THE TENTH FLOOR
2200 SIXTH AVENUE
SEATTLE, WA 98121-1820
206.728.6000
OPERATION FAX 206.441.9090
SALES FAX 206.728.1855

Peter Pan Seafoods, Alaska Processing Plant locations.

Supporting documentation for existing waivers.

July 8th, 2010

Valdez-AK-G52-0244

1. Sea-floor monitoring required.

The outfall is located at a depth of 250 feet below the surface of the receiving water; therefore pursuant to Parts V.C.4 and VI.C.1 of the Permit, seafloor monitoring is not required. (Document enclosed)

Dillingham-AK-G52-0012

1. Depth of discharge-less than 60ft MLLW.

Waiver granted on May 10, 2002. Stated justifications: (1) the strength of the river flow, (2) Monitoring records of no accumulation on the beach or river bottom at low tides. (Document enclosed)

2. Discharge into Alaska Maritime Refuge

Waiver granted on May 10, 2002. Stated justifications: (1) Historic location predates the formation of the refuge and, (2) Discharge does not degrade the receiving water or adjacent shorelines. (Document enclosed)

3. Sea-floor monitoring

Waiver granted on May 10, 1990. Stated justification: (1) Potential hazardous diving conditions in the Nushigak River/Bay area due to extreme tidal variations and high turbidity levels (Document enclosed)

River condition has not changed, therefore the justification for seeking a seafloor waiver for the current extended permit are the same as the 1990 permit.

Letter submitted to Lindsey Guzzo on Feb 7th, 2005 and on January 14, 2006 requesting an updated waiver for the seafloor Monitoring. No response each time. (Document enclosed)

Seafloor survey conducted on Sept. 21, 2009. Survey sent to Mary Kate McKerney (former ADEC Senior Compliance Officer). (Document enclosed)

Peter Pan Seafoods, Alaska Processing Plant locations.

Supporting documentation for existing waivers (cont.)

Port Moller-AK-G52-0014

1. Depth of Discharge-depth of discharge is 10ft MLLW.

Waiver granted on May 10, 2002. Stated justifications: (1) the distance and expense of extending the outfall to -60ft MLLW, (2) the strength of the tidal currents and dispersive surf conditions, and (3) the monitoring record of no accumulation on the beach or seafloor.

2. Discharge into a waterbody the harbors migratory Steller's Eider in months following the salmon season.

Waiver granted on May 10, 2002. Stated justifications: (1) no accumulation of processing wastes noted on beach or seafloor and, (2) stated in 50 CFR Part 17, The Final Determination of Critical Habitat for the Alaska-Breeding Population of the Steller's Eider. " there are few observations of Steller's eiders in the northeast portion of Port Moller near the fish processing facility...the designated critical habitat includes the waters adjacent to Moller Spit, where aggregations have regularly been encountered, but excludes the northeast portion of the lagoon of Port Moller, including the fish processing facility at Port Moller (the processing facility is approximately 2 km outside the boundary of the critical habitat unit).

3. Seafloor Monitoring

No waivers granted. See attached letter from plant manager with justification to receive waiver for seafloor monitoring. Stated justification: (1)dive surveys done in December 1990, September 1996, November 2001 and November 2009 have not noted any significant buildup of discharge materials. The surveyor has noted on several occasions "no evidence of distressed biota" and "minimal notable impact on the seafloor as the result of seafood processing at this facility". Last dive survey in 2007 noted "no waste pile or accumulation". "further dive surveys would be superfluous unless processing methods or practices should change".

Hart Schwarzenbach 7-8-2010

Hart Schwarzenbach

Director, Quality Assurance

Peter Pan Seafoods

VALDEZ- DOCUMENT 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

FEB 25 2009

Reply To: OCE-133

Hart Schwarzenbach, Director of Quality Assurance
Peter Pan Seafoods Inc.
2200 Sixth Avenue, Suite 1000
Seattle, WA 98121

Re: July 15, 2008, NPDES Compliance Inspection
Permit Number AKG520244

Dear Mr. Schwarzenbach:

On behalf of the United States Environmental Protection Agency (EPA), I would like to express my appreciation for your company's time and cooperation during the July 15, 2008, National Pollutant Discharge Elimination System (NPDES) inspection. The purpose of the inspection was to gather information regarding the Peter Pan Seafoods Valdez facility's (Facility) operation as a part of an overall and ongoing evaluation of the compliance status with NPDES Permit AKG520244 (Permit).

