



# California Regional Water Quality Control Board Central Valley Region



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16 September 2010

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

**CERTIFIED MAIL**

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Bruce Carter  
Dale Family Partnership  
25820 Hwy. 36E  
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 DALE FAMILY PARTNERSHIP, MT. LASSEN TROUT FARMS' DALES FACILITY, TEHAMA COUNTY**

Mt. Lassen Trout Farms, Inc., owns and operates the Dales Fish Hatchery (hereafter Facility), located on land owned by the Dale Family Partnership. Mt. Lassen Trout Farms and Dale Family Partnership 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. R5-2004-0147 (NPDES No. CA0080381) 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. R5-2004-0147 (NPDES No. CA0080381) 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 R5-2010-0018-009. 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](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 0.5 miles northeast of Dales Station, Tehama County, in Sections 35, T29N, R2W, MDB&M, as shown on Attachment A, a part of this NOA. The property is owned by the Dale Family Partnership and is on Assessor's Parcel Nos. 9-14-11 and 9-19-21. Based on information submitted by the Discharger dated 27 July 2010, the maximum annual production of the Facility is approximately 75,000 pounds (lbs) of cold water species (rainbow trout).

The Facility utilizes water diverted from four unnamed springs to 16 in-series concrete raceways. Water is also diverted from a second set of unnamed springs to a hatchery building. 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. The discharge from the 16 raceways enters a settling basin and combines with the flow from the hatchery building and second set of springs prior to discharge to Paynes Creek (Discharge Point 001), as shown in the Facility schematic (Attachment C), a part of this NOA. During the irrigation season a portion of the discharge may be diverted for irrigation on agricultural lands owned by the Dale Family Partnership. The Facility has an estimated maximum influent flow from the springs of 7.5 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 (on-site caretaker) 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 four unnamed springs.
Influent	INF-002	At a location where a representative sample can be obtained from the unnamed springs diverted to the hatchery building.
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 Paynes Creek.
Receiving Water Upstream	RSW-001	Samples shall be collected when there is a discharge to Paynes Creek, approximately 100 feet upstream from the point where Discharge Point 001 flows into Paynes Creek.
Receiving Water Downstream	RSW-002	Samples shall be collected when there is a discharge to Paynes Creek, approximately 50 feet downstream from the point where Discharge Point 001 flows into Paynes Creek.

### NOTICE OF APPLICABILITY REQUIREMENTS

Based on the information provided in the ROWD, the Discharger is hereby authorized to discharge to Paynes 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 7.5 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. Dale Family Partnership, 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 Dale Family Partnership 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, R5-2010-0018-009, 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](mailto:jmathews@waterboards.ca.gov).

