



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Lahontan Regional Water Quality Control Board

March 2, 2016

Charlton H. Bonham, Director
California Department of Fish & Wildlife
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
Director@wildlife.ca.gov

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Claim No. 7009 0820 0001 6638 8758**

SETTLEMENT OFFER NO. R6V-2016-0007: OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF THE NPDES PERMIT FOR CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, FISH SPRINGS FISH HATCHERY, BIG PINE, INYO COUNTY, WDID NO. 6B140800002, (ORDER NO. R6V-2006-0030, NPDES PERMIT NO. CA0102806)

This letter is to notify the California Department of Fish and Wildlife (hereinafter "Permittee or "DFW") of alleged violations of Board Order No. R6V-2006-0030 identified in the State Water Resources Control Board's water quality data system and to allow DFW to participate in the Lahontan Regional Water Quality Control Board's (Water Board) Expedited Payment Program for Effluent and/or Reporting Violations (Expedited Payment Program) to address mandatory minimum penalties that must be assessed pursuant to California Water Code sections 13385.

NOTICE OF VIOLATION:

Based on information in the California Integrated Water Quality System (CIWQS) as of December 31, 2015, the Water Board alleges that the DFW has violated the effluent limitations identified in the Notice of Violation (NOV) attached as Exhibit "1". DFW will have the opportunity to address the alleged violations as discussed below.

STATUTORY LIABILITY:

Subdivisions (h) and (i) of California Water Code section 13385 require the assessment of a mandatory minimum penalty of three thousand dollars (\$3,000) for specified serious and chronic effluent limit violations. DFW is also subject to discretionary administrative civil liabilities of up to ten thousand dollars (\$10,000) for each day in which the violation occurs, plus ten dollars (\$10) for each gallon discharged but not cleaned up in excess of 1,000 gallons. These mandatory minimum penalties and discretionary administrative civil liabilities may be assessed by the Water Board beginning with the date that the

AMY L. HORNE, PhD, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

violations first occurred.¹ The formal enforcement action that the Water Board uses to assess such liability is an administrative civil liability complaint, although the Water Board may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to twenty-five thousand dollars (\$25,000) per violation. In addition, the Superior Court may assess up to twenty-five dollars (\$25) per gallon discharged but not cleaned up in excess of 1,000 gallons.

OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM:

DFW can avoid the issuance of a formal enforcement action and settle the alleged violations identified in the attached NOV by participating in the Water Board's Expedited Payment Program. Details of the proposed settlement are described below and addressed in the enclosed documents.

To promote resolution of these violations, the Water Board makes this Conditional Offer. DFW may accept this offer, waive DFW's right to a hearing, and pay the mandatory minimum penalty of **\$9,000** for the violations described in the attached NOV. If the DFW elects to do so, subject to the conditions below, the Water Board will accept that payment in settlement of any enforcement action that would otherwise arise out of the violations identified, above. Accordingly, the Water Board will forego issuance of a formal administrative complaint, will not refer the violations to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified in the attached NOV.

The Expedited Payment Program does not address or resolve liability for any violations, other than the violations specifically identified, above, regardless of the date that the violation occurred.

PERMITTEE'S OPTIONS FOR RESPONSE TO OFFER:

If DFW accepts this offer, please complete and return the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order" (Acceptance and Waiver) on or before **April 4, 2016**.

If DFW chooses to contest any of the violations alleged in the attached NOV, please identify the specific violation(s) and the basis for the challenge (factual error, affirmative defense, etc.) on or before **April 4, 2016**.

¹ Please note that there are no statutes of limitation that apply to administrative proceedings to assess mandatory minimum penalties. See *City of Oakland v. Public Employees' Retirement System*, (2002) 95 Cal.App.4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, §405(2), p. 510.) Additionally, the State Water Resources Control Board had determined that the equitable doctrine of laches does not apply to mandatory minimum penalties. Additionally, the State Water Resources Control Board had determined that the equitable doctrine of laches does not apply to mandatory minimum penalties. (State Water Board Order Nos. 2013-0053, 2013-0054, 2013-0055, 2013-0099.)

The Water Board staff will evaluate any contested violation(s) and take one of two actions:

1. Water Board staff will determine that the violation(s) is not supported, dismiss the alleged violation(s) from the CIWQS database, take no further action against DFW for the alleged violation(s), and notify DFW of that determination. DFW will be given thirty (30) days from the date of receipt of the Water Board staff determination to complete and return the Acceptance and Waiver for the remainder of the violations; or
2. Water Board staff will determine that the alleged violation(s) is meritorious, and will notify DFW of that determination. DFW will be given thirty (30) days from the date of receipt of the Water Board staff determination to complete and return the Acceptance and Waiver.

If DFW chooses not to make a payment in response to the Water Board staff's determination, DFW should expect to be contacted regarding formal enforcement action that will be initiated with regard to the contested violations. In a formal enforcement action, the liability amount sought and/or imposed may exceed the liability amount set forth in this Conditional Offer.

CONDITIONS FOR REGIONAL WATER BOARD ACCEPTANCE OF RESOLUTION:

Federal regulations require the Water Board to publish and allow the public thirty (30) days to comment on any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon receipt of DFW's Acceptance and Waiver, Water Board staff will publish a notice of the proposed resolution of the violations.

If no comments are received within the 30-day comment period, and unless there are new material facts that become available to the Water Board, the Water Board Executive Officer will execute the Acceptance and Waiver as a stipulated order assessing the uncontested mandatory minimum penalty amount pursuant to Water Code section 13385.

