

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2006-0005

RESCISSION OF CEASE AND DESIST ORDER NO. 99-111
FOR CEDAR POINT PROPERTIES, INC.
WALKER MINE
PLUMAS COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter referred to as Regional Board) finds:

1. Walker Mine is an abandoned copper mine located near the crest of the Sierra Nevada Mountains near Portola in Plumas County. The mine was operated from 1916 until 1941 and produced 84,000 tons of copper and other metals and more than five million tons of tailings. The mine is on patented mining claims covering about 800 acres. Drainage from the mine property flows into the Little Grizzly Creek and Indian Creek watersheds, which are tributary to the North Fork of the Feather River. The mine has a long history of acidic, copper-laden discharges to surface water.
2. Cedar Point Properties, Inc. acquired the Walker Mine property at a county tax sale in 1997. The company purchased the property to harvest timber from the site. Permitting actions, enforcement, and litigation by the Regional Board ensued in an effort to cleanup the site.
3. On 28 July 1999, the Regional Board adopted Waste Discharge Requirements (WDRs) Order No. 99-110 (NPDES No. CA0084531) and the companion Cease and Desist Order No. 99-111 for Cedar Point Properties, Inc. (Discharger). The time schedule in the CDO included requirements to retain a consultant, submit work plans, and to complete corrective actions necessary for discharges from the portal, sediment pond, and waste rock piles such that they were to be in compliance with the WDRs by 1 October 2002. The Discharger did not comply with the orders and the Regional Board referred the case to the Attorney General.
4. In 2004, Cedar Point notified the Regional Board of its intent to cease timber harvest and suspend its corporate status. The Attorney General on behalf of the Regional Board then obtained a stipulated judgment on Daniel Kennedy, owner of Cedar Point Properties Inc., which settled the Regional Board's litigation against Daniel Kennedy and dismissed additional action against him. Cedar Point Properties no longer exists as an entity that can be regulated by either the WDRs or the CDO, Order Nos. 99-110 and 99-111. Therefore, it is appropriate to rescind both the WDRs and the CDO. The WDRs are being rescinded by a separate order.
5. The Regional Board has notified the Discharger and interested agencies and persons of its intent to rescind CDO No. 99-111 and had provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

6. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, *et seq.*), in accordance with Section 15321(a)(2), Title 14, California Code of Regulations.
7. The Regional Board, in a public meeting, heard and considered all comments and evidence pertaining to this matter.

IT IS HEREBY ORDERED that Cease and Desist Order No. 99-111 is rescinded.

I, KENNETH D. LANDAU, Acting 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 26 January 2006.

KENNETH D. LANDAU, Acting Executive Officer

WLB/SER