



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY

Building
Planning
Public Works
Sanitation
Environmental Health
Agricultural Commissioner

DATE: September 5, 2008
TO: Jessica Hankins, Project Planner
FROM: Tom Martin, County Surveyor
SUBJECT: Use Permit Application for White (U 08-21)

FILE: U 08-21



BACKGROUND:

This Use Permit application would allow open pit mining on a 76.9 acre property owned by the applicant. The site is served by privately maintained roads that traverse both privately held properties and U.S. government properties, managed by the U.S. Bureau of Land Management. No documentation of easement rights for access to this site was provided in the application. Because this is an expansion of the use of this property, historic use of the roadways would not be adequate for this proposal. It appears that roads, ponds and possibly other features have been constructed on this property without regard to the boundaries as depicted on that map recorded in Book 5 of Surveys at Page 185.

RECOMMENDATION:

This department recommends that this application be deemed incomplete until access easements over private and federal controlled properties have been documented or obtained. These properties would include Assessor's Parcel Number (APN) 38-380-05 (Hansen Bros.), APN 38-390-02 (USA), APN 38-390-04 (Rubin) and APN 38-390-15 (Lima). It is also recommended that, prior to any additional construction activities at the project site, the property boundaries be re-established and clearly marked so as to avoid additional encroachments onto adjacent properties.

TM:kw



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Folsom Field Office
63 Natoma St.
Folsom, California 95630
www.ca.blm.gov/folsom



2800/3809/9230
CACA 49814
CACA 49819
CA-180.17

August 28, 2008

Jessica Hankins, Associate Planner
Nevada County Planning Department
950 Maidu Ave
Nevada City, CA 95959-8617

Dear Ms. Hankins,

Thank you for giving the Bureau of Land Management (BLM) an opportunity to comment on Golden Girl Mining Company's (GGMC) proposed mining and reclamation plan involving their property at 18272 Red Dog Road. Adjoining GGMC property at this location are BLM administered public lands (APN 38-390-2 and -15).

The reclamation plan calls for final slopes to be no steeper than 2:1 (horizontal to vertical) within the property owned by GGMC, but according to the mining plan, Tertiary gravels will be excavated and removed to the BLM/GGMC property line. The plan does not propose disturbance to BLM land in California Placer Lot 80 within APN 38-390-2. For this to be possible, the open pit must be designed with 2:1 slopes that slope away from the BLM land along this land boundary, leaving a buffer of Tertiary gravels untouched along the property line. However, the final reclamation as described in their plan would leave vertical slopes along the boundary line and tall ridges and pillars of Tertiary gravels left on the adjacent BLM land. Refer to mining areas 1, 2, 5 and 8 in "Existing" and "Proposed Master Plan," sheets 1 and 2 and to cross sections 3a-3b and 4a-4b in "Cross Sections," two sheets labeled 8 of 9. In order to achieve the contours shown in "Final Reclamation (Conceptual)," sheet 9, the mining of Tertiary gravels on BLM land would need to be included in the plan. This would require BLM approval of a plan of mining claim operations under Title 43 of the Code of Federal Regulations, Subpart 3809.

Commercial use and maintenance of the eastern access road will require BLM approval of a right-of-way. This is also true for the proposed haul road through California Placer Lot 81 (APN 38-390-15) shown in sheet 2 between areas 2a and 5.



California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



Arnold
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Linda S. Adams
Secretary for
Environmental
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27 August 2008

Jessica Hankins, Associate Planner
Community Development Agency,
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959

REC'D AUG 29 2008

PROPOSED "OPEN PIT" SURFACE MINE, APN'S 38-390-12, -20, AND-21 TUCKER AND KELLI WHITE, GOLDEN GIRL MINING COMPANY, NEVADA COUNTY

We have reviewed the 19 August 2008 letter from the Nevada County Community Development Agency requesting comments, recommended mitigation measures, and/or conditions for the proposed "open pit" surface mine located near 18272 Red Dog Road (APN's 38-390-12, -20, and -21). Accompanying this letter was a Nevada County Planning Department Land Use Application, Nevada County Application for Exploration and/or Mining, Application for Grading Permit, and finally nine (9) accompanying 18-inch x 24-inch detail sheets for the Golden Girl Placer Mine titled "existing, proposed (Phases 1-5), cross sections, and final reclamation.

