

United States Environmental Protection Agency, Region 10  
1200 Sixth Avenue, OW-134  
Seattle, Washington 98101  
(206) 553-1214

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM FOR  
SEAFOOD PROCESSORS OPERATING SHOREBASED FACILITIES IN  
KODIAK, ALASKA

In compliance with the provisions of the Clean Water Act, 33 U.S.C. § 1251 *et seq.*, (hereafter, CWA or the Act), the owners and operators of seafood processing facilities and a by-product recovery facility in Kodiak, Alaska, are authorized to discharge seafood processing wastes and the concomitant wastewaters set out in this Permit to waters of the United States, named St. Paul Harbor and Near Island Channel, Alaska, in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein. The discharge of wastes and wastewaters not specifically set out in this Permit is not authorized under this Permit.

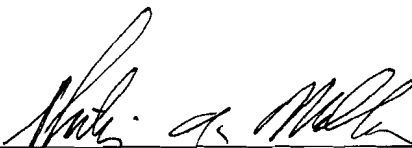
Upon the effective date of this Permit, it is the controlling document for regulation of seafood processing wastes and other designated wastewaters discharged to St. Paul Harbor and Near Island Channel, Alaska.

A COPY OF THIS GENERAL PERMIT MUST BE KEPT AT THE SEAFOOD  
PROCESSING FACILITY WHERE THE DISCHARGE OCCURS.

This Permit shall become effective **MAY 1, 1998**

This Permit and the authorization to discharge shall expire at midnight, **APRIL 30, 2003**

Signed this 16th day of MARCH, 1998

  
\_\_\_\_\_  
Philip G. Millam  
Director, Office of Water, Region 10  
U.S. Environmental Protection Agency

## TABLE OF CONTENTS

<b>1 AUTHORIZED FACILITIES</b>	1
1.1 Existing Facilities	1
1.2 New Facilities	1
<b>2 AUTHORIZED DISCHARGES</b>	1
2.1 Seafood Processing Wastewaters	2
2.2 Process Disinfectants	2
2.3 Domestic and Sanitary Wastewaters	2
2.4 Non-process Wastewaters	2
2.5 Unauthorized Discharges	2
<b>3 EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS</b>	3
3.1 Butchering Waste Stream	3
3.1.1 Limitation on pH	3
3.1.3 Mechanized Limitations	3
3.1.2 Specific Limitations	3
3.1.4 Monitoring Requirements	5
3.1.5 Other Monitoring Requirements	5
3.2 Surimi Processing Waste Stream	6
3.2.1 Effluent Limitations	6
3.2.2 Monitoring Requirements	6
3.2.3 Other Monitoring Requirements	7
3.3 Fish Meal/Powder Processing Waste Stream	7
3.3.1 Effluent Limitations	7
3.3.2 Limitations on pH	7
3.3.3 Specific Limitations	7
3.3.4 Other Limitations	8
3.3.5 Monitoring Requirements	8
3.3.6 Other Monitoring Requirements	9
3.3.7 Stickwater Recycling and Monitoring	10
3.3.8 Best Management Practices	10
3.4 Domestic and Sanitary Waste Stream	10
3.5 Waste Disposal Practices	10
3.5.1 Permittees' Use of the Ocean Dumping Site	11
3.5.2 Unsuitable Species for By-Product Recovery	11
3.5.3 Ocean Dumping Log	11
3.6 Discharge Requirements	11
3.7 Environmental Effects	12
3.8 Alaska State Water Quality Standards	12
3.9 Reopening of Permit	12

<b>4 WASTE MINIMIZATION AND MONITORING REQUIREMENTS</b>	12
4.1 Best Management Practices Plan	12
4.1.1 Applicability	12
4.1.2 Purpose	12
4.1.3 Objectives	12
4.1.4 Requirements	13
4.1.5 BMP Review	14
4.1.6 Implementation	14
4.1.7 Documentation	14
4.1.8 BMP Plan Modification	14
4.1.9 Modification for Ineffectiveness	15
4.2. Seafloor Monitoring	15
4.2.1 Applicability	15
4.2.2 Objective	15
4.2.3 Schedule	15
4.2.4 Method	15
4.2.5 Signatory Requirements	16
<b>5 QUALITY ASSURANCE REQUIREMENTS</b>	16
5.1 Purpose and Objectives	16
5.2 Requirements	17
5.2.1 Reference Documents	17
5.2.2 QA/QC Plan	17
5.2.3 Retention of Laboratory Records	17
5.2.4 Laboratory Director Certification	17
5.2.5 EPA Support of Quality Assurance and Control	18
5.2.6 Documentation	18
<b>6 GENERAL MONITORING and RECORDS REQUIREMENTS</b>	18
6.1 General Monitoring	18
6.1.1 Monitoring Procedures	18
6.1.2 Representative Effluent Sampling	18
6.1.3 Additional Monitoring by the Permittee	19
6.1.4 Submittal of Reports	19
6.2 Records Requirements	19
6.2.1 Records contents	19
6.2.2 Retention of records	20
6.2.3 On-site Availability of Records and Reports	20
<b>7 REPORTING REQUIREMENTS</b>	20
7.1 Noncompliance Reporting	20

