

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2012-0081

REQUIRING TECHNICAL INFORMATION
PURSUANT TO WATER CODE SECTION 13267(b)

FOR

U.S. Army, Corps of Engineers, San Francisco District

And

California Department of Fish and Game
Coyote Valley Fishery Mitigation Facility
1229 Lake Mendocino Drive
WDID NO. 1B91043NMEN / NPDES No. CA0024791

Mendocino County

Pacificorp

And

California Department of Fish and Game
Iron Gate Hatchery
Copco Road
WDID NO. 1A80052OSIS / NPDES No. CA0006688

Siskiyou County

California Department of Fish and Game
Mad River Fish Hatchery
1660 Hatchery Road
WDID NO. 1B00730HUM / NPDES No. CA0006670

Humboldt County

United States Bureau of Reclamation

And

California Department of Fish and Game
Trinity River Hatchery
Lewiston

WDID NO. 1A800770TRI / NPDES No. CA0006696

Trinity County

U.S. Army, Corps of Engineers, San Francisco District

And

California Department of Fish and Game
Warm Springs Fish Hatchery
3246 Skaggs Springs Road
WDID NO.1B84034OSON / NPDES No. CA0024350

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. Regional Water Board records indicate that there are five fish hatcheries located in the North Coast Region: Coyote Valley Fish Mitigation Facility, Iron Gate Fish Hatchery, Mad River Fish Hatchery, Trinity River Fish Hatchery, and Warm Springs Fish Hatchery (hereinafter jointly referred to as Permittees).
2. Discharges from hatcheries have the potential to transport animal feed, chemicals used for the treatment and control of disease, chemicals used for cleaning and maintenance of water quality, various metals, nutrients, and inadequately treated wastewater into waters of the State, and the United States. Animal feed can be introduced to a water body directly as uneaten food and indirectly as byproduct feces. Feed contributes to pollutant loading by the excretion of nutrients, such as nitrogen and phosphorus compounds. Excessive nutrients in surface waters can stimulate growth of aquatic plants, and algae, or eutrophication, which in turn has a detrimental effect on water quality and aquatic species. An elevated level of solids in a discharge, either directly or indirectly, can cause increases in turbidity and decreases in light penetration in the water body.
3. Chemicals used for the treatment and control of disease, and for cleaning and maintenance of water quality can lead to negative environmental impacts when managed improperly. These chemicals may include antibiotics, pesticides, algaecides, fish toxicants, aquatic herbicides, and toxicants used for controlling invertebrates. Residuals of these chemicals can be distributed outside the original area of use and may immunize the organisms they are designed to control.

4. Metals may be present in hatchery discharge as feed additives, components of sanitation products, or due to deterioration of machinery and equipment. When metals are introduced into a water body, they pose a risk both to human and animal health.
5. The U.S. Environmental Protection Agency (EPA) has identified several pollutants of concern in discharges from aquaculture facilities, including: total suspended solids (TSS), settleable solids, total dissolved solids (TDS), chlorides, turbidity, biochemical oxygen demand (BOD), chemical oxygen demand (COD), dissolved oxygen (DO), chlorine, nitrate, nitrite, total kjeldahl nitrogen (TKN), ammonia, total phosphorus, oil and grease, orthophosphate, ozone, pH, sulfate, temperature, total organic carbon (TOC), volatile residue, several metals, bacteria, organic chemicals, and pesticides.
6. The Permittees discharge to the following receiving waters: the Coyote Valley Fish Mitigation Facility and the Warm Springs Fish Hatchery discharge to the Russian River; the Iron Gate Hatchery discharges to the Klamath River; the Mad River Fish Hatchery discharges to the Mad River, and the Trinity River Hatchery discharges to the Trinity River.
7. The Russian River is considered a water of the State and United States. The Regional Water Board and the U.S. Environmental Protection Agency (EPA) have listed the Russian River under Clean Water Act section 303(d) as impaired for sediment, temperature, and pathogens.
8. The Klamath River is considered a water of the State and United States. The Regional Water Board and the U.S. Environmental Protection Agency (EPA) have listed the Klamath River under Clean Water Act section 303(d) as impaired for temperature, dissolved oxygen, nutrients, and microcystin impairments.
9. The Mad River is considered a water of the State and United States. The Regional Water Board and the U.S. Environmental Protection Agency (EPA) have listed the Mad River under Clean Water Act section 303(d) as impaired for temperature and sediment/turbidity.
10. The Trinity River is considered a water of the State and United States. The Regional Water Board and the U.S. Environmental Protection Agency (EPA) have listed the Trinity River under Clean Water Act section 303(d) as impaired for sediment.
11. The Regional Water Board's Water Quality Control Plan for the North Coast Region (hereinafter Basin Plan) designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to

