of storage per acre drained is provided.
- When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface where practicable.
- Note: installing sediment basins in the presence of permafrost is challenging and might not be practicable in some instances because permafrost creates poor surface drainage that hinders the infiltration of runoff. Also, the excavation of permafrost in summer can trigger thawing and instability.

11.H.4.3 Dewatering.

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

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

11.H.4.4 Soil Stabilization.

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

and dust control. A permittee should avoid using impervious surfaces for stabilization. See the Alaska Plant Materials Center's A Revegetation Manual for Alaska at <http://plants.alaska.gov> for help in efforts to select appropriate seed mixes and some information on methods for revegetation. Also see the manual for coastal Alaska, Coastal Revegetation & Erosion Control Guide at <http://plants.alaska.gov>.

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

- 11.H.4.5.1 Use of conventional sediment controls before and after the application of treatment chemicals. Chemicals may only be applied where storm water is treated upstream and is directed to a sediment control (e.g., sediment trap, sediment basin) before discharge.
- 11.H.4.5.2 Select appropriate treatment chemicals. Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated (i.e., the expected turbidity, pH, and flow rate of storm water flowing into the chemical treatment system or area, etc.)
- 11.H.4.5.3 Minimize discharge risk from stored chemicals. Store all treatment chemicals in leak-proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures (e.g., spill berms, decks, spill containment pallets), with adequate spill kits available on-site to respond if the event of a discharge of treatment chemicals occurs.
- 11.H.4.5.4 Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these specifications and how they reflect good engineering practice.
- 11.H.4.5.5 Application of treatment chemicals through the use of manufactured products (e.g., gel bars, gel logs, floc blocks, etc.) must be used in combination with adequate ditch check dams, sediment traps, sediment basins, or physical control measure designed to settle out chemically treated storm water and minimize the presence of treatment chemicals before discharges reach waters of the U.S.. At a minimum there must be adequate ditch length downstream of the last manufactured product prior to reaching the discharge point into a water of the U.S. to provide a place for sedimentation to occur.
- 11.H.4.5.6 Ensure proper training. Ensure that all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training. Among other things, the training must cover proper dosing requirements.

11.H.4.5.7 Perform additional measures specified by the Department for the authorized use of cationic treatment chemicals. If the permittee plans to add “cationic treatment chemicals” (as defined in Appendix C) to storm water and/or authorized non-storm water prior to discharge, they must submit a request to the Department fourteen (14) calendar days in advance of proposed usage. The request must include the following:

- Operator Name, mailing address, phone number, and email address;
- Project/Site name, physical address, contact name, phone number, email address and MSGP permit authorization number;
- Site Map with all receiving waterbodies, proposed location of chemical treatment system, and proposed point of discharge into receiving waterbodies;
- Schematic drawing of the proposed treatment system; and
- Description of the proposed treatment system including; type of system being used, type of cationic chemicals being used, estimated start and finish date, sampling and recordkeeping schedule and reporting, and name of treatment system operator or company.

The permittee must perform all additional measures as conditioned by the Department authorization to ensure that the use of such chemicals will not cause an exceedance of water quality standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Designate areas to be used for washout;
- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Direct all concrete, paint, and other material washout activities into a lined, water-tight container or pit to ensure there is no discharge into the underlying soil and onto the surrounding areas;
- Dispose of liquid wastes in accordance with Part 11.H.4.11; and
- For concrete washout areas, remove hardened concrete waste when it has reached one-half ($\frac{1}{2}$) the height of the container or pit and dispose of in accordance with Part 11.H.4.11.

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

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

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

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

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

11.H.4.12 Winter Considerations.

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

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

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

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

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

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

A permittee must remove sediment from silt fences, check dams, berms or other controls before the accumulated sediment reaches one-half ($\frac{1}{2}$) the distance up the above-ground height (or it reaches a lower height based on manufacturer’s specifications) of the control measure. For sediment traps or sediment ponds, the permittee must remove accumulated sediment when the design capacity has been reduced by fifty (50%) percent.

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

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

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

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

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

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

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

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

The permittee must identify the anticipated dates of fall freeze-up and spring thaw (see Appendix C) for the site and use those dates to plan for winter shutdown. For the purpose of planning ahead frozen ground by itself is not considered an acceptable control measure for stabilization. Where temporary stabilization by the 14th day is

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

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

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

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

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

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

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

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

- 11.H.5.4.1 Storm Water Diversions.* Diverting storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.
- 11.H.5.4.2 Velocity Dissipation Devices.* Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) as practicable, along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
- 11.H.5.4.3 Down-Slope Sediment Controls.* Establish and use down-slope sediment controls (e.g., silt fence or temporary diversion dike) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.
- 11.H.5.4.4 Stabilized Construction Vehicle Access and Exit Points.* Establish stabilized vehicle access and exit points. Off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.
- 11.H.5.4.5 Capping.* When capping is necessary to minimize pollutant discharges in storm water, identify the source being capped and the material used to construct the cap.
- 11.H.5.4.6 Treatment.* If treatment of storm water (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. All permanent storm water treatment devices shall receive engineering plan approval per 18 AAC 72.600. Passive and/or active treatment of storm water runoff is encouraged where practicable. Treated runoff may be discharged as a storm water source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Coal Mining Point Source Category (40 CFR Part 434).
- 11.H.5.5 Certification of Discharge Testing.* (See also Part 5.2.4.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-storm water discharges such as discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 434). Alternatively (if applicable), the permittee may keep a certification with the SWPPP consistent with Part 11.H.6.6.

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

11.H.6 Additional SWPPP Requirements.

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

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

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

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

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

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

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

11.H.7 Active Mining Additional Inspection Requirements.

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

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

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

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

Table 11.H.8-1: Sector – Specific Benchmarks – Sector H

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector H1. Coal Mines and Related Areas (SIC 1221-1241)	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Suspended Solids (TSS)	100 mg/L

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

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

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

11.H.9 Termination of Permit Coverage.

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

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

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

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

11.1.1 Covered Storm Water Discharges.

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

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

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

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

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

11.1.2 Limitations on Coverage.

11.1.2.1 Storm Water Discharges Subject to Effluent Limitation Guidelines. (See also Part 1.2.4.4)

This permit does not authorize storm water discharges from petroleum drilling operations that are subject to nationally established effluent limitation guidelines found at 40 CFR Part 435, respectively.

11.1.2.2 Non-Storm Water Discharges. Discharges of vehicle and equipment washwater, including

tank cleaning operations, are not authorized by this permit. Alternatively, washwater discharges must be authorized under a separate APDES permit, or be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements.

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

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

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

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

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

11.I.3.1.4 Down-Slope Sediment Controls. Establish and use down-slope sediment controls (e.g., silt fence or temporary diversion dike) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.

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

11.I.4 Additional SWPPP Requirements.

- 11.I.4.1 Drainage Area Site Map.* (See also Part 5.2.3) Document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: Reportable Quantity (RQ) releases; locations used for the treatment, storage, or disposal of wastes; processing areas and storage areas; chemical mixing areas; construction and drilling areas; all areas subject to the effluent guidelines requirements for “No Discharge” in accordance with 40 CFR 435.32; and the structural controls to achieve compliance with the “No Discharge” requirements.
- 11.I.4.2 Potential Pollutant Sources.* (See also Part 5.2.4) Also document in the SWPPP the following sources and activities that have potential pollutants associated with them: chemical, cement, mud, or gel mixing activities; drilling or mining activities; and equipment cleaning and rehabilitation activities. In addition, include information about the reportable quantity (RQ) release that triggered the permit application requirements: the nature of the release (e.g., spill of oil from a drum storage area), amount of oil or hazardous substance released, amount of substance recovered, date of the release, cause of the release (e.g., poor handling techniques and lack of containment in the area), areas affected by the release (i.e., land and water), procedure to clean up release, actions or procedures implemented to prevent or improve response to a release, and remaining potential contamination of storm water from release (taking into account human health risks, the control of drinking water intakes, and the designated uses of the receiving water).
- 11.I.4.3 Erosion and Sedimentation Control.* (See also Part 4.2.5) The additional documentation requirements for sediment and erosion controls for well drillings and sand/shale mining areas include the following:
- 11.I.4.3.1 Site Description.* Also include a description in the SWPPP of the nature of the exploration activity, estimates of the total area of site and area disturbed due to exploration activity, an estimate of runoff coefficient of the site, a site drainage map, including approximate slopes, and the names of all receiving waters.
- 11.I.4.3.2 Vegetative Controls.* Document vegetative practices used consistent with Part 11.I.3.1 in the SWPPP.

11.I.5 Additional Inspection Requirements.

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

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

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

11.J.1 Covered Storm Water Discharges.

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

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

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

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

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

11.J.2 Limitations on Coverage.

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

11.J.3 Definitions.

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

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

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

- 11.J.3.3 Construction Phase* - Includes the building of site access roads, facilities, and removal of overburden and waste rock to expose mineable minerals. The construction phase is not considered part of “mining operations”.
- 11.J.3.4 Active Phase* - Activities including the extraction, removal or recovery of minerals. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR 440.132(a). The active phase is considered part of “mining operations.”
- 11.J.3.5 Reclamation Phase* - Activities undertaken, in compliance with applicable mined land reclamation requirements, following the cessation of the “active phase”, intended to return the land to an appropriate post-mining land use. The reclamation phase is considered part of "mining operations".
- 11.J.3.6 Non-Traditional Non-Metallic Mineral Mining Facility* - Consists of non-metallic mineral mining facilities which conduct mineral mining and dressing for the sale or distribution of aggregate materials from a non-commercial establishment to be used on multiple unrelated projects. These facilities consist of operations without any permanent sales offices, scales, or other facilities being operated by a commercial establishment that would otherwise clearly fit within one of the Standard Industrial Classification (SIC) codes found in Sector J of [Appendix D](#) of the permit. These non-traditional facilities are managed by an operator, who oversees the removal of aggregate from the site, with either written contracts for specified aggregate quantities or an informal notice approving the distribution of material. The operator of these facilities who executes the contracts or provides the authority for individuals or parties to remove aggregate would meet the definition of an operator under this permit and be the sole party responsible to obtain permit coverage, maintain a SWPPP, maintain BMPs, conduct inspections and monitoring, and submit reports.

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

- 11.J.3.7 Active Mineral Mining Facility* - A place where work or other activity related to the extraction, removal, or recovery of minerals is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR 440.132(a).

11.J.3.8 Inactive Mineral Mining Facility - A site or portion of a site where mineral mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable State or Federal agency. An inactive mineral mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an APDES industrial storm water permit.

11.J.3.9 Temporarily Inactive Mineral Mining Facility - A site or portion of a site where mineral mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable State or Federal agency. A temporarily inactive facility includes sites that are temporarily stabilized and have small stockpiles of non-metallic mineral mining material (less than 250 cubic yards/year) for local use or road maintenance during the temporarily inactive phase.

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

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

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

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

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

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

11.J.4.1.3 Maintain Natural Buffer Areas.

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

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

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

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

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

- Design and construct cut-and-fill slopes in a manner that will minimize erosion. Applicable practices include, but are not limited to, reducing continuous length of slope with terracing and diversions, reducing slope steepness, and roughening slope surfaces (e.g., track walking);
- Divert concentrated flows of storm water away from and around the disturbed portion of the slope. Applicable practices include, but are not limited to

interceptor dikes and swales, grass-lined channels, pipe slope drains, subsurface drains, check dams; and

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

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

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

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

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

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

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

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

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

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

- For common drainage locations that serve an area with ten (10) or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from the drainage area from a 2-year, 24-hour storm, or equivalent sediment control measures, must be installed, maintained, and used where practicable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent sediment control measures, must be installed and used where practicable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is practicable, the permittee may consider factors such as site soils, slope, available area on-site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin, and alternative sediment control measures must be used where site limitations would preclude a safe design.
- For drainage locations which serve ten (10) or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not practicable, smaller sediment basins and/or sediment traps should be used. Silt fences, vegetative buffer strips, or equivalent sediment control measures are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).
- For drainage locations serving less than ten (10) acres, smaller sediment basins and/or sediment traps should be used. Silt fences, vegetative buffer strips, or equivalent sediment control measures are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm event or 3,600 cubic feet of storage per acre drained is provided.
- When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface where practicable.

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

11.J.4.3 *Dewatering.*

- 11.J.4.3.1 If a construction activity includes excavation dewatering and has a discharge that could adversely impact a local drinking water well, an DEC-identified contaminated site, or a waters of the U.S., the permittee must review the DEC Excavation Dewatering General Permit (AKG002000, or most current version) for specific requirements the permittee may have to comply with in addition to the conditions of this permit.
- 11.J.4.3.2 A discharge from eligible dewatering activities, including discharges from dewatering of trenches and excavations are prohibited unless treated by appropriate control measures. Appropriate control measures include, but are not limited to, sediment basins or traps, dewatering tanks, weir tanks, or filtration systems designed to remove sediment.

11.J.4.4 *Soil Stabilization.*

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

11.J.4.5 *Treatment Chemicals.* The use of treatment chemicals to reduce turbidity in a storm water discharge is allowed provided that all of the requirements of this Part are met.

- 11.J.4.5.1 Use of conventional sediment controls before and after the application of treatment chemicals. Chemicals may only be applied where storm water is treated upstream and is directed to a sediment control (e.g., sediment trap, sediment basin) before discharge.

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- 11.J.4.5.2 Select appropriate treatment chemicals. Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated (i.e., the expected turbidity, pH, and flow rate of storm water flowing into the chemical treatment system or area, etc.)
- 11.J.4.5.3 Minimize discharge risk from stored chemicals. Store all treatment chemicals in leak-proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures (e.g., spill berms, decks, spill containment pallets), with adequate spill kits available on-site to respond if the event of a discharge of treatment chemicals occurs.
- 11.J.4.5.4 Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these specifications and how they reflect good engineering practice.
- 11.J.4.5.5 Application of treatment chemicals through the use of manufactured products (e.g., gel bars, gel logs, floc blocks, etc.) must be used in combination with adequate ditch check dams, sediment traps, sediment basins, or physical control measure designed to settle out chemically treated storm water and minimize the presence of treatment chemicals before discharges reach waters of the U.S.. At a minimum there must be adequate ditch length downstream of the last manufactured product prior to reaching the discharge point into a water of the U.S. to provide a place for sedimentation to occur.
- 11.J.4.5.6 Ensure proper training. Ensure that all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training. Among other things, the training must cover proper dosing requirements.
- 11.J.4.5.7 Perform additional measures specified by the Department for the authorized use of cationic treatment chemicals. If the permittee plans to add “cationic treatment chemicals” (as defined in Appendix C) to storm water and/or authorized non-storm water prior to discharge, they must submit a request to the Department fourteen (14) calendar days in advance of proposed usage. The request must include the following:
- Operator Name, mailing address, phone number, and email address;
 - Project/Site name, physical address, contact name, phone number, email address and MSGP permit authorization number;
 - Site Map with all receiving waterbodies, proposed location of chemical treatment system, and proposed point of discharge into receiving waterbodies;
 - Schematic drawing of the proposed treatment system; and

- Description of the proposed treatment system including; type of system being used, type of cationic chemicals being used, estimated start and finish date, sampling and recordkeeping schedule and reporting, and name of treatment system operator or company.

The permittee must perform all additional measures as conditioned by the Department authorization to ensure that the use of such chemicals will not cause an exceedance of water quality standards.

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

- 11.J.4.6.1 Wastewater from concrete washout, unless managed by an appropriate control measure;
- 11.J.4.6.2 Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- 11.J.4.6.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
- 11.J.4.6.4 Soaps or solvents used in vehicle and equipment washing.

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

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

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

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

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

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

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

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

- Designate areas to be used for washout;

- Locate such activities, to the extent practicable, away from storm water conveyance channels, storm drain inlets, and waters of the U.S.;
- Direct all concrete, paint, and other material washout activities into a lined, water-tight container or pit to ensure there is no discharge into the underlying soil and onto the surrounding areas;
- Dispose of liquid wastes in accordance with Part 11.J.4.11; and
- For concrete washout areas, remove hardened concrete waste when it has reached one-half ($\frac{1}{2}$) the height of the container or pit and dispose of in accordance with Part 11.J.4.11.

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

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

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

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

11.J.4.12 *Winter Considerations.*

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

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

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

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

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

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

A permittee must remove sediment from silt fences, check dams, berms or other controls before the accumulated sediment reaches one-half ($\frac{1}{2}$) the distance up the above-ground height (or it reaches a lower height based on manufacturer's specifications) of the control measure. For sediment traps or sediment ponds, the permittee must remove accumulated sediment when the design capacity has been reduced by fifty (50%) percent.

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

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

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

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

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

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

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

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

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

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

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

11.J.5 Additional Technology-Based Effluent Limits.

- 11.J.5.1 Employee Training.* (See also Part 4.2.9) Conduct employee training at least annually at active and temporarily inactive sites.
- 11.J.5.2 Good Housekeeping Measures.* (See also Part 4.2.2) As part of the permittees good housekeeping program, implement the following, as practicable: use sweepers and covered storage, watering haul roads to minimize dust generation, and conserving vegetation (where possible) to minimize erosion.
- 11.J.5.3 Preventive Maintenance.* (See also Part 4.2.3) Perform inspections or other equivalent measures of storage tanks and pressure lines of fuels, lubricants, and hydraulic fluid to prevent leaks due to deterioration or faulty connections.
- 11.J.5.4 Storm Water Controls.* Apart from the control measures implemented to meet the Part 4 control measures, implement the following control measures at the facility as practicable. The potential pollutants identified in Part 11.J.5.5 shall determine the priority and appropriateness of the control measures selected. . If the permittee selects or develops a storm water control other than one described below, the permittee shall describe it in the SWPPP.
- 11.J.5.4.1 Storm Water Diversions.* Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.
- 11.J.5.4.2 Velocity Dissipation Devices.* Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) as practicable, along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
- 11.J.5.4.3 Down-Slope Sediment Controls.* Establish and use down-slope sediment controls (e.g., silt fence or temporary diversion dike) for any portion of the down-slope and side-slope perimeter where storm water will be discharged from disturbed areas of the site.
- 11.J.5.4.4 Stabilized Construction Vehicle Access and Exit Points.* Establish stabilized vehicle access and exit points. Off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.

- 11.J.5.4.5 Capping.* When capping is necessary to minimize pollutant discharges in storm water, identify the source being capped and the material used to construct the cap.
- 11.J.5.4.6 Treatment.* If treatment of storm water (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. All permanent storm water treatment devices shall receive engineering plan approval per 18 AAC 72.600. Passive and/or active treatment of storm water runoff is encouraged where practicable. Treated runoff may be discharged as a storm water source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Mineral Mining and Processing Point Source Category (40 CFR Part 436).
- 11.J.5.5 Certification of Discharge Testing.* (See also Part 5.2.4.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-storm water discharges such as discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 436). Alternatively (if applicable), the permittee may keep a certification with the SWPPP consistent with 11.J.6.5.
- 11.J.5.6 Overburden, Waste Rock, and Raw Material Piles.* Overburden, topsoil, and waste rock, as well as raw material and intermediate and final product stockpiles, should be located a minimum of 25 feet away from surface water, other sources of water, and from geologically unstable areas as practicable.

11.J.6 Additional SWPPP Requirements.

The requirements in Part 11.J.6 are applicable for sites undergoing exploration and construction, active mineral mining facilities, temporarily inactive mineral mining facilities, and sites undergoing reclamation. The requirements in Part 11.J.6 are not applicable to inactive mineral mining facilities.

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

- 11.J.6.2 Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each storm water outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual APDES permit, outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage dewatering or other process water; heap leach pads; off-site points of discharge for mine dewatering and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.
- 11.J.6.3 Potential Pollutant Sources.* (See also Part 5.2.4) For each area of the mine or mill site where storm water discharges associated with industrial activities occur, document in the SWPPP the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. For example, phosphate mining facilities will likely need to document pollutants such as selenium, which can be present in significant amounts in their discharges. Consider these factors: the mineralogy of the waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing waste rock or overburden characterization data and test results for potential generation of acid rock drainage.
- 11.J.6.4 Storm Water Controls.* To the extent that a permittee uses any of the control measures in Part 11.J.5.4, document them in the SWPPP pursuant to Part 5.2.5. If control measures are implemented or planned but are not listed here (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in the SWPPP.
- 11.J.6.5 Certification of Permit Coverage for Commingled Non-Storm Water Discharges.* If a permittee determines that they are able to certify, consistent with Part 11.J.5.5, that a particular discharge composed of commingled storm water and non-storm water is covered under a separate APDES permit, and that permit subjects the non-storm water portion to effluent limitations prior to any commingling, the permittee must retain such certification with their SWPPP. This certification must identify the non-storm water discharges, the applicable APDES permit(s), the effluent limitations placed on the non-storm water discharge by the permit(s), and the points at which the limitations are applied.

11.J.6.6 *Dewatering.* Mine dewatering discharges composed entirely of storm water or ground water seepage from mines located within fifteen hundred feet of a DEC-identified contaminated site are required to have additional discharge authorization under the DEC Excavation Dewatering General Permit (AKG002000), or most current version. The Notice of Intent, NOI, application for authorization to discharge mine dewatering which may influence a contaminated area can be completed through the DEC’s online application system at <http://www.dec.alaska.gov/water/oasys/index.html>.

11.J.7 Additional Inspection Requirements.

Except for areas of the site subject to clearing, grading, and/or excavation activities conducted as part of the exploration and construction phase, which are subject to Part 11.J.4.14.1, the permittee must inspect sites at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters which are designated as outstanding waters or waters which are impaired for sediment or nitrogen must be inspected monthly. See Part 11.J.8.1 for inspection requirements for inactive and unstaffed sites. (See also Part 6.1 and 11.J.4.14.)

11.J.8 Sector-Specific Benchmarks.

Table 11.J.8-1 identifies benchmarks that apply to the specific subsectors of Sector J. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities, which describe their site activities.

Table 11.J.8-1: Sector – Specific Benchmarks – Sector J

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector J1. Sand and Gravel Mining (SIC 1442, 1446)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Suspended Solids (TSS)	100 mg/L
Subsector J2. Dimension and Crushed Stone and Nonmetallic Minerals (except fuels) (SIC 1411, 1422-1429, 1481, 1499)	Total Suspended Solids (TSS)	100 mg/L

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

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

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

11.J.9 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit)

Table 11.J.9-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

Table 11.J.9-1: Effluent Limitations Based on Effluent Limitations Guidelines

Industrial Activity	Parameter	Effluent Limit ¹
Mine dewatering discharges at crushed stone mining facilities (SIC 1422 - 1429)	pH	6.5 – 8.5 ²
Mine dewatering discharges at construction sand and gravel mining facilities (SIC 1442)	pH	6.5 – 8.5 ²
Mine dewatering discharges at industrial sand mining facilities (SIC 1446)	Total Suspended Solids (TSS)	25 mg/L, monthly avg.
		45 mg/L, daily maximum
	pH	6.5 – 8.5 ²
Note:		
1. Monitor annually.		
2. pH shall be within the limits specified above.		

11.J.10 Termination of Permit Coverage.

11.J.10.1 Termination of Permit Coverage for Sites Reclaimed After December 17, 1990. A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 11.J.3.5.

11.J.10.2 Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990. A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state WQS, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

11. Subpart K – Sector K – Hazardous Waste Treatment, Storage, or Disposal Facilities.

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

11.K.1 Covered Storm Water Discharges.

The requirements in Subpart K apply to storm water discharges associated with industrial activity from Hazardous Waste Treatment, Storage, or Disposal facilities (TSDFs) as identified by the Activity Code specified under Sector K in Table D-1 of Appendix D of the permit.

11.K.2 Industrial Activities Covered by Sector K.

This permit authorizes storm water discharges associated with industrial activity from facilities that treat, store, or dispose of hazardous wastes, including those that are operating under interim status or a permit under subtitle C of Resource Conservation and Recovery Act (RCRA).

Disposal facilities that have been properly closed and capped, and have no significant materials exposed to storm water, are considered inactive and do not require permits.

11.K.3 Limitations on Coverage.

11.K.3.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) The following are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory-derived wastewater, and contact washwater from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

11.K.4 Definitions.

11.K.4.1 Contaminated Storm Water - Storm water that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 11.K.4.5. Some specific areas of a landfill that may produce contaminated storm water include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

11.K.4.2 Drained Free Liquids - Aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.

- 11.K.4.3 Landfill* - An area of land or an excavation in which wastes are placed for permanent disposal, but that is not a land application or land treatment unit, surface impoundment, underground injection well, waste pile, salt dome formation, salt bed formation, underground mine, or cave as these terms are defined in 40 CFR 257.2, 258.2, and 260.10.
- 11.K.4.4 Landfill Wastewater* - As defined in 40 CFR Part 445 (Landfills Point Source Category), all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated groundwater, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated storm water, and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.
- 11.K.4.5 Leachate* - Liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.
- 11.K.4.6 Non-Contaminated Storm Water* - Storm water that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 11.K.4.4. Non-contaminated storm water includes storm water that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

11.K.5 Sector-Specific Benchmarks.

Table 11.K.5-1 identifies benchmarks that apply to the specific subsectors of Sector K. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities, which describe their site activities.

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

Table 11.K.5-1: Sector – Specific Benchmarks – Sector K

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector K1. ALL - Industrial Activity Code “HZ” (Note: permit coverage limited in some States). Benchmarks only applicable to discharges not subject to effluent limitations in 40 CFR Part 445 Subpart A (see below).	Ammonia	2.14 mg/L
	Total Magnesium	0.064 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Total Arsenic (saltwater) ¹	0.069 mg/L
	Total Arsenic (freshwater) ²	0.15 mg/L
	Total Cadmium (saltwater) ¹	0.04 mg/L
	Total Cadmium (freshwater) ²	Hardness Dependent
	Total Cyanide (saltwater) ¹	0.001 mg/L
	Total Cyanide (freshwater) ²	0.022 mg/L
	Total Lead (saltwater) ¹	0.21 mg/L
	Total Lead (freshwater) ²	Hardness Dependent
	Total Mercury (saltwater) ¹	0.0018 mg/L
	Total Mercury (freshwater) ²	0.0014 mg/L
Total Selenium (saltwater) ¹	0.29 mg/L	
Total Selenium (freshwater) ²	0.005 mg/L	
Total Silver (saltwater) ¹	0.0019 mg/L	
Total Silver (freshwater) ²	Hardness Dependent	

Note:

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

Water Hardness Range (mg/L)	Cadmium (mg/L)	Lead (mg/L)	Silver (mg/L)
0 – < 25	0.0005	0.014	0.0007
25 – < 50	0.0008	0.023	0.0007
50 – < 75	0.0013	0.045	0.0017
75 – < 100	0.0018	0.069	0.0030
100 – < 125	0.0023	0.095	0.0046
125 – < 150	0.0029	0.122	0.0065
150 – < 175	0.0034	0.151	0.0087
175 – < 200	0.0039	0.182	0.0112
200 – < 225	0.0045	0.213	0.0138
225 – < 250	0.0050	0.246	0.0168
250+	0.0053	0.262	0.0183

11.K.6 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

Table 11.K.6-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

Table 11.K.6-1: Effluent Limitations Based on Effluent Limitations Guidelines

Industrial Activity	Parameter	Effluent Limit
Discharges from hazardous waste landfills subject to effluent limitations in 40 CFR Part 445 Subpart A (see footnote).	Biochemical Oxygen Demand (BOD ₅)	220 mg/L, daily maximum
		56 mg/L, monthly avg. maximum
	Total Suspended Solids (TSS)	88 mg/L, daily maximum
		27 mg/L, monthly avg. maximum
	Ammonia	10 mg/L, daily maximum
		4.9 mg/L, monthly avg. maximum
	Alpha Terpineol	0.042 mg/L, daily maximum
		0.019 mg/L, monthly avg. maximum
	Aniline	0.024 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Benzoic Acid	0.119 mg/L, daily maximum
		0.073 mg/L, monthly avg. maximum
	Naphthalene	0.059 mg/L, daily maximum
		0.022 mg/L, monthly avg. maximum
	p-Cresol	0.024 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Phenol	0.048 mg/L, daily maximum
		0.029 mg/L, monthly avg. maximum
	Pyridine	0.072 mg/L, daily maximum
		0.025 mg/L, monthly avg. maximum
	Total Arsenic	1.1 mg/L, daily maximum
		0.54 mg/L, monthly avg. maximum
	Total Chromium	1.1 mg/L, daily maximum
0.46 mg/L, monthly avg. maximum		
Total Zinc	0.535 mg/L, daily maximum	
	0.296 mg/L, monthly avg. maximum	
pH	6.5 - 8.5 s.u. and within 0.5 s.u. of background level	

Note:

1. Monitor annually. As set forth at 40 CFR Part 445 Subpart A, these numeric limitations apply to contaminated storm water discharges from hazardous waste landfills subject to the provisions of RCRA Subtitle C at 40 CFR Parts 264 (Subpart N) and 265 (Subpart N) except for any of the following facilities:
 - a. Landfills operated in conjunction with other industrial or commercial operations when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
 - b. Landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
 - c. Landfills operated in conjunction with Centralized Waste Treatment (CWT) facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
 - d. Landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

11. Subpart L – Sector L – Landfills, Land Application Sites, and Open Dumps.

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

11.L.1 Covered Storm Water Discharges.

The requirements in Subpart L apply to storm water discharges associated with industrial activity from Landfills and Land Application Sites and Open Dumps as identified by the Activity Code specified under Sector L in Table D-1 of Appendix D of the permit.

11.L.2 Industrial Activities Covered by Sector L.

This permit may authorize storm water discharges for Sector L facilities associated with waste disposal at landfills, land application sites, and open dumps that receive or have received industrial waste, including sites subject to regulation under Subtitle D of Resource Conservation and Recovery Act (RCRA). This permit does not cover discharges from landfills that receive only municipal wastes.

11.L.3 Limitations on Coverage.

11.L.3.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) The following discharges are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory wastewater, and contact washwater from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility. Discharges from open dumps as defined under RCRA are also not authorized under this permit.

11.L.4 Definitions.

11.L.4.1 Contaminated Storm Water - Storm water that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated storm water include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

11.L.4.2 Drained Free Liquids - Aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.

- 11.L.4.3 *Landfill Wastewater* - As defined in 40 CFR Part 445 (Landfills Point Source Category) all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated groundwater, and wastewater from recovery pumping wells. Landfill process wastewater includes, but is not limited to, leachate; gas collection condensate; drained free liquids; laboratory-derived wastewater; contaminated storm water; and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.
- 11.L.4.4 *Leachate* - Liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.
- 11.L.4.5 *Non-Contaminated Storm Water* - Storm water that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated storm water includes storm water that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

11.L.5 Additional Technology-Based Effluent Limits.

- 11.L.5.1 *Preventive Maintenance Program.* (See also Part 4.2.3) As part of a permittees preventive maintenance program, maintain the following: all elements of leachate collection and treatment systems, to prevent commingling of leachate with storm water; the integrity and effectiveness of any intermediate or final cover (including repairing the cover as necessary), to minimize the effects of settlement, sinking, and erosion.
- 11.L.5.2 *Erosion and Sedimentation Control.* (See also Part 4.2.5) Provide temporary stabilization (e.g., temporary seeding, mulching, and placing geotextiles on the inactive portions of stockpiles) for the following: materials stockpiled for daily, intermediate, and final cover; inactive areas of the landfill or open dump; landfills or open dump areas that have gotten final covers but where vegetation has yet to establish itself; and land application sites where waste application has been completed but final vegetation has not yet been established.
- 11.L.5.3 *Storm Water Diversions.* Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.
- 11.L.5.4 *Place Velocity Dissipation Devices:* (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.

11.L.5.5 *Unauthorized Discharge Test Certification.* (See also Part 5.2.4.4) The discharge test and certification must also be conducted for the presence of leachate and vehicle washwater.

11.L.6 Additional SWPPP Requirements.

11.L.6.1 *Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in their SWPPP where any of the following may be exposed to precipitation or surface runoff: active and closed landfill cells or trenches, active and closed land application areas, locations where open dumping is occurring or has occurred, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff, and leachate collection and handling systems.

11.L.6.2 *Summary of Potential Pollutant Sources.* (See also Part 5.2.4) Document in the permittees SWPPP the following sources and activities that have potential pollutants associated with them: fertilizer, herbicide, and pesticide application; earth and soil moving; waste hauling and loading or unloading; outdoor storage of significant materials, including daily, interim, and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; and failure or leaks from leachate collection and treatment systems.

11.L.7 Additional Inspection Requirements. (See also Part 6)

11.L.7.1 *Inspections of Active Sites.* Except in arid and semi-arid climates, inspect operating landfills, open dumps, and land application sites at least once every seven (7) days. Focus on areas of landfills that have not yet been finally stabilized; active land application areas, areas used for storage of material and wastes that are exposed to precipitation, stabilization, and structural control measures; leachate collection and treatment systems; and locations where equipment and waste trucks enter and exit the site. Ensure that sediment and erosion control measures are operating properly. For stabilized sites and areas where land application has been completed, or where the climate is arid or semi-arid, conduct inspections at least once every month.

11.L.7.2 *Inspections of Inactive Sites.* Inspect inactive landfills, open dumps, and land application sites at least quarterly. Qualified Personnel must inspect landfill (or open dump) stabilization and structural erosion control measures, leachate collection and treatment systems, and all closed land application areas.

11.L.8 Additional Post-Authorization Documentation Requirements.

11.L.8.1 *Recordkeeping and Internal Reporting.* Keep records with the SWPPP of the types of wastes disposed of in each cell or trench of a landfill or open dump. For land application sites, track the types and quantities of wastes applied in specific areas.

11.L.9 Sector-Specific Benchmarks.

Table 11.L.9-1 identifies benchmarks that apply to the specific subsectors of Sector L. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities. If the results of four quarters of benchmark monitoring exceeds the benchmark monitoring concentration specified in Table 11.L.9-1, then the permittee must take samples to monitor compliance with the concentrations specified in Table 11.L.10-1.

Table 11.L.9-1: Sector – Specific Benchmarks – Sector L

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration ¹
Subsector L1. All Landfill, Land Application Sites and Open Dumps (Industrial Activity Code “LF”)	Total Suspended Solids (TSS)	100 mg/L
Subsector L2. All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60 (Industrial Activity Code “LF”)	Total Iron	1.0 mg/L
Note: 1. Benchmark monitoring required only for discharges not subject to effluent limitations in 40 CFR Part 445 Subpart B (see Table 11.L 10-1).		

11.L.10 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

Table 11.L.10-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

(Table 11.L.10-1: Effluent Limitations Based on Effluent Limitations Guidelines located on following page.)

Table 11.L.10-1: Effluent Limitations Based on Effluent Limitations Guidelines¹

Industrial Activity	Parameter	Effluent Limit
Discharges from non-hazardous waste landfills subject to effluent limitations in 40 CFR Part 445 Subpart B.	Biochemical Oxygen Demand (BOD ₅)	140 mg/L, daily maximum
		37 mg/L, monthly avg. maximum
	Total Suspended Solids (TSS)	88 mg/L, daily maximum
		27 mg/L, monthly avg. maximum
	Ammonia	10 mg/L, daily maximum
		4.9 mg/L, monthly avg. maximum
	Alpha Terpineol	0.033 mg/L, daily maximum
		0.016 mg/L monthly avg. maximum
	Benzoic Acid	0.12 mg/L, daily maximum
		0.071 mg/L, monthly avg. maximum
	p-Cresol	0.025 mg/L, daily maximum
		0.014 mg/L, monthly avg. maximum
	Phenol	0.026 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
Total Zinc	0.20 mg/L, daily maximum	
	0.11 mg/L, monthly avg. maximum	
	pH	6.5 - 8.5 s.u.

Note:

1. Monitor annually. As set forth at 40 CFR Part 445 Subpart B, these numeric limitations apply to contaminated storm water discharges from MSWLFs that have not been closed in accordance with 40 CFR 258.60, and to contaminated storm water discharges from those landfills that are subject to the provisions of 40 CFR Part 257 except for discharges from any of the following facilities:
 - a. Landfills operated in conjunction with other industrial or commercial operations, when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
 - b. Landfills operated in conjunction with other industrial or commercial operations, when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation, or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
 - c. Landfills operated in conjunction with Centralized Waste Treatment (CWT) facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
 - d. Landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

11. Subpart M – Sector M – Automobile Salvage Yards.

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

11.M.1 Covered Storm Water Discharges.

The requirements in Subpart M apply to storm water discharges associated with industrial activity from Automobile Salvage Yards as identified by the SIC Code specified under Sector M in Table D-1 of Appendix D of this permit.

11.M.2 Additional Technology-Based Effluent Limits.

- 11.M.2.1 Spill and Leak Prevention Procedures.* (See also Part 4.2.4) Drain vehicles intended to be dismantled of all fluids upon arrival at the site (or as soon thereafter as feasible), or employ some other equivalent means to prevent spills and leaks. Collected automotive fluids should be containerized, labeled, and stored to minimize exposure to storm water. Salvage yard operators should develop and implement a mercury switch removal and disposal procedure to remove mercury as a potential pollutant source. All facilities should be provided with a nearby spill containment kit and fluids managed in accordance with all applicable state and federal regulations.
- 11.M.2.2 Employee Training.* (See also Part 4.2.9) If applicable to the facility, address the following areas (at a minimum) in the permittees employee training program: proper handling (collection, storage, and disposal) of oil, used mineral spirits, anti-freeze, mercury switches, and solvents.
- 11.M.2.3 Management of Runoff.* (See also Part 4.2.6) Use the following management practices, as practicable: berms or drainage ditches on the property line (to help prevent run-on from neighboring properties); berms for uncovered outdoor storage of oily parts, engine blocks, and above-ground liquid storage; installation of detention ponds; and installation of filtering devices and oil and water separators.
- 11.M.2.4 Vehicle Crushing Activities.* If a crusher is used on-site provide timely maintenance and inspection of the crusher to prevent any fluid leaks and document in the SWPPP. The crusher should be provided with a device to capture any automotive fluids generated during crushing.

11.M.3 Additional SWPPP Requirements.

11.M.3.1 Drainage Area Site Map. (See also Part 5.2.3) Identify locations used for dismantling, storage, and maintenance of used motor vehicle parts. Also identify where any of the following may be exposed to precipitation or surface runoff: dismantling areas, parts (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers) storage areas, and liquid storage tanks and drums for fuel and other fluids.

11.M.3.2 Potential Pollutant Sources. (See also Part 5.2.4) Assess the potential for the following to contribute pollutants to storm water discharges: vehicle storage areas, dismantling areas, parts storage areas (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers), and fueling stations.

11.M.4 Additional Inspection Requirements. (See also Part 6.1) Immediately (or as soon thereafter as feasible) inspect vehicles arriving at the site for leaks and inspect area designated for the draining and collecting of automotive fluids. Inspect quarterly for signs of leakage of all equipment containing oily parts, hydraulic fluids, any other types of fluids, or mercury switches. Also, inspect quarterly for signs of leakage of all vessels and areas where hazardous materials and general automotive fluids are stored, including, but not limited to, mercury switches, brake fluid, transmission fluid, radiator water, and antifreeze.

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

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

Table 11.M.5-1: Sector – Specific Benchmarks – Sector M

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector M1. Automobile Salvage Yards (SIC 5015)	Total Suspended Solids (TSS)	100 mg/L
	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Lead (saltwater) ¹	0.21 mg/L
	Total Lead (freshwater) ²	Hardness Dependent

Note:

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

Water Hardness Range (mg/L)	Lead (mg/L)
0 – < 25	0.014
25 – < 50	0.023
50 – < 75	0.045
75 – < 100	0.069
100 – < 125	0.095
125 – < 150	0.122
150 – < 175	0.151
175 – < 200	0.182
200 – < 225	0.213
225 – < 250	0.246
250+	0.262

11. Subpart N – Sector N – Scrap Recycling and Waste Recycling Facilities.

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

11.N.1 Covered Storm Water Discharges.

The requirements in Subpart N apply to storm water discharges associated with industrial activity from Scrap Recycling and Waste Recycling facilities as identified by the SIC Code specified under Sector N in Table D-1 of Appendix D of the permit.

11.N.2 Limitation on Coverage.

Separate permit requirements have been established for recycling facilities that only receive source-separated recyclable materials primarily from non-industrial and residential sources (i.e., common consumer products including paper, newspaper, glass, cardboard, plastic containers, and aluminum and tin cans). This includes recycling facilities commonly referred to as material recovery facilities (MRF). See Part 11.N.3.3

11.N.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) Non-storm water discharges from turnings containment areas are not covered by this permit (see also Part 11.N.3.2.3). Discharges from containment areas as well as all others in the absence of a storm event are prohibited unless covered by a separate APDES permit.

11.N.3 Additional Technology-Based Effluent Limits.

11.N.3.1 Scrap and Waste Recycling Facilities (Non-Source Separated, Nonliquid Recyclable Materials). Requirements for facilities that receive, process, and do wholesale distribution of nonliquid recyclable wastes (e.g., ferrous and nonferrous metals, plastics, glass, cardboard, and paper). These facilities may receive both nonrecyclable and recyclable materials. This section is not intended for those facilities that accept recyclables only from primarily non-industrial and residential sources.

- 11.N.3.1.1 Inbound Recyclable and Waste Material Control Program.* Minimize the chance of accepting materials that could be significant sources of pollutants by conducting inspections of inbound recyclables and waste materials. Following are some control measure options: (a) provide information and education to suppliers of scrap and recyclable waste materials on draining and properly disposing of residual fluids (e.g., from vehicles and equipment engines, radiators and transmissions, oil filled transformers, and individual containers or drums) and removal of mercury switches from vehicles before delivery to the facility; (b) establish procedures to minimize the potential of any residual fluids from coming into contact with precipitation or runoff; (c) establish procedures for accepting scrap lead-acid batteries (additional requirements for the handling, storage, and disposal or recycling of batteries are contained in the scrap lead-acid battery program provisions in Part 11.N.3.1.6); (d) provide training targeted for those personnel engaged in the inspection and acceptance of inbound recyclable materials; and (e) establish procedures to ensure that liquid wastes, including used oil, are stored in materially compatible and non-leaking containers and are disposed of or recycled in accordance with the Resource Conservation and Recovery Act (RCRA).
- 11.N.3.1.2 Scrap and Waste Material Stockpiles and Storage (Outdoor).* Minimize contact of storm water runoff with stockpiled materials, processed materials, and nonrecyclable wastes. Following are some control measure options: (a) permanent or semi-permanent covers; (b) sediment traps, vegetated swales and strips, catch basin filters, and sand filters to facilitate settling or filtering of pollutants; (c) dikes, berms, containment trenches, culverts, and surface grading to divert runoff from storage areas; (d) silt fencing; and (e) oil and water separators, sumps, and dry absorbents for areas where potential sources of residual fluids are stockpiled (e.g., automobile engine storage areas).
- 11.N.3.1.3 Stockpiling of Turnings Exposed to Cutting Fluids (Outdoor Storage).* Minimize contact of surface runoff with residual cutting fluids by: (a) storing all turnings exposed to cutting fluids under some form of permanent or semi-permanent cover, or (b) establishing dedicated containment areas for all turnings that have been exposed to cutting fluids. Any containment areas must be constructed of concrete, asphalt, or other equivalent types of impermeable material and include a barrier (e.g., berms, curbing, elevated pads) to prevent contact with storm water run-on. Storm Water runoff from these areas can be discharged, provided that any runoff is first collected and treated by an oil and water separator or its equivalent. The permittee must regularly maintain the oil and water separator (or its equivalent) and properly dispose of or recycle collected residual fluids.

11.N.3.1.4 Scrap and Waste Material Stockpiles and Storage (Covered or Indoor Storage).

Minimize contact of residual liquids and particulate matter from materials stored indoors or under cover with surface runoff. Following are some control measure options: (a) good housekeeping measures, including the use of dry absorbents or wet vacuuming to contain, dispose of, or recycle residual liquids originating from recyclable containers, or mercury spill kits for spills from storage of mercury switches; (b) not allowing washwater from tipping floors or other processing areas to discharge to the storm sewer system; and (c) disconnecting or sealing off all floor drains connected to the storm sewer system.

11.N.3.1.5 Scrap and Recyclable Waste Processing Areas. Minimize surface runoff from coming in contact with scrap processing equipment. Pay attention to operations that generate visible amounts of particulate residue (e.g., shredding) to minimize the contact of accumulated particulate matter and residual fluids with runoff (i.e., through good housekeeping, preventive maintenance, etc.). Following are some control measure options: (a) regularly inspect equipment for spills or leaks and malfunctioning, worn, or corroded parts or equipment; (b) establish a preventive maintenance program for processing equipment; (c) use dry-absorbents or other cleanup practices to collect and dispose of or recycle spilled or leaking fluids or use mercury spill kits for spills from storage of mercury switches; (d) on unattended hydraulic reservoirs over 150 gallons in capacity, install protection devices such as low-level alarms or equivalent devices, or secondary containment that can hold the entire volume of the reservoir; (e) containment or diversion structures such as dikes, berms, culverts, trenches, elevated concrete pads, and grading to minimize contact of storm water runoff with outdoor processing equipment or stored materials; (f) oil and water separators or sumps; (g) permanent or semi-permanent covers in processing areas where there are residual fluids and grease; (h) retention or detention ponds or basins; sediment traps, and vegetated swales or strips (for pollutant settling and filtration); (i) catch basin filters or sand filters.

11.N.3.1.6 Scrap Lead-Acid Battery Program. Properly handle, store, and dispose of scrap lead-acid batteries. Following are some control measure options (a) segregate scrap lead-acid batteries from other scrap materials; (b) properly handle, store, and dispose of cracked or broken batteries; (c) collect and dispose of leaking lead-acid battery fluid; (d) minimize or eliminate (if possible) exposure of scrap lead-acid batteries to precipitation or runoff; and (e) provide employee training for the management of scrap batteries.

11.N.3.1.7 Spill Prevention and Response Procedures. (See also Part 4.2.4) Install alarms and/or pump shutoff systems on outdoor equipment with hydraulic reservoirs exceeding 150 gallons in the event of a line break. Alternatively, a secondary containment system capable of holding the entire contents of the reservoir plus room for precipitation can be used. Use a mercury spill kit for any release of mercury from switches, anti-lock brake systems, and switch storage areas.

11.N.3.1.8 Supplier Notification Program. As appropriate, notify major suppliers which scrap materials will not be accepted at the facility or will be accepted only under certain conditions.

11.N.3.2 Waste Recycling Facilities (Liquid Recyclable Materials).

11.N.3.2.1 Waste Material Storage (Indoor). Minimize or eliminate contact between residual liquids from waste materials stored indoors and from surface runoff. The plan may refer to applicable portions of other existing plans, such as Spill Prevention, Control, and Countermeasure (SPCC) plans required under 40 CFR Part 112. Following are some control measure options (a) procedures for material handling (including labeling and marking); (b) clean up spills and leaks with dry absorbent materials, a wet vacuum system; (c) appropriate containment structures (trenching, curbing, gutters, etc.); and (d) a drainage system, including appurtenances (e.g., pumps or ejectors, manually operated valves), to handle discharges from diked or bermed areas. Drainage should be discharged to an appropriate treatment facility or sanitary sewer system, or otherwise disposed of properly. These discharges may require coverage under a separate APDES wastewater permit or industrial user permit under the pretreatment program.

11.N.3.2.2 Waste Material Storage (Outdoor). Minimize contact between stored residual liquids and precipitation or runoff. The plan may refer to applicable portions of other existing plans, such as SPCC plans required under 40 CFR Part 112. Discharges of precipitation from containment areas containing used oil must also be in accordance with applicable sections of 40 CFR Part 112. Following are some control measure options (a) appropriate containment structures (e.g., dikes, berms, curbing, pits) to store the volume of the largest tank, with sufficient extra capacity for precipitation; (b) drainage control and other diversionary structures; (c) corrosion protection and/or leak detection systems for storage tanks; and (d) dry-absorbent materials or a wet vacuum system to collect spills.

11.N.3.2.3 Trucks and Rail Car Waste Transfer Areas. Minimize pollutants in discharges from truck and rail car loading and unloading areas. Include measures to clean up minor spills and leaks resulting from the transfer of liquid wastes. Following are two control measure options: (a) containment and diversionary structures to minimize contact with precipitation or runoff, and (b) dry clean-up methods, wet vacuuming, roof coverings, or runoff controls.

11.N.3.3 Recycling Facilities (Source-Separated Materials). The following identifies considerations for facilities that receive only source-separated recyclables, primarily from non-industrial and residential sources.

11.N.3.3.1 Inbound Recyclable Material Control. Minimize the chance of accepting nonrecyclables (e.g., hazardous materials) that could be a significant source of pollutants by conducting inspections of inbound materials. Following are some control measure options: (a) providing information and education measures to inform suppliers of recyclables about acceptable and non-acceptable materials, (b) training drivers responsible for pickup of recycled material, (c) clearly marking public drop-off containers regarding which materials can be accepted, (d) rejecting nonrecyclable wastes or household hazardous wastes at the source, and (e) establishing procedures for handling and disposal of nonrecyclable material.

11.N.3.3.2 Outdoor Storage. Minimize exposure of recyclables to precipitation and runoff. Use good housekeeping measures to prevent accumulation of particulate matter and fluids, particularly in high traffic areas. Following are some control measure options (a) provide totally enclosed drop-off containers for the public; (b) install a sump and pump with each container pit and treat or discharge collected fluids to a sanitary sewer system; (c) provide dikes and curbs for secondary containment (e.g., around bales of recyclable waste paper); (d) divert surface water runoff away from outside material storage areas; (e) provide covers over containment bins, dumpsters, and roll-off boxes; and (f) store the equivalent of one day's volume of recyclable material indoors.

11.N.3.3.3 Indoor Storage and Material Processing. Minimize the release of pollutants from indoor storage and processing areas. Following are some control measure options (a) schedule routine good housekeeping measures for all storage and processing areas, (b) prohibit tipping floor washwater from draining to the storm sewer system, and (c) provide employee training on pollution prevention practices.

11.N.3.3.4 Vehicle and Equipment Maintenance. Following are some control measure options for areas where vehicle and equipment maintenance occur outdoors (a) prohibit vehicle and equipment washwater from discharging to the storm sewer system, (b) minimize or eliminate outdoor maintenance areas whenever practicable, (c) establish spill prevention and clean-up procedures in fueling areas, (d) avoid topping off fuel tanks, (e) divert runoff from fueling areas, (f) store lubricants and hydraulic fluids indoors, and (g) provide employee training on proper handling and storage of hydraulic fluids and lubricants.

