

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Clean Water Act as amended, (33 U.S.C. §§1251 et seq.; the "CWA").

**M/V American Freedom  
Floating Processor in Atlantic Ocean**

is authorized to discharge from the facility located outside of state waters and between

Boundary	North	South
Coordinate	45° 00.0' N	35° 00.0' N

to receiving water named

**Atlantic Ocean**

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on the date of signature.

This permit and the authorization to discharge expire at midnight, five (5) years from the last day of the month preceding the effective date.

This permit consists of 7 pages in Part I including effluent limitations, monitoring requirements, and state permit conditions, Appendix A-List of Waters Excluded from Coverage, Appendix B-Maps of Waters Excluded from Coverage, and 25 pages in Part II including Standard Conditions.

Signed this 30<sup>th</sup> day of August, 2007

/S/ SIGNATURE ON FILE

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Stephen S. Perkins, Director  
Office of Ecosystem Protection  
Environmental Protection Agency  
Boston, MA

PART I

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

- During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge **fish offal and process seawater from “filleting operations”<sup>1</sup> and disinfectant wash-water from outfall 001**. Such discharge shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirement	
		Average Monthly	Maximum Daily	Measurement Frequency	Sample Type
Flow	gpm	Report	250	Continuous	Estimate <sup>2</sup>
Fish Waste Weight <sup>3</sup>	lbs/day	Report	440,920	1 / Day	Calculate
Fillet Production <sup>4</sup>	lbs/day	Report	Report	1 / Day	Calculate
Fillet Operation Duration <sup>5</sup>	hrs/day	*****	Report	1 / Day	Calculate
pH	s.u.	6.5-8.5 range (See Part I.A.2.b. on Page 3)		1 / Week <sup>6, 7</sup>	Grab
Total Ammonia	mg/l	*****	Report	1 / Month, during cleaning operations <sup>7</sup>	Grab

Footnotes:

- A “filleting operation” shall be defined as the period of time starting when the fillet machine is turned on and ending when the fillet machine is turned off. Discharge from “filleting operations” shall be defined as all discharge originating during this time period.

2. The maximum instantaneous flow rate, which is to be reported in units of gallons per minute (gpm), shall be either measured or estimated based upon the summation of the pump curve value(s) for all pumps operating and controlling the rate of flow.
3. Weight is defined as the weight of the fish waste generated during the filleting operation (See footnote 1) and shall be reported in units of pounds per day (lbs/day).
4. Fillet production, which is to be reported in units of pounds per day (lbs/day), shall be an estimation or calculation of the pounds of fish fillets produced on the day of sampling.
5. Duration is defined as the length of time during which the “filleting operations” occurred on the day of sampling (see footnote 1) and shall be reported in units of hours per day (hrs/day).
6. Samples of pH shall be taken weekly and, except for one sample per month, represent the fish waste effluent free from residual process disinfectants. One pH sample per month shall be representative of the disinfectant wash-water and taken concurrently with the sample for Total Ammonia.
7. The monthly sampling of total ammonia and one pH sample (see Footnote 6 above) shall be taken immediately following the cleaning of the factory deck and/or seafood processing areas and be representative of disinfectant wash-water.

Part I.A. (continued)

2.
  - a. The discharge shall not cause an unreasonable degradation of the marine environment in accordance with 40 CFR §125.121.
  - b. The pH of the effluent shall be neither less than 6.5 nor greater than 8.5 at any time, nor changed more than 0.2 units outside of the naturally occurring variation (“Gold Book” Quality Criteria for Water: 1986. EPA 440/5-86-001).
  - c. The discharge shall not cause a visible sheen or an objectionable discoloration of the receiving waters.
  - d. The discharges shall not contain materials in concentrations or combinations which are hazardous or toxic to human health, aquatic life of the receiving surface waters or which would impair the uses designated by its classification.
  - e. Only fish waste originating from herring and mackerel filleting and wash-water containing EPA-approved disinfectants (alkali foam cleaner and quaternary sanitizer) will be authorized for disposal at sea by M/V American Freedom.
  - f. Chemicals (i.e. disinfecting agents, detergents, emulsifiers, etc.) shall not be used without prior approval by the U.S. Environmental Protection Agency (EPA).

