

AUTHORIZATION TO DISCHARGE UNDER THE
RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of Chapter 46-12 of the Rhode Island General Laws, as amended,

BLOUNT SEAFOOD CORPORATION

is authorized to discharge from a facility located at

BLOUNT SEAFOOD CORPORATION

383 Water Street
Warren, Rhode Island

to receiving waters named

Warren River

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

This permit shall become effective on December 1, 2010.

This permit and the authorization to discharge expire at midnight, five (5) years from the effective date.

This permit supersedes the permit issued on February 10, 2003.

This permit consists of seventeen (17) pages in Part I including effluent limitations, monitoring requirements, etc. and ten (10) pages in Part II including General Conditions.

Signed this 30th day of September, 2010.



Angelo S. Liberti, P.E., Chief of Surface Water Protection
Office of Water Resources
Rhode Island Department of Environmental Management
Providence, Rhode Island

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 001 (Final Discharge from the Mussel Storage System Immediately Prior to Discharge into the Warren River). Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>					<u>Monitoring Requirement</u>	
	Quantity - lbs./day		Concentration - specify units			<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>Maximum Daily</u>		
Flow	--- MGD ¹	0.150 MGD				Continuous	Recorder
Total Suspended Solids					--- mg/L	1/Month	24-Hr. Comp.

¹The average monthly flow shall be equal to the average of the daily flows where there was a discharge. Zero flow days shall not be used when calculating the average.

--- Signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Outfall 001 (Final Discharge from the Mussel Storage System Immediately Prior to Discharge into the Warren River).

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River). Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>					<u>Monitoring Requirement</u>	
	Quantity - lbs./day		Concentration - specify units			<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>Maximum Daily</u>		
Production Rate ¹	115,000					Monthly	Inventory Control
BOD (5-Day)	---	1,725	--- mg/L		--- mg/L	2/Week	24-Hr. Composite
Oil & Grease	106	230	--- mg/L		--- mg/L	2/Week	Grab
Total Suspended Solids	1,150	2,415	--- mg/L		--- mg/L	2/Week	24-Hr. Composite

¹The limits expressed on this page shall be invoked when the permittee's total average monthly production is less than or equal to 115,000 pounds of raw material in the form in which it is received at the processing plant divided by the total number of discharge days. Discharge days are defined as days with a wastewater discharge associated with shellfish cooking, cleaning, grinding, and/or packaging.

---signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at Outfall 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River).

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

3. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River). Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>					<u>Monitoring Requirement</u>	
	Quantity - lbs. per day		Concentration - specify units			<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>Maximum Daily</u>		
Production Rate ¹	152,000					Monthly	Inventory Control
BOD (5-Day)	---	2,280	--- mg/L		--- mg/L	2/Week	24-Hr. Composite
Oil & Grease	140	304	--- mg/L		--- mg/L	2/Week	Grab
Total Suspended Solids	1,520	3,192	--- mg/L		--- mg/L	2/Week	24-Hr. Composite

¹The limits expressed on this page shall be invoked when the permittee's total average monthly production is greater than 115,000 and less than or equal 152,000 pounds of raw material in the form in which it is received at the processing plant divided by the total number of discharge days. Discharge days are defined as days with a wastewater discharge associated with shellfish cooking, cleaning, grinding, and/or packaging.

---signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at Outfall 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River).

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

4. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River). Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>					<u>Monitoring Requirement</u>	
	Quantity - lbs. per day		Concentration - specify units			<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>Maximum Daily</u>		
Production Rate ¹	189,000					Monthly	Inventory Control
BOD (5-Day)	---	2,835	--- mg/L		--- mg/L	2/Week	24-Hr. Composite
Oil & Grease	174	378	--- mg/L		--- mg/L	2/Week	Grab
Total Suspended Solids	1,890	3,970	--- mg/L		--- mg/L	2/Week	24-Hr. Composite

¹The limits expressed on this page shall be invoked when the permittee's total average monthly production is greater than 152,000 and less than or equal 189,000 pounds of raw material in the form in which it is received at the processing plant divided by the total number of discharge days. Discharge days are defined as days with a wastewater discharge associated with shellfish cooking, cleaning, grinding, and/or packaging.

---signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at Outfall 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River).

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

5. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River). Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>					<u>Monitoring Requirement</u>	
	Quantity - lbs. per day		Concentration - specify units			<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>Maximum Daily</u>		
Production Rate ¹	226,000					Monthly	Inventory Control
BOD (5-Day)	---	3,390	--- mg/L		--- mg/L	2/Week	24-Hr. Composite
Oil & Grease	208	452	--- mg/L		--- mg/L	2/Week	Grab
Total Suspended Solids	2,260	4,750	--- mg/L		--- mg/L	2/Week	24-Hr. Composite

¹The limits expressed on this page shall be invoked when the permittee's total average monthly production is greater than 189,000 and less than or equal 226,000 pounds of raw material in the form in which it is received at the processing plant divided by the total number of discharge days. Discharge days are defined as days with a wastewater discharge associated with shellfish cooking, cleaning, grinding, and/or packaging.

---signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at Outfall 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River).

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

6. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River). Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirement</u>			
	Quantity - lbs. per day <u>Average Monthly</u>	<u>Maximum Daily</u>	Concentration - specify units <u>Average Monthly</u>	<u>Average Weekly</u>	<u>Maximum Daily</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Production Rate ¹	263,000					Monthly	Inventory Control
BOD (5-Day)	---	3,950	--- mg/L		--- mg/L	2/Week	24-Hr. Composite
Oil & Grease	242	526	--- mg/L		--- mg/L	2/Week	Grab
Total Suspended Solids	2,630	5,520	--- mg/L		--- mg/L	2/Week	24-Hr. Composite

¹The limits expressed on this page shall be invoked when the permittee's total average monthly production is greater than 226,000 and less than or equal 263,000 pounds of raw material in the form in which it is received at the processing plant divided by the total number of discharge days. Discharge days are defined as days with a wastewater discharge associated with shellfish cooking, cleaning, grinding, and/or packaging.

---signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at Outfall 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River).

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

7. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River). Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Concentration - specify units</u>		<u>Monitoring Requirement</u>	
	Quantity - lbs. <u>Average Monthly</u>	per day <u>Maximum Daily</u>	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>Maximum Daily</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Production Rate ¹	300,000					Monthly	Inventory Control
BOD (5-Day)	---	4,500	--- mg/L		--- mg/L	2/Week	24-Hr. Composite
Oil & Grease	276	600	--- mg/L		--- mg/L	2/Week	Grab
Total Suspended Solids	3,000	6,300	--- mg/L		--- mg/L	2/Week	24-Hr. Composite

¹The limits expressed on this page shall be invoked when the permittee's total average monthly production is greater than 263,000 and less than or equal 300,000 pounds of raw material in the form in which it is received at the processing plant divided by the total number of discharge days. Discharge days are defined as days with a wastewater discharge associated with shellfish cooking, cleaning, grinding, and/or packaging.

---signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at Outfall 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River).

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

8. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River). Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	<u>Discharge Limitations</u>					<u>Monitoring Requirement</u>	
	Quantity - lbs. per day		Concentration - specify units			Measurement Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly	Average Weekly	Maximum Daily		
Production Rate ¹	337,000					Monthly	Inventory Control
BOD (5-Day)	---	5,055	--- mg/L		--- mg/L	2/Week	24-Hr. Composite
Oil & Grease	310	674	--- mg/L		--- mg/L	2/Week	Grab
Total Suspended Solids	3,370	7,077	--- mg/L		--- mg/L	2/Week	24-Hr. Composite

¹The limits expressed on this page shall be invoked when the permittee's total average monthly production is greater than 300,000 and less than or equal 337,000 pounds of raw material in the form in which it is received at the processing plant divided by the total number of discharge days. Discharge days are defined as days with a wastewater discharge associated with shellfish cooking, cleaning, grinding, and/or packaging.

---signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at Outfall 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River).

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

9. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River). Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>					<u>Monitoring Requirement</u>	
	Quantity - lbs. per day		Concentration - specify units			<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Average Monthly</u>	<u>Average Weekly</u>	<u>Maximum Daily</u>		
Production Rate ¹	---					Monthly	Inventory Control
BOD (5-Day)	---	5,610	--- mg/L		--- mg/L	2/Week	24-Hr. Composite
Oil & Grease	344	748	--- mg/L		--- mg/L	2/Week	Grab
Total Suspended Solids	3,740	7,854	--- mg/L		--- mg/L	2/Week	24-Hr. Composite

¹The limits expressed on this page shall be invoked when the permittee's total average monthly production is greater than 337,000 pounds of raw material in the form in which it is received at the processing plant divided by the total number of discharge days. Discharge days are defined as days with a wastewater discharge associated with shellfish cooking, cleaning, grinding, and/or packaging. The limits are calculated using a production rate of 374,000 pounds per day.

---signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at Outfall 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River).

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

10. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River). Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity - lbs. per day		Concentration - specify units			Measurement Frequency	Sample Type
Average Monthly	Maximum Daily	Average Monthly	Average Weekly	Maximum Daily			
Flow	---MGD ³	0.200 MGD				Continuous	Recorder
Fecal Coliform May 1 - October 31			<u>200 MPN¹</u> 100 mL		<u>400 MPN</u> 100 mL	1/Day	Grab
Fecal Coliform November 1 – April 30			<u>200 MPN¹</u> 100 mL		<u>400 MPN</u> 100 mL	1/Week	Grab
Temperature					120°F	1/Day	Grab
pH			(6.5 S.U.)		(8.5 S.U.)	1/Month	8 Grabs ²
Settleable Solids			--- ml/L		--- ml/L	1/Month	24-Hr. Comp.

¹The monthly average shall be calculated using the geometric mean.

²A sampling event shall consist of eight (8) grab samples taken at equal intervals throughout a given work day.

³The average monthly flow shall be equal to the average of the daily flows where there was a discharge. Zero flow days shall not be used when calculating the average.

---signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

*Values in parentheses () are to be reported as Minimum/Average/Maximum for the reporting period rather than Average Monthly/Average Weekly/Maximum Daily.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at Outfall 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River).

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

11. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial number 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River). Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			Concentration - specify units		Monitoring Requirement	
	Average Monthly	Maximum Daily	Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type
TKN (as N)							
May 1 – October 31			--- mg/L		--- mg/L	1/Week	24-Hr. Comp.
November 1 – April 30			--- mg/L		--- mg/L	1/Week	24-Hr. Comp.
Nitrate (as N)							
May 1 – October 31			--- mg/L		--- mg/L	1/Week	24-Hr. Comp.
November 1 – April 30			--- mg/L		--- mg/L	1/Week	24-Hr. Comp.
Nitrite (as N)							
May 1 – October 31			--- mg/L		--- mg/L	1/Week	24-Hr. Comp.
November 1 – April 30			--- mg/L		--- mg/L	1/Week	24-Hr. Comp.
Total Nitrogen (TKN + Nitrate + Nitrite, as N)							
May 1 – October 31	67.4		40.4 mg/L		--- mg/L	1/Week	Calculated
November 1 – April 30	156.6		93.9 mg/L		--- mg/L	1/Week	Calculated

---signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at Outfall 002 (Final Mechanized Clam Processing Discharge Immediately Prior to Discharge into the Warren River).

12.
 - a. The pH of the effluent shall not be less than 6.5 nor greater than 8.5 standard units at any time, unless these values are exceeded due to natural causes or as a result of the approved treatment processes.
 - b. The discharge shall not cause visible discoloration of the receiving waters.
 - c. The effluent shall contain neither a visible oil sheen, foam, nor floating solids at any time.
13. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:
 - 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-dinitro-phenol; 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 C.F.R. s122.21(g)(7); or
 - (4) Any other notification level established by the Director in accordance with 40 C.F.R. s122.44(f) and Rhode Island Regulations.
 - b. That any activity has 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 C.F.R. s122.21(g)(7); or
 - (4) Any other notification level established by the Director in accordance with 40 C.F.R. s122.44(f) and Rhode Island Regulations.
 - c. That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product any toxic pollutant which was not reported in the permit application.
14. The permittee shall analyze its effluent at outfall 002A for the EPA Priority Pollutants as listed in 40 CFR 122, Appendix D, Tables II and III and submit the results to the Department of Environmental Management with the permit reapplication at least 180 days prior to the expiration date of this permit. All sampling and analysis shall be done in accordance with EPA Regulations, including 40 CFR, Part 136; grab and composite samples shall be taken as appropriate.

15. This permit serves as the State's Water Quality Certificate for the discharge described herein.
16. The permittee shall record the production of the facility as regulated under 40 CFR Part 408, subpart X, daily through inventory control calculations. This data shall be summarized and reported to the RIPDES program annually on January 15th for the previous calendar year.

