CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2013-XXX

WASTE DISCHARGE REQUIREMENTS
FOR
MELBOURNE ALLENBAUGH AND STEVE ALLENBAUGH,
AND
UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE
MAYFLOWER MINE
SIERRA COUNTY

The California Regional Water Control Board, Central Valley Region ("Central Valley Water Board" or "Board") finds that:

1. Melbourne Allenbaugh and Steve Allenbaugh, and the United States Department of Agriculture, Forest Service (Forest Service) are the Dischargers at the Mayflower Mine, Sierra County. Melbourne Allenbaugh and Steve Allenbaugh are the mine claimants and operators and therefore have primary responsibility for compliance with these waste discharge requirements (WDRs), including day-to-day operations, monitoring, and closure and post-closure maintenance. The Forest Service is the administrator of the public lands where the discharge occurs, and is ultimately responsible for ensuring compliance with these WDRs and therefore is also named as a Discharger. For the purposes of these WDRs, unless otherwise noted, the term "Discharger" refers to Melbourne Allenbaugh and Steve Allenbaugh.

2. On 5 November 2012, the Discharger submitted a report of waste discharge (ROWD) for the Mayflower I placer mining claim (the Facility). The Facility is a mining claim located on public lands owned by the United States Government and administered by the Forest Service.

SITE DESCRIPTION

3. The Facility is located along Kimberly Creek in Township 18 North, Range 10 East, Section 5, Mount Diablo Meridian (see Attachment A, which is incorporated herein and made part of this Order by reference). The Facility covers 20 acres of Section 5 and the elevation at the site is approximately 4,200 feet above mean sea level.

4. The Facility is a gold mine regulated by the Board under the authority of the Water Code and Title 27 of the California Code of Regulations ("Title 27"). No prior WDRs have been issued for the Facility.

5. The Facility is on public lands open to mineral acquisition under the General Mining Law of 1872. Locatable metallic minerals include gold, silver, lead, copper, zinc, nickel, etc. The Facility contains an existing underground placer gold mining operation. Forest Service documents indicate that the Facility was operated since at least the early 1980s. The primary commodity being mined is gold. No use of chemicals such as cyanide or mercury is proposed.

6. Authorization to enter National Forests for mineral development is provided by 16 U.S.C. 478. Mining at the site has been authorized under the Mining Laws governing locatable minerals on the North Yuba Ranger District, Tahoe National Forest, under 36 CFR 228A.

FOREST SERVICE REQUIREMENTS

7. The Forest Service requires a Plan of Operations from mining operators when mining activity is likely to cause a significant disturbance of surface resources, including surface waters. A Plan of Operations must be approved prior to the start of any work and must incorporate applicable best management practices (BMPs) for the protection of water-related beneficial uses and the control of discharges associated with mining activities.

8. The Forest Service also requires that all new Plans of Operations for mining operations on National Forest System lands comply with the Federal Water Pollution Control Act of 1972 (Clean Water Act or CWA), 33 U.S.C §§ 1251-1387 and the Porter-Cologne Water Quality Control Act, Chapter 4, Article 4 Section 13260 (a)(1). Where prospecting, or mining-related actions discharge, or have the potential to discharge wastes(s) into waters of the State, the operator is required by state law to file a report of waste discharge with the appropriate Regional Board. Such filing can result in the issuance of waste discharge requirements (WDRs) by the Regional Board. The WDRs become a mandatory provision of the Plan of Operations for mining activity, which is approved and administered by the Forest Service.

PROPOSED MINING OPERATION

9. Information in the ROWD has been used to develop these WDRs. The ROWD and supporting documents contain information related to construction, operations, and closure of the Facility.

10. All mining is performed underground where the placer gravels are extracted by means of an existing adit that extends several hundred feet under the buried tertiary channel below the andesite cap. The pay zone is typically found at the contact of the buried tertiary channel with the underlying serpentine bedrock.

