



California Regional Water Quality Control Board Central Valley Region



Linda S. Adams
Secretary for
Environmental Protection

Katherine Hart, Chair

Arnold Schwarzenegger
Governor

415 Knollcrest Drive, Suite 100, Redding, California 96002
(530) 224-4845 • Fax (530) 224-4857
<http://www.waterboards.ca.gov/centralvalley>

16 September 2010

CERTIFIED MAIL

7009 2250 0002 9885 2579

Phil Mackey
Mt. Lassen Trout Farms, Inc.
20560 Lanes Valley Road
Paynes Creek, CA 96075

CERTIFIED MAIL

7009 2250 0002 9885 2548

Shirley Davis
229 Beverly Avenue
Red Bluff, CA 96080

NOTICE OF APPLICABILITY; WASTE DISCHARGE REQUIREMENTS FOR COLD WATER CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY DISCHARGES TO SURFACE WATERS; MT. LASSEN TROUT FARMS, INC., AND SHIRLEY DAVIS, MT. LASSEN TROUT FARMS' JEFFCOAT WEST FACILITY, TEHAMA COUNTY

Mt. Lassen Trout Farms, Inc., owns and operates the Jeffcoat West Fish Hatchery (hereafter Facility), located on land owned by Shirley Davis. Mt. Lassen Trout Farms and Shirley Davis are hereafter designated as the Discharger. The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) has reviewed the Report of Waste Discharge (ROWD) dated 14 May 2009 for renewal of existing Order No. R5-2004-0149 (NPDES No. CA0082813) for the Facility. The ROWD was deemed complete on 9 June 2009.

On 29 January 2010, General Order No. R5-2010-0018, (NPDES No. CAG135001), Waste Discharge Requirements for Cold Water Concentrated Aquatic Animal Production Facility Discharges to Surface Waters (General Order) was adopted by the Central Valley Water Board. The General Order regulates the discharge of pollutants from Cold Water Concentrated Aquatic Animal Production facilities (CAAP facilities) to surface waters in the Central Valley Region. The Facility discharge meets the conditions for coverage under the General Order. The Central Valley Water Board has determined that discharges from your CAAP facility are more appropriately regulated under the General Order than by the existing individual permit. Therefore, the existing Order No. R5-2004-0149 (NPDES No. CA0082813) is scheduled for rescission by a separate action of the Central Valley Water Board at a future regularly scheduled Board meeting.

The Discharger has been assigned an enrollee number of R5-2010-0018-007. Administrative information for the Facility is provided in Attachment A, a part of this Notice of Applicability (NOA).

The CAAP facility operations and discharge shall be managed in accordance with the requirements contained in the General Order, this NOA, and with the information submitted by the Discharger. The General Order (enclosed) may also be viewed at the following web address:



http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2010-0018_npdes.pdf

You are urged to familiarize yourself with the contents of the entire document. Attachment C of the General Order prescribes mandatory monitoring requirements.

FACILITY INFORMATION/DISCHARGE DESCRIPTION

The Facility is located approximately 4 miles southwest of Manton, Tehama County, in Sections 35 and 36, T30N, R1W, MDB&M, as shown on Attachment A, a part of this NOA. The property is owned by Shirley Davis and is on Assessor's Parcel No. 011-020-10. Based on information submitted by the Discharger dated 27 July 2010, the maximum annual production of the Facility is approximately 95,000 pounds (lbs) of cold water species (rainbow trout).

The Facility utilizes water diverted from two sets of unnamed springs. The Discharger does not control the water flow to the Facility. Influent flow to the Facility from the springs varies seasonally and with weather conditions. Water from one set of springs flows through four rearing raceways. The discharge from the four raceways combines with water from a second set of springs prior to flowing through 13 in-series earthen rearing ponds. Two interspersed settling basins are located within the rearing ponds. Water discharging from the raceways and interspersed settling basins passes through a final settling basin prior to discharge to an unnamed irrigation ditch (Discharge Point 001), as shown in the Facility schematic (Attachment C), a part of this NOA.

Water from the unnamed irrigation ditch is used on the Davis property for irrigation and stock watering during the irrigation season. During the remainder of the year water from the unnamed irrigation ditch may discharge to the North Fork of Battle Creek. The Facility has an estimated maximum influent flow from the unnamed springs of 7.0 million gallons per day (mgd).

The Discharger reports that no chemicals have been used at the Facility since 2003.

Domestic wastewater from a private residence is discharged to a septic tank/leachfield system.

MONITORING REQUIREMENTS

The General Order requires that dischargers comply with the Monitoring and Reporting Program that is incorporated as Attachment C to the General Order. Influent, effluent, and receiving water monitoring requirements are based on the pounds of fish produced. This Facility is in the category of production less than 100,000 lbs of fish.

