

The final permit is printed below and establishes effluent limitations, standards, prohibitions, monitoring requirements and other conditions on discharges from seafood processors in the area of coverage. The conditions are based on material contained in the administrative record, including an ocean discharge criteria evaluation, an environmental assessment, a finding of no significant impact, and a biological evaluation of potential effects on threatened and endangered species. Changes made in response to public comments are addressed in full in a document entitled "Response to Public Comments on the Proposed Reissuance of the Alaskan Seafood Processors General NPDES Permit." This document in being sent to all commenters, current permittees and applicants and is available to other parties from the address below upon request.

EFFECTIVE DATE: The general NPDES permit shall become effective August 4, 1995.

ADDRESSES: Unless otherwise noted in the permit, correspondence regarding this permit should be sent to Environmental Protection Agency, Region 10, Attn: Wastewater Branch, WD-134, 1200 Sixth Avenue, Seattle, Washington, 98101.

FOR FURTHER INFORMATION CONTACT: Burney Hill or Florence Carroll, of EPA Region 10, at the address listed above or telephone (206) 553-1761 or 553-1760 respectively. Copies of the final general NPDES permit, response to public comments and today's publication will be provided upon request by the EPA Region 10 Public Information Center at 1-800-424-4372 or 206-553-1200.

SUPPLEMENTARY INFORMATION: EPA reissues this general NPDES permit pursuant to its authority under Sections 301(b), 304, 306, 307, 308, 401, 402, 403 and 501 of the Clean Water Act. The fact sheet for the draft permit, the response to comments document, the ocean discharge criteria evaluation, the biological evaluation, the environmental assessment, the 401 certification issued by the State of Alaska, and the coastal zone management plan consistency determination issued by the State of Alaska set forth the principal facts and the significant factual, legal and policy questions considered in the development of the terms and conditions of the final permit presented below.

The State of Alaska, Department of Environmental Conservation, has certified that the subject discharges comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act.

The State of Alaska, Office of Management and Budget, Division of Governmental Coordination, has certified that the general NPDES permit is consistent with the approved Alaska Coastal Management Program.

Changes have been made from the draft permit to the final permit in response to public comments received on the draft permit, the final coastal management plan consistency determination from the State of Alaska, and the final 401 certification issued by the State of Alaska.

The following identifies several specific areas of change, among others, which have been embodied in the final permit: the areas excluded from coverage do not include the proposed category "special resource waters of Alaska" and have been expanded to include national wilderness areas, seabird colonies larger than 1,000 individuals, Udagak Bay, Ward Cove and the coastal seas of the Pribilof Islands; offshore seafood processors (discharging more than one nautical mile from shore) are required to develop and operate in accordance with a best management practices plan; one acre zones of deposit are authorized by the State of Alaska; circular mixing zones with radii of 100, 200 and 300 feet are authorized respectively for onshore, nearshore and offshore seafood processors by the State of Alaska; dive surveys are required for discharges of more than 7 days to receiving waters within one nautical mile of shore and in less than 20 fathoms of depth; requests for waivers from the monitoring of the seafloor, sea surface and shoreline are allowed; and an appendix describes the areas excluded from coverage under the permit in detail.

Within 120 days following this service of notice of EPA's final permit decision under 40 CFR 124.15, any interested person may appeal the general NPDES permit in the Federal Court of Appeal in accordance with Section 509(b)(1) of the Clean Water Act. Persons affected by a general NPDES permit may not challenge the conditions of the permit as a right of further EPA proceedings. Instead, they may either challenge this permit in court or apply for an individual NPDES permit and then request a formal hearing on the issuance or denial of an individual permit.

Dated: June 21, 1995.

Janis Hastings,

Acting Director, Water Division.

BILLING CODE 6560-50-M

Authorization To Discharge Under The National Pollutant Discharge Elimination System For Seafood Processors In Alaska

[General Permit No.: AKG-52-0000]

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 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 is not authorized under this permit.

The general NPDES permit AK-G52-0000 reissued in 1989 is invalid as of the effective date of this reissued permit, except as provided for in the State of Alaska Consistency Conditions.

A copy of this general permit must be kept at the seafood processors facility where the discharges occur.

This permit shall become effective August 4, 1995.

This permit and the authorization to discharge shall expire at midnight, 5 years from the effective date of the permit.

Signed this 21st day of June.

Janis Hastings,

Acting Director, Water Division, Region 10, U.S. Environmental Protection Agency.

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Authorized Facilities

Subject to the restrictions of Part III of this Permit (excluded areas), 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 an authorization is received from, EPA.

A. Owners and operators of the facilities operating offshore or nearshore vessels, and shore-based vessels or onshore facilities engaged in the processing of fresh, frozen, canned, smoked, salted or pickled seafoods.

B. Owners and operators of the facilities operating offshore vessels that are engaged in the processing of seafood paste, mince or meal.

Shore-based and nearshore seafood processors discharging seafood paste, mince or meal process wastes to receiving waters within one (1) nautical mile of shore at MLLW are not authorized to discharge under this general NPDES permit.

Operations which catch and process seafood and which discharge less than

one thousand (1,000) pounds of seafood waste per day and less than fifteen tons (30,000 lbs) of seafood waste per year may be but are not required to be covered under this general NPDES permit.

II. Authorized Discharges

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

Seafood process wastes;
Process disinfectants;
Sanitary wastewater; and
D. Other wastewaters, including domestic wastewater, cooling water, boiler water, gray water, freshwater pressure relief water, refrigeration condensate, water used to transfer seafood to the facility, and live tank water.

The discharge of wastes not specifically set out in this Part is not authorized under this Permit.

III. Areas Excluded From Authorization Under This General NPDES Permit

Subject to the waiver provision set out in Part III.E below, this Permit does not authorize the discharge of pollutants in the following circumstances.

A. Protected Water Resources and Special Habitats

This Permit does not authorize the discharge of pollutants in the protected water resources and special habitats as described below and listed in the Appendix.

1. Within one (1) nautical mile of a State Game Sanctuary, State Game Refuge or State Critical Habitat.
2. Within one (1) nautical mile of a National Park or Preserve.
3. Within one (1) nautical mile of a National Wildlife Refuge.
4. Within one (1) nautical mile of a National Wilderness Area.
5. Within three (3) nautical miles of the seaward boundary 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).
6. Within one (1) nautical mile of the seaward boundary of a rookery of the northern fur seal during the period May 1 through November 15.
7. Within one (1) nautical mile of the seaward boundary of a nesting area of a colony of one thousand or more of the following seabirds during the period May 1 through September 30: auklets, cormorants, fulmars, guillemots, kittiwakes, murrelets, murre, puffins and/or terns.
8. In a river designated as wild or scenic under the Wild and Scenic Rivers Act.

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. Areas with water depth of less than ten (10) fathoms mean lower low water (MLLW) that have or are likely to have poor flushing, including but not limited to sheltered waterbodies such as bays, harbors, inlets, coves and lagoons and semi-enclosed water basins bordered by sills of less than ten (10) fathom depth. For the purposes of this section, "poor flushing" means average currents or turbulence of less than one third (0.33) of a knot at any point in the receiving water within three hundred (300) feet of the outfall.

2. Akun Island: Lost Harbor.

3. Streams or rivers within one (1) statute mile upstream of a permanent drinking water intake.

4. Lakes or other impoundments of fresh water.

C. Degraded Waterbodies

This Permit does not authorize the discharge of pollutants in the following degraded waterbodies.

1. Akutan Island: Akutan Harbor west of longitude 165°46'00" W.

2. Unalaska Island: Unalaska Bay and continuous inshore waters south of latitude 53°57'50" N.

3. Udagak Bay: waters of the bay from a line extending between latitude 53°44'32"N, longitude 166°19'14"W and latitude 53°44'04"N, longitude 166°18'32"W.

4. Ward Cove.

5. Any waterbody included in ADEC's CWA § 305(b) report or CWA § 303(d) list of waters which are "impaired" by seafood processor discharges or "water quality-limited" for dissolved oxygen or residues (i.e., floating solids, debris, sludge, deposits, foam or scum).

D. Designated Fish Processing Center

This Permit does not authorize the discharge of pollutants to receiving waters adjacent to the City of Kodiak, including Kodiak Harbor, St. Paul Harbor, Near Island Channel, Women's Bay and Woody Island Channel.

E. Waiver

An owner or operator of a seafood processing facility may request a waiver to discharge under this Permit in the excluded areas listed in Parts III.A.-D. above. In order to obtain a waiver to discharge in one or more of these excluded areas, an applicant must submit a timely and complete request for a waiver in accordance with the requirements listed in Part IV.D. below. Pre-existing, permanent onshore siting

may be considered justification for a waiver.

A waiver will not be granted until after consultation between EPA, ADEC and other appropriate government offices to determine that the proposed discharge will comply with applicable State and federal laws and regulations and State-approved Coastal Zone Management Plans.

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 above to waters of the United States under this general NPDES permit, one must apply for coverage under this Permit. This general NPDES permit does not authorize any discharges from facilities that have not applied for and received permission to discharge under this Permit from EPA.

A. Submittal of a Notice of Intent to be Covered Under This General NPDES Permit

An applicant wishing authorization to discharge under this Permit shall submit a timely and complete Notice of Intent (NOI) to EPA and ADEC in accordance with the requirements listed below. 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.

EPA may require any discharger applying for coverage under this general NPDES permit to apply for and obtain an individual NPDES permit in accordance with Code of Federal Regulations (CFR) Vol. 40, Section 122.28(b)(3).

A permittee authorized to discharge under this Permit shall submit to EPA and ADEC an updated and amended NOI when there is any material change in the information submitted within its original NOI.

In compliance with the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* the Office of Management and Budget has approved the information in a Notice of Intent for permit application (OMB No. 2040-0086).

A permittee shall submit its Notice of Intent to be covered under this general NPDES permit to:

U.S. Environmental Protection Agency
Region 10, NPDES Compliance (WD-135), 1200 Sixth Avenue, Seattle, Washington 98101

and, to the responsible ADEC office at Alaska Department of Environmental Conservation, Southeastern Regional Office, 410 Willoughby Avenue, Suite 105, Juneau, Alaska 99801

Attention: Wastewater Program
Alaska Department of Environmental Conservation, Southcentral Regional Office, 3601 C Street, Suite 1334, Anchorage, Alaska 99503, Attention: Wastewater Program

or

Alaska Department of Environmental Conservation, Western District Office, Unalaska Field Office, P.O. Box 1071, Unalaska, Alaska 99692, Attention: Wastewater Program

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

1. A new permittee seeking coverage under this Permit shall submit an NOI at least 60 days prior to commencement of operation and discharge.

2. An existing permittee authorized to discharge under the general NPDES permit for seafood processors, effective for the period October 30, 1989, through October 31, 1994, should submit an NOI at least 60 days prior to the expiration of that permit and shall submit an NOI no later than 60 days after the effective date of this Permit.

3. An existing permittee authorized to discharge under an individual NPDES permit and applying for authorization to discharge pollutants under this Permit should submit an NOI at least 60 days prior to the desired date of authorization to discharge under this Permit and at least 180 days prior to the expiration date of the individual NPDES permit.

C. What Constitutes a "Complete" Submittal of a Notice of Intent

1. Permit Information

An NOI shall include any NPDES number(s) currently or previously assigned to the facility and the ADEC seafood processor license number.

2. Owner Information

An NOI shall include the name and the complete address and telephone number of the owner of the facility and the name of its duly authorized representative. If a facsimile machine is available at this address, it is useful to provide a FAX number.

3. Company Information

a. An NOI shall include the name and the complete address and telephone number of the company operating the facility and the name of its duly authorized representative. If a facsimile machine is available at this address, it is useful to provide a FAX number.

4. Facility Information

a. An NOI shall include the name, address and telephone number of the facility. If the name of the facility has

changed during the last five years, the NOI shall include the previous name(s) of the facility and the date(s) of these changes. If a facsimile machine is available at this address, it is useful to provide a FAX number.

b. For nearshore and shore-based facilities, an NOI shall include a description of the physical location of the facility and its accurate location in terms of latitude and longitude with a precision of at least 15 seconds of a degree (\approx 0.25 mile). In addition, the NOI should provide the Alaska Department of Fish and Game's (ADFG) Fishery Management Areas in which a facility will operate and discharge.

