



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
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Seattle, Washington 98101-3140

Reply to
Attn Of: OWW-130

PRELIMINARY

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

To all interested government agencies, public groups, and individuals:

In accordance with the Environmental Protection Agency (EPA) procedures for complying with the National Environmental Policy Act (NEPA) at 40 CFR Part 6, EPA has completed an environmental review of the following proposed action:

Issuance of the National Pollutant Discharge Elimination System (NPDES) General Permit for Offshore Seafood Processors in Alaska (AK-G52-4000)

EPA ROLE AND RESPONSIBILITY

The NPDES General Permit for Offshore Seafood Processors will authorize discharges from offshore seafood processors in the waters around the State of Alaska. These offshore seafood processors are considered new sources. "New sources" are those processors whose activities occurred after the effective date of the New Source Performance Standards (NSPS). The seafood processing industry is regulated under 40 CFR Part 408 of the Effluent Guidelines Program. EPA promulgated technology-based effluent limitations, NSPS and guidelines for the catfish, crab, shrimp and tuna segments of the industry in 1974 and the fish meal, bottom fish, clam, oyster, sardine, scallops, salmon, herring and abalone segments of the industry in 1975 (40 CFR Part 408). The NSPS for Alaskan seafood processors are based on the same treatment technology as the best practicable control technology currently available (BPT) and best conventional pollutant control technology (BCT). As a "new source" NPDES permit, the General Permit for Offshore Seafood Processors in Alaska (hereafter referred to as the "offshore permit") is subject to NEPA review.

This FONSI is issued pursuant to NEPA, the Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.13 and EPA's NEPA implementing regulations at 40 CFR Part 6.206.

BACKGROUND

Section 301(a) of the Clean Water Act (CWA) provides that the discharge of pollutants to surface waters of the United States is unlawful except in accordance with a NPDES permit. EPA's regulations

authorize the issuance of general NPDES permits, as opposed to individual NPDES permits, to categories of discharges when a number of point source discharges:

- Involve the same or substantially similar types of operations
- Discharge the same types of wastes
- Are located within a geographic area
- Require the same effluent limitations
- Require the same operating conditions
- Require the same or similar monitoring requirements
- In the opinion of EPA, are more appropriately controlled under a general permit than under individual permits (40 CFR 122.28)

In July 2001, EPA issued the NPDES General Permit for seafood processors in Alaska (AK-G52-0000). The permit allows seafood processors to discharge seafood processing wastes (e.g., waste fluids, heads, organs, flesh, fins etc.) to waters of the United States in accordance with the effluent limitations, monitoring requirements and other conditions specified in the permit. The permit covered all seafood processors, regardless of their distance from shore.

NPDES permits are written for a term of five years after which the permit conditions are reviewed and a renewed permit is issued subject to any applicable regulatory changes, changes to water quality standards or changes deemed acceptable by EPA. The current Seafood General Permit (AK-G52-0000) (hereafter referred to as the “current permit”) expired July 27, 2006, and has been administratively extended.

EPA is currently proposing to issue a general permit that covers discharges from seafood processors operating at least 0.5 nautical miles (NM) from shore as delineated by mean lower low water (MLLW), hereafter referred to as “offshore facilities” or “offshore processors.” These facilities were previously covered as near-shore, offshore and at-sea dischargers under AK-G52-0000. In splitting up the facilities that were previously covered by AK-G52-0000, EPA believes that the general permit will better conform to the general permit provision of the federal regulations (40 CFR 122.28) and will allow the facilities and regulators to have a clearer understanding of what permit conditions and requirements apply to them.

PURPOSE AND NEED OF ACTION

The purpose of the proposed action is to issue a NPDES General Permit for seafood processors in Alaska operating at least 0.5 NM from shore. The offshore permit would allow offshore seafood processors (i.e. operating at least 0.5 NM from shore) to discharge seafood processing wastes into waters of the United States in accordance with the effluent limitations, monitoring requirements and other conditions set forth in the permit. The attached Environmental Assessment (EA) analyzes the potential environmental impacts associated with EPA’s proposed issuance of the offshore permit.

AGENCY PREFERRED ALTERNATIVE

EPA’s Preferred Alternative, **Alternative 1: Proposed Action**, involves the issuance of a NPDES General Permit for seafood processors in Alaska operating at least 0.5 NM from shore.

