UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NEW ENGLAND - REGION I
ONE CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

FACT SHEET

DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

NPDES PERMIT NO: **MA0027880**

PUBLIC NOTICE DATE:

NAME AND ADDRESS OF APPLICANT:

Brian Cardinal, Owner
Red Wing Meadow Trout Hatchery
528 Federal Street
Montague, MA 01351

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Red Wing Meadow Trout Hatchery
North Leverett Street
Montague, MA 01351

RECEIVING WATERS: **Sawmill River** (Connecticut River Watershed - MA-34)

CLASSIFICATION: **B - Warm Water Fishery**

I. PROPOSED ACTION

The above named applicant has applied to the U.S. Environmental Protection Agency for the re-issuance of its National Pollutant Discharge Elimination System (NPDES) permit to discharge into the designated receiving water. The current permit was issued April 22, 1996. It expired April 22, 2000 coinciding with other Connecticut River Watershed permits. A timely re-application was submitted and the permit continued in force, under 40 CFR 122.6.

II. TYPE OF FACILITY AND DISCHARGE LOCATION

The facility is a commercial hatchery, which is engaged in the hatching and rearing of trout for sale to private clubs for game, and as food to restaurants and supermarkets. The facility is located on the Sawmill River in the Connecticut River Watershed (See Attachment A). It is regulated as a Concentrated Aquatic Animal Production Facility, as defined at 40 CFR 122.24. The discharge is culture water.

The facility's discharge outfall is listed below:

Outfall	Description of Discharge	Outfall Location
001	Trout Hatchery Effluent	Sawmill River

III. DESCRIPTION OF DISCHARGE

A quantitative description of the discharge in terms of significant effluent parameters based on recent discharge monitoring reports (DMRs), May 1999 through June 2001, is shown on Attachment B of this fact sheet.

IV. LIMITATIONS AND CONDITIONS

The effluent limitations and monitoring requirements may be found in the draft NPDES permit.

V. PERMIT BASIS AND EXPLANATION OF EFFLUENT LIMITATION DERIVATION

A. PROCESS DESCRIPTION

Red Wing Meadow Trout Hatchery is located in Montague, MA. The hatchery is in the back/side yard of owner, Brian Cardinal's home. The hatchery operations consists of a hatchery building, twenty-two (22) tanks, four (4) raceways and two (2) 2,250 square foot settling ponds (See Attachment C). The facility supplies stock to other hatcheries, and private groups for stocking. It also supplies fresh, processed food trout to restaurants and supermarkets. The trout is processed on-site, but, wastewater from the processing facility is discharge to the septic system and is never mingled with the hatchery discharge. Any solids, bones and skin, etc. from the processing operation is freeze-dried and disposed of offsite.

Water is supplied to the tanks and raceways from five (5) groundwater wells. The water is recycled at least three times (through three separate tanks or raceways) prior to discharge to the set of settling ponds. The facility is completely outdoors and exposed to the elements with the exception of the hatch house and the processing room.

Regular (weekly) cleaning/maintenance is done on Mondays and Fridays. The cleaning involves brushing the tanks and discharging the solids into the drain system to the settling ponds. An annual thorough cleaning is conducted each spring following stocking season. At that time, the tanks are completely drained and powerwashed. Wastewater is then directed to the settling ponds for treatment. No sterilizers or disinfectants are used in this process.

Throughout the season, a food-grade sanitizer, C.D. Disinfectant Cleaner, is used as a boot and net wash. The wash is used as a dip and is done as employees move throughout the hatchery to prevent disease from moving tank to tank. The product is U.S. Department of Agriculture (USDA) approved sanitizer for establishments operating under the Federal meat, poultry, shell egg grading and egg products inspection programs.

According to the Material Safety Data Sheet (MSDS), the disinfectant is a ammonium chloride based product. Periodically, chlorine bleach is used for disinfecting when the facility runs out of C.D. Disinfectant Cleaner. Over the past 24 months, Red Wing Meadow Trout Hatchery has exceeded it's Total Residual Chlorine limit of 0.02 mg/l four (4) separate times.

The settling ponds are typically cleaned every 3 to 5 years depending on need. Sludge from the ponds is transported to a local organic farm for fertilizer which is turned into the soil within 24 hours. If timing cannot be worked with the farm, a commercial septage hauler is brought in and the sludge is transported to the municipal septage station.

