
Central Valley Regional Water Quality Control Board

8 May 2017

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TENTATIVE SETTLEMENT AGREEMENT AND STIPULATED ORDER, MOUNT DIABLO MERCURY MINE, CONTRA COSTA COUNTY

Attached please find a tentative Settlement Agreement and Stipulation for entry of Regional Board Order (Stipulated Order) between the Central Valley Water Board and Sunoco, Inc. This Stipulated Order pertains to the Mount Diablo Mercury Mine in Contra Costa County. This correspondence and posting of the Stipulated Order serves as notice for all parties to comment and/or object to the Stipulated Order before it is considered by the Central Valley Water Board and/or signed by its delegee.

As described in detail in the attached Stipulated Order, the Central Valley Water Board issued a Cleanup and Abatement Order (CAO) to current and former owners and operators at the Mount Diablo Mercury Mine in October 2014. Sunoco, Inc. petitioned this CAO to the Sacramento County Superior Court, and the CAO was remanded back to the Central Valley Water Board. The Central Valley Water Board Prosecution Team worked to resolve this matter by offering Sunoco a full release and covenant not to sue in exchange for Sunoco designing and constructing a drainage system to capture and divert mining water that discharges from the travertine springs area to the Lower Pond. The Stipulated Order describes Sunoco's remaining obligations at the site, is consistent with court rulings regarding Sunoco's petition, and reduces the concentrations of mercury and other metals accumulating in the Lower Pond.

Therefore, this tentative Stipulated Order is being provided for a 30-day public comment period. Persons wishing to comment on this item must submit their comments in writing to the Central Valley Water Board no later than by 5:00 p.m. on **7 June 2017**. Comments submitted after 5:00 p.m. on the above date will not be accepted and will not be incorporated into the administrative record absent a ruling by the Chair. A party requesting to submit late materials must demonstrate good cause for the late submission, and the Chair must find that the late submission would not prejudice the Central Valley Water Board. Comments should be limited to

the Stipulated Order and not seek to introduce any arguments related to the CAO that were properly raised at the time of the issuance of the CAO and any applicable petition period.

Anyone having questions on this Stipulated Order should contact Marty Hartzell at (916) 464-4630, or by email at Marty.Hartzell@waterboards.ca.gov.

Copies of the Stipulated Order are only being provided to the addressed individuals. Interested parties may download the proposed Stipulated Order and related documents from the Regional Water Board's Internet website at:

www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders.

Copies of these documents can also be obtained by contacting or visiting the Regional Water Board's office at 11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114 weekdays between 8:00 a.m. and 5:00 p.m.

If you have any questions concerning this matter, please contact me at (916) 464-4630 or via email at Marty.Hartzell@waterboards.ca.gov.

- Original Signed By -

MARTY HARTZELL, PG, CHG
Senior Engineering Geologist
Title 27 Permitting and Mining Unit

Attachment: Tentative Settlement Agreement and Stipulated Order

cc (w/o Attachment):

U.S. Department of Interior, DMEA, Washington D.C.
Larry Bradfish, U.S. EPA Region IX, San Francisco
Gary Riley, U.S. EPA Region IX, San Francisco
Laura Whitney-Tedrick, US Army Corps of Engineers, Sacramento
Gloria Sandoval, Deputy Director, CA Dept. of Parks and Recreation, Sacramento
Danita Rodriguez, California State Parks, Mt. Diablo Vista District, Petaluma
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