

HABITAT COMMITTEE REPORT ON THE ENVIRONMENTAL PROTECTION AGENCY
(EPA) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL
PERMIT FOR OFFSHORE SEAFOOD PROCESSORS IN FEDERAL WATERS OFF THE
COASTS OF WASHINGTON AND OREGON
(EPA GENERAL PERMIT NO. WAG520000)

As tasked by the Council in April 2017, the Habitat Committee (HC) has prepared this update on EPA's new National Pollutant Discharge Elimination System (NPDES) General Permit program for regulating seafood processing waste from seafood processor vessels. The Council also tasked the HC with drafting a comment letter for the revised draft permit during the public comment period anticipated to occur in May.

The revised draft NPDES General Permit has been delayed while EPA undergoes a new 30-day internal review requirement imposed on all new Federal register notices. EPA anticipates the draft permit will be released in mid-June. As there is not yet a draft permit, the HC has not prepared a draft letter as the Council requested. However, EPA has reaffirmed a key provision of the permit; a seasonal, depth-based Exclusion Area. During the Habitat agenda item, the HC plans to provide detailed comments on this provision and on a monitoring/reporting provision.

To briefly recap the HC's April report to the Council, EPA's Region 10 developed a draft NPDES permit for public review in 2015, and a revised draft for state agency review under the Coastal Zone Management Act in 2016¹. The National Marine Fisheries Service conducted Endangered Species Act (ESA) Section 7 and essential fish habitat (EFH) consultations on the 2015 draft NPDES permit, and concluded that the proposed action would not likely adversely affect ESA-listed species or their critical habitat, but that it would adversely affect EFH. Comments by state and Federal agencies and academic scientists led EPA to determine that the permit needed to better reflect ocean conditions and issues off the west coast, and that additional permit conditions and limitations were warranted. The most notable provisions of the previous draft permit are (1) a coastwide seasonal, depth-based exclusion area off Washington and Oregon to avoid exacerbating hypoxic conditions in hypoxic-prone areas, (2) seabird mitigation measures to reduce seabird interactions, (3) monitoring and reporting requirements of discharged processing waste, and (4) best management practices.

EPA's public comment period will likely occur outside the Council's regular meeting schedule. The Council may wish to consider using the "fast track" process for commenting on this permit. If the Council decides to comment, the HC will be available to assist Council staff in developing the letter.

PFMC
06/01/17

¹ EPA has determined that activities under this permit are likely to affect state waters and the marine resources important to each state, and is therefore obligated to comply with Washington's and Oregon's Coastal Zone Management Programs and water quality programs under the Coastal Zone Management Act and Clean Water Act, respectively.