

**DIVISION OF AIR AND WATER QUALITY  
WASTEWATER DISCHARGE PROGRAM**

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July 12, 2001

Mr. Randall F. Smith  
US EPAy, Region 10  
1200 Sixth Avenue, OW-130  
Seattle, WA 98101

**Certified Mail # 7099 3400 0015 5441 1663**  
**Return Receipt Requested**

Re: Final Certificate of Reasonable Assurance for NPDES Permit No. AK-G52-0000: General Permit for Seafood Processors in Alaska

Dear Mr. Smith:

In accordance with Section 401 of the Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation is issuing the enclosed Final Certificate of Reasonable Assurance for the renewal of the NPDES permit for seafood processors operating statewide in Alaska. This Department action represents only one element of the overall project level coastal management consistency determination issued by the Office of Management and Budget under AS 44.19 and 6 AAC 50.070.

Please note that a preliminary version of this certification dated September 29, 2000 excluded those processors operating in Tongass Narrows from the South End of Pennock Island to Mud Bay on the North, as an "at-risk water resource and water body". EPA, ADEC and seafood processors in the Ketchikan area are developing methods that will reduce discharges of offal and to control odors and residues associated with such discharges in Tongass Narrows. Waters on DEC's impaired waterbody list will continue to be excluded under this general permit (see section III C).

Department of Environmental Conservation regulations provide that any person, who disagrees with any portion of the final decision, may request an adjudicatory hearing in accordance with 18 AAC 15.200-920. The request should be mailed to the Commissioner of the Alaska Department of Environmental Conservation, 555 Cordova Street, Anchorage, AK 99501. Please send a copy of any such requests to the undersigned. Failure to submit a hearing request within thirty days of receipt of the final determination letter shall constitute a waiver of that person's right to judicial review of this decision.

By copy of this letter we are advising the Division of Governmental Coordination of our actions and enclosing a copy of the final certification for their use.

Sincerely,

SIGNATURE ON FILE

William D. McGee  
Technical Engineer

Enclosure: Final 401 Certificate of Reasonable Assurance: NPDES Permit AK-G52-0000 Seafood Processors in Alaska

cc:

Karlee Gaskill, DNR/DLMW, Anchorage  
Don McKay, DFG/DHR, Anchorage  
Mayor Weinstein, City of Ketchikan  
Charles Blumenfeld, Esq.  
Maureen McCrea, DGC, Anchorage  
E.C. Phillips, Ketchikan  
Sharmon Stambaugh, ADEC, Anchorage  
Alan Kukla, DEC, Anchorage

Kenwyn George, ADEC, Juneau  
Tom Chapple, DEC, Anchorage  
Burney Hill, EPA Region X, Seattle  
Gordon Lindquist, Alaska General Seafoods  
Ward Cove Packing, Ketchikan  
ACMP Reviewers, Coastal Districts (via e-mail from DGC)

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## DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Air and Water Quality  
Wastewater Discharge Program  
610 University Avenue  
Fairbanks, Alaska 99709-3643

### **CERTIFICATE OF REASONABLE ASSURANCE AS MODIFIED ON June 28, 2001 NPDES PERMIT No. AK-G52-0000**

A Certificate of Reasonable Assurance, as required by Section 401 of the Clean Water Act, has been requested by the United States Environmental Protection Agency (EPA) general National Pollutant Discharge Elimination System (NPDES) permit which EPA proposes to issue for the seafood processors operating statewide in Alaska.

Public notice of the application for this certification was made in accordance with 18 AAC 15.180.

Water quality certification is required for the proposed activities because the activities will be authorized by an Environmental Protection Agency NPDES permit identified as NPDES Permit No. AK-G52-0000, and discharges may result from the activities. Please note that a preliminary version of this certification dated September 29, 2000 excluded those processors operating in Tongass Narrows from the South End of Pennock Island to Mud Bay on the North, as an "at-risk water resource and water body". EPA, ADEC and seafood processors in the Ketchikan area are developing methods that will reduce discharges of offal and to control odors and residues associated with such discharges in Tongass Narrows. Waters on DEC's impaired waterbody list will continue to be excluded under this general permit (see section III C).

Having reviewed the general NPDES permit prepared by U.S.EPA Region 10 dated 28 June 2001, the Alaska Department of Environmental Conservation certifies that there is reasonable assurance that the proposed activities to be authorized by the general NPDES permit, as well as any discharges which may result, are in compliance with the requirements of Section 401 of the Clean Water Act, the Alaska Water Quality Standards, 18 AAC 70, and the Standards of the Alaska Coastal Management Program (ACMP), 6 AAC 80, provided that the following stipulations of this certification are adhered to. These stipulations are also adopted pursuant to 6 AAC 50 (Project Consistency with the Alaska Coastal Management Program) and are necessary to ensure that projects that are authorized under the permit are consistent with the ACMP.