A summary of the permit conditions and provisions are discussed below. A complete description of the effluent limitations, monitoring requirements and other permit conditions can be found in the attached EA or the draft NPDES permit.

Authorized Facilities

- Operators of offshore vessels, operating and discharging “seafood processing waste” greater than 1 NM from shore at MLLW, engaged in the processing of fresh, frozen, canned, smoked, salted or pickled seafood or the processing of seafood mince, meal and other secondary products
- Operators of near-shore vessels, operating and discharging “seafood processing waste” 0.5-1 NM from shore at MLLW, engaged in the processing of fresh, frozen, canned, smoked, salted, or pickled seafood or the processing of unwashed mince, meal and other secondary products
- At-sea discharges. Shore-based processors engaged in the processing of fresh, frozen, canned, smoked, salted or pickled seafood or the processing of seafood mince, or meal and discharging “seafood processing waste” at-sea to receiving waters that are at least 1 NM from shore at MLLW via a shuttle vessel

Unauthorized Facilities

- Any operator with discharges occurring less than 0.5 NM from shore at MLLW
- Any operator which discharges seafood washed mince or paste process wastes to receiving waters between 0.5-1 NM of shore at MLLW

Authorized Discharges/Pollutants

- Seafood processing wastewater and wastes, including the waste fluids, heads, organs, flesh, fins, bones, skin, chitinous shells and stickwater produced by the conversion of aquatic animals from a raw form to a marketable form
 - a) Treatment of waste solids. Permittees must grind solid seafood processing wastes to 0.5-inch or smaller in any dimension prior to discharge. This 0.5 inch effluent requirement does not apply to (1) the calcareous shells of scallops, clams, oysters and abalones, (2) the calcareous shells (i.e., tests) of sea urchins, or (3) incidental catches of prohibited and by-catch species which are neither retained nor processed.

Total pounds discharged of by-catch and prohibited species, month(s), and location discharged to must be reported in the Annual Discharge Report per VI.B of the proposed permit and in accordance with Alaska State Statute 46.03.100.

- b) Limit on seafood processing waste residues. Between 0.5-1 NM of shore, permittees must discharge no more than 3.3 million pounds per calendar year of seafood processing waste residues (raw, unprocessed product minus finished, processed product), at a single location. A single location refers to the anchorage of a vessel within a circular area with a radius equal to 0.5 NM.
- Wash-down water, which includes EPA-approved disinfectants added to wash-down water to facilitate the removal of wastes and to maintain sanitary standards during processing or to sanitize seafood processing areas
- Sanitary wastewater must be discharged in accordance to U.S. Coast Guard regulations [33 CFR § 159] through a certified and operable Type I or Type II Marine Sanitation Device prior to discharge. EPA and/or ADEC may require monitoring to ensure Water Quality Standards (18 AAC 70) are being met in waters of the State.
- Other wastewater generated in the seafood processing operation, including, seafood catch transfer water, live tank water, refrigerated seawater, cooking water, boiler water, cooling water, refrigeration condensate, freshwater pressure relief water, clean-up water and scrubber water

All discharges must comply with Alaska Water Quality Standards [18 AAC 70] while in the waters of the State of Alaska.

Unauthorized Discharges/Pollutants

- The discharge of pollutants not specifically set out in Part II of the proposed permit and Section 2.1.3 of the EA are not authorized under the proposed permit
- The proposed permit does not authorize any discharges from facilities that (1) have not submitted a Notice of Intent and received written authorization to discharge under the proposed permit from EPA or (2) have not been notified in writing by EPA that they are covered under the proposed permit as provided for in the 40 CFR 122.28(b)(2)(vi)
- The discharge of petroleum (e.g., diesel, kerosene and gasoline) or hazardous substances into or upon the navigable waters of the U.S., adjoining shorelines, into or upon the waters of the contiguous zone which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the U.S., is prohibited under 33 U.S.C.A. 1321(b)(3). Any person in charge of a vessel, an onshore facility or an offshore facility must, as soon as (s)he has knowledge of any discharge of oil or a hazardous substances from such vessel or facility, immediately notify the U.S. Coast Guard's Command Center (1-800-478-5555) and notify the nearest DEC Area Response Team Office. Outside normal business hours call: 1-800-478-9300. During normal business hours for the central area of Alaska (Anchorage) call: 269-3063, FAX: 269-7648. For the northern area of Alaska (Fairbanks) call: 451-2121, FAX: 451-2362. For

Southeast Alaska (Juneau) call: 465-5340, FAX 465-2237. For further information, check the web site: <http://www.dec.state.ak.us/spar/spillreport.htm>.