7.1.1	Twenty-four Hour Notice of Noncompliance	20
7.1.2	Written Notice of Noncompliance	21
7.1.3	Other Noncompliance	21
7.2	Planned Changes	21
7.3	Notice of New Introduction of Pollutants	22
7.4	Anticipated Noncompliance	22
<b>8</b>	<b>GENERAL COMPLIANCE RESPONSIBILITIES</b>	<b>22</b>
8.1	Duty to Comply	22
8.2	Penalties for Violations of Permit Conditions	22
8.2.1	Civil and Administrative Penalties	22
8.2.2	Criminal Penalties	22
8.3	Need to Halt or Reduce Activity Not a Defense	23
8.4	Duty to Mitigate	23
8.5	Proper Operation and Maintenance	24
8.6	Bypass of Treatment Facilities	24
8.6.1	Bypass Not Exceeding Limitations	24
8.6.2	Bypass Approval	24
8.7	Upset Conditions	25
8.7.1	Effect of an Upset	25
8.7.2	Conditions Necessary for a Demonstration of Upset	25
8.7.3	Burden of Proof	25
8.8	Toxic Pollutants	25
<b>9</b>	<b>GENERAL PROVISIONS</b>	<b>26</b>
9.1	Permit Actions	26
9.2	Duty to Reapply	26
9.3	Duty to Provide Information	26
9.4	Other Information	26
9.5	Signatory Requirements	26
9.5.1	Permit Applications	26
9.5.2	Required Reports and Information	27
9.5.3	Changes to Authorization	27
9.5.4	Certification	27
9.6	Availability of Reports	28
9.7	Inspection and Entry	28
9.8	Oil and Hazardous Substance Liability	28
9.9	Property Rights	29
9.10	Severability	29
9.11	Transfers	29
9.12	State Laws	29

<b>10 DEFINITIONS and ACRONYMS</b> .....	29
<b>11 ATTACHMENTS</b> .....	33
11.1 Calculating Multi-processing Limits for TSS .....	34
11.2 Calculating Multi-processing Limits for O&G .....	35
11.3 Ocean Dumping Site .....	36

## **1 AUTHORIZED FACILITIES**

### **1.1 Existing Facilities**

The facilities listed below are authorized to discharge to the designated receiving water under this general Permit and are assigned the following NPDES number:

AK-G52-8110	Alaska Fresh Seafoods	Near Island Channel
AK-G52-8434	Alaska Pacific Seafoods	St. Paul Harbor
AK-G52-8486	Cook Inlet Processing Gibson Cove	St. Paul Harbor
AK-G52-8426	East Point Seafoods	Near Island Channel
AK-G52-8353	International Seafoods - #1--Shelikof	St. Paul Harbor
AK-G52-8266	International Seafoods - #2--Marine Way	Near Island Channel
AK-G52-8234	Kodiak Fishmeal Company	St. Paul Harbor
AK-G52-8493	Ocean Beauty - King Crab	St. Paul Harbor
AK-G52-8361	Tyson Enterprise Seafoods - Alcod	Near Island Channel
AK-G52-8833	Tyson Enterprise Seafoods - Star of Kodiak	Near Island Channel
AK-G52-8825	Western Alaska Fisheries	St. Paul Harbor

### **1.2 New Facilities**

In order to be authorized to discharge any of the pollutants set out in **2.0** of this general NPDES Permit, a seafood processing facility in Kodiak, Alaska, must apply for coverage under this Permit. Any new applicants (other than those listed above) wishing authorization to discharge under this Permit shall submit EPA Form 3510-1 General Information, EPA Form 3510.2C NPDES, and the State of Alaska Coastal Project Questionnaire and Certification Statement.

In compliance with the Paperwork Reduction Act, 44 U.S.C. § 1501 *et seq.*, the Office of Management and Budget has approved the collection of information in an NPDES application (OMB No. 2040-0086).

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.

## **2 AUTHORIZED DISCHARGES**

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

## **2.1 Seafood Processing Wastewaters**

Seafood processing wastewaters include screened process wastewater from conventional or mechanized butchering of seafood, from the production of surimi and/or fish paste that is washed repeatedly in water then pressed to remove residual water, and from the processing of seafood wastes into fish meal/powder.

## **2.2 Process Disinfectants**

Disinfectants and detergents may be added to wash down water and scrubber water to facilitate the removal of wastes and to maintain sanitary standards during processing. The discharge of residual amounts of process disinfectants used to sanitize seafood processing areas is permitted.

## **2.3 Domestic and Sanitary Wastewaters**

Cook Inlet Processing is the only facility authorized to discharge treated domestic and sanitary wastewater to St. Paul Harbor. Domestic and sanitary wastewaters from all other facilities shall be discharged to the Kodiak municipal wastewater treatment facility.

## **2.4 Non-process Wastewaters**

Non-process wastewaters include non-contact cooling water, boiler water, freshwater pressure relief water, refrigeration condensate, water used to transfer seafood to the facility, live tank water, and other non-process water (except wastewater from floor drains). These wastewaters may be discharged without treatment to the receiving water through conveyances, provided that the discharges are in compliance with Alaska State Water Quality Standards. Persistent foam or scum generated by the discharge of non-process wastewaters, e.g., water used to transfer seafood, shall be a violation of the Alaska State Water Quality Standards and conditions of this Permit.

## **2.5 Unauthorized discharges**

Discharge of wastes and pollutants not specifically set out above are not authorized under this Permit.

### **3 EFFLUENT CONDITIONS AND MONITORING REQUIREMENTS**

#### **3.1. Butchering Waste Stream**

During the effective term of this Permit, the permittee is authorized to discharge process wastewater from the butchering of seafood to St. Paul Harbor or Near Island Channel. Treatment of the butchering waste stream prior to discharge shall be accomplished through the use of fine mesh screening (1 mm) or equivalent technology. Seafood wastes shall not be pulverized, chopped, ground, or otherwise altered prior to screening and discharge through the facility's outfall.

##### **3.1.1 Limitation on pH**

The effluent pH shall not be less than 6.5 standard units nor greater than 8.5 standard units.

##### **3.1.2 Mechanized Limitations**

If 50% or more of the weight of the solid wastes are generated from the use of one or more automated or mechanized method, then select the mechanized limitations for reporting. (See **11.1** and **11.2** for the method of calculating multi-processing limits.)