*Original Signed by Robert A. Crandall*

for PAMELA C. CREEDON  
Executive Officer

JM: lm

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

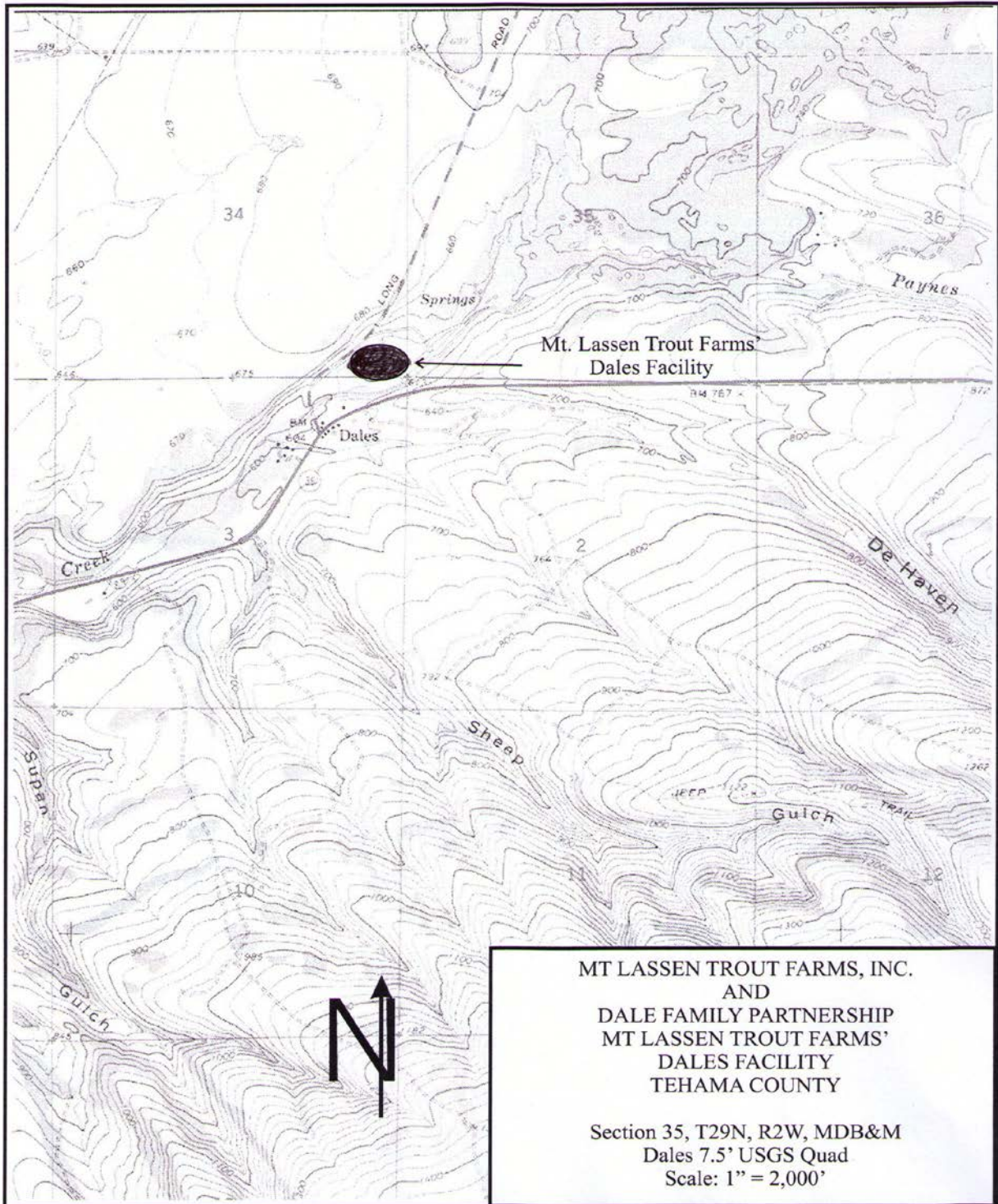
Enclosure: General Order No. R5-2010-0018 (Discharger only)

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

**ATTACHMENT A – FACILITY ADMINISTRATIVE INFORMATION**

<b>Name of Facility</b>	Mt. Lassen Trout Farms Dales Facility
<b>Type of Facility</b>	Cold Water Aquaculture Facility, SIC Code 0921
<b>WDID</b>	5A521003002
<b>General Order NOA Enrollee Number</b>	R5-2010-0018-009
<b>Discharger</b>	Mt. Lassen Trout Farms, Inc.(Facility Owner/Operator) and Dale Family Partnership (Site Owner)
<b>Facility Address</b>	0.5 Miles N.E. of Dales Station Manton Road
<b>Land Owner (Address)</b>	25820 Hwy. 36 E Red Bluff, CA 96080
<b>Facility Contact, Title and Phone</b>	Phil Mackey, (530) 597-2222
<b>Authorized Person to Sign and Submit Reports</b>	Phil Mackey, President Daniel R. Brown, Vice President
<b>Mailing Address</b>	20560 Lanes Valley Road Paynes Creek, CA 96075
<b>Billing Address</b>	20560 Lanes Valley Road Paynes Creek, CA 96075
<b>Total Weight Produced (Annual)</b>	75,000 lbs
<b>Major or Minor Facility</b>	Minor
<b>Threat to Water Quality</b>	2
<b>Complexity</b>	B
<b>Facility Permitted Flow</b>	7.5 mgd
<b>Watershed</b>	Sacramento River Basin
<b>Receiving Water</b>	Paynes Creek
<b>Receiving Water Type</b>	Inland surface water

**ATTACHMENT B – LOCATION MAP**



**ATTACHMENT C – FACILITY SCHEMATIC**

