

Reissuance of NPDES Permits for

Three Major Alaskan Seafood Processors in the Aleutian Islands

Response to Public Comments

The EPA provides the following responses to the public on the reissuance of three National Pollutant Discharge Elimination System (hereafter, "NPDES") permits:

- (1) AK-000027-2 to Alyeska Seafoods, Inc., for its Unalaska Bay on-shore seafood processing facility;
- (2) AK-002865-7 to UniSea, Inc., for its Unalaska Bay on-shore seafood processing facility; and
- (3) AK-003730-3 to Trident Seafoods Corporation, for its Akutan Harbor on-shore seafood processing facility.

Some of these responses include and explain changes to the draft NPDES permits for the above facilities that were noticed and released for public comment on September 21, 2001. In addition, EPA has revised the draft permits in accordance with conditions presented by the State of Alaska in its Clean Water Act (hereafter, "CWA") § 401 certification of the permits and its consistency determination pursuant to the Coastal Zone Management Act (hereafter, "CZMA") and by the National Marine Fisheries Service (hereafter, "NMFS") and the U.S. Fish and Wildlife Service (hereafter, "FWS") in their conservation reviews accorded by the Endangered Species Act (hereafter, "ESA"), the Marine Mammal Protection Act (hereafter, "MMPA"), and the Fishery Conservation and Management Act (hereafter, "FCMA").

Comment: UniSea and Trident Seafoods request a discussion with EPA on the identification of their facilities' outfalls. (Cover page)

Response: The EPA discussed the identification of the permitted facilities' many outfall lines and developed a revised numbering system to identify outfalls and discharges. The EPA has *revised the permits* to designate outfalls and discharges accordingly.

Comment: Trident Seafoods comments that the new permit requires screening of live-tank water and boat-hold transfer water which was previously authorized for untreated discharge. Trident Seafoods objects to this new screening requirement. Screening live-tank water and boat-hold transfer water would require a significant investment in the revision of plumbing, pumps and building in order to treat the increased flow of wastewater. (Section I.A.1)

Response: Trident Seafoods-Akutan has previously been permitted to discharge live-tank water and boat-hold transfer water without screening or other treatment in its previous NPDES permits that ADEC has certified. Other large pollock processors have been required to screen their live-tank water and boat-hold transfer water and have done so for the past decade. Trident reports that dive surveys of the seafloor along and beneath the dock indicate that the discharge of unscreened live-tank and boat-hold transfer water has produced a range of depositional effects from a small, intermittent deposits of fish scales measuring less than 100 sq. ft. to no distinguishable deposit. Yet the discharge produces a visible plume along the dock face at the point of discharge, joining discharges of similar wastewater from off-loading fishing vessels to create an impact area along the facility's dock-face. The costs and benefits of screening this wastewater discharge provide arguments for both alternatives... and the requirement to screen out fish scales and other solid residues rests on the regulatory judgment of ADEC.

The ADEC has determined that Trident Seafoods shall screen its live-tank water and boat-hold transfer water prior to discharge and has required this treatment in its § 401 certification of the NPDES permit. No provision has been made for a mixing zone or zone of deposit. If the permittee is not satisfied with ADEC's determinations, then the permittee must resolve this issue with ADEC during the 30-day appeal period following the re-issuance of the permit.

In consideration of ADEC's certification of the permit, EPA has determined that *no change in the permit* is necessary on the basis of this comment.

Comment: Alyeska Seafoods comments that the facility screens all of its seafood processing wastes, will not discharge ground or whole wastes, and requires no limits for grinding crab wastes. (Sections I.A.1.b and I.E)

Response: The ADEC has determined that Alyeska Seafoods, Trident Seafoods-Akutan and UniSea shall screen all seafood processing wastes to 0.5 mm width prior to on-site discharge. In consideration of ADEC's certification, EPA has *revised the permits* to eliminate limits on the mass of settleable solid seafood processing residues that can be discharged on-site into south Unalaska Bay at each of these facilities. The EPA has provided further that solid seafood processing waste residues ground to one-half inch may be discharged at-sea.

