

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue, Suite 900
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”,

Yardarm Knots Fisheries, LLC
F/V Westward Wind

is authorized to discharge from a floating seafood processing facility located within 3 nautical miles of the Pribilof Islands in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective *insert date*

This permit and the authorization to discharge shall expire at midnight, *insert date*

Signed this day of 2008

Michael F. Gearheard, Director
Office of Water and Watersheds

A COPY OF THIS PERMIT MUST BE KEPT AT THE FACILITY

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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. See Part III.B. (Reporting of Monitoring Results) for addresses.

Item	Due Date
1. Discharge Monitoring Reports (DMR)	For each month a discharge is authorized (i.e., January through April) DMRs are due <u>monthly</u> and must be submitted by the 20 th day of the month following the monitoring month. Effluent and surface water monitoring should be submitted with the DMR. If a facility does not discharge during the month a DMR must still be submitted and it must indicate that no discharge occurred.
2. Daily log	Daily logs of: (1)the amount of seafood processed, (2) amount and type of final product produced, (3) the amount of seafood waste discharged, and (4) the results of daily monitoring of the dimensions of the seafood processing wastes discharged must be submitted with the <u>monthly</u> DMR report.
3. Sea surface monitoring	Reports are due <u>monthly</u> and must be submitted with the monthly DMR.
4. Shoreline monitoring	Reports are due <u>monthly</u> and must be submitted with the monthly DMR.
5. Biological monitoring	Reports are due <u>monthly</u> and must be submitted with the monthly DMR.
6. Metals Study	The permittee must conduct a metals study and eliminate sources of metals contamination (See II.A). The Study must be submitted to ADEC and EPA within 3 years of the effective date of the permit.
7. Best Management Practices Plan (BMP Plan)	The permittee must provide EPA and ADEC with written notification that the Plan has been developed and implemented within 60 days of the effective date of the final permit (see II.B). The Plan must be kept on site and made available to EPA and the ADEC upon request.
8. Quality Assurance Plan	The permittee must provide EPA and ADEC with written notification that the Plan has been developed and implemented within 30 after the effective date of the final permit (see II.C.). The Plan must be kept on site and made available to EPA and the ADEC upon request.
9. Outfall Inspection	Results of the inspection must be submitted no later than September 1 st of the monitoring year
10. NPDES Application renewal	The application must be submitted at least 180 days before the permit expires.

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I. Limitations and Monitoring Requirements

A. Discharge Authorization

1. During the effective period of this permit, the permittee is authorized to discharge pollutants from outfalls 001, 002, and the emergency fire system specified herein to waters within 3 nautical miles of the Pribilof Islands except for the specific areas and times described in I.A.2. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application.

The discharges are authorized from **January 1st through April 30th** each year and are subject to the limits and the conditions set forth herein.

2. Discharge is prohibited in the following areas:

- a) Within 3 nautical miles of Walrus Island,
- b) Within one-half nautical mile of Sea Lion Rock and Northeast Point on St. Paul Island,
- c) Within one-half nautical mile of Dalnoi Point and South Rookery on St. George Island,
- d) Within one-half nautical mile of the Alaska Maritime National Wildlife Refuge, Bering Sea Unit.

B. Authorized Discharges

1. This permit authorizes the discharge of the following wastewaters from the specified outfalls to waters within 3 nautical miles of the Pribilof Islands, subject to the limitations and conditions set forth herein:

- a) Outfall 001 – crab butchering waste resulting from the processing of raw crab (including the waste fluids, chitinous shells, produced by the conversion of crab (all species) from a raw form to a marketable form), utcher/washdown water, chiller, brine freezer, chlorinated process water, ambient tank water, glaze tank water.
- b) Outfall 002 – refrigerator condenser water.

- c) Emergency fire system water (used only in emergency, discharge is off of deck).

C. Prohibited Discharges

1. Discharge from a severed, failed or leaking outfall **is prohibited**. Severed, failed or leaking outfalls must be reported to EPA and ADEC in accordance with Part III.G (Twenty-four hour notice of noncompliance reporting) of this permit.
2. Discharge of any equipment or incidental items (e.g. gloves, earplugs, rubber bands, etc.) **is prohibited**.
3. The discharge of any wastewaters that contain floating solids, debris, sludge, deposits, foam, scum, or other residues which cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines; or cause 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 **is prohibited**, except for incidental foam and scum produced by discharge of seafood catch transfer water. Incidental foam from the discharge of seafood catch transfer water must be minimized to the extent practicable as described in the Best Management Practices plan of Part II.B.

NOTE: ADEC is considering allowing a mixing zone for solids within the water column. If ADEC allows a mixing zone, the language would be revised to the following:

The discharge of any wastewaters that contain floating solids, debris, sludge, deposits, foam, scum, or other residues which cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines; or cause a sludge, solid or emulsion to be deposited beneath or upon the surface of the water, on the bottom, or upon adjoining shorelines **is prohibited**, except for incidental foam and scum produced by discharge of seafood catch transfer water. Incidental foam from the discharge of seafood catch transfer water must be minimized to the extent practicable as described in the Best Management Practices plan of Part II.B.