##### **3.1.3 Specific Limitations**

Discharges from the conventional or mechanized butchering of seafood shall be limited as specified below (limitations are based upon the raw products processed on the day samples are collected):

TYPE OF SEAFOOD	CONVENTIONAL/HAND-BUTCHERED lbs/1000 lbs				MECHANIZED lbs/1000 lbs			
	Total Suspended Solids		Oil and Grease		Total Suspended Solids		Oil and Grease	
	Daily Max	Monthly Aver	Daily Max	Monthly Aver	Daily Max	Monthly Aver	Daily Max	Monthly Aver
Bottom Fish	3.1	1.9	4.3	0.56	22	12	9.9	3.9
Salmon	2.6	1.6	0.31	0.19	44	26	29	11
Herring Frozen Whole	2.6	1.6	0.31	0.19	--	--	--	--
Shrimp	320	210	51	17	--	--	--	--
Scallops	6.6	1.4	7.7	0.24	--	--	--	--
Crab, whole/sections	12	3.9	1.3	0.42	--	--	--	--

Daily discharges shall be calculated as follows: lbs pollutant/1000 lbs raw product =  $\frac{(\text{Flow,mgd}) \times (\text{pollutant,mg/L}) \times (8.34)}{\text{total lbs processed during the sampling day}}$

Bottom Fish includes Flounder (e.g., Arrowtooth), Rockfish/Red Snapper, Pacific Cod, Halibut, Pollock, Black Cod/Sablefish, Grey Cod, Flatfish/Sole, Whitefish

Salmon includes Pink, Chum, Sockeye, Coho, Silver and others

Crab includes King, Tanner (Opilio and Bairdi), Dungeness

Other incidental seafood includes sea cucumbers, snails, skates, sea urchins etc.

### 3.1.4 Monitoring Requirements

Effluent monitoring shall be conducted as follows:

<b>BUTCHERING WASTE STREAM MONITORING</b>		
<b>Parameter</b>	<b>Frequency</b>	<b>Sample Type</b>
Flow (MGD)	Daily	24-Hour Record*
Total Suspended Solids (TSS; lbs/1000 lbs, mg/L)	Weekly	Composite/Grab**
Oil and Grease*** (O&G; lbs/1000 lbs, mg/L)	Weekly	Grab
Settleable Solids (ml/L)	Weekly	Composite/Grab**
pH (standard units)	Weekly	Grab
Production (raw; lbs)	Weekly	Calculated
Number of Processing Days	Monthly	Measured
Water Surface and Shoreline	Daily	Visual Inspection

\* Flow may be estimated if there is no dedicated flow meter measuring the flow for the butchering waste stream. The DMR sample type should be filled in to reflect that the flow is estimated.

\*\* Grab samples may be taken during intermittent processing.

\*\*\*Analyze using the Collins/Tenny test procedure or EPA approved Method 1664.

### 3.1.5 Other Monitoring Requirements

Samples shall be taken from the effluent stream after screening and prior to its discharge to the receiving water.

Daily flow used shall be recorded or estimated on the same day effluent samples are taken. The flow measurement shall only include the amount of water used for the butchering process. Flow may be estimated; an explanation of how the flow is estimated shall accompany the first monthly report where the flow is estimated..

Sampling shall be representative of the waste stream flow. When processing is for short or intermittent periods, samples are to be taken midway during processing, provided the processing period is more than 6 hours.

Monitoring results for the conventional or mechanized butchering wastewater shall be reported on the monthly Discharge Monitoring Reports (DMRs) as both pollutant concentrations (mg/L) and loading values (lbs pollutant parameter per 1000 lbs raw product).

The effluent shall not cause a foam, film, sheen, emulsion, sludge or solid residue on the surface or floor of the receiving water or on the adjoining shorelines.

The water surface and shoreline shall be visually inspected daily for floating solids, garbage, grease, foam, and visible oil sheen. Positive results from the water surface or shoreline inspections shall be reported in accordance with “Other Noncompliance “[7.1.3], except in circumstances of persistent conditions.

### 3.2 Surimi Processing Waste Stream

During the effective term of this Permit, the permittee is authorized to discharge wastewater from processing of fish into surimi.

#### 3.2.1 Effluent Limitations

Surimi wastewater shall be discharged to St. Paul Harbor or Near Island Channel provided that the waste stream is screened to 1 mm or equivalent technology.

#### 3.2.2 Monitoring Requirements

The surimi waste stream shall be sampled prior to screening and commingling with the final effluent discharge waste stream. The surimi waste stream total concentration of TSS and O&G shall be determined by laboratory analysis and subtracted from the final effluent discharge (after screening) waste stream total concentration of TSS and O&G.

Monitoring shall be conducted as follows:

<b>SURIMI WASTE STREAM MONITORING</b>		
<b>Parameter</b>	<b>Frequency</b>	<b>Sample Type</b>
Flow (MGD)	Daily	24-hour Record*
Total Suspended Solids (TSS; mg/L)	Weekly	Composite/Grab**
Biochemical Oxygen Demand-5 day (BOD <sub>5</sub> ; mg/L)	Weekly	Composite/Grab**
Oil and Grease*** (O&G; mg/L)	Weekly	Grab
Production (lbs of fish into surimi)	Weekly	Calculated
Number of Processing Days	Monthly	Measured

\* Flow may be estimated if there is no dedicated flow meter measuring the flow for surimi processing. The DMR sample type should be filled in to reflect that the flow is estimated.

\*\* Grab samples may be taken during intermittent processing.

\*\*\*Analyze using the Collins/Tenny test procedure or EPA approved Method 1664.

### **3.2.3 Other Monitoring Requirements**

Daily flow of the surimi waste stream shall be recorded or estimated on the same day effluent samples are taken. The flow measurement shall only include the amount of water used for the surimi processing. Flow may be estimated; an explanation of how the flow is estimated shall accompany the first monthly report where the flow is estimated..