From our discussion on 26 August 2008, we understand that the document packet we received and reviewed was incomplete. Information pertaining to some of our comments below was not received and therefore our comments may need to be modified after additional information is received and reviewed. However, after reviewing the limited application packet and accompanying submittal documents, we have the following comments:

Comments:

1. It is unclear as to what type of permit is being requested. Is this a grading permit, access road permit, or 50-year use permit for an "open pit" surface mine? The applicant should revise the application packet and accompanying submittal documents and present the information in an understandable written format, and all information should be presented at a level of detail appropriate to support the project. The existing application packet and accompanying submittal documents do not contain sufficient information on the proposed project for Regional Water Board staff to review the project adequately.
2. It is unclear as to the overall volume (quantity) of materials to be disturbed annually or during each phase of the proposed 50-year (2008-2058) mining operation or if cut and fill volumes actually balance for each/or any of the mining phases indicated. The applicant should revise the project documents to include information on daily, monthly,

California Environmental Protection Agency

If a U.S. Army Corp of Engineers (ACOE) permit is required due to the disturbance of wetlands, then Water Quality Certification must be obtained from the Regional Water Board prior to initiation of project activities. Section 401 of the federal Clean Water Act requires that the project proponent for any project that impacts surface waters of the United States (such as streams and wetlands) must request a 401 Water Quality Certification from the Regional Water Board. Water Quality Certification must be obtained prior to initiation of project activities. The proponent must follow the ACOE 404(b)(1) Guidance to assure approval of their 401 Water Quality Certification application. The guidelines are as follows:

- Avoidance (Is the project the least environmentally damaging *practicable* alternative?)
- Minimization (Does the project minimize any adverse effects to the impacted wetlands?)
- Mitigation (Does the project mitigate to assure a no net loss of functional values?)

(Note: the applicant has not completed the Water Quality Certification requirement).

3. Section 404 Permit

If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If a Section 404 permit is required, the proponent must apply to the Regional Water Board for a Water Quality Certification under Section 401.

4. Report of Waste Discharge:

The California Water Code (CWC) requires that any person discharging waste, or proposing to discharge waste, that could affect the quality of the waters of the state, to file a report of waste discharge (ROWD) (CWC 13260(a)). In addition to the report required by 13260(a), before any person discharges mining waste, the person shall first submit both of the following to the Regional Water Board:

- A report on the physical and chemical characteristics of the waste, and its potential to cause pollution or contamination. The report shall include the results of all tests required by regulations adopted by the board, any test adopted by the Department of Toxic Substances Control pursuant to Section 25141 of the Health and Safety Code for extractable, persistent, and bioaccumulative toxic substances in a waste or other material, and any other tests that the state board or Regional Water Board may require, including, but not limited to, tests needed to determine the acid-generating potential of the mining waste or the extent to which hazardous substances may persist in the waste after disposal.
- A report that evaluates the potential of the discharge of the mining waste to produce, over the long term, acid mine drainage, the discharge or leaching of heavy metals, or the release of other hazardous substances.

