

**Department of Environmental Conservation
Response to Comments**

For

**Trident Seafoods – Saint Paul Facility
APDES Permit No. AK0053490**

**Public Noticed
August 30, 2024 – September 30, 2024**

October 11, 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) proposes to issue an Alaska Pollutant Discharge Elimination System (APDES) individual permit to Trident Seafoods – Saint Paul Facility for discharge of seafood processing waste and wastewater to waters of the U.S. The permit authorizes discharges to the Bering Sea. The permit is the issuance of AK0053490.

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 the facility, outlines best management practices (BMPs) to which the facility must adhere, and requires effluent and receiving water monitoring.

1.2 Opportunities for Public Participation

DEC proposed to issue an APDES wastewater discharge individual permit, *Trident Seafoods – Saint Paul Facility*. To ensure public, agency, and tribal notification and opportunities for participation, the Department:

- identified the permit on the annual Permit Issuance Plan posted online at: <https://dec.alaska.gov/water/wastewater/pip/>
- notified potentially affected tribes and local governments that the Department would be working on this permit via letter, fax, and/or email on July 30, 2024
- posted a preliminary draft of the permit online for a 10-day applicant review August 7, 2024 and notified tribes, local government(s), and other agencies
- formally published public notice of the draft permit on August 30, 2024 on the Department's public notice web page
- posted the proposed final permit online for a 5-day applicant review on October 11, 2024
- sent email notifications via the APDES Program Listserv when the preliminary draft, draft, and proposed final permits were available for review

The Department received comments from one interested party on the draft permit and supporting documents. 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 did not receive comments from any government agencies.

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 final permit was adopted by the Department on October 24, 2024. There were several changes from the public noticed permit.

2 Discharges Not Covered (Part 1.2)

2.1 Comment Summary

Comment was received requesting that waste and wastewater discharges from halibut filleting be allowed under the permit.

Response:

The Department determined that adding coverage for the requested discharge was warranted.

The incorporated revisions are specified as follows (additions are underlined).

1.2.1 Discharge of wastes and wastewaters from producing washed mince or paste; from processing ~~fillets or~~ mince from pollock, cod, or any type of finfish; from processing fillets from pollock, cod, or any type of finfish other than halibut; or from processing seafood wastes into fish oil or bone meal.

3 General Requirements (Part 1.4)

3.1 Comment Summary

Comment was received requesting that continuous flow monitoring only be required during periods of discharge.

Response:

The Department determined that the requested modification aligned with the intentions of the flow monitoring requirement.

The incorporated revisions are specified as follows (additions are underlined).

1.4.1.2 Upon installation, the permittee shall continuously measure and record the effluent flow using a flow meter and totalizer during all periods of discharge.

3.2 Comment Summary

Comment was received requesting clarification on the difference between “functional” and “at the end of its functional life” regarding outfall inspection.

Response:

The Department determined it appropriate to clarify the terminology used.

The incorporated revisions are specified as follows (additions are underlined).

1.4.3.3.2 The permittee shall ensure that cathodic protection is functional and ~~not at the end of its functional life~~ determine whether it needs to be replaced prior to the next scheduled survey in order to remain functional.

1.4.3.3.3 The permittee shall document the outfall condition and the estimated ~~the~~ remaining functional life.

3.3 Comment Summary

Comment was received requesting clarification on the margin of accuracy that should be used to determine whether an outfall has moved.

Response:

The Department determined it appropriate to clarify the margin of accuracy to be used.

The incorporated revisions are specified as follows (additions are underlined).

1.4.3.4 If the permittee identifies in a seafloor or other survey that the outfall has moved (meaning changed terminus coordinates ± 50 feet) or broken, the permittee shall cease discharging from the damaged outfall system (severed, failed, or leaking) as soon as possible, but no more than ten days past discovering the damage...

3.4 Comment Summary

Comment was received requesting that daily waste conveyance inspections only be required while the plant is operating or discharging.

Response:

The Department determined it appropriate to add the requested clarification.

The incorporated revisions are specified as follows (additions are underlined).

1.4.3.5 The permittee shall visually inspect the seafood waste treatment and conveyance system daily while operating or discharging, documenting system functionality...

3.5 Comment Summary

Comment was received requesting that the use of wastewater analysis methods that have been designated by manufacturers as “EPA-equivalent” be allowed under the permit.

Response:

The regulations at 40 CFR Part 136.6 have very specific requirements that must be met in order for methods modifications to be allowable. The Department revised the permit to note that the permittee may only use such methods if the federal regulation modification criteria are met.

The incorporated revisions are specified as follows (additions are underlined).

1.4.5.4.1 Methods which a vendor has designated as EPA-equivalent, but which EPA has not approved for use in compliance monitoring, are not acceptable methods for the monitoring required in this permit unless the permittee requests approval from the Department, by submitting the information required to show that the method meets the methods modification criteria in 40 CFR Part 136.6(b), and receives written approval.

3.6 Comment Summary

Comment was received requesting that the maximum daily discharge limitation calculation allow averaging measurements of a pollutant over the day.

Response:

The Department determined it appropriate to clarify the maximum daily discharge calculation.

The incorporated revisions are specified as follows (additions are underlined).

1.4.5.6 The permittee has the option of taking more frequent samples than are required under the permit. The permittee shall use these samples for averaging if they are conducted using the Department approved test methods (generally found in 18 AAC 70 and 40 CFR Part 136 [adopted by reference in 18 AAC 83.010]). The permittee shall include the results of any additional monitoring in the calculation and the reporting of the data submitted in the DMR (per Appendix A, Part 3.2 and 3.3). The maximum daily discharge ~~limitation shall not be applied to an average of multiple results. The permittee must report the highest test result from the reporting period as the Daily Maximum value~~ shall be determined in accordance with the definition in Appendix C.

Appendix C: Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with a limitation expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.

4 Receiving Water Quality Monitoring (Part 1.6)

4.1 Comment Summary

Comment was received requesting that the spatial scope and number of receiving water monitoring locations be reconsidered and that there be a provision added to cease monitoring for the rest of the permit term after a specified number of sampling rounds.

Response:

The Department determined it appropriate to decrease the number of sampling locations in order to balance the level of monitoring effort required and environmental protection benefits received, and to allow the permittee to propose modifying the monitoring schedule during the permit term based on adapting to results received.

The incorporated revisions are specified as follows (additions are underlined).

1.6.1 Ambient Receiving Water (ARW) Monitoring – The permittee shall collect (or record in situ), label (or record labels for), and analyze ARW sample sets as follows, for the parameters found in Table 4:

1.6.1.1 “ARW100-Outfall 001A” sampled in the Bering Sea ~~at a horizontal distance of 100 feet away from~~ directly above the outfall terminus.

1.6.1.2 “ARW500-Outfall 001A” sampled in the Bering Sea ~~at a horizontal distance of 500 feet away from the outfall terminus.~~

1.6.1.3 “ARW1000-Outfall 001A” sampled in the Bering Sea ~~at a horizontal distance of 1,000 feet away from the outfall terminus.~~

1.6.1.4 **1.6.1.2** “ARWreference-Outfall 001A” sampled in the Bering Sea at a horizontal distance of one nautical mile away from the outfall terminus.

1.6.5 The permittee may propose adapting the monitoring schedule during the permit term. The permittee must obtain written approval from the Department prior to implementing any changes to the schedule requirements in Table 4.

Table 4, footnote c: The monitoring schedule may be adapted during the permit term if approved under Part 1.6.5.

4.2 Comment Summary

Comment was received requesting that the trigger for receiving water monitoring be set at 168 hours instead of 24 hours, and that an exemption from monitoring be added for cases of extreme weather.

