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**Lahontan Regional Water Quality Control Board**

October 30, 2012

WDID No. 6B152004001

TO: ATTACHED MAILING LIST

**TENTATIVE AMENDED WASTE DISCHARGE REQUIREMENTS U.S. BORAX, INC,  
THE MOJAVE COGENERATION COMPANY, CLEAN ENERGY FUELS COMPANY,  
BORON FACILITY, KERN COUNTY**

Enclosed are amended tentative Waste Discharge Requirements for the above subject. The California Regional Water Quality Control Board requests that you review the enclosed documents and provide us with your written comments no later than **November 29, 2012**. Comments received after that date cannot be given full consideration in preparation of the recommended Board Order to be presented to the Regional Board for adoption at the meeting scheduled for **January 9 and 10, 2013**.

You can review the agenda 10 days before the meeting on our web site at: [www.waterboards.ca.gov/lahontan](http://www.waterboards.ca.gov/lahontan) and click on agenda. If you need further information regarding this meeting, please contact our office at (760) 241-6583.

If you need further information regarding this tentative Order, please contact Brianna Bergen at (760) 241-7305.

Sincerely,



Rebecca Phillips  
Office Technician

Enclosures (2): Tentative Board Order  
Comment form

cc: Mailing List

**Notice**  
**Submittal of Written Material for Regional Board Consideration**

In order to ensure that the State of California Lahontan Regional Water Quality Control Board has the opportunity to fully study and consider written material, it is necessary to submit it at least ten (10) days before the Regional Board Meeting. Pursuant to Title 23 of the California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Regional Board may refuse to admit it.

COMPLETE FORM AND RETURN

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To: CA Regional Water Quality Control Board, Lahontan Region  
14440 Civic Drive, Suite 200  
Victorville, CA 92392  
ATTN: Brianna Bergen

**TENTATIVE AMENDED WASTE DISCHARGE REQUIREMENTS U.S. BORAX, INC,  
THE MOJAVE COGENERATION COMPANY, CLEAN ENERGY FUELS COMPANY,  
BORON FACILITY, KERN COUNTY**

\_\_\_\_\_ We concur with proposed requirements

\_\_\_\_\_ We concur; comments attached

\_\_\_\_\_ We do not concur; comments attached

\_\_\_\_\_ (Sign)

\_\_\_\_\_ (Type or print name)

\_\_\_\_\_ (Organization)

\_\_\_\_\_ (Address)

\_\_\_\_\_ (City and State)

\_\_\_\_\_ (Telephone)

U.S. BORAX, MOJAVE COGENERATION COMPANY, TENTATIVE MAILING LIST

Bureau of Land Management  
Ridgecrest Field Office  
300 South Richmond Road  
Ridgecrest, CA 93555

Daphne Washington  
Kern County Waste Management  
Department

Antelope Valley-East Kern Water  
Agency  
6500 West Avenue N  
Palmdale, CA 93551

Kern County Water Agency  
P.O. Box 58  
Barkerfields, CA 93302

Edwards Air Force Base  
#1 South Rosamound Boulevard  
Edwards AFB, CA 93524

Patricia J Ebel  
Kern County Roads Department

Native American Heritage Council  
P.O. Box 1507  
Bakersfield, CA 93302

Katie Walton  
Caltrans/ District 9  
500 South Main Street  
Bishop, CA 93514

Terry Roberts  
State Clearinghouse  
P.O. Box 3044  
Sacramento, CA 95812

Robert & Billie Lucks

Dan Gillette  
U.S. Borax  
14486 Borax Road  
Boron, CA 93517

Dean Gehring  
Rio Tinto Minerals  
14486 Borax Road  
Boron, CA 93517

Robert W. Henderson, V.P.  
Mojave Cogeneration Company, L.P.  
700 Louisiana Street, STE 1000  
Houston, TX 77002

Allen Hess, Plant Manager  
EIF Mojave, LLC  
P.O. Box 1090  
Boron, CA 93596

Clean Energy Fuels Company  
P.O. Box 176  
Boron, CA 93516

Andy Marino  
CalRecycle  
1001 I Street, MS 10A-18 P.O. Box  
4025  
Sacramento, CA 95812

Ted James  
Kern County  
2700 "M" Street, STE 100  
Bakersfield, CA 93301

Larry Carroll, REHS  
Registered Environmental Health  
Specialist  
2700 "M" Street, STE 300  
Bakersfield, CA 93301

George Kenline  
San Bernardino County  
385 North Arrowhead Ave, 1st FLR  
San Bernardino, CA 92415