The NOI shall also include an area map of the facility and its outfall(s). This map shall be based upon an official map or chart of the National Oceanic and Atmospheric Administration (NOAA) or the U.S. Geologic Survey (USGS) of a scale of resolution of from 1:20,000 to 1:65,000.

c. An NOI should include the number of seasonal and annual employees of the facility.

d. For floating facilities, an NOI shall include the U.S. Coast Guard (USCG) vessel number, the type, length and date of purchase of the vessel, and the ADFG Fishery Management Area(s) in which a facility will operate and discharge.

5. Facility Classification

An NOI shall include the classification(s) of the facility as one or more of the following categories of seafood processors.

a. *Offshore seafood processor*: a processor operating and discharging more than one (1) nautical mile from shore at MLLW.

b. *Nearshore seafood processor*: a processor operating and discharging from one (1) to one half (0.5) nautical mile from shore at MLLW.

c. *Shore-based seafood processor*: a processor operating and discharging less than one half (0.5) nautical mile from shore at MLLW.

6. Production Information

An NOI shall include projected production data based upon historical operations and design capacity. Production data includes an identification of the process applied to the product, the name and quantity of the raw product(s) by species, the type of the finished product(s), and the maximum quantity of each raw product which can be processed in a 24-hour day. The NOI shall also include the projected processing location(s) and number of operating days by month for the facility.

7. Receiving Water Information

An NOI shall include the name(s) of the waterbody(ies) receiving the discharges of the facility and the name of any larger, adjacent receiving waterbody.

The NOI shall include information concerning any areas within three (3) nautical miles which are excluded from coverage under the Permit in Part III above.

For nearshore and shore-based processors, an NOI shall include a bathymetric map of the receiving water within one (1) nautical mile of the discharge.

8. Description of Discharge(s)

An NOI shall include the depth at MLLW and distance from shore at MLLW of the end of the outfall pipe at which the effluent is discharged.

An NOI shall include information concerning all the discharges from the facility.

a. Sanitary wastes. The NOI shall identify the type and capacity of the sanitary wastewater treatment system.

b. Seafood process wastes. The NOI shall include a list of the number, type, waste solids weights and wastewater volumes of each discharge and the maximum quantity of process wastes which can be produced in a 24-hour day. Discharges should be described in terms of specific seafood products processed and component wastewaters on a monthly basis for one year of operation.

c. Other wastewaters. The NOI shall include information on process disinfectants, domestic wastewater, cooling water, boiler water, refrigeration condensate, transfer water, graywater, live tank water and freshwater pressure relief water.

9. Signatory Requirements.

All permit applications shall be signed as follows:

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

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

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

D. How Does an Applicant Request a Waiver to Discharge in an Excluded Area Under This General NPDES Permit

An applicant who seeks a waiver of one or more of the requirements for discharge location in Part III above must submit a timely and complete request for a waiver in accordance with the following requirements.

1. A Notice of Intent to be authorized to discharge under this general NPDES

permit in accordance with the requirements of Parts IV.A-C. above.

2. A detailed description of the circumstances requiring discharges to the excluded areas. This description should address alternatives to discharging within the excluded area.

3. A detailed description of the nature, magnitude and duration of the seafood processing operation and its discharges.

4. A detailed map showing the proposed facility location, outfall location, receiving water bathymetry, surrounding upland topography, and any protected water resources, special habitats or areas listed in Part III above which are located within three (3) nautical miles of the site or its outfall. This area map of the facility and its outfall(s) shall be based upon an official map or chart of NOAA or USGS of a scale of resolution from 1:20,000 to 1:65,000.

5. A description of how and why the discharges will not cause a violation of State water quality standards, including antidegradation, in the receiving waters [Alaska Administrative Code (AAC) Vol. 18, Part 70].

6. A description of how and why the discharges will not cause a significant degradation of the physical, chemical or biological integrity of the receiving water, including but not limited to seafloor deposits of settleable residues, shoreline deposits of residues and increased mortality in communities of marine life.

7. A description of how and why the discharges will not harm or impair the reproduction and growth of any threatened or endangered species within three (3) nautical miles of the proposed operation and discharge.

A waiver will not be granted until after consultation between EPA, ADEC and other appropriate government offices to determine that the proposed discharge will comply with applicable State and federal laws and regulations and State-approved Coastal Zone Management Plans.

V. Categories of Permittees and Requirements

A. Offshore Seafood Processors

(a processor operating and discharging more than one (1) nautical mile from shore at MLLW)

1. Effluent Limitations and Requirements

a. Amount of seafood process wastes. A permittee shall not discharge a volume or weight of seafood process wastes on a daily or annual basis which exceeds the amount reported in the

permittee's Notice of Intent to be covered under this Permit.

b. Treatment and limitation of seafood process wastes. A permittee shall route all seafood process wastes through a waste-handling system. The waste solids discharged from the end of pipe shall not exceed one half (0.5) inch in any dimension.

c. Scupper and floor drain wastes. A permittee shall route all seafood process wastes from scuppers and floor drains through a waste-handling system. The waste solids discharged from the end of pipe shall not exceed one half (0.5) inch in any dimension.

d. Sanitary wastes. A permittee shall route all sanitary wastes through a sanitary waste system that meets the applicable Coast Guard pollution control standards then in effect (33 CFR part 159: "Marine sanitation devices"). Nonfunctioning and undersized systems are prohibited.

e. Other wastewaters. A permittee shall not discharge any other such wastewaters that contain foam, floating solids, grease, or oily wastes which produce a sheen on the water surface, nor wastes which deposit residues which accumulate on the shoreline or sea floor. The incidental foam and scum produced by discharge of seafood transfer water must be minimized to the extent practicable as described in the best management practices plan of Part VI.A. Wastewaters which have not had contact with seafood process wastes are not required to be discharged through the seafood process waste-handling system.

f. State water quality standards (18 AAC Part 70). Discharges shall not violate Alaska Water Quality Standards for floating or suspended residues, dissolved oxygen, oil and grease, fecal coliform, pH, temperature, color, turbidity, and total residual chlorine beyond the mixing zone. For the purposes of offshore seafood processors, the mixing zone shall be measured as three hundred (300) feet radius from the point of discharge. Discharges shall not violate Alaska Water Quality Standards for settleable solid residues beyond a one (1) acre zone of deposit.

g. Additional wastes. A permittee is reminded of the requirement that vessels comply with 33 CFR part 151. (Vessels carrying oil, noxious liquid substances, garbage, municipal or commercial wastes, and ballast water).

h. Monitoring. A permittee shall monitor its processing and discharges to the extent necessary to develop and submit a timely and accurate annual report.

2. Best Management Practices Requirements

During the term of this Permit all permittees shall operate in accordance with a Best Management Practices Plan as described in Part VI.A. below.

3. Annual Reporting Requirements

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

B. Nearshore Seafood Processors

(a processor operating and discharging from one (1) to one half (0.5) nautical mile from shore at MLLW)

1. Effluent Limitations and Requirements

a. Amount of seafood process wastes. A permittee shall not discharge a volume or weight of seafood process wastes on a daily or annual basis which exceeds the amount reported in the permittee's Notice of Intent to be covered under this Permit.

b. Treatment and limitation of seafood process wastes. A permittee shall route all seafood process wastes through a waste-handling system. The waste solids discharged from the end of pipe shall not exceed one half (0.5) inch in any dimension.

c. Scupper and floor drain wastes. A permittee shall route all seafood process wastes from scuppers and floor drains through a waste-handling system. The waste solids discharged from the end of pipe shall not exceed one half (0.5) inch in any dimension.

d. Sanitary wastes. A permittee shall route all sanitary wastes through a sanitary waste system that meets the applicable Coast Guard pollution control standards then in effect (33 CFR Part 159: "Marine sanitation devices") Nonfunctioning and undersized systems are prohibited.

e. Other wastewaters. A permittee shall not discharge any other such wastewaters that contain foam, floating solids, grease, or oily wastes which produce a sheen on the water surface, nor wastes which deposit residues which accumulate on the shoreline or sea floor. The incidental foam and scum produced by discharge of seafood transfer water must be minimized to the extent practicable as described in the best management practices plan of Part VI.A. Wastewaters which have not had contact with seafood process wastes are not required to be discharged through the process waste-handling system.

f. Residues. A permittee shall not discharge seafood sludge, deposits,

debris, scum, floating solids, oily wastes or foam which alone or in combination with other substances

(1) make the water unfit or unsafe for use in aquaculture, water supply, recreation, growth and propagation of fish, shellfish, aquatic life and wildlife, or the harvesting and consumption of raw mollusks or other raw aquatic life;

(2) cause a leaching of deleterious substances;

(3) cause a film, sheen, emulsion or scum on the surface of the water;

(4) cause a scum, emulsion, sludge or solid to be deposited on the adjoining shorelines; or

(5) cause a scum, emulsion, sludge or solid to be deposited on the bottom.

g. State water quality standards (18 AAC Part 70). Discharges shall not violate Alaska Water Quality Standards for floating or suspended residues, dissolved oxygen, oil and grease, fecal coliform, pH, temperature, color, turbidity, and total residual chlorine beyond the mixing zone. For the purposes of nearshore seafood processors, the mixing zone shall be measured as two hundred (200) feet radius from the point of discharge. Discharges shall not violate Alaska Water Quality Standards for settleable solid residues beyond a zone (1) acre zone of deposit.

h. Discharge pipe location. A permittee shall discharge its wastewaters at a point at least three (3) feet below the sea surface.

i. Additional wastes. A permittee is reminded of the requirement that vessels comply with 33 CFR part 151 ("Vessels carrying oil, noxious liquid substances, garbage, municipal or commercial wastes, and ballast water").

j. Monitoring. A permittee shall monitor its processing and discharges to the extent necessary to develop and submit a timely and accurate annual report and to detect and minimize occurrences of noncompliance.

2. Best Management Practices Requirements

During the term of this Permit all permittees shall operate in accordance with a Best Management Practices Plan as described in Part VI.A. below.

3. Annual Reporting Requirements

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

4. Seafloor Monitoring Requirements

During the term of this Permit all permittees classified as nearshore

floating seafood processors and discharging to receiving waters of depths of less than twenty (20) fathoms at a fixed position for more than seven (7) days within a reporting year shall conduct a seafloor monitoring program as described in Part VI.C. below. A "fixed position" refers to a circular anchorage area of radius equal to one quarter (0.25) nautical mile.

5. Sea Surface and Shoreline Monitoring Requirements

During the term of this Permit all permittees classified as nearshore floating seafood processors shall conduct a daily sea surface and a weekly shoreline monitoring program as described below in Part VI.D. below.

C. Shore-based Seafood Processors

(a processor operating and discharging less than one half (0.5) nautical mile from shore at MLLW)

1. Effluent Limitations and Requirements

a. Amount of seafood process wastes. A permittee shall not discharge a volume or weight of seafood process wastes on a daily or annual basis which exceeds that reported in the permittee's Notice of Intent to be covered under this Permit.

b. Treatment and limitation of seafood process wastes. A permittee shall route all seafood process wastes through a waste-handling system. The waste solids discharged from the end of pipe shall not exceed one half (0.5) inch in any dimension.

c. Scupper and floor drain wastes. A permittee shall route all seafood process wastes from scuppers and floor drains through a waste-handling system. The waste solids discharged from the end of pipe shall not exceed one half (0.5) inch in any dimension.

d. Sanitary wastes. A permittee shall route all sanitary wastes through a sanitary waste treatment system. Nonfunctioning and undersized systems are prohibited.

