

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

**Authorization to Discharge under the  
 National Pollutant Discharge Elimination System**

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

Pacific Energy Resources Limited  
 310 K Street Suite 700  
 Anchorage, AK 99501

is authorized to discharge from the Osprey Platform located in the Cook Inlet, in Alaska, at 60° 41' 46" North latitude and 151° 40' 10" West longitude. The following discharges are authorized:

<b>Discharge</b>	<b>Discharge Description</b>
002	Deck Drainage
003	Sanitary Wastes
004	Domestic Wastes
005	Desalination Backwash
007	Boiler Blowdown
008	Fire Control System Test Water
009	Non-contact Cooling Water
012	Excess cement slurry
021	Filter Backwash

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective October 1, 2009.

This permit and the authorization to discharge shall expire at midnight, September 30, 2014.

The permittee shall reapply for a permit reissuance on or before April 3, 2014, 180 days before the expiration date of this permit, if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this 21<sup>st</sup> day of August, 2009.

/s/ Christine Psyk for  
 Michael A. Bussell, Director  
 Office of Water and Watersheds

## Schedule of Submissions

The following is a summary of some of the items the permittee must complete and/or submit to EPA during the term of this permit:

<b>Item</b>	<b>Due Date</b>
1. Discharge Monitoring Reports (DMR)	DMRs are due monthly and must be postmarked on or before the 28 <sup>th</sup> day of the month following the monitoring month. See III.B.
2. Quality Assurance Plan (QAP)	The permittee must provide EPA and ADEC with written notification that the Plan has been developed and implemented by December 31, 2009 (see II.A.). The Plan must be kept on site and made available to EPA and ADEC upon request.
3. Best Management Practices (BMP) Plan	The permittee must provide EPA and ADEC with written notification that the Plan has been developed and implemented by December 31, 2009 (see II.B.). The Plan must be kept on site and made available to EPA and ADEC upon request.
4. NPDES Application Renewal	The application must be submitted at least 180 days before the expiration date of the permit (see V.B.).
5. Twenty-Four Hour Notice of Noncompliance Reporting	The permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances. (See I.B.14. and III.G.)
6. Reports of toxicity testing	For discharge 002, included with the December DMR. For discharge 005, included with the March, June, September and December DMRs (See I.C.10). DMRs for a given month are due the 28 <sup>th</sup> day of the following month. See III.B.
7. Inventories of types and quantities of biocides and chemicals added to non-contact cooling water and desalination unit wastewater.	The inventories are to be submitted by March 1 <sup>st</sup> of the following year (See I.B.6 and I.B.7).

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## **I. Limitations and Monitoring Requirements**

### **A. Discharge Authorization**

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfalls specified herein to Cook Inlet, within the limits and subject to the conditions set forth herein. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

### **B. Effluent Limitations and Monitoring**

1. The permittee must limit and monitor discharges as specified in Table 1, below. All figures represent maximum effluent limits unless otherwise indicated. The permittee must comply with the effluent limits in the tables at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.
2. The permittee must maintain the pH range of all discharges between 6.5 and 8.5 standard units. The permittee must monitor pH in all discharges at least monthly. Results of pH monitoring must be reported on discharge monitoring reports (DMRs) and submitted according to Part III.B of this permit.
3. Unless specifically addressed in Table 1, the permittee must not discharge floating solids, debris, sludge, deposits, foam, scum, or other residues of any kind in amounts causing any of the following conditions:
  - a) Acute or chronic problem levels for fish, shellfish, aquatic life, and wildlife,
  - b) A film, sheen, or discoloration on the surface of the water or adjoining shorelines,
  - c) Leaching of toxic or deleterious substances,
  - d) A sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines,
  - e) Detrimental effects on established water supply treatment levels.
4. The permittee must minimize the discharge of surfactants, dispersants, and detergents except as necessary to comply with the safety requirements of the Occupational Safety and Health administration (OSHA) and the Minerals Management Services (MMS). The discharge of dispersants to surface waters in response to oil or other hazardous waste spills is not authorized by this permit.
5. The permittee must not discharge diesel oil, halogenated phenol compounds, trisodium nitrilotriacetic acid, sodium chromate, or sodium dichromate.
6. The permittee must maintain an inventory of the type and quantity of biocides and chemicals added to non-contact cooling water that is discharged to surface water. Each annual inventory must be assembled for the calendar year and submitted to EPA by March 1<sup>st</sup> of the following calendar year. The annual inventory is only

required for calendar years during which non-contact cooling water is discharged to surface water.