11. Ore-bearing gravels are drilled and blasted, loaded into mine cars, pushed to the surface, dumped into the ore bin, and processed through the trommel. At this time, material for the trommel circuit is not crushed. Waste rock is dumped adjacent to the bin and subsequently transported by Bobcat loader to the tailings placement area.

12. The trommel below the ore bin separates the ore by gravity using water. The trommel is operated by a five-horsepower motor. Processing of the gold bearing material is performed by conventional washing, scrubbing, and gravity separation using water and screening. Gold is removed from the concentrates by physical separation. No use of chemicals such as cyanide or mercury is proposed.

13. Tailings and process water from the trommel are contained in a small process pond located at the trommel outfall. Once the tailings have drained, they are routinely removed from the process pond using a Bobcat loader, and are placed at the tailings disposal area (“Mining Unit”). The Mining Unit is approximately 200 feet long and extends south of the bin and trommel area. Waste rock is dumped adjacent to the bin and subsequently transported by Bobcat loader to the Mining Unit. Storm water is diverted from the Mining Unit by a series of berms, ditches and sediment traps.

14. Water from the process pond is decanted by gravity and flows into a small earthen catchment and then to Settling Pond 1 via a 6-inch diameter pipe. Settling Pond 1 is connected by a six-inch diameter pipe to Settling Pond 2, and the discharge point from Settling Pond 2 is a capped 6-inch diameter PVC pipe on the southern end of the pond.

15. During summer months, when the mine is active, water reportedly leaves the ponds via infiltration and evaporation, and no process water is discharged from the ponds. Based on the water balance analysis presented in the ROWD, Settling Pond 2 is expected to discharge storm water to Kimberly Creek during the winter months (typically January to May). The Dischargers do not plan to perform surface operations (such as processing) during the rainy season. If processing is performed during the rainy season (in periods of dry weather), the process pond and settling ponds must be evacuated of waste and contact water prior to forecast storm events.

16. The Dischargers anticipate that 1 to 30 carts will be mined per month during the dry season, with each cart load holding ¾ ton. Up to approximately 200 tons of material will be mined per year, for a period of up to 20 years. The claimants do not plan to perform surface operations (such as processing) during the rainy season.

GEOLOGY

17. Based on the Geologic Map of the Chico Quadrangle, California (Department of Conservation, Division of Mines and Geology (DMG) 1992), the Facility is a short distance east of the Goodyears Creek Fault, on the western edge of the north-trending Melones Fault Zone. The site geology is mapped as being partially to completely serpentinized peridotite. Tertiary gravel deposits and volcanic pyroclastic rocks (andesite) are mapped in the site vicinity.

18. The Fault Activity Map of California and Adjacent Areas, California (CDMG, 1994) indicates that segments of the Goodyears Creek Fault and another unnamed fault associated with the Melones Fault Zone is within approximately one mile of the Site. These faults are described as pre-Quaternary, having no recognized displacement within the last 1.6 million years.

PRECIPITATION

19. A weather station at Camptonville (latitude 39.50°N, longitude 121.10°W, elevation 3500 feet above sea level) is approximately 12 miles west-northwest of the Facility, and approximately 600 feet lower in elevation. Average rainfall data for the Camptonville weather station was presented in the ROWD. The period of record was from 1907 to 1972. The reported annual average rainfall is 61.1 inches.

20. The 100-year, 24-hour precipitation for the Facility is 12.5 inches, and the precipitation intensity is 0.519 inches per hour.

LAND USE

21. Land within one mile of the perimeter of the Facility is both publicly (Forest Service) and privately held. A privately held piece of property is within several hundred feet southwest of the Site. Based on satellite imagery (Acme Mapper 2.0), no residences, crops, or livestock are present within one mile of the perimeter of the Facility. Several other small-scale mining operations are located in the Facility vicinity.