11.N.4 Additional SWPPP Requirements.

11.N.4.1 Drainage Area Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: scrap and waste material storage, outdoor scrap and waste processing equipment; and containment areas for turnings exposed to cutting fluids.

11.N.4.2 Maintenance Schedules/Procedures for Collection, Handling, and Disposal or Recycling of Residual Fluids at Scrap and Waste Recycling Facilities. If the permittee is subject to Part 11.N.3.1.3, the SWPPP must identify any applicable maintenance schedule and the procedures to collect, handle, and dispose of or recycle residual fluids.

11.N.5 Additional Inspection Requirements.

11.N.5.1 Inspections for Waste Recycling Facilities. The inspections must be performed quarterly, pursuant to Part 6.1, and include, at a minimum, all areas where waste is generated, received, stored, treated, or disposed of and that are exposed to either precipitation or storm water runoff.

11.N.6 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

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

Table 11.N.6-1: Sector – Specific Benchmarks – Sector N

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector N1. Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling (SIC 5093)	Chemical Oxygen Demand (COD)	120 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Recoverable Aluminum	0.75 mg/L
	Total Copper (saltwater) ¹	0.0048 mg/L
	Total Copper (freshwater) ²	Hardness Dependent
	Total Recoverable Iron	1.0 mg/L
	Total Lead (saltwater) ¹	0.21 mg/L
	Total Lead (freshwater) ²	Hardness Dependent
	Total Zinc (saltwater) ¹	0.09 mg/L
	Total Zinc (freshwater) ²	Hardness Dependent

Note:

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

Water Hardness Range (mg/L)	Copper (mg/L)	Lead (mg/L)	Zinc (mg/L)
0 – < 25	0.0038	0.014	0.04
25 – < 50	0.0056	0.023	0.05
50 – < 75	0.0090	0.045	0.08
75 – < 100	0.0123	0.069	0.11
100 – < 125	0.0156	0.095	0.13
125 – < 150	0.0189	0.122	0.16
150 – < 175	0.0221	0.151	0.18
175 – < 200	0.0253	0.182	0.20
200 – < 225	0.0285	0.213	0.23
225 – < 250	0.0316	0.246	0.25
250+	0.0332	0.262	0.26

11. Subpart O – Sector O – Steam Electric Generating Facilities.

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

11.O.1 Covered Storm Water Discharges.

The requirements in Subpart O apply to storm water discharges associated with industrial activity from Steam Electric Power Generating Facilities as identified by the Activity Code specified under Sector O in Table D-1 of Appendix D.

11.O.2 Industrial Activities Covered by Sector O.

This permit authorizes storm water discharges from the following industrial activities at Sector O facilities:

- 11.O.2.1 Steam electric power generation using coal, natural gas, oil, nuclear energy, etc., to produce a steam source, including coal handling areas;
- 11.O.2.2 Coal pile runoff, including effluent limitations established by 40 CFR Part 423; and
- 11.O.2.3 Dual fuel facilities that could employ a steam boiler.

11.O.3 Limitations on Coverage.

11.O.3.1 Prohibition of Non-Storm Water Discharges. Non-storm water discharges subject to effluent limitations guidelines are not covered by this permit.

11.O.3.2 Prohibition of Storm Water Discharges. Storm water discharges from the following are not covered by this permit:

11.O.3.2.1 Ancillary Facilities (e.g., fleet centers and substations) that are not contiguous to a steam electric power generating facility;

11.O.3.2.2 Gas Turbine Facilities (providing the facility is not a dual-fuel facility that includes a steam boiler), and combined-cycle facilities where no supplemental fuel oil is burned (and the facility is not a dual-fuel facility that includes a steam boiler); and

11.O.3.2.3 Cogeneration (combined heat and power) facilities utilizing a gas turbine.

11.O.4 Additional Technology-Based Effluent Limits. The following good housekeeping measures are required in addition to Part 4.2.2:

- 11.O.4.1 Fugitive Dust Emissions.* Minimize fugitive dust emissions from coal handling areas. To minimize the tracking of coal dust offsite, adopt, as practicable, procedures such as installing specially designed tires or washing vehicles in a designated area before they leave the site and controlling the wash water.
- 11.O.4.2 Delivery Vehicles.* Minimize contamination of storm water runoff from delivery vehicles arriving at the plant site. Adopt procedures to inspect delivery vehicles arriving at the plant site and ensure overall integrity of the body or container and procedures to deal with leakage or spillage from vehicles or containers.
- 11.O.4.3 Fuel Oil Unloading Areas.* Minimize contamination of precipitation or surface runoff from fuel oil unloading areas. Use containment curbs in unloading areas, have personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and use spill and overflow protection devices (e.g., drip pans, drip diapers, or other containment devices placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors).
- 11.O.4.4 Chemical Loading and Unloading.* Minimize contamination of precipitation or surface runoff from chemical loading and unloading areas. Use containment curbs at chemical loading and unloading areas to contain spills, have personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and loading and unloading in covered areas and storing chemicals indoors.
- 11.O.4.5 Miscellaneous Loading and Unloading Areas.* Minimize contamination of precipitation or surface runoff from loading and unloading areas. Use the following, as practicable, cover the loading area; grade, berm, or curb around the loading area to divert run-on; locate the loading and unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems; or equivalent procedures.
- 11.O.4.6 Liquid Storage Tanks.* Minimize contamination of surface runoff from above-ground liquid storage tanks. Use the following, as practicable, protective guards around tanks, containment curbs, spill and overflow protection, dry cleanup methods, or equivalent measures.
- 11.O.4.7 Large Bulk Fuel Storage Tanks.* Minimize contamination of surface runoff from large bulk fuel storage tanks. Use containment berms (or their equivalent) as required by applicable State and Federal Laws. The permittee must also comply with applicable State and Federal laws, including Spill Prevention, Control and Countermeasure (SPCC) Plan requirements.

- 11.O.4.8 Spill Reduction Measures.* Minimize the potential for an oil or chemical spill, or reference the appropriate part of the permittees SPCC plan. Visually inspect as part of the routine facility inspection the structural integrity of all above-ground tanks, pipelines, pumps, and related equipment that may be exposed to storm water, and make any necessary repairs immediately.
- 11.O.4.9 Oil-Bearing Equipment in Switchyards.* Minimize contamination of surface runoff from oil-bearing equipment in switchyard areas. Use level grades and gravel surfaces to retard flows and limit the spread of spills, or collect runoff in perimeter ditches.
- 11.O.4.10 Residue-Hauling Vehicles.* Inspect all residue-hauling vehicles for proper covering over the load, adequate gate sealing, and overall integrity of the container body. Repair vehicles without load covering or adequate gate sealing, or with leaking containers or beds.
- 11.O.4.11 Ash Loading Areas.* Reduce or control the tracking of ash and residue from ash loading areas. Clear the ash building floor and immediately adjacent roadways of spillage, debris, and excess water before departure of each loaded vehicle.
- 11.O.4.12 Areas Adjacent to Disposal Ponds or Landfills.* Minimize contamination of surface runoff from areas adjacent to disposal ponds or landfills. Reduce ash residue that may be tracked on to access roads traveled by residue handling vehicles, and reduce ash residue on exit roads leading into and out of residue handling areas.
- 11.O.4.13 Landfills, Scrap yards, Surface Impoundments, Open Dumps, General Refuse Sites.* Minimize the potential for contamination of runoff from these areas.

11.O.5 Additional SWPPP Requirements.

- 11.O.5.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: storage tanks, scrap yards, and general refuse areas; short- and long-term storage of general materials (including but not limited to supplies, construction materials, paint equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizer, and pesticides); landfills and construction sites; and stock pile areas (e.g., coal or limestone piles).
- 11.O.5.2 Documentation of Good Housekeeping Measures.* The permittee must document in the SWPPP the good housekeeping measures implemented to meet the effluent limits in Part 11.O.4.

11.O.6 Additional Inspection Requirements.

11.O.6.1 Comprehensive Site Compliance Inspection. (See also Part 6.3) As part of the permittees inspection, inspect the following areas monthly: coal handling areas, loading or unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, areas adjacent to disposal ponds and landfills, maintenance areas, liquid storage tanks, and long term and short term material storage areas.

11.O.7 Sector-Specific Benchmarks

Table 11.O.7-1 identifies benchmarks that apply to the specific subsectors of Sector O. These benchmarks apply to both the permittees primary industrial activity and any co-located industrial activities, which describe their facility activities.

Table 11.O.7-1: Sector – Specific Benchmarks – Sector O

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector O1. Steam Electric Generating Facilities (Industrial Activity Code “SE”)	Total Iron	1.0 mg/L

11.O.8 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 7.2.2.1 of the permit.)

Table 11.O.8-1 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

Table 11.O.8-1: Effluent Limitations Based on Effluent Limitations Guidelines¹

Industrial Activity	Parameter	Effluent Limit
Discharges from coal storage piles at Steam Electric Generating Facilities	TSS	50 mg/l ²
	pH	6.5 - 8.5 s.u.
Notes:		
1. Monitor annually.		
2. If the permittees facility is designed, constructed, and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event, any untreated overflow of coal pile runoff from the treatment unit is not subject to the 50 mg/L limitation for total suspended solids.		

11. Subpart P – Sector P – Land Transportation and Warehousing.

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

11.P.1 Covered Storm Water Discharges.

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

11.P.2 Limitation on Coverage.

11.P.2.1 Prohibited Discharges. (See also Part 1.2.4) This permit does not authorize the discharge of vehicle/equipment/surface washwater, including tank cleaning operations. Such discharges must be authorized under a separate APDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or recycled on-site.

11.P.3 Additional Technology-Based Effluent Limits.

11.P.3.1 Good Housekeeping Measures. (See also Part 4.2.2) In addition to the Good Housekeeping requirements in Part 4.2.2, the permittee must do the following. Recommended control measures are discussed as indicated:

11.P.3.1.1 Vehicle and Equipment Storage Areas. Minimize the potential for storm water exposure to leaky or leak-prone vehicles/equipment awaiting maintenance. Implement the following (or other equivalent measures), as practicable: use of drip pans under vehicles/equipment, indoor storage of vehicles and equipment, installation of berms or dikes, use of absorbents, roofing or covering storage areas, and cleaning pavement surfaces to remove oil and grease.

11.P.3.1.2 Fueling Areas. Minimize contamination of storm water runoff from fueling areas. Implement the following (or other equivalent measures), as practicable: Covering the fueling area; using spill/overflow protection and cleanup equipment; minimizing storm water run-on/runoff to the fueling area; using dry cleanup methods; and treating and/or recycling collected storm water runoff.

- 11.P.3.1.3 Material Storage Areas.* Maintain all material storage vessels (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) to prevent contamination of storm water and plainly label them (e.g., “Used Oil,” “Spent Solvents,” etc.). Implement the following (or other equivalent measures), as practicable: storing the materials indoors; installing berms/dikes around the areas; minimizing runoff of storm water to the areas; using dry cleanup methods; and treating and/or recycling collected storm water runoff.
- 11.P.3.1.4 Vehicle and Equipment Cleaning Areas.* Minimize contamination of storm water runoff from all areas used for vehicle/equipment cleaning. Implement the following (or other equivalent measures), as practicable: performing all cleaning operations indoors; covering the cleaning operation, ensuring that all washwater drains to a proper collection system (i.e., not the storm water drainage system); treating and/or recycling collected washwater, or other equivalent measures.
- 11.P.3.1.5 Vehicle and Equipment Maintenance Areas.* Minimize contamination of storm water runoff from all areas used for vehicle/equipment maintenance. Implement the following (or other equivalent measures), as practicable: performing maintenance activities indoors; using drip pans; keeping an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting wet clean up practices if these practices would result in the discharge of pollutants to storm water drainage systems; using dry cleanup methods; treating and/or recycling collected storm water runoff, minimizing run on/runoff of storm water to maintenance areas.
- 11.P.3.1.6 Locomotive Sanding (Loading Sand for Traction) Areas.* Implement the following (or other equivalent measures), as practicable: covering sanding areas; minimizing storm water run on/runoff; or appropriate sediment removal practices to minimize the offsite transport of sanding material by storm water.
- 11.P.3.2 Employee Training.* (See also Part 4.2.9) Train personnel at least once a year and address the following activities, as applicable: used oil and spent solvent management; fueling procedures; general good housekeeping practices; proper painting procedures; and used battery management.

11.P.4 Additional SWPPP Requirements.

- 11.P.4.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: Fueling stations; vehicle/equipment maintenance or cleaning areas; storage areas for vehicle/equipment with actual or potential fluid leaks; loading/unloading areas; areas where treatment, storage or disposal of wastes occur; liquid storage tanks; processing areas; and storage areas.

11.P.4.2 Potential Pollutant Sources. (See also Part 5.2.4) Assess the potential for the following activities and facility areas to contribute pollutants to storm water discharges: Onsite waste storage or disposal; dirt/gravel parking areas for vehicles awaiting maintenance; illicit plumbing connections between shop floor drains and the storm water conveyance system(s); and fueling areas. Describe these activities in the SWPPP.

11.P.4.3 Description of Good Housekeeping Measures. The permittee must document in the SWPPP the good housekeeping measures they implement consistent with Part 11.P.3.

11.P.4.4 Vehicle and Equipment Washwater Requirements. If applicable, attach to or reference in the SWPPP, a copy of the APDES permit issued for vehicle/ equipment washwater; if an APDES permit has not been issued, a copy of the pending application. If an industrial user permit is issued under a local pretreatment program, attach a copy to the SWPPP. In any case, implement all non-storm water discharge permit conditions or pretreatment conditions in the SWPPP. If washwater is handled in another manner (e.g., hauled offsite), describe the disposal method and attach all pertinent documentation/ information (e.g., frequency, volume, destination, etc.) in the plan.

11.P.5 Additional Inspection Requirements. (See also Part 6.1) Inspect all the following areas/activities: storage areas for vehicles/equipment awaiting maintenance, fueling areas, indoor and outdoor vehicle/equipment maintenance areas, material storage areas, vehicle/equipment cleaning areas, loading/unloading areas, and any petroleum bulk fuel storage areas. Quarterly visual assessment of the bulk fuel storage areas should focus on identifying any potential leaks in tanks, pipelines, valves, etc. and implementing temporary spill containment measures until permanent corrective actions can be made.

11. Subpart Q – Sector Q – Water Transportation.

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

11.Q.1 Covered Storm Water Discharges.

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

11.Q.2 Limitations on Coverage.

11.Q.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) Not covered by this permit: bilge and ballast water, sanitary wastes, pressure wash water, and cooling water originating from vessels.

11.Q.3 Additional Technology-Based Effluent Limits.

11.Q.3.1 Good Housekeeping Measures. A permittee must implement the following good housekeeping measures in addition to the requirements of Part 4.2.2:

11.Q.3.1.1 Pressure Washing Area. If pressure washing is used to remove marine growth from vessels, the discharge water must be permitted by a separate APDES permit. Collect or contain the discharges from the pressure washing areas so that they are not co-mingled with storm water discharges authorized by this permit.

11.Q.3.1.2 Blasting and Painting Area. Minimize the potential for spent abrasives, paint chips, and overspray to discharge into receiving waters or the storm sewer systems. Contain all blasting and painting activities or use other measures to minimize the discharge of contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean storm water conveyances of deposits of abrasive blasting debris and paint chips.

11.Q.3.1.3 Material Storage Areas. Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. Specify which materials are stored indoors, and consider containment or enclosure for those stored outdoors. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.

- 11.Q.3.1.4 Engine Maintenance and Repair Areas.* Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair. Implement the following (or their equivalents), as practicable: performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluid prior to disposal, prohibiting the practice of hosing down the shop floor, using dry cleanup methods, and treating and/or recycling storm water runoff collected from the maintenance area.
- 11.Q.3.1.5 Material Handling Area.* Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). Implement the following (or their equivalents), as practicable: covering fueling areas, using spill and overflow protection, mixing paints and solvents in a designated area (preferably indoors or under a shed), and minimizing runoff of storm water to material handling areas.
- 11.Q.3.1.6 Drydock Activities.* Routinely maintain and clean the drydock to minimize pollutants in storm water runoff. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock. Implement the following (or their equivalents), as practicable: sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding and making absorbent materials and oil containment booms readily available to clean up or contain any spills.
- 11.Q.3.2 Storm Water Diversions.* Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.
- 11.Q.3.3 Velocity Dissipation Devices.* (e.g., check dams, sediment traps, or riprap) Place velocity dissipation devices, as practicable, along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
- 11.Q.3.4 Employee Training.* (See also Part 4.2.9) As part of the permittees employee training program, address, at a minimum, the following activities (as practicable): used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.

11.Q.3.5 Preventive Maintenance. (See also Part 4.2.3) As part of the permittees preventive maintenance program, perform timely inspection and maintenance of storm water management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

11.Q.4 Additional SWPPP Requirements.

11.Q.4.1 Drainage Area Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

11.Q.4.2 Summary of Potential Pollutant Sources. (See also Part 5.2.4) The permittee must document in the SWPPP the following additional sources and activities that have potential pollutants associated with them: outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting.)

11.Q.5 Additional Inspection Requirements. (See also Part 6.1) Include the following in all quarterly routine facility inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

11.Q.6 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

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

Table 11.Q.6-1: Sector – Specific Benchmarks – Sector Q

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector Q1. Water Transportation Facilities (SIC 4412-4499)	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Lead (saltwater) ¹	0.21 mg/L
	Total Lead (freshwater) ²	Hardness Dependent
	Total Zinc (saltwater) ¹	0.09 mg/L
	Total Zinc (freshwater) ²	Hardness Dependent

Note:

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

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

11. Subpart R – Sector R – Ship and Boat Building and Repair Yards.

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

11.R.1 Covered Storm Water Discharges.

The requirements in Subpart R apply to storm water discharges associated with industrial activity from Ship and Boat Building and Repair Yards as identified by the SIC Codes specified under Sector R in Table D-1 of Appendix D of the permit.

11.R.2 Limitations on Coverage.

11.R.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) Discharges containing bilge and ballast water, sanitary wastes, pressure wash water, and cooling water originating from vessels are not covered by this permit.

11.R.3 Additional Technology-Based Effluent Limits.

11.R.3.1 Good Housekeeping Measures. (See also Part 4.2.2)

11.R.3.1.1 Pressure Washing Area. If pressure washing is used to remove marine growth from vessels, the discharged water must be permitted as a process wastewater by a separate APDES permit.

11.R.3.1.2 Blasting and Painting Area. Minimize the potential for spent abrasives, paint chips, and overspray to discharging into the receiving water or the storm sewer systems. To the extent practicable contain all blasting and painting activities, or use other measures to prevent the discharge of the contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean storm water conveyances of deposits of abrasive blasting debris and paint chips.

11.R.3.1.3 Material Storage Areas. Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.

- 11.R.3.1.4 Engine Maintenance and Repair Areas.* Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair. Implement the following (or their equivalents), as practicable: perform all maintenance activities indoors, maintain an organized inventory of materials used in the shop, drain all parts of fluid prior to disposal, prohibit the practice of hosing down the shop floor, use dry cleanup methods, and treat and/or recycle storm water runoff collected from the maintenance area.
- 11.R.3.1.5 Material Handling Area.* Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). Implement the following (or their equivalents), as practicable: cover fueling areas, use spill and overflow protection, mix paints and solvents in a designated area (preferably indoors or under a shed), and minimize storm water run-on to material handling areas.
- 11.R.3.1.6 Drydock Activities.* Routinely maintain and clean the drydock to minimize pollutants in storm water runoff. Clean accessible areas of the drydock prior to flooding and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, or fuel spills occurring on the drydock. Implement the following (or their equivalents), as practicable: sweep rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding, and have absorbent materials and oil containment booms readily available to clean up and contain any spills.
- 11.R.3.2 Storm Water Diversions.* Divert storm water away from potential pollutant sources. Implement the following options, as practicable: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.
- 11.R.3.3 Velocity Dissipation Devices.* (e.g., check dams, sediment traps, or riprap) Place along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
- 11.R.3.4 Employee Training.* (See also Part 4.2.9) As part of the permittees employee training program, address, at a minimum, the following activities (as applicable): used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.

11.R.3.5 Preventive Maintenance. (See also Part 4.2.3) As part of the permittees preventive maintenance program, perform timely inspection and maintenance of storm water management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

11.R.4 Additional SWPPP Requirements.

11.R.4.1 Drainage Area Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance or repair; vessel maintenance or repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; treatment, storage, and waste disposal areas; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

11.R.4.2 Potential Pollutant Sources. (See also Part 5.2.4) The Permittee must document in the SWPPP the following additional sources and activities that have potential pollutants associated with them (if applicable): outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).

11.R.4.3 Documentation of Good Housekeeping Measures. The permittee must document in the SWPPP any good housekeeping measures implemented to meet the effluent limits in Part 11.R.3.

11.R.4.3.1 Blasting and Painting Areas. The permittee must document in the SWPPP any standard operating practices relating to blasting and painting (e.g., prohibiting uncontained blasting and painting over open water or prohibiting blasting and painting during windy conditions, which can render containment ineffective).

11.R.4.3.2 Storage Areas. Specify in the permittees SWPPP which materials are stored indoors, and describe containment or enclosure practices for those stored outdoors.

11.R.5 Additional Inspection Requirements.

(See also Part 6.1) Include the following in all quarterly routine facility inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

11. Subpart S – Sector S – Air Transportation.

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

11.S.1 Covered Storm Water Discharges.

The requirements in Subpart S apply to storm water discharges associated with industrial activity from Air Transportation facilities identified by the SIC Codes specified under Sector S in Table D-1 of Appendix D of the permit at primary airports.

11.S.2 Limitation on Coverage.

11.S.2.1 Limitations on Coverage. This permit authorizes storm water discharges from only those portions of the air transportation facility that are involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations or deicing operations.

Note: “deicing” will generally be used to imply both deicing (removing frost, snow or ice) and anti-icing (preventing accumulation of frost, snow or ice) activities, unless specific mention is made regarding anti-icing and/or deicing activities.

11.S.2.2 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4 and Part 11.S.3) This permit does not authorize the discharge of aircraft, ground vehicle, runway and equipment washwaters; nor the dry weather discharge of deicing chemicals. Such discharges must be covered by separate APDES permit(s). Note that a discharge resulting from snowmelt is not a dry weather discharge.

11.S.3 Multiple Operators at Air Transportation Facilities

Air transportation facilities often have more than one operator who could discharge stormwater associated with industrial activity. Operators include the airport authority and airport tenants, including air passenger or cargo companies, fixed based operators, and other parties who routinely perform industrial activities on airport property.

11.S.3.1 Permit Coverage/Submittal of NOIs. Where an airport transportation facility has multiple industrial operators that discharge stormwater, each individual operator must obtain coverage under an APDES stormwater permit. To obtain coverage under the MSGP, all such operators must meet the eligibility requirements in Part 1.2 and must submit an NOI, per Part 2.2 (or, if appropriate, a no exposure certification per Part 1.3).

11.S.3.2 *MSGP Implementation Responsibilities for Airport Authority and Tenants.* The airport authority, in collaboration with its tenants, may choose to implement certain MSGP requirements on behalf of its tenants in order to increase efficiency and eliminate redundancy or duplication of effort. Options available to the airport authority and its tenants for implementation of MSGP requirements include:

11.S.3.2.1 The airport authority performs certain activities on behalf of itself and its tenants and reports on its activities;

11.S.3.2.2 Tenants provide the airport authority with relevant inputs about tenants' activities, including deicing chemical usage*, and the airport authority compiles and reports on tenants' and its own activities; or

11.S.3.2.3 Tenants independently perform, document and submit required information on their activities.

**Tenants who report their deicing chemical usage to the airport authority and rely on the airport authority to perform monitoring should not check the glycol and urea use box on their NOI forms.*

11.S.3.3 *SWPPP Requirements.* A SWPPP must be developed for all stormwater discharges associated with industrial activity at the airport before submittal of any NOIs. The airport authority, in collaboration with its tenants, may choose to develop a single comprehensive SWPPP, or they may choose to develop individual SWPPP. The comprehensive SWPPP should be developed collaboratively by the airport authority and tenants. If any operator develops a SWPPP for discharges from its own areas of the airport, that SWPPP must be coordinated and integrated with the comprehensive SWPPP. All operators and their separate SWPPP contributions and compliance responsibilities must be clearly identified in the comprehensive SWPPP, which all operators must sign and certify per Part 5.2.7. As applicable, the comprehensive SWPPP must clearly specify the MSGP requirements to be complied with by:

- The airport authority for itself;
- The airport authority on behalf of its tenants;
- Tenants for themselves.

For each activity that an operator (e.g., the airport authority) conducts on behalf of another operator (e.g., a tenant), the comprehensive SWPPP must describe a process for reporting results to the latter operator and for ensuring appropriate follow-up, if necessary, by all affected operators. This is to ensure all actions are taken to correct any potential deficiencies or permit violations. For example, where the airport authority is conducting monitoring for itself and its tenants, the comprehensive SWPPP must identify how the airport authority will share the monitoring results with its tenants, and then follow-up with its tenants where there are any exceedances of benchmarks, effluent limits, or water quality standards. In turn, the comprehensive SWPPP must describe how the tenants will also follow-up to ensure permit compliance. If the airport authority and its tenants choose to use a comprehensive SWPPP, they have one hundred eighty (180) days after the effective date of this permit to develop a comprehensive SWPPP and file the NOI according to Part 2.1.

11.S.3.4 Duty to Comply. All individual operators are responsible for implementing their assigned portion of the comprehensive SWPPP, and operators must ensure that their individual activities do not render another operator's stormwater controls ineffective. In addition, the standard permit conditions found in Appendix A apply to each individual operator, including 1.2 Duty to Comply (which states, in part, "A permittee [each individual operator] shall comply with all conditions of the permittee's APDES permit."). For multiple operators at an airport this means that each individual operator remains responsible for ensuring all requirements of its own MSGP are met regardless of whether the comprehensive SWPPP allocates the actual implementation of any of those responsibilities to another entity. That is, the failure of the entity allocated responsibility in the SWPPP to implement an MSGP requirement on behalf of other operators does not negate the other operators' ultimate liability.

11.S.4 Additional Technology-Based Effluent Limits.

11.S.4.1 Good Housekeeping Measures. (See also Part 4.2.2) Implement control measures (as described in 11.S.4.1.1 through 11.S.4.1.7—each list is not exclusive) where determined to be practicable and that accommodate considerations of safety, space, operational constraints, and flight considerations.

11.S.4.1.1 Aircraft, Ground Vehicle and Equipment Maintenance Areas. Minimize the contamination of storm water runoff from all areas used for aircraft, ground vehicle and equipment maintenance (including the maintenance conducted on the terminal apron and in dedicated hangers). Consider the following control measures: performing maintenance activities indoors; maintaining an organized inventory of material used in the maintenance areas; draining all parts of fluids prior to disposal; prohibiting the practice of hosing down the apron or hanger floor; using dry cleanup methods; and collecting the storm water runoff from the maintenance area and providing treatment or recycling.

- 11.S.4.1.2 *Aircraft, Ground Vehicle and Equipment Cleaning Areas.* Clearly demarcate these areas on the ground using signage or other appropriate means. Minimize the contamination of storm water runoff from cleaning areas.
- 11.S.4.1.3 *Aircraft, Ground Vehicle and Equipment Storage Areas.* Store all aircraft, ground vehicles and equipment awaiting maintenance in designated areas only and minimize the contamination of storm water runoff from these storage areas. Consider the following control measures, including any BMPs: store aircraft and ground vehicles indoors; use drip pans for the collection of fluid leaks; and perimeter drains, dikes or berms surrounding the storage areas.
- 11.S.4.1.4 *Material Storage Areas.* Maintain the vessels of stored materials (e.g., used oils, hydraulic fluids, spent solvents, and waste aircraft fuel) in good condition, to prevent or minimize contamination of storm water. Also plainly label the vessels (e.g., “used oil,” “Contaminated Jet A,” etc.). Minimize contamination of precipitation/runoff from these areas. Consider the following control measures: store materials indoors; store waste materials in a centralized location; and install berms/dikes around storage areas.
- 11.S.4.1.5 *Airport Fuel System and Fueling Areas.* Minimize the discharge of fuel to the storm sewer/surface waters resulting from fuel servicing activities or other operations conducted in support of the airport fuel system. Consider the following control measures: implement spill and overflow practices; use only dry cleanup methods; and collect storm water runoff.
- 11.S.4.1.6 *Source Reduction.* Minimize, and where practicable, eliminate the use of urea and glycol-based deicing chemicals, in order to reduce the aggregate amount of deicing chemicals used and/or lessen the environmental impact. Chemical options to replace ethylene glycol, propylene glycol and urea include: potassium acetate; magnesium acetate; calcium acetate; and anhydrous sodium acetate.
- *Runway Deicing Operation:* Minimize contamination of storm water runoff from runways as a result of deicing operations. Evaluate whether over-application of deicing chemicals occurs by analyzing application rates, and adjust as necessary, consistent with considerations of flight safety. Consider these control measure options: metered application of chemicals; pre-wetting dry chemical constituents prior to application; install a runway ice detection system; implement anti-icing operations as a preventive measure against ice buildup.
 - *Aircraft Deicing Operations.* Minimize contamination of storm water runoff from aircraft deicing operations. Determine whether excessive application of deicing chemicals occurs and adjust as necessary, consistent with considerations of flight safety. Evaluate using alternative deicing/anti-icing

agents as well as containment measures for all applied chemicals. Consider these control measure options for reducing deicing fluid use: forced-air deicing systems, computer-controlled fixed-gantry systems, infrared technology, hot water, varying glycol content to air temperature, enclosed-basket deicing trucks, mechanical methods, solar radiation, hangar storage, aircraft covers, and thermal blankets for MD-80s and DC-9s. Also consider using ice-detection systems and airport traffic flow strategies and departure slot allocation systems. The evaluations and determinations required by this Part should be carried out by the personnel most familiar with the particular aircraft and flight operations and related systems in question (versus an outside entity such as the airport authority).

11.S.4.1.7 Management of Runoff.

(See also 4.2.6) Where deicing operations occur, implement a program to control or manage contaminated runoff to minimize the amount of pollutants being discharged from the site. Consider these control measure options: a dedicated deicing facility with a runoff collection/recovery system; using vacuum/collection trucks; storing contaminated storm water/deicing fluids in tanks and releasing controlled amounts to a publicly owned treatment works; collecting contaminated runoff in a wet pond for biochemical decomposition (be aware of attracting wildlife that may prove hazardous to flight operations); or directing runoff into vegetative swales or other infiltration measures. Also consider recovering deicing materials when these materials are applied during non-precipitation events (e.g., covering storm sewer inlets, using booms, installing absorptive interceptors in the drains, etc.) to prevent these materials from later becoming a source of storm water contamination. Deicing operations should be developed with an emphasis on using a combination of the BMPs listed above to contain, capture, and reuse deicing materials. Used deicing fluid should be recycled whenever practicable.

11.S.4.2 Deicing Season. (See also Part 11.S.7.) The permittee must determine the seasonal timeframe (e.g., December- February, October - March, etc.) during which deicing activities typically occur at the facility. Implementation of control measures, including any BMPs, facility inspections and monitoring must be conducted with particular emphasis throughout the defined deicing season. If the permittee meets the deicing chemical usage thresholds of 100,000 gallons glycol and/or 100 tons of urea, the deicing season they identified is the timeframe during which the permittee must obtain the four required benchmark monitoring event results for deicing-related parameters, i.e., BOD, COD, ammonia and pH.

11.S.5 Additional SWPPP Requirements.

An airport authority and tenants of the airport are encouraged to work in partnership in the development of a SWPPP. If an airport tenant obtains authorization under this permit and develops a SWPPP for

discharges from his or her own areas of the airport, prior to authorization, that SWPPP must be coordinated and integrated with the SWPPP for the entire airport. Tenants of the airport facility include air passenger or cargo companies, fixed based operators and other parties who have contracts with the airport authority to conduct business operations on airport property and whose operations result in storm water discharges associated with industrial activity.

- 11.S.5.1 Drainage Area Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: aircraft and runway deicing operations; fueling stations; aircraft, ground vehicle and equipment maintenance/cleaning areas; storage areas for aircraft, ground vehicles and equipment awaiting maintenance.
- 11.S.5.2 Potential Pollutant Sources.* (See also Part 5.2.4) In the permittees inventory of exposed materials, describe in the SWPPP the potential for the following activities and facility areas to contribute pollutants to storm water discharges: aircraft, runway, ground vehicle and equipment maintenance and cleaning; aircraft and runway deicing operations (including apron and centralized aircraft deicing stations, runways, taxiways and ramps). If the permittee uses deicing chemicals, they must maintain a record of the types (including the Material Safety Data Sheets [MSDS]) used and the monthly quantities, either as measured or, in the absence of metering, as estimated to the best of the permittees knowledge. This includes all deicing chemicals, not just glycols and urea (e.g., potassium acetate), because large quantities of these other chemicals can still have an adverse impact on receiving waters. Tenants or other fixed-based operations that conduct deicing operations must provide the above information to the airport authority for inclusion with any comprehensive airport SWPPPs.
- 11.S.5.3 Vehicle and Equipment Washwater Requirements.* Attach to or reference in the SWPPP, a copy of the APDES permit issued for vehicle/equipment washwater or, if an APDES permit has not been issued, a copy of the pending application. If an industrial user permit is issued under a local pretreatment program, include a copy in the SWPPP. In any case, if the permittee is subject to another permit, describe the control measures for implementing all non-storm water discharge permit conditions or pretreatment requirements in the SWPPP. If washwater is handled in another manner (e.g., hauled offsite, retained onsite), describe the disposal method and attach all pertinent documentation/information (e.g., frequency, volume, destination, etc.) in the SWPPP.
- 11.S.5.4 Documentation of Control Measures Used for Management of Runoff.* Document in the SWPPP the control measures used for collecting or containing contaminated melt water from collection areas used for disposal of contaminated snow.

11.S.6 Additional Inspection Requirements.

11.S.6.1 Inspections. (See also Part 6.1) At a minimum, conduct routine facility inspections at least monthly during the deicing season (e.g., October through April for most airports). If a permittees facility needs to deice before or after this period, expand the monthly inspections to include all months during which deicing chemicals may be used. The Department may specifically require the permittee to increase inspection frequencies.

11.S.6.2 Comprehensive Site Inspections. (See also Part 6.3) Using only qualified personnel, conduct the annual site inspection during periods of actual deicing operations, if possible. If not practicable during active deicing because of weather, conduct the inspection during the season when deicing operations occur and the materials and equipment for deicing are in place.

11.S.7 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

Monitor per the requirements in Table 11.S.7-1.

Table 11.S.7-1: Sector – Specific Benchmarks – Sector S

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
For airports where a single permittee, or a combination of permitted facilities use more than 100,000 gallons of pure glycol in glycol-based deicing fluids and/or 100 tons or more of urea on an average annual basis, monitor the first four parameters in ONLY those outfalls that collect runoff from areas where deicing activities occur (SIC 4512-4581).	Biochemical Oxygen Demand (BOD ₅) ¹	30 mg/L
	Chemical Oxygen Demand (COD) ¹	120 mg/L
	Ammonia ^{1, 2}	2.14 mg/L
	pH ¹	6.5 – 8.5 s.u.
Note: 1. These are deicing-related parameters. Collect the four benchmark samples, and any required follow-up benchmark samples, during the timeframe defined in Part 11.S.4.2 when deicing activities are occurring. 2. If a permittee certifies annually that it does not use airfield deicing products that contain urea, then the permittee does not need to sample for ammonia.		

11.S.8 Sector-Specific Effluent Limitation Guideline.

There shall be no discharge of airfield pavement deicers containing urea, unless there is monitoring. To comply with this limitation, any existing point source must certify annually that it does not use airfield deicing products that contain urea or alternatively, airfield pavement discharges at every discharge point must achieve the numeric limitations for ammonia in Table 11.S.8-1, prior to any dilution or commingling with any non-deicing discharge. The certification statement shall be maintained in the SWPPP and signed in accordance with Appendix A, Part 1.12. Monitor per the requirements in Table 11.S.8-1.

Table 11.S.8-1: Effluent Limitations Based on 40 CFR Part 449 BAT Limitations

Wastestream	Parameter	Daily Maximum
Runoff containing urea from airfield pavement deicing at existing primary airports with 1,000 or more annual non-propeller aircraft ¹ departures.	Ammonia as Nitrogen ²	14.7 mg/l
Note: 1. Annual non-propeller aircraft is the average annual aircraft departures of commercial turbine-engine aircraft that are propelled by jet, i.e., turbojet or turbofan as tabulated by the Federal Aviation Administration. 2. Monitor twice a deicing season during the timeframe defined in Part 11.S.4.2 when deicing activities are occurring.		

11.S.9 Technology Based – Effluent Limits for New Sources with At Least 1,000 Annual Non-Propeller Aircraft Departures.

A new airport with at least 1,000 annual non-propeller aircraft departures must apply for an individual APDES permit.

11. Subpart T – Sector T – Treatment Works.

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

11.T.1 Covered Storm Water Discharges.

The requirements in Subpart T apply to storm water discharges associated with industrial activity from Treatment Works as identified by the Activity Code specified under Sector T in Table D-1 of Appendix D of the permit.

11.T.2 Industrial Activities Covered by Sector T.

The requirements listed under this part apply to all existing point source storm water discharges associated with the following activities:

11.T.2.1 Treatment works treating domestic sewage, or any other sewage sludge or wastewater treatment device or system used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge; that are located within the confines of a facility with a design flow of 1.0 million gallons per day (MGD) or more; or are required to have an approved pretreatment program under 40 CFR Part 403.

11.T.2.2 The following are not required to have permit coverage: farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located within the facility, or areas that are in compliance with Section 405 of the CWA.

11.T.3 Limitations on Coverage.

11.T.3.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) Sanitary and industrial wastewater and equipment and vehicle washwater are not authorized by this permit.

11.T.4 Additional Technology-Based Effluent Limits.

11.T.4.1 Control Measures. (See also the non-numeric effluent limits in Part 4.2) In addition to the other control measures, implement the following, as practicable: routing storm water to the treatment works; or covering exposed materials (i.e., from the following areas: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station).

11.T.4.2 *Employee Training.* (See also Part 4.2.9) At a minimum, training must address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and controls; fueling procedures; general good housekeeping practices; and proper procedures for using fertilizer, herbicides, and pesticides.

11.T.5 Additional SWPPP Requirements.

11.T.5.1 *Site Map.* (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and storage areas for process chemicals, petroleum products, solvents, fertilizers, herbicides, and pesticides.

11.T.5.2 *Potential Pollutant Sources.* (See also Part 5.2.4) Document in the SWPPP the following additional sources and activities that have potential pollutants associated with them, as applicable: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and access roads and rail lines.

11.T.5.3 *Wastewater and Washwater Requirements.* Keep a copy of all the permittees current APDES permits issued for wastewater and industrial, vehicle and equipment washwater discharges or, if an APDES permit has not yet been issued, a copy of the pending application(s) with the SWPPP. If the washwater is handled in another manner, the disposal method must be described and all pertinent documentation must be retained onsite.

11.T.6 Additional Inspection Requirements.

(See also Part 6.1) Include the following areas in all inspections: access roads and rail lines; grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station.

11. Subpart U – Sector U – Food and Kindred Products.

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

11.U.1 Covered Storm Water Discharges.

The requirements in Subpart U apply to storm water discharges associated with industrial activity from Food and Kindred Products facilities as identified by the SIC Codes specified in Table D-1 of Appendix D of the permit.

11.U.2 Limitations on Coverage.

11.U.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) The following discharges are not authorized by this permit: discharges containing boiler blowdown, cooling tower overflow and blowdown, ammonia refrigeration purging, and vehicle washing and clean-out operations.

11.U.3 Additional Technology-Based Limitations.

11.U.3.1 Employee Training. (See also Part 4.2.9) Address pest control in the permittees employee training program.

11.U.4 Additional SWPPP Requirements.

11.U.4.1 Drainage Area Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP the locations of the following activities if they are exposed to precipitation or runoff: vents and stacks from cooking, drying, and similar operations; dry product vacuum transfer lines; animal holding pens; spoiled product; and broken product container storage areas.

11.U.4.2 Potential Pollutant Sources. (See also Part 5.2.4) The permittee must document in the SWPPP, in addition to food and kindred products processing-related industrial activities, application and storage of pest control chemicals (e.g., rodenticides, insecticides, fungicides) used on plant grounds.

11.U.5 Additional Inspection Requirements.

(See also Part 6.1) Inspect on a quarterly basis, at a minimum, the following areas where the potential for exposure to storm water exists: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; vents and stacks emanating from industrial activities; spoiled product and broken product container holding areas; animal holding pens; staging areas; and air pollution control equipment.

11.U.6 Sector-Specific Benchmarks. (See also Part 7 of the permit.)**Table 11.U.6-1: Sector – Specific Benchmarks – Sector U**

Subsector (Permittees may be subject to requirements for more than one Sector / Subsector)	Parameter	Benchmark Monitoring Concentration
Subsector U1. Grain Mill Products (SIC 2041-2048)	Total Suspended Solids (TSS)	100 mg/L
Subsector U2. Fats and Oils Products (SIC 2074-2079)	Biochemical Oxygen Demand (BOD ₅)	30 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Suspended Solids (TSS)	100 mg/L

11. Subpart V – Sector V – Textile Mills, Apparel, and Other Fabric Products.

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

11.V.1 Covered Storm Water Discharges.

The requirements in Subpart V apply to storm water discharges associated with industrial activity from Textile Mills, Apparel, and Other Fabric Product manufacturing as identified by the SIC Codes specified under Sector V in Table D-1 of Appendix D of the permit.

11.V.2 Limitations on Coverage.

11.V.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.2.4) The following are not authorized by this permit: discharges of wastewater (e.g., wastewater resulting from wet processing or from any processes relating to the production process), reused or recycled water, and waters used in cooling towers. If the permittee has these types of discharges from the facility, the permittee must cover them under a separate APDES permit.

11.V.3 Additional Technology-Based Limitations.

11.V.3.1 Good Housekeeping Measures. (See also Part 4.2.2)

11.V.3.1.1 Material Storage Areas. Plainly label and store all containerized materials (e.g., fuels, petroleum products, solvents, and dyes) in a protected area, away from drains. Minimize contamination of the storm water runoff from such storage areas. Implement an inventory control plan to prevent excessive purchasing of potentially hazardous substances. For storing empty chemical drums or containers, ensure that the drums and containers are clean (consider triple-rinsing) and that there is no contact of residuals with precipitation or runoff. Collect and dispose of washwater from these cleanings properly.

11.V.3.1.2 Material Handling Areas. Minimize contamination of storm water runoff from material handling operations and areas. Implement the following (or their equivalents), as practicable: use of spill and overflow protection; cover fueling areas; and cover or enclose areas where the transfer of material may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals, dyes, or wastewater.

11.V.3.1.3 Fueling Areas. Minimize contamination of storm water runoff from fueling areas. Implement the following (or their equivalents), as practicable: cover the fueling area, use of spill and overflow protection, minimize run-on of storm water to the fueling areas, use of dry cleanup methods, and treating and/or recycling storm water runoff collected from the fueling area.

11.V.3.1.4 Above-Ground Storage Tank Area. Minimize contamination of the storm water runoff from above-ground storage tank areas, including the associated piping and valves. Implement the following (or their equivalents), as practicable: regular cleanup of these areas; include measures for tanks, piping and valves explicitly in the permittees SPCC program; minimize runoff of storm water from adjacent areas; restrict access to the area; insert filters in adjacent catch basins; provide absorbent booms in unbermed fueling areas; use dry cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

11.V.3.2 Employee Training. (See also Part 4.2.9) As part of the permittees employee training program, address, at a minimum, the following activities (as applicable): use of reused and recycled waters, solvents management, proper disposal of dyes, proper disposal of petroleum products and spent lubricants, spill prevention and control, fueling procedures, and general good housekeeping practices.

11.V.4 Additional SWPPP Requirements.

11.V.4.1 Potential Pollutant Sources. (See also Part 5.2.4) The permittee must document in the SWPPP the following additional sources and activities that have potential pollutants associated with them: industry-specific significant materials and industrial activities (e.g., backwinding, beaming, bleaching, backing bonding, carbonizing, carding, cut and sew operations, desizing, drawing, dyeing locking, fulling, knitting, mercerizing, opening, packing, plying, scouring, slashing, spinning, synthetic-felt processing, textile waste processing, tufting, turning, weaving, web forming, winging, yarn spinning, and yarn texturing).

11.V.4.2 Description of Good Housekeeping Measures for Material Storage Areas. The permittee must document in the SWPPP the containment area or enclosure for materials stored outdoors in connection with Part 11.V.3.1.1 above.

11.V.5 Additional Inspection Requirements.

(See also Part 6.1) Inspect, at least monthly, the following activities and areas (at a minimum): transfer and transmission lines, spill prevention, good housekeeping practices, management of process waste products, and all structural and nonstructural management practices.

11. Subpart W – Sector W – Furniture and Fixtures.

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

11.W.1 Covered Storm Water Discharges.

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

11.W.2 Additional SWPPP Requirements.

11.W.2.1 Drainage Area Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: material storage (including tanks or other vessels used for liquid or waste storage) areas; outdoor material processing areas; areas where wastes are treated, stored, or disposed of; access roads; and rail spurs.

11. Subpart X – Sector X – Printing and Publishing.

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

11.X.1 Covered Storm Water Discharges.

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

11.X.2 Additional Technology-Based Effluent Limits.

11.X.2.1 *Good Housekeeping Measures.* (See also Part 4.2.2)

11.X.2.1.1 Material Storage Areas. Plainly label and store all containerized materials (e.g., skids, pallets, solvents, bulk inks, hazardous waste, empty drums, portable and mobile containers of plant debris, wood crates, steel racks, and fuel oil) in a protected area, away from drains. Minimize contamination of the storm water runoff from such storage areas. Implement an inventory control plan to prevent excessive purchasing of potentially hazardous substances. In order to minimize storm water exposure materials should be stored indoors or under cover.

11.X.2.1.2 Material Handling Area. Minimize contamination of storm water runoff from material handling operations and areas (e.g., blanket wash, mixing solvents, loading and unloading materials). Implement the following (or their equivalents), as practicable: use spill and overflow protection, cover fueling areas, and cover or enclose areas where the transfer of materials may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals or wastewater.

11.X.2.1.3 Fueling Areas. Minimize contamination of storm water runoff from fueling areas. Implement the following (or their equivalents), as practicable: cover the fueling area, use spill and overflow protection, minimize runoff of storm water to the fueling areas, use dry cleanup methods, and treat or recycle storm water runoff collected from the fueling area.

11.X.2.1.4 Above Ground Storage Tank Area. Minimize contamination of the storm water runoff from above-ground storage tank areas, including the associated piping and valves. Implement the following (or their equivalents), as practicable: regularly clean these areas, explicitly address tanks, piping and valves in the SPCC program, minimize storm water runoff from adjacent areas, restrict access to the area, insert filters in adjacent catch basins, provide absorbent booms in unbermed fueling areas, use dry cleanup methods, and permanently seal drains within critical areas that may discharge to a storm drain.

11.X.2.2 Employee Training. (See also Part 4.2.9) As part of the permittees employee training program, address, at a minimum, the following activities (as applicable): spent solvent management, spill prevention and control, used oil management, fueling procedures, and general good housekeeping practices.

11.X.3 Additional SWPPP Requirements.

11.X.3.1 Description of Good Housekeeping Measures for Material Storage Areas. In connection with Part 11.X.2.1.1, describe in the SWPPP the containment area or enclosure for materials stored outdoors.

11. Subpart Y – Sector Y – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.

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

11.Y.1 Covered Storm Water Discharges.

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

11.Y.2 Additional Technology-Based Effluent Limits.

11.Y.2.1 Controls for Rubber Manufacturers. (See also Part 4.2) Minimize the discharge of zinc in a permittees storm water discharges. Parts 11.Y.2.1.1 to 11.Y.2.1.5 give possible sources of zinc to be reviewed and list some specific control measures to be considered for implementation (or their equivalents). Following are some general control measure options to consider: using chemicals purchased in pre-weighed, sealed polyethylene bags; storing in-use materials in sealable containers, ensuring an airspace between the container and the cover to minimize “puffing” losses when the container is opened, and using automatic dispensing and weighing equipment.

11.Y.2.1.1 Zinc Bags. Ensure proper handling and storage of zinc bags at the permittees facility. Following are some control measure options: employee training on the handling and storage of zinc bags, indoor storage of zinc bags, cleanup of zinc spills without washing the zinc into the storm drain, and the use of 2,500-pound sacks of zinc rather than 50- to 100-pound sacks.

11.Y.2.1.2 Dumpsters. Minimize discharges of zinc from dumpsters. Following are some control measure options: covering the dumpster, moving the dumpster indoors, or providing a lining for the dumpster.

11.Y.2.1.3 Dust Collectors and Baghouses. Minimize contributions of zinc to storm water from dust collectors and baghouses. Replace or repair, as appropriate, improperly operating dust collectors and baghouses.

11.Y.2.1.4 Grinding Operations. Minimize contamination of storm water as a result of dust generation from rubber grinding operations. One control measure option is to install a dust collection system.

11.Y.2.1.5 *Zinc Stearate Coating Operations.* Minimize the potential for storm water contamination from drips and spills of zinc stearate slurry that may be released to the storm drain. One control measure option is to use alternative compounds to zinc stearate.

11.Y.2.2 *Controls for Plastic Products Manufacturers.* Minimize the discharge of plastic resin pellets in the storm water discharges. Control measures to be considered for implementation (or their equivalents) include minimizing spills, cleaning up of spills promptly and thoroughly, sweeping thoroughly, pellet capturing, employee education, and disposal precautions.

11.Y.3 Additional SWPPP Requirements.

11.Y.3.1 *Potential Pollutant Sources for Rubber Manufacturers.* (See also Part 5.2.4) The permittee must document in the SWPPP the use of zinc at their facility and the possible pathways through which zinc may be discharged in storm water runoff.

11.Y.4 Sector-Specific Benchmarks. (See also Part 7 of the permit.)

