

EPA REGION 10
Enforcement and Compliance Assurance Division

INSPECTION REPORT

Inspection Entry Date/Time	02/12/2024 09:00 AM (PT)	Announced: No	
Inspection Exit Date/Time	02/12/2024 11:20 AM (PT)	Access: Granted	
Weather	48°F; Overcast		
Media	Water		
Statute/Programs	Clean Water Act, NPDES, Industrial		
Type of Inspection	Compliance Evaluation Inspection		
Permittee Name	Island Enterprises, Dba Salish Seafoods		
Facility Name	Salish Seafoods		
Facility Address	92 East Chapman Rd (Squaxin Island Reservation)		
City, State, Zip Code	Shelton, Washington 98584		
County	Mason		
Facility GPS Coordinates	47.21812, -122.90574		
FRS ID	110006684383		
Permit Number	WA0037320		
SIC	2092 (Fresh & Frozen Seafood Processing (pt))		
Lead Inspector:			
Raymond Andrews	EPA Region 10	andrews.raymond@epa.gov	(206) 553-4252
Supervisor Review:			
Peter Contreras	EPA Region 10	contreras.peter@epa.gov	(206) 553-6708

SECTION I – Opening Conference

I arrived at Salish Seafoods (the “Site” or “Facility”), located at 92 East Chapman Road, Shelton, Washington, at 09:00 AM (PT) on 02/12/2024 for an announced inspection. Salish Seafoods is owned and operated by the Squaxin Island Tribe on Harstine Island. I presented my inspector credentials to Mr. Rod Schuffenhauer, Operations Manager, and Ms. Erica Marbet, Water Resources Biologist, and informed them I was there to conduct an inspection of the facility to determine compliance with the Clean Water Act (CWA), and the facility’s National Pollutant Discharge Elimination System (NPDES) permit, permit # WA0037320. This report is based on information supplied by facility representatives, my direct observations, and records and reports maintained by the permittee. In addition, information gathered

prior to or after the inspection from a review of EPA, State, and/or public records may be included in this report.

Attendees

Organization	Attendee Name	Title	Present in Opening Conf.	Present in Closing Conf.
EPA REGION 10	Raymond Andrews	Lead Inspector	Yes	Yes
Salish Seafoods	Rod Schuffenhauer	Operations Manager	Yes	Yes
Squaxin Island Tribes	Erica Marbet	Water Resources Biologist	Yes	Yes
West Fork Environmental	Tais Cox	Environmental Contractor	Yes	Yes

Facility Information

Responsible official?	Rod Schuffenhauer; rschuffenhauer@salishseafoods.com
Industrial Sector?	2077 (Fresh & Frozen Seafood Processing (pt))
Type of Operation?	The facility primarily shucks and packs oysters and clams. The facility also operates oyster rearing tanks which seed oyster larvae onto oyster shells.
What is the principal product generated?	The facility primarily produces packed oysters and clams.
Does the facility discharge continuously?	When processing, the facility discharges continuously.
Are you required to report flow? If yes, how is it measured?	The facility is required to report flow. The facility measures flow using the stopwatch and 5-gallon bucket.
Is property owned or leased?	The facility is owned by the Squaxin Island Tribe.
Number of employees?	The facility maintains a staff of approximately 27 with an additional 18 seasonal workers added during peak season from April through August.
Shifts/Hours of Operations?	The facility generally operated daily from 0500 - 1400 but work schedule is occasionally adjusted due to tidal cycles.
Do you maintain any other environmental permits?	The facility does not maintain any other environmental permits. It does hold the Washington State shellfish certification.
Are there plans to make changes to the facility?	The Tribe is two years into the planning and development phase for a new facility that will replace the current building.
Do you self-monitor and keep monitoring records?	Sampling and reporting is conducted by: West Fork Environmental 2350 Mottman Road SW Tumwater, Washington 360-753-0485

