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**Central Valley Regional Water Quality Control Board**

22 November 2017

Daniel Millsap, Project Manager  
CA Department of Parks and Recreation  
One Capitol Mall, Suite 410  
Sacramento, CA 95814

CERTIFIED MAIL  
91 7199 9991 7035 8418 7449

**ORDER AMENDING NOTICE OF APPLICABILITY  
FOR  
LIMITED THREAT GENERAL ORDER WASTE  
DISCHARGE REQUIREMENTS ORDER  
R5-2016-0076**

**STATE OF CALIFORNIA  
DEPARTMENT OF PARKS AND RECREATION  
EMPIRE MINE STATE HISTORIC PARK  
NEVADA COUNTY**

This Order responds to the 20 October 2017 request for amendment of the Notice of Applicability issued 22 May 2017 for the State of California, Department of Parks and Recreation's (hereinafter Discharger) Empire Mine State Historic Park (Facility) under General Order Waste Discharge Requirements for Limited Threat Discharges to Surface Water (Limited Threat General Order). The requested amendment is hereby approved. The original NOA is therefore amended as described below. Please attach this document to the original NOA.

**AMENDMENT:**

The Notice of Applicability for coverage under the Limited Threat General Order specified the acute toxicity testing species as fathead minnows (*Pimephales promelas*). On 20 October 2017, the Compliance and Enforcement Unit notified the Sacramento Permitting unit that previous coverage under an individual NPDES permit, Order R5-2012-0050 (NPDES No. CA0085171) specified the use of rainbow trout (*Orcorhchus mykiss*) for acute toxicity testing, which is the most sensitive species for the Discharger.

The NOA is amended as shown in underline/strikeout format in Attachment 1 to change the acute toxicity testing species from fathead minnows (*Pimephales promelas*) to rainbow trout (*Orcorhchus mykiss*).

I hereby issue an Order amending the existing Notice of Applicability, Waste Discharge Requirements for the State of California, Department of Parks and Recreation's Empire Mine State Historic Park. All other conditions and provisions of the original Notice of Applicability remain in full force and effect, except as modified based on the conditions of this Order. Failure

Daniel Millsap  
Project Manager  
Empire Mine State Historic Park

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22 November 2017

to comply with the terms and conditions of the original Notice of Applicability or of this Order may result in suspension or revocation of the Notice of Applicability.

***Original Signed by Adam Laputz for***

Pamela C. Creedon  
Executive Officer

cc: David Smith, U.S. EPA, Region IX, San Francisco (email only)  
Afrooz Farsimadan, Division of Water Quality, State Water Board, Sacramento (email only)

## Central Valley Regional Water Quality Control Board

22 May 2017

### ATTACHMENT 1

Daniel Millsap, Project Manager  
CA Department of Parks and Recreation  
One Capitol Mall, Suite 410  
Sacramento, CA 95814

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7012 2210 0002 1420 2088

### **NOTICE OF APPLICABILITY (NOA); LIMITED THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2016-0076; EMPIRE MINE STATE HISTORIC PARK, NEVADA COUNTY**

Our office received a Report of Waste Discharge (ROWD) on 27 January 2017 from the State of California, Department of Parks and Recreation (hereinafter Discharger) requesting renewal of the existing Waste Discharge Requirements Order R5-2012-0050 (NPDES Permit No. CA0085171) for discharge of treated mine drainage to surface water from Empire Mine State Historic Park (Facility). Based on the ROWD submitted by the Discharger, staff has determined that the Facility meets the required conditions for approval under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order), as a Tier 3 discharge and that the ROWD meets the requirements for submittal of a Notice of Intent (NOI) application packet for the Limited Threat General Order. This Facility is hereby assigned Limited Threat General Order R5-2016-0076-005 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2016-0076-005**, in your correspondence and submitted documents.

Discharges to surface water from the Facility are regulated by an individual NPDES permit, Order R5-2012-0050 (NPDES No. CA0085171), and Time Schedule Order R5-2012-0051 issued by the Central Valley Water Board on 8 June 2012. This NOA providing coverage under the Limited Threat General Order shall become effective on **9 June 2017** when the existing individual NPDES permit for the Facility, Order R5-2012-0050 and Time Schedule Order R5-2012-0051, are rescinded by a separate action of the Central Valley Water Board at its regularly scheduled Board meeting.