Table 1: Effluent Limits and Monitoring Requirements							
Discharge	Discharge Description	Effluent Parameter	Units	Effluent Limitations		Monitoring Requirements	
				AML	MDL	Sample Frequency	Sample Type
001	Drilling Muds and Cuttings	No discharge					
002	Deck Drainage	Free oil <sup>3</sup>	Visual <sup>1</sup>	No discharge <sup>1</sup>		Daily	Visual <sup>1</sup>
		WET, chronic	TU <sub>c</sub>	Report	Report	Annually	Grab
		Flow	mgd	Report	Report	Monthly	Estimated
003	Sanitary Wastes	BOD	mg/L	30	60	Monthly	Grab
			lbs/day	0.9	1.8	Monthly	Calculated
		TSS	mg/L	30	60	Monthly	Grab
			lbs/day	0.9	1.8	Monthly	Calculated
		Flow	mgd	Report	Report	Monthly	Estimated
		Fecal Coliform Bacteria <sup>3</sup>	colonies/100 mL	137	200	Monthly	Grab
		Enterococci <sup>3</sup>	number per 100 ml	35 <sup>2</sup>	276 <sup>4</sup>	Monthly	Grab
Total Residual Chlorine (TRC) <sup>3</sup>	mg/L	0.8	1.6	Monthly	Grab		
	lbs/day	0.01	0.03	Monthly	Calculated		
004	Domestic Wastes	Floating solids, garbage, or foam	Visual	No discharge		Daily	Visual
		Flow	mgd	Report	Report	Monthly	Estimated
005	Desalination Unit Wastes	Salinity (intake and effluent)	PPT	Report	Report	Monthly	Grab
		Flow	mgd	Report	Report	Monthly	Estimated
		WET, chronic	TU <sub>c</sub>	Report	Report	Quarterly	Grab
		Temperature (intake and effluent)	°C	Report	Report	Monthly	Grab
006	Blowout Preventer Fluid	No discharge					
007	Boiler Blowdown	Flow	mgd	Report	Report	Monthly	Estimated
		Temperature	°C	Report	Report	Monthly	Grab
008	Fire Control System Test Water	Flow	mgd	Report	Report	Monthly	Estimated
009	Non-contact Cooling Water	Flow	mgd	Report	Report	Monthly	Estimated
		Temperature (intake and effluent)	°C	Report	Report	Monthly	Grab

Table 1: Effluent Limits and Monitoring Requirements							
Discharge	Discharge Description	Effluent Parameter	Units	Effluent Limitations		Monitoring Requirements	
				AML	MDL	Sample Frequency	Sample Type
010	Uncontaminated Ballast Water	No discharge					
011	Bilge Water	No discharge					
012	Excess Cement Slurry	Free oil <sup>3</sup>	Visual <sup>1</sup>	No discharge <sup>1</sup>		Daily When Discharging	Visual <sup>1</sup>
		Flow	mgd	Report	Report	Monthly	Estimated
013	Mud, Cuttings, Cement at Seafloor	No discharge					
014	Waterflooding Discharges	No discharge					
015	Produced Water & Solids	No discharge					
016	Completion Fluids	No discharge					
017	Workover Fluids	No discharge					
018	Well Treatment Fluids	No discharge					
019	Test Fluids	No discharge					
021	Filter Backwash	Flow	mgd	Report	Report	Monthly	Estimated
		TRC <sup>3</sup>	µg/L	Report	13	Monthly	Grab
			lb/day	Report	0.011	Monthly	Calculated
		TSS (intake and effluent)	mg/L	Report	Report	Monthly	Grab
		Turbidity (intake and effluent)	NTU	Report	Report	Monthly	Grab

Notes:

- As determined by the presence of a film or sheen upon or a discoloration of the surface of the receiving water (visual sheen) using the static sheen test defined in appendix 1 to 40 CFR part 435, subpart A.
- Average monthly enterococci results must be reported as the geometric mean of the samples. See Section VI. for a definition of the geometric mean.
- Reporting is required within 24 hours of a maximum daily limit violation (see I.B.14.)
- Instantaneous maximum limit.

- The permittee must maintain an inventory of the type and quantity of biocides and chemicals added to desalination unit waste water that is discharged to surface water. Each annual inventory must be assembled for the calendar year and submitted to EPA by March 1<sup>st</sup> of the following calendar year. The annual inventory is only required for calendar years during which desalination unit waste water is discharged to surface water.
- The permittee must separate area drains for washdown and rainfall that may be contaminated with oil and grease from those area drains that would not be contaminated. Deck drainage contaminated with oil and grease must be processed through an oil-water separator prior to discharge. Samples for the deck drainage

that are collected from the oil-water separator effluent must be tested for sheen using the static sheen test defined in appendix 1 to 40 CFR part 435, subpart A.

