



ADMINISTRATIVE RULES OF MONTANA



17.30.1331 CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITIES AND AQUACULTURE PROJECTS

- (1) "Concentrated aquatic animal production facility" means a hatchery, fish farm, or other facility which meets the criteria in Appendix C of 40 CFR Part 122, or which the department designates under (3).
- (2) Concentrated aquatic animal production facilities, as defined in this rule, are point sources subject to the MPDES permit program.
- (3) On a case-by-case basis, the department may designate any warm or cold water aquatic animal production facility as a concentrated animal production facility upon determining that it is a significant contributor of pollution to state waters. In making this designation the department shall consider the following factors:
 - (a) the location and quality of the receiving state waters;
 - (b) the holding, feeding, and production capacities of the facility;
 - (c) the quantity and nature of the pollutants reaching state waters; and
 - (d) other relevant factors.
- (4) A permit application is not required from a concentrated aquatic animal production facility designated under this rule until the department has conducted an on-site inspection of the facility and has determined that the facility should and could be regulated under the permit program.
- (5) Discharges into aquaculture projects, as defined in ARM 17.30.1304(5), are subject to the MPDES permit program through 33 USC 1318, and in accordance with 40 CFR Part 125, subpart B (July 1, 1991).
 - (a) "Designated project area" means the portions of the waters of Montana within which the permittee or permit applicant plans to confine the cultivated species, using a method, 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.
- (6) The department adopts and incorporates herein by reference Appendix C of 40 CFR Part 122 which is an appendix to a federal agency rule setting forth criteria for determining whether a facility or operation merits classification as a concentrated aquatic animal production facility.

Authorizing statute(s): 75-5-201, 75-5-401, MCA

Implementing statute(s): 75-5-401, MCA

History: NEW, 1989 MAR p. 2060, Eff. 12/8/89; AMD, 1992 MAR p. 1241, Eff. 6/12/92; TRANS, from DHES, 1996 MAR p. 1499; AMD, 2020 MAR p. 1879, Eff. 10/24/20; AMD, 2024 MAR p. 257, Eff. 2/10/24.