

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2011-XXXX

AMENDING WASTE DISCHARGE REQUIREMENTS
ORDER R5-2007-0162 (NPDES PERMIT NO. CA0085243)

MERIDIAN BEARTRACK COMPANY
ROYAL MOUNTAIN KING MINE
CALAVERAS COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter "Central Valley Water Board") finds that:

1. On 6 December 2007, the Central Valley Water Board adopted Waste Discharge Requirements Order R5-2007-0162, prescribing waste discharge requirements for the Royal Mountain King Mine, Calaveras County. For purposes of this Order, the Meridian Beartrack Company is hereafter referred to as "Discharger" and the Royal Mountain King Mine is hereafter referred to as "Facility."
2. The Discharger owns and operates a mine reclamation site. The mine is undergoing closure. The treatment system consists of diluting and discharging groundwater from three overburden disposal sites ("ODSs") and excess water in Skyrocket Pit Lake ("SPL"). Wastewater from SPL is discharged through an outfall diffuser to the Littlejohns Creek, a water of the United States, and a tributary to the San Joaquin River and the Sacramento – San Joaquin Delta, within the San Joaquin River Basin.
3. The Facility collects groundwater from the spring seepage areas at the bases of the ODSs. The captured flows are recirculated to the tops of the ODSs for evaporation via sprinkler systems. During wet weather, captured flows are diverted to the SPL. When the level of SPL is above 955 to 960 above mean sea level ("amsl"), groundwater seepage occurs into Littlejohns Creek, resulting in the creek flowing year-round with high concentrations of total dissolved solids ("TDS"), sulfate and arsenic. Because these constituents have a greater impact upon beneficial uses during low-flow/dry seasons, due to the high concentration in smaller volumes of water, the loading of salt and arsenic has the potential to impact water supplies down stream. During high stream flow periods (i.e. during storm events) there is assimilative capacity in Littlejohns Creek, thus, the volume of water moving through the watershed and into the Delta allows for a reduction in the potential for impacts to beneficial uses.

4. Order R5-2007-0162 allows for intermittent discharges to Littlejohns Creek from SPL from 1 November – 30 April if the flow rate in Littlejohns Creek is greater than 1000 gallons a minute. The Order also includes the following discharge prohibitions in Section III. F. and G:
 - F. **Effective immediately and until 30 April 2011 or when the water level in Skyrocket Pit Lake drops below 955 feet amsl, whichever is sooner**, the discharge of wastewater at Discharge Point - 001 is prohibited except when Littlejohns Creek flows provide a flow ratio greater than or equal to 10:1 (Littlejohns Creek flow : effluent flow) as a daily average.
 - G. **Effective 1 November 2011 or when the water level in Skyrocket Pit Lake drops below 955 feet amsl, whichever is sooner**, the discharge of wastewater at Discharge Point - 001 is prohibited except when Littlejohns Creek flows provide a flow ratio greater than or equal to 15:1 (Littlejohns Creek flow : effluent flow) as a daily average.
5. The purpose of the interim flow ratio limit of 10:1 is to allow for a quick draw down of SPL to the 955 feet amsl, which has the effect of reducing groundwater flows containing high TDS and arsenic to Littlejohns Creek. However, due to lower-than-expected storm flows in Littlejohns Creek and higher-than-expected flows to SPL, the Discharger has been unable to reduce the level of SPL. The Discharger has determined that the receiving water limits for arsenic and TDS can still be met if discharges to the outfall meet a discharge flow ratio of 10 parts creek to 1 part wastewater. This determination is based on the fact that treatment for arsenic has been added, and based on monitoring data on Littlejohns Creek that have been collected since Order R5-2007-0162 was approved. This permit modification will allow discharges that comply with the 10:1 flow ratio limitation to continue until 30 April 2013.
6. Order R5-2007-0162 currently does not include a flow limit. However, the peak design flow reported in the Order is 43 million gallons per day (mgd). This is based on the design capacity of the outfall diffuser. The Discharger has measured the rainfall and stream hydrology since 2008, and has determined the maximum monthly average discharge is only 3.0 mgd, due to the fact that the Discharge must meet the arsenic receiving water limit and the total annual TDS mass limit of 3000 tons per year. Currently, an annual permit fee is calculated using the peak design flow of the outfall diffuser. However, the Facility cannot discharge at that rate due to the aforementioned restrictions in the permit. Therefore, this Order modifies Order R5-2007-0162 to add an average monthly flow limit of 3.0 mgd, which is representative of the actual maximum discharge to the Littlejohns Creek. The new flow limit will be used to establish the annual fee.
7. This Order modifies permit conditions contained in Order R5-2007-0162 pursuant to 40 Code of Federal Regulations section 122.62(a)(2). The monitoring data

collected since 2008 and the results of a pilot test conducted by the Discharger to reduce arsenic concentrations in the SPL to 90 percent previous levels provide justification for the 10:1 discharge ratio and for the new average monthly flow limit. This information is new information that was not available at the time Order R5-2007-0162 was issued. The Discharger is continuing to reduce arsenic levels even further.

8. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") pursuant to Water Code section 13389, since the adoption or modification of a NPDES permit for an existing source is statutorily exempt and this Order only serves to modify a NPDES permit (*Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside* (1977) 73 Cal.App.3d 546, 555-556.).
9. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to amend Waste Discharge Requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.

IT IS HEREBY ORDERED THAT:

Waste Discharge Requirements Order R5-2007-0162 (NPDES No. CA0085243) is amended as shown in underline/strikeout format in Attachment 1 to this Order.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, 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 Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, 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 on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on X December 2011.

PAMELA C. CREEDON, Executive Officer