CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TENTATIVE TIME SCHEDULE ORDER R5-2026-XXXX

REQUIRING
QUARTZVIEW CORPORATION
ORIGINAL SIXTEEN TO ONE MINE
SIERRA COUNTY

TO COMPLY WITH WASTE DISCHARGE REQUIREMENTS PRESCRIBED IN ORDER R5-2026-XXXX
(NPDES PERMIT CA0081809)

FINDINGS

The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), finds that:

1. Quartzview Corporation (Discharger), owns and operates the Original Sixteen to One Mine (Facility). The Facility reported discharges up to 0.28 million gallons per day (MGD) of untreated mining wastewater to Kanaka Creek, a water of the United States and a tributary of the Middle Fork of the Yuba River.
2. On 1 March 2002, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2002-0043 (NPDES CA0081809), including final effluent limitations, in part, for arsenic. On the same date, the Central Valley Water Board adopted Cease and Desist Order (CDO) R5-2002-0044, finding that the previous discharger, Original Sixteen to One Mine, Inc., could not comply with the final effluent limitations for arsenic in WDRs Order R5-2002-0043 and required compliance with final effluent limits, in part, for arsenic by 15 March 2005. WDRs Order R5-2002-0043 was amended on 30 April 2003, and Order R5-2002-0043, Amended, expired 1 March 2007.
3. On 17 April 2015, the Central Valley Water Board issued Time Schedule Order (TSO) R5-2015-0035, which provided until 16 April 2020 for the Discharger to come into compliance with the final effluent limitations, in part, for arsenic, antimony, iron, and nickel. The Central Valley Water Board adopted Order R5-2018-0019 on 6 April 2018 amending TSO R5-2015-0035, granting the Discharger higher interim limits based on the representative variability of the discharges. On 17 June 2021, the Central Valley Water Board adopted WDRs Order R5-2021-0037, which included final effluent limitations, in part for arsenic, antimony, iron, and nickel.
4. On 10/11 December 2026, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2026-XXXX, NPDES Permit CA0081809, rescinding Order R5-2021-0037 and Time Schedule Order R5-2015-0035-01 and including final effluent limitations, in part for arsenic, antimony, iron, and nickel.

5. WDRs Order R5-2026-XXXX section IV.A.1.a., Table 4. Effluent Limitations includes final effluent limitations at Discharge Point 001 as shown, in part, as follows:

Table 4. Effluent Limitations

Parameter	Units	Average Monthly Effluent Limitations	Maximum Daily Effluent Limitations
Arsenic, Total	micrograms per liter (µg/L)	10	21
Antimony, Total	µg/L	5.6	11
Iron, Total	µg/L	790	2,400
Nickel, Total	µg/L	100	170

Need For Time Schedule Extension and Legal Basis

6. On 11 July 2023, the Discharger originally submitted an infeasibility analysis requesting additional time to comply with the existing final effluent limitations for arsenic, antimony, iron, and nickel in Order R5-2021-0037. Central Valley Regional Board staff initially denied the request due to insufficient information. Staff and the Discharger worked together to develop a finalized infeasibility analysis in June 2026 to comply with final effluent limitations in Order R5-2026-XXXX. To comply with the final effluent limitations for arsenic, antimony, iron and nickel, the Discharger has requested time to develop and implement pollution prevention practices and to plan, design, fund and construct a treatment system that will remediate untreated mining wastewater to meet the effluent limitations.

7. The Discharger cannot consistently comply with the arsenic, antimony, iron, and nickel effluent limitations in Order R5-2026-XXXX and must implement additional actions to reach compliance. This Order contains a time schedule for compliance with final effluent limitations, sets interim limitations for certain constituents, and is intended to provide protection from mandatory minimum penalties (MMPs) for these constituents.

MANDATORY MINIMUM PENALTIES

8. California Water Code (CWC) section 13385, subdivisions (h) and (i), requires the Central Valley Water Board to impose MMPs upon dischargers that violate certain effluent limitations. CWC section 13385(j)(3) exempts discharges from these MMPs:

   "… where the waste discharge is in compliance with either a cease and desist order issued pursuant to section 13301 or a time schedule order issued pursuant to section 13300 or 13308, if all the [specified] requirements are met...for the purposes of this subdivision, the time schedule may not exceed five years in length..."

