

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2015-XXXX

WASTE DISCHARGE REQUIREMENTS
FOR

EAGLE BIRD MINING COMPANY, LLC
AND

UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE

EAGLE BIRD MINE

SIERRA COUNTY

The California Regional Water Control Board, Central Valley Region ("Central Valley Water Board" or "Board") under the authority of the California Water Code and Title 27 of the California Code of Regulations ("Title 27") finds that:

1. Eagle Bird Mining Company LLC (mine operator and mine claimant), and the United States Department of Agriculture Forest Service (land manager), operate, own, and manage the Eagle Bird Mine Claim Group (Eagle Bird Mine or Mine Site) in Sierra County. The Mine Site is comprised of nine (9) lode gold mining claims on which the Discharger plans to perform small-scale exploration and limited mining to evaluate the extent of the resource and its economic viability. Mining activities are regulated under authority given in Water Code section 1300 et seq., and Title 27, section 22470 et seq. No prior WDRs have been issued for the Mine Site.
2. On 4 April 2012, Eagle Bird Mining Company LLC submitted a Report of Waste Discharge (ROWD) for the Mine Site. Information in the ROWD has been used in preparing these waste discharge requirements (WDRs).
3. The Mine Site is located on public lands owned by the United States Government and administered by the Forest Service. Eagle Bird Mining Company LLC is the mine operator and the mine claimant. Eagle Bird Mining Company LLC has the primary responsibility for compliance with these WDRs, including day-to-day operations, monitoring, and closure and post-closure maintenance. The Forest Service is the land manager of the public lands where the discharge occurs, and is ultimately responsible for ensuring compliance with these WDRs and therefore is also named as a Discharger. The Forest Service may be held responsible for compliance with these WDRs in the event that enforcement actions against Eagle Bird Mining Company LLC is ineffective or would be futile, or that enforcement is necessary to protect water quality, public health, or the environment. For the purposes of these WDRs, unless otherwise noted, the term "Discharger" refers to Eagle Bird Mining Company LLC.
4. Information in the Dischargers ROWD has been used to develop these WDRs. The ROWD and supporting documents contain information related to waste characterization, construction, operations, closure, and reclamation of the Mine Site.

SITE DESCRIPTION

5. The following documents are attached to this Order and hereby incorporated into and made a part of this Order by reference:
 - a. Attachment A – Location Map
 - b. Attachment B – Site Map
 - c. Attachment C – Claim Map
 - d. Attachment D – Pedro Claim
 - e. Attachment E – Eagle Bird Claim
 - f. Attachment F – 24 June 2015 Sierra County Financial Assurances letter
6. The Mine Site is located at an elevation of nearly 5,700 feet above mean sea level, approximately 5 miles east southeast of Downieville as shown on Attachment A. The Mine Site is located within Sierra County Assessor's Parcel Number's 010-010-006 and 010-010-014 shown on Attachment B and consists of 9 mining claims shown on Attachment C. Surface water from the Mine Site flows west via Carney Creek and Shannon Ravine, to Jim Crow Creek, which is tributary to the North Fork of the Yuba River.
7. Intermittent mining and processing operations have taken place at the Mine Site starting in the mid-1880s, with recurring activities in the 1910s, 1930s, and most recently in 1969. Waste rock and mill tailings from a former stamp mill are found at the Mine Site. Gold has been the primary commodity mined which is coarse and "free milling" (without chemical treatment) and recovered by gravity concentration after crushing and grinding to approximately minus 60 mesh.
8. Mine workings at the Eagle Bird Mine consisted of a mill level tunnel, two upper levels, and several sublevels and stopes totaling approximately 2,000 feet in length. The Pedro No. 1 drift reportedly extended approximately 450 feet to below the nearby multilevel workings of the Pedro decline which may extend to some depth below the caved areas. The Patrick Mine consisted of one drift of about 104 feet in length.

FOREST SERVICE REQUIREMENTS

9. The Mine Site is on public lands open to mineral acquisition under the General Mining Law of 1872. Locatable metallic minerals include gold, silver, lead, copper, zinc, nickel, etc.
10. Authorization to enter National Forests for mineral development is provided by 16 U.S.C. 478. Mining at the site has been authorized under the Mining Laws governing locatable minerals on the North Yuba Ranger District, Tahoe National Forest, under 36 CFR 228A.
11. The Forest Service requires a Plan of Operations from mining operators when mining activity is likely to cause a significant disturbance of surface resources, including surface waters. A Plan of Operations must be approved prior to the start of any work and must incorporate applicable best

management practices (BMPs) for the protection of water-related beneficial uses and the control of discharges associated with mining activities.