4. Discharges of oil and grease that cause a film, sheen or discoloration on the water **are prohibited**.

D. Effluent Limitations and Monitoring for Outfall 001

Beginning on the effective date of this permit the permittee must limit and monitor the discharges from Outfall 001 as specified below:

1. Discharge through Outfall 001 must be a minimum of 3 feet below the sea surface.
2. Discharge through Outfall 001 must not occur more than 7 days in a row at any one location. After 7 days the vessel must discharge at a location at least ½ mile from the existing location.
3. All seafood processing wastes in floor drains must be routed through a waste conveyance system and waste treatment system prior to discharge through Outfall 001.
4. Discharge from Outfall 001 may occur from January 1st through April 30th each year and must be limited and monitored as specified in Table 1, below.
 - a) Samples must be taken when crab is being processed, and must be collected from the main discharge pipe (i.e., samples must not be taken from small pipes off the main discharge pipe).
 - b) There must be a minimum of 24-hours between each sample collection.
 - c) The sampling methodology for metals must meet the method detection limits specified in Table 2.

TABLE 1: Outfall 001)

Crab Processing Effluent Limitations and Monitoring Requirements						
Parameter	Average Monthly Limit	Maximum Daily Limit	Instantaneous Maximum Limit	Range	Sample Frequency	Sample Type
Flow	N/A	0.312 mgd	N/A	N/A	Continuous	Recording
Allowable size, in any dimension, of seafood processing waste^{1,2}	N/A	N/A	0.5 inches	N/A	Once per day	Grab
Volume of crab waste²	N/A	38,000 lbs/day	N/A	N/A	Daily	Report
Total Residual Chlorine^{1,3}	6.2 µg/L 0.02 lbs/day	12.4 µg/L 0.03 lbs/day	N/A	N/A	4/calendar month	Grab
Total Ammonia¹	4.7 mg/L 12.2 lbs/day	9.3 mg/L 24.2 lbs/day	N/A	N/A	4/calendar month	Grab
pH	N/A	N/A	N/A	6.5 - 8.5	4/calendar month	Grab
Oil and grease	N/A	N/A	N/A	N/A	5/crab season	Grab
BOD₅	N/A	N/A	N/A	N/A	5/crab season	Grab
TSS	N/A	N/A	N/A	N/A	5/crab season	Grab
Arsenic, total recoverable	N/A	N/A	N/A	N/A	5/crab season	Grab
Cadmium, total recoverable	N/A	N/A	N/A	N/A	5/crab season	Grab
Copper, total recoverable	N/A	N/A	N/A	N/A	5/crab season	Grab
Lead, total recoverable	N/A	N/A	N/A	N/A	5/crab season	Grab
Mercury, total	N/A	N/A	N/A	N/A	5/crab season	Grab
Nickel, total recoverable	N/A	N/A	N/A	N/A	5/crab season	Grab
Selenium, total recoverable	NA	NA	NA	NA	5/crab season	Grab
Silver, total recoverable	N/A	N/A	N/A	N/A	5/crab season	Grab
Zinc, total recoverable	N/A	N/A	N/A	N/A	5/crab season	Grab

1. Reporting is required within 24 hours of a maximum daily limit or instantaneous maximum limit violation. See Part III. G. (Twenty-four hour notice of non-compliance reporting).

2. See Part I.E.5 for reporting requirements for this parameter.

3. The average monthly and maximum daily limits for chlorine are not quantifiable using EPA approved test methods. The discharge will be in compliance with the effluent limits for chlorine provided the average monthly, and maximum daily chlorine residual concentrations are at or below the compliance evaluation level of 100 µg/L; and the mass based effluent limits for chlorine are at or below the compliance evaluation level of 0.3 lbs/day.

TABLE 2: Method Detection Limits for Metals

Parameter	Method Detection Limit
Arsenic	1.4 µg/L
Cadmium	0.5 µg/L
Copper	0.5 µg/L
Lead	0.6 µg/L
Mercury	0.005 µg/L
Nickel	0.5 µg/L
Selenium	7.9 µg/L
Silver	0.1 µg/L
Zinc	1.8 µg/L

5. Compliance dates for Ammonia and Total residual chlorine
 - a. Compliance dates: The permittee must comply with the effluent limitations for Ammonia and total residual chlorine established in Part I.D.4., Table 1 no later than February 1, 2011.

- b. The permittee must submit an Annual Report of Progress which outlines the progress made towards reaching the compliance date for the ammonia and total residual chlorine effluent limitations. The annual Report of Progress must be submitted by February 1st of each year. See also Part III.I., “Compliance Schedules”. At a minimum, the annual report must include:
 - (i) A report on progress made towards meeting the effluent limitations.
 - (ii) Further actions and milestones targeted for the upcoming year.

