

**Department of Environmental Conservation
Response to Comments**

For

**Proposed Modification #2 of the Onshore Seafood
Processors in Alaska General Permit**

APDES Permit No. AKG521000

Public Noticed December 13, 2023 – January 24, 2024



**Alaska Department of Environmental Conservation
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, AK 99501**

1 Introduction

1.1 Summary of Facility / Permit

The Alaska Department of Environmental Conservation (DEC or the Department) proposed to issue an Alaska Pollutant Discharge Elimination System (APDES) general permit modification #2 to the AKG521000 Onshore Seafood General Permit. The AKG521000 general permit provides coverage to operator(s) or owner(s) of onshore seafood processing facilities located in Alaska that discharge seafood processing waste and wastewater to waters of the U.S. The permit authorizes discharges to receiving waters statewide.

In order to ensure protection of water quality and human health, the permit places limits on the types and amounts of pollutants that can be discharged from these facilities, outlines best management practices (BMPs) to which the facility must adhere, and requires effluent and receiving water monitoring. Applicants may request mixing zones larger than the general permit defined standard 100-foot mixing zone for each outfall. Applicants may also request up to a 1.0 acre (43,560 sq. ft.) zone of deposit (ZOD) to allow deposits of seafood residues in marine and estuarine waters.

1.2 Opportunities for Public Participation

DEC proposed to issue an APDES general permit modification #2 to the *Onshore Seafood Processors in Alaska General Permit*. To ensure public, agency, and tribal notification and opportunities for participation, the Department:

- notified potentially affected tribes and local governments that the Department would be working on this permit modification via letter, fax, and/or email on December 13, 2023.
- formally published public notice of the draft permit on December 23, 2023, in the Anchorage Daily News and the Juneau Empire, and posted the public notice on the Department's public notice web page.
- sent email notifications via the APDES Program Listserv when the draft permit was available for review.

The Department received one set of comments from Perkins Coie, on behalf of the seafood industry, in support of the proposed modification #2. The Department requested comment from the Department of Natural Resources (DNR), the Alaska Department of Fish and Game (ADF&G), the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the U.S. Environmental Protection Agency (EPA). The Department received one set of comments from the EPA.

This document summarizes the comments submitted and the justification for any action taken or not taken by DEC in response to the comments.

1.3 Final Permit

The Department has acknowledged and evaluated both sets of comments received (both in support and opposition to the permit modification #2) permit and has determined not to pursue issuing the modification #2 of the AKG521000 General Permit.

2 Comment Summary

2.1 Comment Summary

Comment was received stating that 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. The comment further states that ADEC proposed this change without conducting the required anti-backsliding analysis to determine whether the less stringent limit is authorized by law.

Response:

The Department has acknowledged and evaluated the information provided in this comment and has determined that the Department will not further pursue issuing modification #2 to the AKG521000 General Permit.