



# Fact Sheet

The U.S. Environmental Protection Agency (EPA)  
**Proposes to Reissue**  
a National Pollutant Discharge Elimination System (NPDES) Permit  
to discharge pollutants pursuant to the provisions of  
the Clean Water Act (CWA) to:

Salish Seafoods  
Shelton, Washington

Public Comment Start Date: January 20, 2022  
Public Comment Expiration Date: February 22, 2022

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## EPA Re-Proposes NPDES Permit Reissuance

On April 26, 2021, EPA released for public comment a draft NPDES permit for Salish Seafoods. The public comment period closed on May 26, 2021. Based on comments received, and new information provided by the facility during a recent site visit, EPA has made additional changes to the draft permit and re-proposes a revised draft for public review. EPA seeks comment only on the following proposed changes:

- Clarification on the composition of the discharge;
- Addition of WQBELs and compliance schedule for chlorine for outfall 001;
- Reduction of monitoring frequency for several parameters from outfalls 001, 002, and 003 from weekly or 2/month to monthly;
- Specifications about the type of soap that may be discharged.

This Fact Sheet includes:

- Information on public comment, public hearing, and appeal procedures;
- A description of the re-proposed permit provisions;
- A map and description of the discharge location;
- Technical information supporting the re-proposed provisions.

This facility discharges to tribal waters of the Squaxin Island Tribe. The Tribe does not have Treatment as a State (TAS), so EPA is the certifying authority for the permit. Comments regarding the intent to certify should be directed to the EPA technical contact listed above.

#### Public Comment on the Re-Proposal

Because of the COVID-19 virus, access to the Region 10 EPA building is limited. Therefore, we request that all comments on the re-proposed permit or requests for a public hearing be submitted via email to [goodman.sally@epa.gov](mailto:goodman.sally@epa.gov). If you are unable to submit comments via email, please call (206) 553-0782.

Persons wishing to comment on or request a public hearing for the re-proposed permit action may do so by the expiration date of the public notice period. A request for a public hearing must state the nature of the issues to be raised as well as the requester's name, address, and telephone number. All comments should include name, address, phone number, a concise statement of the basis for a comment and relevant facts upon which it is based. All comments and requests for Public Hearings must be submitted to EPA as described in the Public Comments Section of the attached Public Notice.

After the Public Notice expires, EPA will consider all substantive comments related to the re-proposed provisions. Comments submitted previously on the initial draft permit need not be resubmitted; comments addressing permit provisions or issues beyond the scope of this re-proposal will not be considered.

EPA's Regional Director for the Water Division will make a final decision regarding permit issuance based on all comments received during both comment periods. The permit will become effective no less than 30 days after the issuance date, unless an appeal is submitted to the Environmental Appeals Board within 30 days pursuant to 40 CFR § 124.19.

#### Documents are Available for Review.

The draft and re-proposed permits, the Fact Sheets, and the Public Notices can also be found by visiting the Region 10 website at <https://www.epa.gov/npdes-permits/Washington-mpdes-permits>. Because of the COVID-19 virus and limited building access, we cannot make hard copies available.

The draft Administrative Record for this action contains any documents listed in the References section. The Administrative Record or documents from it are available electronically upon request by contacting Sally Goodman.

For technical questions regarding the Fact Sheet, contact Sally Goodman at (206) 553-0782 or [goodman.sally@epa.gov](mailto:goodman.sally@epa.gov). Services can be made available to persons with disabilities by contacting Audrey Washington at (206) 553-0523.

## **I. Description of EPA's Re-Proposal**

### **A. Background**

On April 26, 2021, EPA issued a draft permit for Salish Seafoods for public review, with a comment deadline of May 26, 2021. Since the initial comment period, EPA has further reviewed the draft permit, had follow-up conversations with the permittee, and visited the facility. Based on this additional review and comments received during the first comment period, EPA has determined that changes to the draft effluent limitations and monitoring frequencies are warranted. In addition, EPA is correcting errors in the previous Fact Sheet regarding the description of waste streams contributing to outfalls 001 and 003.