Sanitary wastes must be either:

(1) Discharged to a shore-based septic system or a municipal wastewater treatment system,

(2) Treated prior to discharge to meet the secondary treatment limitations for biochemical oxygen demands (BOD₅) and total suspended solids (TSS) of 60 mg/1 daily maximum, 45 mg/1 weekly average, and 30 mg/1 monthly average, or,

(3) If a USGC-licensed vessel, treated prior to discharge by a sanitary waste system that meets the applicable Coast Guard pollution control standards then

in effect [33 CFR part 159: "Marine sanitation devices"]].

e. Other wastewaters. A permittee shall not discharge any other such wastewaters that contain foam, floating solids, grease, or oily wastes which produce a sheen on the water surface, nor wastes which deposit residues which accumulate on the shoreline or sea floor. The incidental foam and scum produced by discharge of seafood transfer water must be minimized to the extent practicable as described in the best management practices plan of Part VI.A. Wastewaters which have not had contact with seafood process wastes are not required to be discharged through the process waste-handling system.

f. Residues. A permittee shall not discharge seafood sludge, deposits, debris, scum, floating solids, oily wastes or foam which alone or in combination with other substances

(1) make the water unfit or unsafe for use in aquaculture, water supply, recreation, growth and propagation of fish, shellfish, aquatic life and wildlife, or the harvesting and consumption of raw mollusks or other raw aquatic life;

(2) cause a leaching of deleterious substances;

(3) cause a film, sheen, emulsion or scum on the surface of the water;

(4) cause a scum, emulsion, sludge or solid to be deposited on the adjoining shorelines; or

(5) cause a scum, emulsion, sludge or solid to be deposited on the bottom.

g. State water quality standards (18 AAC Part 70). Discharges shall not violate Alaska Water Quality Standards for floating or suspended residues, dissolved oxygen, oil and grease, fecal coliform, pH, temperature, color, turbidity, and total residual chlorine beyond the mixing zone. For the purposes of shore-based seafood processors, the mixing zone shall be measured as one hundred (100) feet radius from the point of discharge. Discharges shall not violate Alaska Water Quality Standards for settleable solid residues beyond a one (1) acre zone of deposit.

h. Discharge pipe location. A permittee discharging to marine water shall discharge its wastewaters at a point at least ten (10) feet below the surface of the receiving water. A permittee discharging to fresh water shall discharge its wastewaters at least three (3) feet below the surface of the receiving water. An applicant may request a waiver to this condition by providing a description of the circumstances which make this condition onerous and unnecessary to the protection of State water quality standards.

i. Monitoring. A permittee shall monitor its processing and discharges to the extent necessary to develop and submit a timely and accurate annual report and to detect and minimize occurrences of noncompliance.

2. Best Management Practices Requirements

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

3. Annual Reporting Requirements

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

4. Seafloor Monitoring Requirements

During the term of this Permit all permittees classified as shore-based seafood processors and discharging to receiving waters of depths of less than twenty (20) fathoms at a fixed position for more than seven (7) days within a reporting year shall conduct a seafloor monitoring program as described in Part VI.C. below.

5. Sea Surface and Shoreline Monitoring Requirements

During the term of this Permit all permittees classified as shore-based seafood processors shall conduct a daily sea surface and daily shoreline monitoring program as described below in Part VI.D. below.

VI. Specific Waste Minimization and Monitoring Requirements

A. Best Management Practices Plan

1. Applicability

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

2. Implementation

A permittee shall develop and implement a BMP Plan within 18 months of the date of that permittee's authorization to discharge under this Permit.

3. 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 should be prevented or reduced at the source or recycled in an environmentally safe manner whenever

feasible. Disposal of wastes into the environment should be conducted in such a way as to have a minimal environmental impact.

4. Objectives

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

a. 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.

b. Any Standard Operating Procedures (SOPs) shall ensure proper operation and maintenance of the facility.

c. Evaluations for the control of wastes and pollutants shall include the following.

(1) Each facility component or system shall be examined 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. The examination shall include all normal operations, including raw material and product storage areas, in-plant conveyance of product, processing and product handling areas, loading or unloading operations, spillage or leaks from the processing floor and dock, and sludge and waste disposal.

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

5. Requirements

The BMP Plan shall be consistent with the purpose and objectives in Parts VI.B.3.-4. above.

a. 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:

- (1) Name and location of the facility;
- (2) Statement of BMP policy;
- (3) Materials accounting of the inputs, processes and outputs of the facility;
- (4) Risk identification and assessment of pollutant discharges;
- (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, and

(b) the improvement in management, inventory control, materials handling or

general operational phases of the facility;

- (6) Good housekeeping;
- (7) Preventative maintenance;
- (8) Inspections and records; and
- (9) Employee training.

b. The BMP Plan shall 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 shall be certified by the dated signature of the facility manager.

Documentation

A permittee shall submit to EPA written certification, signed by a principal officer or a duly appointed representative of the permittee, of the completion and implementation of its BMP Plan. 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. All offices of a permittee which are required to maintain a copy of this Permit shall also maintain a copy of the BMP Plan.

7. 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.

8. 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.

B. Annual Report

1. Applicability

During the term of this Permit all permittees shall prepare and submit a complete, accurate and timely annual report of noncompliance, production, discharges and process changes to EPA and ADEC.

In compliance with the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.* the Office of Management and Budget has approved the information in an annual report for compliance assessment (OMB No. 2040-0110).

2. Purpose and Objectives

The annual report serves to inform the regulatory agencies of the use and potential degradation of public water resources by facilities discharging pollutants to these receiving waters under this Permit. The permittee shall provide the following information.

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

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

b. A summary of information of production and discharge during the previous year, including

- (1) Dates of operation by month,
- (2) Type and amount (lbs) of raw product per month,
- (3) Type and amount (lbs) of finished product per month,
- (4) Type and amount (lbs) of discharged residues per month, and
- (5) Location of discharge (name of receiving water(s)). If a floating processor operating and discharging within three miles of shore for a continuous 24-hour period or more, the name of the receiving water(s) and the latitude and longitude, the date and the depth of the discharge location(s).

c. A statement of any changes to a permittee's Notice of Intent to be covered under this Permit (especially process changes, locations and production levels).

3. Signatory Requirements

A permittee shall ensure that the annual report is signed by a principal officer or a duly appointed representative of the permittee.

4. Submittal

A permittee shall submit its annual report by January 31st of the year following each year of operation and discharge under this Permit. A permittee shall submit its annual report to:

U.S. Environmental Protection Agency
Region 10, NPDES Compliance (WD-135), 1200 Sixth Avenue, Seattle,
Washington 98101

and, to the responsible ADEC office at Alaska Department of Environmental Conservation, Southeastern Regional Office, 410 Willoughby Avenue, Suite 105, Juneau, Alaska 99801, Attention: Wastewater Program
Alaska Department of Environmental Conservation, Southcentral Regional Office, 3601 C Street, Suite 1334, Anchorage, Alaska 99503, Attention: Wastewater Program

or

Alaska Department of Environmental Conservation, Western District Office, Unalaska Field Office, P.O. Box 1071, Unalaska, Alaska 99692, Attention: Wastewater Program

Seafloor Monitoring Requirements

1. Applicability

During the term of this Permit all permittees classified as shore-based or nearshore seafood processors and discharging to receiving waters of depths of less than twenty (20) fathoms at a fixed position for more than seven (7) days shall conduct a seafloor monitoring program. A "fixed position" refers to a circular anchorage area of radius equal to one quarter (0.25) nautical mile.

2. Purpose

A permittee shall conduct a seafloor monitoring program to determine compliance with the 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, solid, or emulsion to be deposited * * * on the bottom."

ADEC has authorized a zone of deposit of up to a maximum area of one (1) acre for facilities permitted under this Permit in accordance with 18 AAC § 70.033.

3. Objective

The seafloor monitoring program shall determine the areal extent (in square feet) of the continuous deposit of sludge, solid or emulsion, any of which is one-half inch or thicker, on the bottom that persists throughout the year.

a. Monitoring shall provide an accurate estimate of the area of the discharge waste pile of settleable residues which persists throughout the year. It is recommended that such persistence can be determined by surveying the waste pile generated during the previous year prior to the commencement of discharge.

b. Monitoring shall provide a determination of the outer boundary of the area of the discharge waste pile. It is recommended that such precision

will require a visual, photographic or video assessment.

4. Schedule

A permittee shall develop and implement a monitoring program to survey the area of its discharge waste pile during the first full year of coverage of its facility under this Permit.

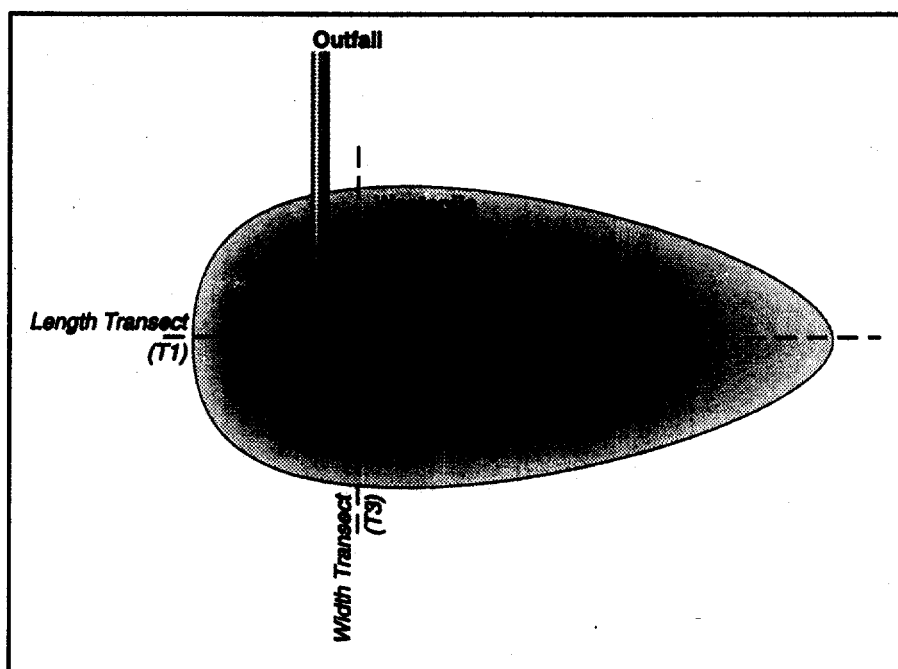
Tiered Monitoring

The monitoring program shall be tiered in levels of increasing complexity which are determined by the area of the discharge waste pile as assessed in previous seafloor monitoring surveys.

Tier one survey. A permittee shall develop and implement a monitoring program to survey the area of its discharge waste pile during the first full year of the facility's coverage under this Permit. If a permittee has relocated its discharge pipe during the preceding year of operation and discharge, has added a new production line, or has increased production over the production of the year of the previous seafloor monitoring survey by more than 25%, then a permittee shall develop and implement a monitoring program to survey the area of its discharge waste pile during the current year of the facility's coverage under this Permit.

a. The tier one bottom survey shall be conducted along two transects. The principal transect shall be oriented along the maximum horizontal dimension of the waste pile ("the length"). The second transect ("the width") shall be perpendicular to the principal transect, and shall cross it at the point where the waste pile is widest in that direction. The survey shall record and report the measurements of the distances of each transect under which any continuous part of the waste pile occurs.