B. DETECTION LIMITS

The permittee shall assure that all wastewater testing required by this permit, is performed in conformance with the method detection limits listed below (the EPA method is noted for reference, other EPA approved methods found in 40 CFR Part 136 may be utilized). In accordance with 40 CFR Part 136, EPA approved analysis techniques, quality assurance procedures and quality control procedures shall be followed for all reports required to be submitted under the RIPDES program. These procedures are described in "Methods for the Determination of Metals in Environmental Samples" (EPA/600/4-91/010) and "Methods for Chemical Analysis of Water and Wastes" (EPA/600/4-79/020).

The report entitled "Methods for the Determination of Metals in Environmental Samples" includes a test that must be performed in order to determine if matrix interferences are present, and a series of tests to enable reporting of sample results when interferences are identified. Each step of the series of tests becomes increasingly complex, concluding with the complete Method of Standard Additions analysis. The analysis need not continue once a result which meets the applicable quality control requirements has been obtained. Documentation of all steps conducted to identify and account for matrix interferences shall be submitted along with the monitoring reports.

If, after conducting the complete Method of Standard Additions analysis, the laboratory is unable to determine a valid result, the laboratory shall report "could not be analyzed". Documentation supporting this claim shall be submitted along with the monitoring report. If valid analytical results are repeatedly unobtainable, DEM may require that the permittee determine a method detection limit (MDL) for their effluent as outlined in 40 CFR Part 136, Appendix B.

Therefore, all sample results shall be reported as: an actual value, "could not be analyzed", less than the reagent water MDL, or less than an effluent specific MDL. The effluent specific MDL must be calculated using the methods outlined in 40 CFR Part 136, Appendix B. Samples which have been diluted to ensure that the sample concentration will be within the linear dynamic range shall not be diluted to the extent that the analyte is not detected. If this should occur the analysis shall be repeated using a lower degree of dilution.

When calculating sample averages for reporting on discharge monitoring reports (DMRs):

1. "could not be analyzed" data shall be excluded, and shall not be considered as failure to comply with the permit sampling requirements;
2. results reported as less than the MDL shall be included as values equal to the MDL, and the average shall be reported as "less than" the calculated value.

For compliance purposes, DEM will replace all data reported as less than the MDL with zeroes, provided that DEM determines that all appropriate EPA approved methods were followed. If the re-calculated average exceeds the permit limitation it will be considered a violation.

LIST OF TOXIC POLLUTANTS

The following list of toxic pollutants has been designated pursuant to Section 307(a)(1) of the Clean Water Act. The Method Detection Limits (MDLs) represent the required Rhode Island MDLs.

Volatiles - EPA Method 624		MDL ug/l (ppb)	Pesticides - EPA Method 608		MDL ug/l (ppb)
1V	acrolein	10.0	18P	PCB-1242	0.289
2V	acrylonitrile	5.0	19P	PCB-1254	0.298
3V	benzene	1.0	20P	PCB-1221	0.723
5V	bromoform	1.0	21P	PCB-1232	0.387
6V	carbon tetrachloride	1.0	22P	PCB-1248	0.283
7V	chlorobenzene	1.0	23P	PCB-1260	0.222
8V	chlorodibromomethane	1.0	24P	PCB-1016	0.494
9V	chloroethane	1.0	25P	toxaphene	1.670
10V	2-chloroethylvinyl ether	5.0			
11V	chloroform	1.0			
12V	dichlorobromomethane	1.0			
14V	1,1-dichloroethane	1.0			
15V	1,2-dichloroethane	1.0			
16V	1,1-dichloroethylene	1.0			
17V	1,2-dichloropropane	1.0			
18V	1,3-dichloropropylene	1.0			
19V	ethylbenzene	1.0			
20V	methyl bromide	1.0			
21V	methyl chloride	1.0			
22V	methylene chloride	1.0			
23V	1,1,2,2-tetrachloroethane	1.0			
24V	tetrachloroethylene	1.0			
25V	toluene	1.0			
26V	1,2-trans-dichloroethylene	1.0			
27V	1,1,1-trichloroethane	1.0			
28V	1,1,2-trichloroethane	1.0			
29V	trichloroethylene	1.0			
31V	vinyl chloride	1.0			
Acid Compounds - EPA Method 625		MDL ug/l (ppb)	Base/Neutral - EPA Method 625		MDL ug/l (ppb)
1A	2-chlorophenol	1.0	1B	acenaphthene *	1.0
2A	2,4-dichlorophenol	1.0	2B	acenaphthylene *	1.0
3A	2,4-dimethylphenol	1.0	3B	anthracene *	1.0
4A	4,6-dinitro-o-cresol	1.0	4B	benzidine	4.0
5A	2,4-dinitrophenol	2.0	5B	benzo(a)anthracene *	2.0
6A	2-nitrophenol	1.0	6B	benzo(a)pyrene *	2.0
7A	4-nitrophenol	1.0	7B	3,4-benzofluoranthene *	1.0
8A	p-chloro-m-cresol	2.0	8B	benzo(ghi)perylene *	2.0
9A	pentachlorophenol	1.0	9B	benzo(k)fluoranthene *	2.0
10A	phenol	1.0	10B	bis(2-chloroethoxy)methane	2.0
11A	2,4,6-trichlorophenol	1.0	11B	bis(2-chloroethyl)ether	1.0
			12B	bis(2-chloroisopropyl)ether	1.0
			13B	bis(2-ethylhexyl)phthalate	1.0
			14B	4-bromophenyl phenyl ether	1.0
			15B	butylbenzyl phthalate	1.0
			16B	2-chloronaphthalene	1.0
			17B	4-chlorophenyl phenyl ether	1.0
			18B	chrysene *	1.0
			19B	dibenzo (a,h)anthracene *	2.0
			20B	1,2-dichlorobenzene	1.0
			21B	1,3-dichlorobenzene	1.0
			22B	1,4-dichlorobenzene	1.0
			23B	3,3'-dichlorobenzidine	2.0
			24B	diethyl phthalate	1.0
			25B	dimethyl phthalate	1.0
			26B	di-n-butyl phthalate	1.0
			27B	2,4-dinitrotoluene	2.0
			28B	2,6-dinitrotoluene	2.0
			29B	di-n-octyl phthalate	1.0
			30B	1,2-diphenylhydrazine (as azobenzene)	1.0
			31B	fluoranthene *	1.0
			32B	fluorene *	1.0
			33B	hexachlorobenzene	1.0
			34B	hexachlorobutadiene	1.0
			35B	hexachlorocyclopentadiene	2.0
			36B	hexachloroethane	1.0
			37B	indeno(1,2,3-cd)pyrene *	2.0
			38B	isophorone	1.0
			39B	naphthalene *	1.0
			40B	nitrobenzene	1.0
			41B	N-nitrosodimethylamine	1.0
			42B	N-nitrosodi-n-propylamine	1.0
			43B	N-nitrosodiphenylamine	1.0
			44B	phenanthrene *	1.0
			45B	pyrene *	1.0
			46B	1,2,4-trichlorobenzene	1.0
Pesticides - EPA Method 608		MDL ug/l (ppb)			
1P	aldrin	0.059			
2P	alpha-BHC	0.058			
3P	beta-BHC	0.043			
4P	gamma-BHC	0.048			
5P	delta-BHC	0.034			
6P	chlordane	0.211			
7P	4,4 ¹ -DDT	0.251			
8P	4,4 ¹ -DDE	0.049			
9P	4,4 ¹ -DDD	0.139			
10P	dieldrin	0.082			
11P	alpha-endosulfan	0.031			
12P	beta-endosulfan	0.036			
13P	endosulfan sulfate	0.109			
14P	endrin	0.050			
15P	endrin aldehyde	0.062			
16P	heptachlor	0.029			
17P	heptachlor epoxide	0.040			

