

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
April 15, 2021

ITEM: 4

SUBJECT: Public Hearing on Order No. R1-2021-0008 to consider adoption of Waste Discharge Requirements for the Bodega Farms Concentrated Aquatic Animal Production Facility, Reclamation, and Disposal Facility, NPDES No. CA0024481, WDD No. 1B82022OSON, Sonoma County (Matthew Herman)

BOARD ACTION: The Board will consider adoption of Waste Discharge Requirements Order No. R1-2020-0008 (Proposed Permit). The Proposed Permit will serve as a National Pollutant Discharge Elimination System (NPDES) permit for a period of five years.

BACKGROUND: Ocean Farms Inc. (Permittee) owns and operates the Bodega Farms Concentrated Aquatic Animal Production Facility (Facility), a red abalone rearing facility, located at 2000 Estero Lane, Bodega Bay.

The Permittee is currently regulated under Waste Discharge Requirements Order No. R1-2014-0014, which serves as a NPDES permit for its waste discharges to the surf zone of Bodega Bay, located in the Russian/Bodega Watershed Management Area (WMA) and within the Estero Americano Hydrologic Area of the Bodega Hydrologic Unit. Order No. R1-2014-0014 (hereafter referred to as the Previous Permit) limits the rate of discharge to 450,000 gallons per day (gpd).

Facility Operation

To provide water for the Facility operation, seawater is pumped from the Estero Americano during the incoming tide through a screen to a holding tank, where it is pumped uphill to additional holding tanks. The intake water is filtered through multiple cartridge filters prior to discharge into the nursery and fiberglass raceway tanks for aquaculture of abalone. Mature abalone are spawned in the hatchery and the resulting abalone larvae are settled out in the nursery. When the abalone larvae grow to a few millimeters in length, they are transferred to the raceway tanks or culture boxes for further growth.

Juvenile abalone seeds are grown out on fiberglass wavy plates and feed on naturally occurring diatoms in the intake water when small, and are fed brown kelp as they grow larger, at a rate of 16,000 pounds of kelp per month at full operation. All flows leaving the raceways and tanks are plumbed to a trough. The trough contains a series of two barrels and three baffles which detain the majority of the particulate matter found in daily flows.

During tank cleaning, the tanks are drained slowly to within 1 inch of the bottom, and any particulate matter is siphoned to the sediment tank and allowed to dry through

evaporation. The trough is also periodically cleaned into the sediment tank. This processed solid waste, which consists mostly of abalone viscera, is used as land-based compost.

During the term of the Previous Permit, the Facility operated on a 100% recirculation basis and did not discharge.

Report of Waste Discharge

The Permittee submitted a ROWD on January 4, 2019, requesting reissuance of its NPDES permit. During the next permit term, the Permittee intends to operate the Facility year-round when conditions in the Estero Americano are favorable. The Permittee has indicated in their ROWD that it anticipates a potential discharge during the coming permit term. The discharge is expected to be intermittent at first and to increase with their abalone production. Abalone production may reach a maximum total harvestable weight of abalone of 11,600 pounds per year and a maximum weight at any one time of 15,000 pounds.

DISCUSSION:

Order No. R1-2021-0008 (Proposed Permit) replaces Order No. R1-2014-0014. The Proposed Permit retains many effluent limitations, requirements, and provisions from the previous permit. Changes reflected in the Proposed Permit include:

- The requirement to prepare and submit a Toxicity Reduction Evaluation (TRE) Work Plan within 60-days of the initial discharge. The TRE Work Plan is an operations plan that outlines the procedures for identifying the source(s) of and reducing or eliminating effluent toxicity should effluent toxicity be identified. The Facility has historically used seawater recirculation without the need to discharge, so this requirement is in effect only if a discharge occurs.
- A requirement for visual observations at the point of discharge- to occur upon the first day of any discharge.
- Updated permit language to remove reference to the Basin Plan's Inland Surface Water requirements because these requirements are not applicable to the Facility's ocean discharge. This change has resulted in the removal of the narrative receiving water limitations applicable to inland waters under the Basin Plan.

Comments Received and Staff's Responses:

A copy of the Draft Permit was posted on the Regional Water Board website and was available for public comment from February 1, 2021 through March 3, 2021. Written comments were received from Peter Prows, an attorney with Brisco, Iveser, and Bazel LLP, representing the environmental group Concerned Citizens for Estero Americano, and from an interested party (private citizen and resident of Bodega Bay). Additionally,

staff received a verbal comment from Max Delaney of the Greater Farallones National Marine Sanctuary. The Permittee did not have any comments on the Draft Permit.

All comments received expressed concern with the anticipated business relationship between Bodega Farms and a separate company that grows and harvests purple sea urchin.

The Regional Water Board has not received a notification of planned changes to the Facility, nor was any additional species identified for production in the Facility's Report of Waste Discharge. Staff reached out to the Permittee to determine if any of these concerns were applicable to the Proposed Permit. The Permittee indicated that it is in discussions with potential tenants that may propose expanding production to include other marine species but has not proposed revisions to the operation of the Facility. Regional Water Board staff responded to these comments by noting that material and substantive changes to the Facility or permitted activity would, at minimum, require submission of a new report of waste discharge and reissuance of a revised Order for the Facility.

The attached Response to Comments document provides a full explanation of the comments and Regional Water Board staff responses and summarizes all changes that have been made in the Proposed Permit.

Interested parties and their counsel may address the Board regarding these concerns during the public hearing.

RECOMMENDATIONS: Adopt Order No. R1-2021-0008, as proposed.

SUPPORTING DOCUMENTS:

1. Proposed Order No. R1-2021-0008
2. Staff Response to Comments
3. Public Notice

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