



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Lahontan Regional Water Quality Control Board

June 30, 2016

WDID 6B360812001

Charlton H. Bonham, Director  
California Department of Fish & Wildlife  
1416 Ninth Street, 12<sup>th</sup> Floor  
Sacramento, CA 95814  
[Director@wildlife.ca.gov](mailto:Director@wildlife.ca.gov)

CERTIFIED MAIL 7009 0820 0001 6630 3652  
RETURN RECEIPT REQUESTED

**SETTLEMENT OFFER NO. R6V-2016-0041: OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATION OF THE NPDES PERMIT FOR CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, MOJAVE RIVER FISH HATCHERY, VICTORVILLE, SAN BERNARDINO COUNTY, (ORDER NO. R6V-2011-0081, NPDES PERMIT NO. CA0102814)**

This letter is to notify the California Department of Fish and Wildlife (hereinafter "Permittee" or "DFW") of an alleged violation of Board Order No. R6V-2011-0081 identified in the State Water Resources Control Board's water quality data system and to allow DFW to participate in the Lahontan Regional Water Quality Control Board's (Water Board) Expedited Payment Program for Effluent and/or Reporting Violations (Expedited Payment Program) to address mandatory minimum penalties that must be assessed pursuant to California Water Code section 13385.

### NOTICE OF VIOLATION:

Based on information in the California Integrated Water Quality System (CIWQS) as of March 31, 2016, the Water Board alleges that the DFW has violated the effluent limitation identified in the Notice of Violation (NOV), enclosed as Exhibit 1. DFW will have the opportunity to address the alleged violation as discussed below.

### STATUTORY LIABILITY:

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

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

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | 14440 Civic Dr., Ste. 200, Victorville, CA 92392  
e-mail [Lahontan@waterboards.ca.gov](mailto:Lahontan@waterboards.ca.gov) | website [www.waterboards.ca.gov/lahontan](http://www.waterboards.ca.gov/lahontan)



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

#### **OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM:**

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

To promote resolution of this violation, the Water Board makes this Conditional Offer. DFW may accept this offer, waive DFW's right to a hearing, and pay the mandatory minimum penalty of **\$3,000** for the violation described in the enclosed NOV. If the DFW elects to do so, subject to the conditions below, the Water Board will accept that payment in settlement of any enforcement action that would otherwise arise out of the violation identified, above. Accordingly, the Water Board will forego issuance of a formal administrative complaint, will not refer the violation to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violation identified in the attached NOV.

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

#### **PERMITTEE'S OPTIONS FOR RESPONSE TO OFFER:**

If DFW accepts this offer, please complete and return the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order" (Acceptance and Waiver) on or before **August 12, 2016**.

If DFW chooses to contest the violation alleged in the enclosed NOV, please identify the basis for the challenge (factual error, affirmative defense, etc.) on or before **August 12, 2016**.

---

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

The Water Board staff will evaluate the contested violation and take one of two actions:

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

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

#### **CONDITIONS FOR REGIONAL WATER BOARD ACCEPTANCE OF RESOLUTION:**

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

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

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

In the event the Acceptance and Waiver is executed by the Water Board Executive Officer, full payment of the assessed amount shall be due within thirty (30) calendar days after the Water Board Executive Officer's execution. In accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the **\$3,000** liability shall be paid by cashiers or

certified check for **\$3,000** made out to the "State Water Pollution Cleanup and Abatement Account". Failure to pay the full penalty within the required time period may subject DFW to further liability.

All responses to this Conditional Offer shall be submitted via email, under penalty of perjury, to: [Lahontan@waterboards.ca.gov](mailto:Lahontan@waterboards.ca.gov). Please include "Mojave River Fish Hatchery EPL" and the WDID No. in the transmittal email's subject line.

Please contact Catherine Pool at (530) 542-5460 ([Catherine.Pool@waterboards.ca.gov](mailto:Catherine.Pool@waterboards.ca.gov)) if you have any questions about this Conditional Offer or Notice of Violation.