If, however, significant comments are received in opposition to the settlement, this Offer may be withdrawn. In that case, DFW's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn, and the violations will be addressed in a liability assessment proceeding. At the liability assessment hearing, DFW will be free to make arguments as to any of the alleged violations, and DFW's agreement to accept this conditional offer will not in any way be binding or used as evidence against DFW. DFW will be provided with further information on the liability assessment proceeding.

In the event the Acceptance and Waiver is executed by the Water Board Executive Officer, full payment of the assessed amount shall be due within thirty (30) calendar days after the Water Board Executive Officer's execution. In accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and

Abatement Account. Accordingly, the \$9,000 liability shall be paid by cashiers or certified check for \$9,000, and made out to the "State Water Pollution Cleanup and Abatement Account". Failure to pay the full penalty within the required time period may subject DFW to further liability.

All responses to this Conditional Offer shall be submitted via email, under penalty of perjury, to: Lahontan@waterboards.ca.gov.

Please include "Fish Springs Hatchery EPL" and the WDID No. in the transmittal email's subject line.

Should you have any questions about this Conditional Offer or Notice of Violation, please contact Catherine Pool at (530) 542-5460 (Catherine.Pool@waterboards.ca.gov).



Lauri Kemper, P.E.
Assistant Executive Officer

Enclosures: 1. Exhibit "1" – Notice of Violation
2. Acceptance of Conditional Resolution and Waiver of Right to Hearing;
(proposed) Order

cc (w/enclosure):

Regional Board Members
Stafford Lehr, Fishery Branch Chief, California Dept. of Fish and Wildlife
Mike Giusti, Environmental Program Manager, California Dept. of Fish and Wildlife
Terry Jackson, Statewide Hatchery NPDES & Homeland Security Coordinator,
California Dept. of Fish and Wildlife
Gary Williams, Senior Hatchery Supervisor, California Dept. of Fish and Wildlife
Mike Escallier, Hatchery Manager, California Dept. of Fish and Wildlife
Nancee Murray, Staff Counsel, California Dept. of Fish and Wildlife
David Boyers, Assistant Chief Counsel, State Water Resources Control Board,
Office of Enforcement
Kimberly Niemeyer, Staff Counsel III, State Water Resources Control Board,
Office of Enforcement
Patty Z. Kouyoumdjian, Executive Officer, Lahontan Regional Water Quality Control Board
Mike Plaziak, Supervising Engineering Geologist, Lahontan Regional Water Quality
Control Board
Catherine Pool, Senior Water Resource Control Engineer, Lahontan Regional Water
Quality Control Board
Sue Genera, Executive Assistant, Lahontan Regional Water Quality Control Board

**ENCLOSURE 1 “EXHIBIT 1”
of Settlement Offer R6V-2016-0007**

Lahontan Regional Water Quality Control Board

March 2, 2016

Charlton H. Bonham, Director
California Department of Fish & Wildlife
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
Director@wildlife.ca.gov

IN THE MATTER OF VIOLATION OF LAHONTAN)
WATER BOARD ORDER NO. R6V-2006-0030,)
NPDES PERMIT NO. CA0102806, ESTABLISHING)
WASTE DISCHARGE REQUIREMENTS FOR THE)
FISH SPRINGS FISH HATCHERY – INYO COUNTY)
WDID NO. 6B140800002)

NOTICE OF VIOLATION

The purpose of this letter is to inform the California Department of Fish and Wildlife (DFW) that it is in violation of Lahontan Regional Water Quality Control Board (Water Board) Order No. R6V-2006-0030, NPDES Permit No. CA0102806 (permit). The permit was adopted by the Water Board on June 14, 2006, and establishes waste discharge requirements for the discharge of waste from Fish Springs Fish Hatchery to Fish Springs Creek.

Permit Violations

Permit section IV.A.1.a. specifies effluent limits for hatchery discharges to Fish Springs Creek. Based on information in the California Integrated Water Quality System (CIWQS) as of May 13, 2015, the Water Board alleges that DFW has violated effluent limitations prescribed by the permit. The specific effluent violations are:

Violation Date	Monitoring Location	Constituent	Permit Effluent Limit	Reported Value
April 16, 2009	M-001	Potassium Permanganate	0.12 mg/L, Maximum Daily	0.46 mg/L
April 30, 2009	M-001	Potassium Permanganate	0.25 mg/L, Average Monthly	0.46 mg/L
October 7, 2013	M-001	Total Dissolved Solids	265 mg/L, Instantaneous Maximum	482 mg/L

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Please contact me at (530) 542-5436 (Catherine.Pool@waterboards.ca.gov) if you have any questions regarding this matter.



Cathe Pool,
Senior Water Resource Control Engineer
Enforcement and Special Projects Unit

Enclosures: 1. CIWQS Violations Entries for April 16, 2009 and April 30, 2009
2. Excerpts from Department's 4th Quarter 2013 Self-Monitoring Report,
Dated January 13, 2014

CP/ma/T: 2-Fish Springs Hatchery, MMP NOV
File Under: 6B14080002

ENCLOSURE 1
of Notice of Violation



[Menu](#) | [Help](#) | [Log out](#)

Navigate to:

You are logged-in as: sferguson . If this account does not belong to you, please log out.

