FOR INTERNAL DELIBERATION ONLY
NOT FOR EXTERNAL DISTRIBUTION

PROJECT CHARTER	
Project Information	
Project Name	New Statewide NPDES General Order for Suction Dredge Mining Activities
Department / Division	State Water Resources Control Board / Division of Water Quality
Supervising Senior	Afrooz Farsimadan (Chief of the NPDES Wastewater Unit)
Project Staff Lead	Renan Jauregui (Suction Dredge Mining Program Manager and NPDES Wastewater Unit staff)
Managerial Sponsor	Diana Messina
Project Attorney	Ryan-Mallory Jones
Critical Board dates	See Attachment A – Project Time Schedule
Project Overview	
Problem Statement	Suction dredge mining is defined in statute as "the use of a mechanized or motorized system for removing or assisting in the removal of, or the processing of, material from the bed, bank, or channel of a river, stream, or lake in order to recover minerals." (Fish & G. Code, § 5653, subd. (g).) A path to address the existing statutory prohibition on suction dredge mining became effective on January 1, 2016, with the passage of Senate Bill (SB) 637 amending the California Water Code and Fish and Game Code. In accordance the Water Code (as amended), before beginning operations, any person proposing to conduct suction dredge mining must obtain a regulatory approval from the Water Boards and a suction dredge mining permit from the Department of Fish and Wildlife (DFW). Staff is proposing that the regulatory approval consist of enrollment under a new Statewide NPDES General Order for Suction Dredge Mining Activities addressing water quality concerns due to mercury discharges, methyl mercury formation in water bodies, bioaccumulations of mercury in aquatic organisms, toxicity caused by resuspension of metals in the water column, and increased turbidity.
Objective	Adoption and implementation of a new Statewide NPDES General Order regulating discharges from suction dredge mining activities. Staff proposes that the Permit be implemented through DWQ staff managing the permit and application process and the Department of Fish and Wildlife conduct inspections and forward potential violations to State Board staff for potential enforcement.
Project Scope	
Project Scope:	a. Comply with amended Water Code (SB 637) requirements. b. Provide suction dredge miners a permit allowing suction dredge mining while protecting beneficial uses of receiving waters. c. Include applicable prohibitions of suction dredge mining in waterbodies that are impaired by turbidity, mercury and toxic metals. d. Solely regulate discharges from suction dredge mining activities under an NPDES Permit. (WDRs for discharges to land not included in scope of project due to CEQA workload potentially requiring an environmental impact report-level review with the State Water Board as the lead agency.

Project Stakeholders

- Miners and Mining Associations interested in mining for gold, including the Western Mining Alliance, American Mining Rights Association, Public Lands for the People, International California Mining Journal, New 49ers, and United Prospectors, Incorporated;
- Native American tribal groups;
- Environmental and environmental Justice Advocates;
- Federal and state agencies including the Department of Fish and Wildlife, Army Corps of Engineers, and US Forest Service);
- Regional Water Board staff;
- The general public, legislators; and
- The U.S. EPA.

Outreach Products Already Established

- Five preliminary stakeholder outreach events provided in 2017
- Informational Trifold, Frequently Asked Questions and other public project information completed and posted on Suction Dredge Mining Permitting Page on Waterboard website.
- Lyris listing established. People inquiring about project are assisted in signing up for lyris announcements.

Deliverables to Be Developed by Staff

- Charter (to be continuously updated through the Order development);
- Presentations for board meetings, focused stakeholder workshops and other outreach events as Order is developed (optional);
- Draft Statewide NPDES General Order;
- Agenda package documents, briefing notes, and routing documents.

Project Staff Roles and Responsibilities

Supervising Senior - Afrooz Farsimadan:

- Provide staff guidance and direction on the development, adoption and implementation of the new Statewide NPDES General Order for Suction Dredge Mining;
- Review the project products;
- Brief Board members and executive managers;
- Participate in decision-making and stakeholder discussions regarding permitting issues.

Lead Staff – Renan Jauregui:

- Serve as the project manager for permit development, program manager for implementation of new permit, and public contact;
- Prepare the draft Statewide General Order (NPDES Permit) and corresponding documents;
- Coordinate and follow up with all steps during the draft Statewide General Order development process;
- Maintain master documents;
- Brief Board members and executive managers;
- Participate in the decision-making and stakeholder discussions regarding permitting issues.

Managerial Project Sponsor - Diana Messina:

- Participate in decision-making and stakeholder discussions regarding permitting issues;
- Facilitate stakeholder meetings and discussions;

- Review Senior-reviewed project documents;
- Participate in Board member and executive briefings, and Board meetings.

Project Attorney - Ryan Mallory-Jones

- Review all documents for legal aspects prior to executive review;
- Respond to legal questions and comments.

Issues and Decisions

Issue	Decision Type/Basis	Last Decision Approver	Date of Decision
Proceed with statewide NPDES permit development.	Policy	Eileen Sobeck	February 2018
Include prohibitions of discharge for waterbodies impaired for turbidity, metals (includes mercury), methylmercury, and sediment toxicity. Consider examples of other states' permit use of maps to identify prohibited discharge locations/receiving waters.	Policy	Diana Messina	February 2018
Land discharges will not be regulated by the Permit due to CEQA workload.	Policy	Eileen Sobeck	February 2018
Include required California Toxic Rule (CTR) monitoring for priority pollutants at each suction dredge mining location; allow mining associations to conduct comprehensive CTR study per waterbody stretches in lieu of individual monitoring. Note, CTR monitoring is different from compliance monitoring.	Cost of Compliance Federal Regulations	Diana Messina	March 2018
Process the development of the permit through the DMC guidelines for statewide projects.		DMC	
List of pending issues to discuss with stakeholders: 1. Clarify that land disposal suction dredge mining activities would be prohibited. 2. Issue the Permit with standard requirements that would apply equally regardless of the type of suction dredge mining system is used. 3. What concerns tribal groups would have and how to incorporate into Permit.			
Create one joint application package for applicants to apply for both Water Board and DFW permit simultaneously. The Water Board and DFW will coordinate internally for this streamlined process.	Implementation	Diana Messina	June 2018

Project Charter Review and Management Approval:

Initial Signatures for Charter	Revision 1	Revision 2	Revision 3	Revision 4
Afrooz Farsimadan *Signature:*				
Date 7/2/18				
Diana Messina *Signature:*				
Date 7/2/2018				
Paul Hann *Signature:*				
Date 7/3/18				
Karen Mogus *Signature:*				
Date 7/6/18				

FOR INTERNAL DELIBERATION ONLY
NOT FOR EXTERNAL DISTRIBUTION

PROJECT TIME SCHEDULE

Project Components	**Preliminarily-Estimated Date**
SB 637 Required Stakeholder Meetings	Completed 5 workshops February 2017
Publicly post that the State Water Board's selected option to regulate suction dredge mining is a statewide NPDES General Order	April 2018
Start developing draft Order	June 2018
Consult with Department of Fish and Wildlife and the United States Forestry Service	July 2018
Complete Draft Order	**December 2018**
Office of Chief Counsel and Regional Water Board Review	January2019
USEPA Review of Administrative Draft	January 2019
Post Draft Item for 30-day public comment period	February 2019 (Taking holidays into account)
Public Hearing	March 2019
Close of public comment period	March 2019
Response to comments and final draft item	July 2019
Adoption Hearing	**July 2019**
Begin Issuance of Notices of Applicability	**September 2019**