

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2005-0126

REQUEST FOR CLEANUP AND ABATEMENT ACCOUNT FUNDS  
TO  
CLEANUP AND STABILIZE RED ELEPHANT MINE  
LAKE COUNTY DEVELOPMENT DEPARTMENT  
LAKE COUNTY

WHEREAS, the Regional Water Quality Control Board, Central Valley Region (Regional Board) is responsible for ensuring protection of the beneficial uses of water, and protection against pollution and nuisance conditions resulting from the discharge of wastes and pollutants.

WHEREAS, Regional Board staff inspected and observed the discharge of sediment and debris to surface waters and surface water drainage from past mining and excavation activities. Regional Board staff also observed the failure of portions of the man-made earthen dam. Areas of soil were sloughing away from the dam into surface waters. Linear cracks and separation were also observed on the top of the dam. The dam was constructed without permits from Lake County, or any state or federal agency.

WHEREAS, the Executive Officer issued a Cleanup and Abatement Order R5-2005-0706 to Walter Johnson and Red Elephant Mine LLC for the discharge of earthen material, silts, sediment and debris materials from the construction and potential failure of an earthen dam at the Red Elephant Mine.

WHEREAS, Walter Johnson and Red Elephant Mine LLC has failed to clean up and abate the condition of earthen materials, soil, sediment, and debris materials discharged or placed into surface waters and surface water drainage courses and has abandoned his operation at the site.

WHEREAS, sediment and debris deposited into surface waters tributary to Jericho Creek and Lake Berryessa by the continued erosion and sloughing of materials from the dam and possible failure of the dam, threaten to impact water quality.

WHEREAS, Red Elephant Mine may be a source of mercury.

WHEREAS, the Lake County Development Department has expressed an interest in conducting an investigation to determine if mercury is a potential source of contamination and remediation provided funds are made available.

WHEREAS, the Lake County Development Department has expressed an intent to clean and stabilize the failing dam and sediment provided funds are made available.

WHEREAS, the pollution problem was unforeseen, is significant and the Regional Board has no resources budgeted to conduct an investigation and cleanup.

WHEREAS, the California Water Code, Section 13443, allows the Regional Board to apply to the State Water Resources Control Board for funds from the State Water Pollution Cleanup and Abatement Account to assist in responding to a significant unforeseen water quality problem for which the Regional Board does not have adequate budgeted resources.

RESOLVED, that the Regional Water Quality Control Board requests the State Water Resources Control Board consider a possible *Request for Cleanup and Abatement Account Funds to Clean up and Stabilize* and in the event that Lake County or other eligible applicant applies for funding, authorize payment up to \$50,000 from the Account to Lake County or other eligible applicant to clean up and stabilize the Red Elephant Mine and investigate and initiate remediation if mercury is found to be a source of pollution.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the Regional Water Quality Control Board, Central Valley Region, on 16 September 2005.

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THOMAS R. PINKOS, Executive Officer