

Appendix D

**CLEANUP AND ABATEMENT ORDER AMENDMENT
NO. R2-2003-0028**

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

CLEANUP AND ABATEMENT ORDER NO. R2-2003-0028

AMENDMENT OF CLEANUP AND ABATEMENT ORDER NO. 98-004

DR. COLLIN MBANUGO, RIDGEMONT DEVELOPMENT INC., WATT RESIDENTIAL INC., WATT INDUSTRIES OAKLAND, WATT HOUSING CORPORATION, ALCOA CONSTRUCTION SYSTEMS INC., CHALLENGE DEVELOPMENT INC., AP CONSTRUCTION SYSTEMS INC., F.M. SMITH AND EVELYN ELLIS SMITH, REALTY SYNDICATE, LEONA CHEMICAL COMPANY, AND ALCOA PROPERTIES INC.

**LEONA HEIGHTS SULFUR MINE
OAKLAND, ALAMEDA COUNTY**

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Board) finds that:

STATUS

- a. **Prior Board Actions:** On January 30, 1998 the Board adopted Cleanup and Abatement Order No. 98-004 (CAO 98-004) to Ridgemont Development Inc., Watt Residential Inc., Watt Industries Oakland, Watt Housing Corporation, Alcoa Construction Systems Inc., Challenge Development Inc., AP Construction systems Inc., F.M. Smith and Evelyn Ellis Smith, Realty Syndicate, Leona Chemical Company, and Alcoa Properties Inc. for the investigation and cleanup of the Leona Heights Sulfur Mine located approximately one-half mile northeast of the intersection of Interstate 580 and State Highway 13, in the Oakland Hills, Alameda County.
- b. **Purpose of this Amendment:** The purpose of this amendment is to add the current property owner and Discharger, Dr. Collin Mbanugo, to CAO 98-004 and to modify several tasks based on our current understanding of exiting site conditions.

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- c. This Order is an action for the protection of the environment and is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to 15321, Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED that Order No. 98-004 shall be amended as follows:

1. Finding **8.B.8** is added as follows to identify Dr. Collin Mbanugo as the current owner of the Leona Heights Sulfur Mine based on recording No. 2001-462441:


Dr. Collin Mbanugo is hereby identified as the current owner and Discharger of the Leona Heights Sulfur Mine acquiring Title from Ridgemont Development Company on November 29, 2001 (Alameda County Grant Deed No. 2001-462441).

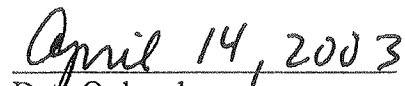
2. **Amended or Deleted Remedial Measures** – Remedial Measures (CAO 98-004) B.1, B.2, B.3, and B.4 are amended or deleted as follows:

- a. **Remedial Measure No. B.1** is hereby deleted.
- b. **Remedial Measure No. B.2:** The Dischargers shall submit a revised **Corrective Action Plan and Implementation Schedule** acceptable to the Executive Officer by **May 30, 2003**. Implementation of the proposed plan shall provide for the prevention of further erosion of the mine tailings, and shall encapsulate the mine tailings in a manner as to best isolate the mining waste from storm water runoff and contact with groundwater. The Dischargers shall implement the proposed **Corrective Action Plan and Implementation Schedule** immediately upon approval.
- c. **Remedial Measure No. B.3:** Post construction monitoring shall be conducted to assess the effectiveness of remedial activities and be implemented following the completion of the required **Corrective Action Plan and Implementation Schedule** (Amended Remedial Measure B.2). Monitoring reports shall be due semi-annually on **October 31st** and **April 30th** of each year. The first monitoring report shall be due on **October 31, 2003** and consist of the analysis of water from Leona Creek sampled at Leona Street (located near the existing base of the lower waste rock pile). Water sample analysis shall include the field parameters: pH, conductivity, oxidation-reduction potential, and temperature; and the laboratory parameters: dissolved copper, zinc, and sulfate, as well as suspended solids and total acidity. All future reports will be submitted in accordance with a new operations and maintenance order issued to the then current property owner (or owners).
- d. **Remedial Measure No. B.4** is hereby deleted.

3. **Amended General Requirements** – General Requirement C.6 is hereby added to CAO 98-004:

Upon compliance with this CAO and completion of specified Remedial Tasks the Board will amend or re-issue this Order naming the then current property owner (or owners) as solely responsible for addressing long-term monitoring, operations, and maintenance of the designed cap.


Loretta K. Barsamian
Executive Officer


Date Ordered