

NPDES Permit No. AKG524000

United States Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155, WD-19-C04
Seattle, Washington 98101-3188

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM FOR

OFFSHORE SEAFOOD PROCESSORS IN ALASKA

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4 (hereafter, CWA or the Act), the owners and operators of the seafood processing facilities that are described in Part I of this general National Pollutant Discharge Elimination System (NPDES) permit are authorized to discharge seafood processing wastes and the concomitant wastes set out in Part II of this Permit to waters of the United States, except those excluded from authorization of discharge in Part III of this Permit, in accordance with effluent limitations, monitoring requirements and other conditions set forth herein. The discharge of wastes not specifically set out in Part II of this Permit are not authorized under this Permit.

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

This Permit shall become effective 30 days after its notice is published in the Federal Register.

This Permit and the authorization to discharge shall expire at midnight five years from the effective date.

Signed this 7th day of June, 2019



Daniel D. Opalski, Director *for*
Water Division

**A COPY OF THIS PERMIT MUST BE KEPT ON THE VESSEL WHERE THE
DISCHARGES OCCUR**

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ATTACHMENT A: Notice of Intent

ATTACHMENT B: Annual Report

ATTACHMENT C: BMP Plan Certification

Schedule of Submissions

The following table summarizes some of the action items the Permittee must complete and/or submit to EPA during the term of this permit.

Action Item	Due Date
1. Notice of Intent (NOI)	<p><i>See Section IV.</i> Facilities seeking coverage under this General Permit must submit NOIs to the EPA no later than 90 days after the effective date of this General Permit, or at least 90 days prior to the desired date of coverage (Section IV.B). Beginning December 21, 2020, all NOIs must be submitted electronically (See Section IV.A.4).</p> <p>Authorization to discharge must be obtained from EPA prior to commencement of a discharge.</p>
2. Best Management Practices (BMP) Plan	<p><i>See Section VI.A.</i> A BMP Plan must be developed and implemented as a requirement under this Permit. The Permittee must submit a certification within 60 days of receiving authorization to discharge, documenting that a BMP Plan has been developed and implemented. (Section VI.A.I).</p>
3. Inspection Logs	<p><i>See Section V.B.</i> Permittees must conduct daily visual inspections of the receiving waters. Inspection logs must be submitted with the annual report.</p>
3. Annual Report	<p><i>See Section VI.B.</i> During the term of this permit, the Permittee must prepare and submit an accurate and timely Annual Report of noncompliance, production, and discharges as described in Part VI.B. The annual report must be submitted on or before February 14th of each year.</p>
4. NPDES Application Renewal	<p><i>See Section IX.B.</i> All facilities intending to continue discharging after this Permit's expiration date must submit an NOI for continued coverage at least 180 days before the expiration date of this Permit. (Section IX.B)</p>
5. Notice of Termination of Discharge	<p><i>See Section IV.C.II.</i> Facilities must request Permit termination from the EPA in writing. EPA will respond with a written determination on the request, in accordance with 40 CFR 122.64. Beginning December 21, 2020, all requests for termination must be submitted electronically.</p>

I. AUTHORIZED FACILITIES

A. Categories of authorized dischargers

Subject to the restrictions of this Permit, the following categories of dischargers are authorized to discharge the pollutants set out in Part II of this Permit once a Notice of Intent (NOI) has been submitted and a written authorization is received from the U.S. Environmental Protection Agency (EPA):

1. Operators of off-shore vessels (also referred to as “facilities”), discharging “seafood processing waste” at least 3 nautical miles (NM) or greater from the Alaska shore as delineated by the mean lower low water (MLLW) or a closure line, which engage in the processing of fresh, frozen, canned, smoked, salted or pickled seafood, the processing of mince, or the processing of meal, paste and other secondary by-products.

B. Authorization to discharge

Authorization to discharge under this General Permit requires written notification from the EPA that coverage has been granted.

II. AUTHORIZED DISCHARGES

A. Discharges from seafood processing facilities

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

1. Seafood processing wastewater and wastes, including the waste fluids, heads, organs, flesh, fins, bones, skin, chitinous shells, and stickwater produced by the conversion of aquatic animals from a raw form to a marketable form.
2. Incidental catches of prohibited and by-catch species which are neither retained nor processed.
3. Wash-down water, which include disinfectants added to wash-down water to facilitate the removal of wastes and to maintain sanitary standards during processing or to sanitize seafood processing areas.
4. Sanitary wastewater discharged in accordance to U.S. Coast Guard regulations.
5. Other wastewater generated in the seafood processing operation, including, seafood catch transfer water, live tank water, refrigerated seawater, cooking water, boiler water, gray water, cooling water, refrigeration condensate, freshwater pressure relief water, clean-up water, and scrubber water.

B. Unauthorized discharges

1. This General Permit does not authorize the discharge of any waste or waste streams, including spills, garbage, equipment, and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the NOI to be covered, and specifically authorized by this General Permit.
2. This General Permit does not authorize the discharge of pollutants from any shore-based facilities, nor the discharge of any material from vessels transporting material for the purposes of dumping materials into ocean waters.
2. This General Permit does not authorize any discharges from facilities that (1) have not submitted a Notice of Intent and received written authorization to discharge under this Permit from the EPA or (2) have not been notified in writing by the EPA that they are covered under this Permit as provided for in the 40 CFR 122.28(b)(2)(vi).
3. The discharge of petroleum (e.g., diesel, kerosene, and gasoline) or hazardous substances into or upon the navigable waters of the U.S., adjoining shorelines, into or upon the waters of the contiguous zone which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the U.S., is prohibited under 33 U.S.C. 1321(b)(3).

III. AREA OF COVERAGE

A. Areas authorized under this General NPDES Permit

This General Permit authorizes discharges of pollutants into Federal Waters of the United States off the coast of Alaska (i.e., seaward of 3 NM from the coastal shoreline of Alaska), except where noted below.

B. Areas excluded from authorization under this General Permit

This Permit does not authorize the discharge of pollutants into the protected water resources, special areas, and certain waters that overlap with NMFS-designated critical habitat areas, as listed below.

1. Within 1 NM of a National Park, Preserve or Monument.
2. Within 1 NM of a National Wildlife Refuge.
3. Within 1 NM of a National Wilderness Area.
4. Within 1 NM of a State Game Sanctuary, State Game Refuge, State Park, State Marine Park or State Critical Habitat Area.

5. Within 3 NM of a rookery or major haul-out area of the Steller sea lion. Rookeries and major haulout areas can be found in 50 CFR § 226.202 and Tables 1 and 2 to Part 226.
6. Waters within one (1) nautical mile of designated critical habitat for the Steller's eider or spectacled eider, including nesting, molting and wintering units. During breeding season (May through August) Steller's and spectacled eider nesting critical habitat units are located on the Yukon-Kuskokwim Delta and North Slope. Molting habitat (July through October) for Steller's eiders includes Izembek Lagoon, Nelson Lagoon and Seal Islands. Molting habitat for spectacled eider includes Ledyard Bay and Norton Sound. Wintering habitat (October through March) for Steller's eider includes Nelson Lagoon, Izembek Lagoon, Cold Bay, Chignik Lagoon and several other locations along the Aleutian Islands. Wintering habitat for spectacled eider is in the Bering Sea between St. Lawrence and St. Matthews Islands.
7. "Living substrates", such as submerged aquatic vegetation, kelp and eelgrass in shallow coastal waters (generally less than minus 60 ft depth MLLW).
8. A discharge to less than 60 feet MLLW, with inadequate flushing.

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

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

IV. APPLICATION TO BE PERMITTED UNDER THIS GENERAL NPDES PERMIT

A. Submittal of a Notice of Intent to be covered under this General Permit

An applicant seeking authorization to discharge under this Permit must submit a timely and complete Notice of Intent (NOI), or equivalent information, to the EPA in accordance with the requirements listed herein (see Attachment A).

A discharger will be authorized to discharge beginning on the date it receives written notification from the EPA that grants coverage under the General Permit.

1. The Director may require any discharger requesting coverage under this General Permit to apply for and obtain an individual NPDES permit in accordance with 40 CFR 122.28(b)(3)(i). In this case, the Permittee will be notified in writing that an individual permit is required and be given a brief explanation of the reasons for the

decision.

Individual permits may be appropriate if:

- a. The Permittee is not in compliance with the conditions of this General Permit;
 - b. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source, therefore causing limitations of the General Permit to not be appropriate for the control or abatement of pollutants from the point source(s);
 - c. A water quality management plan, including a Total Maximum Daily Load (TMDL), containing requirements applicable to the point source is approved after the effective date of the General Permit;
 - d. If the discharge(s) is a significant contributor of pollution;
 - e. If circumstances have changed since the time of NOI submittal, so that the Permittee is no longer appropriately controlled under the General Permit, or either a temporary or permanent reduction or elimination of the discharge is necessary.
2. Permittee's Request to be Excluded from Coverage under the General Permit. Any owner or operator authorized by this General Permit may request to be excluded from the coverage under the General Permit by applying for an individual permit. The Permittee must submit an individual permit application with reasons supporting the request to the Director no later than 90 days after the publication by the EPA of the General Permit in the Federal Register. The request shall be granted by issuing of any individual permit if the reasons cited by the owner or operator are adequate to support the request. Coverage under this General Permit will be automatically terminated on the effective date of the individual permit. 40 CFR 122.28(b)(3)(ii-iii).
 3. A Permittee authorized to discharge under this General Permit must submit to the EPA an updated and/or amended NOI when there is any material change in the information submitted within its original NOI. A material change may include, but is not limited to, changes in the operator/owner of the facility, a modification in the treatment train, the introduction of new pollutants not identified in the original NOI, or increases in pollutants above the presently authorized levels.