12. Through a 1981 Management Agency Agreement between the State Water Resources Control Board and the Forest Service's Pacific Southwest Region, the Forest Service developed a Water Quality Management Plan for Forest System Lands in California (September 2000). The Forest Service requires that all new Plans of Operations for mining on National Forest System lands comply with the Federal Water Pollution Control Act of 1972 (Clean Water Act or CWA), 33 U.S.C § 1251-1387 and the Porter-Cologne Water Quality Control Act, Chapter 4, Article 4 Section 13260 (a)(1). Section 12.32 of the Forest Service Water Quality Management Plan contains mining BMPs, which state that; "Where prospecting, or mining related actions discharge, or have the potential to discharge waste(s) into waters of the State, the operator is required by state law to file a report of waste discharge with the appropriate Regional Board. Such filing can result in the issuance of waste discharge requirements (WDRs) to the operator by the Regional Board. The WDRs become a mandatory provision of the Plan of Operations for mining activity, which is approved and administered by the Forest Service."
13. The Forest Service also requires a Reclamation Plan and Financial Assurances for reclamation under the requirements of the California Surface Mining and Reclamation Act of 1975 (SMARA). SMARA applies to any mining or exploration proposal that equals or exceeds 1,000 cubic yards of material removed, or creates more than 1 acre of surface disturbance, over the expected life of the mine.
14. Through a Memorandum of Understanding between the Forest Service and the California Department of Conservation, SMARA plans are developed through the State Mining and Geology Board (SMGB). Sierra County is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) Sierra County has completed an environmental review of the project and approved the Reclamation Plan. On 16 April 2015, Sierra County as the lead agency for the Eagle Bird Mine project adopted a mitigated negative declaration and mitigation monitoring plan for the Eagle Bird Mine, and approved the Reclamation Plan and financial assurance for the Eagle Bird Mine.

GEOLOGY

15. The Mine Site is located within the Sierra Nevada physiographic province, in the Sierra Nevada mountain range. The majority of the Mine Site is located within the Paleozoic Bowman Lake Batholith (granitic/granodiorite rocks). The western edge of the Mine Site appears to lie within the Paleozoic Metasedimentary Shoo Fly Complex (shale/slate)^{1, 2}. The ore-bearing rock has been found along the contact between the granitic/granodiorite and shale/slate rocks and in fissures and veins extending from the Bowman Lake Batholith³. Rock outcrops are common along ridgelines and in drainages. The Mine Site is located approximately 4.5 miles east of an inactive section of the north-south trending Melones Fault Zone, approximately 1 mile southwest of a northwest-southeast trending inactive thrust fault (Jennings, 1994).

¹ *Geologic Map of the Chico Quadrangle*, California Department of Conservation, Division of Mines and Geology, 1992.

² U.S. Geological Survey *Map Showing Plutons and Accreted Terrains of the Sierra Nevada, California with a Tabulation of U/Pb Isotope Ages* compiled by William P. Erwin and Joseph L. Woodsen, 2001.

³ Milton Heaney in 1993 and 1994, and Paulsen Research and Development in 1989.

16. The National Resources Conservation Service mapped four soil types within the eagle Bird Mine Group and provided a range of physical and chemical properties for these soils⁴. The soil type in the planned active mine area on the Pedro, Eagle Bird, and Patrick Claims is Chaix variant-Rock outcrop-Cryumbrepts (CKF). Physical parameters include a typical soil thickness of 22-24 inches that is generally 67 percent sand, 23 percent silt and 10 percent clay (sandy loam). Infiltration rate is moderate (0.2 – 0.8 in/hr) and saturated hydraulic conductivity (Ksat) ranges from 1.98 to 5.95 in/hr (maximum 2.8×10^{-3} cm/sec).

LAND USE

17. Land within one mile of the perimeter of the Mine Site is both publicly (Forest Service) and privately held. Privately held property is within several hundred feet west, south, and east of the Mine Site. Based on satellite imagery (Acme Mapper 2.0), no residences, crops, or livestock are present within one mile of the perimeter of the Mine Site.
18. The Mine Site is included in the Timber and Range lands designation of the Tahoe National Forest's Land and Resources Management Plan. This designation allows for multiple uses including timber harvest, mining, livestock grazing, and recreation. The Mine Site is currently developed as an underground hard rock gold mine with associated surface facilities such as access roads, adits, tunnels, mining equipment and man-made structures onsite. The Mine Site has been actively mined off and on since the 1880s; however, it has been mostly dormant since 1969.

PRECIPITATION

19. The Mine Site is located in the North Yuba River Watershed and characterized by cool, wet winters and hot, dry summers with occasional high elevation thunderstorms. Annual precipitation for the Mine Site ranges from 65 to 75 inches, increasing with elevation due to orographic lift. The majority of precipitation from mid-November through April is likely to fall as snow. Snow accumulations can easily reach 10 to 15 feet by the end of winter, leaving the site inaccessible for several months. The 10-year, 24 hour Mine Site design storm is 8.18 inches and the 100-year, 24-hour precipitation for the Mine Site is 12.8 inches⁵.
20. Mean annual air temperature averages approximately 55°F, and the total number of frost free days is approximately 175 days. Summer highs can reach 100°F, and winter lows can reach 0°F. Pan evaporation rate for Lake Spaulding, located approximately 15 miles southeast and at a similar elevation to the Mine Site, is approximately 32.5 inches for the period from May through October⁶.