6. The permittee must maintain a daily log which must be submitted with the monthly DMR report. The log must include the following information:

- a) The amount of raw seafood processed each day (in pounds),
- b) The amount and type of final product produced each day (in pounds),
- c) The amount of seafood waste discharged each day (in pounds) from Outfall 001, and the times that discharge occurred,
- d) The results of the monitoring of seafood processing waste size required for Outfall 001. The log must include the maximum size of the seafood waste observed, and date and time the monitoring occurred.

E. Monitoring Requirements for Outfall 002

Beginning on the effective date of this permit, the permittee must monitor the discharges from Outfall 002 as specified in Table 3 below:

TABLE 3: Outfall 002: Monitoring Requirements

Parameter	Units	Sample Frequency	Sample Type
Flow	mgd	Continuous	Recording
Total Ammonia	mg/L	5/ crab season	Grab
pH	standard units	5/ crab season	Grab

F. Influent Monitoring Requirements

Beginning on the effective date of the permit the influent water used to process crab must be monitored as described in Table 4. Analytical methods must achieve the method detection limit specified in Table 4.

Table 4. Monitoring Requirements for influent water

Parameter	Units	Sample Frequency	Sample Type	Method Detection Limit
Flow	mgd	Continuous	Recording	N/A
Arsenic, total recoverable	µg/L	5/crab season	Grab	1.4
Copper, total recoverable	µg/L	5/crab season	Grab	0.5
Cadmium, total recoverable	µg/L	5/crab season	Grab	0.5
Lead, total recoverable	µg/L	5/crab season	Grab	0.6
Mercury, total	µg/L	5/crab season	Grab	0.005
Nickel, total recoverable	µg/L	5/crab season	Grab	0.5
Selenium, total recoverable	µg/L	5/crab season	Grab	7.9
Silver, total recoverable	µg/L	5/crab season	Grab	0.1
Zinc, total recoverable	µg/L	5/crab season	Grab	1.8

G. Waste Conveyor, Grinders, and Outfall Surveys

1. The inspections and reporting requirements listed in Table 5 must be conducted:

TABLE 5: System Inspections

System	Description	Frequency	Reporting Requirement
Waste Conveyor	A visual inspection of the waste conveyance and waste treatment system must be conducted. The inspection must include a close observation of the sump and other places of waste collection for the removal of gloves, earplugs, rubber bands, or other equipment used during the processing of seafood that may inadvertently be entrained in the wastewater.	Daily when seafood processing occurs	A daily log of this inspection must be maintained on site, and submitted with the monthly discharge monitoring report (DMR). The log must indicate whether or not equipment was found, and the type and quantity of equipment found.
Grinder	The grinder system must be inspected during the processing season to confirm that the grinder(s) is (are): (1) operating, and (2) reducing the size of the seafood residues to one-half inch or smaller in any dimension. This will require inspecting the size of the ground residues reduced in grinding.	Daily when seafood processing occurs	A daily log of this inspection must be maintained on site, and submitted with the monthly discharge monitoring report (DMR). The log must include date and time of inspection, name of inspector, and confirm that the seafood residues are one-half inch or less in all dimensions.
Outfall 001	The outfall line must be inspected. The inspection must confirm that the outfall line is structurally sound.	Every year	Results of the inspection must be submitted no later than September 1st of the monitoring year.

H. Sea Surface, Shoreline, and Biological Monitoring

The surveys and reporting requirements in Table 6 must be conducted:

TABLE 6: The following surveys must be conducted

Survey Type	Description	Frequency	Reporting Requirements
Sea surface	See Part 1, below.	Daily when processing or discharging occurs	Submit Report with the monthly discharge monitoring report (DMR)
Shoreline and adjoining harbor	See Part 1, below.	Daily when processing or discharging occurs	Submit Report with the monthly discharge monitoring report (DMR)
Biological	See Part 2, below	Daily when discharging	Submit Report with the monthly discharge monitoring report (DMR)

1. Sea surface and shoreline monitoring requirements

- a) Purpose. Monitoring the sea surface and shoreline will provide daily assessments to determine compliance with the Part I.C.3 and 4.
- b) Location. Sea surface monitoring must include the area in and near Outfall 001. Shoreline monitoring must include the shoreline areas adjacent to and within 300 feet of Outfall 001), if applicable.
- c) Schedule. The sea surface and shoreline monitoring program must occur every day the facility is processing and/or discharging seafood, and must occur whenever seafood is being transferred from a fishing boat to the facility.
- d) Requirements. A daily log of sea surface and shoreline monitoring must be maintained by the facility. The log shall record the following information:
 - (1) Day and time for which observations were made,
 - (2) For each day of observation, the daily incidence of occurrence and estimate of any areal extent of contiguous films, sheens or mats of foam, or solids; or oil and grease that cause a film, sheen or discoloration on the water.
- e) Monitoring report. The permittee must submit a report of the monitoring surveys which describes the methods and results of the surveys. The description must include the name, address and phone number of the surveyor(s), the observational method and equipment used in the survey, date and time of measurements, the point(s) of observation, and results of the survey. The report must include the daily logs.
- f) Reporting requirements. The permittee must submit the report to ADEC and EPA with its monthly discharge monitoring report.

g) Signatory requirements. The permittee must ensure that the monitoring report is signed by a principal officer or a duly appointed representative of the permittee pursuant to Part V.E, below.

h) The permittee shall report noncompliance with the permit limit for residues (see Part I.C.3) to EPA by telephone (206-553-1846) and to ADEC (907-269-6285) within 24 hours from the time a permittee becomes aware any such violation pursuant to Part III.G., below.