Lauri Kemper, P.E.  
Assistant Executive Officer

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

cc: Regional Board Members

Nickolaus Knight, State Water Resources Control Board, Office of Enforcement

Stafford Lehr, Fishery Branch Chief, DFW

Mike Giusti, Environmental Program Manager, DFW

Andrew Herrera, Hatchery Manager DFW

Terry Jackson, Statewide Hatchery NPDES & Homeland Security Coordinator, DFW

Gary Williams, Senior Hatchery Supervisor, DFW

Mike Escallier, Hatchery Manager, DFW

Nancee Murray, Staff Counsel, DFW

Nickolaus Knight, Staff Counsel III, State Water Board, Office of Enforcement

Kimberly Niemeyer, Staff Counsel III, State Water Board, Office of Chief Counsel

Patty Z. Kouyoumdjian, Executive Officer, Lahontan Water Board

Mike Plaziak, Supervising Engineering Geologist, Lahontan Water Board

Catherine Pool, Senior Water Resource Control Engineer, Lahontan Water Board

Daryl Kambitsch, Lahontan Water Board



Lahontan Regional Water Quality Control Board

June 30, 2016

WDID 6B360812001

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

CERTIFIED MAIL 7009 0820 0001 6630 3652
RETURN RECEIPT REQUESTED

IN THE MATTER OF VIOLATION OF LAHONTAN
WATER BOARD ORDER NO. R6V-2011-0081,
NPDES PERMIT NO. CA0102814, ESTABLISHING
WASTE DISCHARGE REQUIREMENTS FOR THE
MOJAVE RIVER FISH HATCHERY

NOTICE OF VIOLATION

This letter is to inform the California Department of Fish and Wildlife (DFW) that it is in violation of Lahontan Regional Water Quality Control Board (Water Board) Order No. R6V-2011-0081, NPDES Permit No. CA0102814 (permit). The permit was adopted by the Water Board on October 12, 2011, and establishes waste discharge requirements for the discharge of waste from the Mojave River Fish Hatchery to the Mojave River and its adjacent wetlands.

Permit Violations

Permit section IV.A.1.a specifies effluent limits for discharges to the Mojave River. Based on information in the California Integrated Water Quality System (CIWQS) as of March 31, 2016, the Water Board alleges that DFW has violated an effluent limitation prescribed by the permit. The specific effluent violation is:

Table with 6 columns: Violation ID, Violation Date, Monitoring Location, Constituent, Effluent Limit, Reported Value. Row 1: 993605, June 17, 2015, M-001, Total Suspended Solids, 6.0 mg/L Average Monthly, 9.0 mg/L

Please contact me at (530) 542-5460 (Catherine.Pool@waterboards.ca.gov), if you have any questions regarding this matter.

Handwritten signature of Cathie Pool

Cathie Pool, P.E.
Senior Water Resource Control Engineer
Enforcement and Special Projects Unit

Enclosure: Excerpt from 2nd Quarter 2015 SMR

WC/ma/T: Mojave River Fish Hatchery MMP NOV
File Under: ECM / WDID 6B360812001

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

## Memorandum

**Date:** July 21, 2015

**To:** California Regional Water Quality Control Board

**From:** Department of Fish and Wildlife; Mojave River Hatchery

**Subject:** Second Quarter 2015 Self-Monitoring Report

Enclosed is the Self-Monitoring Report (SMR) which outlines the quarterly report for April through June, 2015. The *Second Quarter Report 2015* is in accordance with the Board Order No. R6V-2011-0081, Waste Discharge Requirements for Mojave River Hatchery, NPDES: No. CA0102814. Throughout this period, there was a violation in which the Total Suspended Solids (TSS) analysis registered higher than the monthly average. It is believed that this irregularity was due to an abrupt power outage the day prior to sampling (06/17/2015). If you have any questions pertaining to this report, or require additional information, please contact:

Greg Williams; Fish Hatchery Manger I  
Forrest L. Williams; Fish and Wildlife Technician B  
(Filling in for Fish Hatchery Manager I)  
Mojave River Hatchery  
12550 Jacaranda ave.  
Victorville, CA 92395  
Office: (760) 245- 9981  
Fax: (760) 245- 9142  
[Greg.williams@wildlife.ca.gov](mailto:Greg.williams@wildlife.ca.gov)  
[forrest.williams@wildlife.ca.gov](mailto:forrest.williams@wildlife.ca.gov)

" I certify under penalty of the law that this document and all attachments were prepared under my direction or supervision in accordance with the system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, all of the data obtained and 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 fines and imprisonment for having knowledge of violations."

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Norris".