9. The permittee is not required to conduct monitoring for the facility if it is not staffed. The permittee must provide EPA and ADEC written notification that the facility is no longer staffed prior to terminating monitoring requirements.
10. The permittee must discharge domestic and sanitary wastes below the water surface.
11. If any discharges are commingled, the most stringent effluent limitations for each individual discharge are applied to the resulting discharge. If the individual discharge is not authorized, the commingled discharge is not authorized.
12. The permittee must not discharge in water depths less than 5 m (as measured from mean lower low water).
13. The permittee must not discharge within the boundaries or within 1000 m of a coastal marsh, river delta, river mouth designated Area Meriting Special Attention (AMSA), game refuge, game sanctuary, or critical habitat area. The seaward edge of a coastal marsh is defined as the seaward edge of emergent wetland vegetation.
14. The permittee must report within 24 hours any violation of the maximum daily limits for the following pollutants: Total residual chlorine, fecal coliform bacteria, enterococci, and free oil. Violations of all other effluent limits are to be reported at the time that discharge monitoring reports are submitted (See III.B and III.H.).
15. Minimum Levels. For all effluent monitoring, the permittee must use methods that can achieve a minimum level (ML) less than the effluent limitation. For parameters that do not have effluent limitations, the permittee must use methods that can achieve MLs less than or equal to those specified in Table 2. If there are no effluent limitations and no MLs are specified in Table 2, the permittee may use any method approved by EPA for use with NPDES permits for analysis. These methods are generally listed in 40 CFR Part 136.

<b>Parameter</b>	<b>Units</b>	<b>Maximum ML</b>
Total Suspended Solids	mg/L	4
Turbidity	NTU	0.05

16. For purposes of reporting on the DMR for a single sample, if a value is less than the MDL, the permittee must report “less than {numeric value of the MDL}” and if a value is less than the ML, the permittee must report “less than {numeric value of the ML}.”
17. For purposes of calculating monthly averages, zero may be assigned for values less than the MDL, the {numeric value of the MDL} may be assigned for values between the MDL and the ML. If the average value is less than the MDL, the permittee must report “less than {numeric value of the MDL}” and if the average value is less than the ML, the permittee must report “less than {numeric value of

the ML}.” If a value is equal to or greater than the ML, the permittee must report and use the actual value. The resulting average value must be compared to the compliance level, the ML, in assessing compliance.

### C. Whole Effluent Toxicity Testing Requirements

1. The permittee must conduct tests on grab effluent samples from discharges 002 and 005 with one vertebrate and two invertebrate species, as follows.
  - a) Vertebrate (survival and growth): Topsmelt, *Atherinops affinis*. In the event that topsmelt is not available, inland silverside (*Menidia beryllina*) may be used as a substitute. The permittee must document the substitute species in the next DMR.
  - b) Invertebrate: the permittee must conduct tests with a bivalve species, Pacific Oyster, *Crassostrea gigas*, or mussel, *Mytilus* sp. (larval development test), and an echinoderm, purple sea urchin, *Strongylocentrotus purpuratus*, or sand dollar, *Dendraster excentricus* (fertilization test). Due to seasonal variability, testing may be performed during reliable spawning periods (e.g. December through February for mussels; June through August for oysters).
2. Screening
  - a) For discharge 002, the permittee must conduct all annual tests on all three species listed in I.C.1. The permittee must conduct tests each year during a different quarter than the previous three years' tests.
  - b) For discharge 005, each year, the permittee must rescreen with the three species listed in I.C.1. After screening is completed, the permittee must and continue to monitor quarterly with the most sensitive species. Rescreening must consist of one test conducted with all three species listed in I.C.1 conducted during a different quarter than the previous three years' screenings.
3. The presence of chronic toxicity must be estimated as specified in *USEPA Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, Third Edition (EPA-821-R-02-014). For the bivalve species, chronic toxicity must be estimated as specified in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to West Coast Marine and Estuarine Organisms* (EPA/600/R-95/136).
4. Results must be reported in  $TU_c$ , where  $TU_c = 100/IC_{25}$ . The reported  $IC_{25}$  must be the lowest  $IC_{25}$  calculated for the applicable survival, growth or fertilization endpoints.
5. A series of at least five dilutions and a control must be tested. The series must include 100% effluent.
6. In addition to those quality assurance measures specified in the methodology, the following quality assurance procedures must be followed:
  - a) If organisms are not cultured by the testing laboratory, concurrent testing with reference toxicants must be conducted, unless the test organism supplier provides control chart data from at least the last 5 months of reference

toxicant testing. Where organisms are cultured by the testing laboratory, monthly reference toxicant testing is sufficient.