9. Per the requirements of CWC section 13385(j)(3), the Central Valley Water Board finds that:

a. This Order specifies the actions that the Discharger is required to take to correct the violations that would otherwise be subject to CWC section 13385, subdivisions (h) and (i).

b. To comply with final effluent limitations, the Discharger is requesting additional time to study, design, permit, construct a treatment system, and document final compliance with effluent limitations for arsenic, antimony, iron, and nickel. The Discharger anticipates that construction and start-up of the new treatment system and compliance with the final effluent limitations in WDRs Order R5-2026-XXXX will be completed by 31 December 2029, at which time the Facility will be in compliance with the final effluent limits for arsenic, antimony, iron, and nickel.

c. The final effluent limitations for arsenic, antimony, iron, and nickel are new, more stringent, or modified regulatory requirements that became applicable to the untreated mining wastewater after the effective date of WDRs Order R5-2026-XXXX and after 1 July 2000. The new or modified control measures are necessary in order to comply with the final effluent limitations for arsenic, antimony, iron, and nickel. The new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days as reflected in the compliance schedule in this Order.

d. This Order establishes a time schedule to bring the waste discharge into compliance with the effluent limitations that is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitations.

10. By statute, a Cease and Desist Order or Time Schedule Order may provide protection from MMPs for up to five years. However, CWC section 13385, subdivision (j)(3)(C)(ii)(II), authorizes the Central Valley Water Board to grant an additional five years if the Board finds, following a public hearing, that a discharger is making diligent progress towards bringing the waste discharge into compliance and that the additional time is necessary to comply with the effluent limitations.

11. Compliance with this Order exempts the Discharger from mandatory minimum penalties (MMP) as follows:

    a. **Arsenic:**

    Table 1 shows MMP protection dates for this Order and previous MMP protection dates for CDO R5-2002-0044 and TSO R5-2015-0035-01 for arsenic. The total time of MMP protection is 1 year, 11 months, and 20 days for arsenic. This time schedule is as short as possible and does not exceed ten (10) years in length from the date the final effluent limitations became effective.

Table 1. Arsenic MMP Protection

Order	MMP Protection Dates	Total MMP Protection Time
CDO R5-2002-0044	1 March 2002 through 15 March 2005	3 years and 15 days
TSO R5-2015-0035-01	16 April 2015 through 15 April 2020	5 years
TSO R5-2026-XXXX	1 February 2027 through 21 January 2029	1 year, 11 months, and 20 days

b. **Antimony, Iron, and Nickel:**

Table 2 shows MMP protection dates for this Order and previous MMP protection dates for TSO R5-2015-0035-01 for antimony, iron, and nickel. The total time of MMP protection is 2 years, 10 months, and 30 days. This time schedule is as short as possible and does not exceed ten (10) years in length from the date the final effluent limitations became effective.

Table 2. Antimony, Iron, and Nickel MMP Protection

Order	MMP Protection Dates	Total MMP Protection Time
TSO R5-2015-0035-01	16 April 2015 through 15 April 2020	5 years
TSO R5-2026-XXXX	1 February 2027 through 31 December 2029	2 years, 10 months, and 30 days

12. In accordance with CWC section 13385(j)(3), the total length of protection from mandatory minimum penalties for the final effluent limitations for arsenic, antimony, iron, and nickel does not exceed ten (10) years.

13. This Order provides a time schedule for completing the actions necessary to ensure compliance with the final effluent limitations for arsenic, antimony, iron, and nickel contained in WDRs Order R5-2026-XXXX. Since the time schedule for completion of actions necessary to bring the untreated mining wastewater into compliance exceeds one year, this Order includes interim effluent limitations and interim requirements and dates for their achievement.

14. This Order includes new performance-based interim effluent limitations for arsenic, antimony, iron, and nickel. The Central Valley Water Board calculated an interim average monthly effluent limitation (AMEL) for arsenic, antimony, iron, and nickel based on the current treatment plant performance. In calculating interim effluent limitations for arsenic, antimony, iron, and nickel, effluent data between March 2022 and June 2026 was used. With 10 or more sampling data points, sampling and laboratory variability is accounted for by establishing interim effluent limitations that are based on normally distributed data where 99.9% of the data points will lie within 3.34 standard deviations of the mean (Basic Statistical Methods for Engineers and Scientists, Kennedy and Neville, Harper and Row). Therefore, an interim AMEL for

arsenic, antimony, iron, and nickel was calculated using the mean plus 3.3 standard deviations. The interim maximum daily effluent limitations (MDELs) were calculated using the MDEL/AMEL multipliers per Table 2 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California.

