Central Valley Regional Water Quality Control Board
13/14 October 2022 Board Meeting

Response to Comments
for the
Department of Parks and Recreation
Malakoff Diggins State Historic Park
Tentative Time Schedule Order Amendment

The following are Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff responses to comments submitted by interested persons and parties regarding the tentative Time Schedule Order (TSO) amendment for National Pollutant Discharge Elimination System (NPDES) Permit CA0085332, TSO R5-2017-0087, for the Department of Parks and Recreation (Discharger), Malakoff Diggins State Historic Park (Park) discharge to Humbug Creek.

The tentative TSO amendment was issued for a 30-day public comment period on 5 August 2022 with comments due by 5 September 2022. The Central Valley Water Board received public comments regarding the tentative Permit by the due date from the Discharger. Changes were made to the proposed TSO amendment based on public comments received.

The submitted comments were accepted into the record, and are summarized below, followed by Central Valley Water Board staff responses.

DISCHARGER COMMENTS

1. **Discharge Description, Finding 1**
   The Discharger requests that the description of the discharge in the first Finding be revised to be consistent with the discharge description in the Notice of Public Hearing.

   RESPONSE: Central Valley Water Board Staff concur and the discharge description has been modified as shown below:

   1. Department of Parks and Recreation (Discharger), owns and operates the Malakoff Diggins State Historic Park (Park). The Park includes the remnants of a former hydraulic mine, including a large pit, the pit walls, spoils piles, a pond, and a short tunnel that discharges stormwater to Humbug Creek via Diggins Creek. Humbug Creek is a tributary of the South Yuba River; both are waters of the United States.

2. **Confirmation of Financial Resource Commitment for Selected BMPs, Finding 5**
   The Discharger submitted the *Confirmation of financial resource commitment for selected BMPs* as required by Order R5-2017-0086 and TSO R5-2017-0087 on 15 November 2021 and requests the TSO amendment reflect this.

RESPONSE: Central Valley Water Board Staff concur and have modified the TSO amendment as shown below:

5. The Discharger has submitted items “a” through “f” from Finding 4 above. Items “e” and “f” are awaiting Executive Officer approval.

3. Typographical Changes, Finding 6

The Discharger is requesting to revise Finding 6.

RESPONSE: Central Valley Water Board Staff concur that language needs to be revised and have modified the TSO amendment as shown below:

6. On 20 July 2022, the Discharger requested to have a similar compliance schedule in TSO R5-2017-0087 for copper, mercury, and nickel to the compliance schedule in Order R5-2017-0086 for manganese and pH. Both compliance schedules are designed to develop and implement best management practices, collect additional monitoring data, and evaluate, construct and monitor treatment and/or controls. Both compliance schedules are designed to develop and implement best management practices, collect additional monitoring data, and evaluate, construct and monitor treatment and/or controls. TSOs generally may only provide protection from MMPs for up to five years. However, Water Code section 13385, subdivision (j)(3)(C)(ii)(II), authorizes the 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.

4. Flocculant and Soil Stabilizer, Finding 9

The Discharger has communicated with Central Valley Water Board staff regarding the use of flocculant and soil stabilizers as additional BMPs. The Discharger has mentioned that the flocculant and soil stabilizer use will be reevaluated after the primary BMPs have been installed and requests that the TSO reference the additional BMPs as “If needed”.

RESPONSE: Central Valley Water Board Staff concur that language needs to be revised and have modified the TSO amendment as shown below:

9. This Order amends the compliance schedule in TSO R5-2017-0087 to extend the due dates for the technical report documenting implementation of BMPs and technical report assessing mitigation and/or control alternatives and a time schedule for implementation of the selected alternatives to achieve compliance with final effluent limitations. This Order also extends the final compliance date for the effluent limitations for copper, mercury, and nickel also extended to XX October 2027 because the Discharger cannot currently consistently comply with final copper, mercury, and nickel effluent limitations. To address the issue, the following BMPs are proposed for deployment at the Park:

- Brush barriers and a grade control structure to capture and retain gravel and sand in the eastern portion of the Pit,
- An Interceptor and diversion swale in the south-central portion of the Pit to redirect flows from the eastern portion of the Pit away from the Hiller Tunnel and to the northwest into the Pit lake to allow for additional fine sediment settling, and
- Enhancement of the Pit lake to increase its sediment settling capacity with construction of a soldier pile wall to manage water discharge to the Hiller Tunnel.
- If needed, deployment of anionic polyacrylamide flocculant in a solid form in certain channels within the Pit may also be considered.
- If needed, deployment of synthetic vinyl copolymer soil stabilizer upgradient of the grade control structure and on alluvial fan deposits within the Pit may also be considered to reduce erosion in these areas.

5. **Flocculant and Soil Stabilizer, Board Action Item 6, Finding 8**
   Similar to the previous comment, the Discharger requests that the amended TSO include the potential deployment of flocculant and soil stabilizer.

   RESPONSE: Central Valley Water Board Staff concur and have added subsection d and e to Board Action Item 6, Finding 8 in the TSO amendment as shown below:

   d. Deployment of anionic polyacrylamide flocculant in a solid form in certain channels within the Pit may also be considered to improve settling of fine particles.
   e. Deployment of synthetic vinyl copolymer soil stabilizer upgradient of the grade control structure and on alluvial fan deposits within the Pit may also be considered to reduce erosion in these areas.