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Virginia Institute of Marine Science

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MARINE RESOURCE INFORMATION

BULLETIN

VIRGINIA INSTITUTE of MARINE SCIENCE

Vol. 3, No. 10

June 22, 1971

NEW WATER DISCHARGE PERMITS

(EDITOR'S NOTE: The news release printed below was issued by the Norfolk District, Corps of Engineers on April 27, 1971. It is reprinted here because many in the fishing industry are not aware of the Government's decisions to enforce the Refuse Act of 1899.)

Firms making industrial waste discharges in Virginia's navigable waters are being supplied with information needed to apply for permits for such discharges. This announcement was made by Colonel James H. Tormey, Norfolk District Army Engineer, who is in charge of the Federal Permit Program for a part of Virginia.

This action implements President Nixon's executive order of December 23, 1970 to enhance the ability of the Federal Government to enforce water quality standards and provide a major strengthening of our efforts to clean up our Nation's water".

The Refuse Act (Section 13 of the River and Harbor Act of 1899) prohibits discharges (except from public streets and sewers in liquid form) into any navigable waters of the United States or their tributaries without a permit issued by the Army Corps of Engineers. Regulations governing permit issuance were published by the Army Engineers after coordination with the Environmental Protection Agency, the Council on Environmental Quality, and the Departments of Interior, Commerce and Justice.

Colonel Tormey said the Civil Works boundary lines of the Norfolk District consist of the waters of Chesapeake Bay and so much of the Atlantic Ocean as is in the territorial limits of the United States and the James, Rappahannock, York and Chowan river basins.

Permit application forms and allied data were mailed to some 240 Virginia State Water Control Board industrial waste discharge certificate holders and others to whom the Permit Program may apply. Colonel Tormey's inspection forces are continuously engaged in inventorying for discharges which may come within the scope of the program. Applications for permits must be filed by July 1, 1971 for existing discharges and 120 days before new discharges can be started.

The decision as to whether a permit will or will not be issued, Colonel Tormey said, will be based on an evaluation of the impact of the discharge on anchorage and navigation, water quality standards, and on fish and wild-life resources. The governing regulations recognize that the responsibility for water quality improvement lies primarily with the States, and at the Federal level with the Environmental Protection Agency. Therefore, no permit will be issued if the Virginia State Water Control Board denies

certification that the discharge in question would be consistent with applicable water quality standards, or when the Environmental Protection Agency has recommended that a permit be denied for water quality considerations.

Every permit issued shall, as a minimum:

- a. Require compliance with applicable water quality standards, including implementing schedules adopted in connection with such standards;
- b. Include provisions incorporating into the permit changes in water quality standards subsequent to the date of the permit, and requiring compliance with such changed standards;
- c. Provide for possible suspension or revocation in the event that the permittee breaches any condition of the permit; and
- d. Provide for possible suspension, modification or revocation if, subsequent to the issuance of a permit, it is discovered that the discharge or deposit contains hazardous materials which may post a danger to health or safety.

The fishing industry will realize benefits from cleaner waters before anyone else and should support this program wholeheartedly. However, even though most fish processors do little to harm the waters, many must get a permit for their discharge water.

If you do not have an "Application for a permit to discharge into navigable waters and their tributaries", contact

District Office, Corps of Engineers
803 Front Street
Norfolk, Va. 23510

or

District Office Corps of Engineers
P. O. Box 1715
Baltimore, Maryland 21203

Most Virginia fishing firms lie in the Norfolk District. Only those in the Potomac River Basin and on the Little Wicomico River are in the Baltimore District.

The Corps of Engineers will send two forms to be filled out and a book explaining the Refuse Act of 1899. This book also tells who must apply for a permit, how to fill out the application and the chemical tests required for a permit.

Many will not be able to complete forms by July 1, 1971. Some of the reasons for this are that plants are closed for the season, others cannot supply seasonal water temperatures and probably there are not enough qualified chemical engineering firms to make all the tests by the July 1 deadline. It is suggested that if a firm cannot complete the forms by July 1, it should send in an application as complete as possible with a covering letter saying why the application is incomplete.

In this letter accompanying the application it should also be stated when the application will be completed. This should be a realistic date

that can be met. This means that if seasonal water temperatures must be obtained the date would come after these are available. Also a commitment must be secured from the firm that is to test the discharge water for a date when these analyses will be completed.

Chemical tests required for the permit application may be contracted for with Chemical Engineering firms which are listed in the yellow pages of the Telephone Directories of major cities. The listings will be under Chemists; Chemists-Analytical; Chemists-Consulting; Laboratories-Analytical; and Laboratories-Testing. Better prices will probably be obtained if several firms in the same area or in the same type of operation join together to contract for the tests.

State certification is also required before a permit is issued so that when the Corps of Engineers application is complete, a copy should be sent to the State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230. A copy of the letter applying for State certification should be sent to the District Office of the Corps of Engineers.

The Virginia Seafood Council has scheduled a meeting on June 24, 1971, to explain the procedure for filing applications. See details on page 6.

* * * * *

OYSTER MEAT QUALITY INDEX

Oysters in Virginia rivers generally improve in quality in June and a gradual increase in meat quality continues until July or August when spawning begins.

In the James River meat quality for June is below that recorded for May at all stations except White Shoals. This pattern is probably related to the excessive quantity of fresh water due to heavy rains that fell during late May. Despite the decline in index, oysters in the James were rated below average only at one station at Wreck Shoals. Oyster meats at Deep Water Shoals and Point of Shoals are rated above average; meats in the lower river are of average quality this month. Indices for June 1971 are above those for the same month in 1970 in the upper James, and, on the average, below the '70 index for stations in the lower river.

In the York River there was an increase in quality of oysters at all stations sampled. This increase was expected and was associated with increase in stored glycogen prior to spawning. In general, oyster quality in 1971 was the same as it was in 1970 during the same month.

In the Rappahannock River indices did not increase as expected in June and there was a slight decline over that of May. The reason for this was perhaps associated with excessive flows of fresh water after heavy rains. Oysters at all stations were rated as above average, but in general, indices were slightly lower in 1971 than they were a year ago.

Continued on page 4

OYSTER MEATS QUALITY INDEX

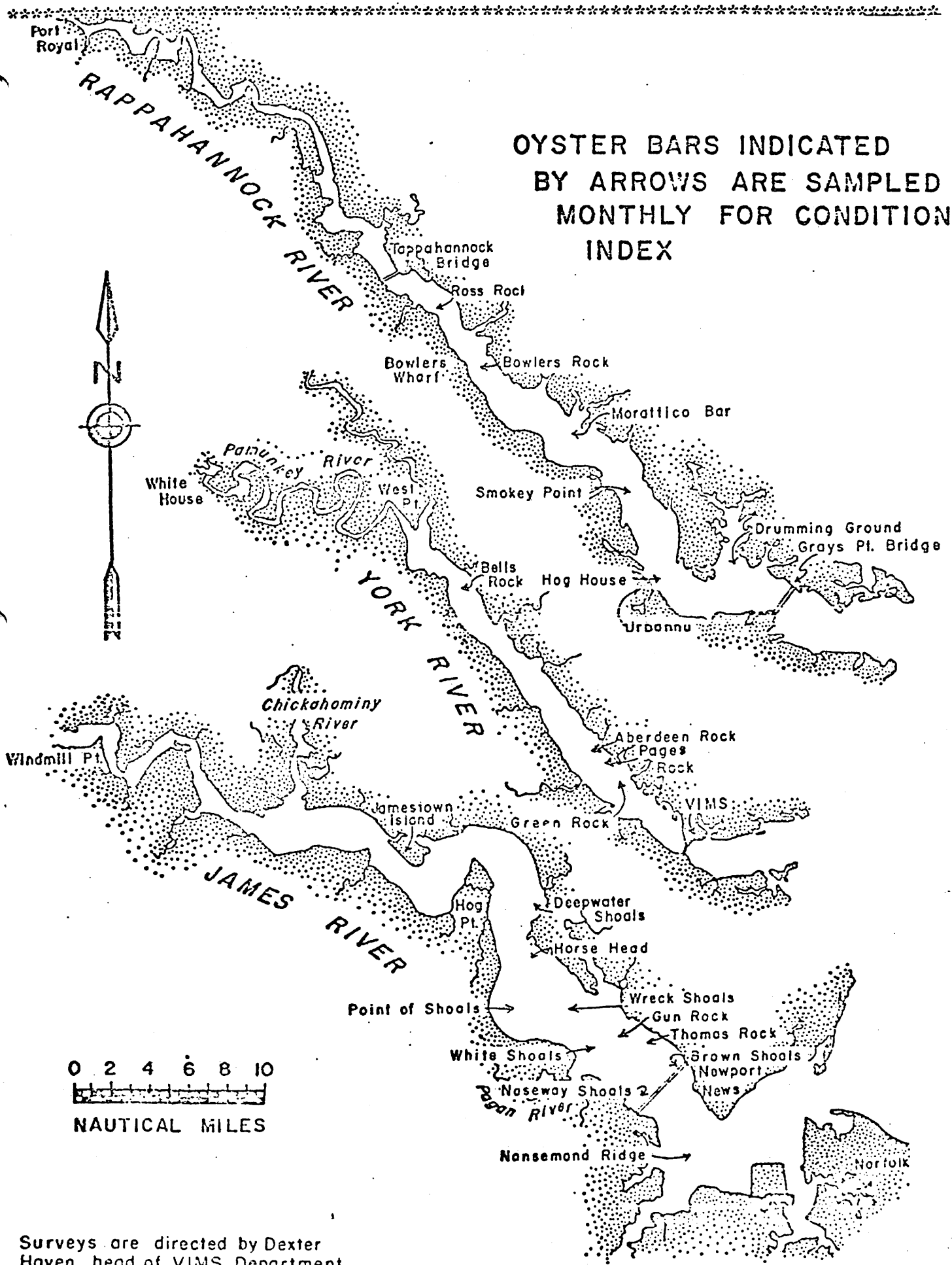
	May		June	
	1970	1971	1970	1971
JAMES RIVER				
Brown Shoals	5.9	---	7.1	---
White Shoals	---	6.4	---	6.6
Wreck Shoals				
shallow	6.2	6.1	6.7	5.6
deep	6.6	5.7	---	5.3
Point of Shoals	4.7	8.4	7.8	8.0
Horsehead	5.5	6.7	6.1	6.4
Deep Water Shoals	5.8	8.1	6.3	8.0
YORK RIVER				
Green Rock	7.1	6.6	7.3	7.6
Pages Rock	6.4	6.6	7.2	7.4
Aberdeen Rock	6.7	6.7	7.5	7.3
Bells Rock				
deep	7.2	---	7.8	6.4
RAPPAHANNOCK RIVER				
Urbanna	12.0	11.2	11.8	10.8
Smokey Point				
shallow	10.7	11.4	10.1	10.8
deep	---	10.1	---	10.1
Morattico Bar				
deep	8.9	10.5	9.1	10.0
Bowlers Rock				
shallow	10.7	11.3	11.9	10.7
deep	---	11.4	---	10.6
Ross Rock	---	10.1	---	---

KEY TO INDEX NUMBERS

3.0 to 5.5 -- Below average

5.6 to 7.5 -- Average

7.6 and up -- Above average



Surveys are directed by Dexter Haven, head of VIMS Department of Applied Biology.

MEETING ON WATER DISCHARGE PERMITS SET

The Virginia Seafood Council invites all interested persons in the seafood industry to attend a meeting where procedures for filing applications necessary to comply with the Refuse Act of 1899 and the Water Quality Act of 1970 will be explained by licensing and enforcement agencies.

The applications must be filed by July 1st. Every industry which has any discharge into navigable waters or tributaries thereof must apply. If you have an application, it would be helpful to bring it with you. The meeting will be held at the Marine Resources Commission, 2401 West Avenue in Newport News at 7:30 p.m., Thursday, June 24, 1971.

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NORTH CAROLINA PLANT ADDED

Gaskill Crab Co., Plant No. 45, Bayboro, N.C., has been added to the list of crustacea meat plants certified by the North Carolina State Board of Health for the calendar year 1971. All certificates expire December 31, 1971, unless revoked prior to that date.

Other plants will be listed in the MRI BULLETIN as they are certified. For a complete list of North Carolina plants, write in care of Information and Education Department, VIMS.

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Dr. William J. Hargis, Jr., VIMS Director; David Garten, Editor