Violation [\[Back to Search Screen\]](#) [\[Business Rules - Simplified or Detailed\]](#) **No Issues Found**

Violation ID: 963661 **Program:** NPDES Wastewater --> Non-Municipal and Non-Process Wastewater
Water Board: Lahontan Regional Water Quality Control Board, Victorville **Staff Assigned:** Mary Dellavalle
Facility: Fish Springs Fish Hatch NPDES, M-001 **Status:** Violation
Order #: R6V-2006-0030

[General Info](#) [Related Parties](#) [Related Places](#) [Linked Enforcement Actions](#) [Addn. Info](#) [Attachments](#)

Save
Duplicate

Violation ID: 963661

Violation Type:*

Parameter: *

Limit	Result	Units	Limitation Period
0.25	0.46	mg/L	Daily Maximum

Violation Desc: (auto-generated)

Water Board Comments: ?

Discharger Comments:

Corrective Action:

Status:*

Discovery Date:

Occurrence Date: ?

Report Receipt Date:

Violation Source:*

Violation Source ID:

Regulatory Measure:

Program: NPDES Wastewater -> Non-Municipal and Non-Process Wastewater - [Edit](#)

Monitoring Location:

Violation Rank:# [See Definition](#)

Priority Violation:

NPDES Serious Violation:# Yes No

Toxicity Violation Subject to MMP Non-Serious Count:# Yes No

If violation is not subject to MMP, select a reason:

Save



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Violation [\[Back to Search Screen\]](#) [\[Business Rules - Simplified or Detailed\]](#) **No Issues Found**

Violation ID: 963663 **Program:** NPDES Wastewater --> Non-Municipal and Non-Process Wastewater
Water Board: Lahontan Regional Water Quality Control Board, Victorville **Staff Assigned:** Mary Dellavalle
Facility: Fish Springs Fish Hatch NPDES, M-001 **Status:** Violation
Order #: R6V-2006-0030

[General Info](#) [Related Parties](#) [Related Places](#) [Linked Enforcement Actions](#) [Addn. Info](#) [Attachments](#)

Save
Duplicate

Violation ID: 963663

Violation Type:*

Parameter: *

Limit	Result	Units	Limitation Period
0.12	0.46	mg/L	Monthly Average

Violation Desc: (auto-generated)

Water Board Comments: ?

Discharger Comments:

Corrective Action:

Status:*

Discovery Date:

Occurrence Date:*

Report Receipt Date:

Violation Source:*

Violation Source ID:

Regulatory Measure:

Program: NPDES Wastewater -> Non-Municipal and Non-Process Wastewater - [Edit](#)

Monitoring Location:

Violation Rank:# [See Definition](#)

Priority Violation:

NPDES Serious Violation:# Yes No

Toxicity Violation Subject to MMP Non-Serious Count:#

If violation is not subject to MMP, select a reason:

Save

ENCLOSURE 2
of Notice of Violation

Memorandum

Date: 01/13/2014

To: California Regional Water Quality Control Board
Lahontan Region
14440 Civic Drive, Suite 200
Victorville, CA 92392

From: Department of Fish and Wildlife, Fish Springs Hatchery

Subject: Fourth Quarter 2013 Self Monitoring Report

Please find enclosed the Self Monitoring Report (SMR) encompassing the quarterly report for October through December, 2013 in accordance with Board Order No. R6V-2006-0030 Waste Discharge Requirements for Fish Springs Hatchery, NPDES No. CA102806.

For the period, there are no violations to report and there were no instances of aquatic pesticide usage or sludge removal on the facility.

Please note that additional monitoring was conducted for the influent water to assist in completion of future permit renewal.

If you have any questions concerning this report, or require additional information this subject, please contact:

Larry Precht, Fish Hatchery Manager I
Fish Springs Hatchery
PO Box 910
Big Pine, CA 93513
Telephone: 760-938-2242 / Fax: 760-938-2403

Sincerely,

Gary L. Williams
Senior Hatchery Supervisor
Regions 5 and 6

Attachment: Self Monitoring Report for Fourth Quarter 2013

cc: California Department of Fish and Wildlife
File

eSMR PDF Report

Summary: Quarterly SMR (MONNPDES) report for Q4 2013

Summary: Quarterly SMR (MONNPDES) report for Q4 2013 submitted by Gary Williams (No Title) on 01/22/2014.

Facility Name: FISH SPRINGS FISH HATCH NPDES

Order Number: R6V-2006-0030

Waterboard Office: Region 6B - Victorville

Case Worker: Mary Dellavalle

Report Effective Dates: 10/01/2013 - 12/31/2013

No Discharge Periods

Name	Description	Dates	Comments
001	Aquaculture Wastewater (From Hatchery Raceways)		
002	Aquaculture Wastewater (From Egg Incubation)	10/01/2013 - 12/31/2013	

Self-Determined Violations

No Violations Entered

Attachments

File Name	File Description	Date Uploaded	File Size
FSH_4th Quarter_2013_Attachments.pdf		01/09/2014	3095576 bytes

Cover Letter (Uploaded File)

Title	Date Uploaded	File Size
4th Qtr Cover Letter.pdf	01/09/2014	21429 bytes
FSH 4th.Qtr.01.22.14LinkClick.doc	01/22/2014	34304 bytes