Comment: Trident Seafoods comments that there is occasionally a "foam, film, or sheen" near our live-tank return water, and though this dissipates within an acceptable mixing zone, there is no mixing zone established for the live-tank water and boat-hold transfer water. The permit should identify and establish a mixing zone for the live-tank water and boat-hold transfer water. (Section I.A)

Response: The EPA has *revised the permit* to incorporate ADEC's specific authorization of a mixing zone.

Comment: UniSea and Trident Seafoods comment that previous permits authorized the barging of seafood wastewater (including surimi), stickwater, and scrubber / evaporator wastewater. The draft permit re-characterizes these wastewaters as fish and crab waste solids and unground calcareous shells. The draft permits should be revised to identify seafood processing wastewater as previously allowed. (Section I.B and Section I.D¹ or I.G²)

Response: The EPA agrees that seafood processing wastewater, which includes stickwater as one form among many, is a legitimate and important at-sea discharge. The EPA has *revised the permits* to provide for authorization of at-sea discharges of seafood processing wastes and wastewaters.

Comment: Alyeska Seafoods comments that settleable solid residues screened to 0.5 mm width and having no limits should not be monitored. (Section I.E)

Response: The EPA believes that it is important to learn more about the discharge and effects of discharges of seafood processing waste residues. Each of the permitted facilities is one of the ten largest processors of seafood in the United States. The EPA finds it entirely appropriate and in accordance with both the CFR [e.g., 40 CFR § 122.43(a)] and the AWQS to require monitoring of flow, five-day biochemical oxygen demand (hereafter, "BOD5"), total settleable solids (TSS), settleable solids, and pH in the discharges of these very large seafood processors. The EPA has determined that *no change in the permits* is necessary on the basis of this comment.

Comment: Trident Seafoods comments that there is a limitation on BOD5 from June through October but the effluent monitoring is required from July through October. The limitation should be from July 1 to October 31. (Section I.E¹ or I.H² and Section I.A.2)

Response: The EPA agrees that effluent limits must be supported appropriately by effluent monitoring. In view of the expansion of the pollock fishing and processing season pursuant to the American Fisheries Act (see Figures 1 and 2 below), EPA has determined that it is necessary to limit discharges to south Unalaska Bay and Akutan Harbor during June. Rather than reduce the time period during which effluent limits on BOD5 apply, EPA will extend the duration of effluent monitoring to include June. The EPA has *revised the permits* to extend monitoring to cover the period June 1 through October 31.

¹ Permit section references for Alyeska Seafoods and UniSea reflect four numbered outfalls.

² Permit section references for Trident Seafoods reflects seven numbered outfalls.

Insert Pollock Catch Figures on This Page

Comment: Trident Seafoods finds the requirement to incorporate the results of all monitoring not required by the permit into the Discharge Monitoring Report (hereafter, “DMR”) calculations is unreasonable. The applicant should be required to submit the additional test results but not incorporate them into the DMR. (Section I.E.2¹ or I.H.2²)

Response: The EPA has included this provision in accordance with 40 CFR § 122.41(l)(4)(ii). The EPA has determined that *no change in the permit* is necessary on the basis of this comment.

Comment: Alyeska Seafoods comments that the mixing zone for its processing wastewater discharge should be an oval extending 100 ft around its 150 ft multi-port diffuser rather than a circle of 100 ft radius and requests that the permit reflect this change. (Section I.F.2.a)

Response: The EPA agrees with the view that a mixing zone should accommodate the size and shape of an outfall diffuser. The EPA has conferred with ADEC concerning this issue. As authorized in the State of Alaska’s certification of NPDES permit no. AK-000027-2 for Alyeska Seafoods’ Unalaska on-shore seafood processing facility, the mixing zone for the facility’s multi-port diffuser is oval in shape and its perimeter is 100 ft from the diffuser. The EPA has *revised the Alyeska Seafoods permit at Section I.F.2.a* to incorporate the State-authorized mixing zone for Alyeska Seafoods’ Discharge 001.

Comment: Trident Seafoods comments that “week” should be replaced with “month” in the sentence beginning “The annual report shall...” The current permit reads month and there is no discernable advantage we can decipher for changing the presentation of the information to a weekly format. It would require considerably more effort to produce in this format. (Section I.F.3)

Response: The EPA agrees that the date and time of monitoring are sufficient and that the week is unnecessary. The EPA has *revised the permits* to replace “week” with “month.”

Comment: Alyeska Seafoods comments that its multiport diffuser extends 150 ft in length from a depth of -50 ft to -60 ft MLLW. The repositioning and rebuilding of the diffuser is a costly modification. Alyeska Seafoods requests that EPA reconsider the proposed condition in view of this expense and remove the -60 ft MLLW requirement. (Section I.F.4)

Response: In consideration of the nature, environmental result, and terminal depth of the diffuser at -60 ft MLLW, EPA finds that Alyeska Seafoods’ outfall diffuser meets the intent of the permit condition to protect the quality of the receiving water. The EPA has *revised the Alyeska Seafoods permit* to authorize the historic location and depth of Alyeska Seafoods’ Discharge 001.

Comment: UniSea comments that the draft permit requires that non-contact wastewater must be discharged at mean lower low water (hereafter, “MLLW”) or deeper. This waste stream is currently being discharged above MLLW and no deleterious impact has been noted to date. It is estimated that it would cost \$50,000 to make the necessary structural modifications for compliance with this permit condition. UniSea requests that this requirement be removed from the permit. (Section I.F.4 ¹ or I.I.4 ²)

Response: The EPA has reconsidered the proposed permit requirement in view of the permittee’s report that (1) the discharge does not create persistent foam and (2) the extension of the outfall will cost \$50,000. The EPA has reviewed the sea surface monitoring reports of UniSea, Alyeska Seafoods and Trident Seafoods to confirm that the discharges do not cause the formation of persistent foam on the receiving water. The EPA relies upon the permittee’s estimates of the costs of extending outfall pipes and upgrading pump pressure. The EPA has *revised the permits* to allow discharges of non-contact wastewaters at a height of three feet or less above high water.

Comment: Trident Seafoods comments that the sanitary wastewater outfall should have a mixing zone as described in the Fact Sheet. (Section I.I.2)

Response: The EPA has *revised the permit* to incorporate ADEC’s specific authorization of a mixing zone.

Comment: Trident Seafoods comments that not all utilidors discharge at MLLW or deeper. It would like to continue its historic discharges through utilidors off the dock face approximately two feet above the sea surface. (Section I.F.4 ¹ or I.I.4 ²)

Response: The EPA recognizes the difficulty and expense of installing and extending pipes for the concrete discharge raceways that exit the facility as open utilidors with bar-grates. The EPA has *revised the permits* to require that non-contact wastewater outfalls discharge no more than three feet above high water.

Comment: Trident Seafoods comments that its ADEC C-Plan and US Coast Guard/US EPA Facility Response Plan specify that it call ADEC at (907) 269-3063 or (800) 478-9300 and call the Coast Guard’s National Response Center at (800) 424-8802 or the Dutch Harbor number of (907) 581-3466. The numbers given in the draft permit are the Juneau Office of the Coast Guard and the 800 number for ADEC. Both of these are good numbers for after-hours reports, but are less useful than the telephone numbers we have for reports during office hours. The 800 number given for ADEC is, in fact, a number manned by the Alaska State Troopers, and there will be a delay in the report to ADEC if this number is called. The draft permit should be revised to simply state that we should “immediately notify the U.S. Coast Guard and ADEC as is required in the facility’s “Oil Spill Response Plan.” (Section I.F.5 ¹ or I.I.5 ²)

Response: The EPA recognizes that telephone numbers can change and accepts the permittees' suggestion that the permits simply state that the permittee shall immediately notify the U.S. Coast Guard and ADEC. The EPA has *revised the permits* to require notification of proper federal and state authorities as required in a facility's "Oil Spill Response Plan."

Comment: Trident Seafoods comments that the permit needs to include a statement clarifying that the BMP plan is not required to address the accidental discharge of petroleum products already regulated under the facility's "Oil Spill Response Plan." (Section II.A)

Response: The EPA agrees that a facility's "Oil Spill Response Plan" can be referenced in lieu of including this same text addressing petroleum hydrocarbons in the facility's BMP plan, so long as the "Oil Spill Response Plan" is present and available at the facility. The EPA has *revised the permits* to provide for cross-referencing the "Oil Spill Response Plan" within a BMP plan.

