

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

ORDER NO. 94-096

SITE CLEANUP REQUIREMENTS FOR:

**NEWARK SPORTSMANS' CLUB; and CARGILL SALT DIVISION
NEWARK, ALAMEDA COUNTY**

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board) finds that:

1. **Site Description** - The Newark Sportsmans' Club site is located in the City of Newark, south of the approach to the Dumbarton Bridge, on the east side of San Francisco Bay (see Figure 1) on land that is leased from Cargill Salt Division. This land is isolated from the Bay. The Club maintains four shooting stations for trap, where shotguns have been used to shoot lead pellets at clay targets. The Newark Sportsmans' Club (hereinafter called the Discharger) is primarily responsible for this discharge. Cargill Salt Division is secondarily responsible for purposes of this Order, and is hereinafter called the Secondarily Responsible Discharger.

As of about May 26, 1994, the Discharger has stopped using lead pellets and has ceased deposition of lead onto the site's wetlands. It is the intention of the Discharger to eliminate any future discharge of lead.

2. **Site History** - The trap ranges have existed at this site since before World War II. The ranges were previously in operation several days a week.
3. **Sources of Pollution** - The lead pellets from the shotguns were discharged in a westerly direction. Some of the pellets were deposited in an area which is dry most of the year. This area is a man-made depression from previous lead pellet mining and recycling operations. This area can temporarily collect rainwater in the winter months. This area is not used for salt production. The temporarily ponded depression is about one acre in area and is about 250 feet from the shooting positions. The pellets can land a considerable distance, about 300 to 400 feet, from the shooting positions. The ranges, including the depression area, have been mined to recover and recycle the lead.

The temporarily ponded depression is considered a wetland and, therefore, a water of the State. Other wetland areas may be adjacent to the temporarily ponded depression and lead may also have been deposited into these areas.

4. **Environmental Concerns** - The primary area of concern is lead deposition. The potential effects of lead from shotgun clubs are well documented. Direct ingestion of lead pellets may cause waterfowl deaths. In the area in or near the temporarily

ponded depression, geese and other waterfowl may be at special risk. In both fresh and marine water, lead becomes available to biota through the transformation process of oxidation.

Three water samples were collected from the depression for laboratory analysis. The results indicated dissolved lead concentrations of nondetect, 34 $\mu\text{g/L}$, and 72 $\mu\text{g/L}$. The Federal drinking water standard is 50 $\mu\text{g/L}$.

5. **Scope of this Order** - This Order contains tasks that require the Discharger to: 1) define the extent of lead pollution in the temporarily ponded depression and other wetlands within the ranges; 2) to the extent necessary, determine the degree to which the lead is biologically available; 3) to the extent necessary, develop a remedial action plan to cleanup or manage the lead pollution; and 4) implement the remedial action plan, if necessary.
6. On October 28, 1968, the State Board adopted Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality Waters in California." This policy calls for maintaining the existing high quality of State waters unless it is demonstrated that any change would be consistent with the maximum public benefit and not unreasonably affect beneficial uses.
7. The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on September 16, 1992. The Basin Plan contains water quality objectives and beneficial uses for surface water in the San Francisco Bay Region.
8. The existing and potential beneficial uses of the temporarily ponded depression include:
 - a. Wildlife habitat
 - b. Preservation of rare and endangered species
9. The Discharger has caused or permitted, or threatens to cause or permit, lead pellets and clay targets to be discharged or deposited where they are, or probably will be discharged, to the temporarily ponded depression or other wetlands, and creates, or threatens to create, a condition of pollution or nuisance.
10. This action is an Order to enforce the laws and regulations administered by the Board. This action is categorically exempt from the provisions of the CEQA pursuant to Section 15321 of the Resources Agency Guidelines.

11. The Board has notified the Discharger and interested agencies and persons of its intent under California Water Code Section 13304 to prescribe Site Cleanup Requirements for the discharge, or threatened discharge, and has provided them with the opportunity for a public hearing and an opportunity to submit their written views and recommendations.
12. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the Discharger shall cleanup and abate the effects described in the above findings as follows:

A. **PROHIBITION**

1. The discharge of wastes or hazardous materials in a manner which will degrade, or threaten to degrade, water quality or adversely affect, or threaten to adversely affect, the beneficial uses of the temporarily ponded depression or other wetlands within the ranges is prohibited. Specifically, the discharge or deposition of lead pellets into the temporarily ponded depression or other wetlands within the ranges is prohibited.

