



Alaska Trollers Association

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August 5, 2007

Mr. John Lishman
Water Docket - Environmental Protection Agency,
Mailcode: 2822T, 1200 Pennsylvania Ave., NW.,
Washington, DC 20460
E-mail: ow-docket@epa.gov

Dear Mr. Lishman:

RE: Docket ID No. EPA-HQ-OW-2007-0483

The Alaska Trollers Association (ATA) very much appreciates EPA providing information on the recent court decision and early notice of its intent to develop a NPDES permit program under section 402 of the Clean Water Act (CWA) for discharges incidental to the normal operation of vessels.

Unfortunately, timing of the announcement makes it impossible to adequately inform the millions of small businesses and boat owners who will be impacted if NPDES permits are required for their operations. Therefore, we ask that the agency bear this in mind when assessing the number and quality of comments you receive relative to the potential impact of rulemaking.

ATA is the representative organization for the Alaska troll fleet. The fleet is 85% resident, with a large proportion living in rural communities. Trollers operate in both state and federal waters, harvesting premium quality salmon by hook and line. Product is delivered in both fresh and frozen states. There are over 2600 troll permit holders in Alaska and roughly one out of every 35 people in Southeast Alaska works on a troll vessel. Trollers are supported by a large business sector made up of processors, gear suppliers, air carriers, grocery stores, fuel suppliers, and much more. Troll vessels range in size from 16' skiffs to 60'. A typical operation is made up of a skipper and one or two deckhands. However, there are many families who also live and work aboard their vessels.

The troll fleet is heavily regulated under state, federal, and international law for everything from fisheries management to garbage disposal. Discharge permits as envisioned in your announcement would by far be the most onerous to date and could put the small boat commercial fleet out of business in short order, not to mention the chilling effect it will have on recreational boating.

As a quick example of pollution regulations already in place for small boat commercial fishermen, I have attached copies of two placards that trollers are required to post onboard, which outline their responsibilities under Marpol and the Federal Water Pollution Control Act. In addition, the attached diagram describes the proper configuration necessary to meet marine toilet and sanitation device requirements. The State of Alaska allows holds vessel owners accountable to various statutory and regulatory water quality standards.

Trollers deliver high quality wild salmon caught in Alaska's pristine waters. As such, we are cognizant of the importance of maintaining water quality and often advocate rules to protect this important resource. Rules and permits targeting specific problems make absolute sense. For instance, issuing

permits and shoring up regulation of ballast discharge for vessels that transit large distance. These vessels are the most likely sources of invasive species and/or noxious substance introduction into marine waters. However, targeting the bilge water, deck runoff, and gray water of each and every small craft in the US makes little sense. If the goal is to prevent and correct substantial problems, then the permitting process should support that mission in a common sense manner.

EPA notes in its handouts that there are more than 13 million numbered boats, vessels, and barges operating in state waters. In conversation with EPA staff, I was informed that there could be an additional 5 million unnumbered boats in operation, bringing the potential number of vessels in need of a permit to a staggering 18 million. In Alaska alone there are nearly 79,000 vessel owners who will be impacted.

Currently, EPA issues permits under the Clean Water Act for 660,000 separate operations. It is difficult to believe that the agency will be adequately staffed and funded to comply with the court's ruling if it is extended to an additional 18 million businesses and individuals. The sheer magnitude of the resources necessary to promulgate rulemaking, issue permits, monitor, and enforce this new rule is mind-numbing to envision. Surely for the vast majority of vessels there are more creative and practical solutions to any marine discharge problems that might be identified.

The following summarizes, but is likely not a complete reflection of, ATA's position on this matter:

ATA recognizes the need to ensure ballast water discharges are free from noxious substances and non-indigenous/invasive species - EPA should concentrate its permit efforts here. That said, we emphasize the need to work with those impacted on the terms of a permitting process. There is likely to be a range of circumstances and "one size fits all" might not be appropriate.

ATA opposes NPDES permitting for such things as bilge water, deck runoff, and gray water as impractical and unnecessary. Further, it such permitting would place disproportionate and unnecessary burdens on small business, with no substantial protection or benefit for water quality.

ATA opposes duplicative permit and regulatory processes within or between the state and federal government and agencies.

ATA believes that the many existing regulations governing our operations are sufficient to meet the intent and goals of the Clean Water Act.

In the event EPA must act before the Ninth Circuit Court rules on its appeal, ATA urges EPA to issue a general permit for non-ballast water related discharges. If EPA loses its appeal, we still encourage general permits wherever possible, perhaps working with the affected interests to define categories.

If EPA is ultimately bound by the court, and for some reason can't issue a general permit, we suggest a task force of interests and states be appointed, to help EPA develop a practical permit program and process that recognizes the vast differences in circumstances between the vessel classes, areas of operation, and discharge types.

ATA encourages the EPA to work in cooperation with vessel owners and whenever possible implement education instead of regulation. For instance, identifying for vessel owners those chemicals considered harmful to the marine environment and any acceptable substitutions. Or, if there are substances which can be used, but are only safe to a certain dilution, that would be helpful to know. It is likely that most vessel owners, when given information and a reasonable choice, will chose the best option for health, safety, and the environment.

Again, ATA appreciates EPA attempting to make outreach to vessel owners prior to official rulemaking. Hopefully you will advise us of the outcome of the 9th Circuit appeal. If we can be of assistance on this or other issues, please don't hesitate to call.

Best regards,

A handwritten signature in black ink that reads "Dale Kelley". The signature is written in a cursive, flowing style.

Dale Kelley
Executive Director
ata@gci.net

DISCHARGE OF OIL PROHIBITED

The Federal Water Pollution Control Act

prohibits the discharge of oil or oily waste into or upon the navigable waters of the United States, or the waters of the contiguous zone, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States, if such discharge causes a film or discoloration of the surface of the water or causes a sludge or emulsion beneath the surface of the water. Violators are subject to substantial civil penalties and/or criminal sanctions, including fines and imprisonment.



Report all discharges to the
National Response Center at 1-800-424-8802
or to your local U.S. Coast Guard office
by phone or VHF radio, Channel 16.

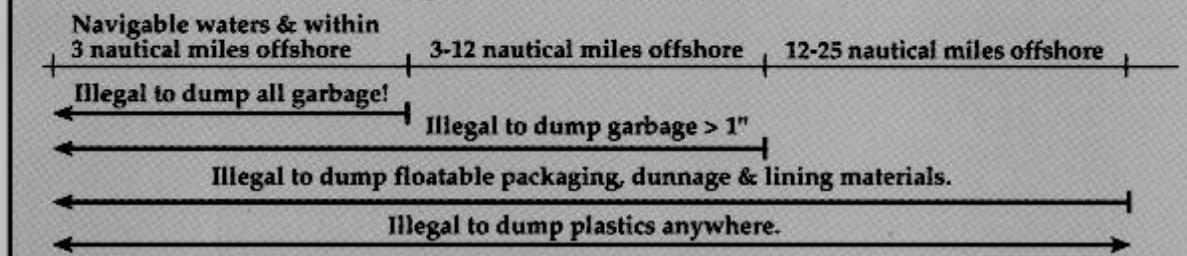


MARPOL Garbage Dumping Restrictions

Under U.S. federal law, it is illegal to discharge plastic or garbage mixed with plastic into any waters. Regional, state or local regulations may also apply. All discharge of garbage is prohibited in the Great Lakes and their connecting or tributary waters.

Violators are subject to a civil penalty of up to \$25,000, a fine of up to \$500,000, and 6 years imprisonment.

Open Ocean Restrictions



Report marine pollution incidents to the National Response Center at
1-800-424-8802 or to your local Coast Guard office by phone
or VHF radio, channel 16.

Keep our nation's waterways clean-it's the law!



MARINE TOILET AND MARINE SANITATION DEVICE (MSD)

