

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

364 Knollcrest Drive, Suite 205, Redding, CA 96002

NOTICE OF PUBLIC HEARING

Concerning

**RESCISSION OF WASTE DISCHARGE REQUIREMENTS
ORDER R5-2003-0039 (NPDES PERMIT NO. CA0084212) AND CEASE
AND DESIST ORDER R5-2003-0051
FOR
LYONDELL ENVIRONMENTAL CUSTODIAL TRUST
BULLY HILL AND RISING STAR MINES
SHASTA COUNTY**

The Lyondell Environmental Custodial Trust (hereinafter Discharger) manages remediation activities at the Bully Hill and Rising Star mines (hereinafter Facility), located in Shasta County. The Facility is regulated pursuant to Waste Discharge Requirements (WDR) Order R5-2003-0039 (NPDES Permit No. CA0084212), adopted by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on 30 January 2003, and Cease and Desist Order (CDO) R5-2003-0051, adopted by the Central Valley Water Board on 14 March 2003.

As required by the WDRs and CDO, significant remediation activity has occurred at the Bully Hill and Rising Star mines. At Bully Hill; Town Creek was diverted away from the waste rock pile, the waste rock was graded to create a work area and promote surface runoff, the BH-3 adit was rehabilitated and bulkhead-sealed, and an anaerobic sulfate reducing bacteria passive treatment system was installed to treat acid mine drainage from the BH-3 adit. Final effluent from the Bully Hill treatment system is discharged to an on-site leach field. At Rising Star; the waste rock pile was graded to create a work area and promote surface runoff, the RS-5 adit was rehabilitated and bulkhead-sealed, the waste rock pile was consolidated and capped with a 60mm HDPE liner, a secondary bulkhead seal was installed to control water levels in the RS-5 tunnel, and an anaerobic sulfate reducing bacteria passive treatment system was installed to treat acid mine drainage from the RS-5 adit and RS-7 portal seep. Final effluent from the Rising Star treatment system is discharged to an on-site leach field. NPDES point source discharges from the BH-3 and RS-5 adits as well as the RS-7 portal seep have been addressed, and it is therefore appropriate to rescind the WDRs and CDO.

Therefore, the Central Valley Water Board will consider rescinding WDR Order R5-2003-0039 and CDO R5-2003-0051. A public hearing to address this matter will be held during the Central Valley Water Board meeting which is scheduled for:

DATE: 30 May/1 June 2018
TIME: 8:30 a.m.
PLACE: 11020 Sun Center Dr #200
Rancho Cordova, CA 95670-6114

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The designated parties for this hearing are as follows:

- Lyondell Environmental Custodial Trust

Designated parties but not interested persons will have these rights: to call and examine witnesses; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. Central Valley Water Board staff will prepare the administrative record, and may present evidence, make an oral presentation and cross-examine opposing witnesses.

Interested persons may not cross examine witnesses, and will not be subject to cross examination. Interested persons may submit evidence (e.g., photographs, eye-witness testimony, monitoring data) if the evidence is submitted in accordance with deadlines for submitting evidence described below. Interested persons who present evidence may be subject to cross-examination. Interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Central Valley Water Board no later than **5:00 pm on 5 April 2018**. The request must explain the basis for status as a designated party and in particular how the person is affected by the discharge.

Notification for the planned rescission of waste discharge requirements was issued on **6 March 2018**. Persons wishing to comment on this item must submit testimony, evidence, if any, and/or comments in writing to the Central Valley Water Board no later than **5:00 p.m. on 5 April 2018**. Written materials submitted after this date and time will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

All designated parties and interested persons may speak at the Central Valley Water Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Board Chair. Both designated parties and interested persons may be asked to respond to clarifying questions from Board members, counsel staff or others, at the discretion of the Board.

Anyone having questions on the tentative documents should contact Jeremy Pagan at (530) 224-4850, or at Jeremy.pagan@waterboards.ca.gov. Interested parties may download the proposed Order and related documents from the Central Valley Water Board's Internet website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office at 364 Knollcrest Drive, Suite 205, Redding, CA 96002 weekdays between 8:00 a.m. and 5:00 p.m.

The final meeting agenda will be available at

www.waterboards.ca.gov/board_info/agendas/

at least ten days before the meeting. The agenda will provide the dates the Board meeting will be held, indicate the anticipated order of agenda items, and may include staff revisions to the proposed order.

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The procedures governing Central Valley Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request. Hearings before the Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing

www.waterboards.ca.gov/laws_regulations/


Information on meeting and hearing procedures is also available on the Central Valley Water Board's website at

www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd/shtml

or by contacting any one of the Central Valley Water Board's offices. Questions regarding such procedures should be directed to Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.



Bryan J. Smith, P.E.
Supervising Water Resource Control Engineer