The Discharger conducted priority pollutant metals monitoring on 20 February 2009. The data show that there is no reasonable potential for priority pollutant metals to cause or contribute to an exceedance of water quality objectives. The Discharger reports that the Facility does not use copper sulfate or chelated copper compounds. The receiving waters are not listed under the Clean Water Act 303(d) List of impaired water bodies; therefore, no additional monitoring requirements will be required.

Site-specific monitoring locations for influent, effluent and receiving water monitoring shown in Attachment C to this NOA (Facility schematic) and as described in the following table:

Monitoring Location Descriptions

Point Name	Monitoring Location Name	Monitoring Location Description
Influent	INF-001	At a location where a representative sample can be obtained from the first unnamed set of springs.
Influent	INF-002	At a location where a representative sample can be obtained from the second unnamed set of springs.
Discharge 001	EFF-001	At a location after the last settling basin where a representative sample can be obtained when there is a discharge to the North Fork of Battle Creek.
Receiving Water Upstream	RSW-001	The wastewater discharge when it leaves the Facility under control of the Discharger passes through agricultural land, which may contain grazing animals and other uses not under control of the Discharger. In lieu of receiving water monitoring in the North Fork of Battle Creek, the Discharger may monitor at Monitoring Locations INF-001 and EFF-001 for the parameters normally sampled in the receiving water.
Receiving Water Downstream	RSW-002	

NOTICE OF APPLICABILITY REQUIREMENTS

Based on the information provided in the ROWD, the Discharger is hereby authorized to discharge to an unnamed tributary to the North Fork of Battle Creek, under the terms and conditions of General Order No. R5-2010-0018. In addition to the requirements contained in the General Order, the following shall also apply:

1. The discharge from the Facility shall not exceed 7.0 mgd during the effective period of the General Order.
2. The Discharger is required to comply with all the Monitoring and Reporting Requirements contained in Attachment C to the General Order for facilities with production less than 100,000 pounds of fish.
3. The Discharger shall electronically submit Self-Monitoring Reports (SMRs) using the State Water Board's California Integrated Water Quality System (CIWQS) Program

website (<http://www.waterboards.ca.gov/ciwqs/index.html>). The CIWQS website will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.

4. The State Water Resources Control Board (State Water Board) has determined that individual or general permits for aquaculture activities defined in 40 CFR 122.25(b) will be subject to the same annual fee, which currently is \$1,000 (State Water Board Resolution 2002-0150), but may be subject to change.
5. The General Order expires on 1 January 2015, and enrollees will continue to be authorized to discharge until coverage becomes effective under a reissued Order or until Central Valley Water Board staff formally terminates your coverage. Only those CAAP facilities authorized to discharge and who submit a Notice of Intent at least 180-days prior to the expiration date of General Order No. R5-2010-0018 will remain authorized to discharge under administratively continued permit conditions.
6. Shirley Davis, as owner of the real property at which the discharge will occur, is ultimately responsible for ensuring compliance with the General Order. Mt. Lassen Trout Farms, Inc. retains primary responsibility for compliance with the General Order, including day-to-day operations and monitoring. Enforcement actions will be taken against Shirley Davis only in the event that enforcement actions against Mt. Lassen Trout Farms, Inc. are ineffective or would be futile.

Failure to comply with the General Order and this NOA may result in enforcement actions, which could include administrative civil liability. Effluent limitation violations and some late reporting violations are subject to a Mandatory Minimum Penalty (MMP) of \$3,000 per violation [California Water Code Sections 13385(h) and (i)]. If you have no discharge during a monitoring period, you must submit a report indicating that no discharge occurred. You must notify the Central Valley Water Board staff within 24 hours of noncompliance or anticipated noncompliance.

Please reference your enrollee number, R5-2010-0018-007, in all your correspondence and submitted documents.

If you have any questions regarding monitoring reports submittals, discharge notifications, compliance or enforcement, or questions on the General Order or NOA, please contact, Jacqueline Matthews at (530) 224-3249, or jmathews@waterboards.ca.gov.