**Matthew Norris**  
(Filling in for Gary L. Williams; Senior Hatchery Supervisor)  
(Region 5/6)

**Attachments:** Self-Monitoring Report for Second Quarter 2015  
**Cc:** Terry Jackson, Staff Environmental Scientist

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
MOJAVE RIVER HATCHERY  
NPDES PERMIT NO. CA0102814  
WDID NO: 6B360812001

DATE: July 21, 2015

California Regional Water Quality Control Board  
Lahontan Region  
14440 Civic Dr., Suite 200  
Victorville, CA 92392

**Facility Name:** CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
MOJAVE RIVER HATCHERY

**Address:** 12550 JACARANDA AVE.  
VICTORVILLE, CA 92395

**Contact Person:** GREG WILLIAMS  
**Job Title:** FISH HATCHERY MANAGER I

**Phone:** (760) 245- 9981

**Email:** [greg.williams@wildlife.ca.gov](mailto:greg.williams@wildlife.ca.gov)  
[mojave@wildlife.ca.gov](mailto:mojave@wildlife.ca.gov)

**WRD/NPDES Number:** CA0102814  
**WDID Number:** 6B360812001

**REPORT TYPE (Circle One):** Monthly      **Quarterly**      Semi- Annually      Annually      Other

**Month(s):**      JAN      FEB      MAR      **APR**      **MAY**      **JUN**  
(Circle applicable month(s))      JUL      AUG      SEP      OCT      NOV      DEC

**Year:** 2015

**Violation(s)?** NONE

\*If YES is marked complete items A through G below  
(Attach additional information as necessary)



Weck Laboratories, Inc.  
Analytical Laboratory Services - Since 1964

# CHAIN OF CUSTODY RECORD

14859 East Clark Avenue : Industry : CA 91745  
Tel 626-336-2139 ♦ Fax 626-336-2634 ♦ www.wecklabs.com

STANDARD **5F18019**

Page 1 Of 1

CLIENT NAME: California department of Fish and Wildlife Mojave River hatchery		PROJECT: Monthly Water Samples		ANALYSES REQUESTED					SPECIAL HANDLING	
ADDRESS: 12550 Jacaranda Avenue Victorville CA, 92395		PHONE: (760) 245- 9981 FAX: (760) 245- 9142 EMAIL: mojave@wildlife.ca.gov		Total Suspended Solids (TSS)	Hardness	HYDROGEN PEROXIDE (mark on bottle)	N <sub>2</sub> O <sub>2</sub>			<input type="checkbox"/> Same Day Rush 150% <input type="checkbox"/> 24 Hour Rush 100% <input type="checkbox"/> 48-72 Hour Rush 75% <input type="checkbox"/> 4 - 5 Day Rush 30% <input type="checkbox"/> Rush Extractions 50% <input type="checkbox"/> 10 - 15 Business Days <input type="checkbox"/> QA/QC Data Package
PROJECT MANAGER Gary L. Williams		SAMPLER <b>FRANK ESPARZA</b>								
ID# (For Lab Use Only)	DATE SAMPLED	TIME SAMPLED	SMPL TYPE	SAMPLE IDENTIFICATION/SITE LOCATION	# OF CONT.					Method of Shipment: Pick up
	6/17/2015	10:22	WW	MRH Inflow Headbox- INF	1	X				COMMENTS
	6/17/2015	10:28	WW	MRH Outflow M-001/ EFF-001	1	X	X			
	6/17/2015	10:30	WW	MRH OUTFLOW M-001/EFF-001	1		X			
RELINQUISHED BY: <b>FRANK ESPARZA</b> <i>Frank Esparza</i>		DATE / TIME 6/17/2015 10:50	RECEIVED BY <b>Fedex</b>		SAMPLE CONDITION: Actual Temperature: <b>0.9°C</b>			SAMPLE TYPE CODE: AQ=Aqueous NA= Non Aqueous SL = Sludge DW = Drinking Water WW = Waste Water RW = Rain Water GW = Ground Water SO = Soil SW = Solid Waste CL = Oil CT = Other Matrix		
RELINQUISHED BY <b>Fedex</b>		DATE / TIME	RECEIVED BY <b>6.18.15</b> 10:00		Received On Ice <input type="checkbox"/> Preserved <input type="checkbox"/> Evidence Seals Present <input type="checkbox"/> Container Attacked <input type="checkbox"/> Preserved at Lab <input type="checkbox"/>			<input checked="" type="checkbox"/> N <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> N		
RELINQUISHED BY		DATE / TIME	RECEIVED BY							
PRESCHEDULED RUSH ANALYSES WILL TAKE PRIORITY OVER UNSCHEDULED RUSH REQUESTS				SPECIAL REQUIREMENTS / BILLING INFORMATION						
Client agrees to Terms & Conditions at: <a href="http://www.wecklabs.com">www.wecklabs.com</a>				COC version 042707						





