

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

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**CLEANUP AND ABATEMENT ORDER NO. R5-20134-XXXX**

**FOR**

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

**WALKER MINE TAILINGS  
PLUMAS COUNTY**

This Order is issued to Atlantic Richfield Company (~~ARCO~~Atlantic Richfield or ARCO) and the United States Department of Agriculture, United States Forest Service (Forest Service) (collectively Dischargers) pursuant to Water Code section 13304, which authorizes the Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) to issue Cleanup and Abatement Orders and Water Code section 13267, which authorizes the ~~Executive Officer~~Board to issue Orders requiring the submittal of technical reports.

The ~~Executive Officer of the~~ Central Valley Water Board finds:

1. The Walker Mine Tailings (tailings) are located about 15 miles northeast of Quincy in Plumas County, California, on lands within the Plumas National Forest under the jurisdiction and control of the Forest Service. The site includes APNs 009-010-USA, 009-100-USA and 009-110-USA within Section 12 T24N, R11E and Sections 7 and 18, T24N, R12E Mount Diablo Base and Meridian as shown in Attachments A, B, and C, ~~incorporated by reference~~.
2. The Walker Mine (mine), an abandoned underground copper mine located on adjacent private lands, generated the tailings. The tailings contain about 4.5 million cubic yards of mining waste over approximately 100 acres with an average depth of about 28 feet.
3. Copper and other wastes from the tailings discharge or threaten to discharge to Dolly Creek and other waters of the state within the Little Grizzly Creek watershed, impairing beneficial uses and creating a condition of pollution or nuisance.
4. The Walker Mining Company (Walker) acquired the mine ~~in-around~~ 1915 and began mining around 1916. International Smelting and Refining Company (International) acquired the controlling interest in Walker in approximately 1918. International was a wholly-owned subsidiary of, and ~~in 1928~~later merged into, the Anaconda Copper Mining Company (Anaconda).
5. Anaconda, International and Walker concurrently operated the mine beginning in approximately 1918. In approximately 1919, they sought and eventually obtained a federal

right of way for the tailings site and constructed an impoundment basin including levees and a flashboard dam. They deposited tailings on the site from approximately 1920 until ceasing production in approximately 1941. They ceased all operations in approximately 1943. Walker filed for bankruptcy in approximately 1944, and its assets were sold in approximately 1945. The tailings have been a continuous source of pollutants to the watershed from at least the time production ceased.

6. ARCOAtlantic Richfield is the successor by merger to Anaconda. The Forest Service owns and manages the tailings. Both are therefore properly named as Dischargers and are legally responsible for complying with this Order.
7. A hearing on this matter took place on 27/28 March 2014, in accordance with the Hearing Notice and Procedure and California Code of Regulations, title 23, sections 648-648.8. The Central Valley Regional Water Board heard relevant evidence and testimony to decide whether to adopt, modify, or reject the proposed order. The mine-Walker Mine is the subject of ~~to a separate~~ but related proceedings involving -Cleanup and Abatement Order issued to ARCOAtlantic Richfield.

#### WATER QUALITY ISSUES AND SITE HISTORY

8. The tailings are located at the confluence of Dolly Creek and Little Grizzly Creek. The mine's main access portal, mill and concentrator facilities were located about 0.75 miles upstream on Dolly Creek. A levee separates the tailings from Little Grizzly Creek. Dolly Creek crosses the tailings in a northeast to southwest direction and discharges into Little Grizzly Creek at two locations, the "Diversion Channel Outfall" and the "USFS Dam" (see Attachment C). Dolly Creek is tributary to Little Grizzly Creek, which is tributary to Indian Creek, which is tributary to the North Fork of the Feather River. All are waters of the state and of the United States.
9. The tailings form a perched aquifer with the groundwater elevation dependent on the elevation of the USFS Dam. Groundwater elevations beneath the tailings average 8.3 feet below the surface of the tailings, ranging from 0.13 feet to 25.9 feet. Groundwater flow direction is towards Little Grizzly Creek. A groundwater monitoring network consists of seven monitoring wells (see Attachment C).
10. "Mining Waste" is defined under Water Code section 13050, subdivision (q)(1), as *"all solid, semisolid, and liquid waste materials from the extraction, beneficiation, and processing of ores and minerals. Mining waste includes, but is not limited to, soil, waste rock, and overburden, as defined in Public Resources Code section 2732, and tailings, slag, and other processed waste materials..."*
11. The tailings contain metals, including copper, which oxidizes and become soluble when exposed to water. As such, the tailings are classified as Group B mining waste in accordance with Title 27 of the California Code of Regulations, section 22480(b)(2)(B), *"mining wastes that consist of or contain nonhazardous soluble pollutants of concentrations*

