



**California Regional Water Quality Control Board**  
**Lahontan Region**



Linda S. Adams  
Secretary for  
Environmental Protection

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Arnold Schwarzenegger  
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February 11, 2010

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**TRANSMITTAL OF WRITTEN MATERIALS FOR CONSIDERATION OF COMPLAINT  
NO. R6V-2010-0004 FOR MANDATORY ADMINISTRATIVE CIVIL LIABILITY ISSUED  
TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME, HOT CREEK  
HATCHERY, MONO COUNTY**

Pursuant to the February 4, 2010 Hearing Procedures, I am submitting 15 copies and an electronic copy of the Lahontan Water Board Prosecution Team's written materials to Mr. Singer and one copy to Mr. Coupe for the above-referenced case. These written materials are also being transmitted to Jim Starr and Nancee Murray of the Department of Fish and Game.

Please contact me at (530) 542-5436 if you have any questions regarding this matter.

Chuck Curtis  
Supervising Water Resource Control Engineer

*California Environmental Protection Agency*

Harold J. Singer  
David Coupe  
Jim Starr  
Nancee Murray

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Enclosure: Water Board Prosecution Team's written materials

cc (w/enclosure): Mayumi Okamoto, SWRCB, Office of Enforcement  
Lauri Kemper, Lahontan Water Board  
Scott C. Ferguson, Lahontan Water Board  
Taylor Zentner, Lahontan Water Board  
Mike Plaziak, Lahontan Water Board  
Cindi Mitton, Lahontan Water Board

SCF/clhT:/Hot Creek Hatchery MMP ACL, Written Materials-Cover Letter (2-9-2010)  
File Under: VVL Office - Hot Creek Hatchery, WDID No. 6B260801001  
x-File Under: SLT Office - Hot Creek Hatchery, WDID No. 6B260801001

**REGIONAL WATER QUALITY CONTROL BOARD, LAHONTAN REGION  
PUBLIC HEARING SCHEDULED FOR APRIL 14 – 15, 2010**

**TRANSMITTAL OF WRITTEN MATERIALS FOR CONSIDERATION OF  
COMPLAINT NO. R6V-2010-0004**

**FOR**

**MANDATORY ADMINISTRATIVE CIVIL LIABILITY ISSUED TO THE  
CALIFORNIA DEPARTMENT OF FISH AND GAME,  
HOT CREEK HATCHERY, MONO COUNTY**

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**SECTION I**

**LIST OF WITNESSES**

## LIST OF WITNESSES

1. Taylor B. Zentner, Environmental Scientist, Regional Water Quality Control Board, Lahontan Region
2. Scott C. Ferguson, P.E., Senior Water Resource Control Engineer, Chief - Enforcement and Special Projects Unit, Regional Water Quality Control Board, Lahontan Region
3. Lauri Kemper, P.E., Assistant Executive Officer, Regional Water Quality Control Board, Lahontan Region
4. Charles L. Curtis, P.E., Supervising Water Resource Control Engineer, Manager - Cleanup and Enforcement Division, Regional Water Quality Control Board, Lahontan Region

**SECTION II**

**SUMMARY OF TESTIMONY**

**SUMMARY OF TESTIMONY OF TAYLOR B. ZENTNER, SCOTT C. FERGUSON, CHARLES L. CURTIS, AND LAURI KEMPER**

- The Department of Fish and Game owns and operates the Hot Creek Hatchery (Facility);
- The Facility discharges waste to Hot Creek, a water of the United States;
- The Facility's waste discharge to Hot Creek is subject to waste discharge requirements (Board Order No. R6V-2006-0027, NPDES Permit No. CA0102776), which specifies numeric effluent limitations.
- Evidence supporting violation of the numeric effluent limitations specified by Board Order No. R6V-2006-0027;
- Legal requirement for the Water Board to impose mandatory minimum administrative civil liability for violating numeric effluent limitations; and
- Recommendation to the Water Board.

**SECTION III**

**LIST OF EXHIBITS**

## LIST OF EXHIBITS

Exhibit No.	Description of Exhibit
1	Board Order No. R6V-2006-0027, Pages 1 – 10 (Findings and Numeric Effluent Limitations)
2	Board Order No. R6V-2006-0027, Attachment E, Monitoring and Reporting Program
3	Water Code Section 13385
4	Complaint No. R6V-2010-0004
5	August 2006 Monitoring Report (9/25/2006)
6	September 2006 Monitoring Report/Third Quarter 2006 Monitoring Report (10/30/2006)
7	October 2006 Monitoring Report (11/13/2006)
8	December 2006 Monitoring Report/Fourth Quarter 2006 Monitoring Report (1/23/2007)
9	March 2007 Monitoring Report/First Quarter 2007 Monitoring Report (4/27/2007)
10	May 2007 Monitoring Report (6/5/2007)
11	First Semi-Annual 2007 Monitoring Report (7/25/2007)
12	July 2007 Monitoring Report (8/6/2007)
13	September 2007 Monitoring Report/Third Quarter 2007 Monitoring Report (10/25/2007)
14	December 2007 Monitoring Report/Annual 2007 Monitoring Report (1/24/2008)
15	February 2008 Monitoring Report (3/5/2008)

16	March 2008 Monitoring Report/First Quarter 2008 Monitoring Report (4/18/2008)
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26	January 2009 Monitoring Report (1/20/2009)
27	February 2009 Monitoring Report (2/26/2009)
28	March 2009 Monitoring Report/First Quarter 2009 Monitoring Report (4/1/2009)
29	May 2009 Monitoring Report (6/5/2009)

**SECTION IV**

**EXHIBITS**

EXHIBIT NO. 1

# California Regional Water Quality Control Board



Linda S. Adams  
Secretary for  
Environmental Protection

## Lahontan Region

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Arnold Schwarzenegger  
Governor

**HOTCREEK FISH HATCHERY**  
**ORDER NO. R6V-2006-0027**  
**NPDES NO. CA0102776**  
**WDID No. 6B260801001**

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order:

<b>Discharger</b>	State of California Department of Fish & Game (Owner/ Operator) and the United States Forest Service (Land Owner)
<b>Name of Facility</b>	Hot Creek Fish Hatchery
<b>Facility Address</b>	HCR 79, Box 208
	85 Old School Road
	Mammoth Lakes, CA 93546
	Mono

The Discharger is authorized to discharge from the following discharge points as set forth below:

Discharge Point	Effluent Description	Discharge Point Latitude*	Discharge Point Longitude*	Receiving Water
001	Wastewater from Production Raceway	37 °, 38', 31.4" N	118 °, 51', 14.3" W	Hot Creek
002	Wastewater from Production Raceway	37 °, 38', 31.5" N	118 °, 51', 11.5" W	Hot Creek
003	Wastewater from Hatchery 1, Hatchery 1 brood ponds, and Hatchery 1 spawning house	37 °, 38', 31.3" N	118 °, 51', 9.8" W	Hot Creek
004	Wastewater from Hatchery 2, Hatchery 2 brood ponds, and Hatchery 2 spawning house	37 °, 38', 36" N	118 °, 50', 48" W	Tributary to Hot Creek

\* (WGS84/NAD83)

This Order was adopted by the Regional Water Board on:	<b>June 14 2006</b>
This Order shall become effective on:	<b>June 15, 2006</b>
This Order shall expire on:	<b>June 14, 2011</b>
The U.S. Environmental Protection Agency (USEPA) and the Regional Water Board have classified this discharge as a minor discharge.	
The Discharger shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, <b>not later than 180 days in advance of the Order expiration date</b> as application for issuance of new waste discharge requirements.	

IT IS HEREBY ORDERED, that Order No. 6-99-55 is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

Order

R6V-2006-0027 HotCreek WDR.doc

This Order shall become the NPDES Permit, pursuant to Section 402 of the Federal Clean Water Act and amendments thereto, and shall take effect on June 15, 2006, provided the USEPA Regional Administer has no objections.

I, Harold J. Singer, Executive Officer, do hereby certify the following is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on June 15, 2006.



Harold J. Singer, Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
REGION 6, LAHONTAN REGION**

ORDER NO. R6V-2006-0027  
NPDES NO. CA0102776

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**I. FACILITY INFORMATION**

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order:

<b>Discharger</b>	State of California Department of Fish & Game (Owner/ Operator) and the United States Forest Service (Land Owner).
<b>Name of Facility</b>	Hot Creek Fish Hatchery
<b>Facility Address</b>	HCR 79, Box 208
	Mammoth Lakes, CA 93546
	Mono County
<b>Facility Contact, Title, and Phone</b>	Michael G. Seefeldt, Fish Hatchery Manager II, 760-934-2664
<b>Mailing Address</b>	Same
<b>Type of Facility</b>	Other (Concentrated Aquatic Animal Production Facility / Fish Hatchery)
<b>Facility Design Flow</b>	Not Applicable

**II. FINDINGS**

The California Regional Water Quality Control Board, Lahontan Region (hereinafter Regional Water Board), finds:

- A. **Discharger.** State of California Department of Fish & Game (CDFG) is currently discharging wastewater under Order No. 6-99-55 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0102776 from a hatchery owned and operated by CDFG on property owned by the Los Angeles Department of Water and Power (LADWP) and the United States Forest Service (USFS). The CDFG and USFS are hereinafter referred to as the Discharger. Hereinafter, the term "Discharger" will be used to signify the scheme of primary responsibility for the CDFG, and secondary responsibility for the USFS. The Discharger submitted a Report of Waste Discharge, dated October 26, 2004 and applied for a NPDES permit renewal to discharge up to 19.6 million gallons per day (MGD) of wastewater from Hot Creek Fish Hatchery, hereinafter Facility.
  
- B. **Facility Description.** The Facility produces between 285,000 and 325,000 pounds of catchable fish per year, 14,000,000 trout eggs for distribution statewide, and 1.5 million fingerlings for air planting. The Facility consists of two hatcheries (Hatchery I and Hatchery II), two spawning houses, 42 fingerling tanks, 40 fingering troughs, 9 brood ponds, 42 production ponds, 4 production raceways and 3 settling ponds. Wastewater produced from the Facility's four raceways receives sedimentation treatment in two parallel flow-through settling ponds before discharge through Discharge Points 001 and 002 to Hot Creek. The wastewater produced from Hatchery I, the Hatchery I brood ponds, and the Hatchery I spawning house receives sedimentation treatment in a settling pond, McBurney Pond, and discharged through Discharge Point 003 to Hot Creek. No treatment is usually provided for the wastewater produced from Hatchery II, the Hatchery II brood ponds, and the Hatchery II spawning house before discharge through Discharge Point 004 to a small tributary to Hot Creek. Hot Creek and its small tributary are the waters of the United States within Owens River Watershed. Attachment B provides a

topographic map of the area around the facility. Attachment C provides a flow schematic of the facility.

- C. **Legal Authorities.** This Order is issued pursuant to section 402 of the Federal Clean Water Act (CWA), 33 United States Code (USC) 1342, and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). Special NPDES Requirements for concentrated aquatic animal production facilities are regulated by Code of Federal Regulations (CFR) at 40 CFR §122.24. This Order shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC for discharges that are not subject to regulation under CWA section 402.
- D. **Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and through special studies. Attachments A through K, which contain background information and rationale for Order requirements, are hereby incorporated into this Order and, thus, constitute part of the Findings for this Order.
- E. **California Environmental Quality Act (CEQA).** This action to adopt an NPDES permit is exempt from the provisions of the CEQA (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the CWC.
- F. **Technology-based Effluent Limitations.** The Code of Federal Regulations (CFR) at 40 CFR §122.44(a) requires that permits include applicable technology-based limitations and standards. This Order includes technology-based effluent limitations based on Effluent Limitations Guidelines and Standards for the Aquatic Animal Production Industry Category in 40 CFR Part 451 and Best Professional Judgment (BPJ) in accordance with 40 CFR §125.3. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet (Attachment F).
- G. **Water Quality-based Effluent Limitations.** Section 122.44(d) of 40 CFR requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, 40 CFR §122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter.
- H. **Water Quality Control Plans.** The Regional Water Board adopted a Water Quality Control Plan for the Lahontan Region (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan.

The Basin Plan at pages 2-3 states that the beneficial uses of any specifically identified water body generally apply to its tributary streams. The Basin Plan does not specifically identify beneficial uses for tributaries to Hot Creek, but does identify present and potential uses for Hot Creek. In addition, State Water Resources Control Board (State Water Board) Resolution No. 88-63 requires that, with certain exceptions, the Regional Water Board assign the municipal and

domestic supply use to water bodies that do not have beneficial uses listed in the Basin Plan. Thus, beneficial uses applicable to Hot Creek and to its tributaries are as follows:

Discharge Point	Receiving Water Name	Beneficial Use(s)
001, 002, 003	Hot Creek	<u>Existing:</u> Municipal and domestic water supply (MUN), agricultural supply (AGR), industrial service supply (IND), Ground water recharge (GWR), contact water recreation (REC-1), non-contact water recreation (REC-2), commercial and sport fishing (COMM), aquaculture (AQUA), cold freshwater habitat (COLD), wildlife habitat (WILD), preservation or rare, threatened or endangered species (RARE), migration of aquatic organisms (MIGR), spawning, reproduction, and development (SPWN).
004	Un-named tributary to Hot Creek	

The State Water Board adopted a *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for inland surface waters.

Requirements of this Order specifically implement the applicable Water Quality Control Plans.

- I. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, which was amended on May 4, 1995 and November 9, 1999, and the CTR on May 18, 2000, which was amended on February 13, 2001. These rules include water quality criteria for priority pollutants and are applicable to this discharge.
- J. **State Implementation Policy.** On March 2, 2000, State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by USEPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP became effective on May 18, 2000. The SIP includes procedures for determining the need for and calculating WQBELs and requires dischargers to submit data sufficient to do so.
- K. **Compliance Schedules and Interim Requirements.** Section 2.1 of the SIP provides that, based on a discharger's request and demonstration that it is infeasible for an existing discharger to achieve immediate compliance with an effluent limitation derived from a CTR criterion, compliance schedules may be allowed in an NPDES permit. Unless an exception has been granted under Section 5.3 of the SIP, a compliance schedule may not exceed 5 years from the date that the permit is issued or reissued, nor may it extend beyond 10 years from the effective date of the SIP (or May 18, 2010) to establish and comply with CTR criterion-based effluent limitations. Where a compliance schedule for a final effluent limitation exceeds 1 year, the Order must include interim numeric limitations for that constituent or parameter. Where allowed by the Basin Plan, compliance schedules and interim effluent limitations or discharge specifications may also be granted to allow time to implement a new or revised water quality

objective. This Order does not include compliance schedules and interim effluent limitations and/or discharge specifications.

- L. **Antidegradation Policy.** Section 131.12 of 40 CFR requires that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16, which incorporates the requirements of the federal antidegradation policy. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. As discussed in detail in the Fact Sheet (Attachment F) the permitted discharge is consistent with the antidegradation provision of 40 CFR §131.12 and State Water Board Resolution 68-16.
- M. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR §122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order.
- N. **Monitoring and Reporting.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.
- O. **Standard and Special Provisions.** Standard Provisions, which in accordance with 40 CFR §§122.41 and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D. The Regional Water Board has also included in this Order special provisions applicable to the Discharger. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet (Attachment F).
- P. **Notification of Interested Parties.** The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet (Attachment F) of this Order.
- Q. **Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet (Attachment F) of this Order.

### III. Discharge Prohibitions

#### A. Discharge Prohibitions – Discharge Points 001, 002, 003, and 004

1. The discharge of waste<sup>a</sup> which causes violation of any narrative water quality objective contained in the Basin Plan is prohibited.
2. The discharge of waste which causes violation of any numeric water quality objective contained in the Basin Plan is prohibited.
3. Where any numeric or narrative water quality objective contained in the Basin Plan is already being violated, the discharge of waste which causes further degradation or pollution is prohibited.
4. The discharge of untreated sewage, garbage, or other solid wastes, or industrial wastes into surface waters of the Region is prohibited.
5. The discharge of hatchery wastewater except to the authorized discharge points (Discharge Points 001, 002, 003, and 004) is prohibited.
6. There shall be no discharge, bypass, or diversion of hatchery wastewater from the transport or treatment facilities to surface waters other than that authorized by this Order.
7. The discharge shall not cause a pollution as defined in Section 13050 of the CWC, or a threatened pollution.
8. Neither the treatment nor the discharge shall cause a nuisance as defined in Section 13050 of the CWC.
9. The discharge shall not cause a violation of any applicable water quality standards for receiving water adopted by the Regional Water Board or the State Water Resources Control Board (SWRCB).
  - a. The discharge of any therapeutic or pharmaceutical aquaculture drug or chemical resulting in toxicity in receiving waters is prohibited.
  - b. The discharge of any pesticides resulting in detectable concentrations in receiving waters is prohibited.
10. The use of any aquaculture drug or chemical that may be potentially discharged to waters of the United States or of the State and not authorized for discharge in Section VI.C.2.a of this Order is prohibited. The use of aquaculture drugs and chemicals, which may be potentially discharged to waters of the United States or of the State, in a manner not specified in Section VI.C.2.a of this Order is prohibited. Modifications to the authorized use and disposal of aquaculture drugs and chemicals at the Facility may be allowed by the Regional Water Board as specified in Section VI.C.2.a of this Order.

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<sup>a</sup> "Waste" is defined to include any waste or deleterious material including, but not limited to, waste earthen materials (such as soil, silt, sand, clay, rock, or other organic or mineral material) and any other waste as defined in the California Water Code § 13050(d).

**IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS**

**A. Effluent Limitations – Discharge Points 001, 002, 003, and 004**

**1. Final Effluent Limitations – Discharge Points 001, 002, 003, and 004**

b. The discharge of Hot Creek Fish Hatchery wastewater shall maintain compliance with the following effluent limitations at Discharge Points 001, 002, 003, and 004, with compliance measured at Monitoring Locations M-001, M-002, M-003, and M-004 as described in the attached Monitoring and Reporting Program (Attachment E):

Parameter	Units <sup>1</sup>	Effluent Limitations			
		Average Monthly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Flow	MGD	--	6.9	--	--
		--	6.5	--	--
		--	3.8	--	--
		--	2.5	--	--
<i>Conventional Pollutants</i>					
PH	s.u.	--	--	6.0	9.0
Total Suspended Solids (TSS) <sup>a</sup>	mg/L	6.0	--	--	15.0
<i>Priority Pollutants</i>					
Copper, total recoverable	µg/L	4.9	9.9	--	--
<i>Non-Conventional Pollutants</i>					
Chloramine-T	Mg/L	1.5	3.0	--	--
Formaldehyde	mg/L	0.65	1.3	--	--
Hydrogen Peroxide	mg/L	--	1.3	--	--

<sup>a</sup> Limit is 6.0 mg/L net over levels in influent

Parameter	Units <sup>1</sup>	Effluent Limitations			
		Average Monthly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Nitrate + Nitrite (as N)	mg/L	0.23	0.31	--	--
Potassium Permanganate	mg/L	0.12	0.25	--	--
Settleable Solids	mL/L	0.1	--	--	--
Total Dissolved Solids (TDS)	mg/L	283	297	--	--

<sup>1</sup>s.u. = standard units; MGD = million gallons per year; mg/L = milligrams per liter; µg/L = micrograms per liter; mL/L = milliliter per liter

The discharge shall not contain trace elements, pollutants, contaminants, or combinations thereof, in concentrations which are toxic or harmful to human, aquatic, terrestrial plant, or animal life.

EXHIBIT NO. 2

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## **ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)**

40 CFR §122.48 requires that all NPDES permits specify monitoring and reporting requirements. CWC sections 13267 and 13383 also authorize the Regional Water Quality Control Boards to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements, which implement the federal and California regulations.

### **I. GENERAL MONITORING PROVISIONS**

- A. In the implementation of the Monitoring and Reporting Program, Regional Board staff shall comply with California Department of Fish and Game disease control procedures when entering or placing equipment in Hatchery flow streams.
- B. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring locations specified below and, unless otherwise specified, before the monitored flow joins or is diluted by any other waste stream, body of water, or substance. Monitoring locations shall not be changed without notification to and the approval of this Regional Water Board.
- B. Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than  $\pm 10$  percent from true discharge rates throughout the range of expected discharge volumes.
- C. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services.
- D. All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year to ensure continued accuracy of the devices.
- E. Monitoring results, including noncompliance, shall be reported at intervals and in a manner specified in this Monitoring and Reporting Program.

## II. MONITORING LOCATIONS

The Discharger shall establish the following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order:

Source Water/ Discharge Point Name	Monitoring Location Name	Monitoring Location Description
<b>Source Water</b>		
001	S-001	Headwaters AB Spring
002	S-002	Headwaters CD Spring
003	S-003	Hatchery I Spring
004	S-004	Hatchery II Spring
<b>Discharge Point</b>		
001	M-001	Outfall Settling Pond 1
002	M-002	Outfall Settling Pond 2
003	M-003	Outfall McBurney Pond
004	M-004	Outfall Spawning House II
<b>Receiving Water</b>		
---	R-001	Mammoth Creek, at a location 25 feet upstream of confluence of Hot Creek and Mammoth Creek
---	R-002	Hot Creek, at a point 50 feet downstream of the location where the short tributary receiving discharge from Discharge Point 004 meets Hot Creek

## III. INFLUENT MONITORING REQUIREMENTS

### A. Monitoring Locations S-001, S-002, S-003, and S-004

1. The Discharger shall monitor supply water to the Facility at S-001, S-002, S-003, and S-004 as follows:

Parameter	Units	Sample Type	Minimum Sampling Frequency <sup>a</sup>	Required Analytical Test Method <sup>b</sup>
Flow	MGD	Grab	1 / semi-annual period	40 CFR Part 136 Methods
<i>Conventional Pollutants</i>				
pH	standard units	Grab	1 / semi-annual period	40 CFR Part 136 Methods
Total Suspended Solids (TSS)	mg/L	Grab	1 / semi-annual period	40 CFR Part 136 Methods
<i>Non-Conventional Pollutants</i>				
Dissolved Oxygen	mg/l	Grab	1 / semi-annual period	40 CFR Part 136 Methods
Nitrate +Nitrite (as N)	mg/L	Grab	1 / semi-annual period	40 CFR Part 136 Methods
Orthophosphate, Dissolved (as P)	mg/L	Grab	1 / semi-annual period	40 CFR Part 136 Methods
Total Dissolved Solids (TDS)	mg/L	Grab	1 / semi-annual period	40 CFR Part 136 Methods
Nitrogen, Total (as N)	mg/L	Grab	1 / semi-annual period	40 CFR Part 136 Methods
Settleable Solids	ml/L	Grab	1 / semi-annual period	40 CFR Part 136 Methods
Temperature	°F	Grab	1 / semi-annual period	40 CFR Part 136 Methods
Turbidity	NTU	Grab	1 / semi-annual period	40 CFR Part 136 Methods

<sup>a</sup> To be collected on the same day the effluent samples are collected for analysis.

<sup>b</sup> Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136. Where no methods are specified for a given pollutant, pollutants shall be analyzed by method proposed by the Discharger and approved by the Executive Officer.

#### IV. EFFLUENT MONITORING REQUIREMENTS

##### A. Monitoring Locations M-001, M-002, M-003, and M-004

1. The Discharger shall monitor wastewater discharged from the Facility via Discharge Points 001, 002, 003, and 004 at Monitoring Locations M-001, M-002, M-003, and M-004, respectively, as follows:

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method <sup>a</sup>
Flow	MGD	Instantaneous	1 / month	40 CFR Part 136 Methods
<i>Conventional Pollutants</i>				
PH	standard units	Grab pair	1 / month <sup>d</sup>	40 CFR Part 136 Methods
Total Suspended Solids (TSS)	mg/L	Grab pair	1 / month	40 CFR Part 136 Methods
<i>Priority Pollutants - Aquaculture Chemical</i>				
Copper, Total Recoverable	µg/L	Grab	1 / discharge event <sup>b,c</sup>	40 CFR Part 136 Methods
<i>Non-Conventional Pollutants</i>				
Boron	mg/L	Grab	1 / year	40 CFR Part 136 Methods
Chloride	mg/L	Grab	1 / semi-annual period	40 CFR Part 136 Methods
Dissolved Oxygen	mg/l	Grab pair	1 / quarter	40 CFR Part 136 Methods
Electrical Conductivity @ 25 Deg. C	µmhos/cm	Grab	1 / quarter <sup>g</sup>	40 CFR Part 136 Methods
Fluoride	mg/L	Grab	1 / year	40 CFR Part 136 Methods
Nitrate+Nitrite as N	mg/L	Grab pair	1 / quarter	40 CFR Part 136 Methods
Nitrogen, Total	mg/L	Grab pair	1 / semi-annual period	40 CFR Part 136 Methods
Orthophosphate, Dissolved	mg/L	Grab pair	1 / semi-annual period	40 CFR Part 136 Methods
Settleable Solids	ml/L	Grab pair	1 / quarter	40 CFR Part 136 Methods
Sulfate	mg/L	Grab	1 / quarter	40 CFR Part 136 Methods
Temperature	°F	Grab	1 / quarter	40 CFR Part 136 Methods
Total Dissolved Solids (TDS)	mg/L	Grab pair	1 / quarter	40 CFR Part 136 Methods
Turbidity	NTU	Grab	1 / quarter	40 CFR Part 136 Methods
<i>Non-Conventional Pollutants - Aquaculture Chemicals</i>				
Formaldehyde (due to formalin addition)	mg/L	Grab	1 / discharge event <sup>c,e</sup>	40 CFR Part 136 Methods
Chloramine-T®	mg/L	Grab	1 / discharge event <sup>c,f</sup>	40 CFR Part 136 Methods
Hydrogen Peroxide	mg/L	Grab	1 / discharge event <sup>c,f</sup>	40 CFR Part 136 Methods
Isoeugenol (Aqui-S®)	mg/L	Grab	1 / discharge event <sup>c,f</sup>	40 CFR Part 136 Methods
Potassium Permanganate	mg/L	Grab	1 / discharge event <sup>c,f</sup>	40 CFR Part 136 Methods
Oxytetracycline HCl <sup>h</sup>	mg/L	Grab	1 / discharge event <sup>c,f</sup>	40 CFR Part 136 Methods
Penicillin G Potassium	mg/L	Grab	1 / discharge event <sup>c,f</sup>	40 CFR Part 136 Methods
PVP Iodine	mg/L	Grab	1 / discharge event <sup>c,f</sup>	40 CFR Part 136 Methods
Tricaine methanesulfonate (MS-222 with trade names of Finquel® or Tricaine-S®)	mg/L	Grab	1 / discharge event <sup>c,f</sup>	40 CFR Part 136 Methods

<sup>a</sup> Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136. Where no methods are specific for

- a given pollutant, pollutants shall be analyzed by method proposed by the Discharger and approved by the Executive Officer.
- <sup>b</sup> Effluent samples shall be collected when chemicals containing copper (copper sulfate or chelated copper compounds) are added to the waters of the Facility. The effluent samples shall be collected when the concentration of copper in the effluent due to the chemical addition is expected to be at a maximum.
- <sup>c</sup> When there is more than one discharge event of the chemical in a quarter, the Discharger is not required to sample for more than one of the events.
- <sup>d</sup> Minimum sampling frequency is once per month. In addition, when the chemical acetic acid or sodium bicarbonate is added to waters of the facility, a sample of the effluent shall be collected at a time when the concentration of the parameter in the effluent is expected to be at a maximum.
- <sup>e</sup> Effluent samples shall be collected when the chemical is added to the waters of the Facility. Effluent samples shall be collected when the effluent concentration of the parameter affected by the chemical addition is at a maximum. The chemicals affecting the parameters are shown in parenthesis in the parameter column.
- <sup>f</sup> Effluent samples shall be collected when the chemical is added to the waters of the Facility. Effluent samples shall be collected when the effluent concentration of the chemical is at a maximum.
- <sup>g</sup> Minimum sampling frequency is once per quarter. In addition, when the sodium chloride or sodium bicarbonate is added to waters of the facility, a sample of the effluent shall be collected at a time when the concentration of the parameter in the effluent is expected to be at a maximum.
- <sup>h</sup> Oxytetracycline monitoring is required only when the Facility uses it in bath treatment

**V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS – Not Applicable**

**VI. LAND DISCHARGE MONITORING REQUIREMENTS – Not Applicable**

**VII. RECLAMATION MONITORING REQUIREMENTS – Not Applicable**

**VIII. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER AND GROUNDWATER**

**A. Monitoring Locations R-001, (Mammoth Creek, at a location 25 feet upstream of confluence of Hot Creek and Mammoth Creek)**

1. The Discharger shall monitor Mammoth Creek at R-001 as follows:

Parameter	Units	Sample Type	Minimum Sampling Frequency <sup>a</sup>	Required Analytical Test Method <sup>b</sup>
Flow	MGD	Instantaneous	1 / semi-annual period	40 CFR Part 136 Methods
<i>Conventional Parameters</i>				
PH	standard units	Grab	1 / semi-annual period	40 CFR Part 136 Methods
Total Suspended Solids (TSS)	mg/L	Grab pair	1 / quarter	40 CFR Part 136 Methods
<i>Non-Conventional Parameters</i>				
Dissolved Oxygen	mg/l	Grab	1 / quarter	40 CFR Part 136 Methods
Nitrate+Nitrite (as N)	mg/L	Grab	1 / semi-annual period	40 CFR Part 136 Methods
Orthophosphate, Dissolved (as P)	mg/L	Grab	1 / semi-annual period	40 CFR Part 136 Methods
Total Dissolved Solids (TDS)	mg/L	Grab	1 / semi-annual period	40 CFR Part 136 Methods
Nitrogen, Total (as N)	mg/L	Grab	1 / semi-annual period	40 CFR Part 136 Methods
Settleable Solids	ml/L	Grab pair	1 / quarter	40 CFR Part 136 Methods

Temperature	°F	Grab	1 / quarter	40 CFR Part 136 Methods
Turbidity	NTU	Grab	1 / quarter	40 CFR Part 136 Methods

<sup>a</sup> To be collected on the same day the effluent samples are collected for analysis.

<sup>b</sup> Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136. Where no methods are specified for a given pollutant, pollutants shall be analyzed by method proposed by the Discharger and approved by the Executive Officer.

**B. Monitoring Location R-002 (Surface Water, Hot Creek, at a point 50 feet downstream of the location where the short tributary receiving discharge from Discharge Point 004 meets Hot Creek)**

1. The Discharger shall monitor Hot Creek at R-002 as follows:

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method <sup>b</sup>
Flow	MGD	Instantaneous	1 / quarter	40 CFR Part 136 Methods
<i>Conventional Pollutants</i>				
PH	standard units	Grab	1 / quarter	40 CFR Part 136 Methods
Total Suspended Solids (TSS)	mg/L	Grab pair	1 / quarter	40 CFR Part 136 Methods
<i>Priority Pollutant</i>				
Copper, Total Recoverable	mg/L	Grab	1 / discharge event <sup>c</sup>	40 CFR Part 136 Methods
<i>Non-Conventional Pollutants</i>				
Ammonia	mg/L	Grab	1 / quarter	40 CFR Part 136 Methods
Boron	mg/L	Grab	1 / year	40 CFR Part 136 Methods
Chloride	mg/L	Grab	1 / year	40 CFR Part 136 Methods
Dissolved Oxygen	mg/l	Grab	1 / quarter	40 CFR Part 136 Methods
Formaldehyde	mg/L	Grab	1 / discharge event <sup>c</sup>	40 CFR Part 136 Methods
Fluoride	mg/L	Grab	1 / year	40 CFR Part 136 Methods
Nitrate+Nitrite as N	mg/L	Grab pair	1 / semi-annual period	40 CFR Part 136 Methods
Nitrogen, Total	mg/L	Grab pair	1 / semi-annual-period	40 CFR Part 136 Methods
Orthophosphate Dissolved, Total	mg/L	Grab pair	1 / semi-annual period	40 CFR Part 136 Methods
Settleable Solids	ml/L	Grab pair	1 / quarter	40 CFR Part 136 Methods
Sulfate	mg/L	Grab	1 / year	40 CFR Part 136 Methods
Temperature	°F	Grab	1 / quarter	40 CFR Part 136 Methods
Total Dissolved Solids (TDS)	mg/L	Grab pair	1 / quarter	40 CFR Part 136 Methods
Turbidity	NTU	Grab	1 / quarter	40 CFR Part 136 Methods

<sup>a</sup> To be collected on the same day the effluent samples are collected for analysis.

