

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2003-0002 AMENDMENT NO. 1

REQUIRING THE U.S. BUREAU OF RECLAMATION
SLIGER MINE
TO CEASE AND DESIST

FROM DISCHARGING CONTRARY TO REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region (hereafter referred to as "Regional Board"), finds:

1. On 30 January 2003, the Regional Board adopted Waste Discharge Requirements Order No. R5-2003-0001, for the U.S. Bureau of Reclamation (hereafter Discharger). Waste Discharge Requirements Order No. R5-2003-0001 regulates the discharge of 0.0646 million gallons per day (mgd) of mine drainage to the Middle Fork of the American River.
2. Waste Discharge Requirements Order No. R5-2003-0001, includes Effluent Limitations for arsenic, iron, manganese, and boron as contained in Section B.1, which reads in part as follows:

"1. Effluent shall not exceed the following limits:

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>
Arsenic	mg/l	0.01
	lbs/day	0.00539
Iron	mg/l	0.3
	lbs/day	0.162
Manganese	mg/l	0.05
	lbs/day	0.0269
Boron	mg/l	0.7
	lbs/day ¹	0.38"

3. The Discharger currently cannot consistently comply with the Effluent Limitations for arsenic, iron, manganese, and boron contained in the Waste Discharge Requirements Order No. R5-2003-0001.
4. Based on the above findings, this discharge represents a threatened discharge of waste in violation of the Effluent Limitations for arsenic, iron, manganese, and boron included in Waste Discharge Requirements Order No. R5-2003-0001.

5. In accordance with California Water Code (CWC) Section 13385 (j)(3), the Regional Board finds that, based upon the current condition of the mine, the Discharger is not able to consistently comply with the arsenic, iron, manganese, and boron limitations. The limitations for these constituents will become applicable to the permit after the effective date of adoption of the waste discharge requirements.

California Water Code (CWC) Section 13385 (j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to Section 13263.3 of the California Water Code. A pollution prevention plan addresses only those constituents that can be effectively reduced by source control measures. Arsenic, iron, manganese, and boron are naturally occurring elements so that they cannot be significantly reduced through source control measures in the mine drainage. Therefore, pollution prevention plans for these constituents are not required in this Order.

Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of arsenic, iron, manganese, and boron limitations only, in accordance with California Water Code (CWC) Section 13385 (j)(3).

6. On 30 January 2003, the Regional Board adopted Order No. R5-2003-0002 to establish a time schedule for the Discharger to achieve compliance with waste discharge requirements.
7. The Discharger conducted a study to determine a feasible alternative to achieve compliance with effluent limitations in WDR Order No. R5-200-0001. The Discharger evaluated the feasibility of reducing inflow to the mine, installing a hydraulic plug, installing a semi-passive treatment system, or conducting a mixing zone study to demonstrate compliance with effluent limitations in the receiving water.

By letter dated 17 April 2006, the Discharger requested a twelve-month extension to the effluent limitations compliance date to allow the time necessary to address Regional Water Board staff request for additional water quality monitoring results to be included in the proposed mixing zone study. The Discharger completed the mixing zone study and is requesting Regional Water Board consideration of effluent limitation compliance points in the receiving stream, downstream of the discharge location, a set distance supported by the conclusions of the Discharger's mixing zone study. Regional Water Board staff will review the mixing zone study and reconsider effluent limitation compliance point locations during the renewal of existing WDR Order No. 2003-0001, which expires on 30 January 2008.

8. On 25 January 2007, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Regional Water Board conducted a public hearing at which evidence was received to consider an amendment to CDO No. 2003-0002 to revise the time schedule to achieve compliance with WDRs.
9. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with Section 15061(b)(3), Title 14, California Code of Regulations, Section 15321(a)(2), Title 14, California Code of Regulations, and California Water Code section 13389.
10. Any person adversely affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action. The petition must be received by the State Board Office of the Chief Council, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date in which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED THAT:

1. The U.S. Bureau of Reclamation shall cease and desist from discharging, and threatening to discharge, contrary to Waste Discharge Requirements Order No. R5-2003-0001, Effluent Limitation No.1 for arsenic, iron, manganese, and boron.
2. The U.S. Bureau of Reclamation shall comply with the following time schedule to assure compliance with the arsenic, iron, manganese, and boron Effluent Limitations contained in Waste Discharge Requirements Order No. R5-2003-0001 as described in the above Findings:

<u>Task</u>	<u>Compliance Date</u>
Submit a Workplan to Achieve Compliance ¹	30 June 2003
Submit Progress Report ²	Annually
Achieve Full Compliance	30 January 2008

¹ The Workplan shall include the Implementation Schedule to achieve compliance with waste discharge requirements.

² The Progress Report shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including construction progress, evaluate the effectiveness of the implemented measures and assess whether additional measures are necessary to meet the time schedule.

3. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an amended Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 25 January 2007.

PAMELA C. CREEDON, Executive Officer