We have evaluated the inspection information and I want to convey to you that the EPA inspector did not observe any violations of the Permit at the time of the inspection. We appreciate the efforts you have taken to ensure compliance with the Permit limits. During the inspection, facility representatives sought clarification regarding the seafloor monitoring requirements of the Permit. According to the Facility Notice of Intent, dated May 16, 2006, the outfall is located at a depth of 250 feet below the surface of the receiving water. Therefore, pursuant to Parts V.C.4 and VI.C.1 of the Permit, seafloor monitoring is not required.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the facility. As such, I want to urge your facility to continue its efforts to maintain full knowledge of the Permit requirements and to take appropriate measures to ensure compliance. Please do not hesitate to contact us with any questions regarding this letter or other matters related to your compliance with the Permit. The EPA coordinator for this effort is Tara Martich. She can be contacted at (907) 271-6592.

Sincerely,

Kimberly A. Ogle

Kimberly A. Ogle, Manager
NPDES Compliance Unit

cc: Gary Johnson, Plant Manager
Chris Foley, ADEC

VA2DE2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

DOCUMENT 2

Reply To
Attn Of: OW-130

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

SEP 14 2001

Barry Collier
2200 6th Avenue, Suite 1000
Seattle, WA 98121

Re: NPDES Permit No. **AK-G52-0244**, Notice of Coverage and Authorization to Discharge

Dear Mr. Collier:

The U.S. Environmental Protection Agency (EPA) has received and reviewed your Notice of Intent (NOI) to be covered by the NPDES Permit AK-G52-0000, the general permit for Alaskan seafood processing facilities. This permit was issued and became effective on July 27, 2001. Your unique identifier under this general permit is provided above and on the enclosed title page of the permit. Please use this designated number in any correspondence with or reporting to EPA and the Alaska Department of Environmental Conservation (ADEC).

The permit includes an **effluent treatment requirement** of grinding solid seafood processing wastes to one-half inch in all dimensions before discharge, an **effluent limit** of 10 million pounds of seafood processing waste residues per calendar year, a **prohibition on the discharge of petroleum**, hydrocarbons, oil and grease, and a narrative limit on the violation of Alaska Water Quality Standards (see Part II). The permit requires that you develop and implement a **best management practices plan** that controls and reduces pollutant discharges at your site (see Part VI.A). The permit requires that you submit an **annual report** on seafood processing activity, discharges, noncompliance and process changes (see Part VI.B). The permit requires that you conduct periodic monitoring of the sea surface, seashore, and seafloor in accordance with your type of facility (see Parts VI.B and C).

We ask for your careful review of the various areas throughout the State of Alaska which are excluded from coverage by this NPDES general permit due to their characteristics as either special or impaired habitat.

Any report of noncompliance with permit requirements is to be reported by telephone to EPA at (206) 553-1846 and ADEC at (907) 269-7565.

A copy of the enclosed title page and this authorization letter together with the entire permit must be kept at both your operations site and at your business office. If you have any questions, please call Burney Hill at (206) 553-1761 or Christina Osborn at (206) 553-6318.

Sincerely,

Burney Hill for

Robert R. Robichaud
Manager, NPDES Permits Unit

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

Reply To
Attn Of: **OW-130**

MAY 1 0 2002

Barry Collier, President
Peter Pan Seafoods
2200 Sixth Avenue, Suite 1000
Seattle, WA 98121-1820

Re: NPDES Permit No. **AK-G52-0012** Notice of Coverage and Authorization to Discharge

Dear Mr. Collier:

The U.S. Environmental Protection Agency (EPA) has received and reviewed your Notice of Intent (NOI) to be covered by the NPDES Permit AK-G52-0000, the general permit for Alaskan seafood processing facilities. This permit was issued and became effective on July 27, 2001. Your unique identifier under this general permit is provided above and on the enclosed title page of the permit. Please use this designated number in any correspondence with or reporting to EPA and the Alaska Department of Environmental Conservation (ADEC).

