

NPDES Permit No. AK-G52-4000

United States Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900, OWW-130
Seattle, Washington 98101

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM FOR**

OFFSHORE SEAFOOD PROCESSORS IN ALASKA

In compliance with the provisions of the Clean Water Act, 33 U.S.C.A. § 1251 *et seq.* (hereafter, CWA or the Act), the owners and operators of the seafood processing facilities that are described in Part I of this general National Pollutant Discharge Elimination System (NPDES) permit are authorized to discharge seafood processing wastes and the concomitant wastes set out in Part II of this Permit to waters of the United States, except those excluded from authorization of discharge in Part III of this Permit, in accordance with effluent limitations, monitoring requirements and other conditions set forth herein. The discharge of wastes not specifically set out in Part II of this Permit are not authorized under this Permit.

Upon the effective date of this Permit, it is the controlling document for regulation of seafood processing wastes and other designated wastewaters in Federal Waters off the State of Alaska discharged by authorized facilities in accordance with this Permit.

This Permit shall become effective March 1, 2010.

This Permit and the authorization to discharge shall expire at midnight February 28, 2015.

Signed this 4th day of December 2009.

/s/

Michael Bussell
Director
Office of Water and Watersheds

A COPY OF THIS PERMIT MUST BE KEPT ON THE VESSEL 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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ATTACHMENT A: Notice of Intent

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I. AUTHORIZED FACILITIES

A. Categories of authorized dischargers

Subject to the restrictions of this Permit, the following categories of dischargers are authorized to discharge the pollutants set out in Part II of this Permit once a Notice of Intent has been filed with and a written authorization is received from EPA:

1. Operators of off-shore vessels (processors), operating and discharging "seafood processing waste" greater than 3 nautical miles (NM) from shore as delineated by mean lower low water (MLLW), engaged in the processing of fresh, frozen, canned, smoked, salted or pickled seafood or the processing of seafood mince, paste, or meal and other secondary by-products.

II. AUTHORIZED DISCHARGES

A. Discharges from seafood processing facilities

This Permit authorizes the discharge of the following pollutants subject to the limitations and conditions set forth herein:

1. Seafood processing wastewater and wastes, including the waste fluids, heads, organs, flesh, fins, bones, skin, chitinous shells, and stickwater produced by the conversion of aquatic animals from a raw form to a marketable form.
 - a. Treatment of waste solids. Permittees must grind solid seafood processing wastes to 0.5 inch or smaller in any dimension prior to discharge. This 0.5 inch effluent requirement does not apply to (1) the calcareous shells of scallops, clams, oysters and abalones, (2) the calcareous shells (i.e., tests) of sea urchins, or (3) incidental catches of prohibited and by-catch species which are neither retained nor processed.

Permittees must discharge effluents into hydrodynamically energetic waters with a high capacity of dilution and dispersion.

Total pounds of by-catch and prohibited species discharged, per day, and daily location of discharge must be reported in the Annual Discharge Report per VI.B.2.f of this permit.

2. Wash-down water, which include EPA-approved disinfectants added to wash-down water to facilitate the removal of wastes and to maintain sanitary standards during processing or to sanitize seafood processing areas.
3. Sanitary wastewater must be discharged in accordance to U.S. Coast Guard regulations [33 CFR Part 159] through a certified and operable Type I or Type II Marine Sanitation Device prior to discharge.
4. Other wastewater generated in the seafood processing operation, including, seafood catch transfer water, live tank water, refrigerated seawater, cooking water, boiler water,

gray water, cooling water, refrigeration condensate, freshwater pressure relief water, clean-up water, and scrubber water.

B. Unauthorized discharges

1. The discharge of pollutants not specifically set out in this Part are not authorized under this Permit.
2. This general NPDES permit does not authorize any discharges from facilities that (1) have not submitted a Notice of Intent and received written authorization to discharge under this Permit from EPA or (2) have not been notified in writing by EPA that they are covered under this Permit as provided for in the 40 CFR 122.28(b)(2)(vi).
3. The discharge of petroleum (e.g., diesel, kerosene, and gasoline) or hazardous substances 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., is prohibited under 33 U.S.C.A. 1321(b)(3). Any person in charge of an offshore vessel must, as soon as (s)he has knowledge of any discharge of oil or a hazardous substances from such vessel, immediately notify the U.S. Coast Guard's Command Center (1-800-478-5555).

III. AREAS EXCLUDED FROM AUTHORIZATION UNDER THIS GENERAL NPDES PERMIT

This Permit does not authorize the discharge of pollutants in the following circumstances:

A. Protected water resources, critical habitats and special areas

This Permit does not authorize the discharge of pollutants into the protected water resources, critical habitats and special areas as listed below. A sample list and location maps are included in Appendices A and B.