- b) If either of the reference toxicant tests or the effluent tests do not meet all test acceptability criteria as specified in the test methods manual, then the permittee must re-sample and re-test as soon as possible.
  - c) Control and dilution water should be receiving water, or salinity adjusted lab water. If the dilution water used is different from the culture water, a second control, using culture water must also be used.
7. Trigger for Accelerated Testing: For discharges 002 and 005, the trigger for accelerated testing is 1.0 TUc.
8. Accelerated Testing
- a) If chronic toxicity is detected above the trigger value set forth in Section I.C.7, collection and analysis of one additional sample is required within two weeks of receipt of the test results.
  - b) If chronic toxicity is not detected in the sample required by Section I.C.8.a, the permittee must notify EPA and ADEC in writing of the results within fifteen (15) days of receipt of the results, and must discuss the cause of the exceedance, and the corrective actions that were taken.
  - c) If chronic toxicity is detected in the sample required by Sections I.C.8.a, then the permittee must conduct four bi-weekly tests over an eight week period. Accelerated testing must be initiated within fifteen (15) days of receiving the sample results required by Sections III.A.7.a.
9. Toxicity Reduction Evaluation (TRE) and Toxicity Identification Evaluation (TIE):
- a) If chronic toxicity triggers are exceeded during accelerated testing (I.C.8.c), the permittee must initiate a toxicity reduction evaluation (TRE) in accordance with the *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600/2-88/070) within two weeks of the receipt of the test results showing an exceedance. At a minimum, the TRE must include:
    - (i) Further actions to investigate and identify the cause of toxicity;
    - (ii) Actions the permittee will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity; and
    - (iii) A schedule for these actions.
  - b) If a TRE is initiated prior to completion of the accelerated testing, the accelerated testing schedule may be terminated, or used as necessary in performing the TRE.
  - c) The permittee may initiate a Toxicity Identification Evaluation (TIE) as part of the TRE process. Any TIE must be performed in accordance with EPA guidance manuals, *Toxicity Identification Evaluation; Characterization of Chronically Toxic Effluents, Phase I* (EPA/600/6-91/005F), *Methods for*

*Aquatic Toxicity Identification Evaluations, Phase II: Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity (EPA/600/R-92/080), and Methods for Aquatic Toxicity Identification Evaluations, Phase III: Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity (EPA-600/R-92/081).*

10. Results of toxicity testing must be reported as follows:

- a) For discharge 002, results of toxicity monitoring must be reported on the December DMR.
- b) For discharge 005, results of toxicity monitoring must be reported on the March, June, September, and December DMRs.
- c) A full report must be submitted with the DMR that includes the results. Test results for chronic tests must be reported according to the procedures described in the most recent version of EPA's Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms. The full report must include the following:
  - (i) the toxicity test results;
  - (ii) the dates of sample collection and initiation of each toxicity test
  - (iii) the flow rate at the time of sample collection
  - (iv) the results of the effluent sampling for chemical parameters required for the relevant discharges.

## **II. Special Conditions**

### **A. Quality Assurance Plan (QAP)**

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. The permittee must submit written notice to EPA and ADEC that the Plan has been developed and implemented by December 31, 2010. Any existing QAPs may be modified for compliance with this section.

1. The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur.
2. Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in *Requirements for Quality Assurance Project Plans (EPA/QA/R-5)* and *Guidance for Quality Assurance Project Plans (EPA/QA/G-5)*. The QAP must be prepared in the format that is specified in these documents.
3. At a minimum, the QAP must include the following:
  - a) Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality

assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.

- b) Map(s) indicating the location of each sampling point.
  - c) Qualification and training of personnel.
  - d) Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the permittee.
4. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
  5. Copies of the QAP must be kept on site and made available to EPA and/or ADEC upon request.

## **B. Best Management Practices Plan**

1. The permittee must, during the term of this permit, operate the facility in accordance with its current Best Management Practices (BMP) Plan or in accordance with subsequent amendments to the Plan. The permittee must also amend this Plan to incorporate practices to achieve the objectives and specific requirements listed below. The amended Plan must be implemented as soon as possible but not later than December 31, 2010.
2. Through implementation of the BMP Plan, the permittee must:
  - a) Prevent or minimize the generation and the potential for the release of pollutants from the facility to the waters of the United States through normal operations and ancillary activities; and
  - b) Ensure that methods of pollution prevention, control, and treatment will be applied to all wastes and other substances discharged.
3. The permittee must develop and amend the BMP Plan consistent with the following objectives for the control of pollutants.
  - a) The number and quantity of pollutants and the toxicity of effluent generated, discharged or potentially discharged at the facility must be minimized by the permittee to the extent feasible by managing each waste stream in the most appropriate manner.
  - b) Under the BMP Plan, and any Standard Operating Procedures (SOPs) included in the Plan, the permittee must ensure proper operation and maintenance of the facility.
  - c) The permittee must establish specific objectives for the control of pollutants by conducting the following evaluations.
    - (i) Each facility component or system must be examined for its waste minimization opportunities and its potential for causing a release of significant amounts of pollutants to waters of the United States due to equipment failure, improper operation, and natural phenomena such as

rain or snowfall, etc. The examination must include all normal operations and ancillary activities including loading or unloading operations or spillage or leaks.