We have reviewed your request for a waiver of the depth of discharge at your present depth of -10 ft into the Nushagak River, indicating (1) the strength of the river flow and (2) your monitoring record of no accumulation on the beach or river bottom at low tides. We have also reviewed your request to discharge into Alaska Maritime Refuge and find that historic location predates the formation of the refuge and that your discharge does not appear to degrade the receiving water or adjacent shorelines. We accept your bases as substantive and, in concurrence with ADEC, grant your request.

The permit includes an **effluent treatment requirement** of grinding solid seafood processing wastes to one-half inch in all dimensions before discharge, an **effluent limit** of 10 million pounds of seafood processing waste residues per calendar year, a **prohibition on the discharge of petroleum**, hydrocarbons, oil and grease, and a narrative limit on the violation of Alaska Water Quality Standards (see Part II). The permit requires that you develop and implement a **best management practices plan** that controls and reduces pollutant discharges at your site (see Part VI.A). The permit requires that you submit an **annual report** on seafood processing activity, discharges, noncompliance and process changes (see Part VI.B). The permit requires that you **conduct periodic monitoring of the sea surface, seashore, and seafloor** in accordance with your type of facility (see Parts VI.C and D).

Any report of noncompliance with permit requirements is to be reported by telephone to EPA at (206) 553-1846 and Katy McKerney of ADEC at (907) 465-5302.

A copy of the enclosed title page and this authorization letter together with the entire general NPDES permit no. AK-G52-0000 must be kept at both your operations site and your business office. If you have any questions, please call Burney Hill at (206) 553-1761 or Christina Osborn at (206) 553-6318.

Sincerely,

HBHill for

Robert R. Robichaud
Manager, NPDES Permits Unit

Attachment

D. Illingham

United States
Environmental Protection
Agency

Region 10
1200 Sixth Avenue
Seattle WA 98101

Alaska
Idaho
Oregon
Washington

EPA

DILLINGHAM DOCUMENT 2

Reply To
Attn Of: WD-134

MAY 10 1990

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Norman Van Vactor, Manager
Peter Pan Seafoods, Inc.
2200 6th Avenue, Suite 1000
Seattle, Washington 98121

Re: NPDES Permit Nos.: AK-G-52-0030 (Dillingham Cold Storage)
AK-G-52-0012 (Dillingham Cannery)

Dear Mr. Van Vactor:

We have received your letter of October 6, 1989, requesting a dive requirement waiver for the referenced facilities. After consultation with the Alaska Department of Environmental Conservation, the Environmental Protection Agency has made the following determination.

Your request for a waiver from the permit dive survey requirements based on the potential hazardous diving conditions in the Nushagak River/Bay area due to extreme tidal variations and high turbidity levels is hereby granted.

Questions regarding this determination may be directed to Valerie Haney in Anchorage at (907) 271-5083.

Sincerely,

Harold Geren

Harold E. Geren, Chief
Water Permits and Compliance Branch

cc: Alaska Department of Environmental Conservation, Anchorage

DILLINGHAM DOCUMENT 3

Colin Johnson

From: McKerney, Mary Kate (DEC) [katy.mckerney@alaska.gov]
Sent: Tuesday, November 10, 2009 1:26 PM
To: Colin Johnson
Cc: Hart Schwarzenbach; Tom Whinihan
Subject: Follow up comments on Sept. 21, 2009 Dive Survey

Hi Colin,

I just want to follow up with you regarding the efforts to comply with the dive survey portion of your permit. I think it looks real good. I am satisfied that this fulfills the intent of the permit language given that you can't exactly take photos in the murky water of the river bed. My only question is why were there more samples taken towards the west and not, for example, two more samples taken along the same line to the east. More of a sample distribution question. Is this just to try and address the down flow of the river assuming more waste is likely to flow to the west? I don't recall but is there marine tidal flow up river at the point of discharge? It would have been good to show the distance between samples taken and mention the depth of the water where the samples were taken at -2 foot tide. Is 10, your sediment monster? Complete with rock eyes and mouth?

You can tell that sample 1 is blacker which could be indicative of a more anoxic sediment at the point of discharge..not necessarily unexpected but then the sediment appears to turn more brown, less organic and perhaps less anoxic, as you moved away from the discharge point. kt

Katy McKerney

Senior Compliance and Enforcement Officer
907-465-5302 /Fax: 907-465-5274

410 Willoughby, Suite 303

Juneau, Alaska 99811-1800

DILLINGHAM DOCUMENT 4 (2 pgs)

PETERPAN SEAFOODS, INC.