WASTE CHARACTERIZATION

⁴ Custom Soil Resources Report for Tahoe National Forest Area. California, Eagle Bird Mine Group, United States Department of Agriculture, National Resources Conservation Services.

⁵ NOAA Atlas 14 Point Precipitation Frequency Estimates, March 2012

http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=ca

⁶ California Climate Data Archive. <http://www.calclim.dri.edu/ccda/data.html>, February 2013.

21. Water Code section 13260(k) requires that, before a person discharges mining waste, the person shall first submit:
- (1) A report on the physical and chemical characteristics of the waste that could affect its potential to cause pollution or contamination.
 - (2) A report that evaluates the potential of the discharge of the mining waste to produce, over the long term, acid mine drainage, the discharge or leaching of heavy metals, or the release of other hazardous substances.
22. The Discharger's ROWD identified in Finding No. 2 above included a Waste Characterization Report (Condor, 2 February 2012). Results of acid base accounting of the mining waste in the Characterization Report concluded that the waste is not acid generating. Furthermore, the low concentration of sulfate in water exiting the No. 2 adit on the Eagle Bird Claim indicates that the potential for generating acid mine drainage is low. Water discharging from the mine adit is considered a demonstrative indicator of the potential threat to water quality posed by the proposed mining activities.
23. Results of acid-base accounting and the neutralizing potential of the disposal environment where the mining waste will be discharged suggested that deionized water could be substituted for the citrate buffer extract solution in the waste extraction tests (WET) to more appropriately assess the potential leachability of the mining waste.
24. Based on the information in Findings 22 and 23 above, the Discharger conducted WET of mining waste (waste rock and tailings) from previous operations to determine the potential risk of water quality degradation posed by the mining waste. The Dischargers ROWD concluded that discharges to surface and/or groundwater from waste representative of samples collected from the Mine Site would be in compliance with the applicable water quality control plan, including water quality objectives, other than turbidity.
25. Based on the information in Findings 22 through 24 above, and in accordance with Title 27 section 22480(b), the Discharger classified waste at the Mine Site as Group C mining waste. Mining wastes from Group C are wastes from which any discharge would be in compliance with the applicable water quality control plan, including water quality objectives other than turbidity.
26. Title 27 section 22480 – Groups of Mining Waste, states, in part,
- (c) Classification Considerations - In reaching decisions regarding classification of a mining waste as a Group B or Group C waste, the RWQCB can consider the following factors:
- (1) whether the waste contains hazardous constituents only at low concentrations;
 - (2) whether the waste has no or low acid generating potential; and
 - (3) whether, because of its intrinsic properties, the waste is readily containable by less stringent measures.

Based on these regulations and in agreement with Findings 22 through 25 above, **mining waste at the Eagle Bird Mine Site is classified as Group C waste.**

27. To ensure that Group C waste classification remains appropriate, the Monitoring and Reporting Program will require ongoing sampling and characterization of the mining waste in accordance with Water Code section 13260(k). Ongoing characterization is intended to detect changes in

geology and mineralogy and then modify waste containment and waste discharge procedures to address any changes. Ongoing characterization of the mining waste should be at the frequency of one sample for every 500 tons of mining waste discharged or at least one sample every third calendar year.

POTENTIAL IMPAIRMENT OF GROUND WATER AND SURFACE WATER

28. Based on the Group C classification in Finding 26 above, groundwater monitoring is not required by these WDRs⁷. Should the mining waste group classification change, the need for groundwater monitoring would be reassessed.
29. Based on the Group C classification in Finding 26 above (turbidity as the only constituent of concern), the Discharger shall conduct surface water monitoring at the Mine Site by obtaining coverage under the new State Water Resources Control Board Industrial General Permit 2014-0057-DWQ (IGP) which becomes effective on 1 July 2015. This requirement represents a Title 27 section 20080(b)(2) engineered alternative to the water quality monitoring requirements for Mining Units under section 22500(a).
30. The Central Valley Water Board has adopted the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition; revised October 2011 (the "Basin Plan") that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives. The Basin Plan, at page II-2.00, states that the "...beneficial uses of any specifically identified water body generally apply to its tributary streams." The Basin Plan does not specifically identify beneficial uses for Carney Creek, Shannon Ravine, or Jim Crow Creek, but does identify present and potential uses for the Yuba River, to which Carney Creek, Shannon Ravine, and Jim Crow Creek are tributary. These beneficial uses are as follows: municipal and domestic supply; agricultural supply, including stock watering; hydropower generation; water contact recreation; non-contact water recreation, including aesthetic enjoyment; cold freshwater habitat; cold spawning, and wildlife habitat.