### **B. Permit Changes Subject to the Re-Proposal**

The following sections describe the changes made to the draft permit that are subject to the re-proposal.

#### **1. Characterization of the Discharge**

Conversations with the permittee via phone and during a site visit clarified the nature of the discharge from outfalls 001 and 003.

##### Outfall 001

The wastewater associated with the processing building, which discharges through outfall 001, consists of cleaning and rinse water generated during cleaning of the processing areas once shellfish processing has concluded. The cleaning/rinse water from the processing areas flows through floor drains and then through a PVC outfall pipe emanating from the processing building onto the beach before entering Peale Passage. The cleaning/rinse water includes soap and bleach. The previous fact sheet did not make clear that only water for cleaning and rinsing the processing area is discharged through outfall 001.

The processing area is divided into three shucking and packing stations, and each is cleaned separately. The cleaning solution consists of five gallons of water, 1/8 cup bleach, and a few drops (estimated to be less than one teaspoon) of soap. Soap must be biodegradable and phosphate-free, consistent with Section I.B.8 of the re-proposed draft permit. After washing down the station with the bleach and soap solution, the area is rinsed with water. Approximately 15 gallons total of bleach and soap solution are used every time the building (all three stations) is cleaned. The previous fact sheet stated that 15 gallons of bleach solution and 15 gallons of soap solution are used. The rinse water volume, which is discharged with the cleaning water, is not measured. The building is cleaned each day of operation.

Water generated during shellfish processing flows into sinks and drains to the septic system, and therefore is not a permitted discharge covered by this permit.

##### Outfall 003

The larvae tank is filled with sea water and heated to a temperature of 76 degrees Fahrenheit (°F). Oyster shells and larvae are then immersed in the larvae tanks. It takes 3 days for the larvae to adhere to the oyster shells. After

the third day, discharge from the larvae tanks occurs. This happens approximately 20 times per year during a four-month period beginning, approximately, at the end of March. During each discharge event, approximately 9,000 to 12,000 gallons of wastewater is discharged to Peale Passage. The April 2021 fact sheet stated that feed solution was a potential source of pollutants from the larvae tanks. However, the permittee clarified that no feed solution is added to the larvae tanks and, therefore feed solution is not a potential source of pollutants. This section clarifies that the only change to the seawater as a result of operations is the addition of larvae and increase in temperature. Nonetheless, the re-proposed draft permit EPA requires monitoring to fully characterize the waste stream.

## **2. Addition of an Effluent Limit and Compliance Schedule for Chlorine**

Discussion with the permittee and a site visit that had previously not been possibly due to COVID-related travel restrictions provided further clarification about the operation of the facility. Despite absence of monitoring data for chlorine, EPA has determined that a water quality-based effluent limit (WQBEL) for chlorine is warranted given the discharge of bleach.

As noted above, the cleaning solution used in the processing building consists of  $\frac{1}{8}$  cup bleach for every five gallons of water. Approximately 15 gallons of bleach and soap solution are used every time the building is cleaned. The building is cleaned each day of operation.

The WQS establish an acute criterion of  $13.0 \mu\text{g} / \text{L}$  (1-hour average), and a chronic criterion of  $7.5 \mu\text{g} / \text{L}$  (4-day average) for the protection of aquatic life. Effluent samples taken for the 2014 application did not include an analysis for TRC and ambient chlorine concentrations are not available in Peale Passage or elsewhere in Puget Sound. However, EPA assumes the ambient chlorine concentration is 0. The facility is not allocated a mixing zone, so criteria must be met at the end of pipe, meaning the dilution factor is 1. Since the criteria are developed as a 1-hour average and 4-day average, and effluent data are collected monthly and must comply with a maximum daily limit (MDL) and average monthly limit (AML), end of pipe WQBELs are slightly different than the criteria. Accordingly, EPA developed WQBELs for total residual chlorine using the Ecology Water Quality Program Permit Writer's Manual and Permit Calculations Spreadsheet (Figure 1). The resulting AML is  $8.4 \mu\text{g} / \text{L}$  and the MDL is  $12.3 \mu\text{g} / \text{L}$ .