THE TENTH FLOOR
2200 SIXTH AVENUE
SEATTLE, WA 98121-1820
206.728.6000
OPERATION FAX 206.441.9090
SALES FAX 206.728.1855

February 7, 2005

Ms. Lindsey Guzzo
Environmental Protection Agency
US Government, Region 10
1200 6th Avenue, OW-133
Seattle, WA 98101

RE: NPDES AKG52-0012

Dear Ms. Guzzo:

Greetings. We would respectfully request a waiver from Seafloor Monitoring, due to our location on the Nushagak River, with the extreme hazards of dive conditions associated with it.

We are located on the north side of the Nushagak River and within the city limits of the City of Dillingham. We are 12 miles to the north of the entrance to the Nushagak River and approximately 2 ½ miles from the entrance to Wood River.

The Nushagak River is characterized by its muddy waters, extreme tides, and rapid currents. The tides range from a high of 23 feet to a low tide of minus 4 feet. The current runs in excess of 5 knots. This current flushes the shores of the river, resulting in an absence of waste along the river shoreline. The water is heavy with silt; the silt along with the current makes diving for site surveys difficult to impossible. Given the overall depth of the river it would be impossible in our location to reach a depth of 60 feet for a discharge. Given the nature of the extreme tides that we deal with it is also difficult to maintain a discharge depth in excess of minus 10 feet due to the very shallow nature of the river and its very gradual grade of slope. That said, there is an absence of debris on the shoreline and there is no evidence visible at low water of any buildup of residual debris.

We are the oldest operating facility in Bristol Bay, and in fact in the summer of 2001 we celebrated our 100th anniversary of operation. We are also the largest fish processing facility on the Nushagak River system and one of the largest in Bristol Bay. Not long ago, we were one of four operating shore based facilities, but given the current economics we are now the only shore-based facility on the Nushagak River. There are however numerous floating processors that do

operate close to us at Clark's Point. We have never had a major problem with our discharge in the history of our operation and have had no negative impact.

Processing season is mid June through end of July. Products are salmon and salmon roe. Daily capacity of the plant is approximately 600,000 round pounds. Annual poundage through the plant in recent years has ranged from 4.5 million pound to 11 million pounds, resulting in 1.2 to 2.75 million pounds of discharge, well below the NPDES General Permit limit of 10 million pounds. All wastes are ground to within ½ inch or less with an audio grinder, then a Vaughn chopper pump pushes these, along with water used in processing to the discharge point. The discharge point is 150 feet off the SE corner of our dock facility. At MLLW this location is 80 feet from the shoreline and approximately 12 feet in depth.

We monitor the sea surface and shoreline on a daily basis. Our reports have not found any unusual surface scum or shore side waste accumulations. There are a small number of seabirds that feed at the discharge site, but no other marine life noted.

Our monitoring program has not noted any conditions resulting from our operations that would adversely affect the surrounding habitat for endangered species. We have never during our operating season observed marine mammals other than Beluga whales in our location.

In addition we are a facility that is monitored by the United States Coast Guard and is permitted appropriately for fueling and solid waste discharge from vessels.

We would appreciate your evaluating our extenuating circumstances and consider our permit application under that light. If I can answer any additional questions please don't hesitate to contact me.

Sincerely,
Peter Pan Seafoods, Inc.

Norman Van Vactor
Bristol Bay Manager

Cc: Mr. Hart Schwarzenbach
Ms. Nathalie Reed
Mr. Ted Mildon

DILLINGHAM - DOCUMENT 5 (2 pgs)

PETER PAN SEAFOODS, INC.

THE TENTH FLOOR
2200 SIXTH AVENUE
SEATTLE, WA 98121-1820
206.728.6000
OPERATION FAX 206.441.9090
SALES FAX 206.728.1855

January 14, 2006

Ms. Lindsey Guzzo
Environmental Protection Agency
US Government, Region 10
1200 6th Avenue, OW-133
Seattle, WA 98101

RE: NPDES AKG52-0012

Dear Ms. Guzzo:

Greetings. We would respectfully request a waiver from Seafloor Monitoring, due to our location on the Nushagak River, with the extreme hazards of dive conditions associated with it.

