

NEBRASKA ADMINISTRATIVE CODE

Title 119 - Nebraska Department of Environmental Quality

Chapter 11 - CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITIES

001 Unless otherwise indicated, all new and existing concentrated aquatic animal production must provide, at a minimum, the information in this chapter to the Director, using Form 1 and 2B found in Appendix B or another application form provided by the Director.

002 Permit requirement. Concentrated aquatic animal production facilities, as defined in this section, are point sources subject to the NPDES permit program.

003 Case-by-case designation of concentrated aquatic animal production facilities.

003.01 The Director may designate any warm or cold-water aquatic animal production facility as a concentrated aquatic animal production facility upon determining that it is a significant contributor of pollution to waters of the State. In making this designation the Director shall consider the following factors:

003.02 The location and quality of the receiving waters of the United States;

003.03 The holding, feeding, and production capacities of the facility;

003.04 The quantity and nature of the pollutants reaching waters of the United States; and

003.05 Other relevant factors.

004 Permit application shall not be required from a concentrated aquatic animal production facility designated under this paragraph until the Director has conducted on-site inspection of the facility and has determined that the facility should and could be regulated under the permit program.

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004.01 Permit requirement. Discharges into aquaculture projects, are subject to the NPDES permit program through section 318 of CWA

004.02 An Aquaculture project is a managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals.

004.03 A designated project area is the portions of the waters of State within which the permittee or permit applicant plans to confine the cultivated species, using a method or plan or operation (including, but not limited to, physical confinement) which, on the basis of reliable scientific evidence, is expected to ensure that specific individual organisms comprising an aquaculture crop will enjoy increased growth attributable to the discharge of pollutants, and be harvested within a defined geographic area.

Enabling Legislation: Neb. Rev. Stat. §81-1505

Legal Citation: Title 119, Chapter 11, Nebraska Department of Environmental Quality