



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

**ARREST OF JUDGMENT; COMPLAINT IN INTERVENTION; FRAUD UPON THE COURT;
JOINT AND SEVERAL TRESPASSERS DAMAGES & EJECTMENT; RCRA CITIZEN SUIT**

T.W. Arman's partial summary of unlawful detainer after neglect and failures to perform.

Let it be known that the EPA interference with lawful mining activities at Iron Mountain mines with unconstitutional infringement, violation of due process and equal protection of the 5th and 14th amendment rights of T.W. Arman, sole shareholder of Iron Mountain Mines, Inc. and therefore owner of all of Iron Mountain Mines properties, to stop the mining of Iron Mountain mines when such mining is shown by the administrative record to be the only remedy to acid mine drainage, is a violation of the environmental laws alleged to be the basis and justification for EPA actions, and prima facie evidence of abuse of process and abuse of discretion, malicious prosecution and manifest injustice, errors of impunity and miscarriage of justice, tyranny and oppression, and negligently arbitrary and capricious reckless endangerment of the property, property owner T.W. Arman, the tenants, the public, the environment, and the endangered species allegedly being preserved and protected.

T.W. ARMAN'S PARTIAL LIST OF GRIEVANCES

1. EPA and site operator refused to provide T.W. Arman, the sole owner of this private property, the key, code, or remote control to the entry gate(s) since March 19, 2007.
2. EPA took gravel and rock and blocked the road to one of the mine buildings so that it can not be used.

IRON MOUNTAIN MINES, INC.

3. EPA is using 50 thousand sq. ft. of buildings and warehouse space without paying rent, which has been a loss to IMMI since 1986 of over 50 million dollars.
4. EPA uses the original school building which is from the original community of Minnesota, without paying rent, without care or maintenance, and the EPA or site operator have changed the locks and withheld the keys.
5. EPA restricts IMMI contractors from working after 5 pm weekdays or on weekends.
6. EPA monitors all of T.W. Arman's activities when he is on the property, requiring operation of a CB radio while driving the ten miles of T.W. Arman's roads.
7. EPA project manager Rick Sugarek does not let T.W. Arman or his friends and guests use the property for camping overnight, despite the fact that over 700 acres is pristine wilderness unaffected by the EPA actions. EPA and site operator correspondence refer to T.W. Arman as a visitor to the property, not as the owner, and refer to the mine as abandoned. T.W. Arman has submitted evidence that the previous owners operated a copper cartel and intentionally abandoned mining of Iron Mountain to fix copper prices. T.W. Arman has submitted evidence that his numerous efforts to resume mining have been obstructed by the EPA collusion and conspiracy with the cartel co-defendants who settled with the government without T.W. Arman's participation or informed consent. Iron Mountain Mines, Inc. has always been the operator of the facility, and T.W. Arman the owner. T.W. Arman is third party and innocent landowner to the actions by the

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(obviously), Rudy Carver then directed the maliciously vindictive action of changing the gate lock causing T.W. Arman's personal and business restrictions from the premises, a felonious unlawful detainer, and an exaction unsupported by judicial action; coordinated by the EPA project manager Rick Sugarek; under the direction of EPA counsel John Lyons and Kathleen Salyer; and with the acquiescence of the California and United States Attorney Generals; an abuse of discretion by each and every court to entertain this matter from then forward. All are joint and several trespassers. Citizen arrest of judgment complaint in intervention suit. This is a fraud upon the court since 1986.

13. EPA has failed to investigate and prosecute hate crimes of sorcery or witchcraft practiced on the property after the announcement of the Christ Statue and Spiritual Retreat to be constructed at and upon Iron Mountain Mines properties.
14. EPA has intentionally blocked roadway access to several mine areas, such as the mineral assay building near the Lawson portal, without just cause and with constructive and implicit ulterior motives.
15. EPA stopped the world's largest solution mining contractor at the time (Davy McKee Corp.) from proceeding with a 1986 agreement for mining of the massive sulfide ore bodies (known to contain over \$3 billion of gold, silver, copper, and zinc, and now known to contain over \$15 billion of iron and sulfur with trace elements and over 100 million tons of overburden rock, half of which is for building dams on the property), and the EPA stopped all massive sulfide mining activities..

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16. EPA has kept T.W. Arman, his associates, contractors, scientists, engineers, and himself from entering the Lawson or Richmond mine portals with locked gates and denial of entry. EPA and its contractors have denied access to T.W. Arman's and IMMI's mining joint venturers who enjoy rights of present and exclusive possession and enjoyment of the premises equal to T.W. Arman at his will and pleasure, and who are not defendant parties to these proceedings. T.W. Arman is the exclusive owner of these portals, these mines, these lands, these premises, and these properties that are Iron Mountain Mines and Iron Mountain Mines, Inc. The EPA totally restricts access without any court order granting such authority to do so, and without just cause and with malicious intent. According to Executive Order 12630, it is a crime for a government agency to prevent access of an owner to his property. EPA is negligently in violation of that order and the law. The government of the United States has allowed a conspiracy by practitioners of a militant environmentalist ideology antithetic and averse to the principle of liberty protected by republican form of government to deprive T.W. Arman of the guarantees of private property rights; freedom from governmental tyranny and oppression; and which has been used to commandeer these properties (which are military scrip warrant, freehold estate, agricultural college, & law of the Apex General Mining Law Patent Title) absolute fee simple land exempt from seizure. The United States Presidential authority, Congressional approval, and District Court decree endorsing this invasion and occupation of private property by false claims of jurisdiction and of regulatory authority to these mining lands,

IRON MOUNTAIN MINES, INC.

false claims of T.W. Arman's contribution to a disposal of hazardous wastes; false claims of contribution and endangerment to a domesticated fish population existing in an artificial reproductive environment; false claims of an EPA ability to perform the duties required and commanded by the Dec. 8, 2000 consent decree; false claims by the EPA of the safety to human health and the environment of the acutely toxic hazard waste sludge negligently disposed in the unauthorized and demonstrably failed toxic pit in violation of California and federal health, safety, seismic, and environmental laws; false claims in support of an unnecessary negligent imminent and substantial endangerment to T.W. Arman, IMMI and the property, the environment, and the public; false claims of a right to be compensated for such negligent actions or compel T.W. Arman and IMMI to pay for these unconstitutional exactions, when the EPA has settled with the responsible party for all response costs, and the EPA has settled to be reimbursed for any unrecovered past response costs from the Trust II payable in 2030 if there is any funds remaining in that trust; false claims of an EPA right to compel a removal action when the owner is conducting the remedial action prescribed by the EPA's own Record of Decisions, the NCP and RCRA, and when the action is for the passive migration of natural occurring substances by natural processes in their natural condition from where they are naturally found. See CERCLA 9601 (a)(3). This is a prima facie takings claim with felonious unlawful detainer after neglect and failure to perform by negligent joint and several

IRON MOUNTAIN MINES, INC.

trespassers under color of law in a manifest injustice of errors of impunity and miscarriage of justice with fraud upon the courts against an innocent landowner third party act of God.