We are located on the north side of the Nushagak River and within the city limits of the City of Dillingham. We are 12 miles to the north of the entrance to the Nushagak River and approximately 2 ½ miles from the entrance to Wood River.

The Nushagak River is characterized by its muddy waters, extreme tides, and rapid currents. The tides range from a high of 23 feet to a low tide of minus 4 feet. The current runs in excess of 5 knots. This current flushes the shores of the river, resulting in an absence of waste along the river shoreline. The water is heavy with silt; the silt along with the current makes diving for site surveys difficult to impossible. Given the overall depth of the river it would be impossible in our location to reach a depth of 60 feet for a discharge. Given the nature of the extreme tides that we deal with it is also difficult to maintain a discharge depth in excess of minus 10 feet due to the very shallow nature of the river and its very gradual grade of slope. That said, there is an absence of debris on the shoreline and there is no evidence visible at low water of any buildup of residual debris.

We are the oldest operating facility in Bristol Bay, and in fact in the summer of 2001 we celebrated our 100th anniversary of operation. We are also the largest

Bristol Bay. Not long ago, we were one of four operating shore based facilities, but given the current economics we are now the only shore-based facility on the Nushagak River. There are however numerous floating processors that do operate close to us at Clark's Point. We have never had a major problem with our discharge in the history of our operation and have had no negative impact.

Processing season is mid June through end of July. Products are salmon and salmon roe. Daily capacity of the plant is approximately 600,000 round pounds. Annual poundage through the plant in recent years has ranged from 4.5 million pound to 11 million pounds, resulting in 1.2 to 2.75 million pounds of discharge, well below the NPDES General Permit limit of 10 million pounds. All wastes are ground to within ½ inch or less with an audio grinder, then a Vaughn chopper pump pushes these, along with water used in processing to the discharge point. The discharge point is 150 feet off the SE corner of our dock facility. At MLLW this location is 80 feet from the shoreline and approximately 12 feet in depth.

We monitor the sea surface and shoreline on a daily basis. Our reports have not found any unusual surface scum or shore side waste accumulations. There are a small number of seabirds that feed at the discharge site, but no other marine life noted.

Our monitoring program has not noted any conditions resulting from our operations that would adversely affect the surrounding habitat for endangered species. We have never during our operating season observed marine mammals other than Beluga whales in our location.

In addition we are a facility that is monitored by the United States Coast Guard and is permitted appropriately for fueling and solid waste discharge from vessels.

We would appreciate your evaluating our extenuating circumstances and consider our permit application under that light. If I can answer any additional questions please don't hesitate to contact me.

Sincerely,
Peter Pan Seafoods, Inc.

Norman Van Vactor
Bristol Bay Manager /
Dillingham Plant Manager

Cc: Mr. Hart Schwarzenbach

PORT MOLLER - DOCUMENT 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

Reply To
Attn Of: **OW-130**

MAY 10 2002

Barry Collier, President
Peter Pan Seafoods
2200 Sixth Avenue, Suite 1000
Seattle, WA 98121-1820

Re: NPDES Permit No. **AK-G52-0014** Notice of Coverage and Authorization to Discharge

Dear Mr. Collier:

The U.S. Environmental Protection Agency (EPA) has received and reviewed your Notice of Intent (NOI) to be covered by the NPDES Permit AK-G52-0000, the general permit for Alaskan seafood processing facilities. This permit was issued and became effective on July 27, 2001. Your unique identifier under this general permit is provided above and on the enclosed title page of the permit. Please use this designated number in any correspondence with or reporting to EPA and the Alaska Department of Environmental Conservation (ADEC).

We have reviewed your request for a waiver of the depth of discharge at your present depth in the shallow coastal waters of Bristol Bay, indicating (1) the distance to and expense of extending your outfall to -60 ft MLLW, (2) the strength of the tidal currents and dispersive surf conditions, and (3) the monitoring record of no accumulation on the beach or seafloor. We accept your basis as substantive and grant your request to discharge at you present outfall location. Additionally, we approve your request to discharge into a waterbody that harbors migratory Steller's eiders in months following the salmon season.

