

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER R5-2012-XXXX  
AMENDING CEASE AND DESIST ORDER R5-2007-0013

STERLING CAVIAR LLC.  
ELVERTA FACILITY  
SACRAMENTO COUNTY

1. On 15 March 2007 the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2007-0012 (NPDES No. CA0085197), prescribing waste discharge requirements for Sterling Caviar LLC (hereafter Discharger) at the Sterling Caviar LLC, Elverta (hereafter Facility), a sturgeon fish farm in Sacramento County. 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.
2. The Discharger owns and operates a fish farm that produces white sturgeon and caviar. Wastewater is discharged 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.
3. 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.
4. The Central Valley Water Board finds that the Discharger has demonstrated due diligence to identify feasible compliance alternatives and is making diligent progress to comply with final effluent limitations. The Discharger has provided a plan to cease the discharge to surface waters. The Discharger plans to reuse the treated wastewater to irrigate an agricultural crop. 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.

5. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000, et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).
6. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to amend the Cease and Desist Order for this discharge and has provided them with an opportunity to submit their written views and recommendations.

**IT IS HEREBY ORDERED THAT:**

Cease and Desist Order No. R5-2007-0013 is amended as shown in underline/strikeout format in Attachment 1 to this Order.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on [DATE].

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PAMELA C. CREEDON, Executive Officer