1. Within 1 NM of a National Park, Preserve or Monument.
2. Within 1 NM of a National Wildlife Refuge.
3. Within 1 NM of a National Wilderness Area.
4. Within 1 NM of a State Game Sanctuary, State Game Refuge, State Park, State Marine Park or State Critical Habitat Area.
5. Within 3 NM of a rookery or major haul-out area of the Steller sea lion which has been designated as "critical habitat" by the National Marine Fisheries Service (NMFS) and within fishing areas closed by NMFS as critical Steller sea lion habitat.
6. Waters within one (1) nautical mile of designated critical habitat for the Steller's eider or spectacled eider, including nesting, molting and wintering units. During breeding

season (May through August) Steller's and spectacled eider nesting critical habitat units are located on the Yukon-Kuskokwim Delta and North Slope. Molting habitat (July through October) for Steller's eiders includes Izembek Lagoon, Nelson Lagoon and Seal Islands. Molting habitat for spectacled eider includes Ledyard Bay and Norton Sound. Wintering habitat (October through March) for Steller's eider includes Nelson Lagoon, Izembek Lagoon, Cold Bay, Chignik Lagoon and several other locations along the Aleutian Islands. Wintering habitat for spectacled eider is in the Bering Sea between St. Lawrence and St. Matthews Islands. For complete lists and maps of Steller's eider and spectacled eider critical habitat see Appendices A and B.

7. "Living substrates", such as submerged aquatic vegetation, kelp and eelgrass in shallow coastal waters (generally less than minus 60 ft depth MLLW).

B. At-risk water resources and waterbodies

This Permit does not authorize the discharge of pollutants in the following at-risk water resources and waterbodies.

1. A discharge to less than 60 feet MLLW, with inadequate flushing.

Areas with poor or inadequate flushing may include but are not limited to sheltered waterbodies such as bays, harbors, inlets, coves, lagoons and semi-enclosed water basins bordered by sills. For the purposes of this section, "poor flushing" means average currents of less than 0.33 of a knot at any point in the receiving water within 300 feet of the outfall. It is the responsibility of the permittee to prove adequate flushing in all cases where the discharge is less than 60 feet MLLW.

C. Areas covered by other NPDES permits

1. This Permit does not authorize the discharge of pollutants to receiving waters covered by other general or individual NPDES seafood permits.

IV. APPLICATION TO BE PERMITTED UNDER THIS GENERAL NPDES PERMIT

In order to be authorized to discharge any of the pollutants set out in Part II to waters of the United States under this general NPDES permit, a facility must apply for coverage under this Permit. This general NPDES permit does not authorize any discharges from facilities that have not received authorization from EPA to discharge under this Permit.

A. Submittal of a Notice of Intent to be covered under this general NPDES permit

An applicant wishing authorization to discharge under this Permit must submit a timely and complete Notice of Intent (NOI), or equivalent form to EPA in accordance with the requirements listed herein. [See Attachment A for NOI.] The current NOI or an equivalent form containing all information required must be used. Please note previous versions of Notice of Intent will be considered incomplete. A qualified applicant will be authorized to discharge under this Permit upon its certified receipt from EPA of written notification of inclusion and the assignment of an NPDES permit number.

1. EPA may notify a discharger that it is covered by this general NPDES permit, even if the discharger has not submitted a Notice of Intent [40 CFR 122.28(b)(2)(vi)].
2. Pursuant to 40 CFR 122.28(b)(3), EPA may require any discharger applying for or covered by a general permit to apply for and obtain an individual permit. In addition, any interested person may petition EPA to take this action. EPA may consider the issuance of individual permits when:
 - (1) The single discharge or the cumulative number of discharges is/are a significant contributor of pollution;
 - (2) The discharger is not in compliance with the terms and conditions of the general permit;
 - (3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
 - (4) Effluent limitations guidelines are subsequently promulgated for the point sources covered by the general permit;
 - (5) A Water Quality Management Plan containing requirements applicable to such point sources is approved; or
 - (6) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.
3. A permittee authorized to discharge under this Permit must submit to EPA an updated and amended NOI when there is any material change (that include but are not limited to a different owner, operator, address, phone numbers, process changes, locations and production levels) in the information submitted within its original NOI. Please highlight the changes or note them in a cover letter when an updated NOI is submitted.
4. A permittee must submit its original Notice of Intent to be covered under this general NPDES permit to:

U.S. Environmental Protection Agency Region 10
NPDES Permit Unit OWW-130
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

B. What constitutes a timely submittal of a Notice of Intent

1. New permittee. A new permittee not previously authorized to discharge by general

NPDES permit no. AKG520000 or AKG524000 and seeking coverage under this Permit must submit an NOI at least 90 days prior to the commencement of operation and discharge at its facility.

2. Previous permittee. A permittee covered by the 2001 version of general NPDES permit AKG520000 for seafood processors who submitted a complete NOI package prior to July 27, 2006, is deemed to have submitted a timely NOI. Additional information may still be requested before permit issuance will be finalized. A permittee covered by the 2001 version of general NPDES permit AKG520000 who did not submit a complete NOI package prior to July 27, 2006, must submit a complete NOI package with all required materials to be authorized under this Permit.
3. Any discharger who fails to submit an NOI and/or obtain coverage under this Permit and who discharges seafood wastes to receiving waters of the U.S., will be in violation of the Clean Water Act for discharging without an NPDES permit. Violations can generate possible fines and imprisonment.

C. What constitutes a complete submittal of a Notice of Intent

All information below is required when submitting a complete NOI. If information is missing, permit authorization will not be granted.

1. Permit information.

An NOI must include any NPDES number(s) currently or previously assigned to the vessel.

2. Operator information. The operator of a vessel will be the permitted discharger.

An NOI must include the name, complete address and telephone number of the operator of the vessel and the name of the operators duly authorized representative. If a facsimile machine and/or email address is available at this address, it is useful to provide a FAX number and/or email address

3. Owner information.

An NOI must include the name and the complete address and telephone number of the owner of the facility and the name of the owners duly authorized representative. If a facsimile machine and/or email address is available at this address, it is useful to provide a FAX number and/or email address. If the owner and the operator are the same please write "same" in the owner information box.

