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## North Coast Regional Water Quality Control Board

### Regional Water Quality Control Board North Coast Region Executive Officer's Summary Report April 6, 2023

**ITEM: 3**

**SUBJECT:** Public Hearing on Order No. R1-2023-0014 to Consider for Adoption of Proposed Waste Discharge Requirements for the Fall Creek Hatchery, WDID No. 1A22157NSIS, NPDES No. CA1000004 (Justin McSmith)

**BOARD ACTION:** The Board will consider adoption of Waste Discharge Requirements Order No. R1-2023-0014. The Order will serve as a National Pollutant Discharge Elimination System (NPDES) permit for a period of five years.

**BACKGROUND:** PacifiCorp owns, and California Department of Fish and Wildlife (CDFW) (Permittees) operates the Fall Creek Hatchery (Facility). The Facility is scheduled to be operational December 2023 at the earliest. The Facility is an existing cold water concentrated aquatic animal production facility above the confluence of Fall Creek and the Klamath River. The Facility will be replacing Iron Gate Hatchery as a mitigation hatchery for Chinook and Coho salmon. Iron Gate Hatchery is not being demolished as part of the Klamath River Renewal Project but will not have a water supply from the Klamath River or pre-existing Iron Gate Reservoir. The Facility will be operated to mitigate the loss of fish habitat due to hydro-electric dams on the Klamath River and is scheduled to operate for eight years per the 2016 Amended Klamath Hydroelectric Settlement Agreement.

The Facility will be constructed to simulate natural cold-water streams and is used to produce cold water fish species such as Chinook and Coho. Fresh water from Fall Creek will be supplied as influent to the Facility by surface diversion from Fall Creek to maintain flows of up to 6.46 million gallons per day (MGD). The Facility will discharge treated effluent (through a settling pond) to Fall Creek at Discharge Point 001. The Facility will also have a volitional release pipe from the Coho salmon and Chinook salmon raceways at Discharge Points 002 and 003 respectively.

**DISCUSSION:** Order No. R1-2023-0014 (Proposed Permit) is a new NPDES permit. The Proposed Permit prescribes technology-based effluent limitations in the form of Best Management Practices (BMP) requirements as established in U.S. EPA published Effluent Limitation Guidelines for the Flow-Through and Recirculating Systems

Subcategory of the Concentrated Aquatic Animal Production Point Source Category at 40 C.F.R. part 451, subpart A. The Proposed Permit also includes water quality-based effluent limitations, based on the Klamath River TMDL and the Basin Plan, for pH, Carbonaceous Biochemical Oxygen Demand (CBOD), temperature, total nitrogen, and total phosphorus.

The Proposed Permit further includes special provisions which require studies and reports to ensure compliance with the operations, chemical and drug application, solids control, and solids disposal requirements. Other noteworthy requirements in the Proposed Permit include the following:

1. **Interim Effluent Limitation for Total Nitrogen, Total Phosphorus, Carbonaceous Biochemical Oxygen Demand (CBOD), and Temperature.** Interim effluent limitations are established in the Proposed Permit to implement the Klamath River TMDL Waste Load Allocations (WLAs). The compliance schedule in the Proposed Permit includes final effluent limits based on the proposed decommissioning of the facility within eight years of operation. (Order Section 4.1.1)
2. **Compliance with TMDL Wasteload Allocations and Point Source Discharge Prohibition.** A compliance schedule has been established for the Facility to implement the Klamath River TMDL Waste Load Allocations and the Point Source Discharge Prohibition established by the Klamath River TMDL. Final compliance with the Klamath River TMDL WLAs will be met when the Facility ceases discharge in eight years after first discharge from EFF-001. (Order Section 6.3.7)
3. **Revised Basin Plan receiving water limitations.** To implement the 2016 amendments to the Water Quality Control Plan for the North Coast Region (Basin Plan), updated dissolved oxygen limitations have been added to the Proposed Permit. (Order Section 5.1.1)

A copy of the Draft Permit was posted on the Regional Water Board website and was available for public comment from January 30, 2023, through March 1, 2023. The only comments received were from PacifiCorp and CDFW. Additionally, Regional Water Board staff held a virtual meeting with CDFW on March 22, 2023, to discuss changes to the Proposed Permit in response to CDFW comments. The Permittees did not identify any significant concerns with the Proposed Permit as we discussed at the meeting and do not plan to contest the permit.

Staff initiated changes were made to the Proposed Permit to address editorial errors in the Permit's receiving water limitations.

Staff anticipates that the Proposed Permit will be uncontested.

**RECOMMENDATION:** Adopt Order No. R1-2023-0014 as proposed.

**SUPPORTING DOCUMENTS:**

1. Proposed Order No. R1-2023-0014
2. Response to Comments Document
3. Notice of Public Hearing