Sampling is to be representative of the waste stream flow. When processing is for short periods or intermittent periods, samples are to be taken midway during processing, provided the processing period is more than 6 hours.

Monitoring results for surimi processing wastewater shall be reported on the appropriate monthly Discharge Monitoring Reports (DMRs) as pollutant concentrations (mg/L).

The effluent shall not cause a foam, film, sheen, emulsion, sludge or solid residue on the surface or floor of the receiving water or on the adjoining shorelines.

### **3.3 Fish Meal/Powder Waste Stream**

During the effective term of this Permit, the permittee is authorized to discharge effluents from the scrubber, evaporator condensate, separator, cooker, decanter, and dryer used in the processing of fish wastes into fish meal/powder.

#### **3.3.1 Effluent Limitations**

Wastewater from the processing of fish wastes into fish meal/powder shall be discharged to St. Paul Harbor after screening to one (1) mm or equivalent technology.

#### **3.3.2 Limitations on pH**

The instream measurement of pH shall not be less than 6.0 standard units nor greater than 9.0 standard units.

#### **3.3.3 Specific Limitations**

Discharges from the processing of fish wastes into fish meal/powder shall be limited as specified below (limitations are based upon the raw product processed on the day samples are collected):

<b>FISH MEAL/POWDER WASTE STREAM LIMITATIONS</b>		
<b>Pollutant Parameter (units)</b>	<b>Monthly Average*</b>	<b>Daily Maximum*</b>
Biochemical Oxygen Demand - 5 day (BOD <sub>5</sub> ; lbs/1000 lbs, mg/L)	3.8	6.7
Total Suspended Solids (TSS; lbs/1000 lbs, mg/L)	1.5	3.7
Oil and Grease (O&G; lbs/1000 lbs, mg/L)	0.76	1.4

\* Daily of pounds of pollutants per 1,000 lbs of seafood wastes input will be calculated as follows:  

$$\text{lbs pollutant/1000 lbs raw product} = \frac{(\text{Flow, mgd}) \times (\text{pollutant, mg/L}) \times (8.34)}{\text{total lbs processed during the sampling day}}$$

### 3.3.4 Other Limitations

Temperature shall not exceed the Alaska Water Quality Standards.

Color shall not exceed the Alaska Water Quality Standards.

The effluent shall not cause a foam, film, sheen, emulsion, sludge or solid residue on the surface or floor of the receiving water or on the adjoining shorelines.

### 3.3.5 Monitoring Requirements

The fish meal/powder processing waste stream shall be sampled prior to screening and commingling with the final effluent discharge waste stream. The fish meal/powder processing waste stream total concentration of TSS and O&G shall be determined by laboratory analysis and subtracted from the final effluent discharge (after screening) waste stream total concentration of TSS and O&G.

Monitoring shall be conducted as follows:

<b>FISH MEAL/POWDER WASTE STREAM MONITORING</b>		
<b>Parameter (units)</b>	<b>Frequency</b>	<b>Sample Type</b>
Flow (mgd)	Daily	24-hour Record*
Biochemical Oxygen Demand - 5 day (BOD <sub>5</sub> ; lbs/ 1000 lbs, mg/L)	Weekly	Composite/Grab**
Total Suspended Solids (TSS; lbs/1000 lbs, mg/L)	Weekly	Composite/Grab**
Oil and Grease*** (O&G; lbs/1000 lbs, mg/L)	Weekly	Grab
pH (standards units)	Monthly	Grab
Temperature (degree F.)	Weekly	Grab
Settleable Solids (ml/L)	Weekly	Composite/Grab**
Number of Processing Days	Monthly	Measured
Color (color units)	Monthly	Grab

\* Flow may be estimated if there is no dedicated meter measuring the flow for fish meal/powder processing. The DMR sample type should be filled in to reflect that the flow is estimated.

\*\* Grab samples may be taken during intermittent processing.

\*\*\*Analyze using the Collins/Tenny test procedure or EPA approved Method 1664.

### 3.3.6 Other Monitoring Requirements

Daily flow of the fish meal/powder processing waste stream shall be recorded or estimated on the same day effluent samples are taken. The flow measurement will only include the amount of water used for the fish meal/powder processing.

Sampling is to be representative of the waste stream flow. When processing is for short periods or intermittent periods, samples are to be taken midway during processing, provided the processing period is more than 6 hours.

Monitoring results for fish meal/powder processing wastewater shall be reported on the appropriate monthly Discharge Monitoring Reports (DMRs) in accordance with the parameter pollutant units noted in the monitoring table at 3.3.3 and 3.3.5 above.

The water surface and shoreline shall be visually inspected daily for floating solids, garbage, grease, foam, and visible oil sheen. Positive results from the water surface or shoreline inspections shall be reported in accordance with “Other Noncompliance “[7.1.3], except in circumstances of persistent conditions.

### **3.3.7 Stickwater Recycling and Monitoring**

The discharge of stickwater will be allowed as long as the permittee prevents or minimizes the generation and discharge of stickwater from its facility.

Stickwater shall be reduced at the source or recycled in an environmentally safe manner whenever feasible.

The permittee will monitor stickwater recycling and discharge as follows:

- ! Percentage of stickwater recycled per day on a monthly average.
- ! Total gallons of stickwater recycled monthly.
- ! Total gallons of stickwater discharged monthly.
- ! Using grab samples, monitor BOD<sub>5</sub>, TSS, and O&G concentrations (mg/L) weekly in the stickwater when fish meal/powder is being produced; when processing is for short periods or intermittent periods, samples are to be taken midway during processing, provided the processing period is more than 6 hours.