The enclosed Limited Threat General Order may also be viewed at the following web address: [http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076\\_mod.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076_mod.pdf). You are urged to familiarize yourself with the contents of the entire document. The Limited Threat General Order prescribes mandatory discharge monitoring and reporting requirements. The Facility activities shall be operated in accordance with the requirements contained in this NOA and the Limited Threat General Order.

### **CALIFORNIA TOXICS RULE / STATE IMPLEMENTATION POLICY MONITORING**

The Limited Threat General Order incorporates the requirements of the California Toxics Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, 2005, also known as the State Implementation Policy (SIP). Screening levels for CTR constituents are found in Attachment I of the Limited Threat General Order. Review of your effluent water quality data in comparison to the screening values, showed reasonable

potential for the discharge to cause or contribute to an exceedance of arsenic, iron, and manganese water quality objectives in the Magenta Drain Channel, a tributary to South Fork Wolf Creek. However, the treatment system addresses the water quality concerns by reducing constituent concentrations below water quality objectives; therefore, the Facility qualifies for the Limited Threat General Order.

### **FACILITY DESCRIPTION**

Empire Mine State Historic Park (Facility) is a former hard rock gold mine with an existing discharge of groundwater to Magenta Drain Channel. The Facility, which began operation in November 2011, is located adjacent to the eastern side of the City of Grass Valley in Nevada County in Section 35, T16N, R8E, MDB&M.

The Facility is a passive treatment system with a maximum flow rate of 2.3 MGD. The system collects and pumps the mine drainage to a lined sedimentation pond where approximately 95% of the iron and arsenic precipitates out. The water continues to flow by gravity to a lined wetland (Wetland 1), which provides additional aeration, retention, and settling for iron, arsenic, and manganese removal and then to a lined wetland with limestone gravel (Wetland 2), which provides additional manganese removal. Treated water from Wetland 2 flows back by gravity into the Magenta Drain Channel. Treatment of the discharge is expected to continue indefinitely.

Magenta Drain Channel was an ephemeral stream prior to construction of Empire Mine, as was the Magenta Drain Tunnel, which drains the Mine. During the construction of the treatment system flow was channelized above the Discharge Point 001, creating RSW-001U. There is flow upstream of the discharge point during rain events.

The Discharger previously discharged pursuant to Order No. R5-2012-0050 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0085171, which contained effluent limitations for acute toxicity, arsenic, chronic toxicity, color, dissolved oxygen, iron, manganese, pH, and turbidity. Based on information that was not available at the time, this NOA relaxes or removes effluent limitations for color, dissolved oxygen and turbidity established in Order No. R5-2012-0050. See Attachment B for further discussion of anti-backsliding and antidegradation as it pertains to this NOA.

### **EFFLUENT LIMITATIONS**

Effluent limitations are specified in Section V. Effluent Limitations and Discharge Specifications of the Limited Threat General Order. The following effluent limitations are applicable to this discharge and are contained in Section V. A and B of the Limited Threat General Order:

#### **A. Water Quality-Based Effluent Limitations**

##### **1. All Discharges – Tier 1A, Tier 1B, Tier 2, and Tier 3**

###### **b. pH.**

- i.** The pH of all limited threat discharges within the Sacramento and San Joaquin River Basins (except Goose Creek) shall at all times be within the range of 6.5 and 8.5.

**e. Constituents and Parameters of Concern**

**Table 4. Effluent Limitations for Constituents and Parameters of Concern**

Parameter	Units	Effluent Limitations	
		MUN	
		Average Monthly	Maximum Daily
Iron, Total Recoverable	µg/L	470	930
Manganese, Total Recoverable	µg/L	80	160

**f. Effluent Limitations for Priority Pollutants**

**Table 5. Effluent Limitations for Priority Pollutants**

Parameter	Units	Effluent Limitations	
		MUN	
		Average Monthly	Maximum Daily
Arsenic, Total Recoverable	µg/L	10	20

**2. Tier 1B, Tier 2, and Tier 3 Discharges**

- a. Whole Effluent Toxicity, Chronic.** There shall be no chronic toxicity in the discharge.

**3. Tier 2 and Tier 3 Discharges**

- a. Whole Effluent Toxicity, Acute.** Survival of aquatic organisms in 96-hour bioassays of undiluted waste for all limited threat discharges shall be no less than:
- i. 70%, minimum for any one bioassay; and
  - ii. 90%, median for any three consecutive bioassays.