Red Wing Meadow Trout Farm has used formalin on a regular basis during the Fall spawning season. Typical treatment is done in a 5,000 gallon tank. Ten (10) pounds of salt which sweats the fish is added to the culture water. Then 1 gallon of formalin, at a 37% concentration of formaldehyde, is added to the culture water to achieve the 4000:1 recommended dosage. Treatment takes about 50 minutes. This is done daily for a one week period.

Review of material safety data sheets for formalin indicates that formaldehyde, the active ingredient in formalin, requires an effluent limit because it has reasonable potential to violate water quality standards.

Red Wing Hatchery is currently researching hydrogen peroxide as an alternative to formalin for the treatment of infections. According to various literature, hydrogen peroxide can be effective at a concentration of 250-500 mg/l. Hydrogen peroxide is an unapproved drug of low regulatory priority for the U.S. Food Drug Administration (FDA). It decomposes into water and oxygen and the half-life in freshwater ranges from 8 hours to 20 days.

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Overview of Federal and State Regulations

EPA is required to consider technology and water quality requirements when developing permit effluent limits. Technology-based treatment requirements represent the minimum level of control that must be imposed under Sections 402 and 301(b) of the Act (see 40 CFR 125 Subpart A) to meet Best Practicable Control Technology Currently Available (BPT), Best Conventional Control Technology (BCT) for conventional pollutants and Best Available Technology Economically Achievable (BAT) for toxic pollutants.

EPA regulations require NPDES permits to contain effluent limits more stringent than technology-based limits where more stringent limits are necessary to maintain or achieve federal or state water quality standards.

Under Section 301(b)(1)(C) of the Clean Water Act (CWA), discharges are subject to effluent limitations based on Water Quality Standards. The Massachusetts Surface Water Quality Standards include the requirements for the regulation and control of toxic constituents and also require that EPA criteria established pursuant to Section 304(a) of the CWA shall be used unless site specific criteria are established. The State will limit or prohibit discharges of pollutants to surface waters to assure that surface water quality standards of the receiving waters are protected and maintained or attained.

In the absence of technology-based guidelines, EPA is authorized to use Best Professional Judgement (BPJ) to establish effluent limitations, in accordance with Section 402 (a)(1) of the CWA and 40 CFR Section 125.3.

The permit must limit any pollutant or pollutant parameter (conventional, non-conventional, toxic, and whole effluent toxicity) that is or may be discharged at a level that caused, has reasonable potential to cause, or contributes to an excursion above any water quality criteria. An excursion occurs if the projected or actual instream concentrations exceed the applicable criteria. In determining reasonable potential, EPA considers existing controls on point and non-point sources of pollution, variability of the pollutant in the effluent,

sensitivity of the species to toxicity and, where appropriate, the dilution of the effluent in the receiving water.
A permit may not be renewed, reissued, or modified with less stringent limitations or conditions than those contained in the previous permit unless in compliance with the anti-backsliding requirement of the CWA. EPA's anti-backsliding provisions found in 40 CFR 122.44(l) restrict the relaxation of permits, standards, and conditions. Therefore, the technology-based effluent limits in the reissued permit must be at least as stringent as those of the previous permit. Relaxation of these limits is only allowed when cause for permit modification is met (see 40 CFR 122.62). Effluent limits based on BPJ, water quality, and state certification requirements must also meet the anti-backsliding provisions found under Section 402(o) and 303(d)(4) of the CWA, as described in 40 CFR 122.44(1).

2. Water Quality Standards; Designated Use; Outfall 001

The Sawmill River is classified as a Class B water, warm water fishery in the Massachusetts Surface Water Quality Standards (314 CMR 4.00). Class B waters are designated as a habitat for fish, other aquatic life, and wildlife, and for primary and secondary contact recreation. They shall be suitable for irrigation and other agricultural uses and for compatible industrial cooling and process uses. The waters should have consistently good aesthetic value.

A warm water fishery is defined in the Massachusetts Surface Water Quality Standards (314 CMR 4.02) as waters in which the maximum mean monthly temperature generally exceeds 20° Celsius during the summer months and are not capable of supporting a year-round population of cold water stenothermal aquatic life. However, the Connecticut River Basin 1998 Water Quality Assessment Report (MA DEP, 2000) recommends that as a result of 1993 Division of Watershed Management upstream/downstream evaluation of the Red Wing Meadow Trout Hatchery discharge, that the classification of the stream be changed to cold water fishery.

Available Dilution

Water quality based limitations are established with the use of a calculated available dilution. Title 314 CMR 4.03(3)(a) requires that effluent dilution be calculated based on the receiving water 7Q10. The 7Q10 is the lowest observed mean river flow for 7 consecutive days, recorded over a 10-year recurrence interval. Additionally, the facility design flow is used to calculate available effluent dilution.

