

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – CENTRAL VALLEY REGIONAL WATER BOARD
JANUARY 20, 2015**

ITEM 4

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SACRAMENTO AND SAN JOAQUIN RIVER BASINS TO PROVIDE A GROUNDWATER REGULATORY FRAMEWORK TOWARDS CLOSURE OF THE ROYAL MOUNTAIN KING MINE SITE, CALAVERAS COUNTY

DISCUSSION

On March 28, 2014, the Central Valley Regional Water Quality Control Board (“Central Valley Water Board”) adopted [Resolution R5-2014-0047](#) approving an Amendment to the Water Quality Control Plan for the Sacramento and San Joaquin River Basins (the “Amendment”) to provide a groundwater regulatory program towards closure of the Royal Mountain King Mine (“RMKM”) Site.

RMKM was mined for gold from 1989 to 1994 and was regulated by Waste Discharge Requirements (“WDRs”) issued by the Central Valley Water Board. Under these WDRs, large waste management units were built at the RMKM Site to contain the waste generated during gold mining operations. The Central Valley Water Board did not require that these waste management units be constructed with covers or liners, since, at the time, the mining waste was not considered a significant threat to water quality (the primary constituents of concern were sulfate and TDS). In 2001, the Central Valley Water Board reconsidered the applicable regulatory requirements, and found that the waste management units at the RMKM Site could, in fact, threaten the underlying groundwater. As a result, the Central Valley Water Board issued WDRs and a Cease and Desist Order that required the owner of the RMKM Site (Meridian Beartrack Company or “Meridian”) to comply with significantly more stringent mine closure requirements. These orders mandated the installation of covers for the waste management units. Meridian petitioned the State Water Board to review these orders, arguing, in part, that the additional protections were unwarranted because the underlying groundwater was of poor quality due to the naturally-occurring geological conditions of the surrounding area.

In 2004, the State Water Board issued [WQO 2004-0007](#) (the “Remand Order”), which remanded the WDRs and the Cease and Desist Order to the Central Valley Water Board. The Remand Order instructed the Central Valley Water Board to pursue alternate compliance strategies, reasoning that the installation of an expensive cover and liner system to protect the poor quality groundwater at the RMKM Site was unwarranted. The State Water Board cited de-designation of the underlying groundwater as one alternate compliance strategy that the Central Valley Water Board should consider.

The Amendment, approved by Resolution R5-2014-0047, outlines a strategy for closing the RMKM Site. The Amendment requires the implementation of a groundwater management strategy, de-designates the municipal and domestic supply (“MUN”) and agricultural supply (“AGR”) groundwater beneficial uses in certain areas of the Site, and establishes groundwater variances for the industrial service supply (“IND”) and industrial process supply (“PRO”)

groundwater beneficial uses for certain constituents in those same areas. In Resolution R5-2014-0047, the Central Valley Water Board also requested that the State Water Board modify the Sources of Drinking Water Policy to establish a site-specific exception for groundwater beneath portions of RMKM as set forth in the Amendment.

The Central Valley Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "Substitute Environmental Documents" for the proposed Amendment, including the CEQA Checklist, the final Staff Report, and the responses to comments complies with the State Water Board's regulations for the implementation of CEQA, as set forth in the California Code of Regulations, title 23, sections 3775 through 3781. The State Water Board has reviewed the Substitute Environmental Documents for the Amendment and concurs with the Central Valley Water Board's findings and determinations that the Amendment would not have a significant adverse effect on the environment.

POLICY ISSUE

Should the State Water Board approve the Amendment to the Basin Plan to provide a groundwater regulatory program towards closure of the Royal Mountain King Mine Site?

FISCAL IMPACT

Central Valley Water Board and State Water Board staff work associated with this action will be addressed with existing and future budgeting resources.

REGIONAL WATER BOARD IMPACT

Approval of this Resolution will amend the Water Quality Control Plan for the Sacramento and San Joaquin River Basins.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the Amendment to the Basin Plan adopted under Central Valley Water Board Resolution No. R5-2014-0047.
2. Authorizes the Executive Director or designee to submit the Amendment adopted under Central Valley Water Board Resolution No. R5-2014-0047 as approved and the administrative record for this action to the Office of Administrative Law for approval.

State Water Board action on this item will assist the Water Boards in reaching Goals 2, 4, and 6 of the Strategic Plan Update: 2008-2012. In particular, approval of this item will assist in fulfilling Objective 2.1 to implement an integrated groundwater protection approach by 2012 to improve and protect groundwater in high-use basins that (a) evaluates and regulates activities that impact or have the potential to impact beneficial uses, (b) recognizes the effects of groundwater and surface water interactions on groundwater quality and quantity, and (c) encourages and facilitates local management of groundwater resources. This action also assists in fulfilling Objective 4.3 to achieve near-term priority Basin Plan amendment needs by collaborating in third party initiated processes that incorporate Water Board requirements and stakeholder interests and Objective 6.1 to target consistency improvements in process and policy for Water Board enforcement activities to promote compliance.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2015-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SACRAMENTO AND SAN JOAQUIN RIVER BASINS TO PROVIDE A GROUNDWATER REGULATORY FRAMEWORK TOWARDS CLOSURE OF THE ROYAL MOUNTAIN KING MINE SITE, CALAVERAS COUNTY

WHEREAS:

1. On March 28, 2014, the Regional Water Quality Control Board for the Central Valley Region ("Central Valley Water Board") adopted [Resolution R5-2014-0047](#) approving an Amendment to the Water Quality Control Plan for the Sacramento and San Joaquin River Basins (the "Basin Plan Amendment") to provide a groundwater regulatory program towards closure of the Royal Mountain King Mine Site.
2. The Central Valley Water Board found that the analysis contained in the California Environmental Quality Act ("CEQA") "Substitute Environmental Documents" for the proposed Basin Plan Amendment, including the CEQA Checklist, the final Staff Report, and the responses to comments, complies with the State Water Board's regulations for the implementation of CEQA, as set forth in the California Code of Regulations, title 23, sections 3775 through 3781. The State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan Amendment and concurs with the Central Valley Water Board's findings and determinations that the Basin Plan Amendment would not have a significant adverse effect on the environment.
3. The Central Valley Water Board also adopted the Basin Plan Amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
4. The Central Valley Water Board found the Basin Plan Amendment was consistent with the Statement of Policy with Respect to Maintaining High Quality of Waters in California (State Water Board [Resolution 68-16](#)) and the federal Antidegradation Policy (40 CFR §131.12).
5. The State Water Board finds that the Basin Plan Amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans, section 13242, which requires a program of implementation for achieving water quality objectives, and section 13141, which requires an estimate of the total cost of the implementation of an agricultural water quality control program, along with an identification of potential sources of funding.
6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law ("OAL").

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Amendment to the Basin Plan adopted under Central Valley Water Board Resolution R5-2014-0047.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan Amendment adopted under Central Valley Water Board Resolution R5-2014-0047 to OAL.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 20, 2015.

Jeanine Townsend
Clerk to the Board