- (ii) Where experience indicates a reasonable potential for equipment failure, natural condition (e.g., precipitation), or other circumstances to result in significant amounts of pollutants reaching surface waters, the program should include a prediction of the direction, rate of flow and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.
4. The BMP Plan must be consistent with the objectives listed above and the general guidance contained in the publication entitled *Guidance Manual for Developing Best Management Practices* (BMPs) (EPA 833-B-93-004) or any subsequent revisions to the guidance document. The BMP Plan must:
- a) Be documented in narrative form, must include any necessary plot plans, drawings or maps, and must be developed in accordance with good engineering practices. The BMP Plan must be organized and written with the following structure:
    - (i) Name and location of the facility.
    - (ii) Statement of BMP policy.
    - (iii) Structure, functions, and procedures of the BMP Committee.
    - (iv) Specific management practices and standard operating procedures to achieve the above objectives, including, but not limited to, the following:
      - (a) modification of equipment, facilities, technology, processes, and procedures,
      - (b) reformulation or redesign of products,
      - (c) substitution of materials, and
      - (d) improvement in management, inventory control, materials handling or general operational phases of the facility.
    - (v) Risk identification and assessment.
    - (vi) Reporting of BMP incidents.
    - (vii) Materials compatibility.
    - (viii) Good housekeeping.
    - (ix) Preventative maintenance.
    - (x) Inspections and records.
    - (xi) Security.
    - (xii) Employee training.
  - b) Include the following provisions concerning BMP Plan review:

- (i) Be reviewed by facility engineering staff and the facility manager.
  - (ii) Be reviewed and endorsed by the permittee's BMP Committee.
  - (iii) Include a statement that the above reviews have been completed and that the BMP Plan fulfills the requirements set forth in this permit. The statement shall be certified by the dated signature of each BMP Committee member.
- c) Establish specific best management practices to meet the objectives identified above, addressing each component or system capable of generating or causing a release of significant amounts of pollutants, and identifying specific preventative or remedial measures to be implemented.
- d) Establish specific best management practices or other measures which ensure that the following specific requirements are met:
- (i) Ensure proper management of solid and hazardous waste in accordance with the regulations promulgated under the Resource Conservation and Recovery Act (RCRA). Management practices required under RCRA regulations must be referenced in the BMP Plan.
  - (ii) Reflect requirements for Spill Prevention, Control, and Countermeasure (SPCC) plans under Section 311 of the Act and 40 CFR Part 112 and may incorporate any part of such plans into the BMP Plan by reference.
  - (iii) Reflect requirements for storm water control under Section 402(p) of the Act and the regulations at 40 CFR 122.26 and 122.44, and otherwise eliminate to the extent practicable, contamination of storm water runoff.
  - (iv) Reflect requirements for air emissions under 18 AAC 50.
- e) Include the following specific BMPs:
- (i) Ensure that solids, sludges, or other pollutants removed in the course of treatment or control of water and wastewaters are disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.
  - (ii) Separate used motor oil from deck drainage collection systems.
  - (iii) Minimize wastewater treatment system upsets by the controlled usage of deck washdown detergents.
  - (iv) Reduce oil spillage through the use of good prevention techniques such as drip pans and other handling and collection methods.
  - (v) Segregate deck drainage from oil leaks from pump bearings and seals by directing the leakage to the crude oil processing system.
  - (vi) If oil is used as a spotting fluid, careful attention to the operation of the drilling fluid system could result in the segregation from the main

drilling fluid system of the spotting fluid and contaminated drilling fluid. Once segregated, the contaminated drilling fluid can be disposed of in an environmentally acceptable manner.

