



February 2, 2023

Anne Weaver
Environmental Specialist III
555 Cordova Street
Anchorage, AK 99501

RE: Draft General Permit AKG130000 – Public Review Comments

Ms. Weaver,

The Kodiak Regional Aquaculture Association (KRAA) would like to thank the Alaska Department of Environmental Conservation (ADEC) for the opportunity to review and comment on the proposed updates for general permit AKG130000. KRAA operates two state-owned facilities in the Kodiak Management Area for which we have developed sampling and monitoring programs and protocol related to this permit. The association has added staff and invests tens of thousands of dollars annually to comply with the provisions of the General Permit. KRAA provided comments to DEC in October 2022 during the comment period for the AKG13000 APDES Preliminary Draft Permit provided for current permit holders. We thank ADEC for their consideration of our comments, as well as those of the other hatchery operators, and the resultant additional updates ADEC incorporated into the public draft permit. While we have found most of the updates resulting from the initial round of comments to be positive, KRAA has identified a few items in the draft permit that we believe require clarification or further consideration.

3.2 Flow Through and Recirculating Facilities

3.2.1. Effluent Monitoring - Table 2: Flow Through and Recirculating Systems Monitoring Requirements

- pH Effluent Limits

KRAA appreciates ADEC addressing pH limits and including language to clarify pH monitoring. However, we do a few clarification requests/questions.

- 1) If a hatchery discharges effluent outside of the pH range it is unclear if it is to be reported as non-compliance if its *influent* is also outside of the pH range. Could DEC please clarify this scenario?
- 2) As Table 2, superscript g states: *Only permittees discharging effluent outside of pH 6.5 – 8.5 to fresh water must sample in the receiving water. Receiving water sampling must occur at a location within the receiving water that is not*

influenced by the facility's discharge. Does this extra step, if the receiving water is within the limit, relieve the facility for reporting noncompliance on the pH discharge? Does this action take the place of an official mixing zone, or would the operator also be required to secure a mixing zone analysis? Clarification on what this step means for noncompliance reporting is requested.

3.3 Net Pen facilities

As noted in our previous comments, KRAA hasn't had any issues with conducting net pen assessments under the current permit guidelines, and we appreciate the extension of 60 days provided in 3.3.2 for visually assessing the benthos. However, we would like some clarification on the following section:

3.3.2.4 For detectable residues accumulation on the seafloor, the permittee shall submit a noncompliance notification report in accordance with Appendix A, Part 3.5 unless the net pen site has an approved ZOD (see Part 6.3).

- 1) If residues are detected, will operators be required to seek a ZOD, or will following the noncompliance criteria be sufficient?
- 2) By the time residues are detected, fish will already be released and net pen operations will have ceased, any steps to reduce or prevent reoccurrence will likely be implemented in the following year. Given this scenario, what is the timeline for implementation of compliance measures?

KRAA signed on to the general letter from Alaskan Aquaculture Associations, but a small number of the topics cited there do have significant importance for our association: namely, we hope ADEC will recognize the precedents set by EPA, and advocated for and supported by ADEC, to provide a net pen exemption as was the case in the previous permit prior to AK130000 and, in the case of the Tamgas Hatchery, to exempt pH from monitoring requirements for aquaculture facilities. In addition, there are a number of outstanding questions from hatchery operators related to compliance timelines, as detailed above, related to mitigation measures for non-compliance events.

Once again, KRAA appreciates the changes ADEC has implemented to the previous draft permit and the opportunity to review and comment again during the public review. We look forward to working with ADEC on finalizing this permit.

Respectfully,



Tina Fairbanks
KRAA Executive Director



Trenten Dodson
Production & Operations Manger