

Compliance Guide for the Concentrated Aquatic Animal Production Point Source Category

Chapter 1: Introduction

Full document available at
<http://www.epa.gov/waterscience/guide/aquaculture>

Chapter 1: Introduction

On June 30, 2004, the U.S. Environmental Protection Agency (EPA) completed regulations under the Clean Water Act (CWA) establishing Effluent Limitations Guidelines (ELGs) and New Source Performance Standards for the Concentrated Aquatic Animal Production (CAAP) Point Source Category. The regulations contain requirements for wastewater discharges that must be met by new and existing CAAP facilities discharging directly to U.S. waters. The CWA establishes a comprehensive program for protecting the Nation's waters. Among its core provisions, the CWA generally prohibits the discharge of pollutants from a point source to waters except as authorized by a National Pollutant Discharge Elimination (NPDES) permit. Direct dischargers must comply with effluent limits in NPDES permits. EPA's NPDES regulations define a hatchery, fish farm, or other facility as a CAAP and therefore subject to the NPDES permit program. The regulation defines a CAAP by, among other things, the size of the operation and frequency of discharge.

Those CAAP facilities subject to the ELGs must develop and maintain a best management practice (BMP) plan describing how they will achieve the ELG requirements. The CAAP must certify in writing to the permitting authority that a BMP plan has been developed and make the plan available to the permitting authority upon request. EPA did not revise the National Pollutant Discharge Elimination System (NPDES) regulation, as it applies to CAAPs.

EPA has produced this document to help CAAP facility owners/operators and NPDES permit writers to understand and comply

with the NPDES and ELGs regulations. Background information about aquatic animal production facilities (e.g., system types, wastewater treatment) is available from EPA's Technical Development Document for the Final Effluent Limitations Guidelines and New Source Performance Standards for the Concentrated Aquatic Animal Production Point Source Category, available at <http://epa.gov/guide/aquaculture/tdd/final.htm>.

CAAP facilities subject to the ELGs are defined as facilities (flow-through, recirculating, and net pen) that produce 100,000 pounds or more of aquatic animals per year.

EPA is continually improving its rules, policies, compliance programs, and outreach efforts, so some of the information in this guide might have changed since it was published. You can find out whether EPA has updated this guide by checking EPA's website for the CAAP ELGs at <http://epa.gov/guide/aquaculture>.

How do I use the symbols contained in this document?

In many of the chapters, you will see symbols, which denote the following:

- Flow-through 
- Recirculating 
- Net Pen¹ 

¹ Whenever the term net pen is used in this guidance, it also refers to cages that function like net pens.

Use the symbols for flow-through, recirculating, and net pens as a guide to determine which BMPs and/or paragraphs may apply to which system type. The symbol  denotes specific legal references.

The permit writer's version of the guidance document will contain the following symbols:

Permit writer begin 

Permit writer end 

Use these symbols to identify the beginning and ending of additional information or sections included specifically for permit writers.

Who should use this guide?

You should use this guide if you own or operate a CAAP facility or if you are a permit writer. It will help you to understand the June 2004, CAAP ELGs and how it relates to the NPDES regulations. Owners or operators of a CAAP can use this guide to determine if their operation is a facility subject to the ELGs. Permit writers may use this guidance to obtain information on the permitting requirements for CAAPs.

Facilities that are not covered by this rule (flow-through, recirculating, and net pen systems that produce less than 100,000 pounds of aquatic animals per year and other systems, such as ponds) may benefit from using this guidance to help improve facility operation (i.e., through feed management, materials storage, etc.) and reduce pollutant discharges.



Permit writers may use this guidance to obtain information on permitting requirements for CAAPs. The

Guidance reflects information from the current NPDES Program and final ELGs regulations (signed on June 30, 2004 and published in the Federal Register on August 23, 2004).

The guidance assumes the permit writer has working knowledge of how to develop NPDES permits. Permit writers should also be familiar with applicable state voluntary wastewater control programs as well as regulatory programs, and how these programs relate to the federal or state NPDES program. Appendix I provides a variety of additional resources that permit writers may wish to use to increase their understanding of practices used at CAAP facilities. In addition, the guidance discusses the circumstances under which CAAP owners or operators should submit a Notice of Intent (NOI) to seek coverage under an existing NPDES general permit or apply for an NPDES individual permit.

