

ITEM: 9

SUBJECT: Meridian Beartrack Company – Royal Mountain King Mine

BOARD ACTION: *Consideration of New NPDES Permit*

BACKGROUND: Meridian Beartrack Company (hereafter Discharger) owns and operates the Royal Mountain King Mine (Facility) located in Calaveras County. The Facility was a gold mine operated by the Discharger between February 1989 and July 1994. The Facility was originally regulated by Waste Discharger Requirements (WDR) Order No. 88-176, which addressed the removal, transport, processing, and disposal of mined material. Closure WDRs Order Nos. 97-165 and 5-01-040 regulated the closure of the Facility.

The Facility collects groundwater from spring seepage areas at the bases of the Gold Knoll and West Over Burden Disposal Sites (ODS), which is then transferred to Skyrocket Pit Lake. The proposed Order establishes requirements to allow intermittent discharges from Skyrocket Pit Lake to Littlejohns Creek during high creek flows so as to reduce impacts to beneficial uses caused by mining (predominantly from high TDS, sulfate, and arsenic concentrations). The proposed discharge from Skyrocket Pit Lake is one element in an overall proposal for closure of the Facility.

Water Quality Based Effluent Limitations are prescribed to achieve receiving water limitations as needed to protect beneficial uses. The Discharger does not propose to treat the wastewater prior to discharge, due to the need for treatment technologies that are not economically feasible and are energy intensive. Instead, the Discharger will operate storage, monitoring, and discharge systems to discharge within the assimilative capacity of the receiving water. Under normal circumstances, the Regional Water Board would not grant most of the assimilative capacity of a water body to a single discharger, however, the mine exists and this operational procedure is a means of minimizing environmental impacts at the lowest cost and energy expenditure. Furthermore, the discharges will be of short duration (i.e. during storm events), will not result in any long-term deleterious effects on water quality, and the reduction in water quality will be spatially localized in the vicinity of the discharge.

ISSUES: Comments on the tentative Order were received from the Discharger, the California Sportfishing Protection Alliance (CSPA), and the Environmental Law Foundation. In addition to their individual comments, as part of a settlement agreement between the Discharger and CSPA, the two parties submitted joint comments that requested minor changes to the tentative Order. If the changes are made, the two parties have agreed to not contest the permit. The proposed changes are reasonable and have been incorporated into the proposed permit that is included in the agenda.

The Environmental Law Foundation (ELF) is contesting the permit and submitted comments regarding issues related to the antidegradation policy, mercury, and dissolved oxygen. A complete response to ELF's comments, as well as the comments from the Discharger and CSPA, is provided in the Response to Comment document included in the agenda.

Mgmt. Review _____

Legal Review _____

6 December 2007

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