- (vii) Substitute standard drill pipe threading compound (pipe dope) with “toxic metals free” pipe dope.
  - (viii) Careful application of standard drill pipe dope to minimize contamination of receiving water and drilling fluids.
  - (ix) Substitute diesel oil with less toxic mineral oil or synthetic-based material in drilling fluid applications.
  - (x) Substitute standard drilling fluid additives with less toxic additives.
  - (xi) Segregate contaminated process area deck drainage and runoff from relatively uncontaminated runoff from areas such as office space, walkways, and living quarters.
  - (xii) Segregate handling, storage and disposal of contaminated drilling waste from less contaminated waste.
  - (xiii) Install roofs and sheds to divert uncontaminated rainfall from areas with a high potential for generating contaminated runoff.
  - (xiv) Segregate existing roof drains from contaminated deck drainage sources.
  - (xv) Careful handling of drilling fluid materials and treatment chemicals to prevent spills.
  - (xvi) Use of local containment devices such as liners, dikes and drip pans where chemicals are being unpackaged and where wastes are being stored and transferred.
  - (xvii) Install treatment devices for deck drainage to reduce or remove pollutants in the discharges (e.g., skim tanks, oil/water separators, sediment tanks/basins, or detention ponds).
- f) The permittee must maintain a copy of the BMP Plan at the facility and must make the plan available to EPA and ADEC upon request.
- g) The permittee must amend the BMP Plan whenever there is a change in the facility or in the operation of the facility which materially increases the generation of pollutants or their release or potential release to the receiving waters. The permittee must also amend the Plan, as appropriate, when facility operations covered by the BMP Plan change. Any such changes to the BMP Plan must be consistent with the objectives and specific requirement listed above. All changes in the BMP Plan must be reported to EPA and ADEC in writing.
- h) At any time, if the BMP Plan proves to be ineffective in achieving the general objective of preventing and minimizing the generation of pollutants and their release and potential release to the receiving waters and/or the specific

requirements above, the permit and/or the BMP Plan must be subject to modification to incorporate revised BMP requirements.

### **III. General Monitoring, Recording and Reporting Requirements**

#### **A. Representative Sampling (Routine and Non-Routine Discharges)**

Samples and measurements must be representative of the volume and nature of the monitored discharge.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee must analyze the additional samples for those parameters limited in Part I.B of this permit that are likely to be affected by the discharge.

The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with paragraph III.C (“Monitoring Procedures”). The permittee must report all additional monitoring in accordance with paragraph III.D (“Additional Monitoring by Permittee”).

#### **B. Reporting of Monitoring Results**

The permittee must summarize monitoring results each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent. The permittee must submit reports monthly, postmarked by the 28<sup>th</sup> day of the following month. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E. of this permit (“Signatory Requirements”). The permittee must submit the legible originals of these documents to the Director, Office of Compliance and Enforcement, with copies to ADEC at the following addresses:

US EPA Region 10  
Attn: ICIS Data Entry Team  
1200 Sixth Avenue  
Suite 900 M/S OCE-133  
Seattle, Washington 98101

Alaska Department of Environmental Conservation (ADEC)  
Attn: Division of Water  
555 Cordova Street  
Anchorage, Alaska 99501

#### **C. Monitoring Procedures**

Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.

**D. Additional Monitoring by Permittee**

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the permittee must include the results of this monitoring in the calculation and reporting of the data submitted in the DMR.

Upon request by EPA, the permittee must submit results of any other sampling, regardless of the test method used.

**E. Records Contents**

Records of monitoring information must include:

1. the date, exact place, and time of sampling or measurements;
2. the name(s) 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.

**F. Retention of Records**

The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or ADEC at any time.

**G. Twenty-four Hour Notice of Noncompliance Reporting**

1. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
  - a) any noncompliance that may endanger health or the environment;
  - b) any unanticipated bypass that exceeds any effluent limitation in the permit (See Part IV.F., “Bypass of Treatment Facilities”);
  - c) any upset that exceeds any effluent limitation in the permit (See Part IV.G., “Upset Conditions”); or
  - d) any violation of a maximum daily discharge limitation for applicable pollutants identified by part I.B.14.

2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must 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 recurrence of the noncompliance.
3. The Director of the Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
4. Reports must be submitted to the addresses in Part III.B (“Reporting of Monitoring Results”).

#### **H. Other Noncompliance Reporting**

The permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part III.B (“Reporting of Monitoring Results”) are submitted. The reports must contain the information listed in Part III.G.2 of this permit (“Twenty-four Hour Notice of Noncompliance Reporting”).

#### **I. Changes in Discharge of Toxic Pollutants**

The permittee must notify the Director of the Office of Water and Watersheds and ADEC as soon as it knows, or has reason to believe:

1. That any activity has occurred or will occur that would result in the discharge, on a **routine or frequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:
  - a) One hundred micrograms per liter (100 ug/l);
  - b) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
  - d) The level established by EPA in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur that would result in any discharge, on a **non-routine or infrequent** basis, of any toxic pollutant that is not limited in the

permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:

- a) Five hundred micrograms per liter (500 ug/l);
  - b) One milligram per liter (1 mg/l) for antimony;
  - c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
  - d) The level established by EPA in accordance with 40 CFR 122.44(f).
3. The permittee must submit the notification to Office of Water and Watersheds at the following address:

US EPA Region 10  
Attn: NPDES Permits Unit Manager  
1200 Sixth Avenue  
Suite 900 M/S OWW-130  
Seattle, Washington 98101

#### **J. Compliance Schedules**

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.

### **IV. Compliance Responsibilities**

#### **A. Duty to Comply**

The permittee must 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.

