

Lahontan Regional Water Quality Control Board

December 12, 2025

WDID 6B260801001

TO INTERESTED PERSONS AND AGENCIES:

REQUEST FOR PUBLIC COMMENT – TENTATIVE AMENDMENT OF TIME SCHEDULE ORDER R6V-2021-0014 FOR THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE HOT CREEK FISH HATCHERY, MAMMOTH LAKES, MONO COUNTY

The California Regional Water Quality Control Board, Lahontan Region (Water Board) is considering the issuance of an amended Time Schedule Order for the California Department of Fish and Wildlife's (CDFW) Hot Creek Fish Hatchery. If adopted and complied with, the amended Time Schedule Order would amend the current Time Schedule Order, Board Order R6V-2021-0015, and exempt CDFW from mandatory minimum penalties until May 1, 2031.

Time Schedule Order R6V-2021-0015 was issued on March 10, 2021, and required CDFW to take specific actions to correct or prevent discharges of waste that violated the terms of its Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit, Board Order R6V-2021-0014, for Hot Creek Fish Hatchery. Time Schedule Order required CDFW to address exceedances of total nitrogen (as nitrogen) concentration effluent limitations in Hot Creek Fish Hatchery's waste discharge.

The Water Board requests your review of the tentative amended Time Schedule Order R6-2026-TENTATIVE and to submit any comments in writing no later than **January 12, 2026**. Comments received after this date may not be considered when preparing the proposed Time Schedule Order that will be presented to the Water Board for its consideration. Written comments are to be submitted via email to Lahontan@waterboards.ca.gov or via regular mail to:

Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150
Attn: Trevor Miller

Please include **"Comments on Hot Creek Fish Hatcher Tentative Time Schedule Order"** in the subject line.

ROBERT PEARCE, ACTING CHAIR | BEN LETTON, EXECUTIVE OFFICER

The Water Board is scheduled to consider the amended Time Schedule Order for adoption at its public meeting on March 25, 2026, in Bishop, CA. The meeting will also be held virtually. You may view the Water Board's agenda 10 days prior to each meeting at: [Board Meeting Schedule - 2026 | Lahontan Regional Water Quality Control Board](https://www.waterboards.ca.gov/lahtontan/board_info/agenda/2026_schedule.html)

(https://www.waterboards.ca.gov/lahtontan/board_info/agenda/2026_schedule.html).

The proposed amended Time Schedule Order, as presented to the Water Board, will be posted to the Water Board's website under links in the agenda. If you prefer to receive a hard copy of the Water Board meeting agenda, please contact Mike Reese (michael.reese@waterboards.ca.gov).



TREVOR MILLER, P.E.

SENIOR WATER RESOURCE CONTROL ENGINEER

Enclosure: Time Schedule Order No. R6-2026-TENTATIVE

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

TIME SCHEDULE ORDER NO. R6-2026-TENTATIVE

AMENDING TIME SCHEDULE ORDER NO. R6V-2021-0015

ISSUED TO

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FOR

**HOT CREEK FISH HATCHERY
MONO COUNTY
WDID NO. 6B260801001**

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

1. California Department of Fish and Wildlife (referred to herein as Discharger) operates the Hot Creek Fish Hatchery (Hatchery) at 121 Hot Creek Hatchery Road Mammoth Lakes, CA 93546 Mono County.
2. The Hatchery discharges wastewater to Hot Creek under the terms in Board Order No. R6V-2021-0014, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0102776, *Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for the California Department of Fish and Wildlife Hot Creek Fish Hatchery* (NPDES Order). The NPDES Order expires on April 30, 2026, but may be administratively extended until it is renewed.
3. The NPDES Order contains final effluent limitations for total nitrogen (as nitrogen) of 0.3 milligrams per liter (mg/L) as an annual average and 1.5 mg/L as the 90th percentile. When the NPDES Order was adopted, the limitations were new and modified regulatory requirements compared to those in the previous order.
4. The Water Board issued Time Schedule Order No. R6V-2021-0015 to the Discharger on March 10, 2021, for the Hatchery. The Time Schedule Order was issued pursuant to Water Code section 13300 to provide the Discharger with additional time to achieve compliance with the new annual average effluent limitation for total nitrogen in the NPDES Order.
5. Time Schedule Order No. R6V-2021-0015 required the Discharger to:
 - a. Submit a Report of Waste Discharge to enroll the Hatchery's onsite wastewater ponds in the *General Waste Discharge Requirements for Limited Domestic Wastewater Treatment Systems*, Board Order No. R6T-2020-0015.

- b. Investigate impacts from the onsite wastewater disposal ponds on total nitrogen concentrations in the underlying groundwater and influent springs that feed the Hatchery. Required actions include:
 - i. Install groundwater monitoring wells
 - ii. Complete investigatory groundwater sampling
 - iii. Submit a report presenting the results and a plan and schedule for remedial actions
 - c. Submit a report to indicate whether a dilution credit and mixing zone and/or water quality variance study for total nitrogen is desired in the next NPDES Order.
 - d. Comply with the interim effluent limitation for total nitrogen (as nitrogen) at 1.5 mg/L (as an annual average).
 - e. Achieve full compliance with the effluent limitations prescribed in the NPDES Order by May 1, 2026.
6. This amended Time Schedule Order retains and extends the interim total nitrogen (as nitrogen) effluent limitation specified in Time Schedule Order R6V-2021-0015. The Discharger is making diligent progress toward understanding the source of nitrogen in groundwater and influent springs. However, additional time is necessary to bring the Hatchery's waste discharge into compliance with the total nitrogen (as nitrogen) effluent limitation prescribed in the NPDES Order. Therefore, it is appropriate to modify Time Schedule Order R6V-2021-0015 to extend the compliance deadline while the Discharger continues exploring opportunities to reduce total nitrogen in the Hatchery's effluent to comply with effluent limitations in the NPDES Order.
7. Water Code section 13385(j)(3)(C)(ii)(II) allows the Water Board to extend an established time schedule by five years following a public hearing and upon showing that the Discharger is making diligent progress toward bringing the waste discharge into compliance with the effluent limitation.
- a. The Water Board conducted a public hearing on March 25, 2026.
 - b. Water Board staff determined that the Discharger provided sufficient monitoring data to conclude that the onsite wastewater ponds are having a negligible impact on total nitrogen concentrations in the groundwater and influent springs of the Hatchery.
 - c. The Discharger completed the reporting requirements of Time Schedule Order R6V-2021-0015 on February 1, 2026. However, the Discharger requires additional time to be in compliance with final effluent limitations for total nitrogen.

8. This amended Time Schedule Order includes interim requirements and the dates for their achievement. These milestones are needed because the time schedule for completing compliance actions exceeds one year from the effective date of this time schedule order. The interim requirements include milestones leading to compliance with the final effluent limitation for total nitrogen.
9. This Time Schedule Order establishes monitoring, reporting, and recordkeeping requirements that implement the federal and California laws and/or regulations. Water Code sections 13267 and 13383 authorize the Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements.
10. Compliance with this amended Time Schedule Order protects the Discharger from mandatory minimum penalties for violations of final effluent limitations for total nitrogen (as nitrogen) only, in accordance with Water Code section 13385(j)(3).
11. The Discharger demonstrated additional time is necessary to comply with the effluent limitation. The Time Schedule Order should therefore be extended for an additional period not exceeding five years in length. Water Code section 13385(j)(2)(C)(ii)(II) allows for a time schedule order to be extended an additional period not exceeding five years if the discharger demonstrates the additional time is necessary to comply with the effluent limitation. This will be the last extension available to the Discharger because this time schedule order extends the original time schedule order by five years.
12. Issuance of this amended Time Schedule Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000, et seq.), in accordance with section 15321(a)(2), Title 14, of the California Code of Regulations (CCR).
13. Pursuant to Water Code section 13167.5, a 30-day public comment period was provided in which the public had an opportunity to review and comment upon Time Schedule Order No. R6-2026-TENTATIVE. A copy of the proposed amended Time Schedule Order was posted on the Water Board's internet site, and a Notice of Public Comment Period was provided to interested parties via email and email subscription listing.
14. Any person aggrieved by this action of the Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and CCR, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of this amended Time Schedule Order, except that if the thirtieth day following the date of this amended Time Schedule Order falls on a Saturday, Sunday, state holiday, or furlough day, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may

be found at [Water Board Water Quality Petitions](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/)¹ or will be provided upon request.

