

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**MEETING OF MAY 13 AND 14, 2009
South Lake Tahoe**

- ITEM:** 13
- SUBJECT:** **RESCISSION OF WASTE DISCHARGE REQUIREMENTS - FORT CADY MINERALS CORPORATION, FORT CADY BORATE MINE - FULL SCALE PROJECT, SAN BERNARDINO COUNTY**
- CHRONOLOGY:** March 9, 1995 New Waste Discharge Requirements
(Board Order No. 6-95-30)
- ISSUE:** Should the Regional Board rescind Waste Discharge Requirements issued to Fort Cady Minerals Corporation, Dundee Resources, Ltd., Burlington Northern Santa Fe Railway Company, and Southern California Edison Company? Rescission is appropriate because no discharge occurred.
- DISCUSSION:** The Fort Cady Minerals Corporation proposed to expand the pilot-scale solution mining process operation for extraction of boric acid and gypsum from a subsurface borate ore deposit into a full-scale project, located approximately 17 miles southeast of the community of Newberry Springs. The project was never constructed. Consequently, no discharge occurred to the Facility. As such, it is appropriate to rescind the WDRs for the Full-Scale Project.
- Regional Board staff has solicited comments from the Discharger and interested parties.
- RECOMMENDATION:** Adoption of Order as proposed.
- Enclosures:** 1. Fact Sheet
2. Proposed Board Order

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13-0001

ENCLOSURE 1

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION
FACT SHEET**

ITEM NO: 13

DISCHARGER NAMES: Dundee Resources Ltd., Fort Cady Minerals Corporation, (operators) Burlington Northern and Santa Fe Railway Company (BNSF), and Southern California Edison Company (landowners)

PROJECT NAME: Fort Cady Borate Mine - Full Scale Project

PROJECT TYPE: Solution mining process operation for extraction of boric acid and gypsum from a subsurface borate ore deposit

LOCATION: Approximately 17 miles southeast of the community of Newberry Springs and 2.5 miles south of Interstate 40 in San Bernardino County

PROGRAM: Land Disposal Program (Sub 15)

WASTE CLASSIFICATIONS: Not applicable

WASTE MANAGEMENT UNIT CLASSIFICATION: The subsurface project area and surface gypsum deposition area are unclassified and do not constitute classified waste management units.

RECEIVING WATER: Groundwaters of the Troy Valley Hydrologic Subarea of the Mojave Hydrologic Unit (Department of Water Resources Hydrologic Unit No. 628.50).

CEQA COMPLIANCE: Not a project under California Environmental Quality Act

LANDOWNER: Dundee Resources Ltd., BNSF, Edison Company

LAND CONTROLLED BY: Dundee Resources Ltd.

NATURE OF AREA: High Desert

ENCLOSURE 2

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

BOARD ORDER NO. R6V-2009-(PROPOSED)
WDID NO. 6B369411001

RESCISSION OF WASTE DISCHARGE REQUIREMENTS
BOARD ORDER NO. 6-95-30
FOR

FORT CADY MINERALS CORPORATION
FORT CADY BORATE MINE — FULL-SCALE PROJECT

San Bernardino County

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

1. Discharger

The Fort Cady Minerals Corporation and Dundee Resources, Ltd. own and formerly operated the Fort Cady Borate Mine – Full-Scale Project. For the purposes of this Water Board Order (Order), Fort Cady Minerals Corporation and Dundee Resources, Ltd. (operator), Burlington Northern and Santa Fe Railway Company (BNSF), and Southern California Edison Company (landowners) are collectively referred to as the “Discharger.”

2. Facility

The Full-Scale Project consists of a proposed solution mining process operation for extraction of boric acid and gypsum from a subsurface borate ore deposit. The Discharger originally proposed to expand a currently permitted in-situ mining pilot project (Board Order No. 6-88-63, adopted May 12, 1988) to inject, extract, and process a solution rich in boron. The Full-Scale Project, encompassing approximately 354 acres, was intended to expand the pilot-scale project, and was to include a 273-acre subsurface project area injection/extraction well field; a 10-acre processing facility; a 16-acre gypsum storage pond; 55 acres of ancillary services including a process water supply well network, a railroad spur, a natural gas pipeline and access roads; and a network of groundwater monitoring wells to detect any migration of the solution away from the subsurface project area. For the purposes of this Order, the Fort Cady Borate Mine – Full-Scale Project is referred to as the “Facility.”

The injection wells, the unlined gypsum storage pond, and the network of groundwater monitoring wells as part of the full-scale project were never constructed.

3. Facility Location

The Facility is located approximately 17 miles southeast of the community of Newberry Springs and 2.5 miles south of Interstate 40 in the Troy Valley Hydrologic Subarea of the Mojave Hydrologic Unit within portions of Sections 25, 26, 35 and 36, T8N, R5E, San Bernardino Baseline and Principal Meridian (SBB&M) as shown on Attachment "A," which is made a part of this Order.

4. Waste Discharge Requirements

The Water Board previously established Waste Discharge Requirements (WDRs) for Fort Cady Minerals Corporation, Fort Cady Borate Mine – Full-Scale Project, under Board Order No. 6-95-30, adopted on March 9, 1995.

5. Reasons for Action

The Discharger did not expand the pilot-scale project into a full-scale project. Consequently, there was never a discharge to the Facility. As such, it is appropriate to rescind the WDRs for the Full-Scale Project.

6. California Environmental Quality Act (CEQA)

This is not a project as defined under CEQA, therefore a CEQA finding does not apply.

7. Public Notification

The Water Board has notified the Discharger and interested agencies and persons of its intent to rescind WDRs for the Facility. The Water Board, in a public meeting, heard and considered all comments pertaining to the rescission of these WDRs.

FORT CADY MINERALS CORPORATION
FORT CADY BORATE MINE –
FULL-SCALE PROJECT
San Bernardino County

-3-

BOARD ORDER NO.
R6V-2009-(PROPOSED)
WDID NO. 6B369411001

IT IS HEREBY ORDERED that Board Order No. 6-95-30 be rescinded.

I, Harold J. Singer, Executive Officer, do hereby verify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on May 13, 2009.

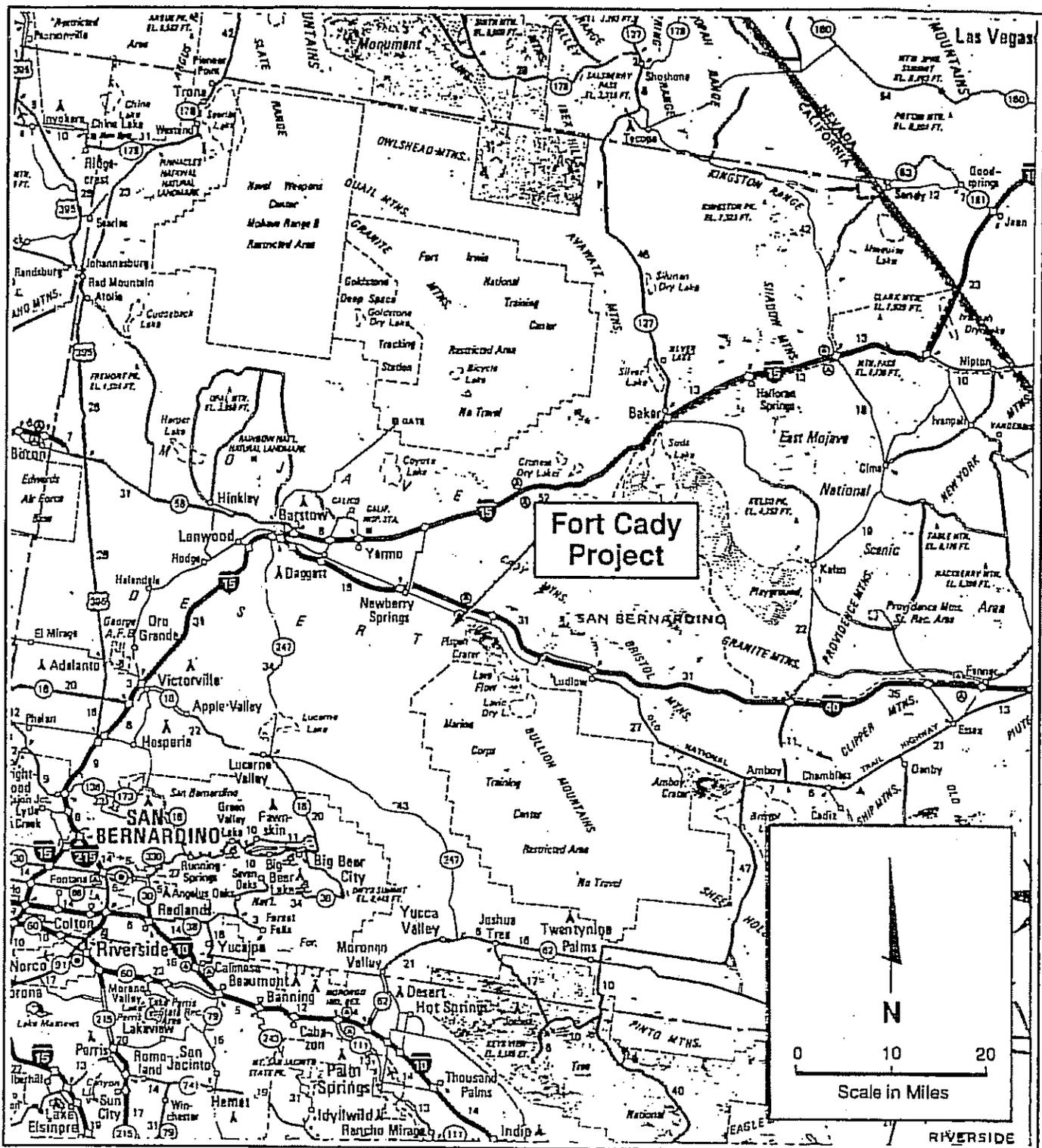
HAROLD J. SINGER
EXECUTIVE OFFICER

Attachment: A. Vicinity Map

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PROPOSED

13-0005



ATTACHMENT A

13-0006

VICINITY MAP

Fort Cady Borate Mine - Full Scale Project
San Bernardino County