### **3.3.8 Best Management Practices (BMP)**

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

### **3.4 Domestic and Sanitary Waste Stream (Cook Inlet Processing)**

All domestic and sanitary wastes shall be routed through a sanitary waste treatment system and treated prior to discharge to meet the secondary treatment limitations for BOD<sub>5</sub> and TSS of 60 mg/L daily maximum, 45 mg/L weekly average, and 30 mg/L monthly average. Monthly monitoring records are to be kept at the facility and made available for ADEC or EPA inspectors, upon request.

### **3.5 Waste Disposal Practices**

Disposal of all solid seafood processing wastes shall be to a by-product recovery facility. The by-product recovery facility is allowed to dispose of solid seafood

processing wastes at the ocean dumping site (See Attachment 11.3 for the location of the ocean dumping site) when the amount of fish wastes exceeds the capacity of the by-product facility or other circumstances when the by-product recovery facility is unable to take the solids wastes. The solid seafood processing wastes to be disposed of in the ocean dumping site shall be ground to 0.5 inch particle size prior to discharge. Logs of any ocean dumping shall be submitted with the monthly DMR (See.3.5.3).

### **3.5.1 Permittees' Use of the Ocean Dumping Site**

Individual permittee will be allowed to transport solid seafood wastes to the ocean dumping site upon notification and approval of EPA and ADEC. The solid seafood processing wastes to be disposed of in the ocean dumping site shall be ground to 0.5 inch particle size prior to discharge. Logs of any ocean dumping shall be submitted with the monthly DMR (See.3.5.3).

### **3.5.2 Unsuitable Species for By-Product Recovery**

If a species of fish or shellfish is classified as unsuitable for processing at the by-product recovery facility, the permittee may submit a written request to EPA and ADEC to dispose of the seafood waste in the ocean dumping site. The written request must include the reason a species would be considered unsuitable for by-product recovery. If EPA and ADEC approve the permittee's request and classifies a species as unsuitable for processing at the by-product recovery facility, that classification shall remain in effect for the term of this Permit.

### **3.5.3 Ocean Dumping Log**

Any use of the ocean dumping site must be documented in a log with the date, an estimate of the quantity of seafood wastes dumped, the name and address of the company barging the seafood wastes to the dumping site, and the latitude and longitude of area where the seafood wastes are being disposed of in the dumping site. Notation shall also be made of any marine mammals in the dumping area. Any such dumping must occur while the vessel is underway.

## **3.6 Discharge Requirements**

The permittee shall discharge its process wastewaters through outfalls in the general configuration described in the permittee's NPDES application.

There shall be no discharge if the outfall line is severed, fails, leaks, or is displaced from designed specifications or location.

### **3.7 Environmental Effects**

There shall be no discharge of floating solids, visible foam, or oily wastes which product a sheen on the surface of the receiving water.

There shall be no accumulation of seafood processing wastes on the shoreline.

There shall be no accumulation of wastes on the seafloor of the receiving water.

### **3.8 Alaska State Water Quality Standards**

All discharges shall be in compliance with Alaska State Water Quality Standards.

### **3.9 Reopening of Permit**

If these Permit requirements are insufficient to achieve Alaska State Water Quality Standards, EPA, in consultation with ADEC, may reopen and modify the Permit in accordance with 40 CFR § 122.44(d)(1)(C)(4) and 40 CFR § 122.62 to include more stringent effluent limitations and/or additional monitoring requirements.

## **4 WASTE MINIMIZATION AND MONITORING REQUIREMENTS**

### **4.1 Best Management Practices Plan**

#### **4.1.1 Applicability**

During the term of this Permit all permittees shall operate in accordance with a Best Management Practices (BMP) Plan.

#### **4.1.2 Purpose**

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

#### **4.1.3 Objectives**

A permittee shall develop its BMP Plan consistent with the following objectives:

- ! The number and quantity of wastes and pollutants shall be minimized by a permittee to the extent feasible by managing each effluent waste stream in the most appropriate manner.
- ! Standard Operating Procedures (SOPs) shall ensure proper operation and maintenance of the facility.
- ! Evaluations for the control of wastes and pollutants shall include the following:

Examination of each facility component or system for its waste 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.

Examination of all normal operations, including raw material and product storage areas, in-plant conveyance of product, processing and product handling areas, loading or unloading operations, spillage or leaks from the processing floor and dock, and sludge and waste disposal.

Examination of all facility equipment for potential failure and any resulting overflow of wastes and pollutants to receiving waters, including storm water; provision shall be made for emergency measures to be taken in such an event.

Examination of emergency release provision, e.g., ammonia or chlorine discharge.

#### **4.1.4 Requirements**

The BMP Plan shall be documented in narrative form, shall include any necessary plot plans, drawings or maps, and shall be developed in accordance with good engineering practices. The BMP Plan shall be organized and written with the following structure:

- ! Name and location of the facility;
- ! Statement of BMP policy;
- ! Materials accounting of the inputs, processes and outputs of the facility;
- ! Risk identification and assessment of pollutant discharges;

- ! Specific management practices and standard operating procedures to achieve the above objectives, including, but not limited to, the modification of equipment, facilities, technology, processes and procedures, and the improvement in management, inventory control, materials handling or general operational phases of the facility;
- ! Good housekeeping;
- ! Preventative maintenance;
- ! Inspections and records; and
- ! Employee training.

#### **4.1.5 BMP Review**

The BMP Plan shall include the following provisions concerning its review:

- ! Be reviewed by the facility manager and appropriate staff; and
- ! 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 shall be certified by the dated signature of the facility manager.

#### **4.1.6 Implementation**

A permittee shall develop and implement a BMP Plan within six months from the date of issuance of this Permit.

#### **4.1.7 Documentation**

No later than six months from the date of issuance of this Permit, a permittee shall submit to EPA and ADEC written certification (See 9.5.4) signed by a principal office or a duly appointed representative of the permittee, that a BMP plan has been completed and implemented. A permittee shall maintain a copy of its BMP plan at its facility and shall make the plan available to EPA or ADEC upon request.

