

MA0110329

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Clean Water Act as amended, (33 U.S.C. §§1251 et seq.; the "CWA"), and the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap. 21, §§26-53),

**Trio Algarvio, Inc.  
P.O. Box 4028  
New Bedford, MA 02741**

is authorized to discharge from the facility located at

**26 Greene at Wood Pier  
New Bedford, MA 02741**

to receiving water named: New Bedford Inner Harbor (Buzzards Bay River Basin MA95-42)

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective 60 days from date of signature.

This permit and the authorization to discharge **expire at midnight, two years from the effective date.**

This permit supersedes the permit issued on March 20, 1996.

This permit consists of 9 pages in Part I including effluent limitations, monitoring requirements; Attachment A entitled: *Marine Acute Toxicity Test Procedure and Protocol*; and 35 pages in Part II including General Conditions and Definitions.

Signed this 10<sup>th</sup> day of May, 2004

Linda M. Murphy, Director  
Office of Ecosystem Protection  
Environmental Protection Agency  
Boston, MA

Director, Division of Watershed Management  
Bureau of Resource Protection  
Department of Environmental Protection  
Commonwealth of Massachusetts  
Boston, MA

PART I

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge once through cooling water from outfall serial number **001**. Such discharge shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitation</u>				<u>Monitoring Requirement</u>	
	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow (gpd)	*****	*****	Report gpd	Report gpd	Daily	Estimate
Temperature <sup>1</sup>	*****	*****	*****	85° F	1 / Quarter	Grab
pH <sup>1</sup>	6.5 - 8.5 SU	(See Condition I.A.2.b. on Page 5)			1 / Quarter	Grab
Oil and Grease <sup>1</sup>	*****	*****	*****	15 mg/l	1 / Quarter	Grab
Ammonia as Nitrogen	*****	*****	*****	Report mg/l	1 / Quarter	Composite <sup>5</sup>
Total Nitrogen	*****	*****	*****	Report mg/l	1 / Quarter	Composite <sup>5</sup>
Dissolved Oxygen	*****	*****	Report mg/l	Report mg/l	1 / Week	Grab
Total Zinc	*****	*****	*****	Report mg/l	1 / Quarter	Composite <sup>5</sup>

\*\* Samples taken in compliance with the quarterly monitoring requirements specified above shall be taken after the last point of treatment, prior to discharge into New Bedford Inner Harbor, during a normal operating day.

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

2. During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge treated recirculation reject fish farm wastewater from outfall serial number **002**. Such discharge shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitation</u>				<u>Monitoring Requirement</u>	
	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow (gpd)	*****	*****	Report gpd	Report gpd	Daily	Estimate
Total Flow <sup>6</sup> (gpd)	*****	*****	80,000 <sup>6</sup> gpd	150,000 <sup>6</sup> gpd	1 / Month <sup>6</sup>	Calculate <sup>6</sup>
BOD <sub>5</sub>	*****	*****	30 mg/l	50 mg/l	1 / Month	Composite <sup>5</sup>
TSS	*****	*****	30 mg/l	50 mg/l	1 / Month	Composite <sup>5</sup>
pH <sup>1</sup>	6.5 - 8.5 SU	(See Condition I.A.2.b. on Page 5)			1 / Month	Grab
Whole Effluent Toxicity Testing <sup>2,3,4</sup>		Acute LC <sub>50</sub> Report %			1 test <sup>2</sup>	Composite <sup>5</sup>
Temperature <sup>1</sup>	*****	*****	*****	85° F	1 / Month	Grab
Oil and Grease <sup>1</sup>	*****	*****	*****	15 mg/l	1 / Month	Grab
Ammonia as Nitrogen	*****	*****	*****	Report mg/l	1 / Quarter	Composite <sup>5</sup>
Total Nitrogen	*****	*****	*****	Report mg/l	1 / Quarter	Composite <sup>5</sup>
Dissolved Oxygen	*****	*****	Report mg/l	Report mg/l	1 / Week	Grab
Total Zinc	*****	*****	*****	Report mg/l	1 / Quarter	Composite <sup>5</sup>

\*\* Samples taken in compliance with the monthly monitoring requirements specified above shall be taken after the last point of treatment, prior to discharge into New Bedford Inner Harbor, during a normal operating day **after raceway cleaning**.

Footnotes:

1. Required for State Certification.
2. The permittee shall conduct one acute toxicity test, in August of 2004. The permittee shall test the Mysid Shrimp, Mysidopsis bahia. Toxicity test samples shall be collected during the second week of August, 2004. The test results shall be submitted by the last day of the month following the completion of the test. The results are due by September 30th. The tests must be performed in accordance with test procedures and protocols specified in **Attachment A** of this permit.

