

7053.0405 REQUIREMENTS FOR AQUACULTURE FACILITIES.

Subpart 1. **Definitions.** For purposes of this part, the terms in items A to G have the meanings given them.

A. "Aquaculture therapeutics" means drugs, medications, or disease control chemicals that are approved for concentrated aquatic animal production facility use by the United States Food and Drug Administration or the United States Environmental Protection Agency.

B. "Aquatic animal production" means harvest of unprocessed aquatic animals, including mortalities, where the animals are fed fish food.

C. "Chemical additive" means an aquaculture therapeutic, growth-inducing compound, hormone, or algal control product that is added to a concentrated aquatic animal production facility.

D. "Cold water aquatic animals" means aquatic animals in the Salmonidae family of fish, such as trout and salmon.

E. "Concentrated aquatic animal production facility" means a hatchery, fish farm, or other facility that contains, grows, or holds aquatic animals as described in subitems (1) to (4).

(1) Cold water aquatic animal facilities that produce more than 9,090 harvest weight kilograms (approximately 20,000 pounds) of aquatic animals per year or feed more than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding.

(2) Warm and cool water aquatic animal facilities that produce more than 45,454 harvest weight kilograms (approximately 100,000 pounds) of aquatic animals per year.

(3) Case-by-case designation of concentrated aquatic animal production facilities. The commissioner may designate any warm, cool, or cold water aquatic animal production facility as a concentrated aquatic animal facility upon determining that it may cause a violation of an applicable state or federal water quality rule or regulation. In making this designation, the commissioner shall consider the following factors:

- (a) the location and quality of the receiving waters;
- (b) the holding, feeding, and production capacities of the facility; and
- (c) the quantity and nature of the pollutants reaching waters of the state.

A permit application is not required from a concentrated aquatic animal production facility designated under this item until the commissioner has conducted an on-site inspection of the facility and has determined that the facility is required to be regulated

under the permit program. A permit is required under this subitem only after the facility has been given notice of the commissioner's determination and an opportunity to request a hearing as provided in part 7000.1800.

(4) Harvest weight is considered the weight of aquatic animal product that leaves a production facility, minus the weight of aquatic animal product that enters the same production facility.

F. "Fish food" means materials including processed feeds, grains and seeds, plants, plant wastes, meat, and dead fish or other dead animal parts, but not including living aquatic animals, for the purposes of sustaining growth, repairing vital processes, or furnishing energy for aquatic animals present in the facility.

G. "Warm and cool water aquatic animals" means all other aquatic animals not included in the Salmonidae family of fish.

Subp. 2. **Permit required.** No person may construct, operate, or maintain a concentrated aquatic animal production facility until the agency has issued a national pollutant discharge elimination system and state disposal system (NPDES/SDS) permit for the facility according to chapter 7001. Production levels of multiple projects and multiple stages of a single project that are connected actions or phased actions shall be considered in total under subpart 1, item E.

Subp. 3. **Treatment technology discharge requirements.**

A. All concentrated aquatic animal production facilities shall collect, remove, treat, and properly dispose of unconsumed fish food and fish wastes.

B. All concentrated aquatic animal production facilities that discharge industrial or other wastes to waters of the state shall comply with the requirements of parts 7053.0225, subparts 1, 3, 4, and 5, and 7053.0275.

Subp. 4. **Additional requirements.** Except as expressly excluded in this part, the construction, operation, and maintenance of a concentrated aquatic animal production facility shall comply with the requirements of this chapter and chapters 7050 and 7052.

Subp. 5. [Repealed, 38 SR 1001]

Subp. 6. **Special conditions.**

A. In addition to the requirements for monitoring, testing, and reporting under part 7001.0150, subpart 2, item B, the permittee shall report the aquatic animal production and amount of fish food used. The commissioner may require the permittee to monitor receiving waters to determine natural background levels and baseline quality and to determine compliance with state and federal antidegradation and water quality standard requirements. The monitoring shall consider natural seasonal and year-to-year variations in background levels and baseline quality.

B. The permittee shall transport aquatic animal mortalities for rendering or disposal at a land-based facility. Aquatic animal mortalities shall not be disposed of in waters of the state. The permittee shall prevent blood produced through harvest of aquatic animals from entering waters of the state untreated. The blood generated shall be transported to a land-based rendering or disposal facility approved by the commissioner or discharged to a publicly owned treatment works according to the applicable publicly owned treatment works national pollutant discharge elimination system or state disposal system (NPDES/SDS) permit.

C. The permittee shall maintain an operation record book of daily operations and other occurrences that may affect water quality including addition of fish food, composition of fish food, aquatic animal transfers and harvests, cleaning, mortalities, major weather events, and power failures. The operation record book must be available at all times for inspection and copying by the commissioner.

D. The permittee shall submit an annual report to the commissioner. The report shall include:

- (1) a general description of the operations conducted for the past calendar year;
- (2) a summary of the monitoring data;
- (3) the mass of aquatic animals currently at the facility;
- (4) aquatic animal production at the facility for the past calendar year;
- (5) methods, amounts, and locations of the removal and disposal of waste fish food, filter backwash, sludges, sediments, mortalities, and other accumulated solids generated at the facility; and
- (6) proposed changes in operation or production for the coming year.

E. The discharge of water treatment and chemical additives must comply with parts 7050.0218 and 7050.0221 to 7050.0227.

Statutory Authority: *MS s 115.03; 115.44*

History: *32 SR 1699; 38 SR 1001*

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