

agreement mentioned in subpart 2 above.

State Laws

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

M. Reopener Clause

1. This Permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Act, as amended, if the effluent standard, limitation, or requirement so issued or approved:

a. Contains different conditions or is otherwise more stringent than any condition in this Permit; or

b. Controls any pollutant or disposal method not addressed in this Permit.

This Permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

2. This Permit may be reopened to adjust any effluent limitations if future water quality studies, waste load allocation determinations, or changes in water quality standards show the need for different requirements.

X. Definitions and Acronyms

AAC means Alaska Administrative Code.

ADEC means Alaska Department of Environmental Conservation.

ADFG means Alaska Department of Fish and Game.

BMP means best management practices.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility (see Part IV.G.).

CFR means the Code of Federal Regulations.

Cooling water means once-through non-contact cooling water.

CWA means the Clean Water Act.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the *daily discharge* is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other

units of measurement, the *daily discharge* is calculated as the average measurement of the pollutant over the day.

Discharge of a pollutant means any addition of any *pollutant* or combination of pollutants to *waters of the United States* from any *point source*.

Domestic wastes means materials discharged from showers, sinks, safety showers, eye-wash stations, hand-wash stations, fish-cleaning stations, galleys, and laundries.

EPA means the United States Environmental Protection Agency.

Excluded area means an area not authorized as a receiving water covered under this general NPDES permit, as described in Part III.A–D. above and Appendix I below.

Fixed position means to a circular anchorage area of radius equal to one quarter (0.25) nautical mile.

Garbage means all kinds of victual, domestic, and operational waste, excluding fresh fish and part thereof, generated during the normal operation and liable to be disposed of continuously or periodically except dishwater, graywater, and those substances that are defined or listed in other Annexes to MARPOL 73/78.

Graywater means galley, bath and shower wastewater.

Marine sanitation device includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, or any process to treat such sewage.

Maximum means the highest measured discharge or pollutant in a wastestream during the time period of interest.

MLLW means mean lower low water.

mg/l means milligrams per liter.

Mixing zone means the area adjacent to a discharge or activity in the water where a receiving water may not meet all the water quality standards; wastes and water are given an area to mix so that the water quality standards are met at the mixing zone boundaries.

Monthly average means the average of *daily discharges* over a monitoring month, calculated as the sum of all *daily discharges* measured during a monitoring month divided by the number of *daily discharges* measured during that month.

MSD means marine sanitation device.

NMFS means United States National Marine Fisheries Service.

NOI means a "Notice of Intent," that is, an application, to be authorized to discharge under a general NPDES permit.

Pollutant means dredged spoil, solid waste, incinerator residue, filter

backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

Sanitary wastes means human body waste discharged from toilets and urinals.

Seafood means the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

Seafood process waste means the waste fluids, organs, flesh, bones, woody fiber and chitinous shells produced in the conversion of aquatic animals and plants from a raw form to a marketable form.

Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Sewage means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation (see Part IV.H.).

U.S.C. means United States Code.

USFWS means United States Fish and Wildlife Service.

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

Zone of deposit (ZOD) means an area of the bottom in marine or estuarine waters in which the Alaska Department of Environmental Conservation has authorized the deposit of substances in exceedance of the water quality criteria of 18 AAC 70.020(b) and the antidegradation requirement of 18 AAC 70.0101(c).