WASTE CHARACTERIZATION

22. Based on the results of acid base accounting of the solid mining waste in the Discharger's Report of Waste Characterization (Characterization Report) (H&K, May 2011), the Discharger concluded that the proposed small-scale mining and processing of placer deposits has a low potential for acid mine drainage. Furthermore, laboratory analysis of total and dissolved metals from the adit discharge was below beneficial use criteria and the pH of water discharging from the adit was 7.67. The present discharge from the adit is considered a good indicator of the potential threat to water quality posed by the proposed mining activities.

23. The Discharger's ROWD concluded that the physical and chemical characterization of the mine waste demonstrates that the potential to impact water quality is low. This determination is based on the appropriate erosion and sediment control practices being implemented at the proposed mining operation and tailings management unit.

24. Based solely on the results of the water quality evaluation presented in the Characterization Report, the mining waste may be classified as Group B mine waste as defined in Title 27, section 22480, if no other factors are into consideration. However, per Section 22480(c), the mining waste may be classified as Group C waste, because it contains hazardous constituents only at low concentrations, has low acid generation potential, and is readily containable by measures that are less stringent than those required for Group B waste.

25. Based on the ROWD and information described in Findings 22, 23 and 24, the Board has determined that the mining waste at the Facility is Group C mining waste.

26. To ensure that Group C waste classification remains appropriate, the Monitoring and Reporting Program will require ongoing sampling and characterization of the mining waste in accordance with Water Code section 13260(k). Ongoing characterization is intended to detect changes in geology and mineralogy and then modify waste containment and waste discharge procedures to address any changes. Ongoing characterization of the mining waste shall be at the frequency of one sample for every 500 cubic yards of mining waste discharged or at least one sample every third calendar year.

POTENTIAL IMPAIRMENT OF GROUND WATER AND SURFACE WATER

27. Based on the Group C classification in Finding 25 above, groundwater monitoring is not required by these WDRs. Should the waste group classification change, the need for groundwater monitoring will be reassessed.

28. Routine surface water monitoring in the settling ponds, and at upstream and downstream locations in Kimberly Creek is proposed pursuant to the Dischargers Sampling and Analysis Plan (SAP) contained in the ROWD. The SAP addresses surface water quality monitoring for the purposes of detecting, characterizing, and responding to releases of mining waste to surface water and Water Quality Order 97-03-DWQ (Industrial General Stormwater Permit). At the Mayflower Mine, runoff from the mine site flows to settling ponds that periodically discharge to Kimberly Creek.

29. The Central Valley Water Board has adopted the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (the "Basin Plan") that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives. The Basin Plan, at page II-2.00, states that the "…beneficial uses of any specifically identified water body generally apply to its tributary streams." The Basin Plan does not specifically identify beneficial uses for Kimberly Creek or Kanaka Creek, but does identify present and potential uses for the Yuba River, to which Kimberly Creek or Kanaka Creek are tributary. These beneficial uses are as follows: municipal and domestic supply; agricultural supply, including stock watering; hydropower generation; water contact recreation; non-contact water recreation, including aesthetic enjoyment; cold freshwater habitat; cold spawning, and wildlife habitat.

30. Pursuant to the conditions of the use permit, **no discharge to surface water other than the settling ponds is proposed**. If processing is performed during the rainy season, the process pond and settling ponds must be evacuated of waste and contact water prior to forecast storm events. Waste must be contained in the waste disposal area, with slimes either mixed into the granular waste or placed in a trench beneath granular waste backfill. Erosion controls (such as straw mulch and wattles) must be installed at the disposal area prior to storm events, and must be maintained throughout the rainy season. Operation during the rainy season will require the management of storm water runoff to avoid discharge of contact water, other than the settling pond discharge.

WASTE MANAGEMENT UNIT DESIGN

31. Regulations set forth in Title 27, section 22490, which establish prescriptive standards for construction of Mining Units and containment are not applicable for Group C mining wastes. Group C mining wastes are wastes from which any discharge would be in compliance with the applicable water quality control plan, including water quality objectives other than turbidity. However, the term Mining Unit is preserved to define the location of the tailings disposal area.

