

**Department of Environmental Conservation Response to
Comments**

For

**Authorization to Discharge under the
Offshore Seafood Processors Wastewater Discharge
General Permit**

Pearl Bay Seafoods Glacier Bay Processing Vessel

APDES Permit No. AKG523087

Public Noticed December 14, 2020 – January 15, 2021

January 21, 2021



**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) proposes to re-issue an authorization under the Alaska Pollutant Discharge Elimination System (APDES) statewide general permit AKG523000 to Pearl Bay Seafoods Glacier Bay Offshore Processing Vessel, permit AKG523087. The permit authorizes the discharge of seafood processing waste and other covered discharges under the AKG523000 General Permit, including a 100 foot standard mixing zone to the Excluded Areas as listed in Permit Part 1.4.

As allowed under AKG523000 General Permit Part 1.8, a permittee may request to discharge to Excluded Area(s) listed in Permit Part 1.4.1 – 1.4.5. Pearl Bay Seafoods submitted an updated application on December 8, 2020 to discharge to a number of Excluded Areas as allowed by the permit, which are listed in the final authorization to discharge and the previous Public Notice issued December 14, 2020. The authorization to discharge was publicly noticed from December 14, 2020 – January 15, 2021.

1.2 Opportunities for Public Participation

The Department proposed to re-issue an authorization to discharge to Pearl Bay Seafoods Glacier Bay Processing Vessel under the Alaska Pollutant Discharge Elimination System (APDES) wastewater discharge general permit, *Offshore Seafood Processors Wastewater Discharge General Permit*, permit AKG523087. To ensure public, agency, and tribal notification and opportunities for participation the Department:

- posted a preliminary draft of the authorization on-line for a 30-day public review beginning on December 14, 2020, and
- posted the final permit and Response to Comments documents on-line for review on January 21, 2021.

During the Public Review period, the Department received four comments from the United States Environmental Protection Agency (EPA) on the draft authorization.

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 Authorization

The final authorization was adopted by the Department on January 21, 2021. There was one change to the publically noticed authorization package. The change is identified in the response to comments and reflected in the authorization's final NOI package.

2 General Permit Authorization

2.1 Comment Summary

The comments are listed below in the order that they were received.

Comment 1

Section VIII of the NOI identifies the discharges occur from 1-3 nautical miles, yet Attachment A of the NOI lists the distance from shore to be 0.3 to 0.5 nautical mile.

Response

During the NOI review process the permittee submitted several updated versions of NOI Attachment A at the request of DEC. The final draft version of Attachment A was included in the permit portfolio with the initial version of the NOI, which caused the discrepancy. The NOI should indicate discharges may occur from shore to 1 nautical mile (nm) from shore.

The NOI has been updated to clarify the discrepancy and included in the final authorization package. There was no revision to the authorization based on this comment.

Comment 2

Does this distance have any impact for the evaluation regarding the vessel discharging close to shore in excluded areas (AK Maritime WL Refuge and Sea Otter Critical Habitat)?

Response

The proposed discharge locations in Attachment A have been evaluated by DEC and all locations are at least 0.25 nm from shore. The main regulatory implication of discharging in waters located 0.25nm to 1nm from shore under the AKG523000 General Permit is a limitation on total annual pounds of waste discharged of 3.3 million pounds per location (Part 2.1.3.1 of the AKG523000 General Permit). Permittees must also comply with Excluded Area Site-Specific Conditions listed in Part 1.8.4 of the AKG523000 General Permit.

There was no revision to the authorization based on this comment.

Comment 3

The water depths at the discharge locations identified in Attachment A of the NOI are 35 feet to 112 feet. The vessel alleges it does not operate for a duration long enough for a dive survey to be needed. Can DEC verify this through previous annual reports?

Response

The applicant provided depths of proposed discharge locations on Attachment A. DEC independently verifies the depth at each proposed location using NOAA bathymetric charts. In some cases, the depths reported on Attachment A were not consistent with the depth depicted on NOAA bathymetric charts. DEC found the depth at each proposed location to be greater than or equal to 60 feet but less than 120 feet in depth.

According to Permit Part 2.3.4, a stationary vessel discharging seafood processing waste between shore

and 3.0nm from shore to depths of less than 120 feet shall conduct a seafloor survey whenever certain conditions are met. Conditions that trigger a seafloor survey include processing at a single location for more than seven consecutive days in a calendar year, processing at a single location for more than 168 hours in a calendar year, or discharging more than 10 million pounds of seafood waste at a single location. Permit Part 2.3.4 contains a more thorough discussion of seafloor survey requirements.

The Glacier Bay Processing vessel is operated by Pearl Bay Seafoods LLC and 2019 was the first year that the Glacier Bay was operated by Pearl Bay Seafoods LLC. The Glacier Bay processing vessel did not meet conditions required for a seafloor survey, as described in Permit Part 2.3.4, according to their 2019 Annual Report.

There was no revision to the authorization based on this comment.

Comment 4

The NOI states that this vessel does not discharge its sanitary waste to a marine sanitation device – how is sanitary waste treated?

Response

The permittee reported that sanitary waste is stored in a holding tank while the vessel is processing in State Waters. The permittee also indicated that untreated sanitary waste in the holding tank is discharged more than 3nm from shore approximately once per week.

DEC does not have authority to regulate discharges that occur more than 3nm from shore per the October 31, 2008 EPA approval of the State of Alaska's application to administer the National Pollutant Discharge Elimination System (NPDES) Program.

There was no revision to the authorization based on this comment.