MINING AND PROCESSING OPERATIONS

31. The Discharger intends to perform small-scale exploration and limited mining to evaluate the extent of the mineral resource and the viability of a larger mining operation. The rate and timing of the work will likely occur in phases influenced by finances, availability of ore, waste rock and tailings storage, and permitting requirements. The Discharger anticipates submitting a revised ROWD after approximately 5 years when site capacity is at or near maximum, and new undisturbed areas will be needed for continuing operations.
32. Mining, processing, and waste disposal activities will be primarily located on the Pedro Claim shown on Attachment D. Mining and some limited waste disposal activities will also take place on the Eagle Bird Claim shown on Attachment E.
33. No use of chemicals such as cyanide or mercury is proposed for the operation. Initial processing of Group C ore up to 12-inches in diameter and the ensuing discharge of the mining waste will likely occur at an offsite custom mill.

⁷ As authorized by Title 27 section 22500(a).

- 34. Group C ore exceeding 12-inches in diameter will be stockpiled onsite for processing at a later date. Group C waste rock and tailings will be discharged in the onsite Group C Mining Units shown in Attachment D and Attachment E. Non-saturated (15 to 20 percent or less wet unit weight (i.e. no free water)) Group C mill tailings may also be disposed of in underground areas that have been mined out.
- 35. For on-site milling and processing of ore to take place, the Discharger must first obtain authorization to construct onsite processing facilities from the Forest Service and Sierra County Planning Department. If onsite processing is authorized, the Discharger will process ore by gravity methods to approximately 3/4-inch minus (concentrate product) and then transport the concentrate offsite for refining.
- 36. The Discharger's ROWD contains the following **self-imposed** prohibitions on mining, processing, and waste disposal activities:

Waste Group	Proposed Mining	Proposed Onsite Processing	Proposed Onsite Disposal
Group A	No	No	No
Group B	Yes	Yes	No
Group C	Yes	Yes	Yes

- 37. The Dischargers ROWD states that;
 - a. Group B mining waste will be dry crushed on a covered concrete slab. The cover will be constructed to prevent precipitation from contacting the material.
 - b. No water will be used in the Group B processing circuit.
 - c. Group B mining waste will be transported off-site for final concentration and refining.
- 38. If the Discharger or the Regional Board's analysis of the underground workings indicates the presence of Group A mining waste, the Discharger will postpone excavation of the material until additional sampling and characterization is performed.
- 39. If additional analysis indicates a Group A mining waste, the Discharger shall notify the Central Valley Water Board within 7 business days of the existence of Group A mining waste. As noted in Finding 36 above, these WDRs prohibit mining, processing, and discharging Group A Mining waste at the Mine Site.
- 40. If the additional analysis indicates a Group B mining waste, the Discharger will transport the material from directly below ground into 10 to 20 cubic yards trucks, cover, and transport the Group B mining waste off-site for further processing at a custom mill. The Discharger has identified the following offsite custom mill facilities which are currently permitted to accept and discharge Group B mining waste:

- a. United Milling and Refining Corporation, McCarran, Nevada (NEV2009113)⁸.
 - b. Shasta Gold Corporation and French Gulch (Nevada Mining Corporation), Washington Mine, Shasta County, California (Order R5-2011-0026).
41. Other off-site custom milling facilities permitted to accept Group B mining waste may be identified by the Discharger by submitting a written request to the Central Valley Water Board's Title 27 Permitting and Mining Unit requesting approval of a change in the off-site custom processing facility. A request for a change in the off-site custom processing facility must be submitted as required by Reporting Requirement B.9 of Monitoring and Reporting Program (MRP) No. R5-2015-XXXX.
 42. If onsite milling of Group B material is initiated, the Discharger shall place Group B material on the covered concrete slab located in the milling area. The cover shall be constructed to prevent precipitation from contacting the material. The slab shall be constructed with a concrete curb to retain the material on the slab and inhibit water from flowing onto the slab⁹. The area surrounding the slab shall be graded to divert sheet flow laterally to drainage swales and away from slab. The Group B mining waste may be dry crushed on the covered concrete slab to ¾-inch minus or less. No water or chemicals shall be used in the Group B milling or processing circuit and no Group B mining waste shall be discharged at the Site. Crushed Group B material will be directly loaded into 10 to 20 cubic yards trucks, covered, and transported off-site for further processing at the custom processing facility described in Finding 40 above.
 43. Onsite milling and processing of Group C material will include crushing, grinding, screening, and filtering. Final gold recovery will be by gravity methods, likely using a low gravity-force centrifuge and spiral cleaner. Mill tailings will consist of a fine- to medium-size sand of about minus 60 mesh (0.25 mm). No chemicals shall be used in the Group C processing circuit.
 44. Because the Mine Site setting is at 5,700 feet and heavy winter snowfall is anticipated, mining and processing operations will be seasonal with an average operating period from mid-May to mid-November. The actual length of the operating season will be determined by weather. Considering an average production period of 6 months per year and 40 tons per day, the annual production could be up to 7,200 tons.
 45. Attachment D shows the mining, processing and waste disposal areas, including the tailings storage areas and south settling pond. The processing site will also contain a 10-foot by 100-foot haulage road, a 1,000-square foot concrete pad, a 1,000 square foot covered and curbed concrete pad, and a 100-foot square concrete pad for temporary storage of Group C tailings.
 46. All milling equipment will be semi-portable and require minimal or no concrete foundation. Stockpiling of the Group C ore will occur on a concrete slab. A front-end loader or similar equipment, will move the tailings from the slab to the tailings storage area. The mill area will be graded and excess water generated in the milling and dewater process will flow to the settling pond. The perimeter of the mill area will be bermed and adequate drainage control installed to inhibit storm water run-on.

