

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ORDER NO. 01-003
NPDES NO. CA7000010

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
KENT SEATECH CORPORATION, OWNER/OPERATOR
FISH FARM
Mecca – Riverside County

The California Regional Water Quality Control Board, Colorado River Basin Region, finds that:

1. Kent SeaTech Corporation (hereinafter referred to as the discharger) is the owner and operator of a fish farm, located at 70775 Buchanan Street, Mecca, CA, 92243, with a mailing address of P. O. Box 757, Mecca, CA 92254. The discharger submitted an NPDES application dated April 12, 1999, to discharge fish culture effluent (hereinafter referred to as wastewater) into the Coachella Valley Storm Water Channel.
2. The discharger currently discharges up to an average of 8.5 million-gallons-per-day (MGD) of effluent from a fish farm into the Coachella Valley Storm Channel. Maximum daily flow is about 10.5 MGD in the E½ of the SE¼ of Section 24 and E½ of NE¼ of Section 25, T7S, R8E, San Bernardino Baseline and Meridian (SBB&M).
3. Kent SeaTech Corporation operates a 160-acre fish culture facility, a Concentrated Aquatic Animal Production Facility, as defined under Title 40 CFR 122.24. The primary species of fish cultured is the Hybrid Striped Bass. Annual production at the facility is approximately 3.5 million pounds. In addition, the facility also supports Tilapia, Hybrid Carp and Sacramento Blackfish as well as other species that the facility is approved for by the California Department of Fish and Game. Some of these fish species are used as a system component for particulate removal.
4. The facility recycles water for reuse at the fish farm. Water supply is from groundwater wells. Kent SeaTech and outside vendors produce and supply small fingerlings that are raised in a series of circular shaped fish production tanks. Each of these tanks is supplied with oxygen. An air stripping process removes carbon dioxide produced in the tank. Water destined for recycling leaves these tanks and flows into an open channel where a portion of the particulates are consumed by Tilapia and/or Carp. Water exiting the open channel continues into a "Suspended Media Ammonia Removal Technology" (SMART) system for which the discharger has filed a patent application. This water is biologically treated in SMART to remove ammonia and nitrites and is finally distributed to a "constructed wetland" system. At the end of this system, the treated water is recycled back to the fish tanks for reuse via pumps. Presently, part of the wastewater from the tanks is distributed to three (3) duck hunting clubs and an agricultural farm located next to the facility. The discharger has future plans to supply additional agricultural operations with wastewater. The remaining excess water is discharged into the Coachella Valley Storm Channel.

5. Fish are grown in 96 circular tanks, one (1) circular raceway and a tilapia channel comprising about 2.8 surface acres of water. The facility supports two (2) nitrification reactor vessels (SMART), that comprise about 1.2 surface acres and approximately 66.2 surface acres of constructed wetlands for water clarification, nitrification and denitrification. There are also 15 ponds totaling approximately 25 acres on the south side of the property that treat water for reuse on the fish farm.
6. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan) was adopted on November 17, 1993, and designates the beneficial uses of ground and surface waters.
7. The beneficial uses of waters in the Coachella Valley Storm Water Channel are:
 - a. Fresh Water Replenishment for Salton Sea (FRSH)
 - b. Water Contact Recreation (REC I)¹
 - c. Noncontact Water Recreation (REC II)¹
 - d. Warm Water Habitat (WARM)
 - e. Wildlife Habitat (WILD)
 - f. Preservation of Rare, Endangered or Threatened Species (RARE)²
8. The United States Environmental Protection Agency (USEPA) adopted the National Toxics Rule (NTR) on February 5, 1993. The NTR requires effluent limitation for all pollutants that are or may be discharged at a level that will cause or have the reasonable potential to cause, or contribute to an in-stream excursion above a narrative or numeric water quality standard.
9. On May 18, 2000, the USEPA published the adopted California Toxics Rule (CTR). The CTR promulgates new criteria for the protection of both human health and aquatic life. New numeric aquatic life criteria for 23 priority toxic pollutants and numeric human health criteria for 57 priority toxic pollutants are listed. In addition, the CTR contains a compliance schedule provision, which authorizes the State to issue schedules of compliance for new or revised NPDES permit limits based on the federal criteria when certain conditions are met.
10. On March 2, 2000, the State Water Resources Control Board (SWRCB) adopted the "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California" (California Toxics Policy). This Policy establishes (1) implementation provisions for priority pollutant criteria promulgated by the USEPA through the NTR and CTR and for priority pollutant objectives established by the Regional Water Quality Control Boards in their water quality control plans; (2) monitoring requirements for 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin (TCDD) equivalents; and (3) chronic toxicity control provisions.
11. The proposed discharge is consistent with the anti-degradation provisions of 40 CFR 131.12 and SWRCB Resolution No. 68-16. If terms of the permit are met, the impact on water quality will be insignificant, including potential impacts on aquatic life, which is the beneficial use most likely affected by the discharge.
12. Effluent and receiving water limitations in this Board Order are based on the Federal Clean Water Act, Basin Plan, SWRCBs plans and policies, USEPA guidance, best professional judgement, and best available technology economically achievable.

¹ Unauthorized use.

² Rare, endangered, or threatened wildlife exists in or utilizes some of these waterway(s). If the RARE beneficial use may be affected by a water quality control decision, responsibility for substantiation of the existence of rare, endangered, or threatened species on a case-by case basis is upon the California Department of Fish and Game on its own initiative and/or at the request of the Regional Board; and such substantiation must be provided within a reasonable time frame as approved by the Regional Board.

13. The USEPA and the Regional Board have classified this discharge as a minor discharge.
14. The action to adopt an NPDES Board Order is exempt from the provisions of the California Environmental Quality Act (CEQA: Public Resources Code Section 21100, et seq.), pursuant to Section 13389 of the California Water Code.
15. In accordance with Section 15301, Chapter 3, Title 14 of the California Code of Regulations, the issuance of these Waste Discharge Requirements, which govern the operation of an existing facility involving negligible or no expansion of use beyond that previously existing, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et. seq.).
16. The Board has notified the discharger and all known interested agencies and persons of its intent to update waste discharge requirements for said discharge and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
17. The Board, in a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, that in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Federal Clean Water Act, and regulations and guidelines adopted thereunder, the discharger shall comply with the following:

A. Effluent Limitations

1. Effluent discharged to the Coachella Valley Storm Water Channel (“wastewater”) shall not contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Unit</u>	<u>30-Day Arithmetic Mean Discharge Rate³</u>	<u>7-Day Arithmetic Mean Discharge Rate⁴</u>
Total Dissolved Solids	mg/L ⁵	2,000	2,500
20°C BOD ₅ ⁶	mg/L	45	65
Total Suspended Solids	mg/L	95	----

2. The 30-day average daily discharge flow shall not exceed 10.5 MGD, as measured by the difference in volume between new input water and reuse flow.
3. The pH of the effluent shall not impact the beneficial uses of the receiving water.
4. No waste discharge shall exceed the effluent limitations for Group 1 or Group 2 pollutants. Exceedance of a Group 1 pollutant by 40 percent or a Group 2 pollutant by 20 percent or

³ 30-Day Mean – The arithmetic mean of pollutant values of samples collected in a period of 30 consecutive days.

⁴ 7-Day Mean – The arithmetic mean of pollutant parameter values of samples collected in a period of 7 consecutive days.

⁵mg/L - milligrams per Liter

⁶ BOD – 5-Day Biochemical Oxygen Demand

more is a serious violation. Group 1 and Group 2 pollutants are defined in 40 CFR Section 123.45.

5. This discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Board or the SWRCB as required by the Federal Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act or amendments thereto, the Regional Board will revise or modify this Board Order in accordance with such more stringent standards.

B. Receiving Water Limitations

1. Receiving water limitations are based upon water quality objectives contained in the Basin Plan. As such, they are a required part of this Board Order. The discharger shall not cause the following in Coachella Valley Storm Water Channel:
 - a. The dissolved oxygen content to be depressed below 5.0 mg/L. During any period when the receiving water's dissolved oxygen content is already below 5.0 mg/L, the discharge shall not cause any further depression.
 - b. Oil, grease, wax, floating material (liquids, solids, foam and scum) or suspended material in amounts that create a nuisance or adversely affect beneficial uses.
 - c. Aesthetically undesirable discoloration.
 - d. Fungi, slime or other objectionable growths.
 - e. Metals, chemicals, pesticides, or other constituents in concentrations which are toxic to, or which produce detrimental physiological responses in, human, plant, animal, or indigenous aquatic life.
 - f. The pH of the effluent shall not impact the beneficial use of the receiving water.
 - g. Deposition of material that causes nuisance or adversely effects beneficial uses.
 - h. The natural receiving water temperature of surface waters shall not be altered by discharges of wastewater unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in temperature does not adversely affect beneficial uses.
 - i. Chemical constituents to exceed concentrations that adversely affect beneficial uses or create a nuisance.
 - j. Toxic pollutants to be present in the water column, sediments, or biota in concentrations that adversely affect beneficial uses or that produce detrimental uses or that produce detrimental physiological responses in human, plant, animal, or aquatic life.
 - k. Taste or odor-producing substances to impart undesirable tastes or odors to the water or fish flesh or other edible products of aquatic origin or to cause nuisance or otherwise adversely affect beneficial uses.
2. This discharge shall not cause a violation of any applicable water quality standards for receiving waters adopted by the Regional Board or the SWRCB, as required by the Federal

Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act or amendments thereto, the Regional Board will revise and modify this Board Order in accordance with such more stringent standards.

C. Specifications

1. The treatment or disposal of wastes at this facility shall not cause pollution or nuisance as defined in Sections 13050(l) and 13050(m) of Division 7 of the California Water Code.
2. The facility shall be protected from any washout or erosion of wastes or covering material, or from any inundation which could occur as a result of floods having a predicted frequency of once in 100 years.
3. The discharge shall not cause degradation of any water supply.
4. Bioassays shall be performed to evaluate the toxicity of the discharged wastewater in accordance with the following procedures unless otherwise specified by the Regional Board's Executive Officer or his designee:
 - a. Bioassays shall be conducted on a sensitive fish species and an invertebrate species as approved by the Regional Board's Executive Officer. Pimephales promelas (fathead minnow) and Ceriodaphnia are suggested test species that may be utilized. The bioassays shall be conducted in accordance with the protocol given in EPA/600/4-91/002 – Short Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Waters to Freshwater Organisms and EPA/600/4-90/027F-Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters for Freshwater and Marine Organisms.
 - b. The bioassay test specified in the Monitoring and Reporting Program shall be performed as specified. In addition, pH stabilization of the bioassay sample is acceptable.
5. The Colorado River Basin Regional Board shall notice a reconsideration of this permit within 60 days of the date of the final judgment by the San Francisco Superior Court in WaterKeepers northern California, et al., Case No. 312513, for the purpose of modifying the permit to make it consistent with the judgment of the Court in this matter where any term, limitation, or provision is inconsistent with the judgment. The permit shall be modified within the time period established by the Court in this matter.

D. Prohibitions

1. Discharge of wastewater at a location or in a manner different from that described in Findings No. 2, 3, 4 and 5 is prohibited.

E. Provisions

1. The discharger shall comply with "Monitoring and Reporting Program No. 01-003", and future revisions thereto as specified by the Regional Board's Executive Officer; and shall be in accordance with the following:
 - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

- b. The monitoring and reporting of effluent and receiving water shall be done as specified in this Board Order.
 - c. The discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Board Order and records of all data used to complete the application for this Board Order, for a period of at least five (5) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Board's Executive Officer.
 - d. Records of monitoring information shall include:
 - 1. The date, exact place, and time of sampling or measurement(s);
 - 2. The individual(s) who performed the sampling or measurement(s);
 - 3. The date(s) analyses were performed;
 - 4. The individual(s) who performed the analyses;
 - 5. The analytical techniques or methods used; and
 - 6. The results of such analyses.
- 2. Prior to any modifications in this facility which would result in material change in the quality or quantity of wastewater treated or discharged, or any material change in the location of discharge, the discharger shall report all pertinent information in writing to the Regional Board, and obtain revised requirements before any modifications are implemented.
 - 3. The discharger shall ensure that all site-operating personnel are familiar with the content of this Board Order and shall maintain a copy of this Board Order at the site.
 - 4. This Board Order does not authorize violation of any federal, state, or local laws or regulations.
 - 5. Facilities shall be available to keep the plant in operation in the event of commercial power failure.
 - 6. The discharger shall allow the Regional Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the premises regulated by this Board Order, or the place where records must be kept under the conditions of this Board Order;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Board Order;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Board Order; and
 - d. Sample or monitor at reasonable times, for the purpose of assuring compliance with this Board Order or as otherwise authorized by the California Water Code, any substances or parameters at this location.
 - 7. The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the discharger to achieve compliance with this Board Order. Proper operation and maintenance

also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a discharger only when necessary to achieve compliance with the conditions of this Board Order.