4. Vessel information.

- a. An NOI must include the name, and telephone number of the vessel, if applicable. If the name of the vessel has changed, the NOI must include the previous name(s) of the vessel and the date(s) of these changes during the last five years. If a facsimile machine and/or email address is available, it is useful to provide a FAX

number and/or email address.

- b. An NOI must include the U.S. Coast Guard (USCG) vessel number, the type of vessel, and vessel length.
- c. A general area map where discharges will occur.

5. Projected production information.

An NOI must include projected production data based upon historical operations and design capacity. Production data includes:

- a. an identification of all the processes applied to the raw product,
- b. the name and quantity (in pounds) of the raw product(s) by species or family,
- c. the type(s) and quantity (in pounds) of the finished product(s),
- d. the design capacity of the quantity (in pounds) of each raw product which can be processed in a 24-hour day,
- e. processing location(s). Locations must be identified by latitude and longitude or by NMFS federal reporting areas, including a map identifying where the discharges will occur within the reporting area, and
- f. number of operating days by month for the facility.

6. Description of discharges.

An NOI must include information concerning all the discharges from the vessel.

- a. Seafood processing wastes discharges.
 - the range of depth (in feet) of the receiving water,
 - The depth in feet from the sea surface to the outfall terminus
 - the type(s) of grinder(s) used to treat seafood processing wastewater, and
 - the design grinding dimension.
- b. Projected maximum quantity. An NOI must include the projected maximum quantity in pounds (lbs) of seafood processing waste residues by species that is projected to be discharged on a daily basis and on an annual basis. This reported quantity will be the maximum discharge allowed by the facility.
- c. Sanitary wastes. The NOI must identify the type of marine sanitation device (MSD), including the date when the USCG approved and certified the MSD, when it was

installed, its capacity (gal/day) and number of people using the MSD. Identify waste streams that combine with the MSD effluent prior to discharge.

- d. Other wastewater. An NOI must include information on process disinfectants, cooling water, boiler water, cooking water, refrigeration condensate, transfer water, live tank water, air scrubber water, and freshwater pressure relief water.
- e. Process Flow Diagram or Schematic, according to 40 CFR part 122.21(g)(2) and (g)(3), line drawing and average flows and treatments. Provide a diagram showing the processes of the treatment plant, including all bypass piping and all backup power sources or redundancy in the system. Also provide a water balance showing all treatment units, including disinfection (e.g, chlorination and dechlorination). The water balance must show daily average flow rates at influent and discharge points and approximate daily flow rates between treatment units. Include a brief narrative description of the diagram.

(g)(2) Line drawing. A line drawing of the water flow through the facility with a water balance, showing operations contributing wastewater to the effluent and treatment units. Similar processes, operations, or production areas may be indicated as a single unit, labeled to correspond to the more detailed identification under (g)(3) of this section. The water balance must show approximate average flows at intake and discharge points and between units, including treatment units. If a water balance cannot be determined, the applicant may provide instead a pictorial description of the nature and amount of any sources of water and any collection and treatment measures.

(g)(3) Average flows and treatment. A narrative identification of each type of process, operation, or production area which contributes wastewater to the effluent for each outfall, including process wastewater, cooling water, and stormwater runoff; the average flow which each process contributes; and a description of the treatment the wastewater receives, including the ultimate disposal of any solid or fluid wastes other than by discharge. Processes, operations, or production areas may be described in general terms

7. Receiving water information.

- a. An NOI must include the name(s) of the waterbody(ies) receiving the discharges of the vessel.
- b. An NOI must include information concerning any area(s) within 1 NM which are excluded from coverage under this Permit in Part III.
- c. An NOI must include a location map of all discharge areas.

8. Refueling capability and proximity to fueling stations.

An NOI must include information about whether a permittee has the capability to refuel fishing vessels and, if so, the capacity of its refueling tank.

9. Submittals with the NOI.
 - a. A location map of all discharge areas. (Part IV.C.8.d.)
 - b. A permittee already covered by AKG524000 must resubmit certification that the BMP Plan has been reviewed and revised as-needed with its NOI. (Part VI.A.2.)
 - c. All permittees must submit a process flow diagram or schematic. (Part IV.C.6.e)
10. Signatory requirements. All permit applications must be signed and dated 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.

V. LIMITATIONS AND REQUIREMENTS

A. Effluent limitations and requirements.

1. Amount of seafood processing wastes. A permittee must not discharge a volume or weight of seafood processing waste residues on a daily or annual basis which exceeds the amount projected in the permittee's Notice of Intent to be covered under this Permit.
2. Collection, conveyance, treatment and limitation of seafood processing wastes. A permittee must route all seafood processing wastes through a waste conveyance and treatment system. The waste solids discharged from its outfall(s) must not exceed 0.5 inch in any dimension. Wastewaters that have not had contact with seafood (i.e. non-contact cooling water) are not required to be discharged through the seafood process waste-handling system.
3. Scupper and floor drain wastes. A permittee must route all seafood processing waste in scuppers and floor drains through a waste conveyance system to the waste treatment system prior to discharge, unless the permittee provides documentation to EPA that this would cause safety and/or stability impediments for the vessel. If safety and/or stability impediments would occur, the permittee must submit a plan, to EPA, detailing BMPs used to deter seafood processing wastes from entering scuppers and floor drains.
4. Waste conveyance system. A permittee must conduct a daily visual inspection of the waste conveyance, including a close observation of the sump or other places of effluent 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. Discharge of such items is prohibited. Logs of this daily inspection must be kept on-

board the vessel and submitted at the request of EPA.