17. T.W. Arman, IMMI, and their employees, associates, and any other authorized parties are entitled to all of the protections afforded by law to the locators of mining claims and to the right of present and exclusive possession and enjoyment of the premises. These are T.W. Arman's prior rights. These are rights guaranteed by patent title and the mining laws of 1862, 1866, 1874, and 1881, and all are entitled to recover the property in an action of ejectment against the federal government for T.W. Arman. This is an adverse claim proceeding. The EPA has recovered security for an alleged debt in a settlement with the prior owners found to be the responsible parties (Stauffer Chemical, ICI Americas, Rhone Polenc, Aventis Crop Sciences, AstraZeneca et al), that is by operation of law to be expended before property may be attached to satisfy a debt. These fraudulent liens are on mine lands exempt from seizure.
18. EPA has no right to collect any money from T.W. Arman or Iron Mountain Mines, Inc. or to have a claim to a lien on any of Iron Mountain mines real property. The stigma and injury to reputation is damages in both person and property. T.W. Arman, Iron Mountain Mines, Inc., miners, tenants, guests, the public, and all citizens are endangered by the EPA conduct and by the very presumption of such overarching powers, and the environment and the endangered species are less safe than when treatment began. All of the EPA conduct has been arbitrary and capricious and unnecessary.

IRON MOUNTAIN MINES, INC.

**CONCLUSION OF ABUSES OF DISCRETION & MALICIOUS PROSECUTION;
FRAUDS UPON THE COURTS & DESPOTISM OF UNCONSTITUTIONAL LAWS.**

T.W. Arman has continuously opposed the government actions since the inception of federal interference in 1981 and the subsequent inclusion on the National Priority list. T.W. Arman has contested the lawful authority and jurisdiction of the federal government to conduct these recklessly arbitrary and negligent endangerments by the EPA, and T.W. Arman has continuously asserted his rightful authority to perform the correct actions for the care and maintenance of the property, actions that have been prevented by the EPA, resulting in vastly increased costs for the actual remediation. EPA continues to deny the right of T.W. Arman to provide the actual remedy, or to proceed with the proper treatment plan that is fully protective of human health and the environment and consistent with the NCP, RCRA, and CERCLA. T.W. Arman had a private plan ready in 1983 that the EPA basically adopted but delayed until 1995 after they abandoned the ludicrous notion to fill the mine with concrete.

The EPA actions are found to be contrary to the principles of democracy, in violation of the protections of the guarantees and rights, privileges, and immunities of patent title. The EPA actions are unsupported by law, science, reasoned environmental objectives, any common sense, and are shown to be neither protective nor preservative of the property or the environment, and are of no benefit to the people or the fish falsely claimed to be protected, but instead is in fact a arbitrary and capricious recklessly negligent endangerment.

Partial takings \$7,074,500,000.00 billion; Damages of \$18,000,000,000.00 billion.

IRON MOUNTAIN MINES, INC.

The EPA can only persist in this disregard and abrogation of prior rights with the federal government covering up its collusion with cartel operators to delay the mining necessary to remedy the pollution; cover-up the breach of duties and neglect by the joint and several trespassers; cover-up by the courts and the admitted practitioners of negligence and conflicts of interests perpetuating CERCLA suits that are unfair, unjust and unconstitutional; and a continuing imminent hazard to T.W. Arman and IMMI, the public and the environment.

Strike the liens, Void CERCLA as unconstitutional law.

Date: 11-15-09 signature: T.W. Arman

s/ T.W. Arman, grantee, patentee, trustee, proprietor, owner; President, IMMI.

Verification affidavit:

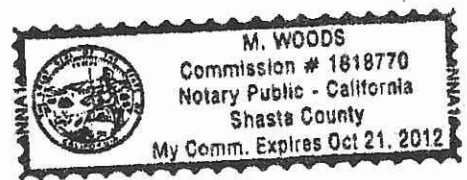
I, T.W. Arman, hereby state that the same is true of my own knowledge, except as to matters which are herein stated on my own information or belief, and as to those matters, I believe them to be true.

Affirmed this day: 11-15-09

Grantee and Patentee Signature: T.W. Arman

T.W. Arman, owner of Iron Mountain Mine

For Notary See attachment.
11-15-09 M. Woods



M. WOODS
Commission # 1818770

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Shasta }

On 11-15-09 before me, M Woods, Notary Public
Date Here Insert Name and Title of the Officer

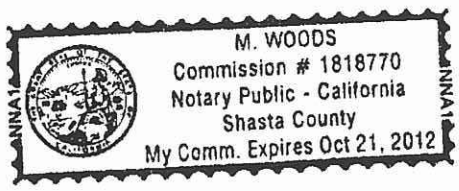
personally appeared T.W. Armon
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

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Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