Data Summary

Analytical Results

Location	Parameter	Anal. Method	Sample Date/Time	Analysis Date	Qual	Result	Units	MDL	ML	RL	Review Priority Indicator	QA Codes	Comments	Data Source
M-001	Electrical Conductivity @ 25 Deg. C	DU : Data Unavailable	10/07/2013 : 10:50:00	10/07/2013	=	452	umhos/cm				No			CDF_Analytical_Calculated_01092014.zip
M-001	Electrical Conductivity @ 25 Deg. C	DU : Data Unavailable	11/04/2013 : 09:27:00	11/04/2013	=	367	umhos/cm				No			CDF_Analytical_Calculated_01092014.zip
M-001	Electrical Conductivity @ 25 Deg. C	DU : Data Unavailable	12/02/2013 : 08:47:00	12/02/2013	=	369	umhos/cm				No			CDF_Analytical_Calculated_01092014.zip

Location	Parameter	Anal. Method	Sample Date/Time	Analysis Date	Qual	Result	Units	MDL	ML	RL	Review Priority Indicator	QA Codes	Comments	Data Source
M-001	Nitrate, Total (as N)	DU : Data Unavailable	10/07/2013 : 08:49:00	10/07/2013	=	108.9	lb/day				No			CDF_Analytical_Calculated_01092014.zip
M-001	Nitrate, Total (as N)	DU : Data Unavailable	10/07/2013 : 08:49:00	10/07/2013	=	0.753	mg/L	.005		.01	No			CDF_Analytical_Calculated_01092014.zip
M-001	Nitrogen, Total (as N)	DU : Data Unavailable	10/07/2013 : 08:49:00	10/07/2013	=	1.26	mg/L	.029		.1	No			CDF_Analytical_Calculated_01092014.zip
M-001	Nitrogen, Total (as N)	DU : Data Unavailable	10/07/2013 : 08:49:00	10/07/2013	=	182.22	lb/day				No			CDF_Analytical_Calculated_01092014.zip
M-001	Orthophosphate, Dissolved (as P)	DU : Data Unavailable	10/07/2013 : 09:25:00	10/07/2013	=	0.137	mg/L	.0013		.005	No			CDF_Analytical_Calculated_01092014.zip
M-001	Orthophosphate, Dissolved (as P)	DU : Data Unavailable	10/07/2013 : 09:25:00	10/07/2013	=	19.81	lb/day				No			CDF_Analytical_Calculated_01092014.zip
M-001	pH	DU : Data Unavailable	10/07/2013 : 10:50:00	10/07/2013	=	7.4	SU				No			CDF_Analytical_Calculated_01092014.zip
M-001	pH	DU : Data Unavailable	11/04/2013 : 09:42:00	11/04/2013	=	7.14	SU				No			CDF_Analytical_Calculated_01092014.zip
M-001	pH	DU : Data Unavailable	12/02/2013 : 08:43:00	12/02/2013	=	7.7	SU				No			CDF_Analytical_Calculated_01092014.zip
M-001	Settleable Solids	DU : Data Unavailable	10/07/2013 : 08:56:00	10/07/2013	ND		ml/L	.1		.1	No			CDF_Analytical_Calculated_01092014.zip
M-001	Settleable Solids	DU : Data Unavailable	10/07/2013 : 08:54:00	10/08/2013	ND		ml/L	.1		.1	No			CDF_Analytical_Calculated_01092014.zip
M-001	Total Dissolved Solids (TDS)	DU : Data Unavailable	10/07/2013 : 08:46:00	10/11/2013	=	69705	lb/day				No			CDF_Analytical_Calculated_01092014.zip
M-001	Total Dissolved Solids (TDS)	A2540C : Standard Method (19th) 2540 C: Total Diss. Solids at 180 deg.	10/07/2013 : 08:46:00	10/11/2013	=	482	mg/L	10		10	No			CDF_Analytical_Calculated_01092014.zip
M-001	Total Suspended Solids (TSS)	DU : Data Unavailable	10/07/2013 : 08:46:00	10/11/2013	=	245.85	lb/day				No			CDF_Analytical_Calculated_01092014.zip
M-001	Total Suspended Solids (TSS)	DU : Data Unavailable	10/07/2013 : 10:46:00	10/11/2013	=	289.23	lb/day				No			CDF_Analytical_Calculated_01092014.zip
M-001	Total Suspended Solids (TSS)	DU : Data Unavailable	10/07/2013 : 10:46:00	10/11/2013	=	2	mg/L	.3		2	No			CDF_Analytical_Calculated_01092014.zip
M-001	Total Suspended Solids (TSS)	DU : Data Unavailable	10/07/2013 : 08:46:00	10/11/2013	=	1.7	mg/L	.3		2	No			CDF_Analytical_Calculated_01092014.zip
M-001	Turbidity	DU : Data Unavailable	10/07/2013 : 10:46:00	10/08/2013	ND		NTU	.3		1	No			CDF_Analytical_Calculated_01092014.zip
R-001	Dissolved Oxygen	DU : Data Unavailable	10/07/2013 : 11:05:00	10/07/2013	=	6.22	mg/L				No			CDF_Analytical_Calculated_01092014.zip