Table 11.Y.4-1: Sector – Specific Benchmarks – Sector Y

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration																								
Subsector Y1. Rubber Products Manufacturing (SIC 3011, 3021, 3052, 3053, 3061, 3069)	Total Zinc (saltwater) ¹ Total Zinc (freshwater) ²	0.09 mg/L Hardness Dependent																								
<p>Note:</p> <ol style="list-style-type: none"> Saltwater benchmark values apply to storm water discharges into saline waters where indicated. The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 7.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below: <table border="1" data-bbox="618 1396 1003 1808"> <thead> <tr> <th>Water Hardness Range (mg/L)</th> <th>Zinc (mg/L)</th> </tr> </thead> <tbody> <tr><td>0 – < 25</td><td>0.04</td></tr> <tr><td>25 – < 50</td><td>0.05</td></tr> <tr><td>50 – < 75</td><td>0.08</td></tr> <tr><td>75 – < 100</td><td>0.11</td></tr> <tr><td>100 – < 125</td><td>0.13</td></tr> <tr><td>125 – < 150</td><td>0.16</td></tr> <tr><td>150 – < 175</td><td>0.18</td></tr> <tr><td>175 – < 200</td><td>0.20</td></tr> <tr><td>200 – < 225</td><td>0.23</td></tr> <tr><td>225 – < 250</td><td>0.25</td></tr> <tr><td>250+</td><td>0.26</td></tr> </tbody> </table>			Water Hardness Range (mg/L)	Zinc (mg/L)	0 – < 25	0.04	25 – < 50	0.05	50 – < 75	0.08	75 – < 100	0.11	100 – < 125	0.13	125 – < 150	0.16	150 – < 175	0.18	175 – < 200	0.20	200 – < 225	0.23	225 – < 250	0.25	250+	0.26
Water Hardness Range (mg/L)	Zinc (mg/L)																									
0 – < 25	0.04																									
25 – < 50	0.05																									
50 – < 75	0.08																									
75 – < 100	0.11																									
100 – < 125	0.13																									
125 – < 150	0.16																									
150 – < 175	0.18																									
175 – < 200	0.20																									
200 – < 225	0.23																									
225 – < 250	0.25																									
250+	0.26																									

11. Subpart Z – Sector Z – Leather Tanning and Finishing.

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

11.Z.1 Covered Storm Water Discharges.

The requirements in Subpart Z apply to storm water discharges associated with industrial activity from Leather Tanning and Finishing facilities as identified by the SIC Code specified under Sector Z in Table D-1 of Appendix D of the permit.

11.Z.2 Additional Technology-Based Effluent Limits.

11.Z.2.1 *Good Housekeeping Measures.* (See also Part 4.2.2)

11.Z.2.1.1 *Storage Areas for Raw, Semiprocessed, or Finished Tannery By-products.* Minimize contamination of storm water runoff from pallets and bales of raw, semiprocessed, or finished tannery by-products (e.g., splits, trimmings, shavings). Use indoor storage or protection with polyethylene wrapping, tarpaulins, roofed storage, etc. Place materials on an impermeable surface and enclose or put berms (or equivalent measures) around the area to prevent storm water run-on and runoff.

11.Z.2.1.2 *Material Storage Areas.* Label storage containers of all materials (e.g., specific chemicals, hazardous materials, spent solvents, waste materials) minimize contact of such materials with storm water.

11.Z.2.1.3 *Buffing and Shaving Areas.* Minimize contamination of storm water runoff with leather dust from buffing and shaving areas. Use dust collection enclosures, preventive inspection and maintenance programs, or other appropriate preventive measures.

11.Z.2.1.4 *Receiving, Unloading, and Storage Areas.* Minimize contamination of storm water runoff from receiving, unloading, and storage areas. If these areas are exposed, use the following (or their equivalents): covering all hides and chemical supplies, diverting drainage to the process sewer, or grade berming or curbing the area to prevent storm water runoff.

11.Z.2.1.5 *Outdoor Storage of Contaminated Equipment.* Minimize contact of storm water with contaminated equipment. Use the following (or their equivalents): covering equipment, diverting drainage to the process sewer, or cleaning thoroughly prior to storage.

11.Z.2.1.6 Waste Management. Minimize contamination of storm water runoff from waste storage areas. Use the following (or their equivalents): covering dumpsters, moving waste management activities indoors, covering waste piles with temporary covering material such as tarpaulins or polyethylene, or minimizing storm water runoff by enclosing the area or building berms around the area.

11.Z.3 Additional SWPPP Requirements.

11.Z.3.1 Drainage Area Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: processing and storage areas of the beamhouse, tanyard, and re-tan wet finishing and dry finishing operations.

11.Z.3.2 Potential Pollutant Sources. (See also Part 5.2.4) The permittee must document in the SWPPP the following sources and activities that have potential pollutants associated with them (as appropriate): temporary or permanent storage of fresh and brine-cured hides; extraneous hide substances and hair; leather dust, scraps, trimmings, and shavings.

11. Subpart AA – Sector AA – Fabricated Metal Products.

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

11.AA.1 Covered Storm Water Discharges.

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

11.AA.2 Additional Technology-Based Effluent Limits.

11.AA.2.1 Good Housekeeping Measures. (See also Part 4.2.2)

11.AA.2.1.1 Raw Steel Handling Storage. Minimize the generation of and/or recover and properly manage scrap metals, fines, and iron dust. Include measures for containing materials within storage handling areas.

11.AA.2.1.2 Paints and Painting Equipment. Minimize exposure of paint and painting equipment to storm water.

11.AA.2.2 Spill Prevention and Response Procedures. (See also Part 4.2.4) Ensure that the necessary equipment to implement a cleanup is available to personnel. The following areas should be addressed:

11.AA.2.2.1 Metal Fabricating Areas. Maintain clean, dry, orderly conditions in these areas. Use dry clean-up techniques.

11.AA.2.2.2 Storage Areas for Raw Metal. Keep these areas free of conditions that could cause, or impede appropriate and timely response to, spills or leakage of materials. Implement the following (or their equivalents): maintaining storage areas so that there is easy access in the event of a spill, and labeling stored materials to aid in identifying spill contents.

11.AA.2.2.3 Metal Working Fluid Storage Areas. Minimize the potential for storm water contamination from storage areas for metal working fluids.

11.AA.2.2.4 Cleaners and Rinse Water. Control and clean up spills of solvents and other liquid cleaners, control sand buildup and disbursement from sand-blasting operations, and prevent exposure of recyclable wastes. Substitute environmentally benign cleaners when possible.

11.AA.2.2.5 Lubricating Oil and Hydraulic Fluid Operations. Minimize the potential for storm water contamination from lubricating oil and hydraulic fluid operations. Use appropriate monitoring methods or equipment or other devices to detect and control leaks and overflows. Install perimeter controls such as dikes, curbs, grass filter strips, or equivalent measures, as practicable.

11.AA.2.2.6 Chemical Storage Areas. Minimize storm water contamination and accidental spillage in chemical storage areas. Include a program to inspect containers and identify proper disposal methods.

11.AA.2.3 Spills and Leaks. (See also Part 5.2.4.3) In the permittees spill prevention and response procedures, required by Part 4.2.4, pay attention to the following materials (at a minimum): chromium, toluene, pickle liquor, sulfuric acid, zinc and other water priority chemicals, and hazardous chemicals and wastes.

11.AA.3 Additional SWPPP Requirements.

11.AA.3.1 Drainage Area Site Map. (See also Part 5.2.3) The permittee must document in the SWPPP where any of the following may be exposed to precipitation or surface runoff: raw metal storage areas; finished metal storage areas; scrap disposal collection sites; equipment storage areas; retention and detention basins; temporary and permanent diversion dikes or berms; right-of-way or perimeter diversion devices; sediment traps and barriers; processing areas, including outside painting areas; wood preparation; recycling; and raw material storage.

11.AA.3.2 Potential Pollutant Sources. (See also Part 5.2.4) The permittee must document in the SWPPP the following additional sources and activities that have potential pollutants associated with them: loading and unloading operations for paints, chemicals, and raw materials; outdoor storage activities for raw materials, paints, empty containers, corn cobs, chemicals, and scrap metals; outdoor manufacturing or processing activities such as grinding, cutting, degreasing, buffing, and brazing; onsite waste disposal practices for spent solvents, sludge, pickling baths, shavings, ingot pieces, and refuse and waste piles.

11.AA.4 Additional Inspection Requirements.

11.AA.4.1 Inspections. (See also Part 6) At a minimum, include the following areas in all inspections: raw metal storage areas, finished product storage areas, material and chemical storage areas, recycling areas, loading and unloading areas, equipment storage areas, paint areas, and vehicle fueling and maintenance areas.

11.AA.4.2 *Comprehensive Site Inspections.* (See also Part 6.3) As part of the permittees inspections, also inspect areas associated with the storage of raw metals, spent solvents and chemicals storage areas, outdoor paint areas, and drainage from roof. Potential pollutants include chromium, zinc, lubricating oil, solvents, aluminum, oil and grease, methyl ethyl ketone, steel, and related materials.

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

Table 11.AA.5-1: Sector – Specific Benchmarks – Sector AA

Subsector (Permittees may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector AA1. Fabricated Metal Products, except Coating (SIC 3411-3499; 3911-3915)	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Zinc (saltwater) ¹ Total Zinc (freshwater) ²	0.09 mg/L Hardness Dependent
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
Subsector AA2. Fabricated Metal Coating and Engraving (SIC 3479)	Total Zinc (saltwater) ¹ Total Zinc (freshwater) ²	0.09 mg/L Hardness Dependent
	Nitrate plus Nitrite Nitrogen	0.68 mg/L

Note:

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

Water Hardness Range (mg/L)	Zinc (mg/L)
0 – < 25	0.04
25 – < 50	0.05
50 – < 75	0.08
75 – < 100	0.11
100 – < 125	0.13
125 – < 150	0.16
150 – < 175	0.18
175 – < 200	0.20
200 – < 225	0.23
225 – < 250	0.25
250+	0.26

11. Subpart AB – Sector AB — Transportation Equipment, Industrial or Commercial Machinery Facilities.

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

11.AB.1 Covered Storm Water Discharges.

The requirements in Subpart AB apply to storm water discharges associated with industrial activity from Transportation Equipment, Industrial or Commercial Machinery facilities as identified by the SIC Codes specified under Sector AB in Table D-1 of Appendix D of the permit.

11.AB.2 Additional SWPPP Requirements.

11.AB.2.1 Drainage Area Site Map. (See also Part 5.2.3) Identify in the permittees SWPPP where any of the following may be exposed to precipitation or surface runoff: vents and stacks from metal processing and similar operations.

11. Subpart AC– Sector AC –Electronic and Electrical Equipment and Components, Photographic and Optical Goods.

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

11.AC.1 Covered Storm Water Discharges.

The requirements in Subpart AC apply to storm water discharges associated with industrial activity from facilities that manufacture Electronic and Electrical Equipment and Components, Photographic and Optical goods as identified by the SIC Codes specified in Table D-1 of Appendix D of the permit.

11.AC.2 Additional Requirements.

No additional sector-specific requirements apply.

11. Subpart AD – Sector AD – Discharges Designated by the Director as Requiring Permits.

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

11.AD.1 Covered Discharges.

Sector AD is used to provide permit coverage for facilities designated by the Department.

11.AD.1.1 Eligibility for Permit Coverage. Because this sector is primarily intended for use by discharges designated by the Department as needing a permit (which is an atypical circumstance), the permittee must obtain the Department’s written permission to use this permit prior to submitting an NOI. If a permittee is authorized to use this permit, they will still be required to ensure that their discharges meet the basic eligibility provisions of this permit at Part 1.2.

11.AD.3 Sector-Specific Benchmarks and Effluent Limits. (See also Part 7 of the permit.)

The Department will establish any additional monitoring and reporting requirements for the permittees facility prior to authorizing the permittee to be covered by this permit. Additional monitoring requirements would be based on the nature of activities at the facility and the storm water discharges.

Appendix A – Standard Conditions

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Appendix A of the permit contains standard regulatory language that must be included in all APDES permits. These requirements are based on the regulations and cannot be challenged in the context of an individual APDES permit action. The standard regulatory language covers requirements such as monitoring, recording, reporting requirements, compliance responsibilities, and other general requirements. Appendix A, Standard Conditions is an integral and enforceable part of the permit. Failure to comply with a Standard Condition in this Appendix constitutes a violation of the permit and is subject to enforcement.

1.0 Standard Conditions Applicable to All Permits

1.1. Contact Information and Addresses

1.1.1. Permitting Program

Documents, reports, and plans required under the permit and Appendix A are to be sent to the following address:

State of Alaska
Department of Environmental Conservation
Division of Water
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, Alaska 99501
Telephone (907) 269-6285
Fax (907) 269-3487
Email: DEC.Water.WQPermit@alaska.gov

1.1.2. Compliance and Enforcement Program

Documents and reports required under the permit and Appendix A relating to compliance are to be sent to the following address:

State of Alaska
Department of Environmental Conservation
Division of Water
Compliance and Enforcement Program
555 Cordova Street
Anchorage, Alaska 99501
Telephone Nationwide (877) 569-4114
Anchorage Area / International (907) 269-4114
Fax (907) 269-4604
Email: dec-wqreporting@alaska.gov

1.2. Duty to Comply

A permittee shall comply with all conditions of the permittee's APDES permit. Any permit noncompliance constitutes a violation of 33 U.S.C. 1251-1387 (Clean Water Act) and state law and is grounds for enforcement action including termination, revocation and reissuance, or modification of a permit, or denial of a permit renewal application. A permittee shall comply with effluent standards or prohibitions established under 33 U.S.C. 1317(a) for toxic pollutants

within the time provided in the regulations that establish those effluent standards or prohibitions even if the permit has not yet been modified to incorporate the requirement.

1.3. Duty to Reapply

If a permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain a new permit. In accordance with 18 AAC 83.105(b), a permittee with a currently effective permit shall reapply by submitting a new application at least 180 days before the existing permit expires, unless the Department has granted the permittee permission to submit an application on a later date. However, the Department will not grant permission for an application to be submitted after the expiration date of the existing permit.

1.4. Need to Halt or Reduce Activity Not a Defense

In an enforcement action, a permittee may not assert as a defense that compliance with the conditions of the permit would have made it necessary for the permittee to halt or reduce the permitted activity.

1.5. Duty to Mitigate

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

1.6. Proper Operation and Maintenance

- 1.6.1. A permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances that the permittee installs or uses to achieve compliance with the conditions of the permit. The permittee's duty to operate and maintain properly includes using adequate laboratory controls and appropriate quality assurance procedures. However, a permittee is not required to operate back-up or auxiliary facilities or similar systems that a permittee installs unless operation of those facilities is necessary to achieve compliance with the conditions of the permit.
- 1.6.2. Operation and maintenance records shall be retained and made available at the site.

1.7. Permit Actions

A permit may be modified, revoked and reissued, or terminated for cause as provided in 18 AAC 83.130. If a permittee files a request to modify, revoke and reissue, or terminate a permit, or gives notice of planned changes or anticipated noncompliance, the filing or notice does not stay any permit condition.

1.8. Property Rights

A permit does not convey any property rights or exclusive privilege.

1.9. Duty to Provide Information

A permittee shall, within a reasonable time, provide to the Department any information that the Department requests to determine whether a permittee is in compliance with the permit, or whether cause exists to modify, revoke and reissue, or terminate the permit. A permittee shall also provide to the Department, upon request, copies of any records the permittee is required to keep under the permit.

1.10. Inspection and Entry

A permittee shall allow the Department, or an authorized representative, including a contractor acting as a representative of the Department, at reasonable times and on presentation of credentials establishing authority and any other documents required by law, to:

- 1.10.1. Enter the premises where a permittee's regulated facility or activity is located or conducted, or where permit conditions require records to be kept;
- 1.10.2. Have access to and copy any records that permit conditions require the permittee to keep;
- 1.10.3. Inspect any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under a permit; and
- 1.10.4. Sample or monitor any substances or parameters at any location for the purpose of assuring permit compliance or as otherwise authorized by 33 U.S.C. 1251-1387 (Clean Water Act).

1.11. Monitoring and Records

A permittee must comply with the following monitoring and recordkeeping conditions:

- 1.11.1. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.
- 1.11.2. The permittee shall retain records in Alaska of all monitoring information for at least three years, or longer at the Department's request at any time, from the date of the sample, measurement, report, or application. Monitoring records required to be kept include:
 - 1.11.2.1. All calibration and maintenance records,
 - 1.11.2.2. All original strip chart recordings or other forms of data approved by the Department for continuous monitoring instrumentation,
 - 1.11.2.3. All reports required by a permit,
 - 1.11.2.4. Records of all data used to complete the application for a permit,
 - 1.11.2.5. Field logbooks or visual monitoring logbooks,
 - 1.11.2.6. Quality assurance chain of custody forms,
 - 1.11.2.7. Copies of discharge monitoring reports, and
 - 1.11.2.8. A copy of this APDES permit.
- 1.11.3. Records of monitoring information must include:
 - 1.11.3.1. The date, exact place, and time of any sampling or measurement;

- 1.11.3.2. The name(s) of any individual(s) who performed the sampling or measurement(s);
 - 1.11.3.3. The date(s) and time any analysis was performed;
 - 1.11.3.4. The name(s) of any individual(s) who performed any analysis;
 - 1.11.3.5. Any analytical technique or method used; and
 - 1.11.3.6. The results of the analysis.
- 1.11.4. Monitoring Procedures

Analyses of pollutants must be conducted using test procedures approved under 40 CFR Part 136, adopted by reference at 18 AAC 83.010, for pollutants with approved test procedures, and using test procedures specified in the permit for pollutants without approved methods.

1.12. Signature Requirement and Penalties

- 1.12.1. Any application, report, or information submitted to the Department in compliance with a permit requirement must be signed and certified in accordance with 18 AAC 83.385. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, or other document filed or required to be maintained under a permit, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be subject to penalties under 33 U.S.C. 1319(c)(4), AS 12.55.035(c)(1)(B), (c)(2) and (c)(3), and AS 46.03.790(g).
- 1.12.2. In accordance with 18 AAC 83.385, an APDES permit application must be signed as follows:
 - 1.12.2.1. For a corporation, a responsible corporate officer shall sign the application; in this subsection, a responsible corporate officer means:
 - 1.12.2.1.1. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
 - 1.12.2.1.2. The manager of one of more manufacturing, production, or operating facilities, if
 - 1.12.2.1.2.1. The manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations;
 - 1.12.2.1.2.2. The manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and
 - 1.12.2.1.3. Authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- 1.12.2.2. For a partnership or sole proprietorship, by the general partner or the proprietor, respectively, shall sign the application.

- 1.12.2.3. For a municipality, state, federal, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means:
 - 1.12.2.3.1. The chief executive officer of the agency; or
 - 1.12.2.3.2. A senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.
- 1.12.3. Any report required by an APDES permit, and a submittal with any other information requested by the Department, must be signed by a person described in Appendix A, Part 1.12.2, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1.12.3.1. The authorization is made in writing by a person described in Appendix A, Part 1.12.2;
 - 1.12.3.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, including the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility; or an individual or position having overall responsibility for environmental matters for the company; and
 - 1.12.3.3. The written authorization is submitted to the Department to the Permitting Program address in Appendix A, Part 1.1.1.
- 1.12.4. If an authorization under Appendix A, Part 1.12.3 is no longer effective because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Appendix A, Part 1.12.3 must be submitted to the Department before or together with any report, information, or application to be signed by an authorized representative.
- 1.12.5. Any person signing a document under Appendix A, Part 1.12.2 or Part 1.12.3 shall certify as follows:

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

1.13. Proprietary or Confidential Information

- 1.13.1. A permit applicant or permittee may assert a claim of confidentiality for proprietary or confidential business information by stamping the words "confidential business information" on each page of a submission containing proprietary or confidential business information. The Department will treat the stamped submissions as confidential if the information satisfies the test in 40 CFR §2.208, adopted by reference at 18 AAC 83.010, and is not otherwise required to be made public by state law.

- 1.13.2. A claim of confidentiality under Appendix A, Part 1.13.1 may not be asserted for the name and address of any permit applicant or permittee, a permit application, a permit, effluent data, sewage sludge data, and information required by APDES or NPDES application forms provided by the Department, whether submitted on the forms themselves or in any attachments used to supply information required by the forms.
- 1.13.3. A permittee's claim of confidentiality authorized under Appendix A, Part 1.13.1 is not waived if the Department provides the proprietary or confidential business information to the EPA or to other agencies participating in the permitting process. The Department will supply any information obtained or used in the administration of the state APDES program to the EPA upon request under 40 CFR §123.41, as revised as of July 1, 2005. When providing information submitted to the Department with a claim of confidentiality to the EPA, the Department will notify the EPA of the confidentiality claim. If the Department provides the EPA information that is not claimed to be confidential, the EPA may make the information available to the public without further notice.

1.14. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any action or relieve a permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under state laws addressing oil and hazardous substances.

1.15. Cultural and Paleontological Resources

If cultural or paleontological resources are discovered because of this disposal activity, work that would disturb such resources is to be stopped, and the Office of History and Archaeology, a Division of Parks and Outdoor Recreation of the Alaska Department of Natural Resources (<http://www.dnr.state.ak.us/parks/oha/>), is to be notified immediately at (907) 269-8721.

1.16. Fee

A permittee must pay the appropriate permit fee described in 18 AAC 72.

1.17. Other Legal Obligations

This permit does not relieve the permittee from the duty to obtain any other necessary permits from the Department or from other local, state, or federal agencies and to comply with the requirements contained in any such permits. All activities conducted and all plan approvals implemented by the permittee pursuant to the terms of this permit shall comply with all applicable local, state, and federal laws and regulations.

2.0 Special Reporting Obligations

2.1. Planned Changes

- 2.1.1. The permittee shall give notice to the Department as soon as possible of any planned physical alteration or addition to the permitted facility if:
 - 2.1.1.1. The alteration or addition may make the facility a "new source" under one or more of the criteria in 18 AAC 83.990(44); or

2.1.1.2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged if those pollutants are not subject to effluent limitations in the permit or to notification requirements under 18 AAC 83.610.

2.1.2. If the proposed changes are subject to plan review, then the plans must be submitted at least 30 days before implementation of changes (see 18 AAC 15.020 and 18 AAC 72 for plan review requirements). Written approval is not required for an emergency repair or routine maintenance.

2.1.3. Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

2.2. Anticipated Noncompliance

2.2.1. A permittee shall give seven days' notice to the Department before commencing any planned change in the permitted facility or activity that may result in noncompliance with permit requirements.

2.2.2. Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

2.3. Transfers

2.3.1. A permittee may not transfer a permit for a facility or activity to any person except after notice to the Department in accordance with 18 AAC 83.150. The Department may modify or revoke and reissue the permit to change the name of the permittee and incorporate such other requirements under 33 U.S.C. 1251-1387 (Clean Water Act) or state law.

2.3.2. Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

2.4. Compliance Schedules

2.4.1. A permittee must submit progress or compliance reports on interim and final requirements in any compliance schedule of a permit no later than 14 days following the scheduled date of each requirement.

2.4.2. Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

2.5. Corrective Information

2.5.1. If a permittee becomes aware that it failed to submit a relevant fact in a permit application or submitted incorrect information in a permit application or in any report to the Department, the permittee shall promptly submit the relevant fact or the correct information.

2.5.2. Information must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

2.6. Bypass of Treatment Facilities

2.6.1. Prohibition of Bypass

Bypass is prohibited. The Department may take enforcement action against a permittee for any bypass, unless:

- 2.6.1.1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- 2.6.1.2. There were no feasible alternatives to the bypass, including use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. However, this condition is not satisfied if the permittee, in the exercise of reasonable engineering judgment, should have installed adequate back-up equipment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
- 2.6.1.3. The permittee provides notice to the Department of a bypass event in the manner, as appropriate, under Appendix A, Part 2.6.2.

2.6.2. Notice of bypass

- 2.6.2.1. For an anticipated bypass, the permittee submits notice at least 10 days before the date of the bypass. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the conditions of Appendix A, Parts 2.6.1.1 and 2.6.1.2.
 - 2.6.2.2. For an unanticipated bypass, the permittee submits 24-hour notice, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting.
 - 2.6.2.3. Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.
- 2.6.3. Notwithstanding Appendix A, Part 2.6.1, a permittee may allow a bypass that:
- 2.6.3.1. Does not cause an effluent limitation to be exceeded, and
 - 2.6.3.2. Is for essential maintenance to assure efficient operation.

2.7. Upset Conditions

- 2.7.1. In any enforcement action for noncompliance with technology-based permit effluent limitations, a permittee may claim upset as an affirmative defense. A permittee seeking to establish the occurrence of an upset has the burden of proof to show that the requirements of Appendix A, Part 2.7.2 are met.
- 2.7.2. To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
 - 2.7.2.1. An upset occurred and the permittee can identify the cause or causes of the upset;
 - 2.7.2.2. The permitted facility was at the time being properly operated;
 - 2.7.2.3. The permittee submitted 24-hour notice of the upset, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting; and
 - 2.7.2.4. The permittee complied with any mitigation measures required under 18 AAC 83.405(e) and Appendix A, Part 1.5, Duty to Mitigate.
- 2.7.3. Any determination made in administrative review of a claim that noncompliance was caused by upset, before an action for noncompliance is commenced, is not final administrative action subject to judicial review.

2.8. Existing Manufacturing, Commercial, Mining, and Silvicultural Discharges

- 2.8.1. In addition to the reporting requirements under 18 AAC 83.410, an existing manufacturing, commercial, mining, and silvicultural discharger shall notify the Department as soon as that discharger knows or has reason to believe that any activity has occurred or will occur that would result in:
- 2.8.1.1. The discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
- 2.8.1.1.1. One hundred micrograms per liter (100 µg/L);
- 2.8.1.1.2. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile, 500 micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol, and one milligram per liter (1 mg/L) for antimony;
- 2.8.1.1.3. Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 18 AAC 83.310(c)-(g); or
- 2.8.1.1.4. The level established by the Department in accordance with 18 AAC 83.445.
- 2.8.1.2. Any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
- 2.8.1.2.1. Five hundred micrograms per liter (500 µg/L);
- 2.8.1.2.2. One milligram per liter (1 mg/L) for antimony;
- 2.8.1.2.3. Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with 18 AAC 83.310(c)-(g); or
- 2.8.1.2.4. The level established by the Department in accordance with 18 AAC 83.445.

3.0 Monitoring, Recording, and Reporting Requirements

3.1. Representative Sampling

A permittee must collect effluent samples from the effluent stream after the last treatment unit before discharge into the receiving waters. Samples and measurements must be representative of the volume and nature of the monitored activity or discharge.

3.2. Reporting of Monitoring Results

At intervals specified in the permit, monitoring results must be reported on the EPA discharge monitoring report (DMR) form, as revised as of March 1999, adopted by reference.

- 3.2.1. Monitoring results shall be summarized each month on the DMR or an approved equivalent report. The permittee must submit reports monthly postmarked by the 15th day of the following month.
- 3.2.2. The permittee must sign and certify all DMRs and all other reports in accordance with the requirements of Appendix A, Part 1.12, Signature Requirement and Penalties. All signed and certified legible original DMRs and all other documents and reports must be submitted

to the Department at the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

- 3.2.3. If, during the period when this permit is effective, the Department makes available electronic reporting, the permittee may, as an alternative to the requirements of Appendix A, Part 3.2.2, submit monthly DMRs electronically by the 15th day of the following month in accordance with guidance provided by the Department. The permittee must certify all DMRs and other reports, in accordance with the requirements of Appendix A, Part 1.12, Signature Requirement and Penalties. The permittee must retain the legible originals of these documents and make them available to the Department upon request.

3.3. Additional Monitoring by Permittee

If the permittee monitors any pollutant more frequently than the permit requires using test procedures approved in 40 CFR Part 136, adopted by reference at 18 AAC 83.010, or as specified in this permit, the results of that additional monitoring must be included in the calculation and reporting of the data submitted in the DMR or annual report required by Appendix A, Part 3.2. All limitations that require averaging of measurements must be calculated using an arithmetic means unless the Department specifies another method in the permit. Upon request by the Department, the permittee must submit the results of any other sampling and monitoring regardless of the test method used.

3.4. Twenty-four Hour Reporting

A permittee shall report any noncompliance event that may endanger health or the environment as follows:

- 3.4.1. A report must be made:
- 3.4.1.1. Orally within 24 hours after the permittee becomes aware of the circumstances, and
 - 3.4.1.2. In writing within five days after the permittee becomes aware of the circumstances.
- 3.4.2. A report must include the following information:
- 3.4.2.1. A description of the noncompliance and its causes, including the estimated volume or weight and specific details of the noncompliance;
 - 3.4.2.2. The period of noncompliance, including exact dates and times;
 - 3.4.2.3. If the noncompliance has not been corrected, a statement regarding the anticipated time the noncompliance is expected to continue; and
 - 3.4.2.4. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- 3.4.3. An event that must be reported within 24 hours includes:
- 3.4.3.1. An unanticipated bypass that exceeds any effluent limitation in the permit (see Appendix A, Part 2.6, Bypass of Treatment Facilities).
 - 3.4.3.2. An upset that exceeds any effluent limitation in the permit (see Appendix A, Part 2.7, Upset Conditions).

- 3.4.3.3. A violation of a maximum daily discharge limitation for any of the pollutants listed in the permit as requiring 24-hour reporting.
- 3.4.4. The Department may waive the written report on a case-by-case basis for reports under Appendix A, Part 3.4 if the oral report has been received within 24 hours of the permittee becoming aware of the noncompliance event.
- 3.4.5. The permittee may satisfy the written reporting submission requirements of Appendix A, Part 3.4 by submitting the written report via e-mail, if the following conditions are met:
 - 3.4.5.1. The Noncompliance Notification Form or equivalent form is used to report the noncompliance;
 - 3.4.5.2. The written report includes all the information required under Appendix A, Part 3.4.2;
 - 3.4.5.3. The written report is properly certified and signed in accordance with Appendix A, Parts 1.12.3 and 1.12.5;
 - 3.4.5.4. The written report is scanned as a PDF (portable document format) document and transmitted to the Department as an attachment to the e-mail; and
 - 3.4.5.5. The permittee retains in the facility file the original signed and certified written report and a printed copy of the conveying email.
- 3.4.6. The e-mail and PDF written report will satisfy the written report submission requirements of this permit provided the e-mail is received by the Department within five days after the time the permittee becomes aware of the noncompliance event and the e-mail and written report satisfy the criteria of Part 3.4.5. The e-mail address to report noncompliance is: dec-wqreporting@alaska.gov.

3.5. Other Noncompliance Reporting

A permittee shall report all instances of noncompliance not required to be reported under Appendix A, Parts 2.4 (Compliance Schedules), 3.3 (Additional Monitoring by Permittee), and 3.4 (Twenty-four Hour Reporting) at the time the permittee submits monitoring reports under Appendix A, Part 3.2. (Reporting of Monitoring Results). A report of noncompliance under this part must contain the information listed in Appendix A, Part 3.4.2 and be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

4.0 Penalties for Violations of Permit Conditions

Alaska laws allow the State to pursue both civil and criminal actions concurrently. The following is a summary of Alaska law. Permittees should read the applicable statutes for further substantive and procedural details.

4.1. Civil Action

Under AS 46.03.760(e), a person who violates or causes or permits to be violated a regulation, a lawful order of the Department, or a permit, approval, or acceptance, or term or condition of a permit, approval or acceptance issued under the program authorized by AS 46.03.020 (12) is liable, in a civil action, to the State for a sum to be assessed by the court of not less than \$500

nor more than \$100,000 for the initial violation, nor more than \$10,000 for each day after that on which the violation continues, and that shall reflect, when applicable:

- 4.1.1. Reasonable compensation in the nature of liquated damages for any adverse environmental effects caused by the violation, that shall be determined by the court according to the toxicity, degradability, and dispersal characteristics of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality;
- 4.1.2. Reasonable costs incurred by the State in detection, investigation, and attempted correction of the violation;
- 4.1.3. The economic savings realized by the person in not complying with the requirements for which a violation is charged; and
- 4.1.4. The need for an enhanced civil penalty to deter future noncompliance.

4.2. Injunctive Relief

- 4.2.1. Under AS 46.03.820, the Department can order an activity presenting an imminent or present danger to public health or that would be likely to result in irreversible damage to the environment be discontinued. Upon receipt of such an order, the activity must be immediately discontinued.
- 4.2.2. Under AS 46.03.765, the Department can bring an action in Alaska Superior Court seeking to enjoin ongoing or threatened violations for Department-issued permits and Department statutes and regulations.

4.3. Criminal Action

Under AS 46.03.790(h), a person is guilty of a Class A misdemeanor if the person negligently:

- 4.3.1. Violates a regulation adopted by the Department under AS 46.03.020(12);
- 4.3.2. Violates a permit issued under the program authorized by AS 46.03.020(12);
- 4.3.3. Fails to provide information or provides false information required by a regulation adopted under AS 46.03.020(12);
- 4.3.4. Makes a false statement, representation, or certification in an application, notice, record, report, permit, or other document filed, maintained, or used for purposes of compliance with a permit issued under or a regulation adopted under AS 46.03.020(12); or
- 4.3.5. Renders inaccurate a monitoring device or method required to be maintained by a permit issued or under a regulation adopted under AS 46.03.020(12).

4.4. Other Fines

Upon conviction of a violation of a regulation adopted under AS 46.03.020(12), a defendant who is not an organization may be sentenced to pay a fine of not more than \$10,000 for each separate violation (AS 46.03.790(g)). A defendant that is an organization may be sentenced to pay a fine not exceeding the greater of: (1) \$200,00; (2) three times the pecuniary gain realized by the defendant as a result of the offense; or (3) three times the pecuniary damage or loss

caused by the defendant to another, or the property of another, as a result of the offense (AS 12.55.035(c)(B), (c)(2), and (c)(3)).

APPENDIX B

ABBREVIATIONS AND ACRONYMS

Appendix B – Abbreviations and Acronyms

BOD₅ – Biochemical Oxygen Demand (5-day test)

BMP – Best Management Practice

CERCLA – Comprehensive Environmental Response, Compensation and Liability Act

CGP – Construction General Permit

COD – Chemical Oxygen Demand

CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)

CWT – Centralized Waste Treatment

DMR – Discharge Monitoring Report

EPA – U. S. Environmental Protection Agency

ESA – Endangered Species Act

FWS – U. S. Fish and Wildlife Service

LA – Load Allocations

MDMR – MSGP Discharge Monitoring Report

MGD – Million Gallons per Day

MOS – Margin of Safety

MS4 – Municipal Separate Storm Sewer System

MSDS – Material Safety Data Sheet

MSGP – Multi-Sector General Permit

NAICS – North American Industry Classification System

NEPA – National Environmental Policy Act

NHPA – National Historic Preservation Act

NMFS – U. S. National Marine Fisheries Service

NOI – Notice of Intent

NOT – Notice of Termination

NPDES – National Pollutant Discharge Elimination System

NRC – National Response Center
NRHP – National Register of Historic Places
NSPS – New Source Performance Standard
NTU – Nephelometric Turbidity Unit
OMB – U. S. Office of Management and Budget
ORW – Outstanding Resource Water
OSM – U. S. Office of Surface Mining
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
RQ – Reportable Quantity
SARA – Superfund Amendments and Reauthorization Act
SHPO – State Historic Preservation Officer
SIC – Standard Industrial Classification
SMCRA – Surface Mining Control and Reclamation Act
SPCC – Spill Prevention, Control, and Countermeasures
SWPPP – Stormwater Pollution Prevention Plan
THPO – Tribal Historic Preservation Officer
TMDL – Total Maximum Daily Load
TSDf – Treatment, Storage, or Disposal Facility
TSS – Total Suspended Solids
USGS – United States Geological Survey
WLA – Wasteload Allocation
WQS – Water Quality Standard

APPENDIX C

DEFINITIONS

Appendix C – Definitions (for the purposes of this permit).

Action Area – all areas to be affected directly or indirectly by the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities, and not merely the immediate area involved in these discharges and activities.

Arid Climate – areas where annual rainfall averages from 0 to 10 inches.

Best Management Practices (BMPs) – schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. See 40 CFR 122.2.

Cationic Treatment Chemical – For the purposes of this permit, means polymers, flocculants, or other chemicals that contain an overall positive charge. Among other things, they are used to reduce turbidity in storm water discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.

Co-Located Industrial Activities – Any industrial activities, excluding your primary industrial activity(ies), located on-site that are defined by the storm water regulations at 122.26(b)(14)(i)-(ix) and (xi). An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the storm water regulations or identified by the SIC code list in Appendix D.

Control Measure – refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

Director – a Director of the Division of Water within the Department of Environmental Conservation.

Discharge – when used without qualification, means the "discharge of a pollutant." See 40 CFR 122.2.

Discharge of a Pollutant – any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source,” or any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

Discharge-Related Activities – activities that cause, contribute to, or result in storm water and allowable non-storm water point source discharges, and measures such as the siting, construction and operation of BMPs to control, reduce, or prevent pollution in the discharges.

Drought-Stricken Area – a period of below average water content in streams, reservoirs, ground-water aquifers, lakes and soils.

EPA Approved or Established Total Maximum Daily Loads (TMDLs) – “EPA Approved TMDLs” are those that are developed by a State and approved by EPA. “EPA Established TMDLs” are those that are developed by EPA.

Existing Discharger – an operator applying for coverage under this permit for discharges authorized previously under an NPDES general or individual permit.

Facility or Activity – any NPDES “point source” (including land or appurtenances thereto) that is subject to regulation under the NPDES program. See 40 CFR 122.2.

Fall Freeze-up –For the purposes of this permit, means for planning purposes in the development of the SWPPP and initial planning of the control measure maintenance the date in the fall that air temperatures will be predominately below freezing. It is the date in the fall that has an 80% probability that a minimum temperature below a threshold of 32.5 degrees Fahrenheit will occur on or after the given date. This date can be found by looking up the “Fall ‘Freeze’ Probabilities” for the weather station closest to the facility on the website www.wrcc.dri.edu/summary/Climsmak.html. NOTE: This estimation of “Fall Freeze-up” is for planning purposes only. During construction and operation the permittee will need to maintain control measures based on actual conditions.

Federal Facility – any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the federal government.

Final Stabilization - For the purposes of this permit, means that:

1. All soil disturbing activities at the site have been completed and either of the two following criteria shall be met:
 - a. a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
 - b. equivalent non vegetative permanent stabilization measures have been employed (such as the use of riprap, gabions, porous backfill (ADOT&PF Specification 703-2.10), railroad ballast or subballast, ditch lining (ADOT&PF Specification 610-2.01 with <3% smaller than #200 sieve), geotextiles, or fill material with low erodibility as determined by an engineer familiar with the site and documented in the SWPPP).
2. When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, then 70 percent of 50 percent ($0.70 \times 0.50 = 0.35$) would

require 35 percent total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.

3. In arid and semi-arid areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:
 - a. Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the permittee;
 - b. The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.

Impaired Water (or “Water Quality Impaired Water” or “Water Quality Limited Segment”) – A water is impaired for purposes of this permit if it has been identified by a State or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards (these waters are called “water quality limited segments” under 40 CFR 30.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

Indian Country – (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe. (18 U.S.C. 1151)

Industrial Activity – the 10 categories of industrial activities included in the definition of “storm water discharges associated with industrial activity” as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

Industrial Storm Water – storm water runoff from industrial activity.

Measurable Storm Event - a storm event that results in an actual discharge from the facility that follows the preceding measurable storm event by at least 72 hours (3 days). No specific storm magnitude (i.e., 0.1 inches or greater) is specified, only an event which results in a discharge. For snowmelt, an event which some point in time produces a measurable discharge from the facility.

Minimize – To reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

Municipal Separate Storm Sewer System (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- a. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- b. Designed or used for collecting or conveying storm water;
- c. Which is not a combined sewer; and
- d. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. See 40 CFR 122.26(b)(4) and (b)(7).

New Discharger – a facility from which there is a discharge, that did not commence the discharge at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective NPDES permit for discharges at that site. See 40 CFR 122.2.

New Source – any building, structure, facility, or installation from which there is or may be a “discharge of pollutants,” the construction of which commenced:

- after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
- after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal. See 40 CFR 122.2.

New Source Performance Standards (NSPS) – technology-based standards for facilities that qualify as new sources under 40 CFR 122.2 and 40 CFR 122.29.

No exposure – all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. See 40 CFR 122.26(g).

Operator – any entity with a storm water discharge associated with industrial activity that meets either of the following two criteria:

- a. The entity has operational control over industrial activities, including the ability to modify those activities;
- b. The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit); or
- c. The entity is either the owner or leasee of a parcel of land which is being used as a Non-Traditional Non-Metallic Mineral Mining facility.

Permittee – Is a person who is authorized to discharge pollutants to waters of the United States in accordance with the conditions and requirements of this permit.

Person – an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof. See 40 CFR 122.2.

Point Source – any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff. See 40 CFR 122.2.

Pollutant – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water. See 40 CFR 122.2.

Pollutant of Concern – A pollutant which causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in a state's 303(d) list.

Polymer – For the purposes of this permit, means coagulants and flocculants used to enhance sediment removal capabilities of check dams, sediment traps, or basins. Common construction site polymers include polyacrylamide (PAM), chitosan, alum, polyaluminum, chloride, and gypsum.

Practicable – For the purposes of this permit, means capable of being done after taking into consideration costs, existing technology, standards of construction practice, impacts to water quality, site conditions, and logistics in light of the overall project purpose.

Primary Airport – are publicly owned airports that receive scheduled passenger service and have more than 10,000 passengers boarding each year.

Primary Industrial Activity – includes any activities performed on-site which are (1) identified by the facility's primary SIC code; or (2) included in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). [For co-located activities covered by multiple SIC codes, it is recommended that the primary industrial determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary industrial activity.] Narrative descriptions in 40 CFR 122.26(b)(14) identified above include: (i) activities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application sites and open dumps that receive or have received industrial wastes; (vii)

steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 mgd or more.

Qualified Personnel – Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at your facility, and who can also evaluate the effectiveness of control measures.

Reportable Quantity Release – a release of a hazardous substance at or above the established legal threshold that requires emergency notification. Refer to 40 CFR Parts 110, 117, and 302 for complete definitions and reportable quantities for which notification is required.

Runoff Coefficient – the fraction of total rainfall that will appear at the conveyance as runoff. See 40 CFR 122.26(b)(11).

Saline Water – salinity equal or exceed 0.5 parts per thousand (by mass).

Semi-Arid Climate – areas where annual rainfall averages from 10 to 20 inches.

Significant Materials – includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges. See 40 CFR 122.26(b)(12).

Special Aquatic Sites – sites identified in 40 CFR 230 Subpart E. These are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region.

Spring Thaw – For the purposes of this permit, means for planning purposes in the development of the SWPPP and initial planning of the control measure maintenance the date in the spring that air temperatures will be predominately above freezing. It is the date in the spring that has a 20% probability that a minimum temperature below a threshold of 32.5 degrees Fahrenheit will occur on or after the given date. This date can be found by looking up the “Spring ‘Freeze’ Probabilities” for the weather station closest to the facility on the website www.wrcc.dri.edu/summary/Climsmak.html NOTE: This estimation of “Spring Thaw” is for planning purposes only. During construction and operation the permittee will need to maintain control measures based on actual conditions.

Storm Water – storm water runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).

Storm Water Discharges Associated with Construction Activity – a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating),

construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

Storm Water Discharges Associated with Industrial Activity – the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities include those that are federally, State, or municipally owned or operated that meet the description of the facilities listed in 40 CFR 122.26(b)(14). The term also includes those facilities designated under the provisions of 40 CFR 122.26(a)(1)(v). See 40 CFR 122.26(b)(14).

Tackifier and Soil Stabilizer (binder) – For the purposes of this permit, means hydraulically applied chemicals derived from natural and synthetic sources used to promote adhesion among soil particles or mulch materials. In general soil stabilizers (also known as soil binders) are used to increase soil adhesion, which improves soil stabilization by reducing water and wind driven erosion. Tackifiers are used as “glue” to bind and immobilize straw, cellulose products, pine needles, or other mulch that has been applied to a seeded area. Common examples include polyacrylamide (PAM), guar, chloride compounds, psyllium, resins, enzymes, surfactants, and various polymers, starches, and other compounds.

Temporary Stabilization – measures taken to protect soils from erosion by rainfall, snow melt, runoff, or wind, with surface roughening or a surface cover, including, but not limited to, establishment of ground vegetation, application of mulch, surface tackifiers, rolled erosion control products, gravel or paving.

Total Maximum Daily Loads (TMDLs) – A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a

margin of safety (MOS) and account for seasonal variations. (See Section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

Treatment Chemicals – For the purposes of this permit, means polymers, flocculants, or other chemicals used to reduce turbidity in storm water. Tackifier and soil stabilizers (binders) are not considered treatment chemicals.

Uncontaminated – Free from the presence of pollutants attributable to industrial activity.

Water Quality Impaired – See ‘Impaired Water’.

Water Quality Standards – For the purposes of this permit, means the Alaska Water Quality Standards (18 AAC 70) as approved by U.S. EPA. As defined in 40 CFR §131.3 water quality standards are provisions of State or Federal law which consist of a designated use or uses for the waters of the United States and water quality criteria for such waters based upon such uses. Water quality standards are to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act.

Winter Shutdown – The cessation of soil disturbing or soil stabilizing construction activity for the winter. Typically this period is from October/November to April/May and is approximately from fall freeze-up to spring thaw.

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

APPENDIX D

ACTIVITIES COVERED

Appendix D – Facilities and Activities Covered

Your permit eligibility is limited to discharges from facilities in the “sectors” of industrial activity summarized in Table D-1. These sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes. References to “sectors” in this permit (e.g., sector-specific monitoring requirements) refer to these groupings.

Table D-1. Sectors of Industrial Activity Covered by This Permit

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
SECTOR A: TIMBER PRODUCTS		
A1	2421	General Sawmills and Planing Mills
A2	2491	Wood Preserving
A3	2411	Log Storage and Handling
A4	2426	Hardwood Dimension and Flooring Mills
	2429	Special Product Sawmills, Not Elsewhere Classified
	2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (see Sector W)
	2448	Wood Pallets and Skids
	2449	Wood Containers, Not Elsewhere Classified
	2451, 2452	Wood Buildings and Mobile Homes
	2493	Reconstituted Wood Products
A5	2499	Wood Products, Not Elsewhere Classified
A5	2441	Nailed and Lock Corner Wood Boxes and Shook
SECTOR B: PAPER AND ALLIED PRODUCTS		
B1	2631	Paperboard Mills
B2	2611	Pulp Mills
	2621	Paper Mills
	2652-2657	Paperboard Containers and Boxes
	2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes
SECTOR C: CHEMICALS AND ALLIED PRODUCTS		
C1	2873-2879	Agricultural Chemicals
C2	2812-2819	Industrial Inorganic Chemicals
C3	2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations
C4	2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass
C5	2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances
	2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
	2861-2869	Industrial Organic Chemicals
	2891-2899	Miscellaneous Chemical Products
C5	3952 (limited to list of inks and paints)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors
	2911	Petroleum Refining

Table D-1. Sectors of Industrial Activity Covered by This Permit

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS		
D1	2951, 2952	Asphalt Paving and Roofing Materials
D2	2992, 2999	Miscellaneous Products of Petroleum and Coal
SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS		
E1	3251-3259	Structural Clay Products
	3261-3269	Pottery and Related Products
E2	3271-3275	Concrete, Gypsum, and Plaster Products
E3	3211	Flat Glass
	3221, 3229	Glass and Glassware, Pressed or Blown
	3231	Glass Products Made of Purchased Glass
	3241	Hydraulic Cement
	3281	Cut Stone and Stone Products
	3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products
SECTOR F: PRIMARY METALS		
F1	3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
F2	3321-3325	Iron and Steel Foundries
F3	3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals
F4	3363-3369	Nonferrous Foundries (Castings)
F5	3331-3339	Primary Smelting and Refining of Nonferrous Metals
	3341	Secondary Smelting and Refining of Nonferrous Metals
	3398, 3399	Miscellaneous Primary Metal Products
SECTOR G: METAL MINING (ORE MINING AND DRESSING)		
G1	1021	Copper Ore and Mining Dressing Facilities
G2	1011	Iron Ores
	1021	Copper Ores
	1031	Lead and Zinc Ores
	1041, 1044	Gold and Silver Ores
	1061	Ferroalloy Ores, Except Vanadium
	1081	Metal Mining Services
1094, 1099	Miscellaneous Metal Ores	
SECTOR H: COAL MINES AND COAL MINING-RELATED FACILITIES		
H1	1221-1241	Coal Mines and Coal Mining-Related Facilities
SECTOR I: OIL AND GAS EXTRACTION AND REFINING		
I1	1311	Crude Petroleum and Natural Gas
	1321	Natural Gas Liquids
	1381-1389	Oil and Gas Field Services
SECTOR J: MINERAL MINING AND DRESSING		
J1	1442	Construction Sand and Gravel
	1446	Industrial Sand
J2	1411	Dimension Stone
	1422-1429	Crushed and Broken Stone, Including Rip Rap
	1481	Nonmetallic Minerals Services, Except Fuels
J3	1499	Miscellaneous Nonmetallic Minerals, Except Fuels
	1455, 1459	Clay, Ceramic, and Refractory Materials
	1474-1479	Chemical and Fertilizer Mineral Mining

Table D-1. Sectors of Industrial Activity Covered by This Permit

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES		
K1	HZ	Hazardous Waste Treatment, Storage, or Disposal Facilities, including those that are operating under interim status or a permit under subtitle C of RCRA
SECTOR L: LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS		
L1	LF	All Landfill, Land Application Sites and Open Dumps
L2	LF	All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60
SECTOR M: AUTOMOBILE SALVAGE YARDS		
M1	5015	Automobile Salvage Yards
SECTOR N: SCRAP RECYCLING FACILITIES		
N1	5093	Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling
N2	5093	Source-separated Recycling Facility
SECTOR O: STEAM ELECTRIC GENERATING FACILITIES		
O1	SE	Steam Electric Generating Facilities, including coal handling sites
SECTOR P: LAND TRANSPORTATION AND WAREHOUSING		
P1	4011, 4013	Railroad Transportation
	4111-4173	Local and Highway Passenger Transportation
	4212-4231	Motor Freight Transportation and Warehousing
	4311	United States Postal Service
	5171	Petroleum Bulk Stations and Terminals
SECTOR Q: WATER TRANSPORTATION		
Q1	4412-4499	Water Transportation Facilities
SECTOR R: SHIP AND BOAT BUILDING AND REPAIRING YARDS		
R1	3731, 3732	Ship and Boat Building or Repairing Yards
SECTOR S: AIR TRANSPORTATION FACILITIES		
S1	4512-4581	Air Transportation Facilities
SECTOR T: TREATMENT WORKS		
T1	TW	Treatment Works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA
SECTOR U: FOOD AND KINDRED PRODUCTS		
U1	2041-2048	Grain Mill Products
U2	2074-2079	Fats and Oils Products
U3	2011-2015	Meat Products
	2021-2026	Dairy Products

Table D-1. Sectors of Industrial Activity Covered by This Permit

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
U3	2032-2038	Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties
	2051-2053	Bakery Products
	2061-2068	Sugar and Confectionery Products
	2082-2087	Beverages
	2091-2099	Miscellaneous Food Preparations and Kindred Products
	2111-2141	Tobacco Products
SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING; LEATHER AND LEATHER PRODUCTS		
V1	2211-2299	Textile Mill Products
	2311-2399	Apparel and Other Finished Products Made from Fabrics and Similar Materials
	3131-3199	Leather and Leather Products (note: see Sector Z1 for Leather Tanning and Finishing)
SECTOR W: FURNITURE AND FIXTURES		
W1	2434	Wood Kitchen Cabinets
	2511-2599	Furniture and Fixtures
SECTOR X: PRINTING AND PUBLISHING		
X1	2711-2796	Printing, Publishing, and Allied Industries
SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES		
Y1	3011	Tires and Inner Tubes
	3021	Rubber and Plastics Footwear
	3052, 3053	Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting
	3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
Y2	3081-3089	Miscellaneous Plastics Products
	3931	Musical Instruments
	3942-3949	Dolls, Toys, Games, and Sporting and Athletic Goods
	3951-3955 (except 3952 – see Sector C)	Pens, Pencils, and Other Artists' Materials
	3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
	3991-3999	Miscellaneous Manufacturing Industries
SECTOR Z: LEATHER TANNING AND FINISHING		
Z1	3111	Leather Tanning and Finishing
SECTOR AA: FABRICATED METAL PRODUCTS		
AA1	3411-3499 (except 3479)	Fabricated Metal Products, Except Machinery and Transportation Equipment, and Coating, Engraving, and Allied Services.
	3911-3915	Jewelry, Silverware, and Plated Ware
AA2	3479	Fabricated Metal Coating and Engraving
SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY		
AB1	3511-3599 (except 3571-3579)	Industrial and Commercial Machinery, Except Computer and Office Equipment (see Sector AC)

Table D-1. Sectors of Industrial Activity Covered by This Permit

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
AB1	3711-3799 (except 3731, 3732)	Transportation Equipment Except Ship and Boat Building and Repairing (see Sector R)
SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS		
AC1	3571-3579	Computer and Office Equipment
	3812-3873	Measuring, Analyzing, and Controlling Instruments; Photographic and Optical Goods, Watches, and Clocks
	3612-3699	Electronic and Electrical Equipment and Components, Except Computer Equipment
SECTOR AD: NON-CLASSIFIED FACILITIES		
AD1	Other stormwater discharges designated by the Director as needing a permit (see 40 CFR 122.26(a)(9)(i)(C) & (D)) or any facility discharging stormwater associated with industrial activity not described by any of Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Director may assign a facility to Sector AD.	
¹ A complete list of SIC Codes (and conversions from the newer North American Industry Classification System” (NAICS)) can be obtained from the Internet at www.census.gov/epcd/www/naics.html or in paper form from various locations in the document titled <i>Handbook of Standard Industrial Classifications</i> , Office of Management and Budget, 1987.		