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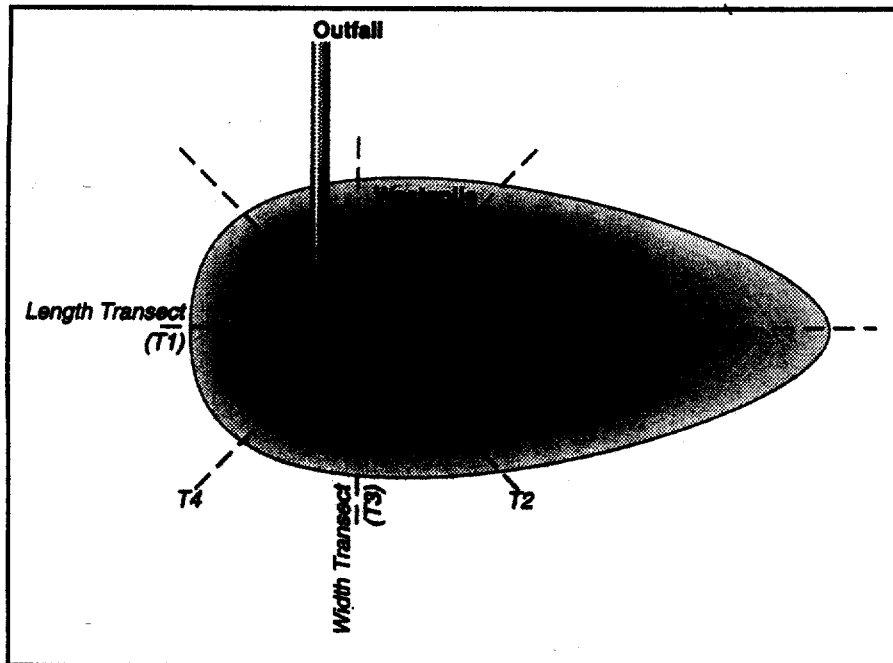
b. Tier two survey. If a permittee has concluded from its seafloor monitoring survey of the last previous year of operation and discharge that its waste pile is greater than one half of an acre in size (21,780 sq. ft.) and less than three quarters of an acre in size (32,670 sq. ft.), then a permittee shall develop and implement a monitoring program to survey the area of its discharge waste

pile during the current year of its facility's coverage under this Permit.

The tier two bottom survey shall be conducted along four transects. The principal transect shall be oriented along the maximum horizontal dimension of the waste pile ("the length"). The second transect ("the width") shall be perpendicular to the principal transect, and shall cross it at the point where the waste pile is widest

in that direction. The remaining two transects shall pass through the point where the first two transects intersect, and shall be at 45 degree angles to the first two transects. The survey shall record and report the measurements of the distances of each transect under which any continuous part of the waste pile occurs.

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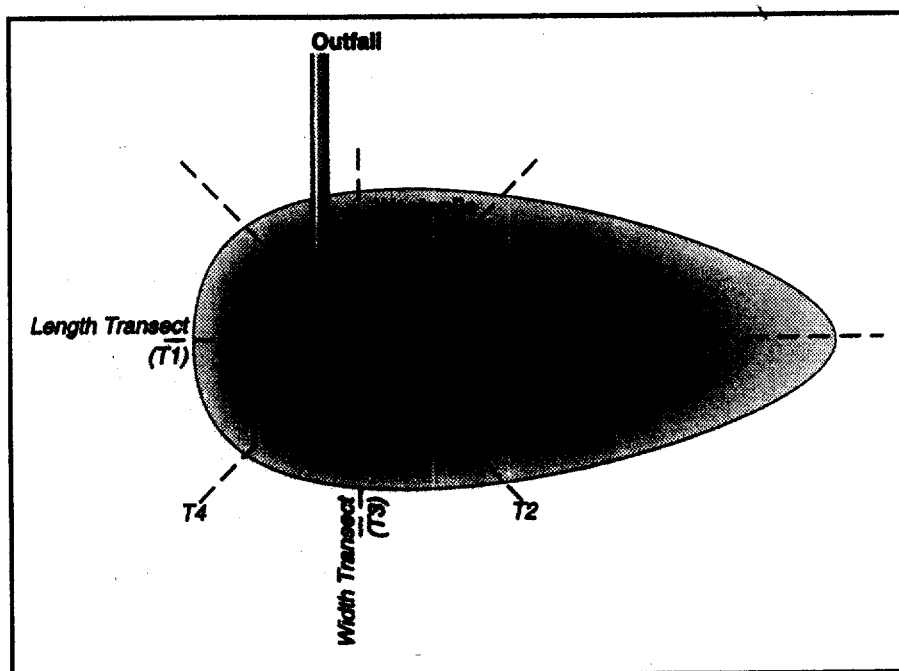
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C. Tier three survey. If a permittee has determined in its seafloor monitoring program of the last previous year of operation and discharge that its waste pile is equal to or greater than three quarters of an acre in size (32,670 sq. ft.), then a permittee shall develop and implement a monitoring program to survey the area of its discharge waste pile during the current year of its facility's coverage under this Permit.

The tier three bottom survey shall be conducted along four transects. The principal transect shall be oriented along the maximum horizontal dimension of the waste pile ("the length"). The second transect ("the width") shall be perpendicular to the principal transect, and shall cross it at the point where the waste pile is widest in that direction. The remaining two transects shall pass through the point where the first two transects intersect, and shall be at 45 degree angles to the

first two transects. The survey shall include measurements of the distances from the point where the transects intersect to the edge of the waste pile at each end of each transect. The survey shall also include measurements of the thickness of the waste pile at the point where the transects intersect, and at the eight points that are half way between the intersection point and the edge of the waste pile at each end of each transect.

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6. Monitoring Report

A permittee shall submit a brief report of the seafloor monitoring survey which describes the methods and results of the survey. The description of the methods shall include at least the name, address and phone number of the surveyor, the date of the survey and the observational method and equipment used in the survey. The description of the results shall include at least the required dimensions and estimated area of the waste pile and a map of the configuration of the waste pile in relation to the discharge pipe and the bathymetry of the seafloor.

The area of the wastepile may be calculated by treating it as the sum of the areas of two parabolas which are joined at a common base (the "width") and which have heights that together equal the "length" of the waste pile. An approximation of the area of the waste pile is provided by the equation.

$$\text{Area} = (\text{width} \times \text{length}) * (2/3)$$

A permittee shall submit a report of the monitoring program to EPA and ADEC on or before January 31st of the year following the survey. It is recommended that this report be submitted with the Annual Report.

7. Signatory Requirements

A permittee shall ensure that the monitoring report is signed by a principal officer or a duly appointed representative of the permittee.

Modification of Monitoring Program

The monitoring program may be modified if EPA and ADEC determine that it is appropriate. A modification may be requested by a permittee. The modified program may include changes in survey (1) stations, (2) times, (3) parameters or (4) methods.

Request for a Waiver

A permittee may request a waiver of the seafloor monitoring requirements. A request for a waiver must provide a detailed description of the circumstances supporting a waiver of monitoring and a demonstration that the discharge meets the Alaska water quality standard for settleable solid residues.

Requirement to Apply for an Individual Permit

EPA, in consultation with ADEC, may require a permittee to apply for an individual NPDES permit if the seafloor monitoring program indicates a probable violation of the Alaska water quality standards for settleable residues in marine waters.

D. Sea Surface and Shoreline Monitoring Requirements

1. Applicability

During the term of this Permit all permittees classified as shore-based or nearshore seafood processors and discharging within one (1) nautical mile of shore at MLLW shall conduct a sea

surface and shoreline monitoring program.

2. Purpose

A permittee shall conduct a sea surface and shoreline monitoring program to determine compliance with the Alaska water quality standards for floating residues in marine waters. Alaska Administrative Code Part 18 § 70.020 states that

"(floating solids, debris, foam and scum) shall not * * * cause a film, sheen, or discoloration on the surface of the water * * * or cause a sludge, solid, or emulsion to be deposited * * * upon adjoining shorelines."

3. Objectives

The sea surface and shoreline monitoring program will provide periodic assessments as defined in the above categories of operation during periods of operation and discharge. The monitoring of the sea surface shall record the incidence of occurrence and estimate the areal extent of contiguous films, sheens, or mats of foam within a three hundred (300) foot radius of the end of the outfall(s) and, in the case of shore-based facilities, within a one hundred foot distance of the seaward physical boundary of the facility (e.g., docks and piers). The monitoring of the shoreline shall record the total number of days for which observations were made and the incidence of occurrence and estimated areal extent of deposits of

seafood waste sludge, solids, or emulsions upon the adjacent shorelines.

a. Monitoring shall provide an accurate identification of the occurrence of these pollutants on the surface of the water or upon the shoreline.

b. Monitoring shall estimate the area(s) of occurrence of these pollutants with a precision of $\pm 25\%$.

4. Schedule

A permittee shall conduct a sea surface and shoreline monitoring program during each year of coverage under the permit.

5. Monitoring Report

A permittee shall submit a brief report of the monitoring survey which describes the methods and results of the survey. The description of the methods shall include at least the name, address and phone number of the surveyor(s), the observational method and equipment used in the survey, and the point(s) of observation. The report of positive observations shall include the date and time of observation, an estimate of the area of scum, sheen, film or foam on the sea surface, and/or the area of sludge, solids, emulsion or scum deposited on the shoreline.

A permittee shall submit the report to EPA and ADEC on or before January 31st of the year following the survey. It is recommended that this report be submitted with the annual report of production and effluent monitoring.

6. Signatory Requirements

A permittee shall ensure that the monitoring report is signed by a principal officer or a duly appointed representative of the permittee.

7. Modification of Monitoring Program

The monitoring program may be modified if EPA and ADEC determine that it is appropriate. A modification may be requested by a permittee. The modified program may include changes in survey (1) stations, (2) times or (3) parameters.

8. Request for a Waiver

A permittee may request a waiver of the sea surface and shoreline monitoring requirements. A request for a waiver must provide a detailed description of the circumstances supporting a waiver of monitoring and a demonstration that the discharge meets the Alaska water quality standard for residues. Individual monitoring days may be waived due to conditions (e.g., weather or sea state) which make this monitoring hazardous to human health and safety.

9. Requirement to Apply for an Individual Permit

EPA, in consultation with ADEC, may require a permittee to apply for an individual NPDES permit if the sea surface and shoreline monitoring program indicates a probable violation of the Alaska water quality standards for residues in marine waters.

VII. Recording and Reporting Requirements

A. 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:

1. the date, exact place, and time of sampling or measurements;
2. the names 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.

B. Retention of Records

A permittee shall retain records of all monitoring information, including but not limited to, all calibration and maintenance records, copies of all reports required by this Permit, a copy of 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, or for the term of this Permit, whichever is longer. This period may be extended by request of the Director or ADEC at any time.

C. Twenty-four Hour Notice of Noncompliance Reporting

A permittee shall report the following occurrences of noncompliance by telephone (206-553-1846) within 24 hours from the time a permittee becomes aware of the circumstances:

- a. any discharge(s) to the receiving waters not authorized for coverage under this Permit including, but not limited to, waters described in Part III above or listed in Appendix I below;
- b. any noncompliance that may endanger health or the environment;
- c. any unanticipated bypass that results in or contributes to an exceedance of any effluent limitation in this Permit;
- d. any upset that results in or contributes to an exceedance of any effluent limitation in this Permit; or

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

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

- a. a description of the noncompliance and its cause;
- b. the period of noncompliance, including exact dates and times;
- c. the estimated time noncompliance is expected to continue if it has not been corrected; and
- d. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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

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

D. Other Noncompliance Reporting

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

VIII. Compliance Responsibilities

A. Duty to Comply

A permittee shall comply with all conditions of this Permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application. A permittee shall give reasonable advance notice to the Director and ADEC of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions

1. Civil and Administrative Penalties

Sections 309(d) and 309(g) of the Act provide that any person who violates a permit condition implementing CWA § 301, 302, 306, 307, 308, 318, or 405 shall be subject to a civil or administrative penalty, not to exceed \$25,000 per day for each violation.

2. Criminal Penalties

a. Negligent violations. Section 309(c)(1) of the Act provides that any person who negligently violates a permit condition implementing CWA

§ 301, 302, 306, 307, 308, 318, or 405 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.

b. Knowing violations. Section 309(c)(2) of the Act provides that any person who knowingly violates a permit condition implementing CWA § 301, 302, 306, 307, 308, 318, or 405 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.

c. Knowing endangerment. Section 309(c)(3) of the Act provides that any person who knowingly violates a permit condition implementing CWA § 301, 302, 303, 306, 307, 308, 318, or 405, 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 that is an organization shall be subject to a fine of not more than \$1,000,000.

d. False statements. Section 309(c)(4) of 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 Part VIII.F. ("Bypass of Treatment Facilities") and Part VIII.G., ("Upset Conditions"), nothing in this Permit shall be construed to relieve a permittee of the civil or criminal penalties for noncompliance.

