

Central Valley Regional Water Quality Control Board

16 January 2019

Elli M. A. Mills
(via e-mail: ellimills@aol.com)
Chief Executive Officer
Sierra Minerals, LLC
13375 Damonte View Lane
Reno, Nevada 89511

CERTIFIED MAIL
91 7199 9991 7035 8418 7340

NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2016-0076-01 FOR LIMITED THREAT DISCHARGES TO SURFACE WATER; SIERRA MINERALS, LLC, COLOMBO MINE, SIERRA COUNTY

Our office received a Notice of Intent on 31 October 2018 from Sierra Minerals, LLC (hereinafter Discharger), for discharge of uncontaminated mine drainage to surface water. Based on the application packet and subsequent information submitted by the Discharger, staff has determined that the Colombo Mine (Facility) meets the required conditions for approval under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order), Tier 1A. The Facility is hereby assigned Limited Threat General Order R5 2016-0076-049 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2016-0076-049**, in your correspondence and submitted documents.

The Facility shall be operated in accordance with the requirements contained in the Limited Threat General Order and as specified in this NOA. If the Discharger elects to pursue active mining or additional construction activities to rehabilitate the Facility for active mining outside of those described in the Notice of Intent and specified in the Project Description below, the Discharger must submit a revised Notice of Intent to Central Valley Water Board, which will reevaluate the applicability of the Facility under the Limited Threat General Order and whether any changes to this Notice of Applicability are necessary to begin additional work.

You are urged to familiarize yourself with the entire contents of the enclosed Limited Threat General Order. The Limited Threat General Order may also be viewed at the following web address:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/5-2016-0076-01.pdf

CALIFORNIA TOXICS RULE / STATE IMPLEMENTATION POLICY MONITORING

The Limited Threat General Order incorporates the requirements of the California Toxics Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, 2005, also known as the State Implementation Policy (SIP). Screening levels for

CTR constituents and other constituents of concern are found in Attachment I of the Limited Threat General Order. Review of your water quality data in comparison to the screening values, showed no reasonable potential for the discharge to cause or contribute to an exceedance of water quality objectives in the unnamed tributary to Yuba River, North Fork, which is a water of the United States.

PROJECT DESCRIPTION

The Facility is a former hard rock mine located approximately 2.25 miles east-northeast of Sierra City in Sierra County, California (NW ¼, NE ¼, NW ¼, SEC 30, CA T20N, R12E; 39° 34' 40.6" N, 120° 40' 30.0" W). Due to a heavy storm several years ago, sediment from the bank above the Level #3 portal washed down and filled around the entrance to the mine, about 12 inches below the top of the portal gate. Currently, water exits the portal over the bank material, continues over the original waste rock dump, and discharges into a natural drainage to the Yuba River, North Fork, prior to the New Bullards Bar Reservoir. The Discharger estimates the mine drainage is between 0.072 and 0.22 million gallons per day.

The Discharger plans to remove approximately 50 cubic yards of material to gain access into the mine and inspect its condition, repair and replace timber, as necessary, and bolt and wire to comply with the Mine Safety and Hazard Administration. During removal of the bank material, the Discharger plans to draw the water down using two 3" water pumps to direct flow past the work area where material is being removed. The mine drainage will then flow over tarps with straw wattles, which will dissipate energy and remove silt, prior to continuing down the normal flow path. The effluent will travel 4,200 feet down steep terrain in the normal flow path, which is an unnamed tributary to the Yuba River, North Fork.

EFFLUENT LIMITATIONS

Effluent limitations are specified in section V. Effluent Limitations and Discharge Specifications of the Limited Threat General Order. Based on the information provided in the NOI, effluent limitations are not required as the discharge did not show reasonable potential to cause or contribute to an exceedance of water quality objectives in the unnamed tributary to the Yuba River, North Fork.

The unnamed tributary to Yuba River, North Fork, prior to New Bullards Bar Reservoir, is not listed under the Clean Water Act 303(d) List of impaired water bodies. Therefore, no additional 303(d) based effluent limitations or monitoring requirements will be added to this Limited Threat Notice of Applicability.

