

Central Valley Regional Water Quality Control Board
30 November / 1/2 December 2011 Board Meeting

Response to Comments
for the
TNC Holding Company, LLC and the Ralph F.Nix 1995 Revocable Trust
TNC Holding Company Caviar Sturgeon Farm
Tentative Waste Discharge Requirements

The following are Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) staff responses to comments submitted by interested parties regarding the tentative Waste Discharge Requirements for NPDES Permit No. CA0085120 (NPDES Permit) renewal, and the tentative Time Schedule Order (TSO), for the TNC Holding Company, LLC, and the Ralph F.Nix 1995 Revocable Trust (Discharger), TNC Holding Company Caviar Sturgeon Farm (Facility).

The tentative NPDES Permit and tentative TSO were issued for public comment on 21 September 2011 with comments due by 24 October 2011. The Central Valley Water Board received public comments regarding the tentative NPDES Permit and tentative TSO by the due date from the Discharger. Some changes were made to both the tentative NPDES Permit and TSO based on the comments received.

The submitted comments were accepted into the record, and are summarized below, followed by Central Valley Water Board staff responses.

DISCHARGER COMMENTS – ATTACHMENT A

Discharger Comment No. 1. NPDES Permit, Pg. 10, Effluent Limitations and Discharge Specifications (IV), Table 6 – Ammonia Effluent Limitations

The Discharger comments that it is unreasonable to apply EPA's National Ambient Water Quality Criteria for ammonia based on receiving waters where salmonids and early life stage fishes are present. The Discharger contends that the receiving water is a storm water drainage ditch that often does not contain water absent the discharge. Furthermore, since the discharge is intermittent, the ditch runs dry many times of the year. Therefore, there should be no reason to expect that salmonids would be present at or near the point of discharge. The Discharger requests that the ammonia effluent limitations be recalculated.

RESPONSE: Central Valley Water Board staff concurs that salmonids are not present at or near the discharge, so the acute criterion should be calculated using EPA's recommended equation with salmonids absent. This results in a less stringent acute criterion. The ammonia effluent limitations in Table 6 of the proposed Order are changed as follows:

Parameter	Units	Effluent Limitations			
		Average Monthly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Ammonia Nitrogen, Total (as N)	mg/L	0.9 <u>1.4</u>	2.1 <u>3.2</u>	--	--
	lbs/day	9.0 <u>14</u>	54 <u>83</u>	--	--

Corresponding changes in the Fact Sheet (Attachment F) and Attachment H have also been made to be consistent with the changes to the ammonia effluent limitations. The Fact Sheet has been modified to clarify that the discharge from the Facility is to a storm water ditch that is located about 1 mile upstream of the Cosumnes River where salmonids are present. The ammonia discharged to the storm water ditch will naturally undergo nitrification prior to reaching the downstream river. Therefore, the use of the recommended acute criterion for waters where salmonids are absent is protective of the ditch and the downstream river.

Discharger Comment No. 2. NPDES Permit, Special provisions VI.C.1.c – Discharge of Aquaculture Chemicals

The Discharger requests that the permit be modified to allow for the application of hydrogen peroxide to the fish rearing tanks to control fish infections. The Discharger comments that hydrogen peroxide does not pose a threat to water quality, because it rapidly decomposes into water and oxygen gas spontaneously.

RESPONSE: Central Valley Water Board staff concurs. Section VI.C.1.a., and other corresponding sections of the permit and Fact Sheet, have been modified to allow for the application of hydrogen peroxide to the fish rearing tanks.

Discharger Comment No. 3. NPDES Permit, Special Provisions VI.C.2.a – Aquaculture Chemicals or Drugs. (See Discharger Comment No. 2)

RESPONSE: Central Valley Water Board staff concurs. See response to Discharger Comment No. 2.

Discharger Comment No. 4. NPDES Permit, Special Provisions VI.C.3.a – Best Management Practices (BMP).

The Discharger comments that several of the tasks outlined in the current BMP plan, which was developed by the previous discharger, are not applicable to the Facility and therefore, all references to this plan must be deleted from the proposed Order. As an alternative, the Discharger requests time to develop a new BMP plan that is reflective of the current operations at the Facility

RESPONSE: Central Valley Water Board staff concurs. The proposed Order has been revised to allow the Discharger to develop a new BMP plan within 6 months of adoption of this Order.

Discharger Comment No. 5. NPDES Permit, Special Provisions VI.C.3.b – Storm Water

The Discharger requests the removal of Provision VI.C.3.b requiring the Discharger to obtain coverage under the State Water Resources Control Board's (State Water Board) NPDES Industrial Storm Water permit (Water Quality Order No. 97-03-DWQ). The Discharger contends that the Industrial Storm Water permit does not regulate storm water discharges from Concentrated Aquatic Animal Production Facilities (CAAP) or Fish Hatcheries. Therefore, it is not appropriate for Central Valley Water Board to require the Discharger to obtain coverage under the Industrial Storm Water permit

RESPONSE: Central Valley Water Board staff does not concur. Storm water discharges from fish farming are regulated by the Industrial Storm Water permit (see SIC Code No. 0273 - Animal Aquaculture). Therefore, it is appropriate to require the Discharger to obtain coverage under the State Water Board's Industrial Storm Water permit.