Size of Facility	The facility site is about 1.3 acres. The total area is about 3.73 acres when tidal lands are included.
Number of outfalls?	The facility has three outfalls. At the time of inspection, only Outfall 001 was discharging. Outfall 001 discharges wastewater from the processing building. Outfall 002 discharges from the Rearing (Setting) Tanks. Outfall 003 discharges from the Trommel Screener.
Explain the wastewater flow path to each of the 3 outfalls.	Outfall 001 - Wastewater is collected by floor drains and flows through a pipe to Outfall 001 which discharges uphill from Peale Passage and flows downhill into the Passage. Outfall 002 – Wastewater flows from the rearing tanks into a trough which allows the water to flow downhill into Peale Passage. Outfall 003 – Wastewater is collected by a drain under the Trommel Screener and piped underground to the beach. The pipe daylights uphill of Peale Passage where the wastewater is discharged and allowed to flow downhill into the passage.
How often does the facility visually inspect outfalls?	The facility conducts monthly visual monitoring of its outfalls.
Do you use in-house or contract out for laboratory analyses? Or both?	The facility uses a contract laboratory: Vanguard Laboratory, 2635 Parkmont Lane Southwest, Unit A1 Olympia, Washington 360-967-7010 The facility does in-house analysis of dissolved oxygen (DO) and pH.
How is pH analyzed?	The contractor now conducts pH analysis in-house with a pH meter and probe. The contractor brings the pH meter on-site when conducting sampling operations. The device was unavailable for review during inspection. In December 2023 and January 2024, pH was analyzed by the contract lab.
What solid waste does the facility generate and how is disposed?	The facility recycles oyster shells by using them in the Rearing Tanks. Unusable, i.e., broken, oyster shells and clam shells are sent to the local land fill.
Training Records.	BMP Training is conducted but no records are kept. I recommended the facility start maintaining a sign-in sheet for those trainings or certificates for any formal training.

SECTION II – Observations

Location: Outfall from Rearing (Setting) Tanks

Observation #: RA1-OB-001

Date: 02/12/2024

Weather: 48F; Overcast

The rearing (setting) tanks are used to hold oyster shells so they can be seeded with oyster larvae. The tanks are filled with water by drawing it directly from Peale Passage. At no point is food or chemicals added to the rearing tanks. Once the pallets of seeded oyster shells have been removed from the tanks, the water is allowed to drain back downhill into Peale Passage.

The outfall for the rearing tanks is a shallow concrete ditch or trough.

The rearing tanks were not in operation at the time of the inspection so there was no discharge; however, due to the outfall's design, stormwater could easily mix with the process wastewater.

Photo

Outfall



Location: Outfall from Trommel Screener

Observation #: RA1-OB-002

Date: 02/12/2024

Weather: 48F; Overcast

The Trommel Screener is used to clean oyster shells prior to the shells being used in the rearing tanks to seed with oyster larvae. The Trommel was not in operation at the time of the inspection so there was no discharge. The outfall from the Trommel is a PVC pipe with about a 6-inch diameter that is primarily underground and breaks the surface near the high tide line of the beach. The mouth of the outfall was nearly completely occluded. Mr. Schuffenhauer said the outfall are cleared of debris prior to discharging.

Photo



Location: Outfall from Processing Building

Observation #: RA1-OB-003

Date: 02/12/2024

Weather: 48F; Overcast

The outfall from the processing building is a PVC pipe of about a 6-inch diameter that extends from the building under a narrow deck. The outfall discharges under the deck and the wastewater flows downhill to enter Peale Passage.

Photos



Outfall



**Outfall
Close-up**



**Downhill
Flow**

SECTION III – Records Review

Records may not be in sequential order.

Record: Other - EPA's Integrated Compliance Information System (ICIS) Database		AOC: Yes
Ref #: RA1-RR-004	Reviewed By: Raymond Andrews	Reviewed Date: 02/09/2024
Prior to the inspection, I reviewed data in EPA's ICIS database from January 2019 through December 2023. I found the facility failed to submit 16 Discharge Monitoring Reports (DMRs). A table of the missing DMRs is in Appendix 2. I found the facility has not yet implemented its Best Management Practices (BMP) Plan or provided notification of its completion and implementation to EPA and the Tribal Department of Natural Resources. The BMP Plan was due by December 28, 2022. I found the facility has not yet developed a draft facility plan that evaluates the alternatives to meet the final chlorine effluent limits and select a preferred alternative. The draft facility plan was due by July 1, 2023.		
Record: Other - Laboratory Analyses and Chain of Custody Documents		AOC: Yes
Ref #: RA1-RR-003	Reviewed By: Raymond Andrews	Reviewed Date: 02/09/2024
Prior to the inspection, I requested the facility send me copies of laboratory and chain of custody documents from the January 2019 through January 2024. The only lab reports and chain of custody documents the facility was able to send were the documents for December 2023 and January 2024. Upon review of the documents, I found the facility had the contract lab, AmTest, conduct pH analysis on the water samples for both December 2023 and January 2024. Since the facility transported the water sample to a contract lab for pH analysis, the pH could not have been analyzed within 15-minutes of sample collection.		
Record: Other - Quality Assurance (QA) Plan		AOC: No
Ref #: RA1-RR-002	Reviewed By: Raymond Andrews	Reviewed Date: 02/09/2024
Prior to the inspection, I requested the facility send me a copy of the Quality Assurance Plan (QAP). The facility sent me a copy of the QAP, dated May 25, 2023, which I reviewed prior to the inspection. I found the following issues with the QAP: 1. The QAP needed to be updated. It had conflicting contract labs named in the document. In Section A.2 of the QAP, a table shows the analytical lab responsible for water sample testing is "AmTest." In Section C.1 of the QAP, it states, "All analytical testing will be done at Dragon Analytical Laboratory." Neither of the named labs are the testing lab currently being used by the facility. 2. The QAP did not have the address or phone number for either of the labs mentioned in the QAP. The QAP is required to have contact information for the contract lab. 3. The QAP appeared to be missing a required section on precision and accuracy requirements. 4. The QAP did not contain employee training records. Mr. Schuffenhauer said employee training on BMP implementation and maintenance was conducted with new hires, but no records were kept of the specific training or individuals in attendance.		