<sup>b</sup> Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136. Where no methods are specified for a given pollutant, pollutants shall be analyzed by method proposed by the Discharger and approved by the Executive Officer.

<sup>c</sup> Monitoring for this pollutant only required if chemicals containing copper (copper sulfate or chelated copper compounds) or formaldehyde (formalin) are added to waters of the facility. When there is more than one discharge event in a year, the Discharger is not required to sample for more than one of the events. A sample of the receiving water shall be collected at a time when the concentration of the parameter in the receiving water is expected to be at a maximum.

2. In conducting the receiving water sampling, a log shall be kept of the condition of the receiving water. A summary of the log shall be reported in quarterly self-monitoring reports. Attention shall be given to the presence or absence of:

- a. floating or suspended matter;
- b. discoloration;
- c. visible films, sheens, or coatings;
- d. bottom deposits;

- e. - potential nuisance conditions;
- f. aquatic life;
- g. algae, fungi, slimes, or other aquatic vegetation and
- h. sample odor.

**C. Monitoring Location R-002 (Sediment)**

1. The Discharger shall monitor Hot Creek sediment at Monitoring Location R-002 as follows:

Parameter	Units	Sample Type <sup>a</sup>	Minimum Sampling Frequency	Required Test Method <sup>b</sup>
<i>Priority Pollutants – Aquaculture Chemical</i>				
Copper, Total Recoverable	µg/kg	Grab	1 / year	40 CFR Part 136 Methods
<i>Non-Conventional Pollutants – Aquaculture Chemicals</i>				
Manganese (From KMnO <sub>4</sub> Addition)	mg/kg	Grab	2/permit life <sup>c</sup>	40 CFR Part 136 Methods

<sup>a</sup> Surface grab samples containing the upper 2 centimeters of sediment shall be taken from an Ekman grab (or another method approved by the executive officer).

<sup>b</sup> Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136. Where no methods are specified for a given pollutant, pollutants shall be analyzed by method proposed by the Discharger and approved by the Executive Officer.

<sup>c</sup> The monitoring should be performed in the 1<sup>st</sup> and 4<sup>th</sup> year of the permit

**IX. OTHER MONITORING REQUIREMENTS**

**A. Bioassessment Monitoring**

The Discharger shall characterize impacts of Facility operations on aquatic life uses in the receiving waters by using biomonitoring (bioassessment) techniques to document the assemblages of aquatic communities and condition of physical aquatic habitat below the discharge points, and either above the discharge points or at another appropriate reference site(s). Biomonitoring shall be conducted at least once per year, during a summer reference period between June 15 and September 15. Sampling in subsequent years shall be conducted within the same reference period within two weeks before or after the original sampling date. The biomonitoring shall be patterned after the USEPA Rapid Bioassessment Protocols or an equivalent method. The Regional Water Board recommends that the biomonitoring protocols developed by the CDFG for use in California, as modified for use in the eastern Sierra by the Sierra Nevada Aquatic Research Laboratory, be incorporated into the Hot Creek Hatchery proposed biomonitoring procedure.

The Discharger shall update the existing biomonitoring work plan as necessary to conduct bioassessment monitoring. The Discharger shall submit stressor identification work plan by June 30, 2006 and characterization of causes and final identification report for Hot Creek by January 5, 2007.

**X. REPORTING REQUIREMENTS**

**A. General Monitoring and Reporting Requirements**

1. The Discharger shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.

**B. Self Monitoring Reports (SMRs)**

1. At any time during the term of this permit, the State or Regional Water Board may notify the Discharger to electronically submit SMRs. Until such notification is given, the Discharger shall submit SMRs in accordance with the requirements described below.
2. The Discharger shall submit monthly, quarterly, semiannual, annual SMRs including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this Order. Monthly reports shall be due on the 1<sup>st</sup> day of the second month following the end of each calendar month; quarterly reports shall be due on May 1, August 1, November 1, and February 1 following each calendar quarter; semi-annual reports shall be due on August 1 and February 1 following each semi-annual period; annual reports shall be due on February 1 following each calendar year. Reports of monitoring performed per discharge event are due on May 1, August 1, November 1, and February 1 following each calendar quarter the discharge occurred.
3. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period	SMR Due Date
1 / month	<First day of calendar month following permit effective date or on permit effective date if that date is first day of the month>	1 <sup>st</sup> day of calendar month through last day of calendar month	First day of second calendar month following month of sampling
1 / quarter	<Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date>	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	May 1 August 1 November 1 February 1
1 / semi-annual period	<Closest of January 1 or July 1 following (or on) permit effective date>	January 1 through June 30 July 1 through December 31	August 1 February 1
1 / year	<January 1 following (or on) permit effective date>	January 1 through December 31	February 1
1 / discharge event	<Permit effective date>	Calendar day (Midnight through 11:59 PM)	May 1 August 1 November 1 February 1

4. The Discharger shall report with each sample result the applicable Minimum Level (ML) and the current Method Detection Limit (MDL), as determined by the procedure in 40 CFR Part 136.
5. The Discharger shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim

and/or final effluent limitations. Example SMR reporting tables are contained in Attachment K of this Order, which the Discharger may use to submit monitoring data.

6. The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the WDRs; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.
7. SMRs must be submitted to the Regional Water Board, signed and certified as required by the standard provisions (Attachment D), to the address listed below:

California Regional Water Quality Control Board  
Lahontan Region  
14440 Civic Center Drive, Suite 200  
Victorville, CA 92392-2306

**C. Discharge Monitoring Reports (DMRs) – Not Applicable**

**D. Other Reports**

1. A daily log shall be maintained of the quantities of all chemicals used for anesthetic, disease control, disinfection, and all other Facility operations, such as cleaning, which result in the chemicals becoming constituents of the discharge. This information shall be maintained onsite for review and shall be submitted at quarterly intervals for all aquaculture drugs or chemicals used at the Facility. The report should include the following information:
  - a. The name(s) and active ingredient(s) of the drug or chemical.
  - b. The date(s) of application.
  - c. The purpose(s) for the application.
  - d. The location and method of application (e.g., immersion bath, administered in feed), duration of treatment, whether the treatment was static or flush (for drugs or chemicals applied directly to water), amount in gallons or pounds used, treatment concentration(s), and the flow in cubic feet per second (cfs) in the treatment units.
  - e. The total flow through the facility in cfs to Hot Creek after mixing with the treated water.
  - f. For drugs and chemicals applied directly to water (i.e., immersion bath, flush treatment) and for which effluent monitoring is not otherwise required, the estimated concentration in the effluent at the point of discharge to Hot Creek.
  - g. The method of disposal for drugs or chemicals used but not discharged in the effluent.

Prior to any change in the use of chemical at the Facility the discharger must submit a complete report of the change to the Regional Water Board before the proposed date of change and obtain written approval of the Regional Water Board's Executive Officer. The effluent shall be sampled following application at the point of discharge for each chemical used. The sample shall be taken at a time that reflects expected maximum concentrations in the effluent.

By the 15<sup>th</sup> day of January of each year, the Discharger shall submit a table showing the quantities (in pounds, grams, or gallons) of all chemicals used during the previous year. The first report is due January 15, 2007.

2. Annual reports of the biomonitoring results shall be submitted by **March 30 of each year**. The first annual report is due **March 30, 2007**.

EXHIBIT NO. 3

**§ 13383.8. Stormwater management task force**

(a) The state board shall appoint a stormwater management task force comprised of public agencies, representatives of the regulated community, and nonprofit organizations with expertise in water quality and stormwater management. The task force shall provide advice to the state board on its stormwater management program that may include, but is not limited to, program priorities, funding criteria, project selection, and interagency coordination of state programs that address stormwater management.

(b) The state board shall submit a report, including, but not limited to, stormwater and other polluted runoff control information, to the Ocean Protection Council no later than January 1, 2009, on the way in which the state board is implementing the priority goals and objectives of the council's strategic plan.

**§ 13384. Hearings**

The state board or the regional boards shall ensure that the public, and that any other state, the waters of which may be affected by any discharge of pollutants or dredged or fill material to navigable waters within this state, shall receive notice of each application for requirements or report of waste discharge or application for a dredged or fill material permit or report of dredged or fill material discharge and are provided an opportunity for public hearing before adoption of such requirements or permit.

**§ 13385. Civil liability**

(a) Any person who violates any of the following shall be liable civilly in accordance with this section:

- (1) Section 13375 or 13376.
- (2) Any waste discharge requirements or dredged or fill material permit issued pursuant to this chapter or any water quality certification issued pursuant to Section 13160.
- (3) Any requirements established pursuant to Section 13383.
- (4) Any order or prohibition issued pursuant to Section 13243 or Article 1 (commencing with Section 13300) of Chapter 5, if the activity subject to the order or prohibition is subject to regulation under this chapter.
- (5) Any requirements of Section 301, 302, 306, 307, 308, 318, 401, or 405 of the Clean Water Act, as amended.
- (6) Any requirement imposed in a pretreatment program approved pursuant to waste discharge requirements issued under Section 13377 or approved pursuant to a permit issued by the administrator.

(b) Civil liability may be imposed by the superior court in an amount not to exceed the sum of both of the following:

- (1) Twenty-five thousand dollars (\$25,000) for each day in which the violation occurs.
- (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed twenty-five dollars (\$25) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

The Attorney General, upon request of a regional board or the state board, shall petition the superior court to impose the liability.

(c) Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following:

- (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs.
- (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

(d) For purposes of subdivisions (b) and (c), "discharge" includes any discharge to navigable waters of the United States, any introduction of pollutants into a publicly owned treatment works, or any use or disposal of sewage sludge.

(e) In determining the amount of any liability imposed under this section, the regional board, the state board, or the superior court, as the case may be, shall take into account the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.

(f)(1) Except as provided in paragraph (2), for the purposes of this section, a single operational upset that leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

(2)(A) For the purposes of subdivisions (h) and (i), a single operational upset in a wastewater treatment unit that treats wastewater using a biological treatment process shall be treated as a single violation, even if the operational upset results in violations of more than one effluent limitation and the violations continue for a period of more than one day, if all of the following apply:

(i) The discharger demonstrates all of the following:

(I) The upset was not caused by wastewater treatment operator error and was not due to discharger negligence.

(II) But for the operational upset of the biological treatment process, the violations would not have occurred nor would they have continued for more than one day.

(III) The discharger carried out all reasonable and immediately feasible actions to reduce noncompliance with the applicable effluent limitations.

(ii) The discharger is implementing an approved pretreatment program, if so required by federal or state law.

(B) Subparagraph (A) only applies to violations that occur during a period for which the regional board has determined that violations are unavoidable, but in no case may that period exceed 30 days.

(g) Remedies under this section are in addition to, and do not supersede or limit, any other remedies, civil or criminal, except that no liability shall be recoverable under Section 13261, 13265, 13268, or 13350 for violations for which liability is recovered under this section.

(h)(1) Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.

(2) For the purposes of this section, a "serious violation" means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.

(i)(1) Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory

minimum penalty shall not be applicable to the first three violations:

(A) Violates a waste discharge requirement effluent limitation.

(B) Fails to file a report pursuant to Section 13260.

(C) Files an incomplete report pursuant to Section 13260.

(D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

(2) For the purposes of this section, a "period of six consecutive months" means the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date.

(j) Subdivisions (h) and (i) do not apply to any of the following:

(1) A violation caused by one or any combination of the following:

(A) An act of war.

(B) An unanticipated, grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

(C) An intentional act of a third party, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

(D)(i) The operation of a new or reconstructed wastewater treatment unit during a defined period of adjusting or testing, not to exceed 90 days for a wastewater treatment unit that relies on a biological treatment process and not to exceed 30 days for any other wastewater treatment unit, if all of the following requirements are met:

(I) The discharger has submitted to the regional board, at least 30 days in advance of the operation, an operations plan that describes the actions the discharger will take during the period of adjusting and testing, including steps to prevent violations and identifies the shortest reasonable time required for the period of adjusting and testing, not to exceed 90 days for a wastewater treatment unit that relies on a biological treatment process and not to exceed 30 days for any other wastewater treatment unit.

(II) The regional board has not objected in writing to the operations plan.

(III) The discharger demonstrates that the violations resulted from the operation of the new or reconstructed

wastewater treatment unit and that the violations could not have reasonably been avoided.

(IV) The discharger demonstrates compliance with the operations plan.

(V) In the case of a reconstructed wastewater treatment unit, the unit relies on a biological treatment process that is required to be out of operation for at least 14 days in order to perform the reconstruction, or the unit is required to be out of operation for at least 14 days and, at the time of the reconstruction, the cost of reconstructing the unit exceeds 50 percent of the cost of replacing the wastewater treatment unit.

(ii) For the purposes of this section, "wastewater treatment unit" means a component of a wastewater treatment plant that performs a designated treatment function.

(2)(A) Except as provided in subparagraph (B), a violation of an effluent limitation where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300, if all of the following requirements are met:

(i) The cease and desist order or time schedule order is issued after January 1, 1995, but not later than July 1, 2000, specifies the actions that the discharger is required to take in order to correct the violations that would otherwise be subject to subdivisions (h) and (i), and the date by which compliance is required to be achieved and, if the final date by which compliance is required to be achieved is later than one year from the effective date of the cease and desist order or time schedule order, specifies the interim requirements by which progress towards compliance will be measured and the date by which the discharger will be in compliance with each interim requirement.

(ii) The discharger has prepared and is implementing in a timely and proper manner, or is required by the regional board to prepare and implement, a pollution prevention plan that meets the requirements of Section 13263.3.

(iii) The discharger demonstrates that it has carried out all reasonable and immediately feasible actions to reduce noncompliance with the waste discharge requirements applicable to the waste discharge and the executive officer of the regional board concurs with the demonstration.

(B) Subdivisions (h) and (i) shall become applicable to a waste discharge on the date the waste discharge requirements applicable to the waste discharge are revised and reissued pursuant to Section 13380, unless the regional board does all of the following on or before that date:

(i) Modifies the requirements of the cease and desist order or time schedule order as may be necessary to make it fully consistent with the reissued waste discharge requirements.

(ii) Establishes in the modified cease and desist order or time schedule order a date by which full compliance with the reissued waste discharge requirements shall be achieved. For the purposes of this subdivision, the regional board may not establish this date later than five years from the date the waste discharge requirements were required to be reviewed pursuant to Section 13380. If the reissued waste discharge requirements do not add new effluent limitations or do not include effluent limitations that are more stringent than those in the original waste discharge requirements, the date shall be the same as the final date for compliance in the original cease and desist order or time schedule order or five years from the date that the waste discharge requirements were required to be reviewed pursuant to Section 13380, whichever is earlier.

(iii) Determines that the pollution prevention plan required by clause (ii) of subparagraph (A) is in compliance with the requirements of Section 13263.3 and that the discharger is implementing the pollution prevention plan in a timely and proper manner.

(3) A violation of an effluent limitation where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300 or 13308, if all of the following requirements are met:

(A) The cease and desist order or time schedule order is issued on or after July 1, 2000, and specifies the actions that the discharger is required to take in order to correct the violations that would otherwise be subject to subdivisions (h) and (i).

(B) The regional board finds that, for one of the following reasons, the discharger is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements applicable to the waste discharge:

(i) The effluent limitation is a new, more stringent, or modified regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

(ii) New methods for detecting or measuring a pollutant in the waste discharge demonstrate that new or modified control measures are necessary in order to comply with the effluent limitation and the new or modified control

measures cannot be designed, installed, and put into operation within 30 calendar days.

(iii) Unanticipated changes in the quality of the municipal or industrial water supply available to the discharger are the cause of unavoidable changes in the composition of the waste discharge, the changes in the composition of the waste discharge are the cause of the inability to comply with the effluent limitation, no alternative water supply is reasonably available to the discharger, and new or modified measures to control the composition of the waste discharge cannot be designed, installed, and put into operation within 30 calendar days.

(iv) The discharger is a publicly owned treatment works located in Orange County that is unable to meet effluent limitations for biological oxygen demand, suspended solids, or both, because the publicly owned treatment works meets all of the following criteria:

(I) Was previously operating under modified secondary treatment requirements pursuant to Section 301(h) of the Clean Water Act (33 U.S.C. Sec. 1311(h)).

(II) Did vote on July 17, 2002, not to apply for a renewal of the modified secondary treatment requirements.

(III) Is in the process of upgrading its treatment facilities to meet the secondary treatment standards required by Section 301(b)(1)(B) of the Clean Water Act (33 U.S.C. Sec. 1311(b)(1)(B)).

(C) The regional board establishes a time schedule for bringing the waste discharge into compliance with the effluent limitation that is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitation. For the purposes of this subdivision, the time schedule may not exceed five years in length, except that the time schedule may not exceed 10 years in length for the upgrade described in subclause (III) of clause (iv) of subparagraph (B). If the time schedule exceeds one year from the effective date of the order, the schedule shall include interim requirements and the dates for their achievement. The interim requirements shall include both of the following:

(i) Effluent limitations for the pollutant or pollutants of concern.

(ii) Actions and milestones leading to compliance with the effluent limitation.

(D) The discharger has prepared and is implementing in a timely and proper manner, or is required by the regional board to prepare and implement, a pollution prevention plan pursuant to Section 13263.3.

(k)(1) In lieu of assessing all or a portion of the mandatory minimum penalties pursuant to subdivisions (h) and (i) against a publicly owned treatment works serving a small community, the state board or the regional board may elect to require the publicly owned treatment works to spend an equivalent amount towards the completion of a compliance project proposed by the publicly owned treatment works, if the state board or the regional board finds all of the following:

(A) The compliance project is designed to correct the violations within five years.

(B) The compliance project is in accordance with the enforcement policy of the state board, excluding any provision in the policy that is inconsistent with this section.

(C) The publicly owned treatment works has prepared a financing plan to complete the compliance project.

(2) For the purposes of this subdivision, "a publicly owned treatment works serving a small community" means a publicly owned treatment works serving a population of 10,000 persons or fewer or a rural county, with a financial hardship as determined by the state board after considering such factors as median income of the residents, rate of unemployment, or low population density in the service area of the publicly owned treatment works.

(l) (1) In lieu of assessing penalties pursuant to subdivision (h) or (i), the state board or the regional board, with the concurrence of the discharger, may direct a portion of the penalty amount to be expended on a supplemental environmental project in accordance with the enforcement policy of the state board. If the penalty amount exceeds fifteen thousand dollars (\$15,000), the portion of the penalty amount that may be directed to be expended on a supplemental environmental project may not exceed fifteen thousand dollars (\$15,000) plus 50 percent of the penalty amount that exceeds fifteen thousand dollars (\$15,000).

(2) For the purposes of this section, a "supplemental environmental project" means an environmentally beneficial project that a person agrees to undertake, with the approval of the regional board, that would not be undertaken in the absence of an enforcement action under this section.

(3) This subdivision applies to the imposition of penalties pursuant to subdivision (h) or (i) on or after January 1, 2003, without regard to the date on which the violation occurs.

(m) The Attorney General, upon request of a regional board or the state board, shall petition the appropriate court to collect any liability or penalty imposed pursuant to this section. Any person who fails to pay on a timely

basis any liability or penalty imposed under this section shall be required to pay, in addition to that liability or penalty, interest, attorney's fees, costs for collection proceedings, and a quarterly nonpayment penalty for each quarter during which the failure to pay persists. The nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of the person's penalty and nonpayment penalties that are unpaid as of the beginning of the quarter.

(n) (1) Subject to paragraph (2), funds collected pursuant to this section shall be deposited in the State Water Pollution Cleanup and Abatement Account.

(2) (A) Notwithstanding any other provision of law, moneys collected for a violation of a water quality certification in accordance with paragraph (2) of subdivision (a) or for a violation of Section 401 of the Clean Water Act (33 U.S.C. Sec. 1341) in accordance with paragraph (5) of subdivision (a) shall be deposited in the Waste Discharge Permit Fund and separately accounted for in that fund.

(B) The funds described in subparagraph (A) shall be expended by the state board, upon appropriation by the Legislature, to assist regional boards, and other public agencies with authority to clean up waste or abate the effects of the waste, in cleaning up or abating the effects of the waste on waters of the state or for the purposes authorized in Section 13443.

(o) The state board shall continuously report and update information on its Internet Web site, but at a minimum, annually on or before January 1, regarding its enforcement activities. The information shall include all of the following:

(1) A compilation of the number of violations of waste discharge requirements in the previous calendar year, including stormwater enforcement violations.

(2) A record of the formal and informal compliance and enforcement actions taken for each violation, including stormwater enforcement actions.

(3) An analysis of the effectiveness of current enforcement policies, including mandatory minimum penalties.

(p) The amendments made to subdivisions (f), (h), (i) and (j) during the second year of the 2001-02 Regular Session apply only to violations that occur on or after January 1, 2003.

**§ 13385.1. Definitions of "serious violation" and "effluent limitation"**

(a)(1) For the purposes of subdivision (h) of Section 13385, a "serious violation" also means a failure to file a discharge monitoring report required pursuant to Section

13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.

(2) Paragraph (1) applies only to violations that occur on or after January 1, 2004.

(b)(1) Notwithstanding any other provision of law, moneys collected pursuant to this section for a failure to timely file a report, as described in subdivision (a), shall be deposited in the State Water Pollution Cleanup and Abatement Account.

(2) Notwithstanding Section 13340 of the Government Code, the funds described in paragraph (1) are continuously appropriated, without regard to fiscal years, to the state board for expenditure by the state board to assist regional boards, and other public agencies with authority to clean up waste or abate the effects of the waste, in responding to significant water pollution problems.

(c) For the purposes of this section, paragraph (2) of subdivision (f) of Section 13385, and subdivisions (h), (i), and (j) of Section 13385 only, "effluent limitation" means a numeric restriction or a numerically expressed narrative restriction, on the quantity, discharge rate, concentration, or toxicity units of a pollutant or pollutants that may be discharged from an authorized location. An effluent limitation may be final or interim, and may be expressed as a prohibition. An effluent limitation, for those purposes, does not include a receiving water limitation, a compliance schedule, or a best management practice.

**§ 13385.2. Compliance project funding demonstration**

(a) Prior to the state board or regional board making its findings pursuant to subdivision (k) of Section 13385, the publicly owned treatment works shall demonstrate to the satisfaction of the state board or regional board that the financing plan prepared pursuant to subparagraph (C) of paragraph (1) of subdivision (k) of that section is designed to generate sufficient funding to complete the compliance project within the time period specified pursuant to subparagraph (A) of paragraph (1) of subdivision (k) of that section.

(b) This section shall only become operative if Senate Bill 1733 of the 2005- 06 Regular Session is enacted and becomes operative.

**§ 13385.3. Operative date for 2006/2007 amendments to 13385(k)**

(a) The amendments made to subdivision (k) of Section 13385 of the Water Code by Senate Bill 1733 of the 2005-06 Regular Session shall become operative on July 1, 2007.

EXHIBIT NO. 4



California Regional Water Quality Control Board  
Lahontan Region



Linda S. Adams  
Secretary for  
Environmental Protection

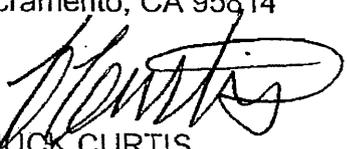
2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150  
(530) 542-5400 • Fax (530) 544-2271  
www.waterboards.ca.gov/lahontan

Arnold Schwarzenegger  
Governor

**M E M O R A N D U M**

**TO:** Bruce Kinney, Deputy Regional Manager  
California Dept. of Fish & Game  
407 West Line Street  
Bishop, CA 93514

James Starr, Fisheries Branch  
California Dept. of Fish & Game  
830 S Street  
Sacramento, CA 95814

  
**FROM:** CHUCK CURTIS  
SUPERVISING WATER RESOURCE CONTROL ENGINEER  
CLEANUP AND ENFORCEMENT DIVISION

**DATE:** FEB. 01 2010

**SUBJECT:** COMPLAINT NO. R6V-2010-0004, ISSUED TO THE CALIFORNIA  
DEPARTMENT OF FISH AND GAME FOR MANDATORY MINIMUM  
PENALTY, HOT CREEK FISH HATCHERY, MAMMOTH LAKES, MONO  
COUNTY - WDID NO. 6B260801001

Attached is *Administrative Civil Liability Complaint for Mandatory Minimum Penalty No. R6V-2010-0004* (Complaint). The Complaint contains allegations that the California Department of Fish and Game (DFG) violated effluent limitations specified by Board Order No. R6V-2006-0027, National Pollutant Discharge Elimination System Permit No. CA0102776, from August 14, 2006 through May 4, 2009. The Complaint lists the dates and nature of the violations. In the Complaint, Lahontan Water Board staff proposes that DFG be assessed a mandatory minimum penalty in the amount of **two hundred twenty-five thousand dollars (\$225,000)**.

**Waiver of Hearing**

Pursuant to Water Code section 13323, the Water Board will hold a hearing on the Complaint no later than 90 days after it is served. DFG may elect to waive its right to a hearing before the Water Board and agree to pay the proposed liability. Waiver of the hearing constitutes acceptance of the assessment of civil liability in the amount of

*California Environmental Protection Agency*

\$225,000, as set forth in the Complaint. If DFG wishes to exercise this option, it must complete the following:

**By 5:00 p.m., March 1, 2010**, an authorized agent must sign the attached waiver and submit it to the Lahontan Water Board's South Lake Tahoe office at the following address:

Lahontan Regional Water Quality Control Board  
Attn: Chuck Curtis, Cleanup and Enforcement Division Manager  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150

Please note that DFG's waiver and agreement to pay the proposed liability constitutes a proposed settlement, which will not be effective until reasonable opportunity for public participation has been provided pursuant to Code of Federal Regulations, title 40, section 123.27(d)(2)(iii) and the State Water Resources Control Board's 2002 Enforcement Policy. The Lahontan Water Board will notify interested persons of any proposed settlement and will solicit comments on the settlement for a period of thirty (30) days. Any settlement will not become final until after a public comment period.

As described in the attached waiver, Lahontan Water Board staff may withdraw the Complaint, return payment and issue a new complaint should new information be received during the comment period. If no information is received which causes Water Board staff to withdraw the Complaint, the settlement will be brought before the full Lahontan Water Board for approval at a future meeting. Payment of the liability will be due within 30 days of the settlement becoming final. Payment must be made with a cashier's check or money order and made payable to the *State Water Pollution Cleanup and Abatement Account*.

### **Public Hearing**

Alternatively, if DFG elects to proceed to a public hearing, a hearing is tentatively scheduled to be held at the Lahontan Water Board meeting on **April 14-15, 2010**. The meeting is scheduled to convene at a time and location as announced in the Lahontan Water Board meeting agenda. The agenda will be issued at least ten days before the meeting and will be posted on the Lahontan Water Board web page at [www.waterboards.ca.gov/lahontan](http://www.waterboards.ca.gov/lahontan). At that time, the Lahontan Water Board will accept testimony and public comment and decide whether to affirm, reject, or modify the proposed liability, or whether to refer the matter for judicial civil action.

To ensure the Lahontan Water Board has the opportunity to fully consider written comments, all comments must be submitted in accordance with the deadlines identified in the hearing procedures that will be sent to you under separate cover. Written objections and materials submitted after the deadlines specified in the hearing

procedures will not be accepted, except at the discretion of the Lahontan Water Board Chair. Untimely written material or objections will not be accepted or incorporated into the record if doing so would prejudice the Water Board or any Designated Party. The Chair may choose to modify this rule upon a showing of severe hardship. (Cal Code Regs., title 23, sections 648.1 and 648.4.) Any person seeking to submit late written materials must justify why the materials could not have been submitted earlier.

Please contact State Water Resources Control Board Office of Enforcement Attorney Mayumi Okamoto at (916) 341-5674, or Taylor Zentner at (530) 542-5469 if you have any questions concerning this matter.

Attachments: 1. Complaint No. R6V-2010-0004  
2. Waiver Form

cc: Harold J. Singer, Executive Officer/Lahontan Water Board  
Mayumi Okamoto, Staff Counsel/SWRCB, Office of Enforcement  
David Coupe, Staff Counsel/SWRCB, Office of Chief Counsel  
Hot Creek Hatchery Mailing List

TBZ/clhT: Hot Creek MMP ACL – Cover Memo, 1-20-2010  
File: SLT/VVL: Hot Creek Hatchery WDID No. 6B260801001

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

<b>In the Matter of California Department of Fish and Game: Violation of Effluent Limitations Contained in Board Order No. R6V-2006-0027 for the Hot Creek Fish Hatchery, Mammoth Lakes, Mono County, WDID No. 6B260801001</b>	) ) <b>COMPLAINT NO.</b> ) <b>R6V-2010-0004</b> ) <b>FOR MANDATORY</b> ) <b>ADMINISTRATIVE CIVIL</b> ) <b>LIABILITY</b>
--	--

This Complaint to assess mandatory minimum penalties pursuant to California Water Code (Water Code) sections 13385(h) and (i) is issued to the California Department of Fish and Game (Discharger) based on findings of violations of Waste Discharge Requirements specified for Hot Creek Fish Hatchery (Facility) by the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board), Board Order No. R6V-2006-0027, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0102776.

Staff of the Lahontan Water Board finds the following:

1. On June 14, 2006, the Lahontan Water Board adopted Board Order No. R6V-2006-0027, NPDES Permit No. CA0102776.
2. Water Code section 13385(h)(1) requires the Lahontan Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each **serious violation**.
3. Water Code section 13385(h)(2) provides that a **serious violation** occurs if the discharge exceeds the effluent limitations (a) by 40 percent or more for a Group I pollutant, as specified in Appendix A to section 123.45 of title 40, Code of Federal Regulations, or (b) by 20 percent or more for a Group II pollutant, as specified in Appendix A to section 123.45 of title 40, Code of Federal Regulations.
4. Water Code section 13385(i) requires the Lahontan Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the following four or more times in a period of six consecutive months (**chronic violations**):
  - a. violates a waste discharge requirement effluent limitation;
  - b. fails to file a report pursuant to Water Code section 13260;
  - c. files an incomplete report pursuant to Water Code section 13260; or

- d. violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.
5. Water Code section 13385(i)(2) defines a "period of six consecutive months" as, "...the period commencing on the date that one of the violations described in this subdivision [Water Code section 13385(i), or Finding No. 4 of this Complaint] occurs and ending 180 days after that date." However, **serious violations** may qualify as chronic violations for the purposes of determining a "period of six consecutive months," and may count as the first three **chronic violations**, though such violations are not counted twice for the purpose of assessing the penalty amount.
6. Nitrite plus nitrite as nitrogen and flow are Group I pollutants.
7. The NPDES Permit includes the following discharge specifications:
  - a. Section IV.A.1.b requires wastewater discharged from the Facility not to exceed the following effluent limits for nitrate plus nitrite as nitrogen at monitoring locations M-001, M-002, M-003, and M-004:
    - i. 0.23 mg/L Average Monthly
    - ii. 0.31 mg/L Maximum Daily
  - b. Section IV.A.1.b requires wastewater discharged from the Facility not to exceed the following effluent limits for flow:
    - i. At M-001, 6.9 million gallons per day (MGD)
    - ii. At M-002, 6.5 MGD
    - iii. At M-003, 3.8 MGD
    - iv. At M-004, 2.5 MGD
9. Water Code section 13385.1(a)(1) provides that a **serious violation** also means a failure to file a discharge monitoring report required pursuant to Section 13383.
10. According to monitoring reports submitted by the Discharger from August 1, 2006 through May 31, 2009, the Discharger violated the NPDES Permit effluent limitations as listed in the table of violations provided in Attachment A, which is made a part of this Complaint. Additionally, the Discharger failed to submit the monitoring report that was to provide the monthly monitoring results for July 2006, which is also identified in Attachment A.
11. According to the definitions of **serious violations** in Finding Nos. 3 and 9, the Discharger committed 16 serious violations from August 14, 2006 to May 4, 2009, as shown on lines 2, 7, 37, 38, 41, 48, 51, 53, 69 through 72, and 74 through 77 of the table of violations provided in Attachment A of this Complaint. The amount of the mandatory minimum penalty for the 16

serious violations (\$3,000 for each of the 16 violations) is forty-eight thousand dollars (\$48,000).