⁸ State of Nevada, Division of Environmental Protection, Bureau of Mining Regulation & Reclamation.

⁹ As authorized by Title 27 section 22470(b).

47. Group C tailings will be dewatered to approximately 15 to 20 percent moisture content using a dewatering screen, filter press, or similar method to achieve the desired moisture content. Excess water that may accumulate in the tailings impoundment during operations will flow to the settling pond through a 12-inch diameter corrugated plastic pipe. The settling pond will be managed to maintain a surface water elevation of 2 feet below the pipe invert and 4 feet below the lowest elevation of the berm surrounding the settling pond. The ground surface surrounding the tailings storage and settling pond shall be graded to direct storm water away from the tailings storage and settling pond.
48. Following cessation of seasonal operations, the 12-inch diameter pipe connecting the tailings storage and the settling pond will be capped on the tailings pile side and the pile covered with a single sheet of 30 mil geosynthetic (described in attachment C of the Dischargers ROWD). The geosynthetic shall be anchored as described in the Tailings Management section (4.3.3.1) of the Dischargers ROWD.
49. Prior to transporting any mining waste offsite from the Mine Site, the Discharger must first provide the Central Valley Water Board's Title 27 Permitting and Mining Unit with a letter from the offsite custom processing facility, certifying that they are authorized by their State permitting authorities to accept, process, treat, and discharge mining waste from the Mine Site. Refer to Reporting Requirement B.9 of Monitoring and Reporting Program (MRP) No. R5-2015-XXXX.
50. Discharging mining waste at the Mine Site at a location other than the designated Mining Units shown on Attachment D and Attachment E of this Order is prohibited.

MINING UNIT DESIGN

51. Regulations set forth in Title 27, section 22490, which establish prescriptive standards for construction of Mining Units and containment are not applicable for Group C mining wastes. Group C mining wastes are wastes from which any discharge would be in compliance with the applicable water quality control plan, including water quality objectives other than turbidity. However, the term "Mining Unit" is preserved and is applicable for the treatment, storage, or disposal of Group C mining waste.
52. Mining, processing, and waste disposal activities described in Finding 32 above are not subject to confinement as prescribed in Title 27 regulations except as those prescriptive and performance standards attributed to Group C mining waste. Reclamation of Group C mining waste shall occur in the areas shown on Attachment D and Attachment E and in accordance with the Dischargers approved mining and reclamation plan¹⁰. The specifications for storage, management, and reclamation of Group C mining waste are found in Discharge Specifications Section B of this Order.

CLOSURE AND POST-CLOSURE MAINTENANCE OF MINING UNITS

53. Regulations set forth in Title 27, section 22510 establish standards for Closure and Post Closure Maintenance of Mining Units and provide that:

¹⁰ Eagle Bird Mine Plan of Operations, Reclamation Plan, and Financial Assurance Cost Estimate, Condor March 23, 2015.

“The RWQCB shall issue WDRs which incorporate the relevant provisions of an approved mining and reclamation plan (see California Surface Mining and Reclamation Act, Public Resources Code, Section 2770, et seq.), prescribe additional conditions as necessary to prevent water quality degradation, and ensure that there will be no significant increase in the concentration of indicator parameters or waste constituents in ground or surface water, unless requirements are waived.”

