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" or "CWA"),

Trident Seafoods, Inc. (the "permittee")
5011 Jewell Lake Road
Anchorage, Alaska 99502

is authorized to discharge from the

Trident Seafoods - Akutan seafood facility (the "facility"),
a seafood processing facility classified as SIC No. 2077 and
located on Akutan Island, Alaska,

to

Akutan Harbor (the "receiving waters"),
in USGS Hydrologic Unit No. 19030102, through:

Outfalls	Discharge	Receiving Water	Latitude	Longitude
001A-C	Seafood processing wastewater	Akutan Harbor	54°07'55" N	165°47'29" W
002A-B	Non-contact cooling water	Akutan Harbor	54°08'00" N	165°47'00" W
003A-C	Scrubber/condenser effluent	Akutan Harbor	54°08'00" N	165°47'00" W
004	Boat-hold transfer water	Akutan Harbor	54°08'00" N	165°47'00" W
005	Pollock plate/frame condensate	Akutan Harbor	54°08'00" N	165°47'00" W
006	Secondary sewage effluent	Akutan Harbor	54°08'00" N	165°47'00" W
007	At-sea Discharge	Akutan Bay		

in accordance with discharge points, effluent limitations, monitoring requirements and other conditions set forth herein.

The permit shall become effective April 1, 2003 .

The permit and the authorization to discharge shall expire at midnight, March 31. 2008.

The permittee shall reapply for a permit reissuance on or before October 1, 2007.
180 days before the expiration of this permit, if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this 5th day of February.

Randall F. Smith
Director, Office of Water

A COPY OF THIS PERMIT MUST BE KEPT AT THE FACILITY WHERE THE DISCHARGES OCCUR.

In compliance with the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, the Office of Management and Budget has approved the collection of information requested in general NPDES permit no. AK-G52-0000 (OMB Control No. 2040-0004, 2040-0086 and 2040-0110).

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I. EFFLUENT LIMITS AND MONITORING.

During the term of the permit, the permittee is authorized to discharge wastewater, solids, and residues from the processing of seafood and related support activities at the facility in accordance with the following conditions.

A. Seafood Processing Wastewater, Discharges 001- A, B, C.

1. Treatment requirements. The permittee shall screen all wastewater, solids and residues from the seafood processing lines, floor drains, live-tank water, and boat-hold transfer water one-half millimeter (0.5 mm) width or less prior to discharge through its on-site Outfalls 001-A, B, C.

2. Limitations on biochemical oxygen demand. The permittee shall not discharge more than the following limits from June 1 to October 31:

   Parameter: Five-day biochemical oxygen demand, BOD5
   (or a surrogate measure based upon COD or TOC, see section I.H)

   Average monthly limit: 129,000 lbs/day

   Maximum daily limit: 206,000 lbs/day

3. Limitation on floating residues. The permittee shall not discharge effluents which cause a foam, film, sheen, scum, or deposit outside of the State-authorized mixing zone around the terminus of the seafood processing waste outfall.

4. Limitation on total residual chlorine. The end-of-pipe total residual chlorine effluent limit is set at 0.100 mg/l. EPA will use 0.100 mg/L (the Minimum Detection Level) as the compliance evaluation level for this parameter.

5. Limitation on pH. The permittee shall not discharge process wastewater with a pH of less than 6.5 nor more than 8.5 standard units.

6. Rotary screens and waste conveyances. The permittee shall examine the screening and conveyance system regularly when in operation to ensure that the solids recovery system is operating effectively and efficiently. The permittee shall maintain a written maintenance log of equipment maintenance, to include operational problems and the corrective actions. The permittee shall make this logbook available upon request by EPA or the Alaska Department of Environmental Conservation (ADEC).

B. Non-contact Cooling Water, Discharge 002- A, B.

Non-contact cooling water that is less than 20º C may be discharged to the receiving waters through its on-site Outfalls 002A and 002B in accordance with the mixing zone authorized by ADEC.

C. Scrubber, Condenser and Evaporator Water, Discharges 003- A, B, C.

Non-contact scrubber, condenser and evaporator water may be discharged to the receiving waters through the channel system and utilidors.

D. Live-Tank and Boat-Hold Transfer Wastewater, Discharge 004.

Live-tank and boat-hold transfer wastewater that has been screened to 0.5 mm width to remove solids may be discharged.

E. Plate and Frame Condenser Wastewater, Discharge 005.

Plate and frame condenser wastewater may be discharged to the receiving waters through the channel system and utilidors.

F. Sanitary Wastewater, Discharge 006.

1. Effluent Limitations on sanitary wastewater.

   a. The permittee shall not discharge wastewater, solids, and residues from the sanitary wastewater treatment facility which exceed the following limitations.

Pollutant Parameter	Monthly Average	Weekly Average	Daily Maximum
Biochemical Oxygen Demand, 5-day (BOD5)	30 mg/L	45 mg/L	60 mg/L
Total Suspended Solids (TSS)	30 mg/L	45 mg/L	60 mg/L
Total Residual Chlorine (TRC)	0.05 mg/L	--	0.1 mg/L
Fecal Coliform (FS)	200 FC/ 100 ml	400 FC/ 100 ml	800 FC/ 100 ml

Note: The effluent limits for TRC are not quantifiable using EPA approved analytical methods. EPA will use 0.100 mg/L (the Minimum Level) as the compliance evaluation level for this parameter.

   b. The permittee shall not discharge effluents from the sewage treatment plant for which the pH is less than 6.0 or greater than 9.0.

2. Discharge of sludge. The permittee shall not discharge sanitary waste sludge to Akutan Harbor.

G. At-sea Discharge, Discharge 007.

In order to meet these limitations, the permittee may transport and dispose of seafood processing wastewater and wastes measuring no more than one half (0.5) inch in width, and unground mollusk shells, to a discharge area outside of Akutan Harbor that is more than one (1) nautical mile from shore and more than -100 feet in depth at mean lower low water (MLLW) while making way at 3 knots or more.

The permittee shall maintain a written log of its discharges, noting the time, date, amount, nature, and location (latitude and longitude in degrees, minutes, and seconds as determined by GPS) of these discharges.

H. Effluent Monitoring. The permittee shall monitor the number of processing days and the amount of flow of Discharges 001, 002 and 007, the temperature of Discharge 002, and all parameters of Discharge 006 throughout the year. The permittee shall monitor the total suspended solids, settleable solids, pH and total residual chlorine of Discharges 001 during the months of February, June, July, August, September and October. The permittee shall monitor the biochemical oxygen demand of Discharges 001 in June through October.

Effluent Monitoring for Trident Seafoods-Akutan

Parameter (units)	Frequency[1]	Sample Type
Discharges 001-A, B, C: Seafood processing wastewater		
Flow (MGD, i.e., 1,000,000 gal/day)	daily	meter
Biochemical Oxygen Demand[2] (BOD5; mg/L, lbs/day) during June 1 - October 31	1 per week	grab or composite
Total Suspended Solids (TSS; mg/L and lbs/day)	1 per week	grab or composite
Settleable Solids of Ground Process Wastes (ml/L, wet weight[3] of mg/L, lbs/day and lbs/yr)	1 per week	grab or composite
Settleable Solids of Screened Process Wastes (ml/L, wet weight[3] of mg/L, lbs/day and lbs/yr)	1 per week	grab or composite
Total Residual Chlorine (TRC; mg/L)[4] year 1 of permit	5 days per week	grab
Total Residual Chlorine (TRC; mg/L)[4] years 2-5 of permit	1 per week	
pH (standard units)	1 per week	grab
Discharge 002 A, B: Non-contact cooling wastewater		
Flow (MGD, i.e., 1,000,000 gal/day)	weekly[5]	record of discharge
Temperature, °C	weekly[5]	grab or probe
Discharge 006: Sanitary wastewater		
Flow (MGD, i.e., 1,000,000 gal/day)	daily	record of discharge
Biochemical oxygen demand (BOD5; mg/L)	1 per week	grab or composite
Total suspended solids (TSS; mg/L)	1 per week	grab or composite
Fecal coliform bacteria (FC; colonies/100 ml)	5 days per month	grab

pH (standard units)	1 per week	grab
Total residual chlorine (TRC; mg/L)	5 days per week	grab
Discharge 007: At-sea discharges		
Flow (MGD, i.e., 1,000,000 gal/day)	daily	record of discharge

1 The permittee is not required to monitor during weeks or months when there is no discharge and may report zero as the value for that reporting period.

2 Chemical oxygen demand (COD) or total organic carbon (TOC) may be measured to develop a surrogate measure of BOD5 if EPA has approved a correlation of BOD5:COD or BOD5:TOC developed by the permittee that is consistent with 40 CFR § 133.104. In this case the permittee shall submit both the measurement of the original parameter (i.e., COD or TOC) and the translated value of a surrogate BOD5 in its monitoring report.

3 Wet weight may be determined (1) by determining the volume of solids settled in an Imhoff cone (Standard Methods #2540-F; the addition of an emulsion breaker is allowed) and converting from volume to wet weight by multiplying the volume of solids by either an EPA-estimated density of 1.17 mg SS/ml or an effluent-specific assessment of the density of non-desiccated settleable solids or (2) by developing a facility-specific assessment of wet weight using a method approved by EPA and ADEC.

4 Total residual chlorine is to be measured end-of-pipe five days per week during periods of operation for the first year of the permit. The samples and measurements taken must be representative of the volume and nature of the monitored discharge. If there are no violations of the end-of-pipe limit after the first year of operation, then monitoring frequency can be reduced to one measurement per week. The effluent limits for TRC are not quantifiable using EPA-approved analytical methods. EPA will use 0.100 mg/L (the Minimum Level) as the compliance evaluation level for this parameter.

5 Measurements of flow and temperature shall be made on the same day in order to characterize that day.

1. Monitoring procedures. Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been approved by EPA.

   Samples taken in compliance with the effluent monitoring requirements of the permit shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. The permittee shall ensure that all effluent monitoring is conducted in compliance with the quality assurance and control conditions of the permit (see "Quality Assurance Requirements," below).

2. Additional monitoring by the permittee. If the permittee monitors any pollutant discharged that it is required to monitor by the permit more frequently than the permit requires while using test procedures as specified above, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharge monitoring report (DMR).

3. Report of monitoring results. The permittee shall submit a Discharge Monitoring Report (DMR) to EPA and ADEC on a monthly basis by the 20th of the month following the month of monitoring (see section VI.B, below). Additionally, an annual discharge monitoring report of the results of this effluent monitoring shall be submitted to EPA on or before February 14th of the calendar year following the monitoring. The annual report shall include tabular presentations of the month,

date and time of monitoring, and the measurements of production (by product-type), flow and the above effluent parameters.

4. Modification of monitoring program. The monitoring program may be modified if EPA determines that it is appropriate. In addition, modification may be requested by ADEC or the permittee. The modified program may include changes in survey (1) stations, (2) times, (3) frequencies, (4) parameters, or (5) methods.

I. Other Effluent Conditions.

1. Alaska Water Quality Standards. All discharges shall comply with Alaska Water Quality Standards (AWQS; 18 AAC 70).

2. Mixing zones. ADEC has authorized the following mixing zones.

   a. Mixing Zone for Seafood Processing Wastewater (Discharges 001). The mixing zones for discharges from Discharges 001-A,B,C are defined as follows:

      A vertical cylinder of 100 foot radius from the point of discharge that extends vertically up to the sea surface and vertically down to the seabed.

      Within this mixing zone, the following water quality criteria may be exceeded: temperature, color, turbidity, residues, non-petroleum oil and grease, dissolved oxygen, sediment, and total residual chlorine.

   b. Mixing Zone for Non-contact Cooling Water (Discharge 002). The mixing zone for discharges from Discharges 002-A,B is defined as follows:

      A vertical cylinder of 100 foot radius from the point of discharge that extends vertically up to the sea surface and vertically down to the seabed

      Within this mixing zone, the following water quality criteria may be exceeded: temperature, color, and turbidity.

   c. Mixing Zone for Sanitary Wastewater (Discharge 006). The mixing zone for discharges from Discharge 006 is defined as follows:

      A vertical cylinder of 100 meter radius from the point of discharge that extends vertically up to the sea surface and vertically down to the seabed. Within this mixing zone, the following water quality criteria may be exceeded: fecal coliform, pH, temperature and dissolved oxygen.