Appendix E
Calculating Hardness in Receiving Waters for
Hardness Dependent Metals

Appendix E – Calculating Hardness in Receiving Waters for Hardness Dependent Metals

E.1 Overview

DEC adjusted the benchmarks for six hardness-dependent metals (i.e., cadmium, copper, lead, nickel, silver, and zinc) to further ensure compliance with water quality standards and provide additional protection for endangered species and their critical habitat. For any sectors required to conduct benchmark samples for a hardness-dependent metal, DEC includes ‘hardness ranges’ from which benchmark values are determined. To determine which hardness range to use, you must collect data on the hardness of your receiving water(s). Once the site-specific hardness data have been collected, the corresponding benchmark value for each metal is determined by comparing where the hardness data fall within 25 mg/L ranges, as shown in Table E.1.

Table E.1: Hardness Ranges to Be Used to Determine Benchmark Values for Cadmium, Copper, Lead, Nickel, Silver, and Zinc.

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

E.2 How to Determine Hardness for Hardness-Dependent Parameters.

You may select one of three methods to determine hardness, including; individual grab sampling, grab sampling by a group of operators which discharge to the same receiving water, or using third-party data. Regardless of the method used, you are responsible for documenting the procedures used for determining hardness values. Once the hardness value is established, you are required to include this information in your first benchmark report submitted to DEC so that the Department can make appropriate comparisons between your benchmark monitoring results and the corresponding benchmark. You must retain all report and monitoring data in accordance with Part 9.5 of the permit. The three method options for determining hardness are detailed in the following sections.

(1) Permittee Samples for Receiving Stream Hardness

This method involves collecting samples in the receiving water and submitting these to a laboratory for analysis. If you elect to sample your receiving water(s) and submit samples for analysis, hardness must be determined from the closest intermittent or perennial stream downstream of your point of discharge.

The sample can be collected during either dry or wet weather. Collection of the sample during wet weather is more representative of conditions during stormwater discharges; however, collection of in-stream samples during wet weather events may be impracticable or present safety issues.

Hardness must be sampled and analyzed using approved methods as described in 40 CFR Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants).

(2) Group Monitoring for Receiving Stream Hardness

You can be part of a group of permittees discharging to the same receiving waters and collect samples that are representative of the hardness values for all members of the group. In this scenario, hardness of the receiving water must be determined using 40 CFR Part 136 procedures and the results shared by group members. To use the same results, hardness measurements must be taken on a stream reach within a reasonable distance of the discharge points of each of the group members.

(3) Collection of Third-Party Hardness Data

You can submit receiving stream hardness data collected by a third party provided the results are collected consistent with the approved 40 CFR Part 136 methods. These data may come from a local water utility, previously conducted stream reports, TMDLs, peer reviewed literature, other government publications, or data previously collected by the permittee. Data should be less than 10 years old.

Water quality data for many of the nation's surface waters are available on-line or by contacting EPA or a state environmental agency. EPA's data system STORET, short for STORage and RETrieval, is a repository for receiving water quality, biological, and physical data and is used by state environmental agencies, EPA and other federal agencies, universities, private citizens, and many others. Similarly, state environmental agencies and the U.S. Geological Service (USGS) also have water quality data available that, in some instances, can be accessed online. "Legacy STORET" codes for hardness include: 259 hardness, carbonate; 260 hardness, noncarbonated; and 261 calcium + magnesium, while more recent, "Modern STORET" data codes include: 00900 hardness, 00901 carbonate hardness, and 00902 noncarbonate hardness; or the discrete measurements of calcium (00915) and magnesium (00925) can be used to calculate hardness. Hardness data historically has been reported as "carbonate," "noncarbonate," or "Ca + Mg." If these are unavailable, then individual results for calcium (Ca) and magnesium (Mg) may be used to calculate hardness using the following equation:

$$\frac{mg}{L} CAO_3 = 2.497 \left(Ca \frac{mg}{L} \right) + 4.118 \left(Mg \frac{mg}{L} \right)$$

When interpreting the data for carbonate and non-carbonate hardness, note that total hardness is equivalent to the sum of carbonate and noncarbonate hardness if both forms are reported. If only carbonate hardness is reported, it is more than likely that noncarbonate hardness is absent and the total hardness is equivalent to the available carbonate hardness.

Appendix F – MSGP Forms

Notice of Intent (NOI) Form

To obtain coverage under this permit, you must submit a Notice of Intent (NOI). You must submit an NOI using either:

- (1) DEC's Electronic Notice of Intent (eNOI) system, available at <http://dec.alaska.gov/water/wastewater/stormwater/apdesenoi/>, or
- (2) file a paper copy of the NOI.

Notice of Termination (NOT) Form

To terminate coverage under this permit, you must submit a Notice of Termination (NOT). You must either

- (1) terminate coverage using DEC's online eNOI system, available at <http://dec.alaska.gov/water/wastewater/stormwater/apdesenoi/> or
- (2) file a paper copy of the NOT.

The following forms are available at:

<http://dec.alaska.gov/water/wastewater/stormwater/forms>

- Notice of Intent (NOI) Form
- Notice of Termination (NOT) Form
- Annual Report Form
- Corrective Action Form
- NOI Modification Form
- No Exposure Certification Form
- Noncompliance Notification Form
- MSGP Industrial Discharge Monitoring Report (DMR)



Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity under the APDES Multi-Sector General Permit (MSGP)

Facility Information

Facility Name: _____

Have storm water discharges from your site been covered previously under an APDES Permit? Yes No

If Yes, provide the permit authorization number: _____

Street Location	Street: _____	Borough or similar government subdivision _____		
	City: _____	State: Alaska	Zip: _____	
	Latitude: _____	Longitude: _____	Determined By: <input type="checkbox"/> GPS <input type="checkbox"/> Internet Map Service <input type="checkbox"/> Other:	

Estimated area of industrial activity at your site exposed to storm water: _____ (acres)

Briefly describe the nature of the industrial activities at the facility: _____

Identify the 4-digit Standard Industrial Classification (SIC) code or 2-letter Activity Code that best represents the products produced or services rendered for which your facility is primarily engaged, as defined in the MSGP.

Primary SIC Code: _____ or Primary Activity Code: _____

Is your site presently inactive or unstaffed?* Yes No
* Note that if your facility becomes inactive and unstaffed during the permit term, you must submit an NOI modification to reflect the change.

If Yes, is your site expected to be inactive and unstaffed for the entire permit term? Yes No
 If No, indicate the length of time that you expect your facility to be inactive and unstaffed. _____

Federal Effluent Limitation Guidelines and Sector-Specific Requirements

Are you requesting permit coverage for storm water discharges subject to effluent limitation guidelines? Yes No

If yes, which effluent limitation guidelines apply to your storm water discharge?

40 CFR Part/Subpart	Eligible Discharges	Affected MSGP Sector	Check if applicable
Part 411, Subpart C	Runoff from material storage piles at cement manufacturing facilities.	E	<input type="checkbox"/>
Part 418, Subpart A	Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished products, by-products, or waste products (SIC 2874).	C	<input type="checkbox"/>
Part 423	Coal pile runoff at steam electric generating facilities.	O	<input type="checkbox"/>
Part 429, Subpart I	Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas.	A	<input type="checkbox"/>
Part 436, Subpart B, C, or D	Mine dewatering discharges at crushed stone mines, construction sand and gravel mines, or industrial sand mines.	J	<input type="checkbox"/>
Part 443, Subpart A	Runoff from asphalt emulsion facilities.	D	<input type="checkbox"/>
Part 445, Subparts A & B	Runoff from hazardous waste and non-hazardous waste landfills.	K, L	<input type="checkbox"/>
Part 449, Subpart A	Runoff from Air Transportation	S	<input type="checkbox"/>

If you are a Sector S (Air Transportation facility, do you anticipate using more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis? Yes No

Identify the applicable sector(s) and subsector(s) of industrial activity, including co-located industrial activity, for which you are requesting coverage:

Sector	Subsector	Sector	Subsector	Sector	Subsector	Sector	Subsector	Sector	Subsector	Sector	Subsector

Discharge Information

Does your facility discharge into a Municipal Separate Storm Sewer System (MS4)? Yes No
 If Yes, provide the name of the MS4 Operator: _____

If you are subject to benchmark monitoring requirements for a hardness-dependent metal:
 - What is the hardness of your receiving water(s) (See Appendix E)? _____
 - Does your facility discharge into any saltwater receiving waters? Yes No

Outfalls: *(Attach a separate list if necessary)*

	List all of the storm water outfalls from your facility. Each outfall must be identified by a unique 3-digit ID (e.g., 001, 002). Also provide the latitude and longitude in decimal degrees for each outfall.	For each outfall, provide the following receiving water information: Provide the name of the first water of the U.S. that receives storm water directly from the outfall and/or from the MS4 that the outfall discharges to:	If the receiving water is impaired (on the CWA 303(d) list), list the pollutants that are causing the impairment:	Are the pollutant(s) causing the impairment present in your discharge?		If a TMDL has been completed for this receiving waterbody, provide the following information:
				Yes	No	

Outfall ID	001A					TMDL ID#:
Latitude				<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude						Pollutant(s) for which there is a TMDL:

If substantially identical to other outfall, list identical outfall ID: _____

Outfall ID						TMDL ID#:
Latitude				<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude						Pollutant(s) for which there is a TMDL:

If substantially identical to other outfall, list identical outfall ID: _____

Outfall ID						TMDL ID#:
Latitude				<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude						Pollutant(s) for which there is a TMDL:

If substantially identical to other outfall, list identical outfall ID: _____

Outfall ID						TMDL ID#:
Latitude				<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude						Pollutant(s) for which there is a TMDL:

If substantially identical to other outfall, list identical outfall ID: _____

Outfall ID						TMDL ID#:
Latitude				<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude						Pollutant(s) for which there is a TMDL:

If substantially identical to other outfall, list identical outfall ID: _____

Permit #: _____

Operator Information

Contact Name:	Organization:	Title:	
Phone:	Fax (optional):	Email:	
Mailing Address <input type="checkbox"/> Check if same as Operator Information	Street (PO Box)		
	City	State	Zip

Storm Water Pollution Prevention Plan (SWPPP) Contact / Location Information

Contact Name:	Organization:	Title:	
Phone:	Fax (optional):	Email:	
Mailing Address <input type="checkbox"/> Check if same as Operator Information	Street (PO Box)		
	City	State	Zip

Universal Resource Locator or URL: _____

Billing Contact / Location Information

Contact Name:	Organization:	Title:	
Phone:	Fax (optional):	Email:	
Mailing Address <input type="checkbox"/> Check if same as Operator Information	Street (PO Box)		
	City	State	Zip

NOI Preparer Contact / Location Information *(Complete if NOI was prepared by someone other than the Certifier)*

Contact Name:	Organization:	Title:	
Phone:	Fax (optional):	Email:	
Mailing Address <input type="checkbox"/> Check if same as Operator Information	Street (PO Box)		
	City	State	Zip

Document Attachments

Documents attached with this application:

- Storm Water Pollution Prevention Plan (SWPPP)
- Other:

Certification Information

An Alaska Pollutant Discharge Elimination System (APDES) permit application or report must be signed by an individual with the appropriate authority per 18 AAC 83.385. For additional information, please refer to 18 AAC 83.385 at the following link:

<http://www.legis.state.ak.us/basis/aac.asp#18.83.385>.

Corporate Executive Officer 18 AAC 83.385 (a)(1)(A)	For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation.
Corporate Operations Manager 18 AAC 83.385 (a)(1)(B)	For a corporation, the manager of one or more manufacturing, production, or operating facilities, if (i) the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations; (ii) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and (iii) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
Sole Proprietor or General Partner 18 AAC 83.385 (a)(2)	For a partnership or sole proprietorship, the general partner or the proprietor respectively.
Public Agency, Chief Executive Officer 18 AAC 83.385 (a)(3)(A)	For a municipality, state, or other public agency, the chief executive officer of the agency.
Public Agency, Senior Executive Officer 18 AAC 83.385 (a)(3)(B)	For a municipality, state, or other public agency, a senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.
<p><i>Any report required by an APDES permit, and a submittal with any other information requested by the department, must be signed by a person described in above, or by a duly authorized representative of that person.</i></p> <p><i>*For Delegated Authority: the delegation must be made in writing and submitted to the DEC.</i></p> <p><i>Your signature will not be approved until DEC receives the written delegation.</i></p> <p><i>An Example of written authorization delegating authority can be found on the Division of Water website:</i></p> <p>http://dec.alaska.gov/media/13316/delegation-of-signatory-authority.pdf</p>	
Operations Manager (Delegated Authority)* 18 AAC 83.385 (b)(2)(A)	For a duly authorized representative, an individual or a position having responsibility for the overall operation of the regulated facility or activity, including the position of plant manager, operator of a well or a well field, superintendent or position of equivalent responsibility.
Environmental Manager (Delegated Authority)* 18 AAC 83.385 (b)(2)(B)	For a duly authorized representative, an individual or position having overall responsibility for environmental matters for the company.

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.

Organization:		Name:		Title:	
Phone:		Fax (optional):		Email:	
Mailing Address: <input type="checkbox"/> Check if same as Operator Information	Street (PO Box):				
	City:		State:		Zip:

Signature/Responsible Official

Date

Instructions for Completing the Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity under the Multi-Sector General Permit (MSGP)

Who must file a NOI?

Under section 402(p) of the Clean Water Act (CWA) and regulations at 40 CFR Part 122.26, adopted by reference at 18 AAC 83.010 (3) storm water discharges associated with industrial activity are prohibited to waters of the United States unless authorized under an Alaska Pollutant Discharge Elimination System (APDES) permit. You can obtain coverage under the MSGP by submitting a completed NOI if you operate a facility that:

- is located in a jurisdiction where DEC is the permitting authority, listed in Part 1.1 of the MSGP;
- discharges storm water associated with industrial activities, identified in Appendix D of the MSGP;
- meet the eligibility requirements in Part 1.2 of the permit;
- develop a storm water pollution prevention plan (SWPPP) in accordance with Part 5 of the MSGP; and
- install and implement control measures in accordance with Part 4 to meet numeric and non-numeric effluent limits.

If you are unsure if you need an APDES storm water permit, contact your APDES storm water permit program. Contacts are listed at:

<http://dec.alaska.gov/water/wastewater/stormwater/>

One NOI must be submitted for each facility or site for which you are seeking permit coverage. You do not need to submit separate NOIs for each type of industrial activity present at your facility, provided your SWPPP covers all activities.

When to File the NOI Form

Do not file your NOI until you have obtained and thoroughly read a copy of the MSGP. A copy of the MSGP is located on the DEC website (<http://dec.alaska.gov/water/wastewater/stormwater/multisector/>). The MSGP describes procedures to ensure your eligibility, prepare your SWPPP, install and implement appropriate storm water control measures, and complete the NOI form questions – all of which must be done before you sign the NOI certification statement attesting to the accuracy and completeness of your NOI. You will also need a copy of the MSGP once you have obtained coverage so that you can comply with the implementation requirements of the permit.

Completing the NOI Form

To complete this form, type or print in the appropriate areas only. Please make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed form to the address below. You may also use this paper form as a checklist for the information you will need when filing an NOI electronically via DEC's OASys system. <http://dec.alaska.gov/water/oasys.aspx>.

Facility Information

Enter the facility's official or legal name. Unless the name of your facility has changed, please use the same name provided on prior NOIs or permit applications.

Indicate if industrial storm water discharges from your facility were previously covered by an APDES permit.

If your facility was previously covered by the MSGP, please include the tracking number that you received in your confirmation letter or email from DEC's Storm water Program. You can find the tracking

number assigned to your previous NOI on DEC's Online Permit Search: <http://dec.alaska.gov/Applications/Water/WaterPermitSearch/search>.

Enter the street address, including city, state, zip code, borough or similar government subdivision of the actual physical location of the facility. Do NOT use a P.O. Box.

Provide the facility latitude and longitude in decimal degrees format. You can obtain your facility's latitude and longitude through Global Positioning System (GPS) receivers, internet map service, U.S. Geological Survey (USGS) quadrangle or topographic maps, or EPA's web-based siting-tools, among other methods. For consistency, DEC requests that measurements be taken from the approximate center of the facility. Specify which method you used to determine latitude and longitude.

Identify the data source that you used to determine the facility latitude and longitude. If you did not use a USGS quadrangle or topographic map or GPS receivers, then select "Other" and write the method used on the line provided. If you used a USGS quadrangle or topographic map, write the map scale on the line provided. Scale should be identified on the map.

Enter the estimated area of industrial activity at your site exposed to storm water, in acres.

Briefly describe the nature of the industrial activities present at your facility.

Indicate whether your facility is currently inactive and unstaffed. If so then indicate whether your facility will be inactive and unstaffed for the entire permit term; or, if not, specify the specific length of time in units of days, weeks, months, or years (e.g. 3 months) that you expect the facility to be inactive and unstaffed.

Federal Effluent Limitation Guidelines and Sector-Specific Requirements

Depending on your industrial activities, your facility may be subject to effluent limitation guidelines which include additional effluent limits and monitoring requirements for your facility. Please review these requirements, described in Part 4.3 of the MSGP and check any appropriate boxes on the NOI form.

For Sector S facilities (Air Transportation), indicate whether you anticipate that the entire airport facility will use more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis. If so, additional effluent limits and monitoring conditions apply to your discharge (see Part 11 Sector S of the MSGP).

List the four-digit Standard Industrial Classification (SIC) code and/or two character activity code that best describes the primary industrial activities performed by your facility under which you are required to obtain permit coverage. Your primary industrial activity includes any activities performed on-site which are (1) identified by the facility's one SIC code for which the facility is primarily engaged; and (2) included in the narrative descriptions of 40 CFR 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). See Appendix D of the MSGP for a complete list of SIC codes and activities codes.

If your site has co-located industrial activities that are not identified as your primary industrial activity, identify the sector and subsector codes that describe these other industrial activities. For a complete list of sector and subsector codes, see Appendix D of the MSGP.

Discharge Information

Receiving Waters and Wetlands

You must identify all the outfalls from your facility that discharge storm water. Each outfall must be assigned a unique 3-digit ID (e.g., 001, 002, 003). You must also provide the latitude and longitude for each outfall from your facility. Indicate whether any outfalls are substantially identical to an outfall already listed, and identify the outfall it is identical to. For each unique outfall you list, you must specify the name of the first water of the U.S. that receives storm water directly from the outfall and/or the Municipal Separate Storm Sewer System (MS4) that the outfall discharges to.

Your receiving water may be a lake, stream, river, ocean, wetland, or other waterbody, and may or may not be located adjacent to your facility. Your storm water may discharge directly to the receiving water or indirectly via a storm sewer system, an open drain or ditch, or other conveyance structure. Do NOT list a man-made conveyance, such as a storm sewer system, as your receiving water. Indicate the first receiving water your storm water discharge enters. For example, if your discharge enters a storm sewer system that empties into Trout Creek, which flows into Pine River, your receiving water is Trout Creek, because it is the first waterbody your discharge will reach. Similarly, a discharge into a ditch that feeds Spring Creek should be identified as "Spring Creek" since the ditch is a manmade conveyance. If you discharge into a MS4, you must identify the waterbody into which that portion of the storm sewer discharges and also provide the name of the MS4 operator. That information should be readily available from the operator of the MS4. If you are uncertain of the MS4 operator, contact DEC Division of Water for that information.

You must specify whether any receiving waters that you discharge to are listed as "impaired" as defined in Appendix C, and the pollutants for which the water is impaired. You must also check/identify any Total Maximum Daily Loads (TMDL) that have been completed for any of the waters of the U.S. that you discharge to. You must also provide information about the outfall latitude/ longitude. Further information regarding impaired waters and TMDLs can be found at <http://dec.alaska.gov/water/water-quality/impaired-waters>.

If you are subject to any benchmark monitoring requirements for metals (see the requirements applicable to your Sector(s) in Part 11 of the permit), indicate the hardness for your receiving water(s). See Appendix E of the permit for information about determining waterbody hardness.

If you are subject to benchmark monitoring requirements for hardness-dependent metals, you must also answer whether your facility discharges into any saltwater receiving waters.

Operator Information

Provide the name of the contact person and the legal name of the firm, public organization, or any other public entity that operates the facility described in this application. An operator of a facility is a legal entity that controls the operation of the facility.

Provide the operator's mailing address, telephone number, fax number (optional), and email address. Correspondence will be sent to this address.

Storm Water Pollution Prevention Plan (SWPPP) Contact Information

Identify the name, telephone number, and email address of the person who will serve as a contact for DEC on issues related to storm water management at your facility. This person should be able to answer questions related to storm water discharges, the SWPPP,

and other issues related to storm water permit coverage or have immediate access to individuals with that knowledge. This person does not have to be the facility operator but should have intimate knowledge of storm water management activities at the facility.

If you are making your SWPPP publicly available on a website, provide the appropriate Internet URL address.

Billing Contact Information

Provide the name of the contact person and the legal name of the firm, public organization, or any other public entity that is responsible for accounts payable for this facility.

Provide the billing contact's mailing address, telephone number, fax number (optional), and email address. Correspondence for billing purposes will be sent to this address. If the billing contact address is the same as the operator, check the box and continue to Section III Facility Information. See 18 AAC 72.956 for applicable authorization fee to be paid with the submittal of the NOI.

Certification Information

The NOIs, must be signed as follows:

- (1) For a corporation, a responsible corporate officer shall sign the NOI, a responsible corporate officer means:
 - (A) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
 - (B) the manager of one or more manufacturing, production, or operating facilities, if
 - (i) the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations;
 - (ii) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and
 - (iii) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) For a partnership or sole proprietorship, the general partner or the proprietor, respectively; or
- (3) for a municipality, state, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means
 - (A) the chief executive officer of the agency; or
 - (B) a senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.

Include the name, title, organization, and email address of the person signing the form and the date of signing. An unsigned or undated NOI form will not be considered valid application for permit coverage.

If the NOI was prepared by someone other than the certifier (for example, if the NOI was prepared by the facility SWPPP contact or a consultant for the certifier's signature), include the name, organization, telephone number, and email address of the NOI preparer.

Where to File the NOI Form

DEC encourages you to complete the NOI form and SWPPP electronically via the Internet. DEC's Online Application System (OASys) can be found at <http://dec.alaska.gov/water/oasys.aspx>. Filing electronically is the fastest way to obtain permit coverage and help ensure that your NOI is complete. If you choose not to file electronically, you must send the NOI to the address listed below.

If you file by mail, remember to retain a copy for your records.

NOIs sent by mail:

Alaska Dept. of Environmental Conservation
Wastewater Discharge Authorization Program
Storm Water NOI
555 Cordova Street
Anchorage, AK 99501
Phone: (907) 269-6285
dec.water.wqpermit@alaska.gov

Your SWPPP needs to be submitted with the NOI as required in Part 5 of the MSGP. You must keep a copy of your SWPPP on-site or otherwise make it available to facility personnel responsible for implementing provisions of the permit.

Permit # _____



Notice of Termination (NOT) of Coverage for Storm Water Discharges Associated with Industrial Activity under an APDES General Permit

Submission of this Notice of Termination constitutes notice that the party identified in Section II of this form is no longer authorized to discharge storm water associated with industrial activity under the APDES program for the facility identified in Section III of this form. All necessary information must be included on the form. The NOT must be submitted within 30 days of one of the conditions in Section 10 of the MSGP being met. Refer to the instructions at the end of this form for information on submitting a Notice of Termination.

I. Permit Information

Permit Tracking Number:

Reason for Termination (Check only one):

- You transferred operational control to another operator.
- You no longer have storm water discharge associated with industrial activity subject to regulation under the APDES program, and you have already implemented necessary sediment and erosion controls as required by Part 4.2.5.
- You are a Sector G, H, or J facility and you have met the applicable termination requirements.
- You obtained coverage under an alternative APDES permit.

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

II. Operator Information

Contact Name:		Organization:		Title:	
Phone:		Fax (optional):		Email:	
Mailing Address	Street (PO Box)				
	City		State		Zip

III. Facility Information

Facility Name:

Location Address:

City:

State: Alaska

Zip:

Borough or Similar Government Subdivision:

IV. Certification Information

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.

Organization:		Name:		Title:	
Phone:		Fax (optional):		Email:	
Mailing Address: <input type="checkbox"/> Check if same as Operator Information	Street (PO Box):				
	City:		State:		Zip:

Signature/Responsible Official

Date

Instructions for Completing a Notice of Termination Form for Storm Water Discharges Associated with INDUSTRIAL ACTIVITY under the Multi-Sector General Permit (MSGP)

Who May File Notice of Termination (NOT) Form

A permittee currently covered by Alaska's APDES Storm water Multi-Sector General Permit may submit a Notice of Termination (NOT) form. You must submit an NOT within 30 days after one or more of the following conditions have been met:

- a new owner or operator has assumed responsibility for the facility;
- you have ceased operations at the facility and there are not or no longer will be discharges of storm water associated with industrial activity from the facility, and you have already implemented necessary sediment and erosion controls as required by Part 4.2.5;
- you are a Sector G, H, or J facility, and you have met the applicable termination requirements; or
- you have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an APDES permit.

See the MSGP Part 10 for more information.

Completing the Form

Type or print, in the appropriate areas only. "NA" can be entered in areas that are not applicable. If you have any questions about how or when to use this form, contact the DEC Storm Water Program at (907) 269-6285 or online at <http://dec.alaska.gov/water/wastewater/stormwater/>.

Section I. Permit Information

Enter the existing APDES Storm water General Permit Tracking Number assigned to the facility by DEC's Storm Water Program. If you do not know the tracking number, you can find the tracking number assigned to your facility on DEC's Water Permit Search <http://dec.alaska.gov/Applications/Water/WaterPermitSearch/Search.aspx>.

Indicate your reason for submitting the NOT by checking the appropriate box. (See MSGP Part 10 for more information) Check only one box.

Section II. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the facility described in this application and is covered by the permit tracking number identified in Section I. The operator is the legal entity that controls the facility's operation, rather than the site manager. Enter the operator's complete mailing address, telephone number, email address, and the fax number (optional) of the operator.

Section III. Facility Information

Enter the official or legal name and complete street address, including city, state, zip code, and borough or similar government subdivision of the facility.

Section IV. Certification Information

The NOTs, must be signed as follows:

(1) For a corporation, a responsible corporate officer shall sign the NOT, a responsible corporate officer means:

- (A) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
- (B) the manager of one or more manufacturing, production, or operating facilities, if
 - (i) the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations;
 - (ii) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and
 - (iii) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship, the general partner or the proprietor, respectively; or

(3) for a municipality, state, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means

(A) the chief executive officer of the agency; or

(B) a senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.

Include the name, title, and email address of the person signing the form and the date of signing. An unsigned or undated NOT form will not be considered valid termination of permit coverage.

Where to File NOT form

DEC encourages you to complete the NOT form electronically via the Internet. DEC's Online Application System (OASys) can be found at <http://dec.alaska.gov/water/oasys.aspx>. Filing electronically is the fastest way to terminate permit coverage and help ensure that your NOT is complete. If you choose not to file electronically, you must send the NOT to the address listed below.

If you file by mail, please remember to retain a copy for your records.

NOTs sent by mail:

Alaska Dept. of Environmental Conservation
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, AK 99501
Phone: (907) 269-6285



Alaska Department of Environmental Conservation MSGP Annual Reporting Form

Section I. General Information			
Facility Name		APDES Permit Tracking Number	
Facility Physical Address			
Street	City	State	Zip Code
		Alaska	
Contact Person	Title	Phone	Email
Lead Inspector's Name	Additional Inspector's Name	Additional Inspector's Name	Inspection Date

Section II. General Inspection Findings	
<p>1. As part of this comprehensive site inspection, did you inspect all potential pollutant sources, including areas where industrial activity may be exposed to storm water? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If NO, describe why not:</p>	

Note: Complete Section III of this form for each industrial activity area inspected and included in your SWPPP or as newly defined, in Section II parts 2 and 3 below, where pollutants may be exposed to storm water.

<p>2. Did this inspection identify any storm water or non-storm water outfalls not previously identified in your SWPPP? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, for each location, describe the sources of those storm water and non-storm water discharges and any associated control measures in place:</p>	
---	--

<p>3. Did this inspection identify any sources of storm water or non-storm water discharges not previously identified in your SWPPP? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, describe these sources of storm water or non-storm water pollutants expected to be present in these discharges, and any control measures in place:</p>
<p>4. Did you review storm water monitoring data as part of this inspection to identify potential pollutant hotspots? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA, no monitoring performed</p> <p>If YES, summarize the findings of that review and describe any additional inspection activities resulting from this review:</p>
<p>5. Describe any evidence of pollutants entering the drainage system or discharging to surface waters, and the condition of and around outfalls, including flow dissipation measure to prevent scouring:</p>
<p>6. Have you taken or do you plan to take corrective actions, as specified in Part 8 of the permit, since your last annual report submission (or since you received authorization to discharge under this permit if this is your first annual report), including any corrective actions identified as a result of this annual comprehensive site inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, how many conditions requiring review for corrective action as specified in Parts 8.1 and 8.2 of the MSGP were addressed by these corrective actions?</p>
<p>Note: Complete the attached Corrective Action Form (Section IV) for each condition identified, including any conditions identified as a result of this comprehensive storm water inspection.</p>

Section III. Industrial Activity Area Specific Findings	
<p>Complete one block for each industrial activity area where pollutants may be exposed to storm water. Copy this page for additional industrial activity areas.</p> <p><i>In reviewing each area, you should consider:</i></p> <ul style="list-style-type: none"> • Industrial materials, residue, or trash that may have or could come into contact with storm water; • Leaks or spills from industrial equipment, drums, tanks, and other containers; • Offsite tracking of industrial or waste materials from areas of no exposure to exposed areas; and • Tracking or blowing of raw, final, or waste material from areas of no exposure to exposed areas. 	
Industrial Activity Area:	
1. Brief Description:	
2. Are any control measures in need of maintenance or repair?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Have any control measures failed and require replacement?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Are any additional/revised control measures necessary in this area?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p style="text-align: center;"><i>If YES, to any of these three questions, provide a description of the problem: (Any necessary corrective actions should be described on the attached Corrective Action Form.)</i></p>	
Industrial Activity Area:	
1. Brief Description:	
2. Are any control measures in need of maintenance or repair?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Have any control measures failed and require replacement?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Are any additional/revised control measures necessary in this area?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p style="text-align: center;"><i>If YES, to any of these three questions, provide a description of the problem: (Any necessary corrective actions should be described on the attached Corrective Action Form.)</i></p>	

Industrial Activity Area:			
1. Brief Description:			
2. Are any control measures in need of maintenance or repair?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
3. Have any control measures failed and require replacement?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
4. Are any additional/revised control measures necessary in this area?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
If YES, to any of these three questions, provide a description of the problem: <i>(Any necessary corrective actions should be described on the attached Corrective Action Form.)</i>			
Industrial Activity Area:			
1. Brief Description:			
2. Are any control measures in need of maintenance or repair?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
3. Have any control measures failed and require replacement?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
4. Are any additional/revised control measures necessary in this area?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
If YES, to any of these three questions, provide a description of the problem: <i>(Any necessary corrective actions should be described on the attached Corrective Action Form.)</i>			

Section IV. Corrective Actions

Complete this page for each specific condition requiring a corrective action or a review determining that no corrective action is needed. Copy this page for additional corrective actions or reviews.

Include both corrective actions that have been initiated or completed since the last annual report, and future corrective actions needed to address problems identified in the comprehensive storm water inspection. Include an update on any outstanding corrective actions that had not been completed at the time of your previous annual report.

1. Corrective Action # _____ of _____ for this reporting period.

2. Is this corrective action:

- An update on a corrective action from a previous annual report; or
- A new corrective action?

3. Identify the condition(s) triggering the need for this review:

- Unauthorized release of discharge
- Numeric effluent limitation exceedance
- Control measures inadequate to meet applicable water quality standards
- Control measures inadequate to meet non-numeric effluent limitations
- Control measures not properly operated or maintained
- Change in facility operations necessitated change in control measures
- Average benchmark value exceedance
- Other (describe): _____

4. Briefly describe the nature of the problem identified:

5. Date problem identified: _____

6. How problem was identified:

- Comprehensive site inspection
- Quarterly visual assessment
- Routine facility inspection
- Notification by EPA or DEC
- Other (describe): _____

7. Description of corrective action(s) taken or to be taken to eliminate or further investigate the problem (e.g., describe modifications or repairs to control measures, analysis to be conducted, etc.) or if no modification is needed, basis for that determination.

8. Did/will this corrective action require modification of your SWPPP? Yes No

9. Date corrective action initiated:

10. Date corrective action completed:

Or expected to be completed:

11. If corrective action not yet completed, provide the status of the corrective action as the time of the comprehensive site inspections and describe any remaining steps (including timeframes associated with each step) necessary to complete the corrective action:

Section V. Annual Report Certification

Compliance Certification

Do you certify that your annual inspection has met the requirements of Part 6.3 of the permit, and that, based upon the results of this inspection, to the best of your knowledge, you are in compliance with the permit? Yes No

If NO, summarize why you are not in compliance with the permit:

Annual Report 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 person directly responsible for gathering 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.

Name of Authorized Representative

Title

Email

Signature

Date Signed



Alaska Department of Environmental Conservation

MSGP Corrective Action Form

Section I. General Information			
Facility Name		APDES Permit Tracking Number	
Facility Physical Address			
Street		City	State
			Alaska
Contact Person		Title	Phone
Lead Inspector's Name		Additional Inspector's Name	Inspection Date

Section II. Corrective Actions

Complete this page for each specific condition requiring a corrective action or a review determining that no corrective action is needed. Copy this page for additional corrective actions or reviews.

Include both corrective actions that have been initiated or completed since the last annual report, and future corrective actions needed to address problems identified in the comprehensive storm water inspection. Include an update on any outstanding corrective actions that had not been completed at the time of your previous annual report.

1. Corrective Action # _____ of _____ for this reporting period.

2. Is this corrective action:

- An update on a corrective action from a previous annual report; or
- A new corrective action?

3. Identify the condition(s) triggering the need for this review:

- Unauthorized release of discharge
- Numeric effluent limitation exceedance
- Control measures inadequate to meet applicable water quality standards
- Control measures inadequate to meet non-numeric effluent limitations
- Control measures not properly operated or maintained
- Change in facility operations necessitated change in control measures
- Average benchmark value exceedance
- Other (describe):

4. Briefly describe the nature of the problem identified:

5. Date problem identified:

6. How problem was identified:

- Comprehensive site inspection
- Quarterly visual assessment
- Routine facility inspection
- Notification by EPA or DEC
- Other (describe):

Permit Tracking #: _____

7. Description of corrective action(s) taken or to be taken to eliminate or further investigate the problem (e.g., describe modifications or repairs to control measures, analysis to be conducted, etc.) or if no modification is needed, basis for that determination.

8. Did/will this corrective action require modification of your SWPPP? Yes No

9. Date corrective action initiated:

10. Date corrective action completed: _____ Or expected to be completed: _____

11. If corrective action not yet completed, provide the status of the corrective action as the time of the comprehensive site inspections and describe any remaining steps (including timeframes associated with each step) necessary to complete the corrective action:

Section III. Certification

Do you certify that your annual inspection has met the requirements of Part 6.3 of the permit, and that, based upon the results of this inspection, to the best of your knowledge, you are in compliance with the permit? Yes No

If NO, summarize why you are not in compliance with the permit:

Certification Statement

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 person directly responsible for gathering 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.

Name of Authorized Representative

Title

Email

Signature

Date Signed



**Notice of Intent (NOI) Modification Form
for Storm Water Discharges Associated with Industrial Activity under the
APDES Multi-Sector General Permit (MSGP)**

Current NOI Information (Please copy content exactly from your NOI. Indicate changes on the next pages.)

Permit Number:

Facility Information (as it appears on your NOI):

Facility Name:

Street Location	Street:		Borough or similar government subdivision		
	City:			State: Alaska	Zip:
	Latitude:	Longitude:	Determined By: <input type="checkbox"/> GPS <input type="checkbox"/> Internet Map Service <input type="checkbox"/> Other:		

Operator Information (as it appears on your NOI):

Contact Name:		Organization:	Title:
Phone:	Fax (optional):	Email:	
Mailing Address	Street (PO Box)		
	City	State	Zip

Instructions for Completing a Modification to an APDES Notice of Intent (NOI)

Use the form on the subsequent pages to indicate the items for which you are submitting this modification. Only enter information you wish to change. You may use this form to modify an NOI that you submitted to DEC for coverage under the Multi-Sector General Permit (MSGP) If you have any questions about modifying your NOI, call the DEC Storm Water Program at (907) 269-6285.

When Should You Modify Your Notice of Intent (NOI)?

You can use this form to update or correct information on your NOI, including:

- Owner/Operator address and contact information
- Changes to the SWPPP Contact
- Facility/Site information
- Acreage of industrial area exposed to storm water
- Changes in SIC code or industrial sector designation; or
- Changes to discharge information

When must you Submit a Notice of Termination (NOT) Instead of a Modification Form?

- The owner/operator has changed: You must submit an NOT when you transfer control of a site to a new owner/operator.
- The new owner/operator must then file a new NOI to obtain coverage under the MSGP. Coverage is not transferable.
- You have ceased operations at the facility and there are no longer discharges associated with industrial activity at the facility.
- You are a Sector G, H, or J facility and you have met the applicable termination requirements; or
- You have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an APDES permit, unless ADEC has required that you obtain such coverage under authority of Part 2.8.1 of the MSGP, in which case coverage under this permit will terminate automatically.



Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity under the APDES Multi-Sector General Permit (MSGP)

Facility Information

Facility Name: _____

Have storm water discharges from your site been covered previously under an APDES Permit? Yes No

If Yes, provide the permit authorization number: _____

Street Location	Street: _____	Borough or similar government subdivision _____		
	City: _____	State: Alaska	Zip: _____	
	Latitude: _____	Longitude: _____	Determined By: <input type="checkbox"/> GPS <input type="checkbox"/> Internet Map Service <input type="checkbox"/> Other:	

Estimated area of industrial activity at your site exposed to storm water: _____ (acres)

Briefly describe the nature of the industrial activities at the facility: _____

Identify the 4-digit Standard Industrial Classification (SIC) code or 2-letter Activity Code that best represents the products produced or services rendered for which your facility is primarily engaged, as defined in the MSGP.

Primary SIC Code: _____ or Primary Activity Code: _____

Is your site presently inactive or unstaffed?* Yes No

** Note that if your facility becomes inactive and unstaffed during the permit term, you must submit an NOI modification to reflect the change.*

If Yes, is your site expected to be inactive and unstaffed for the entire permit term? Yes No

If No, indicate the length of time that you expect your facility to be inactive and unstaffed. _____

Federal Effluent Limitation Guidelines and Sector-Specific Requirements

Are you requesting permit coverage for storm water discharges subject to effluent limitation guidelines? Yes No

If yes, which effluent limitation guidelines apply to your storm water discharge?

40 CFR Part/Subpart	Eligible Discharges	Affected MSGP Sector	Check if applicable
Part 411, Subpart C	Runoff from material storage piles at cement manufacturing facilities.	E	<input type="checkbox"/>
Part 418, Subpart A	Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished products, by-products, or waste products (SIC 2874).	C	<input type="checkbox"/>
Part 423	Coal pile runoff at steam electric generating facilities.	O	<input type="checkbox"/>
Part 429, Subpart I	Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas.	A	<input type="checkbox"/>
Part 436, Subpart B, C, or D	Mine dewatering discharges at crushed stone mines, construction sand and gravel mines, or industrial sand mines.	J	<input type="checkbox"/>
Part 443, Subpart A	Runoff from asphalt emulsion facilities.	D	<input type="checkbox"/>
Part 445, Subparts A & B	Runoff from hazardous waste and non-hazardous waste landfills.	K, L	<input type="checkbox"/>
Part 449, Subpart A	Runoff from Air Transportation	S	<input type="checkbox"/>

If you are a Sector S (Air Transportation facility, do you anticipate using more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis? Yes No

Identify the applicable sector(s) and subsector(s) of industrial activity, including co-located industrial activity, for which you are requesting coverage:

Sector	Subsector	Sector	Subsector	Sector	Subsector	Sector	Subsector	Sector	Subsector	Sector	Subsector

Discharge Information

Does your facility discharge into a Municipal Separate Storm Sewer System (MS4)? Yes No
 If Yes, provide the name of the MS4 Operator: _____

If you are subject to benchmark monitoring requirements for a hardness-dependent metal:
 - What is the hardness of your receiving water(s) (See Appendix E)? _____
 - Does your facility discharge into any saltwater receiving waters? Yes No

Outfalls: *(Attach a separate list if necessary)*

List all of the storm water outfalls from your facility. Each outfall must be identified by a unique 3-digit ID (e.g., 001, 002). Also provide the latitude and longitude in decimal degrees for each outfall.	For each outfall, provide the following receiving water information: Provide the name of the first water of the U.S. that receives storm water directly from the outfall and/or from the MS4 that the outfall discharges to:	If the receiving water is impaired (on the CWA 303(d) list), list the pollutants that are causing the impairment:	Are the pollutant(s) causing the impairment present in your discharge?		If a TMDL has been completed for this receiving waterbody, provide the following information:
			Yes	No	

Outfall ID	001A				TMDL ID#:
Latitude			<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude					Pollutant(s) for which there is a TMDL:

If substantially identical to other outfall, list identical outfall ID: _____

Outfall ID					TMDL ID#:
Latitude			<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude					Pollutant(s) for which there is a TMDL:

If substantially identical to other outfall, list identical outfall ID: _____

Outfall ID					TMDL ID#:
Latitude			<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude					Pollutant(s) for which there is a TMDL:

If substantially identical to other outfall, list identical outfall ID: _____

Outfall ID					TMDL ID#:
Latitude			<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude					Pollutant(s) for which there is a TMDL:

If substantially identical to other outfall, list identical outfall ID: _____

Outfall ID					TMDL ID#:
Latitude			<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude					Pollutant(s) for which there is a TMDL:

If substantially identical to other outfall, list identical outfall ID: _____

Permit #: _____

Operator Information

Contact Name:	Organization:	Title:	
Phone:	Fax (optional):	Email:	
Mailing Address <input type="checkbox"/> Check if same as Operator Information	Street (PO Box)		
	City	State	Zip

Storm Water Pollution Prevention Plan (SWPPP) Contact / Location Information

Contact Name:	Organization:	Title:	
Phone:	Fax (optional):	Email:	
Mailing Address <input type="checkbox"/> Check if same as Operator Information	Street (PO Box)		
	City	State	Zip

Universal Resource Locator or URL: _____

Billing Contact / Location Information

Contact Name:	Organization:	Title:	
Phone:	Fax (optional):	Email:	
Mailing Address <input type="checkbox"/> Check if same as Operator Information	Street (PO Box)		
	City	State	Zip

NOI Preparer Contact / Location Information *(Complete if NOI was prepared by someone other than the Certifier)*

Contact Name:	Organization:	Title:	
Phone:	Fax (optional):	Email:	
Mailing Address <input type="checkbox"/> Check if same as Operator Information	Street (PO Box)		
	City	State	Zip

Document Attachments

Documents attached with this application:

- Storm Water Pollution Prevention Plan (SWPPP)
- Other:

Certification Information

An Alaska Pollutant Discharge Elimination System (APDES) permit application or report must be signed by an individual with the appropriate authority per 18 AAC 83.385. For additional information, please refer to 18 AAC 83.385 at the following link:

<http://www.legis.state.ak.us/basis/aac.asp#18.83.385>.

Corporate Executive Officer 18 AAC 83.385 (a)(1)(A)	For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation.
Corporate Operations Manager 18 AAC 83.385 (a)(1)(B)	For a corporation, the manager of one or more manufacturing, production, or operating facilities, if (i) the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations; (ii) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and (iii) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
Sole Proprietor or General Partner 18 AAC 83.385 (a)(2)	For a partnership or sole proprietorship, the general partner or the proprietor respectively.
Public Agency, Chief Executive Officer 18 AAC 83.385 (a)(3)(A)	For a municipality, state, or other public agency, the chief executive officer of the agency.
Public Agency, Senior Executive Officer 18 AAC 83.385 (a)(3)(B)	For a municipality, state, or other public agency, a senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.
<p><i>Any report required by an APDES permit, and a submittal with any other information requested by the department, must be signed by a person described in above, or by a duly authorized representative of that person.</i></p> <p><i>*For Delegated Authority: the delegation must be made in writing and submitted to the DEC.</i></p> <p><i>Your signature will not be approved until DEC receives the written delegation.</i></p> <p><i>An Example of written authorization delegating authority can be found on the Division of Water website:</i></p> <p>http://dec.alaska.gov/media/13316/delegation-of-signatory-authority.pdf</p>	
Operations Manager (Delegated Authority)* 18 AAC 83.385 (b)(2)(A)	For a duly authorized representative, an individual or a position having responsibility for the overall operation of the regulated facility or activity, including the position of plant manager, operator of a well or a well field, superintendent or position of equivalent responsibility.
Environmental Manager (Delegated Authority)* 18 AAC 83.385 (b)(2)(B)	For a duly authorized representative, an individual or position having overall responsibility for environmental matters for the company.

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.

Organization:		Name:		Title:	
Phone:		Fax (optional):		Email:	
Mailing Address: <input type="checkbox"/> Check if same as Operator Information		Street (PO Box):			
		City:		State:	Zip:

Signature/Responsible Official

Date

Instructions for Completing the Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity under the Multi-Sector General Permit (MSGP)

Who must file a NOI?

Under section 402(p) of the Clean Water Act (CWA) and regulations at 40 CFR Part 122.26, adopted by reference at 18 AAC 83.010 (3) storm water discharges associated with industrial activity are prohibited to waters of the United States unless authorized under an Alaska Pollutant Discharge Elimination System (APDES) permit. You can obtain coverage under the MSGP by submitting a completed NOI if you operate a facility that:

- is located in a jurisdiction where DEC is the permitting authority, listed in Part 1.1 of the MSGP;
- discharges storm water associated with industrial activities, identified in Appendix D of the MSGP;
- meet the eligibility requirements in Part 1.2 of the permit;
- develop a storm water pollution prevention plan (SWPPP) in accordance with Part 5 of the MSGP; and
- install and implement control measures in accordance with Part 4 to meet numeric and non-numeric effluent limits.

If you are unsure if you need an APDES storm water permit, contact your APDES storm water permit program. Contacts are listed at:

<http://dec.alaska.gov/water/wastewater/stormwater/>

One NOI must be submitted for each facility or site for which you are seeking permit coverage. You do not need to submit separate NOIs for each type of industrial activity present at your facility, provided your SWPPP covers all activities.

When to File the NOI Form

Do not file your NOI until you have obtained and thoroughly read a copy of the MSGP. A copy of the MSGP is located on the DEC website (<http://dec.alaska.gov/water/wastewater/stormwater/multisector/>). The MSGP describes procedures to ensure your eligibility, prepare your SWPPP, install and implement appropriate storm water control measures, and complete the NOI form questions – all of which must be done before you sign the NOI certification statement attesting to the accuracy and completeness of your NOI. You will also need a copy of the MSGP once you have obtained coverage so that you can comply with the implementation requirements of the permit.

Completing the NOI Form

To complete this form, type or print in the appropriate areas only. Please make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed form to the address below. You may also use this paper form as a checklist for the information you will need when filing an NOI electronically via DEC's OASys system. <http://dec.alaska.gov/water/oasys.aspx>.