- g. The permittee shall route all seafood processing wastes through a waste conveyance and treatment system. The size of waste solids discharged from its outfall(s) shall not exceed one-half (0.5) inch in any dimension.
- h. The permittee shall route all incidental seafood processing waste in floor drains through a waste conveyance system to the waste treatment system prior to discharge.
- i. The permittee shall route all disinfectant wash-water from the sanitization of the factory deck and/or processing areas through the permitted outfall.
- j. The permittee shall discharge seafood processing wastes below the sea surface.
- k. The vessel shall maintain a speed of at least three (3) knots during discharge.
- l. The vessel shall be equipped with an electronic navigation system. This equipment shall be operational and on-line at all times, and used for disposal logs. If the equipment is not functioning properly then no fish waste shall be disposed.
- m. There shall be no discharge of sanitary wastes. The permittee shall route all sanitary wastes through a sanitary waste system that meets the applicable Coast Guard pollution control standards in effect. See 33 CFR §159: "Marine sanitation devices".
- n. The permittee shall 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. The waste conveyance and grinder systems shall be inspected daily. This includes 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. Discharge of such items is prohibited. Inspection of the grinder system should confirm that the grinder(s) is (are) (1) operating and (2) reducing the size of the seafood residues to one-half inch or smaller in all dimensions. In this inspection, the permittee shall use a screen with openings that do not exceed one-half (0.5) inch to verify that the size of the ground residues is in compliance with permit requirements. Logs of these daily inspections shall be kept at the facility and shall be made available for inspection by EPA. Failure to achieve the required one-half inch or less size in any dimension and the measures being taken to rectify the problem shall also be recorded in the log.
- o. Disposal logs shall be maintained and made available for inspection by EPA. The following information shall be logged for each discharge:
  - Weight of fish waste disposed
  - Time and exact position (latitude and longitude) when disposal begins
  - Course(s) made during disposal
  - Time and exact position (latitude and longitude) when disposal ends

- p. The permittee shall keep a record of the following information for all chemicals used at the facility. This record shall be made available for inspection by EPA on request.
    - Product name and chemical formula of the chemical.
    - The purpose or use of the chemical.
    - The frequency (hourly, daily, etc.), duration (hours, days), and method of application.
    - Material Safety Data Sheets (MSDS), Chemical Abstracts Service (CAS) Registry number for each active therapeutic ingredient.
    - The method or methods used to detoxify the wastewater prior to discharge following application of chemical.
    - Information on the persistence and toxicity of each medication or chemical.
    - Available aquatic toxicity data for each medication or chemical used (vendor data, literature data, etc.); LC<sub>50</sub> at 48 and/or 96 hours and No Effect Level (NOEL) concentrations for typical aquatic organisms (salmon, trout, daphnia, fathead minnow, etc.).
  - q. A report stating that there was no discharge shall be submitted when there is no discharge during the reporting period.
  - r. The results of sampling for any parameter above its required frequency must also be reported, in accordance with 40 CFR §122.41(l)(4)(ii).
  - s. The permittee shall notify the regulatory agency in writing of any changes in the operations, including the use of chemical additives, at the facility that may have an effect on the permitted discharge of wastewater from the facility.
  - t. EPA may modify this permit in accordance with EPA regulations in 40 CFR §122.62 and §122.63 to incorporate more stringent effluent limitations, increase the frequency of analyses, or impose additional sampling and analytical requirements.
3. This permit shall be modified, or revoked and reissued to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:
- a. contains different conditions or is otherwise more stringent than any effluent limitation in this permit; or
  - b. controls any pollutant not limited by this permit.

If the permit is modified or reissued, it shall be revised to reflect all currently applicable requirements of the Act.

4. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe (40 CFR §122.42):
  - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - (i) One hundred micrograms per liter (100 µg/l);
    - (ii) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4- dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for animony;
    - (iii) 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
    - (iv) The level established by the Director in accordance with 40 CFR §122.44(f).
  - b. That any activity has occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - (i) Five hundred micrograms per liter (500 µg/l);
    - (ii) One milligram per liter (1 mg/l) for antimony;
    - (iii) 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
    - (iv) The level established by the Director in accordance with 40 CFR §122.44(f).
  - c. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

#### 5. Toxics Control

- a. The permittee shall not discharge any pollutant or combination of pollutants in toxic amounts.
- b. Any toxic components of the effluent shall not result in any demonstrable harm to aquatic life or violate any state or federal water quality standard which has been or may be promulgated. Upon promulgation of any such standard, this permit may be revised or amended in accordance with such standards.

## **B. AREAS EXCLUDED FROM AUTHORIZATION UNDER THIS NPDES PERMIT**

This Permit does not authorize the discharge of pollutants in the following circumstances [See Appendices A and B]:

1. Within one (1) nautical mile of a National Marine Sanctuary.
2. Within one (1) nautical mile of Critical Habitat for Northern Right Whales.
3. Within one (1) nautical mile of a Habitat Area of Particular Concern (HAPC) for Cod.
4. Waters within one (1) nautical mile of a sheltered waterbody such as bays, harbors, inlets, coves, lagoons, rivers, and semi-enclosed water basins.
5. Within state waters as designated by the three (3) nautical mile boundary. In the event the facility plans to discharge within state waters, the permittee shall obtain an NPDES permit from the appropriate NPDES delegated permitting authority.

## **C. UNAUTHORIZED DISCHARGES**

This permit authorizes the permittee to discharge only in accordance with the terms and conditions of this permit and only from outfall 001 listed in Part I A. of this permit. Discharges of wastewater from any other point sources which are not authorized by this permit or other NPDES permits shall be reported in accordance with Section D.1.e. (1) of the Standard Conditions of this permit (Twenty-four hour reporting).

