

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

RESOLUTION NO. 93-078

URGING THE REDUCTION OR ELIMINATION OF LIABILITY FOR PARTIES  
ENGAGED IN ABANDONED MINE REMEDIATION

Whereas, on October 21, 1992 the Regional Board adopted Resolution 92-128 establishing a site specific water quality objective for copper of 4.9 ug/L for San Francisco Bay, based on the protection of aquatic life;

Whereas, monitoring results indicate that concentrations greater than the site specific objective have been measured in most parts of the estuary;

Whereas, on June 16, 1993, the Regional Board adopted Resolution 93-61 establishing a wasteload allocation for copper which requires reductions in all significant sources of copper loading to the estuary, including storm water, municipal and industrial sources, and sources upstream of the San Francisco Bay Region, in the Sacramento/San Joaquin watershed;

Whereas, upstream sources are estimated to account for more than half of the copper loading to the estuary, and an estimated 60% of the copper loading to the Delta is discharged from inactive mines;

Whereas, copper and zinc discharged from inactive mines causes serious damage to aquatic life almost every year in the Sacramento River and its tributaries;

Whereas, the cost of remediation of abandoned mines is very high, and the technology involved in cleanup is often experimental;

Whereas, the risk of potential unlimited liability for cleanup and maintenance is preventing or delaying Regional and State Board actions to remediate abandoned mines and is therefore perpetuating environmental degradation;

Therefore, be it resolved that:

1. The State Board is urged to promote legislation at the State and Federal level to reduce or eliminate liability incurred by public entities and their individual governing board members through remediating abandoned mine sites, and to continue work on a Memorandum of Understanding with the U.S. Environmental Protection Agency to limit liability in these cases,

2. The U.S. Environmental Protection Agency is urged to promote Federal legislation to reduce or eliminate liability incurred through remediating abandoned mine sites, and to continue work on a Memorandum of Understanding with the State Board to limit liability in these cases,
3. Governor Wilson and Members of the Bay Area delegation to the California Legislative are urged to support legislation to address the liability issue and facilitate the cleanup of abandoned mines, and
4. Members of the Bay Area delegation to the U.S. Congress are urged to support legislation to address the liability issue and facilitate the cleanup of abandoned mines.
5. The Regional Board is prepared to work with the State Board, the U.S. Environmental Protection Agency, and the Bay Area legislative and congressional delegations to formulate appropriate solutions to the problems encountered in the cleanup of abandoned mines.

I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on July 21, 1993.



Steven R. Ritchie  
Executive Officer