C. Need to Halt or Reduce Activity Not a Defense

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

D. Duty to Mitigate

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

E. Proper Operation and Maintenance

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

F. Bypass of Treatment Facilities

1. Bypass not Exceeding Limitations

A permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.

2. Notice

a. Anticipated bypass. If a permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.

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

3. Prohibition of Bypass

a. Bypass is prohibited, and the Director or ADEC may take enforcement action against a permittee for a bypass, unless:

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

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment shall have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(3) A permittee submitted notices as required under paragraph 2 of this Part.

b. The Director and ADEC may approve an anticipated bypass, after considering its adverse effects, if the Director and ADEC determine that it will meet the three conditions listed above in paragraph 3.a. of this Part.

G. Upset Conditions

1. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if a permittee meets the requirements of paragraph 2 of this Part. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. Conditions Necessary for a Demonstration of Upset

To establish the affirmative defense of upset, a permittee shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

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

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

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

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

3. Burden of Proof

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

H. Planned Changes

A permittee shall give notice to the Director and ADEC as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

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

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Permit.

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

I. Anticipated Noncompliance

A permittee shall also give advance notice to the Director and ADEC 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. The filing of a request by a permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

B. Duty to Reapply

If a permittee intends to continue an activity regulated by this Permit after the expiration date of this Permit, a permittee must apply for and obtain a new permit. The application shall be submitted at least 60 days before the expiration date of this Permit.

C. Duty to Provide Information

A permittee shall furnish to the Director and ADEC, within the time specified in the request, any information that the Director 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 the Director or ADEC, upon request, copies of records required to be kept by this Permit.

D. Incorrect Information and Omissions

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

E. Signatory Requirements

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

1. All permit applications shall be signed as follows:
 - a. For a corporation: by a principal corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by this Permit and other information requested by the Director or ADEC shall be signed by a person described above or by a duly authorized representative of that person.

A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described above and submitted to the Director and ADEC, and

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under subpart 2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subpart 2 must be submitted to EPA and ADEC prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this Part shall make the following certification:

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

F. Availability of Reports

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

G. Inspection and Entry

A permittee shall allow the Director, ADEC, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon a permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;

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

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

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

H. Oil and Hazardous Substance Liability

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve a permittee from any responsibilities, liabilities, or penalties to which a permittee is or may be subject under Section 311 of the Act.

I. Property Rights

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

J. Severability

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

K. Transfers

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

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

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

3. The Director 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 the notice described in subpart 3 above is not received, the transfer is effective on the date specified in the

agreement mentioned in subpart 2 above.

State Laws

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

M. Reopener Clause

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

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

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

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

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

X. Definitions and Acronyms

AAC means Alaska Administrative Code.

ADEC means Alaska Department of Environmental Conservation.

ADFG means Alaska Department of Fish and Game.

BMP means best management practices.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility (see Part IV.G.).

CFR means the Code of Federal Regulations.

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

CWA means the Clean Water Act.

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

units of measurement, the *daily discharge* is calculated as the average measurement of the pollutant over the day.

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

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

EPA means the United States Environmental Protection Agency.

Excluded area means an area not authorized as a receiving water covered under this general NPDES permit, as described in Part III.A–D. above and Appendix I below.

Fixed position means to a circular anchorage area of radius equal to one quarter (0.25) nautical mile.

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

Graywater means galley, bath and shower wastewater.

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

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

MLLW means mean lower low water.

mg/l means milligrams per liter.

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

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

MSD means marine sanitation device.

NMFS means United States National Marine Fisheries Service.

NOI means a "Notice of Intent," that is, an application, to be authorized to discharge under a general NPDES permit.

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.

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 to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation (see Part IV.H.).

U.S.C. means United States Code.

USFWS means United States Fish and Wildlife Service.

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

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

APPENDIX—CATEGORICAL LISTING OF AREAS EXCLUDED FROM COVERAGE UNDER GENERAL PERMIT

Excluded area	Receiving waters	Location
STATE GAME REFUGES: (SGR; see Figure 1)		
Anchorage Coastal SGR	City of Anchorage	Knik Arm, Turnagain Arm.
Cape Newenham SGR	N Cook Inlet	South of the City of Good News.
Creamer's Field SGR	Chagvan Bay; S Kuskokwin Bay	City of Fairbanks.
Goose Bay SGR	Isabella River wetlands	North of the City of Anchorage.
Izembek SGR	Goose Bay, Knik Arm; N Cook Inlet	NW terminus of the Alaska Peninsula.
McNeil River SGR	Isembek Lagoon; SE Bristol Bay	SE base of the Alaska Peninsula
Mendenhall Wetlands SGR ..	Paint River and Kamishak Bay	NW Gastineau Channel.
City of Juneau	.	
Minto Flats SGR	Tanana River wetlands	West of the City of Fairbanks.
Palmer Hay Flats SGR	Knik Arm; N Cook Inlet	NE of the City of Anchorage.
Susitna Flats SGR	N Cook Inlet	West of the City of Anchorage.
Trading Bay SGR	Gompertz Channel, Trading Bay	SW of the City of Anchorage.
Yakataga SGR	Tsiu River delta; N Gulf of Alaska	West of Cape Yakataga.
STATE CRITICAL HABITAT		
AREAS		
(SCHA; see Figure 1)		
Anchor River-Fritz Creek	East of the City of Anchor Point	Anchor River and Fritz Creek.
SCHA.		
Chilkat River SCHA	Chilkat River	North of the City of Haines.
Cinder River SCHA	Cinder River Delta, E Bristol Bay	SW of the City of Pilot Point.
Clam Gulch SCHA	Cook Inlet	South of the City of Kasilof.
Copper River Delta SCHA ..	SE of the City of Cordova.	Copper River delta; N Gulf of Alaska.
Dude Creek SCHA	Dude Creek, Icy Passage	West of the City of Gustavus.
Egegik SCHA	Egegik Bay and E Bristol Bay	West of the City of Egegik.
Fox River Flats SCHA	Fox River Delta, Kachemak Bay	NE of the City of Homer.
Kachemak Bay SCHA	Kachemak Bay	Adjacent to the City of Homer.
Kalgin Island SCHA	Swamp Creek wetlands; Cook Inlet	SW Kalgin Is.
Pilot Point SCHA	Ugashik Bay and E Bristol Bay	West of the City of Pilot Point.
Port Heiden SCHA	Port Heiden and E Bristol Bay	North-central Alaska Peninsula.
Port Moller SCHA	Port Moller and Nelson Lagoon	City of Port Moller.
Redoubt Bay SCHA	Big River wetlands, Redoubt Bay; Cook Inlet	West of the City of Nikiski.
Tugidak Island SCHA	NW Gulf of Alaska	Trinity Islands, SW of Kodiak Is.
Willow Mountain SCHA	Willow Creek tributaries	NW of the City of Palmer.
STATE GAME SANC-		
TUARIES:		
(SGA; see Figure 1)		
McNeil River SGS	Kamishak Bay; NW Cook Inlet	SE base of the Alaska Peninsula.
Stan Price SGS	Windfall Harbor; Seymour Canal	E Admiralty Is., SE Alaska.
Walrus Islands SGS	Togiak Bay; N Bristol Bay	Walrus Is. (a.k.a. Round Is.), Crooked Is., High Is., Summit Is., Black Rock the Twins.
NATIONAL PARKS, PRE-		
SERVES AND MONU-		
MENTS: Admiralty Island	National monument	Rivers and coastal waters of Admiralty.
Nat'l Island, SE Alaska		
Monument		
Aniakchak Nat'l Monument,		
Alaska Peninsula and		
Preserve.	Dixon Harbor, Palma Bay, Lituya Bay; N Gulf of Alaska	Aniakchak Bay, Amber Bay, South central.
Glacier Bay Nat'l Park Ar-		
chipelago, and Preserve.	Katmai Bay, Kinak Bay, Kukak Bay, Hallow Bay,	Glacier Bay, Cross Sound, North Alexander, SE Alaska.
Katmai Nat'l Park and Pre-	Kamishak Bay.	S base of Alaska Peninsula.
serve.	Nuka Bay, Two Arm Bay	S Kenai Peninsula.
Kenai Fjords Nat'l Preserve	N coast of Cook Inlet	Chiratna Bay, Tuxedni Bay.
Lake Clark Nat'l Park and		
Preserve.		
Misty Fjords Nat'l Monu-		
ment.		
Wrangell-St. Elias Nat'l Park	NW of the City of Yakutat, N Gulf of Alaska	Tongass Nat'l Forest, SE Alaska.
and Preserve.		
NATIONAL WILDLIFE REF-		
UGES:		
(NWR)		
Alaska Maritime NWR	Bering Sea, N Gulf of Alaska	Aleutian Islands and Pribilof Islands.
Alaska Peninsula NWR	S Port Moller and S Herendeen Bay and the coastal	Alaska Peninsula.
	waters from NE Cold Bay to Alinchak Bay.	

APPENDIX—CATEGORICAL LISTING OF AREAS EXCLUDED FROM COVERAGE UNDER GENERAL PERMIT—Continued

Excluded area	Receiving waters	Location
Izembek NWR	Cold Bay, Izembek Lagoon	SW terminus of Alaska Peninsula.
Kenai NWR	S Turnagain Arm; N Cook Inlet	Kenai Peninsula.
Kodiak NWR	Kiliuda Bay, Sitkalidak Strait, Alitak Bay, Sitkinak Strait, Olga Bay, Uyak Bay, Uganik Bay; Ban Bay; W Gulf of Alaska.	Kodiak Is., Afognak Is. and Trinity Islands.
Togiak NWR	Jacksmith Bay, Goodnews Bay, Chagvan Bay, Hagemeister Strait, Togiak Bay, Kulukak Bay, Nushagak Bay; N Bristol Bay.	Surrounding the City of Togiak
Yukon Delta NWR	Scammon Bay, Kokechik Bay, Hooper Bay, Hazen Bay, Baird Inlet; E Bering Sea.	Yukon River delta, Kuskokwin River delta, Nunivak Is.
NATIONAL WILDERNESS AREAS: (NWA; see Figure 2)		
Chuck River NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
Coronation Island NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
Endicott River NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
Karta NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
Kootznoowoo NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
Kuiu NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
Maurelle Islands NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
Misty Fiords NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
Petersburg Creek NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
Pleasant Islands NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
Russell Fjord NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
South Baranof NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
South Etolin NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
South Prince of Wales NWA	Rivers and coastal waters of NWA Tongass.
Stikine-LeConte NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
Tebenkof Bay NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
Tracy Arm-Fords Terror NWA.	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
Warren Island NWA	Rivers and coastal waters of NWA	Tongass Nat'l Forest, SE Alaska.
West Chichagof-Yakobi NWA.	Rivers and coastal waters of NWA Tongass.	Nat'l Forest, SE Alaska.
STELLER SEA LION ROOKERIES AND HAUL-OUT AREAS: (see Figures 3 and 4)		
58 Federal Register 45278		
NORTHERN FUR SEAL ROOKERIES: (see Figures 5 and 6)		
St. Paul Island	Coastal waters	Bering Sea.
Otter Island	Coastal waters	Bering Sea.
St. George Island	Coastal waters	Bering Sea.
SEA BIRD NESTING AREAS: (see Figure 7)		

ALASKA RIVER SEGMENTS DESIGNATED UNDER THE WILD AND SCENIC RIVERS ACT

Alagnak River	Riverine waters	Nushagak-Bristol Bay lowland.
Alatna River	Riverine waters	Central Brooks Mountains Range.
Aniakchak River	Riverine waters	Aleutian Mountains Range.
Charley River	Riverine waters	Yukon-Tanana uplands.
Chilikadrotna River	Riverine waters	Central Brooks Mountains Range.
John River	Riverine waters	Central Brooks Mountains Range.
Kobuk River	Riverine waters	Central Brooks Mountains Range.
North Fork Koyukuk River ...	Riverine waters	Eastern Brooks Mountains Range.
Mulchatna River	Riverine waters	Alaska Mountains Range.
Noatak River	Riverine waters	Eastern Brooks Mountains Range.
Salmon River	Riverine waters	Baird Mountains
Tinayguk River	Riverine waters	Central-eastern Brooks Mountains Range.
Tlikakila River	Riverine waters	Southern Alaska Mountains Range