Response:

The Department determined that it was appropriate to continue requiring receiving water monitoring after 24 hours of processing and that the permittee should be able to find a single day when weather allows for monitoring during each of the two required monitoring periods (January – March and June – September). The permit does not specify that monitoring must take place while discharge is occurring, it can be done any time during the required monitoring periods after the 24-hour processing threshold has been reached.

No changes were made to the permit documents in response to this comment.

4.3 Comment Summary

Comment was received requesting that the coordinate accuracy for receiving water monitoring locations be changed to 50 feet from 30 feet.

Response:

The Department determined that the requested change was appropriate.

The incorporated revisions are specified as follows (additions are underlined).

1.6.4 The monitoring points shall be marked on a map clearly identifying the site coordinates in decimal degrees (reported in NAD83). The coordinate accuracy shall be at least within $\pm\text{350}$ feet. The map shall be included in the QAPP (Part 2.1).

5 Seafloor Monitoring (Part 1.7)

5.1 Comment Summary

Comment was received requesting that the phrase “prior year” be changed to “previous” to reduce confusion when seafloor surveys are not required every year.

Response:

The Department determined that the requested clarification was appropriate.

The incorporated revisions are specified as follows (additions are underlined).

1.7.6.2 Additional Seafloor Surveys are required every four years thereafter, if less than detectable seafood processing waste deposits were found in the ~~prior year's~~ most recent previously completed seafloor survey.

1.7.6.3 Annual Seafloor Surveys are required when the ~~prior year's~~ most recent previously completed seafloor survey reveals seafood processing waste deposits greater than detectable in a three-foot by three-foot square sample plot.

Table 5, Additional Seafloor Survey If no detectable seafood processing waste is found in the ~~prior year's~~ most recent previously completed seafloor survey

Table 5, Annual Seafloor Surveys If detectable seafood processing waste is found in the ~~prior year's~~ most recent previously completed seafloor survey

6 Sea Surface and Shoreline Monitoring (Part 1.8)

6.1 Comment Summary

Comment was received requesting that sea surface observation of the water above the outfall terminus location be limited to readily-visible receiving water.

Response:

The Department determined that there is technology available allowing observation and photographing of the sea surface above the outfall terminus. Other facilities which are required to do such monitoring under the APDES program have outfalls greater than 850 feet from shore.

No changes were made to the permit documents in response to this comment.

6.2 Comment Summary

Comment was received requesting clarification of shoreline areas from which the permittee is expected to conduct sea surface monitoring.

Response:

The Department determined that clarifying the permit as requested was appropriate.

The incorporated revisions are specified as follows (additions are underlined).

1.8.2.1 ...If the permittee does not own nor have legal access to waterfront areas, shoreline monitoring observations shall be made from where the permittee can observe the area of the shoreline where the facility's discharge may typically reach the shoreline.

6.3 Comment Summary

Comment was received requesting that other methods besides digital date and time stamp on the image be allowed to document the date and time of photo capture.

Response:

The Department determined that the requested clarification was appropriate.

The incorporated revisions are specified as follows (additions are underlined).

1.8.5 The permittee shall capture representative digital photographs of the sea surface monthly while seafood wastewater discharge is occurring. Photographs shall be of sufficient clarity and detail to support the observations, shall represent what was observed, and must document positive residues or discolorations observed if there were any that month. Photographs shall include a digital date and time stamp or other information verifying when the photograph was taken...

7 Best Management Practices (BMP) Plan (Part 2.2)

7.1 Comment Summary

Comment was received requesting that documents incorporated by reference in the BMP Plan be allowed to be kept in readily accessible electronic or hardcopy format.

Response:

The Department determined that the requested clarification was appropriate.

The incorporated revisions are specified as follows (additions are underlined).

2.2.4.9 BMP Plan Availability. The permittee shall maintain ~~a copy of~~ the BMP Plan (and all referenced documents) in hardcopy or in readily-available electronic format at the seafood processing facility and shall make the plan available to DEC upon request.