RECEIVING WATER LIMITATIONS

The Limited Threat General Order includes receiving surface water limitations in Section VIII.A. Based on the information provided in the NOI, only the following receiving surface water limitations are applicable to this discharge:

- Bacteria (VIII.A.2);
- Biostimulatory substances (VIII.A.3);
- Chemical constituents (VIII.A.4);
- Color (VIII.A.5);
- Dissolved oxygen (VIII.A.6.a.i,ii,iv);
- Floating material (VIII.A.7);

- Oil and grease (VIII.A.8);
- pH (VIII.A.9.a);
- Pesticides ((VIII.A.10);
- Radioactivity (VIII.A.11);
- Suspended sediments (VIII.A.12);
- Settleable substances (VIII.A.13);
- Suspended material (VIII.A.14);
- Taste and odors (VIII.A.15);
- Temperature (VIII.A.16.a);
- Toxicity (VIII.A.17); and
- Turbidity (VIII.A.18.a).

MONITORING AND REPORTING

Monitoring and reporting requirements are contained in Attachment C of the Limited Threat General Order. The Discharger is required to comply with the following specific monitoring and reporting requirements for the effluent in accordance with Attachment C of the Limited Threat General Order.

Monitoring Locations – The Discharger shall monitor the effluent at the specified location as follows:

Table 1. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
001	EFF-001	A location where a representative sample of the effluent can be collected prior to discharging to the unnamed tributary to the Yuba River, North Fork.

Effluent Monitoring – When discharging to surface water, the Discharger shall monitor the effluent at EFF-001 in accordance with Table C-3 of the Limited Threat General Order and this NOA. The applicable monitoring requirements are as follows in Table 2:

Table 2. Effluent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Flow	MGD	Estimate	1/Week ¹ 1/Quarter ²	3
Total Suspended Solids	mg/L	Grab	1/Quarter	4
Dissolved Oxygen (DO)	mg/L	Grab	1/Quarter	3,4
Hardness	mg/L	Grab	1/Quarter	3,2
pH	standard units	Grab	1/Week ¹ 1/Quarter ²	3,4
Temperature	°F	Grab	1/Week ¹ 1/Quarter ²	3,4
Settleable Solids	mL/L	Grab	1/Quarter	4
Turbidity	NTU	Grab	1/Week ¹ 1/Quarter ²	3,4

- ¹ Effective during dewatering and construction activities.
- ² Effective once construction activities have ceased.
- ³ A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.
- ⁴ Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods approved by the Central Valley Water Board or the State Water Board.

Section II.B.2 of the Limitations and Discharge Requirements section of the Limited Threat General Order requires that dischargers submit new analytical results every 5 years for pollutants specified in Table I-1 of Attachment I. The Project is considered a Tier 1A discharge. Therefore, the Discharger shall submit monitoring results by **16 January 2024** for the following constituents shown in Table 4, below:

Table 3. Effluent Characterization Monitoring

Parameter ^{1,2}	Units	Sample Type	Required Analytical Test Method
Biochemical Oxygen Demand (BOD)	mg/L	Grab	3
Total Suspended Solids (TSS)	mg/L	Grab	3
Dissolved Oxygen (DO)	mg/L	Grab	1, 3
Hardness	mg/l	Grab	1, 3
pH	standard units	Grab	1, 3
Temperature	°F	Grab	1, 3
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1, 3
Total Dissolved Solids (TDS)	mg/L	Grab	1, 3
Turbidity	NTU	Grab	1, 3
CTR Priority Pollutants ⁴	µg/L	Grab	3

- ¹ A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.
- ² The Discharger is not required to conduct effluent monitoring for constituents that have already been sampled in a given month, as required in Table E-3, except for hardness, pH, and temperature, which shall be conducted concurrently with the effluent sampling.
- ³ Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
- ⁴ See Attachment I, Table I-3 of the Limited Threat General Order.

Receiving Water Monitoring – Receiving Water monitoring in the unnamed tributary to the Yuba River, North Fork is not required since the upstream receiving water is the discharge from the Facility. The flow path of the unnamed tributary extends 4,200 feet down steep terrain prior to confluence with the Yuba River, North Fork, which prohibits a valid comparison of upstream and downstream monitoring data. For these reasons, receiving water monitoring would not provide sufficient information to evaluate compliance with receiving water limitations. Where feasible, compliance with the receiving water limitations will be evaluated through monitoring of the Facility's effluent.

