

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2013-0030

AMENDING WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2012-0010  
FOR  
HOMESTAKE MINING COMPANY OF CALIFORNIA  
FOR  
CLOSURE AND POST-CLOSURE MAINTENANCE OF  
McLAUGHLIN MINE  
LAKE, NAPA AND YOLO COUNTIES

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

1. On 2 February 2012, the Regional Water Board adopted Waste Discharge Requirements (WDRs) Order No. R5-2012-0010, prescribing requirements for closure and post-closure maintenance of mining waste management units at the former McLaughlin Gold Mine in Lake, Napa and Yolo Counties. Homestake Mining Company of California (hereafter discharger) owned and operated the mine and is responsible for Closure and post-Closure Maintenance of the former mine property.
2. WDRs Order No. R5-2012-0010 set maximum water levels for the North Mine Pit (MP) lake and the South Mine Pit (MP) lake. The Order was written with the understanding that the Discharger could apply for revised water level requirements on completion of corrective actions to seal the northwest side of North Mine Pit. This is described in Findings 43, 44 and 45 of WDRs Order No. R5-2012-0010 as follows:

- a. Finding 43 states:

*“There is a potential for surface water discharge through the northwest side of North MP Lake. The bedrock low point occurs on the northwest of perimeter of North MP. The bedrock low point is penetrated by an abandoned culvert with a trench bottom elevation of approximately 1718 feet MSL. Therefore, under current conditions if the pit lake water elevations exceed 1718 feet for a sustained period of time, a surface water discharge could occur. The Discharger has sealed the culvert and proposes to construct a cut-off trench that will raise the current North MP bedrock lip (pit low point) from its approximate current elevation of 1718 feet MSL to an elevation of 1730 feet MSL.”*

- b. Finding 44 states:

*“The mine pit lakes are very large and there is a potential for a large scale discharge event that may be impossible to contain without providing substantial available capacity. Therefore, these WDRs require the Discharger to maintain ten-feet of freeboard in the North MP. These WDRs require North MP Lake water levels shall not exceed elevation 1708 feet MSL. If the Discharger demonstrates that the proposed cutoff trench and sealed culvert will not leak under prolonged saturation, staff may propose an amendment to the WDRs to revise the maximum mine pit water level.”*

c. Finding 45 states:

*“The Discharger uses enhanced evaporation to control lake levels in North MP, which causes the South MP lake levels to be higher. The low point that divides the two mine pits is at an elevation of 1730 feet MSL. If the South Pit Lake water level exceeds 1730 feet MSL, it potentially could flood the North Pit Lake and result in a surface water discharge. Therefore, these WDRs require that the South MP Lake levels shall not exceed 1726 feet MSL to prevent any overflow of pit water from the South MP to the North MP.”*

3. Provision 7 states:

*“Water Levels in the North MP Lake shall be maintained below 1708 feet MSL, Water Levels in the South MP Lake shall be maintained below 1726 feet MSL and South MP shall not overflow into North MP Lake. (Findings Nos. 43, 44 and 45).*

4. The Discharger has sealed the culvert; constructed an Engineered Low-Permeability Barrier to 1730 feet MSL; and built up the berm dividing North and South Pits to 1735 feet MSL. The Discharger submitted Construction Quality Assurance Reports for the North Pit Engineered Low-Permeability Barrier and the North and South Pits Berm Restoration that demonstrate that the Low-Permeability Barrier will not leak under prolonged saturation and will act as an effective barrier to discharge from the North Pit. Therefore, this amendment to the Order sets revised water level limits for the mine pits.
5. The action to amend WDRs Order No. R5-2012-0010 is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) because it involves no expansion of the project (14 California Code of Regulations (CCR) section 15301); it is an action taken by a regulatory agency to assure the protection of the environment; and the regulatory process involves procedures for protection of the environment (14 CCR section 15308).
6. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to amend waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
7. The Regional Water Board, in a public meeting, heard, and considered all comments pertaining to the discharge

**IT IS HEREBY ORDERED** that, pursuant to sections 13263 and 13267 of the California Water Code, Order No. R5-2012-0010 is amended to solely change Provision 7. Homestake Mining Company of California, its agent, successors, and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted there under, shall comply with amended Order R5-2012-0010 as follows:

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Provision 7 of the WDRs Order R5-2012-0010 shall be amended as follows:

*Water Levels in the North MP Lake shall be maintained below 1720 feet MSL, Water Levels in the South MP Lake shall be maintained below 1731 feet MSL and South MP shall not overflow into North MP Lake.*

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

This Order is effective as of the date of adoption.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 12 April 2013.

Original signed by

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PAMELA C. CREEDON, Executive Officer

RDA:14 December 2012