5. Grinder system. A permittee must conduct a daily inspection of the grinder system during the processing season to confirm that the grinder(s) is (are) (1) operating and (2) reducing the size of the seafood residues to 0.5 inch or smaller in any dimension. This will require inspecting the size of the ground residues reduced in grinding, by taking a representative sample of the ground discharge and ensuring the pieces are less than 0.5 inches in any dimension. Logs of these daily inspections must be kept at the facility and submitted at the request of EPA. Failure to meet the 0.5 inch grind size limit must be reported to EPA in accordance with Part VII.H. (Other non compliance reporting) and a summary submitted with the annual report (Part VI.B.2.b.).
6. Outfall system. A permittee must discharge seafood processing wastes to or below the sea surface. A pre-operational check of the outfall system must be performed at the beginning of each processing season to ensure that the outfall system is operable. Logs of this check must be kept on-board the vessel and submitted at the request of EPA. Any failure of the outfall system must be reported to EPA in accordance with Part VII.G.
7. Sanitary wastes. A permittee must route all sanitary wastes through a sanitary waste system that meets the applicable U.S. Coast Guard (USCG) pollution control standards then in effect [33 CFR 159: "Marine sanitation devices"]. Nonfunctioning and undersized systems are prohibited.
8. Other wastewaters. A permittee must not discharge any other wastewaters that contain pollutants listed below in V.A.(9-14). The incidental foam and scum produced by discharge of seafood catch transfer water must be minimized to the extent practicable as described in the best management practices plan of Part VI.A. Wastewaters that have not had contact with seafood (i.e. non-contact cooling water) are not required to be discharged through the seafood process waste-handling system.
9. Nuisance discharge. The discharge of seafood processing wastes must not create an attractive nuisance situation whereby fish or wildlife are attracted to waste disposal or storage areas in a manner that creates a threat to fish or wildlife or to human health and safety.
10. Residues/aesthetics. All receiving waters shall be free from substances attributable to wastewater or other discharges that:
 - settle to form objectionable deposits;
 - float as debris, scum, oil, or other matter to form nuisances;
 - produce objectionable color, odor, taste, or turbidity;
 - injure or are toxic or produce adverse physiological responses in humans, animals or plants: and,

- produce undesirable or nuisance aquatic life.
11. Color. Waters shall be virtually free from substances producing objectionable color for aesthetic purposes.
12. Oil and Grease.
- Levels of oils or petrochemicals in the sediment which cause deleterious effects to the biota shall be prevented.
 - Surface waters shall be virtually free from floating nonpetroleum oils of vegetable or animal origin, as well as petroleum-derived oils.
13. Solids. Settleable and suspended solids shall not reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonally established norm for aquatic life.
14. Tainting. Materials shall not be present in concentrations that individually or in combination produce undesirable flavors which are detectable by organoleptic tests performed on the edible portions of aquatic organisms.
15. Visual Monitoring. A permittee must monitor its processing and discharges to develop and submit a timely, complete and accurate annual report and to detect and minimize occurrences of noncompliance with the limitations and conditions of this permit.

A permittee must take at least four pictures per year, to be submitted with the annual report. The four pictures must include, the grinder system while in operation, the sampling port and/or sample location while taking the daily sample, the effluent (showing residues size), and the outfall system while in operation.

16. Influent / Effluent Monitoring. The permittee must take quarterly influent and effluent samples, while seafood processing is occurring, for all the parameters listed in Part VI. E. Quarterly is defined as a calendar quarter (Jan.-Mar., Apr.-Jun., Jul.-Sep., and Oct.-Dec.). If no discharge occurs in one or more quarters the permittee must write "No Discharge" on the annual report for those quarters.

Monitoring must begin in the third quarter after receiving authorization to discharge. For example, if a processor is authorized in February (the first quarter), monitoring must be conducted in the third quarter (July-Sept) of that same year. If the processor does not discharge in the third quarter after receiving authorization, then monitoring must start in the first quarter the processor begins discharging again.

Each processor must conduct, at a minimum, quarterly monitoring for at least two years. If after the two year minimum monitoring is completed, the processor shows no exceedances of CWA 304(a) criteria for Marine waters (listed in VI.D), then monitoring may cease. If after two years there have been exceedances of the criteria for marine waters, then monitoring must continue for those parameters where exceedances have occurred. Monitoring must continue until no exceedances occur for two consecutive

years, in which processing occurs.

If a permittee satisfies the paragraph above, then the permittee must submit a letter to the Director of the Office of Water and Watersheds, requesting that monitoring cease for all or a portion of the parameters. This letter must include a summary of the sampling data for each parameter that the permittee proposes to cease monitoring. A permittee must continue monitoring until it receives a letter from EPA approving its request.

B. Best management practices requirements

During the term of this permit all permittees must operate in accordance with a Best Management Practices (BMP) Plan as described in Part VI.A.

C. Annual reporting requirements

During the term of this permit all permittees must prepare and submit an accurate and timely annual report of noncompliance, production, discharges and process changes as described in Part VI.B.