Areas Excluded from Authorization

The proposed permit also contains various areas of exclusion where facilities are not authorized to discharge the pollutants set forth in the permit. These areas of exclusion include:

- Protected water resources, critical habitats, and special areas such as State and National Parks, National Wildlife Refuges, National Wilderness areas
- At-risk water resources and waterbodies such as areas which are less than 60 feet deep at MLLW with inadequate flushing
- Small estuarine and marine waterbodies which is defined, based upon the assumed size of the State-authorized mixing zone, as a bay or channel that is less than 2000-ft across
- Degraded waterbodies such as those listed as “impaired” in ADEC’s most current CWA § 305(b) Integrated Report or EPA-approved CWA § 303(d) list of waters
- Areas covered by other general NPDES permits

OTHER ALTERNATIVES CONSIDERED

ALTERNATIVE 2: NO ACTION ALTERNATIVE

Under alternative 2, the no action alternative, EPA would reissue the current administratively extended general NPDES permit for seafood processors in Alaska without any changes to its provisions or requirements. A complete description of the no action alternative can be found by viewing the attached EA or the current NPDES permit on-line at:

<http://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/General+NPDES+Permits> or directly at: [http://yosemite.epa.gov/R10/WATER.NSF/40db6e4de7be6d8888256c78007f8ff7/bc30f88057c7455088256c870082cd07/\\$FILE/AK-G52-0000%202001%20FP.pdf](http://yosemite.epa.gov/R10/WATER.NSF/40db6e4de7be6d8888256c78007f8ff7/bc30f88057c7455088256c870082cd07/$FILE/AK-G52-0000%202001%20FP.pdf)

MITIGATION MEASURES

EPA has included the following permit conditions as part of the draft offshore permit. These permit conditions will serve as mitigation measures to lessen the potential for adverse environmental impacts from seafood processing discharges.

- The proposed permit contains water quality- and technology-based limits and monitoring requirements that are necessary to attain state water quality standards and federal criteria. Permittees must comply with all applicable local, state, and federal codes, statutes, and regulations. The implementation of these limitations and conditions would maintain the

water quality of Alaskan waters and prevent unreasonable degradation of the environment.

- The proposed permit prohibits discharges in protected or at-risk resources and waterbodies which may be particularly susceptible to degradation, as discussed in Section 2.1.5 of the draft offshore permit.
- The proposed permit limits or prohibits discharge in areas deemed to have high significance for protecting fish and wildlife resources including waters near state sanctuaries, refuges and critical habitat areas, National Wildlife Refuges, rookeries or major haulouts of the Steller sea lion.
- Unlike the current permit, the proposed permit does not contain a provision allowing for waivers to discharge into otherwise excluded areas (i.e., National and State Parks, National Wilderness Areas and Wildlife Refuges, at-risk water resources and waterbodies, small estuarine and marine waterbodies, degraded waterbodies, etc.,).
- Unlike the current permit which established a generic 1-acre zone of deposit (ZOD) for facilities operating within 0.5-1 NM from shore, the proposed permit will only allow ADEC to authorize site-specific ZODs for facilities operating within 0.5-1 NM from shore.

SUMMARY

Based on the EA and consideration of the proposed NPDES permit conditions and mitigation measures and in accordance with the guidelines for determining the significance of proposed federal actions (40 C.F.R. 1508.27) and EPA criteria for initiating an Environmental Impact Statement (EIS) (40 C.F.R. 6.207) EPA has concluded that the proposed NPDES general permit will not result in a significant effect on the environment.

The proposed permit will not significantly affect land use patterns or population, wetlands or flood plains, threatened or endangered species, farmlands, ecologically critical areas, historic resources, air quality, water quality, noise levels, fish and wildlife resources, nor will it conflict with approved local, regional, or state land use plans or policies. The proposal also conforms to all applicable federal statutes and executive orders. As a result of these findings, EPA has determined that an EIS will not be prepared.

Comments supporting or disagreeing with this FONSI can be submitted, within 45-days of release of this FONSI, to:

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