



HUMBOLDT BAY MUNICIPAL WATER DISTRICT

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JOHN FRIEDENBACH

June 20, 2022

Re: Initial Study and Proposed Mitigated Negative Declaration for Royal Gold Soil Operation

Gentlemen:

We are writing to provide comments on the above referenced document dated May 17, 2022.

The District supplies domestic water to seven municipal agencies on a wholesale basis. The municipalities served by the District are the Cities of Arcata, Blue Lake and Eureka, and the Fieldbrook, Humboldt, Manila and McKinleyville Community Services Districts. Via our wholesale relationship, the District serves water to an estimated population of 92,000 people (approximately 66% of the entire Humboldt County), and to numerous businesses, industries and educational institutions.

The District's diversion works and operational control center are located at Essex, just northeast of Arcata and one mile down stream from the Royal Gold site on the Mad River. Four Ranney collectors supply water to the domestic system for drinking water purposes. The Ranney collectors house multiple large electric-driven pumps and associated equipment, and are capable of pumping approximately 20 MGD. The collectors draw water from the aquifer via lateral pipes located 60 to 90 feet beneath the bed of the river. The process of bringing water up from the aquifer through the sands and gravel of the riverbed provides a natural filtration process which results in water that is very high in quality. However, this natural filtration cannot remove PCP, TCP or Dioxin contaminants from our source water.

The District also supplies untreated water on a wholesale basis for industrial purposes to the Samoa peninsula and the Humboldt Bay Harbor District. Our direct diversion facility diverts surface water from the Mad River for industrial use and is capable of pumping 60 MGD.

The Royal Gold proposed development is an active contaminated site under the jurisdiction of the State of California Department of Toxics and Substances Control (DTSC). DTSC has issued and recorded a deed restriction concerning development on the property.

Deed Restriction / Land Use Covenant	2/4/1998	<ul style="list-style-type: none">• ACTIVITIES PROHIBITED WHICH DISTURB THE REMEDY AND MONITORING SYSTEMS WITHOUT APPROVAL• CHECK FOR CRACKS IN FOUNDATION• DAY CARE CENTER PROHIBITED• HOSPITAL USE PROHIBITED• LAND USE COVENANT• MAINTAIN MONITORING OF GROUNDWATER• NO EXCAVATION OF CONTAMINATED SOILS WITHOUT AGENCY REVIEW AND APPROVAL• NOTIFY AFTER CHANGE OF PROPERTY OWNER• NOTIFY PRIOR TO CHANGE IN LAND USE• NOTIFY PRIOR TO SUBSURFACE WORK• REQUIRES SURFACE COVERS• RESIDENCE USE PROHIBITED
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From Envirostor website: envirostor.dtsc.ca.gov

The land use restriction document states in part: “D. The Department has determined that use restrictions must be imposed on the Property to ensure full protection of public health and safety and the environment.

E. Pursuant to California Civil Code section 1471, the Department has determined that this Covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence on the Property of hazardous materials within the meaning of California Health and Safety Code (“H&SC”) section 25260.”

Therefore, all site diagrams included in the Initial Study and Proposed Mitigated Negative Declaration should include depiction of the restricted development areas on each site map and not just the site maps shown in Soil and Groundwater Management Plan 5.8.

Additionally, all sections of the IS and MND should reference the Soil and Groundwater Management Plan section 5.8 which describes in further detail the existing contamination at the site.

Soil and Groundwater Management Plan 5.8

Section 1.0 Introduction – “*This SGMP addresses recommendation for characterization of soil and groundwater impacted by PSCs prior to proposed construction activities for worker safety, potential onsite reuse or offsite disposal, and management of excavated at the property.*” The SGMP should address potential negative impacts to existing contamination and increases to offsite migration of the PSCs.

“*Fueling Station: ...The specific location of the fueling station has not been finalized but will be located away from waterways and combustible materials.*” The exact location for the fueling station must be identified so that the SGMP can evaluate the potential impacts to existing site contamination related to the ground disturbance activities for digging footings and any other underground utilities or piping associated with the fueling station.

“Publicly available data and submittals uploaded on the California Department of Toxic Substances Control (DTSC) Envirostor website were reviewed and used to prepare this SGMP.” Section 2.2 states that: “The most recent groundwater monitoring event occurred on March 5, 2021 (SHN, 2021).” In fact, the most recent ground monitoring report was prepared by SHN in April 2022. SHN knows this as they prepared the report, and it is posted on the DTSC Envirostor website. Therefore, the 2022 report should be used.

