

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

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

**Nickerson Fish & Lobster, Inc.
P.O. Box 397
Chatham, MA 02633**

is authorized to discharge from the facility located at

**Nickerson Fish & Lobster, Inc.
45 Barcliff Ave. Ext.
Chatham, MA 02633**

to receiving water named

Chatham Harbor - Cape Cod Watershed (MA96-10)

in accordance with 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 consists of 6 pages in Part I including effluent limitations, monitoring requirements, an outline of a BMP plan and 35 pages in Part II including General Conditions and Definitions.

Signed this 5th day of May, 2005

/s/ SIGNATURE ON FILE

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

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

EFFLUENT CHARACTERISTIC		EFFLUENT LIMITS				MONITORING REQUIREMENTS	
PARAMETER		AVERAGE MONTHLY	AVERAGE WEEKLY	AVERAGE MONTHLY	MAXIMUM DAILY	MEASUREMENT FREQUENCY	SAMPLE ^{*2,4} TYPE
FLOW		***	***	***	80,000 gpd	Monthly	Estimate

Part I.A.1.

- a. The discharge shall not cause a violation of the water quality standards of the receiving waters.
- b. The pH of the effluent shall not be less than 6.5 nor greater than 8.5 at any time, unless these values are exceeded as a result of an approved treatment process.
- c. The discharge shall not cause objectionable discoloration of the receiving waters.
- d. The effluent shall contain neither a visible oil sheen, foam, nor floating solids at any time.
- e. The results of sampling for any parameter above its required frequency must also be reported.
- f. The permittee reported in its application that it does not use any chemicals in the lobster/shellfish holding tanks. No monitoring requirements are established in the draft permit for the discharge from the lobster/shellfish holding tanks. If any chemicals need to be used in the future, the permittee shall notify EPA and MADEP for their use and effect of toxicity in the receiving water. The permit will be modified, if needed. The lobster/shellfish holding tanks shall be cleaned in accordance with the FDA Sanitation Control Procedures 21 CFR 123.11.

2. This permit shall be modified, or revoked and reissued to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Act, if the effluent standard or limitation so issued or approved:
 - (1) contains different conditions or is otherwise more stringent than any effluent limitation in this permit; or
 - (2) controls any pollutant not limited by this permit.

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

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- dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R. §122.21(g)(7); or
 - (4) Any other notification level established by the Director in accordance with 40 C.F.R. §122.44(f).
 - 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. §122.21(g)(7); or
 - (4) Any other notification level established by the Director in accordance with 40 C.F.R. §122.44(f).
 - c. That they have begun or expect to begin to use or manufacture as an

intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

B. Best Management Practices (BMPs) Plan

1. A plan shall be developed which establishes Best Management Practices (BMPs) to be followed in operating the lobster and shellfish holding facility, cleaning tanks and other equipment and disposing of any solid waste (e.g. dead lobsters). The purpose of the plan is to identify and to describe the practices which minimize the amounts of pollutants (biological, chemical and medicinal) discharged to surface waters.
 1. The BMP plan shall be completed **within 90 days after the effective date** of this permit; the plan should be modified as necessary during the life of the permit. A current copy of the plan shall be maintained at the facility.
 2. The permittee shall submit a copy of the BMP Plan and a letter to EPA and the MA DEP indicating in writing that the plan addresses all required elements described in this section of the permit. In the letter, the permittee shall include the specific date the plan was implemented. On that specific date, the plan becomes an enforceable element of the permit.
 3. The permittee shall amend the BMP plan within thirty (30) days following a change in facility design, construction, operation, or maintenance which affects the potential for the discharge of pollutants into surface waters. A letter summarizing any amendments of the BMP plan shall be submitted to EPA and MA DEP as in subparagraph b above.
 4. The BMP Plan shall include, as a minimum, the following items:
 1. During operations:
 1. A description of the pollution control equipment or methods used to enhance solids collection.
 2. A description of how excessive solids buildup will be identified to trigger more frequent cleaning of the holding tanks and equipment thereby preventing more suspended and dissolved materials in the discharge.
 2. Cleaning of tanks and other equipment:
 1. Describe in detail how the accumulated solids are to be removed, dewatered and methods of disposal.
 2. Describe where the removed material is to be placed and the techniques used to prevent it from re-entering the

surface waters from any on-site storage. If the material is removed from the site, describe who received the material and its method of disposal and/or reuse.

3. Medications and chemicals used in the facility:

1. List in the plan all medications and chemicals (including cleaning agents) that are expected to be used in the tanks. For each medication or chemical, identify:
 1. Product name of the medication or chemical.
 2. The chemical formulation of the medication or chemical.
 3. The purpose or use of the chemical.
 4. The dosage concentration, frequency of application (hourly, daily, etc.) and the duration (hours, days) of treatment.
 5. The method of application.
 6. Material Safety Data Sheets (MSDS), Chemical Abstracts Service (CAS) Registry number for each active therapeutic ingredient.
 7. The method or methods used to detoxify the wastewater prior to discharge following application of chemical and/or medication.
 8. Information on the persistence and toxicity of each medication or chemical.
 9. Information on the Food and Drug Administration (USFDA) approval for the use of said medication or chemical on fish or fish related products used for human consumption.
 10. Available aquatic toxicity data for each medication or chemical used (vendor data, literature data, etc.); LC₅₀ at 48 and/or 96 hours and No Effect Level (NOEL) concentrations for typical aquatic organisms (salmon, trout, daphnia, fathead minnow, etc.).

4. Personnel Training

1. Describe the training to be provided for employees to assure they understand the goals and objectives of the BMPs, the requirements of the NPDES Permit and their individual responsibilities for complying with the goals and objectives of the BMP Plan and the NPDES permit.

C. Monitoring and Reporting

1. Monitoring results obtained during each calendar month shall be summarized and reported quarterly on Discharge Monitoring Form(s) postmarked no later than the 15th day of the month following the close of the quarter.

Signed and dated originals of these, and the letters, required in section B.1.b and B.1.c, shall be submitted to the Director and the State at the following addresses:

Environmental Protection Agency
Water Technical Unit (SEW)
P.O. Box 8127
Boston, Massachusetts 02114

The State Agency is:

Massachusetts Department of Environmental Protection
Southeast Regional Office - Bureau of Waste Prevention
20 Riverside Drive
Lakeville, MA 02347

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

D. State Permit Conditions

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

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

and effect under Federal law as an NPDES Permit issued by the U.S. Environmental Protection Agency. In the event this Permit is declared invalid, illegal or otherwise issued in violation of Federal law, this Permit shall remain in full force and effect under State law as a Permit issued by the Commonwealth of Massachusetts.