

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Thursday, November 19, 2015
Regional Water Quality Control Board
Santa Rosa, California

- ITEM: 6
- SUBJECT: Public Hearing to consider adoption of Order No. R1-2015-0009
General Waste Discharge Requirements for Cold Water
Concentrated Aquatic Animal Production Facility (Fish Hatchery)
Discharges to Surface Waters, NPDES No. CAG131015 (Lisa
Bernard)
- BOARD ACTION: The Board will consider adoption of Waste Discharge Requirements
Order No. R1-2015-0009 (Proposed General Permit). The Proposed
General Permit will serve as a General National Pollutant Discharge
Elimination System (NPDES) permit for a period of five years
allowing year round discharges to surface water from a cold water
concentrated aquatic animal production (CAPP) facility upon
enrollment.
- BACKGROUND: A cold water concentrated aquatic animal production (CAAP) facility
is a fish hatchery, fish farm, or other facility which contains, grows,
or holds cold water fish species or other cold water aquatic animals
including, but not limited to, the Salmonidae family of fish (e.g., trout
and salmon) in ponds, raceways or other similar structures. A CAAP
facility is a point source that discharges to waters of the United
States at least 30 calendar days per year, produces at least 20,000
pounds harvest weight of aquatic animals per year, and feeds at
least 5,000 pounds of food during the calendar month of maximum
feeding.
- In the North Coast Region, there are currently five CAAP facilities
permitted through individual NPDES permits issued by the Regional
Water Board to discharge wastewater to waters of the United States.
The Regional Water Board has determined that four of the five
existing and any potential new CAAP facilities in the North Coast
Region are appropriately regulated by a general NPDES permit.
General permits may be issued to regulate a category of point
sources, such as CAAP facilities, which involve the same or
substantially similar types of operations; discharge the same type of
wastes; require the same type of effluent limitations or operation
conditions; and require similar monitoring. The four existing CAPP
facilities that will be regulated by the Proposed General Permit are
Warm Springs Fish Hatchery, Coyote Valley Fishery Mitigation

Facility, Mad River Fish Hatchery, and Trinity River Salmon and Steelhead Hatchery. Because Iron Gate Hatchery requires substantially different effluent limitations and monitoring, operations at this CAAP facility will continue under individual NPDES permit coverage.

ISSUES:

The Proposed General Permit continues to prescribe technology-based effluent limitations for total suspended solids (TSS) and settleable solids, and pH limitations based upon individual receiving water objectives. The Proposed General Permit also retains from the individual NPDES permits, a prohibition on the discharge of detectable levels of chemicals used for the treatment and control of disease, other than salt (NaCl). This prohibition implements the Basin Plan's *Policy on the Regulation of Fish Hatcheries, Fish Rearing Facilities, and Aquaculture Operations* (Hatchery Policy).

In addition to the retention of existing requirements, the Proposed General Permit requires each CAAP facility operator to comply with the following new requirements:

- Submit and implement a best management practices (BMP) plan to prevent or minimize the generation and discharge of wastes and pollutants and ensure disposal or land application of wastes in compliance with applicable solid waste disposal regulations. The Proposed General Permit allows for existing BMP plans or other manuals to be used or modified in order to comply with this requirement.
- Submit for Executive Officer concurrence, a site-specific Chemical Controls, Monitoring and Reporting Plan (Reduction and Verification MRP). The Reduction and Verification MRP must include, at a minimum, (1) an evaluation of controls and alternatives for the reduction of chemical usage at each facility, (2) a plan to collect and analyze site specific effluent for Whole Effluent Toxicity, (3) a plan to collect, analyze, and compare to water quality objectives chemical specific concentrations of antibiotics and other treatments used for the prevention of disease in site specific effluent, and (4) a schedule for implementation.

We received timely comments on the Proposed General Permit from the existing CAAP facility owners and operators. In response to comments received from PacifiCorp, the facility owner for Iron Gate Hatchery, Regional Water Board staff removed this facility from the Proposed General Permit. Discharges from Iron Gate Hatchery will continue to be regulated under an individual NPDES permit due to

the complexities associated with Total Maximum Daily Load (TMDL) requirements in this specific location.

California Department of Fish and Wildlife (DFW), which operates Iron Gate, Warm Springs, Coyote Valley, Mad River, and Trinity River CAAP facilities, provided close to 75 comments on the Proposed General Permit. A main concern expressed by DFW is the ability for CAAP facilities to comply with the prohibition on discharge of detectable levels of chemicals used for the treatment and control of disease. With improvements to laboratory and field tests, DFW is concerned with its ability to meet lower detection limits for such chemicals. Thus, it requests that we establish effluent and receiving water limitations in lieu of the prohibition.

Staff does not recommend establishing effluent limitations because it would require changes to existing regulations and goes beyond the scope of this permit action. In lieu of effluent limitations and to ensure compliance with the Hatchery Policy, the Proposed General Permit continues to require chronic toxicity information and calculation of effluent concentrations for all chemicals applied to treat disease.

Nonetheless, staff understands DFW remains concerned with its ability to comply with the Hatchery Policy despite the fact it routinely complies with the prohibition. Staff agrees that methodologies for detection have improved dramatically since the Hatchery Policy was first adopted; and in some cases a literal interpretation of the prohibition could frustrate the Hatchery Policy's general purpose. Thus, with respect to the Proposed General Permit, staff believes it is reasonable to conclude that the Hatchery Policy is best applied in a manner to prevent discharge of chemicals at levels that (a) would cause toxicity, (b) exceed water quality objectives, or (c) otherwise impair beneficial uses. Staff added language (in section IV.G. of the Proposed General Permit and section IV.E.2 of the Fact Sheet) to clarify this interpretation of the Hatchery Policy as it applies to the Proposed General Permit.

In order to verify compliance with the Hatchery Policy and demonstrate that CAAP discharges associated with disease control activities meet objectives a-c above, the Proposed General Permit requires operators to develop and implement the Reduction and Verification MRP. Data generated during the permit term associated with this MRP may be used to re-evaluate the prohibition and staff may consider amending the Hatchery Policy in accordance with the Basin Plan triennial review process.

Regional Water Board staff has been coordinating with DFW staff and made several changes to the draft General Permit in response to comments. These changes have been incorporated into the General Permit as proposed for Board adoption. A full explanation of the comments and responses is documented in the attached response to comments.

RECOMMENDATION: Adopt Order No. R1-2015-0009, as proposed.

SUPPORTING
DOCUMENTS:

1. Proposed Order No. R1-2015-0009
2. Staff Response to Comments
3. Comment Letters and Attachments
4. Public Notice

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