#### **4.1.8 BMP Plan Modification**

A permittee shall 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. A

permittee shall also amend the Plan, as appropriate, when facility operations covered by the BMP Plan change. Any such changes to the BMP Plan shall be consistent with the objectives and specific requirements listed above. All changes in the BMP Plan shall be reviewed by the facility manager.

#### **4.1.9 Modification for Ineffectiveness**

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 and potential release to the receiving waters and/or the specific requirements above, this Permit and/or the BMP Plan shall be subject to modification to incorporate revised BMP requirements.

## **4.2 Seafloor Monitoring**

### **4.2.1 Applicability**

All permittees covered under this Permit shall conduct a seafloor monitoring program to determine compliance with Alaska Water Quality Standards for settleable residues in marine waters. Alaska Administrative Code Part 18 -- 70.020 states that "(Settleable residues) shall not . . . cause a sludge, solids, or emulsion to be deposited . . . on the bottom."

### **4.2.2 Objective**

The seafloor monitoring program shall determine the areal extent (in square feet) of any continuous deposit of sludge, solids, or emulsion from seafood processing wastes on the seafloor bottom of St. Paul Harbor or Near Island Channel.

### **4.2.3 Schedule**

Each permittees covered under this Permit shall conduct the seafloor monitoring program by September 30, 2000, and submit the report to EPA and ADEC no later than December 31, 2000.

### **4.2.4 Method**

The seafloor survey shall include the following elements:

- !** Location (including distance from shore and company orientation), depth and condition of the outfall line (including presence, size and location of any breaks or cracks;

- ! Water depth at the end of the outfall pipe;
- ! Inspection of the area at the end of the outfall pipe and documentation of the type, depth, areal extent, estimated volume, and size of particles of any waste accumulation;
- ! Description of the methodology used by the surveyor including transects and location devices;
- ! Types of substrate and habitat in and adjacent to the outfall area;
- ! Dates, time, tidal movements, weather conditions, name and signature of surveyor, name of company, and NPDES permit number(s); and
- ! Video and/or other photographic documentation.

#### **4.2.5 Signatory Requirement**

Each permittee shall ensure that the seafloor monitoring report is signed by a principal officer or a duly appointed representative of the permittee. EPA recommends that the permittee require any of its contractors or agents responsible for this monitoring to certify the truth, accuracy, and completeness of the data reported in accordance with the “Signatory Requirements” [9.5] of this Permit.

## **5 QUALITY ASSURANCE REQUIREMENTS**

Each permittee covered under this Permit shall ensure the development and written specification of quality assurance provisions in effluent monitoring plans.

### **5.1 Purpose and Objectives**

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 in explaining data anomalies when they occur.

### **5.2 Requirements**

#### **5.2.1 Reference Documents**

Throughout all sample collection and analysis activities, each permittee shall use the EPA recommended 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*. The following reference may be helpful in preparing the Quality Assurance Plan for this permit: *The Volunteer Monitors Guide to Quality Assurance Project Plans* (EPA 841-B-96-003, September 1996). [These documents may be found on the Internet at <http://www.epa.gov/r10earth/offices/oea/qaindex.htm>]

### **5.2.2 QA/QC Plan**

The QA/QC plan shall include sampling techniques, the number of samples, type of sample containers, preservation of samples, holding times, type and number of quality assurance field samples, analytical methods, analytical detection and quantitation limits (or method detection level) for each target compound, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.

Name(s), address(es), and telephone number(s) of the laboratories, used by or proposed to be used by the permittee, shall be specified in the Plan.

### **5.2.3 Retention of Laboratory Records**

All laboratory bench sheets used in the analyses shall be maintained for inspection by EPA or ADEC for a period of at least five years (See “Retention of Records” [6.2]).

### **5.2.4 Laboratory Director Certification**

Each permittee shall require the laboratory director of each laboratory providing measurement results in support of this Permit to sign and submit to EPA the following statement on a monthly basis with the DMR:

*I certify that this data is in compliance with requirements under 40 CFR Part 136 and other analytical requirements specified in this NPDES Permit, AK-G52-8000.*

*Signature* \_\_\_\_\_ *Date* \_\_\_\_\_

### **5.2.5 EPA Support of Quality Assurance and Control**

Each permittee may obtain copies of all references cited in this part of the Permit from the following address:

Quality Assurance and Data Unit  
Office of Environmental Assessment  
U.S. EPA, Region 10 OEA-095  
1200 Sixth Avenue  
Seattle, Washington 98101

### **5.2.6 Documentation**

A permittee shall submit to EPA and ADEC written certification (See **9.5.4**), signed by a principal office or a duly appointed representative of the permittee, of the development and implementation of the QA/QC plan not later than 12 months from the date of issuance of this Permit. A permittee shall maintain a copy of its QA/QC plan at its facility and shall make the plan available to EPA or ADEC upon request.

## **6 GENERAL MONITORING and RECORDS REQUIREMENTS**

### **6.1 General Monitoring**

#### **6.1.1 Monitoring Procedures**

Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136 or EPA approved methods, unless other test procedures have been specified in the Permit. The Collins-Tenney test method is allowed for testing of Oil and Grease. EPA Method 1664 for Oil and Grease has been approved as an alternative test procedure for Region 10.

#### **6.1.2 Representative Effluent Sampling**

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.

#### **6.1.3 Additional Monitoring by the Permittee**

If any pollutant is monitored more frequently than the Permit requires, using test procedures approved under 40 CFR Part 136 or EPA approved methods or as specified in the Permit, the results of this monitoring shall be reported with the data submitted in the report of effluent monitoring.

#### **6.1.4 Submittal of Reports**

Monitoring results shall be summarized each month on a Discharge Monitoring Report (DMR). The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month. **Legible** copies of these, and all other reports, shall be signed and certified in accordance with the requirements of “Signatory Requirements” [9.5] and “Certification” [9.5.4] and submitted to EPA and ADEC at the following addresses:

Original to:

U.S. EPA, Region 10  
NPDES Compliance Unit OW-133  
1200 Sixth Avenue  
Seattle, Washington 98101

Copy to:

Alaska Department of Environmental Conservation  
Water Permits  
555 Cordova Street  
Anchorage, Alaska 99501

In compliance with the Paperwork Reduction Act, 44 U.S.C. Section 3501, *et seq.*, the Office of Management and Budget has approved the collection of information in a Discharge Monitoring Report (OMB No. 2040-0004).

### **6.2 Records Requirements**

#### **6.2.1 Records Contents**

All effluent monitoring records shall bear the hand-written signature of the person who prepared them. In addition, all records of monitoring information shall include: the date, exact place, and time of sampling or measurements; the names of the individual(s) who performed the sampling or measurements; the

date(s) analyses were performed; the names of the individual(s) who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

#### **6.2.2 Retention of Records**

Each permittee shall retain copies 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, 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 the Director or ADEC at any time.

### **6.2.3 On-site Availability of Records and Reports**

Copies of this NPDES Permit, monitoring reports, and other technical documents required under the Permit shall be maintained on-site during the duration of activity at the permitted location.

## **7 REPORTING REQUIREMENTS**

### **7.1 Noncompliance Reporting**

#### **7.1.1 Twenty-four Hour Notice of Noncompliance**

The following occurrences of noncompliance shall be reported by telephone to EPA (206-553-1846) and ADEC (907-269-7500) within 24 hours from the time the permittee becomes aware of the circumstances:

- !** Any noncompliance which may endanger health or the environment;
- !** Any violation of a maximum daily discharge limitation for any of the pollutants listed in the Permit (See “Effluent Limitations” [3.1.2])
- !** Any unanticipated bypass which exceeds any effluent limitations in the Permit (See “Bypass of Treatment Facilities” [8.6]);
- !** Any upset which exceeds any effluent limitation in the Permit (See “Upset Conditions” [8.7]); or
- !** Instances of persistent floating solids, visible foam, or oily wastes and shoreline accumulations (See “Environmental Effects” [3.1.3 and 3.1.4]).

#### **7.1.2 Written Notice of Noncompliance**

A written notice of the preceding occurrences of noncompliance shall also be provided to EPA and ADEC (See “Submittal of Reports”[6.1.4]) within five days

of the time that a permittee becomes aware of the circumstances which lead to the noncompliance.

### **7.1.3 Other Noncompliance**

Instances of noncompliance not required to be reported within 24 hours (such as monthly average exceedances) shall be reported at the time that the next discharge monitoring report is submitted. The written submittal shall contain:

- ! A description of the noncompliance and its cause;
- ! The period of noncompliance, including exact dates and times;
- ! The estimated time noncompliance is expected to continue if it has not been corrected; and
- ! Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

## **7.2 Planned Changes**

A permittee shall give 60 days advance notice to EPA and ADEC as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

The alteration of, or addition to, the facility could result in noncompliance with the explicit effluent limitation of the Permit;

The alteration of, or addition to, the facility could significantly change the nature or increase the quantity of pollutants discharged which are not limited explicitly in the Permit; or

The alteration of, or addition to, the facility may meet one of the criteria for determine whether the facility is a new source as determined in 40 CFR 122.29(b).

## **7.3 Notice of New Introduction of Pollutants**

The permittee shall provide 60 days advance notice to EPA and ADEC of:

Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and

Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the Permit.

#### **7.4 Anticipated Noncompliance**

The permittee shall also give advance notice to EPA and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements.

### **8 GENERAL COMPLIANCE RESPONSIBILITIES**

#### **8.1 Duty to comply**

Each 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.

#### **8.2 Penalties for violations of permit conditions**

##### **8.2.1 Civil and administrative penalties**

Sections 309(d) and 309(g) of the Act provide that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil penalty not to exceed \$27,500 per day for each violation or an administrative penalty not to exceed \$11,000 per violation.

##### **8.2.2 Criminal penalties**

Negligent Violations The Act provides that any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.

Knowing Violations The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the act shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.

Knowing Endangerment The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 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. A person which is an organization shall be subject to a fine of not more than \$1,000,000.

False Statements The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both.

Except as provided in permit conditions in "Bypass of Treatment Facilities" [8.6] "Upset Conditions" [8.7], nothing in this Permit shall be construed to relieve a permittee of the civil or criminal penalties for noncompliance.

### **8.3 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.

### **8.4 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.

### **8.5 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.

## 8.6 Bypass of treatment facilities

### 8.6.1 Bypass not exceeding limitations

Bypass of wastewater treatment is prohibited if such bypass will produce a discharge which exceeds the effluent limitations of the Permit. EPA or ADEC may take enforcement action against a permittee for a bypass, unless:

- ! The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- ! 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
- ! A permittee submitted notices as follows:

Notice of an 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.

Notice of an unanticipated bypass A permittee shall submit notice of an unanticipated bypass as required under "Noncompliance Reporting" [7.1].

### 8.6.2 Bypass Approval

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 **8.6.1** of this Permit.

## 8.7 Upset conditions

### 8.7.1 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 **8.7.2**. 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.

### **8.7.2 Conditions necessary for a demonstration of upset**

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- ! An upset occurred and that a permittee can identify the cause(s) of the upset;
- ! The permitted facility was at the time being properly operated;
- ! The permittee submitted notice of the upset as required under “Reporting of Noncompliance” [7.1]; and
- ! The permittee complied with any remedial measures as required under “Duty to Mitigate” [8.4].

