Response to Written Comments
Draft Waste Discharge Requirements
General Order No. R1-2021-0010
General National Pollutant Discharge Elimination System (NPDES)
for

Waste Discharge Requirements for Cold Water Concentrated Aquatic Animal Production Facility Discharges to Inland Surface Waters, Enclosed Bays and Estuaries

Regional Water Quality Control Board, North Coast Region
June 17, 2021

1. COMMENTS RECEIVED

The deadline for submittal of public comments regarding draft Waste Discharge Requirements for Order No. R1-2021-0010, General National Pollutant Discharge Elimination System Permit (Draft Permit) for Cold Water Concentrated Aquatic Animal Production Facility Discharges to Inland Surface Waters, Enclosed Bays and Estuaries was April 1, 2021. Regional Water Board staff received a single comment letter from the California Department of Fish and Wildlife (Permittee). This Response to Comments document includes the comments received from the Permittee, Regional Water Board staff responses, and staff-initiated changes.

Staff notified the Permittee of the proposed changes to the Proposed Permit that are described in this Response to Comments document.

This document summarizes comments received, followed by the Staff response. Language included inside quotation marks in the Permittee's comment represent Draft Permit language as a citation. The Permittees comment then follows the citation without quotation marks. Text added to the Proposed Permit is identified by underline and text to be deleted from the Proposed Permit is identified by ~~strike-through~~ in this document. The term "Draft Permit" refers to the version of the permit that was sent out for public comment. The term "Proposed Permit" refers to the version of the permit that has been modified in response to comments and is being presented to the North Coast Regional Water Quality Control Board (Regional Water Board) for consideration.

2. PERMITTEE COMMENTS

2.1. Comment: *Discharge Prohibition 4.7. Page 10.*

> "The discharge of detectable levels of chemicals used for the treatment and control of disease, other than salt (NaCl), is prohibited."
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> The following comment was provided the Department of Fish and Wildlife:
>
> The Prohibitions within the POLICY ON THE REGULATION OF FISH HATCHERIES, FISH REARING FACILITIES, AND AQUACULTURE OPERATIONS (Hatchery Policy) continues to be a contentious subject that has

largely been dismissed and not reviewed by the North Coast Regional Water Quality Control Board (NCWB). DFW has provided the NCWB recommended thresholds for the treatment chemicals used based on rigorous scientific studies. DFW contends this prohibition of discharge is not based on the best available toxicology science, is overly stringent, and is not consistent with NPDES permits issued for fish hatcheries in the rest of the state.

In a 4/28/2009 email (attached) from NCWB Executive Officer Catherine Kuhlman to DFW (Fish and Game previously), Ms. Kuhlman stated in part:

> "This is to summarize our discussion on the hatcheries policy.
>
> 1. The "Policy on the Regulation of Hatcheries, Fish Rearing Operation, and Aquaculture Operations" supersedes the prohibition language. This means discharges from fish hatcheries, fish rearing facilities, and aquaculture operations are not subject to the Basin Plan prohibitions on point source waste discharges.
>
> 2. Effective July 2009, we will have a contractor begin evaluation of hatchery regulations in other regions of the State, chemicals used for the treatment or control of disease, including antibiotics and anesthetics, and their past (1989 era) and present detection limits. This work will serve as the underpinning for the CEQA analysis that will frame the proposed change in our regulation. It would be helpful if DFG could compile a list of chemicals used in California to assist our contractor."

As stated on page 3 in the November 19, 2015 Executive Officer's Summary Report (Attached): … "staff understands DFW remains concerned with its ability to comply with the Hatchery Policy despite the fact it routinely complies with the prohibition. Staff agrees that methodologies for detection have improved dramatically since the Hatchery Policy was first adopted; and in some cases a literal interpretation of the prohibition could frustrate the Hatchery Policy's general purpose. Thus, with respect to the Proposed General Permit, staff believes it is reasonable to conclude that the Hatchery Policy is best applied in a manner to prevent discharge of chemicals at levels that (a) would cause toxicity, (b) exceed water quality objectives, or (c) otherwise impair beneficial uses. Staff added language (in section IV.G. of the Proposed General Permit and section IV.E.2 of the Fact Sheet) to clarify this interpretation of the Hatchery Policy as it applies to the Proposed General Permit."

DFW has provided these drug and chemical treatments and toxicity tests, and NPDES effluent limitations from other Regional Water Quality Control Boards. DFW argued strongly in its comments (attached) regarding the draft Order No. R1-2015-0009 and during the NCWB November 19, 2015 (acknowledged in the Executive Officer's Summary Report), yet nothing has changed over the last 6 years and the Hatchery Policy discharge prohibitions persist in this draft permit.

DFW has provided scientific information that, per number 1 of the Hatchery Policy (The discharge shall not adversely impact the recognized existing and potential beneficial uses of the receiving waters), which demonstrates that number 3 of the Hatchery Policy (The discharge of detectable levels of chemicals used for the treatment and control of disease, other than salt (NaCl) shall be prohibited) is overly stringent and should be genuinely reviewed and modified per number 4 of the Hatchery Policy (The discharge will be subject to review by the Regional Water Board for possible issuance of Waste Discharge Requirements/NPDES permit.)

In addition, DFW believes our water quality compliance history applies to number 5 of the Hatchery Policy (The Regional Water Board may waive Waste Discharge Requirements for fish hatcheries, fish rearing, and aquaculture facilities, provided that the discharge complies with applicable sections of the Water Quality Control Plan for the North Coast Region and satisfies the conditions for waiver which are described in Regional Water Board Resolution No. 87- 113 (Appendix Section of this Plan)), and we believe there is support within Resolution No. 87-113 with "WHEREAS, the Regional Board finds that a waiver of a report of waste discharge and/or issuance of waste discharge requirements for a specific type of discharge would not be against the public interest when the discharge is effectively regulated by other public agencies, by the discharger pursuant to State regulations or guidelines, complies with the Water Quality Control Plans for the Klamath River Basin and the North Coastal Basin, or does not adversely affect the quality of or the beneficial uses of the waters of the State…". DFW is issued a NPDES Permit with Limitations and/or Reporting Requirements specific for the Basin and each hatchery. The types of discharges specified must assure compliance, except for those where discharge requirements have been adopted…. DFW interprets this as those listed may have special rules while a CAAP facility has its own limitations, monitoring and reporting requirements.

Although Resolution 89-131 is mainly for groundwater monitoring wells, and thus may not apply, DFW believes it relates to our compliance history and how the discharge is regulated and complies with the North Coast Basin Plan. And in Resolution 92-135 it states: "BE IT FURTHER RESOLVED, that those specific discharges described on the attachment to this resolution. except those for which waste discharge requirements have been adopted, must ensure compliance with the applicable regulations of other public agencies and to the Water Quality Control Plan for the North Coast Region." DFW is not asking for a waiver but we are complying with limitations, monitoring and reporting requirements, and we can see overall why the North Coast Water Board Executive Officer, Catherine Kuhlman, would say how these Resolutions supersede the North Coast Basin Plan for Aquaculture.

DFW requests that this issue finally be addressed and resolved in this permit.

Response 2.1: Review of the Permittee's Drug and Chemical Use Reports and Whole Effluent Toxicity Testing over the last permit term confirms that the

Permittee's discharges do not "cause toxicity, exceed water quality objectives, or otherwise impair beneficial uses". Careful chemical dosing and implementation of site-specific Best Management Practices (BMPs) at each Facility have been effective at ensuring that drugs and chemicals have not discharged to Waters of the U.S.

Staff acknowledge that review of the Hatchery Policy has not been a high priority for the Regional Water Board. Such a review was not been identified or selected as a high priority project under the 2018 Triennial Review process. Regional Water Board staff don't plan to initiate the next Triennial Review process until 2023 at the earliest. Staff acknowledge the 2009 statements from the Regional Water Board's previous Executive Officer and appreciate CDFW's concerns with respect to compliance with the Hatchery Policy prohibition. Further Staff acknowledge that the Hatchery Policy prohibition does not necessarily reflect current industry practice.

However, Staff's position with respect to compliance with the Hatchery Policy prohibition remains the same as stated in 2015. Staff continue to believe that it is reasonable to conclude that the Hatchery Policy is best applied in a manner to prevent discharge of chemicals at levels that (a) would cause toxicity, (b) exceed water quality objectives, or (c) otherwise impair beneficial uses.

To date, no enforcement actions have been taken against the Permittees in regard to detectable levels of drugs or chemicals used at each of the Facilities enrolled in the Hatchery General Order. Further, detection in effluent and reporting of chemicals used for the treatment and control of disease at detectable levels would be a discretionary enforcement action; as long as an approved site-specific Chemical Controls, Monitoring and Reporting Plan is implemented in compliance with the Proposed Permit, enforcement discretion will be applied.

Regarding site specific effluent limitations submitted by the Permittee as an example for each chemical used, other Regional Boards established numeric effluent limitations based on site specific biotoxicity studies performed by the CDFW Pesticide Unit. The results of those biotoxicity studies are not relevant to the establishment of numeric effluent limitations for the CAAP Facilities in the North Coast Region because site specific effluent and receiving water need to be used in such studies in the Mad, Trinity and Russian River watersheds. To establish site-specific effluent limitations, biotoxicity studies would need to be performed at each hatchery location to determine the varying toxicity level for each chemical and drug applied. In addition, each effluent violation would be considered a Minimum Mandatory Penalty (MMP) of $3,000 per violation.

