

seafood waste sludge, solids, or emulsions upon the adjacent shorelines.

a. Monitoring shall provide an accurate identification of the occurrence of these pollutants on the surface of the water or upon the shoreline.

b. Monitoring shall estimate the area(s) of occurrence of these pollutants with a precision of $\pm 25\%$.

4. Schedule

A permittee shall conduct a sea surface and shoreline monitoring program during each year of coverage under the permit.

5. Monitoring Report

A permittee shall submit a brief report of the monitoring survey which describes the methods and results of the survey. The description of the methods shall include at least the name, address and phone number of the surveyor(s), the observational method and equipment used in the survey, and the point(s) of observation. The report of positive observations shall include the date and time of observation, an estimate of the area of scum, sheen, film or foam on the sea surface, and/or the area of sludge, solids, emulsion or scum deposited on the shoreline.

A permittee shall submit the report to EPA and ADEC on or before January 31st of the year following the survey. It is recommended that this report be submitted with the annual report of production and effluent monitoring.

6. Signatory Requirements

A permittee shall ensure that the monitoring report is signed by a principal officer or a duly appointed representative of the permittee.

7. Modification of Monitoring Program

The monitoring program may be modified if EPA and ADEC determine that it is appropriate. A modification may be requested by a permittee. The modified program may include changes in survey (1) stations, (2) times or (3) parameters.

8. Request for a Waiver

A permittee may request a waiver of the sea surface and shoreline monitoring requirements. A request for a waiver must provide a detailed description of the circumstances supporting a waiver of monitoring and a demonstration that the discharge meets the Alaska water quality standard for residues. Individual monitoring days may be waived due to conditions (e.g., weather or sea state) which make this monitoring hazardous to human health and safety.

9. Requirement to Apply for an Individual Permit

EPA, in consultation with ADEC, may require a permittee to apply for an individual NPDES permit if the sea surface and shoreline monitoring program indicates a probable violation of the Alaska water quality standards for residues in marine waters.

VII. Recording and Reporting Requirements

A. Records Contents

All effluent monitoring records shall bear the hand-written signature of the person who prepared them. In addition, all records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the names of the individual(s) who performed the sampling or measurements;
3. the date(s) analyses were performed;
4. the names of the individual(s) who performed the analyses;
5. the analytical techniques or methods used; and
6. the results of such analyses.

B. Retention of Records

A permittee shall retain records of all monitoring information, including but not limited to, all calibration and maintenance records, copies of all reports required by this Permit, a copy of the NPDES Permit, and records of all data used to complete the application for this Permit, for a period of at least five years from the date of the sample, measurement, report or application, or for the term of this Permit, whichever is longer. This period may be extended by request of the Director or ADEC at any time.

C. Twenty-four Hour Notice of Noncompliance Reporting

A permittee shall report the following occurrences of noncompliance by telephone (206-553-1846) within 24 hours from the time a permittee becomes aware of the circumstances:

- a. any discharge(s) to the receiving waters not authorized for coverage under this Permit including, but not limited to, waters described in Part III above or listed in Appendix I below;
- b. any noncompliance that may endanger health or the environment;
- c. any unanticipated bypass that results in or contributes to an exceedance of any effluent limitation in this Permit;
- d. any upset that results in or contributes to an exceedance of any effluent limitation in this Permit; or

e. any violation of a maximum daily discharge limitation for any of the pollutants listed in this Permit.

2. A permittee shall also provide a written submission within five days of the time that a permittee becomes aware of any event required to be reported under subpart 1 above. The written submission shall contain:

- a. a description of the noncompliance and its cause;
- b. the period of noncompliance, including exact dates and times;
- c. the estimated time noncompliance is expected to continue if it has not been corrected; and
- d. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3. The Director may, at his sole discretion, waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance in Seattle, Washington, by telephone, (206) 553-1846.

4. Reports shall be submitted to the addresses in Part VI.B. of this Permit.

D. Other Noncompliance Reporting

A permittee shall report all instances of noncompliance, not required to be reported within 24 hours, with the annual report.

VIII. Compliance Responsibilities

A. Duty to Comply

A permittee shall comply with all conditions of this Permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application. A permittee shall give reasonable advance notice to the Director and ADEC of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions

1. Civil and Administrative Penalties

Sections 309(d) and 309(g) of the Act provide that any person who violates a permit condition implementing CWA § 301, 302, 306, 307, 308, 318, or 405 shall be subject to a civil or administrative penalty, not to exceed \$25,000 per day for each violation.

2. Criminal Penalties

a. Negligent violations. Section 309(c)(1) of the Act provides that any person who negligently violates a permit condition implementing CWA