Location	Parameter	Anal. Method	Sample Date/Time	Analysis Date	Qual	Result	Units	MDL	ML	RL	Review Priority Indicator	QA Codes	Comments	Data Source
R-001	pH	DU : Data Unavailable	10/07/2013 : 11:05:00	10/07/2013	=	7.39	SU				No			CDF_Analytical_Calculated_01092014.zip
R-001	Settleable Solids	DU : Data Unavailable	10/07/2013 : 08:46:00	10/08/2013	ND		ml/L	.1		.1	No			CDF_Analytical_Calculated_01092014.zip
R-001	Temperature	DU : Data Unavailable	10/07/2013 : 11:05:00	10/07/2013	=	60.3	Degrees F				No			CDF_Analytical_Calculated_01092014.zip
R-001	Total Suspended Solids (TSS)	DU : Data Unavailable	10/07/2013 : 09:10:00	10/11/2013	=	1.6	mg/L	.3		2	No			CDF_Analytical_Calculated_01092014.zip
R-001	Turbidity	DU : Data Unavailable	10/07/2013 : 09:10:00	10/08/2013	ND		NTU	.3		1	No			CDF_Analytical_Calculated_01092014.zip

Calculated Values

Location	Parameter	Calculation Type	Sample Date/Time	Analysis Date	Qual	Result	Units	MDL	ML	RL	Review Priority Indicator	QA Codes	Comments	Data Source
M-001	Flow	Average Monthly (AMEL)	10/07/2013 : 10:50:00	10/07/2013	=	17.34	MGD				No			CDF_Analytical_Calculated_01092014.zip
M-001	Flow	Average Monthly (AMEL)	11/04/2013 : 09:20:00	11/04/2013	=	15.7	MGD				No			CDF_Analytical_Calculated_01092014.zip
M-001	Flow	Average Monthly (AMEL)	12/02/2013 : 08:35:00	12/02/2013	=	16.9	MGD				No			CDF_Analytical_Calculated_01092014.zip

Certificate

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I certify that I am Gary Williams and am authorized to submit this report on behalf of FISH SPRINGS FISH HATCH NPDES. I understand that I am submitting the following report(s):

- Quarterly SMR (MONNPDES) report for Q4 2013 (due 02/01/2014)

I understand that data submitted in this report(s) can be used by authorized agencies for water quality management related analyses and enforcement actions, if required.

I am also aware that my user ID, password, and answer to a challenge question constitute my electronic signature and any information I indicate I am electronically certifying contains my signature. I understand that my electronic signature is the legal equivalent of my handwritten signature. I certify that I have not violated any term in my Electronic Signature Agreement and that I am otherwise without any reason to believe that the confidentiality of my password and challenge question answers have been compromised now or at any time prior to this submission. I understand that this attestation of fact pertains to the implementation, oversight, and enforcement of a federal environmental program and must be true to the best of my knowledge.

Name: Gary Williams

Title: No Title

**CA DEPARTMENT OF FISH AND WILDLIFE
WATER POLLUTION CONTROL LABORATORY**

2005 NIMBUS ROAD
GOLD RIVER, CA 95670
PHONE (916) 358-2860 ATSS 8-434-2860 FAX (916) 985-4301

LABORATORY REPORT

Name: FISH SPRINGS HATCHERY Project: OSPR
Agency: CA DEPARTMENT OF FISH AND WILDLIFE Lab Number: L-560-13
Address: P.O. BOX 910 Customer: Fish Springs Hatchery
City: BIG PINE CA 93513 Index-PCA Code: 4240 32368
Spill Title:
Suspect:
Phone Number: 760-938-7142 P.O.#:
CC:

Sample Number: L-560-13-01 ID#: AA76357 Sample Collection Date: 10/7/2013 Time: 8:46
Sample Location: Lab Submittal Date: 10/8/2013
Customer reference: M-001A

	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Total Suspended Solids 1L	1.7	mg/L	DNQ	10/11/2013	ES	2.0	0.3	SM 2540 D
Sample Comments:								

Sample Number: L-560-13-02 ID#: AA76358 Sample Collection Date: 10/7/2013 Time: 10:46
Sample Location: Lab Submittal Date: 10/8/2013
Customer reference: M-001B

	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Total Suspended Solids 1L	2.0	mg/L		10/11/2013	ES	2.0	0.3	SM 2540 D
Sample Comments:								

Sample Number: L-560-13-03 ID#: AA76359 Sample Collection Date: 10/7/2013 Time: 9:10
Sample Location: Lab Submittal Date: 10/8/2013
Customer reference: R-001A

	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Total Suspended Solids 1L	1.6	mg/L	DNQ	10/11/2013	ES	2.0	0.3	SM 2540 D
Sample Comments:								

DNQ = Detected not Quantified
H = Holding Time Exceeded
ND = Not Detected
Lab Number L-560-13
ML = RL

Sample Number: L-560-13-04 ID#: AA76360 Sample Collection Date: 10/7/2013 Time: 8:54
 Sample Location: Lab Submittal Date: 10/8/2013
 Customer reference: M-001D

	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Settleable Solids	ND	ml/L		10/8/2013	CA	0.1	0.1	SM 2540 F
Sample Comments:								

Sample Number: L-560-13-05 ID#: AA76361 Sample Collection Date: 10/7/2013 Time: 8:57
 Sample Location: Lab Submittal Date: 10/8/2013
 Customer reference: M-001E

	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Settleable Solids	ND	ml/L		10/8/2013	CA	0.1	0.1	SM 2540 F
Sample Comments:								

Sample Number: L-560-13-06 ID#: AA76362 Sample Collection Date: 10/7/2013 Time: 9:14
 Sample Location: Lab Submittal Date: 10/8/2013
 Customer reference: R-001B

	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Settleable Solids	ND	ml/L		10/8/2013	CA	0.1	0.1	SM 2540 F
Sample Comments:								