5. Reports:

Any technical report required that involves planning, investigation, evaluation, engineering design, or other work requiring interpretation and proper application of engineering or geologic sciences shall be prepared by or under the direction of persons

DEPARTMENT OF CONSERVATION

OFFICE OF MINE RECLAMATION

801 K STREET • MS 09-06 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-1230 • FAX 916 / 445-6066 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

August 27, 2008

REC'D AUG 29 2008

VIA EMAIL: jessica.hankins@co.nevada.ca.us
ORIGINAL SENT BY MAIL

Jessica Hankins
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959

Dear Ms. Hankins:

EARLY CONSULTATION/PROJECT DESCRIPTION FOR GOLDEN GIRL PLACER MINE


The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the early consultation/project description for the Golden Girl Placer Mine. The applicant is proposing to mine for gold on a 74.37 acre project site for a period of 50 years. The proposed project site is located at 18272 Red Dog Road, east of Nevada City. OMR staff conducted a site visit on July 29, 2008 to discuss reclamation issues.

OMR has no issues to raise regarding the early consultation for this mine site. We look forward to providing further review and comments upon receipt of any California Environmental Quality Act documents and a complete reclamation plan for the proposed Golden Girl Placer Mine.

When submitting reclamation plans and financial assurance cost estimates to OMR for review, lead agencies are required to certify that the reclamation plan is complete pursuant to section 2774(c) of the Surface Mining and Reclamation Act. Upon submittal, please include a cover letter with a statement such as: "The Golden Girl Placer Mine reclamation plan is enclosed for OMR's 30-day review. The County of Nevada certifies that this submission is in compliance with the applicable requirements of Article 9 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations and the County's mining ordinance."

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 323-8565.

Sincerely,

for 
James S. Pompy, Manager
Reclamation Unit



Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

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25 August 2008

Charles Watson, President, Chief Geologist
Advanced Geologic Exploration, Inc.
180 Main Street
Chester, CA 96020

MODIFIED FIELD SAMPLING PLAN, GOLDEN GIRL PLACER MINE, NEVADA COUNTY

We have reviewed the 15 August 2008 *Modified Field Sampling Plan* (Modified FSP) prepared by Advanced Geologic Exploration (AGE) for the Golden Girl Mining Company's (GGMC) Golden Girl Placer Mine in Nevada County. The Modified FSP was submitted by AGE in response to our 11 July 2008 letter, in which we requested revisions to AGE initial GGMC Field Sampling Plan dated 30 June 2008.

Our comments on the Modified FSP are arranged numerically to follow the format of our 11 July 2008 letter, and are as follows:

- 1) The Modified FSP has addressed the Bureau of Land Management (BLM) 2005 Boston Placer Mine Sluice Tunnel Remediation Project as was requested in Comment #1 of our 11 July 2008 letter. No further information is requested at this time.
- 2) The Modified FSP has adequately addressed Comment #2 of our 11 July 2008 letter **with the following exception**; The Modified FSP states that for the "Undisturbed Tertiary Gravel Deposits: Two samples will be obtained from the exposed hydraulic mine cliffs (Samples TG1 and TG2)." As indicated in our 11 July 2008 letter, at a minimum, at least three (3) samples of the undisturbed tertiary gravels should be taken from each location where mining is planned to take place. The Modified FSP should be revised to indicate that at least three (3) samples of the undisturbed tertiary gravels would be sampled and analyzed.
- 3) The Modified FSP indicates that the water sampling information requested in Comment #3 of our 11 July 2008 letter will be provided from information obtained from the BLMs Boston Mine Sluice Tunnel outlet-sampling program. While we have no objection to the source of this information, it must be current (within the past 6-month period) and must contain similar constituents of concern as noted in Table 4 of the Regional Water Board document titled *Tech Note, Mining Waste Characterization* provided to you in our 17 June 2008 email.

Furthermore, the Modified FSP states that; "Two sluice tunnels convey some water off the property, one in the north in the planned mine staging area and the other to the south and not pertinent to the present application." While not explicitly stated, staff infers that the northern sluice tunnel is the Boston Mine Sluice Tunnel, and will be sampled as noted above. We have also assumed that the second sluice tunnel (to the south) is the Starr Mine Tunnel. As indicated on page 65 of the United States Geological Survey (USGS)

California Environmental Protection Agency

method detection limits shown in Table 4 of the Regional Water Board document titled *Tech Note, Mining Waste Characterization* provided to you in our 17 June 2008 email.

If an alternative constituent list is being proposed for the water samples, the Modified FSP should be revised to provide a table identifying the constituents, method of analysis, the target method detection limit, and the rationale supporting the proposed alternative constituent list. This list should include the major cations and anions (Calcium, Magnesium, Sodium, Potassium, Chloride, Bicarbonate, Carbonate, Total Alkalinity, Nitrate/Nitrite, and Sulfate), general inorganic chemistry (pH, Conductivity, Total Dissolved Solids, Hardness), and field parameters (pH, Conductivity, and Temperature).

- 7) The Modified FSP should be revised to provide two (2) separate tables listing the California Assessment Manual (CAM) 17 metals Total Threshold Limit Concentrations (TTLCs) and the CAM 17 metals Soluble Threshold Limit Concentrations (STLCs). Each table should indicate the constituents to be tested, the analytical methods, and target method detection levels.
- 8) The Modified FSP has adequately addressed Comment #8 of our 11 July 2008 letter.
- 9) The Modified FSP has adequately addressed Comment #9 of our 11 July 2008 letter.
- 10) The Modified FSP was revised and no longer contains a reference to the California Actions Metals or the California Assessment Manual, as such Comment #10 of 11 July 2008 letter no longer applies.

Please revise the Modified FSP to address each of our comments and resubmit it within **14 days** of the date of this letter for our review and concurrence.

If you have any questions regarding our comments, please call me at (916) 464-4639.

JEFF HUGGINS
Water Resources Control Engineer
Title 27 Permitting and Mining

cc: Tucker and Kelli White, Golden Girl Mining Company, 945 Long Iron Drive,
Chester, Ca 96020
Tim Carroll, Bureau of Land Management, Folsom Field Office, Folsom
David Lawler, Bureau of Land Management, California State Office, Sacramento
Carol Oz, California Department of Fish and Game, Rancho Cordova
Jerry Karnow, Warden, California Department of Fish and Game, Rancho Cordova
Erin Hess, U.S. Army Corps of Engineers, Sacramento
Bret Koehler, Department of Conservation-Office of Mine Reclamation, Sacramento
Todd Herman, Senior Planner, Nevada County Planning Department, Nevada City
David Huff, Nevada County Environmental Health Dept., Nevada City



DEPARTMENT OF CONSERVATION

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August 15, 2008

Via Certified Mail: 7007 1490 0003 8990 2443

Mr. Tod Herman
Senior Planner
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959-8617

Dear Mr. Herman:

15-DAY SMARA ENFORCEMENT NOTICE, GOLDEN GIRL MINE (CALIFORNIA MINE ID # NOT ASSIGNED)

The purpose of this letter is to notify the County of Nevada (County) of a violation of the Surface Mining and Reclamation Act of 1975 (SMARA) at the Golden Girl Mine. The County is the SMARA lead agency for this surface mine, which is operated by Tucker White.

Public Resources Code (PRC) Section 2770(a) provides that no person shall conduct surface mining operations unless a permit is obtained from, a reclamation plan has been submitted to and approved by, and financial assurances for reclamation have been approved by, the lead agency for the operation. Surface mining operations must be conducted in accordance with the approved reclamation plan. Except as provided under PRC Section 2714, any surface mining operations conducted without an approved reclamation plan is a violation of SMARA.

PRC Section 2774.1 provides that, if the lead agency or the Director of the Department of Conservation (Department) determines that a violation of SMARA has occurred, either agency may notify the mine operator of the violation by personal service or certified mail. If the violation extends beyond 30 days after the date of the notification, the lead agency or the Department may issue an order requiring the operator to comply with SMARA. Although the lead agency has primary responsibility for enforcing SMARA, enforcement actions may be initiated by the Department, but only after the lead agency has been notified in writing of the violation for at least 15 days and has not taken appropriate enforcement action.



