

Response to Comments

Salish Seafoods (WA0037320)

March 10, 2022

Introduction

On April 26, 2021, the U.S. Environmental Protection Agency Region 10 (EPA) issued a public notice for the proposed National Pollutant Discharge Elimination System (NPDES) permit to Salish Seafoods, located within the Squaxin Island Indian Reservation in Washington. Salish Seafoods is a shellfish processing facility and hatchery on Harstine Island along Peale Passage in Puget Sound and is owned and operated by the Squaxin Island Tribe. The public comment period closed May 26, 2021. During this public comment period, EPA received comments from the Squaxin Island Tribe as the permittee.

Based on comments received, and new information provided by the facility during a site visit, EPA made additional changes to the draft permit and re-proposed a revised draft permit for public comment. EPA sought comments on the proposed changes from January 20, 2022 through February 22, 2022. No comments were received during the second public comment period.

Based on the re-proposed draft permit, EPA determined that the discharge will have *no effect* on species protected under the Endangered Species Act (ESA). Therefore, EPA has not prepared a Biological Evaluation. A memo describing the *no effect* determination is included in the Administrative Record.

When a NPDES permit is issued on Tribal Land, the Tribe is the certifying authority where the Tribe has been approved by EPA for Treatment as a State (TAS) pursuant to Clean Water Act (CWA) §518(e) and 40 CFR 131.8. Where a Tribe does not have TAS, EPA is the certifying authority. The Squaxin Island Tribe does not have TAS for the reservation. Therefore, EPA is responsible for issuing the CWA §401 certification for this permit. EPA issued a final CWA §401 certification, which is included in the Administrative Record for this permit.

Response to Comments

Comment #1

These are comments on draft NPDES Permit #WA0037320 for Salish Seafoods. I am referring to the Fact Sheet image of the Salish Seafood operation, which I have clipped and modified below to show locations of outfalls.

Outfall #1- Outfall from processing facility. Table 3 in Fact Sheet

Outfall #2- Outfall from trommel. Table 4 in Fact Sheet

Outfall #3- Outfall from larvae tanks. Table 5 in Fact Sheet

Question Mark- What is Master Land List #17?

EPA Response: EPA understands that the aerial photograph in the Fact Sheet caused confusion over the location of the outfalls. EPA clarifies that this figure was provided by Salish Seafoods as part of an amended permit application and was only intended to

provide an aerial view of the facility. This photo was taken from Tribal maps identifying status of land on the reservation; the labels on the map are not related to the permit. The outfalls are described in Part I.B of the final permit. No change was made to the permit as a result of this comment.

Comment #2

We would like three months to get up to speed on implementing this permit monitoring.

EPA Response: EPA agrees that providing time for the permittee to develop a robust monitoring plan with solid quality assurance elements is in the best interest of producing reliable and interpretable data. In consideration of this comment and the subsequent comment, EPA is providing 3.5 months until the effective date of the permit to allow the permittee sufficient time to prepare for the monitoring required by the permit.

Comment #3

We request assistance in developing monitoring plans, which especially includes comparison to similar facilities in Puget Sound and how to accomplish monitoring and compliance.

EPA Response: In separate conversations and correspondence, EPA has provided Salish Seafoods with guidance and templates for a Quality Assurance Plan and a Best Management Practices (BMP) Plan. In addition, EPA has provided Salish Seafoods with contact information for EPA staff who can provide compliance assistance on both monitoring and reporting via NetDMR once the permit is in effect. In addition, EPA is providing 3.5 months until the effective date of the permit to allow sufficient for the permittee to prepare for the monitoring required by the permit.

Comment #4

Table 1 – Request to change oil and grease to a monthly sample, due to low likelihood of encountering that pollutant in the processing facility and also high cost of processing samples.

EPA Response: EPA has modified the final permit to require oil and grease monitoring monthly. This was included in the re-proposed permit and EPA didn't receive any comments on this change during the second public notice. The change is consistent with frequency in several other shellfish processing permits.

Comment #5

Table 1 – Request to change total suspended solids (TSS) to monthly or replace with weekly turbidity measurements, due to high cost of sampling, and also our ability to estimate with turbidity as a surrogate. We can develop a relationship between TSS and turbidity.

EPA Response: TSS is an appropriate pollutant indicator for this discharge and EPA has retained the monitoring requirement for TSS in the final permit. However, EPA has modified the final permit to require TSS monitoring monthly at all outfalls. This was included in the re-proposed permit and EPA didn't receive any comments on this change during the second public notice. The change is consistent with frequency in several other shellfish processing permits.

Comment #6

Please note that for Outfalls 2 and 3, these outfalls will not be sampled when they are not operating, which is much of the year.

EPA Response: EPA confirms that the permittee is only required to monitor these outfalls when they are discharging. EPA has added notes to Tables 2 and 3 in the Permit to provide clarification.

Comment #7

We understand that for some of these pollutant parameters, we are collecting data more frequently simply to get a baseline dataset, but that we will not have to sample at high frequency in the long-term.

EPA Response: EPA confirms that many of the monitoring requirements in this permit are for the purpose of characterizing pollutants in the discharges from the three Salish Seafoods outfalls. Few data were available for the development of this permit, precluding adequate reasonable potential analyses. Additional data will significantly aid development of the next permit. That permit will impose monitoring requirements only on pollutants demonstrated to have the potential to cause or contribute to water quality impairments, not those demonstrated to have little or no risk to water quality. As discussed in the re-proposed Fact Sheet, EPA reassessed the sampling frequency and decreased it for several parameters in the re-proposed permit. EPA didn't receive any comments on these changes during the second public notice. The changes are consistent with frequency in several other shellfish processing permits.