IMPAIRED OR WATER QUALITY LIMITED WATERS LISTED BY ADEC IN EITHER ITS CWA § 305(b) REPORT OR § 303(d) LIST

Akutan Harbor, west	Waters of the bay west of 165°46'00"W	Akutan Is.
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APPENDIX—CATEGORICAL LISTING OF AREAS EXCLUDED FROM COVERAGE UNDER GENERAL PERMIT—Continued

Excluded area	Receiving waters	Location
Unalaska Bay, south	Waters of Unalaska Bay from the southwest point of Amaknak Is. at Arch Rock west to the western point of Captains Bay at 53°52'45"N, 166°34'33", west along shore to Devilfish Point, north to the southern tip of Hog Is., east to shore of Amaknak Is. at northern end of airstrip at 53°54'16"N, 166°33'09"W, south along the shore of Amaknak Is. to the point of origin.	Unalaska Is.
Captains Bay	All of the waters of the bay to the bridge separating Iliuliuk Harbor and a line at the mouth of the bay between Arch Rock point and the point of land at 53°52'45"N, 166°34'33"W.	Unalaska Is.
Udagak Bay	Waters of the bay from a line between 53°44'32"N, 166°19'14"W and 53°44'32"N, 166°19'14"W.	Unalaska Is.
Gibson Cove	Gibson Cove	City of Kodiak.
Herring Bay	Herring Bay	City of Sitka.
Jamestown Bay	Jamestown Bay	Near Cannon Is.
Rowan Bay	Rowan Bay	Kuru Is.
Silver Bay	Silver Bay	City of Sitka.
Thorn Bay	Thorn Bay	POW Is.
Ward Cove	Ward Cove	City of Ketchikan.

BILLING CODE 6560-50-P

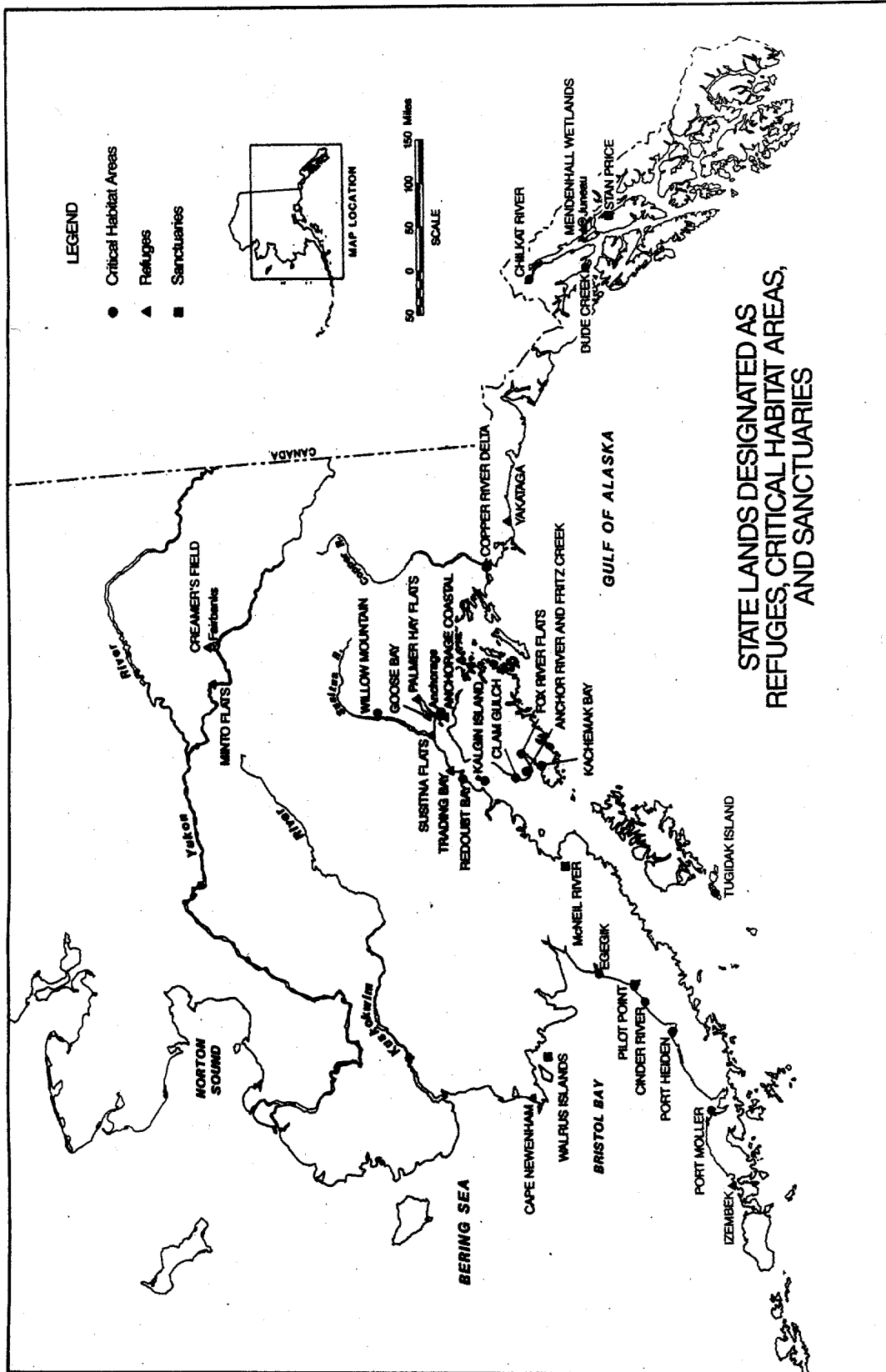


Figure 1. Locations of Alaska State Game Refuges, Critical Habitat Areas, and Sanctuaries.

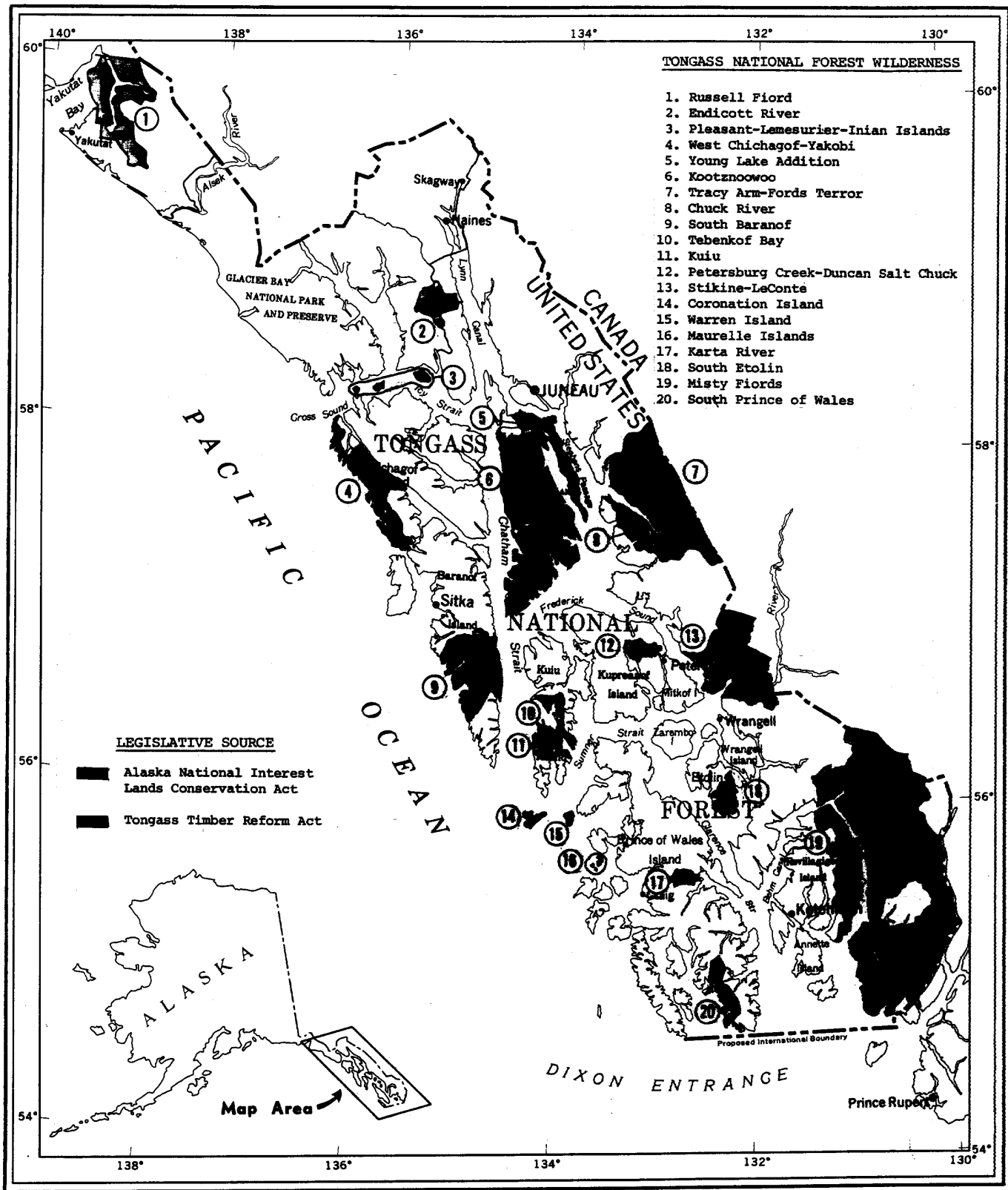


Figure 2. Locations of National Wilderness Areas.