Facility Information

Enter the facility's official or legal name. Unless the name of your facility has changed, please use the same name provided on prior NOIs or permit applications.

Indicate if industrial storm water discharges from your facility were previously covered by an APDES permit.

If your facility was previously covered by the MSGP, please include the tracking number that you received in your confirmation letter or email from DEC's Storm water Program. You can find the tracking

number assigned to your previous NOI on DEC's Online Permit Search: <http://dec.alaska.gov/Applications/Water/WaterPermitSearch/search>.

Enter the street address, including city, state, zip code, borough or similar government subdivision of the actual physical location of the facility. Do NOT use a P.O. Box.

Provide the facility latitude and longitude in decimal degrees format. You can obtain your facility's latitude and longitude through Global Positioning System (GPS) receivers, internet map service, U.S. Geological Survey (USGS) quadrangle or topographic maps, or EPA's web-based siting-tools, among other methods. For consistency, DEC requests that measurements be taken from the approximate center of the facility. Specify which method you used to determine latitude and longitude.

Identify the data source that you used to determine the facility latitude and longitude. If you did not use a USGS quadrangle or topographic map or GPS receivers, then select "Other" and write the method used on the line provided. If you used a USGS quadrangle or topographic map, write the map scale on the line provided. Scale should be identified on the map.

Enter the estimated area of industrial activity at your site exposed to storm water, in acres.

Briefly describe the nature of the industrial activities present at your facility.

Indicate whether your facility is currently inactive and unstaffed. If so then indicate whether your facility will be inactive and unstaffed for the entire permit term; or, if not, specify the specific length of time in units of days, weeks, months, or years (e.g. 3 months) that you expect the facility to be inactive and unstaffed.

Federal Effluent Limitation Guidelines and Sector-Specific Requirements

Depending on your industrial activities, your facility may be subject to effluent limitation guidelines which include additional effluent limits and monitoring requirements for your facility. Please review these requirements, described in Part 4.3 of the MSGP and check any appropriate boxes on the NOI form.

For Sector S facilities (Air Transportation), indicate whether you anticipate that the entire airport facility will use more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis. If so, additional effluent limits and monitoring conditions apply to your discharge (see Part 11 Sector S of the MSGP).

List the four-digit Standard Industrial Classification (SIC) code and/or two character activity code that best describes the primary industrial activities performed by your facility under which you are required to obtain permit coverage. Your primary industrial activity includes any activities performed on-site which are (1) identified by the facility's one SIC code for which the facility is primarily engaged; and (2) included in the narrative descriptions of 40 CFR 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). See Appendix D of the MSGP for a complete list of SIC codes and activities codes.

If your site has co-located industrial activities that are not identified as your primary industrial activity, identify the sector and subsector codes that describe these other industrial activities. For a complete list of sector and subsector codes, see Appendix D of the MSGP.

Discharge Information

Receiving Waters and Wetlands

You must identify all the outfalls from your facility that discharge storm water. Each outfall must be assigned a unique 3-digit ID (e.g., 001, 002, 003). You must also provide the latitude and longitude for each outfall from your facility. Indicate whether any outfalls are substantially identical to an outfall already listed, and identify the outfall it is identical to. For each unique outfall you list, you must specify the name of the first water of the U.S. that receives storm water directly from the outfall and/or the Municipal Separate Storm Sewer System (MS4) that the outfall discharges to.

Your receiving water may be a lake, stream, river, ocean, wetland, or other waterbody, and may or may not be located adjacent to your facility. Your storm water may discharge directly to the receiving water or indirectly via a storm sewer system, an open drain or ditch, or other conveyance structure. Do NOT list a man-made conveyance, such as a storm sewer system, as your receiving water. Indicate the first receiving water your storm water discharge enters. For example, if your discharge enters a storm sewer system that empties into Trout Creek, which flows into Pine River, your receiving water is Trout Creek, because it is the first waterbody your discharge will reach. Similarly, a discharge into a ditch that feeds Spring Creek should be identified as "Spring Creek" since the ditch is a manmade conveyance. If you discharge into a MS4, you must identify the waterbody into which that portion of the storm sewer discharges and also provide the name of the MS4 operator. That information should be readily available from the operator of the MS4. If you are uncertain of the MS4 operator, contact DEC Division of Water for that information.

You must specify whether any receiving waters that you discharge to are listed as "impaired" as defined in Appendix C, and the pollutants for which the water is impaired. You must also check/identify any Total Maximum Daily Loads (TMDL) that have been completed for any of the waters of the U.S. that you discharge to. You must also provide information about the outfall latitude/ longitude. Further information regarding impaired waters and TMDLs can be found at <http://dec.alaska.gov/water/water-quality/impaired-waters>.

If you are subject to any benchmark monitoring requirements for metals (see the requirements applicable to your Sector(s) in Part 11 of the permit), indicate the hardness for your receiving water(s). See Appendix E of the permit for information about determining waterbody hardness.

If you are subject to benchmark monitoring requirements for hardness-dependent metals, you must also answer whether your facility discharges into any saltwater receiving waters.

Operator Information

Provide the name of the contact person and the legal name of the firm, public organization, or any other public entity that operates the facility described in this application. An operator of a facility is a legal entity that controls the operation of the facility.

Provide the operator's mailing address, telephone number, fax number (optional), and email address. Correspondence will be sent to this address.

Storm Water Pollution Prevention Plan (SWPPP) Contact Information

Identify the name, telephone number, and email address of the person who will serve as a contact for DEC on issues related to storm water management at your facility. This person should be able to answer questions related to storm water discharges, the SWPPP,

and other issues related to storm water permit coverage or have immediate access to individuals with that knowledge. This person does not have to be the facility operator but should have intimate knowledge of storm water management activities at the facility.

If you are making your SWPPP publicly available on a website, provide the appropriate Internet URL address.

Billing Contact Information

Provide the name of the contact person and the legal name of the firm, public organization, or any other public entity that is responsible for accounts payable for this facility.

Provide the billing contact's mailing address, telephone number, fax number (optional), and email address. Correspondence for billing purposes will be sent to this address. If the billing contact address is the same as the operator, check the box and continue to Section III Facility Information. See 18 AAC 72.956 for applicable authorization fee to be paid with the submittal of the NOI.

Certification Information

The NOIs, must be signed as follows:

- (1) For a corporation, a responsible corporate officer shall sign the NOI, a responsible corporate officer means:
 - (A) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
 - (B) the manager of one or more manufacturing, production, or operating facilities, if
 - (i) the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations;
 - (ii) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and
 - (iii) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) For a partnership or sole proprietorship, the general partner or the proprietor, respectively; or
- (3) for a municipality, state, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means
 - (A) the chief executive officer of the agency; or
 - (B) a senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.

Include the name, title, organization, and email address of the person signing the form and the date of signing. An unsigned or undated NOI form will not be considered valid application for permit coverage.

If the NOI was prepared by someone other than the certifier (for example, if the NOI was prepared by the facility SWPPP contact or a consultant for the certifier's signature), include the name, organization, telephone number, and email address of the NOI preparer.

Where to File the NOI Form

DEC encourages you to complete the NOI form and SWPPP electronically via the Internet. DEC's Online Application System (OASys) can be found at <http://dec.alaska.gov/water/oasys.aspx>. Filing electronically is the fastest way to obtain permit coverage and help ensure that your NOI is complete. If you choose not to file electronically, you must send the NOI to the address listed below.

If you file by mail, remember to retain a copy for your records.

NOIs sent by mail:

Alaska Dept. of Environmental Conservation
Wastewater Discharge Authorization Program
Storm Water NOI
555 Cordova Street
Anchorage, AK 99501
Phone: (907) 269-6285
dec.water.wqpermit@alaska.gov

Your SWPPP needs to be submitted with the NOI as required in Part 5 of the MSGP. You must keep a copy of your SWPPP on-site or otherwise make it available to facility personnel responsible for implementing provisions of the permit.



No Exposure Certification for Exclusion from APDES Storm Water Permitting

Submission of this No Exposure Certification constitutes notice that the entity identified in Section I does not require permit authorization for its storm water discharges associated with industrial activity in Alaska identified in Section II under ADEC's Storm Water Multi-Sector General Permit (MSGP) due to the existence of a condition of no exposure.

A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, or waste product. A storm resistant shelter is not required for the following industrial materials and activities:

- drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves;
- adequately maintained vehicles used in material handling; and
- final products, other than products that would be mobilized in storm water discharges (e.g., rock salt).

A No Exposure Certification must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from APDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion.

By signing and submitting this No Exposure Certification form, the entity in Section I is certifying that a condition of no exposure exists at its facility or site, and is obligated to comply with the terms and conditions of 40 CFR 122.26(g), adopted by reference at 18 AAC 83.010(b)(3).

ALL INFORMATION MUST BE PROVIDED ON THIS FORM.

Detailed instructions for completing this form and obtaining the no exposure exclusion are provided on page 3.

Section I. Facility Operator Information	
Organization:	Contact Person:
Mailing Address:	Street (PO Box):
	City: State: Zip:
	Phone: Fax (optional): Mobile:
	Email:
Section II. Facility Location Information	
Facility Name:	
Location Address:	Street: Borough or Similar Government Subdivision
	City: State: Zip: Alaska
	Latitude: Longitude: Determined By: <input type="checkbox"/> GPS <input type="checkbox"/> USGS Topographic Map <input type="checkbox"/> Other: If you used a USGS Topographic map, what was the scale?
Estimated area of industrial activity at your site exposed to storm water: (acres)	
Is this a federal facility? <input type="checkbox"/> Yes <input type="checkbox"/> No Is this facility located on Indian Lands? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Permit Tracking #: _____

Identify the 4-digit Standard Industrial Classification (SIC) code or 2-letter Activity Code that best represents the products produced or services rendered for which your facility is primarily engaged, as define in MSGP:	Primary SIC Code: _____ or Primary Activity Code: _____
Was the facility or site previously covered under an NPDES or APDES storm water permit? <input type="checkbox"/> Yes <input type="checkbox"/> No	
a. If Yes, enter the NPDES or APDES permit number or tracking number: _____	
Have you paved or roofed over a formerly exposed pervious area in order to qualify for the no exposure exclusion? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please indicate approximately how much area was paved or roofed over. Completing this question does not disqualify you for the no exposure exclusion. However, your permitting authority may use this information in considering whether storm water discharges from your site are likely to have an adverse impact on water quality, in which case you could be required to obtain permit coverage.	
<input type="checkbox"/> Less than one acre <input type="checkbox"/> One to five acres <input type="checkbox"/> More than five acres	

Section III. Exposure Checklist

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check either "Yes" or "No" in the appropriate box.)		
If you answer "Yes" to any of these questions, (1) through (11), you are not eligible for the no exposure exclusion.	Yes	No
(1) Using, storing, or cleaning industrial machinery or equipment, and areas where residuals from using, storing, or cleaning industrial machinery or equipment remain and are exposed to storm water.	<input type="checkbox"/>	<input type="checkbox"/>
(2) Materials or residuals on the ground or in storm water inlets from spills/leaks.	<input type="checkbox"/>	<input type="checkbox"/>
(3) Materials or products from past industrial activity.	<input type="checkbox"/>	<input type="checkbox"/>
(4) Material handling equipment (except adequately maintained vehicles).	<input type="checkbox"/>	<input type="checkbox"/>
(5) Materials or products during loading/unloading or transporting activities.	<input type="checkbox"/>	<input type="checkbox"/>
(6) Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to storm water does not result in the discharge of pollutants).	<input type="checkbox"/>	<input type="checkbox"/>
(7) Materials contained in open, deteriorated, or leaking storage drums, barrels, tanks, and similar containers.	<input type="checkbox"/>	<input type="checkbox"/>
(8) Materials or products handled/stored on roads or railways owned or maintained by the discharger.	<input type="checkbox"/>	<input type="checkbox"/>
(9) Waste material (except waste in covered, non-leaking containers [e.g., dumpsters]).	<input type="checkbox"/>	<input type="checkbox"/>
(10) Application or disposal of process wastewater (unless otherwise permitted).	<input type="checkbox"/>	<input type="checkbox"/>
(11) Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the storm water outflow.	<input type="checkbox"/>	<input type="checkbox"/>

Section VIII. Certification Information

I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of "no exposure" and obtaining an exclusion from APDES storm water permitting under DEC Multi-Sector General Permit.

I certify under penalty of law that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility or site identified in this document (except as allowed under 40 CFR 122.26(g)(2)).

I understand that I am obligated to submit a no exposure certification form once every five years to the APDES permitting authority and, if requested, to the operator of the local municipal separate storm sewer system (MS4) into which the facility discharges (where applicable). I understand that I must allow the APDES permitting authority, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain coverage under an APDES permit prior to any point source discharge of storm water from the facility.

Additionally, 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.

Printed Name of Authorized Official	Title
Signature	Date
Email	

Instructions for the No Exposure Certification for Exclusion from APDES Storm Water Permitting

Who May File a No Exposure Certification

Federal law at 40 CFR Part 122.26, adopted by reference at 18 AAC 83.010(b)(3), prohibits point source discharges of storm water associated with industrial activity to waters of the U.S. without an Alaska Pollutant Discharge Elimination System (APDES) permit. However, APDES permit coverage is not required for discharges of storm water associated with industrial activities identified at 40 CFR 122.26(b)(14)(i)-(ix) and (xi) if the discharger can certify that a condition of "no exposure" exists at the industrial facility or site.

Storm water discharges from construction activities identified in 40 CFR 122.26(b)(14)(x) and (b)(15) are not eligible for the no exposure exclusion.

Obtaining and Maintaining the No Exposure Exclusion

This form is used to certify that a condition of no exposure exists at the industrial facility or site described herein. This certification is only applicable in jurisdictions where DEC is the NPDES permitting authority and must be re-submitted at least once every five years.

The industrial facility operator must maintain a condition of no exposure at its facility or site in order for the no exposure exclusion to remain applicable. If conditions change resulting in the exposure of materials and activities to storm water, the facility operator must obtain coverage under an APDES storm water permit immediately.

Completing the Form

You must type or print in appropriate areas only. One form must be completed for each facility or site for which you are seeking to certify a condition of no exposure. Additional guidance on completing this form can be accessed at DEC's Storm water Program website:

<http://dec.alaska.gov/water/wnpssc/stormwater/index.htm>.

Please make sure you have addressed all applicable questions and have made a photocopy for your records before sending the completed form to this address.

Section I. Facility Operator Information

- Provide the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this certification. The name of the operator may or may not be the same as the name of the facility. The operator is the legal entity that controls the facility's operation, rather than the plant or site manager.
- Provide the telephone number of the facility operator.
- Provide the email address of the facility operator.
- Provide the mailing address of the operator (P.O. Box numbers may be used). Include the city, state, and zip code. All correspondence will be sent to this address.

Section II. Facility/Site Location Information

- Enter the official or legal name of the facility or site.
- Enter the complete street address (if no street address exists, provide a geographic description [e.g., Intersection of Routes 9 and 55]), city, state, zip code, and borough or similar government subdivision. Do not use a P.O. Box number.
- Indicate whether the facility is located on Indian Lands.
- Indicate whether the industrial facility is operated by a department or agency of the Federal Government (see also Section 313 of the Clean Water Act).
- Enter the latitude and longitude of the approximate center of the facility or site. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (U.S.G.S.) topographic or quadrangle maps, among others.
- Indicate whether the facility was previously covered under an NPDES or APDES storm water permit. If so, include the permit number or permit tracking number.
- List the four-digit Standard Industrial Classification (SIC) code and/or two character activity code that best describes the primary industrial activities performed by your facility. Your primary industrial activity includes any activities performed on-site which are:
 - (1) identified by the facility's one SIC code for which the facility is primarily engaged; and

- (2) included in the narrative descriptions of 40 CFR 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). See Appendix D of the MSGP for a complete list of SIC codes and activities codes.

- Enter the total size of the site associated with industrial activity in acres. Acreage may be determined by dividing square footage by 43,560.
- Check "Yes" or "No" as appropriate to indicate whether you have paved or roofed over a formerly exposed, pervious area (e.g., lawn, meadow, dirt or gravel road/parking lot) in order to qualify for no exposure. If yes, also indicate approximately how much area was paved or roofed over and is now impervious area.

Section III. Exposure Checklist

Check "Yes" or "No" as appropriate to describe the exposure condition at your facility. If you answer "Yes" to **ANY** of the questions, (1) through (11), in this section, a potential for exposure exists at your site and you cannot certify to a condition of no exposure. You must obtain (or already have) coverage under an APDES storm water permit. After obtaining permit coverage, you can institute modifications to eliminate the potential for a discharge of storm water exposed to industrial activity and then certify to a condition of no exposure.

Section IV. Certification Information

The Certification of No Exposure, must be signed as follows:

- (1) For a corporation, a responsible corporate officer shall sign the Certification, a responsible corporate officer means:
 - (A) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
 - (B) the manager of one or more manufacturing, production, or operating facilities, if
 - (i) the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations;
 - (ii) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and
 - (iii) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) For a partnership or sole proprietorship, the general partner or the proprietor, respectively; or
- (3) for a municipality, state, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means
 - (A) the chief executive officer of the agency; or
 - (B) a senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.

Include the name, title, and email address of the person signing the form and the date of signing. An unsigned or undated Certification form will not be considered valid exclusion from permit coverage.

Where to File Certification form

Please submit the Certification to DEC as follows:

If you file by mail, please submit the original form with a signature in ink. DEC will not accept a photocopied signature. Remember to retain a copy for your records.

Certifications sent by mail:

Alaska Dept. of Environmental Conservation
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, AK 99501
Phone: (907) 269-6285



Alaska Department of Environmental Conservation

Division of Water, Compliance and Enforcement Program

555 Cordova Street

Anchorage, Alaska 99501

Nationwide Toll Free: 1(877) 569-4114 Anchorage/International: (907) 269-4114

Fax: (907) 269-4604 E-mail address: dec-wqreporting@alaska.gov.

NONCOMPLIANCE NOTIFICATION

GENERAL INFORMATION		PERMIT# (if any):	
Owner or Operator:	Facility Name:	Facility Location:	
Person Reporting:	Phone Numbers of Person Reporting:	Reported How? (e.g. by phone):	
Date/Time Event was Noticed:	Date/Time Reported:	Name of DEC Staff Contacted:	

VERBAL NOTIFICATION MUST BE MADE TO ADEC WITHIN 24 HOURS OF DISCOVERY OF NONCOMPLIANCE

INCIDENT DETAILS (attach additional sheets, lab reports, and photos as necessary)

Period of Noncompliance	Start Date/Time (exact):	End Date/Time (exact):
--------------------------------	---------------------------------	-------------------------------

If noncompliance has not been corrected, provide a statement regarding the anticipated time the noncompliance is expected to continue:

Estimated Quantity involved (volume or weight):

Description of the noncompliance and its cause (be specific):

Actions taken to reduce, eliminate, and prevent reoccurrence of noncompliance and Actual/Potential Impact on Environmental Health (describe in detail) (e.g. Supplied drinking water to nearby well owners and informed well owners not to drink from wells until further notice)

Permit Condition Deviation (Identify each permit condition exceeded during the event.)

<u>Parameter (e.g. BOD pH)</u>	<u>Permit Limit</u>	<u>Exceedance (sample result)</u>	<u>Sample Date</u>

Corrective Actions (Attach a description of corrective actions taken to restore the system to normal operation and to minimize or eliminate chances of recurrence.)

Environmental Damage: (if yes, provide details below) Yes No Unknown

Actual /Potential Impact on Environment/Public Health (describe in detail)

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.

Name: _____ **Title:** _____ **Signature:** _____ **Date:** _____

FORMS MUST BE SENT TO ADEC WITHIN FIVE DAYS OF BECOMING AWARE OF THE EVENT.



Alaska Department of Environmental Conservation
Multi-Sector General Permit (MSGP)
Discharge Monitoring Report (DMR)

Part 9.1 requires you to use the electronic NetDMR system to prepare and submit your Discharge Monitoring Report (DMR) form. However, if you are given approval by the DEC (Permitting Program or Compliance and Enforcement Program, see Standard Conditions, Appendix A, Part 1.1 Contact Information and Addresses) to use a paper DMR form, and you elect to use it, you must complete and submit the following form.

Reason(s) for Submission *(Check all that apply)*

- Submitting monitoring data (fill in all Sections).
- Reporting no discharge for all outfalls for this monitoring period (fill in Sections I, II, III, IV, and VI).
- Reporting that your site status has changed to inactive and unstaffed (fill in Sections I, II, VI and include date of status change in comments field in Section V).
- Reporting that your site status has changed to active (fill in all sections and include date of status change in comments field in Section V).
- Reporting that no further pollutant reductions are achievable for all outfalls and for all pollutants via Part 7.2.1.4 of the MSGP (fill in Sections I, II, and VI).

Section I. Permit Information

Permit Authorization Number:

Section II. Facility Information

Facility Name:			
Street Location	Street:		
	City:	State: Alaska	Zip:
Contact Name:		Organization:	Title:
Phone:		Fax (optional):	Email:

DMR Preparer *(Complete if DMR was prepared by someone other than the person signing the certification in Section VI):*

Name:		Organization:	Title:
Phone:		Fax (optional):	Email:

Section III. Discharge Information

Identify Monitoring Period:	Check here if proposing alternative monitoring periods due to irregular storm water runoff. Identify alternative monitoring schedule and indicate for which alternative period you are reporting monitoring data.	
<input type="checkbox"/> Quarter 1 (January 1 – March 31)	Quarter 1: From:	To:
<input type="checkbox"/> Quarter 2 (April 1 – June 30)	Quarter 2: From:	To:
<input type="checkbox"/> Quarter 3 (July 1 – September 30)	Quarter 3: From:	To:
<input type="checkbox"/> Quarter 4 (October 1 – December 31)	Quarter 4: From:	To:

Are you required to monitor for cadmium, copper, chromium, lead, nickel, silver, or zinc? Yes, No (Skip to Section IV)
 What is the hardness level of the receiving water? _____ mg/L

Section IV. Outfall Information

How many outfalls are identified in your SWPPP? _____ List names of outfalls required to be monitored in the table below.

Do any of your outfalls discharge substantially identical effluents? Yes, No

If YES, for each monitored outfall, indicate outfall names that are substantially identical in the table below.

a. Monitored Outfall Name*	b. Substantially Identical Outfalls [List name(s) of outfall(s) that are substantially identical to outfall in a.]	c. No Discharge?

* Reference attachment if additional space is needed to complete the table.

Instructions for Completing the MSGP Industrial Discharge Monitoring Report (DMR)

Who Must Submit A Discharge Monitoring Report to DEC?

- An operator or owner of a facility covered under the Multi-Sector General Permit (MSGP or permit) that are required to monitor pursuant to Parts 7.2.1, 7.2.2, 7.2.3, and 7.2.4 of the permit must submit the MSGP Discharge Monitoring Report (DMR) consistent with the reporting requirements specified in Part 9.1 of the permit.

Completing the Form

- Type or print, in the appropriate areas only. "NA" can be entered in areas that are not applicable. If you have any questions about how or when to use this form, contact the DEC Storm Water Program at (907) 269-6285 or online at <http://dec.alaska.gov/water/wastewater/stormwater/>.

Reasons for Submission

- Indicate your reason(s) for submitting this DMR by checking all boxes that apply. The reasons for submission are defined as follows:
- *Submitting monitoring data:* For each storm event sampled, submit one DMR form with data for all outfalls sampled. Select this reason even if you only have monitoring data for some of your outfalls (i.e., some outfalls did not discharge). If you select this reason, you are required to complete all Sections of the form.
- *Reporting no discharge for all outfalls for this monitoring period:* Indicates that there were no discharges from all outfalls during this monitoring period. If you select this reason, you are only required to complete Sections I, II, III, IV, and VI.
- *Reporting that your site status has changed to inactive and unstaffed:* Indicates that your facility is currently inactive and unstaffed (See Part 7.2.1.6 of the permit for more information). If you select this reason, you are only required to complete Sections I, II, and VI and include date of status change in the comment field in Section V.
- *Reporting that your site status has changed from inactive to active:* Indicates that your facility is currently active (See Part 7.2.1.6 of the permit for more information). If you select this reason, you are required to complete all Sections of the form and include date of status change in the comment field in Section V.
- Reporting that no further reductions are achievable for all outfalls and for all effluent monitoring pollutants via Part 7.2.1.4 and Parts 4 of the permit: Indicates that your facility has determined that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limitations or are necessary to meet the water-quality-based effluent limitations in Parts 4 of the permit (See Part 7.2.1.4 of the permit for more information). If you select this reason, you are required to complete Sections I, II and VI. However, if you can make this finding for some outfalls and pollutants, but not for others, you cannot select this reason; you will instead be able to identify which outfalls and which pollutants you can make this finding for in Section V.

Section I. Permit Tracking Number

- Enter the APDES tracking number assigned by DEC to the facility. If you do not know the tracking number, you can find the tracking number assigned to your facility on DEC's Water Permit Search <http://dec.alaska.gov/Applications/Water/WaterPermitSearch/Se arch.aspx>

Section II. Facility Information

- Enter the facility's official or legal name. Unless the name of your facility has changed, please use the same name provided on your NOI. You can use ADEC's Water Permit Search, <http://dec.alaska.gov/Applications/Water/WaterPermitSearch/Search.aspx> to view your NOI.
- Enter the street address, including city, state, and zip code of the actual physical location of the facility. Do not use a P.O. Box.
- Identify the name, telephone number, and email address of the person who will serve as a contact for DEC on issues related to monitoring at your facility. This person should be able to answer questions related to stormwater discharges and monitoring or have immediate access to individuals with that knowledge. This person does not have to be the facility operator but should have intimate knowledge of monitoring activities at the facility.
- If the form was prepared by someone other than the person who is signing the certification statement in Section VI (for example, if the DMR was prepared by a member of the facility's storm water pollution prevention team or a consultant for the certifier's signature), include the name, organization, telephone number, and email address of the DMR preparer.

Section III. Discharge Information

- Indicate the appropriate monitoring period (Quarter 1, 2, 3, or 4) covered by the DMR. "Alternative" monitoring periods can apply to facilities located in arid and semi-arid climates or in areas subject to snow or prolonged freezing. To use alternative monitoring periods, you must provide a revised monitoring schedule here in the first monitoring report submitted and indicate for which alternative monitoring period you are reporting monitoring data. If using alternative monitoring periods, identify the first day of the monitoring period through the last day of the monitoring period for each of the four periods. The dates should be displayed as month (Mo) / day (Day). See Part 7.2.1.2 of the permit for more information.
- If you are submitting benchmark monitoring data, identify if your facility is required to collect benchmark samples for one or more hardness-dependent metals (i.e., cadmium, copper, lead, nickel, silver, and zinc). If you select "yes" to this question you must also complete the table in Section III., and if you select "no" to this question, you may skip to Section IV.
- If you selected "yes" for the previous question, then you are required to submit to DEC with your first benchmark report a hardness level established consistent with the procedures in Appendix E of the permit, which is representative of your receiving water. If your outfalls discharge to more than one receiving water, as reported in your NOI form, you should report hardness for the receiving water with the lowest hardness values. Hardness values must be reported in milligrams per liter (mg/L).

Section IV. Outfall Information

- Enter the total number of outfalls identified in your SWPPP. Outfalls are locations where storm water exits the facility, including pipes, ditches, swales, and other structures used to remove storm water from the facility.
- Indicate if your facility has two or more outfalls that you believe discharge substantially identical effluents (i.e., storm water), based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to storm water, and runoff coefficients of

their drainage areas. See Parts 5.2.6.2 and 6.2.3 of the permit for more information on substantially identical outfalls.

- If you selected “yes” for the previous question, then you must list the outfall name(s) in Column b that you expect to be substantially identical to the corresponding outfall in Column a.
 - a. *Monitored Outfall Name*: List name(s) of outfall(s) you are required to monitor.
 - b. *Substantially Identical Outfalls*: List name(s) of outfall(s) substantially identical to “*Monitored Outfall*” in Column a. (if applicable)].
 - c. *No Discharge*: Check box if you are reporting “No Discharge” for the monitored outfall for the reporting period identified in Section III.

Example:

a. Monitored Outfall Name	b. Substantially Identical Outfall	c. No Discharge
Outfall A	Outfall B, Outfall C	<input type="checkbox"/>
Outfall D		<input checked="" type="checkbox"/>

Reference attachments if additional space is needed to complete the table in Section IV.

Section V. Monitoring Information

- Enter the APDES tracking number assigned to the facility reported in Section I.
- For the reported monitoring event, indicate whether the discharge was from a rainfall or snowmelt event. If you select “rainfall”, then indicate:
 - the duration (in hours) of the rainfall event;
 - rainfall total (in inches) for that rainfall event; and
 - time (in days) since the previous measurable storm event.
- If the discharge occurs during a period of both rainfall and snowmelt, check both the rainfall and snowmelt boxes and report the appropriate rainfall information in items a-c. To report multiple monitoring events in the same reporting period, copy Page 2 of this Form and enter each monitoring event separately with data for all outfalls sampled.
- For each pollutant monitored at an outfall, you must complete one row in the Table as follows:
 - *Outfall Name*: Provide the outfall name for which you monitored (e.g., Outfall 1, Outfall 2, Outfall 3).
 - *Monitoring Type*: Provide the type of monitoring using the specified codes below:
 - QBM – Quarterly benchmark monitoring;
 - ELG – Annual effluent limitations guidelines monitoring;
 - S – State specific monitoring;
 - I - Impaired waters monitoring; or
 - O – Other monitoring as required by DEC.
- *Parameter(s)*: Enter each “Parameter” (or “pollutant”) monitored. For QBM and ELG monitoring, use the same parameter name as in Part 11 of the permit.
- *Quality or Concentration*: Enter sample measurement value for each parameter analyzed and required to be reported. Enter “ND” (i.e., not detected) for any sample results below the method detection limit or “BQL” (i.e., below quantitation limit) for sample results above the detection limit but below the quantitation limit.
- *Units*: Enter the units for sample measurement values (e.g., “mg/L” for milligrams per liter) for each parameter analyzed and required to be reported. For monitoring results reported as ND or BQL, this space will be left blank and the units will be reported under Results Description.
- *Results Description*: This section must be completed for any monitoring results reported as ND or BQL in the “Quality or Concentration” column. For ND, report the laboratory detection

level and units in this column. For BQL, report the laboratory quantitation limit and units in this column.

- *Collection Date*: Identify the sampling date for each parameter monitoring result reported on this form.
- *Exceedance due to natural background pollutant levels*: Check box if following the first 4 quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than 4 quarters of data) you have determined that the exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background for that outfall and any substantially identical outfalls. See Part 7.2.1.5 of the permit for more information. Attach supporting rationale for your determination to the submitted DMR and reference attachment in comments portion of Section V.
- *No further pollutant reductions achievable*: Check box if after collection of 4 quarterly samples (or sooner if the exceedance is triggered by less than 4 quarters of data), the average of the 4 monitoring values for any parameter exceeds the benchmark and you have made the determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limitations or are necessary to meet the water-quality-based effluent limitations in Parts 4 of the permit (See Part 7.2.1.4 of the permit for more information) for that outfall and any substantially identical outfalls. Attach supporting rationale for your determination to the submitted DMR and reference attachment in comments portion of Section V.
- Where violations of the permit requirements are reported, include a brief explanation to describe the cause and corrective actions taken and reference each violation by date. Also, this section should include any additional comments such as are required when changing site status from inactive and unstaffed to active or vice versa. Attach additional pages if you need more space.
- Attach additional copies of Section V as necessary to address all outfalls and parameters.

Section VI. Certification

- Enter *Printed Name and Title of Principal Executive Officer or Authorized Agent* with *Signature of Principal Executive Officer or Authorized Agent*, and the *Date* this form was signed and the email address of the “*Principal Executive Officer or Authorized Agent*.” If you submit multiple pages of Section V monitoring data, each page must be appropriately signed and certified as described below.

The DMRs must be signed as follows:

- (1) For a corporation, a responsible corporate officer shall sign the DMR, a responsible corporate officer means:
 - (A) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
 - (B) the manager of one or more manufacturing, production, or operating facilities, if
 - (i) the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations;

- (ii) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and
 - (iii) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) For a partnership or sole proprietorship, the general partner or the proprietor, respectively; or
- (3) for a municipality, state, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means
- (A) the chief executive officer of the agency; or
 - (B) a senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.
- Include the name, title, and email address of the person signing the form and the date of signing. An unsigned or undated DMR will not be considered valid.

Where to File the DMR Form

- Monitoring data collected pursuant to Part 7.2 of the permit must be reported on the paper DMR form and sent to the following address:
- If you file by mail, remember to retain a copy for your records.
 - DMRs sent by mail:
Alaska Dept. of Environmental Conservation
Wastewater Discharge Authorization Program
Office of Compliance
555 Cordova Street
Anchorage, AK 99501
Phone: (907) 269-6285
dec-wqreporting@alaska.gov

APPENDIX D – Add. MSGP Documentation and SWPPP Compliance Forms

Attachment No.	SWPPP Compliance Forms	Update Frequency
1	Assessment of Non-Stormwater and Unauthorized Discharges	As Needed
2	MSGP Discharge Monitoring Report	Quarterly
3	Routine Facility Inspection Form	Monthly
4	MSGP Quarterly Visual Assessment Form	Quarterly
5	Deviations from Assessment or Monitoring Schedule Form	As Needed
6	ADEC 2020 MSGP Comprehensive Annual Inspection Form	Annually
7	Multi-Sector Stormwater Pollution Prevention Training Log	Annually
8	ADEC 2020 MSGP Corrective Action Documentation	As Needed
<p>Note: File completed SWPPP compliance forms in Appendix F. Forms must be kept for the life of the permit.</p>		

Attachment 1

Assessment of Non-Stormwater and Unauthorized Discharges

Instructions:

According to the 2020 MSGP Part 4.2.10, the presence of all non-stormwater discharges must be evaluated and unauthorized discharges must be eliminated. This evaluation must be documented. Documentation of the evaluation must include:

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

Attachment 1: Assessment of Unauthorized Non-Stormwater Discharges

Date of Test (Most Recent)	Outfall(s)	Method Used to Evaluate Discharge	Test Results (if applicable)	Potential Sources	Person or Party Conducting the Test

Name & Official Title	Area Code and Telephone No.
Signature	Date Signed



**Alaska Department of Environmental Conservation
Multi-Sector General Permit (MSGP)
Discharge Monitoring Report (DMR)**

Part 9.1 requires you to use the electronic NetDMR system to prepare and submit your Discharge Monitoring Report (DMR) form. However, if you are given approval by the DEC (Permitting Program or Compliance and Enforcement Program, see Standard Conditions, Appendix A, Part 1.1 Contact Information and Addresses) to use a paper DMR form, and you elect to use it, you must complete and submit the following form.

Reason(s) for Submission *(Check all that apply)*

- Submitting monitoring data (fill in all Sections).
- Reporting no discharge for all outfalls for this monitoring period (fill in Sections I, II, III, IV, and VI).
- Reporting that your site status has changed to inactive and unstaffed (fill in Sections I, II, VI and include date of status change in comments field in Section V).
- Reporting that your site status has changed to active (fill in all sections and include date of status change in comments field in Section V).
- Reporting that no further pollutant reductions are achievable for all outfalls and for all pollutants via Part 7.2.1.4 of the MSGP (fill in Sections I, II, and VI).

Section I. Permit Information

Permit Authorization Number:

Section II. Facility Information

Facility Name:			
Street Location	Street:		
	City:	State: Alaska	Zip:
Contact Name:		Organization:	Title:
Phone:		Fax (optional):	Email:

DMR Preparer *(Complete if DMR was prepared by someone other than the person signing the certification in Section VI):*

Name:		Organization:	Title:
Phone:		Fax (optional):	Email:

Section III. Discharge Information

Identify Monitoring Period:	Check here if proposing alternative monitoring periods due to irregular storm water runoff. Identify alternative monitoring schedule and indicate for which alternative period you are reporting monitoring data.	
<input type="checkbox"/> Quarter 1 (January 1 – March 31)	Quarter 1: From:	To:
<input type="checkbox"/> Quarter 2 (April 1 – June 30)	Quarter 2: From:	To:
<input type="checkbox"/> Quarter 3 (July 1 – September 30)	Quarter 3: From:	To:
<input type="checkbox"/> Quarter 4 (October 1 – December 31)	Quarter 4: From:	To:

Are you required to monitor for cadmium, copper, chromium, lead, nickel, silver, or zinc? Yes, No (Skip to Section IV)
 What is the hardness level of the receiving water? _____ mg/L

Section IV. Outfall Information

How many outfalls are identified in your SWPPP? _____ List names of outfalls required to be monitored in the table below.

Do any of your outfalls discharge substantially identical effluents? Yes, No

If YES, for each monitored outfall, indicate outfall names that are substantially identical in the table below.

a. Monitored Outfall Name*	b. Substantially Identical Outfalls [List name(s) of outfall(s) that are substantially identical to outfall in a.]	c. No Discharge?

* Reference attachment if additional space is needed to complete the table.

Instructions for Completing the MSGP Industrial Discharge Monitoring Report (DMR)

Who Must Submit A Discharge Monitoring Report to DEC?

- An operator or owner of a facility covered under the Multi-Sector General Permit (MSGP or permit) that are required to monitor pursuant to Parts 7.2.1, 7.2.2, 7.2.3, and 7.2.4 of the permit must submit the MSGP Discharge Monitoring Report (DMR) consistent with the reporting requirements specified in Part 9.1 of the permit.

Completing the Form

- Type or print, in the appropriate areas only. "NA" can be entered in areas that are not applicable. If you have any questions about how or when to use this form, contact the DEC Storm Water Program at (907) 269-6285 or online at <http://dec.alaska.gov/water/wastewater/stormwater/>.

Reasons for Submission

- Indicate your reason(s) for submitting this DMR by checking all boxes that apply. The reasons for submission are defined as follows:
- *Submitting monitoring data:* For each storm event sampled, submit one DMR form with data for all outfalls sampled. Select this reason even if you only have monitoring data for some of your outfalls (i.e., some outfalls did not discharge). If you select this reason, you are required to complete all Sections of the form.
- *Reporting no discharge for all outfalls for this monitoring period:* Indicates that there were no discharges from all outfalls during this monitoring period. If you select this reason, you are only required to complete Sections I, II, III, IV, and VI.
- *Reporting that your site status has changed to inactive and unstaffed:* Indicates that your facility is currently inactive and unstaffed (See Part 7.2.1.6 of the permit for more information). If you select this reason, you are only required to complete Sections I, II, and VI and include date of status change in the comment field in Section V.
- *Reporting that your site status has changed from inactive to active:* Indicates that your facility is currently active (See Part 7.2.1.6 of the permit for more information). If you select this reason, you are required to complete all Sections of the form and include date of status change in the comment field in Section V.
- Reporting that no further reductions are achievable for all outfalls and for all effluent monitoring pollutants via Part 7.2.1.4 and Parts 4 of the permit: Indicates that your facility has determined that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limitations or are necessary to meet the water-quality-based effluent limitations in Parts 4 of the permit (See Part 7.2.1.4 of the permit for more information). If you select this reason, you are required to complete Sections I, II and VI. However, if you can make this finding for some outfalls and pollutants, but not for others, you cannot select this reason; you will instead be able to identify which outfalls and which pollutants you can make this finding for in Section V.

Section I. Permit Tracking Number

- Enter the APDES tracking number assigned by DEC to the facility. If you do not know the tracking number, you can find the tracking number assigned to your facility on DEC's Water Permit Search <http://dec.alaska.gov/Applications/Water/WaterPermitSearch/Se arch.aspx>

Section II. Facility Information

- Enter the facility's official or legal name. Unless the name of your facility has changed, please use the same name provided on your NOI. You can use ADEC's Water Permit Search, <http://dec.alaska.gov/Applications/Water/WaterPermitSearch/Search.aspx> to view your NOI.
- Enter the street address, including city, state, and zip code of the actual physical location of the facility. Do not use a P.O. Box.
- Identify the name, telephone number, and email address of the person who will serve as a contact for DEC on issues related to monitoring at your facility. This person should be able to answer questions related to stormwater discharges and monitoring or have immediate access to individuals with that knowledge. This person does not have to be the facility operator but should have intimate knowledge of monitoring activities at the facility.
- If the form was prepared by someone other than the person who is signing the certification statement in Section VI (for example, if the DMR was prepared by a member of the facility's storm water pollution prevention team or a consultant for the certifier's signature), include the name, organization, telephone number, and email address of the DMR preparer.

Section III. Discharge Information

- Indicate the appropriate monitoring period (Quarter 1, 2, 3, or 4) covered by the DMR. "Alternative" monitoring periods can apply to facilities located in arid and semi-arid climates or in areas subject to snow or prolonged freezing. To use alternative monitoring periods, you must provide a revised monitoring schedule here in the first monitoring report submitted and indicate for which alternative monitoring period you are reporting monitoring data. If using alternative monitoring periods, identify the first day of the monitoring period through the last day of the monitoring period for each of the four periods. The dates should be displayed as month (Mo) / day (Day). See Part 7.2.1.2 of the permit for more information.
- If you are submitting benchmark monitoring data, identify if your facility is required to collect benchmark samples for one or more hardness-dependent metals (i.e., cadmium, copper, lead, nickel, silver, and zinc). If you select "yes" to this question you must also complete the table in Section III., and if you select "no" to this question, you may skip to Section IV.
- If you selected "yes" for the previous question, then you are required to submit to DEC with your first benchmark report a hardness level established consistent with the procedures in Appendix E of the permit, which is representative of your receiving water. If your outfalls discharge to more than one receiving water, as reported in your NOI form, you should report hardness for the receiving water with the lowest hardness values. Hardness values must be reported in milligrams per liter (mg/L).

Section IV. Outfall Information

- Enter the total number of outfalls identified in your SWPPP. Outfalls are locations where storm water exits the facility, including pipes, ditches, swales, and other structures used to remove storm water from the facility.
- Indicate if your facility has two or more outfalls that you believe discharge substantially identical effluents (i.e., storm water), based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to storm water, and runoff coefficients of

their drainage areas. See Parts 5.2.6.2 and 6.2.3 of the permit for more information on substantially identical outfalls.

- If you selected “yes” for the previous question, then you must list the outfall name(s) in Column b that you expect to be substantially identical to the corresponding outfall in Column a.
 - a. *Monitored Outfall Name*: List name(s) of outfall(s) you are required to monitor.
 - b. *Substantially Identical Outfalls*: List name(s) of outfall(s) substantially identical to “*Monitored Outfall*” in Column a. (if applicable)].
 - c. *No Discharge*: Check box if you are reporting “No Discharge” for the monitored outfall for the reporting period identified in Section III.

Example:

a. Monitored Outfall Name	b. Substantially Identical Outfall	c. No Discharge
Outfall A	Outfall B, Outfall C	<input type="checkbox"/>
Outfall D		<input checked="" type="checkbox"/>

Reference attachments if additional space is needed to complete the table in Section IV.

Section V. Monitoring Information

- Enter the APDES tracking number assigned to the facility reported in Section I.
- For the reported monitoring event, indicate whether the discharge was from a rainfall or snowmelt event. If you select “rainfall”, then indicate:
 - the duration (in hours) of the rainfall event;
 - rainfall total (in inches) for that rainfall event; and
 - time (in days) since the previous measurable storm event.
- If the discharge occurs during a period of both rainfall and snowmelt, check both the rainfall and snowmelt boxes and report the appropriate rainfall information in items a-c. To report multiple monitoring events in the same reporting period, copy Page 2 of this Form and enter each monitoring event separately with data for all outfalls sampled.
- For each pollutant monitored at an outfall, you must complete one row in the Table as follows:
 - *Outfall Name*: Provide the outfall name for which you monitored (e.g., Outfall 1, Outfall 2, Outfall 3).
 - *Monitoring Type*: Provide the type of monitoring using the specified codes below:
 - QBM – Quarterly benchmark monitoring;
 - ELG – Annual effluent limitations guidelines monitoring;
 - S – State specific monitoring;
 - I - Impaired waters monitoring; or
 - O – Other monitoring as required by DEC.
- *Parameter(s)*: Enter each “Parameter” (or “pollutant”) monitored. For QBM and ELG monitoring, use the same parameter name as in Part 11 of the permit.
- *Quality or Concentration*: Enter sample measurement value for each parameter analyzed and required to be reported. Enter “ND” (i.e., not detected) for any sample results below the method detection limit or “BQL” (i.e., below quantitation limit) for sample results above the detection limit but below the quantitation limit.
- *Units*: Enter the units for sample measurement values (e.g., “mg/L” for milligrams per liter) for each parameter analyzed and required to be reported. For monitoring results reported as ND or BQL, this space will be left blank and the units will be reported under Results Description.
- *Results Description*: This section must be completed for any monitoring results reported as ND or BQL in the “Quality or Concentration” column. For ND, report the laboratory detection

level and units in this column. For BQL, report the laboratory quantitation limit and units in this column.

- *Collection Date*: Identify the sampling date for each parameter monitoring result reported on this form.
- *Exceedance due to natural background pollutant levels*: Check box if following the first 4 quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than 4 quarters of data) you have determined that the exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background for that outfall and any substantially identical outfalls. See Part 7.2.1.5 of the permit for more information. Attach supporting rationale for your determination to the submitted DMR and reference attachment in comments portion of Section V.
- *No further pollutant reductions achievable*: Check box if after collection of 4 quarterly samples (or sooner if the exceedance is triggered by less than 4 quarters of data), the average of the 4 monitoring values for any parameter exceeds the benchmark and you have made the determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limitations or are necessary to meet the water-quality-based effluent limitations in Parts 4 of the permit (See Part 7.2.1.4 of the permit for more information) for that outfall and any substantially identical outfalls. Attach supporting rationale for your determination to the submitted DMR and reference attachment in comments portion of Section V.
- Where violations of the permit requirements are reported, include a brief explanation to describe the cause and corrective actions taken and reference each violation by date. Also, this section should include any additional comments such as are required when changing site status from inactive and unstaffed to active or vice versa. Attach additional pages if you need more space.
- Attach additional copies of Section V as necessary to address all outfalls and parameters.

Section VI. Certification

- Enter *Printed Name and Title of Principal Executive Officer or Authorized Agent* with *Signature of Principal Executive Officer or Authorized Agent*, and the *Date* this form was signed and the email address of the “*Principal Executive Officer or Authorized Agent*.” If you submit multiple pages of Section V monitoring data, each page must be appropriately signed and certified as described below.

The DMRs must be signed as follows:

- (1) For a corporation, a responsible corporate officer shall sign the DMR, a responsible corporate officer means:
 - (A) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
 - (B) the manager of one or more manufacturing, production, or operating facilities, if
 - (i) the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations;

- (ii) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and
 - (iii) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) For a partnership or sole proprietorship, the general partner or the proprietor, respectively; or
- (3) for a municipality, state, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means
- (A) the chief executive officer of the agency; or
 - (B) a senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.
- Include the name, title, and email address of the person signing the form and the date of signing. An unsigned or undated DMR will not be considered valid.

Where to File the DMR Form

- Monitoring data collected pursuant to Part 7.2 of the permit must be reported on the paper DMR form and sent to the following address:
- If you file by mail, remember to retain a copy for your records.
 - DMRs sent by mail:
Alaska Dept. of Environmental Conservation
Wastewater Discharge Authorization Program
Office of Compliance
555 Cordova Street
Anchorage, AK 99501
Phone: (907) 269-6285
dec-wqreporting@alaska.gov

Attachment 3

Routine Facility Inspection Report

Instructions:

- Include in your records copies of all routine facility inspection reports completed for the facility.
- The sample inspection report is consistent with the requirements in Parts 6.1 of the 2020 MSGP relating to routine facility inspections. Facilities subject to State industrial stormwater permits may also find this form useful. If your permitting authority provides you with an inspection report, use that form.
- This inspection report can be customized to account for new or changes to control measures and activities at this facility. Routine inspections require a copy of the site plan (Appendix B) and numbering all stormwater control measures and areas of industrial activity that will be inspected. A brief description of the control measures and areas that were inspected should then be listed in the site-specific section of the Routine Facility Inspection form.
- When conducting the inspection, walk the facility by following your site map and numbered/lettered control measures/areas of industrial activity to be inspected. Also note whether the “Areas of Industrial Materials or Activities exposed to stormwater” have been addressed (customize this list according to the conditions at your facility). Note any required corrective actions and the date and responsible person for the correction.
- Weather conditions during inspections are required to be documented. The National Weather Service website at <http://www.arh.noaa.gov/> can be consulted to obtain precipitation data.

All outfalls are depicted in the Site Map, provided in Appendix B.

Routine Facility Inspection Report

General Information			
Facility Name	Granite Creek Quarry		
APDES Tracking No.			
Date of Inspection		Start/End Time	
Inspector's Name(s), Title(s), Contact Information			
Inspector's Qualifications			
Weather Information			
Weather at time of this inspection?			
<input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snow <input type="checkbox"/> High Winds <input type="checkbox"/> Other: _____ Temperature: _____			
Have any previously unidentified discharges of pollutants occurred since the last inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, describe:			
Are there any discharges occurring at the time of inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, describe:			

Control Measures

- Structural stormwater control measures and areas of industrial activity are identified in your SWPPP and on your site map and are listed below. Carry a copy of the site map with you during your inspections. This list will ensure that you are inspecting all required control measures at your facility. If additional control measures or areas of activity have been implemented on-site add them to the list
- Describe corrective actions initiated, date completed, and note the person that completed the work in the Corrective Action Log.

Structural Control Measure	Control Measure is Operating Effectively?	If No, In Need of Maintenance, Repair, or Replacement?	Corrective Action Needed and Notes (Identify needed maintenance and repairs, or any failed control measures that need replacement)
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Maintenance <input type="checkbox"/> Repair <input type="checkbox"/> Replacement	

Areas of Industrial Materials or Activities Exposed to Stormwater

	Area/Activity	Inspected?	Controls Adequate (appropriate, effective, and operating)?	Corrective Action Needed and Notes
1	Material loading/unloading	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2	Stock piles	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Non-Compliance

Describe any incidents of non-compliance observed and not described above:

Additional Control Measures

Describe any additional control measures needed to comply with the permit requirements:

Notes

Use this space for any additional notes or observations from the inspection:

CERTIFICATION STATEMENT

“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.”

Print name and title:

Signature: _____ **Date:** _____

Attachment 4

MSGP Quarterly Visual Assessment Form

Instructions:

Sample Location(s):

All outfalls with designated monitoring points as depicted on Figure 2, Appendix B Site Maps.

