

January 17, 2023

Delivery via Email

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Wastewater Discharge Authorization Program
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RE: DEC Permit Number AKG130000 Draft Alaska Hatchery Operators Public Comments

Mrs. Weaver,

On behalf of the Alaskan Hatchery Operators, I would like to first thank ADEC for revisions incorporated into the draft permit AKG 130000 issued for public comment. There are several areas of the draft permit that substantially reduce the compliance costs for the hatchery operators yet do not diminish ADEC's ability to assess the environmental effects of our discharges. Specifically, the following changes to the draft permit are welcomed by the hatchery operators:

- Reduction of effluent sampling from monthly to quarterly for TSS and SS parameters listed in table 2 in the permit.
- Reduction of effluent sampling from monthly to annually for ammonia listed in table 2.
- Removal of effluent sampling during drawdown periods as previously required in table 2.
- Clarification on effluent sampling to allow samples to be combined on a flow-weighted basis prior to analysis.
- Net pen benthic assessment period changed to 60 days post last release
- Removal of part 5.1.3.8 "Maintain and orderly facility"
- Removal of "Near" in Appendix D table "Approved Excluded Area Operations" column.
- Addition of a Compliance Schedule

As responsible stewards of two of Alaska's most prized renewable resources, water and salmon, the hatchery operators are encouraged to see costly, unnecessary regulations relaxed in the draft AKG 130000 permit reissuance. Additionally, it is reassuring to see that based upon 5 years of hatchery operators' monthly effluent samples provided to ADEC for the ammonia, TSS and SS parameters, ADEC determined that implementing a maximum daily limit in the current draft permit was unnecessary for water quality standards.

The Alaska hatchery operators have met and determined that there remain a number of issues of concern based upon our assessment of the language of the draft permit. Specifically, these are the areas concerning pH, mixing zones, and net pen zones of deposit. There have been several messages requesting clarification from the hatchery operators to the ADEC. Despite prompt response from ADEC, the hatchery operators still have un-answered questions on how stipulations in the permit would apply to these areas.

Regarding pH there continues to be concern that the current draft permit does not adequately address the natural pH background of water sources utilized across Alaska at our various locations. The monitoring of pH required in Table 2, of effluent and influent, continues to be unnecessary. It is

not required by EPA for hatcheries in Alaska nor is it required in the Pacific Northwest. The EPA in Alaska utilizes the following statement in regard to pH in their NPDES permit fact sheet for Tamgas Hatchery "The EPA has determined that discharges from fish hatcheries do not have reasonable potential to cause or contribute to an exceedance of the water quality standard for pH, and therefore, no discharge limitation for pH is being proposed by the Permit." We request that ADEC adopt this language in the final permit

The current fix to the pH issue in the draft permit appears to be the addition of mixing zones. This seems unnecessary. The vast majority of hatcheries in Alaska occasionally, and in some cases continuously, have natural source water outside of the 6.5-8.5 s.u. range. It appears that a majority of Alaska salmon hatcheries may have to apply for a mixing zone and obtain a costly mixing zone analysis. All this effort would be to avoid non-compliance notices and fines when discharges are outside of the effluent limitation range, regardless of the impact of their operations on the naturally occurring pH of their source water. We recommend that the pH effluent limit range be removed and all effluent and influent monitoring of pH be removed from Table 2.

The mixing zone portion of the permit includes language that residues are a parameter to qualify for a mixing zone (section 3.4.4). In a clarification email request, ADEC declined to answer if mixing zones would be applicable to residue discharges from net pens. Without an ADEC response to this question it continues to be impossible for the hatchery operators to ascertain how they can come into compliance with draft permit section 3.3.2.4 without applying for and receiving a zone of deposit. If mixing zones would be permitted for residues from net pen discharges, then, again, a costly mixing zone analysis must be completed (in addition to pH) at great expense to the operators.

As mentioned in previous preliminary draft AKG130000 operator comments the cost associated with annual seafloor surveys required for zone of deposits is cost prohibitive, and the availability of sufficient numbers of qualified contractors is questionable. Depth at net pen locations is highly variable from 20' to over 200'. Any depth greater than 100' dramatically increases the cost of any dive-related survey. The operators wish to emphasize that there is an EPA exemption from regulation on discharges from net pens rearing native species for a period of 4 months or less and request ADEC utilize this exemption in the final permit.

The table in Appendix D of the draft permit contains inaccurate information relating to Excluded Areas and discharge. The Excluded Areas column needs to be removed or a more specific definition than covered in section 1.2.4 and 1.2.5 needs to be included in the permit. It appears that entire areas of National Forest lands, National Wilderness areas and other State and or Federal lands have automatically been determined to be Excluded Areas in contradiction to section 1.2.4 and 1.2.5. This process occurred without communication with the operators for accuracy of the determination on their operations. As noted in the draft permit in section 1.5.7.4 the operators must submit a request to discharge in an Excluded Area in their NOI. The lack of clarity on what is an Excluded Area needs to be better defined. The operators also remind ADEC that National Wilderness Areas are not Excluded from hatchery discharges as Aquaculture is a permitted use in Wilderness under ANILCA Title XIII 1315 (b).

The operators request that an edited draft of the existing permit, clearly indicating alterations, be provided to the public, so it is clear what modifications are being made to the permit from previous drafts. This process is common in regulation development in Alaska, and we recommend that the edited draft be written following the Alaska Department of Law's standards with additions **bold and underlined** and with deletions [BRACKETED AND CAPITALIZED]. It seems inappropriate for the

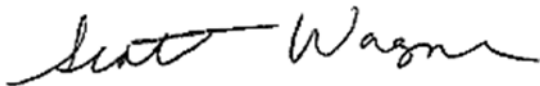
permittee or the public to have to use document comparison programs to discover any changes to the permit from previous issued permits or drafts.

Finally, hatchery operators request all technical documents prepared in creation of this permit, including data analysis of the previous 5 years of operator-supplied sampling results for pH, DO, Ammonia and analysis of applicability of Excluded Areas, Zone of Deposits and Mixing Zones. This information will better assist the operators in understanding ADEC's areas of concern and how we, as the regulated industry, could assist in providing informed comments on changes in the draft permit to address those areas of concern.

In closing, the Alaska Hatchery Operators listed below unanimously request a public hearing based upon the nature of the issues raised in this letter. This will give the ADEC the ability to clarify the above-mentioned issues involved in the permit decision. The Alaska Hatchery Operators respectfully request the meeting be held in Juneau, this will allow ADFG-PNP coordinators to participate in person.

On behalf of the Alaska private non-profit salmon hatchery operators, thank you for your time and consideration of our letter.

Sincerely,



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