*which exceed water quality objectives for, or could cause, degradation of waters of the state,”*

12. The site is a waste management unit for the treatment, storage, or disposal of mining waste (*Mining Unit*) as defined in Title 27, section 22470.
13. The mine and tailings together have discharged metals and acid mine drainage (AMD) into Dolly Creek from at least the time production ceased in 1941, if not earlier. The mine and tailings discharged enough metals and AMD to eliminate aquatic life in Little Grizzly Creek to the confluence with Indian Creek 10 miles downstream. ([Central Valley Water Board Resolution 58-181 \[adopting waste discharge requirements for the Walker Mine Tailings\]; see also L.E. Trumbull, Walker Mine Report, October 5, 1957 \[Prosecution Exhibit 20; documenting fish mortality in Little Grizzly Creek caused by drainage from the mine and tailings\].](#))
14. The Central Valley Water Board identified water quality problems associated with the tailings in at least 1958, when staff noted that the flash board dam and levees were in a state of disrepair and that Dolly Creek carried silt from the tailings into Little Grizzly Creek. The Forest Service repaired the levee and flash board dam in approximately 1980, although occasional discharges continued from the site.
15. In November 1987, pursuant to Resolution No. 86-057, the Central Valley Water Board installed an engineered concrete plug, or seal, inside the mine in order to stop AMD discharges from the underground ore zone to surface waters of Dolly Creek. The mine seal significantly reduced AMD, copper concentrations and flow in Dolly Creek upstream of the tailings.
16. In 1991, the U.S. Environmental Protection Agency placed the tailings ([but not the mine](#)) on the Federal Agency Hazardous Waste Compliance Docket pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The Forest Service adopted a Federal Record of Decision (ROD) for remediation of the tailings in 1994. The ROD selected remedial actions including channel erosion control, development of wetlands for passive treatment, revegetation and wind erosion control.
17. Pursuant to the ROD, the Forest Service constructed wetlands, erected wind barriers and planted trees and grasses on the tailings. The revegetation efforts were only marginally successful, however, due to poor growing conditions. Windborne transportation of tailings continues to be a source of discharge to Dolly Creek and Little Grizzly Creek.
18. In December 1999, the Regional Board proposed to name [ARCO Atlantic Richfield](#) as a discharger for the tailings (tentative order revising WDRs No. 91-017), but the new WDRs were never finalized against [ARCO Atlantic Richfield](#) based on [ARCO Atlantic Richfield's](#) resistance and the Board's then-understanding of Anaconda's involvement at the mine. The WDRs were finalized against the Forest Service in Order No. 5-00-028, which remains

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- in effect. Among other things, Order R5-00-028 directs the Forest Service to achieve "full compliance with Receiving Water Limitations" by 1 October 2008. (Order R5-00-028, at 8.)
19. The Forest Service amended the ROD in 2001 to incorporate the substantive provisions of Order R5-00-028 (including the requirement to comply with Receiving Water Limitations by 1 October 2008) and to allow the diversion of Dolly Creek around the tailings to ensure the effectiveness of the wetland treatment system and to reduce the releases of metals and other constituents during heavy flows. This work was completed in 2008.
20. During a 2005 CERCLA lawsuit, the Forest Service and ARCOAtlantic Richfield obtained a consent decree whereby ARCOAtlantic Richfield provided \$2.5 million for future response costs involved with federal remedial activities at the tailings. The Central Valley Water Board was not a party to that action.
21. The Central Valley Water board and others have regularly collected and analyzed surface water samples from the tailings. Attachment D shows the current water quality sampling locations used by the Central Valley Water Board. Water quality data indicate that the tailings continue to contribute significant concentrations of copper to Little Grizzly Creek, as shown in Figures 1 through 47, attached and incorporated here. Copper concentrations discharged from the "Diversion Channel Outfall" (WM-7b; Figure 1) and the "USFS Dam" (WM-6; Figure 2) regularly exceed water quality objectives and background levels and pose a threat to waters of the State. Copper concentrations at the downstream point of compliance (WM-9) generally exceed water quality objectives (Figure 3) and increase in comparison to the upstream unaffected monitoring points (Figure 4). Copper concentrations at the "Diversion Channel Outfall" exceed water quality objectives (Figure 5). Furthermore, copper concentrations increase approximately one order of magnitude as they cross the tailings and discharge from the "USFS Dam" to Little Grizzly Creek (Figures 1 and 26 and 7). Therefore, the Forest Service failed to comply with Order R5-00-028's requirement to achieve full compliance with Receiving Water Limitations by 1 October 2008. The Forest Service remains out of compliance with that requirement.
22. Groundwater monitoring data show that the tailings have impacted groundwater with copper (ranging from less than 0.5 µg/l to 51 µg/l) averaging 4.5 µg/l in monitoring wells W-3, W-5, and W-7.
23. The apparent source of the elevated levels of copper is leachate generated by surface water flows in Dolly Creek and run-off that comes in contact with mining waste within the tailings, and wind-blown dust from the tailings.
- 23-24. The Walker Mine was an underground mining operation. The underground mine workings include access tunnels, drifts, cross-cuts and other openings where ore was accessed and removed for processing. The underground mine workings are the source of all mine waste at the surface of the mine and tailings.