Sample Number: L-560-13-07 ID#: AA76363 Sample Collection Date: 10/7/2013 Time: 8:46
 Sample Location: Lab Submittal Date: 10/8/2013
 Customer reference: M-001A

	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Total Dissolved Solids	482	mg/L		10/11/2013	CHA	10	10	SM 2540 C
Sample Comments:								

Sample Number: L-560-13-08 ID#: AA76364 Sample Collection Date: 10/7/2013 Time: 8:49
 Sample Location: Lab Submittal Date: 10/8/2013
 Customer reference: M-001C

	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Nitrogen Total Kjeldahl	0.473	mg/L		10/16/2013	SF	0.100	0.029	QC 10107062E
Total Nitrogen as N	1.26	mg/L		10/25/2013	SF			Calculation
Nitrate as N	0.753	mg/L		10/21/2013	KB	0.0100	0.0050	QC 10107041B
Sample Comments:								

DNQ = Detected not Quantified
 H = Holding Time Exceeded
 ND = Not Detected
 Lab Number L-560-13
 ML = RL

Sample Number: L-560-13-09 ID#: AA76365 Sample Collection Date: 10/7/2013 Time: 9:25
 Sample Location: Lab Submittal Date: 10/8/2013
 Customer reference: M-001

	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
OrthoPhosphate as P	0.137	mg/L		10/9/2013	KB	0.0050	0.0013	QC 10115011M
Nitrite as N	0.0325	mg/L		10/9/2013	KB	0.0050	0.0023	QC 10107041B

Sample Comments:

Sample Number: L-560-13-10 ID#: AA76366 Sample Collection Date: 10/7/2013 Time: 9:30
 Sample Location: Lab Submittal Date: 10/8/2013
 Customer reference: Blank

	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
OrthoPhosphate as P	ND	mg/L		10/9/2013	KB	0.0050	0.0013	QC 10115011M
Nitrite as N	ND	mg/L		10/9/2013	KB	0.0050	0.0023	QC 10107041B

Sample Comments:

Sample Number: L-560-13-11 ID#: AA76367 Sample Collection Date: 10/7/2013 Time: 10:46
 Sample Location: Lab Submittal Date: 10/8/2013
 Customer reference: M-001B

	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Turbidity	ND	NTU		10/8/2013	CHA	1.0	0.30	SM 2130 B

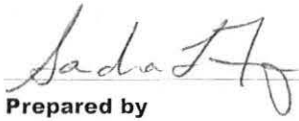
Sample Comments:

Sample Number: L-560-13-12 ID#: AA76368 Sample Collection Date: 10/7/2013 Time: 9:10
 Sample Location: Lab Submittal Date: 10/8/2013
 Customer reference: R-001A

	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Turbidity	ND	NTU		10/8/2013	CHA	1.0	0.30	SM 2130 B

Sample Comments:

DNQ = Detected not Quantified
 H = Holding Time Exceeded
 ND = Not Detected
 Lab Number L-560-13
 ML = RL



Prepared by

Sandra Finlayson

10-25-13

Date



Reviewed by

Kendall Penney

10/25/13

Date



Laboratory Director

Peter Ode

30 October 2013

Date

Total Lab Analysis Price: \$583.00

DNQ = Detected not Quantified
H = Holding Time Exceeded
ND = Not Detected
Lab Number L-560-13
ML = RL



DFG REQUEST FOR ANALYSIS AND CHAIN OF CUSTODY RECORD

Sampler MARCO	Ph # 760-938-2242	Send Results To FISH SPRINGS HATCHERY	Lab Number L56013
Address PO BOX 910	Address PO BOX 910	Field Number	
City BIG PINE	Zip 93513	Lab Storage R2	
Date Required/Reason	Address	Spill Title	
Shipped Via	City	Suspect QUARTERLY	
	Zip	Index-PCA	

Fish & Wildlife Loss Date: _____ Region: 6
 DFG Code Violation: _____
 Suspected or Potential Problem
 Routine Analysis

Analysis Requested >>>
 Water Temp: 32.8 For C pH: _____ DO: _____ mg/L Conductivity: _____ u mhos/cm

Sample Identification/Location (Draw map on separate sheet if necessary)	Collection		Petroleum Fingerprint	Trace Elements (Specify Below)	Pesticides (Specify Below)	NITROGEN	DIS-ORTHO	TURBIDITY	SET-SOLIDS	pH	DO	Sample Type						Number of Containers		Preservation	
	Date	Time										Water	Filtered Water	Soil	Tissue	Plastic	Glass	VOA Vial	Temp	Acid	
M-001 A	10/7	8:46 AM	X	X								X								X	
M-001 B	"	10:46	X					X				X								X	
M-001 C	"	8:49 AM			X	X						X									X
M-001 D	"	8:54 AM						X				X								X	
M-001 E	"	8:57 AM						X				X								X	
M-001 ORTHO	"	9:25 AM					X					X								X	
Blank	"	9:30 AM					X					X								X	
R-001 A	"	9:10 AM	X					X				X								X	
R-001 B	"	9:14 AM						X				X								X	

Problem Description: _____
 Suspect/Incident Location: _____
 Comments/Special Instructions: _____
 Pollution Action Kit: Yes No
 Glove Size: Large Medium
 Hazmat Shipper Requested: Yes No

