ATTACHMENT E

Action Summary of Planning Commission Hearing on August 4, 2016

HUMBOLDT COUNTY PLANNING COMMISSION
Board of Supervisors' Chambers
County Courthouse
825 Fifth Street
Eureka CA 95501

Draft Action Summary

August 4, 2016
6:00 pm

CALL TO ORDER / SALUTE TO FLAG Chair Morris called the meeting to order at 6:00 p.m.

COMMISSIONERS PRESENT Ulansey, Levy, McKenny Morris, Edmonds, Shepherd, Bongio
COMMISSIONERS ABSENT

STAFF PRESENT Steve Werner, Supervising Planner; Michael Wheeler, Senior Planner; Trevor Estlow, Senior Planner, Cliff Johnson, Senior Planner; Bob Bronkall, Deputy Director of Public Works Land Use; Suzanne Hegler, Clerk, Natalie Duke, County Counsel.

AGENDA MODIFICATIONS

APPROVAL OF ACTION SUMMARY

Action:	Move to approve the July 7, 2016 Regular Meeting action summary with amendments to item #6 and to both old business items.
Motion:	Commissioner Edmonds
Second:	Commissioner Ulansey
Ayes:	Commissioners Ulansey, Morris, Edmonds, Shepherd, Bongio
Nays:	None
Abstain:	Levy, McKenny
Absent:	None
Decision:	Motion carries 5/2.

PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

CONSENT AGENDA

Action: Public Hearing Item # 6 Ozanian Agricultural Preserve moved to the Consent Agenda.

Public Comment
None

1. **DePeel Parcel Map Subdivision**
   A Parcel Map subdivision to divide an approximately 2.55 acre parcel into two parcels of approximately 1.0 and 1.55 acres each. The parcel is currently developed with two single family residences which will each be sited on their own parcels. The parcels are served with community water provided by the City of Blue Lake and on-site wastewater treatment systems.

2. **Moser Final Map Subdivision Extension**
A two-year extension, in addition to the automatic one-year extension (SB 1185) and three, automatic two-year extensions (AB 333, AB 208 and AB 116) of a Final Map Subdivision (FMS-05-010) originally approved June 7, 2007. The project consisted of a subdivision creating twelve commercial lots within the Airport Business Park. The lots will be created from the two Remainder Parcels from the original subdivision and range in size between 30,310 and 61,230 square feet. All parcels will be served by McKinleyville Community Services District. **No change to the original project is proposed. This is the first extension requested by the applicant and if approved, the extension will expire on June 19, 2018.**

3. **Rasmussen Final Map Subdivision and Special Permit Extension**
A two-year extension, in addition to the automatic one-year extension (SB 1185) and three, automatic two-year extensions (AB 333, AB 208 and AB 116) of a Final Map Subdivision and Special Permit (FMS-05-006, SP-06-022) originally approved October 19, 2006. The project consisted of a subdivision of an approximately 76,500 square foot parcel into 6 residential lots ranging in size from 10,050 square feet (net) to 16,818 square feet (net). The parcels will be served by an interior roadway off of Second Road with a 40 foot right of way. The existing residence on proposed Parcel 1 will abandon the existing access from Second Road and will take access via the internal roadway. The existing barn on proposed Parcel 4 will be modified to meet the required front yard setback. An exception is requested to the lot frontage requirements for proposed Parcel 3 and 5. A wetland has been identified on site and a 25 foot setback has been proposed. A Special Permit is required to allow the existing barn on proposed Lot 4 to remain prior to the establishment of a primary use on that parcel. All parcels will be served by McKinleyville Community Services District. **No change to the original project is proposed. This is the first extension requested by the applicant and if approved, the extension will expire on October 31, 2017.**

4. **Cunningham Parcel Map Subdivision Extension**
A two-year extension, in addition to the automatic two-year extension as allowed by State Assembly Bill No. 116, of a Parcel Map Subdivision (PMS-10-004) originally approved October 6, 2011. The project consisted of a subdivision to divide an approximately 13,759 square foot parcel into two parcels of approximately 6,000 square feet and 7,759 square feet. The parcel is currently developed with a workshop which will be removed. The applicant requests an exception to the lot frontage requirements to create a flag lot. The parcels are or will be served by Humboldt Community Services District. **No change to the original project is proposed. This is the first extension requested and if approved, the extension will expire on October 18, 2017.**

5. **Benbow Properties Parcel Map Subdivision, Lot Line Adjustment, Conditional Use Permit and Inland Design Review Extension**
A two-year extension of a Parcel Map Subdivision, Lot Line Adjustment, Conditional Use Permit and Inland Design Review (PMS-08-012, LLA-08-018, CUP-08-020, DR-08-013) originally approved August 1, 2013. The project consisted of a Lot Line Adjustment between two parcels of approximately 1.27 acres and 24.9 acres to result in two parcels of approximately 3.16 acres and 23 acres in size. The 23-acre parcel will then be subdivided along with APNs 033-041-015 and 033-160-002 into four parcels and a Remainder. Parcel 2 is proposed to be developed with a single family residence which requires a Conditional Use Permit in a multi-family zone. Design Review is also required for the proposed residence. An exception request for the maximum length of a dead end road has been approved by Calfire with emergency access provided along the golf cart path. The parcels will be served with water from the Benbow Water Company and on-site sewage disposal systems are proposed. **No**

change to the original project is proposed. This is the first extension requested and if approved, the extension will expire on August 13, 2017.

Action: Motion to approve the consent agenda.
Motion: Commissioner Ulansey
Second: Commissioner Levy
Ayes: Commissioners Ulansey, Levy, McKenny,Morris, Edmonds, Shepherd, Bongio
Nays: None
Abstain: Bongio abstains from Item 4 Cunningham.
Absent:
Decision: Motion carries 7/0 for all items except item 4 which carries 6/1.

6. Ozanian Agricultural Preserve

An application to establish a Class "D" Agricultural Preserve pursuant to the California Land Conservation Act and the Humboldt County Agricultural Preserve Guidelines.

Action: Motion to Move to make all the required findings based on evidence in the staff report and public testimony, and recommend the Ozanian Agricultural Preserve project to the Board of Supervisors for approval, subject to the recommended conditions of approval.

Motion: Commissioner Ulansey
Second: Commissioner Levy
Ayes: Commissioners Ulansey, Levy, McKenny, Morris, Edmonds, Shepherd, Bongio
Nays: None
Abstain:
Absent:
Decision: Motion carries 7/0 by roll call vote.

NEW BUSINESS

PUBLIC HEARING

7. Royal Gold Conditional Use Permit

A Conditional Use Permit (CUP) to allow the manufacturing and distribution of potting soil within an approximately 15½-acre area spread across multiple parcels in the Glendale area. The Conditional Use Permit seeks to bring into compliance the existing non-permitted soil manufacturing operation and allow expansion from approximately 60,000 cubic yards of annual production to 100,000 cubic yards, as well as placement of a new 7,800 square foot building. The proposed membrane structure utilizes an arched truss design and would be placed over an area where stockpiles of material are currently stored, and utilized for similar activities. Coco pith is used as the basis for their soil products, though other components include: sawdust, compost, chicken manure, and fish bone. All of the materials used are imported and then processed at the project site. Daily operation primarily involves the importing of organic materials, grinding, screening, sorting, stockpiling, mixing, packaging, and distribution of the final soil product.

Action: Move to Adopt the Mitigated Negative Declaration and to make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and public testimony, and adopt the Resolution approving the Royal Gold project subject to the recommended condition #2 being modified to read "Applicant shall ensure that the noise generated by the operations shall not exceed 60 dBA/Ldn at the exterior of all nearby residences".

Motion:	Commissioner Edmonds
Second:	Commissioner Ulansey
Ayes:	Commissioners Ulansey, McKenny, Morris, Edmonds, Shepherd, Bongio
Nays:	Commissioner Levy
Abstain:	None
Absent:	None
Decision:	Motion passes 6/1.

Public Comment
Christopher Keyorse
Maurad Gabriel - Correspondence submitted and distributed
Jennifer Kalt - Correspondence submitted and distributed
Gary Reese – Agent
Meghan – Agent
Bob Browns
Chad Waters – Owner
Michael Back

CORRESPONDENCE

OLD BUSINESS

Discussion by the Commission and a specific request to have the Ad Hoc Committee and Traffic Impact Fee placed on the next agenda for discussion and possible action by the Commission.

Discussion concerning the Commission placing items on the agenda and whether the June 14, 2016 Board letter applies retroactively to those items that have previously been agendized by the Commission. County Counsel response was that a memo to address the Commissioners' concerns will be provided with clarification.

ADJOURNMENT **7:48 pm**

NEXT MEETINGS

September 1, 2016	6:00 pm	Regular Meeting
October 6, 2016	6:00 pm	Regular Meeting
November 3, 2016	6:00 pm	Regular Meeting

ATTACHMENT F

Applicant's Consultant Responses to Comments on Appeal

NOTE: Attachments 1 and 2 referenced on page 16 of the Consultant's response to comments letter are located in Attachment B (Humboldt Baykeeper Appeal) and Attachment D (Mitigated Negative Declaration) to this staff report.

Streamline Planning Consultants

• PLANNING • PERMITTING • ENVIRONMENTAL CONSULTING

DATE: November 17, 2016

TO: Humboldt County Board of Supervisors

FROM: Streamline Planning Consultants

RE: Response to Humboldt Bay Keeper Appeal Letter (dated 08/17/16)

Honorable Supervisors,

This letter is a response to the appeal letter filed by Humboldt Bay Keeper for the Humboldt County Planning Commission approval of the Conditional Use Permit (CUP 13-021) for the Royal Gold Soil Operation on 08/04/16.

Background

Royal Gold LLC is a coco fiber and potting soil manufacturer and wholesaler that has been located at 1689 Glendale Drive in the unincorporated community of Glendale since 2009. The Royal Gold facility is located on portions of the former McNamara and Peepe Lumber Mill site which operated as a lumber mill under several owners since the 1950's including the Arkley Lumber Company, Molalla-Arcata Corporation, McNamara and Peepe Corporation, and Blue Lake Forest Products (See Figure 4 – Site Plan). The most recent two owners filed for bankruptcy and left the site in an undesirable state. More than half a century of industrial operations on the site left copious amounts of trash, debris, machinery, and concrete rubble. Since Royal Gold's arrival on the former mill site in 2009 they have worked continuously to clear and remove the industrial remains in an effort to improve water quality, safety, and aesthetics.

Over the last several years, the Royal Gold company has worked diligently to obtain permits to conduct their business on this former lumber mill site from each agency with jurisdiction over their operation including the following:

- North Coast Regional Water Quality Control Board (NCRWQCB) – Industrial General Permit for a soil operation regulated under Standard Industrial Code (SIC) 2875 (Fertilizers, mixing only) including development and implementation of a Storm Water Pollution Prevention Plan (SWPPP)

- North Coast Unified Air Quality Management District (NCUAQMD) – Stationary Source Permits for stationary equipment including a screen, grinder, and soil mixing/bagging line which required development and implementation of a Facility Dust Mitigation and Housekeeping Plan

- Humboldt County Division of Environmental Health (DEH) – Environmental Notification for operations containing up to 12,500 cubic yards of compost material including development and implementation of an Odor Impact Minimization Plan

- Humboldt County Planning Department – Conditional Use Permit including analysis of environmental impacts under the California Environmental Quality Act (CEQA)

- California Department of Fish & Wildlife (CDFW) – Streambed Alteration Agreement for a small riparian enhancement project in an existing drainage ditch along the southern boundary of the facility

The Royal Gold Company has also consulted with or made modifications to this former lumber mill site to comply with the regulations of several other agencies including the following:

- California Department of Toxic Substances Control (DTSC) – Consultation with Project Managers Nina Bacey and Henry Wong of DTSC about the ability for Royal Gold to conduct their business on the former McNamara and Peepe Lumber Mill site

- Blue Lake Fire Department – Coordination with Fire Chief Ray Stonebarger to design the Royal Gold facility to provide adequate emergency access and renovate the fire suppression system at the site to comply with current fire code requirements

During these efforts to achieve compliance with regulatory requirements, numerous site visits were conducted by agency staff at the Royal Gold facility and the company is currently in good standing with each agency that has jurisdiction over their operations. Royal Gold spent substantial time addressing each agency's concerns and requirements to design an environmentally sound operation. This is evidenced by the fact that no comments were received by any agency on the CEQA Mitigated Negative Declaration that was circulated for the Royal Gold Conditional Use Permit application.

California Environmental Quality Act (CEQA)

Pursuant to CEQA §15070(b)(1), a Lead Agency shall prepare, or have prepared, a negative declaration or a mitigated negative declaration when the initial study identifies potentially significant impacts, but revisions in the project plans or proposals, made by or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review, would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.

For the Royal Gold Conditional Use Permit application (CUP 13-021) the Humboldt County Planning Department prepared an Initial Study and Mitigated Negative Declaration (MND) with the assistance of Streamline Planning Consultants (SCH# 2016032061). The MND identified potentially significant impacts to Aesthetics, Air Quality, Cultural Resources, Hazards and Hazardous Materials, and Noise. To ensure these potential impacts would be less than significant, mitigations were required for the project to address lighting, dust generation, inadvertent discovery of cultural resources, exposure to hazardous materials contamination during construction activities, and stationary equipment noise. The CEQA MND

for the Royal Gold project was adopted by the Humboltdt County Planning Commission at a hearing on 08/04/16 (See Attachment 2).

At the 08/04/16 hearing, Humboldt Bay Keeper submitted a letter (dated 08/04/16) and provided verbal testimony to the Planning Commission. In summary, Humboldt Bay Keeper stated the following: 1) they believe there is evidence that supports a fair argument that significant impacts will occur due to the proposed project and that it is likely to substantially degrade the quality of the environment and substantially reduce the habitat for fish or wildlife species; 2) they believe that the Mitigated Negative Declaration for the project is inadequate due to the failure to identify potentially significant impacts to water quality, hazardous materials, and biological resources; and 3) they believe that an Environmental Impact Report (EIR) should be prepared for the project. The Planning Commission considered the Humboldt Bay Keeper letter (dated 08/04/16) and testimony at the hearing on 08/04/16, and found that there was no substantial evidence that supported a fair argument that significant impacts would occur from the Royal Gold soil operation.