8. Monitoring parameters that require on-site collection, such as pH, temperature and dissolved oxygen, can be performed by Kent SeaTech staff. Unless otherwise approved by the Regional Board's Executive Officer, all other analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants", promulgated by the USEPA.
9. All regulated disposal systems shall be readily accessible for sampling and inspection.
10. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.
11. The discharger is the responsible party for the waste discharge requirements, monitoring and reporting program for the facility. The discharger must comply with all conditions of these Waste Discharge Requirements. Violations may result in enforcement actions, including Regional Board Orders or court orders, requiring corrective action or imposing civil monetary liability or in modification or revocation of these Waste Discharge Requirements by the Regional Board.
12. The discharger shall furnish, under penalty of perjury, technical monitoring program reports, and such reports shall be submitted in accordance with the specifications prepared by the Regional Board's Executive Officer. Such specifications are subject to periodic revisions as may be warranted.
13. All storm water discharges from this facility must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies, regarding discharges of storm water to storm water drain systems, or other courses under their jurisdiction.
14. The discharger shall comply with "Standard Provisions for National Pollutant Discharge Elimination System Permit", dated October 1990.
15. This Board Order expires five years from the date of adoption on May 9, 2006, and the discharger shall file a complete Report of Waste Discharge in accordance with Title 23, California Code of Regulations, at least 180 days in advance of such date as an application for issuance of a new Board Order.
16. This Board Order shall serve as an NPDES Permit pursuant to Section 402 of the Federal Clean Water Act, as amended, and shall become effective at the end of ten (10) days from the date of the hearing when this Board Order was adopted by the Regional Board, provided the Regional Administrator, USEPA has no objections.
17. The discharger shall comply with all conditions of this Board Order. Noncompliance constitutes a violation of the Federal Clean Water Act, and is grounds for enforcement action; for Board Order termination, revocation and reissuance, or modification; or denial of a Board Order renewal application.
18. This Board Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for a Board Order modification, revocation and reissuance, or

termination, or a notification of planned changes or anticipated noncompliance does not stay any Board Order condition. Causes for modification include the promulgation of new regulations, modification of land application plans, or modification in disposal practices or adoption of new regulations by the SWRCB or the Regional Board, including revisions to the Basin Plan.

19. The discharger shall provide adequate notice to the Regional Board's Executive Officer of the following:
 - a. Any new introduction of pollutants into any of the treatment facilities described in the Findings of this Board Order from an indirect discharger which would be subject to Section 301 or 306 of the Federal Clean Water Act if it were directly discharging the pollutants.
 - b. Any substantial change in the volume or character of pollutants being introduced into any of the treatment facilities described in the Findings of this Board Order by an existing or new source.
 - c. Any planned physical alterations or additions to the facilities described in this Board Order, or changes planned in the discharger's disposal practice, where such alterations, additions, or changes may justify the application of Board Order conditions that are different from or absent in the existing Board Order, including notification of additional disposal sites not reported during the Board Order application process, or not reported pursuant to an approved land application plan.
 - d. Adequate notice shall include information on the quality and quantity of effluent introduced, and any anticipated impact of the change on the quantity or quality of the discharger's effluent.
 - e. The discharger shall report all instances of noncompliance. Reports of noncompliance shall be submitted with the discharger's next scheduled self-monitoring report or earlier if requested by the Regional Board's Executive Officer, or if required by an applicable standard for disposal.
20. The Federal Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Federal Clean Water Act is subject to a civil or criminal penalty.
21. The discharger shall immediately report all intentional or accidental spills exceeding 1,000 gallons that could endanger human health or the environment. The incident shall be reported to the Regional Board Office **and** to the Office of Emergency Services (OES). During non-business hours, the discharger shall leave a message on the Regional Board's voice mail. The OES is operational 24 hours per day. A written report shall be submitted to this office within five (5) business days of the discharger becoming aware of the incident. This report shall contain a description of the noncompliance, its causes, the duration, and the actual or anticipated time for achieving compliance. The report shall include complete details of the steps that the discharger has taken, or intends to take, in order to prevent recurrence.
22. The discharger shall exclude from the system operation any liquid or solid waste, which could adversely affect the system operation or effluent quality. The excluded liquid or solid waste shall be disposed in accordance with applicable regulations.

23. Adequate measures shall be taken to assure that unauthorized persons are effectively excluded from contact with the wastewater treatment and disposal facilities.
24. Prior to any change in ownership or management of this operation, the discharger shall transmit a copy of this Board Order to the succeeding owner/operator, and forward a copy of the transmittal letter to the Regional Board.
25. This Board Order may be reopened to address any new amendments to applicable Water Quality Control Plans that would affect the requirements for the discharge.
26. This Board Order does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
27. This Board Order does not authorize violations of any federal, state or local laws or regulations.
28. The discharger shall comply with "Standard Provisions for National Pollutant Discharge Elimination System Permit", dated October 1990.

I, Philip A. Gruenberg, 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, Colorado River Basin Region, on May 9, 2001.

Executive Officer