Record: Other - Best Management Practices (BMP) Plan		AOC: Yes
Ref #: RA1-RR-001	Reviewed By: Raymond Andrews	Reviewed Date: 02/09/2024
Prior to the inspection, I requested a copy of the facility's Best Management Practices (BMP) Plan. The BMP plan I received was incomplete and marked as "Draft". I found the plan was not written in accordance with reference documents required by the permit. During the inspection, I provided the facility with electronic copies of the reference documents identified in the permit. I also provided an example of the BMP Certification section of the Plan. I gave suggestions on ways to improve the Plan and answered all questions related to my review of the Plan.		

SECTION IV – Sampling Activity

No sampling was conducted.

SECTION V – Areas of Concern

Areas of Concern may not be in sequential order.

The presentation of Area of Concern does not constitute a formal compliance determination or violation.

AOC Reference #: RA1-RR-001	Records Review: Other - Best Management Practices (BMP) Plan
Permit Requirement Part II.B.2 of the Permit states, in part, "The permittee must develop and implement a BMP Plan which achieves the objectives and the specific requirements listed below. The permittee must submit written notice to EPA and DNR that the Plan has been developed and implemented within 180 days of the effective date of the permit."	
AOC: The Plan was not implemented. The permit requires the BMP plan be developed and implemented within 180 days after the effective date of the permit. The permit became effective on July 1, 2022, so the BMP plan should have been in place by December 28, 2022. Along with being implemented within 180 days of the permit's effective date, the facility was required to notify EPA and the Squaxin Island Tribe Department of Natural Resources (DNR) the plan had been developed and implemented.	
AOC Reference #: RA1-RR-001	Records Review: Other - Best Management Practices (BMP) Plan
Permit Requirement Part II.B.4 of the Permit states, "The BMP Plan must be consistent with the objectives above and the general guidance contained in Guidance Manual for Developing Best Management Practices (EPA 833-B-93-004, October 1993) and Storm Water Management For Industrial Activities, Developing Pollution Prevention Plans and Best Management Practices (EPA 832-R-92-006) or any subsequent revision to these guidance documents. The BMP Plan must include, at a minimum, the following items: a) Plan Components. iii. Description of potential pollutant sources. iv. Risk identification and assessment. v. Standard operating procedures to achieve the above objectives and specific best management practices... vi. Reporting of BMP incidents. The reports must include a description of the circumstances leading to the incident, corrective actions taken and recommended changes to operating and maintenance practices to prevent recurrence. viii. Good housekeeping. xiv. Prior evaluation of any planned modifications to the facility to ensure that the requirements of the BMP plan are considered as part of the modifications."	

AOC:

The plan was not written in accordance with reference documents. The following sections appear to be missing from the BMP Plan:

1. description of potential pollutant sources,
2. risk identification and assessment,
3. standard operating procedures to achieve the BMP objectives,
4. reporting of BMP incidents,
5. good housekeeping, and
6. prior evaluation of any planned modifications to the facility to ensure that the requirements of the BMP plan are considered as part of the modifications.

AOC Reference #: RA1-RR-001

Records Review: Other - Best Management Practices (BMP) Plan

Permit Requirement

Part II.B.4a.ii of Permit states, the BMP Plan must include, at a minimum...Structure, functions, and procedures of the BMP Committee. The BMP Plan must establish a BMP Committee responsible for developing, implementing, and maintaining the BMP Plan."

AOC:

The section of the BMP Plan that mentions the BMP Committee does not state the structure, functions and procedures of the BMP Committee.

AOC Reference #: RA1-RR-003

Records Review: Other – Laboratory Documents

Permit Requirement

Part III.C of the Permit states, "Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless another method is required under 40 CFR subchapters N or O, or other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5."

40 CFR Part 136, Table II shows pH has a 15-minute hold time.

AOC:

The Chain of Custody documents show the December 2023 water sample was collected 8:36am on December 7th and relinquished at the lab the same day at 2:55pm. The Chain of Custody documents show the January 2024 water sample was collected on January 9th at 10:00am and relinquished at the lab on the same day at 11:25am. The laboratory analysis and Chain of Custody shows the contract lab conducted pH analysis. The Chain of Custody documents indicated pH was not analyzed within the 15-minute hold time.

AOC Reference #: RA1-RR-004

Records Review: Other - EPA's Integrated Compliance Information System (ICIS) Database

Permit Requirement Part III.B of the Permit states, "The permittee must submit monitoring data and other reports electronically using NetDMR.

1. Monitoring data must be submitted electronically to EPA no later than the 20th of the month following the completed reporting period."

AOC:

The facility failed to submit 16 Discharge Monitoring Reports (DMRs). A table of the missing DMRs is in Appendix 2.

AOC Reference #: RA1-RR-004	Records Review: Other - EPA's Integrated Compliance Information System (ICIS) Database
Permit Requirement Part II.B.2 of the Permit states, in part, "The permittee must develop and implement a BMP Plan which achieves the objectives and the specific requirements listed below. The permittee must submit written notice to EPA and DNR that the Plan has been developed and implemented within 180 days of the effective date of the permit...The permittee must implement the provisions of the plan as conditions of this permit within 180 days of the effective date of this permit."	
AOC: I found the facility had not yet implemented its Best Management Practices (BMP) Plan, which was still in draft form, or provided notification of its completion and implementation to EPA and the Tribal Department of Natural Resources. The Plan was due by December 28, 2022.	
AOC Reference #: RA1-RR-004	Records Review: Other - EPA's Integrated Compliance Information System (ICIS) Database
Permit Requirement Part II.C.2, Table 5, Task 1 of the Permit states, in part, " 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. 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." This task was due 12 months from the effective date of the permit.	
AOC: I found the facility has not yet developed a draft facility plan that evaluates the alternatives to meet the final chlorine effluent limits and select a preferred alternative. The plan was due by July 1, 2023.	

SECTION VI – Closing Conference

I held a closing conference with Facility personnel at 11:20 AM (PT) on 02/12/2024 for the inspection. During the closing conference, I discussed observations I made during the inspection, as well as any Areas of Concern I identified during the inspection. Observations and Areas of Concern have not yet been evaluated for a formal compliance determination.

SECTION VII – List of Appendices

1. Photo Log
2. Missing DMRs Table

APPENDIX 1: Photo Log

All photos were taken by Lead EPA Inspector, Ray Andrews, during the inspection.

Photos were not manipulated beyond minor cropping for sizing and labels or callouts to draw attention to the subject of the photo.

All photos taken during the inspection are included in the Photo Log; however, only photos that support an Area of Concern are included in the inspection report.

- P1010891 – Remnant shells waiting to go to the shell pile.
- P1010892 – Floor drain in clam processing area.
- P1010893 – Floor drain in oyster processing area.
- P1010894 – Floor drains in oyster packing room.
- P1010895 – Floor drain between consolidation room and hallway to processing area.
- P1010896 – Outfall 001.
- P1010897 – Outfall 001, close-up.
- P1010898 – Outfall 001 Downhill flow path.
- P1010899 – Outfall 002 not currently active.
- P1010900 – Outfall 003, not currently active.

APPENDIX 2: Missing DMRs Table

Monitoring Period End	Due
July 31, 2022	August 20, 2022
August 31, 2022	September 20, 2022
September 30, 2022	October 20, 2022
October 31, 2022	November 20, 2022
November 30, 2022	December 20, 2022
December 31, 2022	January 20, 2023
January 31, 2023	February 20, 2023
February 28, 2023	March 20, 2023
March 31, 2023	April 20, 2023
April 30, 2023	May 20, 2023
May 31, 2023	June 20, 2023
June 30, 2023	July 20, 2023
July 31, 2023	August 20, 2023
August 31, 2023	September 20, 2023
September 30, 2023	October 20, 2023
October 31, 2023	November 20, 2023