

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 AMENDING ORDER  
ORDER R5 2022-XXXX  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
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 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 and Time Schedule Order (TSO) R5-2017-0087, issued by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on 11 August 2017. An Order is proposed to amend the TSO to allow the Discharger additional time to implement Best Management Practices to comply with final effluent limitations for total copper, total mercury, and total nickel. Proposed Best Management Practices include installation of brush barriers and a grade control structure, construction of an interceptor and diversion swale, and construction of a soldier pile wall and monitoring to confirm their effectiveness. The tentative Order includes updated interim effluent limitations for total copper, total mercury and total nickel, revised compliance schedule due dates, and a new compliance date for the final effluent limitations for total copper, total mercury and total nickel.

**Public Hearing Date and Location**

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

DATE: 13/14 October 2022  
TIME: 8:30 a.m.

PLACE: Online Meeting  
and  
Redding City Hall  
777 Cypress Ave  
Redding, CA 96001

The [final meeting agenda](#) ([https://www.waterboards.ca.gov/centralvalley/board\\_info/meetings/](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 Order.

### **Nature and Purpose of Hearing**

At the hearing, the Central Valley Water Board will hear testimony and oral comments regarding the tentative Order. This proceeding will be a formal adjudicatory proceeding. The [procedures governing Central Valley Water Board adjudicatory hearings](#) ([http://www.waterboards.ca.gov/laws\\_regulations/](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 **5 September 2022** to the Central Valley Water Board email at [RB5S-NPDES-Comments@waterboards.ca.gov](mailto: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 Order shall submit comments no later than 5:00 p.m. on **5 September 2022** to the Central Valley Water Board email at [RB5S-NPDES-Comments@waterboards.ca.gov](mailto: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.

### **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 **11 October 2022**.

### **Hearing Procedure and Time Limits**

The hearing on the tentative Order 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** will be advised in advance of the hearing of the total amount of time allocated for its presentation and closing statement. The Discharger is invited to contact staff in advance of the hearing to discuss how much time it believes is 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](mailto: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 Order 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/](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](mailto: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