## Certificate of Analysis

Report Date: 07/01/15 16:55  
 Received Date: 06/18/15 10:00  
 Turnaround Time: Normal

Project: Monthly Water Samples

Phones: (760) 241-8472  
 Fax: (760) 245-9142

P.O. #: S1460001

Attn: Gary Williams

Client: CA Department of Fish and Wildlife - Mojave River  
 12550 Jacaranda Ave.  
 Victorville, CA 92395

Dear Gary Williams :

Enclosed are the results of analyses for samples received 6/18/2015 with the Chain of Custody document. The samples were received in good condition, at 0.9 °C and on ice. All analysis met the method criteria except as noted below or in the report with data qualifiers.

Lab ID: 5F18019-01      Sample ID: MRH Inflow Headbox- INF      Matrix: Water  
 Sampled by: Frank Esparza      Sampled: 06/17/15 10:22

Analyte	Result	MDL	MRL	Units	Dil	Method	Prepared	Analyzed	Batch	Qualifier
Calcium, Total	22.9		0.100	mg/l	1	EPA 200.7	6/18/15	6/19/15 14:13	W5F1016	
Magnesium, Total	3.03		0.100	mg/l	1	EPA 200.7	6/18/15	6/19/15 14:13	W5F1016	
Hardness as CaCO <sub>3</sub> , Total	69.6		0.662	mg/l	1	SM 2340B	6/18/15	6/19/15 14:13	[CALC]	

Lab ID: 5F18019-02      Sample ID: MRH Outflow M-001/ EFF-001      Matrix: Water  
 Sampled by: Frank Esparza      Sampled: 06/17/15 10:28

Analyte	Result	MDL	MRL	Units	Dil	Method	Prepared	Analyzed	Batch	Qualifier
Calcium, Total	23.0		0.100	mg/l	1	EPA 200.7	6/18/15	6/19/15 14:15	W5F1016	
Magnesium, Total	3.01		0.100	mg/l	1	EPA 200.7	6/18/15	6/19/15 14:15	W5F1016	
Hardness as CaCO <sub>3</sub> , Total	69.7		0.662	mg/l	1	SM 2340B	6/18/15	6/19/15 14:15	[CALC]	
Total Suspended Solids	9		5	mg/l	1	SM 2540D	6/19/15	6/22/15 11:45	W5F1134	

Lab ID: 5F18019-03      Sample ID: MRH Outflow M-001/ EFF-001      Matrix: Water  
 Sampled by: Frank Esparza      Sampled: 06/17/15 10:30

Analyte	Result	MDL	MRL	Units	Dil	Method	Prepared	Analyzed	Batch	Qualifier
Hydrogen Peroxide	ND		0.10	mg/l	1	US Perox	6/29/15	6/29/15 16:40	W5F1587	



**Certificate of Analysis**

**Quality Control Section**

**Conventional Chemistry/Physical Parameters by APHA/EPA/ASTM Methods - Quality Control**

Batch W5F1134 - SM 2540D

Blank (W5F1134-BLK1)					Prepared: 06/19/15	Analyzed: 06/22/15 11:45				
Analyte	Sample Result	QC Result	Qualifier	Units	Spike Level	%REC	%REC Limits	RPD	RPD Limit	
Total Suspended Solids		ND		mg/l						
Duplicate (W5F1134-DUP1)					Prepared: 06/19/15	Analyzed: 06/22/15 11:45				
					Source: 5F16070-01					
Analyte	Sample Result	QC Result	Qualifier	Units	Spike Level	%REC	%REC Limits	RPD	RPD Limit	
Total Suspended Solids	7.00	7.00		mg/l				NR	20	
Duplicate (W5F1134-DUP2)					Prepared: 06/19/15	Analyzed: 06/22/15 11:45				
					Source: 5F17051-01					
Analyte	Sample Result	QC Result	Qualifier	Units	Spike Level	%REC	%REC Limits	RPD	RPD Limit	
Total Suspended Solids	0.00	ND		mg/l						

