

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Carrie Austin)  
MEETING DATE: June 12, 2013

**ITEM:** 6

**SUBJECT:** **Guadalupe Rubbish Disposal Co., Inc., Guadalupe Mine, San Jose, Santa Clara County** – Adoption of Site Cleanup Requirements

**DISCUSSION:** This Revised Tentative Order (Appendix A) would require the cleanup and abatement of mercury mining waste discharges from the Guadalupe Mercury Mine, contiguous to the New Almaden Mining District in south San Jose. Specifically, the Revised Tentative Order would require the Guadalupe Rubbish Disposal Company to develop and implement remedial actions, while recognizing that Best Management Practice-based stabilization and erosion control methods may be effective means of controlling discharges. The Revised Tentative Order also recognizes that other measures, such as capping waste in-place or removal, may be necessary should certain wastes, such as calcines, be found at locations where they may pose a greater threat to water quality. Additional site investigation, required as part of the Revised Tentative Order, will guide the ultimate selection of an appropriate remedy. The Revised Tentative Order would help implement the Guadalupe Watershed Mercury TMDL, adopted by the Board in October 2008.

The Revised Tentative Order acknowledges and builds upon the investigative and interim remedial work performed by the Company. While the Company has complied with two previously-issued Water Code section 13267 orders and continues to work cooperatively with Board staff, those orders cannot compel cleanup. Consistent with our long-standing approach to overseeing cleanup of contaminated sites, the Revised Tentative Order utilizes the Board's authority under Water Code section 13304 to require cleanup and abatement of waste discharges.

We received written comments (Appendix B) on the draft tentative order circulated for public comment from the Company's representatives: Reed Smith LLP, the Company's legal counsel, and Golder Associates, the Company's consulting engineer. Staff's response to these comments is provided in Appendix C. The tentative order was revised as appropriate to address the comments received. A key outstanding comment from the Company pertains to the use of

Water Code section 13304 to regulate cleanup. Staff has communicated that the Revised Tentative Order is not intended to be punitive but is a necessary course of action in overseeing cleanup of a contaminated site.

**RECOMMEND-  
ATION:**

Adoption of the Revised Tentative Order

**CIWQS PLACE ID:** 717685

**APPENDICES:**

- A. Revised Tentative Site Cleanup Requirements Order
- B. Comments Received
- C. Response to Comments