M e m o r a n d u m

Date: 8/12/08

To: Warden Jerry Karnow

From: Carol Oz, Staff Environmental Scientist
CA Department of Fish and Game-Region 2
1701 Nimbus Rd.
Rancho Cordova, CA 95670

Subject: Golden Girl Mine Sediment Release Biosignificance Report

Recently, you requested my assistance regarding streambed alteration activities and water quality concerns at the Golden Girl Mine site in Nevada County, CA. The following report is provided to supplement the Investigation Report regarding streambed and water quality violations from sediment release and potential for contaminant discharge at the mine site. This report provides a discussion of my observations at the site, my interpretation of water sample results, and a description of environmental impacts and conclusions regarding the deleterious nature of this pollution incident.

On 5/22/08 I met with you, and members of the Regional Water Quality Control Board (RWQCB), Nevada County Environmental Health, and the US Army Corps of Engineers to evaluate water quality concerns from construction activities at the Golden Girl Mine site. Golden Girl Mine is located about 10 miles southwest of Grass Valley, in Nevada County, CA. Construction activities on the site occurred on Bureau of Land Management (BLM) lands and property owned by Golden Girl Mining Company (Tucker and Kelli White). I took photographs with an HP R707 Photosmart digital camera and collected waypoint location coordinates via a handheld Garmin 60CSx Global Positioning Device. As I walked into the mine vicinity on a newly graded road, I observed soils that had been pushed into riparian and wetland areas and soil that covered approximately 2 feet of the base of living tree trunks (see attached photos 1, 2, 4, 5, and 6).

According to topographic maps of the area and RWQCB information (see attachment), historical placer mining occurred in this location (see Map 1 attached). The site includes upland habitat, small ponds, and wetland habitat. Recent grading of the road and other scraping and earth moving activities caused changes in site drainage and I observed sediment discharge in one of the ponds (photos 7, 8, 9, 10, and 11) and a stream near the perimeter road (photo 3). Water striders and tadpoles were present in one pond that had not been impacted by sediment (waypoint 018). Along the road near the mine site I observed a very large newly constructed (or modified) processing pond (photo 12). This processing pond contained milky opaque water. I measured the pH and temperature of the pond water with a handheld Oaktron pH field meter (pH =7.1 and temperature =20.6 °C) and collected two 1 liter water samples. I delivered the water samples with a chain-of-custody to the DFG Water Pollution Control Laboratory (WPCL) for analysis of total suspended solids, settleable solids, and specific conductivity. There were two other newly constructed, unlined, mining process ponds at the site next to the one where I collected samples, but the

The Empirical and Calculated Severity-of-Ill Effect model developed by Newcombe and Jensen (1996) ranks the effect of suspended sediment on fish (based on concentration and duration) on a fourteen-point/level scale within four major classes: nil effect (Level 0); behavioral effects (Levels 1-3); sublethal effects (levels 4-8), and; lethal and para-lethal effects (levels 9-14). The longer duration in the water system and/or the higher the suspended solids concentration, the more severe the effects would be on fish. For example, using the model for adult salmonids and the concentration of suspended solids found in the mining processing pond (35 mg/L), and using a model duration range of 1 hour to 30 months, the severity of ill-effects score for salmonids would range anywhere from 4 to 9 (see Table 1 below).

