

Central Valley Regional Water Quality Control Board

20 June 2016

Michael M. Miller
President
Original Sixteen to One Mine, Inc.
P.O. Box 909
Alleghany, CA 95910

REVISED SELF-MONITORING REPORT REVIEW AND NOTICE OF VIOLATION, ORIGINAL SIXTEEN TO ONE MINE, INC, SIXTEEN TO ONE MINE, SIERRA COUNTY

The Original Sixteen to One Mine (Facility) is owned by Original Sixteen to One Mine, Inc. (Discharger) and is regulated by Waste Discharge Requirements (WDRs) Order R5-2015-0002 and Time Schedule Order (TSO) R5-2015-0035. The Monitoring and Reporting Program (MRP) of the WDRs requires monitoring for constituents and other parameters, and specifies the location and frequency of monitoring. Central Valley Water Board staff reviewed the self-monitoring reports (SMRs) submitted by the Discharger for the **Fourth Quarter 2015** monitoring period and issued a NOV on 16 February 2016. Unfortunately, Board staff overlooked six violations and therefore, this NOV rescinds the 16 February 2016 NOV. In addition, the review period under cover of this letter has been extended through the **First Quarter 2016**.

The re-review of the eSMRs identified the following violations:

Reporting Violations

The Discharger is not submitting a cover letter and certification with the SMRs. The Discharger is required to submit a cover letter and certification with each SMR in accordance with the WDRs. Not submitting a cover letter and certification violates the requirements of the WDRs as follows:

1. MRP section X.B.6.b states "*The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the WDR's; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.*"
2. Section V.B.5 states in part "*Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above shall make the following certification:*"

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision..."

Table A. Deficient SMR Reporting

PERIOD	Missing Requirement	CIWQS
2 nd Quarter 2015	Cover Letter and Certification	1008799
3 rd Quarter 2015	Cover Letter and Certification	
4 th Quarter 2015	Cover Letter and Certification	
1 st Quarter 2016	Cover Letter and Certification	

Late Reporting Violations

The Discharger failed to submit the required monitoring reports shown in Table B on time. Failure to monitor and submit a complete monitoring report potentially subjects the Discharger to discretionary penalties of \$1,000 per day late or incomplete, plus mandatory minimum penalties.

Please note per Water Code section 13385.1, if a monitoring report was not submitted on time and there was a discharge during the monitoring period, the Discharger is subject to one \$3,000 mandatory minimum penalty for every 30-day period that the report was late.

Table B. Deficient SMR Reporting

SMR Reporting Period	Due Date	No. of 30 Day Periods Late	No. of Days Late	CIWQS
2 nd Q2015	8/1/2015	0	7	1006418
3 rd Q2015	11/1/2015	0	4	1006419
4 th Q2015	2/1/2016	0	1	1006421

Effluent Limitation Violations

The Discharger violated the effluent limitations for Total Suspended Solids (TSS) contained in the WDRs, as shown in Table C. These violations may be subject to MMPs. A final determination will be made at a later date.

Table C. Effluent Limitation Violations

Date	Parameter	Units	Effluent Limitation	Measured	Period	CIWQS
4 th Q2015	Total Suspended Solids	mg/L	30	41	Daily Maximum	1003210
4 th Q2015	Total Suspended Solids	mg/L	20	41	Average Monthly	1003251

Effluent Limitation Violations Not In Compliance with TSOs

The Discharger violated the interim effluent limitations for electrical conductivity (EC), antimony, cadmium, iron, and arsenic contained in TSO R5-2015-0035; therefore, protection from mandatory minimum penalties (MMPs) was lost, and the reported values must be compared against the effluent limitations contained in the WDRs, as shown in Table D. These violations potentially subject the Discharger to MMPs. A final determination will be made at a later date.

Table D. Effluent Limitation Violations Not In Compliance with TSO

Date	Parameter	Units	TSO Limit	WDRs Limit	Measured	Period	CIWQS
4 th Q2015	Electrical Conductivity	µmhos/cm	1426	900 ⁽¹⁾	1440	Average Monthly	1008345

Date	Parameter	Units	TSO Limit	WDRs Limit	Measured	Period	CIWQS
4 th Q2015	Antimony	µg/L	35	6	41.1	Average Monthly	1008346
4 th Q2015	Cadmium	µg/L	30	0.85	30.2	Average Monthly	1008347
4 th Q2015	Iron	µg/L	2100	300 ⁽¹⁾	3050	Average Monthly	1008349
4 th Q2015	Iron	µg/L	2500	300 ⁽¹⁾	3050	Daily Maximum	1008350
4 th Q2015	Arsenic	µg/L	700	10	883	Average Monthly	1008352

⁽¹⁾ WDRs effluent limit is based on an annual average.

Effluent Limitation Violations in Compliance with TSO

The Discharger violated the effluent limitations for antimony, arsenic, cadmium, lead, and nickel as listed in Table E. However, the Discharger was in compliance with the interim limits contained in the TSO. These violations appear not to be subject to MMPs.

