

SUCTION DREDGE MINING WORKSHOP

State Water Resources Control Board



Facilitated by:
Gita Kapahi

OVERVIEW

- 1) About the State and Regional Water Boards
- 2) Why we are here
- 3) Historic regulatory framework
- 4) Proposed regulatory framework
- 5) Potential Water Boards' regulatory actions
- 6) Items the Water Boards have no jurisdiction over



OVERVIEW

- 7) Next steps
- 8) Schedule
- 9) Program contacts and resources



3

ABOUT THE WATER BOARDS

- State Water Resources Control Board
 - Statewide Policies and Permits
- Nine (9) Regional Water Quality Control Boards
 - Regional Policies and Permits
- Authority
 - Porter-Cologne Water Quality Control Act
 - Clean Water Act



MISSION STATEMENT:

To preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.

4

WHY WE ARE HERE

Senate Bill 637

- Authorizes California Department of Fish and Wildlife to issue permits for suction dredge mining operations
 - A complete Department of Fish and Wildlife permit application must include:
 - A Water Board permit, or
 - A letter from the Water Board stating no permit is needed (if there is no discharge that could affect water quality)



5

WHY WE ARE HERE

Senate Bill 637 (continued)

- Directs Water Boards to hold public workshops before taking action in:
 - Fresno
 - Redding
 - Sacramento
 - San Bernardino



- Additional workshop added in Orleans



6

WHY WE ARE HERE

Senate Bill 637 (continued)

- Authorizes Water Boards to consider issuing:
 - Individual permits
 - A statewide general permit
 - Prohibitions
 - Letter stating no permit is needed



7

HISTORIC REGULATORY FRAMEWORK

- 1961 to 1995 and 2000 to 2009
 - Suction dredge miners required to obtain Department of Fish & Wildlife permit



8

HISTORIC REGULATORY FRAMEWORK

➤ 1995 to 2000

- Suction dredge miners required to:
 - Obtain Department of Fish and Wildlife permit
 - Comply with Army Corps of Engineers general permit
- Army Corps' general permit triggered need for Water Board water quality certification
- State Water Board issued water quality certification for Army Corps' general permit



9

HISTORIC REGULATORY FRAMEWORK

➤ 2009 to Present

- A statewide moratorium on suction dredge mining



10

PROPOSED REGULATORY FRAMEWORK

- The State Water Board to determine under what conditions, if any, a permit can be issued
- Department of Fish & Wildlife to remain as permitting authority and issue suction dredge permits
 - A complete suction dredge permit application will require:
 - A State Water Board permit, or
 - A letter from the State Water Board stating no permit is required



11

POTENTIAL WATER BOARDS' REGULATORY ACTIONS

Objectives:

- **Ensure compliance with beneficial uses and water quality standards**
- **Minimize and mitigate water quality impacts from suction dredge mining activities, if needed**



12

POTENTIAL WATER BOARDS' REGULATORY ACTIONS

- Individual Permits issued by Regional Water Boards
 - Specific requirements for each suction dredge mining operation
- Statewide General Permit issued by the State Water Board
 - Same requirements for all similar suction dredge mining operations
- Prohibitions–Time & Place, Equipment, etc.
- Combination of the above options



13

POTENTIAL WATER BOARDS' REGULATORY ACTIONS

Prohibition options range from:

- Prohibition of dredging in certain impaired water bodies
 - Including waters with elevated fish and invertebrate tissue mercury levels
- Prohibition of dredging a distance upstream of an impaired section of water body



14

POTENTIAL WATER BOARDS' REGULATORY ACTIONS

Prohibition options range from (continued):

- Prohibition of dredging a distance upstream of a water intake
- Prohibition of dredging a specified distance from Native American Tribal land boundaries
- Prohibition of use of specific suction dredge mining equipment or methods of using such equipment
- Other options?



15

POTENTIAL WATER BOARDS' REGULATORY ACTIONS

Permitting options may include:

- Requiring implementation of best management practices
- Requiring water quality monitoring and/or studies
- Requiring reporting and/or record keeping



16

ITEMS THE WATER BOARDS HAVE NO JURISDICTION OVER



- Changes to Senate Bill 637
- The definition of suction dredge mining
- Changes to Department of Fish and Wildlife suction dredge mining regulations



17

ITEMS THE WATER BOARDS HAVE NO JURISDICTION OVER

- Federal laws or other considerations related to mining rights
- Prior case law and ongoing litigation related to suction dredge mining activities



18

NEXT STEPS

- Water Boards to complete review of scientific literature on water quality effects of suction dredge mining with focus on effects to
 - Turbidity and suspended sediment
 - Mercury loading to downstream reaches of surface water bodies
 - Methylmercury formation in water bodies
 - Bioaccumulation of mercury in aquatic organisms
 - Resuspension of metals



19

NEXT STEPS

- Water Board staff to propose regulatory action for Water Board consideration
- Staff to Public Notice proposed regulatory action, collect public comments, and publish response to comments document
- Water Board Workshop
- Water Board adoption hearing



20

SCHEDULE

Project Timeline

California
Senate Bill 637
Effective Date

Public Staff
Workshops
(January-February)

Public Comment
Period and
Hearing on a
Proposed Action

State Water Board
Hearing and
Consideration of a
Proposed Action



21

STATE WATER BOARD PROGRAM CONTACTS AND RESOURCES

Russell Norman, P.E.
Division of Water Quality
russell.norman@waterboards.ca.gov
(916) 323-5598



Suction Dredge Mining Web Page:

http://www.waterboards.ca.gov/water_issues/programs/npdes/suction_dredge_mining.shtml

List Serve Sign-Up:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml

Select: "Water Quality" and the "Suction Dredge Mining" Lyris List to receive email notifications

Slide 22