Procedures

- a. Collect and analyze a grab sample from the discharge in a colorless glass or plastic bottle within the first 30 minutes of a precipitation or snowmelt event if possible, but no more than 60 minutes after onset.
- b. If possible, take a photograph of the discharges at the time of observation.
- c. Assess the general appearance, as an indicator of contaminants, of the discharges for:
 - **Color** – If the discharge has an unusual color, such as reddish, brown, or yellow hue, this may indicate pollutants or suspended sediment.
 - **Odor** – If the discharge has a noticeable odor, for instance if it smells like gasoline fumes, rotten eggs, raw sewage, or solvents odor, or has a sour smell, this could be indicative of pollutants in the discharge.
 - **Clarity** – If the discharge is not clear, but is instead cloudy or opaque, this could indicate elevated levels of pollutants in the discharge.
 - **Floating solids** – If you observe materials floating at or near the top of the bottle, take note of what the materials appear to be.
 - **Settled solids** – Wait about a half hour after collection, then note the type and size of materials that are settled at the bottom of the bottle.
 - **Suspended solids** – Particles suspended in the water will affect its clarity, and color and could be attributable to pollutant sources at your facility.
 - **Oil sheen** – Check the surface of the water for a rainbow color or sheen; this would indicate the presence of oil or other hydrocarbons in the discharge.
 - **Foam** – Gently shake the bottle and note whether there is any foam.
 - **Other obvious indicators of stormwater pollution**
- d. Record the results of visual assessments using the Quarterly Visual Monitoring Form (Appendix D: Attachment 4.) File completed quarterly visual examination reports in Appendix G.
- e. If the visual sample indicates **ANY** contamination (is not clear and odorless), conduct further investigation. Inspect the area draining to the examined discharge to look for obvious sources of spilled oil, leaks, etc. Also evaluate exposed industrial materials and activities and areas where material handling activities occur. If a source is located, a clean up of the pollutant source must be conducted immediately, and/or revised control measures must be implemented to minimize the contaminant source. The appropriate personnel will be notified as may be required in the SWPPP OR SPCC or ODCP. Additional notifications and corrective actions will be implemented in accordance with Sections 7.4 and 7.5 of the MSGP General Permit.

MSGP Quarterly Visual Assessment Form

(Complete a separate form for each outfall you assess)

Name of Facility: Granite Creek Quarry

APDES Tracking No.

Outfall Name:

"Substantially Identical Outfall"? No Yes

Person(s)/Title(s) collecting and examining sample:

Date & Time Discharge Began:

Date & Time Sample Collected:

Date & Time Sample Examined:

Substitute Sample? No

Yes (identify quarter/year when sample was originally scheduled for collection)

Nature of Discharge: Rainfall Snowmelt

If rainfall: Rainfall Amount: _____ inches
Previous Storm Ended > 72 hours Before Start of This Storm? Yes No* (explain):

Parameter

Color None Other (describe):

Odor None Musty Sewage Sulfur Sour Petroleum/Gas

Solvents Other (describe):

Clarity Clear Slightly Cloudy Cloudy Opaque Other

Floating Solids No Yes (describe):

Settled Solids** No Yes (describe):

Suspended Solids No Yes (describe):

Foam (gently shake sample) No Yes (describe):

Oil Sheen None Flecks Globs Sheen Slick

Other (describe):

Other Obvious Indicators of Stormwater Pollution No Yes (describe):

* The 72-hour interval can be waived when the previous storm did not yield a measurable discharge or if you are able to document (attach applicable documentation) that less than a 72-hour interval is representative of local storm events during the sampling period.

** Observe for settled solids after allowing the sample to sit for approximately one-half hour.

Detail any concerns, additional comments, descriptions of pictures taken, and any corrective actions taken below (attach additional sheets as necessary).

Certification by Facility Responsible Official (Refer to MSGP Subpart 11 Appendix B for Signatory Requirements)

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.

A. Name:

B. Title:

C. Signature:

D. Date Signed:

Attachment 5

Deviations from Assessment or Monitoring Schedule Form

Instructions:

Include in your records:

- A description of any deviations from the schedule you provided in your SWPPP for visual assessments and/or monitoring.
- The reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts 5.8.9, 6.2.1, and 7.1.4 and 7.2.1.2 of the 2015 MSGP).
- Use the following fields to document the deviations. Repeat as necessary for any deviations.

Attachment 4: Monitoring and Assessment Deviations from Schedule Form

Date:	<input type="checkbox"/> Visual assessments	<input type="checkbox"/> Monitoring
Describe deviation from schedule:		
Reason for deviation:		
Date:	<input type="checkbox"/> Visual assessments	<input type="checkbox"/> Monitoring
Describe deviation from schedule:		
Reason for deviation:		
Date:	<input type="checkbox"/> Visual assessments	<input type="checkbox"/> Monitoring
Describe deviation from schedule:		
Reason for deviation:		
Date:	<input type="checkbox"/> Visual assessments	<input type="checkbox"/> Monitoring
Describe deviation from schedule:		
Reason for deviation:		
Date:	<input type="checkbox"/> Visual assessments	<input type="checkbox"/> Monitoring
Describe deviation from schedule:		
Reason for deviation:		



Alaska Department of Environmental Conservation MSGP Annual Reporting Form

Section I. General Information			
Facility Name		APDES Permit Tracking Number	
Facility Physical Address			
Street	City	State	Zip Code
		Alaska	
Contact Person	Title	Phone	Email
Lead Inspector's Name	Additional Inspector's Name	Additional Inspector's Name	Inspection Date

Section II. General Inspection Findings	
<p>1. As part of this comprehensive site inspection, did you inspect all potential pollutant sources, including areas where industrial activity may be exposed to storm water? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If NO, describe why not:</p>	

Note: Complete Section III of this form for each industrial activity area inspected and included in your SWPPP or as newly defined, in Section II parts 2 and 3 below, where pollutants may be exposed to storm water.

<p>2. Did this inspection identify any storm water or non-storm water outfalls not previously identified in your SWPPP? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, for each location, describe the sources of those storm water and non-storm water discharges and any associated control measures in place:</p>	
---	--

<p>3. Did this inspection identify any sources of storm water or non-storm water discharges not previously identified in your SWPPP? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, describe these sources of storm water or non-storm water pollutants expected to be present in these discharges, and any control measures in place:</p>
<p>4. Did you review storm water monitoring data as part of this inspection to identify potential pollutant hotspots? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA, no monitoring performed</p> <p>If YES, summarize the findings of that review and describe any additional inspection activities resulting from this review:</p>
<p>5. Describe any evidence of pollutants entering the drainage system or discharging to surface waters, and the condition of and around outfalls, including flow dissipation measure to prevent scouring:</p>
<p>6. Have you taken or do you plan to take corrective actions, as specified in Part 8 of the permit, since your last annual report submission (or since you received authorization to discharge under this permit if this is your first annual report), including any corrective actions identified as a result of this annual comprehensive site inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, how many conditions requiring review for corrective action as specified in Parts 8.1 and 8.2 of the MSGP were addressed by these corrective actions?</p>
<p>Note: Complete the attached Corrective Action Form (Section IV) for each condition identified, including any conditions identified as a result of this comprehensive storm water inspection.</p>

Section III. Industrial Activity Area Specific Findings

Complete one block for each industrial activity area where pollutants may be exposed to storm water. Copy this page for additional industrial activity areas.

In reviewing each area, you should consider:

- *Industrial materials, residue, or trash that may have or could come into contact with storm water;*
- *Leaks or spills from industrial equipment, drums, tanks, and other containers;*
- *Offsite tracking of industrial or waste materials from areas of no exposure to exposed areas; and*
- *Tracking or blowing of raw, final, or waste material from areas of no exposure to exposed areas.*

Industrial Activity Area: _____

1. Brief Description:

2. Are any control measures in need of maintenance or repair? Yes No

3. Have any control measures failed and require replacement? Yes No

4. Are any additional/revised control measures necessary in this area? Yes No

If YES, to any of these three questions, provide a description of the problem: (Any necessary corrective actions should be described on the attached Corrective Action Form.)

Industrial Activity Area: _____

1. Brief Description:

2. Are any control measures in need of maintenance or repair? Yes No

3. Have any control measures failed and require replacement? Yes No

4. Are any additional/revised control measures necessary in this area? Yes No

If YES, to any of these three questions, provide a description of the problem: (Any necessary corrective actions should be described on the attached Corrective Action Form.)

Industrial Activity Area:			
1. Brief Description:			
2. Are any control measures in need of maintenance or repair?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
3. Have any control measures failed and require replacement?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
4. Are any additional/revised control measures necessary in this area?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
If YES, to any of these three questions, provide a description of the problem: <i>(Any necessary corrective actions should be described on the attached Corrective Action Form.)</i>			
Industrial Activity Area:			
1. Brief Description:			
2. Are any control measures in need of maintenance or repair?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
3. Have any control measures failed and require replacement?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
4. Are any additional/revised control measures necessary in this area?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
If YES, to any of these three questions, provide a description of the problem: <i>(Any necessary corrective actions should be described on the attached Corrective Action Form.)</i>			

Section IV. Corrective Actions

Complete this page for each specific condition requiring a corrective action or a review determining that no corrective action is needed. Copy this page for additional corrective actions or reviews.

Include both corrective actions that have been initiated or completed since the last annual report, and future corrective actions needed to address problems identified in the comprehensive storm water inspection. Include an update on any outstanding corrective actions that had not been completed at the time of your previous annual report.

1. Corrective Action # _____ of _____ for this reporting period.

2. Is this corrective action:

- An update on a corrective action from a previous annual report; or
- A new corrective action?

3. Identify the condition(s) triggering the need for this review:

- Unauthorized release of discharge
- Numeric effluent limitation exceedance
- Control measures inadequate to meet applicable water quality standards
- Control measures inadequate to meet non-numeric effluent limitations
- Control measures not properly operated or maintained
- Change in facility operations necessitated change in control measures
- Average benchmark value exceedance
- Other (describe): _____

4. Briefly describe the nature of the problem identified:

5. Date problem identified: _____

6. How problem was identified:

- Comprehensive site inspection
- Quarterly visual assessment
- Routine facility inspection
- Notification by EPA or DEC
- Other (describe): _____

7. Description of corrective action(s) taken or to be taken to eliminate or further investigate the problem (e.g., describe modifications or repairs to control measures, analysis to be conducted, etc.) or if no modification is needed, basis for that determination.

8. Did/will this corrective action require modification of your SWPPP? Yes No

9. Date corrective action initiated:

10. Date corrective action completed:

Or expected to be completed:

11. If corrective action not yet completed, provide the status of the corrective action as the time of the comprehensive site inspections and describe any remaining steps (including timeframes associated with each step) necessary to complete the corrective action:

Section V. Annual Report Certification

Compliance Certification

Do you certify that your annual inspection has met the requirements of Part 6.3 of the permit, and that, based upon the results of this inspection, to the best of your knowledge, you are in compliance with the permit?

Yes

No

If NO, summarize why you are not in compliance with the permit:

Annual Report 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 person directly responsible for gathering 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.

Name of Authorized Representative

Title

Email

Signature

Date Signed

Attachment 7

Storm Water Pollution Prevention Training Log

Instructions:

- Keep records of employee training; including the date of the training (see Part 4.2.9 of the 2020 MSGP).
- For annual onsite training, consider using the tables below to document your employee trainings. For computer-based or other types of training, keep similar records on who was trained and the type of training conducted.

EMPLOYEE INFORMATION TRAINING SHEET

The goal of the Storm Water Pollution Prevention Plan is to reduce the potential for storm water pollution resulting from site activities using common sense approaches. The following summarizes good housekeeping practices, and general storm water management guidelines that should be implemented at all times.

Good Housekeeping Practices

Good housekeeping is necessary to maintain clean and orderly facility areas that may potentially discharge storm water and should include the following:

- Keep paved areas free of sediment, debris, and oil and grease.
- Inspect and clean storm water conveyance structures (i.e., catch basins, vaults, etc.).
- Keep area free of trash and debris

Storm Water Management Guidelines

Be on the lookout for opportunities to make operational changes that could reduce storm water pollution. Some ideas to consider:

Alter the Activity. Substitute processing, storage, and maintenance activities that will not contaminate storm water for those activities that may contaminate storm water. This includes substituting non-hazardous chemicals for hazardous chemicals and changing activities to minimize contact of contaminants with storm water.

Enclose and Cover the Activity. Enclose and cover activities to prevent the contact of processing, storage, and maintenance activities with storm water.

Segregate the Activity. Keep those activities which are likely to contaminate storm water separated from those activities which will not contaminate storm water.

Be sure to pass on your ideas to your supervisor.

District: Granite Creek Quarry

Date: _____ **Time:** _____

Meeting Conducted By: _____ **Title:**
Superintendent

Topics of Discussion

1. SWPPP
2. Multi Sector General Permit
3. Awareness of potential storm water pollutants (sediment, snowmelt/rain debris, etc.)
4. Pollution Prevention Measures, BMPs
5. General Good housekeeping procedures, spill prevention, etc.

Meeting Minutes

Handouts and Training Program Aids (videos, PowerPoint, etc.)

1. _____
2. _____
3. _____



Alaska Department of Environmental Conservation

MSGP Corrective Action Form

Section I. General Information			
Facility Name		APDES Permit Tracking Number	
Facility Physical Address			
Street		City	State
			Alaska
Contact Person		Title	Phone
Lead Inspector's Name		Additional Inspector's Name	Inspection Date

Section II. Corrective Actions

Complete this page for each specific condition requiring a corrective action or a review determining that no corrective action is needed. Copy this page for additional corrective actions or reviews.

Include both corrective actions that have been initiated or completed since the last annual report, and future corrective actions needed to address problems identified in the comprehensive storm water inspection. Include an update on any outstanding corrective actions that had not been completed at the time of your previous annual report.

1. Corrective Action # _____ of _____ for this reporting period.

2. Is this corrective action:

- An update on a corrective action from a previous annual report; or
- A new corrective action?

3. Identify the condition(s) triggering the need for this review:

- Unauthorized release of discharge
- Numeric effluent limitation exceedance
- Control measures inadequate to meet applicable water quality standards
- Control measures inadequate to meet non-numeric effluent limitations
- Control measures not properly operated or maintained
- Change in facility operations necessitated change in control measures
- Average benchmark value exceedance
- Other (describe):

4. Briefly describe the nature of the problem identified:

5. Date problem identified:

6. How problem was identified:

- Comprehensive site inspection
- Quarterly visual assessment
- Routine facility inspection
- Notification by EPA or DEC
- Other (describe):

Permit Tracking #: _____

7. Description of corrective action(s) taken or to be taken to eliminate or further investigate the problem (e.g., describe modifications or repairs to control measures, analysis to be conducted, etc.) or if no modification is needed, basis for that determination.

8. Did/will this corrective action require modification of your SWPPP? Yes No

9. Date corrective action initiated:

10. Date corrective action completed: _____ Or expected to be completed: _____

11. If corrective action not yet completed, provide the status of the corrective action as the time of the comprehensive site inspections and describe any remaining steps (including timeframes associated with each step) necessary to complete the corrective action:

Section III. Certification

Do you certify that your annual inspection has met the requirements of Part 6.3 of the permit, and that, based upon the results of this inspection, to the best of your knowledge, you are in compliance with the permit? Yes No

If NO, summarize why you are not in compliance with the permit:

Certification Statement

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 person directly responsible for gathering 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.

Name of Authorized Representative

Title

Email

Signature

Date Signed

APPENDIX E - Filed Notice of Intent and DEC Correspondence



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Environmental Conservation

DIVISION OF WATER
Wastewater Discharge Authorization Program

555 Cordova Street
Anchorage, Alaska 99501-2617
Main: 907.269.6285

Fax: 907.334.2415

www.alaska.gov/dec/water/wastewater/

Company:
ATTN:

Facility:

Permit Number:

This email/letter acknowledges that you have submitted a Notice of Intent (NOI) to be covered under the Alaska Pollutant Discharge Elimination System (APDES) Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity (MSGP). DEC will issue a separate authorization letter as it completes its review and processes your request for coverage.

As stated above, this letter acknowledges receipt of a NOI. However, it is not a DEC determination of the validity of the information you provided. Your eligibility for coverage under the Permit is based on the validity of the certification you provided. Your signature on the NOI certifies that you have read, understood, and are implementing all of the applicable requirements. An important aspect of this certification requires that you correctly determine whether you are eligible for coverage under this permit.

As you know, the MSGP requires you to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) and outlines important inspection and record keeping requirements. A copy of the MSGP must be kept with your SWPPP. An electronic copy of the Permit and additional guidance materials can be viewed and downloaded at <http://dec.alaska.gov/water/wastewater/stormwater/multisector/>.

For tracking purposes, the following number has been assigned to your NOI:

If you have general questions regarding the storm water program or your responsibilities under the MSGP, please contact the Anchorage office at 907-269-6285.

Thank you for using the DEC eNOI Online Application System (OASys).

Sincerely,

James Rypkema
Program Manager, Storm Water and Wetlands
Wastewater Discharge Authorization Program



Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity under the APDES Multi-Sector General Permit (MSGP)

Facility Information

Facility Name: _____

Have storm water discharges from your site been covered previously under an APDES Permit? Yes No

If Yes, provide the permit authorization number: _____

Street Location	Street: _____	Borough or similar government subdivision _____		
	City: _____	State: Alaska	Zip: _____	
	Latitude: _____	Longitude: _____	Determined By: <input type="checkbox"/> GPS <input type="checkbox"/> Internet Map Service <input type="checkbox"/> Other:	

Estimated area of industrial activity at your site exposed to storm water: _____ (acres)

Briefly describe the nature of the industrial activities at the facility: _____

Identify the 4-digit Standard Industrial Classification (SIC) code or 2-letter Activity Code that best represents the products produced or services rendered for which your facility is primarily engaged, as defined in the MSGP.

Primary SIC Code: _____ or Primary Activity Code: _____

Is your site presently inactive or unstaffed?* Yes No

* Note that if your facility becomes inactive and unstaffed during the permit term, you must submit an NOI modification to reflect the change.

If Yes, is your site expected to be inactive and unstaffed for the entire permit term? Yes No

If No, indicate the length of time that you expect your facility to be inactive and unstaffed. _____

Federal Effluent Limitation Guidelines and Sector-Specific Requirements

Are you requesting permit coverage for storm water discharges subject to effluent limitation guidelines? Yes No

If yes, which effluent limitation guidelines apply to your storm water discharge?

40 CFR Part/Subpart	Eligible Discharges	Affected MSGP Sector	Check if applicable
Part 411, Subpart C	Runoff from material storage piles at cement manufacturing facilities.	E	<input type="checkbox"/>
Part 418, Subpart A	Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished products, by-products, or waste products (SIC 2874).	C	<input type="checkbox"/>
Part 423	Coal pile runoff at steam electric generating facilities.	O	<input type="checkbox"/>
Part 429, Subpart I	Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas.	A	<input type="checkbox"/>
Part 436, Subpart B, C, or D	Mine dewatering discharges at crushed stone mines, construction sand and gravel mines, or industrial sand mines.	J	<input type="checkbox"/>
Part 443, Subpart A	Runoff from asphalt emulsion facilities.	D	<input type="checkbox"/>
Part 445, Subparts A & B	Runoff from hazardous waste and non-hazardous waste landfills.	K, L	<input type="checkbox"/>
Part 449, Subpart A	Runoff from Air Transportation	S	<input type="checkbox"/>

If you are a Sector S (Air Transportation facility, do you anticipate using more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis? Yes No

Identify the applicable sector(s) and subsector(s) of industrial activity, including co-located industrial activity, for which you are requesting coverage:

Sector	Subsector	Sector	Subsector	Sector	Subsector	Sector	Subsector	Sector	Subsector	Sector	Subsector

Discharge Information

Does your facility discharge into a Municipal Separate Storm Sewer System (MS4)? Yes No
 If Yes, provide the name of the MS4 Operator: _____

If you are subject to benchmark monitoring requirements for a hardness-dependent metal:
 - What is the hardness of your receiving water(s) (See Appendix E)? _____
 - Does your facility discharge into any saltwater receiving waters? Yes No

Outfalls: *(Attach a separate list if necessary)*

List all of the storm water outfalls from your facility. Each outfall must be identified by a unique 3-digit ID (e.g., 001, 002). Also provide the latitude and longitude in decimal degrees for each outfall.	For each outfall, provide the following receiving water information:			Are the pollutant(s) causing the impairment present in your discharge?		If a TMDL has been completed for this receiving waterbody, provide the following information:
	Provide the name of the first water of the U.S. that receives storm water directly from the outfall and/or from the MS4 that the outfall discharges to:	If the receiving water is impaired (on the CWA 303(d) list), list the pollutants that are causing the impairment:				

Outfall ID						TMDL ID#:
Latitude				<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude						Pollutant(s) for which there is a TMDL:

If substantially identical to other outfall, list identical outfall ID: _____

Outfall ID						TMDL ID#:
Latitude				<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude						Pollutant(s) for which there is a TMDL:

If substantially identical to other outfall, list identical outfall ID: _____

Outfall ID						TMDL ID#:
Latitude				<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude						Pollutant(s) for which there is a TMDL:

If substantially identical to other outfall, list identical outfall ID: _____

Outfall ID						TMDL ID#:
Latitude				<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude						Pollutant(s) for which there is a TMDL:

If substantially identical to other outfall, list identical outfall ID: _____

Outfall ID						TMDL ID#:
Latitude				<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude						Pollutant(s) for which there is a TMDL:

If substantially identical to other outfall, list identical outfall ID: _____

Permit #: _____

Outfalls: <i>(Attach a separate list if necessary)</i>						
List all of the storm water outfalls from your facility. Each outfall must be identified by a unique 3-digit ID (e.g., 001, 002). Also provide the latitude and longitude in decimal degrees for each outfall.		For each outfall, provide the following receiving water information:			Are the pollutant(s) causing the impairment present in your discharge?	
		Provide the name of the first water of the U.S. that receives storm water directly from the outfall and/or from the MS4 that the outfall discharges to:	If the receiving water is impaired (on the CWA 303(d) list), list the pollutants that are causing the impairment:	Yes	No	If a TMDL has been completed for this receiving waterbody, provide the following information:
Outfall ID						TMDL ID#:
Latitude				<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude						Pollutant(s) for which there is a TMDL:
If substantially identical to other outfall, list identical outfall ID: _____						
Outfall ID						TMDL ID#:
Latitude				<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude						Pollutant(s) for which there is a TMDL:
If substantially identical to other outfall, list identical outfall ID: _____						
Outfall ID						TMDL ID#:
Latitude				<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude						Pollutant(s) for which there is a TMDL:
If substantially identical to other outfall, list identical outfall ID: _____						
Outfall ID						TMDL ID#:
Latitude				<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude						Pollutant(s) for which there is a TMDL:
If substantially identical to other outfall, list identical outfall ID: _____						
Outfall ID						TMDL ID#:
Latitude				<input type="checkbox"/>	<input type="checkbox"/>	TMDL Name:
Longitude						Pollutant(s) for which there is a TMDL:
If substantially identical to other outfall, list identical outfall ID: _____						

Permit #: _____

Operator Information

Contact Name:	Organization:	Title:	
Phone:	Fax (optional):	Email:	
Mailing Address <input type="checkbox"/> Check if same as Operator Information	Street (PO Box)		
	City	State	Zip

Storm Water Pollution Prevention Plan (SWPPP) Contact / Location Information

Contact Name:	Organization:	Title:	
Phone:	Fax (optional):	Email:	
Mailing Address <input type="checkbox"/> Check if same as Operator Information	Street (PO Box)		
	City	State	Zip

Universal Resource Locator or URL: _____

Billing Contact / Location Information

Contact Name:	Organization:	Title:	
Phone:	Fax (optional):	Email:	
Mailing Address <input type="checkbox"/> Check if same as Operator Information	Street (PO Box)		
	City	State	Zip

NOI Preparer Contact / Location Information *(Complete if NOI was prepared by someone other than the Certifier)*

Contact Name:	Organization:	Title:	
Phone:	Fax (optional):	Email:	
Mailing Address <input type="checkbox"/> Check if same as Operator Information	Street (PO Box)		
	City	State	Zip

Document Attachments

Documents attached with this application:

- Storm Water Pollution Prevention Plan (SWPPP)
- Other:

Permit #: _____

Certification Information

An Alaska Pollutant Discharge Elimination System (APDES) permit application or report must be signed by an individual with the appropriate authority per 18 AAC 83.385. For additional information, please refer to 18 AAC 83.385 at the following link:

<http://www.legis.state.ak.us/basis/aac.asp#18.83.385>.

Corporate Executive Officer 18 AAC 83.385 (a)(1)(A)	For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation.
Corporate Operations Manager 18 AAC 83.385 (a)(1)(B)	For a corporation, the manager of one or more manufacturing, production, or operating facilities, if (i) the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations; (ii) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and (iii) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
Sole Proprietor or General Partner 18 AAC 83.385 (a)(2)	For a partnership or sole proprietorship, the general partner or the proprietor respectively.
Public Agency, Chief Executive Officer 18 AAC 83.385 (a)(3)(A)	For a municipality, state, or other public agency, the chief executive officer of the agency.
Public Agency, Senior Executive Officer 18 AAC 83.385 (a)(3)(B)	For a municipality, state, or other public agency, a senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.
<p><i>Any report required by an APDES permit, and a submittal with any other information requested by the department, must be signed by a person described in above, or by a duly authorized representative of that person.</i></p> <p><i>*For Delegated Authority: the delegation must be made in writing and submitted to the DEC.</i></p> <p><i>Your signature will not be approved until DEC receives the written delegation.</i></p> <p><i>An Example of written authorization delegating authority can be found on the Division of Water website:</i></p> <p>http://dec.alaska.gov/media/13316/delegation-of-signatory-authority.pdf</p>	
Operations Manager (Delegated Authority)* 18 AAC 83.385 (b)(2)(A)	For a duly authorized representative, an individual or a position having responsibility for the overall operation of the regulated facility or activity, including the position of plant manager, operator of a well or a well field, superintendent or position of equivalent responsibility.
Environmental Manager (Delegated Authority)* 18 AAC 83.385 (b)(2)(B)	For a duly authorized representative, an individual or position having overall responsibility for environmental matters for the company.

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.

Organization:		Name:		Title:	
Phone:		Fax (optional):		Email:	
Mailing Address: <input type="checkbox"/> Check if same as Operator Information		Street (PO Box):			
		City:		State:	Zip:

Signature/Responsible Official

Date

Instructions for Completing the Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity under the Multi-Sector General Permit (MSGP)

Who must file a NOI?

Under section 402(p) of the Clean Water Act (CWA) and regulations at 40 CFR Part 122.26, adopted by reference at 18 AAC 83.010 (3) storm water discharges associated with industrial activity are prohibited to waters of the United States unless authorized under an Alaska Pollutant Discharge Elimination System (APDES) permit. You can obtain coverage under the MSGP by submitting a completed NOI if you operate a facility that:

- is located in a jurisdiction where DEC is the permitting authority, listed in Part 1.1 of the MSGP;
- discharges storm water associated with industrial activities, identified in Appendix D of the MSGP;
- meet the eligibility requirements in Part 1.2 of the permit;
- develop a storm water pollution prevention plan (SWPPP) in accordance with Part 5 of the MSGP; and
- install and implement control measures in accordance with Part 4 to meet numeric and non-numeric effluent limits.

If you are unsure if you need an APDES storm water permit, contact your APDES storm water permit program. Contacts are listed at:

<http://dec.alaska.gov/water/wastewater/stormwater/>

One NOI must be submitted for each facility or site for which you are seeking permit coverage. You do not need to submit separate NOIs for each type of industrial activity present at your facility, provided your SWPPP covers all activities.

When to File the NOI Form

Do not file your NOI until you have obtained and thoroughly read a copy of the MSGP. A copy of the MSGP is located on the DEC website (<http://dec.alaska.gov/water/wastewater/stormwater/multisector/>). The MSGP describes procedures to ensure your eligibility, prepare your SWPPP, install and implement appropriate storm water control measures, and complete the NOI form questions – all of which must be done before you sign the NOI certification statement attesting to the accuracy and completeness of your NOI. You will also need a copy of the MSGP once you have obtained coverage so that you can comply with the implementation requirements of the permit.

Completing the NOI Form

To complete this form, type or print in the appropriate areas only. Please make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed form to the address below. You may also use this paper form as a checklist for the information you will need when filing an NOI electronically via DEC's OASys system. <http://dec.alaska.gov/water/oasys.aspx>.

Facility Information

Enter the facility's official or legal name. Unless the name of your facility has changed, please use the same name provided on prior NOIs or permit applications.

Indicate if industrial storm water discharges from your facility were previously covered by an APDES permit.

If your facility was previously covered by the MSGP, please include the tracking number that you received in your confirmation letter or email from DEC's Storm water Program. You can find the tracking

number assigned to your previous NOI on DEC's Online Permit Search: <http://dec.alaska.gov/Applications/Water/WaterPermitSearch/search>.

Enter the street address, including city, state, zip code, borough or similar government subdivision of the actual physical location of the facility. Do NOT use a P.O. Box.

Provide the facility latitude and longitude in decimal degrees format. You can obtain your facility's latitude and longitude through Global Positioning System (GPS) receivers, internet map service, U.S. Geological Survey (USGS) quadrangle or topographic maps, or EPA's web-based siting-tools, among other methods. For consistency, DEC requests that measurements be taken from the approximate center of the facility. Specify which method you used to determine latitude and longitude.

Identify the data source that you used to determine the facility latitude and longitude. If you did not use a USGS quadrangle or topographic map or GPS receivers, then select "Other" and write the method used on the line provided. If you used a USGS quadrangle or topographic map, write the map scale on the line provided. Scale should be identified on the map.

Enter the estimated area of industrial activity at your site exposed to storm water, in acres.

Briefly describe the nature of the industrial activities present at your facility.

Indicate whether your facility is currently inactive and unstaffed. If so then indicate whether your facility will be inactive and unstaffed for the entire permit term; or, if not, specify the specific length of time in units of days, weeks, months, or years (e.g. 3 months) that you expect the facility to be inactive and unstaffed.

Federal Effluent Limitation Guidelines and Sector-Specific Requirements

Depending on your industrial activities, your facility may be subject to effluent limitation guidelines which include additional effluent limits and monitoring requirements for your facility. Please review these requirements, described in Part 4.3 of the MSGP and check any appropriate boxes on the NOI form.

For Sector S facilities (Air Transportation), indicate whether you anticipate that the entire airport facility will use more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis. If so, additional effluent limits and monitoring conditions apply to your discharge (see Part 11 Sector S of the MSGP).

List the four-digit Standard Industrial Classification (SIC) code and/or two character activity code that best describes the primary industrial activities performed by your facility under which you are required to obtain permit coverage. Your primary industrial activity includes any activities performed on-site which are (1) identified by the facility's one SIC code for which the facility is primarily engaged; and (2) included in the narrative descriptions of 40 CFR 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). See Appendix D of the MSGP for a complete list of SIC codes and activities codes.

If your site has co-located industrial activities that are not identified as your primary industrial activity, identify the sector and subsector codes that describe these other industrial activities. For a complete list of sector and subsector codes, see Appendix D of the MSGP.

Discharge Information

Receiving Waters and Wetlands

You must identify all the outfalls from your facility that discharge storm water. Each outfall must be assigned a unique 3-digit ID (e.g., 001, 002, 003). You must also provide the latitude and longitude for each outfall from your facility. Indicate whether any outfalls are substantially identical to an outfall already listed, and identify the outfall it is identical to. For each unique outfall you list, you must specify the name of the first water of the U.S. that receives storm water directly from the outfall and/or the Municipal Separate Storm Sewer System (MS4) that the outfall discharges to.

Your receiving water may be a lake, stream, river, ocean, wetland, or other waterbody, and may or may not be located adjacent to your facility. Your storm water may discharge directly to the receiving water or indirectly via a storm sewer system, an open drain or ditch, or other conveyance structure. Do NOT list a man-made conveyance, such as a storm sewer system, as your receiving water. Indicate the first receiving water your storm water discharge enters. For example, if your discharge enters a storm sewer system that empties into Trout Creek, which flows into Pine River, your receiving water is Trout Creek, because it is the first waterbody your discharge will reach. Similarly, a discharge into a ditch that feeds Spring Creek should be identified as "Spring Creek" since the ditch is a manmade conveyance. If you discharge into a MS4, you must identify the waterbody into which that portion of the storm sewer discharges and also provide the name of the MS4 operator. That information should be readily available from the operator of the MS4. If you are uncertain of the MS4 operator, contact DEC Division of Water for that information.

You must specify whether any receiving waters that you discharge to are listed as "impaired" as defined in Appendix C, and the pollutants for which the water is impaired. You must also check/identify any Total Maximum Daily Loads (TMDL) that have been completed for any of the waters of the U.S. that you discharge to. You must also provide information about the outfall latitude/ longitude. Further information regarding impaired waters and TMDLs can be found at <http://dec.alaska.gov/water/water-quality/impaired-waters>.

If you are subject to any benchmark monitoring requirements for metals (see the requirements applicable to your Sector(s) in Part 11 of the permit), indicate the hardness for your receiving water(s). See Appendix E of the permit for information about determining waterbody hardness.

If you are subject to benchmark monitoring requirements for hardness-dependent metals, you must also answer whether your facility discharges into any saltwater receiving waters.

Operator Information

Provide the name of the contact person and the legal name of the firm, public organization, or any other public entity that operates the facility described in this application. An operator of a facility is a legal entity that controls the operation of the facility.

Provide the operator's mailing address, telephone number, fax number (optional), and email address. Correspondence will be sent to this address.

Storm Water Pollution Prevention Plan (SWPPP) Contact Information

Identify the name, telephone number, and email address of the person who will serve as a contact for DEC on issues related to storm water management at your facility. This person should be able to answer questions related to storm water discharges, the SWPPP,

and other issues related to storm water permit coverage or have immediate access to individuals with that knowledge. This person does not have to be the facility operator but should have intimate knowledge of storm water management activities at the facility.

If you are making your SWPPP publicly available on a website, provide the appropriate Internet URL address.

Billing Contact Information

Provide the name of the contact person and the legal name of the firm, public organization, or any other public entity that is responsible for accounts payable for this facility.

Provide the billing contact's mailing address, telephone number, fax number (optional), and email address. Correspondence for billing purposes will be sent to this address. If the billing contact address is the same as the operator, check the box and continue to Section III Facility Information. See 18 AAC 72.956 for applicable authorization fee to be paid with the submittal of the NOI.

Certification Information

The NOIs, must be signed as follows:

- (1) For a corporation, a responsible corporate officer shall sign the NOI, a responsible corporate officer means:
 - (A) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
 - (B) the manager of one or more manufacturing, production, or operating facilities, if
 - (i) the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations;
 - (ii) the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and
 - (iii) authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) For a partnership or sole proprietorship, the general partner or the proprietor, respectively; or
- (3) for a municipality, state, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means
 - (A) the chief executive officer of the agency; or
 - (B) a senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.

Include the name, title, organization, and email address of the person signing the form and the date of signing. An unsigned or undated NOI form will not be considered valid application for permit coverage.

If the NOI was prepared by someone other than the certifier (for example, if the NOI was prepared by the facility SWPPP contact or a consultant for the certifier's signature), include the name, organization, telephone number, and email address of the NOI preparer.

Where to File the NOI Form

DEC encourages you to complete the NOI form and SWPPP electronically via the Internet. DEC's Online Application System (OASys) can be found at <http://dec.alaska.gov/water/oasys.aspx>. Filing electronically is the fastest way to obtain permit coverage and help ensure that your NOI is complete. If you choose not to file electronically, you must send the NOI to the address listed below.

If you file by mail, remember to retain a copy for your records.

NOIs sent by mail:

Alaska Dept. of Environmental Conservation
Wastewater Discharge Authorization Program
Storm Water NOI
555 Cordova Street
Anchorage, AK 99501
Phone: (907) 269-6285
dec.water.wqpermit@alaska.gov

Your SWPPP needs to be submitted with the NOI as required in Part 5 of the MSGP. You must keep a copy of your SWPPP on-site or otherwise make it available to facility personnel responsible for implementing provisions of the permit.

APPENDIX F - Completed Inspection Reports and Compliance Forms




City and Borough of Sitka

100 LINCOLN STREET • SITKA, ALASKA 99835

Memorandum

TO: Gary L. Paxton, Municipal Administrator
Mayor Nelson and Members of the Assembly

FROM: Wells Williams, Planning Director 

SUBJECT: Granite Creek Natural Resource Extraction Conditional Use Permit Request
for Lease Tracts 2-3

DATE: August 8, 2001

The Sitka Planning Commission is unanimously recommending approval of a conditional use permit for natural resource extraction at the end of Granite Creek Road in the vicinity of the area that is being worked by McGraw. The board's recommendation was made on July 16th, 2001. Assembly approval is required.

The City and Borough of Sitka filed the conditional use permit for natural resource extraction to allow for a rebidding and expansion of the quarry area that is currently being worked by Dormand McGraw. The quarry is at the end of Granite Creek Road on the left hand side behind the truck scales.

As some Assembly members may recall, there was a request to purchase the property a couple of years ago when Brad Dennison was Public Works Director. The requested sale was poorly received since the Assembly felt that there should be a full master plan of the area before any sales in Granite Creek occurred. The Long Range Planning Commission started that process. Unfortunately, the board has had a number of resignations and has not been able to complete the task.

The strategy for the current request is to simplify the lease tract configurations by combining five tracts into one lease parcel. The large lease parcel and quarry contract will then be rebid in August.

This process is a natural expansion of the Granite Creek area development that allows for the use of this important rock source.

Following the detailed presentation by Hugh Bevan at the Planning Commission meeting, the discussion shifted to concerns about blasting that were raised by Harvey Brandt. He was

Granite Creek Quarry
August 8, 2001
Page 2

present at the meeting and provided the enclosed written comments. Mr. Brandt owns a house near on the town side of Granite Creek along HPR. His primary concerns were the timing of the blasts, their magnitude, and the lack of notice to nearby property owners. The Public Works Director volunteered to send a letter to Granite Creek leaseholders raising the issue. His letter dated July 17th, 2001 is attached. There were not any other comments received on this issue.

RECOMMENDED ACTION:

Hear a presentation from the Public Works Director, consider any comments, and approve the request.

While the Planning Office and the Planning Commission are not suggesting any specific conditions, Assembly members may have some conditions that they consider appropriate.

and marine storage rates. Dapcevich asked what the current need and the potential use of the dock is? Krebs said we have some interest now. These are questions they hope to answer with this plan. At this point they are not sure if the dock can be utilized. Dapcevich wondered if there is enough interest right now to justify the expense? Loiselle pointed out that it is more of an issue of dealing with the dock. It needs to be dealt with whether we have customers or not. He relayed that the board tries very hard not to spend money foolishly and looks out for the best return for Sitka. Dapcevich doesn't see a return on this investment.

Motion CARRIED by a 4-1 roll call vote with Dapcevich voting against.

Item S
Transfer Funding

M/S Pearson/Bailey: moved to approve transferring \$155,359 from the following: \$55,359 from the Hospital Medical Waste Project; \$50,000 Solid Waste Disposal Plan; \$50,000 Granite Creek access road project all to the transfer station project.

Mayor Nelson asked about the dollar amount regarding the contingency. Bevan didn't have that figure available. Dapcevich wondered if it would cost a lot more to put the walls up later. Bevan said he has concerns with high winds.

Motion CARRIED by a 4-1 roll call vote with Nelson voting against.

Board of Adjustment

M/S Bailey/Perkins: moved to convene as the Board of Adjustment.

Motion CARRIED by unanimous consent.

Item T
CUP - CBS

M/S Bailey/Perkins: moved to approve a conditional use permit for natural resource extraction filed by the City and Borough of Sitka for a portion of Lot 1 of US 3670 at the north end of Granite Creek Road. And to include a determination that a site inspection completed by staff on the Planning Commission's behalf on July 11, 2001 found that the proposed use would be in conformance with the comprehensive plan.

Motion CARRIED by a 5-0 roll call vote.

Reconvene

M/S Bailey/Pearson: moved to reconvene as the Assembly in regular session.

Motion CARRIED by unanimous consent.

Item U
Lot 39 Gavan

M/S Pearson/Perkins: moved to authorize the sale of Lot 39 of Gavan Subdivision to Ken Helem and Jeff Helem for the cost of the LIDs (\$40,365.90).

Motion CARRIED by a 5-0 roll call vote.

Convene as BOE

M/S Bailey/Perkins: moved to convene as the Board of Equalization

Motion CARRIED by unanimous consent.

Zoning: I Industrial
Request: Conditional use permit for natural resource extraction

Lease Tract 2-3 Quarry Conditional Use Permit
July 16th, 2001

The City and Borough of Sitka has filed a conditional use permit for natural resource extraction that would allow for a rebidding and expansion of the quarry area that is currently being worked by Dormand McGraw. The quarry is at the end of Granite Creek Road on the left hand side behind the truck scales.

As some of you may recall, there was a request to purchase the property a couple of years ago when Brad Dennison was Public Works Director. The requested sale was poorly received since the Assembly felt that there should be a full master plan of the area before any sales in Granite Creek occurred. The Long Range Planning Commission started that process. Unfortunately, the board has had a number of resignations and has not been able to complete the task.

The strategy for the current request is to simplify the lease tract configurations by combining five tracts into one lease parcel. The large lease parcel and quarry contract will then be rebid in August.

This process is a natural expansion of the Granite Creek area development that allows for the use of this important rock source.

The board is encouraged to pass a motion recommending approval of the request with the determination that a site inspection completed by staff on the Planning Commission's behalf on July 11, 2001 found that the proposed use would be in conformance with the comprehensive plan and will not be injurious to public health, safety, or welfare, or detrimental to other uses or properties in the vicinity. Comprehensive plan policy 2.4.6 applies that encourages adequate land for commercial, industrial, and residential growth. 2.6.2 also applies.

quarry716

**CITY AND BOROUGH OF SITKA
PLANNING AND ZONING COMMISSION
Excerpts of July 16, 2001 Minutes**

PRESENT: Ed Lahmeyer, Bob Goss, Pat Hughes; Assembly Liaison Doris Bailey, Planning Director Wells Williams, Public Works Director Hugh Bevan, Secretary Carol Price Spurling

ABSENT: Mike Reif (E), Kevin Creek (E)

PUBLIC: Tom and Danine Williamson, Harvey Brandt, Dawn Young, Matt Christner, Myron Oen, Nancy Wladyka, Gary Winnop, Sentinel Reporter Jones

Conditional Use Permit Rock Quarry Lease Tract 2-3 Granite Creek Road City & Borough of Sitka	The City & Borough of Sitka has filed for a conditional use permit for natural resource extraction. The quarry is currently worked by Dormand McGraw and is located at the end of Granite Creek Road on the left hand side.
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Staff briefly explained the area's history, noting that four or five years ago the City realized that better plans were needed for the area. The current request is a C.U.P. which would allow for an enlargement of the quarry area. It combines five smaller lease tracts into one large one, which will be rebid.

Hugh Bevan explained recent improvements to Granite Creek area, noting that the city wants there to be a clean open area when they are done taking out rock. A new lot configuration and access in one area has allowed for two old collapsing culverts to be removed and replaced with a new bridge across the creek, which makes the Department of Fish and Game happy. They have several objectives behind this request, which are 1) resource development, 2) orderly development with end result in mind, 3) getting Granite Creek off the impaired water body list, and 4) to standardize lease requirements in the area.

Staff noted that there had been no comments or objections.

Harvey Brandt of 3704 Halibut Point Road noted that they have lived there since 1969. They have been subjected to house shaking blasting from the quarry. He said it was similar to the recent earthquake and believed that over time it may prove detrimental to his property. He wondered if the city was liable to legal action for damage that may occur. Brandt noted that he is not against economic development or the operation itself, but wished that the blasting could be regulated so that it wouldn't be so earth shaking. He would also like to be notified when blasting is to occur. He submitted a letter about his concerns.

Goss asked if blasting is part of their normal operations. Staff said that he and Hugh could get together some information on the issue before it is addressed at the Assembly meeting August 14.

Bevan explained the three elements of blasting, vibration, concussion, and flyrock, and asked Brandt if the problem was house shaking (vibration through the earth) or windows rattling (concussion through the air). Brandt said it was house shaking. Bevan said that he would write a letter to the three main operators in the pit and explain the problem. He would explain that they are actively seeking solutions to the problem and asked the pit operators for their ideas. He feels that the pit operators can solve the problem themselves if given the chance.

MOTION by Lahmeyer to recommend approval of a conditional use permit for natural resource extraction filed by the City and Borough of Sitka for a portion of Lot 1 of USS 3670 at the north end of Granite Creek Road, with the determination that a site inspection completed by staff on the Planning Commission's behalf on July 11, 2000 found that the proposed use would be in conformance with the comprehensive plan and will not be injurious to public health, safety, or welfare, or detrimental to other uses or properties in the vicinity. Comprehensive plan policy 2.4.6 applies that encourages adequate land for commercial, industrial, and residential growth. 2.6.2 also applies.



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 23-113 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/6/2023 In control: City and Borough Assembly

On agenda: 9/12/2023 Final action:

Title: Discussion/Direction/Decision of a Class III tideland lease filed by Evergreen Properties, LLC at 2309 Halibut Point Road

Sponsors:

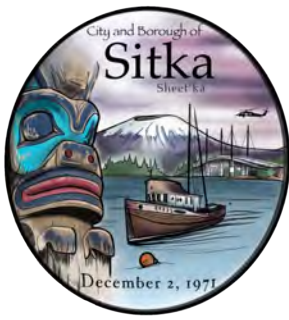
Indexes:

Code sections:

Attachments: [Memo and Materials](#)

Date	Ver.	Action By	Action	Result
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Discussion / Direction / Decision
of a Class III tideland lease filed by Evergreen
Properties, LLC at 2309 Halibut Point Road.





CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator 

From: Amy Ainslie, Planning & Community Development Director 

Date: September 6, 2023

Subject: 2309 Halibut Point Road – Tidelands Lease

Background

The applicant, Evergreen Properties, LLC, is applying for a Class III tideland lease. The requested lease area is identified as Alaska Tidelands Survey (ATS) 580 as recorded on Plat 2007-19 with an area of 1.463 acres. This leasehold area is approximately 75% filled tidelands and 25% submerged tidelands. The applicant owns the upland property at 2309 HPR which is a mobile/manufactured home park referred to as Schafer's Trailer Court. The filled tidelands portion has historically been, and continues to be, used as part of the mobile home park. A portion of the filled tidelands has CBS sewer infrastructure, as recorded in the Sewer Utility Easement dated January 1, 1983.

These tidelands were initially leased by the State of Alaska (SOA) to Albert E. Schafer (Lessor) for a lease term of 55 years from May 4, 1965, to May 4, 2020. The SOA transferred ownership of these tidelands to CBS by Patent No. 439 which was recorded in 2009 from a final findings and decision dated August 11, 1997. A restriction in the patent for the property states that grantee (CBS) may lease the land, but not sell it. The tidelands lease to Mr. Schafer was also transferred to CBS in 1997.

With the expiration of the initial lease, the Lessor has continued to make timely lease payments to CBS. In 2021 Mr. Schafer passed away and his wife, Willian Shafer became the administrator of his estate. Mr. and Mrs. Schafer had common ownership the uplands property. After Mr. Schafer's passing, Mrs. Schafer as the Managing Member formed Evergreen Properties, LLC on March 10, 2022, in conjunction with the Estate of Albert E. Schafer. The applicant intends to continue using the uplands and tidelands property as a mobile/manufactured home park.

Analysis

Title 18 of the Sitka General code outlines the following provisions relative to this request:

- Tidelands must be leased by ordinance.
- Leases shall be competitively bid unless the Assembly finds that competitive bidding is inappropriate due to the size, shape, or location of the parcel, rendering it of true usefulness to only one party, or in the case that the nature of the parcel or circumstances of its disposal could result in unjust results with regard to an existing lessee, or adjacent or neighboring property owners.
- Upland property owners have a recognized preference right to lease tidelands seaward of their property.
- The standard lease rate is 4.5% of the assessed value of the tidelands per year, and for a maximum term of 30 years. The Assembly may require other such terms and conditions as desired.

Based on the upland owner preference, staff believes that competitive bidding is likely inappropriate for this lease. The Planning Commission reviewed this request at their August 2, 2023, meeting and unanimously recommended approval of the lease with the condition that it continued to be used as a manufactured home park.

Fiscal Note

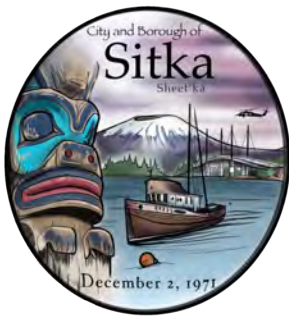
The Assessor has calculated the value of these tidelands to be \$127,828.00. While in holdover status, the applicant has been paying the last valued payment for the lease which was \$6,156.00 per year (plus sales tax and property tax). At our property tax rate of 6 mils, annual property tax revenue is estimated to be \$767.00 at the current assessment. Standard terms for CPI adjustments will also be included in the lease. The following table shows annual payments at various lease rates.

Lease Rate	Annual Payment
4.5%	\$5,752.00
5%	\$6,391.00
5.5%	\$7,031.00
6%	\$7,670.00

Recommendation

Staff recommends that the Assembly provide direction to staff on whether to proceed with preparing a lease for the property, affirmation that competitive bidding is inappropriate in this case, and provide guidance regarding the price, terms, and conditions of the lease.

Encl: Planning Commission Packet Materials: Aerial, Staff Report, Lease Area, Photos, Application, and Minutes Excerpt



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM:

Case No: LM 23-02
Proposal: Tidelands Lease
Applicant: Reeves Amodio LLC on behalf of Evergreen Properties, LLC
Owner: City and Borough of Sitka and Evergreen Properties LLC
Location: 2309 Halibut Point Road
Legal: Alaska Tidelands Survey No. 580, as described in Plat 2007-19
Zone: R-2 MHP - Multifamily/Mobile Home District
Size: Approximately 1.463 Acres
Parcel IDs: 2-5230-000
Existing Use: Filled (Mobile Home Park) and Submerged
Adjacent Use: Mobile Home Park
Utilities: Existing
Access: Uplands via Halibut Point Road, tidelands adjacent to uplands property

KEY POINTS AND CONCERNS:

- Applicant has an upland property owner preference.
- Alaska Tidelands Survey, Plat 2007-19 clearly identifies the lease area.
- The applicant is in good standing with the City and Borough of Sitka.
- Current and future use is to continue as a commercial mobile home park.