Monitoring Report Submittals - Monitoring in accordance with this NOA shall begin upon the date of this NOA. Monitoring Reports shall be submitted to the Central Valley Water Board on a quarterly basis, beginning with the **First Quarter 2019**. This report shall be submitted on **1 May 2019**. All Monitoring Reports shall specify the dates during the monitoring period the discharge did or did not occur. If discharge does not occur there is no need to monitor. However, a certified Monitoring Report must be submitted stating that there has been no discharge during the quarterly monitoring period. Table 5, below, summarizes the Monitoring Report due dates required under the Limited Threat General Order. Quarterly Monitoring Reports must be submitted until your coverage is formally terminated in accordance with the Limited Threat General Order, even if there is no discharge during the reporting quarter.

Table 5. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On...	Quarterly Report Due Date
1/Day, 1/Week, 1/Month, 1/Quarter	16 January 2019	1 May (1 Jan – 31 Mar) 1 Aug (1 Apr – 30 Jun) 1 Nov (1 Jul – 30 Sep) 1 Feb, of following year (1 Oct – 31 Dec)

GENERAL INFORMATION AND REQUIREMENTS

The Discharger must notify Central Valley Water Board staff within 24 hours of having knowledge of 1) the start of each new discharge, 2) noncompliance, and 3) when the discharge ceases. The Central Valley Water Board shall be notified immediately if any effluent limit violation is observed during implementation of the project.

Discharge of material other than what is described in the application is prohibited. The required annual fee (as specified in the annual invoice you will receive from the State Water Resources Control Board) shall be submitted until this NOA is officially terminated. You must notify this office in writing when the discharge regulated by the Limited Threat General Order is no longer necessary by submitting the Request for Termination of Coverage (Attachment E). If a timely written request is not received, the Discharger will be required to pay additional annual fees as determined by the State Water Resources Control Board.

ENFORCEMENT

Failure to comply with the Limited Threat General Order may result in enforcement actions, which could include civil liability. Effluent limitation violations are subject to a Mandatory Minimum Penalty (MMP) of \$3,000 per violation. In addition, late Monitoring Reports may be subject to MMPs or discretionary penalties of up to \$1,000 per day late. When discharges do not occur during a quarterly monitoring period, the Discharger must still submit a quarterly certified Monitoring Report indicating that no discharge occurred to avoid being subject to enforcement actions.

COMMUNICATION

All documents, including Monitoring Reports, written notifications, and documents submitted to comply with this NOA and the Limited Threat General Order, should be submitted to the NPDES Compliance and Enforcement Unit, Attention: Ayda Soltani. Ms. Soltani can be reached at (916) 464-4634 or ayda.soltani@waterboards.ca.gov.

We have transitioned to a paperless office, therefore, please convert all documents to a searchable Portable Document Format (pdf) and email them to centralvalleysacramento@waterboards.ca.gov. **Please include the following information in the email:** Attention: NPDES Compliance Unit; Discharger: Sierra Minerals, LLC; Facility: Colombo Mine; County: Sierra County; and the CIWQS place ID 852414 in the body of the email. Documents that are 50 megabytes or larger must be transferred to a DVD, or flash drive and mailed to our office, attention "ECM Mailroom-NPDES". Please include the attached Monitoring Report Transmittal Form as the first page of each Monitoring Report.

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 California 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 NOA, 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.

Original Signed by Adam Laputz for

Patrick Pulupa, Executive Officer

Enclosures (2): Attachment A - Project Location Map
General Order R5-2016-0076-01 (Discharger only)
Monitoring Report Transmittal Form (Discharger only)

cc: Elizabeth Sablad, U.S. EPA, Region IX, San Francisco (email only)
Peter Kozelka, U.S. EPA, Region IX, San Francisco (email only)
Afrooz Farsimadan, Division of Water Quality, State Water Board, Sacramento (email only)

ATTACHMENT A – PROJECT LOCATION MAP