OTHER TOXIC POLLUTANTS

	Required MDL ug/l (ppb)
Antimony, Total	5.0
Arsenic, Total	5.0
Beryllium, Total	0.2
Cadmium, Total	1.0
Chromium, Total	5.0
Chromium, Hexavalent***	20.0
Copper, Total	20.0
Lead, Total	3.0
Mercury, Total	0.5
Nickel, Total	10.0
Selenium, Total	5.0
Silver, Total	1.0
Thallium, Total	5.0
Zinc, Total	20.0
Cyanide, Total	10.0
Phenols, Total***	50.0
TCDD	**
MTBE (Methyl Tert Butyl Ether)	1.0

* Polynuclear Aromatic Hydrocarbons

** No Rhode Island Department of Environmental Management (RIDEM) MDL

*** Not a priority pollutant as designated in the 1997 Water Quality Regulations (Table 5)

NOTE:

The MDL for a given analyte may vary with the type of sample. MDLs which are determined in reagent water may be lower than those determined in wastewater due to fewer matrix interferences. Wastewater is variable in composition and may therefore contain substances (interferents) that could affect MDLs for some analytes of interest. Variability in instrument performance can also lead to inconsistencies in determinations of MDLs.

To help verify the absence of matrix or chemical interference the analyst is required to complete specific quality control procedures. For the metals analyses listed above the analyst must withdraw from the sample two equal aliquots; to one aliquot add a known amount of analyte, and then dilute both to the same volume and analyze. The unspiked aliquot multiplied by the dilution factor should be compared to the original. Agreement of the results within 10% indicates the absence of interference. Comparison of the actual signal from the spiked aliquot to the expected response from the analyte in an aqueous standard should help confirm the finding from the dilution analysis. (Methods for Chemical Analysis of Water and Wastes EPA-600/4-79/020).

For Methods 624 and 625 the laboratory must on an ongoing basis, spike at least 5% of the samples from each sample site being monitored. For laboratories analyzing 1 to 20 samples per month, at least one spiked sample per month is required. The spike should be at the discharge permit limit or 1 to 5 times higher than the background concentration determined in Section 8.3.2, whichever concentration would be larger. (40 CFR Part 136 Appendix B Method 624 and 625 subparts 8.3.1 and 8.3.11).

C. MONITORING AND REPORTING

1. Monitoring

All monitoring required by this permit shall be done in accordance with sampling and analytical testing procedures specified in Federal Regulations (40 CFR Part 136).

2. Reporting

Monitoring results obtained during the previous month shall be summarized and reported on Discharge Monitoring Report (DMR) Forms, postmarked no later than the 15th day of the month following the completed reporting period. A copy of the analytical laboratory report, specifying analytical methods used, shall be included with each report submission. The first report is due on January 15, 2011.

Signed copies of these, and all other reports required herein, shall be submitted to:

Office of Water Resources
RIPDES Program
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, Rhode Island 02908-5767

FACT SHEET

RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM (RIPDES) PERMIT TO DISCHARGE TO WATERS OF THE STATE

RIPDES PERMIT NO. RI0001121

NAME AND ADDRESS OF APPLICANT:

BLOUNT SEAFOOD CORPORATION
383 WATER STREET
WARREN, RHODE ISLAND 02885

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

BLOUNT SEAFOOD CORPORATION
383 WATER STREET
WARREN, RHODE ISLAND 02885

RECEIVING WATER: WARREN RIVER

CLASSIFICATION: SB1

I. Proposed Action, Type of Facility, and Discharge Location

The above named applicant has applied to the Rhode Island Department of Environmental Management (DEM) for reissuance of a RIPDES Permit to discharge into the designated receiving water. The facility is a mechanized shellfish processor of Ocean Clams, Quahogs, Mussels and Conch. The raw shellfish is cleaned, cooked, deshelled, sliced or ground if necessary, packaged and then frozen. Blount also produces soups and stuffed clams. The wastewater generated from these processes is treated by screening, grit removal, heat pasteurization and is discharged to the Warren River via Outfall 002A.

Blount is not currently using the mussel storage system that circulates seawater around the mussels and purges the sand. It is equipped with a false bottom which allows for settling of suspended solids. Blount has indicated that they may need to use the mussel storage system in the future and wants to continue to be permitted to discharge from its Outfall 001A.

II. Description of Discharge

A quantitative description of the discharge in terms of significant effluent parameters based upon state and federal regulations is shown on Attachment A.

III. Permit and Administrative Compliance Order Limitations and Conditions

The final effluent limitations and monitoring requirements may be found in the permit. A comparison of the historic Discharge Monitoring Report (DMR) data against the final permit limitations indicates that Blount is currently unable to attain compliance with the daily maximum BOD₅ limits and the Total Nitrogen limits. Specifically, Blount would have exceeded the proposed monthly average concentration (mg/l) Total Nitrogen limits during every month over the past five years. Similarly, Blount would have exceeded the daily maximum quantity (lb/day) BOD₅ limits for 20 months out of the past five years. Therefore, it is not expected that Blount will be able to meet the daily maximum BOD₅ and monthly average Total Nitrogen permit limits included in this permit. As a result, subsequent to the issuance of this permit, the DEM plans on entering into a Consent Agreement with Blount that will include an enforceable compliance schedule for Blount to attain compliance with final limits for BOD₅ and Total Nitrogen.

