

ITEM: 15

SUBJECT: Sterling Caviar LLC, Elverta, Sacramento County

BOARD ACTION: *Consideration of Order Amending Cease and Desist Order R5-2007-0013*

BACKGROUND: Sterling Caviar LLC (hereafter Discharger) owns and operates a fish farm that produces white sturgeon and caviar at the Sterling Caviar LLC, Elverta (hereafter Facility). The Facility is located in Elverta, California (Sacramento County) and is permitted to discharge up to 3.7 million gallons per day of treated wastewater to wetlands within the Betts-Kismat-Silva (BKS) preserve. The BKS preserve was developed by the Natomas Basin Conservancy to provide habitat for the giant garter snake and the Swainson's hawk. The BKS preserve is located within Reclamation District No. 1000 (RD1000). The RD1000 operates and maintains a drainage system that collects storm water and agricultural drainage within the RD1000 boundaries and disposes of the water via various pumping plants to the Sacramento River, a water of the United States.

On 15 March 2007 the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2007-0012 (NPDES No. CA0085197). The Discharger was unable to comply with new final effluent limitations for arsenic, nitrate, and manganese. Therefore, on 15 March 2007 the Central Valley Water Board also adopted Cease and Desist Order (CDO) R5-2007-0013 that provides time schedules for compliance with the final effluent limitations.

On 20 July 2011, the Discharger submitted a letter requesting an extension of the compliance schedule of the CDO from 1 March 2012 until 1 March 2015 for the final effluent limitations for arsenic, manganese and nitrate. The Discharger states that treatment to remove arsenic and manganese at or below discharge requirements is not economically feasible. The Discharger is pursuing outside parties for development of an agricultural operation to be located near the Facility that would use treated effluent from the Facility as its irrigation water supply. The Discharger needs additional time to establish contracts with an outside party, secure necessary permits, and develop the agricultural operation. This project will allow the discharge to be used as an irrigation water supply, augmenting the area water supply. The NPDES permit and CDO for this Facility may be potentially rescinded.

A public notice was issued on 14 November 2011 describing the proposed amendment with public comments due by 16 December 2011. No comments were received.

ISSUES: None.

Mgmt. Review _____

Legal Review _____

2 February 2012 Central Valley Water Board Meeting
11020 Sun Center Dr. #200
Rancho Cordova, CA 95670