

ITEM: 14

SUBJECT: TNC Holding Co, LLC and The Ralph F. Nix 1995 Revocable Trust, TNC Holding Co. Caviar Sturgeon Farm, Sacramento County

BOARD ACTION: *Consideration of NPDES Permit Renewal and Time Schedule Order*

BACKGROUND: TNC Holding Company, LLC is the owner and operator of the TNC Holding Company Caviar Sturgeon Farm (Facility), formerly the Tsar Nicoulai Caviar Sturgeon Farm. The Facility raises white sturgeon for sale as fresh and smoked meat, and for caviar. The Ralph F. Nix 1995 Revocable Trust owns 5-acres of the property on which the Facility's treatment pond is located. Together TNC Holding Company, LLC, and the Ralph F. Nix 1995 Revocable Trust are hereinafter referred to as Discharger.

The Facility is located approximately 0.8 miles southwest of Wilton, California (Sacramento County) and is permitted to discharge up to 3.1 million gallons per day of treated wastewater into an unnamed storm drainage ditch, a tributary of the Cosumnes River.

Discharges from the Facility are currently regulated by Waste Discharge Requirements Order R5-2005-0080, issued by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on 24 June 2005. The proposed NPDES permit renewal includes effluent limitations for iron that the Facility cannot immediately comply. Therefore, a Time Schedule Order is also proposed allowing a 5-year compliance schedule for iron.

ISSUES: A public notice was sent out on 21 September 2011 describing the proposed permit renewal with comments due by 24 October 2011. Comments were received from the Discharger within the comment period. No other comments were received. All public comments and Central Valley Water Board staff response to comments are included in the Staff Response to Comments document included in the agenda package.

The following are the major issues and Central Valley Water Board staff responses.

Effluent Limitations for Ammonia: The Discharger comments that the receiving water is a storm water drainage ditch and salmonids are not present at or near the point of discharge. Therefore, it is unreasonable to apply EPA's National Ambient Water Quality Criteria for ammonia based on receiving waters where salmonids are present. Central Valley Water Board staff concurs, so the acute criterion was recalculated using EPA's recommended equation with salmonids absent. This results in a less stringent acute criterion and proposed less stringent ammonia effluent limits.

Aquaculture Chemicals or Drugs: The Discharger requested that the permit be modified to allow the application of hydrogen peroxide to the fish tanks to control fish infections. Since hydrogen peroxide rapidly decomposes into water and oxygen gas and does not pose a threat to water quality problem, the tentative permit has been modified to include the application of hydrogen peroxide.

Storm Water: The Discharger comments that the State Water Board's NPDES Industrial Storm Water Permit is not applicable to its facility. Staff does not concur. The Facility is an aquaculture facility that is subject to the NPDES Industrial Storm Water Permit, therefore, no changes were made to the requirements in the proposed order for the Discharger to obtain coverage under the General Order for its industrial storm water discharges.

Monitoring and Reporting Program Requirements: The Discharger requested that due to the limited use of chemicals at the Facility, the Chemical Use reporting requirements be changed from Quarterly to Annually. Staff concurs and the requested changes have been made accordingly in the proposed Order.

Time Schedule Order (Typos): The Discharger noted two typos in the proposed Time Schedule Order. Staff concurs and the typos have been corrected.

Mgmt. Review _____

Legal Review _____

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

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