## **D. MONITORING AND REPORTING**

Monitoring results obtained during each calendar month shall be summarized and reported on Discharge Monitoring Report Form(s) postmarked **no later than the 15th day of the following month.**

Signed and dated originals of these, and all other reports required herein, shall be submitted to the Director and the State at the following addresses:

Environmental Protection Agency  
Water Technical Unit (SEW)  
P.O. Box 8127  
Boston, Massachusetts 02114

Division of Water Quality Management  
Bureau of Land and Water Quality  
Department of Environmental Protection  
17 State House Station  
Augusta, ME 04333

## Appendix A

### Listing of Receiving Waters Excluded From Coverage

Discharges are explicitly not authorized under the Permit to receiving waters which have been identified as protected, special, at-risk or degraded water resources. The areas excluded from coverage under the Permit include the following protected, special, or at-risk water resources and waterbodies:

1. Waters within one (1) nautical mile of the boundary of a Marine Sanctuary are excluded from coverage by the Permit. The National Ocean and Atmospheric Administration (NOAA) has identified two marine sanctuaries that are within the boundaries of the receiving water. These include:
  - a. Stellwagen Bank National Marine Sanctuary. The Sanctuary encompasses a total of 638 square nautical miles and includes all of Tillies Bank and southern portions of Jeffreys Ledge. The Sanctuary boundary is marked by the following coordinates, which indicate the northeast, southeast, southwest, west-northwest, and north-northwest points: 42°45'59.83"N x 70°13'01.77"W (NE); 42°05'35.51"N x 70°02'08.14"W (SE); 42°07'44.89"N x 70°28'15.44"W (SW); 42°32'53.52"N x 70°35'52.38"W (WNW); and 42°39'04.08"N x 70°30'11.29"W (NNW).
  - b. Monitor National Marine Sanctuary. The Sanctuary consists of a vertical water column in the Atlantic Ocean one mile in diameter extending from the surface to the seabed, the center of which is at 35°00'23" north latitude and 75°24'32" west longitude.
2. Waters within one (1) nautical mile of Critical Habitat as designated pursuant to Section 4 of the ESA are excluded from coverage by this Permit. In the receiving water, these include the following waters designated as critical habitat for the northern right whale (*Eubalaena glacialis*) (see 50CFR§226.203):
  - a. Great South Channel (east of Cape Cod) 210 square nautical miles between the western part of Georges Bank and the Nantucket Shoals. This area is bounded by the following coordinates, which indicate the northwest, southwest, southeast, and northeast points: 41°00'N x 69°05'W (NW); 41°40'N x 69°45'W (SW); 41°38'N x 68°13'W (SE); and 42°10'N x 68°31'W (NE).
  - b. Cap Cod Bay as marked by the following coordinates, which indicate the east-northeast, north-northeast, northwest, and southwest points: 42°04.8'N x 70°10'W (ENE); 42°12'N x 70°15'W (NNE); 42°12'N x 70°30'W (NW); 41°46.8'N x 70°30'W (SW); and on the south and east by the interior shore line of Cape Cod, Massachusetts.
3. Waters within one (1) nautical mile of a Habitat Area of Particular Concern (HAPC) are excluded from coverage by this Permit. HAPC for juvenile Atlantic cod is marked by the



following coordinates, which indicate the northwest, northeast, north-southeast, east-southeast, south-southeast, and southwest points: 42°10'12"N x 67°19'48"W (NW); 42°10'12"N x 67°9'0"W (NE); 42°0.0'N x 67°1'12"W (NSE); 42°0.0'N x 67°10'12"W (ESE); 41°51.0'N x 67°10'12"W (ESE); and 41°51.0'N x 67°19'48"W (SSE).

4. Waters within one (1) nautical mile of a sheltered waterbody such as bays, harbors, inlets, coves, lagoons, rivers, and semi-enclosed water basins.
5. State waters within the designated three (3) nautical mile boundary are excluded from coverage by this permit. In the event the facility plans to discharge within state waters, the permittee must obtain an NPDES permit from the appropriate NPDES delegated permitting authority.

## **Appendix B**

### **Maps of Areas Excluded From Coverage**

Detailed maps of excluded waters are presented in the following order:

- 1) Stellwagen Bank National Marine Sanctuary (Source: <http://stellwagen.noaa.gov/>)
- 2) Monitor National Marine Sanctuary (Source: <http://monitor.noaa.gov/>)
- 3) Great South Channel Restricted Area  
(Source: <http://www.nmfs.noaa.gov/habitat/habitatprotection/mpa/nmfsmma.html>)
- 4) Cape Cod Bay Restricted Area  
(Source: <http://www.nmfs.noaa.gov/habitat/habitatprotection/mpa/nmfsmma.html>)









