



April 27, 2021

Submitted via email to:

Jackie Ebert
Department of Environmental Conservation Division of Water
410 W. Willoughby Suite 303
Juneau, AK 99801

Re: North Pacific Seafoods, Inc.; Comments on the Draft AKG521000 Issued 2/26/21

Dear Ms. Ebert:

North Pacific Seafoods, Inc. (NPSI), has the following comments on the draft General Permit No. AKG521000.

1. **Effective Date** – The requirements of the Draft Permit will require NPSI and the other processors to make many physical changes to our plants and submit complete NOIs - all by the effective date of the permit. With this in mind, NPSI requests that the effective date for this permit be set with enough lead time to allow all permittees to make those changes and to prepare complete NOIs for several facilities.

NPSI is concerned about the length of time it will take to complete facility modifications and to prepare a complete NOI for each of the four facilities that will be subject to this permit. Piping changes will be required at several plants, along with the installation of a flow meter and totalizer at each location. Two plants will require the preparation, submittal and approval of Engineering Plans, and the Engineering Plans at two others will need to be amended to account for the changes needed for compliance with the new permit. ADEC plan reviews can take an extended period. This will be complicated by the fact that ADEC will likely see dozens of requests for approval of amended Plans. Three NPSI facilities are seasonal and are located in remote areas, making these tasks even more difficult to accomplish in the short period available to us each season.

Adding to all this are the requirements for a complete NOI (Part 1.6 and Attachments A, A-1 and A-2). The requirements are overly burdensome, requiring much more detailed information than the current permit's NOI requirements. The scope of the information required for a complete NOI needs to revert back to that required under the current permit – only essential information necessary for ADEC's decision as to whether to authorize a facility to be covered by the permit.

NPSI is also concerned about ADEC's ability to review dozens of NOIs and issue Authorizations to Discharge in a timely manner if the effective date is not appropriate. There needs to be sufficient time, not only for the preparation of complete NOIs, but for their review and approval by ADEC (which may require numerous communications between ADEC and the permittee as well as modifications to the NOI). NPSI suggests that to ensure that all permittees have sufficient time to comply by the effective date, that the effective date of the permit should be nine months from permit issuance or June 1, 2022, whichever is later.

2. **Section 1.7. Requirements to Submit a Complete Notice of Intent (Attachment A) – Part 1.7.1.7. Zone of Deposit Request.** NPSI believes that the intent of this provision is to indicate that only permittees that do not have a current Zone of Deposit need to complete ZOD analysis under 18 AAC 70.210(b); however, the reference to "new Project Area Zone of Deposit" is confusing since, technically, no current permittee has a Project Area Zone of Deposit. Section 4.4.4 of the Draft Fact Sheet states that "The permit authorizes a project area ZOD to

each facility granted a ZOD in the previous AKG520000 permit....” NPSI suggests that to make this provision clearer, this language should be included in Part 1.7.1.7 and that Part 1.6.7.1 be similarly clarified to only require public notice if the permittee does not have a current ZOD.

3. **Part 1.10.3. Broken or repositioned outfall line.** This part requires the filing of a notice of non-compliance when a pipe has moved or is broken irrespective of whether there has been a discharge from the outfall. Such a report should only be required if there has been an unauthorized discharge. In addition, while NPSI agrees that it is reasonable to advise ADEC of outfall breaks, it is unreasonable to cite the Processor for noncompliance in those instances where a vessel strikes and breaks an outfall line (or similar situations out of the control of the Processor).
4. **Part 2.1.5.3.1. Outfall Terminus Depth.** This is a new provision that prohibits any discharges during periods when the outfall terminus is not submerged. This provision would require many facilities located in areas that experience extreme low tides to cease processing for many hours per day. Such an interruption in operations would create a severe and unacceptable economic impact on processors and fishermen. The Draft Permit recognizes that there are many areas of extreme low tides and Part 2.1.5.3 allows permittees to apply for a waiver from the depth requirements in the Draft Permit. This new provision, however, would not allow permittees to request a waiver to discharge when the low tide is beyond the outfall terminus (this is not an unusual situation in many areas). The basis for this new provision is not discussed in the Draft Fact Sheet and no rationale is provided to support this prohibition. In fact, in the areas of extreme low tide (for NPSI - Bristol Bay, Naknek River) there has never been any buildup of seafood waste and any waste deposited at extreme low tides is temporal and is completely disbursed by each incoming tide; thus, there is no documented impact on water quality. This provision should be removed from the Draft Permit.
5. **Part 2.1.6.2. Discharge Limitations.** This part eliminates the waiver from the 10 million pound limit on the discharge of waste provided in the current permit (Section V.C.1.a). The current permit provides the ability to seek such a waiver if certain conditions can be met. Section 3.2.3 of the Draft Fact Sheet makes clear that the 10 million pound limit is based entirely on conceptual modeling conducted in 1993. Yet, ADEC completely ignores actual seafloor monitoring that has been conducted in the last 30 years that refutes the modelling results in the locations where the waivers were granted. Neither of the facilities that was granted a waiver under the current permit has ever exceeded the one acre ZOD. The Fact Sheet does not explain why ADEC failed to consider 30 years of actual data and instead merely “defaults” to an outdated conceptual model. It is completely arbitrary and capricious for ADEC to rely on a 1993 conceptual model rather than on actual data. The waiver provision should be included in this Draft Permit.
6. **Part 2.1.7.4. Grinder System Inspection.** - This part specifies how to take the grinder sample and, as written, is not a practical method for taking a sample of the grinder system discharge. At NPSI facilities the grinders typically discharge into a sump (using water to aid the movement of the seafood waste) which is then emptied by one or more chopper pumps to grind the waste up even more. A 2 inch sample port on the discharge side of one of those pumps could easily discharge well over 100 gallons of wastewater and seafood waste during the 60 second purge required by the procedure. Plus, discharging that flow rate into a 5-gallon bucket is simply not feasible – the waste will be everywhere except in the bucket. This procedure needs to be modified to account for actual discharge conditions. An alternative would be to require the Processors to develop an alternative sampling method that assures collection of a representative sample of the discharge, then using ADEC’s current procedure for passing the sample over the two screens.
7. **Parts 2.1.8.9, 2.2.6.4 and Table 5.** These provisions address Catch Transfer Water. NPSI (as well as the other processors) object to ADEC’s requirement to treat this water for a number of reasons;
 - Catch Transfer Water “discharged to a vessel” is not a discharge to “waters of the United States;” therefore, pursuant to 18 AAC 83.015(a), it is not a discharge that comes within the purview of the APDES program.