IV. **Permit Basis and Explanation of Effluent Limitation Derivation**

Development of RIPDES permit limitations is a multi-step process consisting of the following steps: Assigning applicable technology-based limits based on federal Effluent Limitation Guidelines (ELGs); Calculating allowable water quality-based discharge levels based on water quality criteria, background data, and available dilution; Assigning necessary limits based on Best Professional Judgment (BPJ); Setting the most stringent of these three (3) limits as the new permit limits; Comparing existing permit limits to the new limits and performing an antibacksliding/antidegradation analysis to determine the final permit limits; and evaluating the ability of the facility to meet the final permit limits.

The requirements set forth in this permit are from the State's Water Quality Regulations and the State's Regulations for the Rhode Island Pollutant Discharge Elimination System, both filed pursuant to Chapter 46-12, as amended. DEM's primary authority over the permit come from EPA's delegation of the program in September 1984 under the Federal Clean Water Act (CWA).

Technology-Based Requirements

Effluent guideline for existing Seafood Processing facilities are production-based and found in 40 CFR Part 408 Subpart X. Federal effluent guidelines for this industry (Mechanized Clam Processing) have established existing source effluent limits for TSS and Oil and Grease in pounds of pollutant per thousand pounds of production. However, the previous permit contained limits for TSS, Maximum Daily BOD₅, and Oil and Grease that are more stringent than the federal effluent guidelines. Since antibacksliding regulations, found in Section 402(o) of the Clean Water Act, prohibit the relaxation of discharge limits by using a technology-based discharge limit which is based on an effluent guideline that is less stringent than the previous permit's limits, the pollutant discharge rates (lbs/1000 lbs) cannot decrease and the pollutant discharge rates from the previous permit were used.

It was previously determined, in the last permit, that tiered limits were appropriate. Using 37,000 lbs/day tier intervals, tiers were established at 189,000 lbs/day, 226,000 lbs/day, 263,000 lbs/day, and 300,000 lbs/day. A review of the historic production data has revealed that there were several months where production was either significantly above or significantly below the current production tiers. Therefore, since Blount's monthly average production was frequently above (e.g., March 2009 – July 2009) or below (e.g., April 2005 – May 2005, July 2005, September 2005, December 2005 – August 2006, December 2006 – June 2007, and August 2008) the current production tiers, it was determined that two additional higher tiers and two additional lower tiers were appropriate. The new permit will contain additional tiers at 374,000 lbs/day, 337,000 lbs/day, 152,000 lbs/day, and 115,000 lbs/day. A review of the production data is included in the Permit Development Document which is on file at DEM and available upon request.

The DEM has established Fecal Coliform limits of 200 counts per 100 ml for the monthly average and 400 counts per 100 ml for the daily maximum as a state performance standard. Blount has been able to consistently comply with this limit based on a review of historic DMR data.

Water Quality-Based Requirements

In 1990, Applied Sciences Associates (ASA) completed a near-field and far-field dilution study around Outfall 002A. The DEM had previously reviewed this dilution study and decided that the designation of the dilution zone is appropriate. The DEM has used the results of that study to determine the water quality based permit limits. To determine water quality based limits, a dilution of 290 has been used to establish the daily maximum permit limits and a dilution of 370 has been used to establish the monthly average permit limits. Additional data on the DEMs review of the dilution study can be found in the previous Development Document dated April 15, 1994 which is on file at the DEM.

Temperature is limited in the Rhode Island Water Quality Regulations such that discharges will not “exceed the recommended limit on the most sensitive receiving water use and in no case shall an activity cause the temperature to exceed 83 degrees F nor raise the normal temperature more than 1.6 degrees F, 16 June through September and not more than 4 degrees F from October through 16 June”. Based on the above dilution factors, a temperature limit of 120 degrees F will be protective of the water quality. Therefore, this limit has been applied to outfall 002A.

Similarly, the pH limits have been established to be protective of the water quality criteria for class SB1 waters. The DEM has also included a requirement that the permittee conduct a priority pollutant scan and submit the results of the scan with the permit reapplication, at least 180 days prior to permit expiration.

The State of Rhode Island's 2008 303(d) *List of Impaired Waters* identifies the Palmer River as being impaired for nutrients (e.g., Total Nitrogen) and hypoxia (e.g., Dissolved Oxygen). The Warren Wastewater Treatment Facility (WWTF) and Blount, have RIPDES permits authorizing them to discharge into the Warren River. However, it has been determined that the effluent from these facilities enter the Palmer River. Therefore, the discharge from these facilities are pertinent to the Palmer River. In order to address the Palmer River's impairments, DEM sampled the Palmer River as part of an assessment of the Palmer River. During the assessment, it was found that oxygen levels rise after sunrise. This is caused by plant respiration during daylight hours causing elevated oxygen levels and is indicative of eutrophication, which is also evidenced by the excessive growth of green macroalgae and high chlorophyll a levels in the water column. The excessive growth of macroalgae and the high dissolved oxygen concentrations during daylight hours demonstrates that the Palmer River is eutrophic from excessive amounts of nitrogen entering the system. Therefore, to address the Palmer River's impairments, it is necessary that the amount of nitrogen discharged to the River be controlled. To address the Palmer River's impairments, the DEM had to determine the allowable nitrogen load that could be assimilated without causing eutrophic conditions.

The Buzzards Bay Program (BBP) in Massachusetts developed empirical relationships between nitrogen loadings and eutrophication response from observations made in a number of estuaries. The BBP approach uses land use information to estimate nitrogen loads and is considered by DEM to offer a number of advantages for use in Rhode Island based on physical and biological similarities that make the use of the loading - estuarine response relationships for Buzzards Bay appropriate in the Palmer River. The BBP developed an Eutrophication Index (EI) to assist in determining the level of nutrient enrichment a waterbody is experiencing at any given time. The EI uses a scale of 0 to 100 points where 0 equals the most eutrophic and 100 is equivalent to a pristine waterbody. The BBP estimated that an appropriate EI value for Outstanding Natural Resource Waters (ONRW) is 65. Since the Palmer River is designated as a Special Resource Protection Water, whose designated uses are essentially equivalent to those of ONRWs, it should have an EI of 65 or better. Two sampling stations were established in the Palmer River and the results indicate that the Palmer River is eutrophic with an EI score of 32. This supports the need to reduce nitrogen discharges to the Palmer River.