Table 1: Total Suspended Solids Severity of Ill Effects²

Level	Severity of Ill Effects
4	Sublethal effects: Short-term reduction in feeding rates; short-term reduction in feeding success
5	Sublethal effects: Minor physiological distress; increase in rate of coughing; increased respiration rate.
6	Sublethal effects: Moderate physiological stress.
7	Sublethal effects: Moderate habitat degradation; impaired homing
8	Sublethal effects: Indications of major physiological stress; long-term reduction in feeding rate; long-term reduction in feeding success; poor condition
9	Lethal and para-lethal effects: Reduced growth rate; delayed hatching; reduced fish density

Sedimentation: It is natural to find silt and sediment in water but problems result when excess amounts are introduced into the water. Excess amounts can harmfully affect water quality, an essential component of fish habitat. The deposition of sands, silts, or clays, around and on top of streambed rubble, reduces the area upon which aquatic insects develop. The mainstay of the diet of salmonid fishes is composed of insects such as stoneflies, mayflies and caddisflies. These insects develop on the clean surfaces of large gravels and cobbles, and depend to a large degree on turbulent water around these rocky surfaces to bring them food.(Phillips, 1971). While a sand or mud bottom may provide limited habitat for burrowing invertebrates, burrowers are not as available to salmonids as are the preferred forms such as mayflies, caddisflies, and stoneflies that normally inhabit clean, gravel habitat.

Modification of streambed habitat by deposition of fine sand, silt, or clay-sized particles poses one of the most serious threats to the survival of many salmon and trout species (Tarzwell and Gauvin, 1953; McNeil and Ahnell, 1964). The streambed is the incubator for developing eggs; it provides vital cover or refuge for developing fry, and provides habitat for the bulk of the food organisms required by young salmon, trout, and other fish for survival. (Crouse et al, 1981, Phillips, 1971, Wolf, 1950).

Other aquatic species can be equally and adversely affected by the deposition of fine particulates. Salamanders, amphibians, and a host of insect species can become physically entrapped, along with fish fry and incubating eggs, beneath cemented (fine sediments settle into gravel and tend to cement the gravel

² Excerpt from Newcomb and Jensen 1996.

organisms. Depending on concentrations and how long solids are suspended in the water column, suspended solids can have negative impacts on fish ranging from sub-lethal to lethal effects (e.g., reduction in feeding rates, impaired homing, major physiological stress, long-term reduction in feeding rate/success, poor condition, reduced growth rate, delayed hatching, increased predation, habitat degradation, mortality...). Sediment release to on-site wetlands, ponds, and a nearby stream, as well as *potential* for sediment and other contaminants to enter State Waters at this site is a violation of DFG Code 5650, which prohibits the placement of material that is deleterious to aquatic life, in or where it can enter State Waters. Mining contaminants (e.g., mercury) such as tailings, leached rock, or leach solutions, if present and discharged to ponds or streams would very likely have negative impacts to aquatic organisms, birds, plants, and other wildlife such as acute and chronic toxicity.

Soil pushed onto tree trunks at this site and the scraping damage done to trees predisposes them to disease organisms. And trees that have been inundated with water (see photos 12, 13, and 22) from the recently created settling pond will die (Showers 2008, attached). Vegetation removal has reduced habitat around pre-existing ponds and decreased shade, which will likely increase water temperature, photosynthesis, and algae growth. Without vegetation and roots to hold soils, erosion at the site remains a threat to water quality. De-vegetation and soil moving activities can also reduce food supplies for shredder aquatic organisms, such as macroinvertebrates, which would impact food supply for species higher in the food chain.

Natural resources are at risk from pollution and habitat degradation activities at this site. The Golden Girl Mine construction area borders Greenhorn Creek, which flows to Bear River, thence the Feather River, thence the Sacramento River. Greenhorn Creek and downstream waters contain rainbow trout, riffle sculpin, western sucker, and green sunfish. Habitat in this area supports a broad variety of plants and wildlife including sensitive species documented in the area such as the foothill yellow-legged frog (*Rana boylei*), a California species of special concern, and red-anthered rush (*Juncus marginatus* var. *marginatus*), a California Native Plant Society listed (2.2) rare and fairly threatened plant in California (CDFG-BIOS, CNDDDB). The Greenhorn Creek drainage basin also supports western pond turtle (*Clemmys marmorata*), a California species of special concern (per phone communication, John Hiscox, CDFG Fishery Biologist).

