

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION
11020 SUN CENTER DRIVE, #200,
RANCHO CORDOVA, CALIFORNIA 95670-6114
NOTICE OF PUBLIC HEARING

CONCERNING

**TENTATIVE WASTE DISCHARGE REQUIREMENTS ORDER R5-2023-XXXX
AND
TENTATIVE TIME SCHEDULE ORDER R5-2017-0087-01 AMENDMENT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMIT CA0085332**

FOR

**DEPARTMENT OF PARKS AND RECREATION
MALAKOFF DIGGINS STATE HISTORIC PARK
NEVADA COUNTY**

Discharger and Tentative Order Information

The Department of Parks and Recreation (Discharger) is the owner of the Malakoff Diggins State Historic Park (Park), located at 23579 North Bloomfield Road, Nevada City, 95959. The Park includes the remnants of a former hydraulic mine, including a large pit, the pit walls, spoils piles, a pond, a short tunnel that discharges stormwater containing historical mining waste to Humbug Creek via Diggins Creek. Humbug Creek is a tributary of the South Yuba River; both are waters of the United States.

Discharges from the Park are currently regulated by Waste Discharge Requirements Order R5-2017-0086 (NPDES Permit) issued by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on 11 August 2017 and Time Schedule Order (TSO) R5-2017-0087-01. The initial TSO (R5-2017-0087) was issued by the Central Valley Water Board on 11 August 2017 and amended by Amending Order R5-2022-0063 on 14 October 2022. Orders are proposed to renew the NPDES Permit and amend TSO R5-2017-0087-01. The proposed NPDES Permit renewal:

- Includes new effluent limitations and monitoring for total aluminum, total iron, and total zinc.
- Discontinues routine monitoring for total cadmium, total chromium, total lead, and total silver because there was no reasonable potential for these constituents.
- Updates the effluent limitations and monitoring for total copper, total mercury, total manganese, and total nickel.
- Includes an updated schedule for the Best Management Practices (BMP) implementation at the Park.

The proposed Order amending TSO R5-2017-0087-01 includes references to the tentative NPDES permit's updated effluent limitations, along with a compliance schedule for total zinc and updated interim effluent limitations for total copper, total mercury, total nickel, and total zinc.

Public Hearing Date and Location

A public hearing concerning the tentative Orders will be held during the Central Valley Water Board meeting scheduled for:

DATE: 22/23 February 2023
TIME: 8:30 a.m.
PLACE: Rancho Cordova, California and Online Meeting

The [final meeting agenda](#) (https://www.waterboards.ca.gov/centralvalley/board_info/meetings/) will be available at least **10 days** before the meeting. The agenda will provide the anticipated date the hearing will be held for this item and anticipated order of all agenda items; however, the Board may consider agenda items out of their listed order. The agenda materials may also include staff revisions to the tentative Orders.

Nature and Purpose of Hearing

At the hearing, the Central Valley Water Board will hear testimony and oral comments regarding the tentative Orders. This proceeding will be a formal adjudicatory proceeding. The [procedures governing Central Valley Water Board adjudicatory hearings](#) (http://www.waterboards.ca.gov/laws_regulations/) may be found at California Code of Regulations, title 23, section 648 et seq. and are available upon request.

Prehearing Submission of Written Comments and Evidence

The **Discharger** is a party to this proceeding. As a party, the Discharger must submit written evidence or comments, if any, for the Board to consider no later than 5:00 p.m. on **11 January 2023** to the Central Valley Water Board email at RB5S-NPDES-Comments@waterboards.ca.gov.

Interested persons include any non-party that is interested in the outcome of the hearing. Interested persons wishing to comment, in writing, on the tentative Orders shall submit comments no later than 5:00 p.m. on **11 January 2023** to the Central Valley Water Board email at RB5S-NPDES-Comments@waterboards.ca.gov.

Pursuant to California Code of Regulations, title 23, section 648.4, the Board Chair may refuse to admit written evidence or comments that are not submitted in accordance with this Notice and shall refuse to do so when there is a showing of prejudice to the Discharger or the Board. Excluded material will not be considered by the Board.

Requesting Party Status

Persons who wish to participate in the hearing as a party must submit a request in writing no later than 5:00 p.m. on 22 December 2022 to the Central Valley Water Board email at RB5S-NPDES-Comments@waterboards.ca.gov. The request must include facts demonstrating how the person will be substantially affected by the proceeding.

The Board Chair will not designate a person as a party if the Board Chair determines the designation will impair the interests of justice and the orderly and prompt conduct of the proceeding. The Board Chair, when granting a request for party status, may impose restrictions on the requestor's hearing participation, including limiting or excluding the use of cross-examination and other procedures to promote the orderly and prompt conduct of the proceeding.

Visual Presentations

Hearing participants may use PowerPoint or other visual presentations at the hearing, but the presentation content shall not exceed the scope of previously submitted written material. Presentations, if any, must be provided to the below Central Valley Water Board Contact by 12:00 p.m. on 20 February 2023.

Hearing Procedure and Time Limits

The hearing on the tentative Orders will be conducted in the general order listed under California Code of Regulations, title 23, section 648.5, except that the Board Chair may modify the order for good cause.

The **Discharger** and any other designated Party will be advised in advance of the hearing of the total amount of time allocated for the presentation and closing statement. The Discharger and any designated parties are invited to contact staff in advance of the hearing to discuss how much time it is believed necessary.

Interested persons may speak at the hearing and are expected to orally summarize their written submittals, if any. Each interested person will have 3 minutes to present oral comments. Additional time may be provided, upon request, at the discretion of the Board Chair.

Hearing Accommodations

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to send an e-mail to agenda5@waterboards.ca.gov or call 916-464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Availability of Documents

The tentative Orders and related documents may be found on the Central Valley Water Board's [Tentative Orders Page](http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/) (http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/). Copies of these documents may also be obtained by contacting or visiting the Central Valley Water Board's office at 11020 Sun Center Drive, #200, Rancho Cordova, California, 95670-6114 weekdays between 8:00 a.m. and 5:00 p.m. Scheduling an appointment to review the file by contacting the below Central Valley Water Board Contact in advance is not required but calling ahead will help ensure timely access to these documents.

Central Valley Water Board Contact

Anyone having questions regarding this hearing item should contact Armando Martinez at (916) 464-4617 or Armando.Martinez@waterboards.ca.gov.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

Adam Laputz, Assistant Executive Officer