achieve those objectives for all waters addressed through the plan. The Basin Plan, at page 2-1, states that the beneficial uses of any specifically identified water body generally apply to its tributary streams. In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which establishes state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Thus, beneficial uses applicable to area groundwater, the Russian River, the Klamath River, the Mad River and the Trinity River are as follows:

Table 1. Basin Plan Beneficial Uses

Beneficial Use (s)	Receiving Water Name Discharge Points				
	Russian River	Klamath River	Mad River	Trinity River	Groundwater
Municipal and Domestic Water Supply (MUN)	Existing	Potential	Existing	Existing	Existing
Agricultural Supply (AGR)	Existing	Potential	Existing	Existing	Existing
Industrial Service Supply (IND)	Existing	Potential	Existing	Potential	Existing
Industrial Process Supply (PRO)	Potential	Potential	Existing	Potential	Potential
Groundwater Recharge (GWR)	Existing	---	Existing	Existing	---
Freshwater Replenishment (FRESH)	Existing	Existing	Existing	Existing	---
Navigation (NAV)	Existing	Existing	Existing	Existing	---
Hydropower Generation (POW)	Existing	Existing	Potential	Potential	---
Water Contact Recreation (REC-1)	Existing	Existing	Existing	Existing	---
Non-contact Water Recreation (REC-2)	Existing	Existing	Existing	Existing	---
Commercial and Sport Fishing (COMM)	Existing	Existing	Existing	Existing	---
Warm Freshwater Habitat (WARM)	Existing	Existing	---	Potential	---
Cold Freshwater Habitat (COLD)	Existing	Existing	Existing	Existing	---
Preservation of Areas of Special Biological Significance (ASBS)	---	---	---	---	
Inland Saline Water Habitat (SAL)	---	---	---	---	
Wildlife Habitat (WILD)	Existing	Existing	Existing	Existing	---
Preservation of Rare, Threatened or Endangered Species (RARE)	Existing	Existing	Existing	Existing	---
Marine Habitat (MAR)	----	---	Potential	---	
Migration of Aquatic Species (MIGR)	Existing	Existing	Existing	Potential	
Spawning, Reproduction, and/or Early Development (SPWN)	Existing	Existing	Existing	Existing	---

Table 1. Basin Plan Beneficial Uses

Beneficial Use (s)	Receiving Water Name Discharge Points				
	Russian River	Klamath River	Mad River	Trinity River	Groundwater
Shellfish Harvesting (SHELL)	---	Existing	---	---	---
Estuarine Habitat (EST)	-----	----	Existing	---	
Aquaculture (AQUA)	Existing	Existing	Existing	Existing	Potential
Native American Culture (CUL)	---	---	Existing	---	Existing
Flood Peak Attenuation/Flood Water Storage (FLD)	---	---	---	---	
Wetland Habitat (WET)	---	---	---	---	
Water Quality Enhancement (WQE)	---	---	---	---	

12. The California Toxic Rule (CTR) establishes numeric water quality criteria for priority toxic pollutants and other water quality standard provisions to be applied to waters in the State of California. The California Code of Regulations, title 22 (title 22) establishes maximum containment levels (MCLs) for a series of constituents to protect drinking water. Sampling data for the CTR and title 22 constituents provides insight into the quality of the waters being sampled and is necessary for the protection of beneficial uses in the receiving waters. In order for the Regional Water Board to develop Waste Discharge Requirements, current data on all CTR and title 22 constituents is required. A list of all CTR and title 22 constituents is attached to this Order.

