

Compliance Guide for the Concentrated Aquatic Animal Production Point Source Category

Chapter 5: What Requirements Will My NPDES Permit Contain?

Full document available at
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Your NPDES permit will state what you have to do to comply. Certain minimum requirements must be in every NPDES CAAP permit, and this guide describes those minimum requirements. Your permitting authority may include more than the minimum requirements in your NPDES permit. You should read your permit carefully to find out exactly what you have to do at your CAAP facility. Your NPDES permit will include the following requirements:

- Effluent limitations, if applicable
- Special conditions
- Standard conditions
- Monitoring, record-keeping, and reporting requirements

 Regulation: 40 CFR 122.41

Remember to read your permit and check with your permitting authority to find out exactly what your permit requires. This guide describes the minimum requirements established by the federal CAAP regulations. Your permit might require you to do more than the minimum requirements described here, for example, to meet your state's or tribe's water quality standards or to comply with CAAP requirements specific to your state. See the appendix to find out how to contact your permitting authority.

What are the elements of an NPDES permit for a CAAP facility?

The elements of an NPDES permit for a CAAP are the same as those issued to other point sources. These elements consist of a cover page, effluent limitations, monitoring and reporting requirements, record keeping requirements, special conditions, and standard conditions.

Cover page – serves as the legal notice of the applicability of the permit, provides the authority under which it is issued, and contains appropriate dates and signature(s).

Effluent limitations and standards – serves as the primary mechanism for controlling discharges of pollutants to receiving waters (e.g., the specific narrative or numeric limitations applied to the facility and the point of application of these limits).

Monitoring and reporting requirements – identifies all of the specific conditions related to the types of monitoring to be performed, the frequencies for collecting samples or data, and how to record, maintain, and transmit the data and information to the permitting authority.

Record-keeping requirements – specifies the types of records to be kept on-site at the permitted facility (e.g., inspection and monitoring records).

Special conditions – in NPDES permits for CAAPs, special conditions may be included, as determined necessary by the permitting authority.

Standard conditions – conditions that apply to all NPDES permits, such as the requirement to properly operate and maintain all facilities and systems of treatment and control, as specified in 40 CFR 122.41.

For additional details on the elements of an NPDES permit, refer to the U.S. EPA NPDES Permit Writers' Manual (EPA-833-B-96-003).

What effluent limitations will be included in my NPDES permit?

Your permit will contain technology-based effluent limitations (based on the amount of pollutant reduction that can be achieved by applying pollution control technologies or practices), water quality-based effluent limitations (based on the water quality standards for and the condition of the receiving water body), or both. It might also contain additional BMPs, as needed.

The technology-based limitations or requirements in a CAAP permit will be based on the ELG, for pollutants covered by the ELGs. The permit writers using best professional judgment (BPJ) may develop so called BPJ limits.

A water quality-based effluent limitation is designed to protect the quality of the receiving water by ensuring that state or tribal water quality standards are met. In cases where a technology-based requirement does not sufficiently protect water quality, the permit must include appropriate water quality-based limits.

For example, a technology-based standard for a CAAP facility might require the development of a facility BMP plan that includes controlling the discharge of solids. At some facilities, additional controls may be required to further reduce the discharge of phosphorus because of excessive nutrient loading in the receiving waterbody that may result in exceeding water quality standards. For these facilities, a water quality-based effluent limitation in the form of numeric phosphorus limits, such as seasonally-adjusted monthly maximum loads for total phosphorus, may be included in the permit to reduce the discharge of phosphorus and ensure that water quality standards are met.

Effluent limitations for flow-through and recirculating facilities

As explained in detail in Chapter 2 (Table 2), the ELGs contain specific reporting

activities and narrative requirements (i.e., management practices) for flow-through and recirculating facilities that produce at least 100,000 pounds of aquatic animals annually.