In lieu of establishing numeric effluent limitations or detection levels, to ensure compliance with the effluent limit guidelines (ELGs) and demonstrate that discharges are protective of aquatic life and other beneficial uses, section 10.3.2.1 of the Proposed General Permit and section 8 of the Notice of Intent for coverage (NOI, Attachment B) require chronic toxicity test information and calculation of

effluent concentrations for all chemicals and drugs applied in solution for immersive treatment. These requirements are consistent with the Hatchery Policy, Final ELGs, and ongoing practices at existing North Coast CAAP facilities. At this time, Staff is not considering establishing effluent limitations for the enrollees under the Proposed Permit.

2.2. **Comment: Effluent Limitation 5.1.1.2.1. pH for Trinity River Hatchery. Page 12.**

What if Influent pH is less than 7.0? Recommend Trinity River be pH 6.5-8.5 like the other facilities.

Response 2.2: Section 5.1.1.2.1. of the Draft Permit states the following:

"5.1.1.2.1. Trinity River. The pH of discharges to the Trinity River shall not be depressed below 7.0 nor raised above 8.5. When the pH of the influent exceeds 8.5 at Monitoring Location INF-001 (INF-002, etc. if there is more than one discharge point) as specified in the NOA, the pH of discharges shall not exceed the pH of the influent. In no case shall effluent pH exceed 9.0 at any discharge point."

The Basin Plan calls out receiving water quality objectives for the Trinity River in Table 3-1. Table 3-1 lists the minimum pH value of 7.0 S.U. The Basin Plan would need to be amended to modify the minimum pH to 6.5 S.U.

The Trinity River Hatchery had one sample of their influent under 7.0 S.U. during the term of the current General Order. The section cited in Comment 2.34 is for Historical Effluent Limitations for Existing CAAP Facilities. No changes were made to Table Note 2 in the Proposed Permit in response to this comment.

However, to provide clarity, Section 5.1.1.2.1. of the Proposed Permit has been modified as follows:

*"5.1.1.2.1. **Trinity River.** The pH of discharges to the Trinity River shall not be depressed below 7.0 nor raised above 8.5. When the pH of the influent is below 7.0 or exceeds 8.5 at Monitoring Location INF-001 (INF-002, etc. if there is more than one discharge point) as specified in the NOA, the pH of discharges shall not be lower than or exceed the pH of the influent, respectively. In no case shall effluent pH exceed 9.0 at any discharge point."*

2.3. **Comment: Section 7. Land Discharge Specifications – Not Applicable. Page 12.**

How will we treat in the hatchery building or dispose of MS222 water? The hatchery building discharges directly to the river, and since we are currently prohibited from discharging detectible concentrations of drugs and chemicals, the bath water is disposed of to the ground.

Response 2.3: The Proposed General Order does not authorize discharge of wastewater to land. The Hatchery Building and MS222 water should be discharged like all other wastewater, in accordance with the Proposed Permit. All drugs, chemicals and cleaning wastes need to be sent through the Facility treatment system (percolation pond or settling basin) to settle out all contaminants that are attached to fish feces and other settleable material. No changes were made to the Permit in response to Comment 2.3.

2.4. **Comment: Section 8. Recycling Specifications – Not applicable. Page 12.**

What is NCWB's definition of recycled water? DFW presumes the definition of recycled water would be reclaimed water that is used to irrigate the lawns, which we do not use. Mad recirculates 80% of its water through an oyster bed filtration system. Does this prohibition effect Mad River Hatchery?

Response 2.4: Stating that Recycling Specification are "Not Applicable" does not affect Mad River Hatchery. Water Recycling specifications do not apply to Mad River Hatchery as recirculation is not a water recycling use and does not meet the definition of Recycled Water as specifically defined in Title 22 California Code of Regulations Articles 2 and 3. No changes were made to the Permit in response to Comment 2.4

2.5. **Comment: Section 9.1.1 Receiving Water Limitations. Dissolved Oxygen. Page 13.**

"The discharge shall not cause the dissolved oxygen (DO) concentration of the receiving water to be depressed below 9.0 mg/L."

What if the INF/RSW-001 is below 9.0 mg/L, which it sometimes is during summer months of a drought/low flows?

Response 2.5: The dissolved oxygen receiving water limitations states*, "The discharge shall not cause the dissolved oxygen (DO) concentration of the receiving water to be depressed below 9.0 mg/L."*

It is important to recognize that the objective states that the discharge does not cause DO concentration of the receiving water to be depressed below the specified concentrations. In the instance where the DO in the upstream intake water is less than the limit, it could not reasonably be demonstrated that the facility was the cause of the depressed DO.

Staff recognize the concern of the Permittee in meeting the dissolved oxygen (DO) surface water limitation from the North Coast Basin Plan (Basin Plan). Staff has reviewed the DO data for the upstream and downstream receiving water monitoring locations from CIWQS over the last permit term to analyze the Permittee's potential impact on DO concentrations in each separate receiving water.

Receiving water data collected during the previous permit term confirms that the Permittees were not the cause of DO concentrations being depressed below 9.0 mg/L.

2.6. **Comment: Section 9.1.14 Receiving Water Limitations – Temperature. Page 14**

"The discharger shall not cause a measurable temperature change in the receiving water at any time."

What is measurable? 0.1 degree? DFW requests that language from the current Order R1-2015-0009 continue to be used: "Authorized discharges shall not cause alteration of natural temperature of receiving waters unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses. At no time or place shall discharges cause an increase of the receiving water by more than 5°F above natural receiving water temperature."

Response 2.6: Section 9.1.14. of the Proposed Permit has been modified to reflect the narrative water quality objective for temperature set forth in section 3.3.15 of the Basin Plan, as follows:

~~"The discharger shall not cause a measurable temperature change in the receiving water at any time.~~ Authorized discharges shall not cause alteration of natural temperature of receiving waters unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses. At no time or place shall discharges cause an increase of the receiving water by more than 5°F above natural receiving water temperature."

2.7. **Comment: Section 10.3.2.1. New Chemical and Aquaculture Drug Use Reporting**

DFW pathologist/veterinarians would like to have Thiamine mononitrate and a Lactococcus vaccine officially added to the permit and NOAs. DFW will provide the required information.

Response 2.7: Information for Thiamine mononitrate has been received by Regional Water Board staff. Staff is awaiting the information for Lactococcus vaccine. Thiamine mononitrate has been added to the list of chemicals and drugs used for treatment and control of disease in the Proposed Permit as follows:

"*Based on information provided by the existing CAAP facilities in the North Coast Region, chemicals and aquaculture drugs used for the treatment and control of disease include thiamine mononitrate, oxytetracycline, penicillin G, florfenicol, amoxicillin trihydrate, erythromycin, Romet, formalin, PVP iodine, hydrogen peroxide, potassium permanganate, sodium chloride, acetic acid, chloramine-T, SLICE, and ivermectin".*

2.8. **Comment: Section 10.3.3.2. Chemical Controls, Verification Monitoring and Reporting Plan. Page 19.**

New or existing non-verified: DFW believes we are verified per the current Order R1-2015-0009

Response 2.8: Whole effluent toxicity (WET) testing results were not submitted by each enrollee (Trinity River, Mad River, Coyote Valley and Warm Springs) until April 2, 2021, after the end of the public comment period for the Draft Permit. These Permittees were not considered verified when the Draft Permit went out for public comment.

Staff has since reviewed the WET test results and have confirmed, and verified, that the Permittees listed above have met the criteria listed under section 10.3.3.2. of the Draft Permit. These Permittee's will not be required to complete the actions listed in section 10.3.3.2 of the Proposed Permit in the next permit term as they have been met.

The language has not been modified in the Proposed Permit as new enrollee's will still be required to complete the requirements in this section. No changes were made to the Permit in response to Comment 2.8.

2.9. **Comment: Section 10.3.4.2. Operation and Maintenance Manual. Page 20 to 21.**

First bullet: Description of the Facility's organizational structure showing the number of employees, duties and qualifications, and plant attendance schedules (daily, weekends and holidays, part-time, etc.). The description should include documentation that the personnel are knowledgeable and qualified to operate the Facility to achieve the required level of treatment at all times.

DFW contends that the NCWB is overreaching considering the primary function of a fish hatchery, and the very low potential for significant environmental impact. DFW, like the NCRW diligently follows hiring and training policies and procedures established by California Department of Human Resources and State Legislature to ensure qualified personnel are hired at each position to complete the required duties. DFW hatcheries operate 24/7/365 with a live product (fish), thus there are personnel on site at all times. Staff are not only trained to conduct daily fish culture duties, but also trained additional requirements such as NPDES/BMP requirements (as required per the NPDES permit). In addition, the number of staff and schedule of those staff fluctuates seasonally based on fish production activities, so updating this information could be time consuming and overly burdensome.

Response 2.9: The first bullet is traditional language for publicly owned treatment works and other wastewater plants to ensure that operators have proper licensing and experience to operate the treatment plant. The first bullet in section 10.3.4.2.

of the Proposed Permit has been removed from the Proposed Permit in response to Comment 2.9.

2.10. **Comment: Section 10.3.6.1.1. Solids Disposal. Page 21.**

"The application to land of collected screenings and other solids, including fish carcasses is not covered or authorized by this Order. Collected screenings and other solids, including fish carcasses shall be disposed of in a manner consistent with Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste , as set forth in Cal. Code Regs., tit 27, division 2, subdivision 1, § 20005, et seq."

Cal. Code Regs., tit 27, division 2, subdivision 1, § 20005, et seq. does not seem to apply to fish (salmon/steelhead) carcasses. Salmon/steelhead carcasses provide important Marine Derived Nutrients (MDN) to freshwater environments that would otherwise be absent, and they provide a food source for juvenile salmonids another fish, aquatic macroinvertebrates, and terrestrial animals.

Most salmon carcasses from the hatchery are given to the Food Bank, and only a small percentage are returned to the river. TRH Biological Opinion from the National Marine Fisheries Service (NOAA) states that some salmon carcasses will be placed into the tributaries during the winter to increase Marine Derived Nutrients (MDN). A handful of fish carcasses are released to the Trinity as nutrients for the naturally spawned ecosystem per the draft Hatchery Genetic Management Plan. They are chopped and sent down the tube for the river to distribute.

An excerpt from the Trinity River Hatchery ESA Biological Opinion (BO): By December 2021, Reclamation shall obtain the necessary permits required to place an amount of adult Coho salmon (or adult Chinook salmon or steelhead) carcasses equal to or greater than the number of Natural Origin Recruit (NOR) Coho salmon used for broodstock into tributary streams during each winter in order to increase Marine Derived Nutrients (MDN) in tributaries. By December 2022, Reclamation shall begin to supplement carcasses in tributary streams equal to or greater than the number of NOR Coho salmon used for broodstock annually. In years when sufficient carcasses from salmon or steelhead are not available, salmon flesh analogs shall be utilized. Information on numbers of carcasses supplemented and locations shall be included in an annual report to NMFS. NMFS recommends that Reclamation begin to distribute as many salmon and steelhead carcass from TRH as possible within the mainstem Trinity River and tributaries of the Trinity River. This is expected to substantially improve conditions for individual rearing Federally and State endangered Coho salmon, as well as their critical habitat. The flesh from decaying salmon and marine derived nutrients are an important component of healthy salmon stream and would greatly improve the ecology of the river system including benthic macroinvertebrates that Coho salmon prey upon, riparian plant species, wildlife, and other ecological processes. Some carcasses of adult salmon and steelhead that are spawned and/or die in the

TRH trap and holding tanks are returned to the river in order to nutritionally benefit the aquatic environment.

DFW can provide additional information regarding the BO and MDNs if desired by the NCWB.

Response 2.10: Staff recognizes that, per the BO cited above, there is water quality benefit in introducing fish carcasses to the Trinity River.

Information provided to the Regional Water Board regarding the amount of fish carcasses to be disposed in a receiving water would be a supplement to the original NOI. Each Facility proposing to deposit carcasses back into the receiving water will need to provide, as part of the NOI submittal, the amount (in pounds) of fish carcasses that is proposed to be put back into the river, reference to the BO, and copies of any permits that are required by other agencies.

Section 10.3.6.1.1. of the Proposed Permit has been modified as follows:

"The application to land of collected screenings and other solids~~, including fish carcasses~~ is not covered or authorized by this Order. BMPs need to be implemented to ensure viruses and vectors are not an issue. Collected screenings and other solids~~, including fish carcasses~~ shall be disposed of in a manner consistent with Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste , as set forth in Cal. Code Regs., tit 27, division 2, subdivision 1, § 20005, et seq."

Section 10.3.8. has been added to the Permit on page 21 as follows:

10.3.8. Carcass Removal

The Permittee shall submit, as part of the NOI submittal, scientific justification on why fish carcass disposal is a benefit to the receiving water, the amount (in pounds) of carcasses to be disposed, the month(s) of disposal, and copies of any permits required by other agencies.

2.11. **Comment: Attachment A – Definitions**

It would be useful to have a Table of Contents like Attachment E and F.

Response 2.11: A table of contents has not been added to Attachment A as the definitions are in alphabetical order and are easily identified. No changes have been made to the Proposed Permit in response to Comment 2.11.

2.12. **Comment: Attachment D – Standard Provisions**

It would be useful to have a Table of Contents like Attachment E and F.

Response 2.11: A table of contents has been added to page D-1 of the Proposed Permit to help navigate through the Standard Provisions.

2.13. **Comment: Attachment E – Monitoring and Reporting Requirements. Section 2. Page E-4.**

"Monitoring Locations. The Permittee shall establish the following monitoring locations…"

When should DFW do this? Identifying RSW-001 is difficult for TRH and WSH, as there essentially is not an upstream receiving water since the facilities literally sit at the base of the dam and it is dangerous for DFW staff to collect from the spillway (RSW-001). RSW-001 and INF-001 are similar water coming from the reservoir, and DFW is confident they would render the same water quality results.

Response 2.13: The purpose of RSW-001 is to characterize the receiving water quality prior to any impact from the Permittee's discharge. In past discussions with Trinity River Hatchery staff during inspections, RSW-001 can be taken from Lewiston Lake before intake to the Facility. Staff also had discussions with Warm Springs Hatchery staff about an upstream receiving water monitoring location. However, no data for RSW-001 was taken during the previous permit term.

WSH does have room between the influent monitoring location and the discharge location to sample for RSW-001. No changes have been made to the Proposed Permit in response to Comment 2.13.

2.14. **Comment: Attachment E – Monitoring and Reporting Requirements. Section 3.1.1. Influent Monitoring Requirements. pH. Page E-5. Table E-2.**

DFW suggests it collect pH, as pH has an effluent limitation and we report net.

Response 2.14: Table E-2 of the Proposed Permit has been modified as follows:

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Suspended Solids	mg/L	Grab	Quarterly	Standard Methods (Table Note 2)
Settleable Solids	ml/L	Grab	Quarterly	Standard Methods
<u>pH</u>	<u>S.U.</u>	<u>Grab</u>	<u>Quarterly</u>	<u>Standard Methods</u>
Table Notes:				

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
1. Influent monitoring is not required at Mad River Hatchery because (a) contrary to all other Permittees, Mad River Hatchery's compliance with the effluent limit of 8 mg/L for total suspended solids is not dependent upon an incremental increase above the concentration present in the influent; and (b) the source of influent at Mad River Hatchery is from groundwater wells and therefore not expected to contain significant amounts of settleable solids. 2. In accordance with the current edition of Standard Methods for Examination of Water and Wastewater (American Public Health Administration) or current test procedures specified in 40 C.F.R. part 136.				

2.15. **Comment: Attachment E – Monitoring and Reporting Requirements. Section 4.1.1. Effluent Monitoring Requirements. Flow. Page E-6. Table E-3.**

Measuring flows – our hatcheries typically have a meter owned by the mitigator (with the exception of Mad River Hatchery) on the influent, but DFW does not have the ability to measure each individual effluent. DFW facilities (again with the exception of Mad River) are flow through, thus flow in equals flow out.

Response 2.15: Staff recognizes that there is only one flow meter, for the influent, at each Facility. Effluent flow can continue to be calculated for each discharge location and reported as such for all flow through Facilities. However, Mad River Hatchery will need to provide calculations and recirculation values for the amount of flow sent back through the Facility. This will provide a water balance for the only non-flow through enrollee.

2.16. **Comment: Attachment E – Monitoring and Reporting Requirements. Section 4. Effluent Monitoring Requirements. CTR Pollutants. Page E-6. Table E-3.**

DFW contends that sampling for all 126 CTR Priority Pollutants is excessive, and an unnecessary additional cost to DFW, and is inconsistent with NPDES permits for fish hatcheries throughout the rest of the state. There is no Reasonable Potential of exceedance of the most stringent water quality objectives for more than 116 of the listed Priority Pollutants. Only 10 of the 126 pollutants had concentrations that were detected (Table F-4, pg F-32 of this draft permit R1-2021-0010) and those were well below water quality objectives.

The other Regional Water Boards (Central Valley and Lahontan) only require monitoring 14-20 Priority Pollutant Metals, depending on the watershed, (i.e., Antimony, Arsenic, Barium, Beryllium, Cadmium, Chromium (III), Chromium (VI), Copper, Cyanide, Iron, Lead, Manganese, Mercury, Nickel, Selenium, Silver, Thallium, Zinc) 1x during the permit cycle. Both the Central Valley and Lahontan Water Boards determined that based on priority pollutant data collected from

CAAP facilities, discharge of priority pollutants other than metals is unlikely. The Central Valley requires constituents be monitored using analytical methods with sufficiently sensitive reporting levels consistent with the SSM Rule specified in 40 C.F.R. 122.21(e)(3) and 122.44(i)(1)(iv).

In 3 of the 4 DFW NPDES permits with the Lahontan require constituents be monitored using analytical methods with sufficiently sensitive reporting levels consistent with Sections 2.4.1 through 2.4.4 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy or SIP) provide minimum standards for analyses and reporting. Most recently the Lahontan that our hatchery comply with the monitoring and reporting requirements for the priority pollutant metals as outlined in section 2.3 and 2.4 of the SIP. The maximum required reporting levels for the priority pollutant metals shall be based on the Minimum Levels (MLs) contained in Appendix 4 of the SIP, determined in accordance with Section 2.4.2 and Section 2.4.3 of the SIP. In accordance with Section 2.4.2 of the SIP, when there is more than one ML value for a given substance, the Lahontan Water Board shall include as RLs, in the Order, all ML values, and their associated analytical methods, listed in Appendix 4 that are below the calculated effluent limitation. The Discharger may select any one of those cited analytical methods for compliance determination. If no ML value is below the effluent limitation, then the Lahontan Water Board shall select as the RL, the lowest ML value, and its associated analytical method, listed in Appendix 4 for inclusion in the Order.

Results from DFW's North Coast hatcheries' 126 CTR Priority Pollutants show no reasonable potential to exceed, and discharge of priority pollutants other than metals is unlikely. DFW requests sampling be reduced to priority pollutant metals.

Also under the column Required Analytical Test Method there is an "8" at the end of Standard Methods.

Response 2.16: Staff acknowledges that the Permittees' historical priority pollutant data, collected during the previous permit term, shows that discharge of priority pollutants other than metals are unlikely. However, the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) requires monitoring for all 126 priority pollutants.

