



IMMI Developments

June 23, 2011

Case: 11-15383 06/27/2011 Page: 1 of 15 ID: 7802704 DktEntry: 24
Iron Mountain Mines, Inc.

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

RECEIVED
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JUN 27 2011

FILED _____
DOCKETED _____
DATE _____ INITIAL _____

Larry Martin Corcoran, Assistant U.S. Attorney
U.S. Government Department of Justice
Environmental Enforcement Section
P.O. Box 7611, Ben Franklin Station
Washington, DC 20044-7611

CERTIFIED MAIL RETURN
RECEIPT REQUESTED

Nancy J. Marvel, Regional Counsel
U.S. Environmental Protection Agency, Region IX
Office of the Regional Counsel
75 Hawthorne Street
San Francisco, California 94105

11-15383

Re: Iron Mountain Mines real property; **"US Wrongful Taking Without Just Compensation – Fifth Amendment"**

FACTUAL BACKGROUND

In 1896 Mountain Copper Company, an English Firm, purchased the Iron Mountain Mine Site in Shasta County, California, and actively mined the property. Stauffer Chemical Company, Rhone-Poulenc SA, a French Firm, and Imperial Chemical Industries, an English Firm are the successors in interest of the Mountain Copper Company, which actively mined the massive sulfide ore bodies from 1896 through 1962.

T. W. Arman and Iron Mountain Mine, Inc. (IMMI) purchased the Iron Mountain Mine Site from Stauffer Chemical Company on October 22, 1976. When IMMI purchased the property, Stauffer Chemical Company now Rhone-Poulenc intentionally failed to disclose material facts about the AMD problem at the property to IMMI.

IMMI contends that the above defendants are irresponsible corporate giants which sold Iron Mountain Mine to a small privately held corporation (IMMI) in an effort to avoid their corporate responsibilities and liability for the environmental problems they caused by actively mining the Mountain.

Further, since IMMI's ownership of the property, Rhone-Poulenc and Imperial Chemical Industries and ICI have actively interfered with IMMI's business activities by refusing to provide bonding required by the EPA to remove tailing piles. They have refused to recover void promissory notes and Deeds of Trust necessary to allow IMMI to obtain financing. Furthermore, the Environmental Protection Agency and its Contractors actively harass, interfere with and continue to refuse IMMI access to its private property so that it can develop the vast resources it owns at Iron Mountain.

As a result of Rhone-Poulenc's interference and EPA's stonewalling, IMMI has never mined any massive sulfide ore bodies that EPA claims causing AMD discharges at Iron Mountain. IMMI believes that the EPA

and the State did not in 1986 and still refuse to permit or allow IMMI to go forward with its own cleanup plan because EPA and the State wanted and still want to hold Iron Mountain Mines private property as a Superfund Site.

IMMI spent three years with a major engineering firm developing a comprehensive engineering plan for complete cleanup at the site, but the EPA rejected the plan as they subsequently have done with all plans IMMI has submitted to date. IMMI, through a partner contractor later developed an advanced technology to process the AMD at Iron Mountain into a beneficial agriculture fertilizer that meet all federal and state heavy metal requirements for fertilizer products and have submitted multiple work plans to the EPA only to be rejected. IMMI continues to actively pursue alternative remedial cleanup activities in an effort to eliminate the AMD problems at the mine site.

Since IMMI or T. W. Arman did not mine the ore bodies that EPA claims causes the AMD formation, IMMI or T. W. Arman can not be held to be the direct or indirect cause of any Hazardous Substance discharged Acid Mine Drainage within the meaning of CERCLA at Iron Mountain Mine.

The EPA claims payment for the cost recovery of \$26 Million plus interest. This amount was paid by the PRP's. This letter constitutes notice of payment from T. W. Arman to the EPA for their judgment; and demand by T.W. Arman for restitution from EPA for the remaining damages caused by EPA's wrongful conduct as follows.

EPA took 850,000 tonnes of Pyrite tailings, Iron tailings and High Density Sludge and buried it on top of Iron Mountain without T. W. Arman's permission who is the owner of the real property. The mineral and fertilizer value of these products are currently worth more than \$125 Million. EPA is responsible to pay the difference of \$125 Million and \$26 Million or \$99 Million plus interest to T. W. Arman immediately if the EPA is still claiming that T. W. Arman owes the cost recovery debt. The aforementioned valuation is based on June 1, 2011 LME metal prices.