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~~24-25.~~ Since 1984, the Central Valley Water Board has spent more than \$2.6 million on the Walker Mine acid mine drainage abatement project, including monitoring activities at the tailings.

### **ATLANTIC RICHFIELD OPERATOR LIABILITY**

~~25-26.~~ In 1987, ARCO Atlantic Richfield conveyed the Anaconda Geological Documents Collection to the University of Wyoming. The Anaconda Geological Documents Collection is a publicly accessible database containing hundreds of documents related to the Walker Mine and Tailings. The database became available online sometime after 1999. Central Valley Regional Board staff recently obtained and reviewed relevant documents from the database and other sources.

~~26-27.~~ ~~Substantial evidence in t~~he record shows that Anaconda, International and Walker concurrently operated the mine and tailings from 1918 through at least 1943~~1~~. ~~Anaconda and International operated the site as it would have any of its directly owned assets; Anaconda~~ staff acting on Anaconda and International's behalf regularly directed specific operation and exploration activities at the mine and tailings, particularly during critical periods. These activities included exploration, ore location, mine development work (e.g. placement of underground mine workings to access and remove ore) and removal of ore, all of which directly resulted in the condition of discharge and threatened discharge currently at the mine and tailings. Anaconda and International's involvement at the mine and tailings went well beyond what is normally expected of a responsible corporate parent. Evidence and findings describing Anaconda and International's direct operation of the mine and tailings are contained in Prosecution Exhibits 1 [archive documents] and 2 [Declaration of Dr. Quivik], and are incorporated here. ~~Documents showing Anaconda's direct operation of the mine are contained in Attachment D, which is incorporated herein.~~

~~27-28.~~ Anaconda and International directed specific pollution-causing activities at Walker Mine and Tailings. was a direct operator of the mine and ARCO Atlantic Richfield is liable as Anaconda and International's successor.

~~28.~~ ~~In the alternative, ARCO is liable as Anaconda's successor because Anaconda operated Walker as a corporate alter ego. The record reveals that Anaconda, through International, financed the indebtedness of Walker from at least 1922 through 1944. Moreover, Anaconda, through International, carried the costs of exploration and development during periods when Walker was not profitable, in part because Anaconda believed that Walker would eventually become profitable, and because Walker supplied copper concentrate to International's Tooele smelter.~~

### **LEGAL PROVISIONS**

29. Section 303(d) of the Federal Clean Water Act (CWA) requires states to identify waters not attaining water quality standards (referred to as the 303(d) list). Dolly Creek and Little Grizzly Creek below the mine and tailings have been identified by the Central Valley Water Board as an impaired water bodies because of high aqueous concentrations of copper and zinc.
30. Once a water body is identified as impaired and added to the 303d list, the CWA requires the states to develop a Total Daily Maximum Load (TMDL) for the water body. The Central Valley Regional Board will develop a TMDL for Dolly Creek and Little Grizzly Creek by 2020, unless the cleanup action proposed herein results in the attainment of the water quality objectives.
31. The Central Valley Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, 4<sup>th</sup> Edition* (Basin Plan) designates beneficial uses of the waters of the State, establishes water quality objectives (WQOs) to protect these uses, and establishes implementation policies to implement WQOs. The designated beneficial uses of the North Fork of the Feather River and its tributaries are municipal and domestic supply; hydropower generation; water contact recreation; non-contact water recreation; cold freshwater habitat; spawning, reproduction and/or early development; and wildlife habitat.
32. The beneficial uses of underlying groundwater, as stated in the Basin Plan, are municipal and domestic supply, agricultural supply, industrial service supply, and industrial process supply.
33. Because the site contains mining waste as described in Water Code sections 13050, closure of the Mining Unit(s) must comply with the requirements of Title 27 California Code of Regulations sections 22470 through 22510 and with such provisions of the other portions of Title 27 that are specifically referenced in that article.
34. Affecting the beneficial uses of waters of the state by exceeding applicable WQOs constitutes a condition of pollution as defined in Water Code section 13050, subdivision (l)(1).
35. Water Code section 13304, subdivision (a) states in part that:

*“Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a Regional Water Board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the Regional Water Board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. Upon failure*

*of any person to comply with the 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 the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant."*

36. Water Code section 13304, subdivision (b), authorizes the Central Valley Water Board to perform cleanup, abatement, or remedial work where necessary to prevent substantial pollution, nuisance, or injury to waters of the state. Water Code section 13304, subdivision (c), authorizes the Central Valley Water Board to seek reimbursement from the Discharger for the costs associated with such cleanup, abatement or remedial work.
37. The State Water Resources Control Board (State Board) has adopted Resolution No. 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under CWC Section 13304*. Resolution No. 92-49 sets forth the policies and procedures to be used during an investigation or cleanup of a polluted site and requires that cleanup levels be consistent with State Board Resolution No. 68-16, the *Statement of Policy With Respect to Maintaining High Quality of Waters in California*. Resolution No. 92-49 and the Basin Plan establish cleanup levels to be achieved. Resolution No. 92-49 requires waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with Title 23, section 2550.4. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Board.
38. Chapter IV of the Basin Plan contains the *Policy for Investigation and Cleanup of Contaminated Sites*, which describes the Central Valley Water Board's policy for managing contaminated sites. This policy is based on Water Code sections 13000 and 13304, California Code of Regulations, title 23, division 3, chapter 15; California Code of Regulations, title 23, division 2, subdivision 1; and State Board Resolution Nos. 68-16 and 92-49. The policy addresses site investigation, source removal or containment, information required to be submitted for consideration in establishing cleanup levels, and the basis for establishment of soil and groundwater cleanup levels.
39. The State Board's Water Quality Enforcement Policy states in part: "*At a minimum, cleanup levels must be sufficiently stringent to fully support beneficial uses, unless the Central Valley Water Board allows a containment zone. In the interim, and if restoration of background water quality cannot be achieved, the Order should require the discharger(s) to abate the effects of the discharge.*" (Water Quality Enforcement Policy, p. 35).
40. Water Code section 13267 states, in part:

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*“(b)(1) In conducting an investigation, the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”*

41. The Dischargers are named in this Order because through their actions and/or by virtue of their ownership of the tailings, they have caused or permitted waste to be discharged or deposited where it has discharged and threatens to discharge to waters of the state and has created a condition of pollution or nuisance. In addition, the Forest Service has discharged waste in violation of Order R5-00-028 since 1 October 2008, and threatens to continue to do so.
42. In accordance with Water Code section 13304, the Dischargers must take all actions necessary to clean up and abate the discharge and threatened discharge of all mining waste from the Tailings (including the ongoing monitoring and maintenance of the seal) and restore the affected waters to background conditions (i.e., the water quality that existed before mining activities began).
43. In accordance with Water Code section 13267, the reports required herein are necessary to formulate a plan to remediate the wastes at the mine, to assure protection of waters of the state, and to protect public health and the environment.
44. Failure to comply with the remedial provisions of this Order may result in enforcement action(s), which may include the imposition of administrative civil liability pursuant to Water Code section 13350 (up to \$5,000 per day of violation) or 13385 (up to \$10,000 per day of violation). Failure to comply with the reporting provisions of this Order may result in enforcement action(s), which may include the imposition of administrative civil liability pursuant to Water Code section 13268 (up to \$5,000 per day of violation).
45. The issuance of this Order is being taken for the protection of the environment and as such is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15061(b)(3), 15306, 15307, 15308, and 15321. This Order generally requires the Discharger to submit plans for approval prior to implementation of cleanup activities at the Site. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Discharger's proposed remedial activities and possible associated environmental impacts. If the Board determines that implementation of any plan required by this Order will