32. The Characterization Report demonstrated that the waste may be characterized as Group C mining waste under Title 27, provided that the proposed mining operation and tailings management be performed in accordance with appropriate erosion and sediment control practices to reduce the chance of water quality impact associated with the operation and that the mining waste (tailings) is discharged in the designated Mining Unit.

33. The Group C mining tailings disposal area ("Mining Unit") is shown on Attachment B, which is incorporated herein and made part of this Order by reference. All tailings placed as part of the proposed mining operation are to be permanently placed in the Mining Unit and configured with slopes no steeper than 3:1, horizontal to vertical. At closure, permanent erosion control

measures, including vegetation and drainage routing, are to be in established at all areas disturbed by the mining operation. Ponds are to be backfilled, and all conveyance pipes are to be removed from the site.

CLOSURE AND POST-CLOSURE MAINTENANCE PLAN FINANCIAL ASSURANCE

34. Per Title 27, section 22510(g), the Discharger may propose Alternative Financial Assurances if the following applies:

> If a lead agency acting under the authority of §2774(a) of the Public Resources Code requires assurances of financial responsibility, these assurances can be used to fulfill all comparable requirements under Title 27 section 22510(f), provided that:
>
> (1) the RWQCB approves the assurance; and
>
> (2) the RWQCB is named as alternate payee.

35. In place of a California Surface Mining and Reclamation Act (SMARA) reclamation plan, the Dischargers ROWD includes a closure and post-closure maintenance plan. The Dischargers proposed mining activities are relatively small in scale and are not anticipated to result in the need for a (SMARA) reclamation plan. The Discharger has provided the Forest Service with a financial assurance bond of $5,000 for closure and post-closure maintenance activities. These WDRs consider the Mayflower Mine financial assurance as functionally equivalent to the post-closure funding required by Title 27, section 22510(f), provided that the Central Valley Water Board is named as an alternate payee for the financial assurance mechanism. The Central Valley Water Board shall periodically review the financial assurance and the Discharger shall update the financial assurance upon request by the Central Valley Water Board.

CEQA AND OTHER CONSIDERATIONS

36. Sierra County has determined that no County discretionary approvals subject to the California Environmental Quality Act ("CEQA")(Pub. Resources Code, § 21000 et seq.) are required for the operation of the mine site. All wastewater systems have already been installed and are currently in use. This Order places additional regulatory requirements on the continued use of these structures and facilities. These requirements are being prescribed to ensure the continued protection of the environment. This action is therefore exempt from the provisions of the CEQA in accordance with California Code of Regulations, title 14, section 15301, which exempts the "operation, repair, maintenance, [and] permitting … of existing public or private structures, facilities, mechanical equipment, or topographical features" from environmental review. This action may also be considered exempt because it is an action by a regulatory agency for the protection of natural resources (Cal. Code Regs., tit. 14, § 15307.) and an action by a regulatory agency for the protection of the environment (Cal. Code Regs., tit. 14, § 15308.).

37. This order implements:

    a. The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition;

    b. The prescriptive standards and performance goals of California Code of Regulations, title 27, section 20005 et seq., effective 18 July 1997, and subsequent revisions;

38. Based on the threat and complexity of the discharge, the facility is determined to be classified, 3-C as defined below:

    a. Category 3 threat to water quality, defined as, "Those discharges of waste that could degrade water quality without violating water quality objectives, or could cause a minor impairment of designated beneficial uses as compared with Category 1 and Category 2."

    b. Category C complexity, defined as, "Any discharger for which waste discharge requirements have been prescribed pursuant to Section 13263 or the Water Code not included in Category A or Category B as described above. Included are dischargers having no waste treatment systems or that must comply with best management practices, dischargers having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal."