#### **B. Penalties for Violations of Permit Conditions**

1. **Civil and Administrative Penalties.** Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$37,500 per day for each violation).
2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the

Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$37,500). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$177,500).

3. Criminal Penalties:

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

- d) False Statements. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

### **C. Need To Halt or Reduce Activity not a Defense**

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

### **D. Duty to Mitigate**

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

### **E. Proper Operation and Maintenance**

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

### **F. Bypass of Treatment Facilities**

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.
2. Notice.
  - a) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.

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

### **G. Upset Conditions**

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

**H. Toxic Pollutants**

The permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

**I. Planned Changes**

The permittee must give written notice to the Director of the Office of Water and Watersheds as specified in part III.I.3. and ADEC as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements under Part III.I (“Changes in Discharge of Toxic Substances”).

**J. Anticipated Noncompliance**

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

**V. General Provisions****A. Permit Actions**

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

**B. Duty to Reapply**

If the permittee intends to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. In accordance with 40 CFR 122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Regional Administrator, the permittee must submit a new application at least 180 days before the expiration date of this permit.

**C. Duty to Provide Information**

The permittee must furnish to EPA and ADEC, within the time specified in the request, any information that EPA or ADEC may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to

determine compliance with this permit. The permittee must also furnish to EPA or ADEC, upon request, copies of records required to be kept by this permit.

#### **D. Other Information**

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to EPA or ADEC, it must promptly submit the omitted facts or corrected information in writing.

#### **E. Signatory Requirements**

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

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

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate

the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

#### **F. Availability of Reports**

In accordance with 40 CFR 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the permittee. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

#### **G. Inspection and Entry**

The permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10; ADEC; or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

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

#### **H. Property Rights**

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

**I. Transfers**

This permit is not transferable to any person except after written notice to the Director of the Office of Water and Watersheds as specified in part III.I.3. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

**J. State Laws**

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

**VI. Definitions**

1. "Act" means the Clean Water Act.
2. "ADEC" means Alaska Department of Environmental Conservation.
3. "Administrator" means the Administrator of the EPA, or an authorized representative.
4. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
5. "Ballast water" means harbor or sea water added or removed to maintain the proper ballast floater level and ship draft.
6. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
7. "Bilge water" means water which collects in the lower internal parts of the drilling vessel hull.
8. "Biocide" means any chemical agent used for controlling the growth of or destroying nuisance organisms (e.g., bacteria, algae, and fungi).
9. "Blowout preventer fluid" means fluid used to actuate hydraulic equipment on the blowout preventer.
10. "Boiler blowdown" means the discharge of water and minerals drained from boiler drums.
11. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

12. “Chronic toxic unit” (“TUC”) is a measure of chronic toxicity. TUC is the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period (i.e.,  $100/\text{“NOEC”}$ ).
13. “Completion fluid” means salt solutions, weighted brines, polymers, and various additives used to prevent damage to the wellbore during operations which prepare the drilled well for hydrocarbon production.
14. “Cooling water” means once-through non-contact cooling water.
15. “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.
16. “Deck drainage” means all waste resulting from platform washings, deck washings, spillage, rainwater, and runoff from curbs, gutters, and drains including drip pans and wash areas within facilities subject to this permit.
17. “Desalination unit wastes” means wastewater associated with the process of creating fresh water from sea water.
18. “Diesel oil” means the grade of distillate fuel, as specified in the American Society for Testing and Materials (ASTM) Standard Specifications D975-81, that is typically used as the continuous phase in conventional oil-based drilling fluids, which contains a number of toxic pollutants. For the purpose of this permit, “diesel oil” includes the fuel oil present at the facility.
19. “Director of the Office of Compliance and Enforcement” means the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative.
20. “Director of the Office of Water and Watersheds” means the Director of the Office of Water and Watersheds, EPA Region 10, or an authorized representative.
21. “DMR” means discharge monitoring report.
22. “Domestic wastes” means materials discharged from showers, sinks, safety showers, eye-wash stations, hand-wash stations, fish-cleaning stations, galleys and laundries.
23. “Drill cuttings” means particles generated by drilling into subsurface geological formations and carried to the surface with the drilling fluid.
24. “Drilling fluid” refers to the circulating fluid (mud) used in the rotary drilling of wells to clean and condition the hole and to counterbalance formation pressure. The four classes of drilling fluids are: water-based fluids, oil-based fluids, enhanced mineral oil-based fluids, and synthetic-based fluids.
25. “Enhanced mineral oil,” for the purposes of this permit, means a petroleum distillate which has been highly purified and is distinguished from diesel oil and

conventional mineral oil in having a lower polycyclic aromatic hydrocarbon (PAH) content. Typically, conventional mineral oils have a PAH content on the order of 0.35 weight percent expressed as phenanthrene, whereas enhanced mineral oils typically have a PAH content of 0.001 or lower weight percent PAH expressed as phenanthrene.