Specifically, the SIP states, "The RWQCB shall require periodic monitoring (at least once prior to the issuance and reissuance of a permit) for pollutants for which criteria or objectives apply and for which no effluent limitations have been established; however, the RWQCB may choose to exempt low volume discharges, determined to have no significant adverse impact on water quality, from this monitoring requirement."

The Facilities currently enrolled under the previous Hatchery General Order do not meet the qualifications for exemptions for low volume dischargers. Therefore, all 126 priority pollutants are required to be sampled once during the Proposed

Permit. The “8” at the end of Standard Methods is supposed to read (Table Note 8). The following change has been made to Table E-3 of the Proposed Permit, “(Table Note 8)”.

No other changes were made to the Proposed Permit in response to Comment 2.16.

2.17. **Comment: Attachment E – Monitoring and Reporting Requirements. Section 4.1.1. Effluent Monitoring Requirements. Bis(2-ethylhexyl) phthalate. Page E-6. Table E-3.**

“Bis(2 ethylhexyl) phthalate is required to be monitored at Warm Springs Hatchery only – Semi-Annually. The Permittee shall ensure that the MDL is lower than the water quality objective of 1.8 ug/L when sampling.”

DFW disagrees. DFW recommends sampling 1x annually until Effluent results are ND utilizing Method Number 606, and there is no lab contamination to add confidence to Quality Assurance.

In 2015, detection of Bis(2-ethylhexyl)phthalate was 50 ug/L in WSH effluent, which was possibly from the PVC plumbing utilized in the newly constructed “Coho building” and understandably would be a potential concern, thus WSH was required to sample 2x during the permit term. Considering that results are now ND, it is unreasonable to require WSH to sample 2x annually for 5 years.

In December 2020, the Effluent sample was ND, but the duplicate had detection. The lab that conducted the analyses believes that they caused contamination of the INF and EFF DUP sample. The backup bottles for the INF and EFF DUP were extracted and analyzed. The retests (W0L1341) came out ND for DEHP in the INFLUENT and EFF DUP confirming that the lab caused the first time to have hits. The last sampling round for Warm Springs hatchery effluent yielded no detections of DEHP above the MDL of 2.3 ug/L, an MDL which meets the approved methods criteria. It is argued that a method for the testing of DEHP that is applicable to surface and wastewater is currently unavailable to meet the 1.8 ug/L.

The 1.8 ug/L is a goal to satisfy Column D, Human Health for consumption of water and organisms in 40 CRF 131.38, and no method is specified. Under 40 CFR 136, Method Number 606 is a wastewater method, so 2.0 ug/L reported MDL is the lowest available for the 40 CFR 136 methods, and is still not sensitive enough to achieve the 1.8 ug/L. There aren't any wastewater methods that can achieve 1.8 ug/L.

The following regulations and tables were consulted to identify the analytical method for DEHP that would meet the requirements stated in the permit:

- Must be listed in 40 CFR 136 (Table 136.3), Clean Water Act.
- Must be in Appendix 4 of the SIP.

- Must meet requirements in the Ocean Plan, Table 11-2.
- 1.8 ug/L to satisfy Column D, Human Health for consumption of water and organisms in 40 CRF 131.38. No method is specified, only goal.

In summary, for DEHP:

Reference	Table	Method Number	Achievable MDL	Minimum Reporting Limit (ML)	Other Observations
40 CFR 136	136.3	USGS O-3116-87	Not Listed	Not Listed	BEHP is not listed
40 CFR 136	6410.1	SM 6410	2.5 ug/L	Not Listed	
40 CFR 136	Table 4	621.5	2.5 ug/L	7.5 ug/L	
40 CFR 136	Table 3	1625	Not Listed	10 ug/L	Must have a significant concentration to produce a recognizable mass spectra.
40 CFR 136	Table 1	606	2.0 ug/L	Not Listed	GC method; non-specific detector. Method recovery range: detected to 158%
SIP 2005	Appendix 4	GC (no method #)	Not listed	10 ug/L	
SIP 2005	Appendix 4	GCMS (no method #)	Not listed	5 ug/L	
Ocean Plan	Table 11-2	GC (no method #)	Not listed	10 ug/L	
Ocean Plan	Table 11-2	GCMS (no method #)	Not listed	5 ug/L	

40 CFR 131.38	Column B Criterion Max for Freshwater	None Listed	Not listed	Not listed	
40 CFR 131.38	Column D Human Health (10-6 risk for carcinogens) For consumption of water and organisms	No methods listed			Consumption of water and organisms: 1.8 ug/L

As a matter of interest, Bis(2-ethylhexyl) phthalate is in nearly everything we drink or swim in if plastic has been involved. Bis(2-ethylhexyl) phthalate (di-2-ethylhexyl phthalate, diethylhexyl phthalate, DEHP; dioctyl phthalate, DOP) is an organic compound with the formula C6H4(CO2C8H17)2. DEHP is the most common member of the class of phthalates, which are used as plasticizers. It is the diester of phthalic acid and the branched-chain 2-ethylhexanol. This colorless viscous liquid is soluble in oil, but not in water.

Due to its suitable properties and the low cost, DEHP is widely used as a plasticizer in manufacturing of articles made of PVC. Plastics may contain 1% to 40% of DEHP. It is also used as a hydraulic fluid and as a dielectric fluid in capacitors. DEHP also finds use as a solvent in glowsticks. Approximately three billion kilograms are produced and used annually worldwide.

DEHP is a component of many household items, including tablecloths, floor tiles, shower curtains, garden hoses, rainwear, dolls, toys, shoes, medical tubing, furniture upholstery, and swimming pool liners.[5] DEHP is an indoor air pollutant in homes and schools. Common exposures come from the use of DEHP as a fragrance carrier in cosmetics, personal care products, laundry detergents, colognes, scented candles, and air fresheners. The most common exposure to DEHP comes through food with an average consumption of 0.25 milligrams per day. It can also leach into a liquid that comes in contact with the plastic; it extracts faster into nonpolar solvents (e.g. oils and fats in foods packed in PVC). Fatty foods that are packaged in plastics that contain DEHP are more likely to have higher concentrations such as milk products, fish or seafood, and oils. Food and Drug Administration (FDA) therefore permits use of DEHP-containing packaging only for foods that primarily contain water.

DEHP can leach into drinking water from discharges from rubber and chemical factories; The US EPA limits for DEHP in drinking water is 6 ppb. It is also commonly found in bottled water, but unlike tap water, the EPA does not regulate levels in bottled water.

Anecdotally, DEHP levels in some European samples of milk, were found at 2000 times higher than the EPA Safe Drinking Water limits (12,000 ppb), and levels of DEHP in some European cheeses and creams were even higher, up to 200,000 ppb, in 1994. Additionally, workers in factories that utilize DEHP in production experience greater exposure. The U.S. agency OSHA's limit for occupational exposure is 5 mg/m3 of air.

Response 2.17: When the analytical methods listed in the table above were originally developed, detection levels were not as advanced as they are today. Labs throughout the state now have the ability to test down to levels that were not originally contemplated in the original analytical method publication. For example, as of February 8, 2021, North Coast Labs has been certified for EPA method 606 to analyze Bis(2-ethylhexyl) phthalate with a minimum detection limit (MDL) of 1.7 ug/L.

Staff acknowledges that samples for Bis(2-ethylhexyl) phthalate (Bis-2) were below the ML and that the WPCL cannot currently analyze samples below a MDL of 2.0 ug/L. Staff agrees to reduce monitoring for Bis-2 to annually until sampling results are ND with no QA/QC issues using Method Number 606. Table E-3 has been modified as follows:

Bis(2-ethylhexyl) phthalate (Table Note 7)	µg/L	Grab	~~Semi-~~Annually	Standard Methods

Also, Table Note 7 has been modified as follows:

Bis(2 ethylhexyl) phthalate is required to be monitored at Warm Springs Hatchery only. The Permittee shall sample annually. If the result of the annual sample is ND and there are no QA/QC issues with the lab analysis, then the Permittee may discontinue monitoring for Bis(2 ethylhexyl) phthalate ~~ensure that the MDL is lower than the water quality objective of 1.8 ug/L when sampling~~.

2.18. **Comment: Attachment E – Monitoring and Reporting Requirements. Section 4. Effluent Monitoring Requirements. AMEL. Page E-6. Table E-3.**

"Table Note 2: Accelerated Monitoring. If the test result exceeds an effluent limitation the Permittee shall take two more samples, one within 14 days and one within 21 days following receipt of the initial sample result. During the intervening period, the Permittee shall take steps to identify the pollutant source and take steps needed to return to compliance. If any of the accelerated monitoring sampling falls outside of the calendar month of the initial exceedance, then compliance with the AMEL will be determined based on only those samples in the specific calendar month."

DFW realizes that AMEL is typically measured in a calendar month, but if the monitoring is quarterly then DFW suggests allowing 30 days for compliance if the test result exceeds an effluent limitation. The NCWB is allowing the second sample within 14 days and an additional sample within 21 days if necessary. The quarterly reporting would still be an average of a month worth of days (30 days), rather than an arbitrary deadline of a calendar month. If additional sampling is needed and it is at the end of the quarter, a resample should be allowed within 30 days for the reporting quarter.

In addition, because of COVID restrictions in Sacramento county, the DFW Water Pollution Control Laboratory (WPCL) schedule is still combining teleworking with in-person lab presence as directed by the Governor's office, which requires close coordination and scheduling between the WPCL and 20 other fish hatcheries for sample receiving and processing, thus if a hatchery is "scheduled" for the 3rd week of a month, this could be tremendously challenging for some hatcheries under this methodology.