Test Date 2 <sup>nd</sup> Week in	Submit Results By:	Test Species	Acute Limit LC <sub>50</sub>	Chronic Limit C-NOEC
August 2004	September 30 <sup>th</sup>	<u>Mysidopsis bahia</u> (Mysid Shrimp)	Report %	Report %

3. The LC<sub>50</sub> is the concentration of effluent which causes mortality to 50% of the test organisms.
4. If toxicity test(s) using receiving water as diluent show the receiving water to be toxic or unreliable, the permittee shall follow procedures outlined in **Attachment A Section IV., DILUTION WATER** in order to obtain permission to use an alternate dilution water. In lieu of individual approvals for alternate dilution water required in **Attachment A**, EPA-New England has developed a Self-Implementing Alternative Dilution Water Guidance document (called "Guidance Document") which may be used to obtain automatic approval of an alternate dilution water, including the appropriate species for use with that water. If this Guidance document is revoked, the permittee shall revert to obtaining approval as outlined in **Attachment A**. The "Guidance Document" has been sent to all permittees with their annual set of DMRs and Revised Updated Instructions for Completing EPA's Pre-Printed NPDES Discharge Monitoring Report (DMR) Form 3320-1 and is not intended as a direct attachment to this permit. Any modification or revocation to this "Guidance Document" will be transmitted to the permittees as part of the annual DMR instruction package. However, at any time, the permittee may choose to contact EPA-New England directly using the approach outlined in **Attachment A**.
5. A composite sample shall be comprised of eight (8) grab samples taken at equal time intervals throughout one working day.
6. The permittee shall report the monthly average flows for both Outfalls 001 and 002. The permittee shall add the monthly average flow values for Outfalls 001 and 002. The combined monthly average flow from the two Outfalls shall not exceed 80,000 gallons per day (gpd) and shall not exceed a maximum of 150,000 gpd.
7. The permittee shall perform visual inspections of the discharges from both Outfall 001 and

Outfall 002 for floating solids, oil and grease, color, and turbidity. Inspection shall be performed weekly, and on days that raceway cleaning is performed. A summary report of the inspections shall be attached to the monthly DMR, and shall list for each outfall: the date of inspection, time of inspection, and a summary of observations.

Part I.A.2. Conditions for Outfalls 001 and 002.

- a. The discharge shall not cause a violation of the water quality standards of the receiving waters.
- b. The pH of the effluent shall not be less than 6.5 nor greater than 8.5 at any time, and not more than 0.2 units outside of the normally occurring range.
- c. The discharge shall not cause objectionable discoloration of the receiving waters.
- d. The effluent shall contain neither a visible oil sheen, foam, nor floating solids at any time.
- e. The effluent shall not contain materials in concentrations or in combinations which are hazardous or toxic to aquatic life or which would impair the uses designated by the classification of the receiving waters.
- f. The results of sampling for any parameter above its required frequency must also be reported, in accordance with 40 CFR § 122.41(l)(4)(ii).

I.A.3.

This permit shall be modified, or revoked and reissued to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

- (1) contains different conditions or is otherwise more stringent than any effluent limitation in this permit; or
- (2) controls any pollutant not limited by this permit.

If the permit is modified or reissued, it shall be revised to reflect all currently applicable requirements of the Act.

I.A.4.

All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe (40 CFR 122.42):

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "Notification levels":
  - (1) One hundred micrograms per liter (100 ug/l);

- (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR §122.21(g)(7); or
  - (4) Any other notification level established by the Director in accordance with 40 CFR §122.44(f).
- b. That any activity as occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
- (1) Five hundred micrograms per liter (500 ug/l);
  - (2) One milligram per liter (1 mg/l) for antimony;
  - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR §122.21(g)(7); or
  - (4) Any other notification level established by the Director in accordance with 40 CFR §122.44(f).
- c. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

I.A.5.

- a. No components of the effluent shall result in any demonstrable harm to aquatic life or violate any water quality standard which has been or may be promulgated. Upon promulgation of such standard, this permit may be revised or amended in accordance with such standards, with the permittee being so notified.
- b. This permit shall be modified, or revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Section 301 (b)(2)(C) and (D), 304 (b)(2), and 307 (a)(2) of the Clean Water Act, if the effluent standards or limitation so issued or approved:
  - (1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
  - (2) controls any pollutant not limited in this permit.
- c. Any change of the fish species to be raised at this facility or development stage to be

attained will require written notification to both the EPA Director and the State Director and possible permit modification.