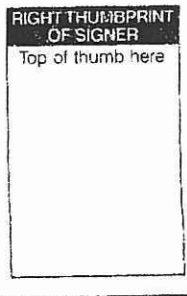
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- Signer's Name: _____
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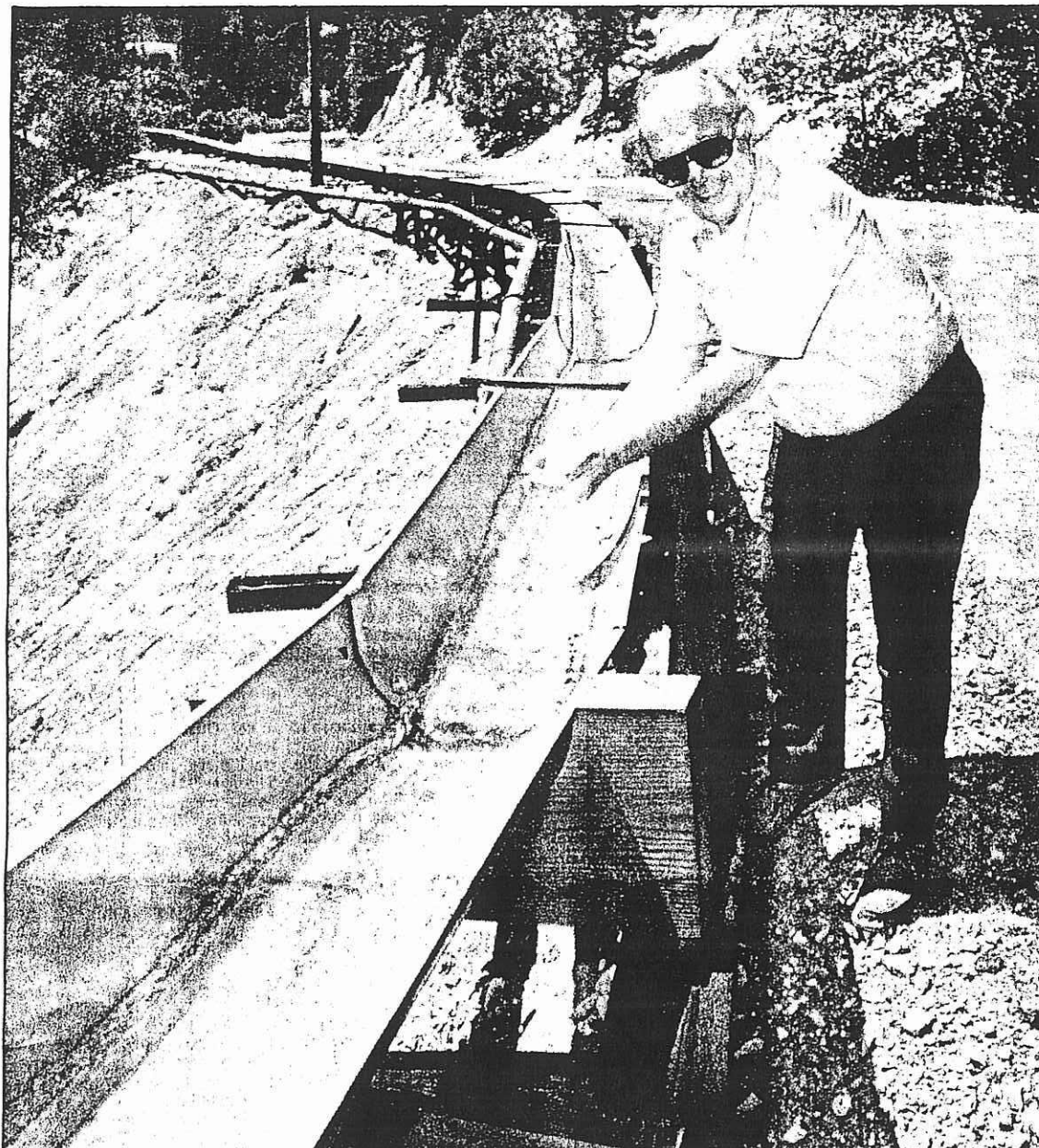


Signer Is Representing: _____

Shasta County My Comm. Expires Oct 21, 2012



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R-S photo by Tom Dunlap

T.W. "Ted" Arman grins while dipping hands into mine drainage the EPA considers hazardous to fish

Iron Mountain cleanup near Owner Arman steadfast in opposition to EPA plan

By KATHERINE WILLIS

After decades of study, the effort to clean up Iron Mountain Mine wastes is set to begin this week.

Despite the property owner's continuing protests, workers are scheduled to start sifting through the rocky material on the mountain about midweek.

Employees of Stimpel-Wiebelhaus Inc. will be doing the job under a contract approved this month by the U.S. Environmental Protection Agency, said Richard Stimpel, president of the Redding firm.

The \$1.95 million contract, to be managed by CH2M Hill of Redding, covers the first of several steps in an EPA plan for cleaning up the site with \$70 million in federal "Superfund" money.

T.W. "Ted" Arman, president of Iron Mountain Mines Inc., objects to the EPA plan for work on the mountain eight miles northwest of Redding.

Arman said his own plan, which the EPA rejected on grounds that he provided insufficient detail, would remove much of

Treatment plan

See A-3

ly recirculating the water through the mine workings, then processing that water to remove the metals.

He escorted two Record Searchlight staff members up the mountain Saturday, but said he will strictly limit access to the site while the EPA-approved work is being done.

Arman is taking his objections to the public through newspaper advertisements warning that those involved in the EPA plan "will be held personally and collectively liable" for all damage to the property.

Stimpel said last week he is not worried about court action, because he expects the EPA to cover any litigation costs associated with carrying out the contract.

His company, therefore, will take great

mountain are covered by the contract, he said.

"Certainly there is the potential that the EPA would pick up the costs," said Rick Sugarek, EPA project manager in charge of the Iron Mountain Mine cleanup.

While such payments would depend on the nature of a suit, the federal agency has paid litigation costs for some companies sued while operating under EPA-approved contracts in the past, Sugarek said.

The EPA plan's first step, capping an open pit mine on top of Iron Mountain, is to be completed under the Stimpel-Wiebelhaus contract by fall, Sugarek said.

One of the materials to be used in that cap is the iron sulfate that Arman says is a product he markets to fertilizer companies.

"If they destroy that, then we've got reason to file an action against them," he said Saturday.

The EPA project is designed to reduce

Mine

Continued from A-1

the amount of water that seeps into the mountain by filling a large, bowl-shaped area atop the mountain so that water runs off the side, rather than soaking in.

The expected result is with less water going in, less would flow out of the mountain.

Arman said that work would interfere with the small-scale mining operation under way, and would create obstacles to his plans for future mining.

The EPA cleanup program follows years of study by federal and state agencies concerned about the metal-laden, acid drainage flowing out of the mine works.

That drainage has been blamed for fish kills in the mountain's creeks, Keswick Reservoir and the Sacramento River since the early 1900s.

Arman contends the mine drainage is not harmful to fish, a claim that is disputed by Dennis Heiman of the Central

Valley Regional Water Quality Control Board.

Heiman said the effect of high concentrations of copper and other metals on fish is well-documented over the years.

He said the lifeless arm of Keswick Reservoir where the mountain drainage is concentrated is further proof of the damage it can cause.

The drainage contains numerous heavy metals, primarily copper, cadmium and zinc.

Arman claims the state and federal agencies have wrongly designated the mine drainage a hazardous substance.

Heiman, who has been monitoring water quality at the site for several years, said there is no mistaking the danger to fisheries carried in the water flowing out of the mine's portals.

"Sure, this is sulfuric acid, but it's so weak, you could almost drink it," Arman said, dipping his hands into drainage flowing from the mine through a flume.

Record Searchlight

Monday, July 25,

Treatment plant at mine considered

An emergency plan calls for setting up a temporary treatment plant on Iron Mountain to prevent fish kills this winter, said Dennis Heiman of the Central Valley Regional Water Quality Control Board.

Whether or not fish would be killed without the treatment plant will depend on the weather: If Spring Creek debris dam fills with water containing heavy metals, then spills, it could mean massive fish kills, officials said.

The amount of metal-laden, acid drainage flowing into Spring Creek from Iron Mountain Mine is expected to be reduced by a project on the mountain this summer, but perhaps not enough to eliminate the danger of uncontrolled runoff that could kill fish in Keswick reservoir and the Sacramento River, Heiman said Friday.

The Redding-based water board sent a "cleanup and abatement order" last week to T.W. "Ted" Arman, president of Iron Mountain Mines Inc. and owner of the property west of Redding.

The order calls for Iron Mountain Mines Inc. to neutralize the drainage that flows into Spring Creek debris dam to reduce the danger that potential spillage would cause a "serious pollution problem."

Heiman said the mine drainage should be treated this winter because the U.S. Bureau of Reclamation might not release water from Shasta Lake to dilute spillage into Keswick reservoir if the debris dam overflows.

"With the lake being so low this fall, we'll have to keep our releases to a minimum this winter," said Paul Capener, Shasta Dam project superintendent.

He said the bureau might refuse to increase water releases solely to protect fisheries this winter. It will depend on the rainfall pattern and the amount of water stored in Shasta Lake, which is expected to drop to 135 or 140 feet below the dam crest by fall, Capener said

"With a short period of rain, Spring Creek debris dam could fill, and spill (water that normally would be toxic to fish). That condition is what they're concerned about, and I think it's very appropriate for them to take action to head that off," Capener said.

Government officials claim millions of tiny fish have been killed by the occasional overflowing of the debris dam, which is designed to allow slow, regulated releases of contaminated water that is quickly diluted by Shasta Dam releases.

Heiman said the treatment plan, which has not yet received funding, has been agreed to by representatives of the Central Valley water board, state Department of Fish and Game (DFG) and federal Environmental Protection Agency.

It calls for setting up a treatment plant, which might be the size of a trucking trailer, to remove the metals from drainage flowing out of the Richmond portal before it flows into Spring Creek.

That way the water that fills the debris dam would be less toxic to fish in case of uncontrolled spillage.

Operating the plant for three or four months beginning in October would cover the critical period for young winter-run chinook salmon, he said.

That would cost an estimated \$750,000, Heiman said.

DFG biologist Harry Rectenwald said last week efforts to ensure successful spawning of winter-run chinook salmon this fall, through cold-water releases from Shasta Dam, could be for naught if they were later killed by unchecked overflows at the debris dam.

Arman said Saturday that ditches dug last spring under his company's contracts would divert enough rainfall, which soaks into the mountain and later flows out with high metal content, to substantially reduce the amount of mine drainage flowing into Spring Creek.

He also said Iron Mountain Mine drainage is being unfairly blamed for fish kills that could be caused by other factors.



Iron Mountain Mines, Inc.

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IRON MOUNTAIN PROPERTIES
IRON MOUNTAIN INVESTMENT CO.
IRON MOUNTAIN MINERAL COMPANY
IRON MOUNTAIN HYDROELECTRIC CO

April 21, 1990

July 18, 2005 - Corrected for re-submittal

Mr. Paul E. Simpson, Chairman
and Members of the Board
California Regional Water Quality
Control Board
Central Valley Region
415 Knollcrest Drive
Redding, CA 96002

COMMENTS AND REBUTTAL TO THE PROPOSED CIVIL LIABILITY AND PUBLIC HEARING - IRON MOUNTAIN MINE SITE.

These comments and rebuttal are made to the Water Quality Control Board (WQCB) and the public to clear up information about Iron Mountain Mine, Inc., and to state the facts concerning the Iron Mountain Mines' alleged mine water contamination problem which the WQCB claims is in violations at the Iron Mountain Mines' property.

Myth Ted Arman, Iron Mountain Mines, Inc. (IMMI), or its officers did work for Stauffer Chemical Company or were affiliated with this company.

Fact Iron Mountain Mines and properties were purchased from Stauffer Chemical Company. The Purchase Agreement was signed on October 21, 1976, after approximately one year of negotiations. *(Ted Arman never worked for Stauffer).*

Myth The Iron Mountain Mines or its property has been abandoned as stated by Mr. James C. Pedri, Supervising Engineer with the Water Quality Control Board in Redding, California. *(This private property has never been abandoned).*

Fact Since IMMI's ownership, there have been continuous mine study activities on various mine deposits, mainly Brick Flat, Richmond, Hornet, Old Mine and No. 8 Mine. This activity has been mainly periodic exploration, mine studies, mine reports, mineral process design and environmental cleanup activities on the Iron Mountain Mines property. *(The massive sulfide ore has never been mined by IMMI).*

Included in this activity is the daily operation and maintenance of two copper cementation plants and occasional mining and shipping of ore (magnetite) and mine tailing products. The purpose of this activity is to keep the mines active until full production can be resumed, to keep this property environmentally clean, and to provide a wildlife preserve where no hunting will ever be permitted.

Fact Over the past 14 years, there have been six mine leases at Iron Mountain Mines: Ruskin Development Ltd.; BRX, Ltd.; Four Star Kilmore Resources Ltd. Other mine leases are pending.

Myth Ted Arman and Iron Mountain Mines, Inc., are the cause of hazardous mine water discharging from their mines which affects fish in the Sacramento River and the drinking water in the City of Redding.

Iron Mountain Mines, Inc.

Mr. Paul E. Simpson

April 21, 1990

Page 2

Fact The mine water discharge at IMMI is natural and an "act of God." The company or its personnel does not cause any of the mineral on this property to leach. However, the company has proposed several processes that would control all drainages as the result of natural leaching. These proposals were rejected by EPA and the State Agencies; recently a proposal was made to EPA and the State that would directly stop mine water drainage, and again this proposal is being rejected. *(EPA made Iron Mountain a Superfund site that destroyed our financing).*

Myth IMMI is dumping tons of metal (copper, zinc, cadmium) into the Sacramento River.

Fact The discharge of minerals in the mine water at the Richmond Portal is highly diluted by the time it reaches the Sacramento River, which is approximately five miles. Further reduction of minerals occurs at the Spring Creek Debris Dam. Therefore, it is estimated that less than one percent of mine water is affecting the Sacramento River. Example: Shasta Dam releases approximately 6,500 cfs based on annual averages. The Richmond Portal has a natural mine water flow of 50 gpm based on annual averages. The results are less than one percent of the mine water from the Richmond that could affect the Sacramento River. A cup of coffee or soda pop spilled in a large swimming pool would be more damaging. The alleged mine water problems are insignificant and do not justify this site to be on Superfund.

Myth IMMI is causing fish kills in the Sacramento River.

Fact Since IMMI's ownership over the past 14 years, there has not been any hard evidence of fish kills with autopsies known to IMMI; a threat is not an actual fact. IMMI is continually blamed for all the problems with the Sacramento River. If past mining is the problem, it should be known that there are 19 other mines in the west and east Shasta Mining District that have mine drainages into the Sacramento River. Pesticides, herbicides, leaky septic tanks around Redding, toxic household products, low water temperature, and an array of other causes are the real problems, not just Iron Mountain Mines. More toxics are leaving each home and business in Redding daily than would leave Iron Mountain Mine Property in one year.

Myth IMMI is the only discharger of heavy metal into local streams on the Iron Mountain Mines Property.

Fact During EPA's remedial action, their contractor, CH 2 M Hill, spilled more heavy metal sulfides into Boulder Creek than has been spilled over the past 100 years of mining at this site. The clear evidence of this possible toxic problem is the spillage of iron sulfides into Boulder Creek and the spillage of sulfides along seven miles of private road on Iron Mountain property. No attempt has been made to date by EPA or CH2M Hill to cleanup this problem, and no enforcement is made by WQCB, Fish and Game, or Health Department over these problems. These sulfides contain copper, zinc, and cadmium and will remain on the bottom of Boulder Creek until cleanup is made by EPA and their contractors.

Iron Mountain Mines, Inc.

Mr. Paul E. Simpson

April 21, 1990

Page 3

Fact The hazardous ranking score (HRS) used to qualify the Iron Mountain site for the National Priority List (NPL) was used by the EPA in a process to make a Record of Decision (ROD) based on a Remedial Investigation/Feasibility Study. Superfund was then authorized by Congress, based on this administrative process. The strict designation guideline for this process is in the Federal Registrar which is published and updated monthly.

Fact IMMI was placed on the NPL and a ROD authorized by Congress based on false and misleading information in the HRS conducted and calculated by the WQCB in Redding. The Federal Registrar clearly states that a site must have a minimum score of 28.5 based on surface water, ground water, and air. The score given by the WQCB staff was over 56.8, the 3rd highest score in the United States, even ahead of Love Canal. However, the actual score t IMMI is "0" based on a private study conducted by Robert S. Miller and Associates in Sacramento. The state agencies and EPA chose to ignore the data in this private study and listed the Iron Mountain Mines property as a Superfund site.

Myth The Minnesota Flats pyrite tailing product was causing ground and surface water problems affecting 10 residential drinking water wells and the City of Redding drinking water supply because the site was within 2.5 miles of the City of Redding's Municipal intake.

Fact There were no drinking wells near the Minnesota Flats tailing pile, and the City of Redding intake for drinking water is over eight miles from this site. When this product pile was removed by EPA contractors, there was no ground water. The site was placed on Superfund for remedial action at the cost of \$73 million to attempt to cleanup a problem that does not exist.

Fact The Minnesota Flats pyrite was a commercial product basically used as an additive in fertilizer. EPA and their contractor, CH 2 M Hill, destroyed this product by moving it to Brick Flat on the Iron Mountain Mines property and burying it. All Best fertilizers had this product in it for years. The valuable minerals were basically iron, sulfide, zinc, and trace minerals. The estimated value for the total product taken by EPA is approximately \$7 million. This product was moved to Brick Flat by EPA contractors and placed onto valuable ore which is valued at an estimate of \$41 million. The estimated total damage to products, exploration areas, and taking pit-run-rock without just compensation to date is over \$52 million, not including interest for non-payment; the total due IMMI as of April 1990 is more than \$63 million. IMMI intends to collect all sums due and owing as a result of this illegal damage and taking of private property.

Fact IMMI is being held responsible for mine water that is naturally flowing out of mine portals.

Fact Two cleanup proposals were made by IMMI to EPA that would totally stop all mine water from entering local streams located on the Iron Mountain Mine property, one cleanup proposal in 1984 and the other in 1986. Both proposals were rejected by EPA. Recently, in March of 1990, another proposal to stop all mine water drainage was made by Stauffer Chemical Company and PRPS. To date this proposal has not been accepted.

Fact The WQCB is claiming violations for mine water discharges. A fine of \$100,000 is being imposed on IMMI for not complying with orders to remove 95% of the copper from the mine water and not reporting monitoring results from August 1989 to December 1989.

Fact IMMI takes mine water samples on a regular basis. These samples are forwarded to a laboratory in Grass Valley for analysis. When the results are reported in writing, a copy is normally mailed to the WQCB. (See attached list of samples taken between August 1989 and December 1989). Also duplicate samples are taken by the WQCB, Stauffer Chemical Company and PRPS. IMMI makes every effort possible within its means to comply with orders. Stauffer Chemical Company and all of the companies involved in "take-overs" become responsible with the EPA cleanup Remedial Action at this site as Potentially Responsible Parties (PRPs). On August 15, 1989, EPA Order 42 U.S.C. 9606 was filed listing to 1989 all companies now responsible for all remedial action cleanup at this site, and as of August 15, 1989, IMMI is expecting these companies to be responsible for not only the operation and maintenance of two copper cementation plants used for cleanup, but for all other cleanup in question that was on this site before IMMI's purchase of the property.

Fact IMMI discussed the operation and maintenance of the copper cementation cleanup facilities with Stauffer Chemical Company several times. Stauffer is now owned by a French firm called Rhone-Poulenc Basic Chemicals Co. and an English firm called Imperial Chemical Industries, Inc. Followup telephone calls were made to their San Francisco Bay Area office over the past several weeks and again, on April 17, the problems were mentioned. IMMI is looking to Stauffer and PRPS to operate and maintain these facilities as ordered by EPA on August 15, 1989. (See attached letter from Jeff Zelikson, Director, Hazardous Waste Management Division).

Fact IMMI never intentionally neglected to operate or maintain the copper cleanup facilities at Iron Mountain, as stated in writing by Mr. Pedri in his numerous reports to the WQCB over the past several years. The real facts are that IMMI has continuously operated and monitored the copper cementation plant at the mine site, except for a two-month period when EPA's "remedial work" so befouled the cementation plant with sludge that the system would not work sufficiently to meet Court orders. (This was the cause of the fine imposed by the Water Board).

Fact Mr. Pedri continues to intimidate and harass IMMI every chance he gets, either in reports to the WQCB or the news media, and he knows that IMMI is not responsible for natural mine water flows at this site.

Myth The minerals in the mine water at Iron Mountain Mines are dangerous to humans and wildlife.

Fact When are copper, zinc, iron, and aluminum in health foods and breakfast cereals dangerous to one's health? On the contrary, these trace minerals are essential to good health. Milk can be dangerous to your health. If the writer of this rebuttal takes a glass of milk, he will pass out within one hour. Does that mean that milk is toxic to everyone?

Mr. Paul E. Simpson

April 21, 1990

Page 5

Fact The mine water at Iron Mountain Mines contains minerals that are good and essential to good health, such as copper, zinc, iron, etc. Also, when used externally by applying the mine water directly to cuts, sores, or irritated skin areas, healing starts immediately, as experienced by this writer. When ponds of mineral water existed at Iron Mountain Mines, animal tracks in these ponds were noticed daily. There is something or a combination of minerals that animals like, such as the killing of mites and bacteria on their feet.

Fact The mine water minerals that are claimed to be harmful by EPA, Health Department, Fish and Game and WQCB, such as copper, zinc, iron, etc., are also in foods and medicines. Of course, they can be toxic when concentrated or used in extremes.

Myth The Iron Mountain Mines water is harmful to fish.

Fact There are many things harmful to newly hatched fish, and they will probably die if placed in cup of coffee, coke, glass of beer, or low water temperatures. All poisons that get into the water system from household products, farming, and industrial areas can be harmful to young fish.

Myth Mr. Pedri, WQCB, and Fish and Game claim that the mine water at Iron Mountain has the same acid strength as battery acid. These are direct and false statements.

Fact The mine water has sulfur in it because approximately 50% of the iron pyrite ore at Iron Mountain is sulfur. When the ore bodies leach naturally, a very weak solution of sulfur precipitates into the mine water. The sulfur solution is so diluted that it is harmless, regardless of its low pH level. Vinegar and other healthy foods are more acidic; however, this highly diluted acid from sulfur causes minerals in the iron pyrite to leach into the mine water. This leaching process has been going on at Iron Mountain for millions of years.

Fact The demonstrations put on by WQCB and Fish and Game to the news media recently to show that the mine water is the same as battery acid is vicious and misleading and should not have been allowed. The only purpose was to harm IMMI. Since the mines are not open to the public, there would never be an occasion for mine water to be in direct contact with the public. Even if mine water contact were made, it can also be demonstrated that there is not any harm to humans.

Fact If Mr. Pedri's demonstration was to impress the public that baking sodas will fizz in acidic water, then the same can be demonstrated with coke or vinegar and many other food items eaten by humans.

Fact Fishing the Sacramento River near Redding can be a delight to all fishermen. No fisherman has ever reported that IMMI is affecting their fishing. As a matter of fact, Keswick Lake, which is below Iron Mountain's property, has good fishing, particularly just below the tram building area where there is an iron pyrite tailing pile; and when it rains, sulfides drain directly into the Sacramento River and Keswick Lake. Since this tailing pile is on Bureau of Reclamation property, there has never been any criticism or violations concerning mineral sulfides that leach the same kind of minerals that leaches from Iron Mountain Mines. Obviously, the fish must like these minerals or they would not be there to be caught by fishermen.

Fact When Shasta Dam releases water from Shasta Lake in the early Spring, there is a discharge of heavy metals from the bottom of Shasta lake that can be seen in the water below Shasta Dam and all along Keswick Lake that also has a grey metallic appearance; and, to date, no complaint has ever been made by WQCB or Fish and Game concerning this problem having any effect on fish in the lake or river.

Fact The plume in the mouth of Spring Creek has a metallic appearance from time to time, which has been blamed on Iron Mountain Mines discharge of heavy metals out of the Debris Dam or Spring Creek. However, such a plume is now the result of sulfides spilled all along Boulder Creek by EPA contractors during their remedial action operations in September of 1988. This problem, if any, is not the responsibility of Iron Mountain Mines, Inc.

Fact During Stauffer Chemical Company's ownership of Iron Mountain Mine's property up to October 1976, the WQCB did not impose any violations or fines for the discharge of mine water drainage. As a matter of fact, there was a cooperative effort advised by the WQCB for Stauffer to "do the best you can" to abate the alleged problem.

Not until IMMI bought the property were there any enforcement actions. This is bias, prejudice, and harassment. *(and discrimination)*

Fact IMMI owns and controls approximately 3,000 acres of private property at Iron Mountain Mines. Less than 100 acres is mineralized and set aside for mining. The balance of land is set aside for the preservation of wildlife on this private property in perpetuity. IMMI is very interested in conservation and keeping its property natural with little or no land development. All mining activities will be in accordance with strict environmental practices. This property is kept in good order and is cleaner than most state and federal parks. The only problems to date are with EPA and their contractors, who continue to litter with cigarette butts and beer cans and other debris. *(This was happening during EPA's construction period.)*

Fact When IMMI was being put through the administrative process by the WQCB to be placed on the NPL for Superfund, IMMI contracted with the engineering firm of Robert S. Miller and Associates to re-evaluate the HRS conducted by the WQCB who falsely made a score of 56.8, the third highest score in the nation, ahead of Love Canal. The Miller report clearly establishes that the score made by the WQCB was wrong and misleading. The EPA and all other agencies chose to disregard the Miller findings, and IMMI was named as a Superfund site.

Fact The EPA Remedial Action/Feasability Study, at the cost of \$1.3 million, was awarded to CH 2 M Hill of Redding, California, who later became the prime contractor at this site. There appears to be a direct "conflict of interest," and this contract should not have been approved. Over \$73 million is now authorized by Congress to be spent at this site, and Congress refuses to review any of its errors. *(As of December 8, 2000, Consent Decree, EPA now has \$835 million available up to the year 2030 for the remedial cleanup at Iron Mountain private property.)*

Iron Mountain Mines, Inc.

Mr. Paul E. Simpson

April 21, 1990

Page 7

Conclusion

IMMI believes that this site should be taken off of the NPL and Superfund and let the land owners and the PRPS correct any of the environmental cleanup problems at their own discretion and time on the environmental issues until resolved. *(If EPA would approve of IMMI projects, the funds would be available for this cleanup and all projects).*

IMMI alleges that any action taken by WQCB at Iron Mountain Mines for alleged violations to pay \$100,000 in administrative costs *(now \$495,000 plus interest)* is not justified under these circumstances for which IMMI is not responsible. It is expected that Stauffer Chemical Company and PRPS are to assume these charges and responsibility and to comply with Order No. 78-152 and 88-713 and EPA Order pursuant to 42 U.S.C. 9606 and remove Iron Mountain Mines from all such orders. The Iron Mountain property is not a threat to public health, as proven by the EPA Remedial Action/Feasibility Study conducted by CH 2 M Hill. The only threat reported in their study is the threat to fish in the Sacramento River, which has never been substantiated; therefore, IMMI is requesting the WQCB to remove IMMI from all orders requiring the daily operation of its two copper cement treatment facilities at Iron Mountain *(which are no longer in operation)* and cancel all charges for violations to date.

Thank you.

We trust that the Board will take these comments and rebuttal seriously and be considerate and reasonable in IMMI's plight to correct this gross injustice forced on IMMI for acts of God and on unfortunate circumstances over many years, acts for which IMMI should not be held responsible.

Respectfully,

Iron Mountain Mines, Inc.



T. W. Arman
President

TWA:bm

Enclosures:

Copies of laboratory water analysis reports during period in question.

Copies of copper cleanup activity chart during period in question.



IMMI Developments

Iron Mountain Mines, Inc.

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

March 31, 2005

Mr. Barry Breen
Deputy Assistant Administrator
Office of Solid Waste Emergency Response
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460 M.C.5101T

RE: Superfund Ability to Pay Determinations

Dear Mr. Breen:

This letter is a request for your assistance on the subject: General Policy on Superfund Ability to Pay Determinations, a memorandum published on September 3, 1997 by the Office of Enforcement and Compliance Assurance, USEPA, Washington, D.C. 20460, under your authority as the then Director of the Office of Site Remediation Enforcement.

The San Francisco office of the EPA, represented by United States Department of Justice attorneys John Lyons and David Glazer, accompanied by California Department of Justice attorneys representing the state as co-plaintiff, refused on February 22, 2005 to give any further consideration to the request of our company, Iron Mountain Mines, Inc., that the rules stated in the "General Policy" memorandum cited above be applied to our case, in which the EPA alleges that we owe \$51.7 million, plus interest, for past Superfund remedial work on our property in Shasta County, California.

We assert that this obligation is the responsibility of former owners of the property. However, we are willing to assume some of this responsibility if it can be established in Federal Court that the terms of the General Policy apply in our case. A court date will be set now that the EPA's representatives have refused to give us any more time to arrive a reasonable settlement, after days of attempting to do so through the mediation of Judge John F. Moulds, a Magistrate of the U.S. District Court for the Eastern District of California, in Sacramento, culminating in the settlement conference held February 22.

Our Ability To Pay (ATP) issue was the subject of the settlement conference, and it has been the subject of our diligent negotiations since the latter part of 2003, which involved the EPA's hopefully making a determination in our case that it can discount its claim and settle for less than full value, based upon a potentially responsible party's inability to pay.

Mr. Barry Breen

March 31, 2005

Page 2

Iron Mountain Mines, Inc. (IMMI), is a small company with large real estate and valuable mineral resource holdings. I am the sole owner of this extremely valuable private property. We have been trying for the past twenty-eight years to activate this property for the production of commercial mineral products. But since the EPA unjustly made it a Superfund site in 1984, we have been restricted by various factors from commercial development.

We formed a new company in 1999, Essential Solutions, Inc. (ESI), for product and process research and development, with great success, to develop the technology to treat the mineral-rich mine water, called acid mine water drainage (AMD) by the EPA, and convert it into a liquid soil amendment fertilizer we call Ag-Gel. We have manufactured some of this product in our pilot plant on Iron Mountain. Our website is www.ag-gel.com. We have tested the effectiveness and the market for this product worldwide, with excellent results, since Ag-Gel replenishes the soil with micro-nutrient trace elements that are becoming depleted due to over-farming. We are finding that the market is huge and that this vital mineral product is greatly needed in agriculture. With the one-hundred- to two-hundred million gallons of natural mineral water, provided by "Mother Nature", flowing annually from the mines, this site is an important mineral resource that can supply worldwide agriculture and produce millions of dollars for employment and taxes in Shasta County, and for the United States.

The San Francisco regional office of the EPA apparently will not give our company any more time to negotiate a reasonable settlement, though they gave the previous potentially responsible party, Rhone-Poulanc/Staufffer Chemical Company, fifteen years to negotiate their settlement. So we are asking for your help, since your General Policy on Superfund Ability to Pay Determinations appears to give an opportunity for a small company to make such payments as may reasonably be required. Your policy states that the government (EPA) does not want to take property from a landowner but will work out a reasonable arrangement for the potentially responsible party to pay off its obligation over a five year period. IMMI has the resources required for such an arrangement, and has the ability to pay if the EPA does not create an "undue financial hardship", based upon a reasonable settlement and adequate time to perform.

I would like to know why we are not given the opportunity to prove that we can meet the alleged environmental debt under the Superfund within the five-year period as prescribed in your policy, since we have the proven mineral resources, the technology, and the vast potential revenues from Ag-Gel fertilizer sales for worldwide agriculture, home gardening, and landscaping—all of this available from our large private property holdings. Our only operational delay is the need to obtain the EPA's approval of our work plan. We have been assured that the

Mr. Barry Breen
March 31, 2005
Page 3

funds needed for a new manufacturing plant that will produce the liquid mineral mine water product, the sales of which will meet the "party's ability to pay its share of Superfund cleanup costs", will be available as soon as the EPA approves our work plan.

The settlement discussion on this matter with your San Francisco regional office was terminated, because, according to a letter from our attorney dated February 22, 2005, "The EPA did not have the confidence in your financial submissions to be able to obtain approval of a settlement on ability to pay." This is an unfair and unreasonable position by the EPA, and we would like to settle this difficult matter before letting this problem go to Court. According to your policy, a landowner who lacks the ability to pay the full amount owed can settle for a reasonable amount and have the assurance that the U.S. Government does not want to cause the landowner undue hardship.

We need a confirmation letter from your office as soon as possible so as to have a clear understanding as to how our company can cooperate on this matter, before the DOJ attorneys representing your San Francisco office proceed further in Federal Court, since that office has been threatening to take our property without giving our small company a chance to pay its alleged obligation through sales of our Ag-Gel commercial product. This threatened taking of this extremely valuable private property would be very costly to the government in that, according to the fourth amendment to the Constitution of the United States of America, it cannot be taken without just compensation. Moreover, such an action would be totally unnecessary, because the EPA already has full and complete access to the property for all its remedial activities, including the operation in perpetuity of the lime precipitation plant, which they claim has already eliminated 99.7 percent of AMD problem. The DOJ attorneys have called another preliminary meeting with my attorney for April 6.

We must ask, why is the EPA being so difficult about this matter? It is rather obvious from the threats issued by the San Francisco office that they have an ulterior motive.

We will greatly appreciate your immediate assistance in this serious EPA matter to protect our property and give us the opportunity to meet this payment obligation, if in fact we actually owe this alleged debt that can not be settled in any other way, since another court proceeding, with many interrogatories, depositions, and appeals, would be lengthy and costly, and would not accomplish anything to improve the environment nor to create business and jobs that can benefit Shasta County.

Mr. Barry Breen
March 31, 2005
Page 4

Of course, our position since the Consent Decree of December 8, 2000 has been that the EPA has already been paid from the funds paid on behalf of Rhone-Poulanc/Stauffer Chemical Company by their insurer, AIG, which will provide a total of at least \$835 million over the thirty-year period beginning in 2001. This settlement was agreed by all parties, including IMMI and T.W. Arman in a hearing before a Federal Court judge. In fact, I was an important part of that settlement process, having been prevailed upon to drop a \$10 million counter-claim against other parties so that the settlement could go smoothly forward.

Only months later did the EPA attorneys deny that IMMI and I were included in the Consent Decree and assert their current claim against IMMI and me, in essence seeking a double recovery, which should not be allowed, since the claim has already been paid by AIG. If my attorney or I had been told at the hearing, or at any time during the settlement process, that we were not included in the settlement as to all claims (we asked about this very point), I would not have agreed or consented to the settlement in which concurrence by all parties was required. It subsequently became clear that the government attorneys were deceitful and had lied to me and to my attorney so that I would concur, so that the settlement would be decreed, and so that the lengthy litigation against Rhone-Poulanc/Stauffer would end. The lying by these attorneys, shamefully representing the United States Government, should be enough to disqualify them from the practice of law, to discredit the government's case completely, and to require its withdrawal or dismissal.

So my first issue is that neither I nor IMMI have the money now to pay the EPA's claim, so, if the EPA has no expectation that we can earn the needed funds from future production, then, under your policy, we should be entitled to an ability-to-pay settlement at \$0 (zero dollars), i.e., an *inability-to-pay* settlement.

The second issue, if the first cannot be negotiated, is to for the EPA to allow IMMI and our joint venture company, Essential Solutions, Inc. (ESI) to set up a new and larger manufacturing plant on the IMMI private property so that it can start producing agricultural and home gardening products that will create revenues from worldwide markets that will be available to pay off a reasonable settlement amount over a reasonable time period, as I mentioned above. Again, our website is www.ag-gel.com. And there are other commercial products being developed as well.

May I make a reasonable business suggestion that can solve this alleged debt to the EPA and the state? IMMI has available the advanced technology that could replace the existing EPA-required, antiquated lime neutralization plant that is very costly to operate in treating the AMD. The AMD will never go away but

Mr. Barry Breen

March 31, 2005

Page 5

will continue to flow as long as "Mother Nature" causes it to rain and produce the groundwater that flows naturally through the aquifer in which the massive sulfide ore bodies lie. Your agency's own scientists have estimated that it will be 2500 years before these ore bodies, again provided by "Mother Nature", are depleted of the heavy metals being precipitated into a lime sludge that causes its own set of environmental problems that are much worse than the AMD.

Only a better technology and system can solve this problem. The technology that IMMI controls can recover all of these heavy metals, process them into marketable commercial products, and only clean water will be discharged—all of this at no cost to the EPA, in fact, at considerable savings as compared to the current remedial program. Therefore the alleged cost recovery debt claimed by the EPA and the state could be paid out of the unspent balance of the \$835 million fund provided by the AIG insurance company. In other words, by our applying this advanced technology available through our engineering and business contacts, thereby completely relieving the property owners, T.W. Arman and IMMI of any claim or obligation. Of course the existing \$85 million remedial infrastructure, including the lime neutralization plant, will always remain as a backup or contingency system. The outside business world is ready to do business based on these ideas, and we need the EPA's and AIG's cooperation.

The EPA's ATP policy should apply to all parties equally, without discrimination. We simply want to settle this issue equitably so that our business can go forward.

Sincerely,



T.W. Arman
President and CEO
Iron Mountain Mines, Inc.