Scott Denney  
Kern County  
2700 "M" Street, STE 100  
Bakersfield, CA 93301

Dave Richards  
Kern County  
2700 "M" Street, STE 100  
Bakersfield, CA 93301

Eastern Kern  
2700 "M" Street, STE 302  
Bakersfield, CA 93301

Mary Ann & Robert Miller

Robert & Brenda Tubb

Michael & Carolyn Kizler

David Rib  
KJC Operating Company  
41100 US Highway 395  
Boron, CA 93516

Bill Maze  
Assemblyman, 34th District  
559 S. Mooney Blvd.  
Visalia, CA 93277

Ray E. Panter  
Mine, Mineral, & Processing Workers'  
Union  
24001 Chaparral Ave.  
Boron, CA 93516

Teddy & Melba Bynum

Nancy D. LaMoureaux  
U.S. Borax  
14486 Borax Rd.  
Boron, CA 93516

Billy & Gloria O'Dell

John G/ Underwood  
U.S. Borax  
3331 Rodney St.  
Rosamond, CA 93560

Dan & Mattie Hakes

Cal EPA- DTSC  
8800 Cal Center Drive  
Sacramento, CA 95826-3200

NADINE LANGLEY, PG, CEG  
SWRCB - CWP  
nlangley@waterboards.ca.gov

ED WOSIKA  
SWRCB - CWP  
ewosika@waterboards.ca.gov

LESLIE GRAVES, LAND DISPOSAL  
PROGRAM  
SWRCB – CWP  
lgraves@waterboards.ca.gov

Lyle Talbot  
HICAP  
633 W Avenue J-11  
Lancaster, CA 93534

Peter Brierty  
San Bernardino County Fire Dept &  
Hazardous Materials  
157 W. 5<sup>th</sup> Street, 2<sup>nd</sup> FLR  
San Bernardino, CA 92415

Brianna Bergen  
Engineering Geologist  
CRWQCB Region 6  
14440 Civic Drive Suite 200  
Victorville CA 92392

Patrice Copeland  
Senior Engineering Geologist  
CRWQCB Region 6  
14440 Civic Drive Suite 200  
Victorville CA 92392

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**BOARD ORDER NO. R6V-2006-0025A1(TENTATIVE)  
WDID NO. 6B152004001**

**AMENDED WASTE DISCHARGE REQUIREMENTS  
FOR**

**U.S. BORAX, INC., THE MOJAVE COGENERATION COMPANY, CLEAN ENERGY  
FUELS COMPANY, BORON FACILITY**

\_\_\_\_\_Kern County\_\_\_\_\_

The California Regional Water Quality Control Board, Lahontan Region hereafter (Water Board), finds:

1. Discharger

On March 14, June 6, and August 27, 2012, U.S. Borax, Inc. submitted information that collectively constitutes a complete amended Report of Waste Discharge (RWD) to support a proposed amendment to Waste Discharge Requirements (WDRs), Board Order No. R6V-2006-0025 that governs the Facility. U.S. Borax, Inc. is a wholly owned subsidiary of Rio Tinto. U.S. Borax, Inc. owns and operates the U.S. Borax Mine in Boron, California. U.S. Borax, Inc., Mojave Cogeneration Company (MCC)<sup>1</sup> and Clean Energy Fuels Company (CEFC)<sup>2</sup> are hereinafter collectively referred to as the "Discharger." U.S. Borax, Inc. submitted an amended Report of Waste Discharge (RWD) for proposed changes in waste discharges by adding more capacity to existing boric acid surface impoundments at the Boron Facility.

2. Reason for Action

Board Order No. R6V-2006-0025 describes the capacity of an existing Group A surface impoundment known as Boric Acid Pond (BAP) 6 as 228 million gallons and having a surface area of 35 acres, which was actually incorrect. U.S. Borax built BAP 6 to be able to accommodate 372 million gallons, and the changes to the WDR would reflect that larger capacity and correct the acreage from 35 to 33.5 acres. Waste Discharge Requirements (WDRs) are being amended to allow the Discharger to utilize the full capacity volume of BAP 6, amending Board Order No. R6V-2006-0025, Finding No. 11, Table 2.

3. California Environmental Quality Act (CEQA) Compliance

The current project of changing the WDR to reflect the size of BAP 6 that was constructed is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. The Board of

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1 MCC, an independent energy producer, operates a cogeneration plant at the site that produces softener effluent and cooling tower blowdown.  
2 CEFC, an independent clean energy producer, operates a Liquid Natural Gas (LNG) plant at the site. The LNG plant produces a waste stream of cooling tower blowdown water.

