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5 Attorneys for Petitioner
6 SUNOCO, INC.

7
8 STATE WATER RESOURCES CONTROL BOARD

9 STATE OF CALIFORNIA

10 In the Matter of
11 SUNOCO, INC.,

12
13 Petitioner,

14 For Stay of Cleanup and Abatement
Order No. R5-2013-0701, dated April 16,
15 2013, Pursuant To Water Code Section
13267, Mount Diablo Mine, Contra
16 Costa County

PETITION NO.

**DECLARATION OF ADAM P.
BAAS IN SUPPORT OF SUNOCO,
INC.'S PETITION FOR REVIEW
AND RESCISSION AND STAY OF
CLEANUP AND ABATEMENT
ORDER NO. R5-2013-0701**

17
18 I, the undersigned Adam P. Baas, declare as follows:

19 1. I am an attorney admitted to practice law in the State of
20 California. Edgcomb Law Group (“ELG”) is counsel for respondent Sunoco, Inc.
21 (“Sunoco”) in connection with Sunoco’s response to the “Cleanup and Abatement
22 Order No. R5-2013-0701, Mount Diablo Mine, Contra Costa County,” issued on
23 April 16, 2013 (“CAO”), by the Regional Water Quality Control Board, Central
24 Valley Region” (“**Regional Board**”).

25 2. I have personal knowledge of the facts set forth herein or am
26 familiar with such facts from: (1) my personal involvement in all aspects of this
27
28

1 matter since 2012; (2) my review of the files, records, maps, and aerial photos
2 obtained from public agencies and other public sources of information.

3 3. Attached hereto as Exhibit 1 is a true and correct copy of the
4 Regional Board's April 16, 2013, Cleanup and Abatement Order.

5 4. Attached hereto as Exhibit 2 is a true and correct copy of the
6 1941 incorporation documents and articles of incorporation for the Cordero Mining
7 Company.

8 5. Attached hereto as Exhibit 3 is a true and correct copy of the
9 First Meeting of the Board of Directors Named in the Articles of Incorporation of
10 Cordero Mining Company, dated March 11, 1941.

11 6. Attached hereto as Exhibit 4 are true and correct copies of three
12 examples of Minutes of Special Meeting of the Board of Directors of Cordero
13 Mining Company, dated February 12, 1954 – January 21, 1969.

14 7. Attached hereto as Exhibit 5 are true and correct copies of the
15 dissolution documents for Cordero Mining Company, dated December 31, 1972,
16 including the Agreement and Plan of Liquidation.

17 8. Attached hereto as Exhibit 6 are true and correct copies of the
18 Cordero Mining Company's Certificate of Dissolution filed with the Nevada
19 Secretary of State, dated November 18, 1975.

20 9. Attached hereto as Exhibit 7 is a true and correct copy of a flow
21 chart of Sun Company's corporate history.

22 10. Attached hereto as Exhibit 8 is a true and correct copy of the
23 Cordero Mining Company's Federal Income Tax Return for the year 1975.

24 11. Attached hereto as Exhibit 9 is a true and correct copy of the
25 letter sent by David Chapmen of the Edgcomb Law Group to Ross Atkinson of the
26 Central Valley RWQCB, dated July 22, 2010.

1 12. Attached hereto as Exhibit 10 is a true and correct copy of the
2 Cordero Mining Company's Corporate Dissolution or Liquidation filing for the year
3 1972.

4 13. Attached hereto as Exhibit 11 is a true and correct copy of
5 Defense Minerals Exploration Administration ("DMEA") "Report of Examination
6 by Field Team Region III" dated February 27, 1953, obtained from the Department
7 of Interior, United States Geological Service ("USGS").

8 14. Attached hereto as Exhibit 12 is a true and correct copy of the
9 Exploration Project Contract between Ronnie B. Smith, Jene Harper and James
10 Dunnigan and the U.S. Department of the Interior, DMEA for the Mt. Diablo
11 Mercury Mine, dated June 5, 1953. This document was obtained from the U. S.
12 Department of the Interior, USGS.

13 15. Attached hereto as Exhibit 13 is a true and correct copy of the
14 Assignment of Lease signed by Ronnie Smith, Jene Harper and James Dunnigan
15 and John Johnson and John Jonas for the Mt. Diablo Mercury Mine, dated
16 November 1, 1953. This document was obtained from ELG's title research vendor.

17 16. Attached hereto as Exhibit 14 is a true and correct copy of
18 1953 Narrative Reports by C.N. Schuette and E.H. Sheahan.