- Even though Part 2.1.8.9.1 provides an exemption from the treatment requirement, this provision still requires permittees to monitor this water and to prepare a detailed report to ADEC. These requirements impose an unreasonable burden on permittees and are beyond ADEC's regulatory authority.
 - The NPSI facilities covered by the General Permit are in remote areas of Alaska and there are inherent difficulties in attempting to meet these monitoring requirements for the parameters listed on Table 5 (including transportation to certified laboratories, holding times, etc.).
8. **Parts 2.2.2 and 2.6.5.5 – Monitoring and Reporting.** These provisions require that the information in monthly DMRs be summarized in the Annual Report. This is a duplication of effort and imposes an unnecessary paperwork burden on the permittees. Certainly, ADEC staff can review 12 or fewer DMRs without the need for the permittees to summarize the data already submitted.
 9. **Section 2. 2. Tables 3, 4 and 5 - Monitoring.** ADEC has added a number of effluent parameters to be monitored, which have never been required in this General Permit. The added parameters do not have any nexus to the effluent limitation in the permit and there is no explanation in the Fact Sheet to support the addition of these parameters. This is “monitoring for monitoring sake,” and does not provide information needed to determine whether the effluent limits in the permit are being met. To the extent that the additional parameters are related to receiving water quality, it is important to point out that ADEC has added extensive receiving water monitoring in this Draft Permit. We would suggest that the additional effluent monitoring be deleted from this Draft permit and that, depending on the results of the water quality monitoring, ADEC evaluate whether any additional effluent monitoring should be included in the next permit cycle.
 10. **Parts 2.3.6.5 and 2.3.6.8 - Visual Inspections.** These provisions reference discharges from fishing boats tied up to permittees' docks. As ADEC did in the Kodiak General Permit (AKG28000), the Draft Permit and/or the Draft Fact Sheet should make clear that these are merely reporting requirements and that discharges from fishing vessels while secured to a seafood processing facility are not covered by the Draft Permit.
 11. **Parts 2.4 and 2.5. QAPP and BMP Plan.** The draft permit includes requirements for the QAPP and BMP Plan that are significantly more detailed than current plans. Adequate time (i.e. more than the 60 days specified in the draft) must be given to the permittees to develop and implement these new plans.
 12. **Part 2.5.6.7.17 – BMP Plan.** This part addresses BMP requirements for ammonia. This provision is too broad and should be redrafted to make clear that the BMPs only have to address “activities which may result in discharges to the waters of the United States.” Other releases are not within the purview of the Draft Permit and are duplicative of other requirements in State and Federal law.
 13. **Part 2.6.4.4 – Reporting.** This part requires permittees to submit daily, monthly and annual production and discharge information. This requirement imposes a significant paperwork burden on permittees, particularly the daily requirement. We request that ADEC reevaluate this requirement for daily information (which is, by definition, included in the monthly data) particularly when weighing the cost/benefit of receiving this information.
 14. **Appendix E -- The Seafloor Survey and Outfall Inspection Protocol** adds a number of onerous and unnecessary requirements to the survey and inspection protocols. It is clear from the discussion of Seafloor Surveys in the Draft Fact Sheet (Section 4.4.5) that ADEC staff did not evaluate the practicability of the new requirements for the surveys. In addition, many of the new requirements have no relevance to determining whether a permittee is in compliance with its Project Area Zone of Deposit. This appears to be another example of data gathering merely for the sake of data gathering with little relationship to determining compliance. Some examples of the unnecessary provisions of Appendix E are as follows:

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- hydrology reporting (Part I, Section 3(e)) is duplicative of the receiving water sampling that is required in the Draft Permit.
- plume size reporting (Part 1, Section 3(h)) does not make any sense, since surveys will occur following the end of processing and there will be no plume.
- measuring waste deposits using a “marked stick” (Part II, Section 4(j)) is not an accurate method for measuring thickness of a deposit. Nor is coring. It is unclear why the thickness of the waste pile (other than to determine whether the deposit is continuous or discontinuous) is required since the ZOD is related to areal coverage, not volume.

Finally, Appendix E erroneously assumes that Beggiatoa and other types of bacterial mats (Part I, Section 3(c)) are solely related deposition of seafood waste on the seafloor. The discussion in the Draft Fact Sheet completely ignores the fact that Beggiatoa mats are naturally occurring in sediments and are found in areas where no seafood deposits are found. Therefore, it is unreasonable to include these mats in the calculation of “continuous coverage.”

NPSI appreciates your consideration of these comments. Please contact me if you have any questions.

Sincerely,



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