Comment: Alyeska Seafoods, UniSea and Trident Seafoods comment that the effects of pH should be minimized rather than the pollutant itself and requests that EPA correct and clarify the condition. (Section II.A.1)

Response: The EPA agrees that the language of the draft permits can be improved to clarify the intent to control the effect of the discharge of pH upon the receiving water quality. The EPA has *revised the permits* to eliminate pH from the list of pollutants to be minimized.

Comment: Alyeska Seafoods, UniSea and Trident Seafoods comment that the estimated discharge should not be calculated as the raw product minus the finished product when fish meal is one of the finished products in this calculation. The permittees request that the parenthetical explanation of the calculation be eliminated. (Section III.B.3.d-e)

Response: The EPA agrees that the parenthetical explanation is inappropriate for seafood processing facilities with meal reduction capabilities. The EPA has *revised the permits* to eliminate the parenthetical explanation.

Comment: Alyeska Seafoods comments that discharges of seafood processing wastewater do not adversely affect the threatened Steller's eider and requests the removal of all conditions pertaining to Steller's eiders from the permit. (Sections III.B.4, IV.B.2.a(3), IV.B.2.c, IV.B.5 and Attachment A)

Response: The FWS' study of Steller's eider distributions in Unalaska Bay has indicated that Steller's eiders will leave the immediate vicinity of seafood processing outfalls when

effluent discharges commence and will return to these areas when the discharges end. It is the opinion of FWS biologists that Steller's eiders are, at a minimum, displaced by active discharges of seafood processing effluents. Since the Alaskan population of Steller's eiders is listed as a threatened species under the ESA, FWS has provided terms and conditions in its biological opinion pertaining to this federal permit action. The EPA has incorporated appropriate monitoring requirements and other conditions into the NPDES permits for seafood processors in Unalaska and Akutan, both of which have large documented over-wintering populations of Steller's eiders. The EPA has determined that *no change in the permits* is necessary on the basis of this comment. The EPA notes that the permittees may negotiate with FWS to undertake independent study of the effect of seafood processing discharges on Steller's eiders at their facilities in lieu of a FWS study.

Comment: UniSea, Alyeska Seafoods and Trident Seafoods comment that the draft permit requires that the dive survey include surveying the waste pile down to ½" in thickness. Upon consultation with the professional diver who services the seafood industry for dive surveys, he advised that this will result in erroneous waste pile size determinations. He advised that 10 cm (approximately four inches) is the pile thickness that will result in the estimation of waste pile size that is scientifically defensible. UniSea requests that the ½" thickness requirement be removed. (Section IV.A.1.a)

Response: The purpose of the such seafloor monitoring is to assess the impact area within which deposition exceeds the AWQS for the deposition of residues (i.e., no deposit). The EPA believes that it is important to develop assessments of the area of seafloor that does not meet the State's standard for residues. The permits therefore provide that the monitoring of waste deposits on the seafloor shall include an assessment of the areas of the waste pile that are (1) thicker than ten centimeters and (2) thicker than one-half inch. The lateral distance between the ten centimeter deposit and the one-half inch deposit may, in some depositional areas, extend from 10 to 30 radial feet, amounting to 30% or more of the total deposit of offal. This apron of thin deposition is more important in view of the increases in pollock processing demonstrated in Figures 1 and 2 (above). The EPA will maintain its requirement that the area of waste deposits shall be measured out to a depositional thickness of one-half inch in spite of the difficulty and uncertainty of this level of detection. The EPA has determined that *no changes in the permits* are necessary on the basis of this comment.