      A smaller mixing zone equal to the zone of initial dilution is authorized for total residual chlorine. The zone of initial dilution includes the area of the seafloor circumscribed by distance “D” from the end of the discharge pipe, where “D” is equal to the maximum water depth along the pipe at mean lower low water, and the water column above this area. Within this zone of

initial dilution, the AWQS criterion of 0.002 mg/L for total residual chlorine may be exceeded.

d. Mixing Zone for Discharge 007. The mixing zone for discharges from Discharge 007 is defined as follows:

A width of 230 feet (100 feet to the starboard of the vessel, plus 100 feet to the port of the vessel, plus 30 feet as the width of the vessel).
A length of 12,200 ft along the tract of the vessel.
A depth of 25 ft down from the sea surface.

Within this mixing zone, the following water quality criteria may be exceeded: temperature, color, turbidity, residues, and dissolved oxygen.

3. Zone of deposit. The ADEC does not authorize a zone of deposit for this facility. The screening of all seafood processing wastes and wastewaters that are discharged on-site to 0.5 mm width has resulted in a continuing decrease in the volume and area of the waste pile due to natural biodegradation.

4. Discharge pipe locations.

a. The permittee shall discharge its seafood processing wastewater (Discharge 001) through an outfall in the general configuration described in the permittee's NPDES application and at depths of sixty (60) feet MLLW or deeper.

b. Non-contact wastewater must be discharged three feet or less above high water to minimize the creation of foam in the receiving water.

c. The sanitary wastewater Discharge 006 shall be discharged at depths of seventy (70) feet MLLW or deeper.

d. Any change in outfall configuration will require prior approval by EPA.

5. No Discharge of Petroleum (e.g., diesel, kerosene, and gasoline) or hazardous substances is allowed into or upon the navigable waters of the U.S., adjoining shorelines, into or upon the waters of the contiguous zone which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the U.S. [33 U.S.C.A. § 1321(b)(3)].

Any person in charge of a vessel, an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substances from such vessel or facility, immediately notify the U.S. Coast Guard and ADEC as is required in the facility's "Oil Spill Response Plan."

II. BEST MANAGEMENT PRACTICES PLAN.

The permittee shall continue its implementation of a Best Management Practices (BMP) Plan during the effective period of this permit and any administrative extensions.

A. Purpose and Objectives. Through implementation of the BMP Plan requirements, the Permittee shall ensure that methods of pollution prevention, control, and treatment will be applied to all wastes and other substances to be discharged. The permittee shall prevent or minimize the generation and discharge of wastes and pollutants from the facility to the waters of the United States through implementation of a BMP Plan. Pollution should be prevented or reduced at the source or recycled in an environmentally safe manner whenever feasible. Disposal of wastes into the environment should be conducted in such a way as to have a minimal environmental impact.

The permittee shall develop its BMP Plan consistent with these objectives.

1. The number and quantity of wastes and pollutants (esp. BOD5, settleable residues, floatable residues, foam, fine particulates, color, oil and grease, and total residual chlorine and other disinfectants) shall be minimized by the permittee to the extent feasible by managing each effluent waste stream in the most appropriate manner. pH shall be maintained between 6.5 and 8.5.

2. Any Standard Operating Procedures (SOPs) shall ensure proper operation and maintenance of the facility and the control of the discharge or potential release of pollutants to the receiving water

3. Evaluations for the treatment and control of discharges and potential releases of pollutants shall include the following

    a. Each facility component or system shall 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 shall 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.

    b. Equipment shall be examined for potential failure and any resulting release of pollutants to receiving waters. Provision should be made for emergency measures to be taken in such an event.

4. An obligation to inform the public that certain activities, such as harvesting shellfish for raw consumption and bathing or swimming, should not take place in the mixing zone for sanitary wastewater. ADEC requires that a prominent sign at least 2 x 3 feet in size be placed on the shoreline or dock near the outfall line to warn the public, in English and in Spanish, that secondary treated domestic wastewater is being discharged. The sign should provide the name and owner of

the facility, the approximate locations and size of the mixing zone, and a contact telephone number for additional information.

B. Documentation.

1. The BMP plan shall be consistent with the general guidance contained in the publication entitled "Guidance Manual for Developing Best Management Practices," EPA 1993, or its subsequent revisions.

2. The BMP Plan will be developed in accordance with good engineering practices and will be documented as a written plan and include necessary plot plans, drawings, or maps. The BMP Plan will be organized and written with the following structure:

   a. Name, NPDES permit number and location of the facility;

   b. Statement of BMP policy;

   c. Materials accounting of the inputs, processes, and outputs of the facility (a.k.a., mass balance assessment);

   d. Identification and assessment of potential effects of the pollutant discharges;

   e. Specific management practices and standard operating procedures to achieve the above objectives, including, but not limited to,

      (1) the modification of equipment, facilities, technology, processes, and procedures, and

      (2) the improvement in management, inventory control, materials handling, or general operational phases of the facility;

   f. Good housekeeping;

   g. Preventative maintenance;

   h. Inspections and records; and

   i. Employee training.

3. The BMP Plan will include the following provisions concerning its review:

   a. Provide for a review by the facility manager and appropriate staff; and

   b. Include a statement that the above review has been completed and that the BMP Plan fulfills the requirements set forth in the permit. This statement shall be certified by the dated signature of the facility manager.

C. Certification and Signatory Requirements.

The permittee shall submit to EPA written certification, signed by a principal officer or a duly appointed representative of the permittee, of the existence and implementation of its BMP Plan within 30 days of the effective date of this permit. The permittee shall maintain a copy of its BMP Plan at its facility and shall make the plan available to EPA and ADEC for review and approval upon request.