- d. There shall be no discharge of untreated waste waters resulting from cleaning accumulated solids in the rearing tanks, screens and associated equipment.
- e. The disposal of solid waste materials from the facility shall comply with the appropriate State and local statutes.
- f. Medication
  1. The permittee shall use only medications and disease control chemicals in dosages and combinations as approved by the U.S. Food and Drug Administration (USFDA) and the National Marine Fisheries Service.
  2. The permittee shall use these medications and chemicals as needed to treat a disease or disease causing conditions. The prophylactic use of disease control medications is prohibited.
  3. The permittee shall notify (in accordance with Paragraph II.D.1.) within 24 hours by telephone and within five (5) working days in writing the U.S. National Marine Fisheries Service, the Chief of the EPA Region I NPDES Permit Unit, and the Chief of the Massachusetts Department of Environmental Protection Surface Water Discharge Permit Program of the emergency use or the immediate intended use of these medications and chemicals not previously approved in the Best Management Practices Plan.

#### I.A.6. Toxics Control

- a. The permittee shall not discharge any pollutant or combination of pollutants in toxic amounts.
- b. Any toxic components of the effluent shall not result in any demonstrable harm to aquatic life or violate any state or federal water quality standard which has been or may be promulgated. Upon promulgation of any such standard, this permit may be revised or amended in accordance with such standards.

#### I.A.7. Numerical Effluent Limitations for Toxicants

EPA or DEP may use the results of the toxicity tests and chemical analyses conducted pursuant to this permit, as well as national water quality criteria developed pursuant to Section 304(a)(1) of the Clean Water Act (CWA), state water quality criteria, and any other appropriate information or data, to develop numerical effluent limitations for any pollutants, including but not limited to those pollutants listed in Appendix D of 40 CFR Part 122.

### **B. UNAUTHORIZED DISCHARGES**

The permittee is authorized to discharge only in accordance with the terms and conditions of

this permit and only from the outfalls listed in Part I.A. of this permit. Discharges of wastewater from any other point sources are not authorized by this permit and shall be reported in accordance with Section D.1.e.(1) of the General Requirements of this permit (Twenty-four hour reporting).

#### C. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

**Releases in excess of Reportable Quantities:** This permit does not relieve the permittee of the reporting requirements of 40 CFR 117 and 40 CFR 302. The discharge of hazardous substances in the storm water discharge(s) from a facility shall be minimized in accordance with the applicable storm water pollution prevention plan for the facility, and in no case, during any 24-hour period, shall the discharge(s) contain a hazardous substance equal to or in excess of reporting quantities.

#### D. BEST MANAGEMENT PRACTICES (BMP) PLAN

The permittee shall continue to implement its Best Management Practices (BMP) Plan for Aquaculture Operations dated June, 1998. The permittee should modify its BMP plan to enhance its effectiveness and shall **retain annual status reports** which describe any changes to the permittee's BMP activities.

#### E. MONITORING AND REPORTING

Monitoring results obtained during each calendar monitoring period shall be summarized and reported on Discharge Monitoring Report Form(s) postmarked **no later than the 15th day of the following month.**

Signed and dated originals of these, and all other reports required herein, shall be submitted to the Director and the State at the following addresses:

Environmental Protection Agency  
Water Technical Unit (SEW)  
P.O. Box 8127  
Boston, Massachusetts 02114  
Massachusetts Department of  
Environmental Protection  
Bureau of Resource Protection-  
Southeast Regional Office  
20 Riverside Drive  
Lakeville, MA 02347

In addition, copies of all Discharge Monitoring Reports and toxicity tests required by this permit shall also be submitted to the State at following address:



Massachusetts Department of Environmental Protection  
Division of Watershed Management  
Surface Water Discharge Permit Program  
627 Main Street, 2<sup>nd</sup> Floor  
Worcester, MA 01608

## **F. STATE PERMIT CONDITIONS**

This Discharge Permit is issued jointly by the U. S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP) under Federal and State law, respectively. As such, all the terms and conditions of this permit are hereby incorporated into and constitute a discharge permit issued by the Commissioner of the MA DEP pursuant to M.G.L. Chap.21, §43.

Each Agency shall have the independent right to enforce the terms and conditions of this Permit. Any modification, suspension or revocation of this Permit shall be effective only with respect to the Agency taking such action, and shall not affect the validity or status of this Permit as issued by the other Agency, unless and until each Agency has concurred in writing with such modification, suspension or revocation. In the event any portion of this Permit is declared invalid, illegal or otherwise issued in violation of State law, such permit shall remain in full force and effect under Federal law as an NPDES Permit issued by the U.S. Environmental Protection Agency. In the event this Permit is declared invalid, illegal or otherwise issued in violation of Federal law, this Permit shall remain in full force and effect under State law as a Permit issued by the Commonwealth of Massachusetts.