**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"),

Little Bay Seafood, LLC and
Lordco Pier Associates

is authorized to discharge from a facility located at

Little Bay Seafood, LLC
18 Old Dover Road
Newington, New Hampshire 03801

to receiving water named

Piscataqua River (Hydrologic Code; 01070003)

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

This permit shall become effective on the first day of the calendar month immediately following sixty days after signature.

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

This permit supersedes the permit issued on May 15, 1992.

This permit consists of Part I, (13 pages), including effluent limitations and monitoring requirements and Part II (25-pages), including General Conditions and Definitions.

Signed this 22nd day of September, 2008

/s/ SIGNATURE ON FILE

Stephen S. Perkins, Director
Office of Ecosystem Protection
U.S. Environmental Protection Agency
New England Region
Boston, Massachusetts

**PART I.**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1.a. Outfall 002. During the period beginning on the effective date and lasting through expiration date of this permit, the permittee is authorized to discharge baitfish wetting process water from Outfall Serial Number 002 into the Piscataqua River. Such discharges shall be limited and monitored by the permittee as specified below. Samples taken in compliance with the monitoring requirements specified below shall be taken of Outfall 002 effluent after any treatment system but prior to discharge into the Piscataqua River at a point that provides a representative analysis of the effluent.

| Effluent Characteristic | Discharge Limitations | Monitoring Requirements | |
|---|---|---|---|
| | Total Monthly | Measurement Frequency | Sample Type |
| Baitfish Process, lbs | Report | As Required | Calculation |
| Flow, MGD | Report | As Required | Calculation |
| pH Range[1]; Standard Units | 6.5 – 8.0 | 1/Month | Grab |

b. Short Period Composite Sampling[2]

| Effluent Characteristic | Maximum Concentration | Measurement Frequency | Sample Type |
|---|---|---|---|
| $BOD_5$, mg/l | Report | 1/Month[3] | Composite[2] |
| TSS, mg/l | Report | 1/Month[3] | Composite[2] |
| Ammonia-N, mg/l | Report | 1/Month[3] | Composite[2] |
| Nitrate-N, mg/l | Report | 1/Month[3] | Composite[2] |
| Total Kjeldahl Nitrogen-N, mg/l | Report | 1/Month[3] | Composite[2] |
| Total Phosphorous, mg/l | Report | 1/Month[3] | Composite[2] |

| | | | |
|---|---|---|---|
| Oil & Grease, mg/l | Report | 1/Month[3] | Grab[2] |

c. Long Period Composite Sampling[2]

| **Effluent Characteristic** | **Average Concentration** | **Measurement Frequency** | **Sample Type** |
|---|---|---|---|
| BOD5, mg/l | Report | 1/Month[3] | Composite[2] |
| TSS, mg/l | Report | 1/Month[3] | Composite[2] |
| Ammonia-N, mg/l | Report | 1/Month[3] | Composite[2] |
| Nitrate-N, mg/l | Report | 1/Month[3] | Composite[2] |
| Total Kjeldahl Nitrogen-N, mg/l | Report | 1/Month[3] | Composite[2] |
| Total Phosphorous, mg/l | Report | 1/Month[3] | Composite[2] |
| Oil & Grease, mg/l | Report | 1/Month[3] | Grab[2] |

(Note: See pages 7 and 8 for footnotes)

**PART I.A. (Continued)**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

2. Outfall 003. During the period beginning on the effective date and lasting through expiration date, the permittee is authorized to discharge (flow through lobster tank) process water from Outfall Serial Number 003 into the Piscataqua River. Such discharges shall be limited and monitored by the permittee as specified below. Samples taken in compliance with the monitoring requirements specified below shall be taken at Outfall 003 after any treatment, but prior to discharge into the Piscataqua River at a point that provides a representative analysis of the effluent.

| **Effluent Characteristic** | **Discharge Limitations** | **Monitoring Requirements** | |
|---|---|---|---|
| | **Total Monthly** | **Measurement Frequency** | **Sample Type** |
| Flow, MGD | Report[4] | As Required | Calculation |
| | **Maximum Daily** | **Measurement Frequency** | **Sample Type** |
| $BOD_5$, mg/l | Report | 1/Year[5] | Grab |
| TSS, mg/l | Report | 1/Year[5] | Grab |
| Ammonia-N, mg/l | Report | 1/Year[5] | Grab |
| Nitrate-N, mg/l | Report | 1/Year[5] | Grab |
| Total Kjeldahl Nitrogen-N, mg/l | Report | 1/Year[5] | Grab |
| Total Phosphorous, mg/l | Report | 1/Year[5] | Grab |
| Oil & Grease, mg/l | Report | 1/Year[5] | Grab |
| pH Range[1]; Standard Units | 6.5 – 8.0 | 1/Year[5] | Grab |

(Note: See pages 7 and 8 for footnotes.)