Using the USGS Stream Stat tool, the 7Q10 of the Sawmill River just upstream of the point of discharge is 2.22 cfs or 1.43 mgd.

The design flow of the facility is 1.44 mgd or 2.23 cfs. The dilution factor is 2.

$$\frac{\text{Daily average design effluent flow + River flow (7Q10)}}{\text{Daily average design effluent flow}} = \text{Dilution}$$

$$\frac{2.23 + 2.22}{2.23} = 2$$

OUTFALL 001 - CONVENTIONAL POLLUTANTS

Biochemical Oxygen Demand (BOD_5) - The previous permit for this facility had a chronic effluent limitation for BOD of 5 mg/l. BOD values reported on DMRs for the last 24 months clearly meet this limit, 0.05 to 2.0 mg/l.

The Environmental Protection Agency has not developed effluent guidelines for this type of facility as provided for in the Clean Water Act (CWA). The draft permit includes proposed average monthly and maximum daily BOD limitations which are based on Best Professional Judgement (BPJ). The BOD limits were derived from a review of effluent data from concentrated aquatic animal production facilities located in Massachusetts and New Hampshire, as well as review of general NPDES permits developed for similar facilities in Idaho, Oregon and South Carolina. The limits are 5 mg/l average monthly and 10 mg/l for maximum daily.

However, due to anti-backsliding, EPA has determined that the chronic limit of 5 mg/l should be retained. An acute limit of 5 mg/l has been added as new limitation for consistency with similar facilities in Massachusetts. The draft permit carries forward quarterly monitoring frequency from the previous permit but requires samples to be taken immediately following a raceway/tank cleaning and/or maintenance activities rather than during a random operating time during the month.

Total Suspended Solids (TSS) - The previous permit for this facility had a maximum daily effluent limitation for TSS of 3 mg/l. TSS values reported on DMRs for the last 24 months clearly meet this limit with one exception, 0-7.8 mg/l and an average of 1.4 mg/l.

EPA has not developed effluent guidelines for this type of facility as provided for in the CWA. The draft permit includes a proposed average monthly and maximum daily TSS limitations which are based on Best Professional Judgement (BPJ). The TSS limits were derived from a review of effluent data from concentrated aquatic animal production facilities located in Massachusetts and New Hampshire, as well as review of general NPDES permits developed for similar facilities in Idaho, Oregon and South Carolina. The limit is 10 mg/l average monthly and 10 mg/l for maximum daily.

However, due to anti-backsliding, EPA has determined that the maximum daily limit of 3 mg/l should be retained. The draft permit carries forward quarterly monitoring frequency from the previous permit but requires samples to be taken immediately following a raceway/tank cleaning and/or maintenance activities rather than during a random operating time during the month.

Dissolved Oxygen (DO) - The draft permit includes a limit for DO based on state water quality standards. The Red Wing Meadow Trout Hatchery discharges to Class B waters, warm water fishery, as classified by the Massachusetts Surface Water Quality Standards, but is currently achieving the cold water standard as indicated by the MA DEP Division of Watershed and as such it shall have DO levels not less than 5.0 mg/l. The monitoring for dissolved oxygen (DO) shall be conducted during the use of formalin, when effluent concentrations are expected to be at their maximum.

pH - The draft permit includes proposed pH limitations which are required by state water quality standards, and are at least as stringent as pH limitations set forth at 40 CFR 133.102(c). The pH level shall be in a range of 6.5 through 8.3 standard units and not more than 0.2 standard units outside of the normally occurring range. There shall be no change from background conditions that would

impair any use assigned to this class. The weekly monitoring frequency is carried forward from the pervious permit.

OUTFALL 001 - NONCONVENTIONAL AND TOXIC POLLUTANTS

Total Ammonia, as N - Ammonia is a nutrient which is toxic at elevated concentrations. Concentrated aquatic animal facilities as defined in 40 CFR 122.24 are known contributors of ammonia. The past permit for this facility had an effluent limitation for total ammonia of 4.2 mg/l.

Current EPA water quality criteria for ammonia in freshwater systems are defined in the 1999 Update of Water Quality Criteria for Ammonia. At a pH of 7.0 and temperature of 20° Celsius, the acute criteria is 24.1 mg/l and the chronic criteria is 4.15 mg/l. Given the dilution factor of 2, the total ammonia limitations are 48.2 mg/l daily maximum and 8.3 mg/l monthly average.

