



California Regional Water Quality Control Board Central Valley Region

Robert Schneider, Chair



Arnold
Schwarzenegger
Governor

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30 June 2006

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**TRANSMITTAL OF ADOPTED CONDITIONAL WAIVER RESOLUTION, SEAN W. SMITH
AND CALAVERAS RIVER LAND COMPANY, INC. JENNY LIND TAILING PILE REMOVAL
AND RECLAMATION PROJECT, CALAVERAS COUNTY**

Enclosed is an official copy of Resolution Order No. R5-2006-0076, as adopted by the California Regional Water Quality Control Board, Central Valley Region, at its 23 June 2006 meeting.

In order to conserve paper and reduce mailing costs, a paper copy of the order has been sent only to the Discharger. Interested parties are advised that the full text of this order is available on the Regional Board's web site at http://www.waterboards.ca.gov/rwqcb5/adopted_orders. Anyone without access to the Internet who needs a paper copy of the order can obtain one by calling Regional Board staff.

If you have any questions regarding your new WDRs, please call Scott Kranhold at (916) 464-4689.

STEVE E. ROSENBAUM, Chief
Senior Engineering Geologist
Land Disposal Program
Lower Sacramento River Watershed.

Enclosures - Waiver Resolution No. R5-2006-0076

cc w/o enc: Frances McChesney, Office of Chief Counsel, State Water Board, Sacramento
Brian Moss, Calaveras County Environmental Health Department, San Andreas

California Environmental Protection Agency



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2006-0076

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR
SEAN W. SMITH
AND
CALAVERAS RIVER LAND CO., INC.
JENNY LIND TAILING PILE REMOVAL AND RECLAMATION PROJECT
CALAVERAS COUNTY

WHEREAS, Water Code Section 13260(a) requires that any person discharging wastes or proposing to discharge wastes within the region that could affect the quality of waters of the State shall file a Report of Waste Discharge; and

WHEREAS, Sean W. Smith and the Calaveras River Land Company, Inc. (hereafter referred to as "Discharger"), submitted a Report of Waste Discharge (RWD) for the Jenny Lind Tailing Pile Removal and Reclamation Project on 7 May 2006. Subsequent information was received on 24 May 2006; and;

WHEREAS, on 28 March 2005, the Calaveras County Board of Supervisors approved a Mitigated Negative Declaration for the Jenny Lind Tailing Pile Removal and Reclamation Project. Submittal of a RWD and compliance with the Industrial Stormwater Permitting requirements were the only mitigation measures related to water quality included in the adopted Mitigated Negative Declaration. The Discharger has submitted the required RWD and a Notice of Intent to comply with the Industrial Stormwater Permitting requirements; and

WHEREAS, the Jenny Lind Tailing Pile Removal and Reclamation Project is located north of the Calaveras River and east of Milton Road, approximately ¼ mile south of the town of Jenny Lind, and is in the southwest portion of Section 22, T3N, R10E, MDB&M, Calaveras County; and

WHEREAS, the project site is approximately 33 acres in size, and the discharge site is located in the middle of Assessors Parcel Numbers (APN) 70-043-007; and

WHEREAS, the project will excavate and process approximately two million cubic yards of existing gold mining dredging tailing material to separate fine material from coarse material through a portable inclined screen plant. All process material will be washed to scrub and descale the aggregate to produce a clean product. Clean product (round river rock) will be trucked off-site and used as spawning gravel in nearby rivers; and

WHEREAS, all tailing material will be separated and washed using an inclined screening plant. All process wastewater from the inclined screen plant will flow into a lined sump located adjacent to the screening plant. The sump will be approximately 40 inches long by 25 inches

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SEAN W. SMITH AND CALAVERAS RIVER LAND CO., INC.
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wide, and four feet deep, and will contain a 12 inch stand pipe used for a suction hose to pump out the sump; and

WHEREAS, process wastewater contained in the sump will be pumped to a "Tube Settler" wastewater treatment unit to settle out suspended solids. The Tube Settler treatment unit is a 25-yard intermodal box equipped with several weirs and chambers. The treatment system allows for clean water to rise to the top and forces suspended solids to the bottom of the tank; and

WHEREAS, the recommended maximum flow rate for the Tube Settler treatment system is 150 gallons per minute (gpm). At this rate the initial residence time of the water in the tank is approximately 25 minutes. Tube Settler test results provided by the manufacturer indicate a 93 to 99 percent reduction in particle sizes ranging from >3 to 75 microns at a flow rate of 120 gpm; and

WHEREAS, because the small 5.5 horsepower pump used to facilitate rock washing operations at the screen plant is only rated to pump approximately 100 gpm to the Tube Settler treatment system, the quality of the water discharged from the Tube Settler treatment system is expected to be of higher quality than manufacture's test results; and

WHEREAS, treated process wastewater from the Tube Settler unit will be used for dust control, compaction, finish grading, and landscape water onsite. Treated process water will be pumped via a 5.5 horsepower pump and one and one-half inch diameter fire hose to a Nelson 100 Series Big Gun sprinkler unit for dispersal. The Big Gun sprinkler unit will be mounted on large crop wheels to facilitate rotation to prevent ponding of water and surface runoff. Treated process wastewater will be dispersed over 22 acres of the 33 acre site; and