Response 2.18: Staff understands that CDFW WPCL is impacted by the scheduling issues that are presented during the Covid-19 restrictions on the workplace. Staff does recognize that there are other labs besides the WPCL that can be contracted to compete the required sampling and analysis to relieve the impact on the WPCL.

Table Note 2 in Table E-3 of the Proposed Permit has been modified as follows:

"Accelerated Monitoring. If the test result exceeds an effluent limitation the Permittee shall take two more samples in the quarter, one within ~~14~~30 days and one within ~~21~~45 days following receipt of the initial sample result. During the intervening period, the Permittee shall take steps to identify the pollutant source and take steps needed to return to compliance. If any of the accelerated monitoring sampling falls outside of the ~~calendar month~~ quarterly monitoring period of the initial exceedance, then compliance with the AMEL will be determined based on only those samples in the specific ~~calendar month~~ quarterly monitoring period.

2.19. **Comment: Attachment E – Monitoring and Reporting Requirements. Section 6. Land Discharge Monitoring Requirements. Page E-7.**

How will we treat in the hatchery building or dispose of MS222 water? The hatchery building discharges directly to the river, and since we are currently prohibited from discharging detectible concentrations of drugs and chemicals, the bath water is disposed of to the ground.

Response 2.19: See Response 2.3.

2.20. **Comment: Attachment E – Monitoring and Reporting Requirements. Section 7. Recycling Monitoring Requirements. Page E-7.**

Need explanation. What is the NCWBs definition of recycled water? Does it affect Mad River Hatchery's oyster shell bio-filter system?

Response 2.20: See Response 2.4.

2.21. **Comment: Attachment E – Monitoring and Reporting Requirements. Section 8.1.1. Receiving Water Monitoring Requirements. Hardness. Page E-8. Table E-4.**

Hardness (CaCO3) grab sample Quarterly.

This implies Quarterly for 5 years, which is excessive. In the current Order R1-2015-0009 Hardness sampling was required 4 times, 1 in each Quarter, to determine if there was seasonal variation and to discover the lowest hardness since 7 metals vary as a function of hardness; the lower the hardness, the lower the water quality criteria. The lowest hardness value recorded by the 4 facilities are noted on page F-31 of this draft permit (R1-2021-0010).

DFG recommends that hardness be measured 4 times, 1 in each Quarter for 1 year only, to verify the season with the lowest hardness. This is already considerably more stringent than DFW hatchery NPDES permits from the other Regional Water Boards, as water quality criteria for Priority Pollutant Metals is determined by the lowest hardness measured at the time of sampling. Picking the lowest hardness, even at the time when priority pollutants are not collected, is essentially biasing the results against the hatchery.

Response 2.21: Staff agrees that sampling of hardness quarterly for five years is excessive. The CTR and the NTR contain water quality criteria for seven metals that vary as a function of hardness. Receiving water data for hardness was only available for Coyote Valley and Warm Springs as part of their priority pollutant monitoring and not the four times per permit term as required under the previous permit. Trinity River and Mad River did monitor for hardness as required during the previous permit. As the facilities are located in different watersheds and hardness can vary seasonally, site-specific hardness data is necessary to provide sufficient information to properly adjust water quality criteria for the hardness-based metals to conduct the RPA during the next permit renewal. Therefore, Regional Water Board staff modified the previous permits' annual monitoring requirement for hardness to quarterly in the Draft Permit to reflect that a total of eight samples collected for hardness shall be taken during the permit term in a manner representing seasonal variations.

However, staff does recognize that two years of quarterly sampling of hardness will provide a robust and variable enough data set for reasonable potential analysis of hardness dependent metals while also reducing sampling and

operation costs. Therefore, Table Note 3 in Table E-4 of the Proposed Permit has been updated as follows:

"Samples shall be collected in a manner representing seasonal variations over the course of two years. Upon completion of eight quarterly samples for hardness, the enrollee can stop quarterly sampling for hardness. One additional hardness sample shall be collected in concert with CTR priority pollutant sample collection."

One of the eight hardness samples shall be collected in concert with CTR priority pollutant sample collection in the upstream receiving water. Sampling for hardness shall be required only in receiving water, is relatively inexpensive, and a minimum of eight samples across seasonal variations is not expected to be overly burdensome to the Permittees.

2.22. **Comment: Monitoring and Reporting Requirements. Section 8.1.1. Receiving Water Monitoring Requirements. CTR Pollutants. Page E-8. Table E-4.**

Same as comment 2.16.

Response 2.22: *See Response 2.16.*

2.23. **Comment: Monitoring and Reporting Requirements. Section 9.1.6. Quarterly Drug and Chemical Use Report. Page E-10.**

"For drugs and chemicals used… demonstrate compliance with Discharge Prohibition IV.G of this General Order; and"

DFW could not locate Prohibition IV.G in this Order, presuming this is left over from the current Order and the intended Prohibition is 4.7 on page 10?

Response 2.23: Section 9.1.6 of the MRP has been amended to read, *"For drugs and chemicals used… demonstrate compliance with Discharge Prohibition ~~IV.G~~4.7 of this General Order; and…"*

2.24. **Comment: Attachment E – Monitoring and Reporting Requirements. Section 10.4.1. Annual Report. Page E-14.**

Appreciate the due date changed from February 1 to March 1 to allow for additional time to gather and present the necessary information.

Response 2.24: Comment noted.

2.25. **Comment: Attachment E – Monitoring and Reporting Requirements. Section 10.4.2.5. Annual Report. Page E-15.**

"A statement certifying when the flow meter(s) and other monitoring instruments and devices were last calibrated, including identification of who performed the calibration."

DFW reports all flow meter info to eWRIMS, Water Rights. Not all hatcheries file, as the landowner (PG&E) does this for the mitigator. DFW will need to request this information from the landowner.

Response 2.24: Comment noted.

2.26. **Transmittal letter reference Table E-7**

Transmittal letter says:

"Note that Table E-7, Special Reporting Requirements for Special Provision Reports, in the monitoring and reporting program summarizes significant reporting requirements that are embedded throughout the permit. These reporting requirements are in addition to the routine self-monitoring reports that are addressed in MRP section X, Reporting Requirements, of the MRP. Please carefully review Table E-7."

Sounds important, but there is no Table E-7 – only goes to E-6 before switching to Attachment F.

Response 2.26: The language listed in the transmittal letter is standard language for publicly owned treatment works that have more special studies and monitoring requirements in their NPDES permit. This Table typically identifies due dates for special studies, compliance schedules and special provisions in the NDPES permit.

The Proposed Permit does not include specific dates for the special provisions included therein and therefore does not include this table or reference to it in the summary of the requirements. No changes were made to the Proposed Permit in response to Comment 2.26.

2.27. **Comment: Attachment F – Fact Sheet. Section 2.1. General Order Application. Page F-4**

"Existing CAAP Facilities (other than Iron Gate Hatchery) must submit a complete NOI within 60 days of the effective date of this General Order."

This is confusing. The footnotes pertaining to CTR PPs in Table E-4 require submitting results in the Notice of Intent (NOI) no later than 180 days prior to the expiration date of the Order, and this says within 60 days of the effective date. DFW submitted NOI's, per the current Order R1-2015-0009, in July 2020 to comply with the 1/31/21 expiration date. DFW is not under the impression that it must submit new NOI's within 60 days of the effective date of this permit.

Response 2.27: Staff recognizes that the reference to 180 days was legacy language from the previous permit and should have been removed from the Draft Permit. Section 2.1 of the Proposed Permit has been modified as follows:

To obtain coverage under this General Order, which also serves as the NPDES permit, both new and existing CAAP facilities must submit an NOI for coverage. ~~Existing CAAP facilities (other than Iron Gate Hatchery) must submit a complete NOI within 60 days of the effective date of this General Order.~~ New CAAP facilities that are not currently covered by an individual NPDES permit must submit an NOI, including the first annual filing fee, at least 120 days prior to the anticipated start date of the discharge.

2.28. **Comment: Attachment F – Fact Sheet. Section 3. Facility Description. Page F-8. Table F-7.**

This should be Table F-1, there are no Tables F-1 through F-6.

Response 2.28: The Tables in the Fact Sheet have been updated with Table F-1 starting on page F-8 of the Proposed Permit.

2.29. **Comment: Attachment F – Fact Sheet. Section 3. Facility Description. Coyote Valley Fish Facility. Page F-8.**

Current language:

“Facility: Coyote Valley Hatchery”

“Receiving Water: Russian River”

“Discharge Description: Sedimentation Pond”

Proposed Language:

Facility: Coyote Valley Fish Facility

Receiving Water: east fork of the Russian River

Discharge Description: Fish Ladder/settling basins

Response 2.29: The Facility information for Coyote Valley Fish Facility has been changed in the Proposed Permit to the proposed language above.

2.30. **Comment: Attachment F – Fact Sheet. Section 3. Facility Description. Mad River Hatchery. Page F-8.**

Modify Discharge Point 003: 003 Is not an Effluent, but rather flow into the percolation ponds. The percolation ponds do not surface discharge to the Receiving Water. This is NOT a discharge; thus, we should not be required to monitor 003 as an “effluent”.

Add Discharge Point 005: Bio-filter Wash Water

Response 2.30: Wastewater discharged to land is an "effluent" discharge. Monitoring at Discharge Point 003 (percolation ponds) is required to characterize the effluent that is being discharged to groundwater and commingling with surface water of the Mad River further downstream. Accordingly, Discharge Point 003 has been retained in the Proposed Permit.

Discharge Point 005 has been added to Table F-1 of the Fact Sheet in the Proposed Permit.

2.31. **Comment: Attachment F – Fact Sheet. Section 3. Facility Description. Trinity River Hatchery. Page F-8.**

Add Discharge Point 005: Secondary Fish Release

Response 2.31: Discharge Point 005 has been added to Table F-1 of the Fact Sheet in the Proposed Permit.