Discharger Comment No. 6. NPDES Permit, Special Provisions VI.C.4.a – Solids Disposal Specifications

The Discharger comments that it is unreasonable to regulate the storage and disposal of harvested water hyacinths and duckweed from the treatment ponds in the same manner that other solids (e.g. fish excrement and fish carcasses) are regulated in accordance with Title 27 of the California Code of Regulations. The Discharger further comments that the operations involving removal and disposal of water hyacinths plant material would be the equivalent to the practices associated with a land treatment where nutrient rich water is used to irrigate a crop and crop nutrient uptake provides treatment of the water as it moves into the groundwater. Special Provisions VI.C.3.a, requires the Discharger submit a BMP plan that ensures the Discharger's storage and disposal activities of harvested water hyacinths or duckweed be carried out in an environmentally safe manner so as to prevent any nuisance conditions caused from storing on-site. The Discharger contends that this is the appropriate level of regulation for harvested water hyacinths and duckweed..

RESPONSE: Central Valley Water Board staff concurs. The proposed Order has been modified to clarify that harvested water hyacinths and duckweed are to be regulated per the BMP plan. Corresponding changes to the Monitoring and Reporting Program (Attachment E) and the Fact Sheet (Attachment F) have been made.

Discharger Comment No. 7. Attachment C – Flow Schematic

The Discharger proposes to construct a second water hyacinth drying area and utilize an existing onsite basin as a storm water catchment area as shown in the flow schematic.

RESPONSE: Central Valley Water Board staff concurs. The Flow Schematic in the proposed Order will be revised to reflect the proposed change.

Discharger Comment No. 8. Monitoring and Reporting Program, Page E-4, Influent Monitoring Requirement (III)

The Discharger identified two typos in the Influent Monitoring Requirements (Section III).

RESPONSE: Central Valley Water Board staff concurs. The typos have been corrected.

Discharger Comment No. 9. Monitoring and Reporting Program, Reporting Requirements Section X, Item D-2 – Annual Solids Disposal Report

The Discharger comments that the reporting requirements for the disposal of water hyacinths and duckweed are not in accordance with the CAAP guidelines. The Discharger believes that it is unreasonable or inappropriate to regulate the harvested plant material in the same manner that the other solids are regulated. Therefore, requests that the BMP plan that documents the practices of storage and disposal of the plant material be considered adequate to ensure compliance with the CAAP guidelines.

RESPONSE: Central Valley Board staff concurs. See response to Discharger Comment No. 6.

Discharger Comment No. 10. Monitoring and Reporting Program, Reporting Requirements Section X, Item D-3 – Drug and Chemical Use reports

The Discharger requests that due to the limited use of chemicals at the Facility, the Drug and Chemical Use reporting requirements be changed from Quarterly to Annually.

RESPONSE: Central Valley Water Board staff concurs. Reporting requirements for the Drug and Chemical Use have been changed accordingly in the proposed Order.

Discharger Comment No. 11. Fact Sheet, Facility Description (II)

The Discharger requests a change in the Facility Description paragraph to include the use of hydrogen peroxide.

RESPONSE: Central Valley Water Board staff concurs. See response to Discharger Comment No. 2.

Discharger Comment No. 12. Fact Sheet, Facility Description (II), Item A – Description of Wastewater and Biosolids Treatment or Controls

The Discharger comments that the description of the treatment and disposal system in the proposed Order is not accurate and therefore, requests changes to this section to reflect the current operations at the facility. Some of the changes are in regard to the storage and disposal of harvested water hyacinths and duckweed, as discussed in Discharger Comment No. 6. Other changes are regarding operation of the drum filters that remove solids in the treatment pond. The Discharger comments that since the Facility can achieve permit compliance even with the drum filters offline during maintenance, it is unreasonable to expect them to be operational at all time or to require the Discharger to install redundant or back-up equipment. Therefore, the Discharger requests that language be included in the proposed Order to acknowledge the fact that drum filters may be offline for a brief period for maintenance or repair.

RESPONSE: Central Valley Water Board staff concurs. The Discharger's requested changes have been accepted and the proposed Order is revised accordingly.

Discharger Comment No. 13. Fact Sheet, Facility Description (II), Item D – Compliance Summary

The Discharger requests that all violations listed under this section be deleted. Because, the Discharger believes that these violations have occurred under the previous ownership during the previous permit term and therefore, it is not responsible or liable for the violations addressed under this section.

RESPONSE: Central Valley Water Board staff partially concurs. Staff acknowledges that the current discharger is not responsible or liable for any of the violations listed. However, the violations addressed are listed simply to keep track of the Facility's general compliance with the existing permit. A sentence has been added to clarify that the current Discharger is not responsible or liable for any of the listed violations.

Discharger Comment No. 14. Fact Sheet, Rationale for Effluent Limitations and Discharge Specifications (IV), Item A.2

The Discharger requests minor modifications to this section to include the use of hydrogen peroxide in addition to salt to treat fish for parasites

RESPONSE: Central Valley Water Board staff concurs. See response to Discharger Comment No. 2.

Discharger Comment No. 15. Fact Sheet, Rationale for Effluent Limitations and Discharge Specifications (IV), Item C.3.c.i – Ammonia (See Discharger Comment No. 1)

RESPONSE: Central Valley Water Board staff concurs. See response to Discharger Comment No. 1.

Discharger Comment No. 16. Fact Sheet, Rationale for Monitoring Requirements (VI), Item E.1- Solids Disposal Monitoring (See Discharger Comment No. 6)

RESPONSE: Central Valley Water Board staff concurs. See Discharger Comment No. 6.

Discharger Comment No. 17. Time Schedule Order, Item 9, Typo

The Discharger notes a typo in the last sentence of the paragraph. The words “*copper and lead*” should be changed to “*iron*”.

RESPONSE: Central Valley Water Board Staff concurs and the typo has been corrected in the proposed Order

Discharger Comment No. 18, Time Schedule Order, Item 10, Typo

The Discharger notes a typo in the last sentence of the second paragraph. The words “daily maximum” should be deleted.

RESPONSE: Central Valley Water Board Staff concurs and the typo has been corrected in the proposed Order