**PART I.A. (Continued)**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

3. Outfall 004. During the period beginning on the effective date and lasting through expiration date of this permit, the permittee is authorized to discharge storm water and groundwater from Outfall 004. Such discharges shall be limited and monitored by the permittee for the conveyance of storm water and contaminated ground water containing tri-n-butyltin. Such discharges shall be monitored by the permittee as specified below. Samples shall be taken prior to discharge into the Piscataqua River at a point that provides a representative analysis of the effluent.

| Effluent Characteristic | Discharge Limitations | Monitoring Requirements | |
|---|---|---|---|
| | Maximum Daily | Measurement Frequency | Sample Type |
| **WET WEATHER EVENT DISCHARGE** | | | |
| Tri-n-butyltin[6], ug/l | 0.4 | 1/Month[7] | Grab |
| pH Range[1]; Standard Units | 6.5 – 8.0 | 1/Month[7] | Grab |
| TSS | Report | 1/Month[7] | Grab |
| **DRY WEATHER DISCHARGE** | | | |
| Tri-n-butyltin[6], ug/l | 0.4 | At Any Occurance[8] | Grab |
| pH Range[1]; Standard Units | 6.5 – 8.0 | At Any Occurance[8] | Grab |
| TSS | Report | At Any Occurance[8] | Grab |

(Note: See pages 7 and 8 for footnotes.)

**PART I.A. (Continued)**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

4. Outfall 005. During the period beginning on the effective date, the permittee is authorized to discharge contaminated groundwater from Outfall 005 into the Piscataqua River. Such discharges shall be limited and monitored by the permittee as specified below. Samples shall be taken prior to discharge into the Piscataqua River at a point that provides a representative analysis of the effluent.

| **Effluent Characteristic** | **Discharge Limitations** | **Monitoring Requirements** | |
|---|---|---|---|
| | **Maximum Daily** | **Measurement Frequency** | **Sample Type** |
| Volatile Organic Compounds, ug/l | Report | 1/Quarter[9] | Grab[10] |
| pH Range[1]; Standard Units | 6.5 – 8.0 | 1/Quarter[9] | Grab[10] |

(Note: See pages 7 and 8 for footnotes.)

**EXPLANATION OF SUPERSCRIPTS TO PART I.A.1. ON PAGE 2-3**

(1) This is a State of New Hampshire Certification requirement.

(2) Two composite samples shall be taken during baitfish processing:

a. Short Period Composite Sample. A composite sample shall be obtained that consist of an effluent sample taken every three minutes for a period of 20 minutes. This sampling shall be conducted during the processing; i.e., the unloading, of a minimum of one, and preferable two, baitfish boxes. The permittee shall set aside a portion of each effluent sample for conducting an Oil and Grease analysis. The maximum of the Oil and Grease sampling results shall be reported.

b. Long Period Composite Sample. A composite sample shall be obtained that consists of an effluent sample taken every thirty (30) minutes on a day in which baitfish is processed. The sample collection shall occur for the total duration of the baitfish processing. The permittee shall set aside a portion of each effluent sample for conducting an Oil and Grease analysis. The average of the Oil and Grease sampling results shall be reported.

c. Both the above composite samplings may be conducted simultaneously.

d. The first effluent sample for both the above composite samplings shall be collected at Time “0;” i.e., the start time for the effluent sampling. Time “0” is defined as that moment when the last baitfish emptied from the first baitfish box to be processed has entered the baitfish processing hopper on the baitfish wetting conveyor.

e. Sampling shall be taken from effluent produced by herring or menhaden processing.

(3) **Monthly** monitoring is required for the first year of the permit term, and **quarterly** monitoring for the remaining years of the permit term. Sampling for this effluent characteristic shall be accomplished during baitfish processing periods.

(4) Monthly process water flows for the year shall be reported with the August Outfall 003 effluent sample results.

(5) Sampling for this effluent characteristic shall be accomplished during the month of August.

(6) Tri-n-butyltin samples must be analyzed in accordance with the following: *"Recommended Guidelines for Measuring Organic Compounds in Puget Sound Water, Sediment and Tissue Samples, Appendix A: Recommended Methods for Organotin Compounds"* (Puget Sound Water Quality Action Team, April 1997). Samples are to be collected in either polycarbonate or borosilicate glass containers with polytetrafluoroethylene (PTFE) lined lids. All samples shall be immediately cooled to 4 degrees Celsius after collection and shipped overnight to the analytical laboratory for processing. Specific information about sample containers, preservation method, and holding times must be clearly indicated on the Chain-of-Custody forms for any tri-n-butyltin samples collected for analysis.

(7) Wet Weather Sampling: A wet weather effluent sample shall be taken from Outfall 004 at a minimum 72-hours after the previous rain event. The sample shall be taken during a 0.1 inches or greater rainfall event. The sample shall be collected in the first 15-minutes of storm water discharge from Outfall 004.

(8) Dry Weather Sampling: If, during any monthly sampling period, Outfall 004 is discharging during "dry weather", a sample shall be collected immediately after discovery of the discharge. "Dry weather" is defined by a period of greater than or equal to 72 hours with no precipitation. The dry weather sampling is in addition to any wet weather sampling as specified in No. (7). The dry weather sample should be specifically labeled on the Chain-of-Custody as a dry weather sample, and subsequent reporting of results should specifically describe sampling conditions. One sampling is required per each dry weather discharge event.

(9) Sampling shall be conducted in the October – December 2008, April – June 2009 and July – September 2009 calendar quarters.

(10) Grab samples for volatile organic compounds from Outfall 005 shall be collected according to proper sampling protocol outlined in 40 CFR 136, specifically EPA Method 624.

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Continued)**

4. The discharges from Outfall 002 and 003 shall not cause the turbidity of the receiving water to exceed naturally

occurring conditions by more than 10 Nephelometric Turbidity Units (NTU).

5. The discharge shall not cause a violation of the water quality standards of the receiving water.

6. No prophylactic bacterial medication, pharmaceuticals or chemicals are to be added to the lobster tanks A, B, C or D water.

7. No chemicals associated with lobster tanks A, B, C, or D cleaning shall be discharged from Outfall 003 nor pumped and discharge from any facility storm drain.

8. The permittee shall report to EPA-New England and NHDES 120 days prior to the initiation of any facility changes that would alter the seawater systems from which the Outfall 003 discharge is derived.

9. The discharge shall be adequately treated to insure that the surface water remains free from pollutants in concentrations or combinations that settle to form harmful deposits, float as foam, debris, scum or other visible pollutants. It shall be adequately treated to insure that the surface waters remains free from pollutants which produce odor, color, taste or turbidity in the receiving waters which is not naturally occurring and would render the receiving water unsuitable for its designated uses.

10. A corrosion resistant screen must be used to prevent baitfish and baitfish pieces from entering the catch basin draining to Outfall 002. The screen shall be constructed to fit tightly over the catch basin and should be in place at any time when it is expected that fish parts would reach the catch basin.

    The permittee shall keep the area around Outfall 002 storm drain free of any kind of debris, fish parts or pollutants that would flow through the storm drain leading to Outfall 002. The Best Management Practices that ensure this is done shall be written in the permittee’s Storm water Pollution Prevention Plan.

    The permittee is required to ensure that water from rinsing the exactics (baitfish transportation boxes) is disposed of through the corrosion resistant screen placed over the Outfall 002 storm drain.

11. The Permittee shall not discharge into the receiving water any pollutant or combination of pollutants in toxic amounts.

12. The Permittee shall not utilize nor discharge pentachlorophenol or trichlorophenol.

13. 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 $\mu$g/l);

        (2) Two hundred micrograms per liter (200 $\mu$g/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 $\mu$g/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 CFR §122.21(g)(7); or

        (4) Any other notification level established by the Director in accordance with 40 CFR §122.44(f) and New Hampshire 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 $\mu$g/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 CFR §122.21(g)(7); or

        (4) Any other notification level established by the Director in accordance with 40 CFR §122.44(f) and New Hampshire regulations.

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.

14. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable standard or limitation promulgated or approved under sections 301(b)(2)(C) and (d), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

(a) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

(b) Controls any pollutants not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

## B. MONITORING AND REPORTING

Discharge Monitoring Report Form(s) are to be postmarked no later than the 15th day of the month following the completed sampling period.

Signed and dated original DMRs and all other reports required herein or in Part II shall be submitted to the Director at the following address:

U.S. Environmental Protection Agency
Region 1
Water Technical Unit (SEW)
P.O. Box 8127
Boston, Massachusetts 02114-8127

Duplicate signed copies of all reports and information required herein shall be submitted to the State at:

New Hampshire Department of Environmental Services
Water Division
Wastewater Engineering Bureau
29 Hazen Drive, P.O. Box 95
Concord, New Hampshire 03302-0095

All verbal reports or notifications shall be made to both EPA and NHDES.

## C. STATE PERMIT CONDITIONS

1. The permittee shall not at any time, either alone or in conjunction with any person or persons, cause directly or indirectly the discharge of waste into the said receiving water unless it has been treated in such a manner as will not lower the legislated water quality classification or interfere with the uses assigned to said water by the New Hampshire Legislature (RSA 485-A:12).

2. This NPDES Discharge Permit is issued by EPA under Federal and State law. Upon final issuance by EPA, the New Hampshire Department of Environmental Services-Water Division (NHDES-WD) may adopt this permit, including all terms and conditions, as a State permit pursuant to RSA 485-A:13.

3. EPA shall have the right to enforce the terms and conditions of this Permit pursuant to federal law and NHDES-WD shall have the right to enforce the Permit pursuant to state law, if the Permit is adopted. 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 the Permit as issued by the other Agency.

4. The pH range of 6.5 to 8.0 Standard Units (S.U.) must be achieved in the final effluent unless the permittee can demonstrate to NHDES-WD: (1) that the range should be widened due to naturally occurring conditions in the receiving water or (2) that the naturally occurring receiving water pH is not significantly altered by the permittee's discharge. The scope of any demonstration project must receive prior approval from NHDES-WD. In no case, shall the above procedure result in pH limits outside the range of 6.0 – 9.0 S.U., which is the federal effluent limitation guideline regulation for pH for secondary treatment and is found in 40 CFR 133.102(c).

## D. SPECIAL CONDITIONS.

1. a. Permittee shall design and install a single port diffuser at the current terminus of Outfall 002 by December 31, 2008. This diffuser shall increase the discharge velocity of Outfall 002's discharge to 3.5 feet per second. Written notification of the final design and installation details must be provided to EPA-New England and NHDES no later than 14 days after installation.

   The diffuser port shall be 2-inch in diameter. It shall be orientated at a 45-degree angle from horizontal, and at a 45-degree angle into the ebb flow of the Piscataqua River.

The diffuser port shall be located between one and three feet from the bottom of the river.

b. The diffuser port shall be maintained when necessary to ensure a continuous, unobstructed flow. Proper operation means that the plume will have unobstructed flow. Maintenance may include dredging in the vicinity of the diffuser, clean out of solids in the diffuser header pipe, removal of debris and repair/replacement of riser ports and pinch valves.

c. Any necessary maintenance dredging must be performed only during the marine construction season authorized by the New Hampshire Fish & Game Department and only after receiving all necessary permits from the NHDES Wetlands Bureau, U.S. Coast Guard, U.S. Army Corps of Engineers, etc.

d. To determine if maintenance will be required each year the permittee shall have a licensed diver or licensed marine contractor inspect and videotape the operation of the diffuser.

e. Copies of a report summarizing the results of the diffuser inspection shall be submitted to EPA and NHDES WD within 60 days of each inspection. Where it is determined that maintenance will be necessary, the permittee shall provide the proposed schedule for the maintenance.

2. This permit includes a Tri-n-butyltin (TBT) limit of 0.4 ug/l at Outfall 004, with associated wet weather and dry weather monitoring to demonstrate compliance with the TBT limit.

After remediation of TBT contaminated site at the permittee’s facility is complete, the permittee may submit a written request to the EPA and NHDES seeking an elimination of the TBT limit and associated sampling. The EPA and NHDES will review the TBT sampling results and other pertinent information to make a reasonable potential evaluation that such elimination is justified. The permittee is required to continue testing at the frequency specified in the permit until the permit is either formally modified or revised.