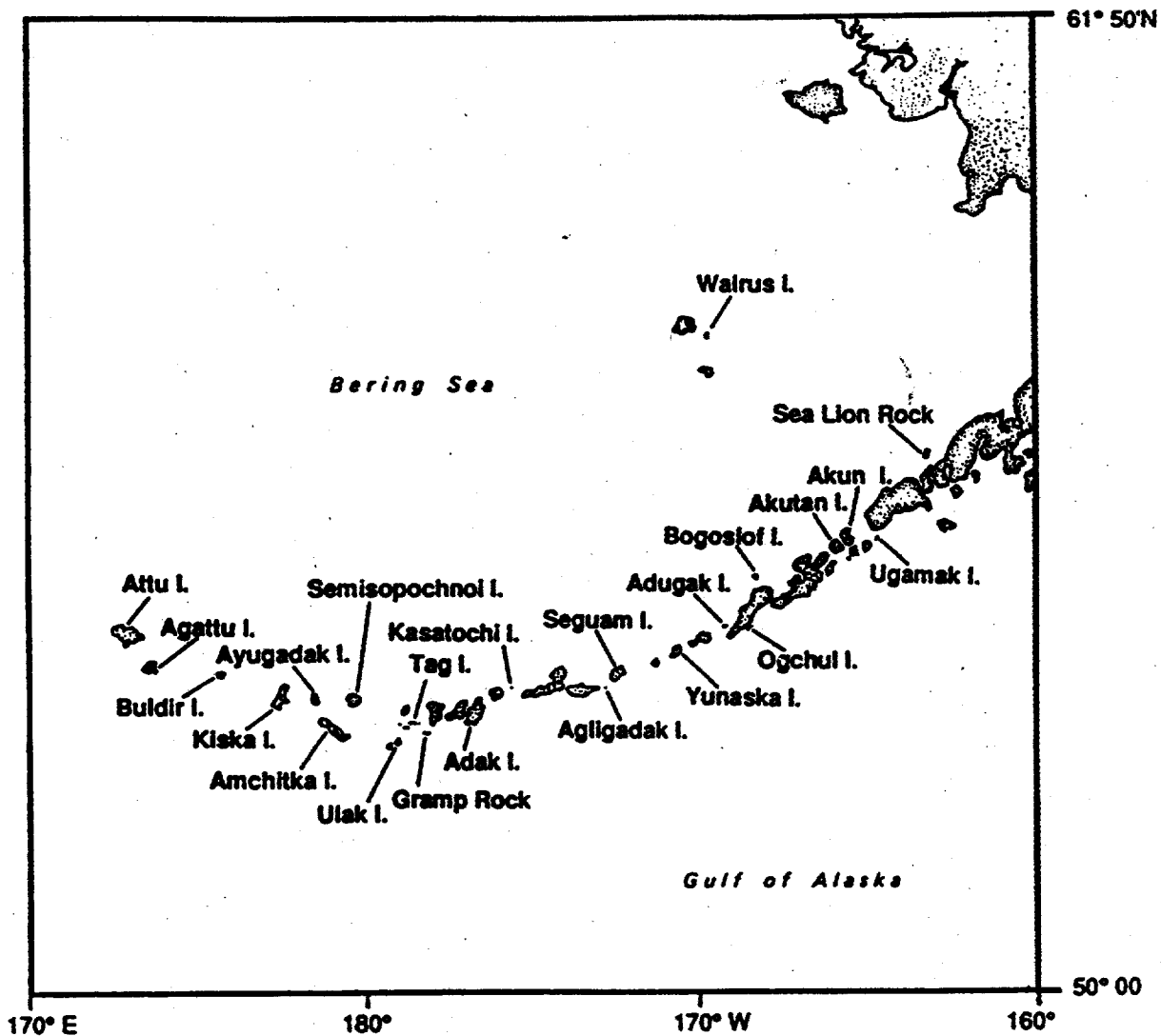


Figure 3. Locations of Steller sea lion rookeries in the Aleutian Islands and Bering Sea.

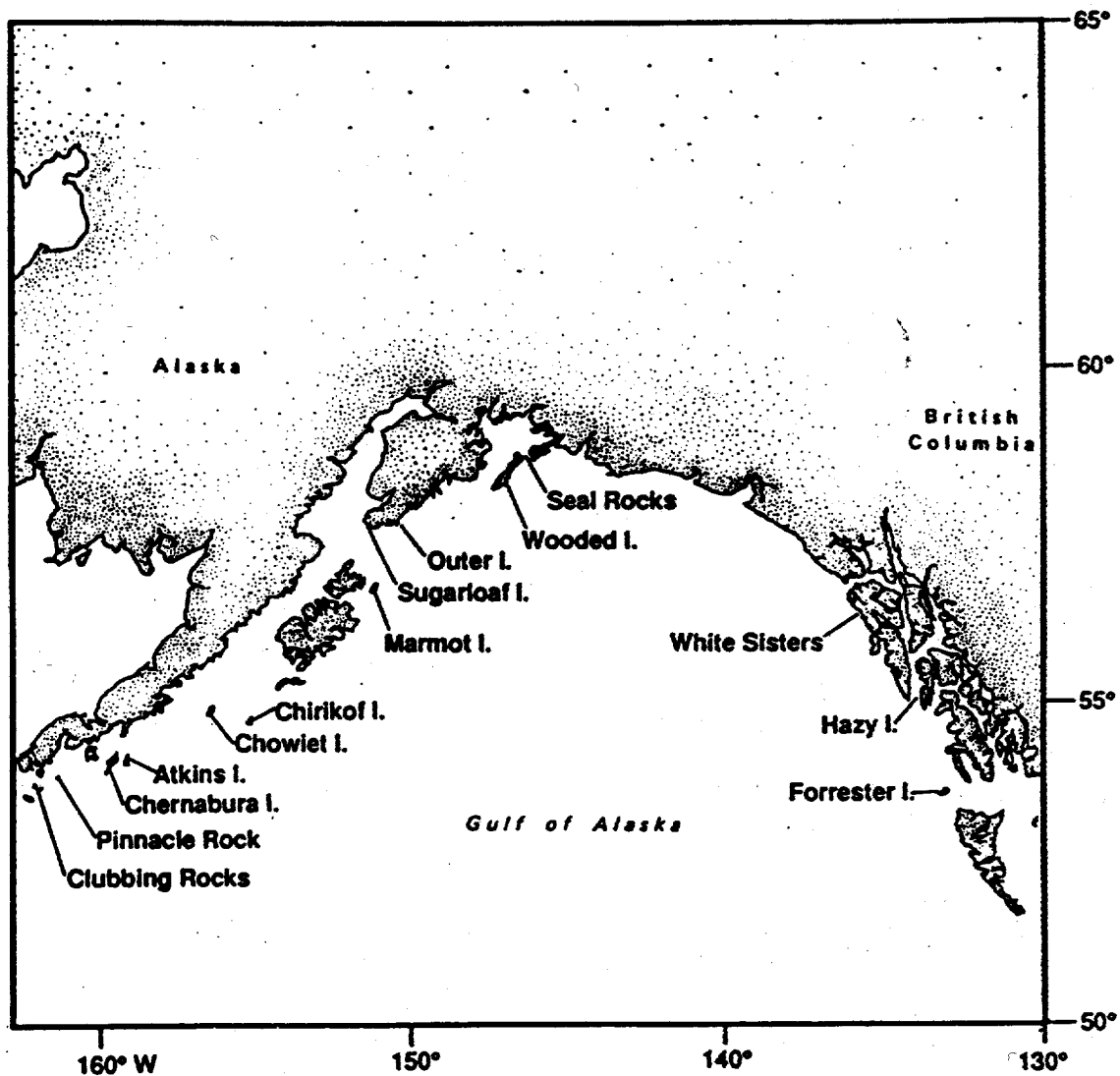


Figure 4. Locations of Steller sea lion rookeries in the Gulf of Alaska and southeast Alaska.

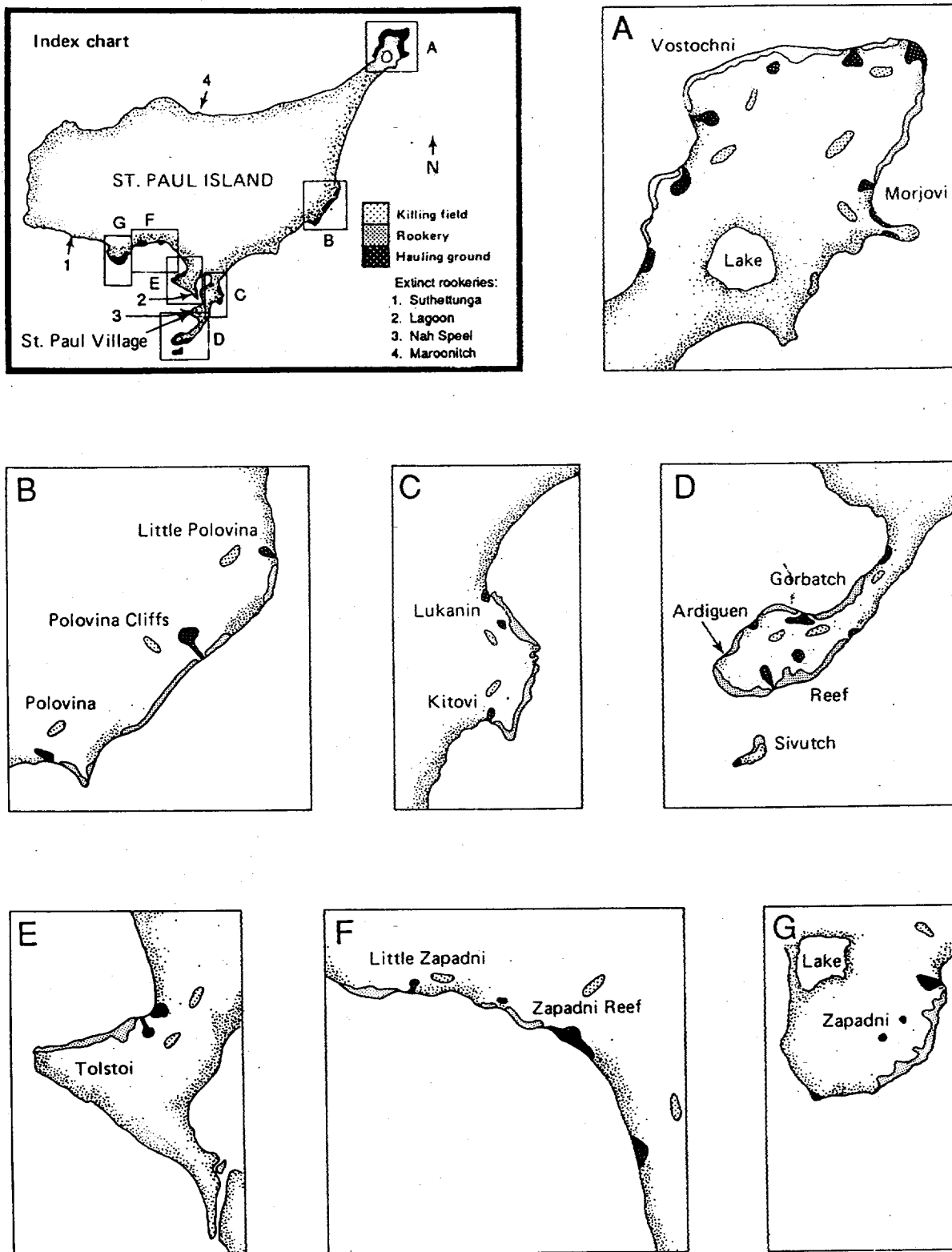


Figure 5. Locations of northern fur seal rookeries and haulouts on St. Paul Island, Alaska.

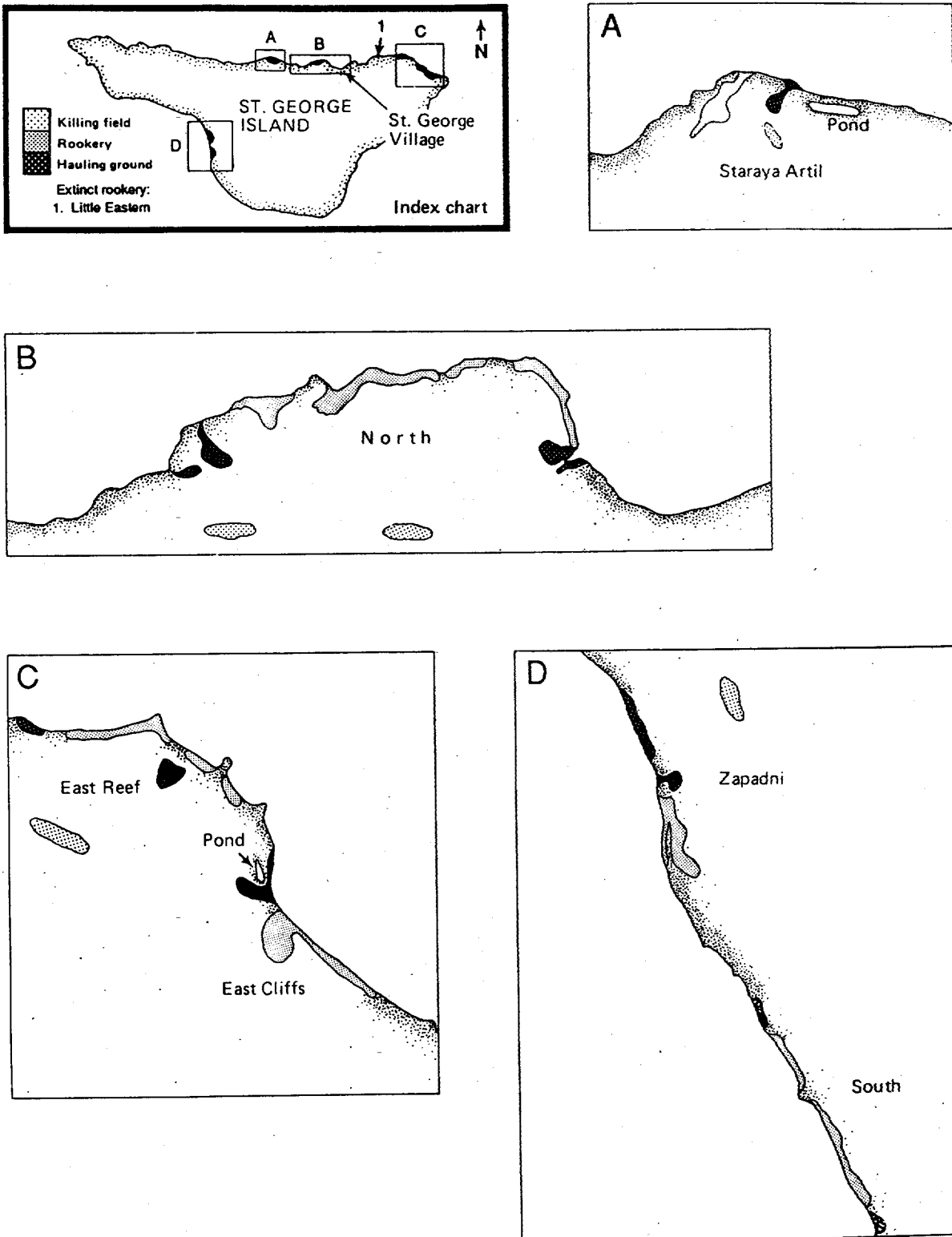


Figure 6. Locations of northern fur seal rookeries and haulouts on St. George Island, Alaska.

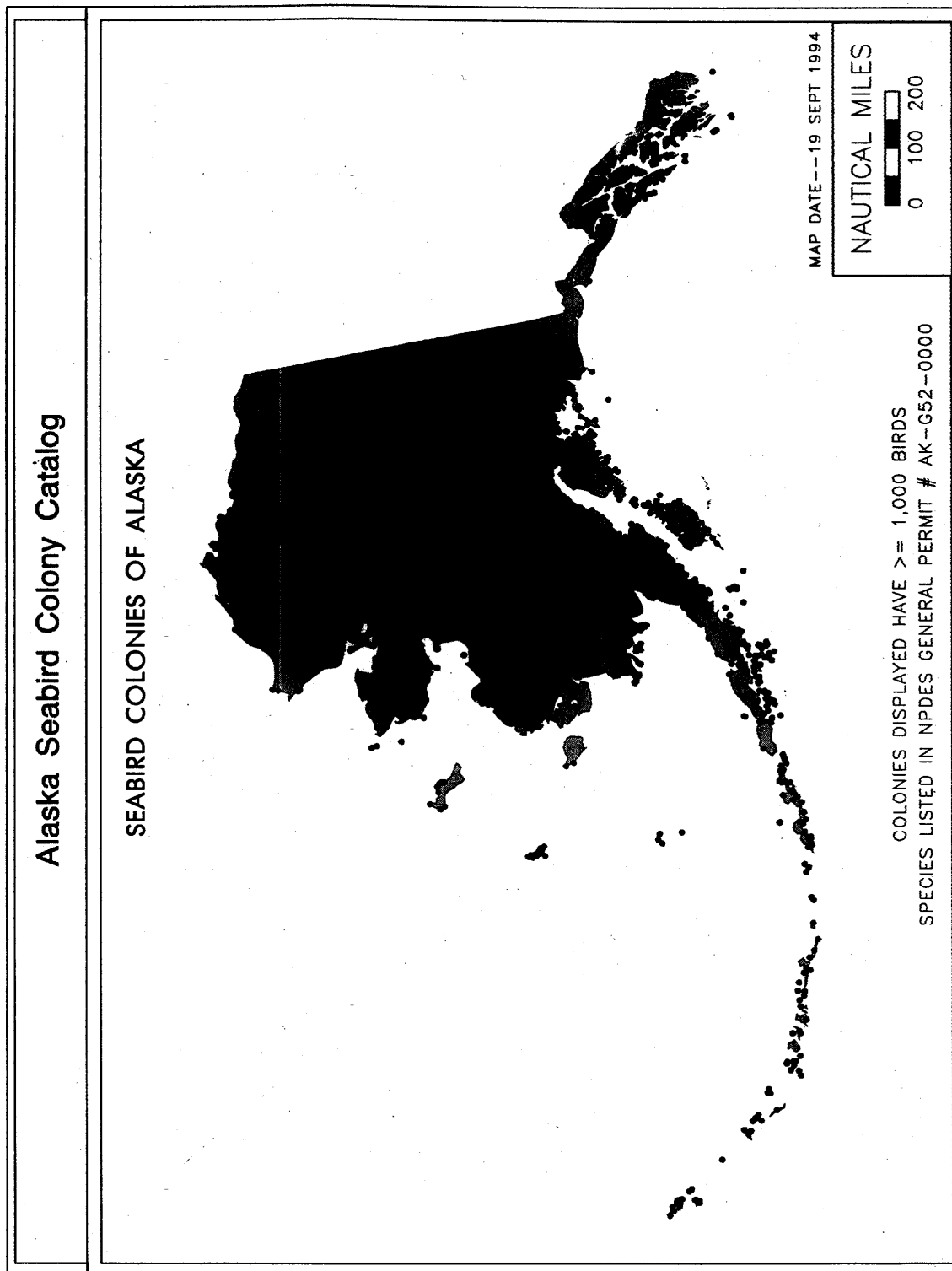


Figure 7. Locations of colonies of seabirds in Alaska.

Attachment to NPDES Permit No. AK-G52-0000—State Consistency Conditions For § 401 Water Quality Certification

As Developed by a Commissioner-Level Board and Coordinated by Alaska Division of Governmental Coordination

(Kerry, Acting Director, ADEC, 12/23/94)

Position Reporting

All floating processors operating under this general NPDES permit, during any calendar day that they process and discharge waste from processing operations inside State waters, shall report geographic coordinates daily to Alaska Department of Environmental Conservation (ADEC). Reports shall be submitted by telefax or other approved communications methods to ADEC's Western District Office, Unalaska Field Office. (907) 581-1795. Reports shall be submitted once a day when a vessel is processing and discharging waste under way in State waters and shall identify geographical coordinates of the vessel at commencement of discharging. When processing within ¼ mile of the same place for more than one day inside State waters, processing vessels shall report upon the commencement of discharging and again when discharging terminates. A note shall be made in the first

position report that, if known, the vessel intends to remain at that location for more than one day, and shall provide an estimate of the time to be spent at that location. A note must be made on the last position report that the vessel is no longer discharging in State waters.

Reporting Requirement

Any observed violations of the floating residues criteria of the state water quality standards shall be reported to the EPA and ADEC within 24 hours as provide in Section VII(F) of the permit.

Degraded Waterbodies

Akutan Island: Akutan Harbor west of longitude 165°46'00" W.

Udagak Bay: waters of the bay from a line extending between latitude 53°44'32"N, longitude 166°19'14"W and latitude 53°44'04"N, longitude 166°18'32"W.

Any waterbody included in ADEC's CWA § 305(b) report or CWA § 303(d) list of waters which are "impaired" by seafood processor discharges or "water quality-limited" for dissolved oxygen or residues (i.e., floating solids, debris, sludge, deposits, foam or scum). Included are:

Gibson Cove, Kodiak, AK ID #20701-605,

Herring Cove, Sitka, AK ID #10203-603,
Jamestown Bay, Near Cannon Island, AK ID #10203-604,
Rowan Bay, Kuru Island, AK ID #10202-602,
Silver Bay, Sitka, AK ID #10203-601,
Thorn Bay, Prince of Wales Island, AK ID #10203-602, and
Ward Cove, Ketchikan, AK ID #10102-601.

Pribilof Islands

The coastal waters surrounding the Pribilof Islands (out to 3 nautical miles) are excluded from coverage under the 1995 general NPDES permit for seafood processors in Alaska. Temporary permitting provisions will be made for discharges to these waters while an interagency workgroup completes a problem identification and evaluation process.

As Developed by Alaska Department of Environmental Conservation

(Henkins, ADEC, 4/27/95)

Authorization of Mixing Zones

Offshore processors: 300 ft. radius from the point of discharge
Nearshore processors: 200 ft. radius from the point of discharge
Shore-based processors: 100 ft. radius from the point of discharge

Authorization of Zones of Deposit

One acre for offshore, nearshore and shore-based seafood processors

Non-compliance Event

The local State office is to be informed within 24 hours of a non-compliance event in addition to the report to EPA (Section VII.C.1)

Excluded Waterbodies

Ward Cove, Ketchikan, listed on the CWA § 303(d) list and given Alaska I.D. No. 10102-601 is excluded from coverage by this general permit for the reasons outlined in the State of Alaska Consistency Review dated December 23, 1994.

Forms for Notice of Intent and Annual Report

The attached Notice of Intent form and Annual Report form are incorporated into the final permit.

[FR Doc. 95-16177 Filed 7-3-95; 8:45 am]

BILLING CODE 6560-50-P

FARM CREDIT ADMINISTRATION**Fee Schedule for the Release of Consolidated Reporting System Information**

AGENCY: Farm Credit Administration.

ACTION: Notice of fee schedule.

SUMMARY: This notice announces the fees to be assessed under the recently adopted Farm Credit Administration (FCA) policy statement that provided for the release of reports of condition and performance (Call Reports) and other reports containing nonexempt information (such as the Uniform Performance Report (UPR) and the Uniform Peer Performance Report (UPPR)) that are produced from the FCA's Consolidated Reporting System (CRS). The FCA will assess fees for each Call Report and other nonexempt CRS Reports sufficient to recover the cost of dissemination.

EFFECTIVE DATE: May 15, 1995.

FOR FURTHER INFORMATION CONTACT: Nan P. Mitchem, Compliance Officer, Office of Resources Management, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4073, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget Circular A-130 authorizes the FCA to set charges at a level sufficient to recover the cost of dissemination.

Schedule of Fees for Individual Call Reports and Other Nonexempt CRS Reports

Payment in the form of a check or money order must accompany the request. Any request submitted without the fee payment will be returned to the requestor. The following table provides a description and the cost of each type of nonexempt CRS Report.

FCA Fees For Call Reports and Other CRS Reports

Institution Call Report is a quarterly report that contains financial data submitted by the Farm Credit institution (except for Schedules RC-F.1, "Distressed Loan Activity"; RC-J, "Collateral Position"; and RC-N, "Repricing Opportunities and Relationships.")—Cost \$25.00.

Report of Operations is a quarterly report that contains a Farm Credit institution's Statement of Condition and Statement of Earnings. The report displays data for each quarter of the calendar year selected; data for the current quarter, previous year; and a percentage change between the current quarter, current year, and the current quarter, prior year.—Cost \$25.00.

Analysis of Loan Loss Report is a quarterly reconciliation report of a Farm Credit institution's allowance for losses on loans and the allowance for losses on other property owned by the institution for each quarter of the calendar year. The report also includes the previous year's current quarter amounts and the percentage change between the current quarter and the same quarter in the previous year.—Cost \$25.00.

Loan Performance Report is a quarterly report that lists the performing status of all of the Farm Credit institution's interest-earning and noninterest-earning loans aged according to past due status. The categories in the report are presented for each quarter of the calendar year, for the current quarter of the previous year, and the percentage change between the current quarter, current year, and the current quarter, prior year.—Cost \$25.00.

Uniform Performance Report is a quarterly report that contains financial ratios, percentages, and dollar amounts of a Farm Credit institution. The report shows a condensed balance sheet and income statement, as well as other areas on capital, assets, earnings and profitability, and liquidity.—Cost \$25.00.

Uniform Peer Performance Report is a quarterly report that contains all the information found in the Uniform Performance Report for a Farm Credit institution, plus additional information on peer comparison. The institution is compared to its peer group (by asset size) for peer average and percentile ranking.—Cost \$25.00.

All Institutions Call Report Disks contain quarterly Call Report data in ASCII format for all Farm Credit institutions.—Cost \$400.00.