19 17. Attached hereto as Exhibit 15 is a true and correct copy of the
20 PRP Search Report Site Chronology and Property History, Mt. Diablo Quicksilver
21 Mine, prepared by the US Army Corp. of Engineers, dated August 8, 2008.

22 18. Attached hereto as Exhibit 16 is a true and correct copy of the
23 March 1996 report titled "Marsh Creek Watershed 1995 Mercury Assessment
24 Project – Final Report" prepared by Darell G. Slotton, Shaun M. Ayers, and John E.
25 Reuter (the "Slotton Report").

26 19. Attached hereto as Exhibit 17 is a true and correct copy of the
27 lease between Mt. Diablo Quicksilver Company, Ltd. and Cordero Mining
28 Company, dated November 1, 1954.

1 20. Attached hereto as **Exhibit 18** is a true and correct copy of a
2 topographic map of Mount Diablo Mine dated January 1953, obtained from the
3 Department of the Interior, U.S. Geological Survey (“USGS”).

4 21. Attached hereto as **Exhibit 19** is a true and correct copy of
5 topographic map of Mount Diablo Mine reflecting changes to the site after work by
6 the Defense Minerals Exploration Administration (“DMEA”), obtained from ELG’s
7 consultant.

8 22. Attached hereto as **Exhibit 12** is a true and correct copy of a
9 map of the underground workings of Bradley Mining Company at the Mount
10 Diablo Mine Site, obtained from the Department of the Interior, USGS.

11 23. Attached hereto as **Exhibit 21** is a true and correct copy of a
12 map of the underground workings of the DMEA’s contractors and Cordero Mining
13 Company at the Mount Diablo Mine Site, obtained from the Department of the
14 Interior, USGS.

15 24. Attached hereto as **Exhibit 22** is a true and correct copy of two
16 aerial photographs of the site, the first dated October 9, 1952 and the second dated
17 May 16, 1957, obtained from ELG’s consultant.

18 25. Attached hereto as **Exhibit 23** is a true and correct copy of the
19 DMEA Project Summary Report, dated November 25, 1960.

20 26. Attached hereto as **Exhibit 24** is a true and correct copy of the
21 letter report by The Source Group, Inc., titled “Summary Report for Removal
22 Action to Stabilize the Impoundment Berm,” dated April 8, 2009.

23 27. Attached hereto as **Exhibit 25** is a true and correct copy of the
24 Central Valley CRWQCB (“Regional Board”) Order to Sunoco, Inc. to Submit
25 Technical Reports, dated March 25, 2009.

26 28. Attached hereto as **Exhibit 26** is a true and correct copy of the
27 Sonoco’s Petition for Stay the Regional Board’s Order, dated April 24, 2009.

1 29. Attached hereto as Exhibit 27 is a true and correct copy of the
2 Regional Board's Revised Order to Sunoco, Inc. to Submit Technical Reports,
3 dated June 30, 2009.

4 30. Attached hereto as Exhibit 28 is a true and correct copy of
5 Sunoco's Voluntary PRP Report ("PRP Report") to the Regional Board submitted
6 on July 31, 2009.

7 31. Attached hereto as Exhibit 29 is a true and correct copy of the
8 Regional Board's response to Sunoco, Inc.'s Divisibility Paper, dated October 30,
9 2009.

10 32. Attached hereto as Exhibit 30 is a true and correct copy of the
11 Regional Board's Revised Order to Submit Investigative Reports, dated December
12 30, 2009.

13 33. Attached hereto as Exhibit 31 is a true and correct copy of
14 Sunoco's Petition for Review and Stay of Action, dated the January 29, 2010.

15 34. Attached hereto as Exhibit 32 is a true and correct copy of the
16 report prepared by The Source Group Inc., titled Site Characterization Report,
17 Mount Diablo Mercury Mine, dated August 2, 2010.

18 35. Attached hereto as Exhibit 33 is a true and correct copy of the
19 Regional Board's response to the August 2, 2010, Characterization Report, dated
20 August 30, 2010.

21 36. Attached hereto as Exhibit 34 is a true and correct copy of the
22 letter sent by John D. Edgcomb of the Edgcomb Law Group to Julie Macedo, Esq.
23 of the State Board, dated January 20, 2012.

24 37. Attached hereto as Exhibit 35 is a true and correct copy of the
25 report prepared by the Source Group, Inc., titled Site Remediation Work Plan, dated
26 May 8, 2012..

27 38. Attached hereto as Exhibit 36 is a true and correct copy of the
28 Regional Board's letter response to Sunoco's Work Plan, dated June 8, 2012.