ATTACHMENTS:

Attachment A: Aerial
Attachment B: Lease Area
Attachment C: Patent
Attachment D: Photos
Attachment E: Sewer Utility Easement
Attachment F: Applicant Materials

BACKGROUND

The applicant, Evergreen Properties, LLC, is applying for a Class III long term Tideland Lease. The requested Municipal tidelands lease area is identified as Alaska Tidelands Survey (ATS) 580 as recorded on Plat 2007-19 for an area of 1.463 acres. This leasehold area is approximately 75% filled tidelands and 25% submerged tidelands. The applicant owns the upland property identified as Schafer Trailer Court, a mobile home park at 3209 Halibut Point Road. The filled tidelands portion has historically and continues to be used as part of the mobile home park. A portion of the filled tidelands has City and Borough of Sitka (CBS) sewer infrastructure, as recorded in the Sewer Utility Easement dated January 1, 1983.

These tidelands were initially leased by the State of Alaska (SOA) to Albert E. Schafer (Lessor) for a lease term of 55 years from May 4, 1965, to May 4, 2020. The SOA transferred ownership of these tidelands to CBS by Patent No. 439 which was recorded in 2009 from a final findings and decision dated August 11, 1997. A restriction in the patent for the property states that grantee (CBS) may lease the land, but not sell it. The tidelands lease to Mr. Schafer was also transferred to CBS in 1997.

With the expiration of the initial lease, the Lessor continues to make timely lease payments to CBS. In 2021 Mr. Schafer passed away and his wife, Willian Shafer became the administrator of his estate. Mr. and Mrs. Schafer had common ownership the uplands property, 2309 Halibut Point Road since September 3, 2014. After Mr. Schafer's passing, Mrs. Schafer as the Managing Member formed Evergreen Properties, LLC on March 10, 2022, in conjunction with the Estate of Albert E. Schafer.

Staff believes that competitive bidding will likely be considered inappropriate because the applicant has the upland property owner preference; ultimately this will need to be confirmed by the Assembly. The CBS Assessor will determine the valuation of selected areas for lease which will also be used to inform the Assembly's considerations.

PROCEDURE

Sitka General Code Title 18 Property Acquisition and Disposal, Section 18.16 Tideland Lease Procedure, specifies three classes of approvals for permit and leases. The request filed is classified as a Class III approval.

The role of the Planning Commission for Class III approvals is to provide advice to the applicant and the Assembly on the request. This meeting serves as a platform for public comment on the proposal; notices were mailed to surrounding property owners.

If approved, CBS staff will work to draft a lease agreement document, the Assessor will perform an analysis of the value of the lease area, and terms will be reviewed by Finance, Planning, and Legal. Final approval would be sought from the City Assembly via ordinance, which requires two hearings for approval.

ANALYSIS

Project/Site: The proposed lease area is 1.463 acres of tidelands, most of which are filled and indistinguishable from the surrounding uplands. The current and intended future use of the site is to continue as a commercial mobile home park.

Traffic: Vehicular and pedestrian access to the tidelands can be accessed through three separate entrances to the mobile home park from Halibut Point Road. No change in the level of traffic anticipated by leasing these tidelands. Area is zoned as R-2 MHP multifamily and mobile home district- moderate to high levels of traffic are expected in this zone.

Parking: Parking is located at every mobile home unit, both uplands and on tidelands. No change to parking is anticipated.

Noise: No change in the level of noise is anticipated by leasing these tidelands. Area is zoned R-2 MHP multifamily and mobile home district- moderate to high levels of noise are expected in this zone.

Public Health or Safety: No impacts to public health or safety is anticipated. The mobile home park has multiple points of entry for EMS, police and fire.

Public Value or Neighborhood Harmony: No increase in property value or change to neighborhood harmony is anticipated as the use of the tidelands will remain consistent with current use.

Conformity with Comprehensive Plan: The proposal conforms to the Comprehensive Plan's objective H 2.1 to collaborate with mobile homeowners and park owners to encourage/require park upkeep in a manner that does not cause undue hardship to homeowners.

RECOMMENDATION

Staff recommends that the Planning Commission recommend Assembly approval of the lease for the Municipal tidelands identified as ATS 580, adjacent to 2309 Halibut Point Road.

RECOMMENDED MOTION

I move to recommend approval of the lease request for municipal tidelands located seaward of 2309 Halibut Point. The property is also known as ATS 580. The request is filed by Reeves Amodio LLC on behalf of Evergreen Properties, LLC. The owners of record the City and Borough of Sitka and Evergreen Properties, LLC.



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23146 - 23147
23148 - 23149

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DRIVE

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CERTIFICATE OF OWNERSHIP

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE DIRECTOR, DIVISION OF MINING, LAND AND WATER, AND THAT THE STATE OF ALASKA IS THE OWNER OF AT S NO. 580, AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT FOR THE STATE OF ALASKA.

DATED 7-10-07

Sandra Sving
DIRECTOR,
DIVISION OF MINING, LAND & WATER

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 10TH DAY OF JULY, 2007, FOR SANDRA SINGER

Sandra Russell
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 1-9-09

APPLICANT CERTIFICATE

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE CITY AND BOROUGH OF SITKA IS THE APPLICANT AS SHOWN HEREON AND AS MUNICIPAL ADMINISTRATOR AM AUTHORIZED TO HEREBY APPROVE THIS SURVEY AND PLAT.

ADL NO. 106345

John Stein
CITY AND BOROUGH OF SITKA
JOHN STEIN
MUNICIPAL ADMINISTRATOR

DATE 5-16-07

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 16 DAY OF May, 2007, FOR John Stein Municipal Administrator

JOHN STEIN, MUNICIPAL ADMINISTRATOR

Sandra Russell
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 4-15-2011

LESSEE CERTIFICATE

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE APPLICANT AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT.

ADL NO. 25318

Albert E. Schaffer
ALBERT E. SCHAFER
UPLAND OWNER

DATE 6/6/07

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 6th DAY OF June, 2007, FOR Albert E. Schaffer - Upland Owner

Sandra Russell
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 2/14/08

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SURVEY PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATTING BOARD, AND SAID PLAT HAS BEEN APPROVED BY THE BOARD FOR RECORDING IN THE OFFICE OF THE SITKA RECORDER, SITKA, ALASKA.

DATE 04/27/2007

Sandra Russell
SECRETARY

Sandra Russell
CHAIRMAN, PLATTING BOARD

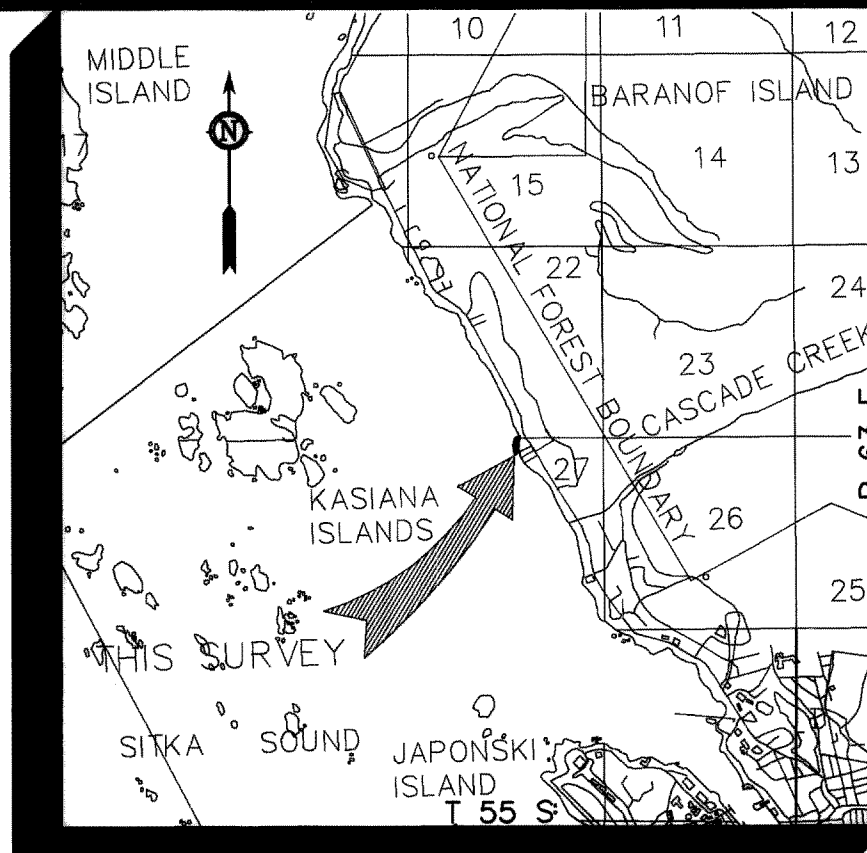
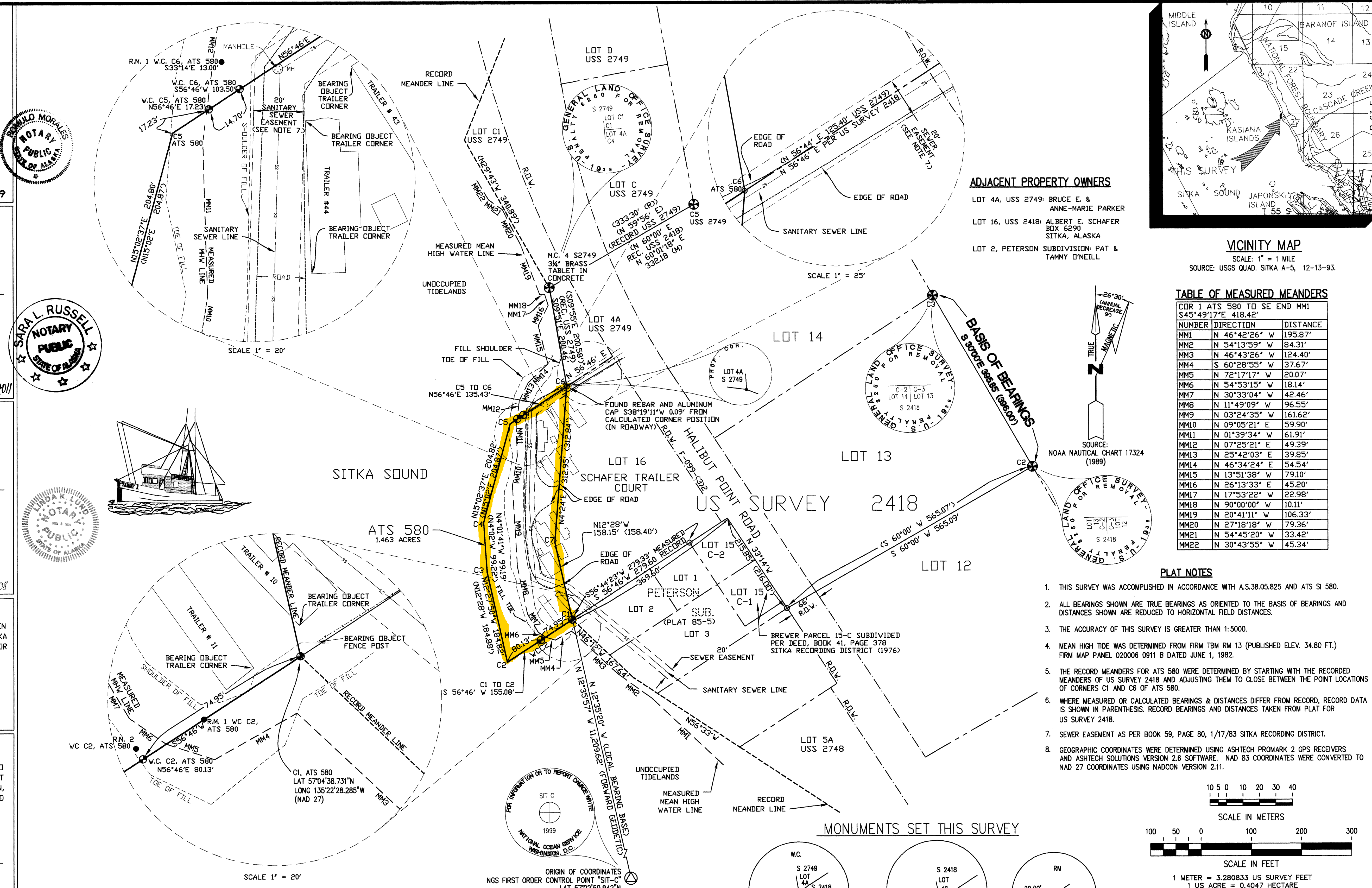
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE 4/27/07

REGISTRATION NUMBER 6304

Devin K. Jensen
REGISTERED LAND SURVEYOR



VICINITY MAP
SCALE: 1" = 1 MILE
SOURCE: USGS QUAD. SITKA A-5, 12-13-93.

TABLE OF MEASURED MEANDERS

NUMBER	DIRECTION	DISTANCE
MM1	N 46°42'26" W	195.87'
MM2	N 54°13'59" W	84.31'
MM3	N 46°43'26" W	124.40'
MM4	S 60°28'55" W	37.67'
MM5	N 72°17'17" W	20.07'
MM6	N 54°53'15" W	18.14'
MM7	N 30°33'04" W	42.46'
MM8	N 11°49'09" W	96.55'
MM9	N 03°24'35" W	161.62'
MM10	N 09°05'21" E	59.90'
MM11	N 01°39'34" W	61.91'
MM12	N 07°25'21" E	49.39'
MM13	N 25°42'03" E	39.85'
MM14	N 46°34'24" E	54.54'
MM15	N 13°51'38" W	79.10'
MM16	N 26°13'33" E	45.20'
MM17	N 17°53'22" W	22.98'
MM18	N 90°00'00" W	10.11'
MM19	N 20°41'11" W	106.33'
MM20	N 27°18'18" W	79.36'
MM21	N 54°43'20" W	33.42'
MM22	N 30°43'55" W	45.34'

- PLAT NOTES**
- THIS SURVEY WAS ACCOMPLISHED IN ACCORDANCE WITH A.S.38.05.825 AND AT S 580.
 - ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
 - THE ACCURACY OF THIS SURVEY IS GREATER THAN 1:5000.
 - MEAN HIGH TIDE WAS DETERMINED FROM FIRM TBM RM 13 (PUBLISHED ELEV. 34.80 FT.) FIRM MAP PANEL 020006 0911 B DATED JUNE 1, 1982.
 - THE RECORD MEANDERS FOR AT S 580 WERE DETERMINED BY STARTING WITH THE RECORDED MEANDERS OF US SURVEY 2418 AND ADJUSTING THEM TO CLOSE BETWEEN THE POINT LOCATIONS OF CORNERS C1 AND C6 OF AT S 580.
 - WHERE MEASURED OR CALCULATED BEARINGS & DISTANCES DIFFER FROM RECORD, RECORD DATA IS SHOWN IN PARENTHESIS. RECORD BEARINGS AND DISTANCES TAKEN FROM PLAT FOR US SURVEY 2418.
 - SEWER EASEMENT AS PER BOOK 59, PAGE 80, 1/17/83 SITKA RECORDING DISTRICT.
 - GEOGRAPHIC COORDINATES WERE DETERMINED USING ASHTECH PROMARK 2 GPS RECEIVERS AND ASHTECH SOLUTIONS VERSION 2.8 SOFTWARE. NAD 83 COORDINATES WERE CONVERTED TO NAD 27 COORDINATES USING NADCON VERSION 2.11.

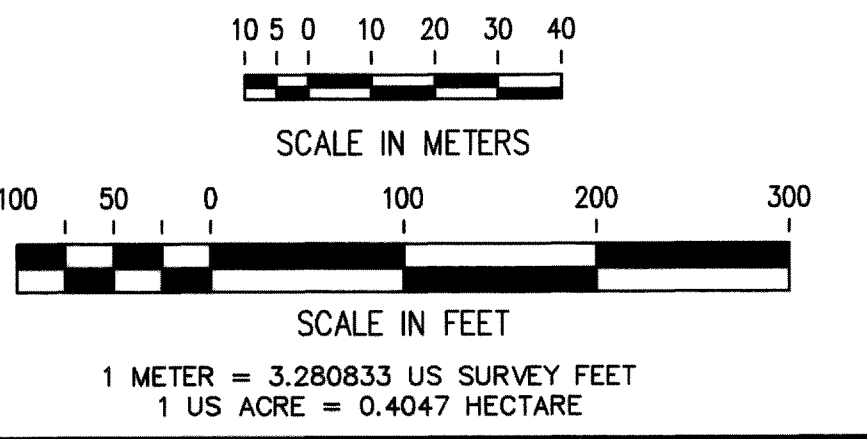
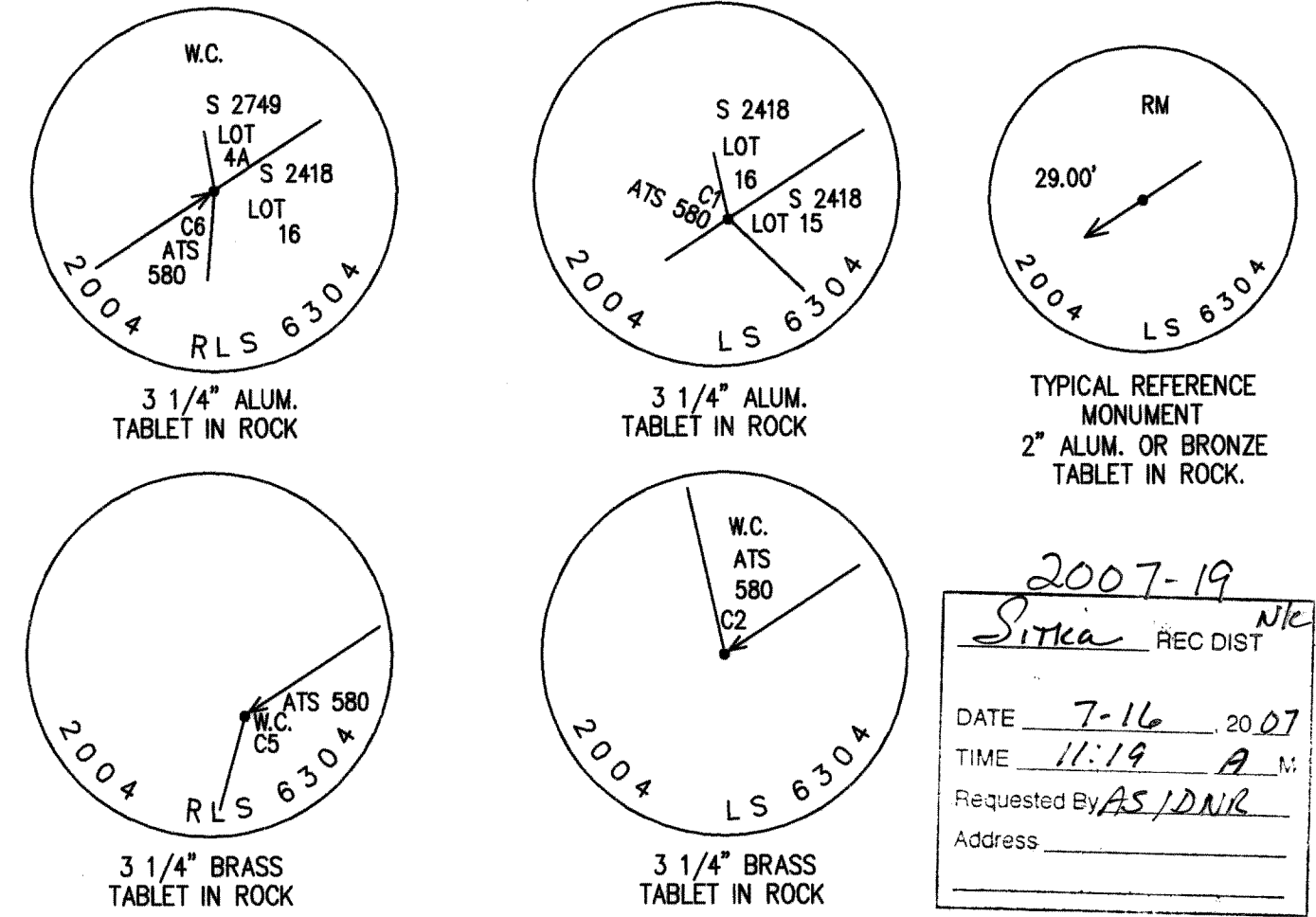


TABLE OF ACCESSORIES
MONUMENT ACCESSORIES USED THIS SURVEY

CORNER	DESCRIPTION	BEARING	DISTANCE	CORNER	DESCRIPTION	BEARING	DISTANCE
C1 AT S 580	FENCE POST	N48°08'33"E	8.71'	WC C5 AT S 580	NW CORNER TRAILER #43	N73°08'35"E	59.18'
	SOUTH CORNER TRAILER #10	N02°16'38"W	12.44'		NW CORNER TRAILER #44	S83°03'08"E	38.55'
	EAST CORNER TRAILER #11	S76°08'32"W	19.30'		SW CORNER TRAILER #44	S31°41'05"E	77.53'
				WC C6 AT S 580	2" BRONZE TABLE MARKED RM 13.00'	S33°14'E	13.00'
W.C. C2 AT S 580	2" ALUM. TABLE MARKED RM 29.00'	N56°46'E	29.00'		NW CORNER TRAILER #43	N78°24'07"E	45.26'
	2" BRONZE TABLE MARKED RM 5.00'	N33°14'W	5.00'		NW CORNER TRAILER #44	S83°53'49"E	28.92'

- LEGEND**
- ⊕ GLO/BLM PRIMARY MONUMENT (RECOVERED) (2 1/2" BRASS CAPPED PIPE MON. - UNLESS OTHERWISE NOTED)
 - ⊙ NGS PRIMARY MONUMENT (RECOVERED)
 - ⊙ PRIMARY TIDELANDS SURVEY MONUMENT (SET)
 - ⊙ SECONDARY MONUMENT (RECOVERED) (1 1/2" ALUM. CAP ON REBAR)
 - SECONDARY MONUMENT (SET THIS SURVEY)
 - TRL TRAILER ON UPLANDS
 - RETRACED BOUNDARY LINE
 - - - UNsurveyed BOUNDARY LINE
 - - - RECORD MEANDER LINE (PER PLATS USS 2418 AND USS 2749)
 - - - SURVEYED MEANDER LINE
 - FENCE LINE
 - ROAD RIGHT-OF-WAY



ALASKA TIDELANDS SURVEY NO. 580

DATE OF SURVEY: 10/15/03
BEGIN: 10/15/03
ENDING: 4/20/04

NAME OF SURVEYOR: O'NEILL SURVEYING AND ENGINEERING
PO BOX 1849
SITKA, ALASKA 99835

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
ANCHORAGE, ALASKA

**WITHIN PROTRACTED SECTION 27,
T. 55 S. R. 63 E., COPPER RIVER MERIDIAN, ALASKA
SITKA RECORDING DISTRICT**

DATE: FEBRUARY 14, 2007

DRAWN BY: WAD/PKO

APPROVAL RECOMMENDED: Devin Jensen July 9, 2007
STATEWIDE PLATTING SUPERVISOR

CHECKED: PKO FILE NO. ATS 580

2309 Halibut Point Road



Proposed Tidelands Lease Area

Uplands





CITY AND BOROUGH OF SITKA
 PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 LAND MANAGEMENT APPLICATION FORM

1. Review guidelines and procedural information.
2. Fill form out completely. No request will be considered without a completed form.
3. Submit all supporting documents and proof of payment.

APPLICATION FOR: TIDELAND LEASE
 LAND PURCHASE

BRIEF DESCRIPTION OF REQUEST: Evergreen Properties, LLC, as successor in interest to Albert and William Schafer, owns the uplands known as 2309 Halibut Pt. Rd. (Lot 16, USS 2418) and requests a lease of the tidelands adjacent to the uplands, as described in ATS 580, Plat 2007-19

PROPERTY INFORMATION:

CURRENT ZONING: R-ZMHP ARE YOU THE UPLAND PROPERTY OWNER? Yes
 CURRENT LAND USE(S): Mobile Home Park PROPOSED LAND USES (if changing): N/A

APPLICANT INFORMATION:

PROPERTY OWNER: Evergreen Properties, LLC
 PROPERTY OWNER ADDRESS: P.O Box 610, Seward AK 99664
 STREET ADDRESS OF PROPERTY: 2309 Halibut Pt. Rd.
 APPLICANT'S NAME: Evergreen Properties, LLC, by and through Reeves Amodio LLC
 MAILING ADDRESS: 500 L Street, Suite 300, Anchorage, AK 99501
 EMAIL ADDRESS: mj@reevesamodio.com DAYTIME PHONE: (907) 222-7100

PROPERTY LEGAL DESCRIPTION:

TAX ID: 25230000* LOT: 16 BLOCK: N/A TRACT: N/A
 SUBDIVISION: N/A US SURVEY: 2418

* including land described in
 ATS 580

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		OWNERSHIP	

REQUIRED SUPPLEMENTAL INFORMATION:

- Completed application form
- Narrative
- Site Plan showing all existing and proposed structures with dimensions and location of utilities
- Proof of filing fee payment
- Proof of ownership (If claiming upland preference)
- Copy of current plat

CERTIFICATION:

I hereby certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I further authorize municipal staff to access the property to conduct site visits as necessary.

Michael Jungreis Attorney for
Applicant
Evergreen Properties, LLC

6-15-2023
Date

TIDELANDS LEASE APPLICATION NARRATIVE
EVERGREEN PROPERTIES, LLC
ATS 580

In 1965, Albert Schafer was issued a 55-year tidelands lease by the Alaska Department of Natural Resources (ADL 25318) for the property known as ATS 580, as described in Plat 2007-19, Sitka Recording District. The tidelands lease was seaward of Mr. Schafer's upland property only, Lot 16, USS 2418. The tidelands affected by the lease were approved for conveyance from the State of Alaska to the City and Borough of Sitka ("Sitka"), and actually conveyed by Tidelands Patent No. 439 on August 21, 2009 (Document #2009-001321-0, Sitka Recording District), subject to Mr. Schafer's lease. *See* DNR letter to Schafer dated August 20, 1997, provided in the application package. The lease expired in 2020, but it is the applicant's understanding that the lease is currently paid and in active, hold-over status.

In May 2021, Mr. Schafer passed away and his wife, Willian Schafer is the administrator of his estate. In 2022, Mrs. Schafer conveyed both her personal interest and the interest of Mr. Schafer's estate in the upland parcel, Lot 16, USS 2418, to Evergreen Properties, LLC ("Evergreen"), an Alaska limited liability company wholly owned in equal shares by Mrs. Schafer and the Estate of Albert E. Schafer (*See* Document #2022-000691-0, Sitka Recording District). Evergreen is the current applicant and preference right holder, and it seeks a new, Class III, long-term lease of ATS 580/Plat 2007-19 directly with Sitka. SGC 18.16.040, 18.16.130, 18.16.220.

The affected tidelands are currently occupied by a portion of the commercial mobile home park principally located on the adjacent upland parcel, including structures

and access roads, which is consistent with its zoning. The affected tidelands are uniquely suited for continued use for the mobile home park that has been situated in part on them for decades and it would be in the best interests of Sitka to lease them to Evergreen for such continued use. SGC 18.16.010.

Edgecumbe Drive. Staff recommended approval.

M/Riley-S/Alderson moved to approve the conditional use permit for a bed and breakfast at 1101 Edgecumbe Drive in the R-1 single-family and duplex residential district subject to the attached conditions of approval. The property was also known as Lot one (1), Edgecumbe-Kruzof Subdivision. The request was filed by Crystal Denkinger. The owners of record were the Family Trust of Wilhelm K. Denkinger and Carole A. Denkinger. Motion passed 4-0 by voice vote.

M/Riley-S/Alderson moved to adopt and approve the required findings for conditional use permit as listed in the staff report. Motion passed 4-0 by voice vote.

C

LM 23-02

Public hearing and consideration of a tidelands lease request for municipal tidelands immediately adjacent to 2309 Halibut Point Road in the R-2 MHP multifamily and mobile home district. The lot is also known as ATS 580. The request is filed by Reeves Amodio LLC on behalf of Evergreen Properties, LLC. The uplands property owner of record is Evergreen Properties, LLC.

Crenna introduced a request for a long term class III tidelands lease for CBS tidelands seaward of 2309 Halibut Point Road (HPR). The tidelands area was identified as Alaska Tidelands Survey 580 according to plat 2007-19 for approximately 1.463 acres which were about 75% filled and 25% submerged tidelands. The past, current and future use of the area was intended for a mobile/manufactured home park. The tidelands property had a sewer utility easement that was recorded in 1983 that CBS would require continued access to. The uplands owner and applicant was Evergreen Properties, LLC. The tidelands had three access points/driveways from HPR through 2309 HPR. The tidelands were originally owned by the State of Alaska and leased to Albert Schafer (Lessee) for 55 years from 1965-2020. The State transferred the tidelands and the lease to CBS in 1997. In 2021, Mr. Schafer passed away and Mrs. Schafer created Evergreen Properties, LLC. There were not anticipated changes to the usage or impacts of the tidelands. The Lessee had continued to pay lease rate, the lease was considered to be in holdover status, and the Lessee was in good standing with CBS. The applicant was the upland owner which provided an upland preference for leasing tidelands according to SGC. If the tidelands lease request was recommended by the Planning Commission, the request would be brought before the Assembly as a discussion/direction/decision item where the terms and competitive bidding would be determined. If approved by the Assembly, the tidelands lease would go back to staff to finalize the lease, including a bid if needed, an updated value, and any final negotiations with the applicant. Once finalized the tidelands lease would go back to the Assembly for final approval. Staff recommended approval.

Commissioners inquired if the Lessee could use the land for anything other than a mobile/manufactured home park or allow others to use the land, what would trigger a review by the Assembly, how CBS obtained the tidelands, and what the common lease terms were. Staff clarified that the Lessee would not be able to assign the leased area or allow others to use it without approval from the Assembly and it was not standard practice to strictly identify the usage of a leased area but it had been done in specific circumstances. The standard term of a lease was 30 years and that CBS obtained the tidelands by patent from the State in the 1990's when multiple tidelands areas were identified for transfer.

Attorney with Reeves Amodio LLC, Colleen Moore, representing Evergreen Properties,

LLC, was present on behalf of the applicant and stated that for the time being the tidelands leased property would be used for a mobile/manufactured home park and that her firm had been hired to assist Mrs. Schafer with her financial matters after Mr. Schafer had passed.

Commissioners Alderson and Riley identified the commissions preference of continued use of the tidelands lease area for a mobile/maufactured home park. Riley requested that the tidelands lease specifically identify the use as a mobile/manufactured home park and that any change to the use would trigger a review of the tidelands lease by the Assembly. She also inquired about changing the motion to add in the specified use.

M/Riley-S/Alderson moved to recommend approval of the tidelands lease request for usage as a manufactured home park for municipal tidelands seaward of 2309 Halibut Point Road. The property was also known as ATS 580. The request was filed by Reeves Amodio LLC on behalf of Evergreen Properties, LLC. The owner of record were the City and Borough of Sitka and Evergreen Properties, LLC. Motion passed 4-0 by voice vote.

VIII. ADJOURNMENT

Hearing no objections, Acting Chair Windsor adjourned the meeting at 7:44 PM.



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 23-110 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/6/2023 In control: City and Borough Assembly

On agenda: 9/12/2023 Final action:

Title: Discussion/Direction/Decision on whether to proceed with a lease of municipal property on Jarvis Street for use as a community garden

Sponsors:

Indexes:

Code sections:

Attachments: [Memo](#)
[Planning Commission Materials](#)
[Applicant Materials](#)

Date	Ver.	Action By	Action	Result
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Discussion / Direction / Decision

on whether to proceed with a lease of municipal property on Jarvis Street for use as a community garden.





CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator 

From: Amy Ainslie, Planning & Community Development Director 

Date: September 6, 2023

Subject: Community Garden Lease – 101 Jarvis Street

Background

The applicants for this request are two nonprofit organizations, Transition Sitka and the Sitka Local Foods Network. The applicants would like to be the host organizations supporting the proposed community garden, serving the overlapping interests of the two organizations to promote local food security and sustainable food systems.

The applicants had a set of criteria they used to select prospective sites, ultimately leading to their request for Jarvis Street site. The criteria were that sites must be at least a half-acre in size, have good southerly exposure, not be overly steep or irregular, be reasonably accessible to neighborhoods, ideally have access to municipal utilities though alternatives could be pursued, and that the community-at-large must be generally supportive, and willing to consider community garden sites as permanent civic improvements. While their original proposal as reviewed at a community Townhall as well as by the Planning Commission included an additional site off of Osprey Street, the applicants have decided to pursue only the Jarvis Street site at this time.

The approximately half-acre site at 101 Jarvis Street is uphill of the solid waste transfer station and the animal shelter. Its southern side abuts Jarvis Street which serves public facilities and industrial properties. There is vacant, undeveloped land to the north owned by CBS and the Raptor Center. The property to east is the site of the Homeless Coalition's proposed development. The lot is heavily vegetated, appearing to be almost entirely muskeg.

The property is zoned in the Public lands district which generally allows uses that are cultural, recreational, educational, and/or public service oriented. Horticulture is an allowed use in this zone.

The applicants have developed a conceptual design of this site in order to help paint the picture of what the garden development could look like and operate as. However, given that this site is undeveloped and may have some challenging conditions, significant investment on the part of the applicants is needed before a final design can be evaluated. The applicants need reasonable certainty that they will be able to develop and use the site before making this investment. Therefore, staff's perspective is that it is too soon to evaluate specifics of the design.

The applicants are interested in a long-term lease, preferably close to a total of thirty years broken into five-year renewal options at low/no cost. If the Assembly decides to move forward with the lease, staff recommends that the initial term of the lease be short-term with a list of deliverables that must be completed within the initial term before renewal terms can be exercised.

Generally, properties are leased by competitive bid unless the Assembly finds that competitive bidding is inappropriate given the nature of the property or the disposal itself. Given that the property is large, undeveloped, accessed by a public right-of-way, and not currently leased, staff's evaluation is that competitive bidding is likely appropriate for this case.

Analysis

Staff needs direction from the Assembly on the following points:

1. Should staff proceed with the leasing process for this property?
2. Are there any factors that would make competitive bidding inappropriate for this lease?
3. If the lease is competitively bid, should the bid be specifically for community garden use, or are there other uses that should be considered?
4. If the lease is competitively bid, should price be the only deciding factor (indicating a bid process is most appropriate), or are there other factors that should be considered (indicating a request for proposals or RFP process is most appropriate)? Should price be a consideration at all?

If the Assembly directs staff to proceed with the leasing process and competitive bidding is needed, staff will come back to the Assembly to discuss evaluation criteria for the bid/RFP as well as any terms and conditions of the lease that should be outlined for bidders/proposers.

Fiscal Note

Most expenses to facilitate a lease such as surveying, permitting, development, etc., are borne by the lessee. CBS does incur expenses to advertise a bid or RFP that can range from approximately \$400 - \$1000 depending on how widely/frequently it is advertised, as well as the use of staff time throughout the entire leasing process. The more tangible expenses such as advertising could be reimbursed by the lessee if so desired.

At this time, the revenue resulting from leasing this property is unknown and undetermined.

Recommendation

Staff recommends that the Assembly consider and determine whether to proceed with a lease of the property, and if so, provide direction to staff regarding competitive bidding, use of the property, and general guidance on evaluation criteria for a bid/RFP.

Encl: Planning Commission Materials (Aerial, Staff Report, Pictures, Excerpt of Meeting Minutes)
 Applicant Materials (Narrative, Q&A, Letters of Support)



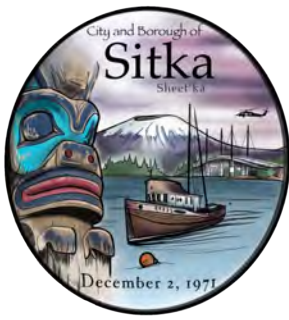
Haley Way

Beardslee Way

Price Street

Jarvis Street

Smith Street



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM:

Case No: LM 23-01
Proposal: Lease request for community gardens
Applicant: Transition Sitka and Sitka Local Foods Network
Owner: City and Borough of Sitka
Location: 601 Halibut Point Road and 101 Jarvis Street
Legal: Lots 3, 4, 10, 11, 12, Block 6, Replat No.1, Dan Moller Subdivision, and a portion of Tract Four B (4-B), Alaska State Land Survey No. 81-21.
Zone: P - Public Lands District
Size: Approximately 0.5 acres
Parcel IDs: 1-5410-000 and 3-0300-000
Existing Use: Undeveloped
Adjacent Use: Residential, recreational, school, public service facilities, industrial
Utilities: Existing
Access: Halibut Point Road, Osprey Street, Jarvis Street

KEY POINTS AND CONCERNS

- Properties requested for lease are unsubdivided, undeveloped portions of larger municipal tracts.
- The Osprey Street site is next to Blatchley Middle School and the Vilandre Ballfield, as well as a moderate density residential neighborhood.
- The Jarvis Street site is in a large open space uphill from public service facilities and an industrial area.
- Both lots appear to have significant wetlands.
- The comprehensive plan supports use of municipal lands for community gardens.

ATTACHMENTS:

Attachment A: Aerial
Attachment B: Lease Area
Attachment C: Pictures
Attachment D: Project Narrative
Attachment E: Q&A
Attachment F: Letter of Support
Attachment G: Public Comment
Attachment H: Applicant Materials

BACKGROUND

The applicants for this request are two nonprofit organizations, Transition Sitka and the Sitka Local Foods Network. The applicants would like to be the host organizations supporting the proposed community gardens, serving the overlapping interests of the two organizations to promote local food security and sustainable food systems.

The applicants had a set of criteria they used to select prospective sites, ultimately leading to their request for the Osprey Street and Jarvis Street sites. The criteria were that sites must be at least a half-acre in size, have good southerly exposure, not be overly steep or irregular, be reasonably accessible to neighborhoods, ideally have access to municipal utilities though alternatives could be pursued, and that the community-at-large must be generally supportive, and willing to consider community garden sites as permanent civic improvements.

The applicants have developed conceptual designs of these sites in order to help paint the picture of what the garden developments could look like and operate as. However, given that these sites are undeveloped and may have some challenging conditions, significant investment on the part of the applicants is needed before a final design can be evaluated. The applicants need reasonable certainty that they will be able to develop and use the sites before making this investment. Therefore, staff's perspective is that it is too soon to evaluate specifics of the design such as garden plot layout, fencing and gate layout, parking areas, etc.

The purpose of this review should be to determine the following:

1. Should we lease municipal lands for community gardens?
2. Generally, are the selected sites good locations to have community gardens?
3. Are there any terms or conditions for the lease, or elements of the site design, that could be identified now as preventions, mitigations, or solutions to potential issues?

The Assembly will need to provide direction on whether or not to proceed with the lease, whether it needs to competitively bid, and any terms or conditions that should be in the lease.

SITE DESCRIPTIONS

Both sites are approximately half acre, unsubdivided and undeveloped areas within larger parcels.

Osprey Street

Description: This site is next to Blatchley Middle School and the Vilandre Ballfield. Its southern side abuts Osprey Street which serves the moderate-density residential neighborhood. The northern portion of the site is at the rear of the ballfield parking area and batting cage. It gently slopes from the south down to ballfield. The lot is heavily vegetated, with the southern end appearing dryer with larger trees and the interior appearing to be marshy or muskeg.

Access & Parking: Site has access from Osprey Street or via Halibut Point Road using Blatchley's south driveway. Developing additional parking on Osprey Street may not be practicable given the elevation difference between the site and the street, and it would result in additional traffic and

visual impacts for Osprey Street neighbors. Parking options should be evaluated during the study and design process.

Utilities: Utilities are available from Osprey Street and Halibut Point Road.

Jarvis Street

Description: This site is uphill of the solid waste transfer station and the animal shelter. Its southern side abuts Jarvis Street which serves public facilities and industrial properties. There is vacant, undeveloped land to the north owned by CBS and the Raptor Center. The property to east is the site of the Homeless Coalition’s proposed development. The lot is heavily vegetated, appearing to be almost entirely muskeg.

Access & Parking: Site only has access from Jarvis Street. Parking will need to be developed along with the garden area.

Utilities: All utilities are also available from Jarvis Street.

ZONING ANALYSIS

Both properties are in the public lands district, the intent of which is to, “...contain government-owned lands or lands owned by nonprofit institutions serving the public interest which are utilized for public recreation, education, or institutional uses.” (SGC 22.16.020.A).

A community garden best fits the zoning designation of “horticulture”, which SGC 22.08.453 defines as “...the on-site production of plants or their products, including but not limited to gardening and fruit production. Horticulture does not include construction of accessory buildings other than those specifically allowed in the zoning districts. It also does not include products such as livestock, poultry, other animals, or the production of animal related products.” “Horticulture and related structures” are a permitted use in the public lands district, meaning no conditional use permit is needed for either site.

While horticulture is a defined use in the code, there is no direct parking requirement specified. There are no analogous uses such as parks with defined parking requirements specified either. While not necessarily a clean fit, the closest use would be “community buildings, assembly halls, lodges, or union or social halls,” which carry a parking requirement of one space per ten seats. Applying this to the garden context, staff’s best interpretation would be to require one space per ten garden plots. With the current configurations, this would result in parking requirements of eight spaces at the Osprey Street site, and seven at the Jarvis Street site.

COMPREHENSIVE PLAN

Parks, Trails, and Recreation Action PTR 2.1g states, “Allow community gardens in undeveloped municipal park space.” The proposal is consistent with this comprehensive plan goal.

PUBLIC & STAFF REVIEW

Since receiving the application, a cross-department review and community townhall have been conducted to garner feedback and recommendations. As several overlapped, the results are compiled together here.

Observation/Concern	Prevention, Mitigation, or Solution
Wetlands on site	<ul style="list-style-type: none"> Adherence to US Army Corps of Engineers regulations and permitting requirements
Site drainage	<ul style="list-style-type: none"> An engineered drainage plan
Bear & pest attraction	<ul style="list-style-type: none"> Site to be fully fenced (perhaps electrified for Jarvis site). Also addresses site security for vandalism/theft concerns. Garden policies on fertilizers and composting to prevent odor Other pest control measures may be needed
Environmental impact	<ul style="list-style-type: none"> A storm water pollution prevention plan and/or stormwater treatment plan Garden policies on use of chemical pesticides and herbicides Efforts to minimize habitat impacts Policies to limit hours of operation, particularly for use of powered equipment needed for noise pollution
Site remediation	<ul style="list-style-type: none"> A plan to ensure site remediation at end of project life
Osprey Street Specific Feedback	
Parking conflicts with ballfield	<ul style="list-style-type: none"> A parking plan with agreement between applicants, Blatchley school administration, and Parks and Recreation Additional parking may be needed
Ballfield restroom availability	<ul style="list-style-type: none"> Understanding/agreement is needed between applicants and Public Works to determine restroom availability
Visual impacts for neighbors	<ul style="list-style-type: none"> Landscaping or preservation of vegetative buffers Amenities or benefits offered to neighbors

STAFF RECOMMENDATION

Lease Process & Terms

The applicant is interested in a long-term lease, preferably close to a total of thirty years broken into five-year renewal options.

If the Assembly decides to move forward with the lease, staff recommends that the initial term of the lease be three years with a list of deliverables (the preventions, mitigations, or solutions identified above and any others that arise at the Planning Commission or Assembly) that must be completed within the initial term before renewal terms can be exercised. Additionally, staff would recommend that one of those deliverables be a final site plan review and approval by the Planning Commission.

Land Use

The comprehensive plan has a clear policy direction to allow for community gardens in undeveloped municipal park space. The Osprey Street site clearly meets this policy preference. The Jarvis Street site, while not a park, is functioning like open space which seems to meet the intent of this comprehensive plan action.

The prevalence of wetlands on both sites may prove to be a limiting factor for these developments. However, if potential lessees wish to further explore the feasibility developing the sites, the lease structure proposed could accommodate this exploration and planning phase while providing adequate assurances for the lessees such to warrant the investment. This lease structure also creates a means by which to ensure that the concerns raised in review are adequately addressed.

RECOMMENDED MOTION

“I move to recommend approval of the request to lease portions of municipal property located at 601 Halibut Point Road and 101 Jarvis Street for the purpose of community gardens subject to the attached conditions of approval.”

Conditions of Approval:

1. The initial term of the lease should be three (3) years.
2. The first renewal option after the initial term should not be exercised until the lessee has:
 - a. An approved US Army Corps of Engineers (USACE) permit and/or proof that the development plans meet USACE regulations.
 - b. A comprehensive, engineered drainage plan approved by the Municipal Engineer.
 - c. A storm water pollution prevention plan and/or storm water treatment plan approved by the Municipal Engineer.
 - d. A plan to ensure site remediation at the end of project life.
 - e. Garden policies that address bear and pest management, odor, noise, and pesticide/herbicide use.
 - f. A final site plan approved by the Planning Commission including (but not limited to) garden layout, fencing specifications, parking plans with any necessary agreements, and buffers/visual impact mitigations.
 - g. Any other requirements that arise through the lease development and approval process.

Jarvis
Lot
Interior



Jarvis Street Surround



kitchen. Menu items would consist of cold sandwiches, pastries, and drinks which featured local products.

Potential impacts included increased vehicle and pedestrian traffic which was expected in the central business district (CBD). There were also no parking requirements in the CBD, so placement of the truck would not deduct from required parking. There were some possible effects on pedestrian safety during non-closure days when the food truck could impact use of the sidewalk. Staff followed up with the applicants and advised them to keep the sidewalk clear of queuing customers and provided guidelines for the placement of their sandwich board. Staff recommended approval.

Applicants Nathaniel Snyder and Cooper Harden were present. Snyder explained they had been operating at this location with a cart and tent. They had been using the truck for the hand washing facilities. Alderson asked the applicants if they would continue using the tent and how would the customers lineup. Snyder stated would like to keep using the tent when especially when its raining out. They would queue customers towards the tent and back from the sidewalk.

Public comment from Jay Stenzenmuller was in support, stating the more food trucks the better. Windsor had some concerns about access to and from the parking lot, but Commissioners ultimately agreed the driveway would still be accessible and usable.

M/Alderson-S/Mudry moved to approve the conditional use permit for a food truck at 330 Seward Street in the central business district, subject to the attached conditions of approval. The property was also known as Lot 1, of Shee Atika Subdivision. The request was filed by Nathaniel Snyder and Cooper Harden. The owner of record was SCOJO, LLC. Motion passed 3-0 by voice vote.

M/Alderson-S/Mudry moved to adopt and approve the required findings for conditional use permits as listed in the staff report. Motion passed 3-0 by voice vote.

E [LM 23-01](#)

Planning Commission review and recommendation on a lease request for municipal lands located at 601 Halibut Point Road (adjacent to Osprey Street) and 101 Jarvis in the P Public lands district. The lots are also known as Lots 3, 4, 10, 11, 12, Block 6, Replat No. 1, Dan Moller Subdivision, and a portion of Tract Four B (4-B), Alaska State Land Survey No. 81-21. The request is filed by Transition Sitka and Sitka Local Foods Network. The owner of record is the City and Borough of Sitka.

Ainslie introduced a lease request for City and Borough of Sitka (CBS) property for two community gardens sites at 601 Halibut Point Road adjacent to Osprey Street and 101 Jarvis Street. The applicants were two non-profit organizations, Transition Sitka and the Sitka Local Foods Network. These organizations would be the host for the community gardens as they had overlapping interest in food security. The applicants had criteria they used when looking for land to lease. This included sites that were at least a half-acre in size, had good southerly exposure, not overly steep or irregular, be reasonably accessible to neighborhoods, had access to municipal utilities and the community-at-large was generally supportive.

The Osprey Street location was next to the Vilandre Ballfield in a moderately dense residential neighborhood. Access would be from the south driveway to Blatchley Middle School. The Jarvis Street location was in a large open space uphill from CBS facilities and next to an industrial area. This development was still in the conceptual design process, and therefore it was too soon to evaluate design specifics. Ainslie

listed several questions that needed to be answered before leasing the property: should CBS lease municipal lands for community gardens, are these selected sites a good location, and what were the terms or conditions for the lease? The Planning Commission could then make a recommendation to the Assembly, who would provide direction to staff. Windsor asked if this was the only time the proposal would come before the commission and Ainslie suggested the commission should review the proposal again once the applicants had finalized the design. The recommendation needed at this point was to determine if these were suitable locations for community gardens.

Ainslie described the Osprey site as heavily vegetated, with the southern end appearing dryer with large trees and the interior appeared to be muskeg. There would need to be a conversation regarding parking as there were potential conflicts with recreation and school activities. Wetlands mitigation would be needed as well. The Jarvis site had more wetlands and had good sun exposure. It was adjacent to Mental Health Trust lands that were being leased to the Homeless Coalition. This use was defined as horticulture and was a permitted use in the public lands zoning district. There were no directly defined parking requirements in the code related to horticulture; the closest interpretation staff could find was an assembly or community hall, which required one parking space for every ten seats. Staff recommended requiring one parking space per ten garden plots.

CBS conducted an internal department review of the proposal and a community town hall had been conducted to gather feedback and recommendations. Staff compiled a list of concerns which included wetlands on site, drainage, bear and pest attraction, environmental impact, site remediation, parking conflicts with the ballfield, restroom availability, and visual impacts on neighbors. Mitigation of these concerns could include US Army Corps of Engineers regulations and permitting, an engineered drainage plan, site fencing, pest control measures, storm water treatment plan, policies on pesticides, hours of operation, site remediation plans, parking plan, use agreements for access to restrooms, and landscaping or preservation of vegetative buffers.

Ainslie stated community gardens were in the comprehensive plan to be allowed in undeveloped municipal park space which fit the Osprey location. The Jarvis location was functioning as open space which also met the intent of the comprehensive plan. Ainslie explained the prevalence of wetlands on both sites may be a limiting factor for the development but the lease structure could accommodate the lessees exploration and planning phases. It would also create a means to ensure concerns are addressed. A long-term lease was requested but staff recommended an initial shorter lease of 3 years with a list of requirements that had to be completed before any renewals could be executed. Staff recommended approval.