The facts are that the cost recovery and judgment claimed by EPA at Iron Mountain Mines is False. The cost recovery was to be paid by the PRP's in direct proportion to each PRP's debt and causal relationship to the damage caused to the property if T. W. Arman could not pay it. Since Iron Mountain was never mined by myself of Iron Mountain Mines, Inc. neither Iron Mountain Mines Inc. or I have caused directly or indirectly, any damage to the property or the environment. Therefore the prejudgment environmental lien filed by the EPA on March 5, 2000, against the title to my real property should be removed immediately especially in light of the recent monetary judgment. There is no debt owed by IMMI or T. W. Arman to the EPA. See letter from Jeff Zelikson, Director, Hazardous Waste Management, dated September 20, 1989, and letter from Brian J. Stone, Attorney, dated January 2, 2011.

The EPA.s wrongful conduct at my mine site and property includes the true "Taking without just Compensation" of the following partial list of assets:

1. High Density Sludge – Heavy Metals; 550,000 tonnes at \$200.00/ton equals \$110 Million.
2. Pyrite Tailings and Heavy Metals; 100,000 tonnes at \$100/ton equals \$10 Million.
3. Iron Tailings and Heavy Metals; 200,000 tonnes at \$25/ton equals \$5 Million.

Total Commercial Products taken on the above list is 850,000 tonnes valued over \$125 Million and does not include the millions of tonnes of rock taken during the ongoing construction process by the EPA at my property.

Furthermore EPA and or its contractors and employees took valuable mine equipment, hundreds of irreplaceable and historically significant artifacts and thousands of tonnes of valuable decorative rock. To date neither Iron Mountain Mine nor T. W. Arman has been paid restitution for the loss of these irreplaceable and valuable assets. The EPA continues to block off roads with large rock and boulders and refuses to remove them thereby preventing access and use of these assets by the property owner.

The EPA violates my civil rights and personal freedom by monitoring my every movement and at times restricting me access to the 3,000 acres and 10 miles of private road on my property. They require me to call the EPA's office on the site as I pass each of 32 markers along the roadway leading to the top of Iron Mountain even if there is no other traffic on the roads. EPA ignores the U.S. presidential order protecting the property rights of access to private property. If I fail to abide with EPA mandates they restrict me access to my property.

The EPA continues to discourage private investors, mining companies and contractors from working with IMMI by means of intimidation and strong armed tactics. They intimidated the University of Reno spinel ferrite research program when EPA personnel told university researchers that "the owner" of Iron Mountain "will never get into operation at this superfund site". The tactic was successful in killing the spinel ferrite project. The EPA also used strong arm tactics when removing ESI personnel, a contractor of IMMI, from the property at gun point, threats of arrest, confiscation of personnel property and prosecution, thereby shutting down all further research and development with this project causing monetary losses to ESI and myself.

In December 2010, while attempting to remove a valuable fertilizer product from the ESI plant location at Iron Mountain, the EPA refused to allow access to my property. Even after submitting multiple work plans the EPA refused to allow my bulk transport contractor and I access to my private property to remove the product. The product in the tank had been sold for \$40,000 and the income was very important. This event caused irreparable financial and business damage to IMMI and me.

The EPA took all 3,000 acres of my private property and continues to use 55,000 square feet of warehouse buildings at the site without paying a single cent, even though only 100 acres are necessary for the EPA's remedial cleanup at this Superfund Site.

The EPA buried 1,000,000 tonnes of valuable pyrite ore at Brick Flat and 50,000 tonnes of sulfur ore valued at \$300/ton. Additionally they have taken thousands of tonnes worth of magnetite ore and untold thousands of tonnes of decomposed granite without paying for it. The EPA also used thousands if not millions of tonnes of rock and earth to construct an 85 foot dam on my property without permission.

All the minerals were commercial products to which I had customers until EPA took them without permission thereby destroying my personal livelihood. The attached photos are the pyrite tailings, iron tailings, rock piles and decomposed granite with commercial value intended for customers. These assets had commercial value in the millions of dollars until EPA through its contractors took them without permission, compensation or credit to me.

Since 1977, thousands of tonnes of mine tailings were sold to customers annually. Then EPA buried them in 2000 thereby permanently rendering them inaccessible to me. Additionally the EPA/AIG lime plant operation uses Brick Flat Pit at Iron Mountain private property to store 550,000 tonnes of sludge and adds an additional 40,000 tonnes annually. The sludge could be processed and sold as commercial products except that the EPA refuses to allow any private development on my property. The sludge is a commercial mineral product recovered from the AMD that flows naturally from mines at the site. It is not a hazardous material when processed and can be used for commercial products.