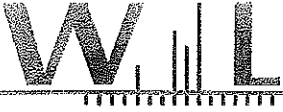
Batch W5F1587 - US Perox

Blank (W5F1587-BLK1)					Prepared: 06/29/15	Analyzed: 06/29/15 16:40				
Analyte	Sample Result	QC Result	Qualifier	Units	Spike Level	%REC	%REC Limits	RPD	RPD Limit	
Hydrogen Peroxide		ND		mg/l						
LCS (W5F1587-BS1)					Prepared: 06/29/15	Analyzed: 06/29/15 16:40				
Analyte	Sample Result	QC Result	Qualifier	Units	Spike Level	%REC	%REC Limits	RPD	RPD Limit	
Hydrogen Peroxide		15.6		mg/l	15.6	100	85-115			
Matrix Spike (W5F1587-MS1)					Prepared: 06/29/15	Analyzed: 06/29/15 16:40				
					Source: 5F18019-03					
Analyte	Sample Result	QC Result	Qualifier	Units	Spike Level	%REC	%REC Limits	RPD	RPD Limit	
Hydrogen Peroxide	0.0005	14.8		mg/l	15.6	95	85-115			
Matrix Spike Dup (W5F1587-MSD1)					Prepared: 06/29/15	Analyzed: 06/29/15 16:40				
					Source: 5F18019-03					
Analyte	Sample Result	QC Result	Qualifier	Units	Spike Level	%REC	%REC Limits	RPD	RPD Limit	
Hydrogen Peroxide	0.0005	14.9		mg/l	15.6	96	85-115	0.7	15	

**Metals by EPA 200 Series Methods - Quality Control**

Batch W5F1016 - EPA 200.7

Blank (W5F1016-BLK1)					Prepared: 06/18/15	Analyzed: 06/19/15 11:23				
Analyte	Sample Result	QC Result	Qualifier	Units	Spike Level	%REC	%REC Limits	RPD	RPD Limit	
Calcium, Total		ND		mg/l						
Magnesium, Total		ND		mg/l						
LCS (W5F1016-BS1)					Prepared: 06/18/15	Analyzed: 06/19/15 11:34				
Analyte	Sample Result	QC Result	Qualifier	Units	Spike Level	%REC	%REC Limits	RPD	RPD Limit	
Calcium, Total		49.8		mg/l	50.2	99	85-115			
Magnesium, Total		50.3		mg/l	50.2	100	85-115			
Matrix Spike (W5F1016-MS1)					Prepared: 06/18/15	Analyzed: 06/19/15 14:18				
					Source: 5F17038-01					
Analyte	Sample Result	QC Result	Qualifier	Units	Spike Level	%REC	%REC Limits	RPD	RPD Limit	
Calcium, Total	64.3	113		mg/l	50.2	98	70-130			

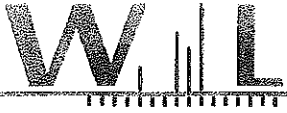


**Certificate of Analysis**

**Metals by EPA 200 Series Methods - Quality Control**

Batch W5F1016 - EPA 200.7

Matrix Spike (W5F1016-MS1)		Source: 5F17038-01			Prepared: 06/18/15		Analyzed: 06/19/15 14:18		
Analyte	Sample Result	QC Result	Qualifier	Units	Spike Level	%REC	%REC Limits	RPD	RPD Limit
Magnesium, Total	18.2	68.9		mg/l	50.2	101	70-130		
Matrix Spike (W5F1016-MS2)		Source: 5F17038-02			Prepared: 06/18/15		Analyzed: 06/19/15 14:24		
Analyte	Sample Result	QC Result	Qualifier	Units	Spike Level	%REC	%REC Limits	RPD	RPD Limit
Calcium, Total	31.6	83.0		mg/l	50.2	102	70-130		
Magnesium, Total	5.32	57.3		mg/l	50.2	104	70-130		
Matrix Spike Dup (W5F1016-MSD1)		Source: 5F17038-01			Prepared: 06/18/15		Analyzed: 06/19/15 14:21		
Analyte	Sample Result	QC Result	Qualifier	Units	Spike Level	%REC	%REC Limits	RPD	RPD Limit
Calcium, Total	64.3	115		mg/l	50.2	101	70-130	2	30
Magnesium, Total	18.2	69.1		mg/l	50.2	102	70-130	0.3	30
Matrix Spike Dup (W5F1016-MSD2)		Source: 5F17038-02			Prepared: 06/18/15		Analyzed: 06/19/15 14:26		
Analyte	Sample Result	QC Result	Qualifier	Units	Spike Level	%REC	%REC Limits	RPD	RPD Limit
Calcium, Total	31.6	82.4		mg/l	50.2	101	70-130	0.8	30
Magnesium, Total	5.32	57.4		mg/l	50.2	104	70-130	0.1	30



### Certificate of Analysis

**Notes:**

The Chain of Custody document is part of the analytical report.