Samples Relinquished By (Signature)	Print Name	Date	Received By (Signature)	Print Name	Date
<i>Marco Ambriz</i>	MARCO AMBRIZ	10-7-13	<i>D. Tonseth</i>	D. TONSETH	10-7-13
<i>C.R. Todd</i>	C.R. TODD	10-8-13	<i>C.R. Todd</i>	C.R. TODD	10-8-13
			<i>C. Askeri</i>	C. ASKERI	10-8-13

Pesticide Investigations Lab
 1701 Nimbus Road
 Rancho Cordova, CA 95670
 (916) 358-2950

 Petroleum Chemistry Lab
 1995 Nimbus Road
 Rancho Cordova, CA 95670
 (916) 358-2803

 Water Pollution Control Lab
 2005 Nimbus Road
 Rancho Cordova, CA
 (916) 358-2858

**CA DEPARTMENT OF FISH AND WILDLIFE
WATER POLLUTION CONTROL LABORATORY**

2005 NIMBUS ROAD
GOLD RIVER, CA 95670
PHONE (916) 358-2860 ATSS 8-434-2860 FAX (916) 985-4301

LABORATORY REPORT

Name: FISH SPRINGS HATCHERY	Project: OSPR
Agency: CA DEPARTMENT OF FISH AND WILDLIFE	Lab Number: L-603-13
Address: P.O. BOX 910	Customer: Fish Springs Hatchery
City: BIG PINE CA 93513	Index-PCA Code: 4240 32368
	Spill Title:
	Suspect:
Phone Number: 760-938-7142	P.O.#:
CC:	

Sample Number: L-603-13-01	ID#: AA77275	Sample Collection Date: 11/4/2013	Time: 7:30
Sample Location:		Lab Submittal Date: 11/5/2013	
Customer reference: SUPPLY A			

	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Total Suspended Solids 1L	ND	mg/L		11/6/2013	ES	2.0	0.3	SM 2540 D
Sample Comments:								

Sample Number: L-603-13-02	ID#: AA77276	Sample Collection Date: 11/4/2013	Time: 7:31
Sample Location:		Lab Submittal Date: 11/5/2013	
Customer reference: SUPPLY B			

	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Total Dissolved Solids	233	mg/L		11/8/2013	CHAVES	10	10	SM 2540 C
Sample Comments:								

Sample Number: L-603-13-03	ID#: AA77277	Sample Collection Date: 11/4/2013	Time: 7:32
Sample Location:		Lab Submittal Date: 11/5/2013	
Customer reference: SUPPLY C			

	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Nitrogen Total Kjeldahl	0.100	mg/L		11/14/2013	SF	0.100	0.029	QC 10107062E
Total Nitrogen as N	0.785	mg/L		11/22/2013	SF			Calculation
Nitrate as N	0.685	mg/L		11/12/2013	KB	0.0100	0.0050	QC 10107041B
Sample Comments:								

DNQ = Detected not Quantified
H = Holding Time Exceeded
ND = Not Detected
Lab Number L-603-13
ML = RL

Sample Number: L-603-13-04 ID#: AA77278 Sample Collection Date: 11/4/2013 Time: 7:36
 Sample Location: Lab Submittal Date: 11/5/2013
 Customer reference: SUPPLY- ORTHO

	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
OrthoPhosphate as P	0.102	mg/L		11/6/2013	KB	0.0050	0.0026	QC 10115011M
Nitrite as N	0.0027	mg/L	DNQ	11/6/2013	KB	0.0050	0.0023	QC 10107041B

Sample Comments:

Sample Number: L-603-13-05 ID#: AA77279 Sample Collection Date: 11/4/2013 Time: 7:40
 Sample Location: Lab Submittal Date: 11/5/2013
 Customer reference: SUPPLY- BLANK

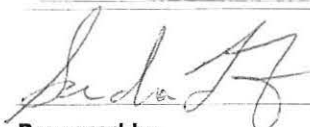
	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
OrthoPhosphate as P	ND	mg/L		11/6/2013	KB	0.0050	0.0013	QC 10115011M
Nitrite as N	ND	mg/L		11/6/2013	KB	0.0050	0.0023	QC 10107041B

Sample Comments:

Sample Number: L-603-13-06 ID#: AA77280 Sample Collection Date: 11/4/2013 Time: 13:00
 Sample Location: Lab Submittal Date: 11/5/2013
 Customer reference: M-001

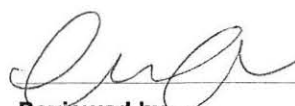
	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Potassium Permanganate	99.2	µg/L		11/27/2013	CA	28.8	5.75	Calculation
Total Manganese	34.5	µg/L		11/27/2013	CA	1.00	0.30	SM 3113B

Sample Comments:



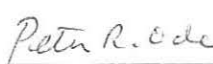
Prepared by
Sandra Finlayson

12-2-13
Date



Reviewed by
Christine Askari

12/2/13
Date



Laboratory Director
Peter Ode

12/3/2013
Date

Total Lab Analysis Price: \$507.00

DNQ = Detected not Quantified
 H = Holding Time Exceeded
 ND = Not Detected
 Lab Number L-603-13
 ML = RL



DFG REQUEST FOR ANALYSIS AND CHAIN OF CUSTODY RECORD

Sampler <i>MARCO AMPRIZ</i>	Ph #	Send Results To <i>FISH SPRINGS HATCHERY</i>	Lab Number <i>L-603-13</i>
Address <i>PO BOX 910</i>	Address <i>PO BOX 910</i>	Field Number	Lab Storage <i>6</i>
City <i>BIG PINE CA CA</i>	City <i>BIG PINE CA</i>	Zip <i>93517</i>	Spill Title
Date Required/Reason	Address	Zip	Suspect <i>QUARTERLY</i>
Shipped Via	City	Zip	Index-PCA

