

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

RESOLUTION NO. 83-57

REQUESTING ENFORCEMENT ACTION
BY THE STATE ATTORNEY GENERAL
AGAINST
BLAIR BROTHERS RANCH
North of Essex - San Bernardino County

- WHEREAS, 1. Blair Brothers Ranch (hereinafter also referred to as the discharger), P. O. Box 8, Essex, CA 92332, owns the mining rights for property located in Section 34, T11N, R14E, SBB&M.
2. Brownstone Mining Company, P. O. Box 215, Lone Pine, CA 93545, operated a cyanide leaching facility for the extraction of gold and precious metals on the subject property under mining rights reportedly leased from the Blair Brothers Ranch.
3. The Regional Board prescribed waste discharge requirements on Brownstone Mining Company for the mining operation in Order No. 79-52 on May 9, 1979. Said Order requires, in part:
- A. Discharge Specifications
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.
 2. There shall be no surface flow of wastewater away from the processing area, and there shall be no discharge to any drainage channel.
 3. All drainage and collection facilities used to contain or transport cyanide solution shall be effectively sealed to prevent exfiltration.
 4. A minimum freeboard of at least two (2) feet shall be maintained in the holding basins.
 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.
 6. There shall be no discharge of wastewater containing any trace of cyanide at this location.
 7. Ore tailings and wastewater shall be completely neutralized before being discharged to the basins.

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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.
9. Adequate measures shall be taken to assure that unauthorized persons and animal pets are effectively excluded from the processing area.
4. Regional Board staff inspections of the mine site revealed serious violations of the waste discharge requirements, including abandonment of 700 kg of sodium cyanide and inadequate detoxification of cyanide in processed ore. As the result of Brownstone's failure to alleviate the violations, the Executive Officer of the Regional Board issued Cleanup and Abatement Order No. 81-100 on December 23, 1981, which required, in part, that all mine tailings and other cyanide-contaminated materials be neutralized and/or removed by February 1, 1982. Brownstone failed to comply with the cleanup time schedule contained in the cleanup and abatement order.
5. On November 17, 1982, the Regional Board conducted a public hearing at which the Board heard evidence concerning the mining operation and adopted Resolution No. 82-58 directing the Executive Officer to refer Brownstone Mining Company to the State Attorney General if the Executive Officer found that Brownstone had failed to immediately achieve compliance with the waste discharge requirements and cleanup and abatement order.
6. Regional Board staff inspections revealed that Brownstone had conducted a partial cleanup of the mine site, but that samples of ore and surrounding soil contained unacceptably high concentrations of total cyanide. By letter dated December 17, 1982, the Executive Officer referred Brownstone Mining Company to the Attorney General for appropriate enforcement action.
7. Regional Board staff inspection of the site on May 17, 1983 revealed that no further cleanup activity had occurred subsequent to collection of samples showing unacceptably high concentrations of total cyanide.
8. On May 18, 1983, 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.
9. 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."

10. 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."

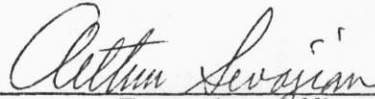
"(b) The Attorney General, upon request of a regional board or the state board, shall petition the superior court to impose, assess, and recover such sums. Except in the case of a violation of a cease and desist order, a regional board or the state board shall make such request only after a hearing, 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."

11. Blair Brothers Ranch, as owners of the mining rights for the subject land, maintains a joint responsibility for mining activity upon that land with Brownstone Mining Company (lessee) and Bureau of Land Management (land owner).
12. 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, conditions at the subject mine continue to violate the provisions of the above-mentioned Order No. 79-52 and Cleanup and Abatement Order No. 81-100.
2. Requests that the Attorney General of the State of California take appropriate action pursuant to 13304 and 13350, Division 7, California Water Code, against the Blair Brothers Ranch, including injunction and civil monetary remedies, if appropriate.

I, Arthur Swajian, 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, Colorado River Basin Region, on May 18, 1983 .



Executive Officer