When a seafood processor is owned by one person or company, and is operated by another person or company, it is the operator's responsibility to apply for and obtain permit coverage. For owners/operators of multiple vessels, a separate NOI must be completed for each facility or vessel.

4. Where to Submit: NOIs submitted prior to December 21, 2020, must either be submitted in paper form or electronically through EPA's electronic reporting tool, when available. Beginning December 21, 2020, all NOIs must be submitted electronically.

Paper submittals must be the original and signed copy and must be sent to:

United States Environmental Protection Agency, Region 10
Section Manager, NPDES Permitting Section
1200 Sixth Avenue, Suite 155 (WD-19-C04)
Seattle, WA 98101-3188

Photocopies will not be accepted.

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

1. **New Permittee.** A facility seeking coverage under this Permit must submit an NOI along with all supplementary documents to the EPA no later than 90 days after the effective date of this General Permit, or at least 90 days prior to the desired date of coverage.
2. **Existing Permittee.** A facility that is currently covered by the AKG524000 General Permit and intends to continue discharging seafood processing wastes is required to submit a complete NOI application within 90 days of the effective date of this General Permit. Coverage under the previous permit will terminate upon the date the EPA notifies the applicant of authorization to discharge under this General Permit.

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

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

1. **Permit information.**

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

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

The NOI must include the name, complete address, telephone number and email address of the operator of the vessel and the name of the operator's duly authorized representative (if applicable). If a facsimile machine is available at this address, provide a FAX number.

3. **Owner information.** The owner of a vessel will be the Permittee.

The NOI must include the name, complete address, telephone number, and email address of the owner of the facility and the name of the owner's duly authorized representative. If a facsimile machine is available at this address, it is useful to provide a FAX number.

If the owner and the operator are the same, please write “same” in the top owner information box.

4. Vessel information.

- a. An NOI must include the name and telephone number of the vessel, if applicable.
- b. If the name of the vessel has changed, the NOI must include the previous name(s) of the vessel and the date(s) of any known changes.
- c. Include the maximum number of employees working aboard the vessel at a time.
- d. An NOI must include the U.S. Coast Guard vessel number, the type of vessel, and vessel length.

5. Projected production information.

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

- a. An identification of all the processes applied to the raw product;
- b. The name and quantity (in pounds) of the raw product(s) by species or family (processed by-catch can be listed as a group if it constitutes less than 5% of your total discharge, all species should be listed out individually under a heading of “processed by-catch”);
- c. The type(s) of the finished product(s), including byproducts, for each species;
- d. The design capacity of the quantity (in pounds) of each raw product that can be processed in a 24-hour day;
- e. The projected maximum quantity in pounds (lbs) of seafood processing waste residues by species that is projected to be discharged on a daily basis and on an annual basis. *This reported quantity will be the maximum discharge allowed by the vessel*; and
- f. Anticipated number of operating days by month for the vessel.

6. Receiving water information.

- a. Processing location(s). Locations must be identified by latitude and longitude (by 4-coordinate bounding box) or by NMFS federal reporting areas, including a map identifying where the discharges will occur within the reporting area.

- b. The NOI must include information concerning discharges in any area(s) within 1 NM of areas excluded from coverage under this General Permit in Section III.B.
7. Description of discharges.

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

1. Seafood processing wastes discharges. The range of water column depths (in meters) of receiving water during discharge.
 - a. Sanitary wastes. The NOI must identify the type of marine sanitation device (MSD), including the date when it was installed, its capacity (gal/day) and number of people using the MSD. Identify waste streams that combine with the MSD effluent prior to discharge, including but not limited to effluent and gray water.
 - b. Other wastewater. The NOI must include information on process disinfectants, cooling water, boiler water, cooking water, refrigeration condensate, transfer water, live tank water, air scrubber water, and freshwater pressure relief water, gray water, sump pump water, and other types of wastewaters.
 - c. Process Flow Diagram or Schematic. Provide a diagram or schematic showing the processes of the processing facility, including byproduct recovery processes and the seafood waste treatment system. Also provide a water balance showing all processing or treatment units, including disinfection (e.g., chlorination and dechlorination). The water balance must show daily average flow rates at influent and discharge points and approximate daily flow rates between processing units, byproduct processing units, and seafood waste treatment units. Include a brief narrative description of the diagram.

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

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

- d. Grinding requirement. For vessels required to grind in Steller sea lion critical habitat areas in accordance with Part V.A.3 of the Permit, indicate the type and name of grinder(s), and size in inches the grinder(s) is designed to grind seafood wastes.
8. Refueling capability and proximity to fueling stations.

The NOI must include information about whether a Permittee has the capability to refuel fishing vessels and, if so, the capacity of its refueling tank.
9. Required submittals with the NOI.
 - a. A location map of all discharge areas. (Part IV.C.6)
 - b. A certification that the BMP Plan will be prepared, or reviewed and revised as-needed throughout the life of the Permit. (Part VI.A)
 - c. All Permittees must submit a process flow diagram or schematic. (Part IV.C.7.d)
10. Signatory requirements. The NOI must be signed and certified in accordance with 40 CFR §122.22, as required by Section IX.E. (Signatory Requirements) of this Permit. All permit applications must be signed and dated as follows:
 - a. For a corporation: by a principal corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, tribe, federal or other public agency: by either a principal executive officer or ranking elected official.
11. Notice of Termination of Discharge. The Permittee must notify the EPA within 30 days of discharge termination. The Permittee is required to comply with permit conditions until the effective date of permit termination.

Requests to terminate coverage under this General Permit prior to December 21, 2020, must either be submitted in paper form at the address below, or electronically through the EPA's electronic reporting tool, when available. Beginning December 21, 2020, all requests to terminate coverage must be submitted electronically.

United States Environmental Protection Agency, Region 10
Section Manager, NPDES Permitting Section
1200 Sixth Avenue, Suite 155 (WD-19-C04)
Seattle, WA 98101-3188

- a. Coverage under this Permit may be terminated in accordance with 40 CFR 122.64 if the EPA determines in writing that the entire discharge is permanently terminated. Termination of coverage will become effective 30 days after the written determination is sent to the Permittee by the EPA, unless the Permittee objects within that time.
- b. A Permittee must be covered under this General Permit until it has properly disposed of wastewater or solids that were generated at the facility, and until the facility is no longer discharging to waters of the U.S.

V. LIMITATIONS, MONITORING AND REQUIREMENTS

A. Effluent limitations and requirements.

1. The Permittee must discharge effluents into waters with a high capacity of dilution and dispersion.
2. Amount of seafood processing wastes. A Permittee must not discharge a volume or weight of seafood processing waste residues on a daily or annual basis which exceeds the amount projected in the Permittee's Notice of Intent to be covered under this Permit.
3. Collection, conveyance, treatment and limitation of seafood processing wastes. If discharging in Steller sea lion critical habitat, Permittees that discharge greater than 10 million pounds of seafood processing waste per annual report year must send all solid seafood processing wastes through a properly maintained and operating grinder system. The grinding system must be designed and operated to grind solids to 0.5 inch or smaller prior to discharge. A Permittee is determined to discharge greater than 10 million pounds according to their annual discharge as reported in their NOI. Critical habitat areas are designated by NMFS and identified in 50 CFR § 226.202 and Tables 1 and 2 to 50 CFR § 226.

In all waters west of 144° west longitude, the discharge of any unground waste must cease whenever Steller sea lion(s) occur within 250 meters in any direction of the vessel(s). Discharge of unground waste may not resume until no Steller sea lions have been observed within 250 meters of the vessel for at least 15 consecutive minutes following the cessation of discharge of unground waste.

4. Utilization. The Permittee must fully utilize to the extent practicable all treatment processes available on board their vessel, including but not limited to fishmeal and fish oil production.
5. Scupper and floor drain wastes. The Permittee must route all seafood processing waste in scuppers and floor drains through a waste conveyance system to the waste treatment system prior to discharge. If safety and/or stability impediments would

- occur for the vessel by implementing this requirement, the Permittee must specifically detail, in their BMP plan, practices and procedures executed to deter seafood processing wastes from entering scuppers and floor drains.
6. Sanitary wastes. A Permittee must route all sanitary wastes through a sanitary waste system that meets the applicable U.S. Coast Guard (USCG) pollution control standards then in effect [33 CFR 159: "Marine sanitation devices"]. Nonfunctioning and undersized systems are prohibited.
 7. Other wastewaters. The incidental foam and scum produced by discharge of seafood catch transfer water must be minimized to the extent practicable as described in the best management practices plan of Part VI.A. Wastewaters that have not had contact with seafood (i.e. non-contact cooling water) are not required to be discharged through the seafood process waste-handling system.
 8. Nuisance discharge. The discharge of seafood processing wastes must not create an attractive nuisance situation whereby fish or wildlife are attracted to waste disposal or storage areas in a manner that creates a threat to fish or wildlife or to human health and safety.
 9. Residues/aesthetics. All receiving waters shall be free from substances attributable to wastewater or other discharges that:
 - Settle to form objectionable deposits;
 - Float as debris, scum, oil, or other matter to form nuisances;
 - Produce objectionable color, odor, taste, or turbidity;
 - Injure or are toxic or produce adverse physiological responses in humans, animals or plants: and,
 - Produce undesirable or nuisance aquatic life.
 10. Color. Waters shall be virtually free from substances producing objectionable color for aesthetic purposes and increased color (in combination with turbidity) should not reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonally established norm for aquatic life.
 11. Oil and Grease.
 - Levels of oils or petrochemicals in the sediment which cause deleterious effects to the biota shall be prevented.
 - Surface waters shall be virtually free from floating nonpetroleum oils of vegetable or animal origin, as well as petroleum-derived oils.