- Fish & Wildlife Loss Date: _____ Region: 6
- DFG Code Violation: _____
- Suspected or Potential Problem
- Routine Analysis

Analysis Requested >>>

Sample Identification/Location (Draw map on separate sheet if necessary)	Collection		Water Temp:					F or C	pH:	DO:	mg/L Conductivity: <i>u</i> mhos/cm							
	Date	Time	Petroleum Fingerprint	Trace Elements TDS (Specify Below)	Pesticides (Specify Below)	NITROGEN	DIS-ORTHO	KMN-04			Sample Type	Number of Containers			Preservation			
										Water	Filtered Water	Soil	Tissue	Plastic	Glass	VOA Vial	Temp	Acid
<i>SUPPLY - A</i>	<i>11-4-13</i>	<i>7:30 AM</i>	<input checked="" type="checkbox"/>							<input checked="" type="checkbox"/>				<i>1</i>			<input checked="" type="checkbox"/>	
<i>SUPPLY - B</i>	<i>11-4-13</i>	<i>7:31 AM</i>		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>				<i>1</i>			<input checked="" type="checkbox"/>	
<i>SUPPLY - C</i>	<i>11-4-13</i>	<i>7:32 AM</i>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>				<i>1</i>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>SUPPLY - ORTHO</i>	<i>11-4-13</i>	<i>7:36 AM</i>					<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>				<i>1</i>			<input checked="" type="checkbox"/>	
<i>SUPPLY - BLANK</i>	<i>11-4-13</i>	<i>7:40 AM</i>					<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>			<i>1</i>			<input checked="" type="checkbox"/>	
<i>M-001 - KMN 04</i>	<i>11-4-13</i>	<i>2:00 PM</i>						<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				<i>1</i>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Problem Description

Suspect/Incident Location

Comments/Special Instructions

Pollution Action Kit: Yes No

Glove Size: Large Medium

Hazmat Shipper Requested: Yes No

Samples Relinquished By (Signature)	Print Name	Date	Received By (Signature)	Print Name	Date
<i>MARCO AMPRIZ</i>	<i>MARCO AMPRIZ</i>	<i>11-4-13</i>	<i>Steven Wilsey</i>	<i>Steven Wilsey</i>	<i>11-4-13</i>
<i>Steven Wilsey</i>	<i>Steven Wilsey</i>	<i>11-5-13</i>	<i>C.R. Todd</i>	<i>C.R. Todd</i>	<i>11-5-13</i>
<i>C.R. Todd</i>	<i>C.R. Todd</i>	<i>11-5-13</i>	<i>J. Hamm</i>	<i>J. Hamm</i>	<i>11-5-13</i>

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Rancho Cordova, CA 95670
(916) 358-2803

Water Pollution Control Lab
2005 Nimbus Road
Rancho Cordova, CA
(916) 358-2858

ENCLOSURE 2
of Settlement Offer R6V-2016-0007

Lahontan Regional Water Quality Control Board

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER**

Charlton H. Bonham, Director
California Department of Fish & Wildlife
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
Director@wildlife.ca.gov

Settlement Offer No. R6V-2016-0007
NPDES Permit No. CA0102806

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the California Regional Water Quality Control Board, Lahontan Region (Water Board), the California Department of Fish and Wildlife (hereinafter "Permittee or "DFW") hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Water Board to dispute the allegations of violations described in the Notice of Violation (NOV), which is attached hereto as Exhibit "1" and incorporated herein by reference.

DFW agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. DFW agrees to pay the penalties required by California Water Code section 13385, in the sum of \$9,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code section 13385 that otherwise might be assessed for the violations described in the NOV. DFW understands that this Acceptance and Waiver waives DFW's right to contest the allegations in the NOV and the amount of civil liability for such violations.

DFW understands that this Acceptance and Waiver does not address or resolve liability for any violations, other than those specifically identified in the NOV.

Upon execution by DFW, the completed Acceptance and Waiver shall be returned via email to:

Lahontan@waterboards.ca.gov

Include "Fish Springs EPL Acceptance" and the WDID No. in the transmittal email's subject line.

DFW understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Water Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that causes the Water Board Executive Officer to question the Expedited Payment Amount, the Water Board Executive Officer will execute the Acceptance and Waiver.

DFW understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Water Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, DFW will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Water Board. For such a liability hearing, DFW understands that this Acceptance and Waiver executed by DFW will be treated as a settlement communication and will not be used as evidence in that hearing.

DFW further understands that once the Acceptance and Waiver is executed by the Water Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the **\$9,000** liability shall be paid by a cashiers or certified check for \$9,000, made out to the "State Water Pollution Cleanup and Abatement Account" referencing the number of this Settlement Offer. The payment must be submitted to the State Water Resources Control Board, Division of Administrative Services, Accounting Branch, 1001 I Street, 18th Floor, Sacramento, California 95814, no later than thirty (30) days after the date the Acceptance and Waiver is executed by the Water Board Executive Officer .

I hereby affirm that I am duly authorized to act on behalf of and to bind DFW in the making and giving of this Acceptance and Waiver.

California Department of Fish and Wildlife

By: _____
(Signed Name) (Date)

(Printed or typed name) (Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

Date: _____

By: _____
PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER