

Exhibit J

March 5, 2008 Application for Permit



"John"
<john@artmodular.com>
03/05/2008 02:19 AM

To Richard Sugarek/R9/USEPA/US@EPA
cc John Lyons/R9/USEPA/US@EPA, Kathleen Salyer/R9/USEPA/US@EPA, Keith Takata/R9/USEPA/US@EPA, "Sara J. Russell"
bcc

Subject Iron Mountain Mine

History: This message has been forwarded.

Hi Rick,

Attached please find the necessary documents from Shasta County for Ted to resume mining activities. Mr. Bill Walker, senior planner for Shasta County, is eager to assist us in this regard. Please let me know how best to facilitate the cooperation of all concerned parties.



John Hutchens Use Permit for Mining. Application Checklist.02-17-06.doc RecPlanApplication.CheckList.12-31-02.doc



Application for Reclamation Plan & Permit & CERCLA 121(g) Review.pdf

SHASTA COUNTY DEPARTMENT OF RESOURCE MANAGEMENT
PLANNING DIVISION

USE PERMIT FOR MINING OPERATION

APPLICATION CHECKLIST

Revised February 17, 2006

The following checklist includes the basic information required to complete an application for a use permit for a mining operation. Additional information may be required upon review of the application by the Planning Division and other federal, state and local agencies.

We strongly recommend that all of this information be incorporated into the text and maps for a combined mining and reclamation plan.

Please submit 20 copies of all of the following information.

1. A general location map showing property lines, access roads, surrounding topography, streams, and surrounding land uses. Show the location of the closest residences on each side and indicate the distance from the project site to those residences.
2. An aerial photograph of the mine site at a scale of 1" = 200' or larger (for example 1" = 100') overlaid with a site plan, showing the property lines, proposed horizontal extent of extraction, location of structures and equipment, gravel or rock storage piles, waste rock storage piles, ponds, topsoil storage areas, roads, and parking areas, location of mature trees and vegetation, wetlands, and a line delineating the boundary of soil and vegetation disturbance.
3. A pair of topographic maps, one showing the existing topography of the site, and the second showing the proposed finished contours after project completion. If the project will be completed in phases, show finished contours for each phase. Include existing and proposed cross-sections of the extraction area.
4. Detailed information about all structures and equipment to be located on-site, such as offices, storage buildings, washing, screening, crushing, batch plants, and other processing equipment, power source, fuel and oil storage, septic tank, leach fields, etc. Include location, function, type, size, capacity, layout, anticipated generation of air and water pollution, anticipated noise generation, etc. If more than one location will be used, show each proposed location.
5. The date of completion of the proposed project. If phasing is proposed, include dates of completion of each phase.
6. Please provide information on the estimated number of employees, both full time and part time,
7. Please provide the proposed hours and days of operation (for example 6:00 a.m. to 5:00 p.m., Monday through Friday).
8. Information about type of gravel or rock to be mined, and the anticipated sale and removal of gravel, rock or other product off-site, including amount of product (in cubic yards or tons),
9. Please state the maximum number of round trip truck trips per day, per week, and per year, and the names of roads on which gravel will be transported, etc.
10. If the gravel or aggregate will be washed, indicate the source of water, and the location and means of disposal or recycling of waste water, silt and rock fines.

SHASTA COUNTY DEPARTMENT OF RESOURCE MANAGEMENT
PLANNING DIVISION

USE PERMIT FOR MINING OPERATION
APPLICATION CHECKLIST

11. Detailed information regarding potential impacts of the project, including geologic hazards, loss of agricultural land, erosion, alteration of drainage patterns, reduction of air quality, reduction of water quality, loss or deterioration of fish and wildlife habitat, deterioration of aesthetics, generation of hazardous waste, damage to historic and archeological resources, etc. Describe all proposed mitigation measures to be used to prevent or reduce all identified potential impacts.
12. If the project is located in, or adjacent to, a creek, a hydrologic study will be required to determine the rate of gravel recruitment, and the impact of extraction on the stream channel, floodplain and riparian habitat, both upstream and downstream from the project site. In addition, provide information regarding the expected impact of the proposed mining operation on the Sacramento River fish resources, including the impact on recruitment for spawning gravel.
13. Please indicate the noise levels of the crushing and screening equipment in operation (for example: 85 dB on the A scale at 50 feet).
14. If the operation will use blasting, include the following information:
 - a. The proposed type, size and timing of the blasting.
 - b. The proposed total number of blasts, number of blasts per day, the time of day of the blasts, and whether blasting will occur on weekdays or weekends.
 - c. A site plan showing the location of blasting areas, site topography and soil/rock type.
 - d. A location map showing the topography and distance from the blasting area(s) to the nearby residences.
 - e. A report from a qualified professional, including analysis of the impact of blasting on nearby residences and other development in the area, and recommended measurable standards for noise and vibration from the blasting that will limit the impact of blasting to a level of insignificance.
 - f. Note: A blasting permit will be required from the Shasta County Sheriff's Office.
15. A reclamation plan application is required for all mining operations in addition to the use permit application. Some information listed above for the use permit application may be duplicated for the reclamation plan application.
16. If the mining operation will result in a change in the land use of the project site (for example from agricultural land to wildlife habitat), applications for a General Plan Amendment and Zoning Amendment may be required.

We would like to help you to submit all the needed information for your project. If you have any questions or comments, please call (5300 225-5532 or come by the Planning Division office at 1855 Placer Street, Redding, CA 96001. We are open from 8:00 a.m. to 5:00 p.m., Monday through Friday.

SHASTA COUNTY DEPARTMENT OF RESOURCE MANAGEMENT
PLANNING DIVISION

SMARA REGULATORY PROGRAM

**RECLAMATION PLAN
APPLICATION CHECKLIST**

Revised December 31, 2002

SECTION 1: PROJECT SUMMARY

- A. Project Name:
- B. California Mine Identification Number:
- C. Federal (BLM, USFS) Mine Identification Number:
- D. Mine Operator:
Street address or P.O. Box:
City, State, Zip Code:
Telephone Number:
Contact Person:
- E. Mine Operator's Representative
Street address or P.O. Box:
City, State, Zip Code:
Telephone Number:
- F. Owner of Property Name
Street address or P.O. Box:
City, State, Zip Code:
Telephone Number:
- G. Owner of Mineral Rights:
Street address or P.O. Box:
City, State, Zip Code:
Telephone Number:
- H. Location:
Assessor's Parcel Number:
Section, Township and Range:
Latitude and Longitude (at center of project):
Directions to the site:
- I. Total parcel size(s):
- J. Total area to be mined:
- K. Total area to be reclaimed:
- L. Quantity and type of materials to be mined:
- M. Proposed start-up date and termination date:
- N. Proposed land use after reclamation:

SECTION 2: DESCRIPTION OF ENVIRONMENTAL SETTING

- A. Maps: Provide the following:

1. Location Map: Provide a road map which clearly shows how to get to the site from the nearest major public road. Indicate the width and type of surfacing of the access road(s).
 2. Topographic Map: The map should include elevation contours, natural ground slopes, drainage patterns, and other topographic features of the mine site and its surrounding region within one mile of the mine site. Use a U.S. Geological Survey 7 1/2 minute map.
 3. Aerial Photograph: Include a photo of the site at a scale of 1 inch = 200 feet or larger (for example one inch = 100 feet) with the boundaries of the property and the mining operation drawn on the photo. Aerial photos of Shasta County may be obtained from several companies, including CH2M Hill of Redding, California (Phone: 916-243-5831 Ext. 3238), and WAC Corporation of Eugene, Oregon (Phone: 1-800-845-8088), or refer to the listings under "Photographers - Aerial" in the yellow pages of the phone book. The County makes no recommendation regarding any aerial photo company.
- B. Geology: Provide a description of the general geology of the area and a detailed description of the area in which mining is to be conducted, including:
1. A description of the geologic setting.
 2. A geologic map indication known stratigraphy, structure, and fault systems of the ore deposit and in the location of proposed accessory facilities, adequate to assess the stability of proposed slopes, dams, tailings facilities, etc.
 3. An assessment of the seismological stability of the affected area adequate to assess the safety of the proposed slopes and accessory facilities.
 4. A discussion of the ore body, including the mineralogical and chemical nature of the ore and waste rock adequate to assess acid drainage potential or other potential sources of surface or groundwater contamination.
 5. Geologic cross sections in the location of proposed slopes, dams, tailings facilities, etc. adequate to assess potential stability problems.
- C. Hydrology: Describe surface and ground water resources, including:
1. Evidence of contact with the Regional Water Quality Control Board regarding possible permitting requirements.
 2. Flow estimates of watersheds that will be disturbed by or have a potential to impact the proposed mining operation.
 3. A description of land and water uses in affected watersheds that may be impacted by the proposed mining operation including a hydrologic inventory of wells and springs in affected areas.
 4. An assessment of potential impacts on the ground water regime in the affected area.
 5. A map showing the relationship between the water table surface and the proposed mining operation.
 6. A map showing the boundary of the 100 year flood plain.
- D. Soil Assessment: If the reclamation plan proposed revegetation, an assessment of existing soil conditions is appropriate, including:
1. A topsoil inventory map showing soil salvage depths to assess the volume of topsoil available.
 2. A soil profile description of soil suitable for reclamation.
 3. An analysis of soil texture, chemistry, Ph, porosity, permeability, etc., adequate to assess suitability for revegetation.

4. Note the soil classification for agriculture or timber production where applicable.

E. Vegetation/Wildlife: A discussion of existing plant and wildlife species is necessary, including:

1. A description of the biological setting, including habitat type(s).
2. A map and description of vegetation types of affected areas.
(For some areas, soil/vegetation maps are available from the California Department of Forestry and Fire Protection)
3. a. A list of plants. Note percent plant coverage (percent ground shading from existing plant cover), density (number of plants per unit area) and species diversity (number of different species per unit area)
b. A list of large and small mammals, birds, amphibians, and fish known or suspected to be on-site. Include the date of the survey.
4. The identification of unique, critical and important habitat types within the affected area.
5. A discussion of potential wildlife impacts, short term and long term, resulting from the mining operation.
6. A list of the federal or state designated rare, threatened or endangered species, or Department of Fish and Game species of special concern (including invertebrates), if any, on or near the site. *(Use the California Department of Fish and Game's Natural Diversity Data Base combined with on-site survey work)*
7. On the aerial photo, show the location of mature trees and other vegetation that will be maintained.

F. In-stream Mining: If mining will occur within the active channel of a stream, include the following information:

1. Evidence of contact with the local flood control agency regarding possible permitting requirements.
2. Identify other in-stream mining operations within five miles of the project site.
3. Identify bridges, pipelines, cable crossings, etc, within one mile of the proposed operation.
4. Show the pre-mining configuration of the gravel bar/stream bed on a map or aerial photograph.
5. Provide cross-sections of pre-mining stream conditions which can be used to monitor future impacts of the mining operation.
6. Discuss seasonal flow conditions and gravel replenishment rates.
7. Describe previous mining activity, if any.

G. Air Resources/Climatology:

1. Include a general description of the climate of the area, including the average rainfall, average snowfall, season of rainfall, average winter low temperature, average summer high temperature, and the maximum intensity of the one hour 20 year storm and the source of the climate data.
(For information, contact the George Cline at National Weather Service Office in Sacramento at (916) 979-3041, Voice Mail Extention 225 or the Western Regional Climatic Data Center at (702) 677-3140)
2. Provide evidence of contact with the Air Quality Management District regarding the need for air quality permits. *(For information, contact the Shasta County Air Quality Management District at (916) 225-5674.)*
3. Indicate any existing air quality problems in the area, whether caused on or off-site.

- H. Land Use: Describe the current land use of the project site, the existing surrounding land uses, and the distance from the mine site to the nearest residences.
- I. Aesthetics: Indicate the major roads or developed areas from which the project site can be seen, and how the proposed operation will affect the appearance of the project area from those vantage points.
- J. Cultural Resources: In order to complete processing of your application, your project must be reviewed by the Northeast Information Center of the California Archeological Inventory, at California State University Chico. The Center reviews the impacts of a project on the archeological and historical resources on the site. The Center requires a fee for review, payable by you, the applicant. Submit a check in the amount of \$60.00, payable to the Northeast Information Center, to the Shasta County Planning Division. Do not mail your check directly to the Center. We will send your check with your project information.

Based on the recommendation from the Northeast Information Center, the county may require a preliminary historical and archeological survey of the project site. A preliminary survey typically includes a search of archeological records for the area, a site visit during which the archeologist will walk the property in systematic transects, and final report with findings and recommendations.

SECTION 3: DESCRIPTION OF THE PROPOSED MINING OPERATION

- A. Map of operations: On a site plan, provide detailed information on the following:
 - 1. Property boundaries, horizontal extraction limits, topsoil stockpile areas, siltation ponds, leach pads, haul roads, drainage facilities, hazardous materials storage areas, tailings ponds, waste/overburden dumps.
 - 2. All structures and equipment to be located on-site, such as offices, storage buildings, washing, screening, crushing, batch plant, and other processing equipment, power source, fuel storage, septic tank, leach fields, etc. Include the location, function, type, size, capacity, layout, anticipated generation of air and water pollution, anticipated noise generation, etc. If more than one location will be used, show each proposed location. It is recommended that traffic and parking be restricted to outside the dripline area of the trees.
 - 3. Include two topographic maps, one showing the existing topography and the other showing the final contours. If phasing is proposed, please submit a map showing the contours of each phase. Also include cross-sections at a maximum interval of 200 foot showing the vertical limits of each phase and the final extraction limits.
- B. Production schedule: Indicate (in cubic yards or tons) the proposed daily, weekly, yearly and total production of ore/product and overburden/waste of the proposed mine operation. If mining will be phased, specify quantities by phase. The annual estimated quantities should be summed to give the total anticipated production for the life of the mine.
- C. Mining Plan: Include the following information:
 - 1. Operating plan: Indicate the proposed initiation and termination dates of the mining operation. If seasonal, provide the proposed annual months of operation.
 - 2. Topsoil: Describe:
 - a. The proposed stripping and handling techniques.
 - b. The location, base area, height and volume of the stockpiles of topsoil and/or fines
 - c. How the topsoil will be treated to prevent erosion (for example: mulched and seeded).
 - 3. Overburden/waste/ore: Describe:
 - a. The proposed type of mine (open pit, quarry, placer, dredge, etc.).

- b. The type and size of mining and hauling equipment to be used.
 - c. The use and handling of explosives.
 - d. The proposed method of removing overburden and ore.
 - e. The maximum anticipated depth of the mine.
 - f. The maximum depth of mining, bench width, and maximum slope angles (illustrate cross sections).
 - g. If the mining is phased, describe each phase and concurrent reclamation.
 - h. Indicate the proposed location and volume of the stockpiles overburden, waste and ore, the proposed height of the stockpiles, and how the stockpiles will be treated to prevent erosion.
4. Mine waste: Attach a copy of the report of waste discharge and waste discharge permit to the reclamation plan.
- D. Size: Indicate the total acreage, the total acreage to be disturbed, and the total acreage to be reclaimed.
- E. Water Requirements:
1. Indicate whether water will be used for aggregate washing, dust control or other uses.
 2. Note the source of the water, the amount to be used per day and per year, whether the water will be recycled, the location of recycling ponds, etc.
- F. Contaminants:
1. Identify potential contaminants to used on the site, including fuels, oils, flocculents, polymers, other chemicals, domestic garbage, and human waste
 2. Describe how potential contaminants will be controlled and disposed.
- G. Waste Water:
1. Estimate the daily and annual amount of water to be disposed of.
 2. Describe the anticipated or possible contaminants (including turbidity).
 3. Describe the proposed method of waste water treatment, disposal or recycling.
- H. Water Impoundments and Diversions:
1. Impoundments: Include information regarding any water impoundments or diversions, including existing and proposed creeks, ponds, culverts, sediments basins, etc. Provide evidence of contact with the California Department of Water Resources, Division of Dam Safety, regarding the construction and inspection of impoundment structures.
 2. Diversions: Provide design capacity, grade and profile, cross section of typical diversion, erosion control methods (e.g. riprap, sealing, catchments, etc.), life of diversions.
- I. Ore Processing:
1. Describe the proposed method and equipment for processing ore (for example; washing, crushing, screening, refining, asphalt plants, dry screening, flotation, leaching, etc.). Indicate function, size, location, etc.
 2. Estimate the minimum and maximum capacity (input and output) of the mill/processing facility.
 3. Provide the estimated life of the processing operation (if different from the mine life).

J. In-Stream Mining:

1. Describe methods that will be used to protect water quality.
2. Describe precautions that will be taken to protect existing riparian vegetation and aquatic flora and fauna native to the area to be mined.
3. Provide evidence of contact with the Department of Fish and Game regarding the need for a Stream Alteration Permit.
4. Provide evidence of contact with the Army Corps of Engineers regarding the need for a "404 Permit"
5. Please submit an analysis of the potential hydrologic impacts of the gravel removal on the creek, including the potential impacts on stream bed cross-sections and profiles both upstream and downstream from the project site. Include the expected gravel replenishment rate.
6. If the site is flooded yearly, and new aggregate is recruited from the creek during flood periods, indicate in more detail how the site is prepared each year for the winter stream flows.
7. Indicate what measures will be used to stabilize stream banks and prevent erosion at the completion of each phase and at project completion.

SECTION 4: DESCRIPTION OF PROPOSED RECLAMATION

A. Subsequent Uses:

1. Describe as specifically as possible, the proposed subsequent use of the reclaimed mined land.
2. Provide evidence that owner(s) of a possessory interest (including surface rights) have been notified of the proposed use or potential uses after reclamation.
3. If the proposed use is for a public purpose (for example: stormwater retention basin, groundwater recharge area, etc.) provide evidence that a public agency agrees to the need for the project and will assume responsibility for it upon completion. If a commitment can not be obtained from a public agency, identify an alternative use and provide a plan for reclaiming the site for the alternate use.

B. Reclamation Schedule:

1. Provide a time schedule that will ensure reclamation at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance.
2. Provide a map of the proposed phases of reclamation and the corresponding acreage and the dates for the completion of each phase. The plan could be designed so that extraction in one area of the project would be completed and that area would be entirely reclaimed before extraction proceeds in another area of the site.
3. If reclamation will not be concurrent, explain why.

C. Post-Mining Topography:

1. Provide a map of the proposed post-reclamation topography, including a contour map and cross-sections. Use a contour interval of one foot for flat areas and a contour interval of 5 feet for steep areas. Use a copy of the aerial photo for the final topography. Show drainage plan, benches, roads, planting and other pertinent features of the reclamation.
2. Attach cross sections through slopes, cuts and fills; show original ground surface, post mining surface,

underlying geologic conditions and reclaimed surface.

3. Describe how slopes will be stabilized to prevent failures/landslides, earth flows, rock falls, and erosion.
 4. Specify slope design calculations, including safety factors.
- D. Impoundments: Please submit more detailed information regarding the functioning of the pond. Include the source of water, how the water level will be maintained, the actual elevation of "stabilized water elevation," the range of potential fluctuations in water level, and proposed stocking with fish, amphibians, invertebrates, aquatic plants, etc.
- E. Drainage: Describe how natural drainages will be rehabilitated and how erosion of disturbed lands and sedimentation will be minimized (e.g. revegetation, rip rap, sedimentation basins, berms, ditches, water bars, regrading, etc.) . Submit a proposed final drainage plan for the site including any structures, such as culverts, sediment basins, channels, etc.
- F. Disposition of Old Equipment: Discuss the disposition of equipment, buildings, structures, refuse, etc. Indicate where and how disposal will occur.
- G. Soil Replacement
1. Describe how the site will be prepared for soil replacement and planting (for example, ripping, disking, and incorporation of soil additives).
 2. Explain topsoil or soil substitute redistribution methods, including volumes of materials to be redistributed, equipment and methods for transport, methods for preventing over-compaction, and a schedule for replacement. Include
 - a. The average thickness of replaced topsoil on the mine site.
 - b. Test that will be run to determine whether soil or mine wastes need to be modified to promote and support plant growth.
 - c. Methods to be used to protect redistributed topsoil (or soil substitute) from wind and water erosion before and after seeding and planting.
 - d. If soil replacement will be phased, indicate time schedule for phasing.
 3. Explain the types and amounts of fertilizers, mulch, soil stabilizers, lime, or other materials that will be used in revegetation and indicate when they will be applied.
- H. Revegetation
1. Submit a plan for revegetation of the site.
 - a. A list of species (include both the botanical and the common names) to be planted.
 - b. The type of plant material to be used (e.g. seeds, cuttings, container, plugs, etc.).
 - c. The density or rate of planting (e.g. pounds of seed/acre, cuttings on 5 foot centers, etc.)
 - d. If different species will be planted together, show a diagram of the pattern of planting.
 - e. If different habitats are proposed, describe the types of habitats to be created, for example, riparian, meadow, shrub, woodland. Provide a list of species for each habitat. Include a map showing the locations of each habitat.
 - f. If revegetation will be phased, indicate the time schedule of phasing.
 - g. Describe what planting methods will be used (hydroseeding, hand planting, seed drill etc.)

- h. Discuss when (during which months) planting will take place, the relationship between timing and the success of the revegetation plan, optimum moisture conditions for planting, and phasing.
- i. Describe how the plants will be protected from predation and disturbance (e.g. fencing, signs, etc.) including any proposed means of protection of young plants, such as netting, wire mesh, etc.

For more information regarding revegetation we suggest that you consult the following:

For pasture and range land reclamation: the Shasta County Farm Bureau, the Home Advisor's Office

For wildlife habitat and timberland reclamation: California Department of Forestry, L.A. Moran Reforestation Center (916) 753-2441, or Magalia Nursery, (916) 873-0400, or The Nature Conservancy (916) 826-0947.

For California native plant material sources and private landscaping contractors: see "Nursery Sources for California Native Plants" published by the California Department of Conservation, Division of Mines and Geology (DMG Open-File Report 90-04). A copy is available from the Department of Conservation Publications and Information at (916) 445-5716.

For soil erosion and sediment control: the Western Shasta County Resource Conservation District.

2. If irrigation is proposed, then discuss:

- a. The kind of irrigation system that will be used to water the plants
- b. The water source and the water quality of that source
- c. How often (e.g. biweekly) and at what rate (e.g. 1/4 inch/session) the area will be irrigated.
- d. How long the site will continue to be irrigated.

3. Describe how test plots will be used to evaluate the effectiveness of the proposed revegetation plan. Discuss how the County will be notified of changes made in the revegetation plan based on the success of the test plant and practical experience.

Tests plots should be started as soon after the beginning of the project as feasible, so that years of test data are available when reclamation begins. Test plots could include areas reclaimed prior to final complete site reclamation.

I. Monitoring and Maintenance:

1. Describe the monitoring and maintenance program that will be instituted to ensure that the proposed reclamation is successful and is maintained.
2. Describe or cite the standards to be used to determine the success of revegetation, erosion control treatments, and public safety measures. Provide criteria to determine the success of the revegetation over time. Include the expected percentage of plants that will survive on-site after the completion of the revegetation after two years without any human intervention (that is no irrigation, replanting, weeding, or fertilizer, etc.) and quantified measures of vegetative cover, density and species-richness.
3. Please indicate who will perform the monitoring, and the proposed frequency, date and total length of time for mitigation monitoring (for example: annually, on May 15th, for a minimum of two years after human intervention, until reclamation revegetation goals are met).
4. Discuss that action will be taken if the initial reclamation efforts are unsuccessful.

J. In-stream Mining:

1. Describe the manner in which rehabilitation of the affected streambed channels and stream banks occur to minimize erosion and sedimentation.
 2. Provide an annual monitoring plan (using aerial photographs or cross section) to assess impacts of mining on pre-mining channel conditions.
- K. Future Mining: Explain how the proposed reclamation of this site will affect the potential for future mining at the site.
- L. Public Safety: Indicate any potential public safety hazards on the site (such as vertical or steep cut banks), and what measures will be taken to ensure public safety (such as fences, gates, signs, or hazard removal)

SECTION 5: FINANCIAL ASSURANCES

- A. Submit an itemized estimate for the total cost of reclamation, including specific tasks (e.g. equipment removal, recontouring, ripping, hydromulching, planting with shrubs and trees, etc.) the amount of time needed, the cost of labor, and the cost of materials. Please use the financial assurance estimate form prepared by the State.

After the financial assurance estimate is reviewed and approved by the County and the State, a financial assurance mechanism must be submitted. The mechanism may take one of three forms: an irrevocable letter of credit, a surety bond, or a certificate of deposit. Please use the forms prepared by the State. All surety bonds must use the state form.

If no cost for reclamation of stockpiled material is included in the financial assurance estimate for the reclamation plan, the County will need an agreement to release the rights to the stockpiled material in the event that the material remains on site, and reclamation has not been completed in conformance with the reclamation plan.

SECTION 6: STATEMENT OF RESPONSIBILITY

- A. Include a page in the reclamation plan with the following statement and signature block:

I, the undersigned, hereby agree to accept full responsibility for reclaiming all mined lands described and submitted herein with any modification required by Shasta County as conditions of approval.

Signed this ____ day of ____, 19

Operator or Operator's Agent

We would like to help you to submit all the needed information for your project. If you have any questions or comments, please call (916) 225-5532 or come by the Planning Division office at 1855 Placer Street, Suite 103, Redding, CA 96001. We are open from 8:00 a.m. to 5:00 p.m., Monday through Friday.

f-rpapp.ls4

STATE MINING AND GEOLOGY BOARD

SURFACE MINING AND RECLAMATION PRACTICE.

§ 3503. Surface Mining and Reclamation Practice.

The following are minimum acceptable practices to be followed in surface mining operations:

- (a) Soil Erosion Control.
 - (1) The removal of vegetation and overburden, if any, in advance of surface mining shall be kept to the minimum.
 - (2) Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.
 - (3) Erosion control facilities such as retarding basins, ditches, stream bank stabilization, and diking shall be constructed and maintained where necessary to control erosion.
- (b) Water Quality and Watershed Control.
 - (1) Settling ponds or basins shall be constructed to prevent potential sedimentation of streams at operations where they will provide a significant benefit to water quality.
 - (2) Operations shall be conducted to substantially prevent siltation of ground-water recharge areas.
- (c) Protection of Fish and Wildlife Habitat. All reasonable measures shall be taken to protect the habitat of fish and wildlife.
- (d) Disposal of Mine Waste Rock and Overburden. Permanent piles or dumps of mine waste rock and overburden shall be stable and shall not restrict the natural drainage without suitable provisions for diversion.
- (e) Erosion and Drainage. Grading and revegetation shall be designed to minimize erosion and to convey surface runoff to natural drainage courses or interior basins designed for water storage. Basins that will store water during periods of surface runoff shall be designed to prevent erosion of spillways when these basins have outlet to lower ground.
- (f) Resoiling. When the reclamation plan calls for resoiling, coarse hard mine waste shall be leveled and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Surface mines that did not salvage soil during their initial operations shall attempt, where feasible, to upgrade remaining materials. The use of soil conditioners, mulches, or imported topsoil shall be considered where revegetation is part of the reclamation plan and where such measures appear necessary. It is not justified, however, to denude adjacent areas of their soil, for any such denuded areas must in turn be reclaimed.
- (g) Revegetation. When the reclamation plan calls for revegetation the available research addressing revegetation methods and the selection of species having good survival characteristics, for the topography, resoiling characteristics, and climate of the mined areas shall be used.

RECLAMATION STANDARDS

§ 3700. Applicability.

Reclamation of mined lands shall be implemented in conformance with the standards in this Article.

- (a) The standards shall apply to each surface mining operation to the extent that:
 - (1) they are consistent with required mitigation identified in conformance with the California Environmental Quality Act, provided that such mitigation is at least as stringent as the standards; and
 - (2) they are consistent with the planned or actual subsequent use or uses of the mining site.
- (b) Where an applicant demonstrates to the satisfaction of the lead agency that an exception to the standards specified in this article is necessary based upon the approved end use, the lead agency may approve a different standard for inclusion in the approved reclamation plan. Where the lead agency allows such an exception, the approved reclamation plan shall specify verifiable, site-specific standards for reclamation. The lead agency may set standards which are more stringent than the standards set forth in this Article; however, in no case may the lead agency approve a reclamation plan which sets any standard which is less stringent than the comparable standard specified in this Article.

- (c) When substantial amendments are proposed to reclamation plans which were approved prior to January 15, 1993, the standards set forth in this Article shall be applied by the lead agency in approving or denying approval of the amended reclamation plan.
- (d) The standards in this Article shall not apply to mining operations:
 - (1) which completed reclamation prior to January 15, 1993 in conformance with an approved reclamation plan; or
 - (2) for which a reclamation plan has been approved prior to January 15, 1993.

§ 3701. Definitions.

The following definitions shall govern the interpretation of these regulations:

"Arid" means landscapes with an average annual precipitation of five inches or less.

"Contamination" means an impairment of the quality of the waters of the state to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

"Highwall" means the unexcavated face of exposed overburden and ore in a surface mine.

"Indigenous Plants" means plants occurring naturally in an area, not introduced.

"Native Species" means plant species indigenous to California, using pre-European as the historic time reference.

"Noxious Weeds" means any species of plant that is or is likely to become destructive or difficult to control or eradicate, and is termed to be so by the Director of the Department of Food and Agriculture in section 4500, Title 3 of the California Code of Regulations, pursuant to the Food and Agriculture Code section 5004 et seq.

"Vegetative Cover" means the vertical projection of the crown or shoot area of a species to the ground surface expressed as a percentage of the reference area (percentage can be greater than 100 percent).

"Vegetative Density" means the number of individuals or stems of each species rooted within the given reference area.

"Vegetative Species-richness" means the number of different plant species within the given reference area.

"Wetlands" for the purposes of these regulations, the definition of wetlands shall be the same as defined in the California Fish and Game Code, section 2785, subdivision (g).

§ 3702. Financial Assurances.

Lead agencies shall require financial assurances for reclamation in accordance with Public Resources Code section 2773.1 to ensure that reclamation is performed in accordance with the approved reclamation plan and with this

§ 3703. Performance Standards for Wildlife Habitat.

Wildlife and wildlife habitat shall be protected in accordance with the following standards:

- (a) Rare, threatened or endangered species as listed by the California Department of Fish and Game, (California Code of Regulations, Title 14, sections 670.2 - 670.5) or the U. S. Fish and Wildlife Service, (50 CFR 17.11 and 17.12) or species of special concern as listed by the California Department of Fish and Game in the Special Animals List, Natural Diversity Data Base, and their respective habitat, shall be conserved as prescribed by the federal Endangered Species Act of 1973, 16 U.S.C. section 1531 et. seq., and the California Endangered Species Act, Fish and Game Code section 2050 et seq. If avoidance cannot be achieved through the available alternatives, mitigation shall be proposed in accordance with the provisions of the California Endangered Species Act, Fish and Game Code section 2050 et seq., and the federal Endangered Species Act of 1973, 16 U.S.C. section 1531 et seq.
- (b) Wildlife habitat shall be established on disturbed land in a condition at least as good as that which existed before the lands were disturbed by surface mining operations, unless the proposed end use precludes its use as wildlife habitat or the approved reclamation plan establishes a different habitat type than that which existed

prior to mining.

- (c) Wetland habitat shall be avoided. Any wetland habitat impacted as a consequence of surface mining operations shall be mitigated at a minimum of one to one ratio for wetland habitat acreage and wetland habitat

§ 3704. Performance Standards for Backfilling, Regrading, Slope Stability, and Recontouring.

Backfilling, regrading, slope stabilization, and recontouring shall conform with the following standards:

- (a) Where backfilling is proposed for urban uses (e.g., roads, building sites, or other improvements sensitive to settlement), the fill material shall be compacted in accordance with section 7010, Chapter 70 of the Uniform Building Code, published by the International Conference of Building Officials (1991), the local grading ordinance, or other methods approved by the lead agency as appropriate for the approved end use.
- (b) Where backfilling is required for resource conservation purposes (e.g., agriculture, fish and wildlife habitat, and wildland conservation), fill material shall be backfilled to the standards required for the resource conservation use involved.
- (c) Piles or dumps of mining waste shall be stockpiled in such a manner as to facilitate phased reclamation. They shall be segregated from topsoil and topsoil substitutes or growth media salvaged for use in reclamation.
- (d) Final reclaimed fill slopes, including permanent piles or dumps of mine waste rock and overburden, shall not exceed 2:1 (horizontal:vertical), except when site-specific geologic and engineering analysis demonstrate that the proposed final slope will have a minimum slope stability factor of safety that is suitable for the proposed end use, and when the proposed final slope can be successfully revegetated.
- (e) At closure, all fill slopes, including permanent piles or dumps of mine waste and overburden, shall conform with the surrounding topography and/or approved end use.
- (f) Cut slopes, including final highwalls and quarry faces, shall have a minimum slope stability factor of safety that is suitable for the proposed end use and conform with the surrounding topography and/or approved end use.
- (g) Permanent placement of piles or dumps of mining waste and overburden shall not occur within wetlands unless mitigation acceptable to the lead agency has been proposed to offset wetland impacts and/or losses.

§ 3705. Performance Standards for Revegetation.

Revegetation shall be part of the approved plan, unless it is not consistent with the approved end use.

- (a) A vegetative cover suitable for the proposed end use and capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizer shall be established on disturbed land unless an artificially maintained landscape is consistent with the approved reclamation plan. Vegetative cover or density, and species-richness shall be, where appropriate, sufficient to stabilize the surface against effects of long-term erosion and shall be similar to naturally occurring habitats in the surrounding area. The vegetative density, cover and species richness of naturally occurring habitats shall be documented in baseline studies carried out prior to the initiation of mining activities. However, for areas that will not be reclaimed to prior conditions, the use of data from reference areas in lieu of baseline site data is permissible.
- (b) Test plots conducted simultaneously with mining shall be required to determine the most appropriate planting procedures to be followed to ensure successful implementation of the proposed revegetation plan. The lead agency may waive the requirement to conduct test plots when the success of the proposed revegetation plan can be documented from experience with similar species and conditions or by relying on competent professional advice based on experience with the species to be planted.
- (c) Where surface mining activities result in compaction of the soil, ripping, disking, or other means shall be used in areas to be revegetated to eliminate compaction and to establish a suitable root zone in preparation for planting.
- (d) Prior to closure, all access roads, haul roads, and other traffic routes to be reclaimed shall be stripped of any remaining road base materials, prepared in accordance with subsection 3705(g), covered with suitable growth media or topsoil, and revegetated. When it is not necessary to remove road base materials for revegetative

purposes, lead agencies may set a different standard as specified in section 3700(b) of this Article.

- (e) Soil analysis shall be required to determine the presence or absence of elements essential for plant growth and to determine those soluble elements that may be toxic to plants, if the soil has been chemically altered or if the growth media consists of other than the native topsoil. If soil analysis suggests that fertility levels or soil constituents are inadequate to successfully implement the revegetation program, fertilizer or other soil amendments may be incorporated into the soil. When native plant materials are used, preference shall be given to slow-release fertilizers, including mineral and organic materials that mimic natural sources, and shall be added in amounts similar to those found in reference soils under natural vegetation of the type being reclaimed.
- (f) Temporary access for exploration or other short-term uses on arid lands shall not disrupt the soil surface except where necessary to gain safe access. Barriers shall be installed when necessary to prevent unauthorized vehicular traffic from interfering with the reclamation of temporary access routes.
- (g) Native plant species shall be used for revegetation, except when introduced species are necessary to meet the end uses specified in the approved reclamation plan. Areas to be developed for industrial, commercial, or residential use shall be revegetated for the interim period, as necessary, to control erosion. In this circumstance, non-native plant species may be used if they are not noxious weeds and if they are species known not to displace native species in the area.
- (h) Planting shall be conducted during the most favorable period of the year for plant establishment.
- (i) Soil stabilizing practices shall be used where necessary to control erosion and for successful plant establishment. Irrigation may be used when necessary to establish vegetation.
- (j) If irrigation is used, the operator must demonstrate that the vegetation has been self-sustaining without irrigation for a minimum of two years prior to release of the financial assurances by the lead agency, unless an artificially maintained landscape is consistent with the approved end use.
- (k) Noxious weeds shall be managed: (1) when they threaten the success of the proposed revegetation; (2) to prevent spreading to nearby areas; and (3) to eliminate fire hazard.
- (l) Protection measures, such as fencing of revegetated areas and/or the placement of cages over individual plants, shall be used in areas where grazing, trampling, herbivory, or other causes threaten the success of the proposed revegetation. Fencing shall be maintained until revegetation efforts are successfully completed and the lead agency authorizes removal.
- (m) Success of revegetation shall be judged based upon the effectiveness of the vegetation for the approved end use, and by comparing the quantified measures of vegetative cover, density, and species-richness of the reclaimed mined-lands to similar parameters of naturally occurring vegetation in the area. Either baseline data or data from nearby reference areas may be used as the standard for comparison. Quantitative standards for success and the location(s) of the reference area(s) shall be set forth in the approved reclamation plan. Comparisons shall be made until performance standards are met provided that, during the last two years, there has been no human intervention, including, for example, irrigation, fertilization, or weeding. Standards for success shall be based on expected local recovery rates. Valid sampling techniques for measuring success shall be specified in the approved reclamation plan. Sample sizes must be sufficient to produce at least an 80 percent confidence level. There are standard statistical methods in commonly available literature for determining an 80 percent confidence level on a site-by-site basis. Examples of such literature include, but are not limited to, D. Mueller-Dombois and H. Ellenberg, 1974, "Aims and Methods of Vegetation Ecology", John Wiley and Sons, Inc., or C. D. Bonham, 1988, "Measurements for Terrestrial Vegetation", John Wiley and Sons, Inc., and are available at many university libraries. The texts are also available at some local libraries through the Inter-Library Loan Program.

§ 3706. Performance Standards for Drainage, Diversion Structures, Waterways, and Erosion Control.

- (a) Surface mining and reclamation activities shall be conducted to protect on-site and downstream beneficial uses of water in accordance with the Porter-Cologne Water Quality Control Act, Water Code section 13000, et seq., and the Federal Clean Water Act, 33 U.S.C. section 1251, et seq.
- (b) The quality of water, recharge potential, and storage capacity of ground water aquifers which are the source of water for domestic, agricultural, or other uses dependent on the water, shall not be diminished, except as

allowed in the approved reclamation plan.

- (c) Erosion and sedimentation shall be controlled during all phases of construction, operation, reclamation, and closure of a surface mining operation to minimize siltation of lakes and watercourses, as required by the Regional Water Quality Control Board or the State Water Resources Control Board.
- (d) Surface runoff and drainage from surface mining activities shall be controlled by berms, silt fences, sediment ponds, revegetation, hay bales, or other erosion control measures, to ensure that surrounding land and water resources are protected from erosion, gulying, sedimentation and contamination. Erosion control methods shall be designed to handle runoff from not less than the 20 year/1 hour intensity storm event.
- (e) Where natural drainages are covered, restricted, rerouted, or otherwise impacted by surface mining activities, mitigating alternatives shall be proposed and specifically approved in the reclamation plan to assure that runoff shall not cause increased erosion or sedimentation.
- (f) When stream diversions are required, they shall be constructed in accordance with:
 - (1) the stream and lake alteration agreement between the operator and the Department of Fish and Game; and
 - (2) the requirements of the Federal Clean Water Act, Sections 301 (33 U.S.C. 1311) and Section 404 (33 U.S.C. 1344) and/or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- (g) When no longer needed to achieve the purpose for which they were authorized, all temporary stream channel diversions shall be removed and the affected land reclaimed.

§ 3707. Performance Standards for Prime Agricultural Land Reclamation.

In addition to the standards for topsoil salvage, maintenance, and redistribution, the following standards shall apply to mining operations on prime agricultural lands where the approved end use is agriculture:

- (a) Mining operations which will operate on prime agricultural lands, as defined by the U.S. Soil Conservation Service, shall return all disturbed areas to a fertility level as specified in the approved reclamation plan.
- (b) When distinct soil horizons are present, topsoil shall be salvaged and segregated by defined A, B, and C soil horizons. Upon reconstruction of the soil, the sequence of horizons shall have the A atop the B, the B atop the C, and the C atop graded overburden.
- (c) Reclamation shall be deemed complete when productive capability of the affected land is equivalent to or exceeds, for two consecutive crop years, that of the pre-mining condition or similar crop production in the area. Productivity rates, based on reference areas described in the approved reclamation plan, shall be specified in the approved reclamation plan.
- (d) Use of fertilizers or other soil amendments shall not cause contamination of surface or ground water.

§ 3708. Performance Standards for Other Agricultural Land.

The following standards shall apply to agricultural lands, other than prime agricultural lands, when the approved end use is agriculture. In addition to the standards for topsoil salvage, maintenance, and redistribution, non-prime agricultural lands shall be reclaimed so as to be capable of sustaining economically viable production of crops commonly grown in the surrounding areas.

§ 3709. Performance Standards for Building, Structure, and Equipment Removal.

- (a) All equipment, supplies, and other materials shall be stored in designated areas (as shown in the approved reclamation plan). All waste shall be disposed of in accordance with state and local health and safety ordinances.
- (b) All buildings, structures, and equipment shall be dismantled and removed prior to final mine closure except those buildings, structures, and equipment approved in the reclamation plan as necessary for the end use.

§ 3710. Performance Standards for Stream Protection, Including Surface and Groundwater.

- (a) Surface and groundwater shall be protected from siltation and pollutants which may diminish water quality as required by the Federal Clean Water Act, sections 301 et seq. (33 U.S.C. section 1311), 404 et seq. (33 U.S.C. section 1344), the Porter-Cologne Act, section 13000 et seq., County anti-siltation ordinances, the Regional Water Quality Control Board or the State Water Resources Control Board.
- (b) In-stream surface mining operations shall be conducted in compliance with Section 1600 et seq. of the California Fish and Game Code, section 404 of the Clean Water Act, and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- (c) Extraction of sand and gravel from river channels shall be regulated to control channel degradation in order to prevent undermining of bridge supports, exposure of pipelines or other structures buried within the channel, loss of spawning habitat, lowering of ground water levels, destruction of riparian vegetation, and increased stream bank erosion (exceptions may be specified in the approved reclamation plan). Changes in channel elevations and bank erosion shall be evaluated annually using records of annual extraction quantities and benchmarked annual cross sections and/or sequential aerial photographs to determine appropriate extraction locations and rates.
- (d) In accordance with requirements of the California Fish and Game Code section 1600 et seq., in-stream mining activities shall not cause fish to become entrapped in pools or in off-channel pits, nor shall they restrict spawning or migratory activities.

§ 3711. Performance Standards for Topsoil Salvage, Maintenance, and Redistribution.

When the approved reclamation plan calls for revegetation or cultivation of disturbed lands, the following performance standards shall apply to topsoil salvage, maintenance, and redistribution activities:

- (a) All salvageable topsoil suitable for revegetation shall be removed as a separate layer from areas to be disturbed by mining operations. Topsoil and vegetation removal shall not precede surface mining activities by more than one year, unless a longer time period is approved by the lead agency.
- (b) Topsoil resources shall be mapped prior to stripping and the location of topsoil stockpiles shall be shown on a map in the reclamation plan. If the amount of topsoil needed to cover all surfaces to be revegetated is not available on site, other suitable material capable of sustaining vegetation (such as subsoil) shall be removed as a separate layer for use as a suitable growth media. Topsoil and suitable growth media shall be maintained in separate stockpiles. Test plots may be required to determine the suitability of growth media for revegetation purposes.
- (c) Soil salvage operations and phases of reclamation shall be carried out in accordance with a schedule that: (1) is set forth in the approved reclamation plan; (2) minimizes the area disturbed; and (3) is designed to achieve maximum revegetation success allowable under the mining plan.
- (d) Topsoil and suitable growth media shall be used to phase reclamation as soon as can be accommodated by the mining schedule presented in the approved reclamation plan following the mining of an area. Topsoil and suitable growth media that cannot be utilized immediately for reclamation shall be stockpiled in an area where it will not be disturbed until needed for reclamation. Topsoil and suitable growth media stockpiles shall be clearly identified to distinguish them from mine waste dumps. Topsoil and suitable growth media stockpiles shall be planted with a vegetative cover or shall be protected by other equally effective measures to prevent water and wind erosion and to discourage weeds. Relocation of topsoil or suitable growth media stockpiles for purposes other than reclamation shall require prior written approval from the lead agency.
- (e) Topsoil and suitable growth media shall be redistributed in a manner that results in a stable, uniform thickness consistent with the approved end use, site configuration, and drainage patterns.

§ 3712. Performance Standards for Tailing and Mine Waste Management.

State Water Resources Control Board mine waste disposal regulations in Article 7 of Chapter 15 of Title 23, California Code of Regulations, shall govern mine waste and tailings, and mine waste disposal units shall be reclaimed in conformance with this article.

§ 3713. Performance Standards for Closure of Surface Openings.

- (a) Except those used solely for blasting or those that will be mined through within one year, all drill holes, water wells, and monitoring wells shall be completed or abandoned in accordance with each of the following:
 - (1) Water Code sections 13700, et seq. and 13800, et seq.;
 - (2) the applicable local ordinance adopted pursuant to Water Code section 13803;
 - (3) the applicable Department of Water Resources report issued pursuant to Water Code section 13800; and
 - (4) Subdivisions (1) and (2) of section 2511(g) of Chapter 15 of Title 23 regarding discharge of waste to land.

- (b) Prior to closure, all portals, shafts, tunnels, or other surface openings to underground workings shall be gated or otherwise protected from public entry in order to eliminate any threat to public safety and to preserve access for wildlife habitat.

Application for Permit for the resumption of surface mining pursuant to the
SURFACE MINING AND RECLAMATION ACT of 1975 and ASSOCIATED REGULATIONS
"Lead agency." The county of Shasta is defined as the lead agency for the purposes of this chapter,
and has the primary responsibility for enforcing SMARA. (PRC Section 2774.1(f))

Request for Approval of a transfer of duties and obligations as provided for by the Consent Judgment.
Application for Remedy Review pursuant to 121 (c) CERCLA, Post ROD Remedial Investigation and
Feasibility Study and Restoration Plan Proposal for Modifications to Remedial Design and Remedial Action
And proposal for new Statement of Work (SOW) and schedule and budget (CERCLIS)
Statutory requirements as they relate to the scope and objectives of the remedial action (NCP
§300.430(f)(5)(ii)). "How the remedy utilizes permanent solutions and alternative treatment technologies or
resource recovery technologies to the maximum extent practicable."