Total Ammonia, as N Limitations

Acute (Daily Maximum)
24.1 mg/l (At pH 7.0 and temperature of 20° Celsius)

(acute criteria * dilution factor) = Acute (Daily Maximum)
(24.1 mg/l * 2) = 48.2 mg/l

Chronic (Monthly Average)
4.15 mg/l (At pH 7.0 and temperature of 20° Celsius)

(chronic criteria * dilution factor) = Chronic (Monthly Average)
(4.15 mg/l * 2) = 8.3 mg/l

Based on 24 months, there is no reasonable potential to exceed the criteria for total ammonia and the effluent limitation has been eliminated. Values reported over the last 24 months ranged from 0.2 mg/l to 0.4 mg/l with an average value of 0.3 mg/l.

Total Phosphorus - The past permit for this facility had an effluent limitation of 1.0 mg/l for total phosphorus. Based on the 24 months of data, there is no reasonable potential to exceed the criteria for total phosphorus. Over the last 24 months, a maximum level of 0.5 mg/l was recorded and the average reported level was 0.3 mg/l, therefore, there is no reasonable potential and effluent limitation has been removed form the permit.

Total Residual Chlorine - Chlorine is a toxic chemical. Discharge Monitoring Reports indicate a problem with chlorine, over the past 24 months, Red Wing Meadow Trout Hatchery has exceeded the Total Residual Chlorine limit of 0.02 mg/l four (4) separate times.

As previously mentioned, the hatchery uses a food-grade sanitizer, C.D. Disinfectant Cleaner, as a boot and net wash. The exceedances may be the result of poor management disposal of the cleanser. The permittee should contact the Massachusetts Executive Office of Environmental Affair's Office of Technical Assistance (OTA) for assistance in addressing this issue.

The draft permit includes total residual chlorine limitations which are based on state water quality standards [Title 314 CMR 4.05 (5)(e)]. Chlorine compounds produced by the use of a chloride based sanitizer can be extremely toxic to aquatic life. The water quality standards for chlorine defined in the 1998 EPA National Recommended Water Quality Criteria of freshwaters are 19 ug/l

daily maximum and 11 ug/l monthly average in the receiving water. Given a dilution factor of 2, the total residual chlorine limitations have been set at 38 ug/l daily maximum and 22 ug/l monthly average. Sampling frequency has been increased to once a month.

Total Residual Chlorine, Freshwater, Limitations

Acute (Daily Maximum)
19 ug/l = 0.019 mg/l

(acute criterion * dilution factor) = Acute (Daily Maximum)
19 ug/l * 2 = 38 ug/l =0.038 mg/l

Chronic (Average Monthly)
11 ug/l = 0.011 mg/l

(chronic criterion * dilution factor) = Chronic (Average Monthly)
11 ug/l * 2 = 22 ug/l = 0.022 mg/l

Formaldehyde - Concentrated aquatic animal production facilities commonly use biocides. The most common of which is formalin products (Paracide-F, Formalin-F, or Parasite-S) which contains approximately 37 percent by weight formaldehyde gas. Formalin is used for the therapeutic treatment of fungal infections and external parasites of finfish and finfish eggs.

Formalin use should be consistent with U.S. Food and Drug Administration (FDA) labeling instructions (21CFR 1 § 529.1030). Per those instructions, formalin is to be used only 1-hour per day in raceways and tanks for the treatment of finfish. Finfish eggs may be treated 15 minutes per day following FDA guidelines. Prophylactic use of formalin is strictly prohibited.

Toxicity data indicates that formalin is toxic to aquatic organisms at concentrations below FDA labeling guidelines. There are currently no water quality criteria for formalin or formaldehyde established in the MA SWQS. However, a memo dated October 24, 1990 from Gerald Szal, Aquatic Ecologist, Massachusetts Department of Environmental Protection (MA DEP), recommends the following methodology.

Szal's methodology is based on review of a U.S. Fish and Wildlife document (Bills et al. 1977) which lists LC_{50}s for formalin for a variety of fingerling fish tested at 12° Celsius for a maximum of 96 hours. Two species of *Ictalurid* common to local waters were selected as appropriate indicator species. Black bullhead had a 96-hour LC50 of 62.1 ul/l. Channel Catfish has a 96-hour LC_{50} of 65.8 ul/l.

