

SUMMARY OF WATER QUALITY ORDER

ORDER NO.	WQ 2009-0015
DATE ADOPTED	November 17, 2009
PETITION TITLE	CALIFORNIA SPORTFISHING PROTECTION ALLIANCE (WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2008-0104 [NPDES ORDER NO. CA0085286] FOR THE SOPER COMPANY SPANISH MINE, NEVADA COUNTY)
POPULAR NAME <i>[if applicable]</i>	
REGIONAL BOARD	Central Valley Regional Water Quality Control Board
FILE NO[S]	SWRCB/OCC File A-1948

PRECEDENTIAL DECISION

This order concerns the NPDES permit for the inactive Spanish Mine, owned by the Soper Company. Soper obtained the property in 1996 for its timber value and has not conducted any mining operations. Acid mine drainage (AMD) originates from the infiltration of precipitation into the subsurface, where it collects in the underground workings and discharges from two point sources. At the time the Permit was issued, there were no treatment systems or other controls in place for the AMD. The AMD contains metals in concentrations substantially above water quality objectives. The Permit requires Soper to implement best management practices (BMPs) to reduce the quantity of AMD discharged from the adit portals and to develop treatment systems, as necessary, to reduce the concentrations of metals in the AMD. It does not contain numeric effluent limitations (NELs) for the constituents in the AMD.

The order concludes that the permit improperly includes only BMPs for the discharge of priority pollutants when the State Water Resources Control Board's *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP) requires NELs. The order concludes that the permit must include NELs for priority pollutants, or that the Central Valley Water Board must apply for a case-by-case exception to the SIP. The order upholds the use of BMPs in lieu of NELs for non-priority pollutants, because the Central Valley Water Board properly determined that NELs were infeasible pursuant to federal regulations. Finally, the order requires a mixing zone analysis be conducted before any dilution credit is granted, not after.