

ITEM: 13

SUBJECT: Cedar Point Properties, Inc., Walker Mine, Plumas County,

BOARD ACTION: *Consideration of Order Rescinding Cease and Desist Order No. 99-111*

BACKGROUND: Walker Mine is an abandoned copper mine near Portola in Plumas County. The mine has a long history of acid mine drainage to surface water. Drainage from the mine property is tributary Little Grizzly Creek, Indian Creek and the North Fork of the Feather River. The mine property covers about 800 acres.

Cedar Point Properties, Inc. acquired the Walker Mine property at a county tax sale in 1997. The company purchased the property to harvest timber from the site. Permitting actions, enforcement, and litigation by the Regional Board ensued in an effort to cleanup the site. In 1999, the Regional Board adopted Waste Discharge Requirements (WDRs) Order No. 99-110 (NPDES No. CA0084531) and the companion Cease and Desist Order No. 99-111 for Cedar Point Properties, Inc. (Discharger). The Discharger did not comply with the orders and the Regional Board referred the case to the Attorney General.

ISSUES: In 2004, Cedar Point notified the Regional Board of its intent to cease timber harvest and suspend its corporate status. The Attorney General on behalf of the Regional Board then obtained a stipulated judgment on Daniel Kennedy, owner of Cedar Point Properties Inc., which settled the Regional Board's litigation against Daniel Kennedy and dismissed additional action against him. Cedar Point Properties no longer exists as an entity that can be regulated by either the WDRs or the CDO, Order Nos. 99-110 and 99-111. Therefore, it is appropriate to rescind both the WDRs and the CDO. The WDRs are being rescinded by a separate order.

This item is uncontested.

Mgmt. Review _____
Legal Review _____

26 January 2006 CVRWQCB Board Meeting
Central Valley Regional Water Quality Control Board
11020 Sun Center Dr. #200
Rancho Cordova, CA 95670