54. In providing financial assurances for Mining Units per Title 27, section 22510(g) the Discharger may propose Alternative Financial Assurances and the Central Valley Water Board may accept the proposal if the following applies:

“If a lead agency acting under the authority of §2774(a) of the Public Resources Code requires assurances of financial responsibility, these assurances can be used to fulfill all comparable requirements under Title 27 section 22510(f), provided that:

- (1) the RWQCB approves the assurance; and*
- (2) the RWQCB is named as alternate payee.”*

RECLAMATION PLAN AND FINANCIAL ASSURANCE

55. As of 16 April 2015, the Discharger has a Reclamation Plan (File No. 1591) and related Financial Assurance approved by the lead agency (Sierra County) for the Mine Site and reviewed by the Department of Conservation Office of Mine Reclamation for the purposes of compliance with SMARA. The Reclamation Plan sets forth a plan for reclamation of the Mine Site resulting from implementation of the Plan of Operations, while the Financial Assurance provides the present-day cost to complete reclamation of the Mine Site and reclamation of the areas anticipated to be disturbed during the first year of operation.
56. The Dischargers Financial Assurances for reclamation in the amount of \$160,298 is a Surety Bond with the payees listed as Sierra County, the Department of Conservation, and the U.S. Forest Service.
57. By letter dated 24 June 2015, Sierra County officials confirmed that the County will add the Central Valley Water Board as an alternative payee on its Surety Bond for the Eagle Bird Mine. (Attachment F.)
58. The Discharger’s Reclamation Plan and approved Financial Assurance may be used to satisfy Title 27 Closure and Post-Closure Maintenance Plan and Closure and Post-Closure Financial Assurances. These WDRs incorporate by reference the Discharger’s Reclamation Plan and prospectively incorporate by reference an approved Financial Assurance that lists the Central Valley Water Board as an alternative payee.
59. The Central Valley Water Board expects that Sierra County will promptly act to include the Board as an alternative payee on its approved Financial Assurance mechanism. Failure to include the Board as an alternative payee will be deemed a violation of these WDRs and will subject the Discharger to potential enforcement action and/or rescission of these WDRs.

60. Central Valley Water Board staff shall periodically review the Financial Assurance Cost Estimate and the Discharger shall update the financial assurance upon request by the Board.

CEQA AND OTHER CONSIDERATIONS

61. On 16 April 2015, pursuant to provisions of CEQA, Sierra County, as the lead agency for the project adopted a mitigated negative declaration and mitigation monitoring plan for the Eagle Bird Mine, and approved a reclamation plan and financial assurance for the Eagle Bird Mine.
62. The Central Valley Water Board is a responsible agency under CEQA. The Central Valley Water Board has considered Sierra County's mitigated negative declaration, and has adopted its own monitoring and reporting program as a condition of this approval.
63. This order implements:
- a. The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition;
 - b. The prescriptive standards and performance goals of California Code of Regulations, title 27, section 20005 et seq.
64. Based on the threat and complexity of the discharge, the Mine Site is determined to be classified 3-C as defined below:
- c. Category 3 threat to water quality, defined as, "Those discharges of waste that could degrade water quality without violating water quality objectives, or could cause a minor impairment of designated beneficial uses as compared with Category 1 and Category 2."
 - d. Category C complexity, defined as, "Any discharger for which waste discharge requirements have been prescribed pursuant to Section 13263 or the Water Code not included in Category A or Category B as described above. Included are dischargers having no waste treatment systems or that must comply with best management practices, dischargers having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal."

65. Water Code section 13267(b) provides that:

In conducting an investigation specified in subdivision (a), the Regional Board may require that any person who has discharged, discharges, or is suspected of discharging, or who proposed to discharge within its region, or any citizen or domiciliary, or political agency or entity of this state who had discharged, discharges, or is suspected of discharging, or who proposed to discharge waste outside of its region that could affect the quality of the waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the Regional Board requires. The burden, including costs of these reports, shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

66. The technical reports required by this Order and attached Monitoring and Reporting Program are necessary to assure compliance with these WDRs, and to assure that the discharges will comply with the Basin Plan. The Dischargers owns and operates the Eagle Bird Mine, and is responsible for the discharges of waste at the Mine Site subject to this Order and is, subject to requirements imposed pursuant to Water Code 13267.

PROCEDURAL REQUIREMENTS

67. All local agencies with jurisdiction to regulate land use, solid waste disposal, air pollution, and to protect public health have approved the use of the Eagle Bird Mine for the discharges of waste to land stated herein.
68. The Central Valley Water Board notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the Eagle Bird Mine, and has provided them with an opportunity for public hearing and an opportunity to submit their written views and recommendations.
69. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, pursuant to Water Code sections 13263 and 13267, that Eagle Bird Mining Company LLC (mine operator and mine claimant), and the United States Department of Agriculture Forest Service, their agents, successors, and assigns, in order to meet the provisions of Division 7 of the California Water Code and the regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. The direct or indirect discharge of mining waste to surface water or surface water drainage courses is prohibited.
2. The discharge of process water to surface water or surface water drainage courses is prohibited.
3. The discharge of "hazardous waste" or "Group A" or "Group B" mining waste at the Mine Site is prohibited. For the purposes of this Order, the terms "Group A", "Group B", and "Group C" mining wastes are as defined in title 27, section 22480. The term "hazardous wastes" is defined in California Code of Regulations, title 22, section 66261.1 et seq.
4. The discharge of any waste other than mining wastes into a Mining Unit is prohibited. Prohibited wastes may include, but are not limited to, oil, grease, solvents, other petroleum products, and toxic and hazardous materials.
5. The discharge of mining waste at the Mine Site from sources other than the Eagle Bird Mine is prohibited.
6. The discharge of mining waste at locations other than the Mining Units shown on Attachments D and E of this order is prohibited.

