

ITEM: 7

SUBJECT: Wide Awake Mine, Colusa County.

The named Dischargers are, Homestake Mining Company, Emma G. Trebilcott Trust, Robert Leal, NBC Leasing, Inc., Cal Sierra Properties, Glen Mills, Inc., David G. Brown, Roy Tate, and Merced General Construction.

BOARD ACTION: *Consideration of Cleanup and Abatement Order*

BACKGROUND: The Wide Awake Mine is an inactive mercury mine site (Site) with mining waste that includes mine cuts, waste rock, and tailings that erode, or threaten to erode, into a Sulphur Creek tributary during storm runoff conditions. The Site has discharged, and continues to discharge, mining waste into waters of the state, where it has created, or threatens to create, a condition of pollution or nuisance.

The Central Valley Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition* (Basin Plan) has identified that heavy metals such as copper, zinc, mercury, lead, and cadmium, can impair beneficial uses of surface streams. Discharges from abandoned or inactive mines, particularly those in the Sacramento River watershed, impair local receiving waters because they discharge pollutants to the waterways in excess of naturally-occurring background levels.

In response to these discharges, the Central Valley Water Board adopted Resolution R5-2005-0146, which amended the Basin Plan to implement Section 303 of the Federal Water Pollution Control Act. This Resolution directs the Board to issue Cleanup and Abatement Orders (CAOs), or to take other appropriate actions designed to control discharges from the inactive mines in the Cache Creek Watershed. The Wide Awake Mine is one of the inactive mines identified in Table IV-6.4 of the Basin Plan.

The Board's Prosecution Team contends that wastes related to historic mining activities erode or threaten to erode into a tributary of Sulphur Creek (a tributary of Cache Creek) during storm runoff conditions, and thereby contribute inorganic mercury and potentially other metals to surface waters. The proposed CAO directs those who have a legal responsibility for the mining wastes to, among other things, characterize waste material, survey water supply wells, and conduct remediation activities. The proposed CAO also requires responsible parties to develop and submit plans for Executive Officer approval, including a plan to reduce anthropogenic mercury loading by 95% of current loads, consistent with State Water Resources Control Board Resolution 92-49. The goal of the cleanup is to restore the mines to pre-mining conditions with respect to the discharge of mercury.

ISSUES: In general, the Dischargers who have provided comments request that the

Board remove them from the CAO, arguing that they should not incur liability due to the limited nature of their actions or ownership interest(s) in the Site.

RECOMMENDATION: The Central Valley Water Board's Prosecution team recommends that the Central Valley Water Board issue the Cleanup and Abatement Order as proposed.

Mgmt. Review _____
Legal Review PEP

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11020 Sun Center Dr. #200
Rancho Cordova, CA 95670