IT IS HEREBY ORDERED, pursuant to California Water Code section 13300, 13267 and 13383, the Discharger must comply with the following requirements and schedule of actions to comply with the annual average effluent limitation for total nitrogen in NPDES Order:

1. The Discharger must comply immediately with the interim total nitrogen effluent limitation at discharge points EFF-001, EFF-002, EFF-003, and EFF-004, which shall be deemed effective from **May 1, 2026**, to **April 30, 2031**:

Parameter	Units	Annual Average ²
Nitrogen, Total (as N)	mg/L	1.5

2. By **November 2, 2028**, the Discharger must submit reports summarizing required studies on pollution reduction, intake water credit, and mixing zones. The following items list the content of each required study:
 - a. Pollution Reduction Study: analyze operational efficiencies to reduce total nitrogen (as nitrogen) in all four discharge points to comply with the current applicable water quality objective of 0.3 mg/L (applied as an annual average).
 - b. Intake Water Credit Study: analyze whether the hatchery could qualify for an Intake Water Credit. In particular, the study must focus on opportunities to reduce total nitrogen (as nitrogen) and total suspended solids in all four of the discharge points. The information needed to permit this option is located in section 1.4.4 of the *Policy of Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP).
 - c. Mixing Zone Study: analyze whether a dilution credit and associated mixing zone for total nitrogen will be requested for the next NPDES Order update. The information needed to permit it is included as Attachment A.
 - d. Water Quality Variance Study: analyze whether a water quality standards variance for total nitrogen will be requested for the next NPDES Order update. The information needed for a water quality standards variance is described in Attachment B.

¹ https://www.waterboards.ca.gov/public_notices/petitions/water_quality/

² Arithmetic mean of all data collected in a calendar year

3. By February 1, 2027, and annually thereafter, the Discharger shall submit Annual Progress Reports documenting the steps taken to comply with this amended Time Schedule Order during the previous calendar year. The reports shall describe the completion of tasks, progress of any construction, evaluation of the effectiveness of implemented measures and/or studies and contain an assessment of whether additional measures and/or studies are necessary to meet the final compliance date.
4. The Discharger must comply with the final effluent limitation in the NPDES Order for total nitrogen by the final compliance date of May 1, 2031.

If the Discharger fails to comply with any provision of this amended Time Schedule Order, the Water Board may take any further action authorized by law. The Executive Officer, or his/her delegee, is authorized to take appropriate enforcement action pursuant, but not limited to, California Water Code sections 13350 and 13385. The Water Board may also refer any violations to the Attorney General for judicial enforcement, including injunction and civil monetary remedies.

This amended Time Schedule Order may be reopened. Lack of progress towards compliance with this Amended Time Schedule Order may be cause for the Water Board to modify the conditions of this Amended Time Schedule Order.

BEN LETTON
EXECUTIVE OFFICER

Attachment A: Information needed for Dilution Credits and a Mixing Zone
Attachment B: Information needed for a Water Quality Standards Variance

ATTACHMENT A to TSO No. R6-2026-TENTATIVE

Information Needed for Dilution Credit and Mixing Zone

If approved, this option would allow a mixing zone for total nitrogen, which may result in less stringent effluent limitations based on an appropriate dilution credit. The premise for this option is that the discharged constituent(s) will mix with the receiving water, and the mixed water can meet the water quality objectives at the end of a designated mixing zone.

If the Discharger desires to use this option, then it must provide flow and concentration data for both the effluent and the receiving water to determine if a dilution credit can be provided. Additional information required includes a determination of the quality of the mixing zone, the size of mixing zone proposed, and data at the end of the proposed mixing zone to verify water quality objectives will be met. The mixing zone may not exhibit any adverse effects listed in the Section 1.4.2.2 A of the *Policy for Implementation of Toxics Standard for Inland Surface Water, Enclosed Bays and Estuaries of California*, also known as the Statewide Implementation Plan (SIP).

Section 1.4.2 of the SIP includes the details on mixing zones and dilution credits.

ATTACHMENT B TO TSO R6-2026-TENTATIVE

Information Needed for a Water Quality Standards Variance

The purpose of a variance from the total nitrogen water quality objectives is to ensure incremental water quality improvements when water quality standards are not being attained and there is uncertainty as to water quality standard may be ultimately attainable. If there is no long-term or short-term solution which would allow the Discharger to comply with the water quality objectives, then another solution may need to be considered in conjunction with any variance requested. A water quality standard variance must be reevaluated once every five years.

The requirements for a variance from a water quality standard that the Discharger must provide to the Lahontan Water Board are detailed in 40 C.F.R. part 131.14.