The permit includes an **effluent treatment requirement** of grinding solid seafood processing wastes to one-half inch in all dimensions before discharge, an **effluent limit** of 10 million pounds of seafood processing waste residues per calendar year, a **prohibition on the discharge of petroleum**, hydrocarbons, oil and grease, and a narrative limit on the violation of Alaska Water Quality Standards (see Part II). The permit requires that you develop and implement a **best management practices plan** that controls and reduces pollutant discharges at your site (see Part VI.A). The permit requires that you submit an **annual report** on seafood processing activity, discharges, noncompliance and process changes (see Part VI.B). The permit requires that you **conduct periodic monitoring of the sea surface, seashore, and seafloor** in accordance with your type of facility (see Parts VI.C and D).

Any report of noncompliance with permit requirements is to be reported by telephone to EPA at (206) 553-1846 and Katy McKerney of ADEC at (907) 465-5302.

A copy of the enclosed title page and this authorization letter together with the entire general NPDES permit no. AK-G52-0000 must be kept at both your operations site and your business office. If you have any questions, please call Burney Hill at (206) 553-1761 or Christina Osborn at (206) 553-6318.

Sincerely,

HB Hill for

Robert R. Robichaud
Manager, NPDES Permits Unit

Attachment

PORT MOLLER DOCUMENT 2 (3pgs)

PETER PAN SEAFOODS, INC.

THE TENTH FLOOR
2200 SIXTH AVENUE
SEATTLE, WA 98121-1820
206.728.6000
OPERATION FAX 206.441.9090
SALES FAX 206.728.1855

Ms. Lindsey Guzzo
U.S. Environmental Protection Agency – Region 10
1200 Sixth Ave.
Seattle, WA 98101

RE: Application for a waiver to discharge in an excluded area under the General NPDES Permit, AKG52-0014, Peter Pan Seafoods, Port Moller, AK

Dear Ms. Guzzo,

With regards to acquiring a waiver to discharge seafood processing wastes from the Peter Pan Seafoods processing facility at Port Moller under the general NPDES permit, I offer the following background as to our operation there.

The facility that is Peter Pan Seafoods, Port Moller was established in its present location ninety years ago and has been in seasonal operation throughout its existence. The location of the facility is on the lee side of a sand spit that separates Port Moller Bight from the Bering Sea, about .5 miles NE of Entrance Point. It is the only land based seafood-processing facility in the North Peninsula region. Additionally it has been the only processor operating in this area the past five salmon seasons and appears to be the only processing entity for the 2006 season. This facility is vitally important for the approximately 150 drift and set-net fishing entities that operate in this area, including the nearby native village of Nelson Lagoon.

Processing wastes are ground and discharged into the waters of Port Moller Bight into a channel that drains a significant portion of the bight. The discharge depth is 10 ft. MLLW. The waters of Port Moller Bight and Inner Port Moller are very shallow characterized by mudflats that are often exposed during minus tides. Significant water depth, greater than thirty feet, can be found in the main channel off of the end of Entrance Point or in the open water of the Bearing Sea, across the spit NW of the facility. Both of these locations are greater than .5 miles distance from the facility. Both or these locations feature strong tidal currents, heavy wave action and ice accumulation and scouring making them poor as well as distant locations for outfall placement. Depths greater than 60 ft. can only be found at approximately 1 mile out to sea, NW of Entrance Point.

The processing season at Port Moller is from mid June through mid September, usually ending between the 7th and 12th of September. For a number of years frozen salmon and salmon roe have been the only products produced at this facility. Daily capacity of the plant is about 240,000 round pounds. Annual salmon poundage put through the plant in recent years has ranged from 6 – 11 million lbs. resulting in 1.4 – 3.0 million lbs. of discharge. This is well below the NPDES General Permit limit of 10 million lbs. All salmon wastes are ground to within .5 inch or less with an Autio grinder then a Vaughn chopper pump pushes these, along with water used in

processing to the discharge point 250 ft. off of the SE corner of our dock facility. At MLLW this location is 300 ft. from the shoreline and 10' in depth.

