



REGION 4

ATLANTA, GA 30303

PUBLIC NOTICE

DATE: October 24, 2024

DOCKET ID: EPA-R04-OW-2024-0113

AGENCY: Environmental Protection Agency (EPA) Region 4, Water Division, Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, GA 30303

ACTION: Notice of proposed issuance of a modified National Pollutant Discharge Elimination System (NPDES) permit (FLOA00001)

SUMMARY OF PROPOSED ACTION: The EPA intends to issue a modified NPDES permit to Ocean Era, LLC (current permit number FLOA00001). The draft modified NPDES permit authorizes the discharge of industrial wastewater from a marine net-pen aquaculture facility located in federal waters of the Gulf of Mexico at approximately 45 miles southwest of Sarasota, Florida. The facility includes a support vessel and a single cage in a water depth of approximately 130 feet. The project would culture a single cycle of approximately 20,000 Red Drum (*Sciaenops ocellatus*) and produce a maximum annual harvest of 55,000 lbs. The draft modified NPDES permit establishes conditions on the effluent discharge and was drafted in accordance with the provisions of the Clean Water Act (CWA) and other lawful standards and regulations.

The EPA has tentatively decided to modify a permit that is currently effective pursuant to 40 CFR 124.5(c). When a permit is modified, only the conditions that are modified shall be reopened for public comment when a new draft permit is prepared. All other aspects of the currently effective permit shall remain in effect for the duration of the unmodified permit. Given that a NPDES permit for this facility was previously issued during 2022, only comments that are related to the revised conditions within the draft modified permit will be considered. Therefore, the EPA is soliciting comments from the public on the revised conditions of draft modified permit and the administrative record that was prepared to support the draft modified NPDES permit.

The modified draft permit contains four revisions compared to the currently effective permit: 1) the maximum fish production level has been reduced from 88,000 lbs to 55,000 lbs on the cover page of the draft permit; 2) the cultured fish species (red drum) has been included in Part II.A of the permit; 3) effluent monitoring for total copper has been removed from Table 1 of Permit Part II.A.1 in light of the permittee's decision to use a material other than copper for the net pen; and 4) a provision clarifying that the intentional or negligent release of produced fish is prohibited has been included in Permit Part II.B.15. All other conditions of the currently effective permit and the draft modified permit remain the same.

DEADLINE FOR SUBMITTING COMMENTS: The public comment period for the modified draft permit must be a minimum of 30 calendar days. Comments must be received on or before November 25, 2024. All comments received within the 30-day period will be considered in the formulation of a final determination regarding the permit issuance.

INSTRUCTIONS FOR SUBMITTING COMMENTS: All submissions for this public comment period must include the Docket ID number (EPA–R04-OW-2024-0113). Comments received, including any personal information provided, may be posted without change to www.regulations.gov. You may send comments identified by Docket ID (EPA–R04-OW-2024-0113) by any of the following methods:

- Federal Portal: Using EPA’s portal is our preferred method. Using the Docket ID, follow the online instructions for submitting comments at www.regulations.gov.
- Email: Include Docket ID number in the subject line of the email that is sent to a-and-r-docket@epa.gov.
- Fax: Send comments to the attention of Docket ID to (202) 566–9744.
- Mail: Include Docket ID when mailing to - U.S. Environmental Protection Agency, EPA Docket Center, OAR Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- Hand Delivery: Using Docket ID, hand deliver to - EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 am – 4:30 pm, Monday–Friday (except Federal Holidays).

PUBLIC HEARING: Any interested person may request a public hearing within the 30-day comment period. Where there is a significant degree of public interest in a draft permit modification issuance, the EPA Regional Administrator will schedule and hold a public hearing which would be formally announced at a later date in accordance with 40 CFR 124.10 and 40 CFR 124.12.

APPEAL: After consideration of all written comments and requirements in the CWA and appropriate regulations, the EPA Regional Administrator will make a determination regarding the permit modification issuance. If the determination is substantially unchanged from that announced by this notice, the EPA Regional Administrator will so notify all persons submitting written comments. If the determination is substantially changed, the EPA Regional Administrator will issue a public notice indicating the revised determination.

Appeal of modified NPDES permits may be filed after the Regional Administrator makes the above-described final agency determination. Only the modified portions of the permit are subject to further appeal. Additional information regarding appeal of NPDES permits is available in 40 CFR 124.19, or by contacting EPA’s Office of Regional Counsel at (404) 562-9576.

ADMINISTRATIVE RECORD: The administrative record, including the draft modified permit, fact sheet, and other documents related to the modification, and additional information on hearing procedures is available at cost by writing to the EPA at the address identified below. The administrative record will be available for inspection by appointment between the hours of 8:15 am and 4:30 pm, Monday through Friday (copies will be provided at a minimal cost per page). The draft modified permit and other supporting documents can also be accessed on EPA’s website www.epa.gov/publicnotices/ocean-era-draft-modified-npdes-permit-fl0a00001.

FURTHER INFORMATION CONTACT: Comments on the draft permit modification should only be sent to the addresses identified above. For any other information, contact Kip Tyler, NPDES Permitting Section, phone: (404) 562-9750; email: R4NPDES.Kampachi@epa.gov.

PERMITTEE INFORMATION: Ocean Era, LLC., P.O. Box 4239, Kailua-Kona, HI 96745-4239. Phone: (808) 331-1188. Fax: (808) 331-8689. website: www.ocean-era.com

SUPPLEMENTARY INFORMATION: Information regarding the 2022 permit issuance can be accessed at www.epa.gov/npdes-permits/ocean-era-inc-velella-epsilon-aquatic-animal-production-facility-national-pollutant