26. “Enhanced mineral oil-based drilling fluid” means “drilling fluid” that has an enhanced mineral oil as its continuous phase with water as the dispersed phase.
27. “EPA” means the United States Environmental Protection Agency.
28. “Excess cement slurry” means the excess cement and wastes from equipment washdown after a cementing operation.
29. “Filter Backwash” means wastewater generated when filters are cleaned and maintained.
30. “Fire control system test water” means the water released during the training of personnel in fire protection and the testing and maintenance of fire protection equipment.
31. “Geometric Mean” means the  $n^{\text{th}}$  root of a product of  $n$  factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.
32. “Grab” sample is an individual sample collected over a period of time not exceeding 15 minutes.
33. “Hydrotest water” is filtered sea water, or occasionally fresh water, used to test the integrity of unused produced water lines, or produced water lines which are suspected of leaking or which have recently been repaired.
34. “Inhibition concentration”, IC, is a point estimate of the toxicant concentration that causes a given percent reduction ( $p$ ) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).
35. “Maximum daily discharge limitation” means the highest allowable “daily discharge.”
36. “Method Detection Limit (MDL)” means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.
37. “mgd” means million gallons per day.
38. “mg/L” means milligrams per liter.
39. “Mineral oil” means a class of low volatility petroleum product, generally of lower aromatic hydrocarbon content and lower toxicity than diesel oil.
40. “Minimum Level (ML)” means the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the

lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed.

41. "MSD" means marine sanitation device, and is a sanitary wastewater treatment system specifically designed to meet U.S. Coast Guard requirements.
42. "Muds, cuttings, cement at sea floor" means the materials discharged at the surface of the ocean floor in the early phases of drilling operations, before the well casing is set, and during well abandonment and plugging.
43. "NOEC" means no observed effect concentration. The NOEC is the highest concentration of toxicant (e.g., effluent) to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).
44. "NPDES" means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under sections 307, 402, 318, and 405 of the CWA.
45. "Oil-based drilling fluid" means "drilling fluid" that has diesel oil, mineral oil, or some other oil, but neither a synthetic material nor enhanced mineral oil, as its continuous phase with water as the dispersed phase.
46. "Produced solids" means sands and other solids deposited from produced water which collect in vessels and lines which must be removed to maintain adequate vessel and line capacities.
47. "Produced water" means fluid extracted from a hydrocarbon reserve during development or production, and hydrotest water. The fluid is generally a mixture of oil, water, and natural gas. This may include formation water, injection water, and any chemicals added downhole or during the oil/water separation process.
48. "QA/QC" means quality assurance/quality control.
49. "Regional Administrator" means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
50. "Sanitary wastes" means human body waste discharged from toilets and urinals.
51. "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.
52. "Site" means the single, specific geographical location where a mobile drilling facility (jackup rig, semisubmersible, or arctic mobile rig) conducts its activity, including the area beneath the facility, or to a location of a single gravel island.
53. "Static sheen test" means the standard test procedures in appendix 1 to subpart A of 40 CFR part 435 that have been developed for this industrial subcategory for

the purpose of demonstrating compliance with the requirement of no discharge of free oil.

54. “Synthetic-based drilling fluid” means “drilling fluid” that has a synthetic material as its continuous phase with water as the dispersed phase.
55. “Test fluid” means the discharge which would occur should hydrocarbons be located during exploratory drilling and tested for formation pressure and content. This would consist of fluids sent downhole during testing along with water from the formation.
56. “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.
57. “Water-based drilling fluid” means “drilling fluid” that has water as its continuous phase and the suspending medium for solids, whether or not oil is present.
58. “Waterflooding discharges” means discharges associated with the treatment of sea water prior to its injection into a hydrocarbon-bearing formation to improve the flow of hydrocarbons from production wells, and prior to its use in operating physical/chemical treatment units for sanitary waste. These discharges include strainer and filter backwash water.
59. “Well completion fluids” are salt solutions, weighted brines, polymers and various additives used to prevent damage to the well bore during operations which prepare the drilled well for hydrocarbon production. These fluids move into the formation and return to the surface as a slug with the produced water.
60. “Well treatment fluid” is any fluid used to restore or improve productivity by chemically or physically altering hydrocarbon bearing strata after a well has been drilled.
61. “Workover fluids” are salt solutions, weighted brines, polymers, or other specialty additives used in a producing well to allow for maintenance, repair or abandonment procedures. Drilling fluids used during workover operations are not considered workover fluids by definition. Packer fluids (low solid fluids between the packer, production string, and well casing) are considered to be workover fluids.