By: Proposed Site Operator & Response Action Contractor;
Artesian Mineral Development & Consolidated Sludge, Inc.
3576 Terrace Way, Suite A, Lafayette, Ca. 94549
John Hutchens, President, CEO 925-878-9167
Jeffrey Heaton, Vice President, CFO (agent for service of process)
Ken Phelps, Vice President, COO
Through a joint venture with Iron Mountain Mines, Inc. T.W, Arman, President
& Serenescapes, California Contractor C27-B1-776612 (the HU/MOUNTAIN joint venture)

Concerning: Iron Mountain Mines

To: The County of Shasta, the State of California,
the United States of America, the National Resource Trustees,
U.S. District Court for the Eastern District of California, U.S. Environmental Protection Agency, National
Marine Fisheries Service of the National Oceanic and Atmospheric Administration, U.S. Bureau of
Reclamation, U.S. Bureau of Land Management,
State of California Dept. of Conservation, California Environmental Protection Agency, California
Department of Toxic Substances Control, California Hazardous Substances Account, California Hazardous
Substances Cleanup Fund, California Toxic Substances Control Account, Regional Water Quality Control
Board for the Central Valley Region, California State Water Resources Control Board, California
Department of Fish and Game, California state Lands Commission, IT, ITX, IT Iron Mountain Operations
LLC, IT Administrative Services LLC, Trust I, Trust II, the Trustee, AISLIC, and any and all successors,
and the Oversight Agency, and the Ecosystem Restoration Program.
CALFED Bay-Delta Program, Rebecca Fris , CALFED Ecosystem Restoration Program, Sacramento, CA
California Department of Fish and Game, Habitat Conservation Program, Region 1, Redding, CA
Mark Stopher, Environmental Program Manager, DFG, Redding, CA
John Spitzley, Geologic Engineer, CH2MHILL, Redding, CA
Bureau of Land Management, Redding Field Office, BLM, Redding, CA
Bureau of Reclamation, Kerry Rae, Special Assistant to the Deputy Regional Director, Sacramento, CA
United States Environmental Protection Agency
Rick Sugarek, Remedial Project Manager, EPA Superfund, San Francisco, CA
National Oceanic and Atmospheric Administration
Jim Bybee, Supervisor, Habitat Conservation Division, National Marine Fisheries Service, NOAA, Santa
Rosa, CA, David Chapman, West Coast Damage Assessment Coordinator, NOAA,
Elizabeth Jones, Damage Assessment and Restoration Program, NOAA,
Ramona Schreiber, NEPA Coordination, Office of Policy & Strategic Planning,
Gary Stern, Fisheries Biologist, National Marine Fisheries Service, NOAA,
U.S. Department of the Interior, Clementine Berger, Acting Regional Solicitor, Sacramento, CA

U.S. Fish and Wildlife Service, Dan Castleberry, USFWS, Sacramento, CA
Mike Thabault, USFWS, Sacramento, CA
Tom Suchanek, NRDA Branch Chief, USFWS, Sacramento, CA
The Iron Mountain Mine Trustee Council.
! Laura Allen, USBR, Trustee, Primary
! Natalie Cosentino-Manning, NOAA, Technical
! Dr. Russell Bellmer, NOAA, Technical
! LCDR Michael Devany, NOAA, Trustee, Primary
! Richard Forester, BLM, Trustee, Primary
! Charlene Hall, USFWS, Technical
! Nick Iadanza, NOAA, Technical
! Paul Meyer, BLM, Trustee, Alternate
! Harry Rectenwald, DFG, Trustee, Alternate
! Steve Schwarzbach, USFWS, Trustee, Primary
! Gail Siani, NOAA, Legal
! Robert Taylor, NOAA, Legal, Trustee Alternate
! Triscilla Taylor, DOI, Legal
! Steve Turek, DFG, Trustee, Primary
! Daniel Welsh, USFWS, Trustee, Alternate
! Diane Wisniewski, USBR, Trustee, Alternate

Pursuant to:

Consent Judgment of Dec. 8th, 2000

Section AF: The Parties recognize, and the Court by entering this Consent Decree finds, that this Consent Decree has been negotiated by the Parties in good faith and implementation of this Consent Decree will expedite the cleanup of the Site and will avoid prolonged and complicated litigation between the Parties, and that this Consent Decree is fair, reasonable, and in the public interest.

JURISDICTION: This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§1331, 1345 and 1651, and 42 U.S.C. §§ 9606, 9607, and 9613(b). This Court also has personal jurisdiction over the Settling Parties, the Site Operator, IT, ITX. Trust I, Trust 11. the Trustee, and AISLIC, which voluntarily submit to this Court's jurisdiction for purposes related to implementation of this Consent Decree and the SOW. Solely for the purposes of this Consent Decree and the underlying complaints, the Settling Parties, the Site Operator, IT, ITX, Trust I, Trust 11, the Trustee, and AISLIC waive all objections and defenses that they may have to jurisdiction of the Court or to venue in this District. The Settling Parties, the Site Operator, IT, ITX, Trust I, Trust II, the Trustee, and AISLIC shall not challenge the terms of this Consent Decree or this Court's jurisdiction to enter and enforce this Consent Decree; however, the Site Operator and IT, to the extent that IT is acting as Site Operator under this Consent Decree, may seek to have the Court construe the terms of this Consent Decree as provided in Section XIX (Dispute Resolution).

PARTIES BOUND

This Consent Decree applies to and is binding upon the United States and the State of California, on behalf of the Department of Toxic Substances Control, the California Hazardous Substance Account, the California Hazardous Substance Cleanup Fund, the California Toxic Substances Control Account, the Regional Water Quality Control Board for the Central Valley Region, the State Water Resources Control Board, the Department of Fish and Game, and the State Lands Commission, and upon the Settling Parties, the Site Operator, IT, ITX, Trust I, Trust 11, the Trustee, and AISLIC, and upon their successors and assigns.

Transferability: General. The Site Operator may request that the Oversight Agency (as defined in Section IV of this Consent Decree) approve an assignment, delegation, or other transfer of the Site Operator's duties and obligations under the Consent Decree and the SOW, to a transferee. The Site Operator's obligations under this Consent Decree and SOW may not be assigned without the written concurrence of the Oversight Agency.

Paragraph 72. The State agencies relinquish, to the fullest extent permitted by law, the provisions, rights, and benefits of Section 1542 of the California Civil Code, which provides:

A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.

(3) Conduct Causing Future Release or Disposal at the Site: claims arising from future conduct by a Released Party after the Effective Date of this Consent Decree that causes a new disposal, release, or threat of release of Waste Material at the Site;

(4) Release or Disposal Outside the Site. claims arising from the past, present, or future disposal, release, or threat of release of Waste Materials at locations outside the Site, including the past, present, or future disposal, release, or threat of release of Waste Materials shipped from the Site to a location outside the Site by rail, ship, car, truck, or similar mechanical conveyance;

Paragraphs 85 and 86:

85. The United States and the State agencies acknowledge and agree, and by entering this Consent Decree this Court finds, that the payments to be made by the Settling Parties pursuant to this Consent Decree represent a good faith settlement and compromise of disputed claims, that the Work to be performed under this Consent Decree and the SOW by the Site Operator represents a valuable benefit to the United States and the State agencies, and that the settlement represents a fair, reasonable, and equitable resolution of the matters addressed in this Consent Decree. The Parties further agree, and by entering this Consent Decree this Court finds, that the Released Parties, the Site Operator, the IT Parties, Trust I, Trust II, and the Trustee are entitled, as of the Effective Date of this Consent Decree, to protection from costs, damages, actions, or other claims (whether seeking contribution, indemnification, or however denominated) for matters addressed in this Consent Decree, as provided by (1) CERCLA Section 113(f)(2), 42 U.S.C. § 9613 (f)(2), and (2) all other applicable provisions of federal or state statutes or of common law that may limit or extinguish their potential liability to persons not a party to this Consent Decree, including without limitations Sections 877 and 877.6 of the California Code of Civil Procedure.

86. The "matters addressed" in this settlement are all response actions taken or to be taken, all response costs incurred or to be incurred, and all Natural Resource Damages incurred or to be incurred, by the United States, the State agencies, or any other person with respect to the Site, and specifically include without limitation the Work to be performed by the Site Operator, all claims, counterclaims, and cross-claims filed by and against the parties in the above captioned cases, and those matters governed by the covenants contained in Sections XXI and XXII of this Consent Decree.

108. Nothing in this Consent Decree shall be deemed to alter the Court's power to enforce, supervise or approve modifications to this Consent Decree.

RETENTION OF JURISDICTION: D. enabling any of the Parties to apply to the Court at any time for such further order, direction, and relief as may be necessary or appropriate for the construction of this Consent Decree, or modification of this Consent Decree pursuant to Section XXXI.

42 U.S.C. §§ 6901: (a)4: **that while the collection and disposal of solid wastes should continue to be primarily the function of State, regional, and local agencies, the problems of waste disposal as set forth above have become a matter national in scope and in concern and necessitate Federal action through financial and technical assistance and leadership in the development, demonstration, and application of new and improved methods and processes to reduce the amount of waste and unsalvageable materials and to provide for proper and economical solid waste disposal practices.;** (b)6: **if hazardous waste management is improperly performed in the first instance, corrective action is likely to be expensive,**

complex, and time consuming; (c)1,2,3;(d)1: millions of tons of recoverable material which could be used are needlessly buried each year; 2: methods are available to separate usable materials from solid waste; 3: the recovery and conservation of such materials can reduce the dependence of the United States on foreign resources and reduce the deficit in its balance of payments.; 6907(g), 6913: The Administrator shall provide teams of personnel, including Federal, State, and local employees or contractors (hereinafter referred to as "Resource Conservation and Recovery Panels") to provide Federal agencies, States and local governments upon request with technical assistance on solid waste management, resource recovery, and resource conservation. Such teams shall include technical, marketing, financial, and institutional specialists, and the services of such teams shall be provided without charge to States or local governments.

9607(b), 9613(b), 9619

28 U.S.C. §§ 1331, 1345, 1651

And Claims Pursuant to paragraph 71, 77(c), 103, 107(d) and 109 and according to the Final Judgment (119) of the Consent Decree of Dec. 8, 2000

2713. It is not the intent of the Legislature by the enactment of this chapter to take private property for public use without payment of just compensation in violation of the California and United States Constitutions.

2756. State policy shall apply to the conduct of surface mining operations and shall include, but shall not be limited to, measures to be employed by lead agencies in specifying grading, backfilling, resoiling, revegetation, soil compaction, and other reclamation requirements, and for soil erosion control, water quality and watershed control, waste disposal, and flood control.

2757. The state policy adopted by the board shall be based upon a study of the factors that significantly affect the present and future condition of mined lands, and shall be used as standards by lead agencies in preparing specific and general plans, including the conservation and land use elements of the general plan and zoning ordinances. The state policy shall not include aspects of regulating surface mining operations which are solely of local concern, and not of statewide or regional concern, as determined by the board, such as, but not limited to, hours of operation, noise, dust, fencing, and purely aesthetic considerations.

2758. Such policy shall include objectives and criteria for all of the following:

(a) Determining the lead agency pursuant to the provisions of Section 2771.

(b) The orderly evaluation of reclamation plans.

(c) Determining the circumstances, if any, under which the approval of a proposed surface mining operation by a lead agency need not be conditioned on a guarantee assuring reclamation of the mined lands.

2762. (a) Within 12 months of receiving the mineral information described in Section 2761, and also within 12 months of the designation of an area of statewide or regional significance within its jurisdiction, every lead agency shall, in accordance with state policy, establish mineral resource management policies to be incorporated in its general plan which will:

(1) Recognize mineral information classified by the State Geologist and transmitted by the board.

(2) Assist in the management of land use which affect areas of statewide and regional significance.

(3) Emphasize the conservation and development of identified mineral deposits.

(b) Every lead agency shall submit proposed mineral resource management policies to the board for review and comment prior to adoption.

(c) Any subsequent amendment of the mineral resource management policy previously reviewed by the board shall also require review and comment by the board.

(e) Prior to permitting a use which would threaten the potential to extract minerals in an area classified by the State Geologist as an area described in paragraph (3) of subdivision (b) of Section 2761, the lead agency may cause to be prepared an evaluation of the area in order to ascertain the significance of the mineral deposit located therein. The results of such evaluation shall be transmitted to the State Geologist and the board.

2763. (a) If an area is designated by the board as an area of regional significance, and the lead agency either has designated that area in its general plan as having important minerals to be protected pursuant to subdivision (a) of Section 2762, or otherwise has not yet acted pursuant to subdivision (a) of Section 2762, then prior to permitting a use which would threaten the potential to extract minerals in that area, the lead agency shall prepare a statement specifying its reasons for permitting the proposed use, in accordance with the requirements set forth in subdivision (d) of Section 2762. Lead agency land use decisions involving areas designated as being of regional significance shall be in accordance with the lead agency's mineral resource management policies and shall also, in balancing mineral values against alternative land uses, consider the importance of these minerals to their market region as a whole and not just their importance to the lead agency's area of jurisdiction.

(b) If an area is designated by the board as an area of statewide significance, and the lead agency either has designated that area in its general plan as having important minerals to be protected pursuant to subdivision (a) of Section 2762, or otherwise has not yet acted pursuant to subdivision (a) of Section 2762, then prior to permitting a use which would threaten the potential to extract minerals in that area, the lead agency shall prepare a statement specifying its reasons for permitting the proposed use, in accordance with the requirements set forth in subdivision (d) of Section 2762. Lead agency land use decisions involving areas designated as being of statewide significance shall be in accordance with the lead agency's mineral resource management policies and shall also, in balancing mineral values against alternative land uses, consider the importance of the mineral resources to the state and nation as a whole.

2764. (a) Upon the request of an operator or other interested person and payment by the requesting person of the estimated cost of processing the request, the lead agency having jurisdiction shall amend its general plan, or prepare a new specific plan or amend any applicable specific plan, that shall, with respect to the continuation of the existing surface mining operation for which the request is made, plan for future land uses in the vicinity of, and access routes serving, the surface mining operation in light of the importance of the minerals to their market region as a whole, and not just their importance to the lead agency's area of jurisdiction.

(b) In adopting amendments to the general plan, or adopting or amending a specific plan, the lead agency shall make written legislative findings as to whether the future land uses and particular access routes will be compatible or incompatible with the continuation of the surface mining operation, and if they are found to be incompatible, the findings shall include a statement of the reasons why they are to be provided for, notwithstanding the importance of the minerals to their market region as a whole or their previous designation by the board, as the case may be.

(c) Any evaluation of a mineral deposit prepared by a lead agency for the purpose of carrying out this section shall be transmitted to the State Geologist and the board.

(d) The procedure provided for in this section shall not be undertaken in any area that has been designated pursuant to Article 6 (commencing with Section 2790) if mineral resource management policies have been established and incorporated in the lead agency's general plan in conformance with Article 4 (commencing with Section 2755)

2770. (a) Except as provided in this section, no person shall conduct surface mining operations unless a permit is obtained from, a reclamation plan has been submitted to and approved by, and financial assurances for reclamation have been approved by, the lead agency for the operation pursuant to this article.

(b) Any person with an existing surface mining operation who has vested rights pursuant to Section 2776 and who does not have an approved reclamation plan shall submit a reclamation plan to the lead agency not later than March 31, 1988. If a reclamation plan application is not on file by March 31, 1988, the continuation of the surface mining operation is prohibited until a reclamation plan is submitted to the lead agency. For purposes of this subdivision, reclamation plans may consist of all or the appropriate sections of any plans or written agreements previously approved by the lead agency or another agency, together with any additional documents needed to substantially meet the requirements of Sections 2772 and 2773 and the lead agency surface mining ordinance adopted pursuant to subdivision (a) of Section 2774, provided that all documents which together were proposed to serve as the reclamation plan are submitted for approval to the lead agency in accordance with this chapter.