2. Biological Monitoring Program

a) Purpose. The biological monitoring program is to gather specific information on whether, and to what extent, marine mammals and/or seabirds interact with the discharge from the outfall, and whether and to what extent the mammals and/or seabirds are affected by the interaction with the discharge from the outfall. This program may be conducted in conjunction with the sea surface and shoreline monitoring requirements.

b) Schedule. Observations must occur daily when the facility is discharging.

c) Qualifications. This program must be conducted by someone experienced in bird and marine mammal surveys, trained in species identification, and skilled at field observations and data collection and report writing.

d) Requirements. A daily log of biological monitoring must be maintained and contain the following:

(1) Identify and estimate of the number of marine mammals and/or seabirds in the vicinity of the discharge. Identify and estimate of the number of marine mammals and/or seabirds interacting with the discharge from the outfall, or with floating wastes on the receiving waters or shoreline.

(2) Determine if birds/mammals are feeding on waste from discharge. Determine if wastes are getting in feathers or fur.

(3) Determine if interaction with the plume from the outfall causes seabirds or marine mammals to accumulate oils on their feathers or fur.

(4) Determine if there are any noticeable effects on birds/mammals from feeding on wastes.

(5) Determine if the discharge is attracting gulls or other birds not usually found in the Pribilof Islands (identify and count number of birds and mammals attracted to discharge).

(6) Identify and record marine mammals and/or seabirds behavior when they interact with the discharge from the outfall and/or floating wastes on the receiving waters or shoreline.

(7) Identify day, weather and sea conditions, time and length of observation and other pertinent information occurring during observations.

(8) Include observations, and record incidents, of injured or dead birds and/or marine mammals in the survey area around the facility, the adjacent shore, and the adjacent receiving water. Monitoring must also include recording the numbers of injured or dead Steller's eiders and their probable cause of their injury or death, including collisions with facility structures (e.g., buildings, lights, poles, power lines, guy wires, vessels, docks and towers). Dead eiders shall be recovered and kept frozen until they can be transferred to the U.S. Fish and Wildlife Service according to the dead and injured eider handling protocol. Any collisions, or suspected collisions between Steller's eiders and processing facilities shall be immediately reported to U.S. Fish and Wildlife Service Anchorage Field Office (1-800-272-4147).

e) Monitoring report. The permittee must submit a report of the monitoring survey which describes the methods and results of the surveys. The description of the methods shall include the name, address and phone number of the surveyor(s), the observational method and equipment used in the survey, the date and times of observations, the point(s) of observation, and the results of the observations. The report must include the daily logs.

f) Signatory requirements. The permittee must ensure that the monitoring report is signed by a principal officer or a duly appointed representative of the permittee pursuant to Part V.E, below.

g) Reporting Requirements. The permittee must submit the report to EPA with its monthly discharge monitoring report.

I. Surface Water Monitoring

Water samples must be taken at each of the following locations in the surface water:

- (1) Within the effluent plume of Outfall 001 in the receiving water, and
- (2) At a surface water location outside of the influence of the plume from Outfall 001.

Samples must be monitored for the parameters in Table 7. Receiving water samples must be collected when the facility is processing and discharging seafood waste at peak flow. Monitoring results should be submitted on the appropriate Discharge Monitoring Report.

Table 7. Surface Water Monitoring Requirements from discharge plume

Parameter	Units	Sample Frequency	Sample Type	Method Detection Limit
Flow	mgd	Continuous	Recording	N/A
BOD ₅	mg/L	1/crab season	Grab	N/A
TSS	mg/L	1/crab season	Grab	N/A
Salinity	g/kg	1/crab season	Grab	N/A
Total Residual Chlorine	mg/L	1/crab season	Grab	N/A
Total Ammonia	mg/L	1/crab season	Grab	N/A
Oil and grease	mg/L	1/crab season	Grab	N/A
Temperature	° C	1/crab season	Grab	N/A
pH	standard units	1/crab season	Grab	N/A
Arsenic, total recoverable	µg/L	1/crab season	Grab	1.4
Copper, total recoverable	µg/L	1/crab season	Grab	0.5
Cadmium, total recoverable	µg/L	1/crab season	Grab	0.5
Lead, total recoverable	µg/L	1/crab season	Grab	0.6
Mercury, total	µg/L	1/crab season	Grab	0.005
Nickel, total recoverable	µg/L	1/crab season	Grab	0.5
Selenium, total recoverable	µg/L	1/crab season	Grab	7.9
Silver, total recoverable	µg/L	1/crab season	Grab	0.1
Zinc, total recoverable	µg/L	1/crab season	Grab	1.8

