

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
MAY 18, 2010**

ITEM 4

SUBJECT

CONSIDERATION OF A RESOLUTION TO ALLOCATE \$600,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO FUND THE INSPECTION, MAINTENANCE, AND REPAIRS TO THE 700-LEVEL ADIT AT WALKER MINE (PROJECT)

DISCUSSION

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is requesting an additional \$600,000 from the CAA to fund the Project for the next five years. Without the Project, the Central Valley Water Board will not be able to meet its requirements to protect water quality as described in the Walker Mine (Mine) *Acid Mine Drainage Abatement Project, Operations and Maintenance Procedures* (May 1997), adopted by the Central Valley Water Board in Resolution No. 97-161.

Since the closure of the Mine in 1941, the site discharged acid mine drainage (AMD) directly into Dolly Creek. The Central Valley Water Board began investigating pollutants discharging from the Mine in 1987. Investigations indicated that the discharge of AMD to surface waters from the Mine eliminated aquatic life downstream in Dolly Creek and Little Grizzly Creek for a distance of approximately 10 miles. In November 1987, the Central Valley Water Board installed an engineered concrete mine seal to prevent the direct discharge of AMD.

The Central Valley Water Board adopted three Resolutions authorizing the Board's Executive Officer to apply for CAA funds for the Mine and to enter into contracts for cleanup actions at the site. In 1991, the Central Valley Water Board received a \$1.5 million settlement from the owners of the property. The money was paid to the CAA and the State Water Resources Control Board (State Water Board) adopted [Resolution Nos. 1991-0016](#) and [1997-0082](#), which authorized \$1.2 million and \$1.5 million, respectively, from the CAA to the Central Valley Water Board for the Mine. The Central Valley Water Board spent these funds for ongoing remedial and maintenance activities at the Mine over the past 19 years.

Inspection, maintenance, and repair of the 700-Level Adit are required before staff can inspect and further maintain the Mine seal. The Mine seal, stainless steel piping, and valves need to be inspected and physically tested to ensure their operability in accordance with the Central Valley Water Board's *Mine Operations and Maintenance Procedures*.

The requested allocation is consistent with the purposes of Water Code Section 13442. Section 13442 provides that the State Water Board may order moneys to be paid from the CAA to a public agency with the authority to cleanup or abate the effects of a waste in order "to assist it in cleaning up the waste or abating its effects on the waters of the state."

POLICY ISSUE

Should the State Water Board approve funding an additional \$600,000 from the CAA for the Project?

FISCAL IMPACT

As of January 31, 2010, the uncommitted CAA balance is estimated to be no less than \$7 million according to the most current data.

REGIONAL BOARD IMPACT

Yes. Central Valley Water Board oversight. Less than ten percent of the proposed Project budget includes the Central Valley Water Board oversight costs.

STAFF RECOMMENDATION

The State Water Board should approve funding an additional \$600,000 from the CAA for the Project. The State Water Board should specify that less than ten percent of the \$600,000 will be used for the Central Valley Water Board oversight costs.

State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: 2008-2012, to comprehensively address water quality protection and restoration, and the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change, throughout California's water planning processes.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2010-

TO ALLOCATE \$600,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO FUND THE INSPECTION, MAINTENANCE, AND REPAIRS TO THE 700-LEVEL ADIT AT WALKER MINE (PROJECT)

WHEREAS:

1. The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is requesting an additional \$600,000 from the CAA to fund the Project for the next five years;
2. The Central Valley Water Board will not be able to meet its requirements to protect water quality as described in the Walker Mine (Mine) *Acid Mine Drainage Abatement Project, Operations and Maintenance Procedures* (May 1997), adopted by the Central Valley Water Board in Resolution No. 97-161;
3. The Mine discharged acid mine drainage (AMD) directly into Dolly Creek, and the discharge eliminated aquatic life downstream in Dolly Creek and Little Grizzly Creek for a distance of approximately 10 miles;
4. In November 1987, the Central Valley Water Board installed an engineered concrete mine seal to prevent the direct discharge of AMD;
5. In 1991, the Central Valley Water Board received a \$1.5 million settlement from the owners of the property. The money was paid to the CAA and the State Water Resources Control Board (State Water Board) adopted [Resolution Nos. 1991-0016](#) and [1997-0082](#), which authorized \$1.2 million and \$1.5 million, respectively, from the CAA to the Central Valley Water Board for the Mine;
6. Inspection, maintenance, and repair of the 700-Level Adit are required before staff can inspect and further maintain the Mine seal; and
7. The requested allocation is consistent with the purposes of Water Code Section 13442. Section 13442 provides that the State Water Board may order moneys to be paid from the CAA to a public agency with authority to cleanup or abate the effects of a waste "to assist it in cleaning up the waste or abating its effects on the waters of the state."

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves funding an additional \$600,000 from the CAA to the Central Valley Water Board for the Project;
2. Directs that less than ten percent of the \$600,000 funding amount is authorized for Project oversight by the Central Valley Water Board; and

D R A F T

3. Reverts any unexpended funds to the CAA as of June 20, 2015, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorizes an extension. The funds will be available until June 30, 2015.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on May 18, 2010.

Jeanine Townsend
Clerk to the Board