

NATIONAL  
**Aquaculture**  
ASSOCIATION

May 24, 2004

Dr. John Graham  
Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
725 17<sup>th</sup> Street, N.W.  
Washington, D.C. 20503

RE: EPA "Effluent Guidelines and New Source Performance Standards for the Concentrated Aquatic Animal Production Point Source Category"

Dear Dr. Graham:

In lieu of a personal meeting, please accept these comments about EPA's NODA for aquatic animal production point sources from the National Aquaculture Association (NAA). The NAA is a national trade association representing a diversity of aquatic animal production systems and species. We, and many of our members, have provided substantive comment to EPA throughout the guideline's public comment period and through participation in the JSA Aquatic Effluent Task Force.

The NAA strongly supports the no rule option. The EPA has failed to provide credible justification that the existing state and/or federal NPDES permit environmental regulatory system would benefit from additional EPA guidance or numeric limitations. Numerous organizations, including state departments of environmental quality, have provided EPA with thorough review of current regulatory processes, environmental impacts and environmental controls of flow-through, recirculation and net-pen aquaculture operations. There appears to be no or very limited credible support for any additional guidance. The NAA recognizes that EPA may not have full control over the decision regarding the current rule-making effort. If this is true, the NAA supports implementation of a program reliant on flexible, site-specific best management practices (BMPs).

In spite of substantial aquaculture development potential in the US, the domestic aquatic animal production industry is severely challenged and some sectors are faltering. Various economic factors, most significantly from increased production costs and the globalization of world seafood markets (the domestic seafood trade balance is a negative 7 billion USD) have severely impacted the financial success of flow-through (typically rainbow trout but also channel catfish and other species), recirculating or partial recirculating (typically hybrid striped bass) and net pen (salmonids and others) aquatic animal production systems. In all cases, the EPA has significantly under-estimated the economic impact their proposed numeric limitations and other requirements will have on these production systems. Not only would there be severe economic costs, technological innovation and development of cost-effective management practices would

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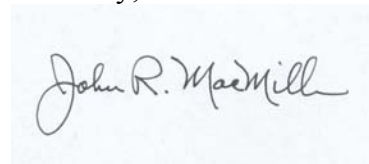
be stifled. We refer OMB to the recent economic analysis submission of Engle, et al to EPA for further detail regarding the underestimate and of the negative impact of the proposed guideline on flow-through rainbow trout production in the US.

The no rule option does not threaten environmental quality. In all states where flow-through, recirculating and net-pen systems currently exist, strict environmental controls are already in place. The NAA is particularly opposed to the institution of numeric total suspended solids (TSS) limitations on off-line settling ponds in flow-through and recirculation aquaculture systems. The numeric limitations would apply only to relatively large production systems. The proposed limitations cannot be justified on the basis of existent technology, analysis of existent well-operated large facilities nor on environmental need. In fact, existent state regulatory institutions (e.g. Idaho Department of Environmental Quality) have already instituted regulatory controls to address site-specific needs. A total maximum daily load has been instituted in Idaho that limits discharge of total phosphorus and TSS on flow-through aquatic animal production systems. The TMDL has been approved by EPA and is a plan to site-specifically limit pollutant discharges to ensure compliance with state water quality standards and protection of aquatic life and designated beneficial uses. Institution of additional TSS limitations would not provide additional environmental gain, may not be practical due to production space limitations and would jeopardize other environmental improvements being pursued by Idaho trout producers.

Flexible, site-specific BMPs make the greatest economic, technical and environmental sense for managing potential discharge of pollutants from aquaculture facilities. Net-pen, flow-through and recirculating aquaculture occur in a wide range of environments, relying on diverse technologies and husbandry practices. Flexible BMPs allow site-specific remedies to be developed where needed, yet also provides opportunity to minimize financial costs and ensure good husbandry practices are maintained. The NAA believes that EPA and the aquaculture industry should focus on flexible BMPs to ensure environmental stewardship amongst diverse aquaculture technologies is maintained and that such BMPs are crucial to the development of domestic aquaculture.

We appreciate the opportunity to provide comment and hope you will consider NAA's comments.

Sincerely,

A handwritten signature in black ink on a light blue background. The signature reads "John R. MacMillan" in a cursive script.

John R. MacMillan  
President

JRM:ml