Original Signed by Robert A. Crandall

for PAMELA C. CREEDON
Executive Officer

JM: lm

MT. LASSEN TROUT FARMS, INC. AND
SHIRLEY DAVIS
MT. LASSEN TROUT FARMS' JEFFCOAT WEST FACILITY
TEHAMA COUNTY

-5-

16 September 2010

NOA Attachments: Attachment A - Administrative Information
Attachment B – Location Map
Attachment C – Facility Schematic

Enclosure: General Order No. R5-2010-0018 (Discharger only)

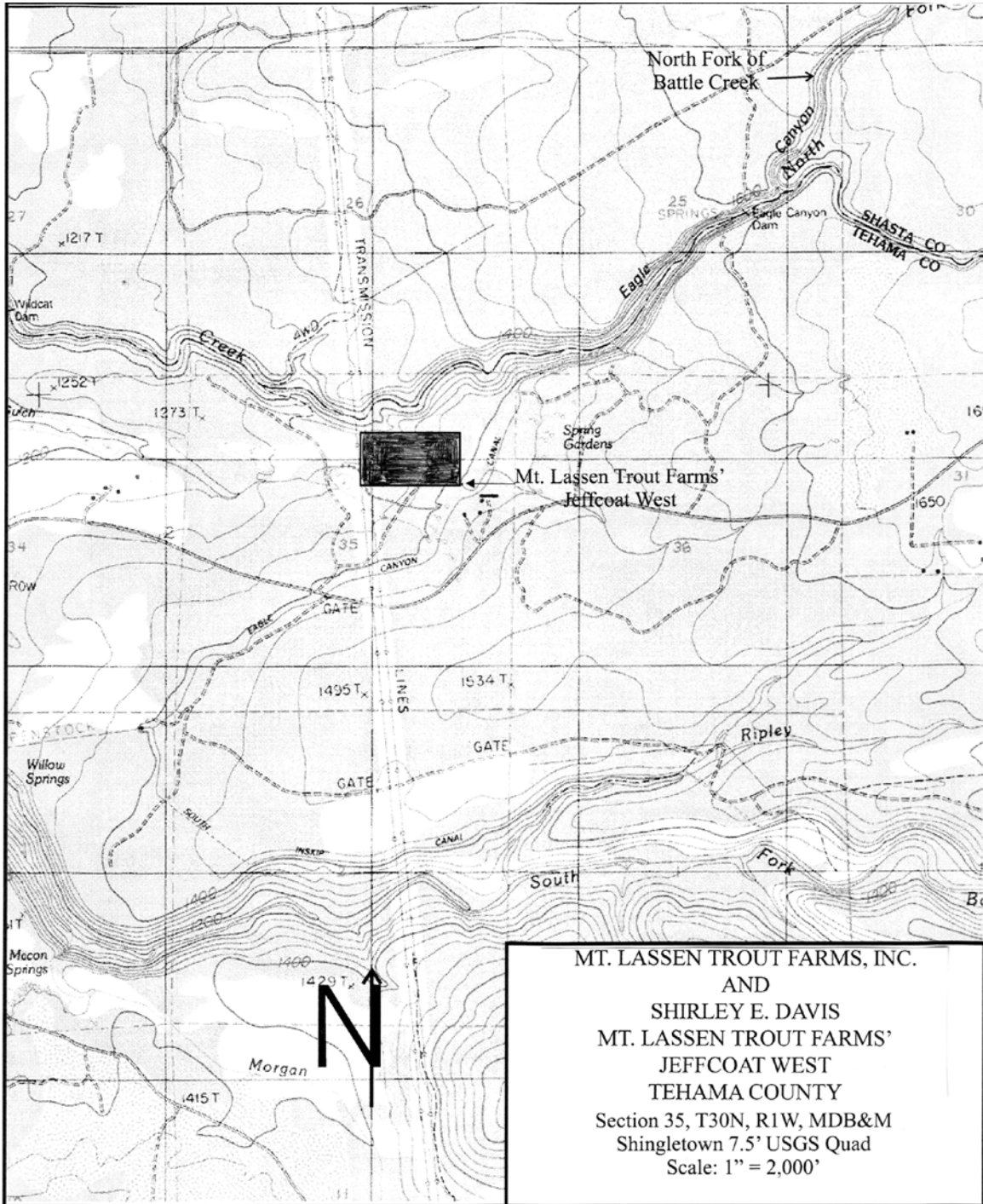
Distribution List: Mr. David Smith, U.S. EPA, Region IX, San Francisco
Mr. Phil Isorena, State Water Resources Control Board, Sacramento