2.32. **Comment: Attachment F – Fact Sheet. Section 3. Facility Description. Warm Springs Hatchery. Page F-8.**

"Discharge Point 004: Pollution Control Pond Overflow Culvert"

Add Discharge Point 002: Hatchery Fire and Irrigation Pump Station

Modify Discharge Point 004: Pollution Control Pond; Flood Control Overflow Culvert.

Add Discharge Point 005: Visitor Center Fire and Irrigation Pump Station.

Response 2.32: The proposed language has been added to Table F-1 of the Fact Sheet in the Proposed Permit.

2.33. **Comment: Attachment F – Fact Sheet. Section 3.2. Discharge Points and Receiving Waters. Page F-9. Table F-8.**

This should be Table F-2.

Response 2.33: *Table F-8 has been changed to Table F-2 in the Proposed Permit.*

2.34. **Comment: Attachment F – Fact Sheet. Section 3.3. Historic Effluent Limitations for Existing CAAP Facilities. Page F-9. Table Note 2.**

Table Note 2 states, "The pH of discharges to the Trinity River shall not be depressed below 7.0 nor raised above 8.5. When the pH of the influent exceeds 8.5 at Monitoring Location INF-001 (INF-002, etc. if there is more than one discharge point) as specified in the NOA, the pH of discharges shall not exceed the pH of the influent. In no case shall effluent pH exceed 9.0."

What if inflow and RSW-001 are below pH 7.0?

Response 2.34: *See Response 2.2.*

2.35. **Comment: Attachment F – Fact Sheet. Section 4.3.1. Water Quality Control Plan. Page F-10. Table F-9.**

This should be Table F-3. On the previous page it states “Beneficial uses applicable to the Russian River, the Mad River, the Trinity River, and area groundwater are summarized in Table F-3, below:”

Response 2.35: Table F-9 has been changed to Table F-3 in the Proposed Permit.

2.36. **Comment: Attachment F – Fact Sheet. Section 4.4.1. Impaired Water Bodies on the CWA section 303(d) List. Russian River. Pages F-14 and F-15.**

“Russian River is listed as impaired for sedimentation/siltation and temperature. An analysis of effluent monitoring data from the Coyote Valley Fishery Mitigation Facility and the Warm Springs Fish Hatchery indicates that the discharges do not typically contain sediment (e.g., settleable solids, suspended solids, and turbidity) at elevated levels.”

“Discharges from the facilities are not expected to have the reasonable potential to cause or contribute to increases in temperatures in the Russian River.”

The DFW appreciates and agrees with these conclusions regarding the Coyote Valley Fishery Mitigation Facility and the Warm Springs Fish Hatchery. Particularly during the rainy season, these facilities both receive tremendously turbid water from Lake Mendocino and Lake Sonoma, respectively. Since our facilities are flow through, our contribution is negligible.

Response 2.36: Comment noted.

2.37. **Comment: Attachment F – Fact Sheet. Section 4.4.2. Impaired Water Bodies on the CWA section 303(d) List. Mad River. Page F-15.**

“Mad River is listed for sedimentation/siltation, temperature, and turbidity. The TMDL identifies the Mad River Fish Hatchery as a point source of sediment and suspended sediment.”

It is true that the Mad River watershed has sedimentation/siltation, temperature, and turbidity challenges; however, the DFW disagrees with the TMDL regarding the Mad River Fish Hatchery being a point source of sediment and suspended sediment, and believes it needs to be updated. The NCWB acknowledges this in this permit, including the Table Note 1 in Table E-2 “Influent monitoring is not required at Mad River Hatchery because (a) contrary to all other permittees, Mad River Hatchery’s compliance with the effluent limit of 8 mg/L for total suspended

solids is not dependent upon an incremental increase above the concentration present in the influent; and (b) the source of influent at Mad River Hatchery is from groundwater wells and therefore not expected to contain significant amounts of settleable solids." In addition, Mad River Hatchery does not surface discharge from its percolation pond. The effluent turbidity data demonstrate that Mad River Hatchery does not remotely approach the "no net increases in turbidity receiving water greater than 20 percent over naturally occurring background level."

Response 2.37: The Mad River TMDL for Sediment and Turbidity identifies existing and potential sources contributing to the impairment. The Mad River Fish Hatchery is identified as a poit source of sediment and suspended sediment because the Facility is regulated as a point source discharge subject to an NPDES permit. Compliance with the Hatchery General Order constitutes compliance with the Mad River TMDL.

While the Permittee is correct that the percolation ponds do not discharge directly to surface waters of the Mad River, there is a possible hydrologic connection between the percolation pond (groundwater) and the surface water of the Mad River. In addition, Mad River Hatchery has four other surface water discharges at the Facility other than the discharge to the percolation ponds.

No changes have been made to the Proposed Permit in response to Comment 2.37.

2.38. **Comment: Attachment F – Fact Sheet. Section 4.4.3. Impaired Water Bodies on the CWA section 303(d) List. Trinity River.**

"The TMDL does not identify the Trinity River Salmon and Steelhead Hatchery as a point source subject to specific waste load allocations."

The DFW appreciates and agrees with this conclusion

Response 2.38: Comment noted.

2.39. **Comment: Attachment F – Fact Sheet. Section 4.5.2. Policy on the Regulation of Fish Hatcheries, Fish Rearing Facilities, and Aquaculture Operations. Pages F-16 and F-17.**

"The discharge of detectable levels of chemicals used for the treatment and control of disease, other than salt (NaCl) shall be prohibited."

DFW disagrees. DFW requests that this issue finally be addressed and resolved in this permit. Refer to comments provided above regarding Discharge Prohibitions 4.7 on page 10 of the draft permit.

Response 2.39: See Response 2.1.

2.40. **Comment: Attachment F – Fact Sheet. Section 4.5.2. Policy on the Regulation of Fish Hatcheries, Fish Rearing Facilities, and Aquaculture Operations. Page F-17.**

"In lieu of establishing numeric effluent limitations or detection levels for aquaculture drugs and chemicals and to ensure compliance with the Policy on the Regulation of Fish Hatcheries, Fish Rearing Facilities, and Aquaculture Operations and demonstrate that discharges are protective of aquatic life and other beneficial uses, section 10.3.2.1 of this General Order and section 8 of the NOI (Attachment B) require chronic toxicity test information and calculation of effluent concentrations for all chemicals and drugs applied in solution for immersive treatment so the result is non-detect on discharge."

Why if no detect, well below NOECs?

Response 2.40: NOEC stands for No Observable Effect Concentration and is a statistical analysis method that has been used in the past determine if effluent is toxic to target aquatic species. The reason that no detect is used instead of NOEC is to maintain compliance with the Basin Plan Hatchery Policy discharge prohibition of chemicals and drugs to receiving waters that states, *"The discharge of detectable levels of chemicals used for the treatment and control of disease, other than salt (NaCl), is prohibited".* See also Response 2.1.

2.41. **Comment: Attachment F – Fact Sheet. Section 4.5.3.1. FDA-approved New Animal Drugs. Pages F-18 and F-19.**

"Approved new animal drugs…These eight FDA-approved new animal drugs include the following:"

Not clear why they are called "new", as they have been in use for many years. Also, there are 10, not 8, as follows:

These ten FDA-approved new animal drugs include the following:

i. Chorionic gonadrotropin (Chorulon®), used for spawning;

ii. Oxytetracycline hydrochloride (Terramycin®), an antibiotic;

iii. Oxytetracycline dihydrate (Terramycin® 200 for fish), an antibiotic;

iv. Sulfadimethoxine-ormetoprim (Romet-30®), an antibiotic;

v. Tricaine methanesulfonate (MS-222, Finquel® and Tricaine-S), an anesthetic;

vi. Formalin (Formalin-F®, Paracide F® and PARASITE-S®), used as a fungus and parasite treatment;

vii. Sulfamerazine, an antibiotic;

viii. Chloramine-T (HALAMID® Aqua), a disinfectant;

ix. Florfenicol (Aquaflor®), an antibiotic; and

x. Hydrogen peroxide, used to control fungal and bacterial infections.

Response 2.41: FDA defines a new animal drug as, *"any drug intended for use in animals other than man, including any drug intended for use in animal feed but not including the animal feed, the composition of which is such that the drug is not generally recognized as safe and effective for the use under the conditions prescribed, recommended, or suggest in the labeling of the drug (21 U.S.C. § 321(v))."*

Staff agrees that the drugs listed in section 4.5.3.1 of the Draft Permit are not "new" drugs as defined by the USDA. Accordingly, section 4.5.3.1. of the Proposed Permit has been modified as follows:

"FDA-approved ~~New~~ Animal Drugs

These ~~eight~~ ten FDA-approved ~~new~~ animal drugs include the following:

- *Chorionic gonadrotropin (Chlorulun®), used for spawning;*
- *Oxytetracycline hydrochloride (Terramycin®), an antibiotic;*
- *Oxytetracycline dihydrate (Terramycin® 200 for fish), an antibiotic;*
- *Sulfadimethoxine - ormetoprim (Romet - 30®), an antibiotic;*
- *Tricaine methanesulfonate (MS-222, Finquel® and Tricaine-S), an anesthetic;*
- *Formalin (Formalin-F®, Paracide F® and PARASITE-S®), used as a fungus and parasite treatment;*
- *Sulfamerazine, an antibiotic;*
- *Chloramine-T (HALAMID® Aqua), a disinfectant;*
- *Florfenicol (Aquaflor), an antibiotic; and*
- *Hydrogen peroxide, used to control fungal and bacterial infections.*

FDA-approved ~~new~~ animal drugs that are added to aquaculture feed must be specifically approved for use in aquaculture feed. Drugs approved by FDA for use in feed must be found safe and effective. Approved ~~new~~ animal drugs may be mixed in feed for uses and at levels that are specified in FDA medicated - feed regulations only."