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~~have a significant effect on the environment, the Board will conduct the necessary and appropriate environmental review prior to Executive Officer's approval of the applicable plan. The Discharger will bear the costs, including the Board's costs, of determining whether implementation of any plan required by this Order will have a significant effect on the environment and, if so, in preparing and handing any documents necessary for environmental review. If necessary, the Discharger and a consultant acceptable to the Board shall enter into a memorandum of understanding with the Board regarding such costs prior to undertaking any environmental review. Issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, §§ 21000 et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2). The implementation of the Order is also an action to assure the restoration of natural resources and/or the environment and is exempt from the provisions of CEQA in accordance with California Code of Regulations, title 14 sections 15307 and 15308. This Order may also be classified as a minor action to prevent, minimize, stabilize, mitigate or eliminate the release or threat of release of hazardous waste or substances, and is exempt from the provisions of CEQA in accordance with California Code of Regulations, title 14, section 15330.~~

~~45-46. The Central Valley Water Board provided the Dischargers with a draft copy of this order, along with all of the attachments and documents referenced in the draft, on 29 April 2013. The Forest Service and Atlantic Richfield separately provided comments on 3 June 2013. Central Valley Water Board staff has prepared the Response to Comments addressing the Dischargers' comments and describing how the Order has been changed as a result. The Response to Comments findings are incorporated here by reference.~~

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**IT IS HEREBY ORDERED** pursuant to Water Code Sections 13304 and 13267, that ~~the Dischargers, their agents, successors, and assigns, shall investigate the discharges of waste, clean up the waste, and abate the effects of the waste, forthwith, from the Walker Mine Tailings. The work shall be completed in conformance with Title 27 California Code of Regulations, sections 22470 through 22510, State Board Resolution No. 92-49 and with the Central Valley Water Board's Basin Plan (in particular the Policies and Plans listed within the Control Action Considerations portion of Chapter IV), other applicable state and local laws, and consistent with California Health and Safety Code, Division 20, chapter 6.8. "Forthwith" means as soon as is reasonably possible. Compliance with this requirement shall include, but not be limited to, completing the tasks listed below.~~

Atlantic Richfield and the Forest Service (Any person signing a document submitted under this Order shall make the following certification:

*"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

1. Dischargers), their agents, successors, and assigns, shall investigate the discharges of waste, clean up the waste, and abate the effects of the waste, forthwith, from the Walker Mine Tailings,
2. The work shall be completed in conformance with Title 27 California Code of Regulations ("Title 27"), sections 22470 through 22510, State Board Resolution No. 92-49 and with the Central Valley Water Board's Basin Plan (in particular the Policies and Plans listed within the Control Action Considerations portion of Chapter IV), any other applicable state and local laws, and consistent with California Health and Safety Code, Division 20, chapter 6.8,
3. "Forthwith" means as soon as is reasonably possible. Compliance with this requirement shall include, but not be limited to, completing the tasks listed below,

**TASKS**

- 1.4. The Dischargers shall submit a report on ~~XX July 2013~~ **30 May 2014** describing measures taken to jointly manage the site for remedial purposes.
- 2.5. The Dischargers shall reimburse the Central Valley Water Board for reasonable costs associated with oversight of the investigation and remediation of the tailings, pursuant to Water Code section 133054, subdivision (c)(1). Within **30 days** of the effective date of this Order, the Dischargers shall provide the name and address where the invoices shall be sent. Failure to provide a name and address for invoices and/or failure to reimburse the

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Central Valley Water Board's oversight costs in a timely manner shall be considered a violation of this Order. If the Central Valley Water Board adopts Waste Discharge Requirements (WDRs), review of reports related to writing of the WDRs and all compliance measures thereafter would be subject to the fees required by issuance of the Order and the reimbursement for associated costs under this requirement would no longer apply.

3.6. The Dischargers shall investigate, identify, and classify all sources of mining waste in compliance with Title 27 section 22480. This would include at a minimum all mining waste associated with surface impoundments, waste piles, tailings and leachate associated with mining at the site. The Discharger shall submit the following reports related to characterization of the mining waste:

a. By ~~XX September 2013~~ **27 June 2014**, submit a work plan to identify all mining waste as defined in Water Code section 13050, subdivision (q)(1) at the site. This work plan shall include a strategy/plan to characterize and classify the mining waste in compliance with Title 27 section 22480 and the extent to which the site is degrading water quality above background concentrations. This work plan shall also include a method to establish a Water Quality Protection Standard (Water Standard) per Title 27 section 20390.

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b. By ~~XX December 2013~~ **31 December 2014**, submit a characterization report that identifies all mine waste locations and basis for classification of mine waste at each location per the work plan submitted above. All the laboratory data shall be submitted with the characterization report. This report shall also include the establishment of the Water Standard.

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4.7. By ~~XX April 2014~~ **30 April 2014**, submit a work plan and Time Schedule to close and maintain the tailings in compliance with Title 27 sections 22470 through 22510 and to remediate the site in such a way to prevent future releases of mining waste (copper and other pollutants) to surface and ground waters.

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5.8. By ~~XX June 2014~~ **30 June 2014**, submit a Report of Waste Discharge with a complete characterization of the waste discharged in accordance with Water Code section 13260, subdivision (k). The Report of Waste Discharge shall also be in compliance with Title 27 section 21710 et seq., and include a short and long term monitoring plan per Title 27 section 22500. The mine waste units shall meet the construction standards in Title 27 section 22490, and the closure and post closure maintenance requirements in Title 27 section 22510.

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6.9. **Beginning 90 Days after Regional Board approval of the Work Plan and Time Schedule defined in item 5. above**, submit regular quarterly reports documenting progress in completing remedial actions.

7.10. **By 31 December 2016**, complete all remedial actions and submit a final construction report.

~~8-11.~~ Responsibilities for the water quality problems associated with the tailings shall end when the tailings no longer poses a threat to water quality.

### REPORTING

~~9-12.~~ When reporting data, the Dischargers shall arrange the information in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized in such a manner as to illustrate clearly the compliance with this Order.

~~10-13.~~ Fourteen days prior to conducting any fieldwork, the Dischargers shall submit a Health and Safety Plan that is adequate to ensure worker and public safety during the field activities in accordance with Title 8, section 5192.

~~11-14.~~ As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, all reports shall be prepared by a registered professional or their subordinate and signed by the registered professional.

~~12-15.~~ All reports must be submitted to the Central Valley Water Board as both paper and electronic copies. Electronic copies of all reports and analytical results are to be submitted over the Internet to the State Water Board Geographic Environmental Information Management System database (GeoTracker) at <http://geotracker.swrcb.ca.gov>. Electronic copies are due to GeoTracker concurrent with the corresponding hard copy. Electronic submittals shall comply with GeoTracker standards and procedures as specified on the State Water Board's web site.

~~13-16.~~ The Dischargers shall notify Central Valley Water Board staff at least five working days prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection.

### GENERAL

17. Any person signing a document submitted under this Order shall make the following certification:

*"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

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18. In the event that compliance with any deadlines set forth in this Order becomes impossible, despite the timely good faith efforts of the Dischargers, due to circumstances beyond the control of the Dischargers or their agents, employees, contractors, consultants and any other person acting on the Dischargers' behalf, and which could not have been reasonably foreseen and prevented or minimized by the exercise of due diligence by the Dischargers, the Dischargers shall notify the Executive Officer in writing within five (5) days of the date that the Dischargers first knew of the event or circumstance that caused or would cause a violation of this Order, and in any event no later than the applicable compliance deadline. The written notice shall describe the reason for the nonperformance and specifically refer to this Paragraph. The Dischargers shall take all reasonable measures to avoid and minimize such delays. The written notice shall also describe the anticipated length of time the delay may persist, the cause or causes of the delay, the schedule by which the measures will be implemented, and the anticipated date of compliance. The determination as to whether the circumstances were beyond the control of the Dischargers and their agents will be made by the Executive Officer. Where the Executive Officer concurs that compliance was or is impossible, despite the timely good faith efforts of the Dischargers, due to circumstances beyond the control of the Dischargers that could not have been reasonably foreseen and prevented by the exercise of reasonable diligence by the Dischargers, a new final compliance deadline shall be established. Where the Executive Officer does not concur that compliance was or is impossible, the Dischargers may be subject to additional enforcement action for failure to comply with this Order.

19. This Order in no way limits the authority of the Central Valley Water Board to institute additional enforcement actions or to require additional investigation and cleanup at the Site consistent with the Water Code.

20. This Order is effective upon the date of adoption. Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), the petition must be received by the State Water Board by 5:00 p.m. on the next business day.

Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

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Cleanup and Abatement Order No.R5-20134-XXXX - 14 -  
Atlantic Richfield Company and U.S. Forest Service  
Walker Mine Tailings  
Plumas County

29 April 2013

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

I, Pamela Creedon, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on \_\_\_\_\_, 2014. This Order is effective upon the date of signature.

\_\_\_\_\_  
Ordered by:

\_\_\_\_\_  
PAMELA C. CREEDON Executive Officer

\_\_\_\_\_  
(Date)