

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF WATER RESOURCES  
235 PROMENADE STREET  
PROVIDENCE, RHODE ISLAND 02908-5767**

PUBLIC NOTICE OF PROPOSED PERMIT ACTION UNDER THE RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM (RIPDES) PROGRAM WHICH REGULATES DISCHARGES INTO THE WATERS OF THE STATE UNDER CHAPTER 46-12 OF THE RHODE ISLAND GENERAL LAWS OF 1956, AS AMENDED.

DATE OF NOTICE: March 15, 2019

PUBLIC NOTICE NUMBER: PN09-01

**DRAFT RIPDES PERMIT**

RIPDES PERMIT NUMBER: **RI0110094**

NAME AND MAILING 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 02852

RECEIVING WATER: **Narragansett Bay – West Passage (Waterbody ID# RI0007027E-03A)**

RECEIVING WATER CLASSIFICATION: SA

The above-named applicant has applied to the DEM for modification of a RIPDES Permit to discharge into the designated receiving water. The applicant submitted a permit modification request to the DEM on December 15, 2017 (revised on May 4, 2018 and supplemented on July 25, 2018) that proposed eliminating the 300 gpm existing flow-through system's discharge and reducing its discharge to 100 gpm of treated spent process water from the facility's shellfish processing operations. In accordance with §1.24 of the RIPDES Regulations (Modification, or Revocation and Reissuance of Permits; RI Code of Regulations; 250-RICR-150-10-1.24) the DEM has decided to revoke and reissue the RIPDES permit due to the fact the flow through system will no longer be in use and a new process discharge is proposed. Once this permit is reissued, it will supersede the May 5, 2015 permit. The facility, which is the source of the discharge, is currently engaged in the wet storage of shellfish prior to shipment to market. The applicant has noted that the spent process water treatment system associated with its shellfish process operations would be installed and operating around the time of January 2020. This permit contains limitations and conditions to ensure that the discharge is protective of water quality. The draft permit and/or Statement of Basis have been updated to include the following: updated reporting requirements to comply with the U.S. Environmental Protection Agency's NPDES Electronic Reporting Rule,

monitoring requirements for Outfall 001A associated with the flow through system will continue from the effective date of the permit until completion of the spent process water treatment system, addition of monitoring requirements for the discharge from the proposed process water treatment system associated with the facility's shellfish process operations via Outfall 001B will be in effect from the date of completion of the spent process water treatment system until permit expiration, the mass limits for BOD, Oil and Grease, and TSS are based upon Effluent Limitation Guidelines under 40 CFR Part 408 Subpart X (Mechanized Clam Processing), addition of a permit condition prohibiting the discharge of any cleaning wastewaters under this permit, addition of a permit condition that requires from the effective date of the permit until completion of the spent process water treatment system the permit authorizes the discharge of water from the flow through shellfish holding tanks only, addition of a permit condition that requires from the date of completion of the spent process water treatment system until permit expiration all spent process wastewater from the shellfish processing operations shall be treated using the system as approved by DEM, addition of a permit condition that requires the permittee to analyze the spent process water discharge for EPA priority pollutants with the facility's permit reapplication at least 180 days prior to expiration of the permit, and addition of a permit condition that requires the permittee to record the production of the facility daily through inventory control calculations and submit a summary as a report to DEM on an annual basis.

#### **FURTHER INFORMATION ABOUT THE DRAFT PERMIT:**

A statement of basis (describing the type of facility and significant factual, legal and policy questions considered in these permit actions) may be downloaded at <http://www.dem.ri.gov/programs/water/permits/ripdes/> or a hard copy may be obtained at no cost by writing or calling DEM as noted below:

Aaron Mello  
Rhode Island Department of Environmental Management  
RIPDES Program  
235 Promenade Street  
Providence, Rhode Island 02908-5767  
Phone: 401-222-4700, extension 7405  
E-mail: [aaron.mello@dem.ri.gov](mailto:aaron.mello@dem.ri.gov)

The administrative record containing all documents relating to these permit actions is on file and may be inspected, by appointment, at the DEM's Providence office mentioned above between 8:30 a.m. and 4:00 p.m., Monday through Friday, except holidays.

#### **PUBLIC COMMENT AND REQUEST FOR PUBLIC HEARING:**

Pursuant to Chapters 46-12 and 42-35 of the Rhode Island General Laws, a public hearing has been tentatively scheduled to consider this draft RIPDES permit, if requested. Requests for a Public Hearing must be submitted in writing to the attention of Aaron Mello at the address indicated above. Notice should be taken that if DEM receives a request from twenty-five (25) people, a governmental agency or subdivision, or an association having no less than twenty-five (25) members on or before 4:00 PM, Monday, April 15, 2019, the public hearing will be held at the following time and place:

Thursday, April 18, 2019 at 5:00 PM  
Room 280

235 Promenade Street  
Providence, Rhode Island 02908

Interested persons should contact DEM in advance to confirm if a hearing will be held at the time and location noted above.

235 Promenade Street is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call Aaron Mello (401-222-4700, extension 7405) or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Interested parties must submit comments on the permit actions and the administrative record to the address above no later than 4:00 P.M. April 19, 2019.


All persons who believe any condition of the draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period on April 19, 2019. Commenters may request a longer comment period if necessary to provide a reasonable opportunity to comply with these requirements. Comments should be directed to Aaron Mello as directed above.

If, during the public comment period, significant new questions are raised concerning the permit, DEM may require a new draft permit or statement of basis or may reopen the public comment period. A public notice will be issued for any of these actions.

**FINAL DECISION AND APPEALS:**

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 each person who has submitted written comments or requested notice. Within 30 days following the notice of the final permit decision, any interested person may submit a request for a formal hearing in accordance with the requirements of 250-RICR-150-10-1.50 of the Regulations for the Rhode Island Pollutant Discharge Elimination System.

3/13/19  
Date

  
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Joseph B. Haberek, P.E.  
Supervising Sanitary Engineer  
Office of Water Resources  
Department of Environmental Management