

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER R5-2018-XXXX

AMENDING TIME SCHEDULE ORDER R5-2015-0035  
(NPDES PERMIT CA0081809)

ORIGINAL SIXTEEN TO ONE MINE, INC.  
SIXTEEN TO ONE MINE  
SIERRA COUNTY

The Central Valley Regional Water Quality Control Board (hereafter Central Valley Water Board) finds that:

1. Original Sixteen to One Mine, Inc. (Discharger), owns and operates the Sixteen to One Mine (Mine). The Mine discharges up to 0.28 million gallons per day of untreated mining wastewater to Kanaka Creek, a water of the United States and tributary to the Middle Yuba River.
2. On 2 February 2015, the Discharger submitted an Infeasibility Analysis to the Central Valley Regional Water Quality Control Board (Central Valley Water Board) requesting additional time to comply with the proposed final effluent limitations in the Tentative Draft Permit. The Discharger proposed to consider four control and/or treatment options to comply with final effluent limitations, including irrigation, treatment in place, and eliminating the flow to Kanaka Creek. The Discharger estimated that two years would be required to assess the alternatives and that compliance with the final effluent limitations proposed in the Tentative Draft Permit for electrical conductivity (EC), antimony, arsenic, cadmium, copper, iron, lead, manganese, and nickel would be achieved by 16 April 2020.
3. On 5 February 2015, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Waste Discharge Requirements Order R5-2015-0002 (NPDES Permit), prescribing waste discharge requirements for the Mine and including final effluent limitations for EC, antimony, arsenic, cadmium, copper, iron, lead, manganese, and nickel. Minor modifications were made to Order R5-2015-0002 in a letter dated 10 September 2015.
4. On 17 April 2015, the Central Valley Water Board adopted Time Schedule Order (TSO) R5-2015-0035 prescribing interim effluent limitations for EC, antimony, arsenic, cadmium, copper, iron, lead, manganese, and nickel and a including a compliance schedule for compliance with the final limitations.
5. Several typographical errors have been found in TSO R5-2015-0035, which incorrectly cited final effluent limitations from Order R5-2015-0002 resulting in incorrect corresponding interim effluent limitations included in TSO R5-2015-0035 (i.e., average monthly effluent limits instead of annual average effluent limits). Central Valley Water Board staff has revised TSO R5-2015-0035 to correctly cite the final effluent limitations and to include the corrected corresponding interim effluent limitations.
6. At the time that TSO R5-2015-0035 was adopted, the most recent water quality data for the Mine discharge consisted of two sampling events conducted by Central Valley Water Board staff in 2011. Interim limitations were established based on a limited dataset. Since adoption of WDRs Order R5-2015-0002 (NPDES Permit) in February 2015, the Discharger has conducted 10 quarterly effluent monitoring events.

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7. The data collected by the Discharger between February 2015 and December 2017 contained numerous exceedances of the interim effluent limitations contained in TSO R5-2015-0035. Administrative Civil Liability Order (ACLO) R5-2016-0021 was issued 21 April 2016 for \$6,000. At the 8 December 2017 Board Meeting, ACLO R5-2017-0115 for \$33,000 was adopted for violations of interim effluent limitations.
8. Based on the current and more robust dataset collected after adoption of TSO R5-2015-0035 in April 2015, Central Valley Water Board staff has revised the interim effluent limitations to better represent variability of the discharge.
9. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) pursuant to Water Code section 13389, since the adoption or modification of an NPDES permit for an existing source is statutorily exempt and this Order only serves to implement a NPDES permit. (*Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside* (1977) 73 Cal.App.3d 546, 555-556.).
10. On X April 2018, in Fresno, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider amending TSO R5-2015-0035.

**IT IS HEREBY ORDERED THAT** pursuant to CWC Sections 13301 and 13267, TSO R5-2015-0035 is amended as shown in underline/strikeout format in Attachment I to correct typographical errors and contain amended interim effluent limitations and associated language. The compliance schedule in TSO R5-2015-0035-01 remains unchanged. This Order is effective upon adoption.

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](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 April 2018.

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PAMELA C. CREEDON, Executive Officer

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