Recommendations

The site should be secured with appropriate erosion control devices to protect water quality. Monitoring of surface water and groundwater should be conducted to determine potential impacts from both construction activities on the site and proposed mining activities. Sediment should be removed from the impacted ponds and stream, soils removed from tree trunks, and vegetation restored in a manner to protect water quality and provide habitat. A habitat restoration plan should be provided to DFG for review and approval prior to commencement of any cleanup or restoration work.

Please contact me at (916) 358-2918 if you have any questions.

cc: Paul Hamilton-OSPR
Kent Smith-DFG Region 2
Jeff Huggins-RWQCB
Erin Hess-ACOE
David Huff-Nevada County EHD

Attachments:

- Photographs

Health, Education and Welfare, Public Health Service, Environmental Health Center, Cincinnati, OH.
38pp.

Till, B. and Trayler, K. 2000. Sediment in Streams in Water Notes. WN17. Water and Rivers Commission, Western Australia.

Waters, Thomas F. 1995. Sediment in Streams: Sources, Biological Effects and Control. American Fisheries Society Monograph 7. Bethesda, Maryland.

Welch, P.S. 1952. Limnology, Second Edition, McGraw-Hill Book company, Inc. 538pp.

Wolf, P. 1950. American problems and practice, I. Salmon which disappeared. Salmon and Trout Magazine, No. 130, pp. 201-202.



California Regional Water Quality Control Board

Central Valley Region

Robert Schneider, Chair



Gray Davis
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Secretary for
Environmental
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Phone (916) 255-3000 • FAX (916) 255-3015

APPROVED

STAFF

SENIOR

NOTICE OF VIOLATION

10 June 2008

CERTIFIED MAIL
7007 2560 0001 6522 9356

Tucker and Kelli White
Golden Girl Mining Company
945 Long Iron Drive
Chester, Ca 96020

NOTICE OF VIOLATION OF THE CLEAN WATER ACT AND CALIFORNIA WATER CODE FOR DISCHARGES OF MINING WASTE AND STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY, GOLDEN GIRL MINING COMPANY, NEVADA COUNTY

The Regional Water Board has been contacted by the California Department of Fish and Game (DFG) with regards to the construction activities located at the Golden Girl Placer Mine bordering Greenhorn Creek, about 10 miles southwest of Grass Valley, Nevada County. A site inspection was jointly made at the request of DFG, with representatives of DFG, Nevada County, and US Corps of Engineers. It was apparent that the construction activities in preparation for mining at the site, directly adjacent to Greenhorn Creek, is over one acre, and has impacted natural drainage waterways and riparian areas protected by the State of California and the United States Environmental Protection Agency (USEPA). Construction/grading activities on this property, partly owned by you and partly owned by the US Bureau of Land Management, have impacted drainage areas, which carry storm water runoff and sediment to Greenhorn Creek, a tributary to the Bear River. These construction activities are a substantial threat to water quality. A search of permitted construction sites did not find that you have obtained a construction stormwater permit. Furthermore, your construction activities in preparation for mining constitute a waste discharge to land. The California Water Code requires that any person discharging waste, or proposing to discharge waste, that could affect the quality of the waters of the state, to file a report of waste discharge.

CONSTRUCTION GENERAL PERMIT

Both the California Water Code (CWC) and the federal Clean Water Act (CWA) require that you obtain coverage under the Construction Activity Storm Water General Permit for storm water discharges associated with activities where clearing, grading, and excavation results in land disturbance of one or more acres. Your site has been determined to be over one acre by Regional Water Board staff; therefore, you must obtain coverage under the NPDES Storm

California Environmental Protection Agency



Tucker and Kelli White
2008
Golden Girl Mining Company

- 3 -

10 June

In order to obtain industrial storm water permit coverage you may request coverage under the General Industrial Storm Water Permit (General Permit) adopted by the State Water Resources Control Board. Coverage may be obtained by submitting a Notice of Intent (NOI) to comply with the General Permit and by paying the annual fee. Once you file an NOI and pay the fee you must comply with the requirements of the General Permit. These requirements include the preparation and implementation of a Storm Water Pollution Prevention Plan and annual monitoring of storm water runoff.

You may obtain more information about the Industrial Storm Water Program at the State Water Resources Control Board's web site at:

<http://www.waterboards.ca.gov/stormwtr/industrial.html>

Enclosed is an NOI form for use in requesting coverage under the General Industrial Storm Water Permit. Submit the NOI and fee within 30 days of the date on this letter to:

State Water Resources Control Board
Division of Water Quality/Storm Water Unit
P.O. Box 1977
Sacramento, CA 95812-1977

Once your NOI application is processed, the State Water Board will issue a storm water permit number (WDID number) for your facility. Once you receive your WDID number, you will need to provide your WDID number and a copy of your Storm Water Pollution Prevention Plan to our office at the following address:

Attn: Nova Clemenza, WRC Engineer
Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Water Code Section 13399.33 (a)(1) requires a minimum penalty of \$5,000 per year in which an industrial activity fails to submit an NOI. The maximum fine could reach \$1,000 per day for failure to obtain a permit. We request that you file the NOI within 30 days to avoid any further enforcement action.

Please note: You may file for coverage under the General Industrial Storm Water Permit and incorporate your construction activities under your SWPPP for construction and Industrial operations. In this case you would not need to file for the construction permit in addition to the industrial permit. However, for either permit the SWPPP must be submitted to the Regional Board by **14 July 2008** for review and approval.

Tucker and Kelli White
2008
Golden Girl Mining Company

- 5 -

10 June

The requirements for the ROWD and other technical report(s) required by regulation are found in California Code of Regulations Title 27 Section 22470. Information about the ROWD and the Waste Discharges to Land Program may be found at the Regional Water Board's web site: http://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_land/

We request that you cease all mining related activities immediately and pursuant to CWC Section 13260 submit a complete ROWD for the Golden Girl Placer Mine by **11 July 2008**. Consistent with CWC 13264, you are required to submit a complete ROWD at least 140 days prior to discharging waste. Adoption of the WDRs can take longer than 140 days depending on the completeness and adequacy of the ROWD. Discharging waste without first securing WDRs or a wavier is a violation of the Water Code and exposes you to enforcement action, including administrative civil liability (CWC 13261 and 13268).

Submit a copy of the Report of Waste Discharge to:

Jeff Huggins, Water Resources Control Engineer
Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

If you have any questions regarding the Construction General Permit, contact Robert Ditto at (916) 464-4841. For questions regarding the 401 Water Quality Certification, contact Robert J. Solecki at (916) 464-4684, questions regarding the industrial permit, please contact Nova Clemenza at (916) 464-4647 and questions regarding the ROWD, contact Jeff Huggins at (916) 464-4639.

Original signed by
WILLIAM J MARSHALL
Chief, Storm Water Section

Enclosures: Notice of Intent Form, Construction General Permit
Application Form, Section 401 Water Quality Certification
Application/Report of Waste Discharge, Form 200

cc: United States Fish & Wildlife Service, Sacramento
David Lawler, Bureau of Land Management, California State Office, Sacramento
Tim Carroll, Bureau of Land Management, Folsom Field Office, Folsom
David Lawler, Bureau of Land Management, AMLP, Sacramento
Carol Oz, California Department of Fish and Game, Rancho Cordova
Jerry Karnow, Warden, California Department of Fish and Game, Rancho Cordova
Bill Orme, SWRCB, Certification Unit
Erin Hess, U.S. Army Corps of Engineers, Sacramento
David Huff, Nevada County Environmental Health Dept., , Nevada City