Supervisors of the County of Kern certified, as required by Section 15090 of the State CEQA Guidelines, an Environmental Impact Report (EIR) for the Facility on January 9, 2004. The U.S. Borax Life of Mine Project EIR evaluated the expansion of the existing surface mining operation, which included the overall footprints of the Boric Acid Ponds and development of a reclamation plan. Adopted mitigation measures for impacts to groundwater from operation of the proposed Boric Acid Ponds were included as part of the Board Order No. R6V-2006-0025, and consisted of engineered design features that included construction of pond liner systems. The design features of the proposed Boric Acid Ponds reduce the effects of the Boric Acid Ponds on groundwater to less than significant. It can therefore be seen with certainty that there is no possibility changing the WDR to reflect the size of the fully-line BAP 6 that was constructed would have a significant effect on the environment, and the activity is not subject to CEQA. The proposed changes to the WDR will not affect the effectiveness of the mitigation, and groundwater will still be protected. The Regional Water Board will file a Notice of Exemption within five days from the issuance of this order.

4. Notice to Interested Parties and Public

The Water Board has notified the Discharger and all known interested parties and persons of its intent to issue amended WDRs for the Facility.

5. Consideration of Comments

The Water Board, in a public meeting, heard and considered all comments pertaining to the discharges.

IT IS HEREBY ORDERED that the Discharger shall comply with the following amended requirements:

1. Add the following to Finding No. 11, Order No. R6V-2006-0025, as amended:

As of March 14, 2012, Boric Acid Ponds (BAP) 1-7 consist of six active surface impoundments and one proposed surface impoundment, for a combined total area of 258.5 acres. The proposed BAP will be constructed similar to the existing BAP using liners and leachate collections systems. The Proposed BAP will be constructed using a double liner system consisting of (from top to bottom) a geosynthetic 60-mil liner; synthetic geonet with an LCRS; a second 60- mil liner above a lower LCRS system; all supported on compacted clay. The BAP contain Group B mining waste effluent discharged from the BAP plant, liquid extracted from tailings in Pond 6, and Group A mining waste transferred from Pond R1-R6. BAP 1-7 are permitted to contain Group A and B mining waste effluent. The wastewater in BAP 1-7 contains an average of 111 mg/L arsenic, 19 mg/L antimony, and 90,860 mg/L TDS.

In July and November 2005, the Discharger submitted a revised ROWD for additional surface impoundments, BAP 5, 6, and 7. The plans included

proposed surface areas and capacities. During final design of BAP 6, the capacity was expanded, though conceptual design and the liner system did not change. BAP 6 is currently in operation, but the Discharger cannot utilize the full capacity of the surface impoundment as built, and the use is restricted to the volume stated in Table 2 in Finding 11 of Board Order No. R6V-2006-0025. BAP 6 is being closed as a landfill, and the increased volume that will be ultimately be discharged is a material change as defined in the California Code of Regulations (CCR), title 23, section 2210, and pursuant to California Water Code, sections 13260, subdivision (c) and 13263, the use of the additional capacity must be approved in WDRs.

This Order approves the change in capacity and surface area as represented in as-builts for BAP 6, as presented in the Final Construction Quality Assurance Summary Report, prepared by AMEC, and submitted as part of the amended ROWD on March 14, 2012.

**Table 2A: Capacity, Surface Area, and Age of Waste Management Units**

Waste Management Unit No.	Current Status	Capacity (x10 <sup>6</sup> gal)	Surface Area (acres)	Year On Line	Year Off Line	Authorized to Receive Mining Waste
Former Pond 1	Inactive	431	75	1956	1969	Group A
Former Pond 2	Inactive	437	51	1967	1975	Group A
Former Pond 3	Inactive	359	32	1970	1975	Group A
Former Ponds A-E (5 total)	All five inactive		81 (all 5)	1972	1988	Group A
Former Pond 4	Inactive	455	83	1975	1990	Group A
Former Pond 5	Inactive	1,466	127	1976	1994	Group A
Pond 6	Active	728	120	1980		Group A
Pond R1-R6	Active	294	120	1984		Group A&B
BAP 1	Active	228	30	1998		Group A&B
BAP 2	Active	228	30	1998		Group A&B
BAP 3	Active	228	30	1998		Group A&B
BAP 4	Active	228	30	2004		Group A&B
BAP 5	Active	228	35	2006		Group A&B
BAP 6	Active	372	33.5	2012		Group A&B
BAP 7	Proposed	228 (proposed)	70 (proposed)	2014 (proposed)		Group A&B
Pit Ponds	Active	Variable	Variable	1994		Group C
Domestic wastewater evaporation ponds		36	16	2004		Unclassified
Final Mine Pit			Variable	2001		Unclassified

U.S. BORAX, INC., BORON FACILITY  
MOJAVE COGENERATION CO. &  
CLEAN ENERGY FUELS CO.  
Kern County

-4- BOARD ORDER NO. R6V-2006-0025A1(TENT)  
WDID NO. 6B152004001

I, Patty Z. Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Board, Lahontan Region, on January 9, 2013.

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PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER

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