While this guidance is limited to the development and issuance of NPDES permits for CAAPs, it is important for the permit writer to recognize that there are other NPDES program requirements that may be applicable to CAAPs. For example, discharges of storm water associated with construction activity at, or construction of, CAAPs that disturb one acre of land or more may be subject to NPDES storm water permit requirements. These requirements address activities associated with the construction of CAAPs, including clearing, grading, and excavation, but do not address discharges associated with the operation of the facility, which are addressed in the NPDES CAAP permit. Therefore, it is generally in the interest of the permitting authority and the CAAP operator to administer storm water permits for construction separately from NPDES CAAP permits. Another NPDES permitting requirement that may apply to a facility includes requirements for package plants used to treat septic waste at a facility. Additionally, if a facility has a large laboratory for fish health and diagnostic services, the lab part of the facility may be required to obtain a separate NPDES permit for their

wastewater (septic and laboratory wastes). These are only example of other types of NPDES permitting requirements that may apply at a facility.



Who is in charge of the CAAP permitting program where I live – EPA or the state?

EPA has approved most states to run their own regulatory and permitting programs for CAAPs. If EPA has approved your state, the state is the permitting authority and will issue a permit for your CAAP facility. EPA has not approved Alaska, Idaho, Massachusetts, New Hampshire, and New Mexico to permit CAAPs. In those states, D.C., tribal lands, and in all territories except the U.S. Virgin Islands, EPA is the permitting authority and will issue permits for CAAPs. Note that in some cases, EPA may still regulate some types of CAAPs even if your state has been delegated NPDES permitting authority. In these cases, the state permitting authority will direct you to the appropriate EPA contact.

Contact information for your permitting authority is available in Appendix A. Also refer to “Do other laws regulate CAAPs?” in Chapter 2 of this guide. It describes how your state, county, or town might have additional legal requirements that apply to you and that go beyond the requirements described in this guide.

What does this guide cover?

This guide describes EPA’s regulations for CAAPs (NPDES and ELGs requirements), which govern whether your operation is a CAAP, whether you need a permit, and what the permit will require. State permitting authorities use EPA’s regulations as a

starting point but often add their own requirements in NPDES permits. You should always check with your permitting authority to see what the requirements are in your state and to find out exactly what you have to do. Appendix A contains information on how to contact your permitting authority.

This guide also provides information to help facilities develop a BMP plan for their facility, as required by the CAAP ELGs, and describes a number of BMPs that facilities may use

to achieve the requirements of the CAAP ELGs. The guide also provides example forms and logs that facility owners or operators may use to comply with the requirements of the CAAP ELGs, as well as the NPDES application form. Facilities not subject to the ELGs may also use the information in this guide to improve practices at their facility.

Always check with your permitting authority to find out exact requirements for your facility. Your state may have more requirements or more specific requirements than the CAAP Regulations.



Finally, this guide provides permit writers with the specific permitting requirements for CAAPs, information about how CAAPs are defined, who must seek coverage under an NPDES permit, the elements of an NPDES permit for a CAAP, and other considerations when developing a permit.



How should I use this guide?

If you are a facility owner or operator, you can use this guide to determine how to comply with the requirements of the CAAP

ELGs. Read Chapter 2 (“What is the CAAP Regulation?”) for basic information on the guidelines and NPDES permitting process. Chapter 3 (“Does the CAAP Regulation Affect Me?”) provides information about how the CAAP regulation affects you. Read Chapter 4 (“What Do I Need to Know About NPDES Permits?”) for guidance on applying for a permit. Chapter 5 discusses the requirements of an NPDES permit.

For specific guidance on complying with the CAAP regulations, refer to the following chapters:

- Chapter 6 – General Reporting Requirements for Flow-through, Recirculating, and Net Pen Facilities
- Chapter 7 – Narrative Requirements for Flow-through, Recirculating, and Net Pen Facilities
- Chapter 8 – Writing and Certifying a BMP Plan
- Chapter 9 – Solids Control for Flow-through and Recirculating Facilities
- Chapter 10 – Material Storage for Flow-through, Recirculating, and Net Pen Facilities
- Chapter 11 – Maintenance for Flow-through, Recirculating, and Net Pen Facilities
- Chapter 12 – Record-keeping for Flow-through, Recirculating, and Net Pen Facilities
- Chapter 13 – Perform Training for Flow-through, Recirculating, and Net Pen Facilities
- Chapter 14 – Feed Management for Net Pen Facilities
- Chapter 15 – Waste Collection and Disposal; Transport or Harvest Discharge; and Carcass Removal for Net Pens

Refer to the appendices for the following information:

- Appendix A: State Permitting Authorities/Departments of Environmental Protection
- Appendix B: Natural Resources Agencies Associated with Fisheries
- Appendix C: Frequently Asked Questions
- Appendix D: Code of Federal Regulations (40 CFR, Parts 122.24 and 451)
- Appendix E: BMP Plans
- Appendix F: BMP Certification Form
- Appendix G: State BMP Programs
- Appendix H: National Association of State Aquaculture Coordinators (NASAC), Cooperative Extension Services, and Sea Grant Information
- Appendix I: Additional Resources
- Appendix J: Glossary
- Appendix K: NPDES Permit Applications
- Appendix L: Applicability Matrix
- Appendix M: General Reporting Forms
 - Example Written Report – Participating in an INAD Study
 - Checklist for Oral Report for INAD and Extralabel Drug Use
 - Example Written Report – INAD and Extralabel Drug Use
 - Checklist for Oral Report of Failure or Damage to Structure of Containment Systems
 - Example Written Report – Failure or Damage to Structure of Containment Systems
 - Checklist for Oral Report of Spills of Drugs, Pesticides, and Feed
 - Example Written Report – Spills of Drugs, Pesticides, and Feed
- Appendix N: Feed Conversion Ratios Log
- Appendix O: Spills and Leaks Log

- Appendix P: Inspection and Maintenance: Logs
- Appendix Q: Cleaning Log
- Appendix R: Record-keeping Checklist
- Appendix S: Employee Training Log
- Appendix T: Carcass Removal Log
- Appendix U: FDA Labeling
- Appendix V: SDAFS BMP Plan
- Appendix D of this document.
- View or download the text of the federal regulation as it appears in the Federal Register on EPA's ELGs website for the CAAP rule at <http://epa.gov/guide/aquaculture/>.
- Order the federal regulation and supporting documents from EPA's National Service Center of Environmental Publications (NSCEP).

If you have trouble understanding any of the information in this guide, ask your permitting authority for help. You may also contact EPA's Offices of Science and Technology (Engineering and Analysis Division) and Wastewater Management (NPDES Permitting Program Branch).

EPA Contacts

*Office of Science and Technology (OST),
Engineering and Analysis Division (EAD)
202-566-1000*

*Office of Wastewater Management (OWM)
NPDES Permitting Program Branch
202-564-9545*



The guide also provides permit writers with references for additional information. Permit writers may refer to the appendices listed in the previous section of this guide for additional information. Other good sources of information may be available from state agencies (e.g., Departments of Natural Resources, Agriculture, or Environmental Protection), Cooperative Extension Services, and Sea Grant.



How can I get a copy of the federal regulations?

You can obtain a copy of the federal CAAP regulation from any of the following:

National Service Center for Environmental Publications

*Phone: 1-800-490-9198
Fax: 513-489-8695
e-mail: ncepimal@one.ent
Web: <http://www.epa.gov/ncepihom>
Mail: U.S. EPA/NSCEP
P.O. Box 42419
Cincinnati, Ohio 45242-0419*

Your state might have other regulations that apply to you. Contact your permitting authority to find out how to get a copy of your state's CAAP regulations.

Supporting documents for the CAAP regulation include the Technical Development Document and the Economic and Environmental Benefits Document. They are available from NSCEP or at <http://epa.gov/guide/aquaculture/>.

In this guide, EPA has tried to explain the regulatory language in clear, simple terms. Some of the guide's explanations are general and might not contain all the details from the regulation. Contact your permitting authority for more information on the specific regulations that apply to you. You can find contact information for your permitting authority in Appendix A of this guide.