Any remaining sample(s) for testing will be disposed of one month from the final report date unless other arrangements are made in advance.

All results are expressed on wet weight basis unless otherwise specified.

An Absence of Total Coliform meets the drinking water standards as established by the State of California Department of Health Services.

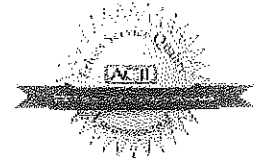
The Reporting Limit (RL) is referenced as laboratory's Practical Quantitation Limit (PQL).

For Potable water analysis, the Reporting Limit (RL) is referenced as Detection Limit for reporting purposes (DLRs) defined by EPA.

If sample collected by Weck Laboratories, sampled in accordance to lab SOP MIS002

Authorized Signature

Contact: Kim G Tu  
(Project Manager)



ELAP # 1132  
LACSD # 10143  
NELAC #4047-002 ORELAP

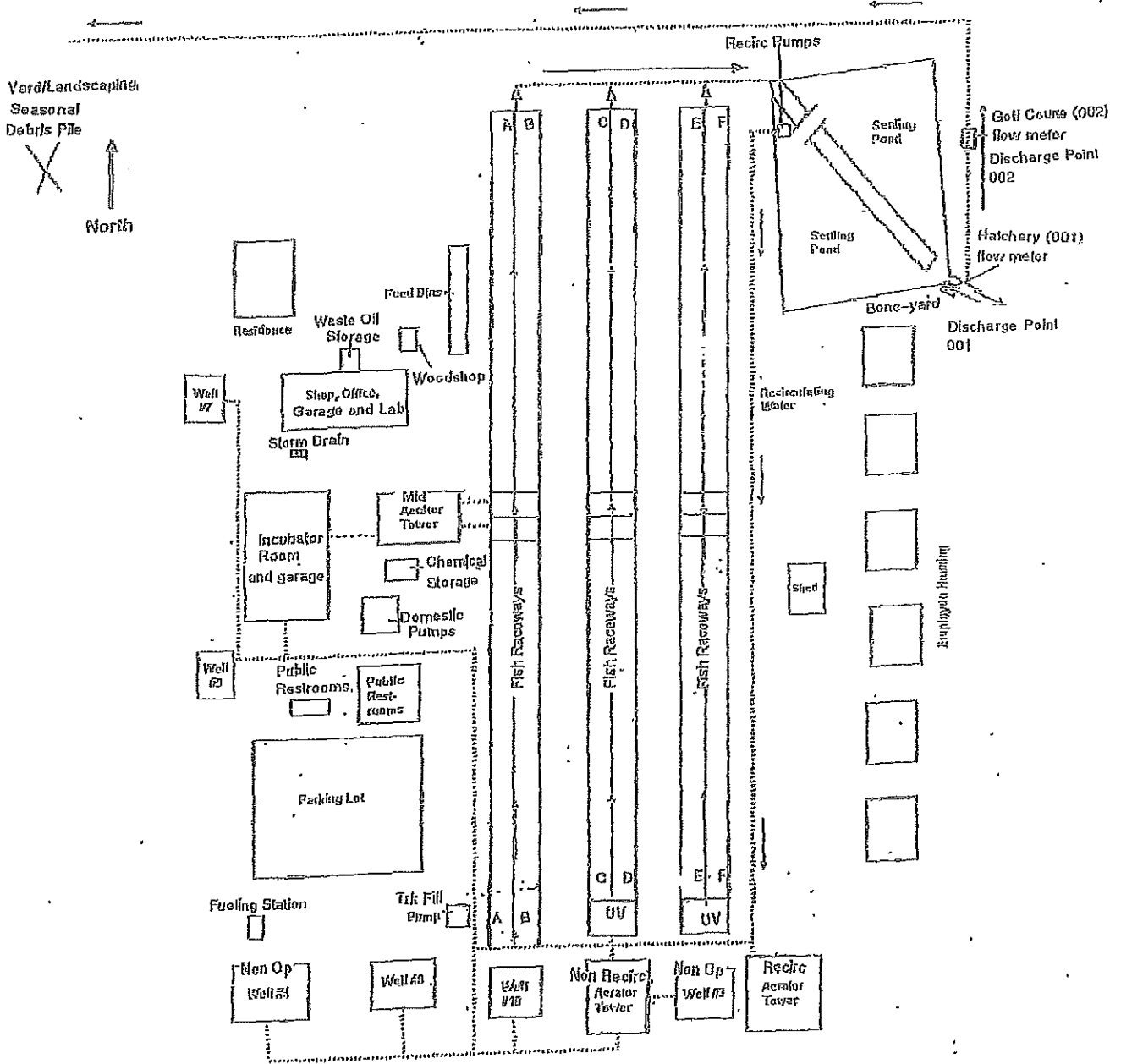
*The results in this report apply to the samples analyzed in accordance with the chain of custody document. Weck Laboratories certifies that the test results meet all requirements of NELAC unless noted in the Case Narrative. This analytical report must be reproduced in its entirety.*

**Flags for Data Qualifiers:**

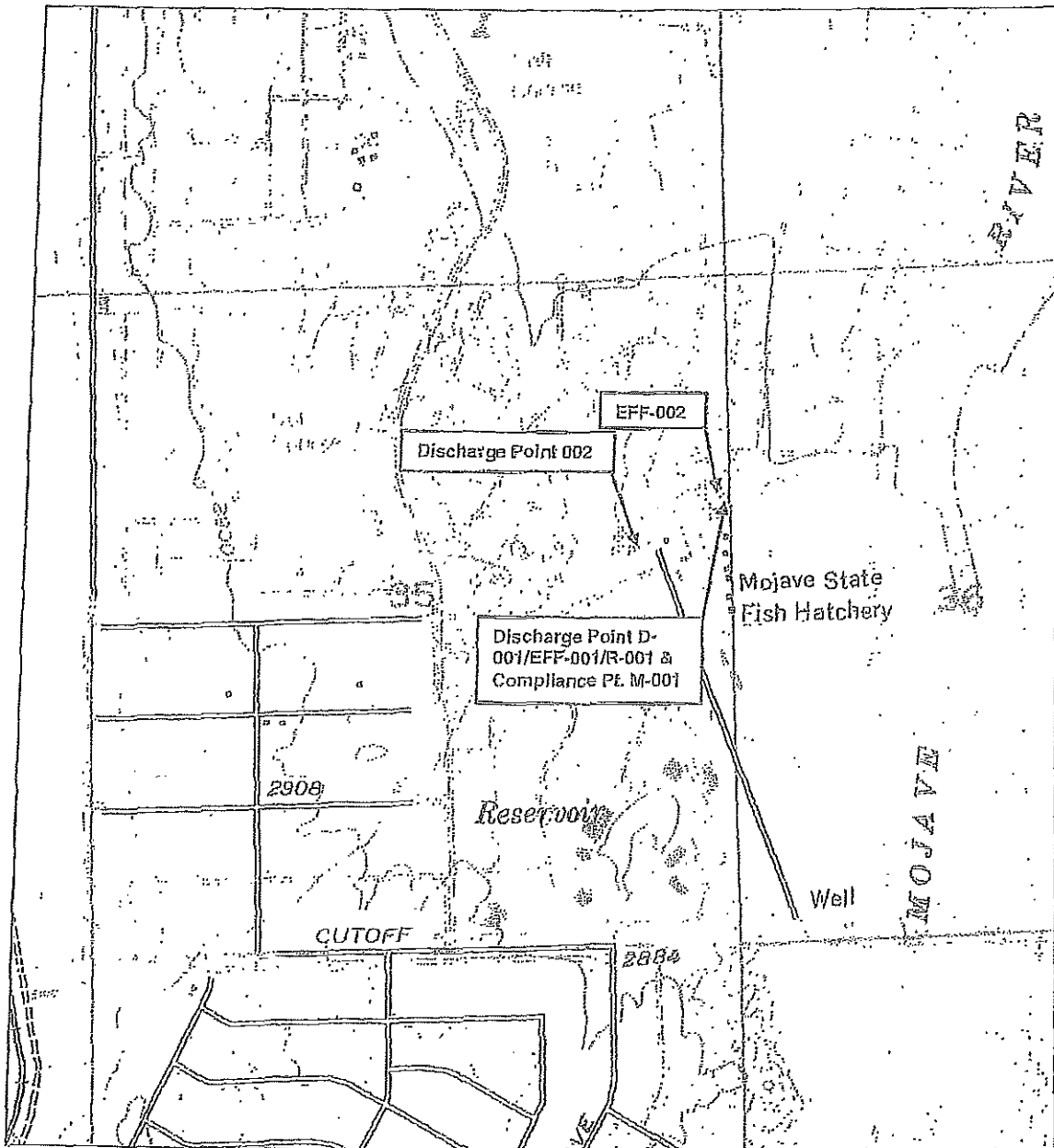
- ND NOT DETECTED at or above the Reporting Limit. If J-value reported, then NOT DETECTED at or above the Method Detection Limit (MDL).
- Sub Subcontracted analysis, original report enclosed.
- DL Method Detection Limit
- RL Method Reporting Limit
- MDA Minimum Detectable Activity
- NR Not Reportable