Pollutant, CAS No. & NPDES Application Ref. No.		CHLORINE (Total Residual) 7782505	
Effluent Data	Coeff of Variation (Cv)	0.6	
Receiving Water Data	90th Percentile Conc., ug/L	0	
	Geo Mean, ug/L		
Water Quality Criteria	Aquatic Life Criteria, ug/L	Acute 13 Chronic 7.5	
	WQ Criteria for Protection of Human Health, ug/L	-	
	Metal Criteria Translator, decimal	Acute - Chronic -	
	Carcinogen?	N	

<b>Aquatic Life Limit Calculation</b>		
# of Compliance Samples Expected per month		1
LTA Coeff. Var. (CV), decimal		0.6
Permit Limit Coeff. Var. (CV), decimal		0.6
Waste Load Allocations, ug/L	Acute	13
	Chronic	7.5
Long Term Averages, ug/L	Acute	4.174081779
	Chronic	3.955750831
Limiting LTA, ug/L		3.955750831
Metal Translator or 1?		1.00
Average Monthly Limit (AML), ug/L		8.4
Maximum Daily Limit (MDL), ug/L		12.3

**Figure 1: WQBEL calculations for TRC, using Ecology’s Water Quality Program Permit Writer’s Manual and their Permit Calculations Spreadsheet.**

EPA has determined that a compliance schedule is appropriate for Salish Seafoods because the facility cannot immediately comply with the effluent limits for chlorine when the permit goes into effect after reissuance. Compliance schedules are authorized by federal NPDES regulations at 40 CFR 122.47. Compliance schedules allow a discharger to phase in, over time, compliance with WQBELs when limitations are in the permit for the first time.

The re-proposed draft permit proposes a compliance schedule for chlorine that will allow time for planning and construction to meet effluent limits. Monitoring for chlorine is required throughout the duration of the permit.

Table 1 of the permit has been revised to include the new chlorine limits (Table 2 - Outfall 001 Effluent Limitations and Monitoring Requirements, Processing Facility in this document).

The compliance schedule is included in the re-proposed draft permit as follows:

1. The permittee must achieve compliance with the chlorine limitations in Part I.B, Table 1 of the permit within five years of the effective date of the permit.
2. Until compliance with the effluent limits is achieved, at a minimum, the permittee must complete the tasks and reports listed in Table 5 of the permit (Table 1 below).

**Table 1 - Tasks Required Under the Schedule of Compliance for Chlorine for Outfall 001**

Task No.	Due By	Task Activity
1	12 months from the effective date of this permit	<p><b>Facility Plan</b></p> <p>The permittee must develop a draft facility plan that evaluates the alternative(s) to meet the final chlorine effluent limits and select a preferred alternative.</p> <p>Deliverable: The permittee must submit written notice to EPA that the plan is complete. The permittee may submit the written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0037320_Plan_43699, where YYYY_MM_DD is the date that the permittee submits the written notification.</p>
2	24 months from the effective date of this permit	<p><b>Final Design</b></p> <p>The permittee must complete design of the selected alternative to meet the chlorine effluent limits.</p> <p>Deliverable: The permittee must provide written notice to EPA that the final design is complete. The permittee may submit the written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0037320_Plan_90408, where YYYY_MM_DD is the date that the permittee submits the written notification.</p>
3	36 months from the effective date of this permit	<p><b>Begin Construction</b></p> <p>Deliverable: The permittee must provide written notice to EPA that construction of improvements to meet the chlorine effluent limits has begun. The permittee may submit the written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0037320_Construct_CS014, where YYYY_MM_DD</p>