### **8.7.3 Burden of Proof**

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

## **8.8 Toxic Pollutants**

Each permittee shall 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.

# **9 GENERAL PROVISIONS**

## **9.1 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.

## **9.2 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.

## **9.3 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.

## **9.4 Other Information**

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.

## **9.5 Signatory Requirements**

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

### **9.5.1 Permit Applications**

All permit applications shall be signed as follows:

! For a corporation: by a responsible corporate officer.

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

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

### **9.5.2 Required Reports and Information**

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:

- ! The authorization is made in writing by a person described above and submitted to EPA and ADEC, and
- ! 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 company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

### **9.5.3 Changes to Authorization**

If an authorization under “Signatory Requirements” [9.5] 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 this section must be submitted to EPA and ADEC prior to or together with any reports, information, or applications to be signed by an authorized representative.

### **9.5.4 Certification**

Any person signing a document required by this Permit 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.*

## **9.6 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 EPA and ADEC. A permittee may claim certain types of information as business confidential. When the information is submitted in response to a permit requirement, the permittee will need to identify which documents or portions of documents are company confidential (See **40 CFR 2.203(b)**). As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

## **9.7 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:

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;

Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;

Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

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.

## **9.8 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 Act.

## **9.9 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.

### 9.10 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.

### 9.11 Transfers

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

The current permittee notifies EPA at least 30 days in advance of the proposed transfer date;

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 EPA does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in the preceding paragraph.

### 9.12 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.

## 10 DEFINITIONS and ACRONYMS

*ADEC* means Alaska Department of Environmental Conservation.

*BMP* means best management practices.

*Bottom Fish* includes Flounder (e.g., arrowtooth), Rockfish/Red Snapper, Pacific and Grey Cod, Halibut, Pollock, Black Cod/Sablefish, Flatfish/Sole, Whitefish.

*Bypass* means the intentional diversion of waste streams from any portion of a treatment facility (See 8.6).

*CFR* means the Code of Federal Regulations.

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

**CWA** means the Clean Water Act.

**Crab** includes King, Tanner (Opilio and Bairdi), and Dungeness.

**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.

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

**mg/L** means milligrams per liter.

**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. One sample taken in a monitoring month is not considered a monthly average.

**NOI** means a "Notice of Intent," that is, an application for authorization to discharge under a general NPDES permit.

**Ocean Dumping Site** means a area in Chiniak Bay beginning at approximately 150°22'W to approximately 150°11' W along the 50 fathom line, north of Humpback Rock to the base line from east end of Long Island to Cape Chiniak. Solid seafood wastes are allowed to be dumped within this area provided the dumping vessel is underway and the seafood wastes are ground to a 0.5 inch particle size prior to discharge.

**Persistent** means that floating solids, scum, visible foam, or oily wastes (including a sheen) on the surface of the receiving water above the outfall terminus and/or

immediately adjacent to a permittee's dock and shoreline are visible longer than one tidal cycle.

**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.

**Salmon** includes Pink, Chum, Sockeye, Coho, Silver, and others.

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

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

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

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

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

**Upset** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance due to inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation (See 8.7).

**U.S.C.** means United States Code.

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

11 ATTACHMENTS

**11.1 CALCULATING MULTI-PROCESSING LIMITS FOR TSS and WHAT TO REPORT** (Parameter Code: 00141 “R”)

**Raw Incoming Product**

	BF Mech	BF Conv	Salmon Conv	Salmon Mech	
9-3	--	157,989 (14%)	703,231 (63%)	253,491 (23%)	1,114,711
9-10	91,386 (8%)	137,221 (12%)	692,862 (62%)	205,392 (18%)	1,126,861
9-18	123,931 (21%)	101,583 (17%)	142,744 (24%)	215,119 (38%)	582,377
9-26	103,159 (26%)	96,442 (25%)	--	193,556 (49%)	393,157
	318,476 (10%)	493,235 (15%)	1,538,837 (48%)	867,558 (27%)	3,218,106

**Limits**

	DM	MA		DM	MA
Bottom Fish Mech	22	12	Bottom Fish Conv	3.1	1.9
Salmon Mech	44	26	Salmon Conv	2.6	1.6

**TSS Daily Max Results**

	lbs/day	÷	Prod	=	DM Results	DM Limit
9-3	3088		1115		2.77	12.19
9-10	3381		1127		3.00	11.66
9-18	5793		583		9.93	22.49
9-26	4985		393		12.68 report as TSS DM for “R”	28.06
	17247		3218			

**TSS Daily Max Limit for Multi-Processing** DM limit x percentage + etc.

9-3					$3.1 \times .14 [0.43] + 2.6 \times .63 [1.64] + 44 \times .23 [10.12] = 12.19$
9-10	$22 \times .08 [1.76]$	+	$3.1 \times .12 [0.37]$	+	$2.6 \times .62 [1.61] + 44 \times .18 [7.92] = 11.66$
9-18	$22 \times .21 [4.62]$	+	$3.1 \times .17 [0.53]$	+	$2.6 \times .24 [0.62] + 44 \times .38 [16.72] = 22.49$
9-26	$22 \times .26 [5.72]$	+	$3.1 \times .25 [0.78]$	+	$44 \times .49 [21.56] = 28.06$

**TSS Monthly Average Results for Non-Multi-Processing** Total lbs pollutant ÷ lbs/thousand lbs

$17247 \div 3218 = 5.36$  report as MA for “R”

**TSS Monthly Average Limit for Multi-Processing** MA limit x percentage + etc.

$1.6 \times .48 [0.77] + 1.9 \times .15 [0.29] + 26 \times .27 [7.02] + 12 \times .10 [1.20] = 9.28$  MA Limit



### 11.3 Location of Ocean Dumping Site