D. Modification of the BMP Plan.

1. The permittee shall amend the BMP Plan whenever there is a change in the facility, its operations, or other circumstances which materially increase the generation of pollutants and their release or potential release to the receiving waters. The permittee shall also amend the BMP Plan when facility operations covered by the BMP Plan change. Any such changes to the BMP Plan will be consistent with the objectives and specific requirements listed above. All changes in the BMP Plan shall be reviewed and approved by the facility manager.

2. If a 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 will be subject to modification to incorporate revised BMP requirements.

III. ANNUAL REPORT.

A. Purpose and Objectives. The permittee shall submit an Annual Report whose purpose is to inform EPA and ADEC of the use of, discharge to, and potential degradation of the receiving waters by the permittee.

B. Documentation. The permittee shall provide the following information on its operations, production, discharges, and incidences of noncompliance in its Annual Report.

1. Verification of the permittee's NPDES permit number, facility owner, facility operator, name of the facility, mailing address, telephone number, and facsimile number.

2. A summary of incidences of noncompliance with any of the requirements of the permit between January 1st through December 31st of the previous year, the periods of noncompliance, the reasons for such noncompliance, and the steps taken to correct the problem and prevent further occurrences.

3. A compilation of information on production and discharge during the previous year, including

    a. Dates of operation by month.

b. Type and amount (lbs) of raw seafood inputs per month.

c. Type and amount (lbs) of seafood products per month.

d. Type and estimated amount (pounds) of discharged seafood processing settleable solid waste residues per month.

e. Annual number of processing days, amounts of raw products in pounds, amounts of finished products in pounds, and amount of seafood processing settleable solid waste residues discharged in pounds.

f. Amount (lbs/day) of BOD5 or surrogate BOD5 discharged per *monitored* month.

g. Compiled record of effluent parameters monitored throughout the year.

4. A report of all on-site incidents of an injured and dead Steller's eider, including petroleum-related incidents and collision-related incidents. The report should include the nature, time, location and result of the collision and any remedial action taken.

5. A statement of any changes to the permittee's application for a permit (including process changes, locations, and production levels).

C. Signatory Requirements. The permittee shall ensure that the Annual Report is signed by a principal officer or a duly appointed representative of the permittee (see "Signatory Requirements," below).

D. Submittal. The permittee shall submit its Annual Report by February 14th of the year following each year of operation and discharge under the permit. The permittee shall submit its Annual Report to EPA and ADEC in accordance with "Submittal of Reports" (below).

IV. ENVIRONMENTAL MONITORING.

A. Seafloor Monitoring Requirements.

The permittee shall conduct a seafloor monitoring program to determine compliance with the Alaska Water Quality Standard for settleable residues in marine waters and to monitor the bioremediation of the historic waste piles. Alaska Administrative Code (AAC) Part 18 § 70.020 states that (settleable) residues shall not... "cause a sludge, solid, or emulsion to be deposited... on the bottom."

1. Objectives. The seafloor monitoring program shall characterize the waste deposit and determine the configuration, area, and thickness of the continuous deposit of sludge, solid, or emulsion on the bottom that persists throughout the year.

a. Monitoring will provide a scaled map of the area of the continuous deposit of waste solid residues, delineating the areas that are greater than (1) one-half inch thick, (2) three inches thick, (3) one foot thick, (4) three feet thick, and (5) six feet thick.

b. Monitoring will provide an estimate of the volume of the continuous deposit of waste solid residues.

c. Monitoring will provide an estimate of the change in area, volume and maximum thickness of the continuous deposit of waste solid residues from the previous survey to the current survey.

d. Monitoring shall provide a general description and photographic record of benthic marine life on and around the deposit of waste solid residues.

e. Monitoring shall provide at least five photos of the area(s) of deposited seafood processing waste in the immediate vicinity of the outfall recorded from a distance of two to three (2-3) feet from the surface of the deposit.

2. Schedule. The permittee shall develop and implement an bi-annual monitoring program to survey the area and volume of its discharge deposit during the period March through July of the second and fourth years of the permit.

3. Safety. The permittee shall inform its candidate diver(s) in writing in both its request for proposal and contract for services that a seafloor survey conducted to comply with a permit condition shall be conducted in accordance with the Occupational Safety and Health Administration's (OSHA) rules for diving operations as set forth in 29 CFR section 1910, subpart T.

4. Survey plan. The permittee shall develop a survey plan which meets the purpose and objectives of the seafloor monitoring program. The survey plan will include appropriate procedures to assure and control the accuracy, consistency, and quality of monitoring data. The permittee shall submit this survey plan to EPA and ADEC for review and approval at least sixty (60) days before the survey takes place. No response from EPA or ADEC will be interpreted as approval of the survey plan.

5. Monitoring report. The permittee shall submit a report of the seafloor monitoring survey which describes the methods and results of the survey. The description of the methods will include at least the name, address, and phone number of the surveyor, and the date(s) of the survey. The report will include an abstract or executive summary which presents a concise description of the study, its conclusions, any potential water quality problems identified, and recommendations on how the study plan can be improved for subsequent monitoring. The report will include a description of the method and equipment used in the survey. The description of the results will include at least (1) the area and (2) maximum and representative thicknesses of the deposit of waste solid residues, (3) a map of the configuration of the deposit in relation to the discharge

pipe and the bathymetry of the seafloor, and (4) a list of the names of the marine species observed during the survey and the numbers of each species.

Monitoring shall provide at least five photos of the area(s) of deposited seafood processing waste in the immediate vicinity of the outfall recorded from a distance of two to three (2-3) feet from the surface of the deposit.

6. Submittal. The permittee shall submit a report of the monitoring program to EPA and ADEC on or before February 14th of the year following the survey. It is recommended that this report be submitted with the Annual Report to EPA and ADEC in accordance with "Submittal of Reports" (below).

7. Signatory requirements. The permittee shall ensure that the monitoring report is signed by a principal officer or a duly appointed representative of the permittee. The permittee should require any of its contractors or agents responsible for this monitoring to certify the truth, accuracy, and completeness of the data reported (see "Signatory Requirements," below).

