

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

RESOLUTION NO. 82-58

REQUESTING ENFORCEMENT ACTION
BY THE STATE ATTORNEY GENERAL
AGAINST BROWNSTONE MINING COMPANY

- WHEREAS,
1. Brownstone Mining Company (hereinafter referred to as the discharger), P. O. Box 215, Lone Pine, CA 93545, submitted a Report of Waste Discharge dated March 20, 1979, for the recovery of gold and silver by cyanide extraction from tailings remaining from previous mining operations at the Blair Brothers Ranch Mine located in the SE $\frac{1}{4}$, Section 34, T10N, R14E, SBB&M, north of Essex, San Bernardino County.
 2. On May 9, 1979, the Regional Board adopted Order No. 79-52, prescribing waste discharge requirements for the discharge. Said order requires, in part:
 - A.1. Neither the treatment nor the discharge of wastewater shall create a pollution or a nuisance as defined in Division 7 of the California Water Code.
 - A.2. There shall be no surface flow of wastewater away from the processing area, and there shall be no discharge to any drainage channel.
 - A.3. All drainage and collection facilities used to contain or transport cyanide solution shall be effectively sealed to prevent exfiltration.
 - A.5. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise render portions of the facilities inoperable.
 - A.6. There shall be no discharge of wastewater containing any trace of cyanide at this location.
 - A.7. Ore tailings and wastewater shall be completely neutralized before being discharged to the basins.
 - A.8. All industrial containers and other industrial waste materials shall be discharged at a Class I waste disposal site, or shall be neutralized and discharged at a Class II-2 disposal site provided said discharged wastes are immediately covered. All containers shall be rendered unusable prior to final disposal.

*Cancelled
5/22/85*

*Revised
by 85-58
6/22/85*

3. Analyses of samples collected by the Regional Board (Attachment A) on July 21, 1981 revealed the presence of significant concentrations of cyanide in the ore tailings and elsewhere about the site, in violation of Discharge Specifications A.6 and A.7 of Order No. 79-52.
4. Regional Board staff inspections on November 4, 1980, July 21, 1981, and October 27, 1981 revealed violations of Discharge Specifications A.2, A.3, A.5, and A.8 of Order No. 79-52.
5. On December 23, 1981, the Executive Officer of the California Regional Water Quality Control Board, Colorado River Basin Region, issued Cleanup and Abatement Order No. 81-100 against Brownstone Mining Company, requiring that the discharger:
 1. Take all necessary actions to immediately abate further violation of Order No. 79-52.
 2. All industrial wastes and containers shall be removed from the site in accordance with Discharge Specification A.8. of Order No. 79-52 by February 1, 1982.
 3. All mine tailings and other cyanide-contaminated materials shall be neutralized and/or removed to a Board approved solid waste disposal site by February 1, 1982.
 4. Upon completion of neutralization and/or removal of all cyanide-contaminated wastes, the discharger shall collect and analyze samples of materials left on site to prove that no cyanide compounds remain. The discharger shall arrange for a Regional Board staff member to witness the collection of samples to be analyzed.
 5. Submit to the Regional Board by March 15, 1982, a technical report detailing all actions taken to achieve compliance with Order No. 79-52. The report shall include the neutralization and/or removal procedure of all cyanide-contaminated wastes, and the results of all cyanide analyses.
6. Brownstone has failed to submit the technical report on cleanup activity as required by Cleanup and Abatement Order No. 81-100.
7. Regional Board staff inspections of the site on February 24, 1982 and August 11, 1982 showed no evidence of cleanup activity. Analyses of samples collected during each inspection showed the continued presence of significant concentrations of cyanide (Attachment A).
8. By letter dated August 27, 1982 the Executive Officer informed the discharger of its continued violations, urged immediate correction of the violations, stated that a public hearing would be

scheduled for consideration of referral of the case to the Attorney General unless the violations were corrected immediately, and requested a report on the cleanup by October 1, 1982. No report on the cleanup has been received.

9. The Regional Board staff contacted the discharger by telephone on October 10, 1982 and was informed that cleanup activity would begin on November 1, 1982 and would be completed in four or five days.
10. By letter dated October 13, 1982 the Executive Officer informed the discharger that a public hearing had been scheduled for the Regional Board's November 17, 1982 meeting for consideration of referral of this case to the Attorney General.
11. Regional Board staff inspection of the site on November 9, 1982 showed no evidence of cleanup activity.
12. By telephone call on November 10, 1982 the discharger informed the Regional Board staff that clean up activity would commence on November 11, 1982.
13. Regional Board staff inspection of the site on November 15, 1982 showed that some cleanup activity had occurred, but staff evaluation of the cleanup could not be completed prior to the November 17, 1982 public hearing.
14. On November 17, 1982, in the City of El Centro, after due notice to the discharger and all other affected persons, the Regional Board conducted a public hearing and evidence was received concerning the discharge.
15. Section 13304, Division 7, California Water Code, states, in part:

"...Upon failure of any person to comply with such cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring such person to comply therewith. In any such suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant."
16. Section 13350, Division 7, California Water Code, states, in part:

"(a) Any person who..., in violation of any waste discharge requirement or other order issued, reissued, or amended by a regional board or the state board, intentionally or negligently discharges wastes or causes or permits waste to be deposited where it is discharged into the waters of the state and creates a condition of pollution or nuisance...may be liable civilly in a sum of not to exceed six thousand dollars (\$6,000) for each day in which such violation or deposit occurs.

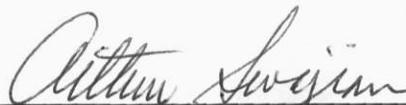
(b) The Attorney General, upon request of a regional board or the state board, shall petition the superior court to impose, assess, and recover such sums. Except in the case of a violation of a cease and desist order, a regional board or the state board shall make such request only after a hearing, with due notice of the hearing given to all affected persons. In determining such amount, the court shall take into consideration all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, taken by the discharger."

17. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et. seq.) in accordance with Section 2714, Chapter 3, Title 14, California Administrative Code.

RESOLVED, The California Regional Water Quality Control Board, Colorado River Basin Region:

1. Finds that, upon the basis of the evidence received, Brownstone Mining Company has violated the requirements listed in Items No. 2 and 5, above, but that progress towards achieving compliance has been made.
2. Directs the Executive Officer to immediately request the Attorney General to take appropriate action against the discharger, pursuant to Sections 13304 and 13350, Division 7, California Water Code, if the Executive Officer finds that Brownstone Mining Company fails to immediately achieve compliance with the requirements listed in Items No. 2 and 5, above.

I, Arthur Swajian, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on November 17, 1982.


Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
 COLORADO RIVER BASIN REGION

ATTACHMENT A
 TO
 ORDER NO. 82-58

RESULTS OF REGIONAL BOARD STAFF
 SAMPLING FOR CYANIDE AT
 BLAIR BROTHERS RANCH MINE

| <u>Location</u> | <u>Date</u> | <u>Total Cyanide mg/kg</u> | <u>Water Soluble Cyanide, mg/kg</u> |
|--------------------------------------|-------------|--------------------------------|---|
| Ore Tailings Basin, Surface | 7-21-81 | 1710 | - |
| | 2-24-82 | 29.1 | 21.7 |
| | 2-24-82 | 31.7 | 24.0 |
| | 8-11-82 | 133 | 100 |
| Ore Tailings Basin, 6" depth | 8-11-82 | 22 | 8.4 |
| Ore Tailings Basin, 1' depth | 7-21-81 | 190 | - |
| | 2-24-82 | 8.2 | 4.2 |
| | 2-24-82 | 23.4 | 2.4 |
| Ore Tailings Basin, 2' depth | 8-11-82 | 20 | 7.5 |
| Activated Charcoal | 7-21-81 | 1749 | - |
| | 7-21-81 | 882 | - |
| | 2-24-82 | 1380 | 9.1 |
| | 2-24-82 | 667 | 36.7 |
| Soil Downhill from Tailings Basin | 7-21-81 | 9 | - |
| | 2-24-82 | 3.0 | 0.4 |
| Soil Downhill from Charcoal | 2-24-82 | 177 | 0.2 |