(c) If a person with an existing surface mining operation has received lead agency approval of its financial assurances for reclamation prior to January 1, 1991, the lead agency shall administratively review those existing financial assurances in accordance with subdivision (d) prior to January 1, 1992. The review of existing financial assurances shall not be considered a project for purposes of Division 13 (commencing with Section 21000). Any person with an existing surface mining operation which does not have financial assurances that received lead agency approval prior to January 1, 1991, shall submit financial assurances for reclamation for review in accordance with subdivision (d).

(d) The lead agency's review of reclamation plans submitted pursuant to subdivision (b) or of financial assurances pursuant to subdivision (c) is limited to whether the plan or the financial assurances substantially meet the applicable requirements of Sections 2772, 2773, and 2773.1, and the lead agency surface mining ordinance adopted pursuant to subdivision (a) of Section 2774, but, in any event, the lead agency shall require that financial assurances for reclamation be sufficient to perform reclamation of lands remaining disturbed. Reclamation plans or financial assurances determined to substantially meet these requirements shall be approved by the lead agency for purposes of this chapter. Reclamation plans or financial assurances determined not to substantially meet these requirements shall be returned to the operator within 60 days. The operator has 60 days to revise the plan or financial assurances to address identified deficiencies, at which time the revised plan or financial assurances shall be returned to the lead agency for review and approval. Except as specified in subdivision (e) or (i), unless the operator has filed on or before July 1, 1990, an appeal pursuant to subdivision (e) with regard to nonapproval of the reclamation plan, or has filed on or before January 1, 1994, an appeal pursuant to subdivision (e) with regard to nonapproval of financial assurances, and that appeal is pending before the board, the continuation of the surface mining operation is prohibited until a reclamation plan and financial assurances for reclamation are approved by the lead agency.

(h) (1) Within 90 days of a surface mining operation becoming idle, as defined in Section 2727.1, the operator shall submit to the lead agency for review and approval, an interim management plan. The review and approval of an interim management plan shall not be considered a project for purposes of Division 13 (commencing with Section 21000). The approved interim management plan shall be considered an amendment to the surface mining operation's approved reclamation plan, for purposes of this chapter. The interim management plan shall provide measures the operator will implement to maintain the site in compliance with this chapter, including, but not limited to, all permit conditions.

(2) The interim management plan may remain in effect for a period not to exceed five years, at which time the lead agency shall do one of the following:

(A) Renew the interim management plan for another period not to exceed five years, if the lead agency finds that the surface mining operator has complied fully with the interim management plan.

(B) Require the surface mining operator to commence reclamation in accordance with its approved reclamation plan.

(3) The financial assurances required by Section 2773.1 shall remain in effect during the period that the surface mining operation is idle. If the surface mining operation is still idle after the expiration of its interim management plan, the

surface mining operation shall commence reclamation in accordance with its approved reclamation plan.

(4) Within 60 days of the receipt of the interim management plan, or a longer period mutually agreed upon by the lead agency and the operator, the lead agency shall review and approve the plan in accordance with its ordinance adopted pursuant to subdivision (a) of Section 2774, so long as the plan satisfies the requirements of this subdivision, and so notify the operator in writing. Otherwise, the lead agency shall notify the operator in writing of any deficiencies in the plan. The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the lead agency, to submit a revised plan.

(5) The lead agency shall approve or deny approval of the revised interim management plan within 60 days of receipt. If the lead agency denies approval of the revised interim management plan, the operator may appeal that action to the lead agency's governing body, which shall schedule a public hearing within 45 days of the filing of the appeal, or any longer period mutually agreed upon by the operator and the governing body.

(6) Unless review of an interim management plan is pending before the lead agency, or an appeal is pending before the lead agency's governing body, a surface mining operation which remains idle for over one year after becoming idle as defined in Section 2727.1 without obtaining approval of an interim management plan shall be considered abandoned and the operator shall commence and complete reclamation in accordance with the approved reclamation plan.

(i) Any enforcement action which may be brought against a surface mining operation for operating without an approved reclamation plan, financial assurance, or interim management plan, shall be held in abeyance pending review pursuant to subdivision (b), (c), (d), or (h) or the resolution of an appeal filed with the board pursuant to subdivision (e), or with a lead agency governing body pursuant to subdivision (h). Notwithstanding any other provision of law, the appropriate California regional water quality control board may impose an administrative fee on the applicant to cover its costs associated with the review of, and preparation of, comments on the subject application, as required pursuant to this section.

(b) Each agency shall have 60 days to review and comment on the proposed surface mining operation described in subdivision (a) and the adoption of any reclamation plan therefor. Each agency shall comment on the existing groundwater quality and the potential impacts to water quality that may result from the mining operations and the proposed reclamation plan, and shall recommend methods and procedures to protect groundwater quality and prevent groundwater degradation. Each agency shall also comment on the proposed mining activities, including the conduct of excavation and backfilling operations in contact with groundwater, and the impact of any proposed alternative land uses on groundwater quality. When the proposed surface mining operations or reclamation plan will impact the groundwater, the lead agency shall not approve the reclamation plan without requiring actions to ensure the reasonable protection of the beneficial uses of groundwater and the prevention of nuisance. Each agency shall have 60 days to review and comment or until 60 days from the date of application, whichever occurs first.

2771. Whenever a proposed or existing surface mining operation is within the jurisdiction of two or more public agencies, is a permitted use within the agencies, and is not separated by a natural or manmade barrier coinciding with the boundary of the agencies, the evaluation of the proposed or existing operation shall be made by the lead agency in accordance with the procedures adopted by the lead agency pursuant to Section 2774. If a question arises as to which public agency is the lead agency, any affected public agency, or the affected operator, may submit the matter to the board. The board shall notify in writing all affected public agencies and operators that the matter has been submitted, specifying a date for a public hearing. The board shall designate the public agency which shall serve as the lead agency, giving due consideration to the capability of the agency to fulfill adequately the requirements of this chapter and to an examination of which of the public agencies has principal permit responsibility.

2772. (a) The reclamation plan shall be filed with the lead agency, on a form provided by the lead agency, by any person who owns, leases, or otherwise controls or

operates on all, or any portion of any, mined lands, and who plans to conduct surface mining operations on the lands.

(b) All documentation for the reclamation plan shall be submitted by the lead agency to the department at one time.

(c) The reclamation plan shall include all of the following information and documents:

(1) The name and address of the surface mining operator and the names and addresses of any persons designated by the operator as an agent for the service of process.

(2) The anticipated quantity and type of minerals for which the surface mining operation is to be conducted.

(3) The proposed dates for the initiation and termination of surface mining operation.

(4) The maximum anticipated depth of the surface mining operation.

(5) The size and legal description of the lands that will be affected by the surface mining operation, a map that includes the boundaries and topographic details of the lands, a description of the general geology of the area, a detailed description of the geology of the area in which surface mining is to be conducted, the location of all streams, roads, railroads, and utility facilities within, or adjacent to, the lands, the location of all proposed access roads to be constructed in conducting the surface mining operation, and the names and addresses of the owners of all surface interests and mineral interests in the lands.

(6) A description of, and a plan for, the type of surface mining to be employed, and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.

(7) A description of the proposed use or potential uses of the mined lands after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses.

(8) A description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished, including both of the following:

(A) A description of the manner in which contaminants will be controlled, and mining waste will be disposed.

(B) A description of the manner in which affected streambed channels and streambanks will be rehabilitated to a condition minimizing erosion and sedimentation will occur.

(9) An assessment of the effect of implementation of the reclamation plan on future mining in the area.

(10) A statement that the person submitting the reclamation plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan.

(11) Any other information which the lead agency may require by ordinance.

(d) An item of information or a document required pursuant to subdivision (c) that has already been prepared as part of a permit application for the surface mining operation, or as part of an environmental document prepared for the project pursuant to Division 13 (commencing with Section 21000), may be included in the reclamation plan by reference, if that item of information or that document is attached to the reclamation plan when the lead agency submits the reclamation plan to the director for review. To the extent that the information or document referenced in the reclamation plan is used to meet the requirements of subdivision (c), the information or document shall become part of the reclamation plan and shall be subject to all other requirements of this article.

(e) Nothing in this section is intended to limit or expand the department's authority or responsibility to review a document in accordance with Division 13 (commencing with Section 21000).

2772.7. A lead agency, upon approval of a reclamation plan or an amendment to a reclamation plan, shall record a "Notice of Reclamation Plan Approval" with the county

recorder. The notice shall read: "Mining operations conducted on the hereinafter described real property are subject to a reclamation plan approved by the _____, a copy of which is on file with the _____."

2773. (a) The reclamation plan shall be applicable to a specific piece of property or properties, shall be based upon the character of the surrounding area and such characteristics of the property as type of overburden, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities, and shall establish site-specific criteria for evaluating compliance with the approved reclamation plan, including topography, revegetation and sediment, and erosion control.

(b) By January 1, 1992, the board shall adopt regulations specifying minimum, verifiable statewide reclamation standards. Subjects for which standards shall be set include, but shall not be limited to, the following:

- (1) Wildlife habitat.
- (2) Backfilling, regrading, slope stability, and recontouring.
- (3) Revegetation.
- (4) Drainage, diversion structures, waterways, and erosion control.
- (5) Prime and other agricultural land reclamation.
- (6) Building, structure, and equipment removal.
- (7) Stream protection.
- (8) Topsoil salvage, maintenance, and redistribution.
- (9) Tailing and mine waste management.

These standards shall apply to each mining operation, but only to the extent that they are consistent with the planned or actual subsequent use or uses of the mining site.

2773.1. (a) Lead agencies shall require financial assurances of each surface mining operation to ensure reclamation is performed in accordance with the surface mining operation's approved reclamation plan, as follows:

(1) Financial assurances may take the form of surety bonds executed by an admitted surety insurer, as defined in subdivision (a) of Section 995.120 of the Code of Civil Procedure, irrevocable letters of credit, trust funds, or other forms of financial assurances specified by the board pursuant to subdivision (e), which the lead agency reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan.

(2) The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed.

(3) The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan.

(4) The financial assurances shall be made payable to the lead agency and the department. Financial assurances that were approved by the lead agency prior to January 1, 1993, and were made payable to the State Geologist shall be considered payable to the department for purposes of this chapter. However, if a surface mining operation has received approval of its financial assurances from a public agency other than the lead agency, the lead agency shall deem those financial assurances adequate for purposes of this section, or shall credit them toward fulfillment of the financial assurances required by this section, if they are made payable to the public agency, the lead agency, and the department and otherwise meet the requirements of this section. In any event, if a lead agency and one or more public agencies exercise jurisdiction over a surface mining operation, the total amount of financial assurances required by the lead agency and the public agencies for any one year shall not exceed that amount which is necessary to perform reclamation of lands remaining disturbed. For purposes of this paragraph, a "public agency" may include a federal agency.

(b) If the lead agency or the board, following a public hearing, determines that the operator is financially incapable of performing reclamation in accordance with its approved reclamation plan, or has abandoned its surface mining operation without

commencing reclamation, either the lead agency or the director shall do all of the following:

(1) Notify the operator by personal service or certified mail that the lead agency or the director intends to take appropriate action to forfeit the financial assurances and specify the reasons for so doing.

(2) Allow the operator 60 days to commence or cause the commencement of reclamation in accordance with its approved reclamation plan and require that reclamation be completed within the time limits specified in the approved reclamation plan or some other time period mutually agreed upon by the lead agency or the director and the operator.

(3) Proceed to take appropriate action to require forfeiture of the financial assurances if the operator does not substantially comply with paragraph (2).

(4) Use the proceeds from the forfeited financial assurances to conduct and complete reclamation in accordance with the approved reclamation plan. In no event shall the financial assurances be used for any other purpose. The operator is responsible for the costs of conducting and completing reclamation in accordance with the approved reclamation plan which are in excess of the proceeds from the forfeited financial assurances.

(c) Financial assurances shall no longer be required of a surface mining operation, and shall be released, upon written notification by the lead agency, which shall be forwarded to the operator and the director, that reclamation has been completed in accordance with the approved reclamation plan. If a mining operation is sold or ownership is transferred to another person, the existing financial assurances shall remain in force and shall not be released by the lead agency until new financial assurances are secured from the new owner and have been approved by the lead agency in accordance with Section 2770.

(d) The lead agency shall have primary responsibility to seek forfeiture of financial assurances and to reclaim mine sites under subdivision (b). However, in cases where the board is not the lead agency pursuant to Section 2774.4, the director may act to seek forfeiture of financial assurances and reclaim mine sites pursuant to subdivision (b) only if both of the following occurs:

(1) The financial incapability of the operator or the abandonment of the mining operation has come to the attention of the director.

(2) The lead agency has been notified in writing by the director of the financial incapability of the operator or the abandonment of the mining operation for at least 15 days, and has not taken appropriate measures to seek forfeiture of the financial assurances and reclaim the mine site; and one of the following has occurred:

(A) The lead agency has been notified in writing by the director that failure to take appropriate measures to seek forfeiture of the financial assurances or to reclaim the mine site shall result in actions being taken against the lead agency under Section 2774.4.

(B) The director determines that there is a violation that amounts to an imminent and substantial endangerment to the public health, safety, or to the environment.

(C) The lead agency notifies the director in writing that its good faith attempts to seek forfeiture of the financial assurances have not been successful.

The director shall comply with subdivision (b) in seeking forfeiture of financial assurances and reclaiming mine sites.

(e) The board may adopt regulations specifying financial assurance mechanisms other than surety bonds, irrevocable letters of credit, and trust funds, which the board determines are reasonably available and adequate to ensure reclamation pursuant to this chapter, but these mechanisms may not include financial tests, or surety bonds executed by one or more personal sureties. These mechanisms may include reclamation bond pool programs.

(f) On or before March 1, 1993, the board shall adopt guidelines to implement this section. The guidelines are exempt from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and are not subject to review by the Office of Administrative Law.

2773.15. Notwithstanding Section 2773.1, a surety bond that was executed by any personal surety that was approved by the lead agency prior to February 13, 1998, to ensure that reclamation is performed in accordance with a reclamation plan approved by a lead agency prior to that date, may be utilized to satisfy the requirements of this chapter, if the amount of the financial assurance required to perform the approved reclamation plan, as amended or updated from time to time, does not change from the amount approved prior to February 13, 1998.

2773.2. The mineral owner and owner of the surface estate, if legally entitled to do so, shall allow access to the property on which the mining operation is located to any governmental agency or the agent of any company providing financial assurances in connection with the reclamation plan and expending those financial assurances for reclamation, in order that reclamation may be carried out by the governmental agency or company, in accordance with the reclamation plan.

2773.3. (a) In addition to other reclamation plan requirements of this chapter and regulations adopted by the board pursuant to this chapter, a lead agency may not approve a reclamation plan for a surface mining operation for gold, silver, copper, or other metallic minerals or financial assurances for the operation, if the operation is located on, or within one mile of, any Native American sacred site and is located in an area of special concern, unless both of the following criteria are met:

(1) The reclamation plan requires that all excavations be backfilled and graded to do both of the following:

(A) Achieve the approximate original contours of the mined lands prior to mining.

(B) Grade all mined materials that are in excess of the materials that can be placed back into excavated areas, including, but not limited to, all overburden, spoil piles, and heap leach piles, over the project site to achieve the approximate original contours of the mined lands prior to mining.

(2) The financial assurances are sufficient in amount to provide for the backfilling and grading required by paragraph (1).

2773.5. Section 2773.3 does not apply to either of the following:

(a) Any surface mining operation in existence on January 1, 2003, for which the lead agency has issued final approval of a reclamation plan and the financial assurances prior to September 1, 2002.