8. Modification of monitoring program. The monitoring program may be modified if EPA determines that it is appropriate. In addition, modification may be requested by ADEC or the permittee. The modified program may include changes in survey (1) frequency, (2) times, (3) parameters, or (4) methods.

9. In the 2nd year of the permit, the survey shall be extended to include trace deposits of and organic enrichment by seafood processing waste residues out one kilometer from the outfall terminus for seafood processing wastes. This far-field survey may be coordinated or completed in conjunction with other processors discharging to the receiving water. The survey of far-field organic enrichment should be conducted using grab or core samples which can characterize the grain size and chemistry of the sediment. The study plan for the survey should be developed in consultation with EPA and ADEC and shall require the approval of the two agencies. The study plan should make full use of previous studies of this impact area.

B. Sea Surface and Shoreline Monitoring Requirements.

1. Purpose. The permittee shall conduct a sea surface and shoreline monitoring program to determine compliance with the authorized mixing zone and Alaska water quality standards for residues in marine waters. Alaska Administrative Code Part 18 § 70.020 states that "(floating solids, debris, foam and scum) shall not... cause a film, sheen or discoloration on the surface of the water... or cause a sludge, solid or emulsion to be deposited... upon adjoining shorelines."

The permittee shall also conduct its sea surface monitoring program to identify and determine the numbers of species listed as threatened or endangered under the Endangered Species Act which occur in the vicinity of the permitted discharges.

2. Objectives.

a. Sea surface monitoring will provide daily assessments of the presence and amounts of residues and of Steller sea lions and Steller's eiders on the sea surface during the facility's seafood processing and discharge.

(1) This monitoring program will inform the permittee of its compliance with the Permit limit for residues on the sea surface and provide a timely basis for correcting violations when they occur.

(2) The monitoring of the sea surface shall record the total number of days for which observations were made and the date, time, and the incidence of occurrence and estimation the areal extent of contiguous films, sheens or mats of foam within a 300 feet radius of the end of the processing waste outfall and within 300 feet of the seaward physical boundary of the facility (e.g., docks and piers).

(3) The monitoring of the sea surface shall enumerate and locate on scaled plane diagrams of the facility, its outfalls and the receiving water the occurrence and numbers of animals identified as the Steller sea lion (*Eumetopias jubatus*) or Steller's eider (*Polysticta stelleri*) within a 300 feet radius of the end of the processing waste outfall and within 300 feet of the seaward physical boundary of the facility (e.g., docks and piers).

b. Shoreline monitoring will provide weekly assessments of the presence and amounts of residues deposited upon the shore during the facility's operation and discharge.

(1) This monitoring program will inform the permittee of its compliance with the Permit limit for residues on the sea surface and shoreline and provide a timely basis for correcting violations when they occur.

(2) The monitoring of the shoreline shall record the total number of days for which observations were made and the daily incidence of occurrence and estimated areal extent of deposits of seafood waste residues upon the shoreline adjacent to and within 300 ft of the facility and its outfall.

c. The monitoring of the facility grounds, sea surface and adjacent shoreline shall enumerate the collision of Steller's eiders with the physical structures of their facilities (e.g., buildings, lights, poles, power lines, guy wires, vessels, docks and towers). Monitoring of collisions will include logging the number of Steller's eider observed injured or dead as a result of these structures. Dead eiders' shall be recovered and kept frozen until they can be transferred to FWS 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).

The permittee shall report instances of noncompliance with the Alaska Water Quality Standard for residues (see "Reporting of Noncompliance," below).

3. Schedule. The permittee shall conduct a visual monitoring program during periods of processing and discharge.

4. Monitoring plan. The permittee shall develop a monitoring plan which meets the purpose and objectives of the visual monitoring program. The monitoring plan will include appropriate procedures to assure and control the accuracy, consistency, and quality of monitoring data.

   The permittee shall submit this survey plan to EPA and ADEC for review and approval within sixty (60) days of the effective date of this permit. No response from EPA and ADEC will be interpreted as approval of the survey plan.

5. Monitoring report. The permittee shall submit a report of the monitoring survey which describes the methods and results of the surveys. The description of the methods will include at least the name, address, and phone number of the surveyor, and the date(s) of the survey. The report will include an abstract or executive summary which presents a concise description of the study, its conclusions, any potential water quality problems identified, and recommendations on how the study plan can be improved for subsequent monitoring. The report will include a description of the method and equipment used in the survey. The description of the results will include at least (1) reports of the date and time of observations, (2) the nature of any scum, sheen, film, or foam on the sea surface, (3) the nature and area of sludge, solids, emulsion, or scum deposited on the shoreline, and (4) the incidence of occurrence, numbers and condition of Steller sea lions and Steller's eiders.

   The permittee shall submit the report to EPA and ADEC on or before February 14th of the year following the survey. It is recommended that this report be submitted with the Annual Report to EPA and ADEC in accordance with "Submittal of Reports" (below).

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. The permittee should require any of its contractors or agents responsible for this monitoring to certify the truth, accuracy, and completeness of the data reported (see "Signatory Requirements," below).

7. Modification of monitoring program. The monitoring program may be modified if EPA determines that it is appropriate. In addition, modification may be requested

by ADEC or the permittee. The modified program may include changes in survey (1) locations, (2) times, (3) frequencies, (4) parameters, or (5) methods.

8. Remediation of seafood waste accumulations along the shoreline. In the case of an accumulation of seafood wastes along the shoreline in violation of this permit, the permittee shall ensure, weather permitting, the removal and disposal of these residues to an appropriate site or area within three (3) days of detection. During periods of inclement weather which interferes with clean-up activities, the permittee shall remove and dispose of these residues within five (5) days of detection.

C. Water Quality Monitoring.

The permittee shall conduct a water quality monitoring program of the receiving water to determine compliance with the Alaska Water Quality Standard for dissolved gas in marine waters. Alaska Administrative Code Part 18 § 70.020 states that "surface dissolved oxygen (D.O.) concentration in coastal water may not be less than 6.0 mg/L for a depth of one meter except when natural conditions cause this value to be depressed" and "D.O. must be greater than or equal to 5 mg/L."

1. Purpose and objectives. The permittee shall conduct a study of the effects of its seafood processing discharges on dissolved oxygen (D.O.). The studies shall achieve these objectives:

   a. Provide water quality measurements at the edge of the mixing zone and appropriate near-field, far-field and control stations.

   b. Provide measurements of D.O. concentrations, temperature, salinity, density, and depth at one (1) meter intervals throughout the water column from a point approximately one meter below the surface to approximately one meter above the bottom for each station on each day of monitoring. An initial reading will be taken at a point less than one meter below the sea surface to characterize the surface layer.

   c. Monitoring shall also report instances of noncompliance with the State water quality standard for dissolved gas (see "Reporting of Noncompliance," below).

2. Schedule. The permittee shall conduct water quality monitoring of the potential dissolved oxygen effects of seafood processing waste discharges on the receiving water every two weeks of July through October during periods of operation and discharge. The permittee shall conduct ambient D.O. monitoring during each year and any administrative extension of the permit.

3. Study plans. The permittee shall develop study plans which meet the purpose and objectives of the water quality monitoring requirements of this permit. A

study plan will include appropriate procedures to assure and control the accuracy, consistency, and quality of monitoring data.

The permittee shall submit this study plan to EPA and ADEC for review and approval within sixty (60) days of the effective date of this permit. No response from EPA and ADEC will be interpreted as approval of a study plan.

4. Monitoring report. The permittee shall submit a report of the water quality monitoring survey which describes the methods and results of the survey. The description of the methods will include at least the name, address, and phone number of the surveyor, and the date(s) of the survey. The report will include an abstract or executive summary which presents a concise description of the study, its conclusions, any potential water quality problems identified, and recommendations on how the study plan can be improved for subsequent monitoring. The report will include a description of the method and equipment used in the survey. The description of the results will include at least a statistical characterization and graphical representation of the extensive dataset generated in the study and a table of relevant survey data for all measurements of dissolved oxygen that were less than 6 mg/L in the surface layer of one meter depth and that were less than 5 mg/L in the water column below one meter depth.

   The permittee shall submit the report to EPA and ADEC on or before February 14th of the year following each study. It is recommended that this report be submitted with the Annual Report to EPA and ADEC in accordance with "Submittal of Reports" (below).

5. Signatory requirements. The permittee shall ensure that the monitoring report is signed by a principal officer or a duly appointed representative of the permittee. The permittee should require any of its contractors or agents responsible for this monitoring to certify the truth, accuracy, and completeness of the data reported (see "Signatory Requirements," below).

6. Modification of monitoring program. The monitoring program may be modified if EPA and ADEC determine that it is appropriate. In addition, modification may be requested by ADEC or the permittee. The modified program may include changes in survey (1) locations, (2) times, (3) frequencies, (4) parameters, or (5) methods.

D. Annual Petroleum Spill Summary Report. The permittee shall monitor for, record and submit an annual petroleum spill summary report to EPA that reports on the time, date, amount, apparent dispersal distance, cause, remedial action, and results of any remedial action of petroleum spills occurring at the facility in conjunction with any on-site refueling activities or with any vessels that are in the process of docking or are moored at the facility. The permittee shall submit the report to EPA and ADEC on or before February 14th of the year following the monitoring. It is recommended that this

report be submitted with the Annual Report to EPA and ADEC in accordance with "Submittal of Reports" (below).

V. QUALITY ASSURANCE REQUIREMENTS.

Within 90 days of the effective date of this permit, the permittee shall develop a Quality Assurance Plan (QAP) that provides written specification of quality control and assurance provisions in effluent and environmental monitoring required by this permit.

A. Purpose. The purpose of quality assurance and control requirements is to assure the integrity and quality of the data collected in the monitoring required by this permit and to assist in planning for the collection and analysis of effluent samples and for environmental monitoring and in explaining data anomalies when they occur.

B. Requirements.

1. Throughout all sample collection and analysis activities, the permittee shall use the EPA-approved quality assurance, quality control, and chain-of-custody procedures described in EPA QA/R-5 EPA Requirements for Quality Assurance Project Plans and EPA QA/G-5 Guidance on Quality Assurance Project Plans. These and other useful guidance documents can be found on the Internet at - http://www.epa.gov/r10earth/offices/oea/qaindex.htm and http://www.epa.gov/r10earth/offices/oea/r0qahome.htm.

2. The QAP shall address effluent, internal waste stream, ambient water, and ambient sediment monitoring. At a minimum, the following information must be provided in the QAP:

    a. Sample locations (map and physical description, which includes station identification number, latitude, and longitude);

    b. Sample frequency;

    c. Sediment compositing procedures;

    d. Sample handling, storage, transport, and chain-of-custody procedures;

    e. Parameters, preparation and analysis methods, detection limits, and volume of sample required for each analyte in each medium (i.e., water or sediment);

    f. Number of QC samples, spikes and replicates required for analysis (for precision accuracy);

g. Documentation requirements for the laboratory (i.e., retention or holding time, QA/QC procedures for test methods, volume of sample collected, field test blanks, etc.);

h. Organizational responsibilities - who is responsible for QA/QC activities (i.e., who takes samples, who reviews the data analysis, etc.); and

i. Name(s), address(es), and phone number(s) of laboratories used or proposed to be used by the permittee.

3. The permittee is responsible for reviewing and updating the QAP to ensure all material is current and applicable.

4. The permittee shall receive and hold all laboratory bench sheets used in the analyses and maintain these records for inspection by EPA or ADEC for a period of at least 5 years (see "Retention of Records and Reports" below).

5. The permittee must amend the QAP whenever there is a modification in the sample collection, sample analysis, or conditions or requirements of the QAP.

6. Copies of the most current QAP must be kept on site and must be made available to the Director and ADEC upon request.

C. EPA Support of Quality Assurance and Control.

The permittee may obtain copies of all references cited in this permit from the following address:

Quality and Data Management Program
Office of Environmental Assessment
U.S. EPA, Region 10
1200 6th Avenue, OEA-095
Seattle, Washington 98101.

VI. RECORDING AND REPORTING REQUIREMENTS.

A. Records Contents. The permittee shall submit its monthly Discharge Monitoring Report by the 20th of the month following the month of monitoring. The permittee shall submit its annual report by February 14th of the year following each year of operation and discharge under this Permit. The permittee shall submit its original reports to:

1. Date, exact place and time of sampling or measurements,

2. Names of the individual(s) who performed the sampling or measurements,

3. Date(s) analyses were performed,

4. Names of the individual(s) who performed the analyses,

5. Analytical techniques or methods used, and

6. Results of such analyses.

B. Submittal of Reports. The permittee shall submit its reports by February 14th of the year following each year of operation and discharge under this Permit. The permittee shall submit its original reports to:

U.S. Environmental Protection Agency Region 10
Attention: Alaska seafood processing industry monitoring
NPDES Compliance Unit (OW-133)
1200 Sixth Avenue
Seattle, Washington 98101

and, a copy to:

Alaska Department of Environmental Conservation
Attention: Air and Water Quality Division
410 Willoughby, Suite 303
Juneau, Alaska 99801-1795

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

D. Twenty-four Hour Notice of Noncompliance Reporting.

1. A permittee shall report the following occurrences of noncompliance to EPA by telephone (206-553-1846) and to ADEC (907-465-5300) within 24 hours from the time a permittee becomes aware of the circumstances:

   a. any discharge(s) to the receiving waters not authorized for coverage under this Permit including, but not limited to, waters described in Part III, listed in Appendices A or B, or depicted in Appendix C;

   b. any noncompliance that may endanger health or the environment;

   c. any unanticipated bypass that results in or contributes to an exceedance of any effluent limitation in this Permit;

d. any upset that results in or contributes to an exceedence of any effluent limitation in this Permit; or

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

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

a. a description of the noncompliance and its cause;

b. the period of noncompliance, including exact dates and times;

c. the estimated time noncompliance is expected to continue if it has not been corrected; and

d. steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

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

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

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

VII. COMPLIANCE RESPONSIBILITIES.

A. Duty to Comply. A permittee shall comply with all conditions of this Permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

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 $27,500 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 $11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $27,500). 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 $137,500).

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 a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

D. Duty to Mitigate. A permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance. A permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by a 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 only when the operation is necessary to achieve compliance with the conditions of this Permit.

F. Bypass of Treatment Facilities.

1. Bypass not exceeding limitations. A 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 a permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.

   b. Unanticipated bypass. A permittee shall submit notice of an unanticipated bypass as required under Part VII.F ("Twenty-four hour notice of noncompliance reporting").

3. Prohibition of bypass.

   a. Bypass is prohibited and EPA or ADEC may take enforcement action against a 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 shall 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) A permittee submitted notices as required under paragraph 2 of this Part.

   b. EPA and ADEC may approve an anticipated bypass, after considering its adverse effects, if EPA and ADEC determine 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 a 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, a permittee shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. An upset occurred and that a permittee can identify the cause(s) of the upset;

   b. The permitted facility was at the time being properly operated;

   c. A permittee submitted notice of the upset as required under Part VII.F ("Twenty-four hour notice of noncompliance reporting) and

   d. A permittee complied with any remedial measures required under Part VIII.D ("Duty to Mitigate").

3. Burden of proof. In any enforcement proceeding, a permittee seeking to establish the occurrence of an upset has the burden of proof.

H. Planned Changes. A permittee shall give notice to EPA 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 not subject to effluent limitations in this Permit.

   A permittee shall give notice to EPA and ADEC as soon as possible of any planned changes in process or chemical use whenever such change could significantly change the nature or increase the quantity of pollutants discharged.

I. Anticipated Noncompliance. A permittee shall also give advance notice to EPA and ADEC of any planned changes in the permitted facility or activity that may result in noncompliance with this Permit.

VIII. GENERAL PROVISIONS.

A. Permit Actions. This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by a permittee for a permit modification, revocation

and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

B. Duty to Reapply. If a permittee intends to continue an activity regulated by this Permit after the expiration date of this Permit, a permittee must apply for and obtain a new permit. The application shall be submitted to EPA at least 60 days before the expiration date of this Permit. Receipt of a timely Notice of Intent will administratively extend authorization to discharge until a new permit is reissued.

C. Duty to Provide Information. A permittee shall 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. A permittee shall also furnish to EPA or ADEC, upon request, copies of records required to be kept by this Permit.

D. Incorrect Information and Omissions. When a 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 shall promptly submit the omitted facts or corrected information.

E. Signatory Requirements. All applications, reports or information submitted to EPA and ADEC shall be signed and certified.

1. All permit applications shall be signed as follows:

    a. For a corporation: by a principal corporate officer.

    b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

    c. For a municipality, state, tribe, federal or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by this Permit and other information requested by EPA or ADEC shall 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 and submitted to EPA and ADEC, and

    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, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the permittee. (A duly authorized representative

may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under subpart 2 above 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 subpart 2 must be submitted to EPA 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 shall 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. Except for data determined to be confidential under 40 CFR § 2, all reports prepared in accordance with this Permit shall be available for public inspection at the offices of the state water pollution control agency and EPA and ADEC. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

G. Inspection and Entry. A permittee shall allow EPA, 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 a 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. Oil and Hazardous Substance Liability. Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve a permittee from any responsibilities, liabilities or penalties to which a permittee is or may be subject under Section 311 of the Clean Water Act or under the Oil Pollution Act.

I. 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 private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

J. Severability. The provisions of this Permit are severable. If any provision of this Permit or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this Permit, shall not be affected thereby.

K. Transfers. This Permit may be automatically transferred to a new permittee if:

1. The current permittee notifies EPA at least 60 days in advance of the proposed transfer date;

2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; and

3. EPA does not notify the existing permittee and the proposed new permittee of its intent to modify, or revoke and reissue the permit.