Through this certification, in accordance with 18 AAC 15.120 ADOPTION OF NPDES PERMITS, the final NPDES permit will constitute the permit required under AS 46.03.100 Waste Disposal Permit, provided that the stipulations of this certification are made part of the general NPDES Permit. The department is specifying the following permit stipulations under authority of AS 46.03.110(d):

## I. Mixing Zones

The mixing zone for discharges authorized by the NPDES Permit, Part II, is a cylindrical shape with dimensions described as follows:

- i.) Horizontal extent determined by 100 foot radius from Outfall. Extends vertically up to the sea surface.
- ii.) Extends vertically down to the seabed.

The mixing zone is a volume of water that surrounds the discharge outfall where the effluent plume is diluted by the receiving water within which the following specified water quality criteria may be exceeded:

18 AAC 70.020(b)(2)

residues  
dissolved gas  
oil and grease  
fecal coliform  
pH  
temperature  
color  
turbidity  
total residual chlorine

*Rationale: In accordance with 18 AAC 70.240, in applying the water quality criteria and limits set by or under 18 AAC 70, Alaska Water Quality Standards, the department will, in its discretion, authorize a mixing zone in a discharge permit or certification, or order. The department reviewed the preliminary final general permit, including the mixing zone provision, to ensure that requirements of 18 AAC 70.015 Antidegradation and 18 AAC 70.24-270 Mixing Zones would be met.*

*The department finds that the mixing zone authorized in this certification is appropriate and provides reasonable assurance that existing uses in marine waterbodies outside of the mixing zones are maintained and fully protected, provided that all stipulations of the certification are made part of the final general NPDES Permit.*

## II. Zone of Deposit

The department authorizes a zone of deposit of one (1) acre for each facility authorized by this general permit under the classifications of "Near-shore seafood processor" and "Shore-based seafood processor" in marine waters (includes estuaries and coastal waters). Discharges shall not violate the Water Quality Standards criterion for residues beyond the authorized zone of deposit. In no case may water quality standards be violated in the water column outside of the zone of deposit by any action, including leaching from, or suspension of, deposited materials.

*Rationale: In accordance with 18 AAC 70.210, the department will, in its discretion, authorize a zone of deposit in a discharge permit or certification, or order.*

*The department finds that the size of the zone of deposit authorized for near-shore seafood processors and shore-based seafood processors in marine waters under this certification is appropriate and provides reasonable assurance that existing uses of waterbodies where facilities are authorized under this general permit will be maintained and fully protected, provided that all stipulations of the certification are made part of the final general NPDES Permit.*

### **III. Stipulations to Support Decision for Mixing Zone and Zone of Deposit**

#### **A. Authorized Facilities**

The categories of dischargers authorized by this certification must meet the requirements of the General NPDES Permit for Seafood Processors in Alaska, Section I. Authorized Facilities.

*Rationale: This stipulation is necessary to ensure compliance with the Zone of Deposit water quality standard 18AAC70.210.*

#### **B. Authorized Discharges**

The authorized dischargers are required to meet the limitations and conditions set forth in the Draft General NPDES Permit for Seafood Processors in Alaska, Section II. Authorized Discharges, with the following additional provisions:

1. The waste load limit is ten million pounds per year of settleable solid processing waste residues within one nautical mile of shore at MLLW, in accordance with the preliminary final NPDES Permit. For mobile facilities, this waste limit applies to each location at which a facility discharges.
2. A waiver from the ten million pounds per year settleable solid processing waste residues limit for near-shore and shore-based permittees must be approved by ADEC in accordance with the provisions of V.B.1 and V.C.1. of the preliminary final NPDES permit. ADEC may place appropriate conditions or requirements on the permittee under state law before approving a waiver under this section.
3. Sanitary wastewaters may be discharged to septic systems meeting state requirements under 18 AAC 72.

*Rationale: The waste load limit stipulation is necessary to provide reasonable assurance for compliance with the Zone of Deposit water quality standard. 18 AAC 70.210(a).*

**C. Areas Excluded From Authorization Under This General NPDES Permit**

The authorized dischargers are required to meet the limitations and conditions set forth in the General NPDES Permit for Seafood Processors in Alaska, Section III. Areas Excluded from Authorization, with the following additional provisions:

1. Exclude fresh water systems, including streams, rivers and lakes.
2. Exclude any waterbody included in ADEC's 1998 (or subsequent revisions) CWA 305(b) report or CWA 303(d) list of waters which are "impaired" or "water quality-limited" for dissolved gas or residues (i.e. floating solids, debris, sludge, deposits, foam or scum.)
3. Exclude any water body that would not meet the minimum requirements for mixing zones size specification under 18 AAC 70.255. "The linear length of all mixing zones intersected on any given cross section of an estuary, inlet, cove, channel or other marine water may not exceed 10 % of the total length of that cross section and the total horizontal area allocated to all mixing zones may not exceed 10 % of the surface area".