**RECEIVING WATER LIMITATIONS**

The Limited Threat General Order includes receiving surface water limitations in Section VIII.A. Based on the information provided in the NOI, the following receiving surface water limitations are applicable to this discharge:

- Color (VIII.A.5);
- Dissolved oxygen (VIII.A.6.b.iii);
- Floating material (VIII.A.7);
- pH (VIII.A.9.a);
- Suspended sediments (VIII.A.12);
- Settleable substances (VIII.A.13);
- Suspended material (VIII.A.14);
- Taste and odors (VIII.A.15);
- Temperature (VIII.A.16);
- Toxicity (VIII.A.17); and
- Turbidity (VIII.A.18.a).

**MONITORING AND REPORTING**

Monitoring and reporting requirements are contained in Attachment C of the Limited Threat General Order. The Discharger is required to comply with the following specific monitoring and reporting requirements for the effluent and receiving water in accordance with Attachment C of the Limited Threat General Order.

**Monitoring Locations** – The Discharger shall monitor the effluent and receiving water at the specified location as follows:

**Table E-1. Monitoring Station Locations**

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
001	EFF-001	Downstream of Wetland 2 prior to discharge to Magenta Drain Channel. (39° 12' 41.8" N, 121° 03' 10.6" W)
--	RSW-001U	Magenta Drain Channel, 20 feet upstream of the discharge point (39° 12' 41.8" N, 121° 03' 10.6" W)
--	RSW-001D	Magenta Drain Channel at residential footbridge, 650 feet downstream of the discharge point (39° 12' 44 " N, 121° 03' 13" W)

**Effluent Monitoring** – When discharging to the Magenta Drain Channel, the Discharger shall monitor the effluent at EFF-001 as follows:

**Table E-2. Effluent Monitoring**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Flow	MGD	Meter	Continuous	2
Electrical Conductivity @ 25°C	µmhos/cm	Grab	1/Month	2,3
pH	standard units	Grab	1/Week	2,3
Turbidity	NTU	Grab	1/Week	2,3
Temperature	°F	Grab	1/Month	2,3
Dissolved Oxygen	mg/L	Grab	1/Week	2,3
Hardness, Total (as CaCO <sub>3</sub> )	mg/L	24-Hour Composite	1/Quarter	2,3,4
Arsenic, Total Recoverable	µg/L	24-Hour Composite	1/Month	3,12
Iron, Total Recoverable	µg/L	24-Hour Composite	1/Month	3
Manganese, Total Recoverable	µg/L	24-Hour Composite	1/Month	3
Acute Toxicity	% survival	Grab	2/Year <sup>7</sup>	
Chronic Toxicity	--	Grab	1/Year <sup>8</sup>	

<sup>2</sup> Pollutants shall be analyzed using the analytically methods described in 40 CRF Part 136 or by methods approved by the Central Valley Water Board or the State Water Board.

<sup>3</sup> For priority pollutant constituents without effluent limitations, the detection limits shall be equal to or less than the lowest ML published in Appendix 4 of the SIP. A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A

calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.

- 7 Acute toxicity testing shall be conducted within 3 months of initiation of discharge and shall be analyzed using EPA-821-R-02-012, Fifth Edition. The test species shall be rainbow trout (*Oncorhynchus mykiss*)~~fathead minnows (*Pimephales promelas*)~~.
- 8 Chronic toxicity testing shall be conducted within 3 months of initiation of discharge and shall be estimated using Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA/821-R-02-013, October 2002.
- 12 For priority pollutant constituents the reporting level shall be consistent with Sections 2.4.2 and 2.4.3 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California.

**Receiving Water Monitoring** - When discharging to surface water, the Discharger shall monitor, or provide monitoring data, for the receiving water at RSW-001U and RSW-001D as follows:

**Table E-3. Receiving Water Monitoring Requirements**

Parameter	Units	Sample Type	Monitoring Frequency	Required Analytical Test Method
Dissolved Oxygen	mg/L	Grab	1/Month	2,3
Electrical Conductivity @ 25 °C	µmhos/cm	Grab	1/Month	2,3
Hardness	mg/L	Grab	1/Month	2,3
pH	standard units	Grab	1/Month	2,3
Temperature	°F	Grab	1/Month	2,3
Turbidity	NTU	Grab	1/Month	2,3

- 2 Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136 or by methods approved by the Central Valley Water Board or the State Water Board.
- 3 A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program shall be maintained at the Facility.

In conducting the receiving water sampling, a log shall be kept of the receiving water conditions throughout the reach bounded by RSW-001U and RSW-001D. Notes on the following receiving water conditions shall be summarized in an attachment to the self-monitoring report, including the presence or absence of:

- a. Floating or suspended matter
- b. Discoloration
- c. Bottom deposits
- d. Aquatic life
- e. Visible films, sheens, or coatings
- f. Fungi, slimes, or objectionable growths
- g. Potential nuisance conditions

**Monitoring Report Submittals** - Monitoring in accordance with the Limited Threat General Order shall begin upon initiation of discharge. Monitoring reports shall be submitted to the Central Valley Water Board on a quarterly basis, beginning with the **Second Quarter 2017**. This report shall be submitted on **1 August 2017**. Table E-4, below, summarizes the monitoring report due dates required under the Limited Threat General Order. Quarterly monitoring reports must be submitted until your coverage is formally terminated in accordance with the Limited Threat General Order, even if there is no discharge during the reporting quarter.

**Table E-4. Monitoring Periods and Reporting Schedule**

Sampling Frequency	Monitoring Period Begins On...	Quarterly Report Due Date
1/Day, 1/Week, 1/Month, 1/Quarter	9 June 2017	1 May (1 Jan – 31 Mar) 1 Aug (1 Apr – 30 Jun) 1 Nov (1 Jul – 30 Sep) 1 Feb, of following year (1 Oct – 31 Dec)

The Discharger shall electronically submit SMRs using the State Water Board's California Integrated Water Quality System (CIWQS) Program website <[http://www.waterboards.ca.gov/water\\_issues/programs/ciwqs/](http://www.waterboards.ca.gov/water_issues/programs/ciwqs/)>. The CIWQS website will provide additional information for SMR submittal in the event there will be a planned service interruption for electronic submittal.

### **EFFLUENT CHARACTERIZATION MONITORING**

Samples shall be collected from the effluent and analyzed for the constituents specified in Table I-1 of Attachment I of the Limited Threat General Order, with the results submitted to the Central Valley Water Board **within 4 years of the date of this NOA**. In accordance with Table I-1, the Discharger shall monitor for constituents for Tier 3 discharges of wastewater from hard rock mines.

### **GENERAL INFORMATION AND REQUIREMENTS**

The Discharger must notify Central Valley Water Board staff within 24 hours of having knowledge of 1) the start of each new discharge, 2) noncompliance, and 3) when the discharge ceases. The Central Valley Water Board shall be notified immediately if any effluent limit violation is observed during the operation of the Facility.

Discharge of material other than what is described in the application is prohibited. The required annual fee (as specified in the annual billing you will receive from the State Water Resources Control Board) shall be submitted until this NOA is officially terminated. You must notify this office in writing when the discharge regulated by the Limited Threat General Order is no longer necessary. If a timely written request is not received, the Discharger will be required to pay additional annual fees as determined by the State Water Resources Control Board.

### **ENFORCEMENT**

Failure to comply with the Limited Threat General Order may result in enforcement actions, which could include civil liability. Effluent limitation violations are subject to a Mandatory

Minimum Penalty (MMP) of \$3,000 per violation. In addition, late monitoring reports may be subject to MMPs or discretionary penalties of up to \$1,000 per day late. When discharges do not occur during a quarterly report monitoring period, the Discharger must still submit a quarterly monitoring report indicating that no discharge occurred to avoid being subject to enforcement actions.

### **COMMUNICATION**

All documents, including monitoring reports, response to inspections, written notifications, and documents submitted to comply with this NOA and the Limited Threat General Order, should be submitted to the NPDES Compliance unit, attention Genevieve Sparks. Ms. Sparks can be reached at (916) 464-4821 or [genevieve.sparks@waterboards.ca.gov](mailto:genevieve.sparks@waterboards.ca.gov).



We have transitioned to a paperless office, therefore, please convert all documents to a searchable Portable Document Format (pdf) and email them to [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov). Please include the following information in the email: Attention: NPDES Compliance section; Discharger: State of California, Department of Parks and Recreation; Facility: Empire Mine State Historic Park; County: Nevada; and the CIWQS place ID 222733 in the body of the email. Documents that are 50 megabytes or larger must be transferred to a DVD, or flash drive and mailed to our office, attention "ECM Mailroom-NPDES". Please include the attached Monitoring Report Transmittal Form as the first page of each monitoring report.