A relationship between the nitrogen loading rate and EI from the BBP was developed that is a function of the loading rate per unit estuary volume. Acceptable loading rates for ONRWs are $50 \text{ mg m}^{-3} \text{ Vr}^{-1}$. The calculation for allowable annual load is:

$$\text{Annual Load (in kg yr}^{-1}\text{)} = \frac{\text{Loading rate} \times \text{volume at half tide (in m}^3\text{)} \times (1 + \tau_w^{1/2})}{\tau_w * 1,000,000}$$

Where τ_w is the hydraulic turnover time in years and the Vollenweider flushing term is $\tau_w / (1 + \tau_w^{1/2})$.

For the Palmer River, with a flushing time of 17.88 hours, a mean volume of $3.13 \times 10^6 \text{ m}^3$, and an allowable loading rate of $50 \text{ mg m}^{-3} \text{ Vr}^{-1}$, the corresponding nitrogen assimilative capacity of the Palmer River is 80,011 kg/yr.

Using the annual allowable total nitrogen load for the Palmer River the allowable nitrogen limits were allocated among the three nitrogen sources to the Palmer River (i.e., the Warren WWTF, Blount, and the watershed). The reductions needed to meet the allowable summer load were

calculated first. The chosen scenario sets the Warren WWTF allowable summer total nitrogen concentration at 5 mg/L, an 80% reduction in summer load, while Blount was allocated an equivalent 80% summer load reduction. At design flow, Blount's allowable concentration would be 40.4 mg/L. These reductions were sufficient to meet the allowable summer loading to the Palmer River. However, summer point source reductions were not sufficient to meet the allowable annual total nitrogen load. Meeting the allowable annual load also requires an annual watershed reduction and a winter point source load reduction. The point sources were allocated a 20% winter reduction in load, which is equivalent to winter total nitrogen limits of 14.3 mg/l for the Warren WWTF and 93.9 mg/l for Blount using the design flow for both facilities, while the watershed was allocated an annual 59% reduction. A document that includes a more in-depth discussion of the above analysis is available from the DEM upon request.

Antidegradation/Antibacksliding

The DEM has determined that since no permit limits are less stringent than those contained in the previous permit the permit limitations are consistent with the Rhode Island Antidegradation/Antibacksliding Policy.

General Requirements

The remaining general and specific conditions of the permit are based on the RIPDES regulations as well as 40 CFR Parts 122 through 125 and consist primarily of management requirements common to all permits.

V. **Comment Period, Hearing Requests, and Procedures for Final Decisions**

All persons, including applicants, who believe any condition of the draft permit is inappropriate must raise all issues and submit all available arguments and all supporting material for their arguments in full by the close of the public comment period, to the Rhode Island Department of Environmental Management, Office of Water Resources, 235 Promenade Street, Providence, Rhode Island, 02908-5767. In accordance with Chapter 46-17.4 of Rhode Island General Laws, a public hearing will be held prior to the close of the public comment period. In reaching a final decision on the draft permit the Director will respond to all significant comments and make these responses available to the public at DEM's Providence Office.

Following the close of the comment period, and after a public hearing, the Director will issue a final permit decision and forward a copy of the final decision to the applicant and each person who has submitted written comments, provided oral testimony, or requested notice. Within thirty (30) days following the notice of the final permit decision any interested person may submit a request for a formal hearing to reconsider or contest the final decision. Requests for formal hearings must satisfy the requirements of the Regulations for the Rhode Island Pollutant Discharge Elimination System.

VI. **DEM Contact**

Additional information concerning the permit may be obtained between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, excluding holidays from:

Joseph Haberek, P.E.
Principal Sanitary Engineer
Department of Environmental Management
235 Promenade Street
Providence, Rhode Island 02908
Telephone: (401) 222-4700, extension 7715

8/19/10
Date


Eric A. Beck, P.E.
Supervising Sanitary Engineer
Department of Environmental Management

ATTACHMENT A

AVERAGE EFFLUENT CHARACTERISTICS: Outfall 002A (11/04 - 10/09)

PARAMETER	AVERAGE	MAXIMUM
Flow	0.08 MGD	0.16 MGD
Fecal Coliforms	34.6 MPN/100ml	48.2 MPN/100ml
Temperature		83.12 F
Total Nitrate (as N)	0.25 mg/l	0.43 mg/l
Total Nitrite (as N)	0.26 mg/l	0.44 mg/l
TKN (as N)	214.93 mg/l	252.20 mg/l
Total Nitrogen (as N)		
May – October	226.56 mg/l	541.50 mg/l
November – April	259.49 mg/l	267.33 mg/l
Settleable Solids		6.59 ml/l
pH	7.05 S.U. (min)	7.51 S.U. (max)
Production ≤ 115,000 lbs/day		
BOD ₅	1103.34 lbs/d	1615.27 lbs/d
TSS	417.21 lbs/d	1102.17 lbs/d
Oil & Grease	17.94 lbs/d	37.21 lbs/d
115,000 lbs/day < Production ≤ 152,000 lbs/day		
BOD ₅	1668.77 lbs/d	3256.43 lbs/d
TSS	443.17 lbs/d	672.97 lbs/d
Oil & Grease	42.85 lbs/d	142.95 lbs/d
152,000 lbs/day < Production ≤ 189,000 lbs/day		
BOD ₅	1973.89 lbs/d	3051.85 lbs/d
TSS	4219.75 lbs/d	1365.58 lbs/d
Oil & Grease	37.83 lbs/d	82.99 lbs/d
189,000 lbs/day < Production ≤ 226,000 lbs/day		
BOD ₅	1939.38 lbs/d	2910.91 lbs/d
TSS	842.24 lbs/d	1395.84 lbs/d
Oil & Grease	50.32 lbs/d	107.14 lbs/d
226,000 lbs/day < Production ≤ 263,000 lbs/day		
BOD ₅	1961.82 lbs/d	3723.98 lbs/d
TSS	771.50 lbs/d	1569.50 lbs/d
Oil & Grease	38.35 lbs/d	89.39 lbs/d
263,000 lbs/day < Production ≤ 300,000 lbs/day		
BOD ₅	2151.38 lbs/d	3972.75 lbs/d
TSS	746.54 lbs/d	1649.82 lbs/d
Oil & Grease	53.81 lbs/d	126.14 lbs/d
300,000 lbs/day < Production ≤ 337,000 lbs/day		
BOD ₅	3041.85 lbs/d	3844.58 lbs/d
TSS	697.97 lbs/d	1423.92 lbs/d
Oil & Grease	67.30 lbs/d	111.79 lbs/d
337,000 lbs/day < Production		
BOD ₅	2766.12 lbs/d	4842.15 lbs/d
TSS	743.13 lbs/d	1482.96 lbs/d
Oil & Grease	87.59 lbs/d	202.54 lbs/d

PART II
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GENERAL REQUIREMENTS

- (a) Duty to Comply
- (b) Duty to Reapply
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- (d) Duty to Mitigate
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- (f) Permit Actions
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DEFINITIONS

GENERAL REQUIREMENTS

(a) Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Chapter 46-12 of the Rhode Island General Laws and the Clean Water Act (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- (1) The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (2) The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307 or 308 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment of not more than 1 year, or both.
- (3) Chapter 46-12 of the Rhode Island General Laws provides that any person who violates a permit condition is subject to a civil penalty of not more than \$5,000 per day of such violation. Any person who willfully or negligently violates a permit condition is subject to a criminal penalty of not more than \$10,000 per day of such violation and imprisonment for not more than 30 days, or both. Any person who knowingly makes any false statement in connection with the permit is subject to a criminal penalty of not more than \$5,000 for each instance of violation or by imprisonment for not more than 30 days, or both.