II. Special Conditions

A. Metals Study

1. A metals study must be conducted for any effluent sample from Outfall 001 with a sample result greater than the following concentrations:

Parameter	Concentration in µg/L
Arsenic	36
Cadmium	8.8
Copper	3.1
Mercury	0.051
Nickel	8.2
Lead	8.1
Selenium	71
Silver	1.9
Zinc	81

2. The study must determine the source(s) of the metal contamination, and if the metal is not attributable to raw seafood or uncontaminated intake sea water the permittee must identify and implement the steps it will take to eliminate the source of contamination no later than 4 years from the effective date of the permit. Results of the study must be submitted to ADEC and EPA within 3 years of the effective date of the permit.

B. Best Management Practices Plan

1. The permittee must develop and implement a Best Management Practices (BMP) Plan. The BMP Plan must be kept on-site and made available to EPA or ADEC upon request. All offices of the permittee which are required to maintain a copy of this Permit must also maintain a copy of the BMP Plan and make it available to EPA and ADEC inspectors upon request.

2. Submittal requirements. A letter certifying the BMP Plan has been developed, meets the requirements in this part, and has been implemented must be submitted within 60 days of the effective date of the permit.

3. Purpose. Through implementation of a BMP Plan the permittee must prevent or minimize the generation and discharge of wastes and pollutants from the facility to the waters of the United States. Pollution should be prevented or reduced at the source. Potential pollutants should be recycled in an environmentally safe manner whenever feasible. The discharge of pollutants into the environment should be conducted in such a way as to have a minimal environmental impact.

a) The number and quantity of pollutants and the toxicity of the effluents that are generated, discharged or potentially discharged from the facility must be minimized by a permittee to the extent feasible by controlling each discharge or potential pollutant release in the most appropriate manner.

b) Evaluations for the control of discharges and potential releases of pollutants must include the following.

(1) Each facility component or system must be examined for its pollutant minimization opportunities and its potential for causing a release of significant amounts of pollutants to receiving waters due to the failure or improper operation of equipment. The examination must include all normal operations, including raw material and product storage areas, in-plant conveyance of product, processing and product handling areas, loading or unloading operations, wastewater treatment areas, sludge and waste disposal areas, and refueling areas.

(2) Equipment must be examined for potential failure and any resulting release of pollutants to receiving waters. Provision must be made for emergency measures to be taken in such an event.

c) Under the BMP plan and any Standard Operating Procedures (SOPs) included in the plan, the permittee must ensure the proper operation and maintenance of the facility and the control of the discharge or potential release of pollutants to the receiving water.

4. Requirements. The BMP Plan must include the following:

a) The BMP Plan must be consistent with EPA's "Guidance Manual for Developing Best Management Practices," October 1993 (or any subsequent revision).

b) The BMP Plan must 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 include the information listed below:

(1) Statement of BMP policy;

(2) Name and a detailed map of the physical location of the facility, the outfall locations, distance of the outfall location from shore, and the general features in the immediate vicinity of the outfall (e.g., other outfalls, docks, etc);

(3) Materials accounting of the inputs, processes and outputs of the facility, including a process flow diagram.

(4) Risk identification and assessment of pollutant discharges, including:

- Characterize actual, and potential, pollutant sources that might be subject to release. This must include chlorine, other disinfectants used, and all other products used at the facility
- Evaluate potential pollutants based on the hazards they present to human health and the environment.
- Identify pathways through which pollutants identified at the site might reach environmental and human receptors.
- Prioritize potential releases.

(5) Specific management practices and standard operating procedures to achieve the above objectives, including, but not limited to:

- The modification of equipment, facilities, technology, processes and procedures;
- The improvement in management, inventory control, materials handling or general operational phases of the facility;
- To reduce or eliminate any discharge of wastes that have the potential to collect and foul set or drift nets used in subsistence or commercial fisheries in nearby traditional use areas;
- Minimization plans for chlorine, other disinfectants, and other products used at the facility.

(6) Good housekeeping – this section must identify the good housekeeping measures that will be used and the schedule for each measure.

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(7) Preventative maintenance – this section must include a list of all equipment and systems and the maintenance schedule for each.

(8) Inspections and records – this section must include a schedule of all inspections that will occur.

(9) Employee training – an employee training program must be developed to ensure that all employees understand the BMP Plan.

5. BMP Plan Modification – The BMP Plan must be amended when:

a) there is a change in the facility or in the operation of the facility which materially increases the generation of pollutants and their release or potential release to the receiving waters;

b) the facility operations covered by the BMP Plan change;

c) the BMP Plan proves to be ineffective in achieving the general objective of preventing and minimizing the generation of pollutants and their release.

6. Signatory requirements. The permittee shall ensure that the monitoring report is signed by a principal officer or a duly appointed representative of the permittee pursuant to Provision V.E., below.