Comment: Alyeska Seafoods comments that the seafloor monitoring program should be focused upon determining compliance with the area of deposition of residues rather than the thickness, volume and effects of the deposition. Monitoring of characteristics beyond the area of the waste pile significantly increases the expense of seafloor monitoring and, in particular, the observation and characterization of marine life extends beyond the ability of Alaska's divers. Alyeska Seafoods requests that the requirement to measure the thickness and volume of the offal deposit and its effects on marine life be removed from the permit. (Section IV.A.2)

Response: The EPA has designed a seafloor monitoring program that measures the area of burial of the bottom, the volume of a waste pile of decomposing offal, the tapering of a waste pile at its periphery, and the gross effects of the decomposing offal on marine life in the seafloor adjacent to an offal waste pile. The EPA believes that understanding these aspects the piles of decomposing seafood processing waste residues is necessary in the application of the AWQS for residues which provides that there shall be no deposit of residues on the seafloor. The EPA also believes that understanding these aspects of seafood processing waste piles is valuable to environmental protection and that developing such estimations and elementary biological information is reasonable given the impact of offal waste piles on the marine environment. Alaska has technical divers who are capable of making informative observations of the limited number of large fish and invertebrates that are found on the seafloor around seafood processing outfalls; EPA expects its permittees to utilize technical divers in seafloor monitoring. Regardless of a diver's ability to identify marine life to the genus or species level, all divers conducting a survey of seafood processing deposits can take identification-photographs of organisms observed on, above and around the deposit. The EPA has determined that *no change in the permits* is necessary on the basis of this comment.

Comment: Alyeska Seafoods comments that the purpose of seafloor monitoring is to determine the measure of their offal deposit's compliance with a zone of deposit issued by the State. Please clarify if this compliance survey is for new deposition under the 2002 reissuance of the permit or inclusive of the total offal deposit, including historic waste piles from previously permitted discharges as well as the new deposition. (Section IV.A.2)

Response: The ADEC has not authorized a zone of deposit for the discharge of seafood processing residues under these permits. Nonetheless, the permits require the survey of deposits of seafood processing waste residues discharged by a facility in support of the AWQS. Both government and commercial divers who monitor the deposition of offal on the seafloor indicate that it is difficult to precisely distinguish between discharges of settleable solids seafood processing wastes and seafloor sediments and between new and old screened offal discharges. Hence, the seafloor surveys required in the current permit reissuances do not provide for a distinction between new and old offal deposits. Permittees, however, may request that their divers make distinctions between new and old deposition of settleable solids seafood processing waste residues where possible and support their observations with a photographic record. The EPA has determined that *no change in the permit* is necessary on the basis of this comment

Comment: Alyeska Seafoods comments that bi-annual can be misunderstood to mean twice per year rather than every two years and suggests that the frequency of such monitoring be clarified as during the second and fourth year of the permit. (Section IV.A.2)

Response: The EPA intends that the seafloor surveys of seafood processors that apply screening treatment to all of their seafood processing residue discharge shall conduct

surveys every other year. The EPA has *revised the permits at Section IV.A.2* to clarify the frequency of seafloor monitoring.

Comment: Trident Seafoods comments that Trident personnel do not have the knowledge or ability to exercise oversight of the diver's compliance with OSHA requirements. Trident would expose itself to significant liability if any accident could be attributed to an employee's erroneous interpretation of the Occupational Safety and Health Administration's (hereafter, "OSHA") regulations. Trident should be required only to notify their divers that they need to meet OSHA safety requirements. (Section IV.A.4)

Response: The EPA agrees that a seafood processor's obligation to the safe conduct of its diver-based seafloor surveys is limited to notifying the divers that surveys at its facility must be conducted in accordance with the safety requirements specified for such work by OSHA. A seafood processor should meet this obligation by informing any contracted diver verbally, in writing and through the contractual agreement for services of his or her obligation to conduct seafloor surveys on behalf of the permittee and its facility in accordance with OSHA regulations for diving. The EPA has *revised the permits* to reflect the permittee's obligation to notify its contracted divers of the need to comply with appropriate OSHA regulations.

Comment: Alyeska Seafoods comments that the requirement for an assessment of the far-field effects of the seafood processing waste discharges should be removed as there is no compliance basis for the measurement of organic enrichment around the outfall. What is the compliance benefit of knowing the sediment physicochemistry and structure, and the diversity and health of the infaunal community of the far-field area? Even if differences are found, there would be no way to determine the cause of these changes; whether caused by one processor or another, shore-based processors or processors anchored in the bay, or even by natural conditions. We request that the entire section pertaining to the study of far-field seafloor effects be removed from the permit. (Section IV.A.9)

