

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2013-0025**

ALLOCATE \$417,500 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (CENTRAL VALLEY WATER BOARD) FOR PARTIAL RECONSTRUCTION OF THE FINAL COVER AND REMEDIATION OF ACIDIC LEACHATE IN THE PENN MINE LANDFILL (PROJECT)

WHEREAS:

1. The Central Valley Water Board is requesting \$417,500 from the CAA to address acidic, high-metals concentration leachate generated by the Penn Mine Landfill in Calaveras County;
2. Penn Mine is an abandoned copper and zinc mine that operated intermittently from the 1860s through the 1950s and is situated adjacent to Mokelumne River and Comanche Reservoir;
3. In 1978, East Bay Municipal Utilities District (EBMUD) and the Central Valley Water Board constructed a remediation project in an attempt to reduce the impacts caused by acid mine drainage from the abandoned mine;
4. Subsequently, the Central Valley Water Board and EBMUD were found jointly responsible under the Clean Water Act for the acid mine drainage due to their operation of the remediation project;
5. A total of \$7,225,000 has previously been allocated from the CAA to the Penn Mine Site through Resolutions [No. 95-14](#), [No. 98-001](#) and [No. 2001-008](#). From this amount, the Central Valley Water Board expended \$6,543,024 for the following activities: preparation of an Environmental Impact Report; operation of a wastewater treatment system; landfill design and construction; excavation and disposal of mine waste; landfill closure; post-closure monitoring and other activities; revegetation; and stream restoration;
6. The landfill has generated more leachate than originally anticipated, posing a threat to underlying groundwater quality and resulting in considerable costs for the removal, transportation, and disposal of the leachate;
7. An investigation conducted in 2012 by Shaw Environmental & Infrastructure, Inc. (Shaw) concluded that the most likely source of the high volume of leachate was surface water entering through the gap between the cover and the liner despite the designed overlap of the cover system with the underlying liner system;
8. Welding the final cover geomembrane to the liner geomembrane and reconstructing the radial drain around the landfill perimeter is expected to eliminate the potential source of surface water into the landfill;

9. The funds requested will be used for 1) sealing the final cover geomembrane to the liner geomembrane to prevent surface water infiltration into the landfill; 2) reconstructing the radial drain around the landfill perimeter; 3) installing an upslope trench to route surface water away from the landfill; 4) applying seed and binder to cover soil to reestablish vegetation, and 5) third party oversight costs;
10. Total project costs including third party oversight are estimated at \$1,235,000. The Central Valley Water Board and EBMUD will each contribute \$417,500 to fund the project. Additionally, it is expected that Shaw will also pay approximately one third of the project costs (\$400,000) in exchange for modifications to their current contract with EBMUD for the leachate removal, disposal, and transportation; and
11. The requested allocation is consistent with the purposes of the Water Code section 13442. Water Code section 13442 provides that the State Water Resources Control Board (State Water Board) may order monies to be paid from CAA to a public agency with the authority to cleanup or abate the effects of a waste in order "to assist it 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 \$417,500 from the CAA to fund the Project.
2. Approves the funding with the expectation that if the agreement has not been executed by March 31, 2014, the Executive Director will bring this item back to the State Water Board in May 2014 for possible rescission of funding.
3. Shall make the funds available until March 31, 2015, and revert any unexpended funds to the CAA as of June 30, 2015, 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 August 20, 2013.

AYE: Chair Felicia Marcus
 Vice Chair Frances Spivy-Weber
 Board Member Tam M. Doduc
 Board Member Dorene D'Adamo

NAY: None

ABSENT: Board Member Steven Moore

ABSTAIN: None

Jeanine Townsend
 Clerk to the Board