		is the date that the permittee submits the written notification.
4	48 months from the effective date of this permit	<p><b>Report of Progress</b></p> <p>The permittee submit a report that outlines the progress towards meeting the final chlorine effluent limits.</p> <p>Deliverable: The permittee must submit report of progress EPA. The permittee may submit the report as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_ WA0037320_Progress_CS010, where YYYY_MM_DD is the date that the permittee submits the report.</p>
5	60 months from the effective date of this permit	<p><b>Construction Complete and Meet Effluent Limitations for Chlorine</b></p> <p>Construction and optimization of process such that compliance with the chlorine effluent limitations are achieved.</p> <p>Deliverable: The permittee must provide written notice to the EPA that the construction is complete and chlorine effluent limitations are achieved. The permittee may submit the written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_ WA0037320_Limits_FELAC, where YYYY_MM_DD is the date that the permittee submits the written notification.</p>
<p>*Note-if compliance with the final chlorine effluent limits is achieved sooner than the listed deadlines, the permittee may submit the supporting documentation earlier than the dates listed above. The permittee must provide written notice to EPA that the chlorine limitations are achieved.</p>		

### 3. Revisions to Monitoring Frequency for Several Parameters

In response to comments received on the initial draft permit and based on additional information gathered during the recent site visit, EPA has determined that reducing monitoring frequency for several parameters is warranted. Given the nature of the operations and the minimal introduction of pollutants, and given that the facility is a minor facility, monthly monitoring, instead of weekly or twice monthly monitoring, for several parameters is appropriate to establish a baseline dataset.

The revised monitoring requirements are found in Tables 1-3 in the re-proposed draft permit (Tables 2-4 below).

**Table 2 - Outfall 001 Effluent Limitations and Monitoring Requirements, Processing Facility**

Parameter	Units	Average Monthly	Maximum Daily	Sample Type	Sample Frequency
Effluent Flow	Gallons/day	Report	Report	Recorder	Daily
Total Suspended Solids <sup>1</sup>	lbs/day <sup>2</sup>	49.7	160.5	Grab	Weekly Monthly
	mg/L	Report	Report	Grab	Weekly Monthly
Oil & Grease <sup>1</sup>	lbs/day <sup>2</sup>	0.7	1.7	Grab	Weekly Monthly
pH <sup>1</sup>	su	Within the range of 7.0 to 8.5		Grab	Weekly Monthly
Biochemical Oxygen Demand, five day, (BOD <sub>5</sub> )	mg/L	Report	Report	Grab	Monthly
Dissolved Oxygen (DO)	mg/L	Report	Report	Grab	Monthly
Fecal Coliform	colonies/100 mL	Report <sup>3</sup>	Report	Grab	Weekly Monthly
Enterococci	colonies/100 mL	Report <sup>3</sup>	Report	Grab	Weekly Monthly
Total Residual Chlorine (TRC) <sup>4</sup>	ug/L	8.4	12.3	Grab	Monthly <sup>5</sup>
Sampling for Reapplication <sup>5</sup>					
Chemical Oxygen Demand (COD)	mg/L	---	REPORT	Grab	Annually
Total Organic Carbon (TOC)	mg/L	---	Report	Grab	Annually
Ammonia as N	mg/L	---	Report	Grab	Annually
Temperature, summer <sup>6</sup>	°C	---	Report	Grab	Annually
Temperature, winter <sup>7</sup>	°C	---	Report	Grab	Annually
<p>1. Reporting is required within 24 hours of a maximum daily limit violation. See Permit Part III.G.</p> <p>2. lbs/day must be calculated by multiplying the analysis results in mg/L by 0.00000833 then by the effluent flow for the day the sample was taken. The average monthly will be the average of all samples calculated in this manner and the maximum daily will be the largest of these individual values.</p> <p>3. The average monthly value for bacteria must be calculated as a geometric mean of the samples taken during the month.</p> <p>4. The effluent limit for chlorine goes into effect 5 years from the effective date of the permit (see compliance schedule in Permit Part II.C). Monitoring for chlorine is required upon the effective date of the permit.</p> <p>5. Sampling for TRC must occur during a discharge from a cleaning event.</p> <p>5— The annual WET sampling must occur at the same time as the annual sampling for reapplication purposes.</p> <p>6. The results of annual sampling shall be reported on the December DMR due by January 20<sup>th</sup> of each year.</p> <p>7. Summer is designated as the months May through November.</p> <p>8. Winter is designated as the months December through April.</p>					