*Rationale: These stipulations are necessary to ensure compliance with the antidegradation policy (18 AAC 70.015), the mixing zone requirements, (18 AAC 70.255), and the zone of deposit regulation (18 AAC 70.210), of the water quality standards.*

**D. Application To Be Permitted Under This General NPDES Permit**

The authorized dischargers are required to meet the limitations and conditions set forth in the General NPDES Permit for Seafood Processors in Alaska, Section IV. Application To Be Permitted Under This General NPDES Permit, with the following additional provisions:

1. Description of discharges: Sanitary Wastes. For shore-based facilities, identify the municipal system or on-site septic system that accepts the discharge and its design capacity and treatment process. [Section IV.C.1.(g) of the draft permit].
2. Requesting a waiver to discharge in an excluded area:
  - a. The request must include a description of how and why the discharges will not cause a violation of State water quality standards, including antidegradation, zones of deposit, and mixing zone, in the receiving waters [18 AAC 70].

- b. A waiver must be approved by ADEC for “At-risk water resources and water bodies” and “Degraded water bodies” (Part III.B and III.C) in accordance with the provisions of IV.D. of the general NPDES permit. ADEC may place appropriate conditions or requirements on the permittee under state law before approving a waiver under this section.

*Rationale: These stipulations are necessary to ensure compliance with the antidegradation policy (18 AAC 70.015), the mixing zone requirements, (18 AAC 70.255), and the zone of deposit regulation (18 AAC 70.210), of the water quality standards.*

#### **E. Categories of Permittees and Requirements**

The authorized dischargers are required to meet the limitations and conditions set forth in the General NPDES Permit for Seafood Processors in Alaska, Section V. Categories of Permittees and Requirements, with the following additional provisions:

1. For Offshore and Near-shore seafood processors, any failure of the outfall lines are to be reported to EPA and ADEC in accordance of Part VII.C and summarized in the annual report. [V.A.1.(f.) and V.B.1 (f.) of the draft permit].
2. State water quality standards: Dischargers may exceed Water Quality Standards criteria for residues, dissolved gas, oil and grease, fecal coliform, pH, temperature, color, turbidity, and total residual chlorine within the 100 foot radius mixing zone. Near-shore and shore-based seafood processors may exceed Water Quality Standards criteria for residues within the one acre zone of deposit. Dischargers shall not violate any Alaska Water Quality Standards criteria beyond the 100 foot mixing zone or one acre zone of deposit. [Parts V.A.1.(i.), V.B.1.(k)., and V.C.1.(k). of the general permit].

#### **F. Specific Waste Minimization and Monitoring Requirements**

The authorized dischargers are required to meet the limitations and conditions set forth in the General NPDES Permit for Seafood Processors in Alaska, Section VI. Specific Waste Minimization and Monitoring Requirements, with the following additional provision:

BMP Plan Requirements: For facilities discharging upstream of set net fisheries, specific management practices and standard operating procedures shall be developed to eliminate the discharge of waste that collects in setnets.

*Rationale: This requirement is necessary to ensure compliance with the state’s “Mixing Zones: General Conditions” requirement that the department will reduce in size or deny a mixing zone if the department finds that available evidence reasonably demonstrates that pollutants discharged could preclude or limit established processing activities or commercial, sport, personal-use, or subsistence and shellfish harvesting. 18 AAC 70.250(b)(3).*

#### **IV. Recording and Reporting Requirements**

The authorized dischargers are required to meet the requirements set forth in the General NPDES Permit for Seafood Processors in Alaska, Section VII. Recording and Reporting Requirements, with the following provision:

The enclosed forms for Notice of Intent, Annual Report, and Seafloor Survey will be incorporated into the general NPDES permit.

*Rationale: Receipt and review of Annual Reports and other permit required submittals are necessary to ensure compliance with the state's antidegradation policy that existing water uses and the level of water quality necessary to protect existing uses must be maintained and protected. 18 AAC 70.015(a)(1).*

7-12-2001  
Date

SIGNATURE ON FILE  
William D. McGee  
Technical Engineer

Enclosures: Forms for Notice of Intent, Annual Report, and Seafloor Survey