B. **PROVISIONS**

1. The Discharger shall perform all investigation and cleanup work in accordance with the requirements of this Order. All technical reports submitted in compliance with this Order shall be satisfactory to the Executive Officer, and, if necessary, the Discharger may be required to submit additional information.
2. To comply with all Prohibitions of this Order, the Discharger shall meet the following compliance task and time schedule. Within sixty (60) days of the Executive Officer's determination and actual notice to the Secondarily Responsible Discharger that the Discharger has failed to comply with this Order, the Secondarily Responsible Discharger, as landowner of the property where the shooting ranges are located, shall itself then be responsible for complying with this Order under a time schedule revised by the Executive Officer to reflect the status of task completion at the time of compliance failure.

COMPLIANCE DATE AND TASKS

- a. **COMPLIANCE DATE: September 1, 1994**

WORKPLAN FOR IMPLEMENTATION OF LEAD BAN: Submit a workplan acceptable to the Executive Officer containing a proposal, including a time schedule, for implementation of a ban on lead pellets and methods for enforcing this ban.

- b. **COMPLIANCE DATE: January 2, 1995**

WORKPLAN FOR SEDIMENT POLLUTION

CHARACTERIZATION: Submit a technical report acceptable to the Executive Officer containing a proposal, including a time schedule, to define the horizontal and vertical extent of lead concentrations in the sediment in the temporarily ponded depression or other wetlands within the ranges, including both pellet and finely divided forms. The proposal may include sampling and analysis of the ponded water.

- c. **COMPLIANCE DATE: To be established by Executive Officer based on proposal submitted pursuant to Provision 2.b.**

COMPLETION OF SEDIMENT CHARACTERIZATION: Submit a technical report acceptable to the Executive Officer documenting completion of the necessary tasks identified in the technical report acceptable for Provision 2.b.

- d. **COMPLIANCE DATE: January 2, 1995**

WORKPLAN FOR BIOLOGICAL CHARACTERIZATION:

Submit a technical report acceptable to the Executive Officer containing a proposal, including a time schedule, to characterize the biology in the temporarily ponded depression and other wetlands within the ranges where the lead has been deposited, and determine whether the lead has become biologically available and is affecting, or can potentially affect, plants or animals. A remedial action plan acceptable to the Executive Officer may be submitted in lieu of this workplan for biological characterization.

- e. **COMPLIANCE DATE:** To be established by Executive Officer based on proposal submitted pursuant to Provision 2.d.

COMPLETION OF BIOLOGICAL CHARACTERIZATION:

Submit a technical report acceptable to the Executive Officer documenting completion of the necessary tasks identified in the technical report acceptable for Provision 2.d.

- f. **COMPLIANCE DATE:** To be established by Executive Officer based on reports submitted pursuant to Provisions 2.c. and 2.e.

REMEDIAL ACTION PLAN: Submit a technical report acceptable to the Executive Officer containing a remedial action plan and an implementation time schedule. This report shall evaluate the need for removal and/or management (for example, periodic monitoring) of lead deposits in the temporarily ponded depression or other wetlands within the ranges. Remedial action evaluation shall consider pellet and sediment lead concentrations, and may be based on biological data, the sediment characterization, and other available information.

- g. **COMPLIANCE DATE:** To be established by Executive Officer based on proposal submitted pursuant to Provision 2.f.

COMPLETION OF REMEDIAL ACTION: Submit a technical report acceptable to the Executive Officer documenting the completion of the necessary tasks identified in the technical report acceptable for Provision 2.f.

3. If the Discharger is delayed, interrupted or prevented from meeting one or more of the compliance dates specified in this Order, the Discharger shall promptly notify the Executive Officer, and the Board may consider revision to this Order.
4. The Discharger shall file a report with the Board at least 30 days in advance of any changes in occupancy or ownership associated with the Site described in this Order.
5. The Board will review this Order periodically and may revise the requirements or compliance schedule when necessary.

6. Copies of all correspondence, reports, and documents pertaining to compliance with the Prohibitions and Provisions of this Order shall be provided to the following agencies:
- a. Alameda County Water District
 - b. Alameda County Health Department
 - c. City of Newark

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Region, on August 17, 1994.



Steven R. Ritchie
Executive Officer

Attachment: Figure 1 — Location Map