12. According to the definition of **chronic violations** in Finding No. 4, the Discharger committed 74 chronic violations from September 2006 through May 4, 2009, as shown on lines 4 through 77 of the table of violations provided in Attachment A of this Complaint. Fifteen of these violations also constitute **serious violations** as noted in Finding Nos. 3 and 9. However, these 15 violations do not result in double penalties. The 74 **chronic violations** less the 15 **serious violations** to avoid double penalty results in 59 remaining **chronic violations**. The amount of the mandatory minimum penalty for the 59 remaining **chronic violations** (\$3,000 for each of the 59 violations) is one hundred seventy-seven thousand dollars (\$177,000).
13. The total amount of the mandatory minimum penalty from August 14, 2006 through May 4, 2009 is (\$48,000 + \$177,000) two hundred twenty-five thousand dollars (\$225,000).
14. Issuance of this Complaint is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000, et seq.) in accordance with the California Code of Regulations title 14, chapter 3, section 15321.

**THE CALIFORNIA DEPARTMENT OF FISH AND GAME IS HEREBY GIVEN NOTICE THAT:**

1. Staff of the Lahontan Water Board proposes that the Discharger be assessed a mandatory minimum penalty in the amount of two hundred twenty-five thousand dollars (\$225,000), pursuant to Water Code section 13385.
2. The Lahontan Water Board will hold a public hearing on this matter at its **April 14 and 15, 2010** meeting, unless the Discharger agrees to waive its right to a public hearing by filling out, signing, and submitting the enclosed "Waiver of Hearing." If the Discharger chooses not to waive its right to a public hearing, the Lahontan Water Board may proceed with the scheduled public hearing and consider testimony received from interested persons during the public hearing and decide whether to accept the amount of proposed mandatory minimum penalty. The Lahontan Water Board may also decide to continue the matter to a future hearing, direct the Cleanup and Enforcement Division Manager to reissue the Complaint to propose additional penalties under Water Code section 13385(c) and (e), or refer the matter to the California Attorney General. The public hearing is scheduled at the regularly scheduled Lahontan Water Board meeting on **April 14 and 15, 2010**, at a location and time yet to be determined. A notice of the

location and time of the meeting will be provided no less than 10 days before the meeting.

3. Notwithstanding the issuance of this Complaint, the Lahontan Water Board shall retain the authority to assess additional penalties for violations of the requirements of the Discharger's waste discharge requirements for which penalties have not yet been assessed or for violations that may subsequently occur.

### WAIVER OF HEARING

You may waive the right to a hearing. Waiver of your right to a hearing constitutes acceptance of the assessment of civil liability in the amount set forth within the Complaint. If you wish to waive your right to a hearing, an authorized person must sign the Waiver of Hearing form prepared for this Complaint, and submit it to the address below.

Lahontan Regional Water Quality Control Board  
Attn: Chuck Curtis, Cleanup and Enforcement Division Manager  
2501 Lake Tahoe Boulevard  
South Lake Tahoe, CA 96150

Please note that any settlement will not be effective until reasonable opportunity for public participation has been provided pursuant to Code of Federal Regulations, title 40, section 123.27(d)(2)(iii) and the State Water Resources Control Board's 2002 Enforcement Policy. The Lahontan Water Board will notify interested persons of any proposed settlement and will solicit comments on the settlement for a period of thirty (30) days. Any settlement will not become final until after a public comment period.

Payment of the liability will be due within 30 days of the settlement becoming final. Payment must be made with a cashier's check or money order and made payable to the *State Water Pollution Cleanup and Abatement Account*.

  
\_\_\_\_\_  
CHUCK CURTIS  
CLEANUP AND ENFORCEMENT  
DIVISION MANAGER

*February 1, 2010*  
\_\_\_\_\_  
Date

Attachment: A - Table of Violations

# Attachment A - Table of Violations

**Hot Creek Hatchery MMP Violations Table**

No.	Date	Violation Type	Location	Parameter	Description	MMP
1	8/14/2006	Reporting	M-004	Flow	Flow rate of 3.16 MGD at M-004 exceeds the Effluent Limit of 2.5 MGD	0
2	9/2/2006	Serious	Reporting	Reporting	July 2006 monthly SMR due on September 1, 2006; July 2006 monthly SMR never received	1
3	Sep-06	Serious	M-002	Flow	Flow rate of 7.0 MGD at M-002 exceeds the Effluent Limit of 6.5 MGD	0
4	Sep-06	Chronic	M-001	Flow	Flow rate of 7.0 MGD at M-001 exceeds the Effluent Limit of 6.9 MGD	1
5	Sep-06	Chronic	M-004	Flow	Flow rate of 2.7 MGD at M-004 exceeds the Effluent Limit of 2.5 MGD	1
6	9/18/2006	Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.260 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
7	9/18/2006	Serious*/Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.322 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L by more than 40%	1
8	9/18/2006	Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.322 mg/L at M-004 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L	1
9	10/23/2006	Chronic	M-002	Flow	Flow rate of 6.7 MGD at M-002 exceeds the Effluent Limit of 6.5 MGD	1
10	11/13/2006	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.240 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
11	11/13/2006	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.238 mg/L at M-002 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
12	11/13/2006	Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.231 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
13	11/13/2006	Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.277 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
14	11/29/2006	Chronic	Potassium Permanganate	Potassium Permanganate	Analytical result of 0.674 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.12 mg/L	1
15	11/29/2006	Chronic	Potassium Permanganate	Potassium Permanganate	Analytical result of 0.674 mg/L at M-001 exceeds the Instantaneous Maximum Effluent Limit of 0.25 mg/L	1
16	11/29/2006	Chronic	Potassium Permanganate	Potassium Permanganate	Analytical result of 0.743 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.12 mg/L	1
17	11/29/2006	Chronic	Potassium Permanganate	Potassium Permanganate	Analytical result of 0.743 mg/L at M-001 exceeds the Instantaneous Maximum Effluent Limit of 0.25 mg/L	1
18	3/26/2007	Chronic	M-003	Flow	Flow rate of 4.4 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
19	3/26/2007	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.247 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
20	3/26/2007	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.243 mg/L at M-002 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
21	3/26/2007	Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.249 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
22	3/26/2007	Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.236 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
23	5/7/2007	Chronic	M-003	Flow	Flow rate of 4.1 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
24	6/4/2007	Chronic	M-003	Flow	Flow rate of 4.94 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
25	6/4/2007	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.251 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
26	6/4/2007	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.239 mg/L at M-002 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
27	7/9/2007	Chronic	M-003	Flow	Flow rate of 4.6 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
28	8/6/2007	Chronic	M-003	Flow	Flow rate of 4.18 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
29	9/10/2007	Chronic	M-003	Flow	Flow rate of 4.2 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
30	9/10/2007	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.236 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
31	9/10/2007	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.243 mg/L at M-002 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
32	12/10/2007	Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.266 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
33	2/4/2008	Chronic	M-003	Flow	Flow rate of 4.30 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
34	3/3/2008	Chronic	M-003	Flow	Flow rate of 4.4 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
35	3/3/2008	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.264 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
36	3/3/2008	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.265 mg/L at M-002 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
37	3/3/2008	Serious*/Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.380 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L by more than 40%	1
38	3/3/2008	Serious*/Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.406 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L by more than 40%	1
39	3/3/2008	Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.380 mg/L at M-003 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L	1
40	3/3/2008	Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.406 mg/L at M-004 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L	1
41	4/7/2008	Serious*/Chronic	M-003	Flow	Flow rate of 5.4 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD by more than 40%	1
42	5/5/2008	Chronic	M-003	Flow	Flow rate of 5.30 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
43	6/2/2008	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.292 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
44	6/2/2008	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.312 mg/L at M-002 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
45	6/2/2008	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.312 mg/L at M-001 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L	1
46	6/2/2008	Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.255 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
47	6/2/2008	Chronic	M-003	Flow	Flow rate of 5.4 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
48	6/2/2008	Serious*/Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.364 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L by more than 40%	1
49	6/2/2008	Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.364 mg/L at M-004 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L	1

# Attachment A - Table of Violations

**Hot Creek Hatchery MMP Violations Table - Continued**

No.	Date	Violation Type	Location	Parameter	Description	MMP
50	7/7/2008	Chronic	M-001	Flow	Flow rate of 7.0 MGD at M-001 exceeds the Effluent Limit of 6.9 MGD	1
51	7/7/2008	Serious*/Chronic	M-003	Flow	Flow rate of 6.0 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD by more than 40%	1
52	8/4/2008	Chronic	M-001	Flow	Flow rate of 7.3 MGD at M-001 exceeds the Effluent Limit of 6.9 MGD	1
53	8/4/2008	Serious*/Chronic	M-003	Flow	Flow rate of 6.6 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD by more than 40%	1
54	9/8/2008	Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.287 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
55	9/8/2008	Chronic	M-003	Flow	Flow rate of 4.8 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
56	9/8/2008	Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.316 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
57	9/8/2008	Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.316 mg/L at M-004 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L	1
58	10/6/2008	Chronic	M-003	Flow	Flow rate of 4.0 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
59	11/2/2008	Chronic	M-003	Flow	Flow rate of 4.0 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
60	12/1/2008	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.258 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
61	12/1/2008	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.256 mg/L at M-002 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
62	12/1/2008	Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.254 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
63	12/1/2008	Chronic	M-003	Flow	Flow rate of 4.0 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
64	12/1/2008	Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.253 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
65	1/5/2009	Chronic	M-003	Flow	Flow rate of 3.9 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
66	2/2/2009	Chronic	M-003	Flow	Flow rate of 3.88 MGD at M-003 exceeds the Effluent Limit of 3.8 MGD	1
67	3/2/2009	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.272 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
68	3/2/2009	Chronic	M-002	Nitrate + Nitrite	Analytical result of 0.266 mg/L at M-002 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
69	3/2/2009	Serious*/Chronic	M-003	Nitrate + Nitrite	Analytical result of 1.07 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L by more than 40%	1
70	3/2/2009	Serious*/Chronic	M-003	Nitrate + Nitrite	Analytical result of 1.07 mg/L at M-003 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L by more than 40%	1
71	3/2/2009	Serious*/Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.72 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L by more than 40%	1
72	3/2/2009	Serious*/Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.72 mg/L at M-004 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L by more than 40%	1
73	5/4/2009	Chronic	M-001	Nitrate + Nitrite	Analytical result of 0.247 mg/L at M-001 exceeds the Average Monthly Effluent Limit of 0.23 mg/L	1
74	5/4/2009	Serious*/Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.613 mg/L at M-003 exceeds the Average Monthly Effluent Limit of 0.23 mg/L by more than 40%	1
75	5/4/2009	Serious*/Chronic	M-003	Nitrate + Nitrite	Analytical result of 0.613 mg/L at M-003 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L by more than 40%	1
76	5/4/2009	Serious*/Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.624 mg/L at M-004 exceeds the Average Monthly Effluent Limit of 0.23 mg/L by more than 40%	1
77	5/4/2009	Serious*/Chronic	M-004	Nitrate + Nitrite	Analytical result of 0.624 mg/L at M-004 exceeds the Instantaneous Maximum Effluent Limit of 0.31 mg/L by more than 40%	1
<b>Total Violations Subject to MMP</b>						<b>75</b>

First three of four violations occurring in a period of six consecutive months. Only the serious violation on Line 2 is subject to MMP.

\* - One of the 15 serious violations that are not included in the MMP calculation for chronic violations.

**WAIVER FORM  
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent California Department of Fish and Game (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R6V-2010-0004 (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

**(OPTION 1: Check here if the Dischargers waive the hearing requirement and will pay the liability.)**

- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board.
- b. I certify that the Discharger will remit payment for the civil liability imposed in the total amount of **two hundred twenty-five thousand dollars (\$225,000)** by check that references "ACL Complaint No. R6V-2010-0004" made payable to the "State Water Pollution Cleanup and Abatement Account."
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) expires. Should the Regional Water Board receive significant new information or comments from any source during this comment period, the complaint may be withdrawn, payment returned, and a new complaint issued. I understand that this proposed settlement is subject to approval by the Lahontan Water Board, and that the Lahontan Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability. Payment of two hundred twenty-five thousand dollars (\$225,000) will be due within 30 days of the settlement becoming final after the settlement receives Lahontan Water Board approval.
- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

**(OPTION 2: Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines.)**

I hereby waive any right the Discharger may have to a hearing before the Lahontan Water Board within 90 days after service of the complaint, but I intend to request a hearing in the future. By checking this box, the Discharger requests that the Lahontan Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Lahontan Water Board to agree to delay the hearing.

\_\_\_\_\_  
(Print Name and Title)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

EXHIBIT NO. 5



DEPARTMENT OF FISH AND GAME

Eastern Sierra and Inland Desert Region

Hot Creek Hatchery

HCR 79 Box 208

Mammoth Lakes, CA 93546

(760) 934-2664

(760) 934-5123 Fax



September 25, 2006

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

Dear Mary:

Please find enclosed the monthly Self Monitoring Report (SMR) for August, 2006 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776. The SMR example forms included with the Order were utilized to summarize the collected data. Also included, is a copy of the report with the results of testing for Total Suspended Solids from the Department of Fish and Game Water Pollution Control Laboratory. If a copy of this report is not necessary to submit with every SMR, please advise. Original copies of these reports are kept on record at the facility.

Data collection did reveal a violation of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations. The maximum flow limitations for Discharge Point 4 (below the Spawning House II) were exceeded. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. In above average hydrologic years, it can be expected that spring flow levels will also accordingly be above average.

It is my sentiment that as we are not able to control the amount of rain and snowfall received in a given year, nor can we be held accountable for the high levels of water flowing from the springs. A request of either increasing the flow

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limits for all Discharge Points, or the elimination of these limits all together is hereby submitted.

As you are probably aware, the SMR for July, 2006 has not been submitted. Through an oversight within the Department, the facility was not forwarded a copy of the Order until early August. Thus, we were unaware of the obligation to conduct the required data collection and subsequent reporting. The noncompliance with the Order was in no way intentional, and all subsequent reports will be submitted in a timely manner.

Please contact me if you have any questions or require additional information.

Sincerely,

Vern Carr  
Fish Hatchery Manager I  
Hot Creek Hatchery

cc: Dennis Redfern, SHS  
California Dept of Fish and Game  
407 West Line Street  
Bishop, CA 93514



**a) Brief Description of Violation:**

Exceeded maximum flow limitations for Discharge Point 004 (below Spawning House II). Maximum limitation is set under the permit at 2.5 MGD, and maximum calculated flow was at 3.16 MGD.

**b) Section(s) of WDRs/NPDES Permit**

**Violated:**

Section IV – Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

3.16 MGD

**d) WDRs/NPDES**

**Limit/Condition:**

2.5 MGD

**e) Date(s) and Duration of**

**Violation(s):**

Entire month of August, 2006

**f) Explanation of Cause(s):**

Abundant water years have caused natural springs to achieve consistent flow rates which are higher than set limits.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

There is no known remedy to decrease natural spring flows. In abundant water years, it can be anticipated that exceeding the set limit will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied, and thus at the mercy of uncontrollable hydrologic factors.

MONITORING LOCATION: M001

MONTH: AUGUST

YEAR: 2006

PARAMETER:	FLOW	PH	Total Suspended Solids (TSS)		
SAMPLING FREQUENCY	1/month	1/month	1/month		
SAMPLE TYPE:	Instantaneous	Grab pair	Grab pair		
UNITS:	MGD	standard units	mg/L		
LIMITS	MONTHLY AVG.		6.0		
	DAILY MAX.	6.9			
	MINIMUM		6.0		
	MAXIMUM		9.0	15.0	
DATE OF SAMPLE:	1	X			
	2	X			
	3	X			
	4	X			
	5	X			
	6	X			
	7	X			
	8	X			
	9	X			
	10	X			
	11	X			
	12	X			
	13	X			
	14	X	X	X	
	15	X			
	16	X			
	17	X			
	18	X			
	19	X			
	20	X			
	21	X			
	22	X			
	23	X			
	24	X			
	25	X			
	26	X			
	27	X			
	28	X			
	29	X			
	30	X			
	31	X			
MONTHLY AVG.	3.9	7.1	.65		
MAXIMUM	4.2	7.1	1.3		
MINIMUM	3.68	7.1	<RL		
			RL= 1.0 MDL = 0.1		

CA DEPARTMENT OF FISH & GAME  
 HOT CREEK FISH HATCHERY  
 ORDER NO. R6V-2006-0027  
 NPDES NO. CAO102776

MONITORING LOCATION: M002

MONTH: AUGUST

YEAR: 2006

PARAMETER:	FLOW	PH	Total Suspended Solids (TSS)			
SAMPLING FREQUENCY	1/month	1/month	1/month			
SAMPLE TYPE:	Instantaneous	Grab pair	Grab pair			
UNITS:	MGD	standard units	mg/L			
LIMITS	MONTHLY AVG.		6.0			
	DAILY MAX.	6.5				
	MINIMUM		6.0			
	MAXIMUM		9.0	15.0		
DATE OF SAMPLE:	1	X				
	2	X				
	3	X				
	4	X				
	5	X				
	6	X				
	7	X				
	8	X				
	9	X				
	10	X				
	11	X				
	12	X				
	13	X				
	14	X	X	X		
	15	X				
	16	X				
	17	X				
	18	X				
	19	X				
	20	X				
	21	X				
	22	X				
	23	X				
	24	X				
	25	X				
	26	X				
	27	X				
	28	X				
	29	X				
	30	X				
	31	X				
MONTHLY AVG.	3.9	7.2	1.25			
MAXIMUM	4.2	7.2	1.4			
MINIMUM	3.68	7.2	1.1			
			RL= 1.0 MDL = 0.1			

CA DEPARTMENT OF FISH & GAME  
 HOT CREEK FISH HATCHERY  
 ORDER NO. R6V-2006-0027  
 NPDES NO. CA0102776

MONITORING LOCATION: M003

MONTH: AUGUST

YEAR: 2006

PARAMETER:	FLOW	PH	Total Suspended Solids (TSS)		
SAMPLING FREQUENCY	1/month	1/month	1/month		
SAMPLE TYPE:	Instantaneous	Grab pair	Grab pair		
UNITS:	MGD	standard units	mg/L		
LIMITS	MONTHLY AVG.		6.0		
	DAILY MAX.	3.8			
	MINIMUM		6.0		
	MAXIMUM		9.0	15.0	
DATE OF SAMPLE:	1	X			
	2	X			
	3	X			
	4	X			
	5	X			
	6	X			
	7	X			
	8	X			
	9	X			
	10	X			
	11	X			
	12	X			
	13	X			
	14	X	X	X	
	15	X			
	16	X			
	17	X			
	18	X			
	19	X			
	20	X			
	21	X			
	22	X			
	23	X			
	24	X			
	25	X			
	26	X			
	27	X			
	28	X			
	29	X			
	30	X			
	31	X			
MONTHLY AVG.	3.23	7.2	<RL		
MAXIMUM	3.5	7.2	<RL		
MINIMUM	3.0	7.2	<RL		
			RL= 1.0 MDL = 0.1		

CA DEPARTMENT OF FISH & GAME  
 HOT CREEK FISH HATCHERY  
 ORDER NO. R6V-2006-0027  
 NPDES NO. CAO102776

MONITORING LOCATION: M004

MONTH: AUGUST

YEAR: 2006

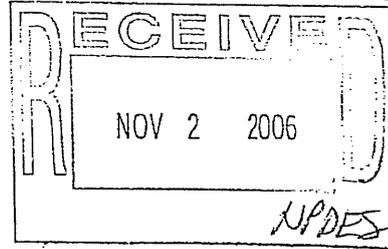
PARAMETER:	FLOW	PH	Total Suspended Solids (TSS)			
SAMPLING FREQUENCY	1/month	1/month	1/month			
SAMPLE TYPE:	Instantaneous	Grab pair	Grab pair			
UNITS:	MGD	standard units	mg/L			
LIMITS	MONTHLY AVG.		6.0			
	DAILY MAX.	2.5				
	MINIMUM		6.0			
	MAXIMUM		9.0	15.0		
DATE OF SAMPLE:	1	X				
	2	X				
	3	X				
	4	X				
	5	X				
	6	X				
	7	X				
	8	X				
	9	X				
	10	X				
	11	X				
	12	X				
	13	X				
	14	X	X	X		
	15	X				
	16	X				
	17	X				
	18	X				
	19	X				
	20	X				
	21	X				
	22	X				
	23	X				
	24	X				
	25	X				
	26	X				
	27	X				
	28	X				
	29	X				
	30	X				
	31	X				
MONTHLY AVG.	2.7	7.3	<RL			
MAXIMUM	3.16	7.3	<RL			
MINIMUM	2.65	7.3	<RL			
			RL= 1.0 MDL = 0.1			

EXHIBIT NO. 6



DEPARTMENT OF FISH AND GAME  
Eastern Sierra and Inland Desert Region  
Hot Creek Hatchery  
HCR 79 Box 208  
Mammoth Lakes, CA 93546  
(760) 934-2664  
(760) 934-5123 Fax

SMR



6B260801001

October 30, 2006

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

Dear Mary:

Please find enclosed the Self Monitoring Report (SMR) encompassing both the monthly requirement for September, 2006 and the quarterly report for July through September, 2006 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776. The SMR example forms included with the Order were utilized to summarize the collected data. Also included, is a copy of the report with the results of testing for Total Suspended Solids from the Department of Fish and Game Water Pollution Control Laboratory. If a copy of this report is not necessary to submit with every SMR, please advise. Original copies of these reports are kept on record at the facility.

Data collections did reveal violations of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations. The limits for water flows were exceeded at a total of three discharge points, as well as the limit for Nitrate as N at one discharge point.

The maximum flow limitations for Discharge Points 001 (Settling Pond I), 002 (Settling Pond II), and 004 (below the Spawning House II) were surpassed. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. In

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above average hydrologic years, it can be expected that spring flow levels will also accordingly be above average. Subsequent violations of the current limit can be expected.

The effluent water flows are calculated at these sites utilizing United States Geologic Service (USGS) daily flow data. The values derived for Discharge Points 001 and 002 are obtained from measurement devices located in spring supplies 001 and 002, above the raceway system. At this time, the facility has no measurement devices for flow rates at the actual discharge points other than point 004.

This is the second consecutive month that flow rates have been exceeded. No response has yet been received from the August report in which flows were above the set limit. As requested in August's cover letter, we ask for either increasing the flow limits for all Discharge Points, or the elimination of these limits all together.

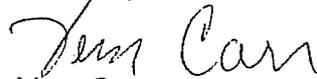
The second violation for effluent limitations was that of the Nitrate as N monthly average limit being surpassed at Discharge Point 003 (McBurney Pond). Historical data analysis under the previous Order on all four of supplies regularly detected Nitrate levels higher than set limits under the current Order (see current Order's Attachment F 5-8). The derived value for the Nitrate limit, and numerous other parameters, are obtained from the Board's Basin Plan, and not a site specific review of the Hot Creek springs' past data. As with water flow limits, the Hatchery's effluent discharges are subject to levels naturally occurring in all of the spring supplies. Therefore, it is our feeling that the Hatchery should only be responsible for discharge levels above those found naturally in the springs. Again, subsequent violations of the current limit can be expected unless updated.

Finally, we were technically in non-compliance as to the requirement to sample for conductivity every time NaCl (salt) was discharged. A sample was collected and analyzed at the Water Pollution Control Laboratory for the discharge event on September 18<sup>th</sup>. The Hatchery did not obtain the proper equipment to measure for conductivity on site until recently, therefore all other discharge events for NaCl in the quarter were not sampled. The delay in acquiring said equipment is regrettable, and all future uses of salt shall be monitored appropriately.

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

Matthew Norris, Fish and Wildlife Technician  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

Sincerely,



Vern Carr  
Fish Hatchery Manager I  
Hot Creek Hatchery

cc: Dennis Redfern, SHS  
California Dept of Fish and Game  
407 West Line Street  
Bishop, CA 93514



**a) Brief Description of Violations:**

1) Exceeded maximum flow limitations for Discharge Points 001 (Settling Pond I), 002 (Settling Pond II), and 004 (below Spawning House II). Maximum limitations are set under the permit at 6.9, 6.5 and 2.5 MGD respectively. Maximum daily flows were calculated at 7.0, 7.0, and 2.7 MGD.

2) Exceeded the average monthly effluent limitations of Nitrate as N for Discharge Point 003 (McBurney Pond). The limitation set is .23 mg/L, and the calculated monthly average was .260 mg/L.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

1) Flow Limitation Violations

Discharge Point 001 – Maximum 7.0 MGD

Discharge Point 002 – Maximum 7.0 MGD

Discharge Point 004 – Maximum 2.7 MGD

2) Nitrate as N Violation

Discharge Point 003 – Monthly Average .26 mg/L

**d) WDRs/NPDES Limit/Condition:**

1) Flow Limitations

Discharge Point 001 –Maximum 6.9 MGD

Discharge Point 002 –Maximum 6.5 MGD

Discharge Point 004 –Maximum 2.5 MGD

2) Nitrate as N Limitation

All Discharge Points – Monthly Average .23 mg/L

**e) Date(s) and Duration of  
Violation(s):**

1) Flow Limitations

09/01/06 through 09/20/06

2) Nitrate as N

09/18/06

**f) Explanation of Cause(s):**

1) Flow Limitation Violations –

Abundant water years have caused natural springs to achieve consistent flow rates which are higher than set limits.

2) Nitrate as N Violation –

The spring supplies providing water to the Hatchery have naturally occurring nitrate levels which are often higher than the effluent limit set for the discharges.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

1) Flow Limitation Violations –

There is no known remedy to decrease natural spring flows. In abundant water years, it can be anticipated that exceeding the set limit will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied, and thus at the mercy of uncontrollable hydrologic factors.

2) Nitrate as N Violation –

All four spring supplies (S001, S002, S003, S004) have in past samples, under the previous order, consistently tested for Nitrate as N in higher levels than the limit set for the effluent discharges under the current order. The effluent limit of 0.23 mg/L was derived from the *Basin Plan*, and not from a site specific study of Hot Creek's springs. Recommend increasing Nitrate effluent limits, to where the Hatchery is only liable for effluent levels above those naturally occurring in the spring water.

MONITORING LOCATION: M001

MONTH: SEPTEMBER

YEAR: 2006

PARAMETER:	FLOW	PH	Total Suspended Solids (TSS)	Dissolved Oxygen	Electrical Conductivity	Nitrate + Nitrate as N	Settleable Solids	
SAMPLING FREQUENCY	1/month	1/month	1/month	1/quarter	1/quarter & per discharge	1/quarter	1/quarter	
SAMPLE TYPE:	Instantaneous	Grab pair	Grab pair	Grab pair	Grab	Grab pair	Grab pair	
UNITS:	MGD	standard units	mg/L	mg/l	umhos/cm	mg/L	ml/L	
LIMITS	MONTHLY AVG.		6.0			.23	0.1	
	DAILY MAX.	6.9				.31		
	MINIMUM		6.0					
	MAXIMUM		9.0	15.0				
DATE OF SAMPLING	1	X						
	2	X						
	3	X						
	4	X						
	5	X						
	6	X						
	7	X						
	8	X						
	9	X						
	10	X						
	11	X						
	12	X						
	13	X						
	14	X						
	15	X						
	16	X						
	17	X						
	18	X	X	X	X	X	X	X
	19	X						
	20	X						
	21							
	22							
	23							
	24							
	25							
	26							
	27							
	28							
	29							
	30							
	31							
MONTHLY AVG.	6.9	7.4	1.75	6.4	215	0.2025	0	
MAXIMUM	7.0	7.4	1.9	6.4	221	0.210	0	
MINIMUM	6.8	7.4	1.6	6.4	209	0.195	0	
			RL= 1.0 MDL = 0.1		RL= 10 MDL = 10	RL= .02 MDL = .01	RL= 0.1 MDL = 0.1	

CA DEPARTMENT OF FISH & GAME  
 HOT CREEK FISH HATCHERY  
 ORDER NO. R6V-2006-0027  
 NPDES NO. CAO102776

MONITORING LOCATION: M001(cont.)

MONTH: SEPTEMBER

YEAR: 2006

PARAMETER:	Sulfate	Temperature	Total Dissolved Solids (TDS)	Turbidity	Potassium Permanganate	
SAMPLING FREQUENCY	1/quarter	1/quarter	1/quarter	1/quarter	1/quarter (if discharged)	
SAMPLE TYPE:	Grab pair	Grab	Grab pair	Grab	Grab	
UNITS:	mg/L	F	mg/L	NTU	mg/L	
LIMITS	MONTHLY AVG.		283		0.12	
	DAILY MAX.		297		0.25	
	MINIMUM					
	MAXIMUM					
DATE OF SAMPLING	1					
	2					
	3					
	4					
	5					
	6					
	7					
	8					
	9					
	10					
	11					
	12					
	13					
	14					
	SEPT 15					
	16					
	17					
	18	X	X	X	X	X
	19					
	20					
	21					
	22					
	23					
	24					
	25					
	26					
	27					
	28					
	29					
	30					
	31					
MONTHLY AVG.	10.0	57	179.5	0.51	0.0041	
MAXIMUM	10.0		175 184		0.0058	
MINIMUM	9.99				0.0007	
	RL= 0.7 MDL = 0.5		RL= 10 MDL = 10		RL= 1.0 MDL = 0.5	

CA DEPARTMENT OF FISH & GAME  
HOT CREEK FISH HATCHERY  
ORDER NO. R6V-2006-0027  
NPDES NO. CAO102776

MONITORING LOCATION: M002

MONTH: SEPTEMBER

YEAR: 2006

PARAMETER:	FLOW	PH	Total Suspended Solids (TSS)	Dissolved Oxygen	Electrical Conductivity	Nitrate + Nitrate as N	Settleable Solids	
SAMPLING FREQUENCY	1/month	1/month	1/month	1/quarter	1/quarter & per discharge	1/quarter	1/quarter	
SAMPLE TYPE:	Instantaneous	Grab pair	Grab pair	Grab pair	Grab	Grab pair	Grab pair	
UNITS:	MGD	standard units	mg/L	mg/l	umhos/cm	mg/L	ml/L	
LIMITS	MONTHLY AVG.		6.0			.23	0.1	
	DAILY MAX.	6.5				.31		
	MINIMUM		6.0					
	MAXIMUM		9.0	15.0				
DATE OF SAMPLING  SEPT	1	X						
	2	X						
	3	X						
	4	X						
	5	X						
	6	X						
	7	X						
	8	X						
	9	X						
	10	X						
	11	X						
	12	X						
	13	X						
	14	X						
	15	X						
	16	X						
	17	X						
	18	X	X	X	X	X	X	X
	19	X						
	20	X						
	21							
	22							
	23							
	24							
	25							
	26							
	27							
	28							
	29							
	30							
	31							
MONTHLY AVG.	6.9	7.4	1.75	6.5	220	0.2175	0	
MAXIMUM	7.0	7.4	2.0	6.5	221	0.223	0	
MINIMUM	6.8	7.4	1.5	6.5	219	0.212	0	
			RL= 1.0 MDL = 0.1		RL= 10 MDL = 10	RL= .02 MDL = .01	RL= .1 MDL = .1	

CA DEPARTMENT OF FISH & GAME  
 HOT CREEK FISH HATCHERY  
 ORDER NO. R6V-2006-0027  
 NPDES NO. CAO102776

MONITORING LOCATION: M002(cont.)

