

ITEM: 12

SUBJECT: Sulphur Creek Watershed Mine Cleanups, Colusa County -
*Consideration of Issuance of Technical and Monitoring Report
Orders:*

- a. Central, Cherry Hill, Empire, Manzanita, and West End Mines
- b. The Wide Awake Mercury Mine

BOARD ACTION: Continue hearing.

BACKGROUND: On 7 October 2009, a hearing panel consisting of board members Karl Longley, Kate Hart, Dan Odenweller and Sandra Meraz conducted an evidentiary hearing on two proposed cleanup and abatement orders for mercury in Sulphur Creek. A hearing panel must make a recommendation to the full Board, which then takes action based on the record.

After hearing the evidence, the hearing panel determined that it was more appropriate to require continued investigation of mercury discharges and cleanup options, than to issue cleanup and abatement orders. The hearing panel concluded that additional information is needed about the precise locations of mining waste and the timing of discharges relative to site ownership. The hearing panel also recommended a number of changes to the responsible parties to be named in the Orders.

The Board is not required to accept the hearing panel's recommendations, and may determine that cleanup and abatement orders are warranted at this time. To avoid having to continue the item, the Board's advisory staff will provide the parties and the Board with alternative language the Board can use if it determines that cleanup and abatement orders should be issued at this time.

RECOMMENDATION: Adopt the proposed Technical and Monitoring Report Orders.

Mgmt. Review _____
Legal Review _____

27 May 2010
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