12. Solids. Settleable and suspended solids shall not reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonally established norm for aquatic life.
13. Tainting. Materials shall not be present in concentrations that individually or in combination produce undesirable flavors which are detectable by organoleptic tests performed on the edible portions of aquatic organisms.

B. Monitoring Requirements

1. The Permittee must record the total pounds of bycatch and prohibited species discharged whole (unground), per day, and a daily location of such discharge. Logs must be submitted at the request of the EPA.
2. Waste conveyance system. The Permittee must conduct a daily visual inspection of the waste conveyance, including a close observation of the sump or other places of effluent collection for the removal of gloves, earplugs, rubber bands, or other equipment used during the processing of seafood that may inadvertently be entrained in the wastewater. Logs of this daily inspection must be kept on-board the vessel until the end of the calendar year and then maintained at the business office thereafter. Logs must be submitted at the request of the EPA.
3. Outfall system. A pre-operational check of the outfall system must be performed at the beginning of each processing season to ensure that the outfall system is operable. Logs of this pre-operational check of the outfall system must be kept on-board the vessel until the end of the calendar year and then maintained at the business office thereafter. Logs must be submitted at the request of the EPA. Any failure of the outfall system must be reported to the EPA in accordance with Part VII.G.
4. Representative Pictures. The Permittee must take at least one picture quarterly while processing is occurring. Each quarter the picture(s) must capture the following:
 - a. The receiving water in the immediate vicinity of where the outfall system is discharging;
 - b. An extended view of the receiving water showing processing waste (if any) on the sea surface behind the vessel;
 - c. An extended view from the sides of/or behind the vessel showing any interactions with seabirds or marine mammals (if any); and
 - d. The effluent sample (showing residues size), in cases where grinding of seafood waste is required under Section V.A.3 of the Permit.

Additional pictures may be taken as needed to capture the required content. Each picture must be labelled with date, time, name of person taking the picture, and a description of what the picture represents.

5. Sea surface monitoring. During the term of this Permit, the Permittee must conduct a daily sea surface monitoring program as described in Part VI.C.
6. Grinder system. When grinding is required under Section V.A.3, the Permittee must conduct a daily inspection of the grinder system during the processing season to confirm that the grinder(s) is (are) operating properly as designed to reduce the size of the seafood residues to 0.5 inch. This will require inspecting the size of the ground residues reduced in grinding by taking a representative sample of the ground discharge and ensuring the pieces are being ground appropriately. Logs of this daily inspection must be kept on-board the vessel until the end of the calendar year and then maintained at the business office thereafter. Logs must be submitted at the request of the EPA.

VI. WASTE MINIMIZATION AND MONITORING REQUIREMENTS

A. Best management practices (BMP) plan

2. Applicability. During the term of this Permit all Permittees must operate in accordance with a BMP Plan.
3. Implementation.
 - The Permittee must develop and implement a BMP Plan to meet the requirements of this Section. The Permittee must submit a certification within 60 days of receiving authorization to discharge, documenting that a BMP Plan has been developed and implemented.
 - The BMP Plan must be amended whenever there is a change in the facility or in the operation of the facility which materially increases the potential for an increased discharge of pollutants. The Permittee must submit certification within 60 days of a BMP Plan update.
4. Purpose. Through implementation of a BMP Plan, a Permittee must prevent or minimize the generation and discharge of wastes and pollutants from the facility to the waters of the United States. Pollution should be prevented or reduced at the source. Potential pollutants should be recycled in an environmentally safe manner whenever feasible. The discharge of pollutants into the environment should be conducted in such a way as to have a minimal environmental impact.
5. Objectives. A Permittee must develop its BMP Plan consistent with the following objectives.
 - a. The number and quantity of pollutants and the toxicity of the effluents that are generated, discharged or potentially discharged from the facility must be minimized by a Permittee to the extent feasible by controlling each discharge or

potential pollutant release in the most appropriate manner.

- b. Evaluations for the control of discharges and potential releases of pollutants must include the following.
 - (1) Each facility component or system must be examined for its pollutant minimization opportunities and its potential for causing a release of significant amounts of pollutants to receiving waters due to the failure or improper operation of equipment. The examination must include all normal operations, including raw material and product storage areas, in-plant conveyance of product, processing and product handling areas, loading or unloading operations, wastewater treatment areas, sludge and waste disposal areas, and refueling areas.
 - (2) Equipment must be examined for potential failure and any resulting release of pollutants to receiving waters. Provision must be made for emergency measures to be taken in such an event.
 - c. Under the BMP plan and any Standard Operating Procedures (SOPs) included in the plan, the Permittee must ensure the proper operation and maintenance of the facility and the control of the discharge or potential release of pollutants to the receiving water.
6. Requirements. The BMP Plan must be consistent with the purpose and objectives in Parts VI.A.3. and 4 and must include the following:
- a. The BMP Plan must be consistent with the general guidance contained in the publication entitled “Guidance Manual for Developing Best Management Practices”, USEPA 1993, or its subsequent revisions and “Seafood Processing Handbook for Materials Accounting Audits and Best Management Practices Plans, EPA and Bottomline Performance, 1995, available at <https://www3.epa.gov/npdes/pubs/owm0274.pdf>; <https://www.epa.gov/sites/production/files/2017-10/documents/r10-npdes-ak-offshore-seafood-akg524000-seafood-processing-handbook-1995.pdf>.
 - b. The BMP Plan must be documented in narrative form, must include any necessary plot plans, drawings or maps, and must be developed in accordance with good engineering practices. The BMP Plan must be organized and written with the following structure:
 - (1) Name and physical location(s) of the vessel;
 - (2) Statement of BMP policy;

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

c. Materials accounting of the inputs, processes and outputs of the facility;

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

Inflow = outflow + accumulation

Example 1: For the entire facility

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

Example 2: Process step of head-and-gut

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

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

d. Risk identification and assessment of pollutant discharges;

- (1) Review existing materials and plans, as a source of information, to ensure consistency and to eliminate duplication.
- (2) Characterize actual and potential pollutant sources that might be subject to release.
- (3) Evaluate potential pollutants based on the hazards they present to human health and the environment. This includes minimizing toxic disinfection use where applicable, as disinfectants are known to be toxic to marine organisms at relatively low concentrations.
- (4) Identify pathways through which pollutants identified at the site might reach environmental and human receptors.
- (5) Prioritize potential releases.

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

- (1) The modification of equipment, facilities, technology, processes and procedures;
- (2) The improvement in management, inventory control, materials handling or general operational phases of the facility; and
- (3) To reduce or eliminate any discharge of wastes that have the potential to collect and foul set or drift nets used in subsistence or commercial fisheries in nearby traditional use areas.

f. Good housekeeping;

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

g. Preventative maintenance;

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

h. Inspections and records;

- (1) Inspections provide an ongoing method to detect and identify sources of actual or potential releases. Inspections are effective in evaluating the good housekeeping and preventative maintenance programs.
- (2) Recordkeeping focuses on maintaining records that are pertinent to actual or potential environmental releases. These records may include the BMP Plan itself, inspection reports, preventative maintenance records, and employee training materials.

i. Employee training;

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

j. Moving while discharging;

Vessels should be moving while discharging in order to aid dispersion of the discharge, unless doing so would compromise the safety of the vessel.

- k. The BMP Plan must include the following provisions concerning its review:
 - (1) Be reviewed by the facility manager and appropriate staff; and
 - (2) Include a statement that the above review has been completed and that the BMP Plan fulfills the requirements set forth in this Permit. The statement must be certified by the dated signature of the facility manager. See Attachment C for a BMP Plan Certification page.
- l. Documentation.
 - (1) With the NOI, the Permittee must submit a certification that the BMP Plan will be prepared, or reviewed and revised as-needed throughout the life of the Permit.
 - (2) A Permittee must submit to EPA written certification (in accordance with IX.E), signed by a principal officer or a duly appointed representative of the Permittee, of the development and implementation of its BMP Plan, upon completion of the BMP Plan. The certification must be received by EPA no later than 60 days after authorization.
 - (3) Each Permittee must maintain a copy of its BMP Plan on-board the vessel and must make the plan available to EPA upon request.
 - (4) All business offices and/or operational sites of a Permittee which are required to maintain a copy of this Permit and authorization must also maintain a copy of the BMP Plan and make it available to EPA inspectors upon request.
7. Modification.
 - a. A Permittee must amend the BMP Plan whenever there is a change in the facility or in the operation of the facility which materially increases the generation of pollutants and their release or potential release to the receiving waters.
 - b. A Permittee must also amend the Plan, as appropriate, when facility operations covered by the BMP Plan change. Any such changes to the BMP Plan must be consistent with the objectives and specific requirements listed. All changes in the BMP Plan must be reviewed by the facility manager.
 - c. At any time, if a BMP Plan proves to be ineffective in achieving the general objective of preventing and minimizing the generation of pollutants and their release, the BMP Plan must be modified to incorporate revised BMP requirements.

B. Annual report

1. Applicability. During the term of this Permit the Permittee must prepare and submit a complete, accurate and timely Annual Report to the EPA. See Attachment B for the Annual Report.
2. The Permittee must provide the following information in the Annual Report:
 - a. Verification of the Permittee's specific NPDES permit number, company name, owner and operator, vessel representative, name of vessel, USCG vessel number, mailing address, telephone number(s), email address, and facsimile number (if available).
 - b. A summary of noncompliance reported according to Part VII.E and F of this Permit that occurred between January 1st through December 31st of the previous year. Include the reasons for such noncompliance, corrective actions, and steps taken to prevent future noncompliance events.
 - c. A summary of general processing and discharge information during the previous year, including:
 - (1) If secondary by-products are produced, estimate or measure the volume of water vapor lost to the atmosphere and include the calculation(s) used to measure water loss below (VI.A.5).
 - (2) Report total pounds of ammonia or Freon used and summarize any occurrences of leaks or breaks in the refrigerator condenser system below.
 - (3) Total annual number of processing days, total annual amount of raw products in pounds, total annual amount of finished products in pounds, total annual amount of discharged seafood processing wastes (raw product minus finished product) in pounds, and total annual number of processing days where discharge occurred in Steller sea lion critical habitat areas.
 - d. A summary of production and discharge data from the previous year, including:
 - (1) Dates of discharge per month.
 - (2) Species harvested during each month.
 - (3) Types of finished product for each species harvested during each month.
 - (4) Estimates of daily distance travelled while processing (minimum daily distance, average daily distance, minimum speed, and average speed).

- (5) Total seafood waste discharged per month (all types).
- (6) Total quantity of stickwater discharged per month.
- (7) Total quantity of non-stickwater seafood waste discharge per month.
- (8) Maximum daily discharge (all types of seafood waste) per month.
- (9) Total percent of byproduct recovered through a fishmeal, fish oil, or other byproduct recovery system, reported as a monthly average. If not all product is utilized, explain why.

e. Provide the following submittals with the Annual Report (Part VI.B.2).

- (1) The location of vessel while discharging. Provide area map(s) that show at least one daily location of the vessel while discharging. Provide a table with the discharge dates and location coordinates with the Annual Report in degrees, minutes, and seconds.
- (2) Representative pictures (minimum of at least one per quarter). The picture(s) must be labeled and must include: the receiving water in the immediate vicinity of where the outfall system is discharging; an extended view of the receiving water showing processing waste (if any) on the sea surface behind the vessel; an extended view from the sides of/or behind the vessel showing any interactions with seabirds or marine mammals (if any); and the effluent sample (showing residues size), in cases where grinding of seafood waste is required under Section V.A.3 of the Permit.

Additional pictures may be taken as needed to capture the required content. Each picture must be labelled with date, time, name of person taking the picture, and a description of what the picture represents.

- (3) Reports of noncompliance.
- (4) Updated/amended NOI (if changes) (Part IV.A.3)
- (5) Sea Surface Daily Visual Monitoring Log (Part VI.C)

3. Submittal. A Permittee must submit its annual report to the EPA by February 14th of the year following each year of operation and discharge under this Permit. Paper submittals must be the original and signed copy and must be sent to:

U.S. Environmental Protection Agency Region 10
Enforcement and Compliance Assurance Division (ECAD-19-C04)
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3188

C. Sea surface visual monitoring requirements

1. Applicability. During the term of this Permit, the Permittee must conduct a daily sea surface monitoring program.
2. Purpose. A Permittee must conduct a daily sea surface monitoring program to monitor marine water quality and record potential interactions between the discharge and ESA-listed species.
3. Objectives. Daily monitoring of the sea surface will provide assessments of the presence and amounts of residues floating on the sea surface during a facility's operation and record potential interactions between ESA-listed species and the discharge.
4. Sea surface monitoring requirements for all vessels. This monitoring program will inform the EPA of the presence of residues/aesthetics, color, oil and grease, and solids on the sea surface and record potential interactions between ESA-listed species and the discharge. Permittees must:
 - Record the total number of days for which observations were made,
 - Record the daily occurrence and areal extent of floating seafood waste, contiguous films, sheens or mats of foam, and,
 - Include ESA-listed species monitoring
 - (1) The sea surface monitoring must estimate the occurrence and number of the following ESA-listed species attracted to the discharge identified within the survey area: short-tailed albatross (*Phoebastria albatrus*), spectacled eider (*Somateria fischeri*), Steller's eider (*Polysticta stelleri*), and Steller sea lion (*Eumetopias jubatus*).
5. Steller sea lion monitoring for vessels when discharging unground waste. For all vessels in all areas during times that unground seafood waste is being discharged, vessels must:
 - Record the date and start and stop time of discharge(s);
 - Record the geographic coordinates of the vessel at the start and stop time of discharge(s);
 - Make observations within the 250 meter radius hemisphere astern of the vessel;
 - Record the number, date, time, and location of observed Steller sea

lions;

- Record whether Steller sea lions were engaged in foraging behavior(s) within the 250 meter radius;
- Record any lethal and non-lethal interactions between Steller sea lions and fishing gear, indicating the nature of the interaction, the date, time, and location of the contact, the number of animals interacting with the gear, the outcome of the interaction, the behavior of animals during the interaction, and whether entanglement or entrapment in gear either occurred or was suspected to have occurred; and
- Report all instances of aggressive behavior of Steller sea lions towards humans or vessels, noting the date, time, location, number of animals involved, and the nature and outcome of the aggressive interaction.

Observers may be vessels captain(s) or crew member(s) provided the individual(s) have a clear view of the waters astern of the vessel and are able to discern Steller sea lions at a distance of 250 meters.

6. Schedule.

- All Permittees must conduct a daily sea surface monitoring program during operation of each year of coverage.
- Permittees discharging unground seafood waste must conduct Steller sea lion monitoring.

7. Monitoring reporting. Sea surface monitoring logs must be kept on-board the vessel until the end of the calendar year and then maintained at the business office thereafter. Logs must be submitted to the EPA with the Annual Report.

In addition to submission to EPA, logs related to Steller sea lion monitoring for vessels when discharging unground waste must be submitted to NMFS Alaska Protected Resources Division by March 31 at the address below. Reports must include a query-able, digital database containing all observer data required in VI.C.5.

NMFS Alaska Protected Resources Division
NOAA Fisheries
222 W 7th Ave
Anchorage, AK 99513

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

VII. GENERAL MONITORING, RECORDING, AND REPORTING REQUIREMENTS

A. Reporting of Monitoring Results

The Permittee must submit its Annual Report Form by February 14th of the year following each year of operation and discharge under this Permit. The Permittee must sign and certify all Annual Reports, and all other reports, in accordance with the requirements of Part IX.E. of this Permit (“Signatory Requirements”). The Permittee must submit the legible originals of these documents to the Director, Enforcement and Compliance Assurance Division, at the following address:

US EPA Region 10
Enforcement and Compliance Assurance Division (ECAD-20-C04)
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3188

B. Additional Monitoring by Permittee

If the Permittee monitors any pollutant using test methods approved under 40 CFR Part 136, the Permittee must include the results of this monitoring in the Annual Report. Upon request by the EPA, the Permittee must submit results of any sampling, regardless of the test method used.

C. Records Contents

Records of monitoring information must include:

1. the date, exact place, and time of sampling or measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the date(s) analyses were performed;
4. the names of the individual(s) who performed the analyses;
5. the analytical techniques or methods used; and
6. the results of such analyses.

D. Retention of Records

The Permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, copies of annual reports, a copy of the NPDES Permit, and records of all data used to complete the application for

this Permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the EPA at any time.

E. Twenty-four Hour Notice of Noncompliance Reporting

1. The Permittee must report the following occurrences of noncompliance by telephone to the EPA (206-553-1846) within 24 hours from the time the Permittee becomes aware of the circumstances:
 - a. any noncompliance that may endanger health or the environment;
 - b. any unanticipated bypass that exceeds any effluent limitation in the Permit (Part VIII.F., “Bypass of Treatment Facilities”);
 - c. any upset that exceeds any effluent limitation in the Permit (Part VIII.G., “Upset Conditions”); or
2. The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:
 - a. a description of the noncompliance and its cause;
 - b. the period of noncompliance, including exact dates and times;
 - c. the estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
3. The Director of the Enforcement and Compliance Assurance Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
4. Reports must be submitted to the addresses in Part VII.A (“Reporting of Monitoring Results”).

F. Other Noncompliance Reporting

Permittees must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part VII.A (“Reporting of Monitoring Results”) are submitted. The reports must contain the information listed in Part VII.E of this Permit (“Twenty-four Hour Notice of Noncompliance Reporting”).

G. Changes in Discharge of Toxic Pollutants

The Permittee must notify the Director of the Water Division as soon as it knows, or has reason to believe:

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

US EPA Region 10
Attn: NPDES Permitting Section
1200 Sixth Avenue, Suite 155, (WD-19-C04)
Seattle, Washington 98101-3188

VIII. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

The Permittee must comply with all conditions of this Permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action, for termination of the authorization to discharge, or for denial of coverage after submittal of a Notice of Intent.

B. Penalties for Violations of Permit Conditions

1. **Civil Penalties.** Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$53,484 per day for each violation).
2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$21,393 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$53,484). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$21,393 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$267,415).
3. **Criminal Penalties:**
 - a. **Negligent Violations.** The Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation,

a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

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

C. Need to Halt or Reduce Activity not a Defense

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

D. Duty to Mitigate

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

E. Proper Operation and Maintenance

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

F. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The Permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.
2. Notice.
 - a. Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The Permittee must submit notice of an unanticipated bypass as required under Part VII.E (“Twenty-four Hour Notice of Noncompliance Reporting”).
3. Prohibition of bypass.
 - a. Bypass is prohibited, and the Director of the Enforcement and Compliance Assurance Division may take enforcement action against the Permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of

reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

- (3) The Permittee submitted notices as required under paragraph 2 of this Part.
 - b. The Director of the Enforcement and Compliance Assurance Division may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this Part.

G. Upset Conditions

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the Permittee meets the requirements of paragraph 2 of this Part. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the Permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The Permittee submitted notice of the upset as required under Part VII.E, "Twenty-four Hour Notice of Noncompliance Reporting;" and
 - d. The Permittee complied with any remedial measures required under Part VIII.D, "Duty to Mitigate."
3. Burden of proof. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

H. Toxic Pollutants

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the Permit has not yet been modified to incorporate the requirement.

I. Planned Changes

The Permittee must give written notice to the Director of the Water Division as specified

in Part VII.I.3. as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

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

J. Anticipated Noncompliance

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

IX. GENERAL PROVISIONS

A. Permit Actions

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

B. Duty to Reapply

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

C. Duty to Provide Information

The Permittee must furnish to EPA, within the time specified in the request, any information that EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee must also furnish to EPA, upon request, copies of records required to be kept by this Permit.

D. Other Information

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report

to EPA, it must promptly submit the omitted facts or corrected information in writing.

E. Signatory Requirements

All Notices of Intent (NOIs) for permit coverage and reports or information submitted to EPA must be signed and certified as follows.

1. All permit applications (NOIs) must be signed as follows:
 - a. For a corporation: by a responsible corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal, Indian tribe, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the Permit and other information requested by EPA must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the Director of the Enforcement and Compliance Assurance Division.
3. Changes to authorization. If an authorization under Part IX.E.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part IX.E.2. must be submitted to the Director of the Enforcement and Compliance Assurance Division prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this Part must make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system,

or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

F. Availability of Reports

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

G. Inspection and Entry

The Permittee must allow the EPA or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

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

H. Property Rights

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

I. Transfers

Authorization to discharge under this Permit may be automatically transferred to a new Permittee on the date specified in the agreement only if:

1. The current Permittee notifies the Director of the Water Division at least 30 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 and liability between them; and,
3. The Director does not notify the existing and new Permittees of the intent to revoke and reissue the authorization to discharge. Permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

J. State Laws

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

K. Permit Expiration

This General Permit will expire five years after its effective date, as specified on the cover page of the Permit. In accordance with 40 CFR §122.6, if the Permit is not reissued by the expiration date, the conditions of the General Permit will continue in force and effect until a new General Permit is issued. Only those facilities authorized to discharge under the expiring General Permit and who submit an NOI at least 180 days prior to the expiration date of the General Permit will remain authorized to discharge under the administratively continued permit conditions.

X. DEFINITIONS AND ACRONYMS

“Act” means the Clean Water Act.

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

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

“Best Management Practices” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.

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

“CFR” means Code of Federal Regulations.

“Closure Line” means the straight lines that are drawn between the respective low-water marks of the natural entrance points of bays or rivers where the distance between the two points does not exceed 24 nautical miles (NM) ([Part II Section 2 of the United National Convention on the Law of the Sea](#)).

“Contiguous Zone” means the zone of the high seas contiguous to the territorial seas extending out to 24 nautical miles (NM) from the baseline from which the breadth of the territorial sea is measured. See ([Presidential Proclamation No. 7219, August 2, 1999](#)).

“Cooling Water” means once-through non-contact cooling water.

“CWA” means the Clean Water Act.

“Deck Runoff” means the precipitation, washdowns, and seawater falling on the weather deck of a vessel and discharged overboard through deck openings. 40 CFR §1700.4.

“Director of the Enforcement and Compliance Assurance Division” means the Director of the Enforcement and Compliance Assurance Division, EPA Region 10, or an authorized representative.

“Director of the Water Division” means the Director of the Water Division, EPA Region 10, or an authorized representative.

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

“DMR” means discharge monitoring report.

“EPA” means the United States Environmental Protection Agency.

“ESA” means the Endangered Species Act.

“Federal Waters” means the contiguous zone, and the ocean, which include the exclusive economic zone (EEZ).

“Excluded area” means an area not authorized as a receiving water covered under this general NPDES Permit.

“Federal Waters” means the contiguous zone, and the ocean, which include the exclusive economic zone (EEZ).

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

“GP” means general permit.

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

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

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

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

“Mince” means finely chopped seafood, particularly fish.

“MLLW” means mean lower low water.

“MSD” means marine sanitation device.

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

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

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

“NM” means nautical mile.

“NMFS” means United States National Marine Fisheries Service.

“NOAA” means National Oceanic and Atmospheric Administration.

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

“NPDES” means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under sections 307, 402, 318, and 405 of the CWA.

“Ocean” means any portion of the high seas beyond the contiguous zone 33 U.S.C. § 1362(10).

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

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

“Protected species” means those species, other than prohibited species, that are protected under Federal law, including species listed under the Endangered Species Act, marine mammals protected under the Marine Mammal Protection Act, and bird species protected under the Migratory Bird Treaty Act. Species that are both protected and prohibited are considered prohibited species. (50 CFR 660.11)

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

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

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

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

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

“Seafood process waste” means the floating solids, debris, sludge, deposits, foam, and scum

produced in the processing of raw seafood to finished product.

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

“SOPs” means standard operating procedures.

“State waters” means territorial seas.

“Stickwater” means the mixture of water, oil, proteins, fats and ash separated from the press liquor generated during the production of fish meal.

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

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

“USCG” means United States Coast Guard.

“USFWS” means United States Fish and Wildlife Service.

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

“Water depth” means the depth of the water between the surface and the seafloor as measured at mean lower low water.

Appendix A: Receiving Waters Excluded from Coverage

Figure 1: ArcGIS Online Map of Excluded Areas

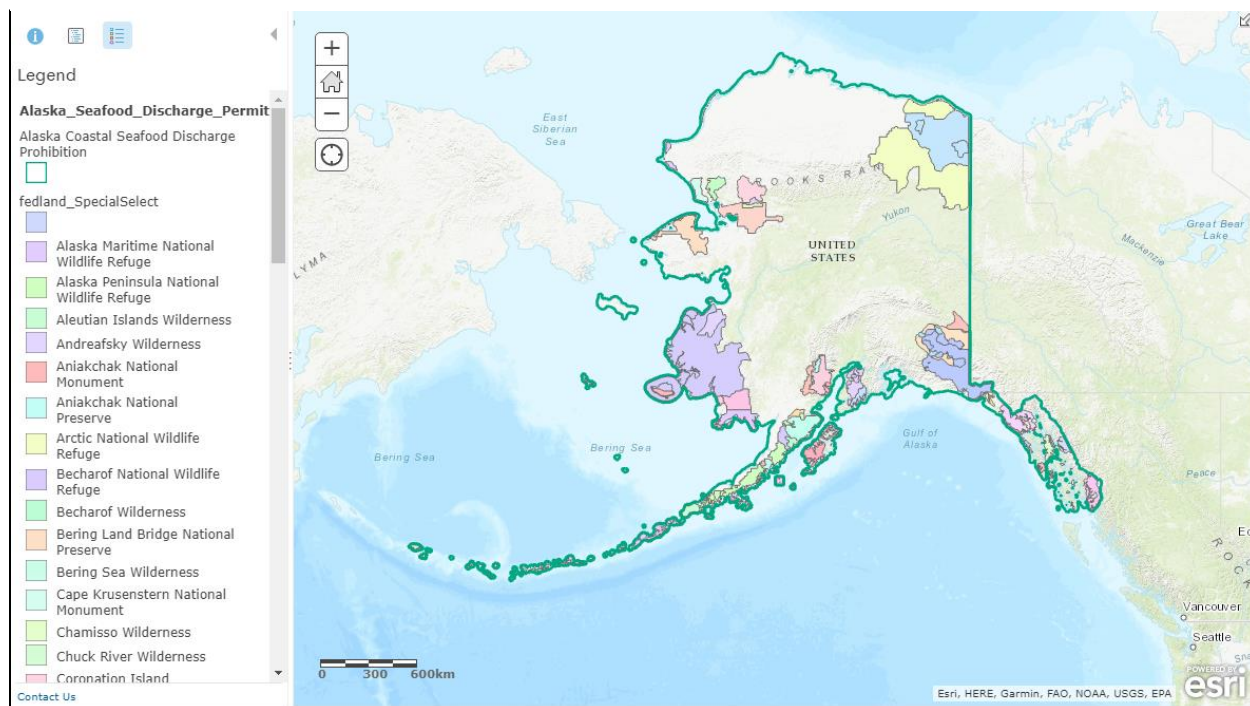


Figure 1 is a screenshot and example of the ArcGIS Online mapping tool for the Alaska Seafood Discharge Permit. The legend on the left side of the figure indicates the filterable selections that are selected and shown in the map. This map does not include excluded areas for listed species and critical habitat. For exclusion areas related to listed species and their habitat; the EPA defers to the appropriate regulating agencies and has included relevant Figures 2 through 5 and Table 1 below.

The ArcGIS Online mapping tool and layers are available for public use. For this Permit and associated map, "Alaska_Seafood_Discharge_Permit," The mapped layers include 1 nautical buffer lines around national wildlife refuges, national parks and preserves, state game refuges, critical habitat areas and other sensitive areas. The data in this service is from a variety of sources including NOAA, NMFS, USFWS, and the Alaska Division of Natural Resources and should be used for general reference only. Each responsible agency should be contacted for final determination of any boundary lines or other depictions in this map service.

Permittees may access the ArcGIS mapping tool at the link below.

<https://gis.r10.epa.gov/arcgis/home/webmap/viewer.html?layers=a1d96ac0efbd4b6a922fc067fd6af0f7>

Additionally, the previous general permit and appendices, including lists and maps of areas excluded from coverage are archived on the EPA webpage below:

<https://www.epa.gov/npdes-permits/npdes-general-permit-offshore-seafood-processors-alaska>

Prohibited Discharge Areas for ESA-listed Species and Critical Habitats

Figure 2: Steller Sea Lion Designated Critical Habitat

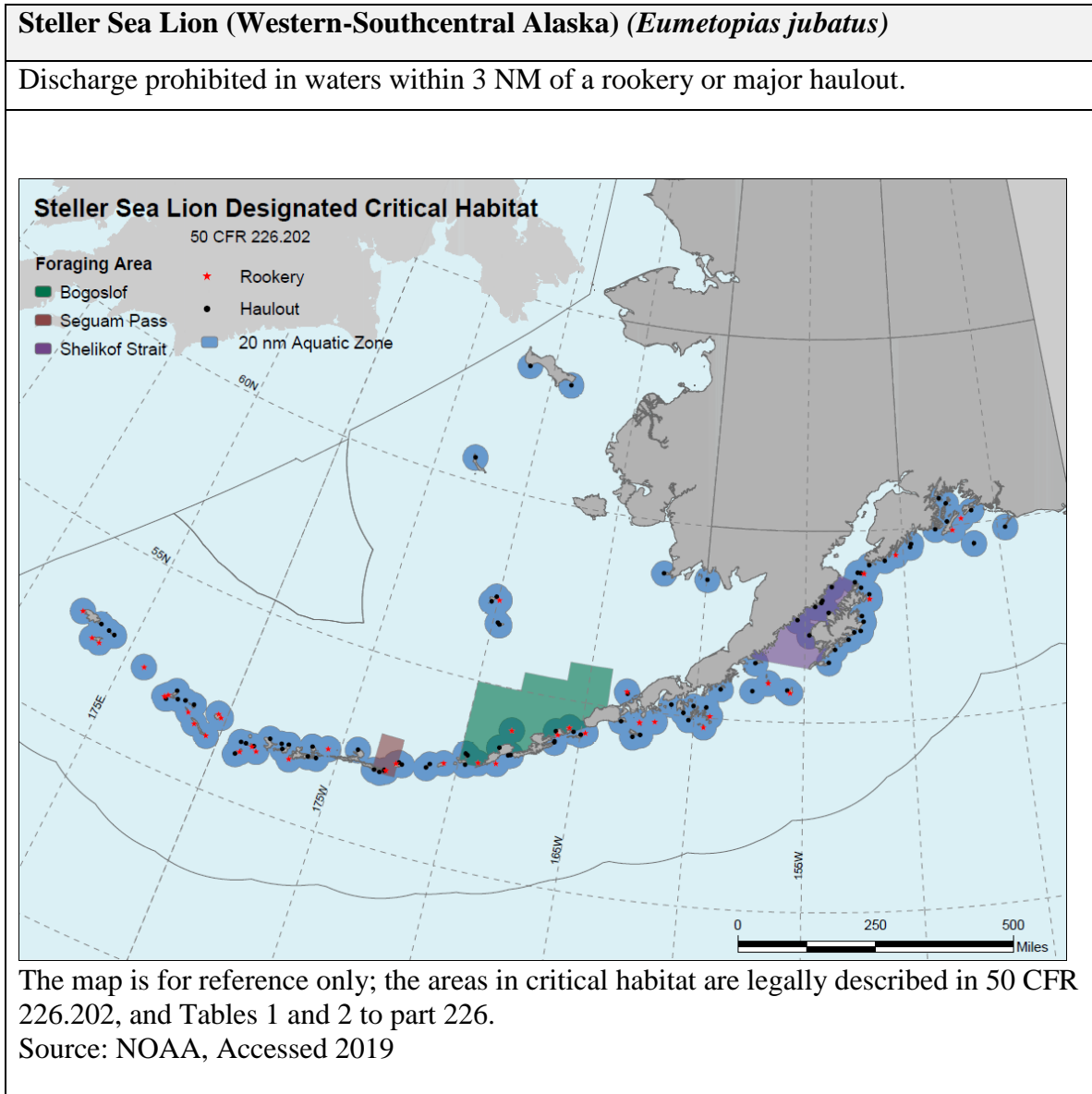


Figure 3: Steller Sea Lion Designated Critical Habitat

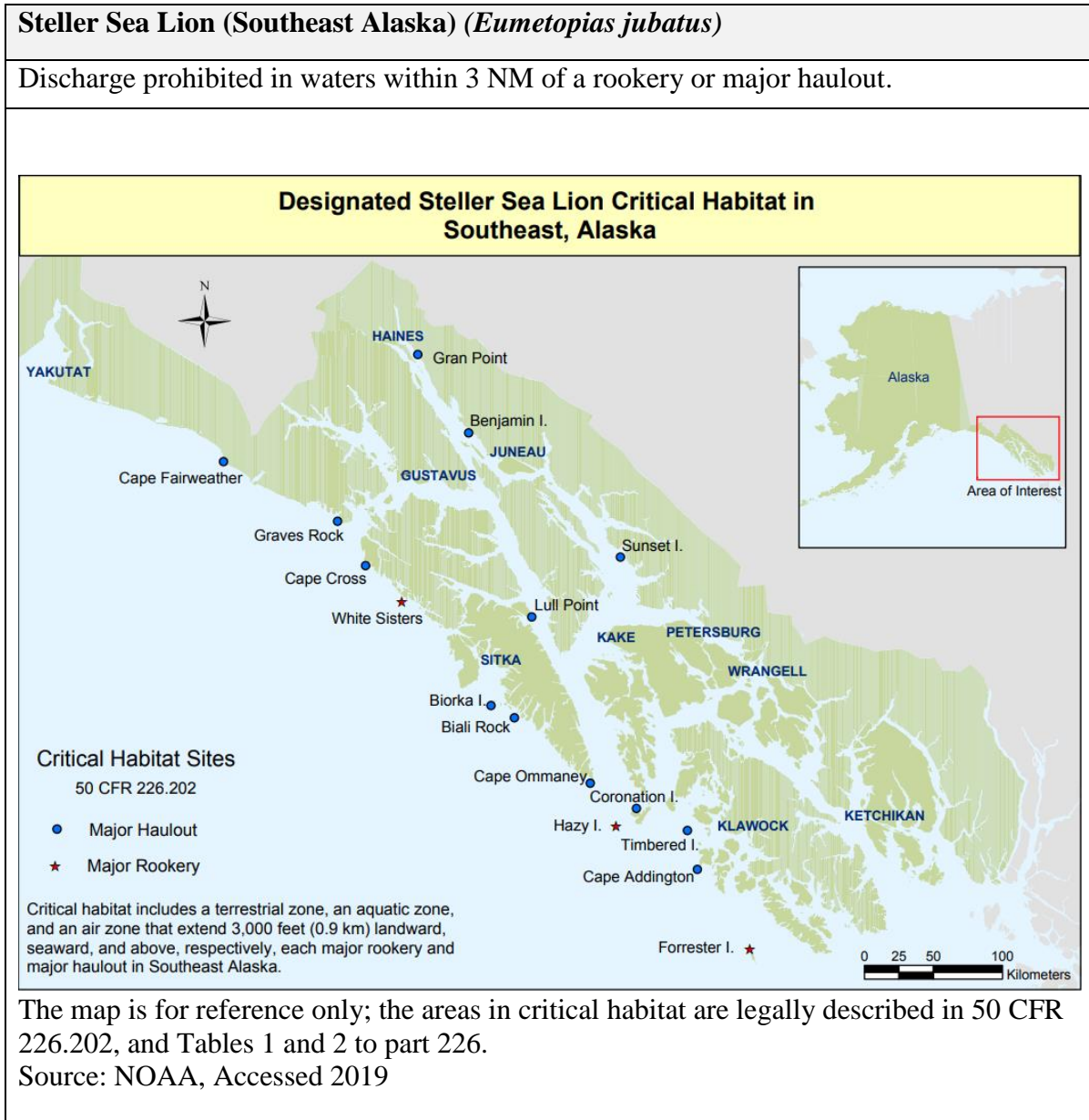


Table 1: Critical Habitat for Steller Sea Lions - 50 CFR Part 226.202 and Tables 1 and 2 to Part 226

50 CFR Part 226.202

(a) *Alaska rookeries, haulouts, and associated areas.* In Alaska, all major Steller sea lion rookeries identified in Table 1 and major haulouts identified in Table 2 and associated terrestrial, air, and aquatic zones. Critical habitat includes a terrestrial zone that extends 3,000 feet (0.9 km) landward from the baseline or base point of each major rookery and major haulout in Alaska. Critical habitat includes an air zone that extends 3,000 feet (0.9 km) above the terrestrial zone of each major rookery and major haulout in Alaska, measured vertically from sea level. Critical habitat includes an aquatic zone that extends 3,000 feet (0.9 km) seaward in State and Federally managed waters from the baseline or basepoint of each major rookery and major haulout in Alaska that is east of 144° W. longitude. Critical habitat includes an aquatic zone that extends 20 nm (37 km) seaward in State and Federally managed waters from the baseline or basepoint of each major rookery and major haulout in Alaska that is west of 144° W. longitude.”

(c) *Three special aquatic foraging areas in Alaska.* Three special aquatic foraging areas in Alaska, including the Shelikof Strait area, the Bogoslof area, and the Seguam Pass area.