MONTH: SEPTEMBER

YEAR: 2006

PARAMETER:	Sulfate	Temperature	Total Dissolved Solids (TDS)	Turbidity	Potassium Permanganate	
SAMPLING FREQUENCY	1/quarter	1/quarter	1/quarter	1/quarter	1/quarter (if discharged)	
SAMPLE TYPE:	Grab pair	Grab	Grab pair	Grab	Grab	
UNITS:	mg/L	F	mg/L	NTU	mg/L	
LIMITS	MONTHLY AVG.		283		0.12	
	DAILY MAX.		297		0.25	
	MINIMUM					
	MAXIMUM					
DATE OF SAMPLING	1					
	2					
	3					
	4					
	5					
	6					
	7					
	8					
	9					
	10					
	11					
	12					
	13					
	14					
	SEPT 15					
	16					
	17					
	18	X	X	X	X	X
	19					
	20					
	21					
	22					
	23					
	24					
	25					
	26					
	27					
	28					
	29					
	30					
	31					
MONTHLY AVG.	10.2	59	196.5	0.52	0.0152	
MAXIMUM	10.2		198		0.0356	
MINIMUM	10.2		195		0.0038	
	RL= 0.7 MDL = 0.5		RL= 10 MDL = 10		RL= 1.0 MDL = 0.5	

MONITORING LOCATION: M003

MONTH: SEPTEMBER

YEAR: 2006

PARAMETER:		FLOW	PH	Total Suspended Solids (TSS)	Dissolved Oxygen	Electrical Conductivity	Nitrate + Nitrate as N	Settleable Solids	
SAMPLING FREQUENCY		1/month	1/month	1/month	1/quarter	1/quarter & per discharge	1/quarter	1/quarter	
SAMPLE TYPE:		Instantaneous	Grab pair	Grab pair	Grab pair	Grab	Grab pair	Grab pair	
UNITS:		MGD	standard units	mg/L	mg/l	umhos/cm	mg/L	ml/L	
LIMITS	MONTHLY AVG.			6.0			.23	0.1	
	DAILY MAX.	3.8					.31		
	MINIMUM		6.0						
	MAXIMUM		9.0	15.0					
DATE OF SAMPLING	1								
	2								
	3								
	4								
	5								
	6								
	7								
	8								
	9								
	10								
	11								
	12								
	13								
	14								
	SEPT 15								
	16								
	17								
	18		X	X	X	X	X	X	X
	19								
	20								
	21								
	22								
	23								
	24								
	25								
	26								
	27								
	28								
	29								
	30								
	31								
MONTHLY AVG.		3.0	7.4	<RL	6.3	253.5	<del>0.252</del>	0	
MAXIMUM		3.0	7.4	<RL	6.3	255	0.268	0	
MINIMUM		3.0	7.4	<RL	6.3	252	0.251	0	
				RL= 1.0 MDL = 0.1		RL= 10 MDL = 10	RL= .02 MDL = .01	RL= .1 MDL = .1	

CA DEPARTMENT OF FISH & GAME  
 HOT CREEK FISH HATCHERY  
 ORDER NO. R6V-2006-0027  
 NPDES NO. CAO102776

MONITORING LOCATION: M003(cont.)

MONTH: SEPTEMBER

YEAR: 2006

PARAMETER:	Sulfate	Temperature	Total Dissolved Solids (TDS)	Turbidity
SAMPLING FREQUENCY	1/quarter	1/quarter	1/quarter	1/quarter
SAMPLE TYPE:	Grab pair	Grab	Grab pair	Grab
UNITS:	mg/L	F	mg/L	NTU
LIMITS	MONTHLY AVG.		283	
	DAILY MAX.		297	
	MINIMUM			
	MAXIMUM			
DATE OF SAMPLING				
	1			
	2			
	3			
	4			
	5			
	6			
	7			
	8			
	9			
	10			
	11			
	12			
	13			
	14			
SEPT	15			
	16			
	17			
	18	X	X	X
	19			
	20			
	21			
	22			
	23			
	24			
	25			
	26			
	27			
	28			
	29			
	30			
	31			
MONTHLY AVG.	13.0	54	202	0.64
MAXIMUM	13.0		207	
MINIMUM	12.9		197	
	RL= 0.7 MDL = 0.5		RL= 10 MDL = 10	

CA DEPARTMENT OF FISH & GAME  
HOT CREEK FISH HATCHERY  
ORDER NO. R6V-2006-0027  
NPDES NO. CA0102776

MONITORING LOCATION: M004

MONTH: SEPTEMBER

YEAR: 2006

PARAMETER:		FLOW	PH	Total Suspended Solids (TSS)	Dissolved Oxygen	Electrical Conductivity	Nitrate + Nitrate as N	Settleable Solids
SAMPLING FREQUENCY		1/month	1/month	1/month	1/quarter	1/quarter & per discharge	1/quarter	1/quarter
SAMPLE TYPE:		Instantaneous	Grab pair	Grab pair	Grab pair	Grab	Grab pair	Grab pair
UNITS:		MGD	standard units	mg/L	mg/l	umhos/cm	mg/L	ml/L
LIMITS	MONTHLY AVG.			6.0			.23	0.1
	DAILY MAX.	2.5					.31	
	MINIMUM		6.0					
	MAXIMUM		9.0	15.0				
DATE OF SAMPLING	1	X						
	2	X						
	3	X						
	4	X						
	5	X						
	6	X						
	7	X						
	8	X						
	9	X						
	10	X						
	11	X						
	12	X						
	13	X						
	14	X						
	15	X						
	16	X						
	17	X						
	18	X	X	X	X	X	X	X
	19							
	20							
	21							
	22							
	23							
	24							
	25							
	26							
	27							
	28							
	29							
	30							
	31							
MONTHLY AVG.		2.6	7.3	1.65	6.3	259	0.3215	0
MAXIMUM		2.6	7.3	1.7	6.3	259	0.325	0
MINIMUM		2.5	7.3	1.6	6.3	259	0.318	0
				RL= 1.0 MDL = 0.1		RL= 10 MDL = 10	RL= .02 MDL = .01	RL= .1 MDL = .1

CA DEPARTMENT OF FISH & GAME  
 HOT CREEK FISH HATCHERY  
 ORDER NO. R6V-2006-0027  
 NPDES NO. CAO102776

MONITORING LOCATION: M004(cont.)

MONTH: SEPTEMBER

YEAR: 2006

PARAMETER:	Sulfate	Temperature	Total Dissolved Solids (TDS)	Turbidity	
SAMPLING FREQUENCY	1/quarter	1/quarter	1/quarter	1/quarter	
SAMPLE TYPE:	Grab pair	Grab	Grab pair	Grab	
UNITS:	mg/L	F	mg/L	NTU	
LIMITS	MONTHLY AVG.		283		
	DAILY MAX.		297		
	MINIMUM				
	MAXIMUM				
DATE OF SAMPLING	1				
	2				
	3				
	4				
	5				
	6				
	7				
	8				
	9				
	10				
	11				
	12				
	13				
	14				
	SEPT 15				
	16				
	17				
	18	X	X	X	X
	19				
	20				
	21				
	22				
	23				
	24				
	25				
	26				
	27				
	28				
	29				
	30				
	31				
MONTHLY AVG.	12.6	54	187.5	1.5	
MAXIMUM	12.9		193		
MINIMUM	12.3		182		
	RL= 0.7 MDL = 0.5		RL= 10 MDL = 10		

EXHIBIT NO. 7



DEPARTMENT OF FISH AND GAME

Eastern Sierra and Inland Desert Region

Hot Creek Hatchery

HCR 79 Box 208

Mammoth Lakes, CA 93546

(760) 934-2664

(760) 934-5123 Fax



November 13, 2006

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

Dear Mary:

Please find enclosed the Self Monitoring Report (SMR) for the monthly requirement for October, 2006 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776. The SMR example forms included with the Order were utilized to summarize the collected data. Also included, is a copy of the report with the results of testing for Total Suspended Solids from the Department of Fish and Game Water Pollution Control Laboratory. If a copy of this report is not necessary to submit with every SMR, please advise. Original copies of these reports are kept on record at the facility.

Data collections did reveal a violation of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations. The limit for water flows were exceeded at one discharge point.

The maximum flow limitations for Discharge Point 002 (Settling Pond II) were surpassed. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. Under the current permit, violations for exceeding flow limits have occurred every month. As of yet, there has been no response from the Board regarding these limitations/violations.

*Conserving California's Wildlife Since 1870*

The effluent water flows are calculated at these sites utilizing United States Geologic Service (USGS) daily flow data. The values derived for Discharge Points 001 and 002 are obtained from measurement devices located in spring supplies 001 and 002, above the raceway system. At this time, the facility has no measurement devices for flow rates at the actual discharge points other than point 004.

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

Matthew Norris, Fish and Wildlife Technician  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

Sincerely,



Vern Carr  
Fish Hatchery Manager I  
Hot Creek Hatchery

cc: Dennis Redfern, SHS  
California Dept of Fish and Game  
407 West Line Street  
Bishop, CA 93514



CA DEPARTMENT OF FISH & GAME  
HOT CREEK FISH HATCHERY  
ORDER NO. R6V-2006-0027  
NPDES NO. CA0102776

**a) Brief Description of Violations:**

1) Exceeded maximum flow limitations for Discharge Point 002 (Settling Pond II). Maximum limitations are set under the permit at 6.5. Maximum daily flows were calculated at 6.7 MGD.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

1) Flow Limitation Violation  
Discharge Point 002 – Maximum 6.7 MGD

**d) WDRs/NPDES Limit/Condition:**

1) Flow Limitations  
Discharge Point 002 –Maximum 6.5 MGD

**e) Date(s) and Duration of  
Violation(s):**

1) Flow Limitation  
10/01/06 through 10/12/06

**f) Explanation of Cause(s):**

1) Flow Limitation Violation –

Abundant water years have caused natural springs to achieve consistent flow rates which are higher than set limits.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

1) Flow Limitation Violation –

There is no known remedy to decrease natural spring flows. In abundant water years, it can be anticipated that exceeding the set limit will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied, and thus at the mercy of uncontrollable hydrologic factors.

CA DEPARTMENT OF FISH & GAME  
 HOT CREEK FISH HATCHERY  
 ORDER NO. R6V-2006-0027  
 NPDES NO. CAO102776

MONITORING LOCATION: M001

MONTH: OCTOBER

YEAR: 2006

PARAMETER:	FLOW	PH	Total Suspended Solids (TSS)					
SAMPLING FREQUENCY	1/month	1/month	1/month					
SAMPLE TYPE:	Instantaneous	Grab pair	Grab pair					
UNITS:	MGD	standard units	mg/L					
LIMITS	MONTHLY AVG.		6.0					
	DAILY MAX.	6.9						
	MINIMUM		6.0					
	MAXIMUM		9.0	15.0				
DATE OF SAMPLING	1	X						
	2	X						
	3	X						
	4	X						
	5	X						
	6	X						
	7	X						
	8	X						
	9	X						
	10	X						
	11	X						
	12	X						
	13	X						
	14	X						
	15	X						
	16	X						
	17	X						
	18							
	19							
	20							
	21							
	22							
	23		X	X				
	24							
	25							
	26							
	27							
	28							
	29							
	30							
	31							
MONTHLY AVG.	6.6	7.2	1.75					
MAXIMUM	6.7	7.2	1.43					
MINIMUM	6.5	7.2	1.1					
			RL= 1.0 MDL = 0.1					

MONITORING LOCATION: M002

MONTH: OCTOBER

YEAR: 2006

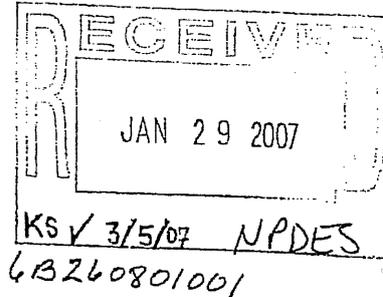
PARAMETER:		FLOW	PH	Total Suspended Solids (TSS)			
SAMPLING FREQUENCY		1/month	1/month	1/month			
SAMPLE TYPE:		Instantaneous	Grab pair	Grab pair			
UNITS:		MGD	standard units	mg/L			
LIMITS	MONTHLY AVG.			6.0			
	DAILY MAX.	6.5					
	MINIMUM		6.0				
	MAXIMUM		9.0	15.0			
DATE OF SAMPLING	1	X					
	2	X					
	3	X					
	4	X					
	5	X					
	6	X					
	7	X					
	8	X					
	9	X					
	10	X					
	11	X					
	12	X					
	13	X					
	14	X					
	OCT 15	X					
	16	X					
	17	X					
	18						
	19						
	20						
	21						
	22						
	23			X	X		
	24						
	25						
	26						
	27						
	28						
	29						
	30						
	31						
MONTHLY AVG.		6.6	7.2	1.4			
MAXIMUM		6.5	7.2	1.8			
MINIMUM		6.5	7.2	1.0			
				RL= 1.0 MDL = 0.1			

EXHIBIT NO. 8



DEPARTMENT OF FISH AND GAME  
Eastern Sierra and Inland Desert Region  
Hot Creek Hatchery  
HCR 79 Box 208  
Mammoth Lakes, CA 93546  
(760) 934-2664  
(760) 934-5123 Fax

SMR



January 23, 2007

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

Dear Mary:

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly report for December, 2006 as well as the quarterly report for October through December, 2006 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did reveal two violations of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations. The limits for Nitrate as N were exceeded at all four discharge points, as well as the limit for Potassium Permanganate at two discharge points.

The first violation for effluent limitations was the limit for Nitrate as N monthly average were surpassed at all four discharge points (M001, M002, M003, M004). Sample analysis from recent testing confirmed that Nitrate levels occurring in the Hatchery's spring supplies are higher than set discharge limits, and are in fact higher than levels detected at the discharge sites. The derived value for the Nitrate limit, and numerous other parameters, are obtained from the Board's Basin Plan, and not a site specific review of the Hot Creek springs' past data. It is our feeling that the Hatchery should only be responsible for discharge levels above those found naturally in the springs.

The second violation for effluent limitations was the maximum daily limit for Potassium Permanganate was surpassed at two discharge points (M001 and M002). Multiple production series were treated simultaneously, leading to increased chemical concentrations at both discharge points. In the future, when

the chemical treatment of multiple series is required, the times of the treatments shall be staggered, to reduce said concentration.

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

Matthew Norris, Fish Hatchery Manager I  
Mt. Whitney Hatchery  
1 Golden Trout Circle  
Independence, CA 93526  
Telephone: 760-934-2664 / Fax: 760-934-5123

Sincerely,



Vern Carr  
Fish Hatchery Manager I  
Hot Creek Hatchery

cc: Dennis Redfern, SHS  
California Dept of Fish and Game  
407 West Line Street  
Bishop, CA 93514



**a) Brief Description of Violations:**

- 1) Exceeded average monthly effluent limitations of Nitrate as N for Discharge Points M-001 (Settling Pond I), M-002 (Settling Pond II), M-003 (McBurney Pond), and M-004 (below Spawning House II).
- 2) Exceeded the average monthly and maximum daily effluent limitations of Potassium Permanganate for Discharge Points M-001 (Settling Pond I) and M-002 (Settling Pond II).

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

- 1) Nitrate as N Violation.
  - Discharge Point M-001 – Average Monthly 0.2395 mg/L
  - Discharge Point M-002 – Average Monthly 0.2380 mg/L
  - Discharge Point M-003 – Average Monthly 0.2310 mg/L
  - Discharge Point M-004 – Average Monthly 0.2765 mg/L
- 2) Potassium Permanganate Violation
  - Discharge Point M-001 – Average Monthly 0.388 mg/L  
Maximum Daily 0.674 mg/L
  - Discharge Point M-002 – Average Monthly 0.3764 mg/L  
Maximum Daily 0.743 mg/L

**d) WDRs/NPDES Limit/Condition:**

- 1) Nitrate as N Violation
  - All Discharge Points – Average Monthly 0.23 mg/L
- 2) Potassium Permanganate Violation
  - All Discharge Points – Average Monthly 0.12 mg/L  
Maximum Daily 0.31 mg/L

**e) Date(s) and Duration of Violation(s):**

- 1) Nitrate as N  
11/13/06
- 2) Potassium Permanganate  
11/29/06

**f) Explanation of Cause(s):**

1) Nitrate as N Violation –

The four main springs providing water to the Hatchery all have naturally occurring nitrate levels which are higher than the effluent limit set for the discharges. In fact, all four discharges tested lower for Nitrate than their associated water supplies. (S-001 0.264 mg/L, S-002 0.241 mg/L, S-003 0.266 mg/L, S-004 0.281mg/L)

2) Potassium Permanganate Violation –

Multiple production series were treated with potassium permanganate simultaneously. These treatments were thus discharged at the same time causing increased levels of discharge.

**g) Corrective Action(s)**

(Specify actions taken and a schedule of actions to be taken)

1) Nitrate as N Violation –

All four spring supplies (S001, S002, S003, S004) have in past samples consistently tested for Nitrate as N at higher levels than the limit set for the effluent discharges under the current order. The effluent limit of 0.23 mg/L was derived from the *Basin Plan*, and not from a site specific study of Hot Creek's springs. Recommend increasing Nitrate effluent limits, to where the Hatchery is only liable for effluent levels above those naturally occurring in the spring water.

2) Potassium Permanganate Violation –

In the future, when multiple production series require chemical treatment, said treatment will be staggered in time. This will reduce the concentration of chemical discharged into the settling ponds, thus reducing the concentration of chemical discharged at points M-001 and M-002.

California Department of Fish and Game - Hot Creek Hatchery  
 Semi-Annual & December Report  
 NPDES No. CA0102776

**Conventional & Non-Conventional Pollutants**

Monitoring Location S001 - Headwaters AB Spring		Monitoring Location S002 - Headwaters CD Spring	
Date	Collector	Date	Collector
11/13/06	M.Norris	11/13/06	M.Norris
08:15 am	08:15 am	08:15 am	08:15 am
6:07	6:07	6:07	6:07
6.8	6.8	6.8	6.8
Total Suspended Solids	ND	Total Suspended Solids	<RL
RL = 1.0	RL = 1.0	RL = 1.0	RL = 1.0
MDL = 0.1	MDL = 0.1	MDL = 0.1	MDL = 0.1
Dissolved Oxygen	6.8	Dissolved Oxygen	7.1
Nitrite (as N)	0.264	Nitrite (as N)	0.241
RL = 0.02	RL = 0.02	RL = 0.02	RL = 0.02
MDL = 0.01	MDL = 0.01	MDL = 0.01	MDL = 0.01
Orthophosphate, Dissolved (as P)	0.246	Orthophosphate, Dissolved (as P)	0.248
RL = 0.01	RL = 0.01	RL = 0.01	RL = 0.01
MDL = 0.005	MDL = 0.005	MDL = 0.005	MDL = 0.005
Total Dissolved Solids	177	Total Dissolved Solids	160
RL = 10	RL = 10	RL = 10	RL = 10
MDL = 10	MDL = 10	MDL = 10	MDL = 10
Nitrogen, Total (as N)	0.26	Nitrogen, Total (as N)	0.24
RL = 0.25	RL = 0.25	RL = 0.25	RL = 0.25
MDL = 0.01	MDL = 0.01	MDL = 0.01	MDL = 0.01
Settleable Solids	0	Settleable Solids	0
RL = 0.1	RL = 0.1	RL = 0.1	RL = 0.1
MDL = 0.1	MDL = 0.1	MDL = 0.1	MDL = 0.1
Temperature	60	Temperature	60
Turbidity NTU	0.24	Turbidity NTU	0.27

Monitoring Location S003 - Hatchery I Spring		Monitoring Location S004 - Hatchery II Spring	
Date	Collector	Date	Collector
11/13/06	M.Norris	11/13/06	M.Norris
08:45 am	08:45 am	08:45 am	08:45 am
2.4	2.4	2.4	2.4
6.4	6.4	6.4	6.4
Total Suspended Solids	1.7	Total Suspended Solids	1.7
RL = 1.0	RL = 1.0	RL = 1.0	RL = 1.0
MDL = 0.1	MDL = 0.1	MDL = 0.1	MDL = 0.1
Dissolved Oxygen	6.9	Dissolved Oxygen	6.1
Nitrite (as N)	0.266	Nitrite (as N)	0.281
RL = 0.02	RL = 0.02	RL = 0.02	RL = 0.02
MDL = 0.01	MDL = 0.01	MDL = 0.01	MDL = 0.01
Orthophosphate, Dissolved (as P)	0.272	Orthophosphate, Dissolved (as P)	0.220
RL = 0.01	RL = 0.01	RL = 0.01	RL = 0.01
MDL = 0.005	MDL = 0.005	MDL = 0.005	MDL = 0.005
Total Dissolved Solids	166	Total Dissolved Solids	172
RL = 10	RL = 10	RL = 10	RL = 10
MDL = 10	MDL = 10	MDL = 10	MDL = 10
Nitrogen, Total (as N)	0.27	Nitrogen, Total (as N)	0.28
RL = 0.25	RL = 0.25	RL = 0.25	RL = 0.25
MDL = 0.01	MDL = 0.01	MDL = 0.01	MDL = 0.01
Settleable Solids	0	Settleable Solids	0
RL = 0.1	RL = 0.1	RL = 0.1	RL = 0.1
MDL = 0.1	MDL = 0.1	MDL = 0.1	MDL = 0.1
Temperature	55	Temperature	54
Turbidity NTU	0.30	Turbidity NTU	0.24

Date	Collector	Time	Flow MGD	PH	Total Suspended Solids	Dissolved Oxygen	Nitrite (as N)	Orthophosphate, Dissolved (as P)	Total Dissolved Solids	Nitrogen, Total (as N)	Settleable Solids	Temperature	Turbidity NTU
11/13/06	M.Norris	08:50 am	2.20	7.1	ND	6.1	0.281	0.220	172	0.28	0	54	0.24
					RL = 1.0		RL = 0.02	RL = 0.01	RL = 10	RL = 0.25	RL = 0.1		
					MDL = 0.1		MDL = 0.01	MDL = 0.005	MDL = 10	MDL = 0.01	MDL = 0.1		



**Monitoring Location M003 - Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids, m/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU
11/13/06	M.Norris	08:40 am	3.0	7.3	2.6	7.3	0.236	0.270	167	10.9	0.50	0	5.26	234	56	1.50
11/13/06	M.Norris	11:10 am	3.0	7.3	2.1	7.3	0.226	0.266	165	10.4	0.49	0	5.63			
					AVG=2.35		<del>AVG=0.221</del>		AVG=166							
12/18/06	M.Norris	08:00 am	2.5	7.3	1.9											
12/18/06	M.Norris	10:05 am	2.5	7.3	1.8											
					AVG=1.85											
					RL = 1.0		RL = 0.02	RL = 0.01	RL = 10	RL = 0.70	RL = 0.5	RL = 0.1	RL = 0.35			
					MDL = 0.1		MDL = 0.01	MDL = 0.005	MDL = 10	MDL = 0.5	MDL = 0.25	MDL = 0.1	MDL = 0.2			

\*SET LIMIT FOR AVERAGE DAILY NITRATE EXCEEDED (0.23), ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M004 - Outfall Spawning House II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids, m/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU
11/13/06	M.Norris	09:00 am	2.20	7.2	<RL	7.0	0.276	0.222	174	12.2	0.28	0	9.60	244	54	1.0
11/13/06	M.Norris	11:15 am	2.20	7.2	<RL	7.0	0.277	0.221	172	12.2	0.28	0	9.63			
					AVG=<RL		<del>AVG=0.276</del>		AVG=173							
12/18/06	M.Norris	08:10 am	2.20	7.3	<RL											
12/18/06	M.Norris	10:20 am	2.20	7.3	<RL											
					AVG=<RL											
					RL = 1.0		RL = 0.02	RL = 0.01	RL = 10	RL = 0.70	RL = 0.5	RL = 0.1	RL = 0.35			
					MDL = 0.1		MDL = 0.01	MDL = 0.005	MDL = 10	MDL = 0.5	MDL = 0.25	MDL = 0.1	MDL = 0.2			

\*SET LIMIT FOR AVERAGE DAILY NITRATE EXCEEDED (0.23), ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location R001 - Mammoth Creek, 25ft upstream of confluence w/ Hot Creek**

Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids ml/L	Temperature F	Turbidity NTU
11/13/06	M.Norris	09:23 am		8.0	1.6	11.1	ND	0.126	113	ND	0	38	0.65
11/13/06	M.Norris	11:30 am		8.0	1.6	11.1	ND	0.109	113	ND	0	38	0.65
12/29/06	USGS		5.42										
					RL = 1.0 MDL = 0.1		RL = 0.02 MDL = 0.01	RL = 0.01 MDL = 0.005	RL = 10 MDL = 10	RL = 0.25 MDL = 0.01	RL = 0.1 MDL = 0.1		

**Monitoring Location R002 - Hot Creek, 50ft downstream from discharge of M004**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Ammonia mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids ml/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
11/13/06	M.Norris	09:10 am		7.6	2.6	8.9	0.181	0.226	161	0.105	0.53	0	195	50	0.81
11/13/06	M.Norris	11:40 am		7.6	2.4	8.9	0.185	0.225	160	0.061	0.48	0			
12/29/06	USGS		24.42												
					RL = 1.0 MDL = 0.1		RL = 0.02 MDL = 0.01	RL = 0.01 MDL = 0.005	RL = 10 MDL = 10	RL = 0.10 MDL = 0.04	RL = 0.5 MDL = 0.25	RL = 0.1 MDL = 0.1			

Non-Conventional Pollutants – Aquaculture Chemicals

Monitoring Location M001 – Outfall Settling Pond I

Potassium Permanganate  
(KMNO4)

Date	Collector	Sample ID
11/29/06	M,Norris	M001 Pre Treatment
11/29/06	M,Norris	M001 Treatment

0.0066  
~~0.0074~~  
RL = 2.9  
MDL = 14

Monitoring Location M002 – Outfall Settling Pond II

Potassium Permanganate  
(KMNO4)

Date	Collector	Sample ID
11/29/06	M,Norris	M001 Pre Treatment
11/29/06	M,Norris	M001 Treatment

0.0098  
~~0.0074~~  
RL = 2.9  
MDL = 14

\*SETTLIMIT FOR MAXIMUM DAILY POTASSIUM PERMANGANATE LIMIT EXCEEDED (0.25).

Monitoring Location M003 – McBurney Pond

FINQUEL  
(MS-222)

Date	Collector	Sample ID
11/29/06	M,Norris	M003 Pre Treatment
11/29/06	M,Norris	M003 Treatment

ND  
.0489  
RL = 0.0004  
MDL = 0.0002

Monitoring Location M004 – Outfall Spawning House II

FINOUEL  
(MS-222)

Date	Collector	Sample ID	me/L
12/19/06	M.Norris	M004 Pre Treatment	ND
12/19/06	M.Norris	M004 Treatment	.0121

RL = 0.0004  
MDL = 0.000

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

2005 NIMBUS ROAD  
RANCHO CORDOVA, CA 95670  
PHONE (916) 358-2858 ATSS 8-434-2858 FAX (916) 985-4301

**LABORATORY REPORT**

Name: HOT CREEK HATCHERY  
Agency: DEPARTMENT OF FISH AND GAME  
Address: HCR 79, BOX 208  
City: MAMMOTH LAKES CA 93546

Lab Number: L-643-06  
Customer : Hot Creek Hatchery  
Index-PCA Code:  
Spill Title:

Phone Number: 760-934-2664  
CC:

Sample Number: L-643-06-01      Sample Collection Date: 11/29/2006      Time: 0:00  
Sample Location:      Lab Submittal Date: 11/30/2006  
Customer reference: M001-1 pre-treatment

ANALYSIS NAME	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Potassium Permanganate	6.6	µg/L		12/13/2006	CO	2.9	1.4	SM 3113
Sample Comments:								

Sample Number: L-643-06-02      Sample Collection Date: 11/29/2006      Time: 0:00  
Sample Location:      Lab Submittal Date: 11/30/2006  
Customer reference: M001-2

ANALYSIS NAME	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Potassium Permanganate	674	µg/L		12/13/2006	CO	2.9	14	SM 3113
Sample Comments:								

Sample Number: L-643-06-03      Sample Collection Date: 11/29/2006      Time: 0:00  
Sample Location:      Lab Submittal Date: 11/30/2006  
Customer reference: M002-1 pre treatment

ANALYSIS NAME	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Potassium Permanganate	9.8	µg/L		12/13/2006	CO	2.9	1.4	SM 3113
Sample Comments:								

DNQ = Detected not Quantified  
H = Holding Time Exceeded  
ND = Not Detected  
Lab Number L-643-06

Sample Number: L-643-06-04  
Sample Location:  
Customer reference: M002-2

Sample Collection Date: 11/29/2006 Time: 0:00  
Lab Submittal Date: 11/30/2006

ANALYSIS NAME	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Potassium Permanganate	743	µg/L		12/13/2006	CO	2.9	14	SM 3113

Sample Comments:

Patty Suckewer      12/18/06      [Signature]      12/23/06  
Reviewed by                      Date                      Laboratory Director                      Date

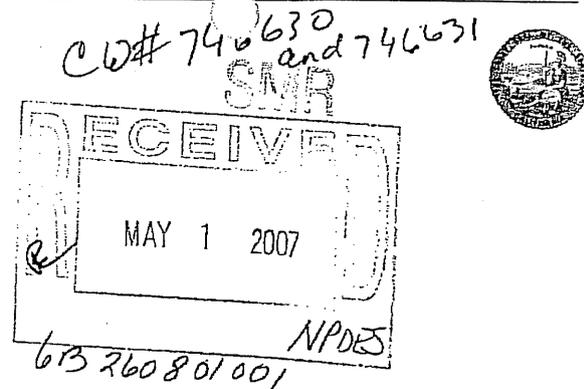
Total Lab Analysis Price: \$224.00

DNQ = Detected not Quantified  
H = Holding Time Exceeded  
ND = Not Detected  
Lab Number L-643-06

EXHIBIT NO. 9



DEPARTMENT OF FISH AND GAME  
Eastern Sierra and Inland Desert Region  
Hot Creek Hatchery  
HCR 79 Box 208  
Mammoth Lakes, CA 93546  
(760) 934-2664  
(760) 934-5123 Fax



April 27, 2007

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

Dear Mary:

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly report for March, 2007 as well as the quarterly report for January through March, 2007 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did reveal two violations of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations. The limits for Nitrate as N were exceeded at all four discharge points, as well as the flow limit for Discharge Point 003 (McBurney Pond).

The first violation for effluent limitations was the limit for Nitrate as N monthly average were surpassed at all four discharge points (M001, M002, M003, M004). Sample analysis from recent semi-annual testing confirmed that Nitrate levels occurring in the Hatchery's spring supplies are higher than set discharge limits. In fact, Nitrate levels of the springs are higher than levels detected at the discharge sites. The derived value for the Nitrate limit, and numerous other parameters, are obtained from the Board's Basin Plan, and not a site specific review of the Hot Creek springs' past data. It is our feeling that the Hatchery should only be responsible for discharge levels above those found naturally in the springs.

The second violation for effluent limitations was the exceeding the maximum flow limitation for Discharge Point 003. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. Under the current permit, violations for

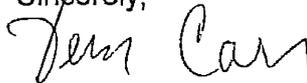
exceeding flow limits have occurred regularly. As of yet, there has been no response from the Board regarding these limitations/violations.

The effluent water flows for Discharge Points 001,002, and 003 are calculated by hatchery personnel utilizing stream flowmeters. The values for Discharge Point 004 are derived from data supplied by the United States Geological Service, which has a monitoring station at the site.

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

Matthew Norris, Fish Hatchery Manager I  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

Sincerely,



Vern Carr  
Fish Hatchery Manager I  
Hot Creek Hatchery

cc: Dennis Redfern, SHS  
California Dept of Fish and Game  
407 West Line Street  
Bishop, CA 93514



**a) Brief Description of Violations:**

1) Exceeded maximum flow limitations for Discharge Point 003 (McBurney Pond). Maximum limitations are set under the permit at 3.8 MGD. Maximum daily flows were calculated at 4.44 MGD.

2) Exceeded the average monthly effluent limitations of Nitrate as N for Discharge Points 001 (Settling Pond I), 002 (Settling Pond II), 003 (McBurney Pond) and 004 (Below Spawning House II). The limitation set is 0.23 mg/L, and the calculated monthly average was 0.2465, 0.2425, 0.2490, and 0.2355 mg/L respectively.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

1) Flow Limitation Violations

Discharge Point 003 – Maximum 4.44 MGD

2) Nitrate as N Violation

Discharge Point 001 – Monthly Average .2465 mg/L

Discharge Point 002 – Monthly Average .2425 mg/L

Discharge Point 003 – Monthly Average .2490 mg/L

Discharge Point 004 – Monthly Average .2355 mg/L

**d) WDRs/NPDES Limit/Condition:**

1) Flow Limitations

Discharge Point 003 – Maximum 3.8 MGD

2) Nitrate as N Limitation

All Discharge Points – Monthly Average .23 mg/L

**e) Date(s) and Duration of  
Violation(s):**

1) Flow Limitations

01/01/07 through 03/30/07

2) Nitrate as N

03/26/07

**f) Explanation of Cause(s):**

1) Flow Limitation Violations –

Abundant water years have caused natural springs to achieve consistent flow rates which are higher than set limits.

2) Nitrate as N Violation –

The spring supplies providing water to the Hatchery have naturally occurring nitrate levels which are most often higher than the effluent limit set for the discharges.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

1) Flow Limitation Violations –

There is no known remedy to decrease natural spring flows. In abundant water years, it can be anticipated that exceeding the set limit will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied, and thus at the mercy of uncontrollable hydrologic factors.

2) Nitrate as N Violation –

All four spring supplies (S001, S002, S003, S004) have in past samples, under the previous order, consistently tested for Nitrate as N in higher levels than the limit set for the effluent discharges under the current order. The effluent limit of 0.23 mg/L was derived from the *Basin Plan*, and not from a site specific study of Hot Creek's springs. Recommend increasing Nitrate effluent limits, to where the Hatchery is only liable for effluent levels above those naturally occurring in the spring water.

California Department of Fish and Game - Hot Creek Hatchery  
 1<sup>st</sup> Quarterly & March 2007 Report  
 NPDES No. CA0102776

Conventional & Non-Conventional Pollutants

Monitoring Location M001 - Outfall Settling Pond I

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
03/30/07	P. Sater	11:00 am	4.64		4.0	6.7	0.250	189	10.2	<0.1	251	56	0.37
03/26/07	P. Sater	07:58 am		7.24	5.7	6.7	0.243	192	10.3	<0.1	248		
03/26/07	P. Sater	10:06 am			AVG=4.85		AVG=0.2425	AVG=190.5					
					RL = 1.0 MDL = 0.1		RL = 0.02 MDL = 0.01	RL = 10 MDL = 10	RL = 0.70 MDL = 0.50	RL = 0.1 MDL = 0.1			

\*SET LIMIT FOR AVERAGE DAILY NITRATE EXCEEDED (0.23), ALL OTHER PARAMETERS WITHIN SET LIMITS

Monitoring Location M002 - Outfall Settling Pond II

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
03/30/07	P. Sater	11:45 am	5.89		2.8	6.2	0.245	188	10.3	<0.1	249	55	0.49
03/26/07	P. Sater	08:06 am		7.06	4.5	6.7	0.240	186	10.4	<0.1	251		
03/26/07	P. Sater	10:06 am		7.39	AVG=3.65		AVG=0.2405	AVG=187.0					
					RL = 1.0 MDL = 0.1		RL = 0.02 MDL = 0.01	RL = 10 MDL = 10	RL = 0.70 MDL = 0.50	RL = 0.1 MDL = 0.1			

\*SET LIMIT FOR AVERAGE DAILY NITRATE EXCEEDED (0.23), ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 - Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
03/30/07	P. Sater	01:30 pm	<del>8.24</del>	7.06	1.3	6.5	0.256	176	11.7	<0.1	231	51	0.29
03/26/07	P. Sater	08:13 am		7.37	1.0	7.9	0.242	178	11.6	<0.1	230		
03/26/07	P. Sater	10:20 am			AVG=2.35		<del>AVG=0.242</del>	AVG=177.0					
					RL = 1.0 MDL = 0.1		RL = 0.02 MDL = 0.01	RL = 10 MDL = 10	RL = 0.70 MDL = 0.50	RL = 0.1 MDL = 0.1			

\*SET LIMIT FOR MAXIMUM DAILY FLOW EXCEEDED (3.8), LIMIT FOR AVERAGE DAILY NITRATE EXCEEDED (0.23), ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M004 - Outfall Spawning House II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
03/26/07	USGS	12:00 pm	2.47	7.41	1.1	7.6	0.235	160	12.4	<0.1	225	51	0.12
03/26/07	P. Sater	08:24 am		7.41	1.6	7.5	0.236	162	12.5	<0.1	226		
03/26/07	P. Sater	10:36 am			AVG=1.35		<del>AVG=0.235</del>	AVG=161.0					
					RL = 1.0 MDL = 0.1		RL = 0.02 MDL = 0.01	RL = 10 MDL = 10	RL = 0.70 MDL = 0.50	RL = 0.1 MDL = 0.1			

LIMIT FOR AVERAGE DAILY NITRATE EXCEEDED (0.23), ALL OTHER PARAMETERS WITHIN SET LIMITS

Monitoring Location R001 – Mammoth Creek, 25ft upstream of confluence w/ Hot Creek

Date	Collector	Time	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Settleable Solids mg/L	Temperature F	Turbidity NTU
03/26/07	P. Sater	08:33 am	8.03	3.0	10.54	<0.1	38	0.50
03/26/07	P. Sater	11:00 am	8.22	2.5	10.83	<0.1		
				RL = 1.0 MDL = 0.1				

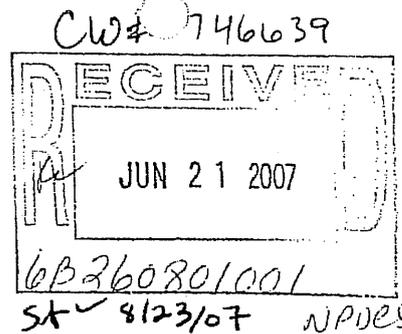
Monitoring Location R002 – Hot Creek, 50ft downstream from discharge of M004.

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	T.D.S. mg/L	Ammonia mg/L	Settleable Solids m/L	Temperature F	Turbidity NTU
03/29/07	P.Sater	12:00 pm	21.68								
03/26/07	P.Sater	08:51 am		7.66	2.6	9.3	169	0.229	<0.1	49	0.39
03/26/07	P.Sater	11:28 am		7.90	3.4	10.3	170	0.223	<0.1		
							RL = 10 MDL = 10	RL = 0.10 MDL = 0.04	RL = 0.1 MDL = 0.1		

EXHIBIT NO. 10



DEPARTMENT OF FISH AND GAME  
Eastern Sierra and Inland Desert Region  
Hot Creek Hatchery  
HCR 79 Box 208  
Mammoth Lakes, CA 93546  
(760) 934-2664  
(760) 934-5123 Fax



SMR

June 05, 2007

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

Dear Mary:

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly requirements for May, 2007 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did reveal one violation of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations.

The maximum flow limitation for Discharge Point 003 is set at 3.8 million gallons per day (MGD); the volume measured was 4.14 MGD. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. Under the current permit, violations for exceeding flow limits have occurred regularly. As of yet, there has been no response from the Board regarding these limitations and subsequent violations.

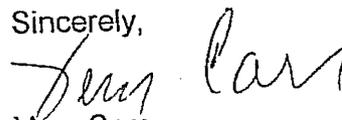
The effluent water flows for Discharge Points 001, 002, and 003 are calculated by hatchery personnel utilizing stream flowmeters. The values for Discharge Point 004 are derived from data supplied by the United States Geological Service, which has a monitoring station at the site.

*Conserving California's Wildlife Since 1870*

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

Matthew Norris, Fish Hatchery Manager I  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

Sincerely,



Vern Carr

Fish Hatchery Manager II  
Hot Creek Hatchery

cc: Dennis Redfern, SHS  
California Dept of Fish and Game  
407 West Line Street  
Bishop, CA 93514



CA DEPARTMENT OF FISH & GAME  
HOT CREEK FISH HATCHERY  
ORDER NO. R6V-2006-0027  
NPDES NO. CAO102776

**a) Brief Description of Violations:**

1) Exceeded maximum flow limitations for Discharge Point 003 (McBurney Pond). Maximum limitations are set under the permit at 3.8 MGD. Maximum daily flows were calculated at 4.14 MGD.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

1) Flow Limitation Violations  
Discharge Point 003 – Maximum 4.44 MGD

**d) WDRs/NPDES Limit/Condition:**

1) Flow Limitations  
Discharge Point 003 –Maximum 3.8 MGD

**e) Date(s) and Duration of  
Violation(s):**

1) Flow Limitations  
05/01/07 through 05/31/07

**f) Explanation of Cause(s):**

1) Flow Limitation Violations –

Natural springs are dependent upon hydrological conditions not within the Hatcheries' influence.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

1) Flow Limitation Violations –

There is no known remedy to decrease natural spring flows. It can be anticipated that exceeding the set limits will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied and thus at the mercy of uncontrollable hydrologic factors.

California Department of Fish and Game - Hot Creek Hatchery  
 May, 2007 Report  
 NPDES No. CA0102776

**Conventional & Non-Conventional Pollutants**

**Monitoring Location M001 – Outfall Settling Pond I**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
05/07/07	M. Norris	08:00 am	5.28	6.9	2.8
05/07/07	M. Norris	10:20 am	5.28	7.0	4.3
					AVG=3.55
					RL = 1.0
					MDL = 0.1

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M002 – Outfall Settling Pond II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
05/07/07	M. Norris	08:05 am	4.83	7.0	3.5
05/07/07	M. Norris	10:25 am	4.83	7.0	4.7
					AVG=4.1
					RL = 1.0
					MDL = 0.1

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 – Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
05/07/07	M. Norris	08:10 am	3.8	7.0	<RL
05/07/07	M. Norris	10:30 am	3.8	7.0	<RL
					AVG = <RL
					RL = 1.0
					MDL = 0.1

\* EFFLUENT LIMITATION FOR MAXIMUM DAILY FLOW EXCEEDED (3.8)

**Monitoring Location M004 – Outfall Spawning House II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
05/07/07	M. Norris	08:15 am	2.08	7.1	<RL
05/07/07	M. Norris	10:45 am	2.08	7.1	<RL
					AVG = <RL
					RL = 1.0
					MDL = 0.1

\* ALL PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 11



**a) Brief Description of Violations:**

- 1) Exceeded average monthly effluent limitation of Nitrate as N for Discharge Points M-001 (Settling Pond I) and M-002 (Settling Pond II).
- 2) Exceeded the maximum daily effluent limitations for flows at Discharge Point M003 (McBurney Pond).

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

- 1) Nitrate as N Violation.  
Discharge Point M-001 – Average Monthly 0.2505 mg/L  
Discharge Point M-002 – Average Monthly 0.2385 mg/L
- 2) Maximum Daily Flow Violation  
Discharge Point M-003 – Maximum Daily 4.34 MGD

**d) WDRs/NPDES Limit/Condition:**

- 1) Nitrate as N  
All Discharge Points – Average Monthly 0.23 mg/L
- 2) Maximum Daily Flow  
Discharge Point M-003 – Maximum Daily Flow 3.8 MGD

**e) Date(s) and Duration of Violation(s):**

- 1) Nitrate as N  
06/04/07
- 2) Maximum Daily Flow  
06/04/07

**f) Explanation of Cause(s):**

1) Nitrate as N Violation –

The four main springs providing water to the Hatchery all have naturally occurring nitrate levels which routinely test higher than the effluent limit set for the discharges. In fact, all four discharges tested lower for Nitrate than their associated water supplies. (S-001 0.293 mg/L, S-002 0.239 mg/L, S-003 0.219 mg/L, S-004 0.238mg/L)

2) Maximum Daily Flow Violation –

Natural springs are dependent upon hydrological conditions not within the Hatcheries' influence.

**g) Corrective Action(s)**

(Specify actions taken and a schedule of actions to be taken)

1) Nitrate as N Violation –

All four spring supplies (S001, S002, S003, S004) have in past samples consistently tested for Nitrate as N at higher levels than the limit set for the effluent discharges under the current order. The effluent limit of 0.23 mg/L was derived from the *Basin Plan*, and not from a site specific study of Hot Creek's springs. Recommend increasing Nitrate effluent limits, to where the Hatchery is only liable for effluent levels above those naturally occurring in the spring water.

2) Maximum Daily Flow Violation –

There is no known remedy to decrease natural spring flows. It can be anticipated that exceeding the set limits will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied and thus at the mercy of uncontrollable hydrologic factors.

California Department of Fish and Game - Hot Creek Hatchery  
 Semi-Annual, 2<sup>nd</sup> Quarterly & June 2007 Report  
 NPDES No. CA0102776

Conventional & Non-Conventional Pollutants

Monitoring Location S001 - Headwaters AB Spring													
Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids m/L	Temperature F	Turbidity NTU
06/04/07	P. Sater	07:45 am	4.59	6.72	<RL	6.62	0.293	0.140	196	0.29	<0.1	60	0.11
					RL = 1.0 MDL = 0.1		RL = 0.02 MDL = 0.01	RL = 0.01 MDL = 0.005	RL = 10 MDL = 10	RL = 0.25 MDL = 0.01	RL = 0.1 MDL = 0.1		

Monitoring Location S002 - Headwaters CD Spring													
Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids m/L	Temperature F	Turbidity NTU
06/04/07	P. Sater	07:55 am	5.49	6.83	<RL	7.37	0.239	0.151	184	0.24	<0.1	58	0.12
					RL = 1.0 MDL = 0.1		RL = 0.02 MDL = 0.01	RL = 0.01 MDL = 0.005	RL = 10 MDL = 10	RL = 0.25 MDL = 0.01	RL = 0.1 MDL = 0.1		

Monitoring Location S003 - Hatchery I Spring													
Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids m/L	Temperature F	Turbidity NTU
06/04/07	P. Sater	08:00 am	6.07	6.83	1.4	7.66	0.219	0.165	159	0.22	<0.1	54	0.24
					RL = 1.0 MDL = 0.1		RL = 0.02 MDL = 0.01	RL = 0.01 MDL = 0.005	RL = 10 MDL = 10	RL = 0.25 MDL = 0.01	RL = 0.1 MDL = 0.1		

Monitoring Location S004 - Hatchery II Spring													
Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids m/L	Temperature F	Turbidity NTU
06/04/07	P. Sater	08:10 am	2.00	7.00	3.4	7.14	0.238	0.144	155	0.24	<0.1	53	0.10
					RL = 1.0 MDL = 0.1		RL = 0.02 MDL = 0.01	RL = 0.01 MDL = 0.005	RL = 10 MDL = 10	RL = 0.25 MDL = 0.01	RL = 0.1 MDL = 0.1		

**Monitoring Location M001 - Outfall Settling Pond I**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids mg/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU
0604/07	P. Sater	08:23 am	6.36	7.1	2.3	7.9	0.254	0.259	184	10.2	0.98	<0.1	4.09	291	59	0.25
0604/07	P. Sater	10:35 am	6.36	7.1	7.2	9.3	0.247	0.259	217	10.2	1.19	<0.1	4.22			
					AVG=4.75		<del>0.250</del>		AVG=200.5							
					RL = 1.0		RL = 0.02	RL = 0.01	RL = 10	RL = 0.70	RL = 0.5	RL = 0.1	RL = 0.35			
					MDL = 0.1		MDL = 0.01	MDL = 0.005	MDL = 10	MDL = 0.5	MDL = 0.25	MDL = 0.1	MDL = 0.2			

\*SET LIMIT FOR AVERAGE DAILY NITRATE EXCEEDED (0.23), ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M002 - Outfall Settling Pond II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids mg/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU
0604/07	P. Sater	08:35 am	5.44	7.1	3.0	7.5	0.247	0.267	196	10.2	1.10	<0.1	4.32	291	59	0.31
0604/07	P. Sater	10:50 am	5.44	7.1	6.1	8.3	0.230	0.264	188	10.3	1.15	<0.1	4.26			
					AVG=4.55		<del>0.238</del>		AVG=192							
					RL = 1.0		RL = 0.02	RL = 0.01	RL = 10	RL = 0.70	RL = 0.5	RL = 0.1	RL = 0.35			
					MDL = 0.1		MDL = 0.01	MDL = 0.005	MDL = 10	MDL = 0.5	MDL = 0.25	MDL = 0.1	MDL = 0.2			

\*SET LIMIT FOR AVERAGE DAILY NITRATE EXCEEDED (0.23), ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 - Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids mg/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU
0604/07	P. Sater	08:45 am	7.1	<RL	8.3	0.201	0.178	170	10.5	ND	<0.1	4.71	243	54	0.26	
0604/07	P. Sater	10:55 am	7.1	<RL	10.2	0.183	0.174	175	10.5	ND	<0.1	4.71				
					AVG=<RL		AVG=0.192		AVG=172.5							
					RL = 1.0		RL = 0.02	RL = 0.01	RL = 10	RL = 0.70	RL = 0.5	RL = 0.1	RL = 0.35			
					MDL = 0.1		MDL = 0.01	MDL = 0.005	MDL = 10	MDL = 0.5	MDL = 0.25	MDL = 0.1	MDL = 0.2			

\*SET LIMIT FOR MAXIMUM DAILY FLOW EXCEEDED (3.8), ALL OTHER PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 12



DEPARTMENT OF FISH AND GAME

Eastern Sierra and Inland Desert Region

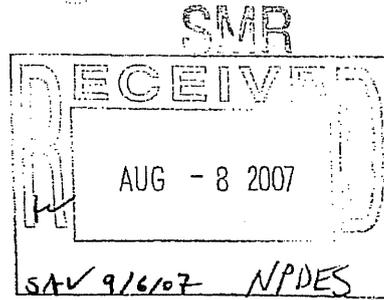
Hot Creek Hatchery

HCR 79 Box 208

Mammoth Lakes, CA 93546

(760) 934-2664

(760) 934-5123 Fax



August 06, 2007

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

Dear Mary:

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly requirements for July, 2007 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did reveal one violation of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations.

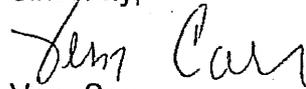
The maximum flow limitation for Discharge Point 003 is set at 3.8 million gallons per day (MGD); the volume measured was 4.58 MGD. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. Under the current permit, violations for exceeding flow limits have occurred regularly.

The effluent water flows for Discharge Points 001,002, and 003 are calculated by hatchery personnel utilizing stream flowmeters. The values for Discharge Point 004 are derived from data supplied by the United States Geological Service, which maintains a monitoring station at the site.

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

Matthew Norris, Fish Hatchery Manager I  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

Sincerely,



Vern Carr  
Fish Hatchery Manager II  
Hot Creek Hatchery

cc: Dennis Redfern, Senior Hatchery Supervisor  
California Dept of Fish and Game  
407 West Line Street  
Bishop, CA 93514

Jim Starr, Hatchery NPDES Coordinator  
California Dept of Fish and Game  
830 S Street  
Sacramento, CA 95814



CA DEPARTMENT OF FISH & GAME  
HOT CREEK FISH HATCHERY  
ORDER NO. R6V-2006-0027  
NPDES NO. CAO102776

**a) Brief Description of Violations:**

1) Exceeded maximum flow limitations for Discharge Point 003 (McBurney Pond). Maximum limitations are set under the permit at 3.8 MGD. Maximum daily flows were calculated at 4.58 MGD.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

1) Flow Limitation Violations  
Discharge Point 003 – Maximum 4.58 MGD

**d) WDRs/NPDES Limit/Condition:**

1) Flow Limitations  
Discharge Point 003 –Maximum 3.8 MGD

**e) Date(s) and Duration of  
Violation(s):**

1) Flow Limitations  
07/01/07 through 07/31/07

**f) Explanation of Cause(s):**

1) Flow Limitation Violations –

Natural springs are dependent upon hydrological conditions not within the Hatcheries' influence.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

1) Flow Limitation Violations –

There is no known remedy to decrease natural spring flows. It can be anticipated that exceeding the set limits will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied and thus at the mercy of uncontrollable hydrologic factors.

California Department of Fish and Game - Hot Creek Hatchery  
 July, 2007 Report  
 NPDES No. CA0102776

**Conventional & Non-Conventional Pollutants**

**Monitoring Location M001 – Outfall Settling Pond I**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
07/09/07	M. Ficele	08:51 am	5.87	6.9	1.9
07/09/07	M. Ficele	12:00 am		7.2	5.8
					AVG=3.85
					RL = 1.0
					MDL = 0.1

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M002 – Outfall Settling Pond II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
07/09/07	M. Ficele	08:55 am	4.45	7.0	2.4
07/09/07	M. Ficele	11:57 am		7.0	6.9
					AVG=4.65
					RL = 1.0
					MDL = 0.1

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 – Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
07/09/07	M. Ficele	09:01 am	3.5	6.8	<RL
07/09/07	M. Ficele	12:00 am		7.1	ND
					AVG= <RL
					RL = 1.0
					MDL = 0.1

\* EFFLUENT LIMITATION FOR MAXIMUM DAILY FLOW EXCEEDED (3.8)

**Monitoring Location M004 – Outfall Spawning House II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
07/09/07	M. Ficele	09:24 am		6.9	<RL
07/09/07	M. Ficele	11:50 am		7.0	<RL
07/09/07	USGS		2.33		
					AVG= <RL
					RL = 1.0
					MDL = 0.1

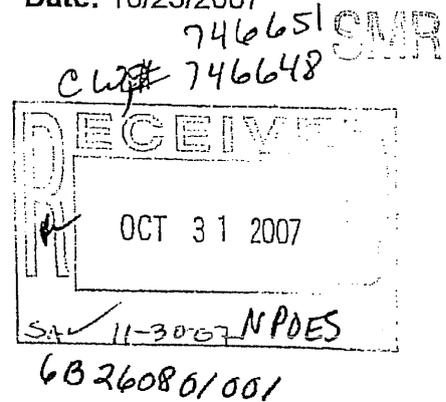
\* ALL PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 13

## Memorandum

Date: 10/25/2007

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



From: Department of Fish and Game, Hot Creek Hatchery

Subject: August 2007 Monthly Self Monitoring Report

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly report for September, 2007 as well as the quarterly report for July through September, 2007 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did reveal two violations of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations. The average monthly effluent limit for Nitrate as N was exceeded at two discharge points. The maximum daily flow limit for discharge point 003 (McBurney Pond) was also exceeded.

The first violation for effluent limitations was the monthly average limit for Nitrate as N was surpassed at discharge points M001 and M002. Historical sample analysis of the Hatchery's spring supplies consistently test for Nitrate levels higher than set discharge limits. In fact, Nitrate levels of the springs are higher than levels detected at the discharge sites. The derived value for the Nitrate limit, and numerous other parameters, are obtained from the Board's Basin Plan, and not a site specific review of the Hot Creek springs' past data. It is our feeling that the Hatchery should only be responsible for discharge levels above those found naturally in the springs.

The second violation for effluent limitations was the exceeding the maximum flow limitation for Discharge Point 003. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. Under the current permit, violations for exceeding flow limits have occurred regularly. As of yet, there has been no response from the Board regarding these limitations/violations.

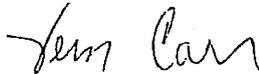
The effluent water flows for Discharge Points 001, 002, and 003 are calculated by hatchery personnel utilizing stream flowmeters. The values for Discharge Point 004 are derived from

data supplied by the United States Geological Service, which has a monitoring station at the site.

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

Matthew Norris, Fish Hatchery Manager I  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

Sincerely,



Vern Carr  
Fish Hatchery Manager II  
Hot Creek Hatchery

Attachment: Self Monitoring Report for August 2007

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
Dennis Redfern, Senior Hatchery Supervisor Regions 5/6



**a) Brief Description of Violations:**

1) Exceeded the average monthly effluent limitations of Nitrate as N for Discharge Points 001 (Settling Pond I) and 002 (Settling Pond II). The limitation set is 0.23 mg/L, and the calculated monthly average was 0.2355 and 0.2425 mg/L respectively.

2) Exceeded maximum flow limitations for Discharge Point 003 (McBurney Pond). Maximum limitations are set under the permit at 3.8 MGD. Maximum daily flows were calculated at 4.15 MGD.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

- 1) Nitrate as N Violation  
Discharge Point 001 – Monthly Average .2355 mg/L  
Discharge Point 002 – Monthly Average .2425 mg/L
- 2) Flow Limitation Violations  
Discharge Point 003 – Maximum 4.15 MGD

**d) WDRs/NPDES Limit/Condition:**

- 1) Nitrate as N Limitation  
All Discharge Points – Monthly Average .23 mg/L
- 2) Flow Limitations  
Discharge Point 003 –Maximum 3.8 MGD

**e) Date(s) and Duration of Violation(s):**

- 1) Nitrate as N  
09/10/07
- 2) Flow Limitations  
07/01/07 through 09/30/07

**f) Explanation of Cause(s):**

1) Nitrate as N Violation –

The influent spring supplies providing water to the Hatchery have naturally occurring nitrate levels which most often test higher than the effluent limit set for the discharges.

2) Flow Limitation Violations –

Natural springs have flows which are dependent upon hydrological conditions not within the Hatchery's influence.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

1) Flow Limitation Violations –

There is no known remedy to decrease natural spring flows. It can be anticipated that exceeding the set limits will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied and thus at the mercy of uncontrollable hydrologic factors.

2) Nitrate as N Violation –

All four spring supplies (S001, S002, S003, S004) have in past samples consistently tested for Nitrate as N at higher levels than the limit set for the effluent discharges under the current order. The effluent limit of 0.23 mg/L was derived from the *Basin Plan*, and not from a site specific study of Hot Creek's springs. Recommend increasing Nitrate effluent limits, to where the Hatchery is only culpable for effluent levels above those naturally occurring in the spring water.

California Department of Fish and Game - Hot Creek Hatchery  
 3rd Quarterly & September 2007 Report  
 NPDES No. CA0102776

Conventional & Non-Conventional Pollutants

Monitoring Location M001 - Outfall Settling Pond I													
Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids mL	Electrical Conductivity umhos	Temperature F	Turbidity NTU
09/10/07	M. Fiecle	10:30 am	5.43	6.8	2.0	7.7	0.242	182	9.90	<0.1	208	57	0.29
09/10/07	M. Norris	07:45 am		6.9	3.2	7.8	0.229	180	10.0	<0.1			
09/10/07	M. Norris	11:05 am			AVG=5.6		AVG = 0.229	AVG=181					
					RL = 1.0		RL = 0.02	RL = 10	RL = 0.70	RL = 0.1			
					MDL = 0.1		MDL = 0.01	MDL = 10	MDL = 0.50	MDL = 0.1			

\*SET LIMIT FOR AVERAGE DAILY NITRATE EXCEEDED (0.23 mg/L), ALL OTHER PARAMETERS WITHIN SET LIMITS

Monitoring Location M002 - Outfall Settling Pond II													
Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids mL	Electrical Conductivity umhos	Temperature F	Turbidity NTU
09/10/07	M. Fiecle	11:00 am	3.31	6.9	1.6	6.2	0.247	182	9.93	<0.1	208	57	0.31
09/10/07	M. Norris	07:50 am		7.2	2.4	6.7	0.238	183	10.0	<0.1			
09/10/07	M. Norris	11:07 am			AVG=2.0		AVG = 0.238	AVG=182.5					
					RL = 1.0		RL = 0.02	RL = 10	RL = 0.70	RL = 0.1			
					MDL = 0.1		MDL = 0.01	MDL = 10	MDL = 0.50	MDL = 0.1			

\*SET LIMIT FOR AVERAGE DAILY NITRATE EXCEEDED (0.23 mg/L), ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 - Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
09/10/07	M. Fieele	11:30 am	<del>1.94</del>	7.0	<RL	8.1	0.212	161	9.68	<0.1	168	52	0.55
09/10/07	M. Norris	07:55 am		7.2	<RL	8.4	0.190	160	9.80	<0.1			
09/10/07	M. Norris	11:15 am			AVG=<RL		AVG=0.201	AVG=160.5					
					RL = 1.0 MDL = 0.1		RL = 0.02 MDL = 0.01	RL = 10 MDL = 10	RL = 0.70 MDL = 0.50	RL = 0.1 MDL = 0.1			

\*SET LIMIT FOR MAXIMUM DAILY FLOW EXCEEDED (3.8 MGD), ALL OTHER PARAMETERS WITHIN SET LIMITS

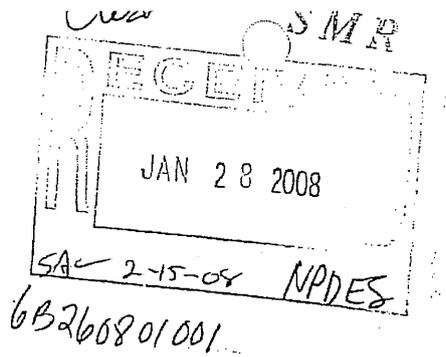
**Monitoring Location M004 - Outfall Spawning House II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
09/10/07	USGS	12:00 pm	1.94	7.0	<RL	8.1	0.214	154	11.3	<0.1	223	53	0.43
09/10/07	M. Norris	08:10 am		7.2	<RL	8.6	0.212	153	11.5	<0.1			
09/10/07	M. Norris	11:30 am			AVG=<RL		AVG=0.213	AVG=153					
					RL = 1.0 MDL = 0.1		RL = 0.02 MDL = 0.01	RL = 10 MDL = 10	RL = 0.70 MDL = 0.50	RL = 0.1 MDL = 0.1			

\*ALL PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 14

**M e m o r a n d u m**



**Date:** 01/24/08

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

**From:** Department of Fish and Game, Hot Creek Hatchery

**Subject:** 2007 Annual and December 2007 Monthly Self Monitoring Report

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly report for December, 2007 as well as the annual report for January through December, 2007 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776. The effluent water flows for all discharge points are calculated by hatchery personnel utilizing stream flow meters.

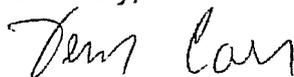
Data collections did reveal one violation of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations. The average monthly effluent limit for Nitrate as N was exceeded at one discharge point.

The violation for the monthly average limit for Nitrate as N was surpassed at discharge point M003. Historical sample analysis of the Hatchery's spring supplied source waters consistently test for Nitrate levels higher than set discharge limits. In this round of sampling, three of the four spring supplies tested above the Board's 0.23 mg/L limitation. In fact, Nitrate levels of all four spring systems are higher than levels detected in their associated discharge sites. The derived value for the Nitrate limit, and numerous other parameters, are obtained from the Board's *Basin Plan*, and not a site specific review of the Hot Creek springs' past data. It is our feeling that the Hatchery should only be responsible for discharge levels above those found naturally occurring in the springs.

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

Matthew Norris, Fish Hatchery Manager I  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

Sincerely,



Vern Carr  
Fish Hatchery Manager II  
Hot Creek Hatchery

Attachment: Self Monitoring Report for 2007 Annual and December 2007

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
Dennis Redfern, Senior Hatchery Supervisor Regions 5/6



**a) Brief Description of Violations:**

- 1) Exceeded average monthly effluent limitation of Nitrate as N for Discharge Point M-003 (McBurney Pond) .

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

- 1) Nitrate as N Violation.

Discharge Point M-003 – Average Monthly 0.266 mg/L

**d) WDRs/NPDES Limit/Condition:**

- 1) Nitrate as N  
All Discharge Points – Average Monthly 0.23 mg/L

**e) Date(s) and Duration of Violation(s):**

- 1) Nitrate as N  
12/10/07

**f) Explanation of Cause(s):**

- 1) Nitrate as N Violation –  
The four main springs providing water to the Hatchery all have naturally occurring nitrate levels which routinely test higher than the effluent limit set for the discharges.

**g) Corrective Action(s)**

(Specify actions taken and a schedule of actions to be taken)

- 1) Nitrate as N Violation –

All four spring supplies (S001, S002, S003, S004) have in past samples consistently tested for Nitrate as N at higher levels than the limit set for the effluent discharges under the current order. Current sampling and analysis, resulted in three of the four spring supplies having higher than set limitation levels. S003, the spring supply associated with M003, had a Nitrate level of 0.291 mg/L. M003's average Nitrate level being discharged was 0.266 mg/L, less than that of the supply water received by the Hatchery.

The effluent limit of 0.23 mg/L was derived from the *Basin Plan*, and not from a site specific study of Hot Creek's springs. Recommend increasing Nitrate effluent limits, to such that the Hatchery is only liable for effluent levels above those naturally occurring in the spring water.

**California Department of Fish and Game - Hot Creek Hatchery  
Annual, 4th Quarterly & December 2007 Report  
NPDES No. CA0102776**

Conventional & Non-Conventional Pollutants

Hatchery Source Waters

Monitoring Location S001 - Headwaters AB Spring

Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids m/L	Temperature F	Turbid NTU
12/10/2007	M. Ficele	08:10 am	3.0	6.6	ND	6.7	0.324	0.158	194	0.32	<0.1	55	0.53
					RL = 1.0 MDL = 0.2		RL = 0.02 MDL = 0.01	RL = 0.01 MDL = 0.005	RL = 10 MDL = 10	RL = 0.40 MDL = 0.25	RL = 0.1 MDL = 0.1		

Monitoring Location S002 - Headwaters CD Spring

Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids m/L	Temperature F	Turbidity NTU
12/10/2007	M. Ficele	08:40 am	4.8	6.9	<RL	7.0	0.274	0.174	170	0.27	<0.1	55	0.65
					RL = 1.0 MDL = 0.2		RL = 0.02 MDL = 0.01	RL = 0.01 MDL = 0.005	RL = 10 MDL = 10	RL = 0.40 MDL = 0.25	RL = 0.1 MDL = 0.1		

Monitoring Location S003 - Hatchery I Spring

Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids m/L	Temperature F	Turbidity NTU
12/10/2007	M. Ficele	08:30 am	3.0	6.9	ND	6.0	0.291	0.199	154	0.29	<0.1	51	0.61
					RL = 1.0 MDL = 0.2		RL = 0.02 MDL = 0.01	RL = 0.01 MDL = 0.005	RL = 10 MDL = 10	RL = 0.40 MDL = 0.25	RL = 0.1 MDL = 0.1		

Monitoring Location S004 -- Hatchery II Spring

Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids ml/L	Temperature F	Turbidity NTU
12/10/2007	M. Ficele	08:20 am	2.0	7.0	<RL	7.1	0.217 RL = 0.02 MDL = 0.01	0.154 RL = 0.01 MDL = 0.005	143 RL = 10 MDL = 10	< 0.25 RL = 0.40 MDL = 0.25	< 0.1 RL = 0.1	51	0.65

Hatchery Effluent Waters

Monitoring Location M001 -- Outfall Settling Pond I

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids ml/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU	Boron mg/L	Fluoride mg/L
12/10/07	M. Ficele	10:15 am	4.7	7.3	4.6	8.2	0.267	0.195	177	10.5	0.80	< 0.1	3.76	266.7	54	0.85	0.25	0.24
12/10/07	M. Ficele	01:15 pm	4.7	7.4	4.2	9.2	0.0124	0.193	175	10.6	0.36	< 0.1	4.25				0.25	0.7
					AVG=4.4		AVG=0.1397		AVG=176									
					RL = 1.0		RL = 0.02	RL = 0.01	RL = 10	RL = 0.60	RL = 0.40	RL = 0.1	RL = 0.30				RL = 0.05	RL = 0.10
					MDL = 0.2		MDL = 0.005	MDL = 10	MDL = 0.25	MDL = 0.1	MDL = 0.25	MDL = 0.1	MDL = 0.20				MDL = 0.03	MDL = 0.10

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M002 – Outfall Settling Pond II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrite + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids ml/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU	Boron mg/L	Fluoride mg/L
12/10/07	M. Ficele	10:25 am	3.1	7.4	2.5	6.8	ND	0.199	168	10.5	0.45	<0.1	3.63	265.9	53	0.70	0.25	0.20
12/10/07	M. Ficele	01:25 pm	3.1	7.4	1.6	8.7	0.264	0.193	176	10.6	0.55	<0.1	4.22				0.24	0.21
AVG=2.05																		
AVG=176																		
RL = 0.02 RL = 10 RL = 0.60 RL = 0.40 RL = 0.1 RL = 0.30																		
MDL = 0.01 MDL = 10 MDL = 0.5 MDL = 0.25 MDL = 0.1 MDL = 0.20																		

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 – Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids ml/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU	Boron mg/L	Fluoride mg/L
12/10/07	M. Ficele	10:35 am	3.8	7.2	3.7	8.7	0.247	0.189	153	10.6	0.25	<0.1	5.09	227.2	53	0.56	0.13	0.21
12/10/07	M. Ficele	01:35 pm	3.8	7.3	1.9	9.6	0.285	0.192	151	10.7	0.28	<0.1	4.66				0.13	0.20
AVG=2.8																		
AVG=176																		
RL = 1.0 RL = 10 RL = 0.60 RL = 0.40 RL = 0.1 RL = 0.30																		
MDL = 0.2 MDL = 10 MDL = 0.5 MDL = 0.25 MDL = 0.1 MDL = 0.20																		

\*SET LIMIT FOR AVERAGE DAILY NITRATE EXCEEDED (0.23), ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M004 – Outfall Spawning House II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids ml/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU	Boron mg/L	Fluoride mg/L
12/10/07	M. Ficele	10:45 am	2.0	<RL	<RL	8.4	0.194	0.163	139	12.0	<0.25	<0.1	8.65	223.9	52	0.64	0.11	0.18
12/10/07	M. Ficele	01:45 pm	2.0	<RL	<RL	8.7	0.224	0.162	143	12.0	<0.25	<0.1	8.68				0.11	0.19
AVG=<1.0																		
AVG=141																		
RL = 1.0 RL = 10 RL = 0.60 RL = 0.40 RL = 0.1 RL = 0.30																		
MDL = 0.2 MDL = 10 MDL = 0.5 MDL = 0.25 MDL = 0.1 MDL = 0.20																		

\* ALL PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 15



**M e m o r a n d u m**

*Violation #s  
767391*

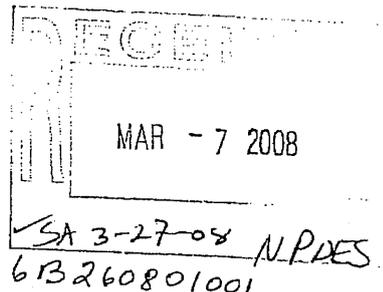
SMR

Date: 03/05/08

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

**From:** Department of Fish and Game, Hot Creek Hatchery

**Subject:** February 2008 Monthly Self Monitoring Report



Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly requirements for February, 2008 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did reveal one violation of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations.

The maximum flow limitation for Discharge Point 003 is set at 3.8 million gallons per day (MGD); the volume measured was 4.3 MGD. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. Under the current permit, violations for exceeding flow limits have occurred frequently.

The effluent water flows for all Discharge Points are calculated by hatchery personnel utilizing stream flowmeters.

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

Matthew Norris, Fish Hatchery Manager I  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

Sincerely,

Vern Carr  
Fish Hatchery Manager II  
Hot Creek Hatchery

Attachment: Self Monitoring Report for February 2008

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
Dennis Redfern, Senior Hatchery Supervisor Regions 5/6



**a) Brief Description of Violations:**

1) Exceeded maximum flow limitations for Discharge Point 003 (McBurney Pond). Maximum limitations are set under the permit at 3.8 MGD. Maximum daily flows were calculated at 4.3 MGD.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

1) Flow Limitation Violations  
Discharge Point 003 – Maximum 4.3 MGD

**d) WDRs/NPDES Limit/Condition:**

1) Flow Limitations  
Discharge Point 003 –Maximum 3.8 MGD

**e) Date(s) and Duration of Violation(s):**

1) Flow Limitations  
02/01/08 through 02/29/08

**f) Explanation of Cause(s):**

1) Flow Limitation Violations –  
Natural springs are dependent upon hydrological conditions not within the Hatcheries' influence.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

1) Flow Limitation Violations –

There is no known remedy to decrease natural spring flows. It can be anticipated that exceeding the set limits will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied and thus at the mercy of uncontrollable hydrologic factors.

**California Department of Fish and Game - Hot Creek Hatchery  
February, 2008 Report  
NPDES No. CA0102776**

**Conventional & Non-Conventional Pollutants**

**Monitoring Location M001 – Outfall Settling Pond I**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
02/04/08	M. Ficele	08:15 am	5.2	7.3	2.3
02/04/08	M. Ficele	11:30 am	5.2	7.5	4.3

AVG=3.3

RL = 1.0  
MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M002 – Outfall Settling Pond II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
02/04/08	M. Ficele	08:20 am	2.5	7.3	2.1
02/04/08	M. Ficele	11:35 am	2.5	7.5	2.3

AVG=2.2

RL = 1.0  
MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 – Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
02/04/08	M. Ficele	08:35 am	3.8	7.4	4.1
02/04/08	M. Ficele	11:40 am	3.8	7.4	1.9

AVG=3.0

RL = 1.0  
MDL = 0.2

\* SET LIMIT FOR MAXIMUM DAILY FLOW EXCEEDED (3.8 MGD)  
ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M004 – Outfall Spawning House II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
02/04/08	M. Ficele	08:45 am	2.2	7.3	<RL
02/04/08	M. Ficele	11:45 am	2.2	7.4	<RL

AVG=<RL

RL = 1.0  
MDL = 0.2

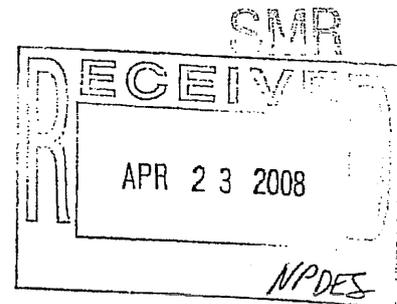
\* ALL PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 16

## Memorandum

Date: 04/18/2008

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



From: Department of Fish and Game, Hot Creek Hatchery

Subject: First Quarterly and March 2008 Self Monitoring Report

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly report for March, 2008 as well as the quarterly report for January through March, 2008 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did reveal two violations of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations: The average monthly effluent limit for Nitrate as N was exceeded at all four discharge points, and the daily maximum limit at two points. The maximum daily flow limit for discharge point 003 (McBurney Pond) was also exceeded.

The first violation for effluent limitations was the monthly average limit for Nitrate as N was surpassed at discharge points M00, M002, M003, and M004. In addition, the maximum daily limit was surpassed at points M003 and M004. Historical sample analysis of the Hatchery's spring supplies consistently test for Nitrate levels higher than set discharge limits, and Nitrate levels of the springs are higher than levels detected at the discharge sites. The derived value for the Nitrate limit, and numerous other parameters, are obtained from the Board's Basin Plan, and not a site specific review of the Hot Creek springs' past data. It is our feeling that the Hatchery should only be responsible for discharge levels above those found naturally in the springs.

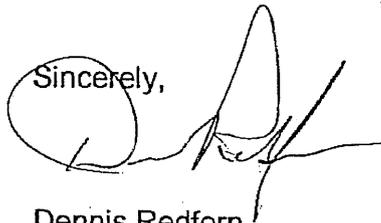
The second violation for effluent limitations was the exceeding the maximum flow limitation for Discharge Point 003. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows, and under the current permit violations for exceeding flow limits have occurred regularly.

The effluent water flows for all discharge points as well as flows for both receiving waters were calculated by hatchery personnel utilizing stream flowmeters.

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

Matthew Norris, Fish Hatchery Manager I  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

Sincerely,

A handwritten signature in black ink, appearing to read 'Dennis Redfern', written over the word 'Sincerely,'.

Dennis Redfern  
Senior Hatchery Supervisor  
Regions 5 and 6

Attachment: Self Monitoring Report for First Quarter and March 2008

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
File



**a) Brief Description of Violations:**

1) Exceeded the average monthly effluent limitations of Nitrate as N for Discharge Points 001 (Settling Pond I), 002 (Settling Pond II), 003 (McBurney Pond), and 004 (Below Spawning House II). The limitation set is 0.23 mg/L, and the calculated monthly averages were 0.264, 0.2645, 0.380 and 0.406 mg/L respectively. Also, the maximum daily Nitrate limitations at Discharge Points 003 and 004 were exceeded.

2) Exceeded maximum flow limitations for Discharge Point 003 (McBurney Pond). Maximum limitations are set under the permit at 3.8 MGD. Maximum daily flows were calculated at 4.4 MGD.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

1) Nitrate as N Violation

Discharge Point 001 – Monthly Average .2640 mg/L

Discharge Point 002 – Monthly Average .2645 mg/L

Discharge Point 003 – Monthly Average .3800 mg/L, Daily Value 0.394 mg/L

Discharge Point 004 – Monthly Average .4060 mg/L, Daily Value 0.408 mg/L

2) Flow Limitation Violations

Discharge Point 003 – Maximum 4.4 MGD

**d) WDRs/NPDES Limit/Condition:**

1) Nitrate as N Limitation

All Discharge Points – Monthly Average 0.23 mg/L

All Discharge Points – Daily Maximum 0.31 mg/L

2) Flow Limitations

Discharge Point 003 –Maximum 3.8 MGD

**e) Date(s) and Duration of Violation(s):**

1) Nitrate as N  
03/03/08

2) Flow Limitations  
03/01/08 through 03/30/08

**f) Explanation of Cause(s):**

1) Nitrate as N Violation –

The influent spring supplies providing water to the Hatchery have naturally occurring nitrate levels which consistently test higher than the effluent limit set for the discharges.

2) Flow Limitation Violations –

Natural springs have flows which are dependent upon hydrological conditions not within the Hatchery's influence.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

1) Nitrate as N Violation --

All four spring supplies (S001, S002, S003, S004) have in past samples consistently tested for Nitrate as N at higher levels than the limit set for the effluent discharges under the current order. The effluent limits of 0.23 and 0.31 mg/L were derived from the *Basin Plan*, and not from a site specific study of Hot Creek's springs. Recommend increasing Nitrate effluent limits, to where the Hatchery is only culpable for effluent levels above those naturally occurring in the spring water.

2) Flow Limitation Violations –

There is no known remedy to decrease natural spring flows. It can be anticipated that exceeding the set limits will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied and thus at the mercy of uncontrollable hydrologic factors.

California Department of Fish and Game - Hot Creek Hatchery  
1st Quarterly & March 2008 Report  
NPDES No. CA0102776

Conventional & Non-Conventional Pollutants

Monitoring Location M001 - Outfall Settling Pond I

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
03/03/08	M. Escallier	08:40 am		7.0	3.0	8.4	0.273	194	10.6	<0.1	265.3	54	0.37
03/03/08	M. Escallier	11:31 am		7.2	4.2	8.9	0.255	190	10.2	<0.1			
03/04/08	M. Escallier	10:30 am	6.2										
				AVG=3.6			AVG = <del>0.269</del>	AVG=181					
				RL = 1.0			RL = 0.01	RL = 10	RL = 0.60	RL = 0.1			
				MDL = 0.2			MDL = 0.005	MDL = 10	MDL = 0.50	MDL = 0.1			

\*SET LIMIT FOR AVERAGE MONTHLY NITRATE EXCEEDED (0.23 mg/L), ALL OTHER PARAMETERS WITHIN SET LIMITS

Monitoring Location M002 - Outfall Settling Pond II

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
03/03/08	M. Escallier	08:58 am		7.1	2.3	8.2	0.269	193	10.2	<0.1	272.2	53	0.41
03/03/08	M. Escallier	11:37 am		7.3	3.5	8.4	0.260	188	10.3	<0.1			
03/04/08	M. Escallier	11:15 am	2.5										
				AVG=2.9			AVG = <del>0.269</del>	AVG=190.5					
				RL = 1.0			RL = 0.01	RL = 10	RL = 0.60	RL = 0.1			
				MDL = 0.2			MDL = 0.005	MDL = 10	MDL = 0.50	MDL = 0.1			

\*SET LIMIT FOR AVERAGE MONTHLY NITRATE EXCEEDED (0.23 mg/L), ALL OTHER PARAMETERS WITHIN SET LIMITS

Monitoring Location M003 - Outfall McBurney Pond

Date	Collector	Time	Flow MG/D	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
03/03/08	M. Escullier	09:05 am		7.1	1.8	8.4	<del>0.02</del>	185	11.1	<0.1	243.4	50	0.32
03/03/08	M. Escullier	11:47 am		7.3	3.1	8.6	<del>0.02</del>	178	11.3	<0.1			
03/04/08	M. Escullier	11:50 am	<del>2.2</del>				AVG = <del>0.02</del>	AVG = 181.5					
					AVG = 2.45								
					RL = 1.0		RL = 0.01	RL = 10	RL = 0.60	RL = 0.1			
					MDL = 0.2		MDL = 0.005	MDL = 10	MDL = 0.50	MDL = 0.1			

\*SET LIMIT FOR MAXIMUM DAILY FLOW EXCEEDED (3.8 MGDS), MAXIMUM DAILY NITRATE EXCEEDED (0.31 mg/L), AVERAGE MONTHLY NITRATE EXCEEDED (0.23 mg/L), ALL OTHER PARAMETERS WITHIN SET LIMITS

Monitoring Location M004 - Outfall Spawning House II

Date	Collector	Time	Flow MG/D	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
03/03/08	M. Escullier	09:19 am		7.1	2.4	7.9	<del>0.02</del>	164	12.2	<0.1	197.5	50	0.21
03/03/08	M. Escullier	01:15 pm		7.2	0.6	8.5	<del>0.02</del>	165	12.2	<0.1			
03/04/08	M. Escullier	01:45 pm	2.2				AVG = <del>0.02</del>	AVG = 164.5					
					AVG = 1.5								
					RL = 1.0		RL = 0.01	RL = 10	RL = 0.60	RL = 0.1			
					MDL = 0.2		MDL = 0.005	MDL = 10	MDL = 0.50	MDL = 0.1			

\*SET LIMIT FOR MAXIMUM DAILY NITRATE EXCEEDED (0.31 mg/L), AVERAGE MONTHLY NITRATE EXCEEDED (0.23 mg/L), ALL OTHER PARAMETERS WITHIN SET LIMITS

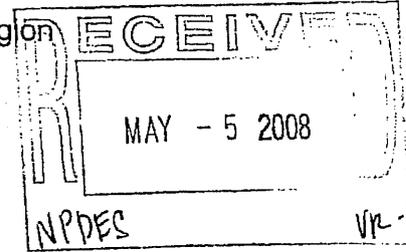
EXHIBIT NO. 17

State of California  
Department of Fish and Game  
**M e m o r a n d u m**



Date: 05/02/08

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



**From:** Department of Fish and Game, Hot Creek Hatchery  
**Subject:** April 2008 Monthly Self Monitoring Report

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly requirements for April, 2008 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery; NPDES No. CA102776.

Data collections did reveal one violation of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations.

The maximum flow limitation for Discharge Point 003 is set at 3.8 million gallons per day (MGD); the volume measured was 5.4 MGD. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. Under the current permit, violations for exceeding flow limits have occurred frequently.

The effluent water flows for all Discharge Points are calculated by hatchery personnel utilizing stream flowmeters.

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

Matthew Norris, Fish Hatchery Manager I  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

Sincerely,

Dennis Redfern  
Senior Hatchery Supervisor Regions 5/6

Attachment: Self Monitoring Report for April 2008

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
File



**a) Brief Description of Violations:**

1) Exceeded maximum flow limitations for Discharge Point 003 (McBurney Pond). Maximum limitations are set under the permit at 3.8 MGD. Maximum daily flows were calculated at 5.4 MGD.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

1) Flow Limitation Violations  
Discharge Point 003 – Maximum 5.4 MGD

**d) WDRs/NPDES Limit/Condition:**

1) Flow Limitations  
Discharge Point 003 –Maximum 3.8 MGD

**e) Date(s) and Duration of  
Violation(s):**

1) Flow Limitations  
04/01/08 through 04/30/08

**f) Explanation of Cause(s):**

1) Flow Limitation Violations –  
Natural springs are dependent upon hydrological conditions not within the Hatcheries' influence.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for  
actions to be taken)

1) Flow Limitation Violations –

There is no known remedy to decrease natural spring flows. It can be anticipated that exceeding the set limits will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied and thus at the mercy of uncontrollable hydrologic factors.

**California Department of Fish and Game - Hot Creek Hatchery  
 April, 2008 Report  
 NPDES No. CA0102776**

**Conventional & Non-Conventional Pollutants**

**Monitoring Location M001 – Outfall Settling Pond I**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
04/07/08	S. Heimlich	08:10 am	5.6	7.5	2.3
04/07/08	S. Heimlich	01:00 pm	5.6	7.5	7.4
					AVG=4.85
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M002 – Outfall Settling Pond II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
04/07/08	S. Heimlich	08:20 am	3.1	7.6	2.6
04/07/08	S. Heimlich	01:10 pm	3.1	7.5	6.6
					AVG=4.6
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 – Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
04/07/08	S. Heimlich	08:30 am	3.8	7.3	0.8
04/07/08	S. Heimlich	01:20 pm	3.8	7.3	0.9
					AVG=0.85
					RL = 1.0
					MDL = 0.2

\* SET LIMIT FOR MAXIMUM DAILY FLOW EXCEEDED (3.8 MGD)  
 ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M004 – Outfall Spawning House II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
04/07/08	S. Heimlich	08:40 am	2.1	7.5	1.1
04/07/08	S. Heimlich	01:30 pm	2.1	7.5	1.8
					AVG=1.45
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 18

State of California  
Department of Fish and Game  
**M e m o r a n d u m**

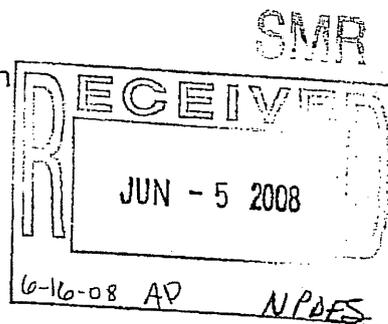


Date: 06/03/08

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

From: Department of Fish and Game, Hot Creek Hatchery

Subject: May 2008 Monthly Self Monitoring Report



Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly requirements for May, 2008 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did reveal one violation of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations.

The maximum flow limitation for Discharge Point 003 is set at 3.8 million gallons per day (MGD); the volume measured was 5.3 MGD. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. Under the current permit, violations for exceeding flow limits have occurred frequently.

The effluent water flows for all Discharge Points are calculated by hatchery personnel utilizing stream flowmeters.

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

Matthew Norris, Fish Hatchery Manager I  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

Sincerely,

Dennis Redfern  
Senior Hatchery Supervisor Regions 5/6

Attachment: Self Monitoring Report for May 2008

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
File



**a) Brief Description of Violations:**

1) Exceeded maximum flow limitations for Discharge Point 003 (McBurney Pond). Maximum limitations are set under the permit at 3.8 MGD. Maximum daily flows were calculated at 5.3 MGD.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

1) Flow Limitation Violations  
Discharge Point 003 – Maximum 5.3 MGD

**d) WDRs/NPDES Limit/Condition:**

1) Flow Limitations  
Discharge Point 003 –Maximum 3.8 MGD

**e) Date(s) and Duration of Violation(s):**

1) Flow Limitations  
05/01/08 through 05/30/08

**f) Explanation of Cause(s):**

1) Flow Limitation Violations –  
Natural springs are dependent upon hydrological conditions not within the Hatcheries' influence.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

1) Flow Limitation Violations –

There is no known remedy to decrease natural spring flows. It can be anticipated that exceeding the set limits will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied and thus at the mercy of uncontrollable hydrologic factors.

**California Department of Fish and Game - Hot Creek Hatchery  
May, 2008 Report  
NPDES No. CA0102776**

**Conventional & Non-Conventional Pollutants**

**Monitoring Location M001 – Outfall Settling Pond I**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
05/05/08	M. Ficele	08:00 am	5.1	7.18	4.6
05/05/08	M. Ficele	10:10 am	5.1	7.20	3.7
					AVG=4.15
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M002 – Outfall Settling Pond II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
05/05/08	M. Ficele	08:10 am	3.0	7.22	5.1
05/05/08	M. Ficele	10:15 am	3.0	7.30	3.7
					AVG=4.4
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 – Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
05/05/08	M. Ficele	08:15 am	3.8	7.29	0.8
05/05/08	M. Ficele	10:20 am	3.8	7.24	0.9
					AVG=0.85
					RL = 1.0
					MDL = 0.2

\* SET LIMIT FOR MAXIMUM DAILY FLOW EXCEEDED (3.8 MGD)  
ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M004 – Outfall Spawning House II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
05/05/08	M. Ficele	08:20 am	2.1	7.31	0.8
05/05/08	M. Ficele	10:25 am	2.1	7.10	0.7
					AVG=0.75
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 19

State of California  
Department of Fish and Game  
**Memorandum**

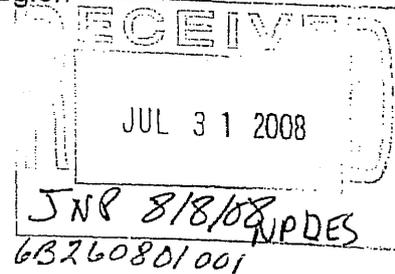


Date: 07/25/08

SMR

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

From: Department of Fish and Game, Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546



Subject: 1<sup>st</sup> Semi Annual, 2<sup>nd</sup> Quarterly, and June Monthly 2008 Self Monitoring Report

Please find enclosed the Self Monitoring Report (SMR) encompassing requirements for the first semi-annual report of January through June 2008, the second quarterly report of April through June 2008, and the monthly report of June 2008 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did reveal three violations of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations. The average monthly effluent limit for Nitrate as N was exceeded at all four discharge points, and the daily maximum limit at three points. The final violation is the maximum daily flow limit for discharge point 003 (McBurney Pond) was exceeded.

The first violation for effluent limitations was the monthly average limit for Nitrate as N was surpassed at discharge points M001, M002, M003, and M004. In addition, the maximum daily limit was surpassed at points M001, M002 and M004. Both current and historical sample analysis of the Hatchery's spring supplies consistently test for Nitrate levels higher than set discharge limits, and Nitrate levels of the springs are most often higher than levels detected at the discharge sites. The derived value for the Nitrate limit, and numerous other parameters, are obtained from the Board's Basin Plan, and not a site specific review of the Hot Creek springs' past data. It is our feeling that the Hatchery should only be responsible for discharge levels above those found naturally in the springs.

The maximum flow limitation for Discharge Point 003 is set at 3.8 million gallons per day (MGD); the volume measured was 5.4 MGD. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. Under the current permit, violations for exceeding flow limits have occurred frequently.

The effluent water flows for all Discharge Points are calculated by hatchery personnel utilizing stream flowmeters.

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

Vern Carr, Fish Hatchery Manager II  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

Sincerely,

A handwritten signature in black ink, appearing to read 'Dennis Redfern', with a long horizontal flourish extending to the right.

Dennis Redfern  
Senior Hatchery Supervisor Regions 5/6

Attachment: Self Monitoring Report for Semi Annual, 2<sup>nd</sup> Quarterly and June Monthly 2008

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
File



**a) Brief Description of Violations:**

1) Exceeded average monthly effluent limitation of Nitrate as N for Discharge Points M-001 (Settling Pond I), M-002 (Settling Pond II), M003 (McBurney Pond) and M004 (Spawning House II). Exceeded maximum daily effluent limitation of Nitrate as N for Discharge Points M-001, M-002 and M-004.

2) Exceeded the maximum daily effluent limitations for flows at Discharge Point M003 (McBurney Pond).

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

1) Nitrate as N Violation.

Discharge Point M-001 – Average Monthly 0.292 mg/L ; Maximum Daily 0.316 mg/L

Discharge Point M-002 – Average Monthly 0.319 mg/L ; Maximum Daily 0.322 mg/L

Discharge Point M-003 – Average Monthly 0.255 mg/L

Discharge Point M-004 – Average Monthly 0.364 mg/L ; Maximum Daily 0.364 mg/L

2) Maximum Daily Flow Violation

Discharge Point M-003 – Maximum Daily 5.4 MGD

**d) WDRs/NPDES Limit/Condition:**

1) Nitrate as N

All Discharge Points – Average Monthly 0.23 mg/L ; Maximum Daily 0.31 mg/L

2) Maximum Daily Flow

Discharge Point M-003 – Maximum Daily Flow 3.8 MGD

**e) Date(s) and Duration of Violation(s):**

1) Nitrate as N  
06/02/08

2) Maximum Daily Flow  
06/02/08

**f) Explanation of Cause(s):**

1) Nitrate as N Violation –

The four main springs providing water to the Hatchery all have naturally occurring nitrate levels which test higher than the effluent limit set for the discharges. In fact, three of the four discharges tested lower for Nitrate than their associated water supplies. (S-001 0.420 mg/L, S-003 0.464 mg/L, S-004 0.384 mg/L)

2) Maximum Daily Flow Violation –

Natural springs are dependent upon hydrological conditions not within the Hatcheries' influence.

**g) Corrective Action(s)**

(Specify actions taken and a schedule of actions to be taken)

1) Nitrate as N Violation –

All four spring supplies (S001, S002, S003, S004) have in both this and past samples consistently tested for Nitrate as N at higher levels than the limit set for the effluent discharges under the current order. The effluent limit of 0.23 mg/L was derived from the *Basin Plan*, and not from a site specific study of Hot Creek's springs. Recommend increasing Nitrate effluent limits, to where the Hatchery is only culpable for effluent levels above those naturally occurring in the spring water.

2) Maximum Daily Flow Violation –

There is no known remedy to decrease natural spring flows. It can be anticipated that exceeding the set limits will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied and thus at the mercy of uncontrollable hydrologic factors.

