

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**

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**CLEANUP AND ABATEMENT ORDER NO. R5-2014-XXXX**

**ATLANTIC RICHFIELD COMPANY  
UNITED STATES DEPARTMENT OF AGRICULTURE,  
UNITED STATES FOREST SERVICE**

**WALKER MINE TAILINGS  
PLUMAS COUNTY**

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**CLEANUP AND ABATEMENT ORDER NO. R5-2014-YYYY**

**ATLANTIC RICHFIELD COMPANY**

**WALKER MINE  
PLUMAS COUNTY**

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**PROSECUTION TEAM'S RESPONSE TO ATLANTIC RICHFIELD COMPANY'S  
PREHEARING MOTION NO. 8**

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## **I. Introduction**

Discharger Atlantic Richfield's (ARCO's) Prehearing Motion No. 8 seeks a ruling that the Central Valley Water Board's past costs are not recoverable through the Mine CAO.

## **II. The Prosecution Team will amend the proposed Mine CAO to strike the cost recovery language relating to past costs**

Without conceding any merit to ARCO's arguments regarding the scope and applicability of Water Code section 13304, subdivision (c), the Prosecution Team proposes to modify the Mine CAO to strike references to reimbursement for previous expenditures for remedial actions. The Prosecution Team has submitted Underline/Strikeout Proposed Modifications to the Mine CAO concurrently herewith.

These modifications should not be construed as a waiver of the Central Valley Water Board's ability to seek cost recovery for past remedial action in future proceedings under Water Code section 13304, subdivision (c), or any applicable law. Instead, these modifications are the Prosecution Team's attempt to limit the scope of the prehearing legal issues and the evidentiary issues at hearing.

Neither should these modifications be construed as a determination by the Prosecution Team to definitely seek cost recovery in future proceedings. The Prosecution Team will reexamine potential cost recovery actions and determine any appropriate steps following adoption of the Mine CAO.

## **III. Conclusion**

The Central Valley Water Board should deny Atlantic Richfield's Prehearing Motion No. 8 as not yet ripe.

For the Prosecution Team:



ANDREW TAURIAINEN  
Senior Staff Counsel  
MAYUMI OKAMOTO  
Staff Counsel  
Office of Enforcement