

Central Valley Regional Water Quality Control Board

12 November 2015

Michael M. Miller
President
Original Sixteen to One Mine, Inc.
P.O. Box 909
Alleghany, CA 95910

SELF-MONITORING REPORT REVIEW AND NOTICE OF VIOLATION, ORIGINAL SIXTEEN TO ONE MINE, INC, SIXTEEN TO ONE MINE, SIERRA COUNTY

The Original Sixteen to One Mine (Facility) is owned by Original Sixteen to One Mine, Inc. (Discharger) and is regulated by Waste Discharge Requirements (WDRs) Order R5-2015-0002, and Time Schedule Order (TSO) R5-2015-0035. The Monitoring and Reporting Program (MRP) of the WDRs requires monitoring for constituents and other parameters, and specifies the location and frequency of monitoring. Central Valley Water Board staff has reviewed the electronic self-monitoring reports (eSMRs) submitted by the Discharger for the **Second Quarter 2015** and **Third Quarter 2015** monitoring periods.

The review of the eSMRs identified the following violations:

Deficient Reporting

MRP section X.B.4. states “*The Discharger shall report with each sample result the applicable Reporting Level (RL) and the current Method Detection Limit (MDL), as determined by the procedure in 40 CFR Part 136...*” Board staff has determined that the Discharger is not reporting the MDLs and RLs with the eSMR quarterly reports; therefore, Board staff is unable to determine compliance with the WDRs. This is a violation of the MRP and potentially subject to discretionary penalties of \$1,000 per day per incomplete report.

Effluent Limitation Violations

According to the eSMRs, the Discharger violated the interim effluent limitations for antimony contained in the TSO, as listed in Table A. The interim average monthly effluent limitation of 35 µg/L and interim daily maximum effluent violation of 50 µg/L contained in TSO R5-2015-0035 were exceeded during the reporting period; therefore, mandatory minimum penalty (MMP) protection was lost for the violation of the WDRs effluent limitations. These violations potentially subject the Discharger to MMPs. Should Board staff determine that these violations are subject to MMPs, an additional notification will be provided.

Table A. Violations Exceeding Interim Effluent Limitation Subject to MMPs

Date	Parameter	Units	Interim Effluent Limitation	Measured	Period	CIWQS
2nd Q2015	Antimony	µg/L	50	62.3	Daily Maximum	998935
2nd Q2015	Antimony	µg/L	35	62.3	Monthly Average	998936

Effluent Limitation Violations in Compliance with TSO

According to the eSMRs, the Discharger violated the effluent limitations for arsenic, cadmium, nickel, and antimony as listed below. However, the Discharger was in compliance with the interim limits contained in the TSO. These violations appear not to be subject to MMPs. A final determination will be made at a later date.

Table B. Violations Exceeding Effluent Limitations Not Likely Subject to MMPs (within TSO Limitations)

Date	Monitoring Location	Parameter	Units	WDRs Limit	TSO Limit	Measured	Period	CIWQS
2nd Q2015	EFF-002	Arsenic	µg/L	20	1000	548	Daily Maximum	998937
2nd Q2015	EFF-001	Cadmium	µg/L	1.7	50	27	Daily Maximum	998938
2nd Q2015	EFF-001	Nickel	µg/L	43	200	149	Daily Maximum	998939
3rd Q2015	EFF-001	Antimony	µg/L	12	50	28.9	Daily Maximum	998940
3rd Q2015	EFF-002	Arsenic	µg/L	20	1000	203	Daily Maximum	998941

Delinquent Reports

Board Staff issued a NOV on 22 June 2015 requiring the submittal of multiple delinquent reports. The discharger is in violation of Water Code section 13267 and our next step is to recommend that civil liabilities (i.e. monetary penalties) be assessed against Original Sixteen to One Mine, Inc. As of the date of this Notice, **the maximum liability for delinquent reports is \$439,000** as shown listed below.

Table C. Potential Maximum Liability

Due Date	Report	Liability Assessment Date	Days Late	Maximum Liability	Item Status
6/1/2015	Mining Waste Pile Characterization Study Workplan and Time Schedule	11/12/2015	150	\$150,000	Delinquent
6/1/2015	TRE Workplan	11/12/2015	150	\$150,000	Delinquent
6/15/2015	RL, MDL, and Methods Report	11/12/2015	139	\$139,000	Delinquent
				Total Liability	\$439,000

Please submit the missing reports outlined in Table C immediately. Be advised that continued failure to comply fully with reporting requirements may result in staff recommending additional enforcement, which may include the issuance of an additional administrative civil liability complaint of up to \$1,000 per day for late or inadequate reports.

The Discharger's next deliverable under the TSO is a *Progress Report* detailing the steps taken to comply with this Order, which is due **31 January 2016**.

The Discharger's next deliverable under the WDRs is a *Pollutant Minimization Program Annual Status Report* detailing the steps taken to comply with this Order, which is due **1 February 2016**.

If you have questions or would like to meet to discuss the violations noted in this letter and the potential civil liability assessment, please contact me at (916) 464-4835 or wendy.wyles@waterboards.ca.gov.

WENDY WYELS, Supervisor
Compliance and Enforcement Section

cc: Lori Okun, Office of Chief Counsel, State Water Resources Control Board, Sacramento
Kamala D. Harris, Attorney General, CA Department of Justice, Office of the Attorney General