

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2004-0007

REQUIRING DICALITE MINERALS CORPORATION  
SHASTA COUNTY  
TO CEASE AND DESIST  
FROM DISCHARGING CONTRARY TO REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region (hereafter referred to as Regional Board), finds:

1. On 30 January 2004, the Regional Board adopted Waste Discharge Requirements Order No. R5-2004-0006, (NPDES No. CA0082058) for Dicalite Minerals Corporation (hereafter Discharger). Waste Discharge Requirements Order No. R5-2004-0006 regulates the discharge of settled stormwater to a tributary of the Pit River, a tributary of the Sacramento River.
2. Waste Discharge Requirements Order (WDRs) No. R5-2004-0006, includes Effluent Limitations for zinc as contained in Section B.1, which reads as follows:

“1. The discharge of wastewater to the Pit River tributary in excess of the following is prohibited:

| <u>Parameter</u>                       | <u>Unit</u>                  | <u>30-DayAverage</u> | <u>Daily Maximum</u> |
|----------------------------------------|------------------------------|----------------------|----------------------|
| Total Suspended Solids                 | mg/L<br>lbs/day <sup>b</sup> | --<br>--             | 50<br>1,260          |
| Settleable Solids                      | mL/L<br>lbs/day <sup>b</sup> | 0.1<br>--            | 0.2<br>--            |
| Zinc (total recoverable)               | ug/L<br>lbs/day <sup>b</sup> | 9.1<br>0.23          | 18.3<br>0.46         |
| bis-2-Ethylhexylphthalate <sup>a</sup> | ug/L<br>lbs/day <sup>b</sup> | 1.8<br>0.05          | 3.6<br>0.09          |

<sup>a</sup> Final effluent limit. Interim effluent limits may supercede as described in this Order.

<sup>b</sup> Based upon a combined design treatment capacity of 3.02 mgd.

3. The Discharger currently cannot consistently comply with the Effluent Limitations for zinc contained in the Waste Discharge Requirements Order No. R5-2004-0006.
4. Based on the above findings, this discharge represents a threatened discharge of waste in violation of the Effluent Limitations for zinc included in Waste Discharge Requirements Order No. R5-2004-0006.
5. In accordance with California Water Code (CWC) Section 13385 (j)(3), the Regional Board finds that, based upon the current wastewater management processes used at the facility, the Discharger is not able to consistently comply with the zinc limitation. The zinc effluent limitation is a new requirement that became applicable to the permit after the effective date of adoption of the waste discharge requirements, and after 1 July 2000, for

which new or modified control measures are necessary in order to comply with the limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

Operational changes or treatment actions can be taken to correct the violations that would otherwise be subject to mandatory penalties under California Water Code section 13385(h) and (i), and the Discharger can take reasonable measures to achieve compliance within five (5) years from the date the waste discharge requirements were required to be reviewed pursuant to Section 13380.

California Water Code (CWC) Section 13385 (j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to Section 13263.3 of the California Water Code. A pollution prevention plan addresses only those constituents that can be effectively reduced by source control measures.

Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of zinc limitations, in accordance with California Water Code (CWC) Section 13385 (j)(3).

6. On 30 January 2004, in Sacramento, California, after due notice to the Discharger and all other affected persons, the Regional Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order to establish a time schedule to achieve compliance with waste discharge requirements.
7. Issuance of this 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, California Code of Regulations.
8. Any person adversely affected by this action of the Regional Board may petition the State Water Resources Control Board to review this action. The petition must be received by the State Water Resources Control Board, Office of the Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date in which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

**IT IS HEREBY ORDERED THAT:**

1. Dicalite Minerals Corporation shall cease and desist from discharging, and threatening to discharge, contrary to Waste Discharge Requirements Order No. R5-2004-0006, Effluent Limitation No.1 for zinc.
2. Dicalite Minerals Corporation shall comply with the following interim effluent limitations for zinc. Effluent shall not exceed the following interim priority pollutant limit:

| <u>Parameter</u>         | <u>Unit</u> | <u>30-Day Average</u> | <u>Daily Maximum</u> |
|--------------------------|-------------|-----------------------|----------------------|
| Zinc (Total Recoverable) | ug/L        | 31                    | 96                   |

3. **Within 60 days** after adoption of this Order, the Discharger shall complete and submit a compliance time schedule justification for zinc. The compliance schedule justification shall include all items specified by the State Implementation Policy (SIP) Section 2.1, Paragraph 3 (items (a) through (d)). The final water quality based effluent limitations for zinc established in WDRs Order No. R5-2004-0006 become effective **60 days** after adoption of this Order unless an acceptable compliance schedule justification meeting the requirements of Section 2.1 of the SIP is completed and submitted by the Discharger. If an acceptable compliance schedule justification is submitted, the interim effluent limits described in this Order for zinc will supercede the final effluent limits until **5 years** after adoption of this Order. At that time the final effluent limits will be fully applicable. As this schedule is greater than one year, the Discharger shall submit annual progress reports on **15 July** each year until the Discharger achieves compliance with the final water quality based effluent limitation for zinc. Within **24 months** of adoption of this Order, the Discharger shall either (1) submit a workplan for reducing the concentrations of pollutants in the discharge to levels that will comply with the final effluent limits, or (2) submit a workplan(s) for studies that will prove that the final effluent limits should be modified based on site-specific conditions. The Discharger must take such actions necessary to comply with the final effluent limits. As stated in WDRs Order No. R5-2004-0006, the Regional Board may reopen the Order and modify the final effluent limits if appropriate, based on results of studies the Discharger may conduct.
4. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability. Additionally, the interim limits in this Order may be revoked, and the final limits contained in Order No. R5-2004-0006 will immediately become fully applicable.

I, THOMAS R. PINKOS, 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 30 January 2004.

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THOMAS R. PINKOS, Executive Officer

BJS: