

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION

**RESOLUTION NO. R6T-2007- 0010**

**REQUEST TO THE STATE WATER RESOURCES CONTROL BOARD  
FOR FUNDS FOR LEVIATHAN MINE**

Alpine County

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Whereas, the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board), finds:

1. It is the responsibility of the Lahontan Water Board to regulate the activities and factors that affect or may affect the quality of waters of the region in order to achieve the highest water quality consistent with the maximum benefit to the people of the State;
2. The Water Quality Control Plan for the Lahontan Region (Basin Plan) was adopted in 1995. The Basin Plan identifies the need to protect the surface and ground waters of the Carson River Hydrologic Unit;
3. Leviathan Mine is an inactive sulfur mine that the State of California purchased in 1984 to pursue cleanup and abatement of water quality problems caused by historic mining. Jurisdiction over the mine rests with the State Water Resources Control Board (State Water Board), which, in turn, has delegated jurisdiction to the Lahontan Water Board. Leviathan Mine is located in Alpine County, approximately five miles east of Markleeville, California;
4. Degradation of water quality in Leviathan and Aspen Creeks occurs as a result of the discharge of acid mine drainage (AMD) from Leviathan Mine. AMD from Leviathan Mine can be characterized as a dilute sulfuric acid solution containing elevated levels of dissolved metals, including: iron, aluminum, arsenic, nickel, and copper;
5. In May 2000, the United States Environmental Protection Agency (USEPA) placed Leviathan Mine on the Comprehensive Environmental Response, Compensation, and Liability Act National Priorities List, thus making Leviathan Mine a federal Superfund site. USEPA has identified the State as a Potentially Responsible Party and has issued an Administrative Abatement Action (AAA) to the State. The AAA required implementation of certain pollution abatement and site characterization activities at Leviathan Mine, including preventing the overflow of AMD from the storage ponds;

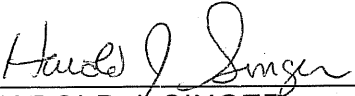
6. In 1985, on the State Water Board's behalf, the Lahontan Water Board completed construction of a pollution abatement system that included the construction of five lined ponds to capture and evaporate AMD emanating from the Adit and the Pit Under-Drain (PUD). Given the limited usable area at the mine site, the evaporation ponds could not be sized to provide 100 percent containment of influent flows (consisting of AMD from the Adit and PUD, and direct rain/snow onto the ponds); consequently, the ponds periodically overflowed and discharged to Leviathan Creek;
7. To prevent pond overflows, the Lahontan Water Board implemented a process to treat and discharge pond water during the summer months, as a means to increase pond holding capacity for the subsequent winter and spring months. Contractors for the Lahontan Water Board successfully operated the treatment system during the 1999 through 2006 field seasons;
8. The last two years of above average precipitation recharged the groundwater in the area of the Mine, which resulted in increased Adit and PUD flows. Those increased flows, coupled with the above average precipitation directly to the ponds, caused the ponds to fill more rapidly than in prior years, and resulted in the need for additional treatment to prevent the discharge of untreated AMD to Leviathan Creek. The 2006 field treatment season consisted of emergency treatment in the spring of approximately seven million gallons of AMD and summer treatment of approximately 13.2 million gallons of AMD;
9. The Lahontan Water Board's current appropriated funding for AMD treatment activities is \$297,670, which will treat approximately 4 million gallons of AMD. The cost for AMD treatment during summer 2006 was \$835,000. This has resulted in a deficiency of \$538,000. If the Lahontan Water Board had not directed their contractor to continue treating AMD, millions of gallons of AMD would have overflowed the pond system and entered Leviathan Creek. The discharge of AMD to the creek would have severely impacted aquatic life and posed a threat to human health and property. The cost of the additional treatment is not included in the Lahontan Water Board's budget for work at the Mine. The Lahontan Water Board temporarily covered the costs using a one-time budget allocation for construction and health and safety improvements. These projects remain a priority for completion;
10. The funds allocated to treat AMD in the upcoming summer of 2007 pond water treatment season are not adequate. An additional \$567,000 is needed to treat the AMD anticipated for the summer of 2007;
11. An additional \$500,000 is needed to initiate the contracting process for 2008 spring treatment;
12. The total amount requested for (1) the funding deficiency of \$538,000; (2) 2007 summer pond water treatment of \$567,000; and (3) 2008 spring treatment of \$500,000 is \$1,605,000;

13. Under Water Code section 13442, upon application by a public agency, such as the Lahontan Water Board, with authority to clean up a waste or abate the effects thereof, the State Water Resources Control Board may order moneys to be paid from the account to the public agency to assist it in cleaning up the waste or abating its effects on waters of the state.
14. The Lahontan Water Board considered all comments received.

**THEREFORE BE IT RESOLVED:**

1. The Lahontan Water Board requests the State Water Board allocate \$1,605,000 from the State Water Pollution Cleanup and Abatement Account pursuant to Water Code section 13442 to clean up and abate the effects of waste at the Leviathan Mine site.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on February 15, 2007.

  
HAROLD J. SINGER  
EXECUTIVE OFFICER