California Department of Fish and Game - Hot Creek Hatchery  
 Semi-Annual, 2<sup>nd</sup> Quarterly & June 2008 Report  
 NPDES No. CA0102776

Conventional & Non-Conventional Pollutants

Hatchery Source Waters

Monitoring Location S001 - Headwaters AB Spring

Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids m/L	Temperature F	Turbidity NTU
06/02/08	S. Heimlich	08:20am	3.1	6.9	ND RL = 2.0 MDL = 0.5	7.3	<del>0.284</del> RL = 0.01 MDL = 0.005	0.168 RL = 0.005 MDL = 0.002	192 RL = 10 MDL = 10	0.420 RL = 0.1 MDL = 0.05	<0.1 RL = 0.1 MDL = 0.1	60	0.1

Monitoring Location S002 - Headwaters CD Spring

Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids m/L	Temperature F	Turbidity NTU
06/02/08	S. Heimlich	08:30am	5.1	7.0	ND RL = 2.0 MDL = 0.5	7.2	<del>0.284</del> RL = 0.01 MDL = 0.005	0.184 RL = 0.005 MDL = 0.002	194 RL = 10 MDL = 10	0.284 RL = 0.1 MDL = 0.05	<0.1 RL = 0.1 MDL = 0.1	60	0.13

Monitoring Location S003 - Hatchery I Spring

Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids m/L	Temperature F	Turbidity NTU
06/02/08	S. Heimlich	08:35am	5.4	7.1	ND RL = 2.0 MDL = 0.5	7.4	<del>0.284</del> RL = 0.01 MDL = 0.005	0.205 RL = 0.005 MDL = 0.002	169 RL = 10 MDL = 10	0.464 RL = 0.1 MDL = 0.05	<0.1 RL = 0.1 MDL = 0.1	54	0.26

Monitoring Location S004 - Hatchery II Spring

Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids mL/L	Temperature F	Turbidity NTU
06/02/08	S. Heinrich	08:45am	1.8	7.0	ND	7.3	<del>0.384</del>	0.154	164	0.384	<0.1	52	0.13
					RL = 2.0 MDL = 0.5		RL = 0.01 MDL = 0.005	RL = 0.005 MDL = 0.002	RL = 10 MDL = 10	RL = 0.1 MDL = 0.05	RL = 0.1 MDL = 0.1		

\* ALL FOUR INFLUENT SOURCES NITRATE LEVELS IN EXCESS OF AVERAGE LIMIT FOR DISCHARGES (0.23); THREE ARE IN EXCESS OF MAXIMUM LIMIT (0.31)

Hatchery Effluent Waters

Monitoring Location M001 - Outfall Settling Pond I

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids mL/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU
06/02/08	S. Heinrich	08:55 am	5.4	7.2	6.2	6.9	<del>0.268</del>	0.207	184	10.3	0.637	<0.1	5.38	280	63	0.25
06/02/08	S. Heinrich	11:30 am	5.4	6.9	10.7	8.8	0.268	0.213	191	10.5	0.742	<0.1	4.43			
06/12/08	M. Norris	09:10 am	5.1	7.1	1.0											
06/12/08	M. Norris	11:30 am	5.1	7.1	0.4											
					AVG=4.58		<del>0.268</del>		AVG=187.5							
					RL = 2.0 MDL = 0.5		RL = 0.01 MDL = 0.005	RL = 0.005 MDL = 0.002	RL = 10 MDL = 10	RL = 0.6 MDL = 0.5	RL = 0.1 MDL = 0.05	RL = 0.1 MDL = 0.1	RL = 0.3 MDL = 0.2			

\*SET LIMIT FOR AVERAGE (0.23) AND MAXIMUM (0.31) DAILY NITRATE EXCEEDED, ALL OTHER PARAMETERS WITHIN SET LIMITS

Monitoring Location M002 - Outfall Settling Pond II

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen me/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids m/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU
06/02/08	S. Heimlich	09:05 am	2.9	7.3	7.9	7.0	0.302	0.201	190	10.5	0.762	<0.1	4.38	284	64	0.28
06/02/08	S. Heimlich	11:35 am	2.9	7.2	10.9	8.4	0.302	0.201	189	10.6	0.839	<0.1	5.29			
06/12/08	M. Norris	09:20 am	3.2	7.0	1.9											
06/12/08	M. Norris	11:40 am	3.2	7.2	0.3											
					AVG=5.25				AVG=189.5							
					RL = 2.0			RL = 0.005	RL = 10	RL = 0.6	RL = 0.1	RL = 0.1	RL = 0.3			
					MDL = 0.5			MDL = 0.002	MDL = 10	MDL = 0.5	MDL = 0.05	MDL = 0.1	MDL = 0.2			

\*SET LIMIT FOR AVERAGE (0.23) AND MAXIMUM (0.31) DAILY NITRATE EXCEEDED, ALL OTHER PARAMETERS WITHIN SET LIMITS

Monitoring Location M003 - Outfall McBurney Pond

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen me/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids m/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU
06/02/08	S. Heimlich	09:15 am		7.1	1.3	10.8	0.290	0.182	165	10.7	0.373	<0.1	5.14	240	65	0.23
06/02/08	S. Heimlich	11:40 am		7.3	3.8	8.5	0.220	0.171	163	10.6	0.378	<0.1	5.36			
					AVG=2.55				AVG=164							
					RL = 2.0			RL = 0.005	RL = 10	RL = 0.6	RL = 0.1	RL = 0.1	RL = 0.3			
					MDL = 0.5			MDL = 0.002	MDL = 10	MDL = 0.5	MDL = 0.05	MDL = 0.1	MDL = 0.2			

\*SET LIMIT FOR AVERAGE DAILY NITRATE (0.23) AND MAXIMUM DAILY FLOW (3.8) EXCEEDED, ALL OTHER PARAMETERS WITHIN SET LIMITS

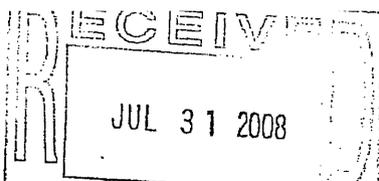
Monitoring Location M004 - Outfall Spawning House II

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen me/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids m/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU
06/02/08	S. Heimlich	09:25 am	1.8	7.2	1.4	6.4	0.170	0.170	165	12.6	0.672	<0.1	10.5	236	53	0.18
06/02/08	S. Heimlich	11:50 am	1.8	7.1	1.7	6.7	0.170	0.170	167	12.6	0.732	<0.1	9.28			
					AVG=1.55				AVG=166							
					RL = 2.0			RL = 0.005	RL = 10	RL = 0.6	RL = 0.1	RL = 0.1	RL = 0.3			
					MDL = 0.5			MDL = 0.002	MDL = 10	MDL = 0.5	MDL = 0.05	MDL = 0.1	MDL = 0.2			

\*SET LIMIT FOR AVERAGE (0.23) AND MAXIMUM (0.31) DAILY NITRATE EXCEEDED, ALL OTHER PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 20

State of California  
Department of Fish and Game  
**Memorandum**



SMR



Date: 06/03/08

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

JNS 8/11/08 613260801001 NPDES

From: Department of Fish and Game, Hot Creek Hatchery

Subject: July 2008 Monthly Self Monitoring Report

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly requirements for July, 2008 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did reveal two violations of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations.

The maximum flow limitation for Discharge Point M001 is set at 6.9 million gallons per day(MGD); the volume measured was 7.0 and M003 is set at 3.8 MGD; the volume measured was 6.0 MGD. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. Under the current permit, violations for exceeding flow limits have occurred frequently.

The effluent water flows for all Discharge Points are calculated by hatchery personnel utilizing stream flowmeters.

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

Michael Escallier, Fish and Wildlife Tech.  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

Sincerely,

Dennis Redfern  
Senior Hatchery Supervisor Regions 5/6

Attachment: Self Monitoring Report for July 2008

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
File



**a) Brief Description of Violations:**

1) Exceeded maximum flow limitations for Discharge Points M001 (Settling Pond I) and M003 (McBurney Pond). Maximum limitations are set under the permit at 6.9 and 3.8 MGD respectively. Maximum daily flows were calculated at 7.0 and 6.0 MGD.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

- 1) Flow Limitation Violations
  - Discharge Point M001 – Maximum 7.0 MGD
  - Discharge Point M003 – Maximum 6.0 MGD

**d) WDRs/NPDES Limit/Condition:**

- 1) Flow Limitations
  - Discharge Point M001- Maximum 6.9 MGD
  - Discharge Point M003 –Maximum 3.8 MGD

**e) Date(s) and Duration of Violation(s):**

- 1) Flow Limitations
  - 07/01/08 through 07/31/08

**f) Explanation of Cause(s):**

- 1) Flow Limitation Violations –
  - Natural springs are dependent upon hydrological conditions not within the Hatcheries' influence.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

1) Flow Limitation Violations –

There is no known remedy to decrease natural spring flows. It can be anticipated that exceeding the set limits will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied and thus at the mercy of uncontrollable hydrologic factors.

**California Department of Fish and Game - Hot Creek Hatchery  
 July, 2008 Report  
 NPDES No. CA0102776**

**Conventional & Non-Conventional Pollutants**

**Monitoring Location M001 – Outfall Settling Pond I**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
07/07/08	M. Ficele	08:02 am	6.90	7.02	0.7
07/07/08	M. Ficele	10:53 am	6.90	7.14	1.6
					AVG=1.15
					RL = 1.0
					MDL = 0.2

\* SET LIMIT FOR MAXIMUM DAILY FLOW EXCEEDED (6.90 MGD)  
 ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M002 – Outfall Settling Pond II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
07/07/08	M. Ficele	08:10 am	4.6	7.03	0.9
07/07/08	M. Ficele	10:56 am	4.6	7.19	1.2
					AVG=1.05
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 – Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
07/07/08	M. Ficele	08:15 am	3.8	7.06	0.4
07/07/08	M. Ficele	11:00 am	3.8	7.19	0.4
					AVG=0.4
					RL = 1.0
					MDL = 0.2

\* SET LIMIT FOR MAXIMUM DAILY FLOW EXCEEDED (3.8 MGD)  
 ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M004 – Outfall Spawning House II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
07/07/08	M. Ficele	08:28 am	1.6	7.12	0.4
05/05/08	M. Ficele	10:25 am	1.6	7.21	0.5
					AVG=0.45
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 21

State of California  
Department of Fish and Game  
**Memorandum**

CRWQCB-REG 6	
Rec'd	SEP 15 2008
	SEP 15 2008
	NPDES

SMR



Date: 08/04/08

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

**From:** Department of Fish and Game, Hot Creek Hatchery

**Subject:** August 2008 Monthly Self Monitoring Report

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly requirements for August, 2008 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did reveal two violations of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations.

The maximum flow limitation for Discharge Point M001 is set at 6.9 million gallons per day(MGD); the volume measured was 7.3 and M003 is set at 3.8 MGD; the volume measured was 6.6 MGD. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. Under the current permit, violations for exceeding flow limits have occurred frequently.

The effluent water flows for all Discharge Points are calculated by hatchery personnel utilizing stream flowmeters.

Also included in this months report is a revised results for the potassium permanganate samples taken for the June Quarterly Report.

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

Michael Escallier, Fish and Wildlife Tech.  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

"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"

Sincerely,



Dennis Redfern  
Senior Hatchery Supervisor Regions 5/6

Attachment: Self Monitoring Report for August 2008

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
File



**a) Brief Description of Violations:**

1) Exceeded maximum flow limitations for Discharge Points M001 (Settling Pond I) and M003 (McBurney Pond). Maximum limitations are set under the permit at 6.9 and 3.8 MGD respectively. Maximum daily flows were calculated at 7.3 and 6.6 MGD.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

- 1) Flow Limitation Violations
  - Discharge Point M001 – Maximum 7.3 MGD
  - Discharge Point M003 – Maximum 6.6 MGD

**d) WDRs/NPDES Limit/Condition:**

- 1) Flow Limitations
  - Discharge Point M001- Maximum 6.9 MGD
  - Discharge Point M003 –Maximum 3.8 MGD

**e) Date(s) and Duration of Violation(s):**

- 1) Flow Limitations
  - 08/01/08 through 08/31/08

**f) Explanation of Cause(s):**

- 1) Flow Limitation Violations –  
Natural springs are dependent upon hydrological conditions not within the Hatcheries' influence.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

1) Flow Limitation Violations –

There is no known remedy to decrease natural spring flows. It can be anticipated that exceeding the set limits will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied and thus at the mercy of uncontrollable hydrologic factors.

**California Department of Fish and Game - Hot Creek Hatchery  
August, 2008 Report  
NPDES No. CA0102776**

**Conventional & Non-Conventional Pollutants**

**Monitoring Location M001 – Outfall Settling Pond I**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
08/04/08	T. Nelson	08:00 am	7.2	7.0	2.2
08/04/08	T. Nelson	10:15 am	7.2	7.0	1.6
					AVG=1.9
					RL = 1.0
					MDL = 0.2

\* SET LIMIT FOR MAXIMUM DAILY FLOW EXCEEDED (6.90 MGD)  
ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M002 – Outfall Settling Pond II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
08/04/08	T. Nelson	08:07 am	4.9	6.9	2.1
08/04/08	T. Nelson	10:20 am	4.9	7.0	2.8
					AVG=2.45
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 – Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
08/04/08	T. Nelson	08:10 am	3.8	6.9	ND
08/04/08	T. Nelson	10:30 am	3.8	7.0	0.2
					AVG=<.1
					RL = 1.0
					MDL = 0.2

\* SET LIMIT FOR MAXIMUM DAILY FLOW EXCEEDED (3.8 MGD)  
ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M004 – Outfall Spawning House II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
08/04/08	T. Nelson	08:28 am	2.2	6.9	0.3
08/04/08	T. Nelson	10:45 am	2.2	6.9	0.1
					AVG=0.2
					RL = 1.0
					MDL = 0.2

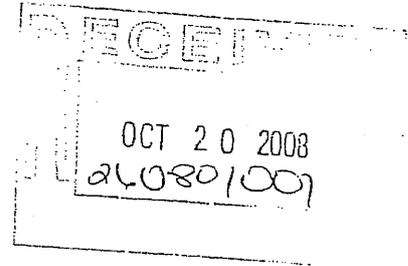
\* ALL PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 22

## Memorandum

Date: 10/15/2008

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



From: Department of Fish and Game, Hot Creek Hatchery

Subject: Third Quarterly and September 2008 Self Monitoring Report

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly report for March, 2008 as well as the quarterly report for July through September, 2008 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did reveal two violations of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations. The average monthly effluent limit for Nitrate as N was exceeded at all M003 and M004 discharge points, and the daily maximum limit at M004. The maximum daily flow limit for discharge point 003 (McBurney Pond) was also exceeded.

The first violation for effluent limitations was the monthly average limit for Nitrate as N was surpassed at discharge points M003 and M004. In addition, the maximum daily limit was surpassed at points M004. Historical sample analysis of the Hatchery's spring supplies consistently test for Nitrate levels higher than set discharge limits, and Nitrate levels of the springs are higher than levels detected at the discharge sites. The derived value for the Nitrate limit, and numerous other parameters, are obtained from the Board's Basin Plan, and not a site specific review of the Hot Creek springs' past data. It is our feeling that the Hatchery should only be responsible for discharge levels above those found naturally in the springs.

The second violation for effluent limitations was the exceeding the maximum flow limitation for Discharge Point 003. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows, and under the current permit violations for exceeding flow limits have occurred regularly.

The effluent water flows for all discharge points as well as flows for both receiving waters were calculated by hatchery personnel utilizing stream flowmeters.

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

Mike Escallier, Fish and Wildlife Technician  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

"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"

Sincerely,



Gary Williams  
Senior Hatchery Supervisor  
Regions 4, 5 and 6

Attachment: Self Monitoring Report for Third Quarter and September 2008

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
File



**a) Brief Description of Violations:**

1) Exceeded the average monthly effluent limitations of Nitrate as N for Discharge Points 003 (McBurney Pond), and 004 (Below Spawning House II). The limitation set is 0.23 mg/L, and the calculated monthly averages were 0.287 and 0.316 mg/L respectively. Also, the maximum daily Nitrate limitation at Discharge Point 004 was exceeded.

2) Exceeded maximum flow limitations for Discharge Point 003 (McBurney Pond). Maximum limitations are set under the permit at 3.8 MGD. Maximum daily flows were calculated at 4.8 MGD.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

1) Nitrate as N Violation

Discharge Point 003 – Monthly Average .287mg/L

Discharge Point 004 – Monthly Average .316mg/L, Daily Value 0.316 mg/L

2) Flow Limitation Violations

Discharge Point 003 – Maximum 4.8 MGD

**d) WDRs/NPDES Limit/Condition:**

1) Nitrate as N Limitation

All Discharge Points – Monthly Average 0.23 mg/L

All Discharge Points – Daily Maximum 0.31 mg/L

2) Flow Limitations

Discharge Point 003 –Maximum 3.8 MGD

**e) Date(s) and Duration of Violation(s):**

1) Nitrate as N

09/08/08

2) Flow Limitations

09/01/08 through 09/30/08

**f) Explanation of Cause(s):**

1) Nitrate as N Violation –

The influent spring supplies providing water to the Hatchery have naturally occurring nitrate levels which consistently test higher than the effluent limit set for the discharges.

2) Flow Limitation Violations –

Natural springs have flows which are dependent upon hydrological conditions not within the Hatchery's influence.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

1) Nitrate as N Violation –

All four spring supplies (S001, S002, S003, S004) have in past samples consistently tested for Nitrate as N at higher levels than the limit set for the effluent discharges under the current order. The effluent limits of 0.23 and 0.31 mg/L were derived from the *Basin Plan*, and not from a site specific study of Hot Creek's springs. Recommend increasing Nitrate effluent limits, to where the Hatchery is only culpable for effluent levels above those naturally occurring in the spring water.

2) Flow Limitation Violations –

There is no known remedy to decrease natural spring flows. It can be anticipated that exceeding the set limits will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied and thus at the mercy of uncontrollable hydrologic factors.

California Department of Fish and Game - Hot Creek Hatchery  
 3rd Quarterly & September 2008 Report  
 NPDES No. CA0102776

Conventional & Non-Conventional Pollutants

Monitoring Location M001 - Outfall Settling Pond I

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
09/08/08	M. Ficalte	08:10 am	5.4	7.0	1.4	7.7	0.217	187	10.3	<0.1	258.7	58	0.88
09/08/08	M. Ficalte	10:38 am		7.0	1.5	7.7	0.211	181	10.3	<0.1			
			AVG=1.5 RL = 1.0 MDL = 0.2 AVG = 0.214 RL = 10 MDL = 10 RL = 0.60 MDL = 0.50 RL = 0.1 MDL = 0.1										

Monitoring Location M002 - Outfall Settling Pond II

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
09/08/08	M. Ficalte	08:18 am	3.8	7.0	0.8	7.3	0.219	184	10.4	<0.1	257.2	58	0.84
09/08/08	M. Ficalte	10:40 am		7.0	2.1	7.3	0.224	189	10.2	<0.1			
			AVG=1.5 RL = 1.0 MDL = 0.2 AVG = 0.2215 RL = 10 MDL = 10 RL = 0.60 MDL = 0.50 RL = 0.1 MDL = 0.1										

Monitoring Location M003 - Outfall McBurney Pond

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
09/08/08	M. Fiacole	08:24 am	<del>3.8</del>	6.7	0.3	6.7	<del>162</del>	169	10.6	<0.1	234.6	55	0.73
09/08/08	M. Fiacole	10:40 am		6.7	0.5	6.7	<del>186</del>	158	10.6	<0.1			
			AVG=0.4				AVG = <del>162.5</del>	AVG=163.5					
							RL = 0.01	RL = 10	RL = 0.60	RL = 0.1			
							MDL = 0.005	MDL = 10	MDL = 0.50	MDL = 0.1			

\*SET LIMIT FOR MAXIMUM DAILY FLOW EXCEEDED (3.8 MGD), AVERAGE MONTHLY NITRATE EXCEEDED (0.23 mg/L), ALL OTHER PARAMETERS WITHIN SET LIMITS

Monitoring Location M004 - Outfall Spawning House II

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
09/08/08	M. Fiacole	08:43 am	2.2	7.0	0.5	7.7	<del>162</del>	162	11.9	<0.1	235.8	54	0.75
09/08/08	M. Fiacole	10:45 am		7.0	0.5	7.7	<del>186</del>	186	11.9	<0.1			
			AVG=0.5				AVG = <del>162.5</del>	AVG=174					
							RL = 0.01	RL = 10	RL = 0.60	RL = 0.1			
							MDL = 0.005	MDL = 10	MDL = 0.50	MDL = 0.1			

\*SET LIMIT FOR MAXIMUM DAILY NITRATE EXCEEDED (0.31 mg/L), AVERAGE MONTHLY NITRATE EXCEEDED (0.23 mg/L), ALL OTHER PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 23

State of California  
Department of Fish and Game  
**Memorandum**

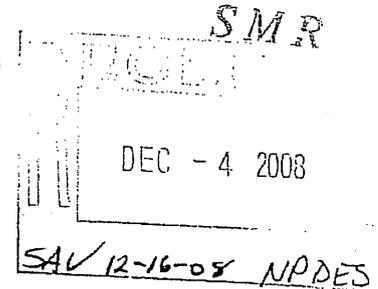


Date: 11/13/08

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

From: Department of Fish and Game, Hot Creek Hatchery

Subject: October 2008 Monthly Self Monitoring Report



Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly requirements for October, 2008 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did reveal one violation of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations.

The maximum flow limitation for Discharge Point M003 is set at 3.8 MGD; the volume measured was 4.0 MGD. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. Under the current permit, violations for exceeding flow limits have occurred frequently.

The effluent water flows for all Discharge Points are calculated by hatchery personnel utilizing stream flow meters.

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

Michael Escallier, Fish and Wildlife Tech.  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

"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"

Sincerely,

A handwritten signature in black ink that reads "Damon F. Cam - FHm II". The signature is written in a cursive style.

for

Gary Williams

Senior Hatchery Supervisor Regions 5/6

Attachment: Self Monitoring Report for October 2008

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
File



**a) Brief Description of Violations:**

1) Exceeded maximum flow limitation for Discharge Point M003 (McBurney Pond). Maximum limitation is set under the permit at 3.8 MGD. The maximum daily flow was calculated at 4.0 MGD.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

1) Flow Limitation Violation  
Discharge Point M003 – Maximum 4.0 MGD

**d) WDRs/NPDES Limit/Condition:**

1) Flow Limitation  
Discharge Point M003 – Maximum 3.8 MGD

**e) Date(s) and Duration of Violation(s):**

1) Flow Limitations  
10/01/08 through 10/31/08

**f) Explanation of Cause(s):**

1) Flow Limitation Violations –  
Natural springs are dependent upon hydrological conditions not within the Hatcheries' influence.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

1) Flow Limitation Violations –

There is no known remedy to decrease natural spring flows. It can be anticipated that exceeding the set limits will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied and thus at the mercy of uncontrollable hydrologic factors.

**California Department of Fish and Game - Hot Creek Hatchery  
 October, 2008 Report  
 NPDES No. CA0102776**

**Conventional & Non-Conventional Pollutants**

**Monitoring Location M001 – Outfall Settling Pond I**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
10/06/08	M. Ficele	08:10 am	6.1	7.00	1.9
10/06/08	M. Ficele	11:20 am	6.1	7.10	2.1
					AVG=2.0
					RL = 1.0
					MDL = 0.2

ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M002 – Outfall Settling Pond II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
10/06/08	M. Ficele	08:15 am	2.4	7.04	1.2
10/06/08	M. Ficele	11:25 am	2.4	7.12	2.1
					AVG=1.65
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 – Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
10/06/08	M. Ficele	08:18 am	3.8	7.11	0.4
10/06/08	M. Ficele	11:28 am	3.8	7.18	3.8
					AVG=2.1
					RL = 1.0
					MDL = 0.2

\* SET LIMIT FOR MAXIMUM DAILY FLOW EXCEEDED (3.8 MGD)  
 ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M004 – Outfall Spawning House II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
10/06/08	M. Ficele	08:30 am	2.3	7.06	0.7
10/06/08	M. Ficele	11:40 am	2.3	7.07	0.9
					AVG=0.8
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 24

State of California  
Department of Fish and Game  
**Memorandum**



Date: 11/24/08

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

From: Department of Fish and Game, Hot Creek Hatchery

Subject: November 2008 Monthly Self Monitoring Report

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly requirements for November, 2008 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did reveal one violation of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations.

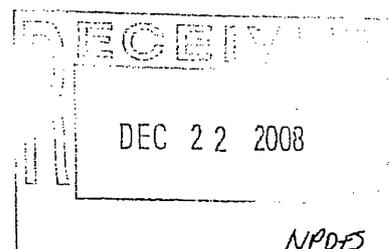
The maximum flow limitation for Discharge Point M003 is set at 3.8 MGD; the volume measured was 4.2 MGD. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. Under the current permit, violations for exceeding flow limits have occurred frequently.

The effluent water flows for all Discharge Points are calculated by hatchery personnel utilizing stream flow meters.

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

Included in the report from the Water Pollution Control Lab is the potassium permanganate data which will be cover in next month's report.

Michael Escallier, Fish and Wildlife Tech.  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123



"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"

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Williams", with a large, stylized loop at the end.

Gary Williams  
Senior Hatchery Supervisor Regions 5/6

Attachment: Self Monitoring Report for November 2008

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
File



**a) Brief Description of Violations:**

1) Exceeded maximum flow limitation for Discharge Point M003 (McBurney Pond). Maximum limitation is set under the permit at 3.8 MGD. The maximum daily flow was calculated at 4.2 MGD.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

1) Flow Limitation Violation  
Discharge Point M003 – Maximum 4.2 MGD

**d) WDRs/NPDES Limit/Condition:**

1) Flow Limitation  
Discharge Point M003 –Maximum 3.8 MGD

**e) Date(s) and Duration of Violation(s):**

1) Flow Limitations  
11/01/08 through 11/30/08

**f) Explanation of Cause(s):**

1) Flow Limitation Violations –  
Natural springs are dependent upon hydrological conditions not within the Hatcheries' influence.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

1) Flow Limitation Violations –

There is no known remedy to decrease natural spring flows. It can be anticipated that exceeding the set limits will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied and thus at the mercy of uncontrollable hydrological factors.

**California Department of Fish and Game - Hot Creek Hatchery  
November, 2008 Report  
NPDES No. CA0102776**

**Conventional & Non-Conventional Pollutants**

**Monitoring Location M001 – Outfall Settling Pond I**

<u>Date</u>	<u>Collector</u>	<u>Time</u>	<u>Flow MGD</u>	<u>PH</u>	<u>T.S.S. mg/L</u>
11/02/08	M. Ficele	08:15 am	5.7	6.95	1.8
11/02/08	M. Ficele	10:30 am	5.7	7.33	1.8
					AVG=1.8
					RL = 1.0
					MDL = 0.2

ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M002 – Outfall Settling Pond II**

<u>Date</u>	<u>Collector</u>	<u>Time</u>	<u>Flow MGD</u>	<u>PH</u>	<u>T.S.S. mg/L</u>
11/02/08	M. Ficele	08:18 am	2.7	7.14	1.1
11/02/08	M. Ficele	10:32 am	2.7	7.28	1.5
					AVG=1.3
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 – Outfall McBurney Pond**

<u>Date</u>	<u>Collector</u>	<u>Time</u>	<u>Flow MGD</u>	<u>PH</u>	<u>T.S.S. mg/L</u>
11/02/08	M. Ficele	08:20 am	3.8	7.08	0.8
11/02/08	M. Ficele	10:34 am	3.8	7.34	0.4
					AVG=0.6
					RL = 1.0
					MDL = 0.2

\* SET LIMIT FOR MAXIMUM DAILY FLOW EXCEEDED (3.8 MGD)  
ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M004 – Outfall Spawning House II**

<u>Date</u>	<u>Collector</u>	<u>Time</u>	<u>Flow MGD</u>	<u>PH</u>	<u>T.S.S. mg/L</u>
11/02/08	M. Ficele	08:25 am	2.4	7.14	1.3
11/02/08	M. Ficele	10:40 am	2.4	7.34	1.0
					AVG=1.15
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

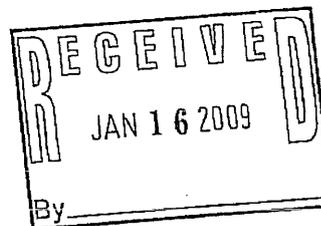
EXHIBIT NO. 25

## Memorandum

SMR

Date: 01/09/09

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



From: Department of Fish and Game, Hot Creek Hatchery

Subject: 2008 Annual, Quarterly, Semi Annual and December 2008 Monthly Self Monitoring Report

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly report for December, 2008, the Fourth Quarter Report, Semi Annual Report as well as the annual report for January through December, 2008 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776. The effluent water flows for all discharge points are calculated by hatchery personnel utilizing stream flow meters.

Data collections did reveal violations of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations. The average monthly effluent limit for Nitrate as N was exceeded at all discharge points and the flow was exceeded at M003.

The violation for the monthly average limit for Nitrate as N was surpassed at discharge points M001, M002, M003 and M004. Historical sample analysis of the Hatchery's spring supplied source waters consistently test for Nitrate levels higher than set discharge limits. In this round of sampling, all four of the four spring supplies tested above the Board's 0.23 mg/L limitation. In fact, Nitrate levels of all four spring systems are higher than levels detected in their associated discharge sites. The derived value for the Nitrate limit, and numerous other parameters, are obtained from the Board's *Basin Plan*, and not a site specific review of the Hot Creek springs' past data. It is our feeling that the Hatchery should only be responsible for discharge levels above those found naturally occurring in the springs.

The flow at M003 was exceeded which is caused by natural spring flows which are not under the control of the hatchery,

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

Michael Escallier, Fish and Wildlife Technician  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

"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"

Sincerely,



Gary Williams  
Senior Hatchery Supervisor Regions 5/6

Attachment: Self Monitoring Report for 2008 Annual and December 2008

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
Gary Williams, Senior Hatchery Supervisor Regions 5/6



**a) Brief Description of Violations:**

- 1) Exceeded average monthly effluent limitation of Nitrate as N for Discharge Points M-001 (Settling Pond I), M-002 (Settling Pond II), M-003 (McBurney Pond) and M-004 (Spawning House II).
- 2) Exceeded the maximum daily effluent limitations for flows at Discharge Point M-003 (McBurney Pond).

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

- 1) Nitrate as N Violation.

Discharge Point M-001 - Average Monthly 0.2575 mg/L  
Discharge Point M-002 - Average Monthly 0.256 mg/L  
Discharge Point M-003 - Average Monthly 0.254 mg/L  
Discharge Point M-004 – Average Monthly 0.252 mg/L

- 2) Maximum Daily Flow Violation

Discharge Point M-003 – Maximum Daily Flow 4.0 MGD

**d) WDRs/NPDES Limit/Condition:**

- 1) Nitrate as N  
All Discharge Points – Average Monthly 0.23 mg/L

**e) Date(s) and Duration of Violation(s):**

- 1) Nitrate as N  
12/01/08
- 2) Maximum Daily Flow  
12/01/08

**f) Explanation of Cause(s):**

- 1) Nitrate as N Violation –  
The four main springs providing water to the Hatchery all have naturally occurring nitrate levels which routinely test higher than the effluent limit set for the discharges.

**g) Corrective Action(s)**

(Specify actions taken and a schedule of actions to be taken)

**1) Nitrate as N Violation –**

All four spring supplies (S001, S002, S003, S004) have in past samples consistently tested for Nitrate as N at higher levels than the limit set for the effluent discharges under the current order. Current sampling and analysis, resulted in four of the four spring supplies having higher than set limitation levels. S001 and S002 the spring supplies associated with M001 and M002 had a Nitrate levels of 0.298 mg/L and 0.300 mg/L respectively, which were higher than their discharge points M001 at 0.2575 mg/L and M002 at 0.256 mg/L. S003 Nitrate level was 0.358 mg/L which was higher than its discharge, M003 whose Nitrate level was 0.254 mg/L. Supply Spring S004 Nitrate level was 0.274 mg/L which was also higher than its associated discharge M004 which had a Nitrate level of 0.252 mg/L..

The effluent limit of 0.23 mg/L was derived from the *Basin Plan*, and not from a site specific study of Hot Creek's springs. Recommend increasing Nitrate effluent limits, to such that the Hatchery is only liable for effluent levels above those naturally occurring in the spring water.

**2) Maximum Daily Flow Violation -**

Natural springs are dependent upon hydrological conditions not within the Hatchery's influence. Recommend increasing the Maximum Flows Limit to accommodate the flows of the springs.

**California Department of Fish and Game - Hot Creek Hatchery  
Annual, 4th Quarterly & December 2008 Report  
NPDES No. CA0102776**

**Conventional & Non-Conventional Pollutants**

**Hatchery Source Waters**

**Monitoring Location S001- Headwaters AB Spring**

Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids ml/L	Temperature F	Turbidity NTU
12/01/08	S. Heimlich	09:00 am	2.3	6.63	ND	6.8	0.298	0.157	196	0.298	<0.1	60	0.13
					RL = 1.0 MDL = 0.2		RL = 0.0100 MDL = 0.0050	RL = 0.0050 MDL = 0.0020	RL = 10 MDL = 10	RL = 0.100 MDL = 0.050	RL = 0.1 MDL = 0.1		

**Monitoring Location S002 - Headwaters CD Spring**

Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids ml/L	Temperature F	Turbidity NTU
12/01/08	S. Heimlich	09:30 am	4.4	6.65	ND	7.1	0.300	0.170	186	0.300	<0.1	60	0.19
					RL = 1.0 MDL = 0.2		RL = 0.0100 MDL = 0.0050	RL = 0.0050 MDL = 0.0020	RL = 10 MDL = 10	RL = 0.10 MDL = 0.050	RL = 0.1 MDL = 0.1		

**Monitoring Location S003 - Hatchery I Spring**

Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids ml/L	Temperature F	Turbidity NTU
12/01/08	S. Heimlich	10:20 am	4.0	6.67	ND	7.1	0.358	0.195	165	0.358	<0.1	55	0.20
					RL = 1.0 MDL = 0.2		RL = 0.0100 MDL = 0.0050	RL = 0.0050 MDL = 0.0020	RL = 10 MDL = 10	RL = 0.10 MDL = 0.050	RL = 0.1 MDL = 0.1		

Monitoring Location S004 - Hatchery II Spring

Date	Collector	Time	Flow MGD	PH	Total Suspended Solids mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	Total Dissolved Solids mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids mg/L	Temperature F	Turbidity NTU
12/01/08	S. Heimlich	10:30 am	2.1	6.94	<RL	7.2	0.274	0.160	153	0.274	<0.1	53	0.24
					RL = 1.0 MDL = 0.2		RL = 0.01 MDL = 0.0050	RL = 0.0050 MDL = 0.0020	RL = 10 MDL = 10	RL = 0.10 MDL = 0.50	RL = 0.1 MDL = 0.1		

Hatchery Effluent Waters

Monitoring Location M001 - Outfall Settling Pond I

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids mg/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU	Boron mg/L	Fluoride mg/L			
12/01/08	S. Heimlich	10:35 am	5.8	7.04	1.8	8.6	0.264	0.231	184	9.95	0.763	<0.1	4.29	264.0	61	0.40		0.20			
12/01/08	S. Heimlich	13:40 pm	5.8	7.04	2.0	8.6	0.251	0.222	193	10.3	0.655	<0.1	3.64			.27	.24	0.20			
12/15/08	T. Nelson	08:30 am																			
12/15/08	T. Nelson	10:30 am																			
										AVG=1.9		AVG=188.5									
										RL = 1.0 MDL = 0.2		RL = 0.0050 MDL = 0.0020		RL = 10 MDL = 10		RL = 0.10 MDL = 0.05		RL = 0.1 MDL = 0.1		RL = 0.30 MDL = 0.20	

\*EXCEEDED SET AVERAGE MONTHLY LIMIT FOR NITRATE (0.23), ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M002 – Outfall Settling Pond II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids ml/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU	Boron mg/L	Fluoride mg/L
12/01/08	S. Heimlich	10:45 am	2.1	7.18	1.8	7.8	0.257	0.230	184	10.3	0.785	<0.1	3.65	263.3	59	0.41	0.23	0.21
12/01/08	S. Heimlich	13:45 pm	2.1	7.18	2.2	7.8	0.255	0.224	187	10.6	0.771	<0.1	4.03				0.23	0.20
<p>AVG=2.0                      RL= 1.0                      MDL= 0.2                      Orthophosphate, Dissolved (as P) RL= 0.0050 MDL= 0.002                      T.D.S. RL= 10 MDL= 10                      Sulfate RL= 10 MDL= 0.5                      Nitrogen, Total (as N) RL= 0.10 MDL= 0.05                      Settleable Solids RL= 0.1 MDL= 0.1                      Chloride RL= 0.30 MDL= 0.20                      Electrical Conductivity AVG=185.5</p>																		

\*EXCEEDED SET AVERAGE MONTHLY LIMIT FOR NITRATE (0.23), ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 – Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids ml/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU	Boron mg/L	Fluoride mg/L
12/01/08	S. Heimlich	10:50 am	3.0	7.08	1.7	9.6	0.256	0.192	161	10.2	0.397	<0.1	5.18	231.3	54	0.36	0.15	0.21
12/01/08	S. Heimlich	13:50 pm	3.0	7.08	1.1	9.6	0.252	0.186	163	10.1	0.359	<0.1	4.61				0.16	0.20
12/15/08	T. Nelson	08:30 am																
<p>AVG=2.8                      RL= 1.0                      MDL= 0.2                      Orthophosphate, Dissolved (as P) RL= 0.0050 MDL= 0.0020                      T.D.S. RL= 10 MDL= 10                      Sulfate RL= 10 MDL= 0.5                      Nitrogen, Total (as N) RL= 0.10 MDL= 0.05                      Settleable Solids RL= 0.1 MDL= 0.1                      Chloride RL= 0.30 MDL= 0.20                      Electrical Conductivity AVG=162</p>																		

\*SET LIMIT FOR MAXIMUM FLOW (3.8) AND AVERAGE MONTHLY NITRATE EXCEEDED (0.23), ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M004 – Outfall Spawning House II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	Orthophosphate, Dissolved (as P) mg/L	T.D.S. mg/L	Sulfate mg/L	Nitrogen, Total (as N) mg/L	Settleable Solids ml/L	Chloride mg/L	Electrical Conductivity umhos	Temp F	Turbidity NTU	Boron mg/L	Fluoride mg/L
12/01/08	S. Heimlich	10:55 am	2.1	7.08	1.1	7.6	0.252	0.165	158	11.2	0.432	<0.1	8.32	230.7	53	0.29	0.12	0.18
12/01/08	S. Heimlich	13:55 pm	2.1	7.08	0.6	7.6	0.253	0.163	155	11.3	0.358	<0.1	8.70				0.16	0.16
12/15/08	T. Nelson	08:30 am																
<p>AVG=0.85                      RL= 1.0                      MDL= 0.2                      Orthophosphate, Dissolved (as P) RL= 0.0050 MDL= 0.0020                      T.D.S. RL= 10 MDL= 10                      Sulfate RL= 10 MDL= 0.5                      Nitrogen, Total (as N) RL= 0.10 MDL= 0.05                      Settleable Solids RL= 0.1 MDL= 0.1                      Chloride RL= 0.30 MDL= 0.20                      Electrical Conductivity AVG=156.5</p>																		

\*EXCEEDED AVERAGE MONTHLY LIMIT FOR NITRATE (0.23), ALL OTHER PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 26

State of California  
Department of Fish and Game  
**Memorandum**



Date: 01/20/09

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

From: Department of Fish and Game, Hot Creek Hatchery

Subject: January 2009 Monthly Self Monitoring Report

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly requirements for January, 2009 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

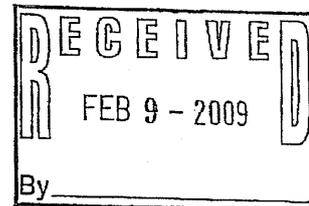
Data collections did reveal one violation of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations.

The maximum flow limitation for Discharge Point M003 is set at 3.8 MGD; the volume measured was 3.90 MGD. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. Under the current permit, violations for exceeding flow limits have occurred frequently.

The effluent water flows for all Discharge Points are calculated by hatchery personnel utilizing stream flow meters.

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

Michael Escallier, Fish and Wildlife Tech.  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123



*SMR*

"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"

Sincerely,



Gary Williams  
Senior Hatchery Supervisor Regions 5/6

Attachment: Self Monitoring Report for November 2008

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
File



**a) Brief Description of Violations:**

1) Exceeded maximum flow limitation for Discharge Point M003 (McBurney Pond). Maximum limitation is set under the permit at 3.8 MGD. The maximum daily flow was calculated at 3.9 MGD.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

1) Flow Limitation Violation  
Discharge Point M003 – Maximum 3.9 MGD

**d) WDRs/NPDES Limit/Condition:**

1) Flow Limitation  
Discharge Point M003 –Maximum 3.8 MGD

**e) Date(s) and Duration of Violation(s):**

1) Flow Limitations  
01/01/09 through 01/31/09

**f) Explanation of Cause(s):**

1) Flow Limitation Violations –  
Natural springs are dependent upon hydrological conditions not within the Hatcheries' influence.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

1) Flow Limitation Violations –

There is no known remedy to decrease natural spring flows. It can be anticipated that exceeding the set limits will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied and thus at the mercy of uncontrollable hydrologic factors.

**California Department of Fish and Game - Hot Creek Hatchery  
January 2009, Report  
NPDES No. CA0102776**

**Conventional & Non-Conventional Pollutants**

**Monitoring Location M001 – Outfall Settling Pond I**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
1/5/2009	S. Heimlich	08:45 am	5.01	7.19	2.3
1/5/2009	S. Heimlich	11:05 am	5.01	7.20	2.8
					AVG=2.55
					RL = 1.0
					MDL = 0.2

ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M002 – Outfall Settling Pond II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
1/15/2009	S. Heimlich	08:53 am	1.96	7.23	2.5
11/5/2009	S. Heimlich	11:10 am	1.96	7.23	4.6
					AVG=3.55
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 – Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
1/5/2009	S. Heimlich	08:57 am	3.8	7.03	4.3
1/5/2009	S. Heimlich	11:13 am	3.8	7.06	3.1
					AVG=3.7
					RL = 1.0
					MDL = 0.2

\* SET LIMIT FOR MAXIMUM DAILY FLOW EXCEEDED (3.8 MGD)  
ALL OTHER PARAMETERS WITHIN SET LIMITS

**Monitoring Location M004 – Outfall Spawning House II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
1/5/2009	S. Heimlich	09:10 am	1.91	7.14	0.5
1/5/2009	S. Heimlich	11:28 am	1.91	7.17	0.4
					AVG=0.45
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 27

State of California  
Department of Fish and Game  
**Memorandum**



Date: 02/26/09

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

**From:** Department of Fish and Game, Hot Creek Hatchery

**Subject:** February 2009 Monthly Self Monitoring Report

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly requirements for February, 2009 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did reveal one violation of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations.

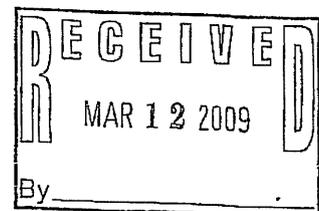
The maximum flow limitation for Discharge Point M003 is set at 3.8 MGD; the volume measured was 3.88 MGD. The flows exiting the facility are subject to the flows coming from the natural springs supplying the hatchery. There is no current method of diverting these flows. Under the current permit, violations for exceeding flow limits have occurred frequently.

The effluent water flows for all Discharge Points are calculated by hatchery personnel utilizing stream flow meters.

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

Michael Escallier, Fish and Wildlife Tech.  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

*SMR*



"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"

Sincerely,



Gary Williams  
Senior Hatchery Supervisor Regions 5/6

Attachment: Self Monitoring Report for November 2008

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
File



**a) Brief Description of Violations:**

1) Exceeded maximum flow limitation for Discharge Point M003 (McBurney Pond). Maximum limitation is set under the permit at 3.8 MGD. The maximum daily flow was calculated at 3.88 MGD.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

1) Flow Limitation Violation  
Discharge Point M003 – Maximum 3.88 MGD

**d) WDRs/NPDES Limit/Condition:**

1) Flow Limitation  
Discharge Point M003 –Maximum 3.8 MGD

**e) Date(s) and Duration of Violation(s):**

1) Flow Limitations  
02/01/09 through 02/28/09

**f) Explanation of Cause(s):**

1) Flow Limitation Violations –  
Natural springs are dependent upon hydrological conditions not within the Hatcheries' influence.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

1) Flow Limitation Violations –

There is no known remedy to decrease natural spring flows. It can be anticipated that exceeding the set limits will be routine. Recommend increasing or eliminating flow maximum limitations, as all water sources at Hot Creek Hatchery are spring supplied and thus at the mercy of uncontrollable hydrologic factors.

California Department of Fish and Game - Hot Creek Hatchery  
 February 2009, Report  
 NPDES No. CA0102776

**Conventional & Non-Conventional Pollutants**

**Monitoring Location M001 – Outfall Settling Pond I**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
2/2/2009	P. Trullinger	08:45 am	3.57	7.28	1.4
2/2/2009	P. Trullinger	11:11 am	3.57	7.41	1.7
					AVG=1.55
					RL = 1.0
					MDL = 0.2

ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M002 – Outfall Settling Pond II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
2/2/2009	P. Trullinger	08:49 am	3.82	7.28	2.1
2/2/2009	P. Trullinger	11:07 am	3.82	7.35	1.8
					AVG=1.95
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 – Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
2/2/2009	P. Trullinger	09:01 am	3.82	7.14	1.4
2/2/2009	P. Trullinger	11:05 am	3.82	7.02	4.4
					AVG=2.9
					RL = 1.0
					MDL = 0.2

\* SET LIMIT FOR MAXIMUM DAILY FLOW EXCEEDED (3.8 MGD)  
 ALL OTHER PARAMETERS WITHIN SET LIMITS

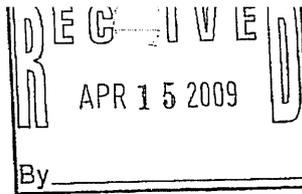
**Monitoring Location M004 – Outfall Spawning House II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
2/2/2009	P. Trullinger	09:12 am	2.14	7.05	0.5
2/2/2009	P. Trullinger	11:16 am	2.14	7.28	1.3
					AVG=0.9
					RL = 1.0
					MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 28

SMR



## Memorandum

Date: 04/01/2009

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

**From:** Department of Fish and Game, Hot Creek Hatchery

**Subject:** First Quarterly and March 2009 Self Monitoring Report

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly report for March, 2009 as well as the quarterly report for January thru March, 2009 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did reveal one violation of the Order, specifically Section IV – Effluent Limitations, Final Effluent Limitations. The average monthly effluent limit for Nitrate as N was exceeded at all discharge points, M001, M002, M003 and M004, and the daily maximum limit at M003 and M004.

The violation for effluent limitations was the monthly average limit for Nitrate as N was surpassed at discharge points M001, M002, M003 and M004. In addition, the maximum daily limit was surpassed at points M003 and M004. Historical sample analysis of the Hatchery's spring supplies consistently test for Nitrate levels higher than set discharge limits, and Nitrate levels of the springs are higher than levels detected at the discharge sites. The derived value for the Nitrate limit, and numerous other parameters, are obtained from the Board's Basin Plan, and not a site specific review of the Hot Creek springs' past data. It is our feeling that the Hatchery should only be responsible for discharge levels above those found naturally in the springs.

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

Mike Escallier, Fish and Wildlife Technician  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

"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"

Sincerely,



Gary Williams  
Senior Hatchery Supervisor  
Regions 4, 5 and 6

Attachment: Self Monitoring Report for First Quarter and March 2009

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
File



**a) Brief Description of Violations:**

1) Exceeded the average monthly effluent limitations of Nitrate as N for Discharge Points 001, 002, 003 (McBurney Pond), and 004 (Below Spawning House II). The limitation set is 0.23 mg/L, and the calculated monthly averages were 0.272, 0.266, 1.07 and 0.720 mg/L respectively. Also, the maximum daily Nitrate limitations at Discharge Points 003 and 004 were exceeded. The daily limit is set at 0.31 mg/L and the daily values were 1.07 and 0.720 mg/L respectively.

**b) Section(s) of WDRs/NPDES Permit Violated:**

Section IV – A. Effluent Limitations, 1. Final Effluent Limitations

**c) Reported Value(s) or Volume:**

- 1) Nitrate as N Violation  
Discharge Point 001 – Monthly Average 0.272mg/L  
Discharge Point 002 – Monthly Average 0.266mg/L  
Discharge Point 003 – Monthly Average 1.07mg/L, Daily Value 1.07mg/L  
Discharge Point 004 – Monthly Average 0.720mg/L, Daily Value 0.720mg/L

**d) WDRs/NPDES Limit/Condition:**

- 1) Nitrate as N Limitation  
All Discharge Points – Monthly Average 0.23 mg/L  
All Discharge Points – Daily Maximum 0.31 mg/L

**e) Date(s) and Duration of Violation(s):**

- 1) Nitrate as N  
03/02/09

**f) Explanation of Cause(s):**

- 1) Nitrate as N Violation –  
The influent spring supplies providing water to the Hatchery have naturally occurring nitrate levels which consistently test higher than the effluent limit set for the discharges.

**g) Corrective Action(s)**

(Specify actions taken and a schedule for actions to be taken)

- 1) Nitrate as N Violation –  
All four spring supplies (S001, S002, S003, S004) have in past samples consistently tested for Nitrate as N at higher levels than the limit set for the effluent discharges under the current order. The effluent limits of 0.23 and 0.31 mg/L were derived from the *Basin Plan*, and not from a site specific study of Hot Creek's springs. Recommend increasing Nitrate effluent limits, to where the Hatchery is only culpable for effluent levels above those naturally occurring in the spring water.

California Department of Fish and Game - Hot Creek Hatchery  
 1st Quarterly & March 2009 Report  
 NPDES No. CA0102776

Conventional & Non-Conventional Pollutants

Monitoring Location M001 - Outfall Settling Pond I

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
03/02/09	M. Fieele	08:30 am	3.6	7.35	2.6	7.6	189	10.5	<0.1	238.0	60	0.45	
03/02/09	M. Fieele	11:40 am		7.77	3.8	7.9	180	10.5	<0.1	263.0			
			AVG=3.2				AVG=184.5						
				RL = 1.0			RL = 10		RL = 0.1				
				MDL = 0.2			MDL = 10		MDL = 0.1				

\* AVERAGE MONTHLY NITRATE EXCEEDED (0.23 mg/L), ALL OTHER PARAMETERS WITHIN SET LIMITS

Monitoring Location M002 - Outfall Settling Pond II

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
03/02/09	M. Fieele	08:35 am	3.1	7.32	2.6	7.4	195	10.3	<0.1	262.0	60	0.36	
03/02/09	M. Fieele	11:30 am		7.48	4.8	7.8	183	10.4	<0.1	263.0			
			AVG=3.7				AVG=189						
				RL = 1.0			RL = 10		RL = 0.1				
				MDL = 0.2			MDL = 10		MDL = 0.1				

\* AVERAGE MONTHLY NITRATE EXCEEDED (0.23 mg/L), ALL OTHER PARAMETERS WITHIN SET LIMITS

Monitoring Location M003 - Outfall McBurney Pond

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
03/02/09	M. Ficalle	08:40 am	3.6	7.27	2.5	7.7	102	185	12.9	<0.1	257.0	58	0.41
03/02/09	M. Ficalle	11:25 am		7.37	2.7	8.2	102	183	13.1	<0.1	268.0		
							AVG=2.6						
							RL = 1.0	RL = 10	RL = 0.60	RL = 0.1			
							MDL = 0.2	MDL = 10	MDL = 0.50	MDL = 0.1			

\*SET LIMIT FOR MAXIMUM DAILY NITRATE EXCEEDED (0.31 mg/L), AVERAGE MONTHLY NITRATE EXCEEDED (0.23 mg/L), ALL OTHER PARAMETERS WITHIN SET LIMITS

Monitoring Location M004 - Outfall Spawning House II

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L	Dissolved Oxygen mg/L	Nitrate + Nitrite (as N) mg/L	T.D.S. mg/L	Sulfate mg/L	Settleable Solids m/L	Electrical Conductivity umhos	Temperature F	Turbidity NTU
03/02/09	M. Ficalle	09:30 am	1.9	7.27	0.7	7.6	177.9	168	12.6	<0.1	242.0	56	0.26
03/02/09	M. Ficalle	11:45 am		7.36	1.0	7.9	177.9	166	12.4	<0.1	250.0		
							AVG=0.85						
							RL = 1.0	RL = 10	RL = 0.60	RL = 0.1			
							MDL = 0.2	MDL = 10	MDL = 0.50	MDL = 0.1			

\*SET LIMIT FOR MAXIMUM DAILY NITRATE EXCEEDED (0.31 mg/L), AVERAGE MONTHLY NITRATE EXCEEDED (0.23 mg/L), ALL OTHER PARAMETERS WITHIN SET LIMITS

EXHIBIT NO. 29

State of California  
Department of Fish and Game  
**Memorandum**



Date: 06/05/09

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

From: Department of Fish and Game, Hot Creek Hatchery

Subject: May 2009 Monthly Self Monitoring Report

Please find enclosed the Self Monitoring Report (SMR) encompassing the monthly requirements for May, 2009 in accordance with Board Order No. R6V-2006-0027 Waste Discharge Requirements for Hot Creek Hatchery, NPDES No. CA102776.

Data collections did not reveal any violation of the Order.

The effluent water flows for all Discharge Points are calculated by hatchery personnel utilizing stream flow meters.

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

Michael Escallier, Fish and Wildlife Tech.  
Hot Creek Hatchery  
HCR 79, Box 208  
Mammoth Lakes, CA 93546  
Telephone: 760-934-2664 / Fax: 760-934-5123

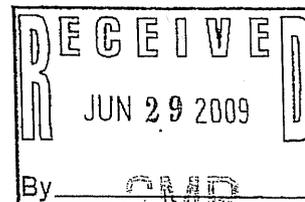
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage 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"

Sincerely,

Kenneth D. Robledo  
Acting Senior Hatchery Supervisor Region 5/6  
For Gary L. Williams

Attachment: Self Monitoring Report for November 2008

cc: California Department of Fish and Game  
James Starr, NPDES Coordinator  
File





**a) Brief Description of Violations:**

**b) Section(s) of WDRs/NPDES Permit Violated:**

**c) Reported Value(s) or Volume:**

**d) WDRs/NPDES Limit/Condition:**

**e) Date(s) and Duration of  
Violation(s):**

**f) Explanation of Cause(s):**

**g) Corrective Action(s)**

**California Department of Fish and Game - Hot Creek Hatchery  
May 2009, Report  
NPDES No. CA0102776**

**Conventional & Non-Conventional Pollutants**

**Monitoring Location M001 – Outfall Settling Pond I**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
5/4/2009	M. Ficele	08:32 am	3.6	7.3	1.7
5/4/2009	M. Ficele	11:40 am	3.6	7.5	2.5

AVG=2.1

RL = 1.0  
MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M002 – Outfall Settling Pond II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
5/4/2009	M. Ficele	08:35 am	2.5	7.4	1.2
5/4/2009	M. Ficele	11:36 am	2.5	7.6	2.6

AVG=1.9

RL = 1.0  
MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M003 – Outfall McBurney Pond**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
5/4/2009	M. Ficele	08:38 am	3.3	7.3	0.8
5/4/2009	M. Ficele	11:34 am	3.3	7.4	0.9

AVG=0.85

RL = 1.0  
MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

**Monitoring Location M004 – Outfall Spawning House II**

Date	Collector	Time	Flow MGD	PH	T.S.S. mg/L
5/4/2009	M. Ficele	08:46 am	1.3	7.3	1.5
5/4/2009	M. Ficele	11:30 am	1.3	7.4	1.1

AVG=1.3

RL = 1.0  
MDL = 0.2

\* ALL PARAMETERS WITHIN SET LIMITS

**ATTACHMENT A – DFG WATER POLLUTION LABORATORY REPORTS**

**DEPARTMENT OF FISH AND GAME  
FISH AND WILDLIFE  
WATER POLLUTION CONTROL LABORATORY**  
2005 NIMBUS ROAD  
RANCHO CORDOVA, CA 95670  
PHONE (916) 358-2858 ATSS 8-434-2858 FAX (916) 985-4301

**LABORATORY REPORT**

Name: HOT CREEK HATCHERY  
Agency: DEPARTMENT OF FISH AND GAME  
Address: HCR 79, BOX 208  
City: MAMMOTH LAKES CA 93546  
Phone Number: 760-934-2664  
CC:

Project: OSPR  
Lab Number L-237-09  
Client Agency: Hot Creek Hatchery  
Index-PCA Code: 4240 32304  
Spill Title:  
Suspect:  
P.O.#:

Sample Number: L-237-09-01 ID#: AA38842 Sample Collection Date: 5/4/2009 Time: 8:12  
Sample Location: Lab Submittal Date: 5/5/2009  
Customer reference: S001

ANALYSIS NAME	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Nitrate + Nitrite as N	0.322	mg/L		5/11/2009	JR	0.0100	0.0050	QC 10107041B
Sample Comments:								

Sample Number: L-237-09-02 ID#: AA38843 Sample Collection Date: 5/4/2009 Time: 8:17  
Sample Location: Lab Submittal Date: 5/5/2009  
Customer reference: S002

ANALYSIS NAME	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Nitrate + Nitrite as N	0.322	mg/L		5/11/2009	JR	0.0100	0.0050	QC 10107041B
Sample Comments:								

Sample Number: L-237-09-03 ID#: AA38844 Sample Collection Date: 5/4/2009 Time: 8:28  
Sample Location: Lab Submittal Date: 5/5/2009  
Customer reference: S003

ANALYSIS NAME	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Nitrate + Nitrite as N	0.418	mg/L		5/11/2009	JR	0.0100	0.0050	QC 10107041B
Sample Comments:								

DNQ = Detected not Quantified  
H = Holding Time Exceeded  
ND = Not Detected  
Lab Number L-237-09

Sample Number: L-237-09-04  
Sample Location:  
Customer reference: S004

ID#: AA38845

Sample Collection Date: 5/4/2009 Time: 8:22  
Lab Submittal Date: 5/5/2009

ANALYSIS NAME	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Nitrate + Nitrite as N	0.868	mg/L		5/11/2009	JR	0.0100	0.0050	QC 10107041B

Sample Comments:

Sample Number: L-237-09-05  
Sample Location:  
Customer reference: M001- 1

ID#: AA38845

Sample Collection Date: 5/4/2009 Time: 8:32  
Lab Submittal Date: 5/5/2009

ANALYSIS NAME	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Total Suspended Solids 1L	1.7	mg/L		5/11/2009	MJM/DR	1.0	0.2	SM 2540 D
Nitrate + Nitrite as N	0.257	mg/L		5/11/2009	JR	0.0100	0.0050	QC 10107041B

Sample Comments:

Sample Number: L-237-09-06  
Sample Location:  
Customer reference: M001- 2

ID#: AA38847

Sample Collection Date: 5/4/2009 Time: 11:40  
Lab Submittal Date: 5/5/2009

ANALYSIS NAME	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Total Suspended Solids 1L	2.5	mg/L		5/11/2009	MJM/DR	1.0	0.2	SM 2540 D
Nitrate + Nitrite as N	0.237	mg/L		5/11/2009	JR	0.0100	0.0050	QC 10107041B

Sample Comments:

Sample Number: L-237-09-07  
Sample Location:  
Customer reference: M002- 1

ID#: AA38848

Sample Collection Date: 5/4/2009 Time: 8:35  
Lab Submittal Date: 5/5/2009

ANALYSIS NAME	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Total Suspended Solids 1L	1.2	mg/L		5/11/2009	MJM/DR	1.0	0.2	SM 2540 D
Nitrate + Nitrite as N	0.245	mg/L		5/11/2009	JR	0.0100	0.0050	QC 10107041B

Sample Comments:

DNQ = Detected not Quantified  
H = Holding Time Exceeded  
ND = Not Detected  
Lab Number L-237-09

Sample Number: L-237-09-08  
Sample Location:  
Customer reference: M002- 2

ID#: AA38849

Sample Collection Date: 5/4/2009 Time: 11:36  
Lab Submittal Date: 5/5/2009

ANALYSIS NAME	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Total Suspended Solids 1L	2.6	mg/L		5/11/2009	MJM/DR	1.0	0.2	SM 2540 D
Nitrate + Nitrite as N	0.214	mg/L		5/11/2009	JR	0.0100	0.0050	QC 10107041B

Sample Comments:

Sample Number: L-237-09-09  
Sample Location:  
Customer reference: M003- 1

ID#: AA38850

Sample Collection Date: 5/4/2009 Time: 8:38  
Lab Submittal Date: 5/5/2009

ANALYSIS NAME	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Total Suspended Solids 1L	0.8	mg/L	DNQ	5/11/2009	MJM/DR	1.0	0.2	SM 2540 D
Nitrate + Nitrite as N	0.636	mg/L		5/11/2009	JR	0.0100	0.0050	QC 10107041B

Sample Comments:

Sample Number: L-237-09-10  
Sample Location:  
Customer reference: M003- 2

ID#: AA38851

Sample Collection Date: 5/4/2009 Time: 11:34  
Lab Submittal Date: 5/5/2009

ANALYSIS NAME	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Total Suspended Solids 1L	0.9	mg/L	DNQ	5/11/2009	MJM/DR	1.0	0.2	SM 2540 D
Nitrate + Nitrite as N	0.590	mg/L		5/11/2009	JR	0.0100	0.0050	QC 10107041B

Sample Comments:

Sample Number: L-237-09-11  
Sample Location:  
Customer reference: M004- 1

ID#: AA38852

Sample Collection Date: 5/4/2009 Time: 8:46  
Lab Submittal Date: 5/5/2009

ANALYSIS NAME	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Total Suspended Solids 1L	1.5	mg/L		5/11/2009	MJM/DR	1.0	0.2	SM 2540 D
Nitrate + Nitrite as N	0.602	mg/L		5/11/2009	JR	0.0100	0.0050	QC 10107041B

Sample Comments:

DNQ = Detected not Quantified  
H = Holding Time Exceeded  
ND = Not Detected  
Lab Number L-237-09

Sample Number: L-237-09-12

ID#: AA38853

Sample Collection Date: 5/4/2009

Time: 11:30

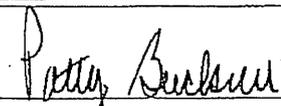
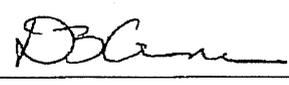
Sample Location:

Lab Submittal Date: 5/5/2009

Customer reference: M004- 2

ANALYSIS NAME	TEST RESULT	UNITS	QUALIFIER	ANALYSIS DATE	ANALYZED BY	REPORTING LIMIT (RL)	DETECTION LIMIT (MDL)	METHOD REFERENCE
Total Suspended Solids 1L	1.1	mg/L		5/11/2009	MJM/DR	1.0	0.2	SM 2540 D
Nitrate + Nitrite as N	0.646	mg/L		5/11/2009	JR	0.0100	0.0050	QC 10107041B

Sample Comments:

Reviewed by Patty Burkner Date 6/1/09 Laboratory Director [Signature] Date 6-1-09

Total Lab Analysis Price: \$796.00

DNQ = Detected not Quantified  
 H = Holding Time Exceeded  
 ND = Not Detected  
 Lab Number L-237-09

**SECTION V**

**LIST OF DOCUMENTS INCLUDED BY REFERENCE**

## LIST OF DOCUMENTS INCLUDED BY REFERENCE

1. Water Quality Control Plan for the Lahontan Region
2. California Water Code
3. Water Board's Files for Hot Creek Hatchery