

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114

**NOTICE OF PUBLIC HEARING**  
concerning

RESCISSION OF CEASE AND DESIST ORDER NO. 99-111  
FOR CEDAR POINT PROPERTIES, INC.  
WALKER MINE  
PLUMAS COUNTY

Walker Mine is an abandoned copper mine near Portola in Plumas County. The mine has a long history of acid mine drainage to surface water. Cedar Point Properties, Inc. (Discharger) acquired the Walker Mine property at a county tax sale in 1997. The company purchased the property to harvest timber from the site. Permitting actions, enforcement, and litigation by the Regional Board ensued. In 1999, the Regional Board adopted Waste Discharge Requirements (WDRs) Order No. 99-110 (NPDES No. CA0084531) and the companion Cease and Desist Order No. 99-111 for Cedar Point Properties. The Discharger did not comply with the orders and the Regional Board referred the case to the Attorney General.

In 2004, Cedar Point Properties ceased timber harvest and suspended its corporate status. The Attorney General on behalf of the Regional Board obtained a stipulated judgment on Daniel Kennedy, owner of Cedar Point Properties Inc., which settled the Regional Board's litigation against Daniel Kennedy and dismissed additional action against him. Cedar Point Properties no longer exists as an entity that can be regulated by either the WDRs or the CDO, Order Nos. 99-110 and 99-111. Therefore, it is appropriate to rescind both the WDRs and the CDO. The WDRs are being rescinded by a separate order.

A **formal** public hearing concerning this matter will be held during the Regional Board meeting which is scheduled for:

DATE: 26/27 January 2006  
TIME: 8:30 a.m.  
PLACE: Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670

The designated parties for this hearing are as follows:

- Staff of Regional Board
- Daniel R. Kennedy

Only designated parties will have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. All other persons wishing to testify or provide comments are interested persons and not designated parties. Such interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Board

no later than **20 January 2006**. The request must explain the basis for status as a designated party and in particular how the person is directly affected by the discharge. Persons wishing to comment on this noticed hearing item must submit evidence, if any, and comments in writing to the Regional Board no later than **20 January 2006**. Written evidence or comments submitted after **20 January 2006** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

All designated parties and interested persons may speak at the Regional Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Board Chair.

Anyone having questions on the proposed item should contact Steve Rosenbaum at (916) 464-4631. Interested parties may download the proposed Order and related documents from the Regional Board's Internet website at <http://www.waterboards.ca.gov/centralvalley/tentative>. If you do not have Internet access, these documents may be inspected and copied at the Regional Board's office at 11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114 weekdays between 8:00 a.m. and 5:00 p.m. by appointment.

The procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and is available upon request. Hearings before the Regional Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing [http://www.waterboards.ca.gov/water\\_laws/](http://www.waterboards.ca.gov/water_laws/). Information on meeting and hearing procedures is also available on the Regional Board's website at [http://www.waterboards.ca.gov/centralvalley/board\\_meetings/mtgprocd.html](http://www.waterboards.ca.gov/centralvalley/board_meetings/mtgprocd.html) or by contacting any one of the Board's offices. Questions regarding such procedures should be directed to Ms. Janice Tanaka at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Janice Tanaka at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

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Original signed by  
JACK E. DEL CONTE  
Assistant Executive Officer

5 January 2006