From 1977 to 2000, T. W. Arman sold mineral products to the following parties: The U.S. Corp of Engineers, Nuclear Radiation Products, Fertilizer companies, Cement companies, Copper companies, rock companies, for use in hospital labs as radiation shielding, and as ballast in ships, the San Francisco/Concord Bart project used magnetite ore for a rail project. Research and Development was actively in process of further developing additional markets for my products worldwide when the EPA irreparably damaged me and Iron Mountain Mines by taking its property without just compensation. Currently the only business in progress at the property now is an attempt at forestry restoration of the 1,000 acres of burnt trees and 5 historic houses which were destroyed by fire. EPA also stored, without permission materials in a 96 year old schoolhouse with historical significance, causing damage to the structure.

I now know that the EPA and Water Board fabricated partial truths and outright lies about Iron Mountain in order to obtain funding from Congress and the existing Lime Plant funded by AIG is not an efficient process nor is it the best currently available technology for processing the AMD at my property. I have better proven technology available to process AMD into a beneficial fertilizer product that exceeds all federal and state regulations however EPA refuses to allow me to operate it. EPA prefers spending \$4 million annually for the next 3000 years (the time EPA claims it will take to remove all the

minerals) and create 40,000 additional tonnes of sludge annually that will require storage at brick flats pit.

In a further attempt to harass and intimidate me, EPA workers erected witchcraft symbols along the roads on my private property at Iron Mountain. I personally took them down along the 10 miles of road. It is my belief that EPA and or its workers did these things in an attempt to intimidate me because of my intent to build a Christ statue at the 3,500 foot level. This is a clear attempt by EPA to violate my spiritual belief and is another example of civil right violations perpetuated by EPA.

I have owned Iron Mountain since 1976 and have granted free access to universities all over the world for research studies in geology and mining undergraduate and postgraduate students. These field trips arranged by me were often looked on with disdain by EPA personnel unless EPA received media credit and publicity.

There are over 40 Million tonnes of ore remaining to be mined in the future at Iron Mountain. At todays metal prices is valued at more than \$4 Billion US Dollars. This is only a partial list of the Taking and Damages caused by the EPA Superfund site on the Iron Mountain private property.

Sincerely,



T. W. Arman, Ind. and for
Iron Mountain Mines, Inc.

CC: John H. McKinley
3031 W March Ln # 230W
Stockton, CA 95219-6568

Molly C. Dwyer, Clerk
Re: Case 11-15383
U.S. Court of Appeals
P.O. Box 193939
San Francisco, CA 94119



EXHIBIT 1: EPA COVERED THE IRON TAILINGS THAT WERE FOR SALE.



EXHIBIT 2: EPA BURIED PYRITE TAILINGS ON TOP OF IRON MOUNTAIN THAT WERE FOR SALE.



Iron Tailings covered by the EPA

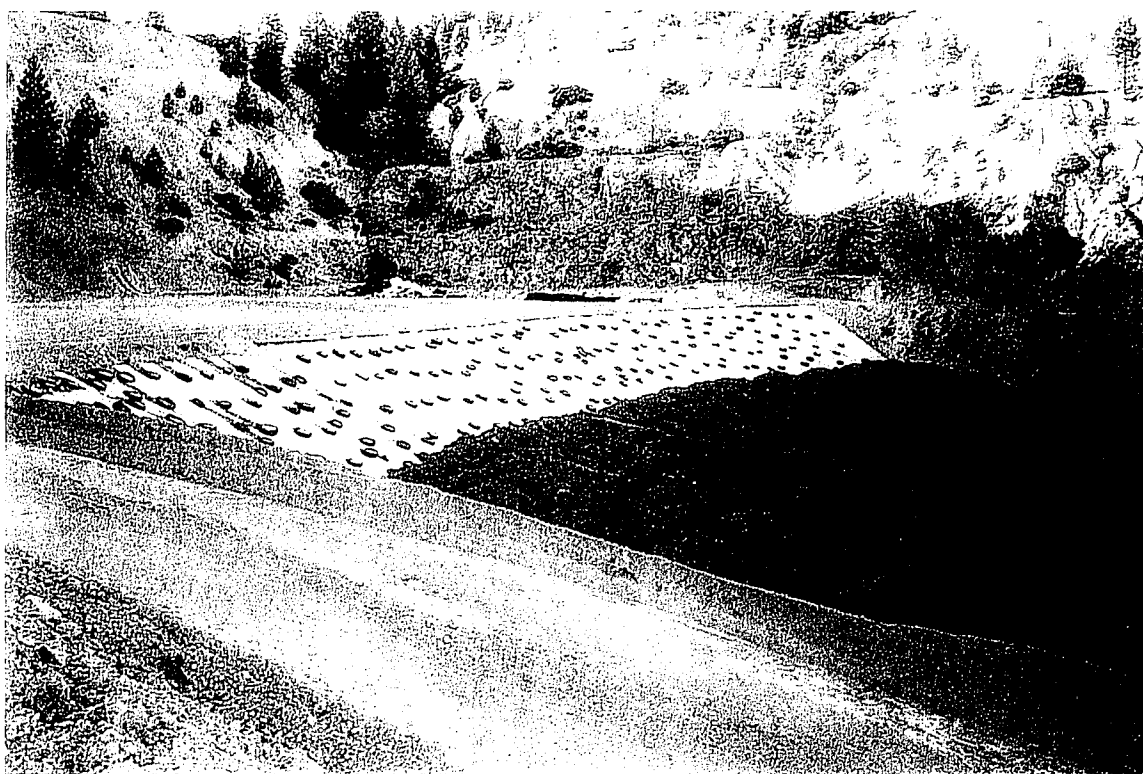


EXHIBIT 3: EPA COVERED PYRITE ORE DEPOSIT, MINERAL SLUDGE AND SULFUR ORE THAT WERE FOR SALE.

BRICK FLAT SLUDGE DISPOSAL SITE



EXHIBIT 4: EPA COVERED THE DECORATIVE ROCK THAT WAS FOR SALE.



EPA COVERED THE DECORATIVE ROCK THAT WAS FOR SALE.

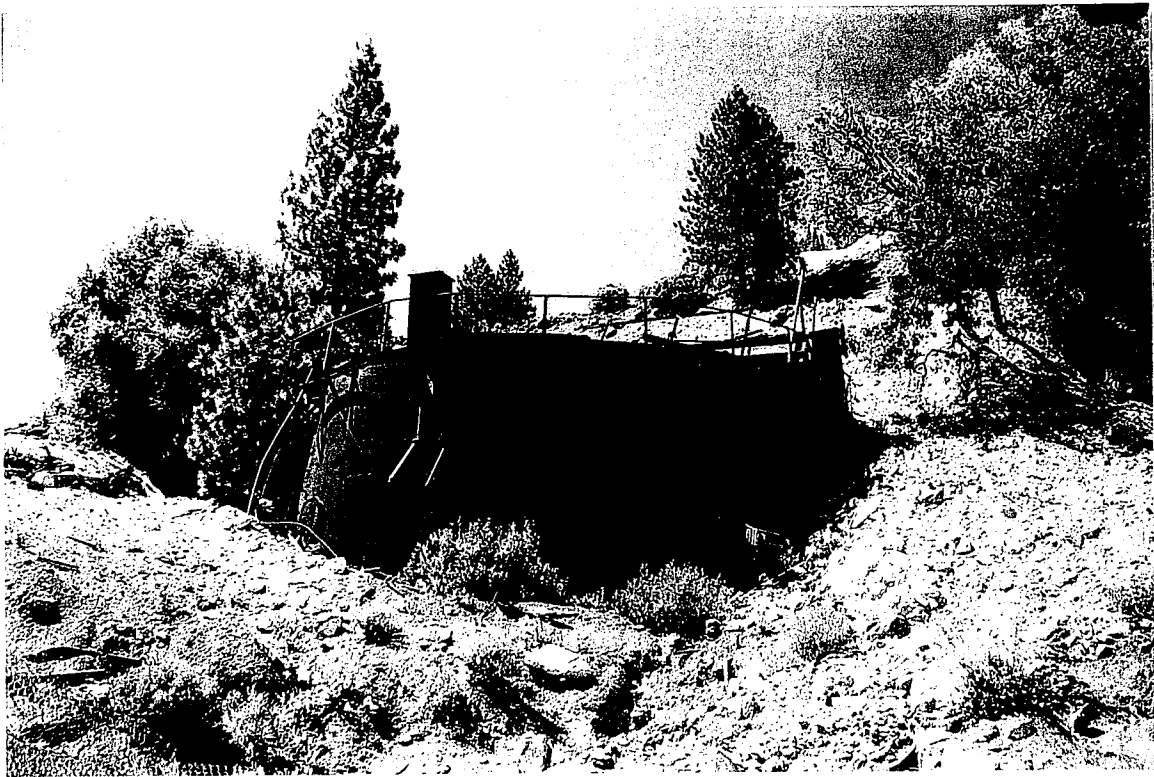


EXHIBIT 5: EPA DESTROYED AND BURIED THE 300,000 GALLON MINE WATER TANK THAT WAS FOR SALE.



Exhibit 2: EPA buried pyrite tailings on top of Iron Mountain that were for sale.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3901

Stauffer Chemical Co., a Division of Rhone-Polenc, Inc.
c/o Prentice Hall Corp. Systems, Inc.
229 South State St.
Dover, DE 19001

20 SEP 1989

RE: Iron Mountain Mine
Determination under Paragraph V of Order no. 89-18

Dear Sir or Madam:

This notice is being sent to all Respondents to the above-referenced order pursuant to Paragraph V of that Order. John Varnum, counsel for T. W. Arman and Iron Mountain Mines, Inc. (IMMI), informed the Environmental Protection Agency on August 10, 1989, that neither Mr. Arman nor IMMI have the financial resources to undertake the tasks required by the Order. Accordingly, the Environmental Protection Agency ("EPA") has determined that Mr. Arman and IMMI are unable to comply with the Order in a timely fashion. Under Paragraph V of the Order, Stauffer Chemical Co., a Division of Rhone-Poulenc, Inc., ("Stauffer") is now also required to comply with the activities required by this Order. On September 7, 1990, ICI Americas, Inc. ("ICI"), acting for Stauffer, informed EPA of its intent to comply with this Order.

This notice does not excuse either Mr. Arman or IMMI from any responsibilities under the order. EPA expects that Mr. Arman and IMMI will continue to cooperate with Stauffer, and their representatives, ICI, in their efforts under the Order.

If you have any questions regarding this determination, please contact Rick Sugarek of my staff at (415) 974-9312, or have your attorney contact Michael Hingerty of the Office of Regional Counsel at (415) 974-9671.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeff Zelickson", with a long, sweeping horizontal line extending to the right.

Jeff Zelickson
Director
Hazardous Waste Management Division

cc: T. W. Arman
John Varnum, Esq.
Patrick Finley, Esq.
Samual Malovrh, Esq.
RWQCB - J. Pedri
DHS - J. Astheng
Fish and Game - Harry Rectenwald
Mike Smith

LAW OFFICE OF
BRIAN J. STONE
A PROFESSIONAL CORPORATION
7455 RUSH RIVER DRIVE, SUITE 710-297
SACRAMENTO, CALIFORNIA 95831

BRIAN J. STONE

Tuesday, January 02, 2001

BUS: (916) 429-1101
FAX: (916) 429-1161
E-MAIL: stonejlaw@jps.net

Mr. T.W. Arman, President & CEO
Iron Mountain Mines, Incorporated
P.O. Box 1790
Folsom, California 95763

Confidential

Re: **United States of America v. Iron Mountain Mines, Inc., T.W. Arman, et. al.; United States District Court for the Eastern District of California, Civil Action No. S-91-0768, Consolidated for all purposes with Civil Action No. S-91-1167.**

Dear Mr. Arman:

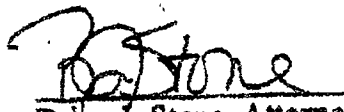
This letter represents a summary of the Settlement Agreement and Consent Decree issued in the above case on December 8, 2000. Federal Court Judge David F. Levi of the United States District Court in Sacramento, California issued a Court Order and approval of the Settlement Agreement and Consent Decree between all of the parties to this lawsuit on December 8, 2000.

In essence, Defendant AVENTIS CROPSOURCE USA, Inc. (formerly Rhone-Poulenc, Inc.) agreed to pay 835 Million Dollars (\$835,000,000.00) over a thirty-(30) year period to the Plaintiff United States of America, EPA and the State of California for remedial cleanup costs in perpetuity for the Iron Mountain Mines, Inc.'s real property in Shasta County, State of California.

You and Iron Mountain Mines, Inc. pursuant to Federal and State Law are entitled to a credit for the 835 Million-Dollar Settlement. Since the Government has been paid for all cleanup costs in the past, present and future, the Governmental Entities will not be seeking any monetary award against you and Iron Mountain Mines, Inc. in this matter.

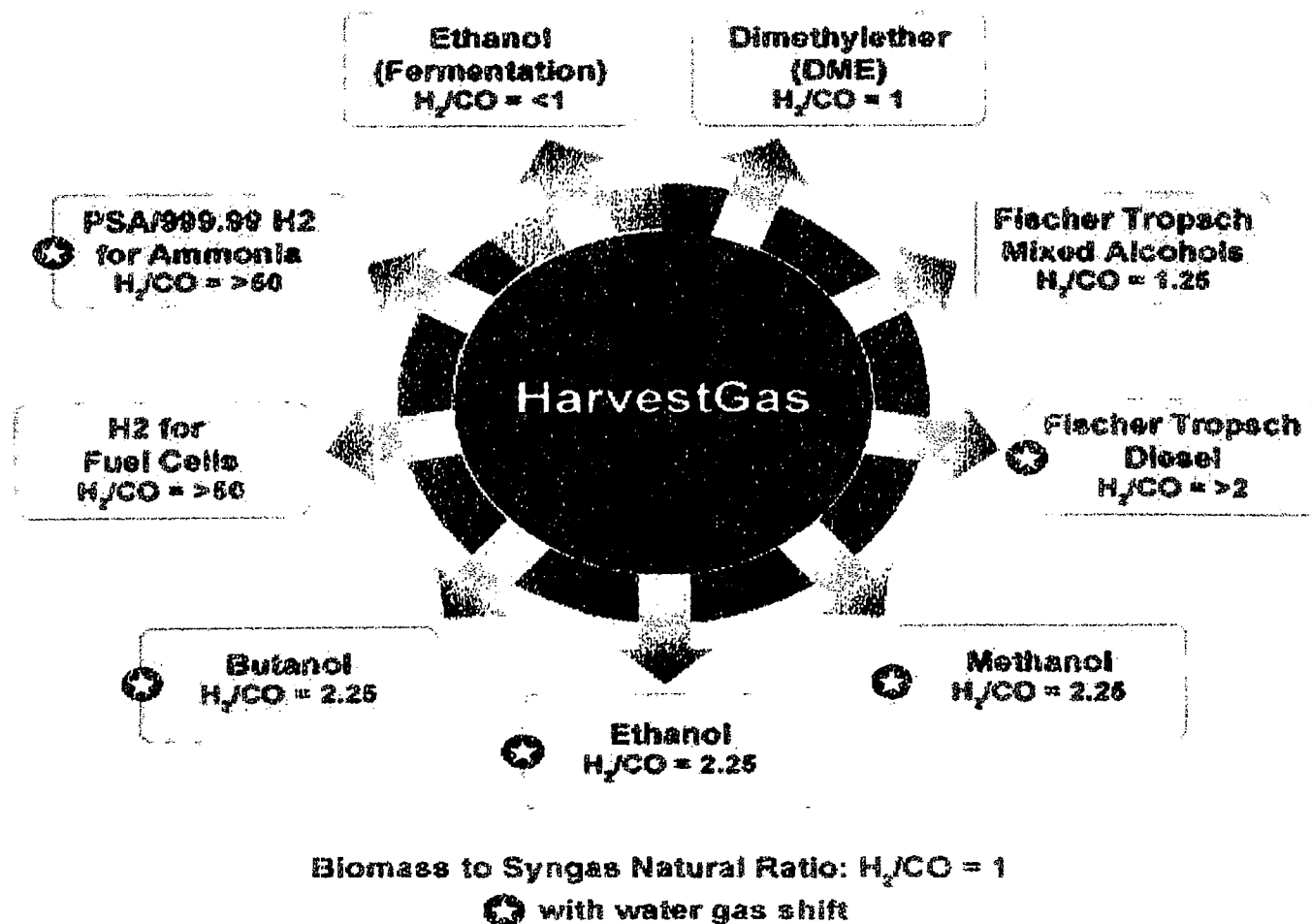
If you have any questions, please call me. **Congratulations!**

Very Truly Yours,


Brian J. Stone, Attorney

IMMI, with their university and industry technology partners, develop Fischer-Tropsch, Haber-Bosch, and other catalysts from Acid Mine Drainage and Sludge. These catalysts are used to produce fuels and fertilizers from mined and organic wastes, and iron oxides are being used for advanced chemistry and pharmaceutical applications, pigments, recycling and treatment.

IMMI also develop sustainable technologies such as sodium/ sulfur and zinc/air batteries for grid storage, fuel cells, solar photo-voltaic cells, superconductors, and advanced seismically resistant construction materials from mining wastes and building stone. IMMI and Essential Solutions will produce ADVANCED CONTROLLED RELEASE FERTILIZERS for sustainable rice.



T.W. Arman has proposed and directed that his joint ventures may assist in developing hydropower and other energy related resources, has been granted responsibilities for special use projects and any other uses expressly authorized by T. W. Arman.



IRON MOUNTAIN MINES, INC.

Executive Offices
1900 POINT WEST WAY SUITE 164
SACRAMENTO, CA 95815
916-922-8821
FAX 916-922-5692

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

August 9, 1996

Kenneth W. Hunter, Jr.
Vice President for Research
and Dean of the Graduate School
University of Nevada
Graduate School-326
Reno, NV 89557-0035

Dear Mr. Hunter:

Enclosed please find two agreements, Demonstration and Option, to be signed and one original sent to me. I want to thank you and Dick Bjur for a well written agreement.

The ferrite project for Iron Mountain Mines is very exciting. I am very pleased that the University of Nevada, Reno, Mackay School of Mines, is on this important project. The new technology, developed by UNR, is quite befitting for Iron Mountain considering the environmental problems at this site.

I spoke with EPA and Stauffer Management Company about our plans and they are very pleased to learn that UNR is behind this project. I expect full cooperation from both of them as we progress.

The financing will progress now that an agreement has been finalized. I also want to thank all of you for your assistance and perseverance over the past several months in making the initial phases of this project come together.

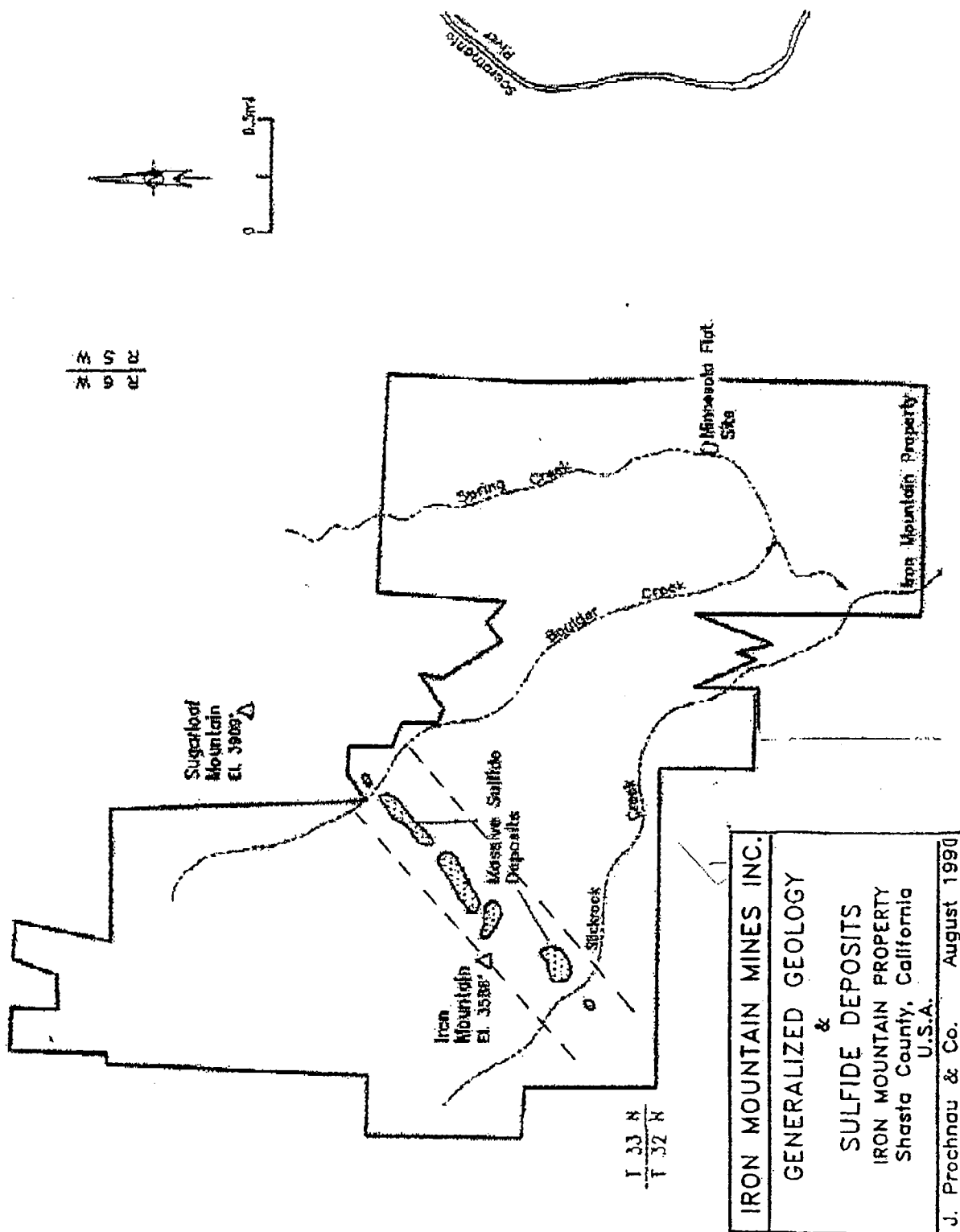
Sincerely,

IRON MOUNTAIN MINES, INC.

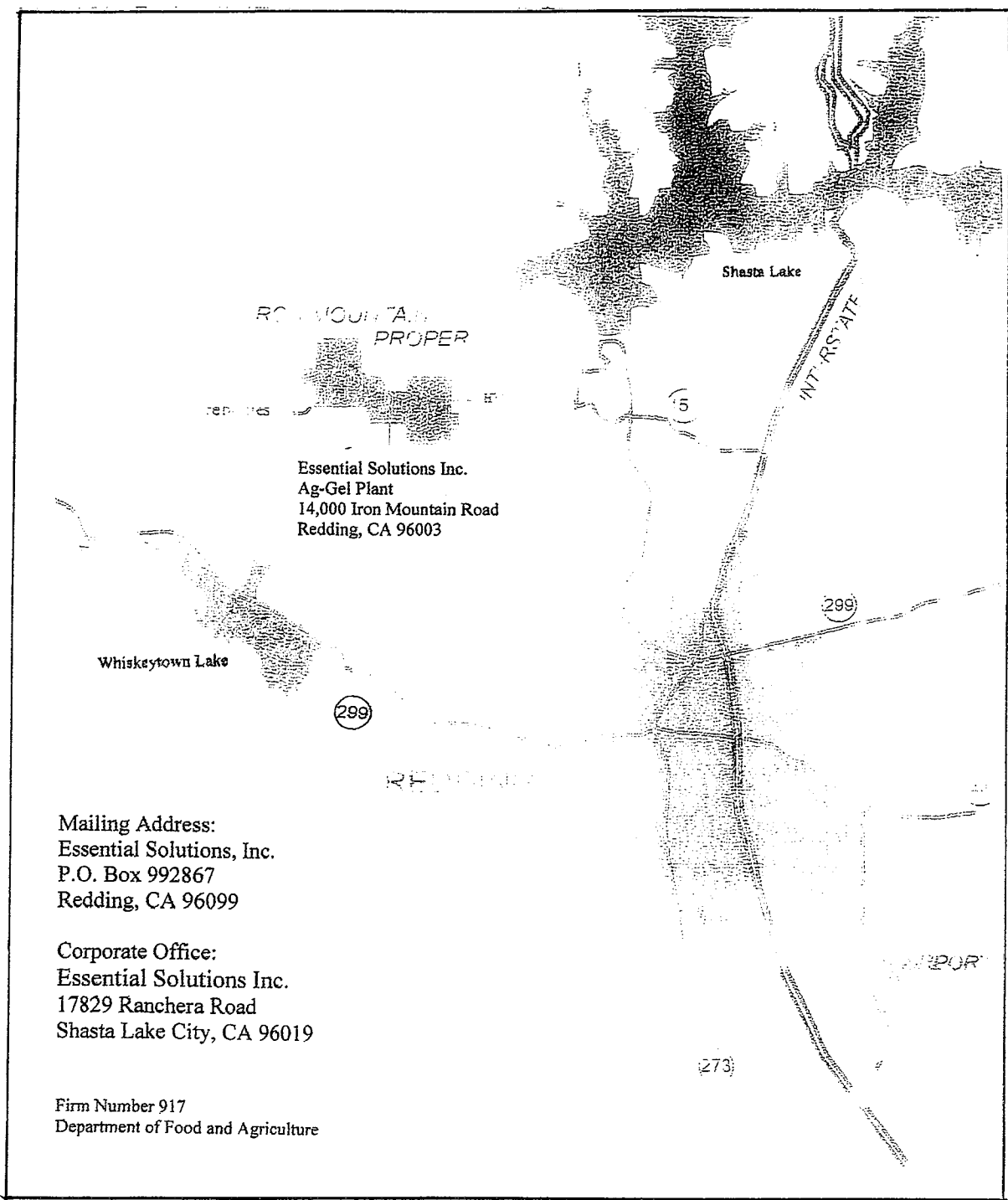
T. W. Arman
President and CEO

TWA:sc

Enclosures



T.W. (Ted) Arman, owner



Iron Mountain Mines, Inc.

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

Essential Solutions, Inc.

Website: www.ag-gel.com

LOCATION MAP