2.42. **Comment: Attachment F – Fact Sheet. Section 4.5.3.3. FDA Unapproved New Animal Drugs of Low Regulatory Priority (LRP Drugs). Pages F-20 and F-21.**

"Copper sulfate and potassium permanganate are LRP drugs…"

Copper sulfate is no longer used at DFW hatcheries per the August 3, 2011 letter (attached). And offering an expansion of 1st six bullets:

i. Acetic acid, used as a dip at a concentration of 1,000-2,000 mg/L for one to ten minutes as a parasiticide.

ii. Carbon dioxide gas, used for anesthetic purposes.

iii. Povidone iodine (PVP) compounds, used as a fish egg disinfectant at rates of 100 mg/L for 30 minutes during egg hardening and 100 mg/L solution for ten minutes after water hardening.

iv. Sodium bicarbonate (baking soda), used at 142-642 mg/L for five minutes as a means of introducing carbon dioxide into the water to anesthetize fish.

v. Sodium chloride (salt), used at 0.5-1% solution for an indefinite period as an osmoregulatory aid for the relief of stress and prevention of shock. Used as 3% solution for ten to thirty minutes as a parasiticide.

vi. Potassium permanganate is a LRP that regulatory action has been deferred pending further study.

Response 2.42: Staff agree with the proposed changes. Section 4.5.3.3. of the Proposed Permit has been modified as follows:

- *Acetic acid, used as a dip at a concentration of 1,000-2,000 mg/L for one to ten minutes as a parasiticide ~~a parasiticide~~;*
- *Carbon dioxide gas, used for anesthetic purposes ~~an anesthetic~~;*
- *Povidone iodine (PVP) compounds, used as a fish egg disinfectant at rates of 100 mg/L for 30 minutes during egg hardening and 100 mg/L solution for ten minutes after water hardening, a fish egg disinfectant;*
- *Sodium bicarbonate (baking soda), used at 142-642 mg/L for five minutes as a means of introducing carbon dioxide into the water to anesthetize fish, an anesthetic;*
- *Sodium chloride (salt), used at 0.5-1% solution for an indefinite period as an osmoregulatory aid for the relief of stress and prevention of shock. Used as 3% solution for ten to thirty minutes as a parasiticide, an osmoregulatory aid for the relief of stress and prevention of shock; and*

- *~~Copper sulfate and p~~Potassium permanganate ~~are~~ is a LRP drug~~s~~, but regulatory action has been deferred pending further study.*

2.43. **Comment: Attachment F – Fact Sheet. Section 4.5.3.4. Extra-Label Use of an Approved New Animal Drug. Page F-21.**

"licensed veterinarians may consider extra-label drug use in treating food-producing animals if the health of the animals is immediately threatened and if further suffering or death would result from failure to treat the affected animals."

Thiamine mononitrate and a Lactococcus vaccine have been and are considered necessary for immediate/crisis issues. DFW pathologist/veterinarians would like to have Thiamine mononitrate and a Lactococcus vaccine officially added to the permit and NOAs. DFW will provide the required information.

Response 2.43: Thiamine mononitrate can be verified for extra label use in the NOA once the Permittee submits the appropriate information as required in the Proposed Permit. On April 28, 2021, the Permittee contacted Regional Board staff to inform them that the Lactococcus vaccine will be requested for use in Region 5 and is no longer being requested for use in Region 1.

2.44. **Comment: Attachment F – Fact Sheet. Section 5.1.3. Discharge Prohibition 4.3. Page F-21.**

"The discharge of waste to land that is not under the control of the Permittee is prohibited,…"

How can the Permittee be held responsible for a discharge that is not under their control?

Response 2.44: Any discharge from the Facility is considered under the Permittee's control. Proper operation and maintenance of the Facility is key to keeping operations controllable and to protect water quality.

Page F-24 of the Fact Sheet has been modified as follows:

"Wastewater treatment and storage facilities~~, including residual solid waste storage areas,~~ associated with the Permittee must be owned or under the control of the Permittee.

2.45. **Comment: Attachment F – Fact Sheet. Section 5.1.6. Discharge Prohibition 4.6. Page F-23.**

"The discharge of waste resulting from cleaning activities is prohibited."

"This prohibition applies to the direct discharge of untreated cleaning waste to waters of the United States and is based on the Basin Plan's Policy on the

Regulation of Fish Hatcheries, Fish Rearing Facilities, and Aquaculture Operations."

Please clarify what a "cleaning activity" and "untreated cleaning waste" is. Cleaning could be disinfecting a truck or net/brush or brushing algae etc. from a raceway. If water flows through a settling/percolation pond, is that considered "treated"?

***Response 2.45*:** A cleaning activity is considered to be, *"Any hand or mechanical cleaning of raceways, quiescent zones, tanks, ponds, settling basins and production and wastewater treatment systems that can discharge increased solids, chemicals or drugs to receiving waters."*

If the water flows through a settling/percolation pond, then it is considered treated effluent. If it is not sent through a settling/percolation pond, then it is considered untreated effluent. No changes were made to the Permit in response to Comment 2.45.

2.46. **Comment: Attachment F – Fact Sheet. Section 5.1.7. Discharge Prohibition 4.7. Page F-23.**

"The discharge of detectable levels of chemicals used for the treatment and control of disease, other than salt (NaCl), is prohibited."

"This prohibition is based on the Basin Plan's Policy on the Regulation of Fish Hatcheries, Fish Rearing Facilities, and Aquaculture Operations."

DFW disagrees. The Hatchery Policy supersedes the prohibition language. DFW requests that this issue finally be addressed and resolved in this permit. Refer to comments provided above regarding Discharge Prohibitions 4.7 on page 10 of the draft permit.

Response 2.46: See Response 2.1

2.47. **Comment: Attachment F – Fact Sheet. Section 5.3.3.1.3. Determining the Need for WBELs. TSS and Settable Solids. Page F-29.**

"The Mad River TMDL identifies the Mad River Fish Hatchery as a point source of sediment and suspended sediment."

"As described further in section 4.4.2 of this Fact Sheet, the Mad River Fish Hatchery is subject to waste load allocations for TSS and settleable solids to comply with the applicable TMDL."

See above comments for section 4.4.2. on page F-15

***Response 2.47*:** See Response 2.37.

2.48. **Comment: Attachment F – Fact Sheet. Section 5.3.3.2. Priority Pollutants. Page F-30.**

"Warm Springs Fish fluent data…Bis(2-ethylhexyl) phthalate was sampled as required under the previous General Order with all results <2.3 ug/L. However, the MDL for these tests were above the water quality objective."

The first sentence of this bullet seems incomplete, like something was deleted - "Hatchery: Ef"? Please refer to Bis(2-ethylhexyl) phthalate comments above for Table E-3 on pg E-6. DFW recommends sampling 1x annually until Effluent results are ND utilizing Method Number 606, and there is no lab contamination to add confidence to Quality Assurance.

Response 2.48: Section 5.3.3.2. of the Fact Sheet in the Proposed Permit has been modified as follows:

"Warm Springs Fish Facility: Effluent data collected between February 2016 and December 2020 and effluent priority pollutant data collected on December 16, 2020."

See Response 2.17.

2.49. **Comment: Attachment F – Fact Sheet. Section 5.3.3.3. Reasonable Potential Determination. Page F-32 through F-34.**

"Reasonable potential could not be determined for all pollutants, as there are not applicable water quality criteria for all pollutants. The RPA determined that there is either no reasonable potential or there was insufficient information to conclude affirmative reasonable potential for the 126 priority pollutants. The following table summarizes the RPA for each pollutant that was reported in detectable concentrations in the effluent or the receiving water…"

Reasonable potential was "undetermined" for 1 of the 126 pollutants at 1 DFW hatchery: Bis(2-ethylhexyl) phthalate at WSH, which actually the effluent was determined ND. If a "pollutant" is ND or detected below the MDL for the given pollutant, then there is no reasonable potential. Even for the seven metals that are Hardness dependent (even with the lowest hardness taken quarterly), detections were below the limitation at all 4 DFW hatcheries (Table F-4). This wording is vague and misleading.

In December 2020, the Effluent sample was ND, but the duplicate had detection. The lab that conducted the analyses believes that they caused contamination of the INF and EFF DUP sample. The backup bottles for the INF and EFF DUP were extracted and analyzed. The retests (W0L1341) came out ND for DEHP in the INFLUENT and EFF DUP confirming that the lab caused the first time to have hits. The last sampling round for Warm Springs hatchery effluent yielded no detections of DEHP above the MDL of 2.3 ug/L, an MDL which meets the approved methods

criteria. It is argued that a method for the testing of DEHP that is applicable to surface and wastewater is currently unavailable to meet the 1.8ug/L.

Response 2.49: Bis-2 reasonable potential was considered undetermined because the ND sample was reported with as <2.3 ug/L and the water quality objective of 1.8 ug/L is below the reported MDL. Staff recognizes that the result was "ND", but the actual result could have still been below 2.3 ug/L and above the water quality objective of 1.8 ug/L. Therefore, additional sampling for BIS-2 is required at Warm Springs Hatchery to verify no reasonable potential for Bis-2. See response 2.17.

2.50. **Comment: Attachment F – Fact Sheet. Section 5.3.5. Whole Effluent Toxicity (WET). Page F-35.**

"The Facilities submitted chronic toxicity test information with each NOI under the previous Order."