Table E. Violations Exceeding Effluent Limitations Not Likely Subject to MMPs (within TSO Limitations)

Date	Monitoring Location	Parameter	Units	WDRs Limit	TSO Limit	Measured	Period	CIWQS
4 th Q2015	EFF-001	Antimony	µg/L	12	50	41.1	Daily Maximum	1003211
4 th Q2015	EFF-001	Arsenic	µg/L	20	1000	883	Daily Maximum	1003212
4 th Q2015	EFF-001	Cadmium	µg/L	1.7	50	30.2	Daily Maximum	1003213
4 th Q2015	EFF-001	Lead	µg/L	1.8	15	3.6	Daily Maximum	1003214
4 th Q2015	EFF-001	Nickel	µg/L	43	200	126	Daily Maximum	1003215
1 st Q2016	EFF-001	Arsenic	µg/L	20	1000	630	Daily Maximum	1007875
1 st Q2016	EFF-001	Nickel	µg/L	43	200	82	Daily Maximum	1007876

Delinquent Reports under WDRs

Board Staff issued a Notice of Violation (NOV) on 22 June 2015 requiring the submittal of two delinquent reports. In response to the NOV the Discharger submitted a *Mining Waste Pile Characterization Study Workplan and Time Schedule* on 12 April 2016; however, Board Staff determined it was materially deficient and does not meet requirements of the WDRs. A separate letter will be issued discussing the requirements of the Workplan and Schedule. To date, the Discharger has failed to submit the *TRE Workplan, RL, MDL, and Methods Report, and Pollutant Minimization Program Annual Status Report* as shown in Table F.

The discharger is in violation of Water Code section 13267 for failure to report in accordance with the WDRs and our next step is to recommend that civil liabilities (i.e. monetary penalties) be assessed against Original Sixteen to One Mine, Inc.

As of 20 June 2016, the maximum liability for delinquent reports under the WDRs R5-2015-0002 is \$1,303,000 as shown listed below.

Table F. Potential Maximum Liability Non submittals under WDRs

Due Date	Report	Liability Assessment Date	Days Late	Maximum Liability	Item Status
6/1/2015	Mining Waste Pile Characterization Study Workplan and Time Schedule	6/20/2016	384	\$384,000	Materially Deficient

Due Date	Report	Liability Assessment Date	Days Late	Maximum Liability	Item Status
7/15/2015	TRE Workplan	6/20/2016	340	\$340,000	Delinquent
4/6/2015	RL, MDL, and Methods Report	6/20/2016	440	\$440,000	Delinquent
2/1/2016	Pollutant Minimization Program Annual Status Report	6/20/2016	139	\$139,000	Delinquent
				Total Liability	\$1,303,000

The Discharger's next deliverable under the WDRs is a *Mining Waste Pile Characterization Report*, which is due 1 September 2016.

Delinquent Reports under TSO

In addition to the delinquent reports required by the WDRs, the Discharger has failed to submit a *Progress Report* required by the TSO to ensure compliance with the final effluent limitations for arsenic, electrical conductivity, antimony, cadmium, copper, iron, lead, manganese, and nickel contained in the WDRs. This *Progress Report* was due 31 January 2016 and shall detail the steps taken to comply with the TSO, including documentation showing completion of tasks, construction progress, evaluation of the effectiveness of the implemented measures, and assessment of whether additional measures are necessary to meet the compliance dates.

The discharger is in violation of Water Code section 13267 for failure to report in accordance with the TSO and our next step is to recommend that civil liabilities (i.e. monetary penalties) be assessed against Original Sixteen to One Mine, Inc.

As of 20 June 2016, **the maximum liability for delinquent reports under TSO R5-2015-0035 is \$140,000** as shown listed below.

Table G. Potential Maximum Liability Non Submittals under TSO

Due Date	Report	Liability Assessment Date	Days Late	Maximum Liability	Item Status
1/31/2016	Progress Report	6/20/2016	140	\$140,000	Delinquent
				Total Liability	\$140,000

The Discharger's next deliverable under the TSO is *Documentation that a treatment alternative has been selected*, which is due 31 March 2017.

Action Items

Please submit the missing reports outlined in Tables F and G forthwith to avoid accruing additional penalties. Be advised that continued failure to comply fully with reporting requirements may result in staff recommending additional enforcement, which may include the issuance of an additional administrative civil liability complaint of up to \$1,000 per day for late or

inadequate reports. **Currently, the total maximum liability for delinquent reports under the WDRs and TSO is \$1,443,000.**

If you have questions or would like to meet to discuss the violations noted in this letter, please contact me at (916) 464-4835 or wendy.wyels@waterboards.ca.gov.



WENDY WYELS, Supervisor
Compliance and Enforcement Section

cc: Lori Okun, Office of Chief Counsel, State Water Resources Control Board, Sacramento
Jeffrey Reusch, Deputy Attorney General, CA Department of Justice, Office of the Attorney General