

**Note: This document has been prepared by the
Central Valley Water Board's Prosecution Team**

ITEM: 10

SUBJECT: Sulphur Creek Cleanup Project, Colusa County

BOARD ACTION: *Informational Item Only*

SUBJECT: The Board's Prosecution Team Provides an Overview of the Sulphur Creek Cleanup Project

BACKGROUND: The Sulphur Creek Cleanup Project is intended to reduce anthropogenic mercury loading from historic mining activities in the Sulphur Creek watershed. The project consists of removing, consolidating, and stabilizing mining waste at five mine sites in Colusa County. The five mine sites include the Central, Cherry Hill, Empire, Manzanita, Wide Awake and West End Mines (collectively referred to as the "Mines"), which are inactive mercury and/or gold mines. Mining waste from the Mines erodes into Sulphur Creek, which is tributary to Cache Creek.

The Central Valley Water Board's Basin Plan (Table IV-6.4) requires that the Board adopt cleanup and abatement orders or take other appropriate actions to control discharges from the inactive mines in the Cache Creek watershed. Following is a brief chronology of activities that have occurred since this Basin Plan language was adopted:

- In May 2010, the Board issued 13267 Technical and Monitoring Reporting Orders R5-2010-0048 and R5-2010-0049. The Orders required Homestake Mining Company of California ("Homestake") and other responsible parties to perform certain investigation, characterization, and monitoring activities at the Mines.
- In response to the 13267 Orders, Homestake submitted a characterization and remediation work plan in September 2010, and proposed remedial actions designed to contain and stabilize the mining waste in a waste management unit. Homestake proposed these activities to resolve liability that it incurred by virtue of undertaking minor exploratory work at the Mines.
- In April 2011, the Board adopted Resolution R5-2011-0020, which authorized the Board's Executive Officer to enter into an agreement with Homestake that would release Homestake from liability for the Mines, provided that Homestake implemented its proposed work plan and agreed to contribute an additional \$50,000 for further investigative work.
- On 31 May 2013, the Board adopted a Conditional Waiver to facilitate the remediation of mining waste. Since 2013, Homestake has been acquiring necessary permits to complete the cleanup work, and the final permit from the Army Corps of Engineers was recently issued.
- Dr. Richard Miller acquired land on which four of the five mines are located. (The Wide Awake Mine is on property owned by another party.) Homestake will spend several million dollars to complete the Sulphur Creek Cleanup Project, substantially reducing the environmental threat currently posed by Dr. Miller's properties.

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ISSUES:

Homestake proposes to start work by mid-July 2016 with an anticipated completion date of mid-September 2016.

Dr. Richard Miller has planned a wedding for his daughter at his property on September 17th. Despite all efforts to accommodate Dr. Miller's schedule, the presence of Townsends Big Eared Bats, combined with cultural resource sensitivities, may result in a scheduling conflict between the timing and location of construction activities and the wedding.

Homestake's remedial efforts will mitigate a significant source of environmental contamination for which Dr. Miller is also responsible. Should Dr. Miller frustrate Homestake's remedial efforts, the Prosecution Team may propose that the Board impose upon Dr. Miller the obligation of completing Homestake's proposed work.

Mgmt. Review RDB
Legal Review PEP

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11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670