Response: The EPA notes that south Unalaska Bay and Akutan Harbor were included on the State of Alaska's Clean Water Act § 303(d) list [hereafter, 303(d) list] of impaired water bodies and that assessments of total maximum daily load (hereafter, "TMDL") were completed to provide a basis for the recovery of the water body. South Unalaska Bay and Akutan Harbor remain water bodies of concern meriting monitoring, in this case, of the effects of discharges of seafood processing residues from three of the state's and the nation's largest seafood processors. The far-field seafloor study is necessary to evaluate the potential effects of the settlement of seafood processing residues outside of the immediate vicinity of the outfall. The far-field seafloor study conducted to date has suggested that the seafloor may be affected at a distance of one-quarter mile and does not appear to be affected at a distance of one mile. Some of data collected at the intermediate stations was indeterminate due to lost samples and atypical station depths. This potential for far-field deposition and degradation is greater with the increases in

pollock processing demonstrated in Figures 1 and 2 (above). The EPA looks to the forthcoming studies as further establishing the impacts of seafood processing discharges on the seafloor and its benthic communities beyond the visible edge of offal wastepiles. The EPA has determined that *no changes in the permits* are necessary on the basis of these comments.

Comment: Trident Seafoods comments that there is no definition of the meaning of “during the facility’s operation and discharge.” One might assume that this would relate to only times of processing, as the former permit did, but since the sewage treatment plant and some of the non-contact condenser and cooling wastewater discharge 365 days a year, another interpretation might be that this monitoring should be done year-round. Clarify by specifying the discharge of “seafood waste.” (Section IV.B.2.a-b)

Response: The EPA notes that the monitoring of the sea surface and shoreline is intended to insure that seafood processing residues do not collect on either the sea surface or shoreline. The EPA agrees that this intention can be clarified by establishing that such monitoring is limited to periods of seafood processing and concomitant discharge. The EPA has *revised the permits* to specify that sea surface and shoreline monitoring for residues is a requirement applicable only to those times when a permitted facility is processing

Comment: Alyeska Seafoods comments that there should be no required monitoring around its docks and piers as its seafood processing wastes are discharged only through Outfall 001 in south Unalaska Bay. (Section IV.B.2.a)

Response: The EPA holds a permittee responsible for the discharge or spill of pollutants at a permitted facility that may violate the AWQS. In the case of seafood processing facilities, EPA is particularly concerned about the discharge of the floating, suspended, settleable and beached residues at its discharge outfall and adjacent its docks and piers. The EPA has therefore provided for monitoring of the sea surface and sea shore around a permitted seafood processing facility and its various discharge portals. The EPA has determined that *no change in the permits* is necessary on the basis of this comment.

Comment: Alyeska Seafoods comments that monitoring frequency is listed twice in the condition pertaining to modification of the sea surface monitoring program and should be corrected for redundancy. (Section IV.B.7)

Response: The EPA has *revised the permits at Section IV.B.7* to eliminate redundancy and to clarify the condition.

Comment: Alyeska Seafoods comments that the AWQS applicable to south Unalaska Bay are “*coastal*” marine rather than “*estuarine*” marine and that the criterium for dissolved oxygen (hereafter, “D.O.”) should be 4 mg/L rather than 5 mg/L. (Section IV.C and IV.C.4)

Response: The AWQS for dissolved oxygen to protect the beneficial use of seafood processing in coastal marine waters below one meter depth is 5 mg/L D.O. The AWQS for estuarine marine waters is also 5 mg/L D.O. The criterion of 5 mg/L D.O. remains. However, EPA has found that its characterization of south Unalaska Bay as a fjord-type estuary has created unnecessary disagreement. The EPA has *revised the permits* to eliminate the characterization of the receiving waters as either estuarine or coastal marine waters.

Comment: Alyeska Seafoods requests that the sampling frequency for ambient water quality monitoring be changed from weekly to twice monthly. Of over 20,000 data points collected during the ambient water quality of the last five years, 100% of its measurements of ambient dissolved oxygen concentrations have been above 6 mg/L. This historic data suggests that water quality is being protected and that the expensive and time-consuming ambient monitoring should be reduced. Alyeska Seafoods notes that provision is made in the permit for an increase in the frequency of monitoring and that this could be tied to a specific threshold measurement, such as a D.O. level of less than 6 mg/L, for a reduction in the frequency of monitoring to every two weeks if the ambient D.O. level is 6 mg/L or greater.

