REQUESTING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO RAISE THE AQUACULTURE EFFLUENT DISCHARGE EXEMPTION LIMITS UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Statement for House Committees on
Ocean and Marine Resources
State Planning/Energy, Ecology and Environmental Protection
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HCR 41 would request the U.S. Environmental Protection Agency to exempt from the National Pollution Discharge Elimination System (NPDES) the wastewater discharges of certain aquaculture farms that are now subject to the NPDES. This statement on the proposed resolution does not reflect an institutional position of the University of Hawaii.

An aquaculture farm is now exempted from NPDES regulations if its production is less than 20,000 lbs. per year in the case of a farm raising coldwater species, and 100,000 lbs. per year in the case of a farm raising warmwater species. The resolution would request an exemption from NPDES requirements for farms producing 500,000 lbs. a year but does not clearly indicate whether this criteria should apply to warmwater species alone or coldwater species as well.

There are a number of errors of fact in the "Whereas" clauses, the most serious of which is exemplified in the second "Whereas" clause on page 2 that states, "aquaculture effluent waters are known to be relatively benign in the environment, given Hawaii's insular character and nutrient deficient ocean water". The nutrient loads delivered by the effluent to receiving waters may be similar in magnitude to those of the effluents from sewage treatment plants. We note that it is precisely because Hawaii's ocean waters are...
nutrient deficient that all aquaculture effluents are not environmentally benign. Our shore flora and fauna have developed and adapted specifically to living in our low nutrient environment. An discharge of nutrients will modify that environment, and it may cause fast-growing "weed organisms" to take over. This conclusion as has been observed and documented at numerous sites, in the use of effluents from sewage treatment plants.

Aquaculture effluents may include pesticides also. Blanket exemption from NPDES effluent discharge requirements for aquaculture farms producing five times the harvestable product at present permitted, without consideration of where the discharge will take place, what is in it, or the load of pollutants that will be discharged could have serious impacts on the coastal waters of the State of Hawaii.

It seem quite unlikely that EPA would modify its criteria for exclusion of aquaculture effluents from the NPDES system in response to a state legislative regulation such as HCR 41. If, however, the EPA did exclude from NPDES requirements, but the effluents of all but the largest aquaculture laws, the NPDES compliance would base its value to the Corps of Engineers as a criterion for coverage of the outfalls of aquaculture laws by a general permit, as would be presented by HCR 40.