U:\Clerical\South\JMatthews\2010\Jeffcoat West NOA-007 Final Draft.doc

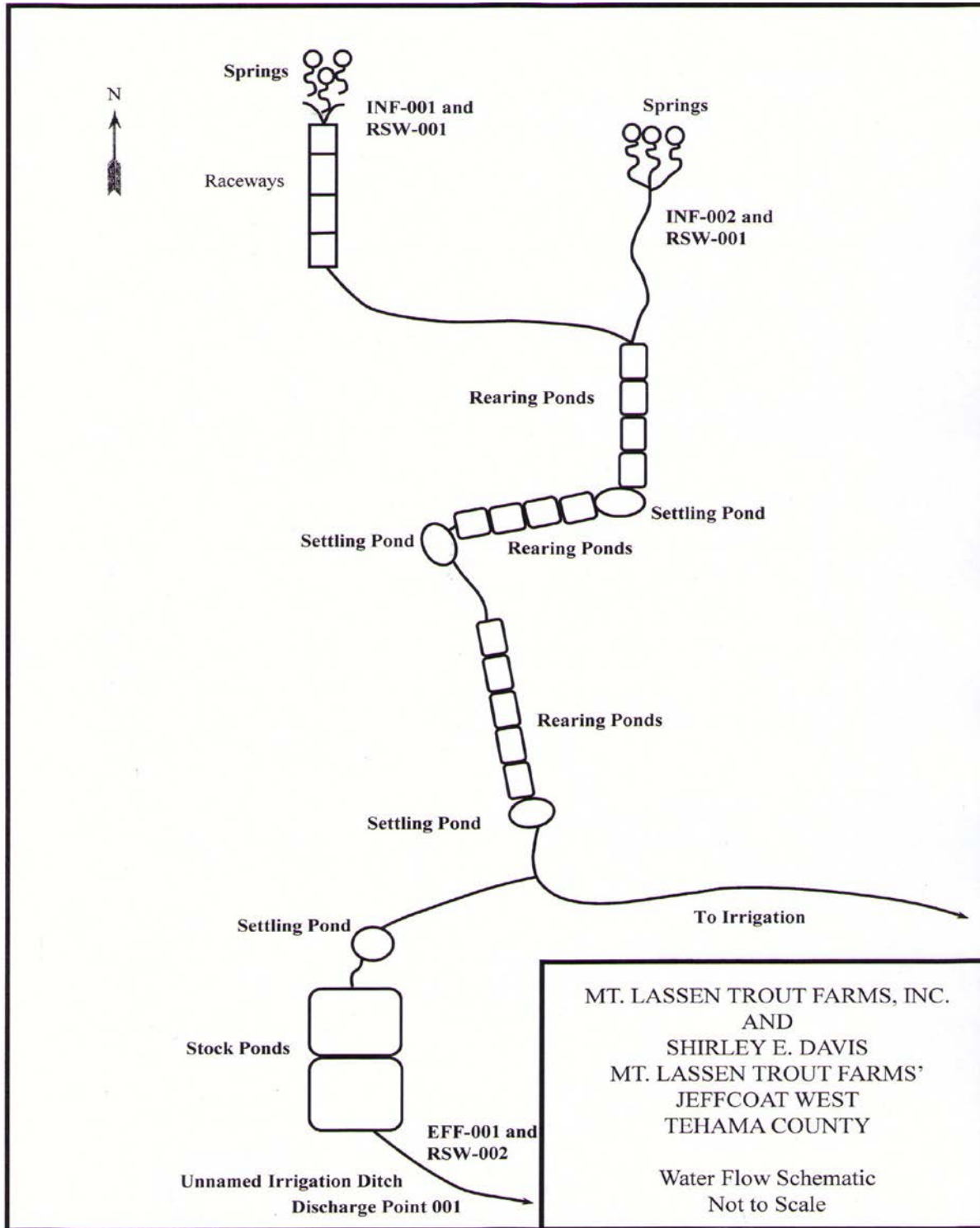
ATTACHMENT A – FACILITY ADMINISTRATIVE INFORMATION

Name of Facility	Mt. Lassen Trout Farms Jeffcoat West Facility
Type of Facility	Cold Water Aquaculture Facility, SIC Code 0921
WDID	5A521003007
General Order NOA Enrollee Number	R5-2010-0018-007
Discharger	Mt. Lassen Trout Farms, Inc.(Facility Owner/Operator) and Shirley Davis (Site Owner)
Facility Address	Manton Road Manton, CA 96059
Land Owner (Address)	229 Beverly Avenue Red Bluff, CA 96080
Facility Contact, Title and Phone	Phil Mackey, (530) 597-2222
Authorized Person to Sign and Submit Reports	Phil Mackey, President Daniel R. Brown, Vice President
Mailing Address	20560 Lanes Valley Road Paynes Creek, CA 96075
Billing Address	20560 Lanes Valley Road Paynes Creek, CA 96075
Total Weight Produced (Annual)	95,000 lbs
Major or Minor Facility	Minor
Threat to Water Quality	2
Complexity	B
Facility Permitted Flow	7.0 mgd
Watershed	Sacramento River Basin
Receiving Water	Unnamed Tributary to North Fork Battle Creek
Receiving Water Type	Inland surface water

ATTACHMENT B – LOCATION MAP



ATTACHMENT C – FACILITY SCHEMATIC



MT. LASSEN TROUT FARMS, INC.
AND
SHIRLEY E. DAVIS
MT. LASSEN TROUT FARMS'
JEFFCOAT WEST
TEHAMA COUNTY

Water Flow Schematic
Not to Scale