Response: EPA recognizes that ambient water quality monitoring is an expensive and time-consuming activity. Alyeska Seafoods' and UniSea's combined ambient water quality data for 1995-2001 indicate that more than 99.8% of the D.O. measurements for south Unalaska Bay meet or exceed the AWQS. The EPA agrees that the frequency of monitoring D.O. in the receiving water can be reduced to every other week.

The EPA also believes that the level of monitoring can be reduced by decreasing the total number of monitoring stations within south Unalaska Bay. The EPA believes that the two major dischargers could collaborate to develop and conduct a single, integrated ambient water quality monitoring program that meets the requirements of each permittee's NPDES permit. The EPA encourages UniSea and Alyeska Seafoods to work together towards this end and their mutual benefit. The EPA has *revised the permits* to provide appropriate changes in the ambient water quality monitoring programs of the facilities.

Comment: Alyeska Seafoods comments that the ambient water quality monitoring includes parameters listed as D.O., temperature, salinity, density, and depth. The purpose and objectives seek to study the effects of seafood processing on D.O. and temperature only. Alyeska Seafoods requests the removal of salinity and density from the measured parameters. (Section IV.C.1.b)

Response: It is essential to determine the density structure of the water column if we are to understand the underlying basis for the distribution of D.O. concentrations in the receiving water. Temperature and salinity provide the basis for the density structure of the seawater and are therefore collected along with density. To the best of EPA's knowledge, the modern field equipment available for monitoring water quality profiles is an instrument

array that measures the standard oceanographic parameters of temperature, salinity, density, depth and dissolved oxygen. The EPA has determined that *no change in the permit* is necessary on the basis of this comment.

Comment: UniSea comments that the draft permit requires that bay monitoring for exceedances in D.O. and temperature be reported. UniSea does not believe that it is possible to determine temperature exceedances since it is not possible to determine what the ambient temperature would normally be for every monitored location. (Section IV.C.1.c)

Response: The EPA agrees that it is inappropriate to require the permittee to interpret its ambient temperature monitoring data in the context of the AWQS that is presented as a weekly average temperature and a maximum hourly rate of change in temperature. It is sufficient that the permittees monitor, record and report the data. The EPA has *revised the permits* to eliminate the reporting of noncompliance with the AWQS for temperature.

Comment: Alyeska Seafoods, Trident Seafoods and UniSea comment that the requirement for a four-week summer study and a one-week winter study of “potential” temperature effects of non-contact cooling water discharges is unnecessary. It is unlikely that the discharge will violate temperature limitations outside of the mixing zone. (Section IV.C.2.b)

Response: EPA agrees that a summer study of the potential temperature effects of the non-contact cooling water discharge should be sufficient to demonstrate the extent of its effect on the receiving water. Alyeska Seafoods, Trident Seafoods-Akutan, and UniSea conducted temperature effect studies of non-contact cooling water discharges and reported negligible effects on the receiving waters at distances greater than 30 ft from the outfalls, well within the mixing zones authorized by ADEC. The EPA has *revised the permits* to eliminate the ambient monitoring of non-contact cooling water discharges.

Comment: Alyeska Seafoods and UniSea comment that an annual petroleum spill summary report is not appropriate for their facilities because there is no refueling conducted at their dock or piers and requests that the requirement be removed from the permits. (Section IV.D)

Response: The EPA agrees that the daily monitoring of refueling activities and potential spills is unnecessary at a seafood processor which does not refuel vessels at its facility and does not allow private vendors to refuel vessels at its facility. The EPA does hold a permitted seafood processing facility responsible for reporting oil spills in waters belonging to the citizens of the State of Alaska that are adjacent to the facility and that occur in association with the operation of a vessel which is approaching, secured to, or leaving the facility. The EPA *has revised the Alyeska Seafoods and UniSea permits* to require the monitoring of petroleum sheens and spills occurring adjacent to a permitted

seafood processing facility in association with vessels that are either in the process of docking or are moored at the facility.

Comment: Alyeska Seafoods comments that the references to ambient sediment monitoring and sediment compositing are unclear and requests that these requirements be removed from the permit. (Section V.B.2.c)

Response: The EPA agrees that the language of the requirement is unclear. EPA *has revised the permits* to require that the QAP specify procedures combine sediment samples as composite samples in a case where compositing occurs.

Comment: Trident Seafoods comments that it should not have to notify EPA and ADEC of any changes to the processing line unless such changes would result in an increase in the level of pollutants discharged. (Section VII.H)

Response: The EPA is concerned with the nature, amount and location of all discharges at the facility; it is also concerned with process changes as they affect such discharges. The EPA has determined that *no change in the permit* is necessary on the basis of this comment.

Comment: Alyeska Seafoods comments that there is no reason to believe that there may be adverse effects by seafood processing wastewater on or to collect information on threatened and endangered species around the discharges of this wastewater. Alyeska Seafoods requests that all permit conditions pertaining to threatened or endangered species be removed. (Attachment A and Sections IV.B.1, IV.B.2.a(3), IV.B.2.c, and IV.B.5)

Response: The FWS has observed that Steller's eiders avoid active discharges of seafood processing wastes. In other parts of Alaska, FWS and tribal biologists have observed and verified that sea otters are attracted to and feed on seafood processing wastes discharges, and that some of these sea otters become sick and die as a consequence of these discharges. Scientists, seamen and citizens alike have observed that Steller sea lions are attracted to both seafood processing discharges and discards of seafood and seafood offal from vessels. The EPA agrees with other interested agencies and citizens that it is valuable to record general observations of the interactions of marine species listed as threatened and endangered with seafood processing wastes. The EPA has determined that *no change in the permits* is necessary on the basis of this comment.

Comment: Trident Seafoods objects to the requirement to the seabird monitoring requirements. Though field observations of endangered species in remote locations may appear to have merit on paper, the reality is that species-identifications by non-specialists would be nearly worthless. There are at least 158 species of birds that could be called seabirds (including eagles) in the Southwestern Alaskan region, and 74 of these species are identified as commonly found. Differences in coloration due to sex, stage of life, or breeding cycle can cause confusion even for experts. We believe that this requirement

would require considerable time and expense and produce questionable data.
(Attachment A, condition 3)

Response: The EPA understands the permittee's concerns regarding the amount of time and effort and the degree of expertise required to conduct a meaningful survey of Steller's eiders and other sea ducks and sea birds. In consideration of the difficulty in identifying sea birds as to type from a distance, *EPA has revised the permit* to limit the extent of the weekly survey to within a 300 ft radius of the facility and its outfalls. The permits require a weekly survey that should take no more than one hour per week for a total of no more than 52 hours per year. Considering that this seabird survey can be conducted in conjunction with other monitoring of the sea surface and shoreline, EPA finds no reasonable basis for eliminating a permit condition developed by the FWS pursuant to its authority under ESA.

Comment: Alyeska Seafoods and UniSea comment that some conditions of Attachment A are not appropriate since their facilities doesn't refuel fishing vessels; these vessels refuel at the docks of one of the several fuel suppliers in the area. These conditions should be removed. (Attachment A, conditions 3, 5 and 6)

Response: Under the condition that refueling does not occur at the Alyeska Seafoods and UniSea seafood processing facilities, EPA agrees that conditions 3, 5 and 6 of Attachment A do not apply to these permitted facilities. The EPA *has revised the Alyeska Seafoods and UniSea permits* to prohibit refueling of vessels at this facility and to eliminate the conditions in Attachment A that pertain to refueling at the permitted facility.

Comment: UniSea, Alyeska Seafoods and Trident Seafoods comment that condition 4 of Attachment A, requiring the contribution of \$5,000/yr toward a study of the spatial effects of seafood processing effluent plumes on the distribution of Steller's eiders, is arbitrary, capricious, and inappropriate and should be removed from the permit. The ADEC does not believe that requiring funds from the permittees for additional studies beyond the observations of Steller's eiders and Steller sea lions in the sea surface monitoring is within the scope of NPDES permits. (Attachment A, condition 4)

Response: The EPA *has revised the Alyeska Seafoods and UniSea permits* to eliminate the requirement that each facility contribute to the study of the effects of their pollution discharges on Steller's eiders.

