

5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

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## I. Purpose of This Document

Today's document has several purposes. First, EPA is summarizing new data and information we received during public comment on the proposed concentrated aquatic animal production (CAAP) regulations (67 FR 57872, September 12, 2002). The document also describes data EPA collected since it published the proposed rule. For example, EPA evaluated the data from detailed industry surveys, EPA's Permit Compliance System (PCS) database, Discharge Monitoring Reports (DMRs), National Pollutant Discharge Elimination System (NPDES) permits and the industry. This notice summarizes major issues raised in comments on the proposal and how the additional data and comments affect EPA's thinking on these issues. Finally, this document discusses possible changes in our methodology for estimating costs, removals, economic impacts, and benefits associated with the modified options, and includes revised estimates for costs, removals, and economic impacts.

Today's document includes six main components:

1. Discussion of new data and information.
2. Discussion of comments and EPA's preliminary assessments based upon these comments.
3. Possible Modifications to the Proposed Options and Technologies.
4. Possible Revisions to Costs, Loadings, Economic, and Benefits Models.
5. Revised Estimates of Costs, Loadings, and Economic Impacts.
6. Solicitation of Comments.

Through this NODA, EPA seeks further public comment on any and all aspects of the specific data and issues it has identified here. EPA continues to review the comments we received on the proposed rule and will address those comments and the comments submitted in response to this notice in the final action.

## II. New Data and Information

This section provides a brief overview of new data from these general sources:

- EPA post-proposal sampling.
- National Pollutant Discharge Elimination System (NPDES) permits, permit fact sheets, and Discharge Monitoring Report (DMR) data for facilities that responded to the detailed survey.
- Information submitted with comments on the proposed rule.
- Detailed surveys of aquatic animal production (AAP) facilities.
- Literature searches.
- Data from a study that evaluated the effect of sample holding times on subsequent chemical analysis.

## A. EPA Site Visits and Sampling Episodes

During the comment period and at the public meetings on the proposal, commenters raised concerns about the representativeness of the data EPA used as the basis for the proposed rule. In response to these concerns, EPA undertook additional wastewater sampling at a State trout hatchery using flow-through system technology (one of the technology options evaluated for the proposal) and visited 17 additional sites, including flow-through systems raising warm water species.

### 1. Sampling Episode

The facility selected for post-proposal wastewater sampling was a State hatchery in Pennsylvania producing cold water species (trout for stocking enhancement) using flow-through system technology. EPA considered this facility a good candidate for sampling because it used wastewater treatment similar to the treatment systems on which EPA based the proposed limitations. Those systems rely on primary settling of solids generated during cleaning of quiescent zones in an offline settling basin, and secondary settling of the primary effluent, and full or bulk flow from the raceways. Primary settling generally involves physical separation of particles through either quiescent zones and offline settling or a full-flow basin. Secondary settling is sequential solids removal after primary by using a second settling basin (*i.e.*, polishing pond) or a technology unit such as a microscreen. EPA considers this facility to be representative of a well operated facility with effective wastewater treatment. EPA sampled wastewater for five days at this facility during a time of year when the facility approached a maximum stocking density. For more information, refer to the sampling episode report for this facility (Document Control Number (DCN) 62386).

### 2. Site Visits

EPA selected 17 additional sites to visit based, in part, on public comments regarding specific gaps in the information EPA considered at proposal. Commenters raised concerns about the production of warm water aquatic animals and the use of green water production systems and the ability of these types of production facilities to achieve the proposed effluent limits. Commenters also raised concerns about EPA's assumptions concerning the application of