C. 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 the Alaska Department of Environmental Conservation that the Plan has been developed and implemented within 30 days of the effective date of this permit. 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 is responsible for reviewing and updating the QAP to ensure all material is current and applicable.
 5. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
 6. Copies of the QAP must be kept on site and made available to EPA and the Alaska Department of Environmental Conservation upon request.

III. 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, by the 20th 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 the Alaska Department of Environmental Conservation at the following addresses:

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

Alaska Department of Environmental Conservation
Attention: Water Quality Division
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 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 V.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 or instantaneous maximum discharge limitation for applicable pollutants identified by Table.
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. 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

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 \$32,500 per day for each violation).

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 \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$32,500). 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

\$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$157,500).

Criminal Penalties:

1. **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.
2. **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.
3. **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.
4. **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 and/or ADEC may take enforcement action against the permittee for a bypass, unless:

(1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) 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

(3) 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 IV.I.3., and the Alaska Department of Environmental Conservation as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this permit.

3. Written notice must be sent to:

U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 600, OWW - 130
Seattle, Washington 98101
ATTN: NPDES Permits Unit Manager

Alaska Department of Environmental Conservation
Division of Water
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, Alaska 99501

J. Anticipated Noncompliance

The permittee must give written advance notice to the Director of the Office of Compliance and Enforcement and the Alaska Department of Environmental Conservation 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

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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 the Alaska Department of Environmental Conservation, within the time specified in the request, any information that EPA or the Alaska Department of Environmental Conservation 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 the Alaska Department of Environmental Conservation, 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 the Alaska Department of Environmental Conservation, it must promptly submit the omitted facts or corrected information in writing.

E. Signatory Requirements

All applications, reports or information submitted to EPA and the Alaska Department of Environmental Conservation 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 the Alaska Department of Environmental Conservation must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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- 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 the Alaska Department of Environmental Conservation.
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 the Alaska Department of Environmental Conservation 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 ADEC and 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

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The permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10; the Alaska Department of Environmental Conservation; 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 ADEC and the Director of the Office of Water and Watersheds as specified in part IV.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 the Alaska Department of Environmental Conservation.
3. “Administrator” means the Administrator of the EPA, or an authorized representative.
4. “Average monthly discharge limitation” or “average monthly limit” 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. “Average weekly discharge limitation” or “average weekly limit” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
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. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.
8. “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.
9. “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.
10. “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.
11. “DMR” means discharge monitoring report.
12. “EPA” means the United States Environmental Protection Agency.
13. “Grab” sample is an individual sample collected over a period of time not exceeding 15 minutes.

14. “MSD” means marine sanitation device.

15. “Maximum daily discharge limitation” means the highest allowable “daily discharge.”

16. “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.

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

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

19. “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.

20. “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.