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 California 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 NOA, 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.

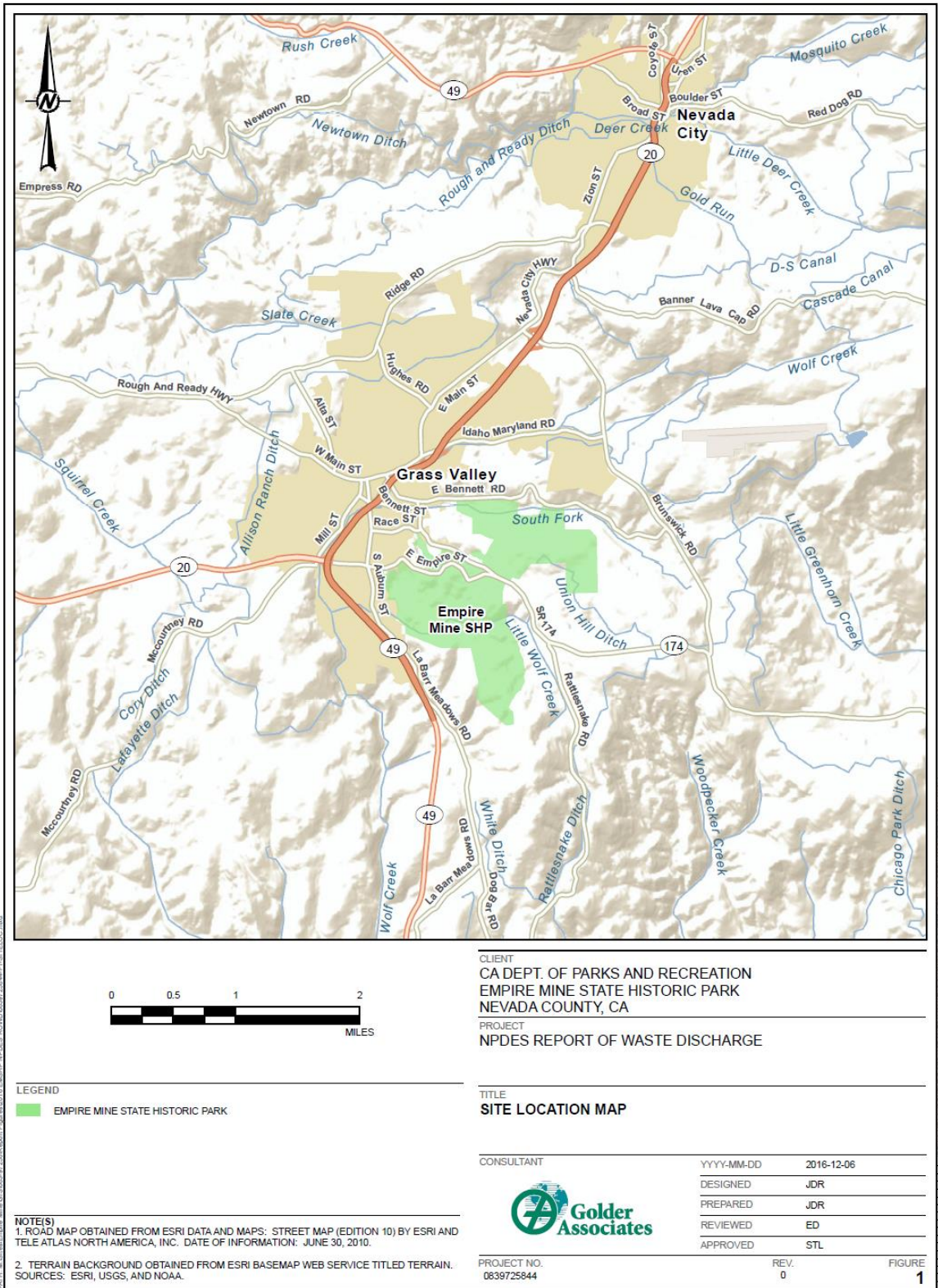
***Original Signed by Adam Laputz for***

Pamela C. Creedon  
Executive Officer

Enclosures: Attachment A – Facility Location Map (Discharger only)  
Attachment B – Rationale for Effluent Limitations and Monitoring (Discharger only)  
Attachment C – Monitoring Report Transmittal Form (Discharger only)  
General Order R5-2016-0076 (Discharger only)

cc: David Smith, U.S. EPA, Region IX, San Francisco (email only)  
Division of Water Quality, State Water Board, Sacramento (email only)

ATTACHMENT A – FACILITY LOCATION MAP



## ATTACHMENT B – RATIONALE FOR EFFLUENT LIMITATIONS AND MONITORING

### 1. Satisfaction of Anti-Backsliding Requirements

The CWA specifies that a revised permit may not include effluent limitations that are less stringent than the previous permit unless a less stringent limitation is justified based on exceptions to the anti-backsliding provisions contained in CWA sections 402(o) or 303(d)(4), or, where applicable, 40 C.F.R. section 122.44(l).

The effluent limitations in this NOA are at least as stringent as the effluent limitations in the previous Order, with the exception of effluent limitations for color, turbidity, and dissolved oxygen. The effluent limitations for these pollutants are less stringent than those in Order R5-2012-0050. This relaxation of effluent limitations is consistent with the anti-backsliding requirements of the CWA and federal regulations.

- a. **CWA section 402(o)(1) and 303(d)(4).** CWA section 402(o)(1) prohibits the establishment of less stringent water quality-based effluent limits “*except in compliance with Section 303(d)(4).*” CWA section 303(d)(4) has two parts: paragraph (A) which applies to nonattainment waters and paragraph (B) which applies to attainment waters.
  - i. For waters where standards are not attained, CWA section 304(d)(4)(A) specifies that any effluent limit based on a TMDL or other WLA may be revised only if the cumulative effect of all such revised effluent limits based on such TMDL’s or WLAs will assure the attainment of such water quality standards.
  - ii. For attainment waters, CWA section 303(d)(4)(B) specifies that a limitation based on a water quality standard may be relaxed where the action is consistent with the antidegradation policy.

The Magenta Drain Channel is considered an attainment water for color, turbidity, and dissolved oxygen because the receiving water is not listed as impaired on the 303(d) list for this constituent.<sup>1</sup> As discussed below, removal of the effluent limits complies with federal and state antidegradation requirements. Thus, removal of the effluent limitations for color from Order R5-2012-0050 meets the exception in CWA section 303(d)(4)(B).

- b. **CWA section 402(o)(2).** CWA section 402(o)(2) provides several exceptions to the anti-backsliding regulations. CWA 402(o)(2)(B)(i) allows a renewed, reissued, or modified permit to contain a less stringent effluent limitation for a pollutant if information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance.

Updated information that was not available at the time Order R5-2012-0050 was issued indicates that color, dissolved oxygen, and turbidity do not exhibit reasonable potential to cause or contribute to an exceedance of water quality

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<sup>1</sup> “The exceptions in Section 303(d)(4) address both waters in attainment with water quality standards and those not in attainment, i.e. waters on the section 303(d) impaired waters list.” State Water Board Order WQ 2008-0006, Berry Petroleum Company, Poso Creek/McVan Facility.

objectives in the receiving water. Additionally, updated information that was not available at the time Order R5-2012-0050 was issued indicates that less stringent effluent limitations for color, turbidity, and dissolved oxygen based on available data satisfy requirements in CWA section 402(o)(2). The updated information that supports the relaxation of effluent limitations for these constituents includes the following:

- i. **Color and Turbidity.** The Facility is designed to remove iron and manganese, the main contributors to effluent color and turbidity. Effluent monitoring data collected between March 2014 and February 2017 indicates that color and turbidity in the discharge does not exhibit reasonable potential to cause or contribute to an exceedance of the respective Secondary MCL – Consumer Acceptance Limits.
- ii. **Dissolved Oxygen.** Order R5-2012-0050 required daily effluent monitoring for dissolved oxygen. Of 1095 samples collected between March 2014 and February 2017, one sample of 6 mg/L collected on 13 September 2015 was below the minimum Basin Plan water quality objective of 7.0 mg/L. The flow rate on this date was 0.04 MGD, which was the last day of the lowest sustained flowrate for the year. This event occurred during a significant drought year resulting in the reduction in dissolved oxygen from stagnation in the treatment system; therefore, this sampling event is not representative of the effluent. However, as the flowrate increased on the next day, dissolved oxygen again returned to greater than 7.0 mg/L. The remaining effluent monitoring data collected between March 2014 and February 2017 indicates that dissolved oxygen in the discharge does not exhibit reasonable potential to cause or contribute to exceedance below the minimum water quality objective specified in the Basin Plan dissolved oxygen.