**Table 3 - Outfall 002 Effluent Limitations and Monitoring Requirements, Trommel**

Parameter	Units	Average Monthly	Maximum Daily	Sample Type	Sample Frequency
Effluent Flow	Gallons/day	Report	Report	Recorder	Daily
Total Suspended Solids	mg/L	Report	Report	Grab	Weekly Monthly
pH <sup>1</sup>	su	Within the range of 7.0 to 8.5		Grab	Weekly Monthly
Fecal Coliform	colonies/100 mL	Report <sup>2</sup>	Report	Grab	Weekly Monthly
Enterococci	colonies/100 mL	Report <sup>2</sup>	Report	Grab	Weekly Monthly
Turbidity <sup>3</sup>	NTU	Report	Report	Grab	Monthly
Sampling for Reapplication <sup>4</sup>					
BOD <sub>5</sub>	mg/L	---	Report	Grab	Annually
COD	mg/L	---	Report	Grab	Annually
TOC	mg/L	---	Report	Grab	Annually
Ammonia as N	mg/L	---	Report	Grab	Annually
Temperature, summer <sup>5</sup>	°C	---	Report	Grab	Annually
Temperature, winter <sup>6</sup>	°C	---	Report	Grab	Annually
1. Reporting is required within 24 hours of a maximum daily limit violation. See Permit Part III.G. 2. The average monthly value for bacteria must be calculated as a geometric mean of the samples taken during the month. 3. The Permittee must also report the results for turbidity from the surface water sampling on the DMR. 4. The results of annual sampling shall be reported on the December DMR due by January 20 <sup>th</sup> of each year. 5. Summer is designated as the months May through November. 6. Winter is designated as the months December through April.					

**Table 4 - Outfall 003 Effluent Limitations and Monitoring Requirements, Larvae Tanks**

Parameter	Units	Average Monthly	Maximum Daily	Sample Type	Sample Frequency
Effluent Flow	Gallons/day	Report	Report	Recorder	Daily
Total Suspended Solids	mg/L	Report	Report	Grab	2/month Monthly
DO	mg/L	Report	Report	Grab	2/month Monthly
pH <sup>1</sup>	su	Within the range of 7.0 to 8.5		Grab	2/month Monthly
Fecal Coliform	colonies/100 mL	---	Report	2/month	2/month Monthly
Enterococci	colonies/100 mL	---	Report	2/month	2/month Monthly
Temperature	°C	Report	Report	Grab	Daily <sup>2</sup>
Turbidity <sup>3</sup>	NTU	Report	Report	Grab	Monthly
Sampling for Reapplication <sup>4</sup>					
BOD <sub>5</sub>	mg/L	---	Report	Grab	Annually

Parameter	Units	Average Monthly	Maximum Daily	Sample Type	Sample Frequency
COD	mg/L	---	Report	Grab	Annually
TOC	mg/L	---	Report	Grab	Annually
Ammonia as N	mg/L	---	Report	Grab	Annually

1. Reporting is required within 24 hours of a maximum daily limit violation. See Permit Part III.G.
2. When discharging.
3. The Permittee must also report the results for turbidity from the surface water sampling on the DMR. The same natural condition station can be used as for Outfall 002.
4. The results of annual sampling shall be reported on the December DMR due by January 20<sup>th</sup> of each year.

#### **4. Restrictions to Soap Discharge from Outfall 001**

Soap is used in the cleaning solution in the processing facility. The re-proposed draft permit specifies that soap used by the facility must be biodegradable and phosphate-free if it is present in the discharge. This requirement only applies to soaps that will be present in the wastewater discharges (Section I.B.8 of the re-proposed draft permit).

#### **5. Additional Changes**

EPA made additional changes to correct wtypos and minor errors.