Appendix A: List of Figures

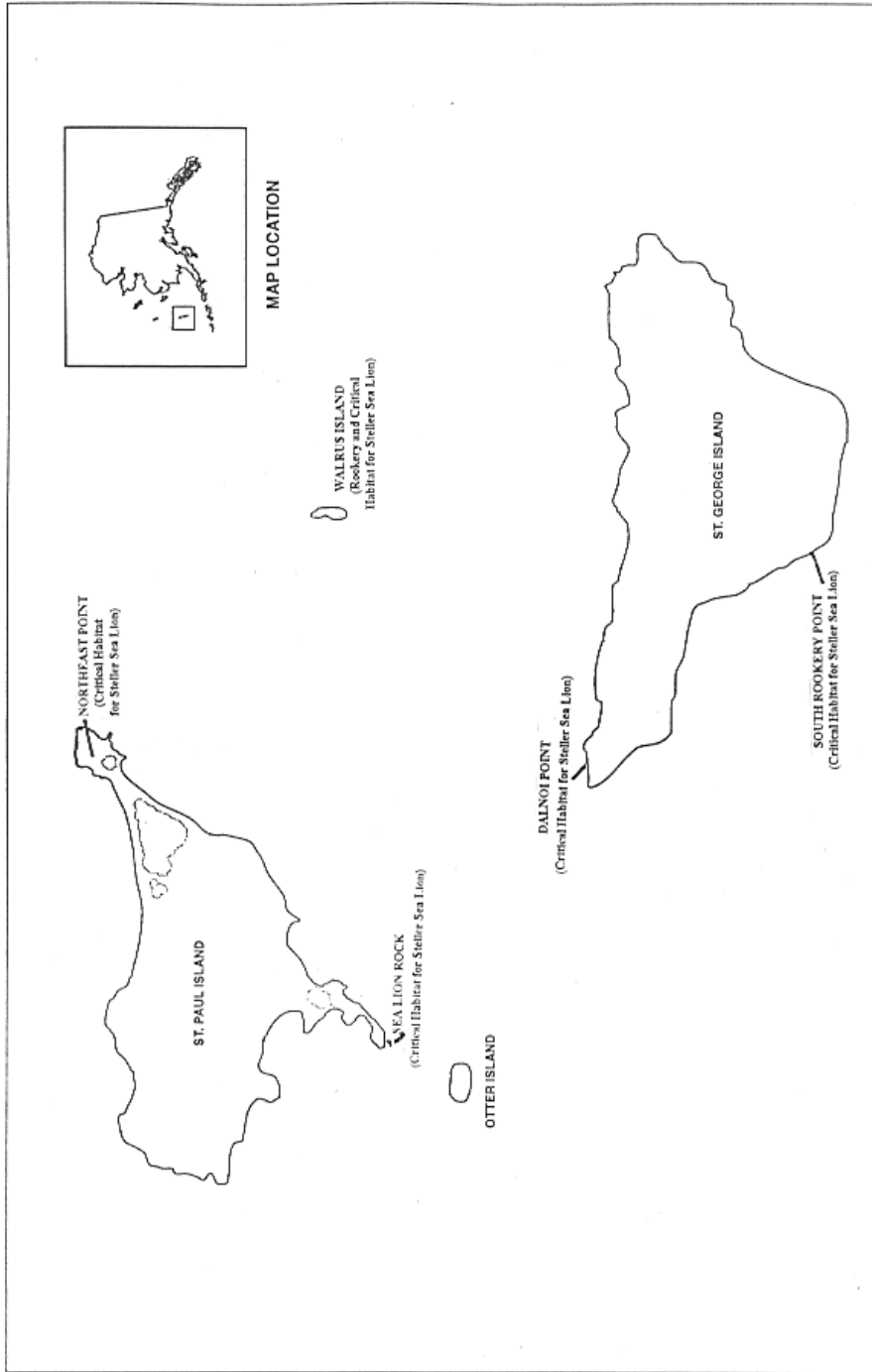


FIGURE 1: Rookery and Critical Habitat for Steller Sea Lion on St. Paul and St. George Islands

