

Friends of Los Alamitos Watershed

General Monthly Meeting

Wednesday, Sept 30, 2009

1. The document show many of the changes we requested
 - a. The sediment level was changed
 - b. Walker Creek watershed model was adapted
 - c. Changed the water-column quality objective
 - d. Target is 0.2 mg mercury per kg suspended sediment
 - e. Downstream depositional area in creeks are not required to take any new additional actions in depositional areas
 - f. Public agencies will seek funding for restoration, cleanup, stream stewardship and flood control.
 - g. No additional costs for storm water runoff are associated with implementation actions.
 - h. Mercury Source Control Actions
 - i. The Water Board encourages public agencies and cooperating private parties to participate in the Water Code Chapter 5.7 program.
 - i. Implementation Actions for Depositional Areas
 - i. The Water Board encourages a cooperative effort with public and creekside property owners to undertake a comprehensive creek bank stability and habitat restoration project.
 - ii. The Water Board will be the technical lead for the project and to seek funding.
 - iii. The Water Board will identify mercury cleanup as a grant funding priority for the region.
 - iv. Creekside property owners are responsible to provide reasonable access to the creek for project studies, construction, and monitoring, and to not take actions on their property that worsen the discharge of mercury mining waste into the creek.
 - j. Special Studies
 - i. Results of the studies will improve the understanding of mercury cycling in the water shed and to verify assumptions used in developing the TMDL. Results of the studies will inform adaptive implementation of these TMDL plans.
2. Notices:
 - a. Notice of opportunity to Comment
 - b. Draft State water Resources Control Board
 - i. Board meeting session – Division of Water Quality – TBD
 - c. Calif Regional Water Quality Control Board – San Francisco Region – Resolution R2-2008- 0089
 - d. Guadalupe River Watershed Mercury – TMDL
3. RWQCB Web Site
 - a. http://www.waterboards.ca.gov/water_issues/programs/tmdl/docs/guadalupe_mercury/res_r2_2008_0089.pdf
 - b.
4. Resource Binder
 - a. Good Samaritan Law Binder
 - i. Porter-Cologne Water Quality Control Act
 1. Chapter 5.7. Drainage from Abandoned Mines
 - ii. US EPA – Good Samaritan Orphan Mine Sites CERCLA

- iii. Environmental Law Institute – Good Samaritans
 - iv. Cleaning-up Abandoned and Orphaned Mines in California
 - 1. Mount Diablo Mercury Mine (CA)
- 5. Mike's first read letter of concerns to the TMDL
 - a. Individual mercury species
 - b. "The Water Board strategy... .. is to encourage among the District, local agencies, and creekside property owners to undertake a comprehensive creek bank stability and habitat restoration project."
 - c. Robbie's reply is correct about the amount of grams and speciation.
- 6. Robbie
 - a. Speciation
- 7. Communications
 - a. Lisa Killough
 - i. She expects the TMDL to be approved.
 - ii. The responsible parties have been sent letters to cleanup.
 - 1. Carrie is acting like the TMDL has been approved.
 - 2. They are ahead of schedule.
 - iii. The Park's department is preparing a response.
 - iv. They have been meeting with the Water District.
 - v. The garbage company has not responded.
 - vi. They are finishing with Jacque Gulch project.
 - vii. She had not heard about the letters being sent out to the community.
 - 1. She had not seen/read the new TMDL that was posted on the web.
 - 2. I asked her opinion about the responsible parties
 - viii. She is worried about other cleanup projects in the park.
 - 1. Cleaning the roads of the calcines
 - 2. Closing the park for park users.
 - 3. Muhammad is planning to meet with the community.
 - ix.
 - b. Al Gorevich
 - i. Many areas are unclear and excessive.
 - 1. The Water District wants to spend the money cleaning up not monitoring.
 - 2. He is concerned about the dates in the TMDL. Some of the deadlines have passed before the TMDL is approved by the State Water Board.
 - 3. The Water District does not want to be the technical lead in the creekside property owners section of the Los Alamitos Creek. He states that we are not there yet!
 - 4. He states that the Water District will not /cannot pay for the
 - 5. He believes the TMDL will be approved by the State.
 - c. Carrie Austin
 - i. The TMDL is proceeding on schedule. Letters were sent out to responsible parties.
 - ii. The law/code says the private property owners are responsible.
 - iii. On vacation
 - d. Mike Cox
 - i. See below
 - ii. He believes the TMDL will be approved by the State.
 - e. Rosemarie Kamai

- i. She did not know we were sent notices.
- ii. I asked her to get from her legal staff a clarification to what was intended by the TMDLs
- iii. She believes the TMDLs will be approved by the State

8. Comments

a. Cox

- i. We need to go through the TMDL for review and make our comments.

1. TMDL

- a. It is adaptive and may change.
- b. The County and H2O District are doing a great job.
- c. They continue to take responsibility for upland cleanup.

2. Main Content

- a. Stretch goals cannot be reached using the sediment goals.
- b. Bay sediment goals are determined by Mercury in the bay. The goals cannot be met. We need to look at the core samples (?)
- c. The .20 p.p.m is used by the Hazardous Waste as the level dangerous to humans.
- d. .2 is unrealistic because it is below the natural occurring cinnabar found in the watershed.
- e. Sediment goals are not natural nor are they realistic.
- f. The TMDL does not mention bioavailability
- g. The TMDL is an adaptive document.

b. Cox

- i. We support the TMDL because of the intent of the staff and their Regional Board to address the environment mercury pollution in the California water sheds.
- ii. We believe the problem of Mercury in fish tissue does not rest only in the soil in the Almaden area but from other various sources.
- iii. The solution to lower the Mercury sediment in the bay will have to come from controlling other sources producing the species of mercury harmful to humans.
- iv. With that said above we are not adverse from removing the calcines from the Los Alamitos creek along our reach of the creek.
- v. Addressing the issue will take private and public multiagency sources to help fund the project. The Santa Clara County Water District, Santa Clara County Parks and Rec. Department and our community will need to work together to find outside funding.

c. Cox

- i. We need to make sure that the TMDL is changed the community is informed.
- ii. When Carrie make adjustments and the responsible parties make adjustment in meeting the community needs to be informed.
- iii. Under our hats it's really clear that the County, Water Districts cannot help us.
- iv. We must proceed alone and we will have to bring legal litigation.
- v. No legal basis