- (1) Critical habitat includes the Shelikof Strait area in the Gulf of Alaska and consists of the area between the Alaska Peninsula and Tugidak, Sitkinak, Aiaktulik, Kodiak, Raspberry, Afognak and Shuyak Islands (connected by the shortest lines); bounded on the west by a line connecting Cape Kumlik (56°38' N/157°27' W) and the southwestern tip of Tugidak Island (56°24' N/154°41' W) and bounded in the east by a line connecting Cape Douglas (58°51' N/153°15' W) and the northernmost tip of Shuyak Island (58°37' N/152°22' W).

(2) Critical habitat includes the Bogoslof area in the Bering Sea shelf and consists of the area between 170°00' W and 164°00' W, south of straight lines connecting 55°00' N/170°00' W and 55°00' N/168°00' W; 55°30' N/168°00' W and 55°30' N/166°00' W; 56°00' N/166°00' W and 56°00' N/164°00' W and north of the Aleutian Islands and straight lines between the islands connecting the following coordinates in the order listed:

- 52°49.2' N/169°40.4' W
- 52°49.8' N/169°06.3' W
- 53°23.8' N/167°50.1' W
- 53°18.7' N/167°51.4' W
- 53°59.0' N/166°17.2' W
- 54°02.9' N/166°03.0' W
- 54°07.7' N/165°40.6' W
- 54°08.9' N/165°38.8' W
- 54°11.9' N/165°23.3' W
- 54°23.9' N/164°44.0' W

(3) Critical habitat includes the Seguam Pass area and consists of the area between 52°00' N and 53°00' N and between 173°30' W and 172°30' W.

Table 1 to Part 226—Major Steller Sea Lion Rookery Sites

Major Steller sea lion rookery sites are identified in the following table. Where two sets of coordinates are given, the baseline extends in a clockwise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates. Where only one set of coordinates is listed, that location is the base point.

State/region/site	Boundaries to—			
	Latitude	Longitude	Latitude	Longitude
Alaska:				
Western Aleutians:				
Agattu I.:				
Cape Sabak ¹	52 23.5N	173 43.5E	52 22.0N	173 41.0E
Gillon Point ¹	52 24.0N	173 21.5E		
Attu I. ¹	52 54.5N	172 28.5E	52 57.5N	172 31.5E
Buldir I. ¹	52 20.5N	175 57.0E	52 23.5N	172 51.0E
Central Aleutians:				
Adak I. ¹	51 36.5N	176 59.0W	51 38.0N	176 59.5W
Agligadak I. ¹	52 06.5N	172 54.0W		
Amchitka I.: ¹				
Column Rock ¹	51 32.5N	178 49.5E		
East Cape ¹	51 22.5N	179 28.0E	51 21.5N	179 25.0E
Ayugadak I. ¹	51 45.5N	178 24.5E		
Gramp Rock ¹	51 29.0N	178 20.5W		
Kasatochi I. ¹	52 10.0N	175 31.5W	52 10.5N	175 29.0W
Kiska I.:				
Lief Cove ¹	51 57.5N	177 21.0E	51 56.5N	177 20.0E
Cape St. Stephen ¹	51 52.5N	177 13.0E	51 53.5N	177 12.0E
Seguam I./Saddleridge ¹	52 21.0N	172 35.0W	52 21.0N	172 33.0W
Semisopochnoi I.:				
Pochnoi Pt ¹	51 58.5N	179 45.5E	51 57.0N	179 46.0E
Petrel Pt ¹	52 01.5N	179 37.5E	52 01.5E	179 39.0E
Tag I. ¹	51 33.5N	178 34.5W		
Ulak I. ¹	51 20.0N	178 57.0W	51 18.5N	178 59.5W
Yunaska I. ¹	52 42.0N	170 38.5W	52 41.0N	170 34.5W
Eastern Aleutian:				
Adugak I. ¹	52 55.0N	169 10.5W		

Akun I./Billings Head ¹	54 18.0N	165 32.5W	54 18.0N	165 31.5W
Akutan I./Cape Morgan ¹	54 03.5N	166 00.0W	54 05.5N	166 05.0W
Bogoslof I. ^{1,2}	53 56.0N	168 02.0W		
Ogchul I. ¹	53 00.0N	168 24.0W		
Sea Lion Rocks. (Amak) ¹	55 28.0N	163 12.0W		
Ugamak I. ¹	54 14.0N	164 48.0W	54 13.0N	164 48.0W
Bering Sea:				
Walrus I. ¹	57 11.0N	169 56.0W		
Western Gulf of Alaska:				
Atkins I. ¹	55 03.5N	159 18.5W		
Chernabura I. ¹	54 47.5N	159 31.0W	54 45.5N	159 33.5W
Clubbing Rocks (N) ¹	54 43.0N	162 26.5W		
Clubbing Rocks (S) ¹	54 42.0N	162 26.5W		
Pinnacle Rock ¹	54 46.0N	161 46.0W		
Central Gulf of Alaska:				
Chirikof I. ¹	55 46.5N	155 39.5W	55 46.5N	155 43.0W
Chowiet I. ¹	56 00.5N	156 41.5W	56 00.5N	156 42.0W
Marmot I. ¹	58 14.5N	151 47.5W	58 10.0N	151 51.0W
Outer I. ¹	59 20.5N	150 23.0W	59 21.0N	150 24.5W
Sugarloaf I. ¹	58 53.0N	152 02.0W		
Eastern Gulf of Alaska:				
Seal Rocks ¹	60 10.0N	146 50.0W		
Fish I. ¹	59 53.0N	147 20.5W		
Southeast Alaska:				
Forrester I.	54 51.0N	133 32.0W	54 52.5N	133 35.5W
Hazy I	55 52.0N	134 34.0W	55 51.5N	134 35.0W
White Sisters	57 38.0N	136 15.5W		
Oregon:				
Rogue Reef: Pyramid Rock	42 26.4N	124 28.1W		
Orford Reef:				
Long Brown Rock	42 47.3N	124 36.2W		
Seal Rock	42 47.1N	124 35.4W		
California:				
Ano Nuevo I.	37 06.3N	122 20.3W		

Southeast Farallon I.	37 41.3N	123 00.1W		
Sugarloaf I. & Cape Mendocino	40 26.0N	124 24.0W		

¹Includes an associated 20 NM aquatic zone.

²Associated 20 NM aquatic zone lies entirely within one of the three special foraging areas.
[58 FR 45278, Aug. 27, 1993]

Table 2 to Part 226—Major Steller Sea Lion Haulout Sites in Alaska

Major Steller sea lion haulout sites in Alaska are identified in the following table. Where two sets of coordinates are given, the baseline extends in a clockwise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates. Where only one set of coordinates is listed, that location is the basepoint.

State/region/site	Boundaries to—			
	Latitude	Longitude	Latitude	Longitude
Alaska:				
Western Aleutians:				
Alaid I. ¹	52 45.0N	173 56.5E	52 46.5N	173 51.5E
Attu/Chirikof Pt. ¹	52 30.0N	173 26.7E		
Shemya I. ¹	52 44.0N	174 09.0E		
Central Aleutians:				
Amatignak I. ¹	51 13.0N	179 08.0E		
Amlia I:				
East ¹	52 05.0N	172 58.5W	52 06.0N	172 57.0W
Sviech. Harbor ¹	52 02.0N	173 23.0W		
Amukta I. & Rocks ¹	52 31.5N	171 16.5W	52 26.5N	171 16.5W
Anagaksik I. ¹	51 51.0N	175 53.5W		
Atka I. ¹	52 23.5N	174 17.0W	52 24.5N	174 07.5W
Bobrof I. ¹	51 54.0N	177 27.0W		
Chagulak I. ¹	52 34.0N	171 10.5W		
Chuginadak I. ¹	52 46.5N	169 44.5W	52 46.5N	169 42.0W
Great Sitkin I. ¹	52 06.0N	176 10.5W	52 07.0N	176 08.5W
Kagamil I. ¹	53 02.5N	169 41.0W		
Kanaga I:				
North Cape ¹	51 56.5N	177 09.0W		
Ship Rock ¹	51 47.0N	177 22.5W		
Kavalga I. ¹	51 34.5N	178 51.5W	51 34.5N	178 49.5W
Kiska I./Sirius Pt. ¹	52 08.5N	177 36.5E		
Kiska I./Sobaka & Vega ¹	51 50.0N	177 20.0E	51 48.5N	177 20.5E

Little Sitkin I. ¹	51 59.5N	178 30.0E		
Little Tanaga I. ¹	51 50.5N	176 13.0W	51 49.0N	176 13.0W
Sagigik I. ¹	52 00.5N	173 08.0W		
Seguam I:				
South ¹	52 19.5N	172 18.0W	52 15.0N	172 37.0W
Finch Pt. ¹	52 23.5N	172 25.5W	52 23.5N	172 24.0W
Segula I. ¹	52 00.0N	178 06.5E	52 03.5N	178 09.0E
Tanaga I. ¹	51 55.0N	177 58.5W	51 55.0N	177 57.0W
Tanadak I. (Amlia) ¹	52 04.5N	172 57.0W		
Tanadak I. (Kiska) ¹	51 57.0N	177 47.0E		
Ugidak I. ¹	51 35.0N	178 30.5W		
Uliaga I. ¹	53 04.0N	169 47.0W	53 05.0N	169 46.0W
Unalga & Dinkum Rocks ¹	51 34.0N	179 04.0W	51 34.5N	179 03.0W
Eastern Aleutians:				
Akutan I./Reef-Lava ¹	54 10.5N	166 04.5W	54 07.5N	166 06.5W
Amak I. ¹	55 24.0N	163 07.0W	55 26.0N	163 10.0W
Cape Sedanka & Island ¹	53 50.5N	166 05.0W		
Emerald I. ¹	53 17.5N	167 51.5W		
Old Man Rocks ¹	53 52.0N	166 05.0W		
Polivnoi Rock ¹	53 16.0N	167 58.0W		
Tanginak I. ¹	54 13.0N	165 19.5W		
Tigalda I. ¹	54 08.5N	164 58.5W		
Umnak I./Cape Aslik ¹	53 25.0N	168 24.5W		
Bering Sea:				
Cape Newenham ¹	58 39.0N	162 10.5W		
Hall I. ¹	60 37.0N	173 00.0W		
Round I. ¹	58 36.0N	159 58.0W		
St. Paul I:				
Northeast Point ¹	57 15.0N	170 06.5W		
Sea Lion Rock ¹	57 06.0N	170 17.5W		
St. George I:				
S Rookery ¹	56 33.5N	169 40.0W		
Dalnoi Point ¹	56 36.0N	169 46.0W		
St. Lawrence I:				

