

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 95-14

APPROVAL OF FUNDS FROM THE STATE WATER POLLUTION  
CLEANUP AND ABATEMENT ACCOUNT TO CONTINUE CLEANUP  
AND ABATEMENT ACTIVITIES AT PENN MINE

WHEREAS:

1. Discharges of acid mine drainage from Penn Mine can impair beneficial uses of Camanche Reservoir and the Mokelumne River; and
2. On February 17, 1994, the State Water Board allocated \$450,000 from the State Water Pollution Cleanup and Abatement Account (Account) to continue short-term remediation work and the hydrogeological investigation at Penn Mine; and
3. The East Bay Municipal Utility District (EBMUD) has joined with the Regional Water Quality Control Board, Central Valley Region, (Regional Water Quality Control Board) to remedy the water quality problems associated with Penn Mine; and
4. Funding is needed to respond to the water pollution problem at Penn Mine by continuing the treatment, diversion, and monitoring of acid mine drainage as ordered by the U.S. District Court and for initial compliance with the expected NPDES permit which will regulate the site; and
5. The Regional Water Quality Control Board estimates the State Water Board's share may exceed \$5,000,000 for onsite remedial activities, \$100,000 for matters directly related to litigation, and \$25,000 to complete the hydrogeological investigation at Penn Mine; and
6. The Regional Water Quality Control Board has requested \$5,125,000 over a three (3) year period from the Account for activities listed above; and
7. Funds from the Account will be matched by an appropriate share from EBMUD pursuant to an agreement to be negotiated; and
8. The State Water Board has previously appropriated \$1,422,000 from the Account for remediation activities at the Penn Mine site; and
9. The Account is currently overencumbered, and it has been estimated about \$0.5 million will be available on July 1, 1995; and
10. Funds allocated by SWRCB Resolutions No. 92-43 and 93-30 remain unspent; and
11. It is estimated the Account will receive \$4,040,000 during fiscal year 1995-1996, from service income, fines and penalties, and income from surplus money.

THEREFORE BE IT RESOLVED THAT:

THE STATE WATER BOARD:

1. Allocates \$100,000 from the Account to the Regional Water Quality Control Board to respond to the water pollution problem at Penn Mine by partially resolving matters directly related to litigation.
2. Allocates \$25,000 from the Account to the Regional Water Quality Control Board to complete the hydrogeological investigation by the U.S. Geological Survey which was previously funded.
3. Allocates up to \$5,000,000 from the Account over a three (3) year period to the Regional Water Quality Control Board to continue cleanup and abatement activities at Penn Mine as required by an order of the U.S. District Court, dated 8 September 1993, in the case of *Committee to Save to Mokelumne River v. East Bay Municipal Utility District and RWQCB, CVR*.
4. The Regional Water Quality Control Board will segment it's efforts to the degree possible, and before entering any contract, will obtain approval from the Executive Director to ensure sufficient funds are in the Account to cover the contract.
5. Expenditure of funds to continue the cleanup and abatement activities at Penn Mine will be matched by an appropriate share pursuant to an agreement to be negotiated with EBMUD.
6. The unused portions allocated by SWRCB Resolutions No. 92-43, 93-30, and allocated for short term remediation at Penn Mine shall be rescinded.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the forgoing is a full, true, correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 16, 1995.

  
Maureen Marché  
Administrative Assistant to the Board