D. Sea surface monitoring requirements.

During the term of this Permit all permittees must conduct a sea surface monitoring program as described in Part VI.C.

VI. SPECIFIC WASTE MINIMIZATION AND MONITORING REQUIREMENTS

A. Best management practices plan

1. Applicability. During the term of this Permit all permittees must operate in accordance with a Best Management Practices (BMP) Plan.
2. Implementation.
 - A previously authorized or newly authorized permittee must develop and implement a BMP Plan within 60 days of the date of that permittee's authorization to discharge under this Permit. A letter certifying the BMP Plan has been implemented and meets the requirements in this part must be received in the same timeframe.
 - A permittee who currently has coverage under AKG524000 must review its BMP Plan and resubmit certification with the NOI that the BMP Plan has been reviewed and revised to meet the requirements of this Part.
3. Purpose. Through implementation of a BMP Plan a 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.
4. Objectives. A permittee must develop its BMP Plan consistent with the following objectives.
 - 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.
 5. Requirements. The BMP Plan must be consistent with the purpose and objectives in Parts VI.A.3. and 4 and must include the following:
 - a. The BMP Plan must be consistent with the general guidance contained in the publication entitled "Guidance Manual for Developing Best Management Practices", USEPA 1993, or its subsequent revisions and "Seafood Processing Handbook for Materials Accounting Audits and Best Management Practices Plans, EPA and Bottomline Performance, 1995.
 - 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 be organized and written with the following structure:
 - (1) Name and physical location of the facility;
 - (2) Statement of BMP policy;

The policy statement provides two major functions: (1) it demonstrates and reinforces management's support of the BMP Plan; and (2) it describes the intent and goals of the BMP Plan.

(3) Materials accounting of the inputs, processes and outputs of the facility;

Materials accounting is used to trace the inflow and outflow of components in a process stream and to establish quantities of these components.

Inflow = outflow + accumulation

Example 1: For the entire Facility

- Inflow = Seafood catch, fresh water, salt water, cleaning chemicals, processing additives, boiler or cook water.
- Accumulation = Product
- Outflow = Inflow minus product

Example 2: Process Step of Head-and-Gut

- Inflow = Whole seafood, cleaning water
- Accumulation = Headed and gutted seafood (to next process step)
- Outflow = Heads, guts, blood, slime, scales, trimmings, unusable seafood, water.

As can be seen from the above examples, the flows can be broken down into components. Identifying and measuring the key components for a process is the basis for doing materials accounting audits. If secondary by-products are produced, such as meal, it is the permittee's responsibility to estimate or measure the volume lost to the atmosphere through water vapor. The calculation used to measure vapor must be reported to EPA in the annual report.

(4) Risk identification and assessment of pollutant discharges;

- (a) Review existing materials and plans, as a source of information, to ensure consistency and to eliminate duplication.
- (b) Characterize actual and potential pollutant sources that might be subject to release.
- (c) Evaluate potential pollutants based on the hazards they present to human health and the environment.
- (d) Identify pathways through which pollutants identified at the site might reach environmental and human receptors.
- (e) Prioritize potential releases.

- (5) Specific management practices and standard operating procedures to achieve the above objectives, including, but not limited to,
 - (a) The modification of equipment, facilities, technology, processes and procedures;
 - (b) The improvement in management, inventory control, materials handling or general operational phases of the facility; and
 - (c) 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.

- (6) Good housekeeping;

Good housekeeping is the maintenance of a clean, orderly work environment. Maintaining an orderly facility means that materials and equipment are neat and well-kept to prevent releases to the environment.

- (7) Preventative maintenance;

Preventative maintenance is periodically inspecting, maintaining, and testing plant equipment and systems to uncover conditions that can cause breakdowns or failures. Preventative maintenance focuses on preventing environmental releases.

- (8) Inspections and records;

(a) Inspections provide an ongoing method to detect and identify sources of actual or potential releases. Inspections are effective in evaluating the good housekeeping and preventative maintenance programs.

(b) Recordkeeping focuses on maintaining records that are pertinent to actual or potential environmental releases. These records may include the BMP Plan itself, inspection reports, preventative maintenance records, and employee training materials.

- (9) Employee training.

Employee training is a method used to instill in personnel, at all levels of responsibility, a complete understanding of the BMP Plan, including the reasons for developing the plan, the positive impacts of the plan, and employee and managerial responsibilities under the BMP Plan.

- c. The BMP Plan must include the following provisions concerning its review:

- (1) Be reviewed by the facility manager and appropriate staff; and

- (2) Include a statement that the above review has been completed and that the BMP Plan fulfills the requirements set forth in this Permit. The statement must be certified by the dated signature of the facility manager.

d. Documentation.

- (1) A new permittee must submit to EPA written certification (in accordance with IX.E), signed by a principal officer or a duly appointed representative of the permittee, of the development and implementation of its BMP Plan, upon completion of the BMP Plan. The certification must be received by EPA no later than 60 days after authorization.
- (2) A continuing permittee must review its BMP Plan and resubmit certification that the BMP Plan has been reviewed and revised-as-needed with its NOI.
- (3) Each permittee must maintain a copy of its BMP Plan on-board the vessel and must make the plan available to EPA upon request.
- (4) All business offices and/or operational sites of a permittee which are required to maintain a copy of this Permit and authorization must also maintain a copy of the BMP Plan and make it available to EPA inspectors upon request.