On 08/17/16, Humboldt Bay Keeper filed an appeal of the Humboldt County Planning Commission decision to approve the Royal Gold project. In their 08/17/16 appeal letter (See Attachment 1), Humboldt Bay Keeper reiterated their concerns contained in the 08/04/16 letter submitted to the Planning Commission, with some additional discussion on impacts to biological resources.

As stated in §15384 of the CEQA Guidelines, "*Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.*" Upon review of the information submitted and the testimony provided to the Humboldt County Planning Commission on 08/04/16 by Humboldt Bay Keeper, it is our belief that the comments provided by the appellant were based on a limited amount of research, misinformation, opinion, speculation, and numerous unsupported conclusions that do not meet the criteria for substantial evidence in §15384 of the CEQA Guidelines.

This is due to the fact that the appellant has limited knowledge of the day-to-day operations of Royal Gold, has not visited the facility since Royal Gold began operations in 2009, did not participate in providing comments on the 3-year long Humboldt County Conditional Use Permit process until immediately prior to the hearing before the Planning Commission on August 4, and has not contacted any other agency that has reviewed this project or issued permits for the Royal Gold soil operation. It is clear from review of the comment letter that the appellant provided to the Planning Commission, that their research was done hastily to try to support a fair argument that an EIR should be done for the project. The appellant essentially assembled information out of context from various agency documents and databases and the CEQA MND prepared for the project, to attempt to support a conclusion that the Royal Gold soil operation will have significant impacts related to biological resources, hazardous materials, and water quality. Most importantly, Humboldt Bay Keeper failed to acknowledge the highly disturbed baseline environment existing at the former McNamara and Peepe Lumber Mill site and on surrounding industrial properties in the community of Glendale which have been in industrial use for more than 50 years.

As such, we assert that the appellant has not provided substantial evidence that supports a fair argument that significant impacts will occur due to the Royal Gold soil operation project.

Humbooldt Bay Keeper Appeal Letter (dated 08/17/16)

Below are specific responses to some of the points made in the appeal letter concerning biological resources, hazardous materials, and stormwater mangement.

Biological Resources

A) Humboldt Bay Keeper Appeal Letter, Page 2:

"Hall Creek is one of the Mad River tributaries that has been the subject of funding from the California Department of Fish & Wildlife's Fisheries Restoration Grant Program. This program awards grants to restore fish habitat in high-priority watersheds for salmonids, including Coho and Chinook salmon and steelhead. Baykeeper is particularly concerned that the proposed Project's impacts to wildlife and water quality may interfere with this CDFW high-priority restoration."

Response:

Environmental Scientist Clare Golec of the California Department of Fish & Wildife (CDFW) conducted a site visit at the Royal Gold facility on July 30th, 2015. The site visit concluded with a recommendation from CDFW for the company to submit a Streambed Alteration Agreement for a riparian enhancement project in an existing drainage ditch along the southern boundary of the site. During the site visit CDFW did not express any concern about water quality impacts from the soil operation or interference with CDFW restoration efforts on Hall Creek.

No information or evidence was provided by Humboldt Bay Keeper to indicate that these restoration efforts were inhibited other than their misinterpretation of self-reported stormwater sample data available online through the State Water Resources Control Board (SWRCB) Storm Water Multiple Application and Report Tracking System (SMARTS). The basic inference made by the appellant was that since exceedances of Numeric Action Levels (NALs) were reflected in the self-reported data, then the Royal Gold soil operation must be having significant impacts to aquatic species and interfering with CDFW restoration efforts on Hall Creek. The appellant did not provide any specific information about what hydrologic connection the site has to Hall Creek or how aquatic species are specifically being impacted by the exceedances of Numeric Action Levels (NALs) established by the SWRCB.

This unsupported conclusion does not meet the criteria for substantial evidence in §15384 of the CEQA Guidelines. Therefore, the appeal letter from Humboldt Bay Keeper is lacking sufficient information and evidence to substantiate the claim that the Royal Gold soil operation may interfere with CDFW restoration efforts on Hall Creek.

B) Humboldt Bay Keeper Appeal Letter, Page 4:

"The MND fails to assess potential impacts to aquatic species and their habitats from these water quality impacts, which are described in detail above. Rather, the MND states that there will not be significant impacts to wildlife since such impacts would be short-term in that they would be limited to hours of operation, but this is nearly equivalent to all daylight hours. The MND also fails to provide evidence supporting its conclusion that wildlife are accustomed to commercial and industrial uses since it was a lumber mill until approximately 15 to 20 years ago, and that wildlife would simply move away from noise associated with the project activities. In any event, such relocations caused by the project's habitat

modification could be considered significant, and should be further evaluated for impacts to the species. The MND fails to provide meaningful information on this point. In addition, the MND fails to address the northern red-legged from populations on the site as described in public comments submitted by Dr. Mourad Gabriel at the hearing.

Further, the MND states that fish in the Mad River will not be impacted since the sediment and stormwater runoff are regulated by the Regional Water Quality Control Board's Industrial General Permit and associated Stormwater Pollution Prevention Plan (MND at 20). Again, however, self-reported data show that the company's stormwater pollution prevention controls are presently inadequate, and this problem will be compounded by the disturbance of dioxins and furans at the site without adequate investigation and mitigation measures."

Response:
The Biological Resources discussion in the CEQD MND adopted for the Royal Gold project included a search of the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) Online Inventory to identify federally and stated listed species and species of special concern that could exist in the project area. The discussion concluded that the project site is a highly disturbed former lumber mill site that is mostly paved and contains very little habitat for any species of sensitive plants or wildlife (See Attachment 2, Pgs. 19-23).

The only potential habitat at the site is the remnants of the former mill log pond and the drainage ditches which were modified by past industrial activities to function as a stormwater drainage system for the prior lumber mill operations. The remnants of the former mill log pond were converted to stormwater detention basins prior to Royal Gold's use of the site in 2009 and the drainage ditches were either culverted or channelized with concrete during past industrial activities. The only semi-natural drainage is on the southern boundary of the site which Royal Gold has received an agreement from the California Department of Fish & Wildlife (CDFW) to conduct a small riparian enhancement project.

As stated in the Biological Resources section on Page 21 of the CEQA MND adopted for the project (See Attachment 2), "*During multiple site visits conducted at the project site over the last 3 years, including site visits with agency staff members from Humboldt County and various state agencies, it has been observed that the project site does not contain sufficient habitat for the protected species listed in the setting above. This is due to the following observations: 1) that the project site is located outside of the Mad River riparian corridor and surrounding forest lands; 2) the majority of the project site is covered with structures and concrete/asphalt; and 3) the site has been used for heavy industrial purposes since the 1950's.*"

Environmental Scientist Clare Golec of the California Department of Fish & Wildife (CDFW) conducted a site visit at the Royal Gold facility on July 30th, 2015. The site visit did not result in Ms. Golec, or CDFW as an agency, expressing concerns about impacts to aquatic species from the Royal Gold soil operation. CDFW also received a referral from the Humboldt County Planning Department for the Conditional Use Permit application and provided no comments on the project. Additionally, CDFW received a copy of the CEQA MND during the document circulation period and did not provide any comments on the Biological Resources discussion or raise concerns about impacts to aquatic species such as salmonids or the northern red-legged frog. Considering that the California Department of Fish & Wildlife (CDFW) is the

agency mandated with addressing impacts to sensitive plant and animal species, they have been very active in Humboldt County providing comments on projects where they have concerns. Had they been concerned with this project after their site visit, they would have requested preparation of a biological report or recommend project modifications or mitigations if they determined that significant impacts were occurring. However, this has not occurred during the Royal Gold Conditional Use Permit/CEQA process.

The appeal letter from Humboldt Bay Keeper states that "*...the MND fails to address the northern red-legged frog populations on the site as described in public comments submitted by Dr. Mourad Gabriel at the hearing.*" Mr. Gabriel submitted google earth imagery in his written comments to the Planning Commission which identified three areas on the former McNamarea and Peepe Lumber Mill site that he feels contains northern red-legged frog habitat. One of these areas is outside of and uplope from the Royal Gold facility boundaries. The other two areas are remnants of the former log mill pond. The former mill log pond remnants are discussed in the Biological Resources section of the CEQA MND on page 22 which states, "*Since the removal of the log ponds, these areas have been used as stormwater basins to capture site drainage. Although now host to some hydrophytic vegetation, as manmade drainage features they are not protected under the County's Streamside Management Ordinance, as they were constructed for industrial purposes and contain no natural water source other than site drainage and runoff. They were not identified in the National Wetland Inventory, nor identified for protection or care by resource agencies during project review. The applicant proposes to continue utilizing the stormwater basins as part of the stormwater retention system at the site, which will allow biofiltration of the water runoff from nearby concrete pads and other impervious surfaces. This proposal was encouraged and endorsed by Regional Water Quality Control Board (RWQCB) staff during site visits conducted on October 16, 2012 and February 13, 2015.*"

No information or evidence was provided by Humboldt Baykeeper to indicate that aquatic species in the Mad River will be impacted by the Royal Gold soil operation other than their misinterpretation of self-reported stormwater sample data available online through the State Water Resources Control Board (SWRCB) Storm Water Multiple Application and Report Tracking System (SMARTS). The letter does not give any indication that the appellant has personal knowledge of potential habitat at the site or understands the existing disturbed environmental baseline. Instead, the basic inference made by the appellant was that since exceedances of Numeric Action Levels (NALs) were reflected in the self-reported data, then the Royal Gold soil operation must be having significant impacts to aquatic species in the Mad River. The appellant did not provide any specific information about what hydrologic connection the site has to the Mad River or how aquatic species are specifically being impacted by the exceedances of Numeric Action Levels (NALs) established by the SWRCB.

This unsupported conclusion does not meet the criteria for substantial evidence in §15384 of the CEQA Guidelines. Therefore, the appeal letter from Humboldt Bay Keeper is lacking sufficient information and evidence to substantiate the claim that the biological resources analysis in the MND is not adequate in addressing impacts to aquatic species and their habitat.

Hazardous Materials

A) Humboldt Bay Keeper Appeal Letter, Pages 2-3:

"The project site is located partially on the site of the former McNamara & Peepe lumber mill, which in 1967 was the site of a major spill of the dioxin-laden wood preservative, pentachlorophenol, which resulted in a devastating fish kill. Blue Lake Forest Products operated the site until it filed for bankruptcy in the 1990s, leaving the California Department of Toxic Substance Control (DTSC) responsible for remediating and monitoring the contamination plume as it moves toward the Mad River. In 1998, a steel reinforced concrete cap was designed and constructed over contaminated soils to prevent human contact and to stop the infiltration of rainwater. The plume of dioxin contamination is moving toward the Mad River, and is of great concern due to the proximity to Humboldt Bay Municipal Water District's intakes, which are approximately one mile downstream.

In 2014, DTSC's Five-Year Review Report for the site stated that

> *[G]roundwater elevations have increased at the site and PCP/TCP impacts have been documented in groundwater. The remedy [a.k.a. the concrete cap] no longer appears to be protective of groundwater resources. It is recommended that a Feasibility Study be conducted to assess remedial alternatives, a Remedial Action Plan (RAP) Amendment be developed based on the results of the Feasibility Study, Groundwater monitoring and cap inspection continue until the implementation of the RAP amendment.*

If groundwater rises to the surface, sheet flow can contaminate soils and stormwater. According to the staff report, the applicant currently stores compost over the steel-reinforced concrete cap over the contaminated soil. It is unclear from the MND whether the applicant's unpermitted activities ongoing since 2009 and/or the proposed expansion have the potential to impact the area of known suspected contamination. Since DTSC's soil and groundwater investigation is ongoing, it is premature to declare no significant impacts will occur as a result of the proposed project. In addition, further development of the site could impede future remediation."

Response:

The Hazards and Hazardous Materials section of the CEQA MND adopted for the project contains a discussion of the hazardous materials remediation activities that have occurred at the project site. As stated on Pages 28-29 of the CEQA MND (See Attachment 2), *"...the eastern section of the project site was operated as a lumber mill under several owners since the 1950s and a small portion of the site (APNs 516-101-060 & 516-111-63) is a State Response hazardous materials site (Envirostor ID: 12240115). During their operation of the site, the McNamara and Peepe (M&P) Corporation applied wood anti-stain solutions containing pentacholorphenol (PCP) and tetrachlorophenol (TCP) to lumber to prevent the growth of mold and fungus. Spillage and dripping of the wood anti-stain solutions caused PCP and TCP contamination of the soil, surface water and groundwater (envirostor.dtsc.ca.gov). The contamination primarily occurred in the green chain area, a conveyor system, which moved lumber from the sawmill and served as an area where lumber was sorted by size and wood anti-stain solution was applied by submersing lumber in a dip tank. The green chain area was located on the eastern portion of the project site on what are currently parcels 516-101-060 & 516-111-063 (See Figure 3 – AP Numbers).*

A steel reinforced concrete cap was designed and constructed over the contaminated soils to prevent human contact and to stop the infiltration of rainwater. The remediation activities at the site were certified by the California Environmental Protection Agency's Department of Toxic Substances Control (DTSC) in 1998. A news release from March 12, 1998 states, "The California Environmental Protection Agency's Department of Toxic Substances Control (DTSC) today announced certification of the hazardous waste cleanup activities at the former McNamara and Peepe Lumber Mill located at 1619 Glendale Drive near Arcata in Humboldt County...Certification means that DTSC has reviewed the cleanup and concluded that the remedial action at the site has been completed...Ongoing monitoring and maintenance activities will be required including; periodic sampling of groundwater and surface water drainage in the green chain area in addition to periodic inspections and repair of the cap when necessary.

On January 12, 1998, a 'Covenant to Restrict Use of Property' for the contaminated portion of the project site was entered into between McNamara & Peepe Corporation, Blue Lake Forest Products, Inc., and the California Environmental Protection Agency's Department of Toxic Substances Control (DTSC). The 'Covenant' was filed with the Humboldt County Recorder's Office (1998-2896-38) on February 4, 1998 and details the land use restrictions applicable to the contaminated portion of the site. In the document, the area where the concrete cap was constructed is defined as a 'Restricted Area' subject to certain 'Restrictions on Use.' As stated in the document, "Owner and occupant agree to not use the Restricted Areas for any of the following purposes: (a) A residence, including any mobile home or factory built housing, constructed or installed for use as permanently-occupied residential habitation; (b) A long-term care hospital for humans; (c) A day care facility for children or senior citizens; and (d) A public or private school for persons under 21 years of age." In addition, the concrete cap was constructed with a 56,620 lb maximum allowable load and a structure was placed on top of the concrete cap to prevent large equipment from traveling over the top.

The applicant currently utilizes the concrete cap & structure for the storage of compost which is an allowable use according to the land use restrictions contained in the 'Covenant.' Use of this area by the applicant was reviewed by DTSC and the agency determined that the storage of compost and use of a front-end loader was allowed and would not cause damage to the concrete cap & structure. The Department of Toxic Substances Control (DTSC) was contacted about the project and Project Manager Nina Bacey (510-540-2480) stated that continued use of the concrete cap area is allowed as long as it does not affect the monitoring wells at the site."

The recent Five-Year Comprehensive Review of the Former McNamara and Peepe Lumber Mill completed by CA DTSC (Nov. 2014) indicates that the contaminants (PCP/TCP) present under the concrete cap are moving down gradient due to rising groundwater elevations. The rise in groundwater elevations is attributed to the cessation of use of the well at the lumber mill when miling operations and withdrawals from the well ceased. The reporting by DTSC does not attribute the movement of contaminants at the site to activities conducted by the Royal Gold soil operation.

As stated on Page 17 of the Five-year Comprehensive Review of the Former McNamara and Peepe Lumber Mill completed by CA DTSC (See Attachment 3), "*The cap placed over the green chain area continues to provide protection against direct exposure to impacted soil and surface water runoff; however, it does not appear to be functioning as intended with regards to protection of groundwater resources. This is not due in*

any part to failure of the cap, but due to the unexpected rise in groundwater elevations most likely due to the cessation of use of the lumber mill production well when the facility closed. Monitoring well MW-1 has consistently been above the MCL for drinking water of 1 ppb for PCP since December 2003. TCP has also been detected in MW-1 routinely since 2003." The report concludes that a Feasibility Study be conducted to assess remedial alternatives, a Remedial Action Plan (RAP) Amendment be developed, and that groundwater monitoring and periodic cap inspection continue until implementation of the RAP amendment (See Attachment 3, Pg. 15).

After the appeal from Humboldt Bay Keeper was filed with the Humboldt County Planning Department, our firm contacted Henry Wong (510-540-3770) at CA DTSC on 08/24/16 who is the new Project Manager for the site since Spring 2015. Some of the statements made by Mr. Wong during the convsersation included:

- Mr. Wong concurs with the former Project Manager's assessment that the activity being conducted by Royal Gold in the area of the concrete cap is not of concern as long as the monitoring wells are not damaged and nothing is done to inhibit future groundwater monitoring at the site.

- Mr. Wong does not share the concerns of the appellant that the Royal Gold operation is conducting activities that would affect the contamination under the concrete cap at the site.

- Groundwater monitoring is conducted bi-annually by DTSC contractors and they have never seen groundwater rise to the surface at the site, nor do they consider it an issue that needs further investigation.

- Mr. Wong does not agree that the activities being conducted by Royal Gold will inhibit future remediation at the site.

The CEQA MND adopted for the project clearly states on Page 29 that the agency in charge of monitoring and remediation efforts at this former lumber mill site (i.e. CA DTSC) provided comments on the project and did not express concern about the storage of soil materials on the concrete cap. Any future studies (e.g. Feasibility Study), groundwater monitoring, or remediation activities at the site are the responsibility of the property owner and CA DTSC. Royal Gold leases the parcels (APNs 516-101-060 and 516-111-063) containing the concrete cap for the storage of compost material and coco fiber pallets which can be moved to other areas at the facility if remediation activities need to occur in the future. Royal Gold does not propose any development on the parcels containing the concrete cap that would prevent future remediation activities.

The Humboldt Bay Keeper appeal letter provides no information or evidence other than speculation that potential impacts to the hazardous materials contamination at the site could occur from the Royal Gold soil operation. The fact that DTSC is continuing to monitor the site and has requested a Feasibility Study to investigate other remediation alternatives does not support a conclusion that significant impacts are occurring due to the Royal Gold soil operation.

These inferences made in the appeal letter are erroneous and unsupported and do not meet the criteria for substantial evidence in §15384 of the CEQA Guidelines. Therefore, the appeal letter from Humboldt Bay Keeper is lacking sufficient information and evidence to substantiate the claim that the Royal Gold soil operation is causing significant impacts related to the hazardous materials contamination at the site and that the operation will impede future remediation activities.

B) Humboldt Bay Keeper Appeal Letter, Page 3:

"Any disturbance of contaminated soil cause [sic] by grading, excavation, and other heavy equipment use in or near the dioxin contamination site has the potential to have significant negative impacts to water quality, biological resources, and human health, and has not been adequately addressed and mitigated to less than significant in the MND.

Mitigation Measure MI-6 states that

> *Prior to issuance of the building permit and initiation of any associated grading, soil samples will be taken at all grading/footing locations, and analyzed for contaminants of concern. The results of any laboratory analysis will be forwarded to DTSC for review. Should contamination be discovered within the areas targeted for excavation, the applicant shall prepare a Soil Management Plan to ensure that all contaminated material excavated is properly disposed of (MND at 60).*

MI-6 is not adequate to ensure that there are no significant impacts related to hazardous materials, given the lack of information about where grading will occur relative to known dioxin/PCP contamination; which contaminants of concern the soil must be analyzed for; where, how many, by what methods, and by whom samples must be obtained; specific significance thresholds for contaminants of concern; or any specifics whatsoever about what the Soil Management Plan would contain and how it would protect the environment and human health. This amounts to a total deferral both of the lead agency's duty to investigate potentially significant project impacts, and of the lead agency's duty to evaluate feasible mitigation measure with set performance standards that would reduce or avoid any such impacts.

Humboldt Baykeeper believes that to avoid or mitigate potential impacts to groundwater, surface water, and possible contamination of potting soil products from dioxins, furans, and PCP, it is necessary to conduct further analysis. Given the contaminants known to be on site, the MND fails to ensure that construction and project related disturbances will not result in the further spread of contamination. MI-6 should be modified according to the results of further assessment by including a specific list of constituents of concern (including dioxins and furans), identification of the extent of grading and excavation related to the project, assessment of the potential risk of further contamination of groundwater and surface water, as well as the potential mobilization of soil contamination."

Response:

The Humboldt Bay Keeper appeal letter states that the disturbance of soils at the site has the potential to cause significant impacts to water quality, biological resources, and human health from hazardous materials contamination and that Mitigation Measure MI-6 is not adequate to ensure that there are no significant impacts related to hazardous materials. The letter concludes that further investigation for hazardous materials should occur at the project site and Mitigation Measure MI-6 should be revised

according to the results of the additional site assessment to include specific information about contaminants of concern and potential project impacts to soil and groundwater.

As detailed in Section 4.0 (Previous Site Investigations) of the Five-Year Comprehensive Review of the Former McNamara and Peepe Lumber Mill by CA DTSC (See Attachment 3, Pgs. 4-8), extensive investigation of the site for hazardous materials contamination has occurred since the mid-1980's. The conclusion of these investigations was that the green chain area was the only location at the site that had significant levels of contamination (See Attachment 3, Pg. 3). The former green chain area is located on the eastern portion of the project site on what are currently parcels 516-101-060 and 516-111-063 (See Figure 3 – AP Numbers). The remedial action chosen to address the contamination at the site, was to design and construct a steel reinforced concrete cap over the green chain area in the late 1990's to prevent human contact and to stop the infiltration of rainwater. This remediation activity was certified by CA DTSC in March 1998. The concrete cap area is currently used by Royal Gold for the storage of soil materials which is an allowable use under the land use restrictions applicable to the site and a use that CA DTSC has determined will not impact this State Response hazardous materials site.

Based on the numerous investigations for hazardous materials contamination conducted at the site, there is no indication that other areas of the site have significant hazardous materials contamination including TCP/PCP or dioxin/furan. Most of the area at the project site that is used by Royal Gold is paved and therefore the potential for impacting soils and groundwater is limited. Although there is absence of known contamination on other portions of the site, existing regulatory requirements of CA DTSC require pre-excavation soils analysis for any new ground disturbing activities on sites with a history of contamination.

The CEQA MND adopted for the project adequately analyzes the potential impacts of ground disturbance from the project on Page 29 which states (See Attachment 2), "*While there is not known to be soil contamination within the area targeted for placement of the structure, there is the potential that associated grading will uncover or disturb unknown hazardous materials at this State Response hazardous materials site. To address this issue soil samples will be taken at all grading/footing locations and analyzed for the presence of contaminanats of concern, prior to issuance of the building permit and initiation of any associated grading. The result of the laboratory analysis will be forwarded to DTSC for review. Should contamination be discovered within the areas targeted for excavation, the applicant shall prepare a Soil Management Plan to insure that all contaminated material excavated is properly disposed of. This has been included as mitigation measure MI-6.*"

As evidenced by the 04/02/15 e-mail from CA DTSC Project Manager Nina Bacey to Humboldt County Senior Planner Steven Lazar (See Attachment 4), CA DTSC considered MI-6 to be adequate for the proposed project. As stated in the 04/02/15 e-mail from Ms. Bacey, "*Based on the history of the Site as a former timber mill, I believe your proposal as indicated below is reasonable. Pre-excavation soil analytical results should be compared to U.S. EPA Regional Screening Levels (RSLs) for industrial/commercial use. If PCP or TCP concentrations exceed the RSLs, then a Soil Mangement Plan should be prepared before excavation of contaminated soil to ensure proper handling and disposal.*" Even though pre-excavation soils analysis is an existing regulatory requirement for any site with a history of contamination, County Planning Staff chose to also include this requirement as a mitigation measure in the CEQA MND adopted

for the project. If Mitigation Measure MI-6 were removed from the project environmental document there would not be a significant impact from the Royal Gold operation since the applicant must still meet the existing regulatory requirements of CA DTSC.

The CEQA MND adopted for the project contains discussion of prior site investigations and the location of known contamination at the site. The CEQA MND also includes a discussion of proposed construction activities and requires an existing regulatory requirement as a mitigation measure to ensure that pre-excavation soils analysis occurs at the site prior to issuance of building and/or grading permits.

The Humboldt Bay Keeper appeal letter provides no information or evidence other than speculation that potential impacts to the hazardous materials contamination at the site could occur from the Royal Gold soil operation. Their letter omits several important facts about the project site and County permitting process including: 1) no acknowledgement of the extensive site investigations that have occurred at the site over the last several decades; 2) that the Royal Gold operation has been determined by CA DTSC to be in compliance with the land use restrictions applicable to this State Response hazardous materials site; 3) that existing regulatory requirements specific to the project site require pre-excavation soils analysis prior to grading/excavation activity; and 4) that CA DTSC reviewd the proposed project as part of this Use Permit process and concurred that Mitigation Measure MI-6 was adequate to minimize potential impacts from hazardous materials contamination.

The unsupported conclusions and erroneuous information contained in the appeal letter do not meet the criteria for substantial evidence in §15384 of the CEQA Guidelines since they are based on limited information and a misunderstanding of the regulatory requirements of the Department of Toxic Substances Control. Therefore, the appeal letter from Humboldt Bay Keeper is lacking sufficient information and evidence to substantiate the claim that the Royal Gold soil operation is causing significant impacts related to the hazardous materials contamination at the site.

Stormwater Management

A) Humboldt Bay Keeper Appeal Letter, Pages 4:

"Polluted stormwater runoff from Royal Gold, LLC's activities has the potential to negatively impact aquatic species and their habitat in the Mad River and its tributary, Hall Creek. According to the MND, "Requirements of the permitting agencies will ensure that water is not degraded" (MND at 85). Although the MND relies on the applicant's Industrial General Permit (IGP) to protect water quality and protected species habitat, self-reported stormwater sample data available online through the State Water Resources Control Board's SMARTS database show numerous exceedances of technology based effluent standards, and receiving water standards, including standards for total suspended solids, nitrites, phosphorous, iron, and zinc.

It is clear from these exceedances of water quality standards that the existing Storm Water Pollution Prevention Plan (SWPPP) is not adequate to prevent significant impacts to water quality."

Response:
Royal Gold has maintained an active status under the California State Water Resources Control Board's (SWRCB) Industrial General Permit (IGP) Order No. 2014-0057-DWQ (IGP) since the State adopted the revised IGP in July 1, 2015. Prior to the adoption of the current IGP, Royal Gold was covered under a Storm Water Management Plan regulated by the Regional Water Quality Control Board.

As mandated by the revised IGP, Royal Gold is required to collect water quality samples for stormwater discharge points throughout the site. With a Standard Industrial Code (SIC) of 2875 (Fertilizers, mixing only), Royal Gold is required by the IGP to test these stormwater samples for Oil & Grease, pH, Total Suspended Solids (TSS), Iron (Fe), Nitrate and Nitrogen (N+N), Lead (Pb), and Phosphorous (P). Through self-reporting of these stormwater sampling results Royal Gold has made publicly available the facility's exceedances of the Numeric Action Levels (NALs) established by the SWRCB. As defined in the IGP, exceedance of these NALs are not violations but an opportunity to evaluate site conditions, identify sources of potential pollutants, and formulate a plan to minimize these pollutants from leaving the site. The crux of these plans is to improve existing Best Management Practices (BMPs) and implement new practices with the intention of improving stormwater quality throughout the site.

Currently Royal Gold is covered and in good standing with the State Water Resources Control Board's Industrial General Permit. In July of 2016 the Royal Gold facility moved into Level 1 Status due to stormwater sampling levels which surpassed Numeric Action Levels (NALs). As stated in the Industrial General Permit the exceedances of NALs are not a violation of the permit (SWRCB, 2014):

"The NALs are not intended to serve as technology-based or water quality-based numeric effluent limitations. The NALs are not derived directly from either BAT/BCT [Best Available Control Technology Economically Achievable/Best Conventional Pollutant Control Technology] requirements or receiving water objectives. ***NAL exceedances defined in this General Permit are not, in and of themselves, violations of this General Permit****. A Discharger that does not fully comply with the Level 1 status and/or Level 2 status ERA requirements, when required by the terms of this General permit, is in violation of this General Permit."*

Facilities that have moved into Level 1 Status as of July of 2016 must employ a Qualified Industrial Practitioner (QISP) to conduct a Level 1 Evaluation by October 1, 2016 and submit a Level 1 Exceedances Response Action (ERA) Report by January 1, 2017. The purpose of these evaluations and reports is to analyze the site for potential sources of the exceedances and to then formulate a plan to control these sources to reduce the exceedances. Coinciding with the Level 1 ERA Report revisions to the Storm Water Pollution Prevention Plan (SWPPP) and supporting documents, such documents will be uploaded to the SWRCB Stormwater Multiple Application Reporting Tracking System (SMARTS). Royal Gold's stormwater team includes two QISPs that have already begun the evaluation process and have started to compile data for the completion of the Level 1 ERA Report. The team anticipates a noticeable reduction in exceedances on the Royal Gold site with the opportunity to implement a variety of new BMPs.

In addition to the formulation of a robust program to implement new and improved BMPs, the QISPs plan to address supplementary sources of exceedances. A likely alternative source of exceedances can be attributed to the presence of certain constituents traced back to the industrial use of the previous mill site.

Historical data suggested that constituents such as Nitrogen, Iron, and Chemical Oxygen Demand (COD) existed on the site prior to Royal Gold's use of the facility (URS, 2010). Stormwater samples collected on the current Royal Gold site on behalf of the previous owners, Blue Lake Forest Products, in 2005 and 2006 show exceedances of current NALs which are the same parameters exceeding NALs in Royal Gold's current stormwater sampling including Iron and TSS (Kernen, 2006). This information demonstrates that these high levels can be attributed to historic uses on the site not associated with the Royal Gold operation. As Royal Gold continues to improve the site they will be able to identify and remove sources of these remnant pollutants that form the present day baseline.

The Blue Lake Forest Products stormwater sampling results also show that Zinc was present in stormwater discharges on the site (Kernen, 2006). Zinc was an additional parameter that exceeded NALs in Royal Gold's stormwater sampling. Zinc is commonly found in corrugated metal roofing, chain link fencing, and culverts. As weather deteriorates these structures particles can be transported by stormwater. The quantity of Zinc being transported from historic roofs, fences, and culverts can be reasonably ascertained to have caused the exceedances of NALs. The occurrence of Zinc is therefore likely not attributed to Royal Gold's industrial activity. The development of the site as proposed in the Conditional Use Permit application would allow for upgraded structures that may reduce the potential for the occurrence of Zinc.

There are two types of Numeric Action Levels (NALs). The first is an Annual NAL, which is an average of the sampling data for a specific parameter in a single reporting year. The second is an Instantaneous Maximum NAL, which has been established for Total Suspended Solids, Oil and Grease, and pH. These Instantaneous NALs are significantly higher than the Annual NALs and must be reached at least twice in a reporting year for a single parameter to be exceeded. The Royal Gold facility has several Annual NAL exceedances and no Instantaneous NAL exceedances.

In the most recent round of sampling at Royal Gold in June 2016, sample results increased the annual averages, causing multiple parameters to exceed the established Annual NALs. This sudden increase in parameter levels is attributable to improper sampling performed by an employee temporarily fulfilling the duty of sampler. Royal Gold was in the transition between employees and has since assigned a new team member that will receive proper training to conduct stormwater sampling. The facility acknowledges the importance of training and has arranged a training period for this new employee with the current QISPs.

The SWRCB has encouraged sites with similar industrial facilities to join a Compliance Group. Facilities within these groups collaborate to formulate innovative practices to reduce NAL exceedances and ultimately improve the quality of stormwater leaving their sites. Royal Gold is a member of a Compliance Group and participates in the sharing of ideas for the improvement of BMPs to reduce exceedances on sites with Standard Industrial (SIC) Codes 2875 – Fertilizers, mixing Only.

Several of the existing conditions at the Royal Gold site are conducive to maintaining a well kept facility and improving stormwater quality. Comprised of highly paved and impermeable material, the surface of the site minimizes the erosion and the transportation of soil materials throughout the facility. Royal Gold has installed check dams and rock-filled gabion filters throughout the paved area to aid in the slowing and

filtration of stormwater. The relatively flat topography of the site decreases stormwater velocity and increases evapotranspiration, reducing the risk of polluted stormwater leaving the site. Existing depressed areas in the central portion of the site, detention basins, and remnants of the former log pond areas, are utilized to slow and evapotranspire stormwater. Use of these areas as part of the stormwater management system at the site was recommended by a North Coast Regional Water Quality Control Board Inspector during a site visit in October 2012.

Royal Gold employs a series of Best Management Practices (BMPs) to inhibit the transportation of sediment and other potential pollutants. Facility operators cover inactive stockpiles with tarps and check them daily in order to prevent wind and rain erosion. They have installed silt fences, fiber rolls and Filtrexx Soxx around stockpiles, industrial area perimeters, and drainage features where appropriate. The site's compost storage area is enclosed with a storm-resistant roof and walls comprised of geotextile material and a concrete block base. Dozens of rapidly growing evergreens (e.g. Leyland Cypress) have been installed throughout the site, which aid in the evapotranspiration of stormwater and the control of sediments transported by wind. The facility maintains and records a routine schedule for operators to employ street sweepers (vacuum and sweeper combination truck) and watering trucks. In an effort to promote water conservation Royal Gold utilizes multiple 5,000 gallon water tanks to collect rainwater from the site's rooftops to use for dust suppression. Royal Gold implements a host of good housekeeping practices such as employee training, litter control, proper storage of materials (paints, grease, fuel, etc.) inside of the shop, and conducting equipment maintenance inside the shop with a spill kit on hand.

It is important to remember that the exceedances described by the SWRCB are a measure of certain parameters within stormwater runoff leaving the site. In many cases, such as the Royal Gold facility, this runoff of stormwater does not directly discharge into a water body. In cases such as these, stormwater flows through soil and vegetation after leaving the site where it is furthered filtered. When considering these specific exceedances, one cannot compare stormwater sampling results with effluent limitations established for instream sampling of a water body such as the California Toxic Rule.

The Humboldt Baykeeper appeal letter did not provide any specific information or evidence to indicate that water quality in the Mad River and its tributaries will be impacted by the Royal Gold soil operation other than their misinterpretation of self-reported stormwater sample data available online through the State Water Resources Control Board (SWRCB) Storm Water Multiple Application and Report Tracking System (SMARTS). The appellant did not provide any specific information about the existing environmental baseline at the site, what hydrologic connection the site has to the Mad River, or what additional measures Royal Gold has taken to improve stormwater quality at the facility since the exceedances of NALs were reported to the SWRCB. The basic inference made by the appellant was that since exceedances of Numeric Action Levels (NALs) were reflected in the self-reported data, then the Royal Gold soil operation must be having significant impacts to water quality in the Mad River and its tributaries. As described in the above response, exceedances of the Numeric Action Levels (NALs) established by the SWRCB are not violations, but do require the improvement of existing Best Management Practices (BMPs) and the implementation of new practices with the intention of improving stormwater quality and preventing the exceedance of NALs in the future.

This unsupported conclusion does not meet the criteria for substantial evidence in §15384 of the CEQA Guidelines since it is based on limited information, erroneous opinions, and a misunderstanding of the regulatory requirements of the State Water Resources Control Board. Therefore, the appeal letter from Humboldt Bay Keeper is lacking sufficient information and evidence to substantiate the claim that significant impacts to water quality are occurring due to the Royal Gold soil operation.

Conclusion

Thank you for your consideration of this response to the Humboldt Bay Keeper appeal of the Royal Gold CUP, and for the reasons detailed in this letter, we encourage you to uphold the decision by the County Planning Commission to approve the Royal Gold Conditional Use Permit (CUP) and adopt the CEQA Mitigated Negative Declaration (MND).

Figures

Figure 3: AP Numbers

Figure 4: Site Plan

Attachments

Attachment 1: Humboldt Bay Keeper Appeal Letter. August 17, 2016.

Attachment 2: Humboldt County California Environmental Quality Act (CEQA) Initial Study and Mitigated Negative Declaration for the Royal Gold Soil Operation. SCH # 2016032061.

Attachment 3: CA DTSC Five-Year Comprehensive Review, Former McNamara and Peepe Lumber Mill. November 2014.

Attachment 4: CA DTSC E-Mail from Project Manager Nina Bacey to Humboldt County Senior Planner Steven Lazar, April 2, 2015.

References

California Department of Toxic Substances Control (DTSC). 2014. *Five-Year Comprehensive Review, Former McNamara and Peepe Lumber Mill. 1619 Glendale Drive, McKinleyville, CA.* November 2014.

California Department of Toxic Substances Control (DTSC). 2015. *E-mail from CA DTSC Project Manager Nina Bacey to Humboldt County Senior Planner Steven Lazar about the Royal Gold Soil Operation Conditional Use Permit.* April 2, 2015.

California Department of Toxic Substances Control (DTSC). 2016. *Envirostor Database.* www.envirostor.dtsc.ca.gov. Envirostor ID: 12240115.

Humboldt Bay Keeper. 2016. *Appeal Letter to the Humboldt County Planning and Building Department for the Royal Gold Soil Operation*. CUP 13-021. August 17, 2016.

Humboldt County. 2005. *Humboldt County Redevelopment Plan Draft Program Environmental Impact Report (EIR)*. November 2005.

Humboldt County. 2016. *California Environmental Quality Act (CEQA) Initial Study and Mitigated Negative Declaration for the Royal Gold Soil Operation*. SCH # 2016032061. Adopted Augst 4, 2016.

Kernen Construction. 2006. *State Water Resources Control Board 2005-2006 Annual Report for Storm Water Discharges Associated with Industrial Activity at Blue Lake Forest Products Facility*. June 28, 2006.

Lee, Patrick. 2007. *Annual Inspection Report, Former McNamara and Peepe Lumber Mill – Land Use Restriction-Site Inspection/Visit (DTSC)*. July 11, 2007.

McNamara and Peepe Corporation & Blue Lake Forest Products, Inc. January 12, 1998. *Covenant to Restrict Use of Property McNamara and Peepe Lumber Mill*. Recorded February 4, 1998.

State Water Resources Control Board (SWRCB). 2014. *Order 2014-0057-DWQ, NPDES General Permit No. CAS000001: National Pollutant Discharges Elimination System (NPDES) California General Permit for Storm Water Discharge Associated with Industrial Activities*. Available on-line at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml.

URS Corporation. 2010. *Investigation Report Former McNamara and Peepe Lumber Mill*. Prepared for State of California - Environmental Protection Agency Department of Toxic Substances Control – Contract No. 07-T3426. December 29, 2010.

URS. June 28, 2012. *Technical Memorandum: Former McNamara & Peepe Lumber Mill – Soil and Groundwater Investigation*. April 2012.

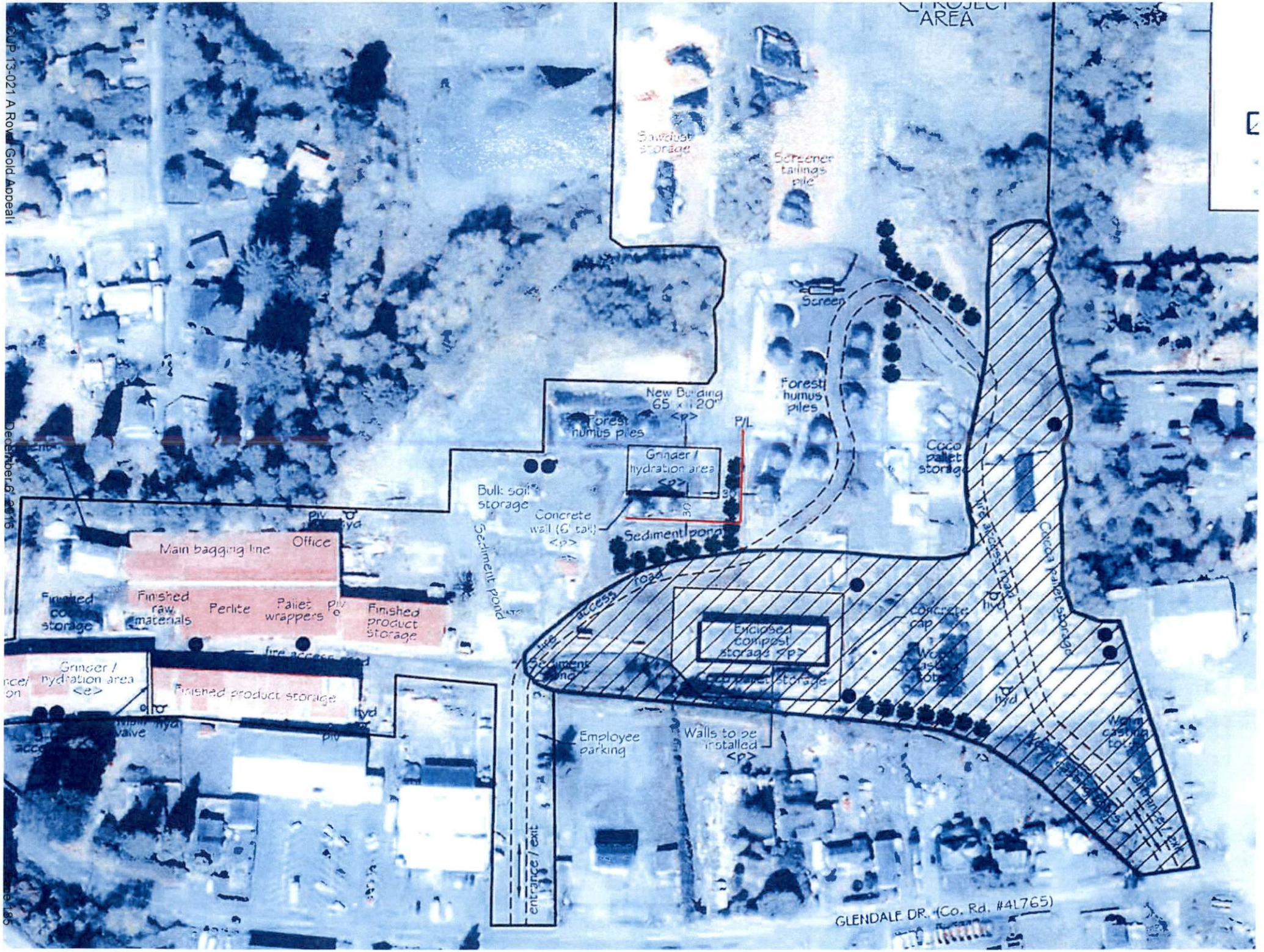
Weiss Associates. 2005. *Investigation Workplan for Former McNamara and Peepe Lumber Mill*. July 20, 2005.

FIGURES:

Figure 3: AP Numbers

Figure 4: Site Plan

FIGURE 3
AP NUMBERS



ATTACHMENT 3:

CA DTSC Five-Year Comprehensive Review, Former McNamara and Peepe Lumber Mill. November 2014..

FIVE-YEAR COMPREHENSIVE REVIEW
FORMER McNAMARA AND PEEPE LUMBER MILL
1619 GLENDALE DRIVE
MCKINLEYVILLE, CALIFORNIA

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Brownfields and Environmental Restoration Program

November 2014

Prepared by:

Nina Bacey
DTSC Project Manager
Environmental Scientist

11/14/2014

12/2/2014

Reviewed by:

Renato Medrano
Engineering Geologist
Professional Geologist 8653

TABLE OF CONTENTS

FIGURES

TABLES

1.0 INTRODUCTION

This third Five-Year Comprehensive Review summarizes the remedial actions performed at the former McNamara & Peepe Lumber Mill located at 1619 Glendale Drive, McKinleyville, Humboldt County, California (Figure 1). The property was previously identified as Humboldt County Assessor's Parcel Number 516-111-033, but has been since subdivided and sold. This memorandum describes those portions of the parcel where the historic lumber mill operated on and that now has land use restrictions: parcels 516-111-063-000 (capped area) and 516-151-003 and 516-151-004 (concrete slab area).

2.0 BACKGROUND

The Site is located in McKinleyville, an unincorporated community approximately five miles north of Arcata. The original site (parcel) was approximately 26 acres; however, it has since been divided. The current parcel with the capped area is approximately 0.78 acre, and the parcels with the concrete slab total approximately 1.5 acres. These are described further in Section 3. The Mad River is located approximately ¼ mile south of the site.

Since the late 1940's the Site was occupied by a lumber mill. Arrow Lumber & Dry-Kiln Company purchased the Site in August 1948 and later conveyed it to the Arkley Lumber Company (Arkley) in March 1950. Arkley operated on the site for approximately 19 years until it was conveyed in March 1969 by Molalla-Arcata (formerly named Arkley Lumber Co.), along with other parcels, to the Simpson Timber Company (Simpson). Simpson owned the Site for approximately two months before the property was transferred to the McNamara and Peepe Corporation (M&P) in May 1969. M&P filed for bankruptcy in May 1985 but continued the lumber mill operations until 1985.

Beginning in April 1967, approximately eight percent of the rough green lumber produced was treated by immersion in a chemical fungicide containing pentachlorophenol (PCP) and tetrachlorophenol (TCP) for the purpose of preventing growth of mold and fungus. From April 1967 to May 1984, this chemical fungicide was applied to processed lumber in dip tanks in an area known as the green chain area. Spillage and drippings of the wood treatment solutions are believed to have caused PCP and TCP contamination of the soil and groundwater in this area. The contamination is believed to have occurred during the ownership and operation by Molalla-Arcata (1950-1969) and McNamara and Peepe (1969-1984).

In October 1968, under Molalla-Arcata's operation, a large fish-kill in the Mad River was attributed to the discharge of PCP from the mill. The California Department of Fish and Game (DFG) determined the source of PCP to be drippings that had accumulated in soils around a lumber dip tank and storage area.

In June 1981, a PCP spill occurred at the green chain building. Subsequent sampling results submitted to the Regional Water Quality Control Board (RWQCB) by M&P indicated an increase in concentrations of PCP and TCP in surface water draining from the Site. The maximum

concentration of PCP in surface water was 20,000 micrograms per liter (µg/L). Therefore, between August and December 1981, the dip tank operation was dismantled and a new dip tank was installed in an existing building on the southern end of the Site, just south of Glendale Drive. Untreated lumber was dipped in a PCP-based solution at this location until M&P ceased its operation at the mill site in 1985.

In October 1984, M&P was cited for improper disposal and storage of hazardous wastes, and for operating a hazardous waste facility without a permit. M&P ceased operations at the Site in March 1985 and then notified the California Department of Health Services (DHS) that the company was financially unable to comply with the Notice of Violation to develop a Plan of Correction to properly remove and dispose of hazardous wastes; M&P filed for bankruptcy in May 1985.

In November 1986, Blue Lake Forest Products (Blue Lake) restored operations of the mill under a lease agreement with M&P. In July 1998, the property was conveyed to Blue Lake who continued to operate the Site until April 2002 when they also filed for bankruptcy. Blue Lake used non-PCP containing preservative (copper -5-quinolinolate) during their operation at the Site. No operations have occurred at the Site since 2002 and the site has remained vacant since that time.

3.0 SITE CHRONOLOGY

In response to a request by the California Department of Fish and Game (DFG), the North Coast Regional Water Quality Control Board (NCRWQCB) established waste discharge requirements (WDRs) for the site in December 1968. The WDRs specified that no wood preservatives, fungicides, or other toxic materials should be discharged or used in such a manner that they could reasonably be expected to be carried into the waters of the State.

In April 1981, based on the results obtained from water sampling conducted at the site in February of the same year, the NCRWQCB notified M&P by letter that the company was in violation of the WDRs for the site and requested that immediate action be taken to correct the problem. The company was also informed that it should begin a program in accordance with Section 13267 of the State Water Code to monitor the discharge from the site and report results to the NCRWQCB.

In 1981, due to a PCP spill from the green chain building, RWQCB notified M&P in August 1981 that dipping of lumber in the green chain dip tank should be terminated. Between August and December 1981, the dip tank operation was dismantled and a new dip tank was installed, in an existing building on the southern end of the Site, just south of Glendale Drive. Untreated lumber was dipped in a PCP-based solution at this location until M&P ceased its operation at the mill site in 1985.

In March 1985, DHS, which later became the Department of Toxic Substances Control (DTSC), issued a Notice of Violation to M&P based on findings made during a site inspection in October

1984. M&P was cited for improper disposal and storage of hazardous wastes, and for operating a hazardous waste facility without a permit. DHS specified that M&P should develop a Plan of Correction to properly remove and dispose of hazardous wastes in the in-ground dip tank in the green chain area, delineate the extent of soil contamination, and remove and dispose all contaminated soils.

In March 1985 M&P ceased operations at the Site and filed for bankruptcy in May of that year. They notified DHS that the company was financially unable to comply with the Notice of Violation.

Because of the bankruptcy filing, DHS began remedial measures at the Site (October 1985). These measures included removing the PCP solution from the in-ground dip tank that had been abandoned by M&P into drums and placing deteriorating drums that were left on the site in over-pack drums. All drums were stored in the dip tank area until disposal in June 1990.

In November 1986, Blue Lake Forest Products (Blue Lake) restored operations of the mill under a lease agreement with M&P. Blue Lake used non-PCP containing preservative (copper -5-quinolinolate) during their operation at the Site.

From 1987 through 1989, remedial investigations were conducted by the M&P bankruptcy trustee under the oversight of DHS. Initially the remedial investigation focused on five areas of potential contamination on the Site. However, it was determined that only the green chain area had significant levels of contamination. The green chain area consisted of a conveyor system that was used to move lumber and included the original dip tanks where lumber was submersed in a PCP solution.

PCP has been identified in soil samples at a maximum concentration of 5,700 milligrams per kilogram (mg/kg) at 3 feet below ground surface(ft bgs), in the immediate vicinity of the green chain area. Surface samples had a maximum concentration of 160 mg/kg of PCP. From June 1987 to October 1987, groundwater samples indicated PCP concentrations of 1 to 3 µg/L of PCP.

In March 1989, DHS issued a Remedial Action Order to M&P requiring M&P to determine the nature and extent of the release at the Site, characterize the Site, prepare a remedial action plan, and conduct remediation of the Site. In December 1994, DTSC approved a Remedial Action Plan (RAP) for the Site. The RAP included consolidation of contaminated soils and placement of a cap over the soils in the green chain area to prevent PCP and TCP detected in the soil from being discharged to the groundwater beneath the Site and to surface waters draining from the Site. This was completed by March 1998.

In April 1996, DTSC issued an Amended Remedial Action Order to the McNamara and Peepe Corporation, Robin P. Arkley, Arkley Lumber Company, Molalla-Arcata, Molalla Forest Products,

Inc., Masonite Corporation, the Estate of James G. Laier, Simpson Timber Company, and Blue Lake Forest Products, Inc.

A land use covenant (LUC) was recorded with Humboldt County in February 1998. The LUC required maintenance of the cap in the green chain area as well as maintenance of the concrete slab floor where the new dip tank was installed in the southern property building. The Site was certified in March 1998. The Blue Lake lumber mill was still in operation at this time.

In April 2002, Blue Lake ceased operations at the Site and filed for bankruptcy. With the completion of the bankruptcy in February 2003, Blue Lake was ordered by the bankruptcy court to continue the operation and maintenance at the Site as required by the DTSC approved Enforceable Monitoring and Maintenance Agreement dated August 15, 1997. Blue Lake did continue to monitor groundwater and inspect the cap. However, the last time Blue Lake conducted groundwater monitoring and the annual cap inspection was in 2005.

Since 2005, DTSC has conducted soil and groundwater investigations and annual groundwater monitoring and cap inspections. The site is currently vacant and all that remains is the cap with an open aluminum cover (pole barn) over it and building foundations/slabs from previously removed structures. Blue Lake still owns the parcel with the cap and an adjacent parcel.

4.0 PREVIOUS INVESTIGATIONS

A Field Investigation and Sampling Report were completed in 2006 by Weiss Associates. The Weiss Report summarized the following previous investigations (historic and current monitoring wells are shown in Figures 2 and 3):

1. In 1987, American Environmental Management Corporation (AEMC) conducted a preliminary investigation that consisted of surface water sampling and collection of soil samples from four areas of the Site where chemical fungicides were suspected of being used and/or disposed. A groundwater sample was collected from the production well (PW -1) located on the southern portion of the Site. PCP and TCP were not detected in the surface water nor the groundwater from the production well. PCP ranging from 8.2 to 72.6 mg/kg was found in nine of the 44 soil samples. The contaminated soil was mainly present south of the "green chain" area and was shallower than 3 ft bgs.
2. In April 1988, a second subsurface investigation was conducted by AEMC that included installing six monitoring wells and collecting additional soil and surface water samples. Groundwater samples from the six monitoring wells did not contain PCP and TCP. Soil samples were collected to a depth of 27.5 ft from monitoring wells MW-1, MW-5 and MW-6 installed in the vicinity of the "green chain". The only detection of PCP was from the boring for MW-01 at 6.5 mg/kg from the one foot deep sample. Seven borings were drilled along the "green chain" area and soil samples were collected to a depth of 6 ft below ground surface (bgs) in most borings. Borings 5, 6, and 7 did not contain any PCP or TCP in the shallow soil samples collected from 0.5 to 1.5 feet below ground surface. The highest PCP concentrations were found in soil boring SB-1 at 2.5 bgs and SB-3 at 1.5

ft bgs, at 1,600 mg/kg and 2,300 mg/kg, respectively. SB-1 and SB-3 are located in the vicinity of two former dip tanks. PCP was detected down to a depth of 6 ft in borings SB-2 and SB-4, but at slightly lower concentrations. During installation of MW-I through MW -6, two water bearing zones were identified. After installation of MW -2, located on the northern portion of the site, the water rose 10ft in a 24-hr period, unlike the water levels in other monitoring wells. This suggests there may be a shallow unconfined water bearing zone in the vicinity of MW-2. The groundwater flow direction in 1988 was northeast based on data from MW -1, MW -5, and MW-6 in the green chain area. However, production well PW-I is located northeast of the green chain area, and this well may have influenced Site water levels and ground water flow when it operated. Figure X shows historic wells MW-2 and MW-6 which have since been closed.

3. In November 1988, a third subsurface investigation in the green chain area was conducted by AEMC. Six 45-degree angle borings[1] were drilled under the green chain: to a depth of 21 ft. The highest PCP concentrations, 1300 mg/kg and 5700 mg/kg, were detected in borings AB-C and AB-D, respectively on the south side of the green chain..
4. A remedial investigation (RI) report was prepared for the site in June 1989 by AEMC. The RI report summarized the above investigations and did not include any additional investigations or interpretations.
5. In March 1993, a fourth subsurface investigation was conducted by Trans Tech (TTC), on the immediate south side of the green chain that consisted of drilling two borings, B-1 and B-2 to depths of 2.5 ft bgs and 2 ft bgs, respectively (TTC, 1993). The soil was analyzed for PCP, dioxins, and furans. PCP was detected only in B-1 at 330 mg/kg. Low concentrations of dioxins were detected in both borings.
6. In April 1993, TTC performed a fifth investigation consisting of hydropunch® sampling and additional soil sampling at six locations in the greater region around the green chain area, and three soil sample locations in the new dip tank area located in the building south of the Site. PCP and TCP were not detected in any of the grab ground water samples collected from the hydropunch® locations. TCP at 0.45 mg/kg was detected in soil from one sample, B-1, at 1.5 ft bgs in the new dip tank building.
7. In December 1994, DTSC approved a RAP. The RAP concluded that contamination at the site was found primarily beneath and near the green chain area. PCP was detected in soil, in groundwater from MW-1, and the surface water drainage ditch near the green chain area. A cap over the contaminants in the green chain area was selected as the remedial action for the site. The remedial action consisted of constructing a concrete cap over contaminated soil and implementation of deed restrictions and long-term groundwater and surface water monitoring. DTSC certified the completion of the RAP on March 9, 1998. The RAP also included a Preliminary Ground Water Gradient Investigation conducted by LACO Associates (LACO) in July 1993. This investigation found that production well PW -1 was deeper than 100 ft and penetrated one or more high-yield aquifers. PW -1 produced between 60 to 100 thousand gallons of water per day that was used primarily for dust control. The LACO report stated that the regional site gradient may be to the north based on the topographic features and the boring logs. LACO suggested that to determine the gradient at the Site, PW-I would have to be shut down for at least five days.

1 - Note that these angle borings are designated differently by the original authors in the referenced table and the referenced figure.

From 1997 to 2000, surface water monitoring was conducted under the oversight of the North Coast Regional Water Quality Control Board (NCRWQCB). Low levels of PCP (ranging from 7.0 to 0.37 µg/l) were detected in the surface water samples collected between 1997 to January 2000. Low levels of TCP were detected in 1997 (3.2 µg/L), 1998 (1.4 ppb) and 1999 (1.2 µg/L). The PCP and TCP results from the surface water samples showed a decreasing trend and neither PCP nor TCP were detected above the method detection limits from February 2000 through April 2002. In 2002, the NCRWQCB approved discontinuing surface water sampling (Winzler & Kelly, 2008).

In December 2002, the first Five-Year Review Report was prepared for DTSC by the responsible party (RP) (Winzler & Kelly, 2002). It presented groundwater sampling that was conducted from July 1997 to June 2001. All monitoring wells were below the method detection limits for both PCP and TCP, except for 1.3 µg/L of PCP detected in MW-8 in April 1998. In June 2001, PCP was detected in wells MW-1, MW-5, and MW-7 at concentrations of 0.49, 0.68 and 0.36 µg/L, respectively. The Five-Year review report concluded that both the concrete cap and the concrete slab were in good condition and the remedy was functioning as intended and continued to be protective of human health and the environment.

Neither PCP nor TCP was detected in any of the groundwater monitoring wells during the December 2002 monitoring event (Winzler & Kelly, 2008).

During the 2003 annual ground water sampling event (December), PCP was detected as high as 1,100 µg/L in MW-1 (19 µg/L TCP). These results were inconsistent with results of the ground water sampling performed during the remedial investigation and the ground water monitoring events prior to 2003. The highest concentration of PCP detected in MW-1 from 1997 and prior to the 2003 annual sampling event was 0.49 µg/L. The condition of the concrete cap was excellent (Winzler & Kelly, 2004a).

In October 2003, Winzler & Kelly conducted a Phase II Investigation (Winzler & Kelly, 2008) in connection with the sale of the Site and associated properties previously owned by Blue Lake Forest Products. During the Phase II Investigation, chromium (Cr), lead (Pb), nickel (Ni), and zinc (Zn) were detected in ground water samples just north of Glendale Drive. The metal concentrations for Cr and Ni were above their Maximum Contaminant Levels (MCLs) of 50 µg/L and 100 µg/L respectively. Lead concentration was above the action level of 15 µg/L.

In June 2004, one well (MW-1) was re-sampled and analyzed due to the significant increase in PCP seen in the last monitoring event (December 2003). PCP was detected at 900 µg/L (Winzler & Kelly, 2004b).

During the 2004 annual ground water sampling event (conducted in January 2005), PCP was detected at 890 µg/L and TCP at 11 µg/L. The condition of the concrete cap was excellent (Winzler & Kelly, 2005).

During the 2005 annual ground water sampling event (conducted in January 2006), PCP was detected at wells MW-1 and MW-1A at 57 and 56 µg/L, respectively. The condition of the concrete cap was excellent (Winzler & Kelly, 2006).

In August 2005, a remedial investigation was conducted on behalf of DTSC, when DTSC took over investigations at the Site. The report indicated that since June 2001, groundwater elevations had risen up to 15 ft and groundwater was flowing to the south. PCP and TCP at concentrations above 1.0 µg/L were not detected in ground water at the Site until the 2003 annual ground water sampling event (PCP 1,100 µg/L in well MW-1). The maximum concentration of PCP and TCP in groundwater in the 2005 report was 16,000 µg/L and 1,500 µg/L, respectively (grab sample GW-7). The report concluded that the elevated concentrations of PCP and TCP in ground water were likely caused by mobilization of PCP and TCP from soil into ground water due to the rising water levels since 2002. It was also recommended that the vertical and lateral extents of contamination at the Site be defined and soil and ground water contamination be remediated (Weiss, 2006).

In January 2007, annual groundwater monitoring was conducted (Winzler & Kelly, 2007). The maximum concentrations of PCP and TCP detected were 57 µg/L and 1.7 µg/L respectively at well MW-1. The concrete cap was reported as in excellent condition.

In November 2008, the Second Five-Year Review Report was prepared (Winzler & Kelly, 2008). It presented groundwater sampling that was conducted from July 1997 to April 2008. The report concluded that the "green chain" cap no longer appeared to be protective of groundwater resources. It recommended the assessment of remedial alternatives.

In June and October 2010, annual groundwater monitoring and soil investigations were conducted by DTSC's contractor (URS, 2011). In addition, groundwater samples were collected and analyzed for dioxins and chlorodibenzofurans (CDFs). The maximum concentration of PCP and TCP detected in groundwater were 210 and 23 µg/L, respectively (grab sample EB-7). The sum toxicity equivalents (TEQs) were calculated for dioxins and CDFs and compared to the CA MCL for 2,3,7,8-TCDD (30 pg/L). No samples exceeded the MCL.

In soil, maximum concentrations of PCP and TCP were 130 and 38 mg/kg, respectively. However, the soil samples were flagged by the laboratory as "estimated" due to the large discrepancy between the results from the parent sample and the duplicate sample. It was recommended that an additional well be installed to further bound the area of potential PCP/TCP contamination.

In October and November 2011 , annual groundwater monitoring and soil investigation were conducted by DTSC's contractor to confirm that there was no other source of contaminant in soil in an area outside the capped area (URS, 2012a). The maximum concentration of PCP and TCP detected in groundwater were 1,300 and 25 µg/L respectively (MW-11). In soil, the maximum concentration of PCP was 2.2 mg/kg. TCP soil concentrations were not detected above the reporting limit. In addition, elevated levels of three key functional genes (pcpB, pcpE, pcpR) were found indicating that biodegradation of PCP may be occurring at well MW-1.

In April 2012, annual groundwater monitoring and soil investigation were conducted by DTSC's contractor (URS, 2012b). The maximum concentrations of PCP and TCP detected in groundwater were 1,500 and 24 µg/L respectively (grab sample EB-7). In soil, maximum concentration of PCP was 40 mg/kg. TCP soil concentrations were not detected above the reporting limit.

Construction details of groundwater monitoring well construction details, groundwater analytical results and Site clean-up goals are presented in Tables 1, 2 and 3 respectively.

5.0 REMEDIAL ACTIONS

On December 5, 1994, a RAP for the site was approved by DTSC (Trans Tech Consultants, 1994). The RAP called for consolidation of contaminated soils and placement of a cap over the soils in the green chain area to prevent the PCP and TCP detected in the soil from being discharged to the groundwater beneath the site and to surface waters draining from the site.

In 1997, remediation of the Site was conducted by removing all equipment and structures from the green chain area. Impacted materials, including drill cuttings and concrete, were placed in a trench in the green chain area. The trench was then covered with a 15-inch thick reinforced concrete slab (cap). The trench was approximately 10 feet wide 18 feet long and 5 feet deep, and was located at mid-span under the west end of the concrete cap. The cap was designed to resist water infiltration, and to provide future use for the lumber mill operations. The remedial actions were completed by March 1998 (Brown and Caldwell, 1997).

In August 1997, an Enforceable Monitoring and Maintenance Agreement was made between DTSC and Blue Lake requiring them to implement the Post-Remedial Operations and Maintenance Plan (O&M Plan) approved by DTSC in April 1997 (DTSC, 1997). The O&M Plan required regular inspections and maintenance of the cap and the existing concrete slab floor (at the Site's newer dip tank building) periodic sampling and analysis of groundwater beneath the Site and surface waters draining from the Site.

In February 1998, a land use restriction was recorded with Humboldt County and the Site was certified in March 1998 (DTSC, 1998). The Blue Lake lumber mill was still in operation at this time.

6.0 PROGRESS SINCE LAST REVIEW

In 2010, 2011 and 2012, DTSC conducted soil investigations (and annual groundwater monitoring and cap inspections) to delineate possible PCP soil contamination outside the capped area that may be impacting the groundwater.

7.0 MONITORING AND MAINTENANCE

As outlined in the *Enforceable Monitoring and Maintenance Agreement* and Amendment *(DTSC, 1997 and 1998)* and the *Post Remedial Operation and Maintenance Plan (DTSC, 1997),* these Plans were intended to:

1. Provide detection of contamination migration from existing contaminants in the soil to the underlying groundwater,
2. Provide early warning of failure in the closure system,
3. Confirm that the remedial action taken is preventing the migration of contaminants at concentrations of concern.

These goals were to be achieved through monitoring of groundwater from five monitoring wells, sampling of surface runoff, and conducting annual site inspections (cap and concrete slab at dip tank area). Annual monitoring and cap inspections have been conducted since the implementation of the Monitoring Plan. The storm water sampling requirement was rescinded by the North Coast Regional Water Quality Control Board in November 2002. In addition, since April 2002 the dip tank building where the concrete slab is located, has not been used for wood treatment. The parcel was sold in 2002 and is no longer used in the processing of lumber. Supplemental soil investigation conducted in 2003 indicated that there are no impacts from PCP/TCP (currently or in the past). Inspections of the concrete slab were discontinued after 2005.

Five-Year Reviews are to be conducted every five (5) years from date of capping to project termination (if and when this occurs). This report is the third in the series of Five-Year Reviews.

8.0 CAP INSPECTIONS

Initially, quarterly cap inspections were required as outlined in the Operation and Maintenance Plan. Since 2001, the frequency of cap inspections changed to annually. During each inspection, the cap was evaluated for signs of:

1. Erosion
2. Cracking
3. Disturbance by cold weather
4. Seepage
5. Subsidence
6. Settlement
7. Overall cap stability
8. Condition of the surveyed benchmark.

Except for minor cracking, past inspections have found no signs of the above conditions. All cracks and cold joints were sealed with an asphaltic sealer in 2001. The overall stability of the cap continues to be excellent.

The concrete slab was last inspected in 2005. At that time, the slab condition had not changed since the last inspection in 2001. The slab is protected from rain by the existing structure and a system of curbs and berms around the building. Supplemental soil inspections in the area conducted in 2003 indicate that no impacts from PCP/TCP were ever detected. Inspections of the concrete slab were discontinued after 2005.

9.0 FIVE-YEAR REVIEW PROCESS

9.1 Document and Data Review

This five-year review considers the relevant Site documents including groundwater monitoring results from 2008 through 2012. Relevant Site documents are referenced in Section 13, with many available on the Envirostor website.

9.2 Community Notification

Community notification of DTSC's completion of the five-year review will be conducted by publishing a Public Notice in the local newspaper (Arcata area).

9.3 Five-Year Review Team Members

Team members are as follows:

Nina Bacey	Project Manager	Draft Report
Renato Medrano	Geologist	Technical Review
Karen Toth	Unit Supervisor	Final Review

9.4 Schedule

The schedule of the five year review is as follows:

Draft Five-Year Review Report (including data review and evaluation)	August 2014
Finalize five-year review report	November 2014
Publish Public Notice of approval of five-year Review report	December 2014

10.0 TECHNICAL ASSESSMENT OF REMEDY PROTECTIVENESS

In order to determine whether the remedy at a site is protective of human health and the environment, the following three questions for the comprehensive Five Year Review were examined as part of the technical assessment, per the *Comprehensive Five-Year Review Guidance (*U.S. EPA, June 2001):

A) Is the remedy functioning as intended by the decision documents?

The cap, placed over the green chain area, continues to provide protection against direct exposure to impacted soil and preventing surface water runoff. However, it does not appear to be functioning as intended with regards to protection of groundwater resources. This is not due in any part to failure of the cap, but due to the unexpected rise in groundwater elevations most likely caused by the cessation of use of the lumber mill groundwater production well when the facility closed.

The purpose of the remedial actions at this site (i.e. capping of the area under the green chain) was "to prevent the discharge of hazardous substances deposited in the soil in that portion of the Site to the groundwater beneath, and to surface waters draining from the site" (pg. 3,

Enforceable Monitoring and Maintenance Agreement). This concrete cap at the green chain appears to be preventing discharge to surface waters, but the rise in groundwater elevations may have mobilized PCP and TCP from the soils into the groundwater.

The Remedial Action Plan (RAP; Trans Tech, 1994) addressed the risks associated with the identified constituents of concern, including a toxicity assessment, exposure assessment, risk characterization and development of clean up levels. The RAP discussion of the site risks and established clean up levels are summarized below. The identified constituents of concern are PCP, chlorinated dibenzodioxins (CDDs) and chlorinated dibenzofurans (CDFs). PCP and certain CDDs and CDFs were assessed as potential human carcinogens. The potential of CDDs and CDFs in soil to pose non-cancer health risks was also assessed. Toxicity parameters used in the assessments (cancer slope factors and non-cancer Reference Doses or Acceptable Daily Intakes) were those recommended by DTSC. The exposure assessment determined that only onsite workers had the potential to be exposed to the affected on-site soils under current conditions. Under future conditions, it was assumed that the site would be developed and used for residential purposes, thus, potentially exposing adults and children living on the property.

The primary route of exposure considered in the risk assessments was direct contact with soil (i.e., incidental soil ingestion and dermal contact with surface soils). Direct contact with soil poses the highest exposure in most cases of soil contamination. Fugitive dust releases were not considered in either assessment because little dust was expected due to the moist climate experienced in the area and because no airborne PCP was detected during two sample events in 1989 (AEMC, 1989). In addition to the direct contact exposure route, the health risk assessment also considered the potential for human contact with PCP. Surface water, fish, and ground water were exposure routes considered under a set of assumptions about the potential of site soils to erode and enter a nearby stream via surface runoff and/or leach PCP into shallow ground water.

The results of the health risk assessments for direct contact to soil are tabulated below[2]. The lifetime cancer risks (LCR) estimates for PCP and CDDs/CDFs are shown, along with the noncancer Hazard Quotient (HQ) values for CDDs/CDFs. The LCR values are within the risk range considered acceptable by U.S. EPA (1991) risk assessment guidance, but are above the 1 x 10-6 (1 per million) risk level that has often been judged by regulatory agencies as requiring remediation. The non-cancer HQ values are below 1, except for children exposed to CDDs/CDFs in soil under a hypothetical, future residential use scenario, which is unlikely to occur.

2. **Risk assessment information was obtained from the First Five-Year Review Report (Winzler & Kelley, 2002)**

Risks Measures Associated with Exposure to PCP, CDDs and CDFs Reported in Soil Samples at the McNamara and Peepe Lumber Mill Site		
Chemical of Potential Concern	Risk Measures (Lifetime Cancer Risk and Non-cancer Hazard Quotient) for Direct Contact with Surface Soil For Two Exposure Populations.	
	Future Hypothetical Residential Population	Current Onsite (Adult) Workers
Lifetime Cancer Risk (LCR) Estimates		
Pentachlorophenol (PCP)	9×10^{-6}	ND
Chlorinateddibenzodioxins (CDDs) and dibenzofurans (CDFs)	7×10^{-5}	4×10^{-5}
Non-cancer Hazard Quotient (HQ) Estimates		
Chlorinated dibenzodioxins (CDDs) and dibenzofurans (CDFs)	3.5 (child) 0.5 (adult)	0.8

NOTE: Lifetime cancer risk estimates are rounded to one significant figure, consistent with their order-of- magnitude accuracy. The LRC values should be compared to the risk range of 1×10^{-4} to 1×10^{-6}, which has been characterized as acceptable, according to U. S. EPA guidance (U.S. EPA, 1991). Non-cancer HQ values are rounded to the nearest tenth. An HQ value less than 1 is considered acceptable, as it indicates a potential intake that is below the level estimated to be without adverse non-cancer affects.

ND Not determined.

AEMC used some simple mathematical models to estimate potential PCP exposure concentrations in surface water (Mill Creek and Mad River), fish (Mill Creek) and ground water (at the onsite production well and underneath Mad River). Modeling details and associated exposure factors are provided in their risk assessment report that was developed in 1989. LCR values determined with this approach are tabulated below. These modeling analyses indicate that exposure via surface water and ground water are unlikely to pose cancer risks that are above the 1×10^{-6} level (i.e. the risks are below the acceptable risk range set by U.S. EPA). Under the assumptions employed by AEMC, fish ingestion is estimated to potentially pose lifetime cancer risks above the 1×10^{-6} level, but within the acceptable risk range set by U.S. EPA.

Lifetime Cancer Risk Estimates Associated with Indirect Exposures to PCP in Soil Samples at the McNamara and Peepe Lumber Mill Site		
Potential Exposure Route	Potential Exposure Location And Population(s)	Lifetime Cancer Risk (LCR) Estimates
Ingestion of Surface Water	Mill Creek by campers, fisherman or wading children	6×10^{-7}
Ingestion of Ground Water	Onsite production well	1×10^{-8}
Ingestion of Fish	Mill Creek by fishermen	4×10^{-6}

NOTE: Lifetime cancer risk estimates are rounded to one significant figure, consistent with their order-of-magnitude accuracy. The LRC values should be compared to the risk range of 1×10^{-4} to 1×10^{-6}, which has been characterized as acceptable, according to U. S. EPA guidance (U.S. EPA, 1991).

The LCR values are not based upon actual surface water, fish or ground water sampling data from the assumed exposure locations, but rather are based upon a series of simple mathematical models.

Remediation Goals

The RAP's quantification of remediation goals for soil, surface water and groundwater considered the reduction of exposure concentrations that would result in an excess cancer risk of less than 1×10^{-6} or non-cancer hazard quotients of less than one. The Sites goals are presented in Table 3.

Soil Remediation Goals

The soil remediation goals included prevention of direct contact with contaminated soil or waterborne sediments at exposure concentrations that would result in a lifetime risk greater than 1×10^{-6}. Direct contact includes both soil ingestion and dermal contact. Both of these exposure pathways require that humans enter the site or the drainage areas immediately adjacent to the site. At the site, humans were considered to be the biological receptor of greatest concern, and direct contact with surface soils and sediments represents the most probable pathway to exposure of humans to residual chemicals. The greatest lifetime cancer risk for the constituents of concern was 70×10^{-6} for dermal absorption and ingestion of CDDs and CDFs in soil. To lower this to less than 1×10^{-6} for a hypothetical residential population without preventing contact with contaminated soil, the toxicity equivalent concentration of 2, 3, 7, 8-TCDD congeners in the soil would need to be reduced to an average of 0.003 µg/kg from a maximum level of 0.198 µg/kg. Likewise, PCP concentrations would have to be reduced to an average concentration of 1.75 mg/kg (from an average of 16 mg/kg in 1989, according to AEMC) to meet the 1 per million goal for a hypothetical residential population. Higher clean up goals could meet the target lifetime cancer risk goal of 1×10^{-6} for on-site worker populations. Alternatively, remedial measures taken to eliminate direct human contact with the constituents of concern in surface soil would achieve a lifetime cancer risk of less than 1×10^{-6}. Given these goals, the RAP feasibility study determined that a cap over the green chain area would prevent human contact with the soils and achieve the required cancer and health risk.

Surface Water Remediation Goals

The lifetime cancer risk for ingestion of surface water is 0.6×10^{-6}, less than the remediation goal of 1×10^{-6}. The lifetime cancer risk for ingestion of fish is 40×10^{-6}, greater than the remediation goal of 1×10^{-6}. Therefore, ingestion of fish is a potential concern under the assumptions made by AEMC concerning soil erosion from the site. Based upon results of the risk assessment, the surface water remediation goal is to prevent offsite migration of soil-borne contaminants to Mill Creek via drainage and overland flow. Remediation measures taken to mitigate direct human contact with PCP in surface soil could also effectively attain this surface water remediation goal.

The surface water sampling also had duplicate samples collected at the same time or immediately after the initial samples. Both of these samples did not contain PCP above the method detection limit. All of the positive results were marginally above the detection limit of 0.30 ppb for the Canadian Pulp Test Report method. All of them were also below the MCL for drinking water of 1 ppb with the exception of the April 8, 1998 level reported for MW -8, which was slightly above this at 1.30 ppb. The surface water sampling, conducted prior to 2002, indicates that the remedial action had been effective at protecting human health and the environment from impacts associated with surface water runoff from the site. Initial samples collected during the two years after the cap was in place, reported levels of PCP and TCP slightly above the MCL. These levels showed a marked downward trend, and no detections of PCP or TCP were reported in surface water samples collected from February of 2000 to April 2002. Surface water sampling was then discontinued.

Ground Water Remediation Goals

The cap placed over the green chain area continues to provide protection against direct exposure to impacted soil and surface water runoff; however, it does not appear to be functioning as intended with regards to protection of groundwater resources. This is not due in any part to failure of the cap, but due to the unexpected rise in groundwater elevations most likely due to the cessation of use of the lumber mill production well when the facility closed. Monitoring well MW-1 has consistently been above the MCL for drinking water of 1 ppb for PCP since December 2003. TCP has also been detected in MW-1 routinely since 2003.

Based on groundwater results, the remedy does not appear to be functioning fully as intended.

B) Are the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives (RAGs) used at the time of the remedy selection still valid?

The toxicity data, cleanup levels and remedial action objectives are still valid. However, the exposure assumptions with regards to potential and actual groundwater impacts are no longer valid. The cap over the impacted soils prevents direct exposure to the residual contaminants of concern, but current data indicates the remedy is no longer successful in preventing indirect exposure via ground water.

However, due to the impact to groundwater and the possible migration of the groundwater plume down gradient, as well as the property owner's acknowledgment at that time that he did not have sufficient funds to further remediate the Site, DTSC issued an *Imminent and Substantial Endangerment Determination* (DTSC, 2008). DTSC determined that a response action was necessary because there had been a release or threatened release of a hazardous substance at the Site.

Based on the foregoing findings of fact and conclusions of law, the Department hereby determines that there may be an imminent and substantial endangerment to the public health or welfare or to the environment because of the release or the threatened release of the hazardous substances at the Site."

C) *Has any other information come to light that could call into question the protectiveness of the remedy?*

Recent groundwater sampling data indicates the remedial alternative is no longer protective of groundwater resources, not due to its failure, but due to increased groundwater elevations coming in contact with chemicals of concern and contaminating the groundwater. In summary, the selected remedial alternative appears to no longer be protective of groundwater resources and a new alternative should be evaluated.

11.0 CONCLUSIONS AND RECOMMENDATIONS

As detailed in Section 5, the selected remedy no longer appears to be protective of groundwater resources. It is recommended that:

- A Feasibility Study be conducted to assess remedial alternatives.
- A Remedial Action Plan (RAP) Amendment be developed based on the results of the Feasibility Study.
- Groundwater monitoring and cap inspection continue until the implementation of the RAP amendment.

12.0 PROTECTIVENESS STATEMENT

The concrete cap over the green chain area appears to still be in excellent condition and is preventing direct exposure to the PCP /TCP impacted soils. However, groundwater elevations have increased at the site and PCP/TCP impacts have been documented in groundwater monitoring wells since 2003.

Based on the monitoring data collected over the past five years, it appears that the remedial actions at the Site are no longer protective of groundwater resources and the original goals established in the Remedial Action Plan.

13.0 NEXT REVIEW

The next five-year review will be prepared five years from the date of this report.

14.0 REFERENCES

Brown and Caldwell, 1997. Implementation Report, Implementation of Remedial Action Former NcNamara and Peepe Lumber Mill, Glendale, CA. December.

DTSC, 1997. Enforceable Monitoring and Maintenance Agreement. August.

DTSC, 1998. Amendment to Enforceable Monitoring and Maintenance Agreement Docket No. HSA 97/98-012 for McNamara and Peepe Lumber Mill. December.

DTSC, 1998. Covenant to Restrict Use of Property, McNamara and Peepe Lumber Mill. February.

DTSC, 2008. Imminent and Substantial Engangerment Determination Order. April.

Trans Tech Consultants, 1994. Final Remedial Action Plan. November.

URS, 2011. Soil and Groundwater Investigation Report. December.

URS, 2012a. Former McNamara & Peepe Lumber Mill – Soil and Groundwater Investigation, October/November 2011. February.

URS, 2012b. Former McNamara & Peepe Lumber Mill – Soil and Groundwater Investigation, April 2012.

U.S. EPA, 1991. Guidelines for Developmental Toxicity Risk Assessment. Available online at: http://www.epa.gov/raf/publications/guidelines-dev-toxicity-risk-assessment.htm

U.S. EPA, 2001. Comprehensive Five-Year Review Guidance. June. Available online at: http://www.epa.gov/oerrpage/superfund/accomp/5year/index.htm

Weiss, 2006. Field Investigation and Sampling Report. March.

Winzler & Kelly, 2002. Five-Year Compreshensive Review for Blue Lake Forest Products Former McNamara and Peepe Lumber Mill. December.

Winzler & Kelly, 2004a. Groundwater Annual Monitoring Report and Cap Inspection, December 2003, at Blue Lake Forest Products Facility. January.

Winzler & Kelly, 2004b. Groundwater Sample Results for MW-1 at Blue Lake Forest Products Facility. July.

Winzler & Kelly, 2005. Groundwater Annual Monitoring Report and Cap Inspection, January 2005, at Blue Lake Forest Products Facility. February.

Winzler & Kelly, 2006. Groundwater Annual Monitoring Report and Cap Inspection, January 2006, at Blue Lake Forest Products Facility. February.

Winzler & Kelly, 2007. Groundwater Annual Monitoring Report and Cap Inspection, at Blue Lake Forest Products Facility. March.

Winzler & Kelly, 2008. Five-Year Compreshensive Review for Blue Lake Forest Products Former McNamara and Peepe Lumber Mill. July.

Table 1. Well Construction Details					
Well ID	Date Installed	Top of Casing Elevation (ft above msl)	Screened Interval (ft bgs)	Casing Diameter (in)	Sounded Well Depth (ft bgs)
MW-1	1988	90.54[1]	19-23	4	23.26[1]
MW-5	1988	92.29[1]	18-23	4	24.08[1]
MW-7	1997	97.37[1]	22-37	4	38.37[1]
MW-8	1997	96.04[1]	7-24	4	25.09[1]
MW-9	unknown	98.66[1]	21-25	4	26.37[1]
					Boring Depth (ft)
MW-10	6/7/2010	95.65[2]	9-24	2	25
MW-11	10/18/2010	91.70[2]	9.5-24.5	2	25
MW-12	11/1/2011	91.73[2]	10-20	2	25

1 – 1/8/1998
2 – 11/3/2011

Table 2. Groundwater Monitoring Results

Table 2

Historical Analytical Data
Former McNamara and Peepe Lumber Mill

Well Name	Date	PCP	TCP	Cr	Pb	Ni	Zn
	CA MCL	1	NV	50	15	100	NV
MW-1							
	7/31/1997	<0.30	<1.0	--	--	--	--
	1/12/1998	<0.30	<1.0	--	--	--	--
	4/8/1998	<0.30	<1.0	--	--	--	--
	7/8/1998	<0.30	<1.0	--	--	--	--
	10/10/1998	--	--	--	--	--	--
	1/26/1999	<0.30	<1.0	--	--	--	--
	7/14/1999	<0.30	<1.0	--	--	--	--
	4/13/2000	<0.30	<1.0	--	--	--	--
	10/19/2000	<0.30	<1.0	--	--	--	--
	6/7/2001	0.49	<1.0	--	--	--	--
	12/26/2002	<0.30	<1.0	--	--	--	--
	12/12/2003	1,100	19	--	--	--	--
	12/24/2003	720	11	--	--	--	--
	3/15/2004	1,100	15	--	--	--	--
	6/10/2004	900	19.8	--	--	--	--
	6/28/2005	890	11	--	--	--	--
	8/4/2005	890	14	<10	<10	<20	<20
	06/2010	0.34	<1.0	--	--	--	--
	10/2010	2200	36	--	--	--	--
	11/2011	1300	25	6.5	<5.0	20	24
	4/2012	1300	24	--	--	--	--
MW-5							
	7/31/1997	<0.30	<1.0	--	--	--	--
	1/12/1998	<0.30	<1.0	--	--	--	--
	4/8/1998	<0.30	<1.0	--	--	--	--
	7/8/1998	<0.30	<1.0	--	--	--	--
	7/8/1998 (FD)	<0.30	<1.0	--	--	--	--
	10/10/1998	--	--	--	--	--	--
	1/26/1999	<0.30	<1.0	--	--	--	--
	7/14/1999	<0.30	<1.0	--	--	--	--
	4/13/2000	<0.30	<1.0	--	--	--	--
	10/19/2000	<0.30	<1.0	--	--	--	--
	10/19/2000 (FD)	<0.30	<1.0	--	--	--	--
	6/7/2001	<0.30	<1.0	--	--	--	--
	6/7/2001 (FD)	0.68	<1.0	--	--	--	--
	12/26/2002	<0.30	<1.0	--	--	--	--
	12/26/2002 (FD)	<0.30	<1.0	--	--	--	--
	12/12/2003	<0.30	<1.0	--	--	--	--
	12/12/2003 (FD)	<0.30	<1.0	--	--	--	--
	1/28/2005	<0.30	<1.0	--	--	--	--
	1/28/2005 (FD)	<0.30	<1.0	--	--	--	--
	8/4/2005	<0.30	<1.0	<10	<10	<20	<20
	06/2010	1.7	<1.0	--	--	--	--
	10/2010	1.6	<1.0	--	--	--	--
	11/2011	5.1	<1.0	7.1	<5.2	9.4	24
	4/2012	54	2.2	--	--	--	--
MW-6							
	7/31/1997	<0.30	<1.0	--	--	--	--
MW-7							
	1/12/1998	<0.30	<1.0	--	--	--	--
	4/8/1998	<0.30	<1.0	--	--	--	--
	4/8/1998	<0.30	<1.0	--	--	--	--
	7/8/1998	<0.30	<1.0	--	--	--	--
	10/10/1998	<0.30	<1.0	--	--	--	--
	1/26/1999	<0.30	<1.0	--	--	--	--
	1/26/1999	<0.30	<1.0	--	--	--	--
	7/14/1999	<0.30	<1.0	--	--	--	--
	4/13/2000	<0.30	<1.0	--	--	--	--
	4/13/2000	<0.30	<1.0	--	--	--	--
	10/19/2000	<0.30	<1.0	--	--	--	--
	6/7/2001	0.36	<1.0	--	--	--	--
	12/26/2002	<0.30	<1.0	--	--	--	--

Table 2

Historical Analytical Data
Former McNamara and Peepe Lumber Mill

Well Name	Date	PCP	TCP	Cr	Pb	Ni	Zn
	CA MCL	**1**	**NV**	**50**	**15**	**100**	**NV**
	12/12/2003	<0.30	<1.0	--	--	--	--
	1/28/2005	<0.30	<1.0	--	--	--	--
	8/4/2005	<0.30	<1.0	<10	<10	<20	<20
	8/4/2005 (FD)	<0.30	<1.0	<10	<10	<20	<20
	06/2010	<0.30	<1.0	--	--	--	--
	10/2010	<0.30	<1.0	--	--	--	--
	11/2011	<0.30	<1.0				
	4/2012	<0.30	<1.0	--	--	--	--
MW-8							
	1/12/1998	<0.3	<1.0	--	--	--	--
	4/8/1998	**1.3**	<1.0	--	--	--	--
	4/27/1998	<0.3	<1.0	--	--	--	--
	7/8/1998	<0.3	<1.0	--	--	--	--
	10/10/1998	--	--	--	--	--	--
	1/26/1999	<0.3	<1.0	--	--	--	--
	7/14/1999	<0.3	<1.0	--	--	--	--
	4/13/2000	<0.3	<1.0	--	--	--	--
	10/19/2000	<0.3	<1.0	--	--	--	--
	6/7/2001	<0.3	<1.0	--	--	--	--
	12/26/2002	<0.3	<1.0	--	--	--	--
	8/4/2005	<0.3	<1.0	<10	<10	<20	<20
MW-9							
	1/12/1998	<0.3	<1.0	--	--	--	--
	4/8/1998	<0.3	<1.0	--	--	--	--
	7/8/1998	<0.3	<1.0	--	--	--	--
	10/10/1998	<0.3	<1.0	--	--	--	--
	10/10/1998	<0.3	<1.0	--	--	--	--
	1/26/1999	<0.3	<1.0	--	--	--	--
	7/14/1999	<0.3	<1.0	--	--	--	--
	7/14/1999 (FD)	<0.3	<1.0	--	--	--	--
	4/13/2000	<0.3	<1.0	--	--	--	--
	10/19/2000	<0.3	<1.0	--	--	--	--
	6/7/2001	<0.3	<1.0	--	--	--	--
	12/26/2002	<0.3	<1.0	--	--	--	--
	8/3/2005	<0.3	<1.0	--	--	--	--
	06/2010	<0.3	<1.0	--	--	--	--
	10/2010	<0.3	<1.0	--	--	--	--
	11/2011	<0.3	<1.0	--	--	--	--
	4/2012	<0.3	<1.0	--	--	--	--
MW-10							
	06/2010	<0.3	<1.0	--	--	--	--
	10/2010	<0.3	<1.0	--	--	--	--
	11/2011	<0.3	<1.0				
	4/2012	<0.3	<1.0	--	--	--	--
MW-11							
	10/2010	**0.34**	<1.0	--	--	--	--
	11/2011	<0.30	<1.0	--	--	--	--
	4/2012	**1.6**	<1.0	--	--	--	--
MW-12							
	11/2011	**24**	<1.0	--	--	--	--
	4/2012	**53**	<1.0	--	--	--	--

Notes:

All results in micrograms/liter
MCL = Maximum Contaminant Levels
PCP = Pentachlorophenol
TCP = 2,3,4,6-Tetrachlorophenol
Cr = Chromium
Pb = Lead
Ni = Nickel
Zn = Zinc
Bolded Results: Analyte concentration exceeds laboratory reporting limit

Shaded Cells: Analyte concentration exceeds MCL
< indicates value is below the laboratory reporting limit
FD = Field duplicate of previous sample
NV =No established value

Table 3. Site Goals			
Chemical of Concern	Media	Goal	Source
PCP	Soil	1.75 mg/kg	Risk assessment determination[1]
PCP	Water	1 µg/L	CA MCL[2]
2,3,7,8 TCDD	Soil	0.003 µg/kg	Risk assessment determination[1]

1. Risk assessment determination as presented in the Remedial Action Plan (DTSC, 1994).
2. CA Department of Public Health, Maximum Contaminant Level.

Quantification of remediation goals for soil, surface water, and ground water considers the reduction of exposure concentrations that would result in an excess cancer risk of less than 1 x 106, or non-cancer hazard quotients of less than one.

ATTACHMENT 4:

CA DTSC E-Mail from Project Manager Nina Bacey to Humboldt County Senior Planner Steven Lazar. April 2, 2015.

FW: CUP-13-021 Royal Gold | Mcnamara and Peepe / Blue Lake Forest Products site | Envirostor ID: 12240115

From: "Lazar, Steve" <SLazar@co.humboldt.ca.us> 04/02/15 13:08
To: "Garry Rees" <garry@streamlineplanning.net>

FYI

Steven Lazar
Senior Planner
Humboldt County Planning &
Building Department
Planning Division
3015 H St. | Eureka, CA 95501
707/268-3741
slazar@co.humboldt.ca.us

From: Bacey, Juanita@DTSC [mailto:Juanita.Bacey@dtsc.ca.gov]
Sent: Thursday, April 02, 2015 12:21 PM
To: Lazar, Steve
Cc: Wong, Henry@DTSC
Subject: RE: CUP-13-021 Royal Gold | Mcnamara and Peepe / Blue Lake Forest Products site | Envirostor ID: 12240115

Hi Steve,
Based on the history of the Site as a former timber mill, I believe your proposal as indicated below is reasonable. Pre-excavation soil analytical results should be compared to U.S. EPA Regional Screening Levels (RSLs) for industrial/commercial use. If PCP or TCP concentrations exceed the RSLs, then a Soil Management Plan should be prepared before excavation of contaminated soil to ensure proper handling and disposal.
I have cc'd Henry Wong on this email. Henry is the new DTSC project manager for the adjacent site McNamara & Peepe. If you need more information on the history of the site, feel free to contact me. All other questions should be directed to Henry. Thanks.

Nina Bacey
Project Manager/Sr. Environmental Scientist
Brownfields & Environmental Restoration
Cal EPA – CA Dept. of Toxic Substances Control
700 Heinz Avenue
Berkeley, CA 94710
(510) 540-2480

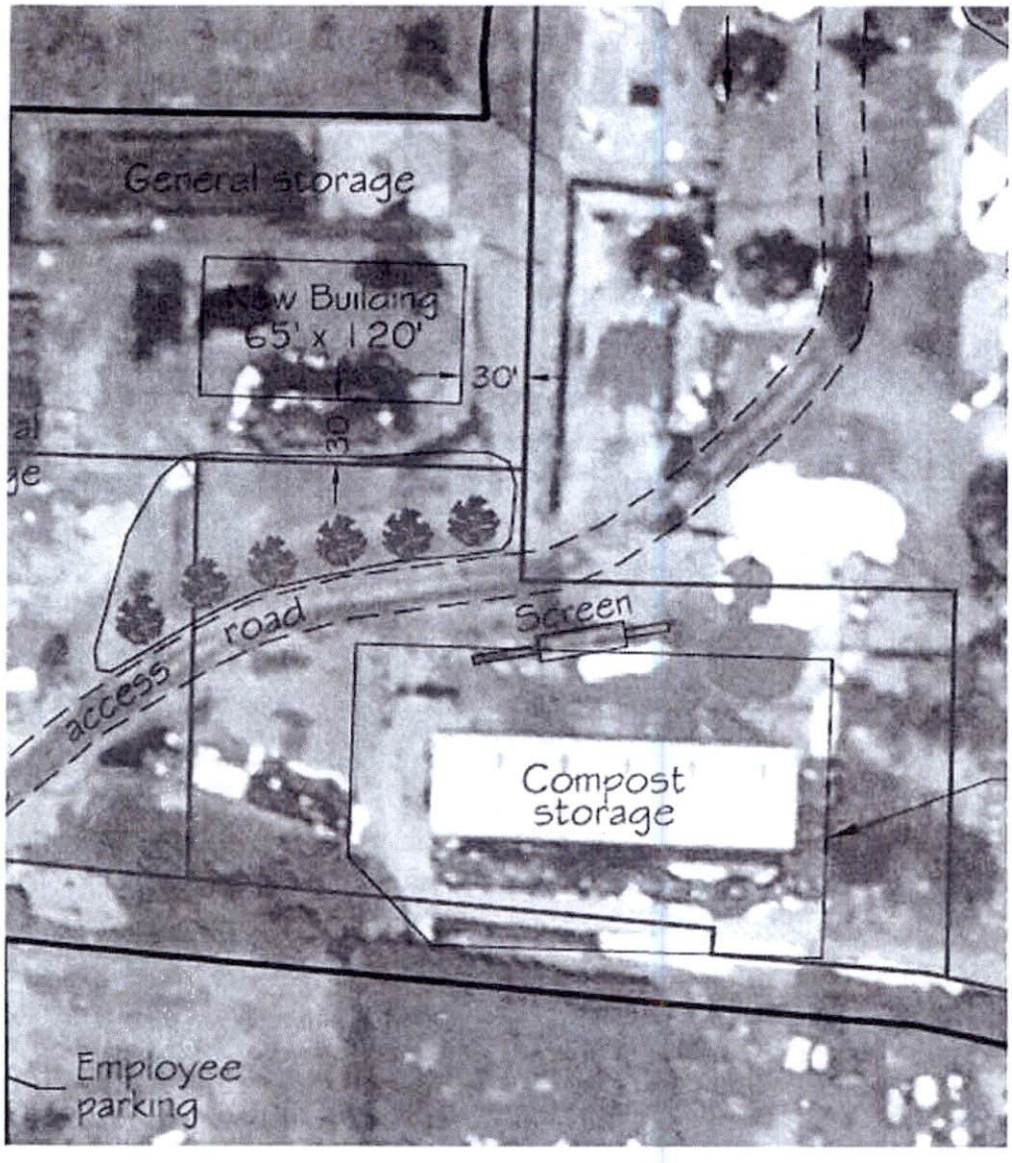
From: Lazar, Steve [mailto:SLazar@co.humboldt.ca.us]
Sent: Thursday, April 02, 2015 10:32 AM
To: Bacey, Juanita@DTSC
Subject: CUP-13-021 Royal Gold | Mcnamara and Peepe / Blue Lake Forest Products site | Envirostor ID: 12240115

Hi Nina-

I am following up on our phone call this morning. Thank you for taking the time to once again discuss the Royal Gold project with me.

As we discussed, as part of their Conditional Use Permit application, the applicant is requesting permission to construct a new 7,800 square foot membrane structure utilizing an arched truss design. The building will be located on APN 516-101-84 approximately 150 feet north of the State Response Site / Concrete Cap (APN 516-111-63 –

labeled as Compost Storage). Construction of the building will involve some excavation for installation of the footings/foundation.



While there is not known to be soil contamination within the area targeted for the structure, given the extensive and long-standing use of the site and vicinity for industrial timber product processing operations, to insure that the associated grading will not uncover or disturb unknown hazardous materials or contaminated soils, we are considering requiring that soil samples be taken at all grading/footing locations, and analyzed for presence of contaminants of concern prior to completing the excavation and soil disposal. The results of the laboratory soil analysis would be forwarded to DTSC for review. Should contamination be discovered within the areas targeted for excavation, the applicant would then be required to prepare a Soil Management Plan to insure that all excavated material is properly disposed of.

From our discussion this morning, it sounded as though this approach was both reasonable and appropriate. Can you please confirm?

Also, if you have any questions or feedback, please don't hesitate to ask/provide.

Thanks!

Steven Lazar
Senior Planner

Humboldt County Planning &
Building Department
Planning Division
3015 H St. | Eureka, CA 95501
707/268-3741
slazar@co.humboldt.ca.us

From: Bacey, Juanita@DTSC [mailto:Juanita.Bacey@dtsc.ca.gov]
Sent: Wednesday, December 31, 2014 4:05 PM
To: Lazar, Steve
Subject: Automatic reply: CUP-13-021 Royal Gold | Mcnamara and Peepe / Blue Lake Forest Products site | Envirostor ID: 12240115

Hi,
I will be out of the office until Monday. I will respond to your email when I return. Thanks.

Nina Bacey