7. The discharge of mining wastes outside a Mining Unit except as described in Findings 40 and 41 is prohibited.
8. The Discharger shall comply with all General Provisions listed in Section III of the Standard Provisions and Reporting Requirements (SPRRs) dated February 2009 which are attached hereto and made part of this Order by reference.

B. DISCHARGE SPECIFICATIONS

GENERAL SPECIFICATIONS

1. If additional analysis indicates a Group A mining waste, the Discharger shall notify the Central Valley Water Board within 7 business days of the existence of Group A mining waste. As noted in Prohibition A.3. above, these WDRs prohibit mining, processing, and discharging Group A Mining waste at the Mine Site.
2. If any analysis indicates a Group B classification, the Discharger shall transport the material from directly below ground into 10 to 20 cubic yards trucks, cover, and transport the Group B mining waste off-site for further processing at the custom processing facility described in Findings 40 and 41 above.
3. If onsite milling of Group B material is initiated, the Discharger may place Group B material on the covered concrete slab located in the milling area. The cover shall be constructed to prevent precipitation from contacting the material. The slab must be constructed with a concrete curb to retain the material on the slab and inhibit water from flowing onto the slab. The area surrounding the slab must be graded to divert sheet flow laterally to drainage swales and away from slab. Group B mining waste may be dry crushed on the covered concrete slab to $\frac{3}{4}$ -inch minus or less, however **no water or chemicals** shall be used in the Group B milling or processing circuit.
4. All Group C mining waste discharged as part of the mining operations are to be placed in the Mining Units shown on Attachment D and Attachment E of this Order.
5. The Discharger shall not cause a condition of pollution, contamination, or nuisance as defined by Water Code section 13050.

PROTECTION FROM STORM EVENTS

1. The Discharger must obtain coverage under the new State Water Resources Control Board Industrial General Permit 2014-0057-DWQ (IGP) which becomes effective on 1 July 2015.
2. Precipitation and drainage controls shall be designed and constructed to accommodate the anticipated volume and precipitation and peak flows from surface runoff for one 10-year, 24-hour storm event as required by Title 27, subsection 22490(h)(1)(C).
3. Annually, prior to the anticipated wet season but no later than 15 October of each year, any necessary erosion control measures shall be implemented, and any necessary construction,

maintenance, or repairs of precipitation and drainage controls shall be completed to prevent flooding, erosion, or slope failure.

CLOSURE AND POST-CLOSURE MAINTENANCE PLAN

1. The Discharger has a Reclamation Plan (File No. 1591) and related financial assurance approved by the Sierra County and reviewed by the Department of Conservation Office of Mine Reclamation for the purposes of compliance with SMARA.
2. The Reclamation Plan and related financial assurance are functionally equivalent to Closure and Post Closure Maintenance of Mining Units and Closure and Post-Closure Funding required by Title 27, subsections 22510 (b), (c) and (f).
3. Any amendments to the Eagle Bird Mine Reclamation shall be submitted to the Central Valley Water Board to ensure that they are consistent with Title 27, subsections 22510 (b), (c) and (f).
4. The Mine Site shall be closed in accordance with the Dischargers approved Reclamation Plan and as required by Title 27, subsections 22510 (a), (b) and (m).
5. The post-closure monitoring and maintenance period shall end¹¹ when the Central Valley Water Board determines that water quality aspects of closure and post-closure maintenance are complete and the wastes no longer pose a threat to water quality (Title 27, section 22510(h)).
6. The Discharger shall comply with all applicable Standard Closure and Post-Closure Specifications listed in Section XI D and E of the SPRRs dated February 2009 which are attached hereto and made part of this Order by reference.

C. MONITORING SPECIFICATIONS

1. The Dischargers compliance with the Monitoring Program and Reporting Requirements of the new State Water Resources Control Board Industrial General Permit 2014-0057-DWQ is sufficient to fulfill the requirements of this section. Annual storm water reporting shall be submitted as required by Reporting Requirement B.1 of the attached Monitoring and Reporting Program (MRP) No. R5-2015-XXXX.
2. Groundwater or surface water shall not be degraded by the following Mine Site activities: mining or processing activities, waste discharges, closure activities, or post-closure maintenance.
3. The Discharger shall conduct storm water monitoring in accordance with an approved Sampling and Analysis Plan.
4. The Discharger shall maintain an approved Sampling and Analysis Plan. The Sampling and Analysis Plan shall at a minimum include:

¹¹ The post-closure monitoring and maintenance period typically ends when the Unit has been in compliance with the water quality protection standard for a period of three consecutive years.