EPA recommends use of a factor of 0.3 to adjust the typical LC50 endpoint to a LC1 value (virtually no mortality) (see Technical Support Document for Water Quality Based Toxics Control, EPA-440/4-85-032, Sept. 1985). This returns values of 18.63 ul/l, and 19.74 ul/l, respectively.

Black Bullhead	62.1 ul/l * 0.3 = 18.63 ul/l
Channel Catfish	65.8 ul/l * 0.3 = 19.74 ul/l

No chronic data is available for formalin. In an EPA complied list of Acute to Chronic ratios (ACRs), the median value for these ratios was between 10 and 15.

Black Bullhead 18.63 ul/l * 0.1 = 1.863 ul/l

Channel Catfish 19.74 ul/l * 0.1 = 1.974 ul/l

Hence, the acute criteria for formalin is 19 ul/l or 19 mg/l of formalin and the chronic criteria is 1.9 ul/l or 2.0 mg/l of formalin. For water, 10^6 mg equals one liter (one liter of water weighs 1000 grams) and 10^6 ul equals one liter. Therefore 1 mg equals 1 ul. Hence, it is a direct conversion from ul to mg.

The acute criteria for formalin in 19 mg/l. Therefore, since formalin averages 37% formaldehyde, the acute criteria for formaldehyde is 7.03 mg/l.

The chronic criteria for formalin is 2.0 mg/l. As formalin is approximately 37% formaldehyde, the chronic criteria for formaldehyde is 0.74 mg/l.

Given the dilution factor of 2, the chronic formaldehyde limitation is 1.48 mg/l.

Formaldehyde Limitation:
Chronic (Monthly Average)

(chronic criteria * dilution factor) = Chronic (Monthly Average)
0.74 mg/l formaldehyde * 2 = 1.48 mg/l formaldehyde

OUTFALL 001 - WHOLE EFFLUENT TOXICITY (WET)

Under Section 301(b)(1)(C) of the CWA, discharges are subject to effluent limitations based on water quality standards. The Massachusetts Surface Water Quality Standards include the following narrative statement and requires that EPA criteria established pursuant to Section 304(a)(1) of the CWA be used as guidance for interpretation of the following narrative criteria: All surface waters shall be free from pollutants in concentrations or combinations that are toxic to humans, aquatic life or wildlife.

Based on the potential for toxicity resulting from formaldehyde, and in accordance with EPA national and regional policy, the draft permit includes chronic and acute toxicity limitations and monitoring requirements. (See, e.g., "Policy for the Development of Water Quality-Based Permit Limitations for Toxic Pollutants," 50 Fed. Reg. 30,784 (July 24, 1985); see also, EPA's "Technical Support Document for Water Quality-Based Toxics Control," September 1991.)

Pursuant to EPA Region I policy, a discharge having a dilution ratio of less than 20:1 requires both chronic and acute toxicity testing four times per year. The principal advantages of biological techniques are: (1) the effects of complex discharges of many known and unknown constituents can be measured only by biological analyses; (2) bioavailability of pollutants after discharge is best measured by toxicity testing including any synergistic effects of pollutants; and (3) pollutants for which there are inadequate chemical analytical methods or criteria can be addressed. Therefore, toxicity testing is being used in conjunction with pollutant specific control procedures to control the discharge of toxic pollutants.

The draft permit requires that the permittee conduct chronic and modified WET testing for the Outfall 001 effluent four times per year and that each test include the use of one species, Ceriodaphnia.

As a condition of this permit, the testing requirements may be reduced if certain conditions are met. The permit provision anticipates that the permittee may wish to request a reduction in the WET

testing. After four consecutive WET tests, demonstrating compliance with the permit limits for whole effluent toxicity, the permittee may submit a written request to the EPA seeking a review of toxicity test results. The EPA will review the test results and pertinent information to make a determination. The permittee is required to continue testing at the frequency and species specified in the permit until the permit is either formally modified or until the permittee receives a certified letter from the EPA indicating a change in the permit conditions.

VI. ANTI-BACKSLIDING

Anti-backsliding as defined at 40 CFR §122.44(l)(1) requires reissued permits to contain limitations as stringent or more stringent than those of the previous permit unless the circumstances allow application of one of the defined exceptions to this regulation. The limits for total ammonia and total phosphorus have been removed based on new information gathered during the previous permit period. All other limits are as stringent as the previous permit.