S Pujuk I. ¹	64 04.0N	168 51.0W		
SW Cape ¹	63 18.0N	171 26.0W		
Western Gulf of Alaska:				
Bird I. ¹	54 40.5N	163 18.0W		
Castle Rock ¹	55 17.0N	159 30.0W		
Caton I. ¹	54 23.5N	162 25.5W		
Jude I. ¹	55 16.0N	161 06.0W		
Lighthouse Rocks ¹	55 47.5N	157 24.0W		
Nagai I. ¹	54 52.5N	160 14.0W	54 56.0N	160 15.0W
Nagai Rocks ¹	55 50.0N	155 46.0W		
Sea Lion Rocks (Unga) ¹	55 04.5N	160 31.0W		
South Rock ¹	54 18.0N	162 43.5W		
Spitz I. ¹	55 47.0N	158 54.0W		
The Whaleback ¹	55 16.5N	160 06.0W		
Central Gulf of Alaska:				
Cape Barnabas ¹	57 10.0N	152 55.0W	57 07.5N	152 55.0W
Cape Chiniak ¹	57 35.0N	152 09.0W	57 37.5N	152 09.0W
Cape Gull ^{1 2}	58 13.5N	154 09.5W	58 12.5N	154 10.5W
Cape Ikolik ^{1 2}	57 17.0N	154 47.5W		
Cape Kuliak ^{1 2}	58 08.0N	154 12.5W		
Cape Sitkinak ¹	56 32.0N	153 52.0W		
Cape Ugat ^{1 2}	57 52.0N	153 51.0W		
Gore Point ¹	59 12.0N	150 58.0W		
Gull Point ¹	57 21.5N	152 36.5W	57 24.5N	152 39.0W
Latax Rocks ¹	58 42.0N	152 28.5W	58 40.5N	152 30.0W
Long I. ¹	57 45.5N	152 16.0W		
Nagahut Rocks ¹	59 06.0N	151 46.0W		
Puale Bay ^{1 2}	57 41.0N	155 23.0W		
Sea Lion Rocks (Marmot) ¹	58 21.0N	151 48.5W		
Sea Otter I. ¹	58 31.5N	152 13.0W		
Shakun Rock ^{1 2}	58 33.0N	153 41.5W		
Sud I. ¹	58 54.0N	152 12.5W		
Sutwik I. ¹	56 32.0N	157 14.0W	56 32.0N	157 20.0W
Takli I. ^{1 2}	58 03.0N	154 27.5W	58 03.0N	154 30.0W

Two-headed I. ¹	56 54.5N	153 33.0W	56 53.5N	153 35.5W
Ugak I. ¹	57 23.0N	152 15.5W	57 22.0N	152 19.0W
Ushagat I. ¹	58 55.0N	152 22.0W		
Eastern Gulf of Alaska:				
Cape Fairweather	58 47.5N	137 56.3W		
Cape St. Elias ¹	59 48.0N	144 36.0W		
Chiswell Islands ¹	59 36.0N	149 34.0W		
Graves Rock	58 14.5N	136 45.5W		
Hook Point ¹	60 20.0N	146 15.5W		
Middleton I. ¹	59 26.5N	146 20.0W		
Perry I. ¹	60 39.5N	147 56.0W		
Point Eleanor ¹	60 35.0N	147 34.0W		
Point Elrington ¹	59 56.0N	148 13.5W		
Seal Rocks ¹	60 10.0N	146 50.0W		
The Needle ¹	60 07.0N	147 37.0W		
Southeast Alaska:				
Benjamin I.	58 33.5N	134 54.5W		
Biali Rock	56 43.0N	135 20.5W		
Biorka I.	56 50.0N	135 34.0W		
Cape Addington	55 26.5N	133 49.5W		
Cape Cross	57 55.0N	136 34.0W		
Cape Ommaney	56 10.5N	134 42.5W		
Coronation I.	55 56.0N	134 17.0W		
Gran Point	59 08.0N	135 14.5W		
Lull Point	57 18.5N	134 48.5W		
Sunset I.	57 30.5N	133 35.0W		
Timbered I.	55 42.0N	133 48.0W		

¹Includes an associated 20 NM aquatic zone.

²Associated 20 nm aquatic zone lies entirely within one of the three special foraging areas.
[58 FR 45279, Aug. 27, 1993, as amended at 59 FR 30716, June 15, 1994]

Figure 4: Steller’s Eider critical habitat units are depicted for the Yukon—Kuskokwim Delta, Kuskokwim Shoals, Seal Islands, Nelson Lagoon, and Izembek Lagoon

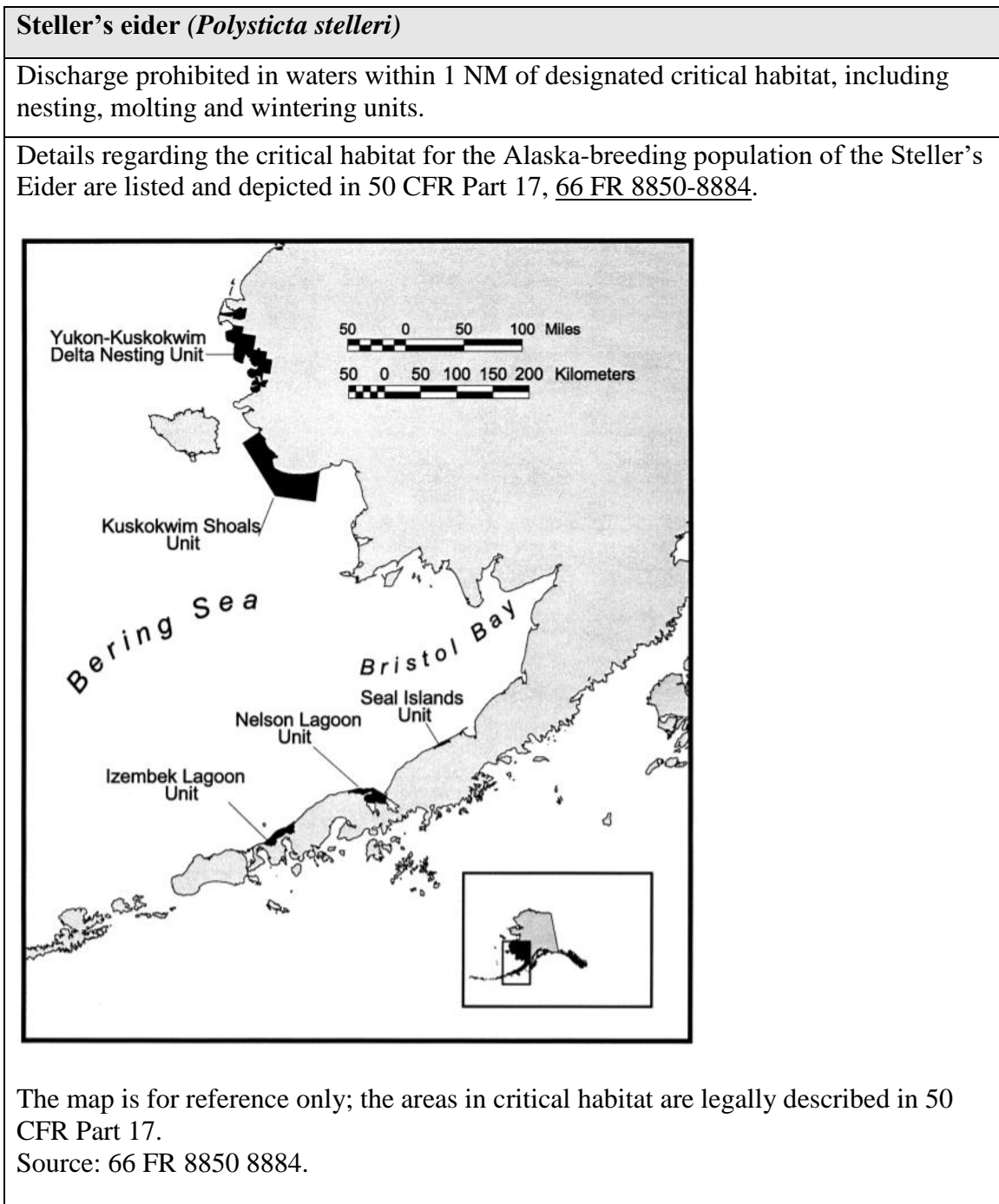


Figure 5: Spectacled eiders critical habitat depicted for Yukon-Kuskokwim Delta, Norton Sound, Ledyard Bay, and the Bering Sea between St. Lawrence and St. Matthews Islands