39. Water Code section 13267(b) provides that*:*

> In conducting an investigation specified in subdivision (a), the Regional Board may require that any person who has discharged, discharges, or is suspected of discharging, or who proposed to discharge within its region, or any citizen or domiciliary, or political agency or entity of this state who had discharged, discharges, or is suspected of discharging, or who proposed to discharge waste outside of its region that could affect the quality of the waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the board requires. The burden, including costs of these reports, shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

40. The technical reports required by this Order and the attached Monitoring and Reporting Program are necessary to assure compliance with these WDRs, and to assure that the discharges will comply with the Basin Plan. The Dischargers owns and operates the Facility, and is responsible for the discharges of waste at the facility subject to this Order and is, subject to requirements imposed pursuant to Water Code section 13267.

PROCEDURAL REQUIREMENTS

41. All local agencies with jurisdiction to regulate land use, solid waste disposal, air pollution, and to protect public health have approved the use of this site for the discharges of waste to land stated herein.

42. The Central Valley Water Board notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for this discharge, and has provided them with an opportunity for public hearing and an opportunity to submit their written views and recommendations.

43. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, pursuant to Water Code sections 13263 and 13267, that Melbourne Allenbaugh and Steve Allenbaugh (Facility owner and operator) and the Forest Service (landowners), their agents, successors, and assigns, in order to meet the provisions of Division 7 of the California Water Code and the regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. The discharge of “hazardous waste” or “Group A” or “Group B” mining waste at the Facility is prohibited. For the purposes of this Order, the terms “hazardous waste”, “Group A”, “Group B”, and “Group C” mining wastes are as defined in Title 27.

2. The discharge of any waste other than mining wastes into the Mining Unit is prohibited. Prohibited wastes may include, but are not limited to, oil, grease, solvents, other petroleum products, and toxic and hazardous materials.

3. The discharge of mining waste at the Facility from sources other than the Mayflower Mine is prohibited.

4. The discharge of mining wastes outside the Mining Unit is prohibited except as otherwise permitted under additional Central Valley Water Board orders.

5. The discharge of process water to surface water or surface water drainage courses is prohibited.

6. The Discharger shall comply with all General Provisions listed in Section III of the Standard Provisions and Reporting Requirements (SPRRs) dated February 2009 which are attached hereto and made part of this Order by reference

B. DISCHARGE SPECIFICATIONS

General Specifications

1. Wastes shall only be discharged into the Mining Unit as described in Findings 32 through 33.

2. The Discharger shall promptly report slope changes such as movement caused by slumping or slipping, or unusual erosion.

3. The Discharger shall not cause a condition of pollution, contamination, or nuisance as defined by Water Code section 13050.

4. Precipitation and drainage controls shall be designed and constructed to accommodate the anticipated volume and precipitation and peak flows from surface runoff for one 10-year, 24-hour storm event as required by Title 27, subsection 22490(h)(1)(C).

5. Wastes shall only be placed in the Mining Unit as described in the Discharger's ROWD and closure and post-closure maintenance plan and in a manner that reduces erosion and controls drainage to prevent the discharge of sediment to surface waters.

6. The Discharger shall, in a timely manner, remove and relocate any wastes discharged at this facility in violation of this Order. If the Discharger is unable to remove and relocate the waste, the Discharger shall submit a report to the Central Valley Water Board explaining how the discharge occurred, why the waste cannot be removed, and any updates to the waste acceptance program necessary to prevent re-occurrence. If the waste is a hazardous waste, the Discharger shall immediately notify the Department of Toxic Substances Control.

Protection from Storm Events

7. For the Mining Unit, and related excavation and grading operations, all precipitation and drainage control systems shall be designed, constructed, and maintained to accommodate the anticipated volume of precipitation and peak flows from surface run-off for one 10-year, 24-hour precipitation.

8. The Discharger must obtain coverage under the State Water Resources Control Board Order 97-03-DWQ, *General Permit for Discharges of Storm Water Associated with Industrial Activities*. The Discharger shall continue to maintain and comply with Order 97-03-DWQ, and any amendments thereto or any General Orders that may supersede 97-03-DWQ.

9. Annually, prior to the anticipated wet season but no later than **15 October** of each year, any necessary erosion control measured shall be implemented, and any necessary construction, maintenance, or repairs of precipitation and drainage controls shall be completed to prevent flooding, erosion, or slope failure.

Closure and Post-Closure Maintenance Plan

10. The Discharger shall submit any proposed amendments to the closure and post-closure maintenance plan for the Mayflower Mine to the Central Valley Water Board to determine if the amendments are consistent with Title 27, section 22510.

11. Subsequent amendments to the closure and post-closure maintenance plan and related financial assurance shall be incorporated herein and made part of this Order by reference provided that any proposed amendments are functionally equivalent to the Closure and Post-Closure Maintenance of Mining Units required by Title 27, section 22510 and are approved by Central Valley Water Board's Executive Officer.

12. The Facility shall be closed in a manner that will minimize erosion and the threat of water quality degradation.

13. Following closure, the Discharger shall continue to collect surface water samples as described in the Closure and Post-Closure Maintenance section of the ROWD.

14. A Sampling and Analysis Plan (SAP), which describes monitoring procedures for water was included as Appendix E of the Dischargers ROWD. The purpose of the SAP is to document whether the mining and reclamation procedures, as employed by the Discharger, prevent water quality degradation and ensure that there will be no significant increase in the concentration of indicator parameters or waste constituents in waters of the State.

15. The post-closure monitoring and maintenance period shall end[1] when the Central Valley Water Board determines that water quality aspects of closure and post-closure maintenance are complete and the wastes no longer pose a threat to water quality. (Title 27, § 22510(h).)

16. The Discharger shall comply with all applicable Standard Closure and Post-Closure Specifications listed in Section XI D and E and all Standard Construction Specifications that are applicable to closure in Section VI of the SPRRs dated February 2013 which are attached hereto and made part of this Order by reference.

C. MONITORING SPECIFICATIONS

1. Neither mining or processing activities at the Facility, the discharge of waste at the Facility, the closure of the Facility, nor post-closure maintenance of the Facility shall cause or allow groundwater or surface water to be degraded.

2. The Discharger shall conduct surface water monitoring in accordance with the Discharger's Sampling and Analysis Plan (ROWD Appendix E, (H&K, 30 October 2012)).

3. The Discharger shall provide Board staff a minimum of **one week** notification prior to commencing any field activities related to the installation, repair, or abandonment of monitoring devices.

[1] The post-closure monitoring and maintenance period typically ends when the Unit has been in compliance with the water quality protection standard for a period of three consecutive years.

4. The Discharger shall establish a Water Quality Protection Standard Report within **one year** of the adoption of this Order. The Water Quality Protection Standard Report shall include the information described in Section C.1. **Water Quality Protection Standard and Compliance Period** of the attached Monitoring and Reporting Program R5-2013-XXXX.

5. The concentrations of the constituents of concern in waters passing the Monitoring Point shall not exceed the concentration limits established pursuant to Monitoring and Reporting Program R5-2013-XXXX.

6. For each monitoring event, the Discharger shall determine whether the Facility is in compliance with the Water Quality Protection Standard using procedures specified in Monitoring and Reporting Program R5-2013-XXXX.

7. The Discharger shall maintain an approved Sample Collection and Analysis Plan. The Sample Collection and Analysis Plan shall at a minimum include:

    - Sample collection procedures describing purging techniques, sampling equipment, and decontamination of sampling equipment;
    - Sample preservation information and shipment procedures;
    - Sample analytical methods and procedures;
    - Sample quality assurance/quality control (QA/QC) procedures; and
    - Chain of Custody control.