Thus, removal of the effluent limitations for color, turbidity, and dissolved oxygen from NOA R5-2016-0076-005 is in accordance with CWA section 402(o)(2)(B)(i), which allows for the removal of effluent limitations based on information that was not available at the time previous Order R5-2012-0050 was issued.

## 2. Antidegradation Policies

This NOA does not allow for an increase in flow or mass of pollutants to the receiving water. Therefore, a complete antidegradation analysis is not necessary. The NOA requires compliance with applicable federal technology-based standards and with WQBEL's where the discharge could have the reasonable potential to cause or contribute to an exceedance of water quality standards. The permitted surface water discharge is consistent with the antidegradation provisions of 40 C.F.R. section 131.12 and State Water Board Resolution No. 68-16. Compliance with these requirements will result in the use of best practicable treatment or control of the discharge. The impact on existing water quality will be insignificant.

This NOA removes effluent limitations for color, turbidity, and dissolved oxygen based on updated monitoring data demonstrating that the effluent does not cause or contribute to an exceedance of the applicable water quality criteria or objectives in the receiving water. The removal of WQBEL's for these parameters will not result in an increase in pollutant concentration or loading, a decrease in the level of treatment or control, or a reduction of water quality. Therefore the Central Valley Water Board finds

that the removal of effluent limitations does not result in an increase in pollutants or any additional degradation of the receiving water. Thus, the removal of effluent limitations is consistent with the antidegradation provisions of 40 C.F.R. section 131.12 and State Water Board Resolution No. 68-16.

## **II. RATIONALE FOR EFFLUENT MONITORING**

### **1. Effluent Monitoring**

- i. Pursuant to the requirements of 40 C.F.R. section 122.44(i)(2) effluent monitoring is required for all constituents with effluent limitations. Effluent monitoring is necessary to assess compliance with effluent limitations, assess the effectiveness of the treatment process, and to assess the impacts of the discharge on the receiving stream and groundwater.
- ii. Effluent monitoring frequencies and sample types for arsenic, iron, and manganese (1/month) have been retained from Order R5-2012-0050 to determine compliance with effluent limitations for these parameters.
- iii. Monitoring data collected over the previous permit term for aluminum, antimony, barium, cadmium, chromium III total chromium, chrysene, cobalt, color, copper, lead, mercury, methylmercury, nickel, thallium, total dissolved solids, total suspended solids, vanadium, and zinc did not demonstrate reasonable potential to exceed water quality objectives/criteria. Thus, specific monitoring requirements for these parameters have not been retained from Order No. R5-2012-0050.
- iv. Order R5-2012-0050 required monitoring for dissolved oxygen and hardness. This NOA reduces the monitoring frequency for dissolved oxygen and hardness to once per week and once per month, respectively, since the discharger has demonstrated compliance with applicable water quality objectives.



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Central Valley Regional Water Quality Control Board**

Date: \_\_\_\_\_

Attention: NPDES Compliance/Enforcement Unit  
[centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov)

Discharger: CA Department of Parks and Recreation  
Name of Facility: Empire Mine State Historic Park  
WDRs Order Number: R5-2016-0076-005  
County: Nevada County  
CIWQS Place ID#: 222733

I am hereby submitting to the Central Valley Water Board the following self-monitoring report:

1<sup>st</sup> / 2<sup>nd</sup> / 3<sup>rd</sup> / 4<sup>th</sup> **(circle one)** Quarterly Monitoring Report for the year of 20\_\_\_\_\_.

**Please check the appropriate box below:**

- A discharge to waters of the United States occurred during this monitoring period.
- There were no discharges to waters of the United States during this monitoring period.

**Violation Notification**

During the monitoring period, there were / were not **(circle one)** any violations of the WDR's.

1. The violations were:
  
2. Have the violations been corrected? Yes / No. If no, what will be done to correct the violations:

**Certification Statement**

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Daniel Millsap  
Project Manager  
Empire Mine State Historic Park

- 15 -

22 May 2017

bc:

XXX/xxx  
xdate  
document5  
ECM#