
San Francisco Bay Regional Water Quality Control Board

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CIWQS Place No. 717685

Santa Clara County Parks & Recreation Dept.
Attn.: Mr. Robb Courtney, Director
298 Garden Hill Drive
Los Gatos, 95032

Sent via email to: robb.courtney@prk.sccgov.org

**Subject: Request for Plans and Schedules to Implement Recommendations
in: *Almaden Quicksilver County Park and Santa Teresa County Park
Mine Material Evaluation***

Dear Mr. Courtney:

Thank you for the technically excellent May 16, 2011, report, *Almaden Quicksilver County Park and Santa Teresa County Park Mine Material Evaluation (Inventory Report)*. The *Inventory Report* meets the requirements of our June 2009 California Water Code § 13267 Technical Report Order. The *Inventory Report* helps address the requirements of the Guadalupe River Watershed Mercury Total Maximum Daily Load (TMDL).¹

We had planned to issue a cleanup and abatement order (CAO) to County Parks to direct compliance with the TMDL. However, County Parks has been a leader in complying with the TMDL's Coordinated Monitoring requirements, took the initiative to provide a draft *Inventory Report* for our early review and comment, produced the *Inventory Report* on schedule, and has willingly met with us to discuss mercury pollution issues at Alamitos Creek.

Therefore, instead of writing a CAO, we propose to provide you the opportunity to continue to develop plans and schedules voluntarily, and to recommend that the plans

¹http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/guadalupevermercurytml.shtml

and implementation be phased over a period of years. We expect that we will complete a public review and comment process as a part of that development. The process will likely require that this letter, the final *Inventory Report*, and a proposed implementation plan and schedule be posted on our website for public comment.

We recommend that County Parks propose a schedule that is consistent with the schedule below. We referred to the following from the TMDL in crafting the schedule below, "Mercury mining waste control actions are phased so that mercury discharges from upstream will be eliminated or significantly reduced before downstream projects are undertaken.... Cleanup and abate discharges of mercury mining waste within the 10-year duration of Phase 1. Submit a cleanup report for review and approval by the Executive Officer no later than December 31, 2018."

1. Complete and submit a Dirt Road Correction and Maintenance Plan and Schedule by December 31, 2012

The purpose of this plan is to (a) eliminate erosion of loose calcine debris (described in Section 5.1.1 in the *Inventory Report*) in the short term, and (b) over the long term improve maintenance of all dirt roads in Almaden Quicksilver County Park, especially calcine-paved roads. The plan must be applicable to all entities that maintain roads (e.g., not just Parks staff, but also utility company staff and contractors). The schedule should include training, correction of loose calcine debris erosion problems by October 1, 2013, and improved road maintenance procedures by April 30, 2014. This plan should incorporate both recommendations from the *Inventory Report*, and be in accordance with the best available guides, as follows:

- *Handbook for Forest and Ranch Roads*
A Guide for planning, designing, constructing, reconstructing, maintaining and closing wildland roads, June 1994, available at the California Department of Fish and Game website and at:
http://www.krisweb.com/biblio/gen_mcrpd_weaveretal_1994_handbook.pdf
- *Guidelines for Protecting Aquatic Habitat and Salmon Fisheries for County Road Maintenance* (Dec 2004), developed by FishNet 4C (and others), available at:
<http://fishnet.marin.org/roads-manual.html>

2. Complete and submit the Jacques Gulch Cleanup Plan and Schedule by December 31, 2013

The purpose of this plan is to clean up and abate discharges of calcines and other mercury mining wastes in an upper reach of Jacques Gulch. After calcine-paved roads, this is the last remaining highly-bioavailable mercury source to Almaden Reservoir. The cleanup should be completed by end of the dry season (October 1) in 2015, and a cleanup completion report submitted to us by December 31, 2015.

3. Complete and submit the Plan and Schedule for All Other High Priority Sites by December 31, 2014

The purpose of this plan is to reduce erosion of mercury mining wastes at all other high priority sites. The cleanup should be phased to begin in 2015 and be completed by October 1, 2017, and the final cleanup report submitted by December 31, 2017.

4. Complete and submit the Plan and Schedule for All Remaining Sites by December 31, 2016

The purpose of this plan is to reduce erosion, if possible and necessary, at all remaining mercury mining waste sites. The cleanup should be phased to begin in 2017 and be completed by October 1, 2018, and the final cleanup report submitted by December 31, 2018.

We request that you respond to this letter by July 31, 2012, to inform us whether you will be able to make the December 31, 2012, deadline for the first plan and schedule. In subsequent years, please send us status reports by June 30 each year.

If you have any questions, please do not hesitate to contact Carrie Austin of my staff at (510) 622-1015 or via e-mail to caustin@waterboards.ca.gov.

Sincerely,

Naomi Feger, Chief
Planning Division

cc: Mr. Bill Grimes, County Parks Bill.Grimes@PRK.SCCGOV.ORG
Ms. Katherine Harasz, Santa Clara County Counsel
Katherine.Harasz@cco.sccgov.org
Keith H. Lichten, Senior Engineer, Water Board