Our daily sea surface and shore-monitoring program, in place throughout the processing season, has not noted any unusual surface scum or shore side waste accumulations. There are healthy populations of seabirds and flounders that actively feed at the discharge site as well as significant populations of fish, shellfish, small crabs and plant life populating the waters under and around our dock structure. Dive surveys done in December 1990, September 1996, and November 2001 have not noted any significant buildup of discharge materials. The September 1996 survey was done within days of the completion of operation for that year yet found less than 200 sq. ft. of waste-pile, with an average depth of 6" – 8". The surveyor noted; "no evidence of distressed biota" and "minimal notable impact on the seafloor as the result of seafood processing at this facility." The tidal flow in the channel at the discharge point plus wave action from the prevailing SE winds during that time of year aid in mixing and dispersing the discharge materials. It is evident from what has been observed that these materials are dispersed and/or consumed to a great extent while they are fresh and do not pile up to rot and degrade the surrounding environment.

The Port Moller facility is in close proximity to two designated critical habitat areas. The Port Moller State Critical Habitat Area is within approximately 2 mi of the facility and the USFW designated Steller's eider critical habitat is within 1.25 mi of the facility.
There have been some concerns expressed about the Port Moller facility's possible impact on the endangered Steller's eider. We do not believe that such concerns are warranted based on the following; Steller's eiders are known to use parts of this region for fall molting and wintering, however they are not present in any reported numbers during the processing season, which ends by mid September. In addition, it is stated in 50 CFR Part 17, The Final Determination of Critical Habitat for the Alaska-Breeding Population of the Steller's Eider, "there are few observations of Steller's eiders in the northeast portion of Port Moller near the fish processing facility . . .. the designated critical habitat includes the waters adjacent to Moller Spit, where aggregations have regularly been encountered, but excludes the northeast portion of the lagoon of Port Moller, including the fish processing facility at Port Moller (the processing facility is approximately 2 km outside the boundary of the critical habitat unit)." In addition we would point out that our shore and sea surface monitoring program as well as our dive surveys have not noted any conditions resulting from our operations that would adversely affect the surrounding habitat for sea birds, including the Stellar's eider.

The Port Moller plant includes a USCG permitted and inspected fuel receiving, storage and dispensing facility. This facility meets the requirements of 33 CFR, Part 154.1030 (USCG) and 40 CFR, Part 112.20 (USEPA). In meeting these requirements the facility maintains personnel and equipment that are able to respond to any anticipated spill event. The fuel storage and distribution system is relatively new, constructed in 1988 and 1989, and is maintained to a high level of dependability and safety. There has not been any fuel spill events associated with this facility. The maintenance and operation of this facility is critical as there is no other source of

fuel available in the area for operation of the plant or for fueling the vessels that fish or transit this area. The Port Moller facility maintains an air quality permit with the State of Alaska associated with the use of diesel fuel in our power generating plant. This permit, #PAL000019, limits the amount of fuel that can be used by our power generating equipment in a calendar year. Our limit is 315,000 gallons per year, while our current actual use is around 200,000 gallons per year.

We trust that you can see that it is appropriate that the Port Moller facility be granted a waiver under the NPDES permit to discharge processing wastes, as we have in the past, in this area. As the Port Moller area has been recognized as an important habitat for many species, this facility has been important to the communities and fishing industry of the region for ninety years. Operating under the current regulations this facility can continue to support the needs of the fishing community while having negligible impact on the neighboring aquatic and animal communities. If you have any questions regarding this application for a waiver or need any additional information, please do not hesitate to call me.

Sincerely,

Gary Johnson
Plant Manager – Port Moller
(206) 727-7229
garyj@ppsf.com

Cc: Clyde Sterling, PPSF
Hart Schwarzenbach, PPSF

PORT MOLLER DOCUMENT 3

PETER PAN SEAFOODS, INC.

THE TENTH FLOOR
2200 SIXTH AVENUE
SEATTLE, WA 98121-1820
206.728.6000
OPERATION FAX 206.441.9090
SALES FAX 206.728.1855

November 24, 2009
Ms. Katy McKerney
Senior Compliance and Enforcement Officer
410 Willoughby, Suite 303
Juneau, Alaska 99811-1800

Dear Ms. McKerney,

The 2007 dive survey conducted at Peter Pan Seafoods' Port Moller facility indicated no waste pile or accumulation. The diver conducting the survey indicated that further dive surveys would be superfluous unless processing methods or practices should change. There have been no significant changes in Port Moller's processing practices. Thus, no dive survey was conducted at the site in 2009.

Sincerely,

Hart Schwarzenbach
Director of Quality Assurance