(b) Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

(c) Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(d) Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(e) Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures, and, where applicable, compliance with DEM "Rules and Regulations Pertaining to the Operation and Maintenance of Wastewater Treatment Facilities" and "Rules and Regulations Pertaining to the Disposal and Utilization of Wastewater Treatment Facility Sludge." This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the permit.

(f) Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause, including but not limited to: (1) Violation of any terms or conditions of this permit; (2) Obtaining this permit by misrepresentation or failure to disclose all relevant facts; or (3) A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(g) Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

(h) Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

(i) Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

- (4) Sample or monitor any substances or parameters at any location, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA or Rhode Island law.

(j) Monitoring and Records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the discharge over the sampling and reporting period.
- (2) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings from continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 and applicable Rhode Island regulations, unless other test procedures have been specified in this permit.
- (5) The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall upon conviction, be punished by a fine of not more than \$10,000 per violation or by imprisonment for not more than 6 months per violation or by both. Chapter 46-12 of the Rhode Island General Laws also provides that such acts are subject to a fine of not more than \$5,000 per violation, or by imprisonment for not more than 30 days per violation, or by both.
- (6) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
- (7) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136, applicable State regulations, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(k) Signatory Requirement

All applications, reports, or information submitted to the Director shall be signed and certified in accordance with Rule 12 of the Rhode Island Pollutant Discharge Elimination System (RIPDES) Regulations. Rhode Island General Laws, Chapter 46-12 provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$5,000 per violation, or by imprisonment for not more than 30 days per violation, or by both.

(l) Reporting Requirements

- (1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.
- (2) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with the permit requirements.
- (3) Transfers. This permit is not transferable to any person except after written notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under State and Federal law.
- (4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (5) Twenty-four hour reporting. The permittee shall immediately report any noncompliance which may endanger health or the environment by calling DEM at (401) 277-3961, (401) 277-6519 or (401) 277-2284 at night.

A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following information must be reported immediately:

- (i) Any unanticipated bypass which causes a violation of any effluent limitation in the permit; or
- (ii) Any upset which causes a violation of any effluent limitation in the permit; or
- (iii) Any violation of a maximum daily discharge limitation for any of the pollutants specifically listed by the Director in the permit.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (6) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (1), (2), and (5), of this section, at the time monitoring reports are submitted. The reports shall contain the information required in paragraph (1)(5) of the section.
- (7) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, they shall promptly submit such facts or information.

(m) Bypass

"Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

- (1) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (2) and (3) of this section.
- (2) Notice.
 - (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
 - (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Rule 14.18 of the RIPDES Regulations.
- (3) Prohibition of bypass.
 - (i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, where "severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (C) The permittee submitted notices as required under paragraph (2) of this section.

- (ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (3)(i) of this section.

(n) Upset

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- (1) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (2) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (2) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (a) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (b) The permitted facility was at the time being properly operated;
 - (c) The permittee submitted notice of the upset as required in Rule 14.18 of the RIPDES Regulations; and
 - (d) The permittee complied with any remedial measures required under Rule 14.05 of the RIPDES Regulations.
- (3) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

(o) Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. Discharges which cause a violation of water quality standards are prohibited. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different or increased discharges of pollutants must be reported by submission of a new NPDES application at least 180 days prior to commencement of such discharges, or if such changes will not violate the effluent limitations specified in this permit, by notice, in writing, to the Director of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by the permit constitutes a violation.

(p) Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner consistent with applicable Federal and State laws and regulations including, but not limited to the CWA and the Federal Resource Conservation and Recovery Act, 42 U.S.C. §§6901 et seq., Rhode Island General Laws, Chapters 46-12, 23-19.1 and regulations promulgated thereunder.

(q) Power Failures

In order to maintain compliance with the effluent limitation and prohibitions of this permit, the permittee shall either:

In accordance with the Schedule of Compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities;

or if such alternative power source is not in existence, and no date for its implementation appears in Part I,

Halt reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

(r) Availability of Reports

Except for data determined to be confidential under paragraph (w) below, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the DEM, 291 Promenade Street, Providence, Rhode Island. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA and under Section 46-12-14 of the Rhode Island General Laws.

(s) State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law.

(t) Other Laws

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, and local laws and regulations.

(u) Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

(v) Reopener Clause

The Director reserves the right to make appropriate revisions to this permit in order to incorporate any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the CWA or State law. In accordance with Rules 15 and 23 of the RIPDES Regulations, if any effluent standard or prohibition, or water quality standard is promulgated under the CWA or under State law which is more stringent than any limitation on the pollutant in the permit, or controls a pollutant not limited in the permit, then the Director may promptly reopen the permit and modify or revoke and reissue the permit to conform to the applicable standard.

(w) Confidentiality of Information

(1) Any information submitted to DEM pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, DEM may make the information available to the public without further notice.

(2) Claims of confidentiality for the following information will be denied:

- (i) The name and address of any permit applicant or permittee;
- (ii) Permit applications, permits and any attachments thereto; and
- (iii) NPDES effluent data.

(x) Best Management Practices

The permittee shall adopt Best Management Practices (BMP) to control or abate the discharge of toxic pollutants and hazardous substances associated with or ancillary to the industrial manufacturing or treatment process and the Director may request the submission of a BMP plan where the Director determines that a permittee's practices may contribute significant amounts of such pollutants to waters of the State.

(y) Right of Appeal

Within thirty (30) days of receipt of notice of a final permit decision, the permittee or any interested person may submit a request to the Director for an adjudicatory hearing to reconsider or contest that decision. The request for a hearing must conform to the requirements of Rule 49 of the RIPDES Regulations.

