



REGION 10

SEATTLE, WA 98101

January 23, 2024

Mr. Gene McCabe
Environmental Program Manager III
Alaska Department of Environmental Conservation
Wastewater Discharge Authorization Program
555 Cordova Street,
Anchorage, Alaska 99501

Dear Mr. McCabe:

The Alaska Department of Environmental Conservation initiated a 42-day public comment period for the proposed major modification to the Onshore Seafood Processors General Permit No. AKG521000 on December 13, 2023. This letter transmits the U.S. Environmental Protection Agency Region 10's comments regarding the proposed modification to AKG521000.

Based on our discussion on January 11, 2024, we understand that ADEC proposed this modification to provide consistency between the permit limitations and monitoring requirements and Appendix G of AKG521000, which outlines the waste size sampling and analysis protocol and establishes a 10-piece corrective action threshold. However, as discussed in more detail below, the proposed modification adds requirements that deviate from the effluent limitation guidelines set forth in 40 CFR Part 408. The EPA is available to discuss the concerns set forth in this letter and potential alternatives to the proposed modification that adhere to Federal regulations.

Comments

National Pollutant Discharge Elimination System permits are required to contain technology-based effluent limits or any more stringent water quality-based effluent limits (see 40 CFR 122.44). For many industrial categories of wastewater discharges, technology-based effluent limits are based on effluent limitation guidelines promulgated by the EPA. In the 1970's, the EPA promulgated effluent limitation guidelines for seafood processors processing fresh, frozen, canned, and cured fish and shellfish (see 40 CFR Part 408). Permittees covered by AKG521000 are subject to the remote Alaska seafood processing effluent limitation guidelines which state: *"No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension."*

The proposed modification to AKG521000 modifies the technology-based effluent limit in the permit in a way that is inconsistent with the effluent limitation guidelines and results in a less stringent effluent limit.

Further, ADEC proposed this change without conducting the required anti-backsliding analysis to determine whether the less stringent limit is authorized by law (See CWA section 402(o) and 40 CFR 122.44(l)).

Permit Part 2.1.6.1.2 and Table 3

Consistent with the effluent limitation guidelines, AKG521000 currently contains a technology-based effluent limit that requires permittees to “reduce the size of all seafood processing waste and wastewaters to 1.27 cm (0.5 inch) or smaller in any dimension prior to discharge” (AKG521000 at Part 2.1.6.1.1). The proposed modification to AKG521000 at Permit Part 2.1.6.1.2 establishes a threshold to the 1.27 cm (0.5 inch) technology-based effluent limit specified in Permit Part 2.1.6.1.

The modified Permit Part 2.1.6.1.2 reads, in part:

“...the permit considers a 10-piece threshold for evaluating compliance with the limitation based on discharge solid size.”

The pollutant size effluent limit threshold established in draft Permit Part 2.1.6.1.2 is reflected in revisions to Table 3, highlighted below:

Table 3: Outfall(s) 001 Conventional/Mechanized Seafood Processing (Butchering) Effluent Monitoring

Effluent Parameter	Units ^a	Effluent Limits			Monitoring Requirements		
		Average Monthly Limit	Minimum Daily Limit	Maximum Daily Limit	Sample Location	Sample Frequency	Sample Type
Flow	mgd	report	---	report	effluent	record daily	metered
Amount of waste discharged ^b	lbs	Per Part 2.1.6.2.1	---	Per Part 2.1.6.2.1	n/a	record daily, report maximum daily and cumulative annual	calculated
Number of seafood waste pieces exceeding Part 2.1.6.1.1 size limit	number	---	---	9 pieces of seafood waste	effluent	record daily, report daily maximum number of pieces for the month	calculated

These modifications to the permit allow the permittees to exceed the 1.27 cm (0.5 inch) size requirement. This is inconsistent with the effluent limitation guidelines, which state that “no pollutants may be discharged that exceed 1.27 cm (0.5 inch) in any dimension.” As such, the proposed permit modification is inconsistent with the applicable effluent limitation guidelines.

As you are aware, pursuant to Sections 4.03(2) and (7) of the National Pollutant Discharge Elimination System Memorandum of Agreement between the State of Alaska and the EPA Region 10, the EPA has 90 days to comment upon or object to a proposed general permit modification. This letter does not waive the EPA’s ability to object to this proposed modification at the end of the 90-day review period on March 12, 2024.

We welcome the opportunity to discuss these comments with you to reach resolution and achieve our common objectives under the CWA.

Please reach out to our Alaska Oversight Lead, Jamey Stoddard, if you have any questions or would like to schedule a follow-up discussion.

Sincerely,

Erin Seyfried
Manager
NPDES Permits Section

cc: Jackie Ebert, ADEC (jackie.ebert@alaska.gov)