

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2008-0083**

ALLOCATE AN ADDITIONAL \$2.5 MILLION FROM THE  
CLEANUP AND ABATEMENT ACCOUNT (CAA) TO THE LAHONTAN REGIONAL WATER  
QUALITY CONTROL BOARD (LAHONTAN REGIONAL WATER BOARD) TO COMPLETE  
IMPROVEMENTS AT LEVIATHAN MINE PROJECT

WHEREAS:

1. The Lahontan Regional Water Board requests funding in the amount of \$2.5 million to complete improvements for a pond liner replacement and road paving at the Leviathan Mine Project;
2. Leviathan Mine is an inactive sulfur mine located in the eastern Sierra-Nevada Mountains in Alpine County. Jurisdiction over the Leviathan Mine rests with the State Water Resources Control Board (State Water Board), which, in turn, has delegated jurisdiction to the Lahontan Regional Water Board;
3. The evaporation ponds at the site were constructed in 1984 with liners, piping, and appurtenances that had a 20-year useful life. Access to the site is necessary to cleanup the waste and abate its effects, and paving the road will facilitate access and will significantly reduce future road repair expenses. The liners and associated piping have exceeded their useful life and are showing signs of failure. Leakage from the ponds and piping poses a significant threat to the structural integrity of the ponds and to the health of Leviathan Creek, as the ponds are constructed on unconsolidated mine waste with significant side slopes;
4. Due to the Leviathan Mine's remote, mountainous location at an elevation of 7000 feet above sea level, access to the site is challenging. The site is located between California State Highway 89 and U.S. Highway 395 (in Nevada). Access through a U.S. Forest Service dirt road makes the required treatment operations and monitoring difficult. The type of traffic required for treatment operations include trucks hauling heavy equipment, dump trucks with 20-cubic yard capacity trailers, fuel tanker trucks, and lime-slurry tanker (over-the-highway tractor-trailer vehicles). Road repair expenses have totaled approximately \$500,000 since 1999. Annual roadwork expenses are expected to continue as long as the access road is unpaved. Access to the site is necessary to cleanup the waste and abate its effects, and paving the road will facilitate access and will significantly reduce future road repair expenses.
5. The requested allocation is consistent with the purposes of California Water Code (CWC) §13442. CWC §13442 provides that the State Water Board may order moneys to be paid from CAA to a public agency with authority to cleanup or abate the effects of a waste in order "to assist in cleaning up the waste or abating its effects on waters of the state."

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves additional funds of \$2.5 million, from the CAA to the Lahontan Regional Water Board to complete improvements including a pond liner replacement and road paving at the Leviathan Mine Project.
2. The funds will be available until June 30, 2011. Any unexpended funds, as of June 30, 2011, shall revert to CAA, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorizes an extension.

### CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on November 18, 2008.

AYE: Chair Tam M. Doduc  
Vice Chair Gary Wolff, P.E., Ph.D  
Arthur G. Baggett, Jr.  
Charles R. Hoppin  
Frances Spivy-Weber

NAY: None

ABSENT: None

ABSTAIN: None



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Jeanine Townsend  
Clerk to the Board