13. The list of CTR and title 22 constituents may not be comprehensive of all chemicals that may adversely impact beneficial uses of receiving waters associated with the hatcheries. Therefore, in accordance with this Order, a comprehensive list of all chemicals used at each facility is required. Sampling of these chemicals is required along with the sampling of the CTR and title 22 constituents. Sampling and analysis of these constituents is necessary to develop Waste Discharge Permits and to protect the beneficial uses of the receiving waters.

14. The following sections of the California Water Code authorize the Regional Water Board Executive Officer to impose requirements upon persons suspected of discharging waste that could affect the quality of waters within this region:
 - a. Section 13260 (a) – *“All of the following persons shall file with the appropriate regional board a report of the discharge, containing the information which may be required by the regional board: (1) Any person*

discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.”

- b. Section 13267(a) - *“A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement or authorized by this division, may investigate the quality of any waters of the state within its region.”*
 - c. Section 13267(b) - *“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or proposes to discharge waste within its region...that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires.”*
 - d. Section 13267(c) - *“In conducting an investigation pursuant to subdivision (a), the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with. The inspection shall be made with the consent of the owner or possessor of the facilities or, if the consent is withheld, with a warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. However, in the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.”*
15. Technical reports required by this Order are necessary to ensure that any threats to water quality created by the discharges described above are properly identified and controlled. Therefore, the burden of the costs associated of the required reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
16. This enforcement action is being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000 et seq.) in accordance with section 15321, chapter 3, title 14, California Code of Regulations.
17. Failure to comply with the terms of this Order may result in enforcement under the California Water Code. Any person failing to provide technical reports containing information required by this Order by the required date(s) or falsifying any information in the technical reports is, pursuant to Water Code section 13268, guilty of a misdemeanor and may be subject to administrative civil liabilities of up to one thousand dollars (\$1,000.00) for each day in which the violation occurs.

18. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with California Water Code section 13320 and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. If you file a petition with the State Water Board, be advised that you must comply with the Order while your request for reconsideration and/or petition is being considered.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code sections 13267 and 13260, each Permittee shall:

1. By September 1, 2012, submit a technical report to the Executive Officer, which shall include, a list of all chemicals currently used at the facility. This list shall include, for each chemical: the full name of the chemical, the brand/manufacturer of the chemical, the material safety data sheet (MSDS), potential breakdown products, the reason for the use of the chemical, the frequencies at which the chemical is being used, the time of year the chemical is used if seasonal, the amount of time the fish are exposed to the chemical, the concentrations at which the chemical is used, the amount of the chemical that is being used, the method of administering the chemical, and the location at which the chemical is being administered.
2. By May 31, 2013, submit a technical report to the Executive Officer, which shall include: current effluent data for all CTR priority pollutants, title 22 constituents, and the chemicals listed in the above technical report, collected twice, six months apart; once occurring in the fall (September- November) and another in the spring (February- April). Analytical methods used shall provide the lowest possible detection limits to allow comparison to applicable water quality criteria. Please see Attachment A for a complete list of CTR priority pollutants, and title 22 constituents.
3. By July 1, 2013, submit a technical report to the Executive Officer, which shall include, but not be limited to an updated Report of Waste Discharge including:
 - a. Form 200, which can be found at www.swrcb.ca.gov/sbforms/index.html;
 - b. Form 1 and Form 2A, which can be found on the U.S. EPA website at http://www.epa.gov/npdes/pubs/form_1.pdf and <http://www.epa.gov/npdes/pubs/final2a.pdf>
 - c. An updated site map, drawn to scale, showing all facility discharge points;
 - d. A written description of all current site activities; and
 - e. A complete description of all wastewater treatment methods.

If any Permittee is unable to perform any activity or to submit any documentation in compliance with the deadlines in this Order, that Permittee may submit a written request to the Executive Officer for an extension of the time schedule. The written extension request shall explain why the delay is beyond the reasonable control of the Permittee and must be received by the Regional Water Board no less than 15 calendar days prior to the respective deadline. An extension may be granted by the Executive Officer, for good cause.

All information provided in response to this Order must include the following signed certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The foregoing report is needed to address the potential ongoing water quality threats at hatcheries located within the North Coast Region. The report required by this Order will allow Regional Water Board staff to determine the permitting requirements, mitigation, and other measures that are needed to protect water.

Ordered by _____

Matthias St. John
Executive Officer

August 13, 2012