CALIFORNIA DEPARTMENT OF FISH AND GAME  
 MOJAVE RIVER FISH HATCHERY  
 ORDER NO. RGV-2006-0028  
 NDES NO. CA0102814  
 WDD NO. 68360812003

ATTACHMENT C - FLOW SCHEMATIC



**ATTACHMENT B – TOPOGRAPHIC MAP**



Mojave River Fish Hatchery  
12550 Jacaranda Avenue  
Victorville, CA 92395  
San Bernardino County

Latitude: 34° 28' 45" N  
Longitude: 117° 15' 38" W  
Section 36, T6N, R4W, SBB&M  
USGS Hesperia 7.5 Minute Quadrangle

## Lahontan Regional Water Quality Control Board

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

Gary Williams  
California Department of Fish & Wildlife  
Mojave River Fish Hatchery  
12550 Jacaranda Ave.  
Victorville, CA 92395

Settlement Offer No. R6V-2016-0041  
NPDES Permit No. CA0102814

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the California Regional Water Quality Control Board, Lahontan Region (Water Board), the California Department of Fish and Wildlife (hereinafter "Permittee" or "DFW") hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Water Board to dispute the allegation of a violation described in the June 30, 2016 Notice of Violation (NOV), which is incorporated herein by reference.

DFW agrees that the NOV shall serve as a complaint pursuant to Division 7, Chapter 5, Article 2.5 of the California Water Code and that no separate complaint is required for the Water Board to assert jurisdiction over the alleged violation through its Chief Prosecutor. DFW agrees to pay the penalties required by California Water Code section 13385, in the sum of **\$3,000** (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code section 13385 that otherwise might be assessed for the violation described in the NOV. DFW understands that this Acceptance and Waiver waives DFW's right to contest the allegation in the NOV and the amount of civil liability for such violation.

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

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

[Lahontan@waterboards.ca.gov](mailto:Lahontan@waterboards.ca.gov)

Include "Mojave River Hatchery EPL Acceptance" and the WDID No. in the transmittal email's subject line.

DFW understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) and the State Water Resources Control Board's Enforcement Policy require the Water Board to publish notice of and provide at least 30 days for public

comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Water Board Executive Officer, will be published as required by law for public comment.

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

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

DFW further understands that once the Acceptance and Waiver is executed by the Water Board Executive Officer, the full payment required by the deadline set forth below, is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the **\$3,000** liability shall be paid by a cashiers or certified check for **\$3,000** made out to the "State Water Pollution Cleanup and Abatement Account" referencing the number of this Settlement Offer. The payment must be submitted to the State Water Resources Control Board, Division of Administrative Services, Accounting Branch, 1001 I Street, 18<sup>th</sup> Floor, Sacramento, California 95814, no later than thirty (30) days after the date the Acceptance and Waiver is executed by the Water Board Executive Officer.

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

California Department of Fish and Wildlife

By: \_\_\_\_\_  
(Signed Name) (Date)  
  
\_\_\_\_\_  
(Printed or typed name) (Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

Date: \_\_\_\_\_

By: \_\_\_\_\_  
PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER