

supplements. Although EPA regulations indirectly affecting aquaculture wastes are found in a number of federal statutes, the Clean Water Act contains guidelines developed specifically for discharges from aquaculture facilities.

NPDES Permits

The CWA provides for issuance of National Pollution Discharge Elimination Systems (NPDES) permits to control all point source discharge of pollutants to “waters of the United States,” unless specifically exempt from regulation. “Pollutant” is defined in the Act as “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.” Production wastes generated by aquaculture facilities meet this definition and are considered pollutants.

The CWA also established minimum performance standards or technology-based controls for NPDES permits for different categories of discharges. Stricter permit controls or effluent limitations are mandated if these minimum standards and controls will not ensure compliance with established state water quality standards for receiving waters.

A provision under the CWA allows the EPA to transfer or “delegate” its NPDES permit authority to individual states to regulate point-source discharges into waters located within their borders, commonly referred to as “waters of the state.” To become a delegated state, resource agencies must submit a regulatory plan to the EPA for approval and demonstrate that state laws provide adequate legal authority to carry out the program described. State programs must be equivalent to the EPA’s and may impose more stringent requirements. Of those states receiving delegated status, most choose to incorporate the NPDES permit into their own regulatory program by issuing a joint state/federal permit (for example, RIPDES — Rhode Island Pollution Discharge Elimination System).

Not all states seek delegated status from the EPA; this usually is because insufficient financial resources are available to administer the federal program. Administration of NPDES permits in non-delegated states is the responsibility of an EPA regional office (Table 1). All states in the northeast with the exception of Maine, Massachusetts, New Hampshire and the District of Columbia have delegated status. Non-delegated states still must reg-

ulate discharges not covered by the NPDES program under their own permit programs. Under Section 401 of the CWA, non-delegated states also review and provide water quality certification to the regional EPA offices for all NPDES permits as well as other applicable federal programs with water quality provisions.

Federal Aquaculture Discharge Guidelines

Technical standards for discharges from aquaculture production (unlike many categories of municipal and industrial discharges) have not been established formally by the EPA. NPDES permit regulations under Section 40, Part 122, Subpart B, Section 122.24 and Subpart D, Appendix C of the Code of Federal Regulations (commonly referred to as “40 CFR”) consider “concentrated aquatic animal production facilities” to be point sources requiring NPDES permits for discharges into the waters of the United States. Concentrated aquatic animal production facilities, as defined under Appendix C, are hatcheries, fish farms, or other facilities that contain, grow, or hold aquatic animals in either of the following categories:

1. Cold water aquatic animals (including but not limited to the Salmonidae family of fish, e.g., trout and salmon) in

Table 1
EPA Regional Offices in the Northeast.

Region I

Permit Contact, Environmental and Economic Impact office, U.S. Environmental Protection Agency, John F. Kennedy Building, 1 Congress Street, Boston, MA 02203, Telephone: 617-223-4635. **States: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.**

Region II

Permit Contact, Permits Administration Branch, Room 432, U.S. Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007, Telephone: 212-264-9880. **States: New Jersey, New York, Virgin Islands and Puerto Rico.**

Region III

Permit Contact (3 EN 23), U.S. Environmental Protection Agency, 6th and Walnut Streets, Philadelphia, PA 19106, Telephone: 215-597-8816. **States: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia.**