D. FINANCIAL ASSURANCE SPECIFICATIONS

1. The Discharger shall obtain and maintain assurances of financial responsibility with Central Valley Water Board for closure and post-closure maintenance of the Mayflower Mine as described in Findings 34 through 35, adjusted for inflation annually. A report regarding financial assurances for closure and post-closure maintenance shall be submitted to the Central Valley Water Board by **1 June of each year** (excepting 2013). If the Executive Officer determines that either the amount of coverage or the mechanism is inadequate, then within 90 days of notification, the Discharger shall submit an acceptable mechanism to the Central Valley Water Board for at least the amount of the approved cost estimate.

2. The Discharger shall update the closure and post-closure maintenance plan any time there is a change that will increase the amount of the closure and/or post-closure maintenance cost estimate. The updated closure and post-closure maintenance plan shall be submitted to the Central Valley Water Board. The closure and post-closure maintenance plan shall meet the requirements of Title 27, section 22510(f), and include a lump sum estimate of the cost of carrying out all actions necessary to close each Unit, to prepare detailed design specifications, to develop the final closure and post-closure maintenance plan. Reports regarding financial assurance required in D.1 above shall reflect the updated cost estimate.

E. PROVISIONS

1. The Discharger shall comply with Standard Provisions and Reporting Requirements (SPRRs) Mining Wastes dated February 2009. The SPRRs contain important provisions and requirements with which the Discharger must comply.

2. The Discharger must comply with Monitoring and Reporting Requirements Order R5-2013-XXXX. Compliance includes, but is not limited to, monitoring of waste and surface water throughout the active life of the Mining Unit and post-closure maintenance period.

3. The Discharger shall notify Central Valley Water Board staff **within 24 hours** of any unpermitted discharge, flooding, equipment failure, slope failure, or other change in facility conditions or related precipitation and drainage controls or degradation of waters of the state.

4. The Discharger shall maintain legible records at the Facility of volume and type of waste discharged. The Discharger shall make such records available for review by representatives of the Central Valley Water Board and State Water Resources Control Board.

5. **By 30 November 2013**, the Discharger shall submit for approval of the Executive Officer a Sampling and Analyses plan for on-going characterization of the mine waste rock to determine if the waste rock remains appropriately classified as Group C mining waste. Ongoing characterization of the mining waste shall be at the frequency of one sample for every 500 tons of mining waste discharged or at least one sample every third calendar year.

6. The Discharger shall complete the following tasks by the required dates:

TASK	DATE DUE
Submit on going waste characterization reports to determine if the mining waste is still appropriately classified as a Group C mining waste (see Finding 24). This report shall evaluate whether the potential leachate from the waste rock is below beneficial use criteria.	**By 1 August of each year (Beginning 1 August 2014)**
Submit Water Quality Protection Standard Report per Monitoring Specification C-4.	**By 2 June 2014**
Submit updated cost estimates and financial assurances for closure and post-closure maintenance (Financial Assurance Specification D.1)	**By 1 June of each year**

7. In the event of any change in control or ownership of the Mayflower Mine facility, the Discharger must notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to the Central Valley Water Board's Rancho Cordova Office. To assume operation as a Discharger under this Order, the succeeding owner or operator must submit a written request requesting transfer of the Order to the Executive Officer. The request must contain the requesting entity's full legal name, the state of incorporation (if a

corporation), the name, address, and telephone number of persons responsible for contact with the Central Valley Water Board, and a statement complying with the signatory paragraph of the Standard Provisions that states the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the Water Code. Transfer shall be approved or disapproved by the Executive Officer.

8. For the purposes of resolving any disputes arising from or related to the Water Code, any regulations promulgated thereunder, these WDRs or any other orders governing the Facility, the Discharger, its parents and subsidiaries, and their respective past, present, and future officers, directors, employees, agents, shareholders, predecessors, successors, assigns, and affiliated entities, consent to jurisdiction of the Courts of the State of California.

9. The Central Valley Water Board will review this Order periodically and revise requirements when necessary.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to $10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

I, Pamela C. Creedon, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the Central Valley Regional Water Quality Control Board, on XX May 2013.

PAMELA C. CREEDON, Executive Officer

JSH/VJI