

## **23-24 FEBRUARY 2023 BOARD MEETING UNCONTESTED AGENDA ITEM**

### **AGENDA ITEM: 10.a**

#### **SUBJECT:**

Department of Parks and Recreation, Malakoff Diggins State Historic Park, Nevada County

#### **BOARD ACTION:**

Consideration of NPDES Permit Renewal and Time Schedule Order Amendment.

#### **BACKGROUND:**

Department of Parks and Recreation (Discharger), owns and operates the Malakoff Diggins State Historic Park (Park) located at 23579 North Bloomfield Road, Nevada City, California. The Park includes the remnants of a former hydraulic mine, including a large pit, the pit walls, spoils piles, a pond, and 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

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Order R5-2017-0086 (NPDES Permit) and Time Schedule Order (TSO) R5-2017-0087 on 11 August 2017. TSO R5-2017-0087 was amended in October 2022 to extend the final compliance date for copper, mercury, and nickel to 13 October 2027.

The proposed NPDES Permit contains effluent limitations for aluminum, chronic toxicity, copper, iron, manganese, nickel, mercury, pH, and zinc. The proposed NPDES Permit includes acute and chronic toxicity limitations based on the Basin Plan's narrative water quality objective and section 1.4 of the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*. Aluminum, chronic toxicity, iron, and zinc are new effluent limitations. This proposed NPDES Permit places the discharge under a new compliance schedule for aluminum, iron, and chronic toxicity because these are new limitations that were not included in previous Order R5-2017-0086. The compliance project proposed for these constituents by the Discharger is the same project proposed by the Discharger to come into compliance with final effluent limitations initially included in Order R5-2017-0086 for pH and manganese. The TSO Amending Order added an interim effluent limitation for zinc and revises the reference to the final effluent limitations to the proposed NPDES Permit from the current Permit.

Notice to provide engagement was provided to disadvantaged and tribal communities as early as possible in the permit renewal process. More recently, notice was provided due to changes in the toxicity requirements from the tentative NPDES Permit to the NPDES Permit proposed for adoption.

#### **ISSUES:**

The tentative Order was issued for a 30-day public comment period on 12 December 2022 with comments due by 11 January 2023. Timely comments on the tentative Order

were received on 11 January 2023 from the Discharger. A Response to Comments document is included in the agenda package that summarizes the written comments followed by responses by Central Valley Water Board staff. Changes have been made to the proposed Order based on the comments received and the Discharger is in agreement with the revisions.

***Discharger Comments***

The Discharger requested clarification on determining compliance with the receiving water temperature limitation. Central Valley Water Board staff concur with the Discharger’s request and have added compliance determination language clarifying compliance with the temperature receiving water limitation to the proposed NPDES Permit.

**RECOMMENDATION:**

Adopt proposed NPDES Permit and TSO Amending Order.

**REVIEWS:**

Management Review:	AWL	February 2023
Legal Review:	LTO	3 February 2023

**BOARD MEETING LOCATION:**

Online Central Valley Regional Water Quality Control Board meeting