- Sample collection procedures describing purging techniques, sampling equipment, and decontamination of sampling equipment;
- Sample preservation information and shipment procedures;
- Sample analytical methods and procedures;
- Sample quality assurance/quality control (QA/QC) procedures; and
- Chain of Custody control.

D. FINANCIAL ASSURANCE SPECIFICATIONS

1. The Discharger has a financial assurance approved by the lead agency (Sierra County) and reviewed by the Department of Conservation Office of Mine Reclamation for the purposes of compliance with SMARA.
2. The Dischargers financial assurance is functionally equivalent to the Closure and Post-Closure Funding required by Title 27, subsections 22510 (f) and (g).
3. These WDRs prospectively incorporate by reference the Financial Assurance that lists the Central Valley Water Board as an alternative payee in place of Title 27 Closure and Post-Closure Financial Assurances.
4. Any modifications to the Eagle Bird Mine financial assurances shall be submitted to the Central Valley Water Board to ensure that the modifications are consistent with Title 27, subsections 22510 (f) and (g).
5. By **31 January of each year**, the Discharger shall submit to the Central Valley Water Board updated cost estimates and a demonstration of financial assurance for closure, and post-closure maintenance (reclamation) of the Mine Site.
6. By **31 January of each year**, the Discharger shall submit to the Central Valley Water Board completed copies of the Office of Mine Reclamation's Annual Surface Mining Inspection Report (MRRC-1) and Lead Agency Inspection Notice Form.

E. PROVISIONS

1. The Discharger shall comply with Standard Provisions and Reporting Requirements (SPRRs) Mining Wastes dated February 2009. The SPRRs contain important provisions and requirements with which the Discharger must comply.
2. The Discharger must comply with Monitoring and Reporting Requirements Order R5-2015-XXXX. Compliance includes, but is not limited to, storm water monitoring and facility monitoring throughout the active life of the Mining Unit and post-closure maintenance period.

3. The Discharger shall notify Central Valley Water Board staff **within 24 hours** of any unpermitted discharge, flooding, equipment failure, slope failure, or other change in Mine Site conditions or related precipitation and drainage controls or degradation of waters of the state.
4. The Discharger shall maintain legible records at the Mine Site of volume and type of waste discharged. The Discharger shall make such records available for review by representatives of the Central Valley Water Board and State Water Resources Control Board.
5. The Discharger shall complete the following tasks by the required dates:

TASK	DATE DUE
Submit Annual Monitoring Report (Monitoring Specification C.1)	By 31 January of each year
Submit Sampling and Analysis Plan for on-going characterization of the mining waste (Finding 27).	By 31 January 2016
Beginning 2016, or at least every third calendar year submit on going waste characterization report to determine if mining waste is still appropriately classified as a Group C mining waste (Finding 27).	By 31 January of each year with Annual Monitoring Report
Submit proof of coverage under the new State Water Resources Control Board Industrial General Permit 2014-0057-DWQ (Monitoring Specification C.1)	By 31 January with Annual Monitoring Report
Submit completed copy of Office of Mine Reclamation Annual Surface Mining Inspection Report and Lead Agency Inspection Notice Form (Financial Assurance Specification D.5).	By 31 January of each year with Annual Monitoring Report
Submit updated cost estimates and financial assurances for closure and post-closure maintenance (reclamation) of the Mine Site (Financial Assurance Specification D.5).	By 31 January of each year with Annual Monitoring Report

6. Provisional tasks E.2 above shall be prepared by a registered professional licensed in the State of California to perform such work. Upon approval in writing by the Executive Officer of the submittals in response to the provisional tasks mentioned above the approved submittals are incorporated herein and made part of this Order by reference for the purpose of compliance and enforcement.
7. In the event of any change in control or ownership of the Eagle Bird Mine, the Discharger must notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to the Central Valley Water Board's Rancho Cordova Office. To assume operation as a Discharger under this Order, the succeeding owner or operator must submit a written request requesting transfer of the Order to the Executive Officer. The request must contain the requesting entity's full legal name, the state of incorporation (if a corporation),

the name, address, and telephone number of persons responsible for contact with the Central Valley Water Board, and a statement complying with the signatory paragraph of the Standard Provisions that states the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the Water Code. Transfer shall be approved or disapproved by the Executive Officer.

8. For the purposes of resolving any disputes arising from or related to the California Water Code, any regulations promulgated thereunder, these WDRs or any other orders governing the Mine Site, the Discharger, its parents and subsidiaries, and their respective past, present, and future officers, directors, employees, agents, shareholders, predecessors, successors, assigns, and affiliated entities, consent to jurisdiction of the Courts of the State of California.
9. The Central Valley Water Board will review this Order periodically and revise requirements when necessary.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

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 Central Valley Regional Water Quality Control Board, on XX July 2015.

PAMELA C. CREEDON, Executive Officer

JSH/wmh