WHEREAS, the Discharger's RWD indicates that Best Management Practices (BMPs) will be used around the process wastewater reuse areas (i.e., tailing piles, roads, landscape areas, etc.) and sediment drying area to prevent any sediment laden runoff that might occur; and

WHEREAS, the Discharger estimates that 5,000 gallons per hour (one Tube Settler Tank per hour) will be dispersed throughout the site, or approximately 1,800 gallons per acre in a standard eight hour shift; and

WHEREAS, sediment will have to be removed from the Tube Settler treatment unit on a periodic basis (as needed). Sediment will be removed by opening the cleanout gate on the Tube Settler unit and loading the sediment into a tractor mounted front end loader. Sediment will be transported to a sediment drying area which is approximately 120 feet long by 120 feet wide. The sediment drying area will be lined with a heavy geotextile fabric, and will be surrounded by a silt fence. After sediments have been dried, they will be blended into landscape soils for peripheral planting areas around the site; and

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WHEREAS, as part of the SMARA permitting process for the project, the Discharger was required to characterize the soils in the tailing piles throughout the site for the presence of mercury. The characterization was performed by collecting and compositing four samples from each of four sampling sites throughout the project area. Samples were collected near the bottom the tailing piles. Samples were analyzed for Total Mercury using EPA Method 7470A. Soils sampling results for all samples collected were non detect; and

WHEREAS, surface water drainage from the site is to a tributary of the Calaveras River below New Hogan Reservoir; and

WHEREAS, the designated beneficial uses of the of the Calaveras River below New Hogan Reservoir are municipal and domestic supply; agricultural supply; industrial service supply; water contact recreation; non-contact water recreation; warm and cold freshwater habitat; migration of aquatic organisms; spawning, reproduction, and/or early development; and wildlife habitat; and

WHEREAS, the Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board) has a statutory obligation to prescribe waste discharge requirements except where a waiver is not against the public interest; and

WHEREAS, the Regional Board has determined that due to the chemical nature of the spoils, the discharge poses little or no threat to water quality if the spoils are discharged under conditions that prevent erosion and discharge to surface water; and

WHEREAS, the Regional Board held a hearing on 23/24 June 2006 and considered all evidence concerning this matter:

RESOLVED, that the California Regional Water Quality Control Board, Central Valley Region waives waste discharge requirements for the Jenny Lind Tailing Pile Removal and Reclamation Project, subject to the following conditions:

Discharge Prohibitions

1. Discharge of process wastewater to surface waters or surface water drainage courses is prohibited.
2. Discharge of process wastewater to the site is prohibited between 15 November and 15 April of each year.
3. Discharge of waste classified as "hazardous" as defined in 27 CCR Section 20164 is prohibited.
4. Bypass or overflow of process wastewater from the designated collection sump, or Tube Settler treatment tank is prohibited.

Discharge Specifications:

1. Neither the treatment nor the discharge shall cause a condition of pollution or nuisance as defined by the California Water Code, Section 13050.
2. Objectionable odor originating at the facility shall not be perceivable beyond the limits of the wastewater treatment and disposal areas.
3. The Discharger shall operate all systems and equipment to maximize treatment of wastewater and optimize the quality of the discharge.
4. Irrigation runoff (i.e., tailwater) shall be completely contained within the designated 22 acre site as described in the RWD and shall not enter any surface water drainage course.
5. Irrigation with process wastewater shall not be performed within 24 hours of a forecasted storm, during a storm, within 24 hours after any measurable precipitation event, or when the ground is saturated.
6. Spray irrigation of effluent is prohibited when wind velocities exceed 30 mph.
7. Stormwater best management practices, as described in the RWD and Stormwater Pollution Prevention Plan, shall be implemented around the sediment drying area and tailing piles at all times.
8. Dried sediments from the screen plant, collection sump, and process water treatment system shall only be used within the project site, as long as the locations are outside of the 100-year flood plain of the Calaveras River and its tributaries. Sediment shall not be placed within water bodies or in a manner that permits erosion. If the Discharger wishes to use the sediments within the 100-year flood plain, then the Discharger must submit, and the Executive Officer must approve, a *Sediment Characterization Report* for Total Mercury.
9. This waiver expires on **15 November 2007**.

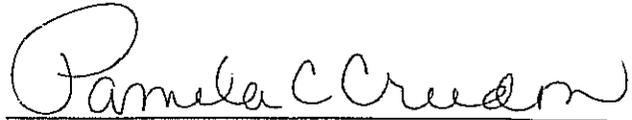
Provisions

1. The Discharger shall comply with the monitoring and reporting requirements prescribed in the attached (Attachment A) Monitoring and Reporting Program.

RESOLVED, that this action waving waste discharge requirements is conditional and may be terminated at any time prior to 15 November 2007.