The CAAP ELGs contain general reporting requirements for the use of certain types of drugs. All CAAP facilities that are subject to 40 CFR 451

Reporting is not required for an INAD or extralabel drug use that has been previously approved by FDA for a different aquatic animal species or diseases if the INAD or extralabel use is at or below the approved dosage and involves similar conditions of use.

must notify the permitting authority of the use of any investigational new animal drug (INAD) and any extralabel drug use where the use may lead to a discharge to waters of the United States. The ELGs also contain general reporting requirements for failure in or damage to the structure of an aquatic animal containment system, resulting in an unanticipated material discharge of pollutant to waters of the United States.

The CAAP ELGs contain narrative requirements for management practices for flow-through and recirculating facilities. Under these requirements, you must develop and maintain a BMP plan on site that describes how you will manage the following:

Facilities should note that the management practices are general (e.g., solids control) and a facility may choose how to achieve the management practice. For example, solids control can be achieved through feed management or solids disposal. EPA does not specify what a facility must do to achieve solids control.

- Solids control
- Material storage
- Structural maintenance

- Record-keeping
- Training

 *Final Preamble: Section VIII.B*

Effluent limitations for net pen facilities

As explained in detail in Table 3 of Chapter 2, the ELGs require management practices and record-keeping activities for net pen facilities that produce at least 100,000 pounds of aquatic animals annually.

Again, reporting is not required for an INAD or extralabel drug use that has been previously approved by FDA for a different aquatic animal species or diseases if the INAD or extralabel use is at or below the approved dosage and involves similar conditions of use.

The ELGs contain general reporting requirements for the use of certain types of drugs. All CAAP facilities that are subject to 40 CFR 451 must notify the permitting authority of the use of any INAD and any extralabel drug use where the use may lead to a discharge to waters of the United States. The ELGs also contain general reporting requirements for failure in or damage to the structure of an aquatic animal containment system, resulting in an unanticipated material discharge of pollutants to waters of the United States.

The ELGs contain narrative management practice requirements for net pen facilities. Under these requirements, you must develop and maintain a BMP plan on site that describes how you will manage the following:

- Feed management
- Waste collection and disposal
- Transport or harvest discharge
- Carcass removal

- Material storage
- Maintenance
- Record-keeping
- Training

 *Final Preamble: Section VIII.C*

What are special conditions?

Some NPDES permits contain special conditions that supplement the effluent limitations. Special conditions address unique conditions at an operation. Typical special conditions include, for example, BMPs, special monitoring studies, and stream surveys.

What special conditions will be included in my CAAP NPDES permit?

The ELGs do not impose any special conditions in your CAAP NPDES permit. However, your permit may contain special conditions to address local concerns. For example, where authorized, net pen facilities may be required to perform regular benthic monitoring to ensure that solids are not accumulating under the net pens and causing harm to benthic communities. Other additional requirements may address spills (e.g., petroleum), protection for endangered species and migratory birds, employee training, and groundwater monitoring or the use of liners in areas where there is the potential for a discharge to groundwater that has a direct hydrologic connection to waters of the United States. In addition, states concerned with groundwaters as waters of the state may require monitoring, liners, or other requirements based on appropriate state authority.

What are the standard conditions of all NPDES permits?

Most NPDES permits contain standard conditions, which include definitions, testing procedures, record-keeping requirements, penalties for noncompliance, and your responsibilities as an NPDES permit holder. These responsibilities include, for example, complying with your permit, meeting deadlines for reapplying when your permit is due to expire, properly operating and maintaining your facility, and letting the permitting authority inspect your operation. The standard conditions also require you to notify your permitting authority if certain things happen at your operation (e.g., a significant increase in annual production or an upset occurs). See Chapter 4 of this guide for additional information. Carefully read the standard conditions section of your NPDES permit, and contact your permitting authority if you have any questions.

 Regulation: 40 CFR. 122.41

What records do I have to keep?

Your NPDES permit will require you to keep certain records to show that you are complying with the terms of the permit. You must keep all the records on-site at your operation for 5 years and you must provide them to the permitting authority upon request.

What are the record-keeping requirements for all CAAPs, under the ELGs?

If you own or operate a flow-through, recirculating, or net pen system that produces 100,000 pounds or more each year, you must keep at least the following records that document:

- Feed amounts and estimates of the numbers and weights of aquatic animals in order to calculate representative feed conversion ratios.



- Frequency of cleaning, inspections, maintenance, and repairs.



- Net pen changes, inspections, and repairs.



Refer to Appendix R for a checklist of record-keeping requirements. Chapter 12 of this document (“Record-keeping for Flow-through, Recirculating, and Net Pen Facilities”) provides a more detailed discussion of record-keeping and refers to example forms in the appendices that may be used for record-keeping.

 Final Preamble: VIII.E

What monitoring do I have to perform under my NPDES permit?

The monitoring that your permitting authority may require as part of your permit depends on other conditions in your permit. If you are subject to ELGs, there are some associated monitoring requirements, as discussed below. If your permit includes numeric effluent limitations, you will be required to monitor to demonstrate compliance with those limitations. Your permitting authority may also require monitoring to characterize your discharge even when your permit does not include numeric effluent limitations. Look carefully at your permit, particularly the effluent limitations section, special conditions, and monitoring requirements section, to find out what monitoring you have to perform.

What monitoring do I have to perform under the ELGs?

Under the ELGs, you must monitor your production systems and wastewater treatment systems for damage to structural components. More specifically, you must do the following:

- Routinely inspect production systems and wastewater treatment systems to identify and promptly repair damage.  
- Routinely inspect production systems to identify and promptly repair damage. 

Example forms for tracking inspections are available in Appendix P.

 *Final Preamble: VIII.D*

What do I have to report to the permitting authority?

Your permit may require you to submit certain reports to your permitting authority, such as a monitoring report; an annual report; or special reports of discharges, changes to your operation, and other information, such as the use of certain drugs through INADs or extralabel prescriptions. Read your permit carefully, and contact your permitting authority to find out exactly what you must report.

Chapter 12 of this document provides a list of example forms and logs available in the appendices that may be used to report required information to your permitting authority or for record-keeping.

 *Final Preamble: VIII.D*

What else do I have to report?

The standard conditions that apply to all NPDES permits (refer to Chapter 4 of this guide for additional information) also include the following reporting requirements:

- ***Duty to provide information.*** You must provide any information your permitting authority needs to find out if you are complying with your NPDES permit or to make changes to your permit.
- ***Signatory and certification requirements.*** Any applications, reports, or information you submit must be signed and certified. The certification must state that all the information you submit is true and complete to the best of your knowledge. There might be penalties if you knowingly submit false information.
- ***Planned changes.*** If you plan to make any changes to your CAAP facility that will affect your ability to comply with your NPDES permit, you have to notify your permitting authority as soon as possible.
- ***Anticipated noncompliance.*** You must notify your permitting authority if you know that something is going to happen at your facility that would cause you to be out of compliance with your NPDES permit. Failing to do so could result in penalties.
- ***Twenty-four-hour reporting.*** If you have a discharge (or other noncompliance event) at your CAAP facility that could endanger human health or the environment, you must report it orally within 24 hours. Within 5 days, you must submit a written statement describing the discharge or noncompliance. Your

description must include what caused the discharge, when it started, how long it lasted, what you did to stop the discharge, and how you will prevent the problem in the future.

- **Other noncompliance.** You must report all instances of noncompliance. Each report must contain the information described above for twenty-four hour reporting.
- **Other information.** If you find out that you failed to submit any important facts in your application, or that you submitted incorrect information in your application or other reports, you must submit the correct information right away.

A TMDL is a calculation of the greatest amount of a pollutant that a waterbody can receive without exceeding water quality standards. It is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. The calculation must include a margin of safety to ensure that the waterbody can be used for the purposes the state has designated. The calculation must also account for seasonal variation in water quality. Additional information about TMDLs is available from EPA's TMDL website at <http://www.epa.gov/owow/tmdl>.

 Regulation: 40 CFR 122.41 (h), (k), and (l)(1), (2), (6), (7), and (8)

What other requirements might my permit contain?

Your NPDES permit might also contain requirements to address other considerations, such as considerations to implement requirements under the CWA Total Maximum Daily Load (TMDL) programs. Check with your permitting authority if you have any questions about these other requirements.