

RESPONSE TO COMMENTS

REGARDING THE REISSUANCE OF THE FOLLOWING NPDES PERMIT

MASSACHUSETTS DIVISION OF FISHERIES AND WILDLIFE CHARLES L. McLAUGHLIN TROUT HATCHERY, MA0110043

Introduction:

The U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) solicited public comments from July 25, 2007 through August 23, 2007 on the draft National Pollutant Discharge Elimination System (NPDES) permit to be issued to the Massachusetts Division of Fisheries and Wildlife for its Charles L. McLaughlin Trout Hatchery (McLaughlin).

The Draft NPDES Permit is for the discharge of fish culture wastewater. The facility discharges to the Swift River.

During the public-notice (comment) period EPA-New England received comments from the permittee, the Massachusetts Division of Fisheries and Wildlife.

In accordance with the provisions of 40 C.F.R. §124.17, this document presents EPA's and MassDEP's responses to comments received on the draft NPDES permit and any appropriate changes made to the public-noticed draft permit as a result of the comments. The final permit is substantially similar to the draft permit that was available for public comment. EPA did, however, revise certain requirements in the permit to provide additional clarification as a result of the comments raised. These revisions are summarized below and are reflected in the Final Permit.

Changes Made to the Final Permit

1. The Final Permit has been modified to require that the BMP Plan be sent to the MassDEP within 120 days of the effective date of the permit.
2. The Final Permit has been modified to require quarterly monitoring for BOD, Total Suspended Solids, Ammonia, and Total Nitrogen during periods of normal operation (not during cleaning operations).
3. The Final Permit provides a one-year phase-in of the new, more restrictive effluent limitation for phosphorus. This will allow the permittee time to make the needed operational improvements to comply with the limit.

COMMENT NO. 1 submitted by the Massachusetts Division of Fisheries and Wildlife.

The Division's primary concern with the DRAFT permit is a change in the phosphorus limit from 1.00 mg/l in the previous permit to 0.26 mg/l in the DRAFT permit. The hatchery discharge consistently meets the new limit at certain times of the year but there are other times of the year that it is not consistently met (although they are always consistently well below the old limit of 1.0 mg/l). The Division is committed to meeting this new limit and is currently in the process of conducting a full review to identify the best strategy(s) in order to meet the new limits. It is anticipated that a number of changes in operations will be required to meet the new limit consistently, including budgeting for and purchasing low phosphorus feeds. A full description of the strategies to be used to meet the phosphorus limit will be identified in the Best Management Plan that is to be developed for the hatchery as part of the new permit. The Division will make every effort to achieve the new phosphorus limit as quickly as possible but it is concerned that it may take time to develop the most effective strategy and plan to meet the new limit.

The Division therefore requests that the FINAL Permit allow for the phasing in of the new phosphorus limit during the first year that the new permit takes effect. This would allow sufficient time to conduct a full review of the best strategies to employ to meet the new limits and put them into operation.

RESPONSE NO. 1

The proposed new, more restrictive, water-quality-based phosphorus limitation for the McLaughlin Hatchery is intended to reduce enrichment of the receiving waters and avoid nuisance growth of aquatic plant life. EPA agrees that a one-year phase-in period is appropriate to allow the permittee to develop process changes or treatment improvements to consistently achieve the new limitation of 0.26 mg/l. The permit has been revised to delay the effective date for the new limitation for one year after the effective date of the permit. The permit requires that the expired permit limitation for phosphorus (1.0 mg/l) be maintained during the phase-in period.