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SEAN W. SMITH AND CALAVERAS RIVER LAND CO., INC.
JENNY LIND TAILING PILE REMOVAL AND RECLAMATION PROJECT

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a true, full, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 23 June 2006.

A handwritten signature in cursive script that reads "Pamela C Creedon". The signature is written in black ink and is positioned above a horizontal line.

PAMELA C. CREEDON, Executive Officer

30 June 2006

JSK: 6/23/06

(1)

(2)

(3)

ATTACHMENT A

RESOLUTION NO. R5-2006-0076

MONITORING AND REPORTING PROGRAM

FOR
SEAN W. SMITH
AND
CALAVERAS RIVER LAND CO., INC.
JENNY LIND TAILING PILE REMOVAL AND RECLAMATION PROJECT
CALAVERAS COUNTY

This Monitoring and Reporting Program (MRP) describes requirements for process wastewater reuse sites. This MRP is issued pursuant to Water Code Section 13267. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Executive Officer.

COLLECTION SUMP AND TUBE SETTLER TREATMENT TANK MONITORING

The process wastewater collection sump at the screen plant and Tube Settler treatment tank shall be monitored on a daily basis for the accumulation of sediment that may affect capacity and treatment capabilities of each. Results shall be included in the monthly monitoring report.

PROCESS WASTEWATER REUSE AREA MONITORING

Monitoring of the process wastewater reuse areas (i.e., tailing piles, roads, landscape areas, etc) shall be conducted **daily** when the process wastewater is reused on site, and the results shall be included in the monthly monitoring report. Evidence of erosion, field saturation, irrigation runoff, or the presence of nuisance conditions shall be noted in the report. Monitoring of the reuse areas shall include the following:

<u>Constituent</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>	<u>Reporting Frequency</u>
Flows to reuse areas ¹	Gallons	Calculated ²	Daily	Monthly
Rainfall ³	Inches	Observation	Daily	Monthly
Acreage Applied ¹	Acres	Calculated	Daily	Monthly
<u>Water Application Rate²</u>	gal/acre/day	Calculated	Daily	Monthly

¹ Specific reuse areas shall be identified.

² May be calculated based on pump rates and duration of time pumps ran.

³ Rainfall data to be collected from the weather station that is nearest to the site.

A daily log of each inspection shall be kept at the facility and submitted with the monthly monitoring reports. Photocopies of entries into an operator's field log are acceptable. If the process wastewater is not applied to the reuse areas, then the monthly monitoring reports shall state so.

SEDIMENT DISPOSAL MONITORING

When sediment is removed from the sediment drying beds, the Discharger shall keep a log describing the location of disposal, and shall submit a map with the monthly monitoring report showing to the locations where disposal occurred. The map shall clearly show the location of the 100 year flood plain and any water bodies on site.

STORMWATER BEST MANAGEMENT PRACTICES MONITORING

Monitoring of the stormwater best management practices (BMPs) used to control any potential sediment runoff from the process water reuse areas and sediment drying areas shall be conducted on a weekly basis to ensure that the integrity of the BMPs are such that they are working as designed.

REPORTING

In reporting monitoring data, the Discharger shall arrange the data in tabular form so that the date, sample type (e.g., tank, reuse area, etc.) are readily discernible. The data shall be summarized in such a manner to clearly illustrate compliance with the waiver resolution. The results of any monitoring done more frequently than required at the locations specified in the Monitoring and Reporting Program shall be reported in the next scheduled monitoring report.

A. Monthly Monitoring Reports

Monthly Monitoring Reports shall be submitted to the Regional Board by the **1st day of the second month following monitoring** (i.e. the January Report is due by 1 March). At a minimum, the Monthly Monitoring Report shall include:

1. Results of sump, treatment tank, process water and sediment reuse area monitoring.
2. A comparison of monitoring data to the discharge specifications and an explanation of any violation of those requirements.
3. All activities performed to correct problems noted during weekly inspections.

B. Annual Monitoring Report

An Annual Monitoring Report shall be prepared as the twelfth monthly monitoring report. The Annual Monitoring Report shall include all monitoring data required in the monthly monitoring schedule and shall be submitted to the Regional Board by **1 February** each year. In addition to the data normally presented in the Monthly Monitoring Reports, the Annual Monitoring Report shall include the following:

1. The contents of the regular monthly monitoring report for the last month of the year;
2. If requested by staff, tabular and graphical summaries of all monitoring data collected during

the year;

3. A discussion of compliance problems and any corrective actions taken, as well as any planned or proposed actions needed to bring the discharge into full compliance with the waiver;
4. A discussion of any data gaps and potential deficiencies/redundancies in the monitoring system or reporting program.

A transmittal letter shall accompany each self-monitoring report. The letter shall discuss any violations during the reporting period and all actions taken or planned for correcting violations, such as operation or facility modifications. If the Discharger has previously submitted a report describing corrective actions and/or a time schedule for implementing the corrective actions, reference to the previous correspondence will be satisfactory. The transmittal letter shall contain a statement by the Discharger or the Discharger's authorized agent, under penalty of perjury, that to the best of the signer's knowledge the report is true, accurate, and complete.

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