6. Modification.

- a. A permittee must amend the BMP Plan whenever there is a change in the facility or in the operation of the facility which materially increases the generation of pollutants and their release or potential release to the receiving waters.
- b. A permittee must also amend the Plan, as appropriate, when facility operations covered by the BMP Plan change. Any such changes to the BMP Plan must be consistent with the objectives and specific requirements listed. All changes in the BMP Plan must be reviewed by the facility manager.
- c. At any time, if a BMP Plan proves to be ineffective in achieving the general objective of preventing and minimizing the generation of pollutants and their release, the BMP Plan must be modified to incorporate revised BMP requirements.

B. Annual report

1. Applicability. During the term of this Permit all permittees must prepare and submit a complete, accurate and timely annual report of incidents of noncompliance, production, discharges, and process changes to EPA. [See Attachment B for Annual Report form.]
2. Purpose and objectives. The annual report serves to inform the regulatory agencies of the use and potential degradation of public natural resources by facilities discharging pollutants to these receiving waters under this Permit. The permittee must provide the following information:

- a. Verification of the permittee's NPDES permit number, company name, owner and operator, vessel representative, name of vessel, USCG vessel number, mailing address, telephone number(s), email address, and facsimile number.
- b. A summary of noncompliance reported according to Part VII.G and H of this permit that occurred between January 1st through December 31st of the previous year. Include the reasons for such noncompliance, corrective actions, and preventative steps taken.
- c. A summary of production and discharge information during the previous year, including:
 - (1) Dates of operation per month.
 - (2) Type and amount (pounds) of raw product per month.
 - (3) Type and amount (pounds) of finished product per month.
 - (4) Type and amount (pounds) of discharged seafood processing waste residues (raw product minus finished product) per month.
 - (5) Total annual number of processing days, total amount of raw products in pounds, total amount of finished products in pounds, total amount of discharged seafood processing wastes (raw product minus finished product) in pounds.

If secondary by-products are produced, such as meal, it is the permittee's responsibility to estimate or measure the volume lost to the atmosphere through water vapor. The calculation used to measure vapor must be reported to EPA in the annual report.
- d. Provide area map(s) and at least one daily location of the vessel, while processing, in degrees, minutes, and seconds.
- e. Provide total pounds of by-catch and prohibited species, not processed but returned to the sea (Part II.A.1.a.) per day, the days discharged, and into what location (in degrees minutes and seconds). The location must be reported at least once per day.
- f. Submit updated Notice of Intent to be covered under this Permit only if there are material changes that include but are not limited to a different owner, operator, address, phone numbers, process changes, locations and production levels. The updated NOI must be dated and signed. Please highlight the changes or note them in a cover letter.
- g. A report of all on-site incidents of injured and dead Steller's eider(s), including petroleum-related and collision-related incidents. The report must include the probable cause, time, location and result of the collision and any remedial action taken.

- h. Provide at least four representative pictures. The four pictures must be labeled and must include, the grinder system while in operation, the sampling port while taking the daily sample, the effluent (showing residues size), and the outfall system while in operation. Labels should include the date, time, name of the person taking the picture, and a description of the picture itself.
 - i. Report total pounds of ammonia or Freon used and summarize any occurrences of leaks or breaks in the refrigerator condenser system.
 - j. Provide influent and effluent quarterly monitoring results (See Part VI.E).
 3. Signatory requirements. A permittee must ensure that the annual report is signed by a principal officer or a duly appointed representative of the permittee.
 4. Submittals with the Annual Report.
 - a. Updated NOI if applicable. (Part VI.B.2.a.)
 - b. Reports of noncompliance. (Part VI.B.2.b.)
 5. Submittal. A permittee must submit its annual report by February 14th of the year following each year of operation and discharge under this Permit. A permittee must submit its original annual report to:

U.S. Environmental Protection Agency Region 10
NPDES Compliance Unit (OCE-133)
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

C. Sea surface visual monitoring requirements

1. Applicability. During the term of this Permit all permittees must conduct a sea surface monitoring program.
2. Purpose. A permittee must conduct a sea surface monitoring program to determine compliance with the marine water quality criteria.
3. Objectives. The sea surface monitoring must observe and record incidents of injured or dead Steller's eiders, spectacled eiders, northern sea otters, or Steller's sea lions in the survey area around the vessel and the adjacent receiving water. Monitoring of these species will include recording the numbers of injured or dead animals and their probable cause of their injury or death, including collisions with the seafood processing vessel or any other vessels nearby.

Dead eiders must be recovered and kept frozen until they can be transferred to the US Fish and Wildlife Service (USFWS) according to the dead and injured eider handling protocol. Any collisions, or suspected collisions between Steller's eiders and

processing facilities must be immediately reported to U.S. Fish and Wildlife Service Anchorage Field Office (1-800-272-4174).

- a. Sea surface. Monitoring the sea surface will provide daily assessments of the presence and amounts of residues floating on the sea surface during a facility's operation and discharge.
 - (1) This monitoring program will inform the permittee of its compliance with the Permit limit for residues/aesthetics, color, oil and grease, solids, and tainting on the sea surface and provide a timely basis for correcting violations when they occur.
 - (2) The daily monitoring of the sea surface must;
 - record the total number of days for which observations were made and,
 - record the daily occurrence and areal extent of contiguous films, sheens or mats of foam.
 - (3) The sea surface monitoring must enumerate the occurrence and numbers of animals identified as Steller's sea lion (*Eumetopias jubatus*), Steller's eider (*Polysticta stelleri*), spectacled eider (*Somateria fisheri*), northern sea otter, or short-tailed albatross (*Phoebastria albatrus*) within the survey area.
4. Schedule. All permittees must conduct a daily sea surface monitoring program during operation of each year of coverage.
5. Monitoring reporting.

A permittee must submit monitoring reports and monitoring logs to EPA upon request.

A permittee must report noncompliance with the Permit limit on residues to EPA in writing, within 5 days from the time a permittee becomes aware of any such violation.

6. Signatory requirements. A permittee must ensure that the monitoring report is signed by a principal officer or a duly appointed representative of the permittee.

D. Influent / Effluent Monitoring Requirement

1. Applicability. During the term of this Permit each processor must conduct, at a minimum, quarterly monitoring for at least two years. Monitoring must begin in the third quarter after receiving authorization to discharge. To reduce or cease monitoring the processor must meet the requirements under this section and V.A.16., and receive written authorization from EPA approving their reduced or ceased monitoring.
2. Purpose. Section 308 of the CWA and federal regulation 40 CFR 122.44(i) require monitoring in permits to determine compliance with effluent limitations. Monitoring may also be required to gather effluent, surface water, and biological data to determine if

additional effluent limitations are required in the future, and/or to monitor effluent impacts on the receiving water.

3. Objectives. Influent and effluent monitoring will be used to monitor effluent impacts on the receiving water, and to ensure marine water quality criteria are being met.
4. Monitoring.
 - a. Monitoring Requirements for Outfall 001

Table 1 presents the monitoring requirements for outfall 001. Samples must be collected when seafood processing is occurring.

Table 1. Effluent Monitoring Requirements for Outfall 001

Parameter	Units	Sample Frequency	Sample Type	Method Detection Limit	304 (a) Criteria
Arsenic, total recoverable	µg/L	1/Quarter	Grab	8	36
Copper, total recoverable	µg/L	1/Quarter	Grab	0.7	3.1
Cadmium, total recoverable	µg/L	1/Quarter	Grab	1	8.8
Lead, total recoverable	µg/L	1/Quarter	Grab	0.7	8.1
Mercury, total	µg/L	1/Quarter	Grab	0.2	0.94
Nickel, total recoverable	µg/L	1/Quarter	Grab	0.6	8.2
Selenium, total recoverable	µg/L	1/Quarter	Grab	7.9	71
Silver, total recoverable	µg/L	1/Quarter	Grab	0.1	1.9
Zinc, total recoverable	µg/L	1/Quarter	Grab	2	81

Because the aquatic life, and human health criteria for metals are very low it is important to use analytical methods with low method detection limits. This will ensure that the data can be used to determine if the effluent has the potential to cause or contribute to an exceedance of any marine water quality criteria. Analytical test methods with method detection limits below the aquatic life and human health criteria must be used to analyze samples. The permit requires the permittee to use test methods that achieve at least the method detection limits in Table 1.

- b. Monitoring Requirements for Influent Water

Table 2 below presents the monitoring requirements for the influent water used to process seafood.

Table 2. Monitoring Requirements for influent water

Parameter	Units	Sample Frequency	Sample Type	Method Detection Limit	304 (a) Criteria
Arsenic, total recoverable	µg/L	1/Quarter	Grab	8	36
Copper, total recoverable	µg/L	1/Quarter	Grab	0.7	3.1
Cadmium, total recoverable	µg/L	1/Quarter	Grab	1	8.8
Lead, total recoverable	µg/L	1/Quarter	Grab	0.7	8.1
Mercury, total	µg/L	1/Quarter	Grab	0.2	0.94
Nickel, total recoverable	µg/L	1/Quarter	Grab	0.6	8.2
Selenium, total recoverable	µg/L	1/Quarter	Grab	7.9	71
Silver, total recoverable	µg/L	1/Quarter	Grab	0.1	1.9
Zinc, total recoverable	µg/L	1/Quarter	Grab	2	81

The above monitoring is required to help determine the source of metal contamination, if any.

5. Submittal. A permittee must submit all monitoring data to EPA no later than February 14th of the year following the monitoring, in conjunction with the Annual Report.
6. Signatory requirements. A permittee must ensure that the monitoring report is signed by a principal officer or a duly appointed representative of the permittee.

VII. General Monitoring, Recording and Reporting Requirements

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

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

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee must analyze the additional samples for those parameters listed in Part VI.E. 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 Part VII.C ("Monitoring Procedures"). The permittee must report all additional monitoring in accordance with Part VII.D ("Additional Monitoring by Permittee").

B. Reporting of Monitoring Results

The permittee must summarize monitoring results each quarter on the Annual Report Form or equivalent. The permittee must submit its annual report, by February 14th of the year following each year of operation and discharge under this Permit. The permittee must sign and certify all Annual Reports, and all other reports, in accordance with the requirements of Part IX.E. of this permit ("Signatory Requirements"). The permittee must submit the legible originals of these documents to the Director, Office of Compliance and Enforcement, at the following address:

US EPA Region 10
NPDES Compliance Unit (OCE-133)
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

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 annual report.

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 annual reports, 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 (Part VIII.F., "Bypass of Treatment Facilities");
 - c. any upset that exceeds any effluent limitation in the permit (Part VIII.G., "Upset Conditions"); or
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 VII.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 VII.B (“Reporting of Monitoring Results”) are submitted. The reports must contain the information listed in Part VII.F of this permit (“Twenty-four Hour Notice of Noncompliance Reporting”).

I. Changes in Discharge of Toxic Pollutants

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

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:
 - a. One hundred micrograms per liter (100 ug/l);
 - b. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d. The level established by EPA in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur that would result in any discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:
 - a. Five hundred micrograms per liter (500 ug/l);
 - b. One milligram per liter (1 mg/l) for antimony;
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d. The level established by EPA in accordance with 40 CFR 122.44(f).
3. The permittee must submit the notification to Office of Water and Watersheds at the following address:

US EPA Region 10
Attn: NPDES Permits Unit Manager (OWW-130)
1200 Sixth Avenue, Suite 900

Seattle, Washington 98101

VIII. Compliance Responsibilities

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

B. Penalties for Violations of Permit Conditions

1. **Civil and Administrative Penalties.** Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. 3701 note) (currently \$37,500 per day for each violation).
2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. 3701 note) (currently \$16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$37,500). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. 3701 note) (currently \$16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$177,500).
3. **Criminal Penalties:**
 - a. **Negligent Violations.** The Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

- b. **Knowing Violations.** Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- c. **Knowing Endangerment.** Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- d. **False Statements.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

C. Need To Halt or Reduce Activity not a Defense

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

D. Duty to Mitigate

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

E. Proper Operation and Maintenance

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

F. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.
2. Notice.
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part VII.G ("Twenty-four Hour Notice of Noncompliance Reporting").
3. Prohibition of bypass.
 - a. Bypass is prohibited, and the Director of the Office of Compliance and Enforcement may take enforcement action against the permittee for a bypass, unless:
 - (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 VII.G, "Twenty-four Hour Notice of Noncompliance Reporting;" and
 - d. The permittee complied with any remedial measures required under Part VIII.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 VII.I.3. as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

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

J. Anticipated Noncompliance

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

IX. General Provisions

A. Permit Actions

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

B. Duty to Reapply

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

C. Duty to Provide Information

The permittee must furnish to EPA, within the time specified in the request, any information that EPA 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, 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, it must promptly submit the omitted facts or corrected information in writing.

E. Signatory Requirements

All applications, reports or information submitted to EPA 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 must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the Director of the Office of Compliance and Enforcement.
3. Changes to authorization. If an authorization under Part IX.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 IX.E.2. must be submitted to the Director of the Office of Compliance and Enforcement prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this Part must make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

F. Availability of Reports

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

G. Inspection and Entry

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

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

H. Property Rights

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

I. Transfers

This permit is not transferable to any person except after written notice to the Director of the Office of Water and Watersheds as specified in Part VII.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.

X. Definitions and Acronyms

“Act” means the Clean Water Act.

“ADF&G” means Alaska Department of Fish and Game.

“Administrator” means the Administrator of the EPA, or an authorized representative.

“Average monthly discharge limitation” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

“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.

“Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.

“CFR” means 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.

“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.

“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.

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

“DMR” means discharge monitoring report.

“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.

“Federal Waters” means those waters which begin 3 NM from the coastline or baseline.

“Garbage” means all kinds of victual, sanitary and operational waste, excluding fresh fish and parts thereof, generated during 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.

“GP” means general permit.

“Gray water” means galley, bath, and shower wastewater.

“Interim Minimum Level (IML)” is used when a method-specific “Minimum Level (ML)” has not been published by EPA. The IML is equal to 3.18 times the method-specified “Method Detection Limit (MDL)”.

“Living 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 (MSD)” 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 daily discharge limitation” means the highest allowable “daily discharge.”

“Method Detection Limit (MDL)” means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

“Mince” means finely chopped seafood, particularly fish.

“Minimum Level (ML)” means the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed.

“MLLW” means mean lower low water.

“MSD” means marine sanitation device.

“National Wilderness Area” means protected lands designated under the provisions of the Wilderness Act of 1964.

“National Wildlife Refuge” means public lands and waters, managed by USFWS, which are set aside to conserve America’s fish, wildlife and plants.

“Navigable waters of the US” means navigable waters as defined in section 502(7) of the FWPCA, and includes: (1) all navigable waters of the United States, as defined in judicial decisions prior to the passage of the 1972 Amendments of the Federal Water Pollution Control Act, (FWPCA) (Pub. L. 92-500) also known as the Clean Water Act (CWA), and tributaries of such waters as; (2) interstate waters; (3) intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and (4) intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

“NM” means nautical mile.

“NMFS” means United States National Marine Fisheries Service.

“NOAA” means National Oceanic and Atmospheric Administration.

“NOI” means a Notice of Intent, that is, an application, to be authorized to discharge under a general NPDES permit. See attachment A.

“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.

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

“Prohibited (by-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 (by-catch) species or parts thereof are to be returned to the sea immediately, with a minimum of injury (50 CFR 679.21(b)(ii)).

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

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

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

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

“Seafood process waste” means the waste fluids (including stickwater), organs, flesh, bones and chitinous shells produced in the conversion of aquatic animals from a raw form to a marketable form.

“Seafood process 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.

“SOPs” means standard operating procedures.

“State waters” means those waters from the shore extending out three miles

“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.

“USCG” means United States Coast Guard.

“USFWS” means United States Fish and Wildlife Service.

“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.