   If the notice described in subpart 3 above is not received, the transfer is effective on the date specified in the agreement mentioned in subpart 2 above.

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

M. Re-opener Clause.

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

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

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

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

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

IX. DEFINITIONS and ACRONYMS.

AAC means Alaska Administrative Code.

ADEC means Alaska Department of Environmental Conservation.

ADFG means Alaska Department of Fish and Game.

ADGC means State of Alaska, Division of Governmental Coordination.

At-sea means a receiving water that is both (1) more than one nautical mile from shore and (2) in water deeper than minus 120 ft MLLW.

BMP means best management practices.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility. [See Part IV.G.]

CFR means the Code of Federal Regulations.

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

CWA means the Clean Water Act.

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

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

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

EPA means the United States Environmental Protection Agency.

Excluded area means an area not authorized as a receiving water covered under this general NPDES permit, as described in Part III.A-D, listed in Appendix A, and depicted in Appendix B.

Fixed location means the outfall(s) (past and present) of an on-shore facility or the anchorage of a vessel within a circular area with a radius equal to one-half (0.5) nautical mile.

FWS means United States Fish and Wildlife Service.

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

Gray water means galley, bath and shower wastewater.

Living benthic substrate means intertidal and seafloor communities of benthic plants (e.g., macro-algae and kelp) and animals (e.g., mussels, tube-building polychaete worms, and erect bryozoans) in dense aggregations. The Habitat Conservation Division of NMFS may be contacted at 907-271-5006 (Anchorage) or 907-586-7235 (Juneau) for further guidance on and the known locations of living substrates and other Habitat Areas of Particular Concern listed under the Essential Fish Habitat section of the Magnuson Fishery Conservation and Management Act.

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

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

MLLW means mean lower low water.

mg/l means milligrams per liter.

Mince means finely chopped seafood, particularly fish.

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

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

NMFS means United States National Marine Fisheries Service.

NOI means a "Notice of Intent," that is, an application, to be authorized to discharge under a general NPDES permit. [See Attachment A for NOI form.]

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water. In the case of seafood processing wastes discharged in remote locations of Alaska, EPA Region 10 has determined that the calcareous shells of scallops, clams, oysters and abalones and the calcareous tests of sea urchins are not pollutants which must be ground to one-half inch prior to discharge.

Pollution means the man-made or man induced alteration of the chemical, physical, biological or radiological integrity of the water.

Prohibited (catch) species means those species identified in 50 CFR § 679.21(b)(1), including salmon, herring, crab and halibut, that are prohibited to be retained by groundfish trawl fishing vessels. Any such species inadvertently taken in connection with groundfish fishing operations are required to be sorted and all prohibited (catch) species or parts thereof are to returned to the sea immediately, with a minimum of injury [50 CFR § 679.21(b)(ii)].

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

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

Seafood processing settleable solid waste residue means the solids produced in the processing of raw seafood to finished product.

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

Seafood processing waste residue means the floating solids, debris, sludge, deposits, foam, and scum produced in the processing of raw seafood to finished product.

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

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

Surrogate BOD5 means a chemical measurement of either chemical oxygen demand (COD) or total organic carbon (TOC) that has been developed as a surrogate measure of BOD5 consistent with 40 CFR § 133.104 if EPA has approved a correlation of BOD5:COD or BOD5:TOC developed by the permittee for its facility. In the case of using a surrogate chemical measurement for BOD5, the permittee shall submit both the measurement of the original parameter (i.e., COD or TOC) and the translated value of a surrogate BOD5 in its monitoring report.

Unwashed mince means minced fish which is neither washed nor dewatered and is frozen into blocks.

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

U.S.C.A. means United States Code Annotated.

Washed mince means minced fish which is washed, dewatered and frozen into blocks. "Surimi" is included in this classification.

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

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

ATTACHMENT A: Table of Conditions pursuant to Selected Other Authorities

Table of Conditions Required pursuant to Selected Other Authorities

FWS = U.S. Fish and Wildlife Service; NMFS = National Marine Fisheries Service

Condition	Agency	Authority
Any seafood processing facility discharge which results in the harassment of a marine mammal is a 'taking' in violation of the Marine Mammal Protection Act (MMPA), unless specifically authorized by the National Marine Fisheries Service (NMFS) or the U.S. Fish and Wildlife Service (FWS).	FWS and NMFS	Marine Mammal Protection Act
No discharge of petroleum (e.g., diesel, kerosene, and gasoline) or hazardous substances is allowed into or upon the navigable waters of the U.S., adjoining shorelines, into or upon the waters of the contiguous zone which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the U.S. [33 U.S.C.A. § 1321(b)(3)]. Any person in charge of a vessel, an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substances from such vessel or facility, immediately notify the U.S. Coast Guard's Command Center (1-800-478-5555) and ADEC's Oil Spill Prevention and Emergency Response Hotline (1-800-478-9300) of such discharge.	FWS and NMFS	Endangered Species Act and Fishery Conservation and Management Act
The permittee shall monitor for Steller's eiders and other sea ducks and sea birds on the sea surface within 300 ft radius of its refueling station on a weekly basis, recording date, time of observation, species, number, cardinal direction of the bird(s) relative to the fueling area, and distance from the fueling area in accordance with FWS requirements. The permittee shall consult and coordinate with FWS and EPA Region 10 in this monitoring.	FWS	Endangered Species Act
The permittee shall report to FWS all dead, injured, or contaminated Steller's eiders resulting from petroleum releases by the permittee or vessels while such vessels are engaged in fueling activities in association with the permittee. Dead, injured, and contaminated eiders shall be handled according to the dead and injured eider protocol. Costs of rehabilitation of injured and contaminated eiders shall be borne by the permittee.	FWS	Endangered Species Act
The permittee shall ensure that the refueling nozzles or valves at their facility are equipped with functional automatic back pressure shutoff nozzles or valves as required by 33 CFR 154.500 which prevent accidental spills during refueling due to overfilling of the receiving tank or to loss of operator control of the refueling hose.	FWS	Oil Pollution Act and Endangered Species Act