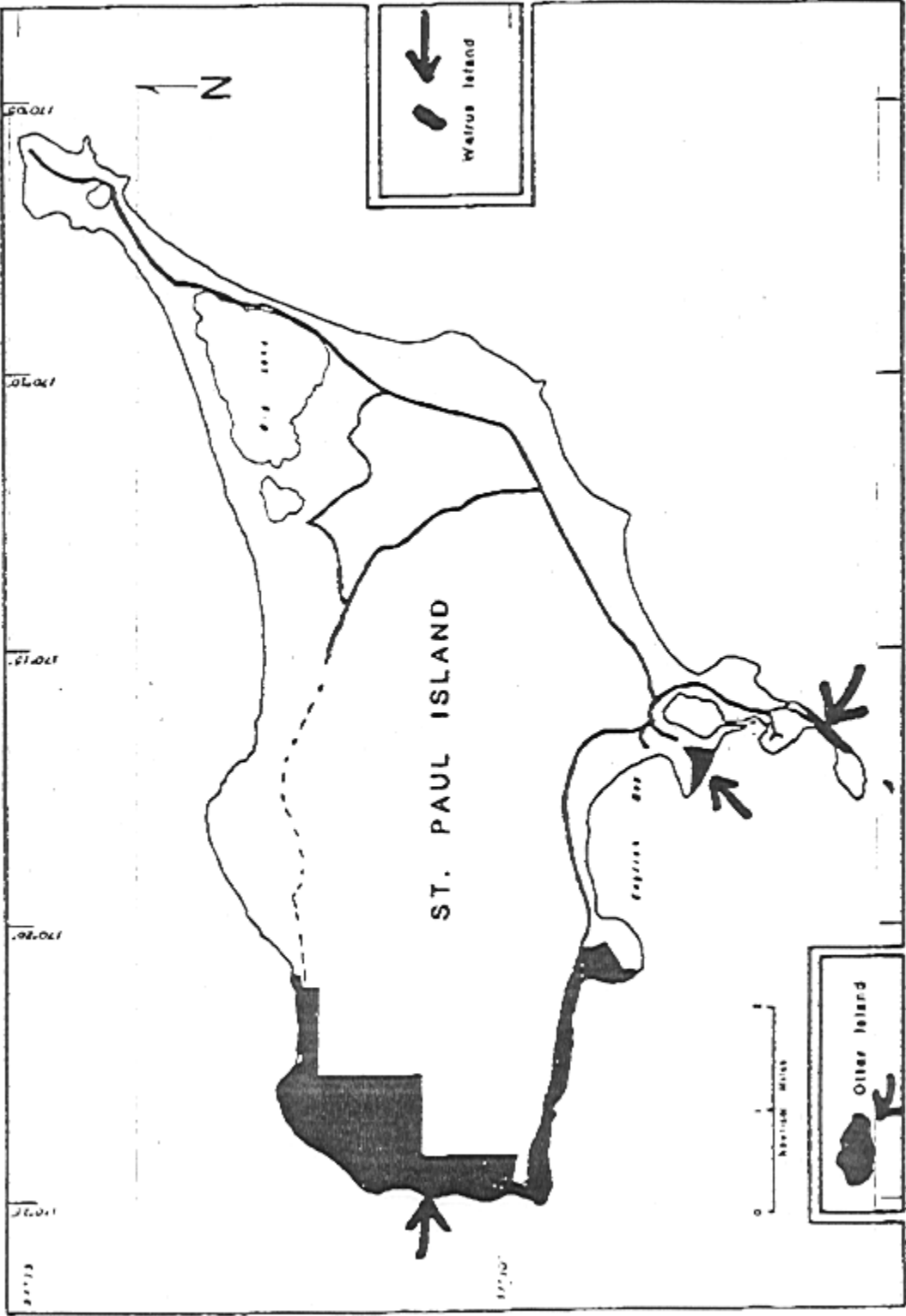


FIGURE 2: St. Paul Island, Alaska. Locations of Alaska Maritime National Wildlife Refuge, Bering Sea Unit.

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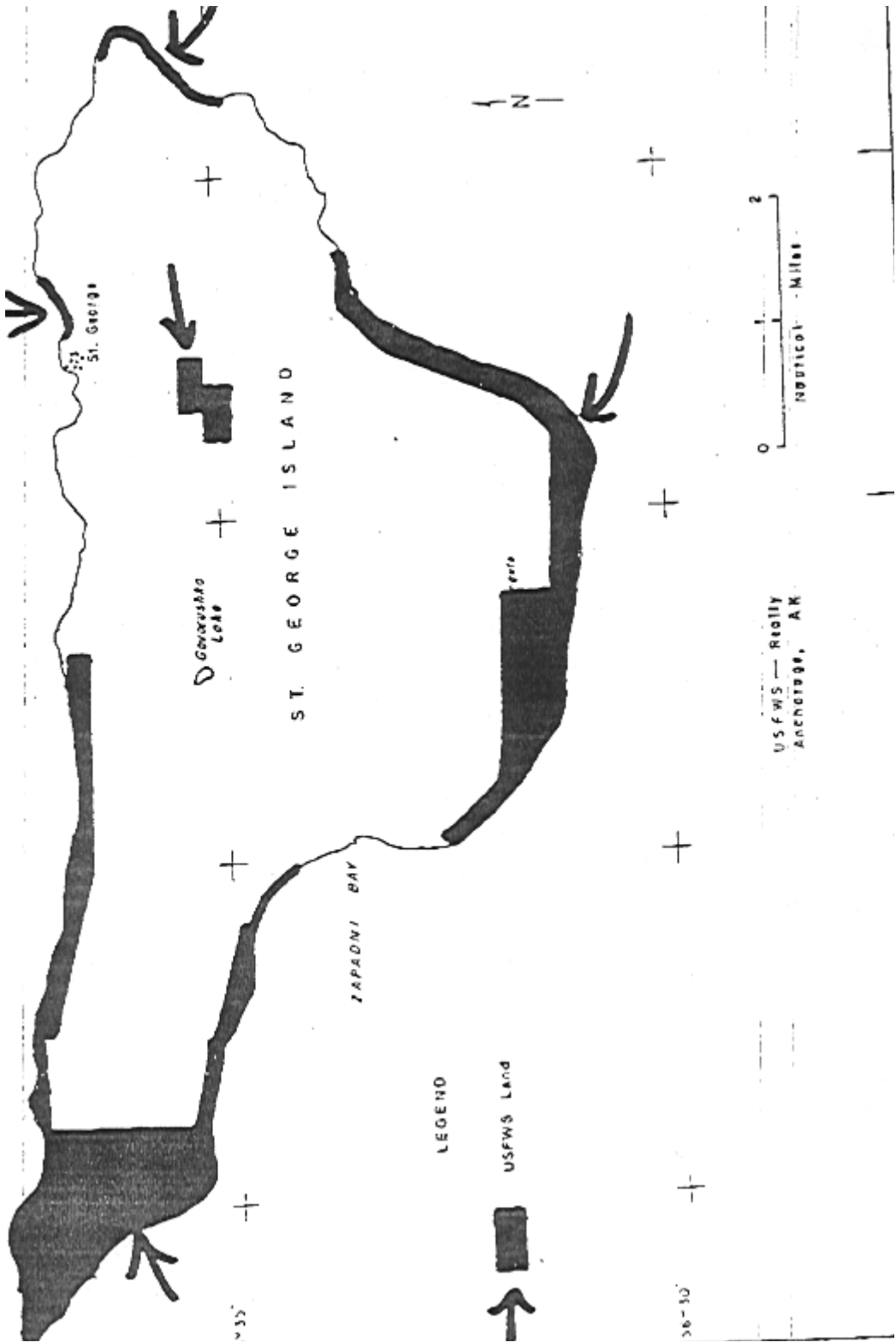


FIGURE 3: St. George Island, Alaska. Location of Alaska Maritime National Wildlife Refuge, Bering Sea Unit

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