Applicants Leah Mason, Barbara Bingham, Charles Bingham were present. Mason spoke to the community aspect of having a community garden within walking distance of a neighborhood. Barbara Bingham stated they spent time canvassing both locations and they had been reaching out to the public over the past year and enthusiasm for the project seemed high. They were not asking for funding from the city and would be looking to apply for grants. Charles Bingham explained many people lived in locations where gardening was not available and this would increase their food security. Public comments from Jay Stelzenmuller, Lisa Sadleir-Hart, Andrea Fraga were in support of the proposal. Tom Jones and Jay Kendall were against the proposal, and letters read into record from Jo Cropley, Cyndi and Scott Cassidy were also against the proposal. Those opposed spoke specifically about the Osprey Street location, voicing concerns regarding the loss of the greenbelt which provided visual and sound buffers to the highway and school, the possible impacts of subsidence that could result, and increased traffic.

Alderson discussed costs and availability of food in the community, and was in support of both locations. Commissioners discussed the challenges of some of the sites including neighborhood impacts and the expense of developing in muskeg areas. Windsor and Mudry were both in favor of the Jarvis Street location, but opposed to the Osprey Street location. The Commission concluded 1) that CBS should continue to make lands available for community gardens and horticulture, 2) that the Jarvis Street location could be suitable but had mixed feelings on the Osprey Street site, and 3) a lease agreement for a community garden should have an initial term in which permitting, drainage planning, and site design can take place, but that those should be completed and approved before any use or development of the site.

No action was taken.

VIII. ADJOURNMENT

Hearing no objections, Acting Chair Windsor adjourned the meeting at 9:12 PM.

Sitka Community Gardens

Jarvis Street Project Narrative



Transition Sitka
417 Arrowhead Street
Sitka, AK 99835
(907) 747-9834
www.transitionsitka.org



Sitka Local Foods Network
408 Marine Street, Suite D
Sitka, AK 99835
(907) 623-7660
www.sitkalocalfoodsnetwork.org

August 2023

Abstract

In order to help improve our community's collective resilience to supply chain disruptions, and encourage the development of critical skills and practices necessary for individuals to become more self-reliant and food-secure, this project proposes the establishment of a community garden on currently unimproved municipal lands at the top of Jarvis Street.

The proposed garden site is approximately ½ acre in size and would include approximately 51 standard 10' by 20' garden plots, plus various covered areas and small enclosed structures for storing tools and bulk garden materials. The site would be fully fenced and gated, but largely open to the general public during the summer growing season. Individual community members, families, and social benefit groups/charities would be offered the opportunity to rent garden plots for a nominal annual fee.

Even though this Narrative describes plans for a single garden project in a single Sitka neighborhood, it is not intended to be the only such development in the community. Residents in other neighborhoods need to begin considering where best to locate additional gardens, large and small, for the purpose of growing food.

Community gardens are considered essential civic infrastructure in many towns and cities across the US, like parks and playgrounds. They are often developed and operated by departments within local government. This project, however, proposes to assign these responsibilities to NGOs, with the nonprofits Sitka Local Foods Network and Transition Sitka undertaking project development and funding, and a cooperative association of active community garden members (yet-to-be-established) undertaking the responsibilities of normal garden operations. Over the long-term, it is expected that the association of gardeners will assume full responsibility for managing and maintaining the proposed Jarvis Street and other future developments, with continuing oversight and only occasional direct assistance from the founding nonprofits.

For more information, contact: Joel Hanson, project lead
 captainjoel@alaskan.com
 907-747-9834

I - Introduction

This project proposes to establish a community garden on undeveloped municipal property on Jarvis Street uphill from the U.S. Post Office on Sawmill Creek Road. Its location here would be most convenient to residents living in the Jamestown Bay neighborhood, but the site is also reasonably close to homes and apartments in the Indian River and Crecent Harbor neighborhoods. See Section III for garden location details and proposed layout design.

Gardening has been practiced for a very long time in the Sitka area, with potato cultivation being a part of Tlingit culture for centuries, stretching back to before first contact with Spanish and Russian sailing ships in the late 18th century. But the concept of community gardening as it is commonly understood and practiced today, has only come to Sitka fairly recently, and (so far) only with mixed success.

For more than ten years the City and Borough of Sitka (CBS) Parks and Recreation Department, in conjunction with a now defunct after-school activities program for kids called Sitka Community Schools, played host to a small ¼-acre community garden on municipal property on the Sitka Channel side of Blatchley Middle School. But due to challenges that could not be easily remedied at the time, a decision was made in late 2016 to close it down.

The main reasons for the closure were: 1) the site was not fenced and gated so complaints over such issues as produce pilfering and vagrancy arose, and 2) some gardeners chose to lodge their grievances with middle school staff even though these school personnel had little to do with the garden's operations. This confusion arose because the Sitka Community Schools program was operating at the time out of an office inside the middle school building. As a result, when issues needed addressing, some gardeners erroneously (but understandably) assumed that they could address them by speaking with school personnel.

Several other more minor issues arose as well, such as concerns over the improper handling and storage of garden compost. There was also confusion over whether gardeners were, or were not, technically on school grounds, and therefore whether they were subject to school rules. These issues led school officials to determine that the garden *as it was organized and operated at that time* was not a good fit for that location.

In hindsight, most of these problems could have been remedied by installing perimeter fencing and adopting clear and enforceable "guidelines for gardeners" that included provisions for regular self-evaluations, conflict avoidance, and dispute resolution. In future, there is every reason to expect that Sitka's community gardens, wherever they may be located, will become valued long-term civic amenities in which residents can take great pride.

Several official CBS attempts to promote community gardens have been made since Blatchley Community Garden's closure. For instance, Sitka's 2030 Comprehensive Plan, approved in May 2018, included a Parks, Trails and Recreation chapter that identified as a priority action (PTR 2.1g) to, "Allow community gardens in undeveloped municipal park space." Additionally, the

plan's Land Use chapter identified as a priority action (LU 7.8) to, "Review zoning code to explore changes to allow urban horticultural and agricultural uses more broadly in existing zoning districts." To date (five years after that plan's approval), no action has been taken by CBS and no serious effort has been made by private parties to materially advance these priorities.

At various times over more recent years, the Local Emergency Planning Committee, the Health Needs and Human Services Commission and the Planning Commission have all discussed ways to improve community food security. But the challenge of identifying lands on which to locate community gardens has remained elusive.

Most recently, the 2022-2027 Sitka Strategic Plan that was adopted in September of last year declared via Goal 1.5 the intent to "Convene community partners to develop an action plan that will address the challenges of food security."

With this most recent CBS declaration of commitment to addressing Sitka's food (in)security, and in the absence of any other formal direction on how to proceed with the development of an action plan, a small group of community members interested in sustainability and food security came together and decided that it may be appropriate at this time to advance a detailed independent proposal for the development of community gardens on municipal lands.

After studying examples of successful community gardens elsewhere and determining that the Juneau Community Garden Association model might be the best fit for Sitka's particular circumstances and community character, the group developed suitability criteria for site selection, and came up with the following:

1. Sites in general—and certainly an initial site—should be at least a half-acre in size.
2. Sites must have good southerly exposure.
3. Sites must not be overly steep or irregular.
4. Sites must be reasonably accessible to neighborhoods.
5. Preferably, sites should have access to city water, sewer, and electricity, though other options could include rain catchment systems, porta-potties and solar panels.
6. And, finally, the community-at-large must be generally supportive, and willing to consider community garden sites as permanent civic improvements.

Over the last several months, project proponents have been broadly distributing Sitka Community Gardens project concept materials throughout the community, and have received several letters of support from key organizations and official advisory bodies. These letters are included as attachments to this narrative.

Public outreach thus far suggests that there is broad support for establishing a community garden in the Jarvis Street neighborhood. An opinion survey of residents in the Osprey Street area has indicated that there is significant resistance to establishing a garden on unimproved lands adjacent to the Vilandre Ballfield. As a result, proponents have suspended consideration of a garden at that location.

II - Proponent Profiles

Sitka Local Foods Network (SLFN) is a well-established 501(c)(3) nonprofit that was founded in 2008 by Sitka Health Summit participants who saw the need for a new organization that could focus on two initiatives: 1) organizing and managing a Farmers Market, and 2) designing and developing a community greenhouse. The Sitka Farmers Market has been a success now for 15 years, with SLFN preparing to hold yet another season of market events in 2023. A Sitka Community Greenhouse & Education Center business plan was developed by SLFN and presented to the City in 2014 seeking to locate and operate a facility on municipal lands, but the proposal failed to gain approval and the effort languished.

Throughout its history, SLFN has organized numerous projects and offered many programs aimed at enhancing the production and distribution of local foods, including the development of St. Peter's Fellowship Farm, which is a communal cooperative garden (not a community garden, because plot rentals are not provided) located behind St. Peter's by the Sea Episcopal Church on Lincoln Street. This garden is now producing at capacity, and residents are able to purchase vegetables grown there through the Sitka Farmers Market.

The goal of creating one or more community gardens has been a priority of SLFN since the closure of the Blatchley Community Garden site in the fall of 2016. But progress has been slow, with the greatest challenges being location, location, and location.

Transition Sitka (TS) founders began meeting in late 2021 when members of the Sitka Chapter of Citizens Climate Lobby, a local branch of a national organization primarily focused on a national legislative agenda, decided to apply some of their energies toward addressing climate and sustainability issues at the local level in Sitka. TS is loosely aligned with the Transition Town movement which started in a Sitka-sized community in the U.K. in 2005, and has since spread rapidly to communities in countries around the world. The movement is dedicated to working for a low-carbon, socially just future with greater local food security and economic self-reliance.

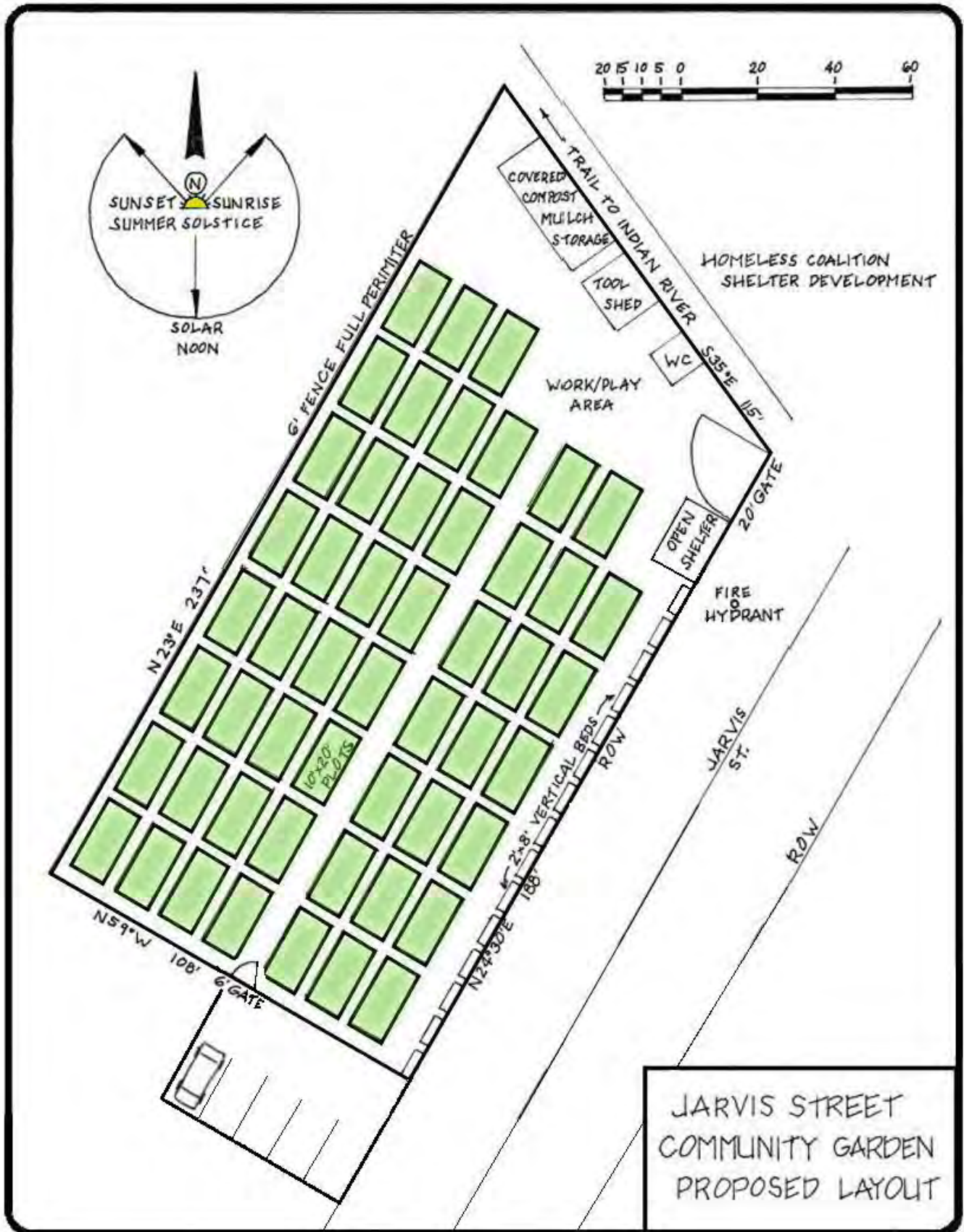
TS has adopted two initial goals: 1) to help Sitka adjust to the coming inevitable shift away from fossil fuel dependency as an energy source, and 2) to increase Sitka's food security. TS was recently granted IRS tax exempt status under Section 501(c)(3).

TS and SLFN are collaborators in the development of this project, and expect to continue working together to promote additional such projects in future.

III – Jarvis Street Site Description

Located at the top end of Jarvis Street uphill from the U.S. Post Office on Sawmill Creek Road, this half-acre site is adjacent to the Homeless Coalition Shelter Cabin development and close to neighborhoods along Indian River, around Jamestown Bay, and in the Crescent Harbor vicinity. It will include 51 standard 10' by 20' plots, 15 standard 2' by 8' vertical garden beds for climbing or tall plantings, one teaching plot, onsite water, and toilet facilities. The garden perimeter will be fenced and gated.





III – Goals and Objectives

The overarching goal of this project is to launch the establishment of a neighborhood community garden in Sitka to help combat food insecurity. Coincidentally but importantly, we expect many other public benefits to derive from the project, including:

- Teaching sustainable gardening practices to youth and novice growers.
- Facilitating connections between neighbors.
- Promoting healthy outdoor activities.
- Encouraging volunteerism and leadership.
- Developing intergenerational and cross-cultural collaborations.
- Building civic pride and community cohesiveness.
- Advancing equity and inclusion.

One major objective is to provide Sitka residents with access to garden spaces at very low cost. The ability to purchase or cultivate fruits and vegetables is not just a health issue; it is also an economic justice issue. The Sitka Health Summit's 2014 Sitka Community Food Assessment Indicator Report will soon be updated with new survey information, but the report's now 10-year-old data suggests that 20% of Sitka households were receiving food assistance of some kind during the last decade. We expect even more troubling numbers to come out of the new survey in this decade.

Despite Sitka residents' current ability to access sources of wild foods to supplement purchased groceries, our food security situation is not as robust as it needs to be, and future prospects are troubling:

- The June 2023 (most recent) Consumer Price Index indicates that the US rate of food price inflation for those who purchase groceries to eat at home is 4.7% year-over-year, with the subcategory for fruit and vegetable products at 3.0% y/y.
- The US Department of Agriculture is forecasting an increase of between 5.0% and 6.6% in overall food costs for 2023, which when combined with the 9.9% price increase in 2022 means that consumers at the end of this year could be paying as much as 16.5% more for the same food purchases compared with 2021.
- The prospects for more global supply chain disruptions caused by fuel price spikes and geopolitical conflict are increasing.
- Shortfalls in US domestic foodstuff production due to drought conditions in key growing regions are becoming more common.
- International trade of essential foods in all categories (cereals, vegetable oils, dairy products, sugar, and meat products) is being threatened by protectionist export controls, procurement restrictions and harsh sanctions.

It is clear that the development of a network of community gardens will not be able to meet all of our community's essential fruit and vegetable needs. But the main objective of this project proposal is to do the best we can, as soon as we can, to grow as much as we can.

IV – Procedures and Work Plan

The garden site identified in this proposal is intended to be a permanent community facility that depends primarily on a cooperative association of active gardeners to contribute both financially and physically to the operation and maintenance of the site and immediate surroundings. Though this association has yet to be established, we will refer to it here for convenience as the Sitka Community Gardens Association, or simply the “Association.”

It is intended for the site to be leased by CBS to SLFN for low or no cost, possibly with competitive bidding requirements waived. The site will be developed according to conditions and stipulations detailed in a lease agreement between the two parties, and will be managed (initially by SLFN and eventually by the Association) according to standards established in a detailed garden operating procedures manual titled Guidelines for Community Gardeners in Sitka. This document will control garden operations. A sample version is attached to this Narrative.

Garden spaces (plots) within the proposed site will be offered to the public for a small rental fee through a seasonal application process. Successful applicants become members of the Association for a one-year term and sign an agreement to abide by the rules and conditions outlined in the Guidelines manual, which includes a requirement for members to perform a certain amount of work (in ‘service hours’) for the benefit of the Association. Membership is not intended to be limited exclusively to individuals. Organizations such as Southeast Alaska Independent Living (SAIL) and the Sitka Tribe’s Kayaaní Commission will be welcome to join.

The developed site is also intended to be a demonstration garden. Association members are expected to welcome non-members who wish to enter, explore, and enjoy the garden. However, to avoid risk of misuse or unauthorized harvesting of produce, the site will be fenced and gated so that non-members cannot generally gain access unless Association members or recognized member partners with gate access privileges are also present onsite. It is expected that Association members will be working on their garden plots or performing service hour obligations regularly during the growing season, so the garden is therefore expected to be open to the public much of that time. Of course, another reason for fences and gates is to keep the deer, bears and other critters out!

SLFN, as parent organization of the Association, will periodically offer or otherwise make available community education workshops for both Association members and the general public, typically using a designated ‘teaching plot’ for hands-on experience.

It is expected that, over time, there will be a cadre of gardeners who have become regular plot renters, and it is from among this group that the Association Steering Committee will emerge to take over most of the gardens’ management responsibilities, relieving SLFN from much of its direct involvement. SLFN will continue to be responsible for ensuring that the terms of the lease agreement are upheld, including the maintenance of liability insurance coverage.

As with any garden development project in this region, site preparation is important. The Jarvis Street site will require significant tree and brush removal, trenching and burying hundreds of feet of drain pipe, erecting hundreds of feet of fencing, and hardening some limited areas with rock fill to accommodate vehicular traffic and small structures. Additionally, utilities available nearby will need to be accessed. Overall, however, improvements necessary for project completion may be considered fairly minor compared to other public amenity development projects like ballfields. Certainly, it is *not* anticipated that there will be any need for deep excavation of overburden or extensive placement of rock and gravel resurfacing.

Project proponents will take on the responsibility of obtaining necessary permits from such entities as the US Army Corps of Engineers. They also expect to engage the services of a geotechnical/hydrological analyst to study the potential impacts of a garden development, and will obtain professional engineering recommendations for surface drainage and storm water runoff management.

A major challenge to project completion will be obtaining suitable soil to fill garden beds. Typically, this challenge is addressed over time when gardeners gradually build the health of their soil with compost, mulch, and various amendments. In recent years, CBS has generously made compost and mulch available to the gardening community for free from materials collected in various ways through public works and other projects. It is hoped that the city will see fit to direct a portion of these materials to this project in order to help overcome the dearth of dirt dilemma. Otherwise, garden soil will be sourced from commercial suppliers.

Sometime in the future, it is hoped that Sitka will launch a community composting project. This will help reduce municipal solid waste disposal costs and should benefit local gardeners by providing them with a good local source of garden bed building materials—an unbeatable two-fer.

Milestones and timelines for completion of this project are difficult to assess at this time for many reasons, not the least of which is the extreme uncertainty as to whether an application for lease of municipal lands for the development of community gardens will garner Planning Commission and Assembly approval. It's hard to plot a firm course, when you don't know if there are reefs over the horizon or open water.

In a perfect world, CBS would have acknowledged the need for establishing a new a community garden after the closure of Blatchley, and would have issued an RFP for the development of one or two half-acre sites of its own choosing. Under such circumstances, it would be reasonable to expect potential developers to provide CBS with detailed timelines and budgets. But such was not the case. The possible trajectory of this project proposal is currently unknown and unknowable, so development details are to some degree unplannable.

Notwithstanding the many uncertainties, it is safe to assume that if the project is approved for the Jarvis Street site as proposed, completion is likely to take at least two years following initial groundbreaking.

Once the Sitka Assembly conditionally approves the project, and City staff have been given the opportunity to develop suitable contract terms for the lease of municipal lands, proponents may finally have a good-enough understanding of the scope of the project to allow for the development of detailed work plans, timelines, and budgets. Until then, attempting to develop estimates may be more misleading than helpful.

V - Evaluation

It is important to provide CBS and the general public with opportunities to evaluate garden performance in comparison to expectations. Evaluations should take place periodically during project development, as well as later during normal operations.

We expect that coordination with the staff of Public Works, Department of Building & Grounds, will be critical to the success of this project in the development stages. It would be useful, therefore, to institute a regular schedule of meetings between staff and developers, as well as a reporting process so that staff findings may be transmitted to city authorities for evaluation.

Gardening is widely viewed as a recreational pursuit, so it seems logical for evaluations to also be conducted periodically by the Department of Parks and Recreation once the garden is in normal operation. We hope and expect that the garden will provide many opportunities for organizing youth gardening groups and other educational offerings, and these kinds of activities align closely with both Parks and Rec's mission and its technical capacity to facilitate the scheduling of recreational and educational outdoor programs.

Periodic inspections of the garden sites and evaluations of operational procedures will help maintain public appreciation for the services provided, and can help in the discovery of ways to improve.

VI - Sources and Uses of Funds

Funding for site preparation and development will come from government grants, as well as from corporations and philanthropic institutions. Support for food security programs is currently a high priority for many government and private funders, and we believe Sitka's current high degree of food insecurity will make this project quite compelling to funding agencies and charitable organizations. Also, the degree of generosity shown by local individuals and businesses within the Sitka community for projects like this which promise to provide multiple benefits never ceases to amaze.

An initial dialogue has already begun between project proponents and Rasmuson Foundation, and we expect that funding may be made available from this organization to cover costs associated with project pre-development such as geotechnical analysis (as required) and site surveys.

As the project moves into development, sources of funds include:

- USDA Micro-Grants for Food Security Program, which distributes funds to State Government agencies like the Alaska Department of Agriculture for redistribution, specifically to projects that promise to increase the quantity and quality of locally grown food through such projects as small-scale gardening.
- USDA Urban Agriculture and Innovation Production Competitive Grants Program, which can award grants from \$50,000 to \$250,000.
- USDA Community Food Projects Competitive Grant Program, which can award grants for projects not to exceed \$125,000 in any single year or \$400,000 over four years.

If grants require some level of non-federal matching, then we anticipate use of the estimated value of the land under lease from CBS to meet at least a portion of the matching requirement.

Once site preparations have been substantially completed, community members will begin to rent garden plots, so income generated from this source will begin to provide revenue for ongoing maintenance and improvements. Because gardeners are required to perform a certain number of service hours per season, labor will also be available for these purposes. Coincidentally, such labor may be characterized as “contributions-in-kind” to the project, which allows a dollar value to be attached to them and that value to be applied toward matching requirements for further grants.

The Juneau Community Garden Association (JSGA) has generously shared with us the outlines of their sources and uses of operating funds. They currently receive plot rental income from about 165 standard 10’ by 20’ plots annually at approximately \$35/plot, plus about 30 small beds for climbing plants at \$5/bed. This income plus the income generated from holding a spring plant sale event, one Mid-Summer Festival, and one Fall Harvest Celebration where garden produce is sold to benefit JCGA has been meeting much of their maintenance and operations budget needs for a number of years.

Although a future “Sitka Community Gardens Association” cannot initially expect to generate the same level of plot rental income as JCGA, we will enjoy similarly low maintenance and operations costs due to the benefits of adopting a similarly efficient cooperative association model, using “service hour” membership labor to accomplish most maintenance and management needs, eliminating the need to hire paid staff.

Attachments

- ✓ Detailed elevation maps of proposed garden sites (digital files only)
- ✓ Sample Guidelines for Community Gardeners Handbook
- ✓ Letters of support

Sitka Community Gardens Proposal

Q&A

Q: Who is organizing this effort?

A: Two tax exempt 501(c)(3) nonprofit groups in collaboration: the long established Sitka Local Foods Network (SLFN), and the recently established Transition Sitka (TS) which was formed in 2022 with help and support from the Sitka Chapter of the non-partisan national advocacy group Citizens Climate Lobby.

Q: What is the main reason for this proposal?

A: Sitka's food security situation is not what it should be. The May 2023 (most recent) US Consumer Price Index indicated that the rate of food price inflation for Americans who purchase groceries to eat at home is 5.8% year-over-year. The risk of food supply chain interruptions in Sitka currently has a low likelihood of occurrence, but a high likelihood of severe impact. Community garden developments will help raise the level of food supply resilience.

Q: Why is this proposal being put forward now?

A: The City and Borough of Sitka (CBS) recently adopted its 5-year Strategic Plan which identified several priority initiatives. Goal 1.5 directs municipal leadership to, "Convene community partners to develop an action plan that will address the challenges of food security." This proposal establishes SLFN and TS as key 'partners' committed to addressing food security. It also puts forward the argument that a key component of any 'action plan' must include planning for the development of a network of community gardens.

Q: Sitka had a community garden behind Blatchley Middle School a few years ago that was closed. What happened?

A: Blatchley Community Garden operated for more than ten years but was closed in the fall of 2016 for several reasons. Probably the biggest single reason was that the garden was not fenced and gated, so issues arose regarding produce pilfering and vagrancy. Contributing to this, the garden was officially a project of the now defunct Sitka Community Schools, an after-school activities program which operated out of an office inside the middle school building. When gardeners had concerns or complaints, they sometimes erroneously assumed that they could raise their issues with the middle school office staff and principal who actually had little connection to the garden's operations. Gradually, minor grievances and misunderstandings led to the conclusion that the garden *as it was organized and operated at that time* was not a good fit for that location.

Q: Is there sufficient interest in community gardening to warrant establishing a network of garden sites?

A: We think so, but until such time as CBS demonstrates some level of commitment to allowing the creation of one or more long-term community gardens in one or more locations around town, it is extremely difficult to accurately determine how many members of the community might be willing to participate as plot renters. Two assumptions, however, can be made with confidence: 1) when the old Blatchley garden was closed it had developed a long waitlist for plot rentals, so we can assume a not insignificant level of continuing interest; and, 2) well-established and efficiently operated community gardens all around the state and all around the country typically have long waitlists. This demonstrates that community gardens, in general, are very popular public amenities wherever they are located.

Q: How much will plot rentals cost?

A: First and foremost, plots are meant to be affordable. The Juneau Community Garden Association, which this proposal is modeled after, has set its standard 10' by 20' plot rental rate for the 2023 gardening season at \$35.

Q: How does the plot rental application process work?

A: New applications must be submitted by all interested gardeners every year by early February. All applications are reviewed and plot assignments awarded according to a process that provides an initial screening designed to favor those applicants demonstrating the greatest need for garden space, while also allowing prior-year gardeners the ability to keep their prior-year plots. Unsuccessful applicants are put on a waitlist and may be awarded space during the season if space should become available.

Q: Do gardeners have other obligations besides just paying a plot rental fee?

A: Yes! Every successful applicant automatically becomes a member of the Sitka Community Gardens Association for the term of one year, which carries with it a requirement for the performance of a modest minimum number of service hours. Association members must fulfill their service hour obligations in order to maintain their membership in good standing. New gardeners may choose to serve by helping with the maintenance of the garden's buildings and other infrastructure, while more experienced gardeners may choose to serve by helping to lead work parties or provide guidance to garden visitors to ensure that acceptable rules of conduct are observed.

Q: What other provisions will there be for making sure that established gardening rules are followed?

A: Initially, oversight will be carried out by either a designated representative of the SLFN Board of Directors or an employee hired by the Board for this purpose. Over time, it is expected that a cadre of more experienced gardeners with consistent Association membership will form an Association Steering Committee to help make sure that gardening rules are followed. And, in addition to these provisions, the terms established in the land lease contract will provide for onsite inspections of garden operations by city officials on an 'as necessary or appropriate' basis.

Q: For half the year, active gardening won't be taking place. What then?

A: Gardeners will be required to put their plots to bed in the fall and leave them in an orderly condition. Non-compliance with this requirement may affect a gardener's future application approval. Onsite water supplies will be turned off by October 31st and only turned on again after the threat of a hard freeze has passed sometime in April.



To whom it may concern:

This letter is to express UAF Cooperative Extension Service Sitka District's support of the conceptual development of a Community Garden in Sitka, as proposed by community member Joel Hanson, representing a collaborative effort of the two local organizations: Sitka Local Foods Network and Transition Sitka.

The community garden project fits with the Extension Service's program goals to increase knowledge and adoption of agriculture and horticulture best practices for northern climates as regards to planting, pest management, harvesting and other major grower concerns. We see potential in the community garden as both an educational site for the community and an equitable way to provide support to growers in the state who do not have current land access to gardening.

Signed,

Jasmine Shaw

UAF Cooperative Extension Service Sitka District

(907) 747-9440

To whom it may concern,

The Sitka Homeless Coalition would like to express our strong support for the proposed development of community gardens by Transition Sitka and Sitka Local Foods Network. One of which will be located near the future site of the Hitx'i Saani (Little Houses) Community.



We want to emphasize the importance of these gardens in addressing food insecurity in our community. As you know, access to healthy and nutritious food is essential for the overall health and wellbeing of our community. Unfortunately, many members of our community, including those experiencing homelessness, struggle with food insecurity and lack of access to fresh produce.

The development of community gardens by these groups will not only provide an opportunity for individuals to grow their own food but also offer a source of healthy produce for those in need. We believe that this project aligns with the goals of our community in promoting sustainable and equitable practices.

There are many additional benefits that can be reaped from the establishment of community gardens. Besides being a source of fresh fruit and vegetables, community gardens also facilitate a sense of community and establish engagement and cooperation that can lead to increased stewardship for the land, enhanced feelings of belonging, and a sense of purpose from working towards a common goal.

Furthermore, it has the potential to foster community engagement and social connections. In light of these benefits, we urge you to approve the lease of land for the development of these community gardens. Thank you for your consideration, and we look forward to the positive impact this project will have on our community.

Sincerely,

Andrew Hinton

Andrew Hinton
Executive Director
Sitka Homeless Coalition



SITKA FIRE DEPARTMENT

CITY AND BOROUGH OF SITKA
A COAST GUARD CITY

209 Lake Street | Sitka, Alaska 99835
www.cityofsitka.com
907-747-3233



May 8, 2023

To Whom it may concern:

The Sitka Local Emergency Planning Committee (LEPC) was informed of a proposal to create a community garden. This proposal was brought to our attention by LEPC member Joel Hanson, who is also the project lead for the community garden in Sitka.

The Sitka LEPC would like to extend its support to this project and believe that this will provide help towards the city's strategic plan for food security. As most know, food security and the reliance on a barge from Seattle twice a week are of concern to the LEPC. This type of project should be encouraged by the whole community.

We wish the Sitka Local Foods Network, Transition Sitka, and Joel Hanson the best of luck in completing this project.

Sincerely,

Craig M. Warren, Fire Chief
Chair, Sitka LEPC

To Whom it May Concern,

The City of Sitka Parks and Recreation Committee would like to voice our support for a community garden. We recognize any garden project using city-owned land will go through a public process when it's reviewed by the Sitka planning & zoning commission. Setting aside the issue of a specific site, we believe the joint proposal by Sitka Local Foods Network and Transition Sitka is in keeping with the mission of this committee and goals set out in the most recent long-term plan for Sitka.

A community garden will benefit Sitkans in a number of ways. Among other things, it improves our food security, fosters outdoor activity and builds community. Since we live in a town where land is expensive and not easily made productive for growing, it makes sense to set aside public space to allow residents to join forces to grow food.

As outlined by the joint proposal, we agree the site selected should meet the following criteria:

1. It is at least a half-acre in size.
2. It has good southerly exposure.
3. The lot is not too steep or irregular.
4. It is reasonably accessible to neighborhoods.
5. It should have (but not necessarily must have) access to city water, sewer, and electricity.
6. The community-at-large must be generally supportive and willing to think of the gardens as permanent public amenities, no different than parks or baseball fields.

With an agreement and contingency safeguards in place the site should be made available through a non-competitive lease to the nonprofit organization for a nominal fee.

Sitka is fortunate to have active non profit organizations that could take charge of maintaining a public garden, so the cost to the municipality will be minimal.

The 29-year-old Juneau Community Garden Association's 2.5-acre community garden in the Mendenhall Valley could be a model for Sitka's.

The current proposal has already received letters of support from the Sitka Homeless Coalition, which leases land in the Jarvis Street area, the Tree and Landscape Committee and the Sitka Tribe.

Sincerely,

Sitka Parks and Recreation Committee



**Sitka
CONSERVATION
SOCIETY**

201 Lincoln Street, Room 4, Sitka, Alaska 99835
(907) 747-7509 | info@sitkawild.org | www.sitkawild.org

Protecting the natural environment
of the Tongass National Forest and
supporting the development of
sustainable communities within
Southeast Alaska

May 16, 2023

To Whom It May Concern:

The Sitka Conservation Society Board of Directors unanimously supports the conceptual development of community gardens in Sitka, after hearing from community member Joel Hanson at our May 15th, 2023 board meeting. The community gardens initiative is a collaborative effort between two Sitka based non-profit organizations – Sitka Local Foods Network and Transition Sitka.

As an organization our mission includes supporting sustainable, thriving communities across the Tongass. An important part of community sustainability involves food security. We recognize that in addition to living within balance with our natural food sources in the Sitka area, we are very dependent on food imported from the Lower 48.

Sustainable thriving communities include residents working collectively to help each other in various ways. Working toward that end, our staff helped create the Sitka Mutual Aid Network Project and worked to organize and deliver food to Sitkans who needed food for a number of reasons during the difficult Covid-19 shelter in place time. Staff also worked with local partners to implement the USDA Summer Food Service Program to provide free lunches for children. Currently, SCS is working with Pacific High School, partnered with Barth Hamburg for design and Andrea Fraga to support the expansion of PHS's greenhouse and gardening program, which supplies the school with some of its own food while empowering students by providing education about gardening and sustainable food for them.

The development of community gardens within Sitka, as proposed by Transition Sitka and the Sitka Local Food Network, is another piece in completing the puzzle of providing food security in Sitka. This project can also benefit the community by facilitating a sense of community cooperation and interpersonal connection between people, an essential component of healthy, sustainable communities. As the project comes to fruition and details are clarified, we look forward to seeing the development of a clear, long-term management plan so that this community asset can be successfully stewarded for years to come. We would also like to acknowledge the planning that has gone into minimizing bear-human interactions and reiterate that the implementation of bear mitigation measures is of the utmost importance for the Board, as we seek to live in balance with the broader environment of the Tongass National Forest that surrounds us.

We are grateful for the planning and dedication that volunteers have put towards making community gardens a reality in Sitka. We believe that the Planning Commission review will address input from the neighborhood and affected property owners, and we are hopeful that this project will move swiftly and smoothly through the permitting process and into a reality.

Regards,

Deb Bruschafer
Board President



Sitka Tribe of Alaska

Tribal Government for Sitka, Alaska

April 5, 2023

To Whom It May Concern,

I write on behalf of the Sitka Tribe of Alaska (STA), tribal government in Sitka, Alaska, with over 4,500 tribal citizens. As a tribal government, STA is responsible for the health, safety, welfare, and cultural preservation of its tribal citizens. STA would like to express its support for the community gardens proposed by Transition Sitka and Sitka Local Foods Network.

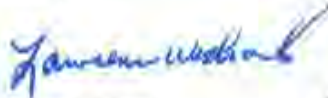
STA has been a strong advocate for the access to and consumption of healthy traditional subsistence foods. While most of the community has access to a variety of subsistence resources, there is still a reliance on agriculturally grown foods. Unfortunately, access to non-indigenous fruits and vegetables is expensive and inconsistent due to shipping produce into Sitka.

Living in a community that is surrounded by state and federal lands limits the amount of land available for residential housing. This land shortfall has led to high-density housing that is not conducive to gardening on a meaningful level.

The proposed gardens would provide residents access to space they normally wouldn't have to grow their own produce. This new space won't solve all of the community's food security issues, but it will increase food resiliency and augment existing subsistence food diets.

If you have any questions regarding this letter of support, contact STA's Resource Protection Director, Jeff Feldpausch, at (907)747-7469 or email jeff.feldpausch@itkatribenon.gov.

Sincerely,



Lawrence Widmark
Council Chair



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

May 2nd, 2023

To Whom It May Concern:

The Sustainability Commission of the City and Borough of Sitka expresses our unanimous support for the conceptual development of Community Gardens in Sitka, as proposed by community member Joel Hanson at our regular April meeting. This is a collaborative effort between two Sitka based non-profit organizations—Sitka Local Foods Network and Transition Sitka.

The concept of a community garden project fits squarely into the commission's intent and goals, as codified by Sitka's General Code 2.15.060.B. Creation of a community garden directly reflects four goals of the commission, including diminution of Sitka's supply-chain fragility, food security enhancement, solid waste consumption, reduction, composting, recycling, and re-use, and robust and healthy local ecosystems and natural communities (SGC 2.15). This project aligns with these goals, as well as the city's five-year strategic plan and the comprehensive plan.

A community garden would have a variety of benefits, including wellness through gardening, provision of locally sourced, healthy foods, and increased food security for Sitka residents. It presents the potential to increase composting through structured programs and designated sites. It also increases equity among Sitka residents by providing land space essential to gardening to renters and apartment dwellers who lack resources and legal right to self-start gardening. Land is the essential resource to provide food to Sitka, and this project cleverly leverages city land resources to provide a plethora of diverse social and environmental benefits.

The Sustainability Commission is a newly formed city commission. In March 2023, our annual priorities were proposed and voted on by commissioners, then approved by the Sitka City Assembly. We acknowledge the value of a community garden and its potential for positive impacts on community members and the environment; further, we recognize the fervor and initiative that this project and its creators embody. The benefits from a community garden, coupled with the clear alignment with city goals led us to our full support for the concept and proposal of Development of Community Gardens in Sitka.

Signed,

Katie Riley

Chair, on behalf of the Sustainability Commission



March 23, 2023

To Whom it May Concern,

As members of the Tree and Landscape Committee, we are writing this letter in support of the Proposal for the Development of community gardens in the City of Sitka. This endeavor is being spearheaded by project lead, Joel Hanson and supported by two local groups, Transition Sitka and Sitka Local Foods Network. The Tree and Landscape Committee (TLC) is a volunteer group dedicated to the beautification of our fine city through rendering hours of free labor enhancing and maintaining the grounds of city properties.

Development of community gardens is an important first step in tackling one of the main challenges facing all of us of living on an island in Alaska—food insecurity. Community gardens can be an essential resource for providing fresh, healthy food for our community.

There are many additional benefits that can be reaped from the establishment of community gardens. Besides being a source of fresh fruit and vegetables, community gardens also facilitate a sense of community and establish engagement and cooperation that can lead to friendships, enhanced feelings of belonging, and a sense of purpose from working towards a common goal.

Community gardens promote healthier lifestyles by encouraging exercise and by offering an opportunity for people to get out of the house and connect with one another. Gardening can reduce stress and result in increased feelings of wellness just from being outdoors and connecting with others.

Community gardens are found in many cities across the country, and as members of the Tree and Landscape Committee, we believe that Sitka would benefit immensely by the establishment of community gardens. We fully support this endeavor.

Sincerely,

Deb Miller, Chair

Joe D'Arienzo

Lisa Moore

Liz McKenzie



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 23-115 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/6/2023 In control: City and Borough Assembly

On agenda: 9/12/2023 Final action:

Title: Authorize the Municipal Administrator to pursue a funding opportunity and advocate to the Department of Energy to expand supervisory control of the electrical system PULLED

Sponsors:

Indexes:

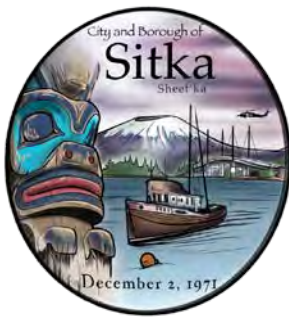
Code sections:

Attachments: [Motion and Memo](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO authorize the Municipal Administrator to pursue a funding opportunity and advocate to the Department of Energy to expand supervisory control of the electrical system.



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator

From: Scott Elder, Electric Utility Director

Date: September 1, 2023

Subject: Grant funding opportunity through NREL for the advancement of renewable energy, grid controls for existing and future community heating systems (interruptible loads), uses, new renewable energy resources, and communications.

Background

This opportunity is through the Department of Energy (DOE) Office of Energy Efficiency and Renewable Energy (EERE) Funding Opportunity Announcement (FOA) Number: DE-FOA-0002573

A previous candidate has withdrawn from the funding opportunity which has afforded the city the possibility of receiving the funding source. The city of Sitka was contacted by NREL to receive these funds as Sitka is an "equivalent" city with needs and ambitions that mirror the original applicant's submission. If the assembly supports pursuing this funding, NREL will petition DOE for the transfer of the grant to the CBS. Upon DOE approval, the matter would be brought to the assembly with for consideration through a resolution.

Analysis

This funding source is in alignment with current efforts to expand supervisory control of the electrical system and allow for remote operation of facilities that currently require on site personnel to manage. The result will be greater efficiency of the system, reduced outage times and financial savings through reduced fuel oil consumption for the municipal facilities including the schools. The expansion of the control system would also provide for renewable generation and utilization expansion.

Fiscal Note

This opportunity has a 33% cost match required by the city. The total federal funds available are \$2.99M. Sitka's portion to attain the full grant value of approximately \$4.4M is about \$1.5M.

Matching funds may be made through in kind contribution and synergies with previously dedicated projects that have not been realized. These funds would come from the electric capital fund, and CPV commercial passenger vessel excise tax.

Future costs would result through owning and maintaining the added infrastructure; however, the fiscal benefits are expected to include a cost reduction through the abandonment of leased communication lines and reduced fuel oil consumption.

Recommendation

Recommend that the City and Borough of Sitka pursue the funding opportunity.

Encl: Enclosure 1
Enclosure 2



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 23-112 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/6/2023 In control: City and Borough Assembly

On agenda: 9/12/2023 Final action:

Title: Decision on whether to allow sales tax free day(s) following the Thanksgiving holiday and set date(s)

Sponsors:

Indexes:

Code sections:

Attachments: [Motion and memo](#)

Date	Ver.	Action By	Action	Result
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Potential Sales Tax Free Days for 2023

Friday, November 24

Saturday, November 25



I MOVE to authorize ____date(s)____ as Sales Tax Free day(s) for 2023 noting the sales tax free day(s) will not be applicable to any sale of fuel, alcoholic beverages, tobacco products, and marijuana, nor affect any sale which is part of a continuing obligation of the buyer to pay the seller over time.

4.09.020 Collection of tax.

A. The tax described in Sections 4.09.010(A) and (D) is imposed on the purchaser and must be collected by the seller and paid to the city and borough of Sitka by the seller as provided in Section 4.09.270. The seller holds all taxes collected in trust for the city and borough of Sitka. The tax must be applied to the sales price.

B. The assembly at their first meeting of September each year shall consider whether to authorize any sales tax free day(s) that have historically followed Thanksgiving. If authorized, the sales tax free day(s) will not be applicable to any sale of fuel, alcoholic beverages, tobacco products, and marijuana, as such are defined in this code, nor affect any sale which is part of a continuing obligation of the buyer to pay the seller over time.

4.09.010 Levy of sales tax.

A. There is levied a consumer's sales tax on sales, rents, and leases made in the city and borough of Sitka. This tax applies to sales, rentals, and leases of tangible personal property; sales of services sold within the city and borough of Sitka; sales of services performed wholly or partially within the city and borough of Sitka when the provision of such services originates or terminates within the city and borough of Sitka; and rentals and leases of real property located within the city and borough of Sitka. Notwithstanding any provision of law, air or sea charter services, provided a person or entity in the business of providing such charter services, are exempt from sales tax by the city and borough of Sitka if the charter does not commence and end within the city and borough of Sitka.

B. The rate of levy of the sales tax levied under subsection A of this section is five percent on sales made during the months of October, November, December, January, February, and March. The rate of levy of the sales tax levied under subsection A of this section is six percent on sales made during the months of April, May, June, July, August, and September.¹

C. A flat rate of ten dollars per fish box shall be levied on the packaged fish and/or seafood caught or taken and retained by fish charter customers as part of the fish charter. This tax shall be paid by the fish charter customer, collected by whoever packages the fish and/or seafood caught or taken by the fish charter customer, and is in addition to any sales tax paid based on the cost of the charter. This tax is effective January 1, 2007. For purposes of this subsection, a "fish box" means any packaging by a fish charter operator or processor of fish and/or seafood caught or taken as part of the charter by a fish charter customer. The sales tax collected from this levy on fish boxes shall be deposited by the finance director in the following funds in the following ratios:

1. Thirty percent in the harbor fund;
2. Thirty percent in a fisheries enhancement fund, available to be used for any fisheries enhancement proposal upon approval of the proposal by the assembly; and
3. Forty percent in the general fund.

D. In place of the consumer's sales tax levied in subsection A of this section, there is levied a consumer's sales tax on sales made in the city and borough of Sitka of marijuana, as "marijuana" is defined in AS 17.38.900(10), and marijuana products, as "marijuana products" is defined in AS 17.38.900(15). The rate of levy of the sales tax under this subsection is six percent on sales made during the first year, starting on January 1, 2023, and eight percent on sales made during the second year and each year thereafter. The sales tax collected under this subsection shall be deposited by the finance director into the student activities fund. Each year during the annual budget process an appropriation from the student activities fund will be made based on projected annual revenue and the funds appropriated will be transferred to the Sitka school district. This funding will be restricted to the support of extracurricular student activities and associated travel costs.

E. Except as provided in subsections C and D of this section, all moneys accumulated under the terms of this chapter shall be deposited by the finance director in the general fund of the city and borough of Sitka and shall be used for the general operating expenses of the city and borough of Sitka in such a proportion as deemed advisable from time to time by the assembly.

4.09.270 Returns—Payment—Authority of city and borough of Sitka.

A. A person who has a tax liability under Section [4.09.010](#) shall file a return on a form or in a format prescribed by the city and borough of Sitka and pay the tax due quarterly. The return shall be filed and the tax paid on or before the last day following the end of the period for which the tax is due. Each person engaged in business in the city and borough of Sitka subject to taxation under Section [4.09.010](#) shall file a return in accordance with the following:

1. Quarterly. Unless as otherwise provided for in this section, sellers shall on or before the last day of the month succeeding the end of each quarter year ending March 31st, June 30th, September 30th, and December 31st, prepare a return for the preceding quarter year. Returns shall be filed personally, with the finance department by 4:45 p.m., placed in the drop box located outside of City Hall, or postmarked on the last day of the month following the end of each quarter year. In the event the last day of the month falls on a legal holiday, Saturday, or Sunday, then the return may be filed on the first business day following.
2. Monthly. If a seller fails to file or is late in filing returns for two of the last four quarters, the finance director may require the seller to submit returns and payment each month.
3. Yearly. If a seller submits within the dates required for the four quarterly returns for a calendar year and the total amount collected and remitted to the city and borough of Sitka is two hundred dollars or less, seller may request in writing to the finance director, to file a sales tax return once a year for the previous calendar year. The yearly sales tax return is due on January 31st of each year. If total sales tax collected and/or remitted to the city and borough of Sitka exceeds two hundred dollars, seller may be required to file quarterly sales tax returns for future sales. If seller fails to file yearly sales tax return by due date, seller may be required to file and remit sales tax quarterly. If the seller fails to file yearly sales tax return and the amount of sales tax collected during the period of the return exceeds five hundred dollars, seller may be required to submit sales tax returns and remit sales tax to the city and borough of Sitka monthly for a minimum of one year.
4. Itinerant Seller. A person doing business within the city and borough of Sitka and liable for an itinerant nonresident business license on less than an annual basis shall file a sales tax return and remit

in full the tax shown as due within twenty-four hours following the expiration of his license, but in any event prior to leaving the city and borough of Sitka.

5. Filing to be Continuous. A person who has filed a sales tax return will be presumed to be making sales in successive quarters unless the person files a return showing termination or sale of their business.

B. For the purposes of the sales tax, a return must be filed by the seller required to collect the tax.

C. Each return must be authenticated by the person filing the return or by the person's agent authorized in writing to file the return.



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator

From: Melissa Haley, Finance Director

Date: September 6, 2023

Subject: FY2024 Sales Tax-Free shopping days

Background

Per SCG 4.09.020, each year the assembly must decide at the first meeting in September whether to authorize sale tax-free days (historically, the two days following Thanksgiving). The sales tax-free sales do not apply to fuel, alcohol, tobacco, or marijuana.

Analysis

A complicating factor is that we are required to inform the Alaska Remote Sellers Sales Tax Commission (ARSSTC) of any sales tax-free days adopted by the Assembly, as we cannot treat remote sellers differently than local vendors. While it is likely that many remote sellers will be unable to implement this within their systems, some may be able to do so, and as software becomes more robust, the likelihood that remote sellers will implement the sales tax-free days increases.

Fiscal Note

Based on analysis of last year's returns, we anticipate that a minimum of \$750,000 in exempt local sales will be made. At this level, the cost in sales tax revenue of two sales-tax free days following the Thanksgiving holiday would be \$37,500. Tracking was improved for the last year's tax free days, which has provided better information to make this estimate.



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 23-116 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 9/6/2023 In control: City and Borough Assembly
On agenda: 9/12/2023 Final action:
Title: Airport Terminal Building Lease with the State of Alaska
Sponsors:
Indexes:
Code sections:
Attachments: [Motion Exec Session](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTIONS

Step 1:

I MOVE to go into executive session to discuss the Sitka Rocky Gutierrez Airport Terminal Building lease with the State of Alaska, the immediate knowledge of which would adversely affect the finances of the municipality, and invite in Finance Director, Melissa Haley and Public Works Director, Ron Vinson.

Step 2:

I MOVE to reconvene as the Assembly in regular session.

*Sitka General Code 2.04.020 Meetings

D. All meetings shall be open to the public except that the following may be discussed in closed executive session:

1. Matters, the immediate knowledge of which would adversely affect the finances of the municipality;
2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
3. Matters which by law, municipal Charter or ordinances are required to be confidential;
4. Communications with the municipal attorney or other legal advisors concerning legal matters affecting the municipality or legal consequences of past, present or future municipal actions.