

ITEM: 24

SUBJECT: TNC Holding Company, LLC, and the Ralph F. Nix 1995 Revocable Trust, TNC Holding Company Caviar Sturgeon Farm, Sacramento County

BOARD ACTION: *Consideration of Order Rescinding Waste Discharge Requirements Order R5-2011-0084 and Time Schedule Order R5-2011-0085 (NPDES Permit No. CA0085120)*

BACKGROUND: Plaza Aqua Farm, Inc. LLC (Discharger) is the new owner of the TNC Holding Company Caviar Sturgeon Farm (Facility), located at 10822 Gay Road, Wilton, California. Discharges from the Facility are currently regulated by Waste Discharge Requirements Order R5-2011-0084 and Time Schedule Order (TSO) R5-2011-0085, issued by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on 1 December 2011. The Facility raises white sturgeon (*Acipenser transmontanus*) for sale as fresh and smoked meat, and for caviar. The Facility is permitted to discharge an average monthly flow of 1.2 million gallons per day (MGD), but actual monthly effluent flows have averaged only 0.16 MGD.

The annual production of sturgeon from 2011 through 2014 averaged 10,200 lbs/year. Based on the current facility conditions, the Discharger estimates that maximum production is 90,000 lbs/year, which could be reached in about 11 years. Based on the annual production, the Facility does not fall under the categorical classification of a confined aquatic animal production (CAAP) facility, as defined in the Code of Federal Regulations (40 CFR Appendix C of Part 122 [Section 122.24]). Therefore, the Facility is not a point source discharge subject to the NPDES regulations.

The TSO was issued by the Central Valley Water Board requiring compliance with final effluent limitations for iron in the NPDES Permit that were established based on the Department of Public Health Secondary Maximum Contaminant Level. Based on a 2012 Pollution Prevention Plan for iron, it was determined that even though iron is not used as part of the aquaculture processes, the Facility utilizes earthen ponds and conveyance channels that may be contributing to total iron concentrations in the effluent due to iron in soils. Additionally, the facility had an on-site storage area that contained a large amount of ferrous metal, which were stored directly on the ground surface and the drainage from this area flows west toward the return water canal which has the potential to come into contact with the west side of the treatment ponds. As part of the control measures cleanup efforts were made on site and much of the ferrous metal was either recycled or relocated.

Based on the estimated maximum annual production of 90,000 lbs/year, the Facility does not fall under the categorical classification of a CAAP facility. Furthermore, based on evaluation of effluent data, annual reports, and site inspections, the Facility is not found to be a source of pollution or the cause of a nuisance problem in the receiving water. Therefore, the proposed Order rescinds WDR Order R5-2011-0084 and TSO R5-2011-0085.

ISSUES: None

RECOMMENDATION: Adopt proposed Order rescinding NPDES permit and Time Schedule Order.

Mgmt. Review NM

Legal Review NJ

10/11 December 2015 Board Meeting

11020 Sun Center Drive, #200

Rancho Cordova, CA 95670