

ITEM: 25

SUBJECT: Authorization for the Executive Officer to Apply for Funds from the State Water Pollution Cleanup and Abatement Account for the Penn Mine Landfill Final Cover Partial Reconstruction Project

BOARD ACTION: *Consideration of a Resolution Authorizing the Executive Officer to Request Funds from the Cleanup and Abatement Account*

BACKGROUND: The Penn Mine is an abandoned copper and zinc mine adjacent to the Mokelumne River that operated intermittently from the 1860s through the 1950s. In the 1960s, the East Bay Municipal Utility District (EBMUD) acquired part of the Pen Mine property to build the Camanche Reservoir. In 1978, EBMUD and the Central Valley Water Board constructed a remediation project in an attempt to reduce the impacts caused by acid mine drainage from the abandoned mine. The Central Valley Water Board and EBMUD were subsequently found responsible under the Clean Water Act for the acid mine drainage due to their operation of the remediation project. (*Committee To Save Mokelumne River v. East Bay Mun. Utility Dist.* (9th Cir. 1993) 13 F.3d 305.)

Between 1995 and 2000, the Central Valley Water Board expended approximately \$5,454,000 from the State Water Pollution Cleanup and Abatement Account (CAA) to: prepare a CEQA document, operate a wastewater treatment system, design and construct a landfill, excavate and dispose mining waste, close the landfill, and revegetate and restore the stream. Past funding agreements between EBMUD and the Central Valley Water Board have resulted in the equal sharing of costs associated with the Penn Mine project.

However, the landfill continues to generate more leachate than was anticipated. The leachate volumes spike after rainfall events, indicating a significant source of surface water into the landfill. Leachate buildup, which is highly acidic and contains very high concentrations of metals, is a threat to underlying groundwater. Costs for hauling and disposing the leachate will continue until the source of water into the landfill is abated. Shaw Environmental & Infrastructure, Inc. (Shaw) conducted an investigation in 2012 to find the water source, and found that the water is likely making its way through a gap between the cover and the liner. To eliminate the water source, Shaw recommends welding the cover geomembrane to the liner geomembrane and reconstructing the radial drain around the landfill perimeter. This project requires \$455,000 to pay for the Central Valley Water Board's share. The proposed resolution is a request from the Central Valley Water Board to the State Water Board for \$455,000 from the CAA to pay for the project. (WLB)

ISSUES: None.

RECOMMENDATION: Adopt the Resolution as proposed.

Mgmt. Rev _____

Legal Rev PEP

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