

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2015-0138

RESCINDING WASTE DISCHARGE REQUIREMENTS ORDER R5-2011-0084
AND
TIME SCHEDULE ORDER R5-2011-0085
(NPDES PERMIT NO. CA0085120)

TNC HOLDING COMPANY, LLC, and THE RALPH F. NIX 1995 REVOCABLE TRUST
TNC HOLDING COMPANY CAVIAR STURGEON FARM
SACRAMENTO COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter "Central Valley Water Board") finds that:

1. On 1 December 2011, the Central Valley Water Board adopted Waste Discharge Requirements Order R5-2011-0084 (NPDES Permit) and Time Schedule Order (TSO) R5-2011-0085, prescribing waste discharge requirements for the TNC Holding Company Caviar Sturgeon Farm, Sacramento County.
2. On 27 March 2015, the Discharger submitted a written agreement indicating a change in ownership of the Facility from the TNC Holding Company LLC to the Plaza Aqua Farm, Inc. was effective on 24 February 2015. For purposes of this Order, the Plaza Aqua Farm, Inc is hereafter referred to as "Discharger" and as "Facility."
3. Waste Discharge Requirements Order R5-2011-0084 (NPDES Permit No. CA0085120) authorizes the discharge of an average monthly flow of 1.2 million gallons per day (MGD), which flows to an unnamed tributary of the Cosumnes River, and is ultimately discharged to the Cosumnes River.
4. The Facility operates as a recirculating process. The Facility was designed to recirculate up to 90 percent, on a long-term basis, of the Facility's process wastewater. Process supply water is obtained from two wells located in the southeast corner of the Facility. The supply water passes through a degassing/aeration tower before it is mixed with process recirculation water and fed to the fish tanks. Wastewater from the grow-out tanks, containing fish excrement and unused food, is discharged to a drainage canal to three large drum filters to remove particulates down to 60 micrometers. After filtration, wastewater is channeled through a 2.7 million gallon, U-shaped pond containing aquatic vascular vegetation for direct nutrient uptake and settling. Residual ammonia and dissolved organics are removed by a media based biofiltration system placed within the U-shaped pond. Treated wastewater from the pond is routed to the return canal. From the return canal, water can be directed through two post treatment ponds (#1 and #2) for further nutrient removal and temperature modification prior to being re-circulated to the return canal. Water is discharged on an as-needed basis to control system water level and temperature in the grow-out tanks.
5. The wastewater discharges from the Facility include unused food, fish excrement, and algae. The Discharger currently uses sodium chloride (salt) and hydrogen peroxide to control fish infections from surface abrasions and the spread of fish disease. The

wastewater treatment system consists of filtration, an aquatic vegetation pond for nutrient uptake, and a biofiltration system for ammonia and dissolved organics removal. The effluent discharge averages 0.16 MGD.

6. In the Report of Waste Discharge submitted in September 2004, the projected annual aquatic animal production was estimated as 125,000 lbs/year with a planned expansion to 250,000 lbs/year. However, the Phase II expansion as described in the 2004 Report of Waste Discharge was not completed. Upon acquiring the Facility, the new Discharger re-evaluated the production capacity of the Facility to maximize caviar production and minimize operating costs. Based on the Discharger's model the maximum annual production is 90,000 lbs/year, which is predicted to be reached in at least 11 years. The actual annual production of sturgeon from 2011 through 2014 averaged only 10,200 lbs/year.
7. Based on the actual aquatic animal production and the updated maximum production estimates, the Facility does not fall under the categorical classification of a concentrated aquatic animal production (CAAP) facility, as defined in the Code of Federal Regulations (40 CFR Appendix C of Part 122, Table 1).

Table 1. Categorical classification of a CAPP according to 40 CFR Appendix C of Part 122

CATEGORY	NOT INCLUDING
Warm water fish species or other warm water aquatic animals ¹ in ponds, raceways, or other similar structures which discharge at least 30 days per year	Closed ponds which discharge only during periods of excess runoff OR facilities which produce less than 45,454 harvest weight kilograms (approx. 100,000 pounds) of aquatic animals per year.

⁽¹⁾ Warm water aquatic animals include, but are not limited to, the *Ameiuride*, *Centrarchidae* and *Cyprinidae* families of fish; e.g., respectively, catfish, sunfish and minnows.

8. 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. In 2012, the Discharger submitted a Work Plan and a Pollution Prevention Plan for iron to investigate the potential sources of iron and recommended control measures. 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 has an on-site storage area that contains a large amount of ferrous metal (e.g., equipment components, empty 55-gallon drums, piping, fencing, and rusting corrugated metal sheets), which are 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 has been either recycled or relocated.
9. 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, this Order rescinds WDR Order R5-2011-0084 and TSO R5-2011-0085.

10. 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 CWC section 13389.
11. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to rescind WDR Order R5-2011-0084 and TSO R5-2011-0085 for this Facility and has provided them with an opportunity to submit their written views and recommendations.

IT IS HEREBY ORDERED THAT:

Except for enforcement purposes, Waste Discharge Requirements Order R5-2011-0084 (NPDES No. CA0085120) and Time Schedule Order R5-2011-0085 are rescinded.

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

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 **11 December 2015**.

Original Signed By

PAMELA C. CREEDON, Executive Officer



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

16 December 2015

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CERTIFIED MAIL
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**NOTICE OF ADOPTION
ORDER R5-2015-0138
RESCINDING WASTE DISCHARGE REQUIREMENTS
ORDER R5-2011-0084 AND
TIME SCHEDULE ORDER R5-2011-0085
(NPDES No. CA0085120)**

FOR

**TNC HOLDING COMPANY, LLC, AND
THE RALPH F. NIX 1995 REVOCABLE TRUST
TNC HOLDING COMPANY CAVIAR STURGEON FARM
SACRAMENTO COUNTY**

Enclosed is Order R5-2015-0138 rescinding Waste Discharge Requirements Order R5-2011-0084 and Time Schedule Order R5-2011-0085 (NPDES Permit No. CA0085120) for the Plaza Aqua Farm, Inc. LLC, the new owner of the TNC Holding Company LLC Caviar Sturgeon Farm, adopted by the California Regional Water Quality Control Board, Central Valley Region on 11 December 2015.

If you have any questions regarding the enclosed Order please contact me at (916) 464-4772 or jdmarschall@waterboards.ca.gov.

Original Signed By

James D. Marshall, P.E.
Senior Engineer

Enclosure: Adopted Order

cc: David Smith, U.S. EPA, Region IX, San Francisco (via email only)
Peter Kozelka, U.S. EPA, Region IX, San Francisco (via email only)
Phil Isorena, State Water Resources Control Board, Sacramento (via email only)