



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

April 22, 2009

CERTIFIED MAIL

Mr. Bill Silkes, President
American Mussel Harvesters, Inc.
Port of Galilee
323 Great Island Road
Narragansett, RI 02882

**RE: American Mussel Harvesters, Inc.
RIPDES No. RI0110094**

Dear Mr. Silkes:

Enclosed is your final Rhode Island Pollutant Discharge Elimination System (RIPDES) Permit issued pursuant to the referenced application. 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 information relative to hearing requests and stays of RIPDES Permits.

We appreciate your cooperation throughout the development of this permit. Should you have any questions concerning this permit, feel free to contact Brian Lafaille, P.E. of the State Permits Staff at (401) 222-4700, extension 7731.

Sincerely,

A handwritten signature in dark ink, appearing to read "Eric A. Beck".

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

EAB: bdl

Enclosures

cc: David Turin, EPA Region 1 (Electronic Copy)
Traci Pena, RIDEM-OWR (Electronic Copy)
Annie McFarland, RIDEM-OWR (Electronic Copy)



RESPONSE TO COMMENTS

NO SIGNIFICANT COMMENTS WERE RECEIVED ON THE DRAFT PERMIT FOR THIS FACILITY; THEREFORE, NO RESPONSE WAS PREPARED.

HEARING REQUESTS

If you wish to contest any of the provisions of this permit, you may request a formal hearing within thirty (30) days of receipt of this letter. The request should 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.

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,

American Mussel Harvesters, Inc.
165 Tidal Drive
North Kingstown, RI 02852

is authorized to discharge from a facility located at

165 Tidal Drive
North Kingstown, RI

to receiving waters named

Narragansett Bay

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

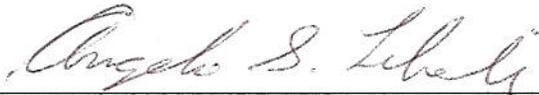
This permit shall become effective on the date of signature.

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

This permit supercedes the permit issued on February 17, 2004.

This permit consists of four (4) pages in Part I including effluent limitations and monitoring requirements and 10 pages in Part II including General Conditions.

Signed this 22nd day of April, 2009.



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

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(s) 001A. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Quantity - lbs./day		Discharge Limitations		Concentration - specify units		Monitoring Requirement	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type
Flow		300 gpm					Continuous	Recorder
Turbidity (Influent and Effluent)			--- NTU			--- NTU	1/week	Grab
Fecal Coliform			--- MPN/100ml			--- MPN/100ml	1/week	Grab

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

Sampling for Fecal Coliform shall be performed Monday – Friday. The Geometric Mean shall be used to calculate the “monthly average”.

Sampling for Turbidity shall be performed Monday-Friday on the influent (sea water prior to being added to the flow through tanks) and effluent (final discharge from the facility).

Sampling for Flow shall be performed Sunday-Saturday.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Outfall 001A (final discharge from the facility).

2.
 - 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.
 - d. All accumulated solids shall be periodically removed and disposed of off-site.
 - e. This permit authorizes the discharge of water from the flow through shellfish holding tanks only. However, water from the shellfish holding tanks may be passed through the proposed shellfish grow-out tanks, providing no chemicals or feed are added. All other non-storm water discharges are prohibited.
3. 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.

B. 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 quarter shall be summarized and reported on Discharge Monitoring Report (DMR) Forms, postmarked no later than the 15th day of the month following the completed quarter as follows:

<u>Quarter Testing to be Performed</u>	<u>Report Due No Later Than</u>	<u>Results Submitted __on DMR for</u>
January 1 - March 31	April 15	March
April 1 - June 30	July 15	June
July 1 - September 30	October 15	September
October 1 - December 31	January 15	December

The first report is due on July 15, 2009.

A signed copy of these, and all other reports required herein, shall be submitted to:

RIPDES Program
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, Rhode Island 02908

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
235 PROMENADE STREET
PROVIDENCE, RHODE ISLAND 02908

STATEMENT OF BASIS

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

RIPDES PERMIT NO. **RI0110094**

NAME AND ADDRESS OF APPLICANT:

American Mussel Harvesters, Inc.
165 Tidal Drive
North Kingstown, RI 02852

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

American Mussel Harvesters, Inc.
165 Tidal Drive
North Kingstown, RI

RECEIVING WATER:

Narragansett Bay

CLASSIFICATION:

SA

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 engaged in the wet storage of shellfish, e.g., mussels, quahogs, oysters, steamers, prior to shipment to market. The discharge will occur from flow through storage tanks.

II. Permit Limitations and Conditions

The effluent limitations, monitoring requirements, and any implementation schedule (if required) may be found in the draft permit.

III. Permit Basis and Explanation of Effluent Limitation Derivation

American Mussel Harvesters, Inc. (AMH) harvests, packs, markets, and ships live molluscan shellfish to major seafood markets across the United States and Canada. On August 31, 1998, in anticipation of constructing a new facility at Quonset Point/Davisville, AMH was granted a RIPDES permit for the discharge of water from a flow through system for wet storage of shellfish prior to shipment. Again on February 17, 2004 AMH's original RIPDES permit was reissued,

however due to over three years of construction delays AMH had not completed the facility until the spring of 2003. Since the issuance of the February 17, 2004 permit, AMH, for a variety of business related reasons, has not operated the flow through system for the wet storage of shellfish prior to shipment.

When the flow through system is put into operation it will maintain up to 16000 pounds of quahogs, oysters, and steamers in approximately 15000 gallons of seawater pumped from Narragansett Bay. The receiving water will be sterilized using ultra violet lights to lower bacteria levels, and the storage tanks will circulate water in a pattern that results in solids settling below the false bottoms of the tanks. Accumulated solids will be periodically removed and disposed of off-site. The flow-through system will allow for complete turnover of water every hour, therefore, the DEM anticipates that temperature, pH, salinity, and suspended solid content of the discharge will not vary significantly from that of the receiving water. The DEM also anticipates that turbidity and fecal coliform content of the discharge will remain within tolerable limits as specified for class SA waters in the RI Water Quality Regulations for Water Pollution Control. The water will be discharged from a submerged outfall located approximately 200 feet offshore.

Based on the nature of the discharge and of the receiving water, the DEM has determined that there is no reasonable potential for the discharge to cause or contribute to a violation of water quality criteria, and discharge limitations are not necessary. However, because AMH has not discharged water from the flow through system during the previous two permitting rounds due to construction delays, this reissued permit will continue to require monitoring for flow, turbidity, and fecal coliform bacteria. The DEM has determined that all permit limitations are consistent with the Rhode Island Antidegradation policy.

III. 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 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. Any person, prior to such date, may submit a request in writing for a public hearing to consider the draft permit to the Rhode Island Department of Environmental Management. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least thirty (30) days public notice whenever the Director finds that the response to this notice indicates significant public interest. 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, if such hearing is held, 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 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 Rule 49 of the Regulations for the Rhode Island Pollutant Discharge Elimination System.

V. **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:

Brian D. Lafaille, P.E.
RIPDES Program
Office of Water Resources
Department of Environmental Management
235 Promenade Street
Providence, Rhode Island 02908
Telephone: (401) 222-4700, ext. 7731

12/22/08
Date


Eric A. Beck, P.E.
Supervising Sanitary Engineer
Office of Water Resources