Section 3.0 states: “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.” By DTSC’s own admission, the RAP failed and was revoked by DTSC. In 2008 DTSC concluded that there was an imminent and substantial endangerment to the public health and welfare at the site. By omitting these significant facts under section 3.0 of the GSMP, readers are misled that the RAP was successful and is still in place.

Section 4.1 Sample Location Frequency “...If the structure has a total area less than 5,000 square feet, then one test pit will be installed within the footprint.” There are no specifics as to the location of the test pits for square foot or linear foot testings. We suggest that tests be taken in the center of square foot areas or at the midpoint of linear foot. This section also states: *“...and soil from installation will be stockpiled for and sampled for disposal or re-use determination.”* We suggest that composite sampling be performed on any stockpiled soils.

Section 4.3 Laboratory Analysis “...A State of California-certified analytical laboratory will perform the analyses.” We suggest that a certified lab that has experience and ability to test for PCP, TCP and Dioxin be utilized and that all of these contaminants be included in the testing.

Section 4.4 Reporting “... It is recommended that any sampling results that exceed residential screening levels be submitted to DTSC for review.” Because this is an active contaminated site under the jurisdiction of DTSC **ALL SAMPLE RESULTS must be communicated to DTSC and posted on the DTSC Envirostor website for the public to view.**

In summary, the IS/MND fails to address how data generated from implementation of the Soil and Groundwater Management Plan will be shared and how the data will be acted upon. Soil and Groundwater Management Plan states:

“A summary report will be prepared documenting the results of the pre-construction characterization soil and groundwater (if encountered) samples. The results will be shown on a site map to identify soils for unrestricted re-use onsite, those that contain concentrations suitable for limited re-use onsite, and those that may need to be disposed of offsite at an approved facility. These designations will be based on the results from the pre-characterization and compared to applicable regulatory screening levels. Based on the PSCs, the applicable regulatory screening levels are contained in DTSC Human Health Risk Assessment (HHRA) Note Number 2 and Note Number 3. It is recommended that any sampling results that exceed residential screening levels be submitted to DTSC for review “(p. 7).

Mitigation Measure HHM-1 Soil and Groundwater Management Plan does not include provisions for submittal of data to DTSC or to the public for review. Mitigation Measure HHM-1 also fails to discuss contingency actions that may be necessary if sample results exceed screening levels. For example, if soils are found to exceed screening levels, **confirmatory (hot-spot) sampling should be undertaken in coordination with DTSC to determine extent of contamination.**

The IS/MND should be revised to include mitigation measures that will ensure data-sharing with DTSC and the public. Mitigation measures should also be added to identify how confirmatory sampling will be undertaken to determine the full extent (lateral and vertical) of soil and groundwater contamination that may be found to exceed screening levels. Additional mitigation should also identify how soils found to exceed screening levels, if any, will be transported for proper disposal.


Additionally, stormwater management provisions will need to include best management practices (BMPs) to reduce or eliminate runoff from areas that may be found to be contaminated during implementation of the Soil and Groundwater Management Plan. The IS/MND relies only on BMPs included in the Stormwater Pollution Prevention Plan (SWPPP) prepared for compliance with the California Industrial General Permit. The IS/MND states: “some of the proposed improvements may require obtaining a State Water Resources Control Board (SWRCB) Construction General Permit, which requires the development of a Stormwater Pollution Prevention Plan (SWPPP)” (p. 131).

Because construction of the Project will entail the ground disturbance of more than one acre, the preparation of a SWPPP to comply with requirement of the California Construction General Permit is necessary. The California Construction General Permit SWPPP should be included in a revised IS/MND. The California Construction General Permit SWPPP prepared for inclusion in a revised IS/MND should include specific BMPs to manage runoff that may contain dioxins among other contaminants and should include monitoring provisions that would include sampling stormwater runoff for dioxins.

As the site is under an active oversight by the DTSC and remedial plans are in progress, DTSC must be consulted regarding all proposed development on the property and DTSC should approve all construction activities, so they do not interfere or inhibit future remedial action plans for the site.

We appreciate the opportunity to provide comments on the CEQA document.

Respectfully,



John Friedenbach
General Manager