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## Central Valley Regional Water Quality Control Board

**To:** Kari Holmes, Senior WRCE Compliance and Enforcement

**From:** Ayda Soltani, WRCE, NPDES Compliance and Enforcement

**Date:** 27 March 2017

**Re:** Original Sixteen to One Mine Meeting Summary

On 27 March 2017, Central Valley Water Board staff (Andrew Altevogt, Wendy Wyels, Ayda Soltani, Kari Holmes), and Office of Enforcement counsel Susie Loscutt met with the Original Sixteen to One Mine, Inc.'s (Discharger's) president, Michael Miller, and pro bono consultant, Robert Campbell (M.S., P.G., C.E.G., Q.S.D., owner of GeoSolve Inc.) regarding the status of compliance for the Sixteen to One Mine's Waste Discharge Requirements (WDRs) Order R5-2015-0002 and Time Schedule Order (TSO) R5-2015-0035.

The following is a summary of the meeting:

The Prosecution Team had issued an ACL Complaint and subpoena for financial information after the meeting was originally offered to Mr. Miller. In an effort to clarify if Mr. Miller believed this to be a confidential settlement meeting, Mr. Miller was asked his understanding of the purpose of the meeting, and whether he was intending to resolve the allegations in the ACL Complaint at the meeting. Mr. Miller stated that his intent was to explain how he was going to resolve the problems at the mine. Based on this response, it was understood that the meeting was not a confidential settlement meeting.

Mr. Miller informed Board staff about the history of the Original Sixteen to One Mine as well as his plans to work with Robert Campbell to bring the Facility into compliance with its WDRs and TSO. Mr. Miller explained that milling operations of the mine ceased in 1978 and at that time had over 60 employees. Mr. Miller stated that the mine currently has six employees and over 1,600 shareholders. Board Staff explained to both Mr. Campbell and Mr. Miller that the Discharger has a long history of not complying with permitting requirements, has not submitted multiple technical reports, and there have been no technical documents submitted to date that would indicate the Discharger is working on a project to comply with the effluent limits in the WDRs. Mr. Miller described his past efforts in treating the wastewater from the mine by using metal shavings, but unfortunately that particular treatment alternative caused the Facility's discharge to exceed the iron limits in the WDRs. Mr. Campbell discussed his plans to bring the Facility into compliance by installing a passive microfiltration system composed of finely crushed crab shells. Mr. Campbell told Board staff that he tested the water quality before and after the crushed crab shell filtration and the results were favorable for removal of arsenic and potentially other metals. Mr. Miller informed Board staff that he has attempted to communicate with Ms. Nichole Morgan in the permitting section about changing the permit's requirements, but Mr. Miller indicated Ms. Morgan had not responded to his correspondence yet.

Board staff emphasized that Mr. Miller and his consultant need to install and test the proposed treatment system. The system designer will be visiting the mine site within two weeks and then

will design the filtration system. Mr. Miller committed to having the system in place by the end of April. The system will need to be “refreshed” every three months.

Board staff agreed to postpone the hearing on the ACL Complaint from June to a later Board meeting if Mr. Miller submits the 90-Day Hearing Waiver Form. (This has now been submitted). During the delay, Mr. Miller will submit the outstanding reports and install the proposed treatment system. Mr. Campbell stated he would take on the Discharger as a pro bono client and help him come into compliance with the WDRs and TSO.

Board staff reminded Mr. Miller that a subpoena package was mailed on 13 March 2017 and that a response was due no later than 12 April 2017. Staff also handed Mr. Miller a copy of the subpoena.

The following actions were agreed to:

- Kari Holmes to email Robert Campbell the NPDES permit, TSO, ACL R5-2017-0515, Mining Waste Pile Workplan review letter, and a list of all of the outstanding technical reports. This has been completed.
- Robert Campbell needs to provide an email response with proposed dates for submitting each of the outstanding technical reports. This email is to be submitted by the end of April.
- Mr. Miller needs to submit a 90-Day Hearing Waiver Form by 10 April 2017 to delay the MMPs and discretionary penalties to another Board hearing. (Submitted).
- The Discharger agreed to startup the passive filtration treatment by the end of April 2017 and submits the outstanding technical reports required by the WDRs and TSO.