VII. ANTI-DEGRADATION

The Massachusetts Anti-degradation Policy is found at Title 314 CMR 4.04. All existing uses of the Sawmill River must be protected. This draft permit is being reissued with allowable discharge limits as or more stringent than the current permit. Effluent limitations for total ammonia and total phosphorus have been removed because recent DMR data indicates there is no reasonable potential for exceedence of effluent guidelines. The public is invited to participate in the anti-degradation finding through the permit public notice procedure.

VIII. STATE PERMIT CONDITIONS

The NPDES Permit is issued jointly by the U. S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection under federal and state law, respectively. As such, all the terms and conditions of the permit are, therefore, incorporated into and constitute a discharge permit issued by the MA DEP Commissioner.

IX. ESSENTIAL FISH HABITAT

Under the 1996 Amendments (PL 104-267) to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 et seq.(1998)), EPA is required to consult with the National Marine Fisheries Service (NMFS) if EPA's action or proposed actions that it funds, permits, or undertakes, "may adversely impact any essential fish habitat," 16 U.S.C. § 1855(b). The Amendments broadly define "essential fish habitat" (EFH) as: "waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity," 16 U.S.C. § 1802(10). "Adverse impact" means any impact which reduces the quality and/or quantity of EFH, 50 C.F.R. § 600.910(a). Adverse effects may include direct (e.g., contamination or physical disruption), indirect (e.g., loss of prey, reduction in species' fecundity), site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions. Id.

Essential fish habitat is only designated for fish species for which federal Fisheries Management Plans exist. 16 U.S.C. § 1855(b)(1)(A). EFH designations for New England were approved by the U.S. Department of Commerce on March 3, 1999.

EPA and MA DEP have requested a EFH consultation with NMFS for this discharge. The proposed discharge permit is developed to meet State Surface Water Quality Standards and will not adversely impact EFH. The final permit will not be issued until a final determination from NMFS is obtained by EPA.

X. ENDANGERED SPECIES ACT CONSULTATION FOR SHORTNOSED STURGEON

Section 7(a) of the Endangered Species Act of 1973, as amended (AAct") grants authority to and imposes requirements upon Federal agencies regarding endangered or threatened species of fish, wildlife, or plants (Alisted species") and habitat of such species that has been designated as critical (A critical habitat").

Section 7(a)(2) of the Act requires every Federal agency, in consultation with and with the assistance of the Secretary of the Interior, to insure that any action it authorizes, funds, or carries out, in the United States or upon the high seas, is not likely to jeopardize the continued existence of any listed species or results in the destruction or adverse modification of critical habitat. The National Marine Fisheries Service (NMFS) administers Section 7 consultations for marine species and anadromous fish. The United States Fish and Wildlife Service (USFWS) administers Section 7 consultations for freshwater species.

The Department of the Interior has listed the Shortnosed Sturgeon (Acipenser brevirostrum) as endangered for portions of the Connecticut River. Therefore, EPA has entered into consultation with NMFS and USFWS regarding the reissuance of the NPDES permits to be reissued in the Connecticut River Watershed

XI. STATE CERTIFICATION REQUIREMENTS

The staff of the Massachusetts Department of Environmental Protection ("MADEP") has reviewed the draft permit. EPA has requested permit certification by the State pursuant to 40 CFR § 124.53 and expects that the draft permit will be certified.

XII. PUBLIC COMMENT PERIOD AND PROCEDURES FOR FINAL DECISION

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 U.S. EPA, Office of Ecosystem Protection, MA Unit, One Congress Street, Suite-1100, Boston, Massachusetts 02114. Any person, prior to such date, may submit a request in writing for a public hearing to consider the draft permit to EPA and the State Agency. Such requests shall state the nature of the issues proposed to be raised in the hearing. Public hearings may be held after at least thirty days public notice whenever the Regional Administrator finds that response to this notice indicates a significant public interest. In reaching a final decision on the draft permit, the Regional Administrator will respond to all significant comments and make these responses available to the public at EPA's Boston office.

Following the close of the comment period and after a public hearing, if such a hearing is held, the Regional Administrator 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 or requested notice.

XIII. EPA CONTACT

Additional information concerning the draft permit may be obtained between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays from:

Michele Cobban Barden
Office of Ecosystem Protection
U.S. Environmental Protection Agency
One Congress Street, Suite-1100 (CPE)
Boston, MA 02114-2023
Telephone: (617) 918-1539
Barden.Michele@epa.gov

_____
Date

Linda M. Murphy, Director
Office of Ecosystem Protection
U.S. Environmental Protection Agency

Attachments:

A: Site Map not available electronically
B: DMR Summary - attached
C. Hatchery Operations - not available electronically