(b) Any amended reclamation plan or financial assurances that are necessary for the continued operation or expansion of a surface mining operation in existence on January 1, 2003, that otherwise satisfies the requirements of subdivision (a).

2774. (a) Every lead agency shall adopt ordinances in accordance with state policy that establish procedures for the review and approval of reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations, except that any lead agency without an active surface mining operation in its jurisdiction may defer adopting an implementing ordinance until the filing of a permit application. The ordinances shall establish procedures requiring at least one public hearing and shall be periodically reviewed by the lead agency and revised, as necessary, to ensure that the ordinances continue to be in accordance with state policy.

(b) The lead agency shall conduct an inspection of a surface mining operation within six months of receipt by the lead agency of the surface mining operation's report submitted pursuant to Section 2207, solely to determine whether the surface mining operation is in compliance with this chapter. In no event shall a lead agency inspect a surface mining operation less than once in any calendar year. The lead agency may cause an inspection to be conducted by a state licensed geologist, state licensed civil engineer, state licensed landscape architect, or state licensed forester, who is experienced in land reclamation and who has not been employed by a surface mining operation within the jurisdiction of the lead agency in any capacity during the previous 12 months. All inspections shall be conducted using a form developed by the department and approved by the board that shall include the

professional licensing and disciplinary information of the person who conducted the inspection. The operator shall be solely responsible for the reasonable cost of the inspection. The lead agency shall notify the director within 30 days of the date of completion of the inspection that the inspection has been conducted. The notice shall contain a statement regarding the surface mining operation's compliance with this chapter, shall include a copy of the completed inspection form, and shall specify which aspects of the surface mining operations, if any, are inconsistent with this chapter. If the surface mining operation has a review of its reclamation plan, financial assurances, or an interim management plan pending under subdivision (b), (c), (d), or (h) of Section 2770, or an appeal pending before the board or lead agency governing body under subdivision (e) or (h) of Section 2770, the notice shall so indicate. The lead agency shall forward to the operator a copy of the notice, a copy of the completed inspection form, and any supporting documentation, including, but not limited to, any inspection report prepared by the geologist, civil engineer, landscape architect, or forester, who conducted the inspection.

(c) Prior to approving a surface mining operation's reclamation plan, financial assurances, including existing financial assurances reviewed by the lead agency pursuant to subdivision (c) of Section 2770, or any amendments, the lead agency shall submit the plan, assurances, or amendments to the director for review. All documentation for that submission shall be submitted to the director at one time. When the lead agency submits a reclamation plan or plan amendments to the director for review, the lead agency shall also submit to the director, for use in reviewing the reclamation plan or plan amendments, information from any related document prepared, adopted, or certified pursuant to Division 13 (commencing with Section 21000), and shall submit any other pertinent information. The lead agency shall certify to the director that the reclamation plan is in compliance with the applicable requirements of this chapter and Article 9 (commencing with Section 3500) of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations and the lead agency's mining ordinance in effect at the time that the reclamation plan is submitted to the director for review.

(d) (1) The director shall have 30 days from the date of receipt of a reclamation plan or plan amendments submitted pursuant to subdivision (c), and 45 days from the date of receipt of financial assurances submitted pursuant to subdivision (c), to prepare written comments, if the director so chooses. The lead agency shall evaluate any written comments received from the director relating to the reclamation plan, plan amendments, or financial assurances within a reasonable amount of time.

(2) The lead agency shall prepare a written response to the director's comments describing the disposition of the major issues raised by the director's comments, and submit the lead agency's proposed response to the director at least 30 days prior to approval of the reclamation plan, plan amendment, or financial assurance. The lead agency's response to the director's comments shall describe whether the lead agency proposes to adopt the director's comments to the reclamation plan, plan amendment, or financial assurance. If the lead agency does not propose to adopt the director's comments, the lead agency shall specify, in detail, why the lead agency proposes not to adopt the comments. Copies of any written comments received and responses prepared by the lead agency shall be forwarded to the operator. The lead agency shall also give the director at least 30 days' notice of the time, place, and date of the hearing before the lead agency at which time the reclamation plan, plan amendment, or financial assurance is scheduled to be approved by the lead agency. If no hearing is required by this chapter, or by the local ordinance, or other state law, then the lead agency shall provide 30 days' notice to the director that it intends to approve the reclamation plan, plan amendment, or financial assurance. The lead agency shall send to the director its final response to the director's comments within 30 days following its approval of the reclamation plan, plan amendment, or financial assurance during which period the department retains all powers, duties, and authorities of this chapter.

(3) To the extent that there is a conflict between the comments of a trustee agency or a responsible agency that are based on the agency's statutory or regulatory authority and the comments of other commenting agencies which are received by the lead agency pursuant to Division 13 (commencing with Section 21000) regarding a reclamation

plan or plan amendments, the lead agency shall consider only the comments of the trustee agency or responsible agency.

(e) Lead agencies shall notify the director of the filing of an application for a permit to conduct surface mining operations within 30 days of an application being filed with the lead agency. By July 1, 1991, each lead agency shall submit to the director for every active or idle mining operation within its jurisdiction, a copy of the mining permit required pursuant to Section 2774, and any conditions or amendments to those permits. By July 1 of each subsequent year, the lead agency shall submit to the director for each active or idle mining operation a copy of any permit or reclamation plan amendments, as applicable, or a statement that there have been no changes during the previous year. Failure to file with the director the information required under this section shall be cause for action under Section 2774.4.

2776. (a) No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit pursuant to this chapter as long as the vested right continues and as long as no substantial changes are made in the operation except in accordance with this chapter. A person shall be deemed to have vested rights if, prior to January 1, 1976, the person has, in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary for the surface mining operations. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.

(b) The reclamation plan required to be filed under subdivision (b) of Section 2770, shall apply to operations conducted after January 1, 1976, or to be conducted.

(c) **Nothing in this chapter shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to January 1, 1976.**

2779. Whenever one operator succeeds to the interest of another in any incompleated surface mining operation by sale, assignment, transfer, conveyance, exchange, or other means, the successor shall be bound by the provisions of the approved reclamation plan and the provisions of this chapter.

Shasta County Zoning Ordinance

17.12.020 Permitted uses.

The following uses are permitted outright in the MR district:

- A. Exploration work for minerals, except as provided in Section 17.12.030(B);
- B. Agricultural uses, forest management;
- C. Low-intensity recreational uses which require only minor improvements, such as a non-motorized hunting or fishing club that does not provide food service and/or lodging facilities.

17.12.030 Uses requiring a use permit.

The following uses are permitted in the MR district if a use permit is issued:

- A. Living quarters for the use of the owner(s), security personnel, or laborers employed on site;
- B. Notwithstanding any provision of Section 17.12.020(A) to the contrary, any mining activity, either underground or open pit, as defined by the Surface Mining and Reclamation Act (Article 5, Chapter 9, Division 2 (Section 2770, et seq.) of the California Public Resources Code);
- C. Mills and other facilities, buildings, or structures, equipment and all other indoor and outdoor areas related to or used in connection with the extraction, storing, transportation, processing or refining of mined materials or products derived therefrom;
- D. Aggregate recycling facilities.

17.12.040 Other permitted uses.

The following other uses are permitted in the MR district:

A. The uses allowed by and subject to the provisions of, Sections 17.88.010 through 17.88.110;

B. Other uses found to be similar in character and impact to those listed in Sections 17.12.020 and 17.12.030, as determined in accordance with Section 17.94.030.

17.12.050 Site development standards.

The following site development standards apply in the MR district:

A. Minimum Lot Area. The minimum lot area requirement is twenty acres, or as specified by use permit, except as otherwise provided in Section 17.84.010.

B. Yards. The following yard requirements apply, except as otherwise provided in Section 17.84.020:

1. Front, thirty feet;
2. Side, thirty feet;
3. Rear, thirty feet.

C. Maximum Structural Height. Maximum permitted structural height is forty-five feet, except as otherwise provided in Section 17.84.030. (60 ft. on 15% slope)

D. Parking. Parking requirements are as specified in Chapter 17.86.

E. Reclamation Plans. All approved mining activities shall be accompanied by a reclamation plan for the rehabilitation, reuse and erosion control of the mined area. The reclamation plan shall be in accordance with Chapter 18.04.

"Lead agency." The county of Shasta is defined as the lead agency for the purposes of this chapter, and has the primary responsibility for enforcing SMARA. (PRC Section 2774.1(f))

"Mined lands" means and includes the surface, subsurface and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining operations are located. (PRC Section 2729) "Mineral" means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas and petroleum. (14 CCR Section 3501) For the purpose of this chapter, minerals shall also include but not be limited to sand, gravel, aggregate, cinders, diatomaceous earth, shale, limestone, flagstone, decorative stone and rip-rap. "Mining waste" includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools or other materials or property directly resulting from, or displaced by, surface mining operations. (PRC Section 2730) "Operator" means any person who is engaged in surface mining operations, himself or herself, or who contracts with others to conduct operations on his or her behalf, Operator also means any person who permits others to conduct surface mining operations on his or her property and who receives a financial benefit therefrom.

"Permit" means any authorization from, or approval by, the county, the absence of which would preclude surface mining operations. (PRC Section 2732.5)

"Reclamation" means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization. (2733)

"Surface mining operations" means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

1. In-place distillation or retorting or leaching;
2. The production and disposal of mining waste;
3. Prospecting and exploratory activities.

(PRC Section 2735)

18.04.040

The Provisions of the Mining and Reclamation Act of 1975 (Public Resources Code, Division 2, Chapter 9, Section 2710 et seq.), Public Resources Code, Division 2, Chapter 9, Section 2207, and the California Code of Regulations implementing the act (CCR Title 14, Division 2, Chapter 8, Subchapter 1, Article 1, Article 6, Sections 3675 and 3676, Article 9 and Article 11) as those provisions may be amended from time to time, are made a part of this chapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this chapter are more restrictive than conflicting state provisions, this chapter shall prevail. (Ord. 95-6 § 2 (part), 1995)

18.04.050

2762, 2763 and 2764 and Chapter 14 California Code of Regulations Section 3676, and subsequent amendments regarding mineral classification studies and general plan mineral resource management policies are incorporated into this chapter.

18.04.060

No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a use permit pursuant to this chapter as long as the vested right continues and in the operation except in accordance with this chapter. A person shall be deemed to have vested rights if, prior to January 1, 1976, he or she has, in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefor. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.

The reclamation plan required to be filed under subdivision (b) of PRC Section 2770, shall apply to operations conducted after January 1, 1976, or to be conducted. Nothing in this chapter shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to January 1, 1976. (PRC Section 2776)

B. Any person with an existing surface mining operation who has vested rights pursuant to PRC Section 2776 and who does not have an approved reclamation plan shall submit a reclamation plan to the county.

H. "Groundwater management plan" means a plan prepared pursuant to the California Groundwater Management Act (commencing with Water Code Section 10750 et seq.) or California Water Code Section 1220, and adopted by the board.

In 1872, Congress enacted the General Mining Law, allowing miners to enter onto federal land, locate valuable mineral deposits, and develop those minerals. Once a miner's claim was staked, it was inviolate against all other claims, except those asserted by the federal government itself, which could challenge the validity of a miner's claim at any time.

Miners were required to perform annual assessment work, or else the land was open to relocation by rival claimants as if no prior claim existed. If the original claimant resumed work before such relocation, the claim was preserved. Often called the "resumption doctrine," this is the "statutory right to resume work."

ESTIMATE OF LONGEVITY OF POLLUTION FROM THE RICHMOND MINE AT IRON MOUNTAIN, CALIFORNIA

KRUSE, Natalie A.S. and YOUNGER, Paul L., Institute for Research in Environment and Sustainability, Newcastle University, 3rd Floor Devonshire Building, Devonshire Terrace, Newcastle Upon Tyne, NE1 7RU, United Kingdom, natalie.kruse@ncl.ac.uk

The Pollutant Loadings Above average Pyrite Influenced Geochemistry Pollutant Sources and Sinks in Underground Mines (PLAYING POSSUM) model, developed at Newcastle University utilizes object-oriented programming techniques and geochemical algorithms to simulate hydro-geochemical changes in mine water. PLAYING POSSUM may be applied to abandoned coal and metal mines in order to confirm the governing geochemical processes in the system and to predict the longevity of polluting drainages. The model solves for hydro-geochemical changes based on mineral weathering of a suite of 28 minerals, mineral precipitation, reversible sorption, dissolution and precipitation of acid generating salts and addition of pollutants from dispersed inflows. PLAYING POSSUM has been used to simulate the discharge from Richmond Mine at Iron Mountain, Shasta County, California, in an attempt create a process-based estimate of the longevity of the polluting drainage. In contrast to the U.S. Geological Survey steady-state estimate of 3200 years until the ore body is exhausted, the simulation solution created by PLAYING POSSUM estimates that the mine water chemistry will decrease to asymptotic levels after approximately 3500 years. Although these results seem compatible, the asymptotic pollution levels are only approximately 10% of the initial levels and, therefore, the discharge is still highly polluting. During the 5000 year simulation period, only 40% of the remaining ore body weathers. The estimate of pollution longevity produced by PLAYING POSSUM shows the need for non steady-state estimates based on geochemical controls acting in abandoned mine systems.

2007 GSA Denver Annual Meeting (28–31 October 2007)

Several investigations and regulatory actions at Iron Mountain have been initiated by California State agencies over the last few decades. These are too lengthy to summarize here. Since the original listing of Iron Mountain on the National Priorities List in 1983, the EPA has authorized four Records of Decision (RODs) and has considered numerous options for remediation. A condensed version of the main remedial alternatives is as follows:

- No action
- Surface-water diversion
- Lime neutralization
- Capping (partial or complete capping of the mountain to prevent infiltration)
- Enlargement of Spring Creek Debris Dam (acid water storage and release structure)
- Ground-water interception
- Air sealing
- Mine plugging
- On-site leaching and solution extraction
- Continued mining under environmentally safe conditions
- Combined alternatives

The main challenge that remains is how to find a permanent (and passive) treatment solution in light of the fact that the mine drainage will continue for approximately 3,000 years unless the sulfide ore is mined out.

<http://www.pnas.org/cgi/content/full/96/7/3455>

2.2.1 Scope of Work

The remedial action undertaken at Iron Mountain Mine has effectively reduced the Acid Mine Discharge into the Sacramento River as required by the Record of Decision and Consent Decree. However, the method used, (lime neutralization), has resulted in the present accumulation of some 400,000 tons of

solid waste. The present on-site storage facility (toxic pit) will be filled in another 20 years, and the proposed expansion of that site according to the current Scope of Work will be exhausted within 50 years after that. By that time the current process will have created an equivalent volume of sludge to the Great Pyramid of Egypt, and since the anticipated need for mitigation of the Acid Mine Drainage is expected to continue for another 3,000 years, the existing mitigation cannot constitute a final plan.

The Proposed Remedial Project Manager hereby proposes plans to implement modifications and additions to the existing Scope of Work to abate the accumulation of solid waste and improve upon the current mitigation of water pollution (presently about 90%) according to the following general plan.

1. Treat a portion of the AMD at the mine portal discharge(s) with extraction of copper, cadmium, arsenic, and lead.
2. Divert this processed AMD for research and development, acid recovery, mineral characterization, precipitation and cementation, irrigation, including but not limited to coal/humic acid/ fertilizer processing facility, use in coal gasification/ re-formation, and from which humic acids may be processed with urea and ammonia, to chelate a portion of the remaining metals in solution for use in agricultural fertilizers.
3. Construct and operate a resource conservation and recovery facility to be built beside and below the existing sedimentation ponds to process the HDS (high density sludge) into useful and marketable products utilizing the contingency policy of the trust fund.
4. Expand the water storage capacity of the existing treatment facility utilizing the contingency policy of the trust fund with 4 additional 250,000 gallon surge tanks to better protect the Sacramento River during periods of heavy rains. Site Manager will then utilize the surge tanks for processing of sludge during the dry season.
5. Assume operational responsibility as Site Operator for the HDS treatment facility.
6. Provide Environmental Enhancements to fulfill the reclamation plan, particularly habitat restoration of the creek beds and landscape upon the Iron Mountain Mines property.
7. Co-operate with all lead agencies and affected parties to undertake reclamation projects as recommended by the lead agencies after review and regulatory approvals.
8. Perform analysis and testing of potential alternative mining technologies such as solution mining to determine feasibility of options in lieu of renewed conventional surface mining.
9. Construct living quarters for the use of the owner(s), security personnel, or laborers.

Work Assignment (WA's) not applicable
Inter-Agency agreements (IAG's) not applicable

Cooperative agreements (CA's) not applicable

Consent Decrees (CD) and Unilateral Administrative Orders (UAO)
Submission for approval by the Court

2.2.2 Project Funding, Budget, and Cost

All costs to be funded by the existing trusts or by private funds, no public funds are required.

2.2.3 RD/ RA Schedule: Immediately.

3.2 Project Management Plan

Private development plan with property owner

1. Definition of project objectives

Eliminate remaining water pollution and remedy solid waste issues, commence habitat restoration.

2. Organizational Structure

Proposed Remedial Project Manager; Artesian Mineral Development & Consolidated Sludge, Inc
(Through a joint venture with Iron Mountain Mines, Inc. T.W. Arman, President
And Serenescapes, John Hutchens, California Contractor C27-B1-776612
(the HU/MOUNTAIN joint venture.)

TRT: EPA, CalEPA, CH2M HILL & the Iron Mountain Mine Trustee Council
CALFED Bay-Delta Program, California Department of Fish and Game

3. Communications Structure

Iron Mountain website: ironmountainmine.com / ironmountainmine.org

4. Project Constraints

Schedule, Fast-Track

Scope, entire site

Budget, pursuant to Consent Decree, Trustees, National Resources Trust

5. RD/RA contracting strategy

Private Contracting

Identifying opportunities to accelerate the schedule

Phasing

Fast-tracking

Pre-placed and pre-qualified contracts

Design approach

Detailed design specifications and drawings

Performance based specifications and drawings

Identifying the RA contract type

Fixed price

Cost plus reimbursement

Time and Materials

Indefinite delivery orders

Service of Construction contracts

Choosing an RA procurement strategy

Competitive procurement

Non-competitive procurement

6. Schedule development

Immediate

7. Budget preparation

Independent government cost estimates (IGCE's): not applicable

8. Superfund State Contract (SSC) timing: not applicable

9. Property access issues: not applicable

10. Community relations

Project will potentially provide hundreds of job opportunities.

11. Army Corp of Engineers assistance (USACE): Requested
12. Unresolved Issues: none known
12. Operation and Maintenance Issues: none
- 3.7.1 General Constraints: not applicable
- 3.7.2 Property Access: not applicable
- 3.7.3 Record of Decision Changes, ROD 6, final remediation plan
 - Minor applicable
 - Significant (CERCLA 117(c): applicable
 - Fundamental (CFR section 300, 435 (c)(2): applicable
 - OSWER 9355.3-02/FS Post ROD changes (SSC): applicable
- 3.8 Scheduling the RD/RA
 - Baseline schedule: plans and permits
 - Work Breakdown schedule (WBS)
 - Gantt chart Method
 - Critical Path Method
- 3.9 RD/RA budget
- 3.10 Contracting Strategy (non-EPA funds)
 - Competitive bidding
 - 3.10.1 Schedule Acceleration
 - Phasing
 - Existing Information
 - Types of Waste
 - Funding Availability
 - Fast Tracking
 - Expedited RD
 - Optimized RD
 - Fast tracking RA
 - 3.10.2 RD/RA Design Approach
 - Detailed Design Specifications to be provided by the EPA pursuant to 6901
 - Performance Based Specifications
 - RA Contracts
 - Fixed Price Contracts
 - Cost Reimbursement Contracts
 - Time and Materials Contracts
 - Time and Materials Contracts
 - RA contractor bond
- 3.11 Coordinating with the State
 - State Memorandum of Agreement (SMOA)
- 3.12 Community Relations

- 4.2 EPA and USACE assistance to proposed RPM
- 4.3 Developing the Statement of Work (SOW)
 - Remedial Investigation (RI)
 - Feasibility Study (FS)
- 4.3.1 Remedial Design statement of Work
- 4.3.2 Preliminary Remedial Design Schedule
- 4.3.3 Independent Government Cost Estimate: not applicable
- 4.4 Tasking the Remedial Design
 - RPM as Work Assignment Manager (WAM)
 - RD WA package
 - Work Assignment Form (WAF)
 - Statement of Work (SOW)
 - RD WA Amendments and Technical Directives
- 4.4.3 Progress of Remedial Design

- A. Habitat Enhancement
 - Site improvements, watershed restoration, private facilities, landscaping.

To obtain land suitable for the proposed facilities:

Acquisition of interest in certain parcels of land located in the area of Iron Mountain under the authority and provisions of Section 107(0)(1) of CERCLA, 12 U.S.C. Section 9607(f)(1), and Section 705 of the Federal Land Policy and Management Act, 43 U.S.C. Section 1715, and 33 C. F.R. Parr 1 1. The parcels subject to the Option (the "Land") encompass approximately 1.250 acres of land. The Land is generally depicted as the shaded areas on the map attached to this Consent Decree as Appendix L; a proposed conveyance in the form of a grant deed (as provided for under State of California law). The Mine Owner or his designee shall determine whether to accept the proposed conveyance within 60 days of receipt of an executed and notarized grant deed (the "Deed").

Agreement to be Bound by all of the Site Operator's agreements under the Consent Decree and SOW.

Agreement to be Bound by all of the Trust I agreements (Iron Mountain Mine Remediation Trust I) under the Consent Decree and SOW, for the purpose of transferring certain rights, title, and other interests to Certain Plant and fixed equipment at the Site.

Date: March 4th, 2008

Signature: 
John Hutchens, CEO, Artesian Mineral Development & Consolidated Sludge, Inc

Exhibit K

February 16, 2008 Email, Hutchens to Lyons with attached copy of February 14, 2008
Letter from Arman to Sayler



"John"
<john@artmodular.com>
02/16/2008 11:40 AM

To John Lyons/R9/USEPA/US@EPA
cc
bcc

Subject FW:

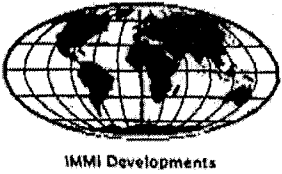
History:  This message has been forwarded.

From: John [mailto:john@artmodular.com]
Sent: Friday, February 15, 2008 1:31 PM
To: Kathleen Salyer (salyer.kathleen@epa.gov)
Subject:

Dear Kathleen,
Please find the attached letter from T.W. Arman in reply to your letter concerning Iron Mountain Mines
Best Regards,



John Hutchens kathleen Salyer4.pdf



Iron Mountain Mines, Inc.

P.O. Box 992867, Redding, CA 96099
Tel (530) 275-4550 Fax (530) 275-4559

Ms. Kathleen Salyer, Chief, Cleanup Branch
United States Environmental Protection Agency Region IX
75 Hawthorne Street
San Francisco, CA 94105

Re: Iron Mountain Mines Superfund Site.

Dear Ms. Salyer:

Thank you for your letter of November 29, 2007 with "significant" concerns with my past activities at the site, and here is my response.

I emphatically deny your allegations that I have interfered with Superfund activities at the site and have jeopardized any safety conditions. The use of a CB radio should not be required of me at all for off road traveling on my approximately 3000 acres of private property, and even if the Judge were to authorize this as a necessary precaution it should only be required in traffic near by your workers during operations which is only 5 days a week from 7:00 AM to 3:00 PM. Beyond the above standard work hours, I have every right as a private property owner to be anywhere on my private property for any reason I want.

I see no legal authority for the EPA and your contractor to deny me access when I have continually exercised all "safety" rules even though most of them have been my own rules. Over the past 32 years that I have owned this property, for my own protection, I have used my company safety rules, and I have never been involved in any accident. The only accidents which may have ever occurred on my property are a result of EPA activities and do not involve me or my agents on my property!

It is unreasonable and unnecessary for the EPA to try and impose arbitrary safety rules on me as the private property owner especially when there is no hazardous road conditions after your workers are gone from the site. You have one employee who controls the gate and who monitors after hours activities.

The Federal Court Order in your EPA files is only over the EPA's access and any interference with site cleanup operations. It does not make any sense for an owner to interfere with any cleanup operations when it is to the benefit of the owner. Your EPA workers have blown this situation totally out of proportion, and it appears that it is an effort by the contractor's employees to deliberately harass me.

Because of mistakes made by a clean up crew who misunderstood instruction is no valid reason for the EPA to fabricate a false regime of concerns over road safety and make me, the owner, to call by CB radio on each road marker over 10 miles of roads when there is not one other vehicle on the roads.

After AIG working hours, how unreasonable and arbitrary can the EPA be? As long as you are calling it interfering with the site activities, let me point out that the real interference is with my business and enjoyment on my private property by the EPA and AIG.

I have never interfered with any EPA Cleanup, but you are interfering with my enjoyment of my private property and business activities, and you have caused me to incur millions of dollars of damages.

Iron Mountain Mines, Inc.

EPA and AIG never had permission to use my 50 Thousand Square feet of Steel Buildings or the historical school house at the Minnesota Flats without paying rent or liability insurance. I have continually brought up these issues to the EPA over the years, and the EPA has completely ignored me.

Your letter states that I have interfered with EPA Operations? Please provide me with a detailed statement of how, when and where you think I have interfered with EPA Operations?

When did the EPA become the police of my property? If you believe I have interfered with EPA operations you should direct these matters to the Judge in our case.

As the EPA's conduct is clearly an arbitrary and capricious imposition of rules and regulations to interfere with my use of my own property, if we do not have an immediate resolution to these matters then I assure you that I will be bringing these matters to the Judge myself.

You state that EPA equipment is missing. Please be specific on exactly the equipment, date of purchase with receipts and serial numbers. The EPA does not own any equipment which was placed in my buildings without my permission and left there as abandoned property.

The EPA has no legal authority under Federal Law, as set forth in the Federal Court Access Order, that allows you to treat a property owner in the manner which you have treated me! The EPA's responsibility under the Access Order is in providing T. W. Arman and his guests with reasonable access to his property. There can be no interference with EPA equipment or activities because you have a separate gated area for your activities and equipment, therefore, it is completely unreasonable to arbitrarily deny me access to my own property.

The EPA's failure to provide me with access to my property is a criminal offense, and we have treated it as a criminal offense and have reported it to the authorities whenever it occurred.

I find it unacceptable that all of your employees have gate keys, but I am denied a gate key? Why? My property is not abandoned, and my company is still actively operating on site.

I find it unacceptable that you are ultra critical of my presence on my own private property, while the EPA and its on-site contractor AIG have engaged in harmful conduct in regard to my building onsite which have nothing to do with EPA clean up of my property, and the EPA does nothing about it. For instance, the Minnesota Flats School House and the Richmond Buildings have a special historical importance. The Richmond mine building was rewired by EPA contractor's years ago, but the building has gone into disrepair because your own contractors, Dodd's Construction, have used this building as an unauthorized waste dump site and filled it with concrete! I demand that the EPA compel them to remove this concrete and restore the building back to its original condition.

When I am on the property, it is quite apparent that AIG is monitoring my activities and invading my privacy on my own private property that has nothing to do with the Superfund cleanup activities.

The EPA's / AIG's unreasonable restrictions on access to my own property is beyond the EPA Cleanup acreage and I find it completely unreasonable that I am denied access to my own property which has nothing to do with the EPA cleanup, especially after 3:00 PM week days and 24 hours week end.

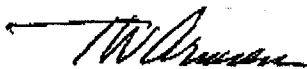
Iron Mountain Mines, Inc.

I can not build a home; have a motor home on camp out. I am prevented from having friends stay over on my private property in large part because the EPA has absorbed all of my property even though only less than 200 acres are needed for EPA cleanup activities. The following list enumerates my concerns.

1. EPA violation of the Consent Decree, by maintaining a lien after the settlement. (U.S.C. 42, 9607: Such lien shall continue until the liability for the costs is satisfied; Pertinent part of Paragraph 86 of the Consent Decree: The "matters addressed" in this settlement are all response actions taken or to be taken, all response costs incurred or to be incurred, and all Natural Resource Damages incurred or to be incurred, by the United States, the State agencies, or any other person with respect to the Site, and specifically include without limitation the Work to be performed by the Site Operator, all claims, counterclaims, and cross-claims filed by and against the parties.....)
2. EPA failure to provide" notice of a final remedial action plan before commencement of any remedial action", as required in U.S.C. 42, 9613, or such other requirements as; "the President or the State shall publish an explanation of the significant differences and the reasons such changes were made."
3. EPA / AIG stored mineral waste from the Keswick Lake area or BLM property at Iron Mountain Mines property that is not a waste dump site.
4. EPA / AIG buried scrap material near the school house by using the IMMI property as a dump site.
5. EPA / AIG restricted IMMI from access when the Gate Keys were taken on March 19, 2007. This is a criminal action according to the presidential executive order.
6. EPA / AIG is falsely accusing Ted Arman of interference with their cleanup operations and taking copper wire that was left and abandoned in an IMMI Warehouse for over 5 years, when in reality and the law is that the copper wire or anything else left in the IMMI warehouse belongs to IMMI as the owner of the building.
7. EPA / AIG took the workers for IMMI cleanup who took the scrap copper wire which was stored there without permission to Court on Theft on two occasion with the last hearing on December 19, 2007 and on each occasion the Court dismissed the case against the two workers because the Court agreed with the ruling that the copper wire (\$1,200.00) belonged to the warehouse owner because it was considered abandoned by EPA and AIG.
8. EPA / AIG blocked the road to a building that was near the Richmond Mine portal so that IMMI can not use it.
9. EPA / AIG are keeping IMMI contractors from the IMMI property after 3 PM week days and all day weekends. The IMMI contractors are more accessible and live to work after 3 PM and on the weekends. This restriction is keeping IMMI from earning an income and interfering with business.
10. EPA / AIG are requiring a work plan on the IMMI private property covering approximately 3000 acres when only less than 100 acres has any EPA / AIG cleanup problems. This is pure abuse and harassment.
11. EPA / AIG are keeping Ted Arman, the owner of this property, from practicing his religion and spiritual worship by not letting him enter or stay upon his property.

These serious matters are preventing me from conducting my business upon my private property.

We would appreciate your cooperation in the resolution of all these matters.



T.W. (Ted) Arman
President, Iron Mountain Mines, Inc.
Managing Member, Iron Mountain Mines, LLC

Date: February 14, 2008

Exhibit L

March 14, 2008 Email, Hutchens to Corcoran, with attached
draft “cross-complaint” and “petition”

From: John [john@artmodular.com]
Sent: Friday, March 14, 2008 4:44 PM
To: Corcoran, Larry (ENRD)
Cc: John Lyons; Kathleen Salyer; Nancie@marzulla.com; Sara J. Russell; Keith Takata
Attachments: Declaratory Relief.pdf; petition and leave.pdf

Attached please find T.W. Arman's final preparations prior to resuming litigation.
If you care to resolve this before then please let us know.
John Hutchens

1 T.W. Arman, Pro Per
2 P.O. Box 992867
3 Redding, Ca.96299
4 530-275-4550
5
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7

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 IRON MOUNTAIN MINES, INC. and Civil No. S-91-0768 DFL/JFM
11 T.W. ARMAN, et al (Consolidated for all purposes with
12 Plaintiffs, Civil No. S-91-1167 DFL/JFM)
13 v. PETITION TO OPEN CASE and
14 UNITED STATES OF AMERICA, MOTION FOR LEAVE TO FILE
15 Defendants. DEFENDANTS CROSS-COMPLAINT
16 And PROPOSED ORDER

17
18 **MEMORANDUM**

- 19 1. Defendants petition for the attention of the Court in matters pertaining to this case.
20 2. Defendants seek Leave of the Court to File a Cross-Complaint.

21 **PETITION**

- 22 3. Defendants T.W. Arman and Iron Mountain Mines, Inc. petition the Court to Reopen Case.

23 **MOTION**

- 24 4. Defendants T.W. Arman and Iron Mountain Mines, Inc. request leave of the Court to File a
25 Cross-Complaint in the above captioned case.

26 Date: March 15, 2008

27 _____
T.W. Arman, Pro Per
28 President, Iron Mountain Mines, Inc.

ORDER

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1. It is hereby Ordered that T.W. Arman and Iron Mountain Mines, Inc. Petition to reopen this case is granted.

2. It is hereby Ordered that Defendants T.W. Arman and Iron Mountain Mines, Inc. Request for leave of the Court to File a Cross-Complaint in the above captioned case is hereby granted.

Date: _____

UNITED STATES DISTRICT COURT JUDGE
for the EASTERN DISTRICT OF CALIFORNIA

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1 T.W. Arman, Pro Per
2 P.O. Box 992867
3 Redding, Ca.96299
4 530-275-4550
5
6
7

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 IRON MOUNTAIN MINES, INC. and Civil No. S-91-0768 DFL/JFM
11 T.W. ARMAN, et al (Consolidated for all purposes with
12 Plaintiffs, Civil No. S-91-1167 DFL/JFM)
13 v. CROSS-COMPLAINT and
14 UNITED STATES OF AMERICA, MOTION FOR: DECLARATORY RELIEF
15 Defendants. And PROPOSED ORDER
16 U.S.C. §§ 9613
17

18 **MEMORANDUM**

- 19 1. This matter is before the Court on Defendants objection to Plaintiff’s claims for unreim-
20 bursed costs against Defendants and liens against the properties of the Defendants in this case.
21 2. Defendants seek Declaratory Relief from this Court to have the liens removed in accordance
22 with a just and equitable remedy.
23 3. The Declaratory Relief sought by Defendants is consistent with the Consent Judgment to
24 which the Plaintiffs are settling parties.
25

26 **JURISDICTION**

- 27 4. This Court has Jurisdiction pursuant to U.S.C. §§ 9613
28

1 **FACTS**

2 5. Defendants T.W. Arman and Iron Mountain Mines, Inc. have been subjected to an ongoing
3 EPA Superfund removal and remedial action on the “Iron Mountain Mines” property for over
4 20 years, with no final plan or final “Record of Decision” (ROD) yet to be offered, and causing
5 enormous financial hardship and virtually destroying the business opportunity acquired when
6 Defendant purchased the property in 1976.

7
8 6. Defendants continue to be harmed by the EPA and State agencies because of liens imposed
9 upon Defendant’s properties by the EPA, the California Water Resources Board, and the Cali-
10 fornia Department of Toxic Substance Control that were never removed after the litigation was
11 concluded, in negligent violation and contrary to the terms of the Consent Judgment, to which
12 the Department of Justice, the EPA, and the State and State agencies were settling parties.

13 7. Defendants refer to the 1st ROD, (Record of Decision) of 10/03/1986, which states (page 4):

14
15 8. **“OVERVIEW OF THE PROBLEM**

16 MINERALIZED ZONES THAT HAVE EXTENSIVE UNDERGROUND WORKINGS
17 FROM PAST MINING ACTIVITIES ARE THE PRIMARY SOURCE OF
18 CONTAMINATION.”

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18 33. The most glaring and blatant abuse of authority and violation of the terms of the Consent
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20 Third, and only to the extent that the costs of Items (1) and (2), are able to be fully funded,
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23 34. Therefore, such claims for “unrecovered past costs”, (if in fact they were not already fully
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ARGUMENT

35. Mr. Arman was deceived and defrauded into the purchase of Iron Mountain Mines in an ultimately unsuccessful attempt by the previous owners to escape environmental liability.

36. Mr. Arman has not conducted any of the mining activities found to be responsible for the naturally occurring flow of AMD waters from the mine.

37. The Consent Judgment terminated Mr. Arman and Iron Mountain Mines (and co-defendants Aventis) rights to recovery of contribution to joint and several costs against the other PRPs, and so therefore the Consent Decree was a final judgment pursuant to FRCP 54(b).

38. The authority to enter the Consent Decree was predicated on rule 54(b), which states in relevant part: "When more than one claim for relief is presented in an action . . . the court may direct the entry of a final judgment as to one or more but fewer than all of the claims . . . only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. In the absence of such determination and direction, any order or other form of decision, however designated, which adjudicates fewer than all the claims . . . shall not terminate the action as to any of the claims . . . , and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims.."

39. The Consent Decree states in paragraph 86. " The "matters addressed" in this settlement are all response actions taken or to be taken, all response costs incurred or to be incurred, and all Natural Resource Damages incurred or to be incurred, by the United States, the State agencies, or any other person with respect to the Site, and specifically include without limitation the Work to be performed by the Site Operator, all claims, counterclaims, and cross-claims filed by

1 and against the parties in the above-captioned cases, and those matters governed by the cove-
2 nants contained in Sections XXI and XXII of this Consent Decree."

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4 40. Nevertheless, and despite the Courts unmistakable intent that the Consent Decree was a
5 full and final judgment and not a partial judgment, (*all claims, counterclaims, and cross-*
6 *claims*), and that the aforementioned Joint Motion stated that the Consent Decree should be
7 understood as a 54(b) Judgment, the State of California Water Resources Control Board and the
8 Department of Toxic Substance, (now CalEPA), and the EPA, (all signatories to the Consent
9 Decree), along with the Department of Justice have levied claims against Mr. Arman and Iron
10 Mountain Mines Inc. of some \$51 million in past response costs that are now over 100 million
11 dollars with interest, and maintained liens against the property, effectively clouding title to the
12 property and preventing Mr. Arman from obtaining credit or conducting business.

13
14 **PRAYER FOR RELIEF**

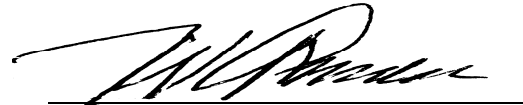
15 WHEREFORE, Plaintiffs pray for relief as follows:

16 An Order for Declaratory Relief to remove the liens upon Defendants properties.

17 An Order preventing similar abuses from ever happening again.

18 An Award of Defendants costs, expenses and attorney's fees according to Proof.
19
20
21

22 Date: March 13, 2008

23 

24 T.W. Arman, Pro Per
25 President, Iron Mountain Mines, Inc.
26
27
28

ORDER

It is hereby Ordered that Plaintiffs United States and California, and their agencies, shall remove any liens against the properties of the Defendants. Plaintiffs are further enjoined from reinstating, renewing, or filing new liens in this matter.

An Award of Defendants costs, expenses and attorney's fees according to Proof.

Date: _____

UNITED STATES DISTRICT COURT JUDGE
for the EASTERN DISTRICT OF CALIFORNIA

Exhibit M

March 16, 2008 Email, Hutchens to Corcoran, with
attached signed "cross-complaint"

From: John [john@artmodular.com]
Sent: Sunday, March 16, 2008 6:38 PM
To: Corcoran, Larry (ENRD)
Cc: Keith Takata; John Lyons; Kathleen Salyer; Rick Sugarek; Sara J. Russell
Attachments: Declaratory Relief.pdf

Corrected caption and misc. typos

1 T.W. Arman, Pro Per
2 P.O. Box 992867
3 Redding, Ca.96299
4 530-275-4550
5
6
7

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, Civil No. S-91-0768 DFL/JFM
11 Plaintiffs (Consolidated for all purposes with
12 v. Civil No. S-91-1167 DFL/JFM)
13 CROSS-COMPLAINT and
14 IRON MOUNTAIN MINES, INC. and T.W. ARMAN, et al MOTION FOR: DECLARATORY RELIEF
15 Defendants And PROPOSED ORDER
16 U.S.C. §§ 9613
17

18 **MEMORANDUM**

- 19 1. This matter is before the Court on Defendants objection to Plaintiff's claims for unreim-
20 bursed costs against Defendants and liens against the properties of the Defendants in this case.
21 2. Defendants seek Declaratory Relief from this Court to have the liens removed in accordance
22 with a just and equitable remedy.
23 3. The Declaratory Relief sought by Defendants is consistent with the Consent Judgment to
24 which the Plaintiffs are settling parties.
25

26 **JURISDICTION**

- 27 4. This Court has Jurisdiction pursuant to U.S.C. §§ 9613
28

FACTS

5. Defendants T.W. Arman and Iron Mountain Mines, Inc. have been subjected to an ongoing EPA Superfund removal and remedial action on the “Iron Mountain Mines” property for over 20 years, with no final plan or final “Record of Decision” (ROD) yet to be offered, and causing enormous financial hardship and virtually destroying the business opportunity acquired when Defendant purchased the property in 1976.

6. Defendants continue to be harmed by the EPA and State agencies because of liens imposed upon Defendant’s properties by the EPA, the California Water Resources Board, and the California Department of Toxic Substance Control that were never removed after the litigation was concluded, in negligent violation and contrary to the terms of the Consent Judgment, to which the Department of Justice, the EPA, and the State and State agencies were settling parties.

7. Defendants refer to the 1st ROD, (Record of Decision) of 10/03/1986, which states (page 4):

8. “OVERVIEW OF THE PROBLEM

MINERALIZED ZONES THAT HAVE EXTENSIVE UNDERGROUND WORKINGS FROM PAST MINING ACTIVITIES ARE THE PRIMARY SOURCE OF CONTAMINATION.”

9. And a few pages later (page 7),

10. “THE IRON MOUNTAIN PROPERTY WAS PURCHASED FROM MOUNTAIN COPPER COMPANY BY STAUFFER CHEMICAL COMPANY IN 1967. THE PROPERTY WAS SUBSEQUENTLY SOLD TO IRON MOUNTAIN MINES, INC., IN 1976.

THERE HAS BEEN SOME CORE SAMPLING, BUT THERE IS NO EVIDENCE THAT MINING HAS OCCURRED UNDER THE CURRENT OWNERSHIP.”

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1 and against the parties in the above-captioned cases, and those matters governed by the cove-
2 nants contained in Sections XXI and XXII of this Consent Decree."

3
4 40. Nevertheless, and despite the Courts unmistakable intent that the Consent Decree was a
5 full and final judgment and not a partial judgment, "*all claims, counterclaims, and cross-*
6 *claims*", and that the aforementioned Joint Motion stated that the Consent Decree should be
7 understood as a 54(b) Judgment, and in direct violation of paragraph 13(B)(3) of the Consent
8 Judgment, the State of California Water Resources Control Board and the Department of Toxic
9 Substance, (now CalEPA), and the EPA, along with the U.S. and California Departments of
10 Justice (all signatories to the Consent Decree), have levied claims against Mr. Arman and Iron
11 Mountain Mines Inc. of some \$51 million in past response costs that are now over 100 million
12 dollars with interest, and maintained liens against the property, effectively clouding title to the
13 property and preventing Mr. Arman from obtaining credit or conducting business.

14
15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiffs pray for relief as follows:

17 An Order for Declaratory Relief to remove the liens upon Defendants properties.

18 An Order preventing similar abuses from ever happening again.

19 An Award of Defendants costs, expenses and attorney's fees according to Proof.
20
21
22

23 Date: March 16, 2008



24 T.W. Arman, Pro Per
25 President, Iron Mountain Mines, Inc.
26
27
28

ORDER

It is hereby Ordered that Plaintiffs United States and California, and their agencies, shall remove any liens against the properties of the Defendants. Plaintiffs are further enjoined from reinstating, renewing, or filing new liens in this matter.

An Award of Defendants costs, expenses and attorney's fees according to Proof.

Date: _____

UNITED STATES DISTRICT COURT JUDGE
for the EASTERN DISTRICT OF CALIFORNIA

Exhibit N

Docket No. 48, July 26, 2007 Order entered in *John F. Hutchens v. Alameda County Social Services Agency*, N. D. Cal. Case No. C-06-6870 SBA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CIVIL CASE MANAGEMENT CONFERENCE MINUTES

Date: 7/26/07

C-06-06870 SBA

JUDGE: SAUNDRA BROWN ARMSTRONG

Title: JOHN F. HUTCHENS vs. ALAMEDA COUNTY SOCIAL SERVICES AGENCY

Atty.: PRO PER DIANE GRAYDON

ZAMORA MOTON

Deputy Clerk: Lisa R. Clark Court Reporter: DIANE SKILLMAN

PROCEEDINGS

Plt DFT

1. ORDER TO SHOW CAUSE RE: DISMISSAL - HELD

2. _____

3. _____

4. _____

Motion(s) Granted Denied Off Calendar
 Granted/Part Denied/Part Submitted

Order to be prepared by Plaintiff Deft Court

RESULT OF CASE MANAGEMENT CONFERENCE

Case Continued to 9/19/07 for a Telephone Case Management Conference at 3:30 p.m.

Case Continued to _____ for OSC RE: _____

Case Continued to _____ for _____ Motion Hearing

Brief Sched. Motion papers by _____ Opposition by _____ Reply by _____

General Discovery Cut-off _____ Expert Discovery Cut-off _____

Plft to name Experts by _____ Deft to name Experts by _____

All Dispositive Motions to be heard by (Motion Cut-off) _____

Case Continued to _____ for Pretrial Conference at 1:00 p.m.

Pretrial Papers Due _____ Motions in limine/objections to evidence due _____ Responses to motions in limine and/or responses to objections to evidence due _____

Case Continued to _____ for Trial(Court/Jury: _____ Days) at 8:30 a.m.

REFERRED TO MAGISTRATE _____ FOR SETTLEMENT CONFERENCE

REFERRED TO MAGISTRATE TO BE ASSIGNED FOR ALL DISCOVERY MATTERS

Notes: COURT ADMONISHES PLAINTIFF'S REGARDING COMPLYING WITH THE COURTS ORDERS; COURT ADMONISHES PLAINTIFF'S THAT THEY WILL HAVE TO FAMILIARIZE THEMSELVES WITH THIS COURT RULES AND PROCEDURES IF THEY WISH TO CONTINUE THEIR LAWSUIT; COURT STRIKES EVERY MOTION FILED BY THE PLAINTIFF'S AND ORDERS THEM TO MEET AND CONFER WITH DEFENSE COUNSEL BEFORE FILING ANY MOTION; ALL MOTIONS SHALL CONFORM WITH THIS COURTS

Case 4:06-cv-06870-SBA Document 48 Filed 07/26/2007 Page 2 of 2
Case 2:91-cv-00768-DFL-JFM Document 1263-3 Filed 03/19/2008 Page 75 of 75
RULES AND PROCEDURES IF RE-FILED; THE DISCOVERY MOTION BEFORE THE
MAGISTRATE IS ALSO STRICKEN; PARTIES TO FILE A JOINT CASE MANAGEMENT
STATEMENT 10 DAYS BEFORE THE NEXT CMC AND PLAINTIFF IS TO SET UP THE
CONFERENCE CALL WITH ALL THE PARTIES ON THE LINE. COURT VACATES THE
ORDER TO SHOW CAUSE

_____cc: WINGS HOMS