

June 30, 2004

## **EPA National Aquaculture Effluent Guidelines Rule Signed**

EPA has released the following summary:

EPA is setting standards for the discharge of wastewater from concentrated aquatic animal production facilities (known as fish farms). This rule establishes effluent limitation guidelines and new source performance standards for specific types of commercial and non-commercial operations that produce aquatic animals for food, recreation and restoration of wild populations, pet trade, and other commercial products. Rather than setting numeric limits, we are requiring best management practices to control the discharge of pollutants in the wastewater from these facilities. We found that it is not necessary to establish pretreatment standards for existing or new facilities.

### **Background**

On June 30, 2004, EPA's Acting Deputy Administrator signed a final rule to establish wastewater controls for concentrated aquatic animal production facilities (known as fish farms). The regulation applies to about 245 facilities that generate wastewater from their operations and discharge that wastewater directly to waters of the United States. When these requirements are applied in [NPDES permits](#), they will help reduce discharges of conventional pollutants (mainly Total Suspended Solids), non-conventional pollutants (such as nutrients, drugs and chemicals) and, to a lesser extent, toxic pollutants (metals and PCBs).

In October 1989, the Natural Resources Defense Council and others sued EPA claiming the Agency had failed to comply with the Section 304(m) planning process required by the Clean Water Act. In January 1992, plaintiffs and EPA agreed to a settlement that established a schedule for EPA to promulgate effluent limitation guidelines for 11 specific industrial categories and for eight other categories to be determined by the Agency. EPA selected the concentrated aquatic animal production industry as one of those 11 categories. The revised consent decree requires EPA to sign a proposed rule by August 14, 2002, and to take final action by June 30, 2004. This rule is the last of the 19 categorical rules to be issued and completes EPA's obligation under the 1992 consent decree.

### **To which facilities does this rule apply?**

The final rule applies to direct discharges of wastewater from these existing and new facilities:

- Facilities that produce at least 100,000 pounds a year in flow-through and recirculating systems that discharge wastewater at least 30 days a year (used primarily to raise trout, salmon, hybrid striped bass and tilapia).

- Facilities that produce at least 100,000 pounds a year in net pens or submerged cage systems (used primarily to raise salmon).

### **What are the impacts of the regulation?**

We expect that, when the rule is implemented through [NPDES permits](#), the discharge of total suspended solids will be reduced by more than 500,000 pounds per year, and the discharge of biochemical oxygen demand and nutrients will be reduced by about 300,000 pounds per year. The resulting improvements in water quality will create more opportunities for swimming and fishing and reduce stress on ecosystems in those waters. We estimate it will cost about \$1.4 million a year for the facilities to comply with this rule, and our analyses indicate that they can afford these costs.

### **What does the rule require?**

The rule requires that all applicable facilities:

- Prevent discharge of drugs and pesticides that have been spilled and minimize discharges of excess feed.
- Regularly maintain production and wastewater treatment systems.
- Keep records on numbers and weights of animals, amounts of feed, and frequency of cleaning, inspections, maintenance, and repairs.
- Train staff to prevent and respond to spills and to properly operate and maintain production and wastewater treatment systems.
- Report the use of experimental animal drugs or drugs that are not used in accordance with label requirements.
- Report failure of or damage to a containment system.
- Develop, maintain, and certify a Best Management Practice plan that describes how the facility will meet the requirements.

The rule requires flow through and recirculating discharge facilities to minimize the discharge of solids such as uneaten feed, settled solids, and animal carcasses.

The rule requires open water system facilities to:

- Use active feed monitoring and management strategies to allow only the least possible uneaten feed to accumulate beneath the nets.
- Properly dispose of feed bags, packaging materials, waste rope, and netting.
- Limit as much as possible wastewater discharges resulting from the transport or harvest of the animals.
- Prevent the discharge of dead animals in the wastewater.

### **How can I get copies of the rule or additional information?**

You can get a copy of the final rule by contacting the Office of Water Resource center at 202-566-1729 or sending them an e-mail at [center.water-resource@epa.gov](mailto:center.water-resource@epa.gov). You can also

write or call the National Service Center for Environmental Publications (NSCEP), U.S. EPA/NSCEP, P.O. Box 42419, Cincinnati, Ohio 45242-2419, (800) 490-9198, [www.epa.gov/ncepihom/](http://www.epa.gov/ncepihom/). You can get electronic copies of the preamble, rule, and major supporting documents at [www.epa.gov/guide/aquaculture](http://www.epa.gov/guide/aquaculture) or in E-Docket at [www.epa.gov/edocket/](http://www.epa.gov/edocket/). Once in the E-Docket system, select "search," then key in the docket identification number (OW-2002-0026). For additional information, contact Ms. Marta Jordan at (202) 566-1049 or [jordan.marta@epa.gov](mailto:jordan.marta@epa.gov).