15. The Central Valley Water Board finds that the Discharger can maintain compliance with the interim effluent limitations included in this Order. Interim effluent limitations are established when compliance with the final effluent limitations cannot be achieved by the existing Facility. Discharge of constituents in concentrations in excess of the final effluent limitations, but in compliance with the interim effluent limitations, can significantly degrade water quality and adversely affect the beneficial uses of the receiving stream on a long-term basis. However, the interim effluent limitations establish an enforceable ceiling concentration until compliance with the final effluent limitation can be achieved.

16. If an interim effluent limit contained in this Order is exceeded, then the Discharger is subject to MMPs for that particular exceedance as it will no longer meet the exemption in CWC 13385(j)(3). It is the intent of the Board that a violation of an interim monthly effluent limitation subjects the Discharger to only one MMP for that monthly averaging period. In addition, a violation of an interim daily maximum effluent limit subjects the Discharger to one MMP for the day in which the sample was collected.

OTHER REGULATORY REQUIREMENTS

17. CWC section 13300 states, in part:

> "Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."

18. CWC section 13383 states, in part:

> "[A] regional board may establish monitoring, inspection, entry, reporting, and recordkeeping requirements . . . for any person who discharges, or proposes to discharge, to navigable waters, any person who introduces pollutants into a publicly owned treatment works, any person who owns or operates, or proposes to own or operate, a publicly owned treatment works or other treatment works treating domestic sewage, or any person who uses or disposes, or proposes to use or dispose, of sewage sludge."

19. The Discharger owns and operates the Original Sixteen to One Mine. The technical and monitoring reports required by this Order are necessary to determine compliance with the requirements in this Order and WDRs Order R5-2026-XXXX.

20. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") 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 an NPDES permit. (Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside (1977) 73 Cal.App.3d 546, 555-556.).

21. On 17 September 2026, Central Valley Water Board staff issued a notice of public hearing and provided a 30-day comment period for consideration of adopting a TSO under section 13300 of the Water Code to establish a time schedule for achieving compliance with waste discharge requirements. The notice stated that any member of the public may request an oral hearing before the Executive Officer, and if no hearing is requested, the Executive Officer's review of the administrative record, including any written comments received shall constitute the public hearing.

BOARD ACTION

IT IS HEREBY ORDERED THAT:

1. Pursuant to CWC section 13300 and 13383, the Discharger shall comply with the following time schedule to submit reports and ensure completion of the compliance project described in Finding 9.b, above:

Table 3. Time Schedule

Task	Description	Compliance Date
1	Submit Annual Progress Reports. The progress reports shall detail the steps taken to comply with this Order, including documentation showing completion of tasks, construction progress (if applicable), evaluation of the effectiveness of the implemented measures, and assessment of whether additional measures are necessary to meet the compliance dates.	1 February 2028 and 1 February 2029
2	Submit documentation confirming that product testing has been completed and that pilot study testing has been finalized, including identification of the treatment system selected for full-scale implementation.	1 April 2027
3	Submit documentation demonstrating completion of the design for the selected final treatment system.	31 December 2027
4	Submit documentation demonstrating that construction of the selected final treatment system has begun.	31 August 2028
5	Submit documentation that the discharge complies with the final effluent limitations for arsenic.	21 January 2029
6	Submit documentation demonstrating that installation of the selected final treatment system has been completed.	31 August 2029

Task	Description	Compliance Date
7	Submit documentation that the discharge complies with the final effluent limitations for antimony, iron, and nickel.	31 December 2029

2. The following interim effluent limitations for arsenic, antimony, iron, and nickel are effective beginning **1 February 2027** and shall apply in lieu of the corresponding final effluent limitations in Order R5-2026-XXXX. The Discharger shall comply with the following interim effluent limitations, in Table 4 below, through **21 January 2029, for arsenic and 31 December 2029 for antimony, iron, and nickel** or when the Discharger is able to come into compliance with the final effluent limitations, whichever is sooner.

Table 4. Interim Effluent Limitations

Parameter	Units	Interim AMEL	Interim MDEL
Antimony, Total	µg/L	40	50
Arsenic, Total	µg/L	2,200	4,300
Iron, Total	µg/L	4,300	12,000
Nickel, Total	µg/L	180	290

3. Any person signing a document submitted under this TSO shall make the following certification:

   "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

4. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans for, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain the professional's signature and/or stamp of the seal.

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 or with the WDRs Order R5-2026-XXXX 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. Links to the laws and regulations applicable to filing petitions may be found on the Water Quality Petitions Page (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

I, Patrick Pulupa, Executive Officer, do hereby certify that this Order is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on **10/11 December 2026**.

PATRICK PULUPA, Executive Officer