DEFINITIONS

1. For purposes of this permit, those definitions contained in the RIPDES Regulations and the Rhode Island Pretreatment Regulations shall apply.
2. The following abbreviations, when used, are defined below.

cu. M/day or M ³ /day	cubic meters per day
mg/l	milligrams per liter
ug/l	micrograms per liter
lbs/day	pounds per day
kg/day	kilograms per day
Temp. °C	temperature in degrees Centigrade
Temp. °F	temperature in degrees Fahrenheit
Turb.	turbidity measured by the Nephelometric Method (NTU)
TNFR or TSS	total nonfilterable residue or total suspended solids
DO	dissolved oxygen
BOD	five-day biochemical oxygen demand unless otherwise specified
TKN	total Kjeldahl nitrogen as nitrogen
Total N	total nitrogen
NH ₃ -N	ammonia nitrogen as nitrogen
Total P	total phosphorus
COD	chemical oxygen demand
TOC	total organic carbon
Surfactant	surface-active agent
pH	a measure of the hydrogen ion concentration
PCB	polychlorinated biphenyl
CFS	cubic feet per second
MGD	million gallons per day
Oil & Grease	Freon extractable material
Total Coliform	total coliform bacteria
Fecal Coliform	total fecal coliform bacteria
ml/l	milliliter(s) per liter
NO ₃ -N	nitrate nitrogen as nitrogen
NO ₂ -N	nitrite nitrogen as nitrogen
NO ₃ -NO ₂	combined nitrate and nitrite nitrogen as nitrogen
Ca	total residual chlorine



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

September 30, 2010

CERTIFIED MAIL

Mr. John R. Cavanagh
Director of Engineering
Blount Fine Foods
630 Carrant Road
Fall River, MA 02722

**RE: Final Permit for Blount Seafood Corporation
Rhode Island Pollutant Discharge Elimination System (RIPDES) Permit No. RI0001121**

Dear Mr. Cavanagh:

Enclosed is the final RIPDES permit for the above-mentioned facility. State regulations promulgated under Chapter 46-12 of the Rhode Island General Laws of 1956, as amended, require this permit to become effective on the date specified in the permit. Also enclosed is the "Response to Public Comments" received on the draft permit and information relative to hearing requests and stays of RIPDES Permits.

As outlined in the fact sheet for this permit, the Department of Environmental Management (DEM) is willing to enter into a Consent Agreement with Blount Seafood Corporation (Blount). This consent agreement will include interim limits for maximum daily BOD and average monthly Total Nitrogen and an enforceable schedule for Blount to design and construct facility upgrades that are necessary to allow Blount to come into compliance with the final permit limits for these pollutants. In order for the DEM to enter into a Consent Agreement, Blount will need to file a request for an adjudicatory hearing for the above-mentioned permit limits within thirty (30) days of receipt of this letter (see the attached instructions for Hearing Requests). Additionally, to obtain a stay of these permit limits, so that Blount will not have violations during the interim period between issuing the final permit and entering into a consent agreement, Blount must also request a temporary stay for the duration of the adjudicatory hearing proceedings (see the attached instructions for Stays of RIPDES Permits).

If there are any questions, regarding the attached final permit or the consent agreement process, feel free to contact Joseph Haberek at 401-222-4700, extension 7715.

Sincerely,

Eric A. Beck, P.E.
Supervising Sanitary Engineer

cc: David Turin, EPA (electronic)
Joseph Haberek, DEM (electronic)
Annie McFarland, DEM (electronic)
Traci Pena, DEM (electronic)
Todd Blount, Blount Fine Foods



**Response to Public Comments
Blount Seafood Corporation
RIPDES Permit No. RI0001121**

From August 27, 2010 to September 28, 2010, the Rhode Island Department of Environmental Management (DEM) solicited public comment on a draft Rhode Island Pollutant Discharge Elimination System (RIPDES) permit for Blount Seafood Corporation (Blount). The Public Hearing was held on September 27, 2010 at the DEM's Offices, 235 Promenade Street, Providence, Rhode Island.

The following responses address the written comments that were submitted to the DEM by Blount on September 28, 2010. No other comments were received.

Comment: Blount noted that it will not be able to immediately comply with the BOD and Total Nitrogen limits in the final permit and indicated its desire to enter into a consent agreement to analyze its clam processing wastestream and design a treatment system that will allow Blount to be able to consistently comply with its final permit limits.

Response: As outlined in the fact sheet for the permit, the DEM is willing to enter into a consent agreement with Blount that will include interim limits for maximum daily BOD and average monthly Total Nitrogen and an enforceable schedule for Blount to design and construct facility upgrades that are necessary to allow Blount to come into compliance with the final permit limits for these pollutants. In order for the DEM to enter into a consent agreement, Blount will need to file a request an adjudicatory hearing for the above-mentioned permit limits within thirty (30) days of receipt of this letter. Blount should also request a temporary stay of these permit limits so that Blount will not have violations during the interim period between the issuance of the final permit and the finalization of a consent agreement. The actual compliance schedule included in the consent agreement will be negotiated between the DEM and Blount as part of the consent agreement development process.

Comment: Blount requested that the Total Nitrogen limits be expressed in lbs/day.

Response: As indicated in Part I.A.11 of the permit, the Total Nitrogen limits are expressed as both a quantity (i.e., lbs/day) limit and a concentration (i.e., mg/l) limit. The concentration limit was derived from the quantity limit using Blount's permitted design flow for outfall 002 of 0.200 MGD. Therefore, at design flow, Blount's quantity and concentration limits for Total Nitrogen are equivalent. The DEM has determined that no change to the permit is necessary.

HEARING REQUESTS

If you wish to contest any of the provisions of this permit, you must request a formal hearing within thirty (30) days of receipt of this letter. The request shall be submitted to the Administrative Adjudication Division at the following address:

Bonnie Stewart, Clerk
Department of Environmental Management
Office of Administrative Adjudication
235 Promenade Street, 3rd Floor
Providence, Rhode Island 02908

Any request for a formal hearing must conform to the requirements of Rule 49 of the State Regulations.

STAYS OF RIPDES PERMITS

Should the Department receive and grant a request for a formal hearing, the contested conditions of the permit will not automatically be stayed. However, the permittee, in accordance with Rule 50, may request a temporary stay for the duration of adjudicatory hearing proceedings. Requests for stays of permit conditions should be submitted to the Office of Water Resources at the following address:

Angelo S. Liberti, P.E.
Chief of Surface Water Protection
Office of Water Resources
235 Promenade Street
Providence, Rhode Island 02908

All uncontested conditions of the permit will be effective and enforceable in accordance with the provisions of Rule 49.