DFW appreciates the patience of the NCWB with the delay of contracting during the COVID chaos and finally conducting the WET tests. DFW was not surprised, but indeed pleased that all results for all 4 facilities were "Pass" – in other words, our effluent were neither acute nor chronically toxic.

Response 2.50: Staff acknowledges receipt of the required chronic toxicity tests results from the Permittee on April 2, 2021. Accordingly, staff has modified the language in section 5.3.5 of the Proposed Permit as follows:

"The Facilities submitted chronic toxicity test information ~~with each NOI under the previous Order~~ on April 2, 2021."

2.51. **Comment: Attachment F – Fact Sheet. Section 5.4.3. Stringency of Requirements for Individual Pollutants. Page F-37.**

"… and TSS and settleable solids for the Mad River Fish Hatchery that are more stringent than the minimum…"

DFW understands the language in this section but disagrees with the lack of logic of the TMDL. The Mad River TMDL needs to be updated regarding the Mad River Hatchery.

Response 2.51: See Response 2.37.

2.52. **Comment: Attachment F – Fact Sheet. Section 6.1. Rationale for Surface Water Receiving Water Limitation. Page F-38.**

"The dissolved oxygen limitation in this General Order reflects the new Basin Plan dissolved oxygen limit that was adopted by the Regional Water Board on June 18, 2015…"

The NCWB adopted a new Basin Plan dissolved oxygen limit in June 2015 but dismissed the November 21, 2014 Triennial Review Task 9 regarding the on-going issue of the Policy on the Regulation of Fish Hatcheries, Fish Rearing Facilities, and Aquaculture Operations seriously needing updating? The "Hatchery Policy" has been a highly contentious issue and main concern for DFW for over 13 years with no apparent efforts by the NCWB to even discuss the subject with DFW. The Hatchery Policy didn't make the agenda for the 2018 Triennial Review, after the Executive Officer's Summary Report on Thursday, November 19, 2015 noted that "California Department of Fish and Wildlife (DFW), which operates Iron Gate, Warm Springs, Coyote Valley, Mad River, and Trinity River CAAP facilities, provided close to 75 comments on the Proposed General Permit. A main concern expressed by DFW is the ability for CAAP facilities to comply with the prohibition on discharge of detectable levels of chemicals used for the treatment and control of disease. With improvements to laboratory and field tests, DFW is concerned with its ability to meet lower detection limits for such chemicals. Thus, it requests that we establish effluent and receiving water limitations in lieu of the prohibition."

Response 2.52: Please see Response 2.1**.** No changes have been made to the Proposed Permit in response to Comment 2.52.

2.53. **Comment: Attachment F – Fact Sheet. Section 7.3.3.3. Chemical Controls Verification Monitoring and Reporting Plan (Special Provision 10.3.3.3). Page F-41.**

"Monitoring is necessary to demonstrate the absence of whole effluent toxicity and verify chemical concentrations in the effluent associated with periodic disease control activities. Because the antibiotics and other disease control chemical may vary in application at each CAAP and analytical methods for detecting these chemicals may be unique, the requirement for a plan to monitor these constituents is required as a special provision of the General Order."

DFW does monitor, did conduct WET testing (with no effect), discharges for ND based on calculations which is worse case with no accounting for breakdown, binding, absorption or settling of any drugs and chemicals, including drugs and chemicals that have toxicity results from bioassays which show NOEC at detectable levels. DFW also previously provided Chemical Controls Verification Monitoring and Reporting Plans for the 4 DFW hatcheries. The applications are consistent prescriptions and the analytical methods for detecting these chemicals is consistent (not unique).

Response 2.53: WET testing requirements are for new enrollees under the Proposed Permit who have not yet provided WET testing results or a chemical controls verification monitoring and reporting plan. CDFW enrollees are not considered new, have submitted the required WET testing under the previous permit and is not required to submit a new plan.

No changes were made to the Proposed Permit in response to Comment 2.53.

2.54. **Comment: Attachment F – Fact Sheet. Section 8.2. Rationale for Monitoring and Reporting Requirements. Effluent Monitoring. F-42.**

3rd full paragraph: "This General Order requires effluent monitoring for priority pollutants..."

DFW disagrees with the requirement of monitoring the 126 priority pollutants. DFW recommends monitoring priority pollutant metals 1x permit term.

Response 2.54: See Response 2.16.

2.55. **Comment: Attachment F – Fact Sheet. Section 8.2. Rationale for Monitoring and Reporting Requirements. Effluent Monitoring. F-42.**

4th full paragraph: "Effluent monitoring data for ammonia at the existing CAAP facilities is not available."

Since receiving a NOA, each DFW hatchery has monitored ammonia. DFW does not understand why data for ammonia are not available.

Response 2.55: Staff acknowledges this error. Ammonia data was collected at Mad River Hatchery and Trinity River Hatchery during the term of the previous permit. Coyote Valley and Warms Springs did not sample for ammonia during the term of the previous permit.

Data from samples taken at Mad River and Trinity River show no reasonable potential to exceed the water quality objectives for ammonia. Samples collected ranged from non-detect to 0.14 mg/L at Mad River Hatchery and from non-detect to 0.08 mg/L at Trinity River Hatchery.

Therefore, Table Note 5 in Table E-3 of the Proposed Permit has been modified as follows:

"Measurements must be taken to coincide with quarterly effluent and receiving water sampling for temperature and pH. Trinity River Hatchery and Mad River Hatchery do not have to monitor for ammonia during this permit term."

Section 8.2. of the Fact Sheet in the Proposed Permit has been modified as follows:

"U.S. EPA published updated National Ambient Water Quality Criteria for protection of aquatic life for ammonia, which are based on pH and temperature. Effluent monitoring data for ammonia at Trinity River Hatchery and Mad River Hatchery were submitted during the previous permit term. However, ammonia data for the ~~existing~~ remaining CAAP facilities is not available. Therefore, this General Order requires quarterly monitoring for ammonia for Warm Springs Hatchery, Coyote Valley and any new enrollee in order to evaluate if discharges

from CAAP facilities have reasonable potential to cause or contribute to an exceedance of the Basin Plan's narrative toxicity objective."

2.56. **Comment: Attachment F – Fact Sheet. Section 8.3. Whole Effluent Toxicity Testing Requirements.**

"As discussed in section 5.3.5 of this Fact Sheet, discharges from CAAP facilities do not have reasonable potential to cause or contribute to an exceedance of the Basin Plan's narrative toxicity objective. Therefore, this General Order does not require routine acute or chronic toxicity monitoring."

DFW agrees and appreciates these determinations.

Response 2.56: Comment noted.

2.57. **Comment: Attachment F – Fact Sheet. Section 8.4.1. Rationale for Monitoring and Reporting Requirements. Surface Water. Page F-43.**

"This General Order establishes quarterly upstream receiving water monitoring for hardness to ensure that adequate data is available to properly adjust water quality criteria for hardness-based metals."

Quarterly sampling of hardness for 5 years is unwarranted. DFW would agree to 4 quarterly hardness samples during the term of this permit, 1 sample representing each season.

Response 2.57: See Response 2.21.

2.58. **Comment: Attachment F – Fact Sheet. Section 8.4.1. Rationale for Monitoring and Reporting Requirements. Surface Water. Page F-44.**

"This General Order requires upstream receiving water monitoring for priority pollutants…"

DFW disagrees with the requirement of monitoring the 126 priority pollutants. DFW recommends monitoring priority pollutant metals 1x permit term.

Response 2.58: See Response 2.16.

2.59. **Comment: Attachment F – Fact Sheet. Section 8.4.1. Rationale for Monitoring and Reporting Requirements. Surface Water. Page F-44.**

"The Regional Water Board staff is exploring the possibility of regional coordinated monitoring programs in various watersheds within the North Coast Region. Should a regional monitoring program (RMP) be developed for a watershed applicable to an enrollee authorized to discharge under this General Order, participation in the RMP may be required and receiving water monitoring requirements for that enrollee revised accordingly."

This is vague, and DFW is not in favor of being required to participate in additional undisclosed monitoring.

Response 2.59: The referenced language has been removed from Section 8.4.1. of the Fact Sheet in the Proposed Order.

2.60. **Comment: Attachment F – Fact Sheet. Section 9.2. Written Comments. Page F-44.**

"…the written comments were due at the Regional Water Board office by 5:00 p.m. on March 28. 2021."

This was confusing, as the cover letter said "by 5:00 p.m. on April 1, 2021"

Response 2.60: Staff acknowledges this error. The March 28 date was not updated to April 1 when the Draft Permit was made available for public comment. April 1, 2021 was the correct ending of the public comment period, as Staff verified in a phone conversation with CDFW staff in advance of the deadline.

2.61. **Comment: Attachment F – Fact Sheet. Section 9.4. Public Participation. Page F-45.**

"Any aggrieved person may petition the State Water Board to review the decision of the Regional Water Board regarding the final WDRs. The petition must be received by the State Water Board at the following address within 30 calendar days of the Regional Water Board's action:"

The "Hatchery Policy" remains a highly contentious issue and main concern for DFW. DFW requests that this issue not be put-off again because (as stated on page 3 of the November 15, 2015 Executive Officer's Summary Report) "establishing effluent limitations because it would require changes to existing regulations and goes beyond the scope of this permit action". This issue has been postponed for nearly 13 years, and if not addressed in this permit it will likely be another 5 plus years, which is unacceptable. DFW has provide drug and chemical treatments and toxicity tests, and NPDES effluent limitations from other Regional Water Quality Control Boards, yet the Hatchery Policy discharge prohibitions persist in this draft permit. DFW requests that this issue finally be addressed and resolved in this permit.

Response 2.61: See Response 2.1.