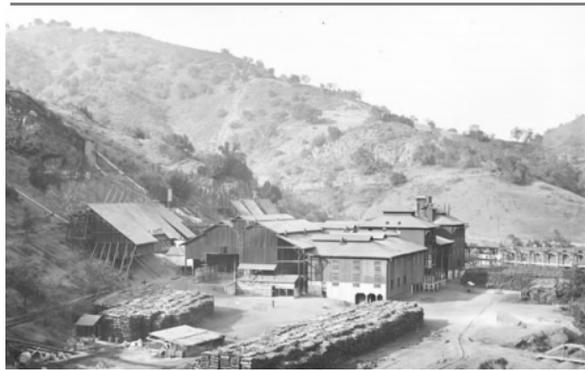


Questions and Answers about the Guadalupe River Mercury TMDL



Reduction Works, New Almaden, 1880-1900
Courtesy History San José

Regional Water Board terminology

What is a “total maximum daily load”? What is an “implementation plan”?

The total maximum daily load (TMDL) for a pollutant is the amount of that pollutant waters can receive each day and still be safe for human and wildlife purposes. In our region, each TMDL includes an “implementation plan, which is the action plan to reduce the pollutant in the watershed.

Informally, Water Board staff use the term “TMDL” to describe all of the documentation for the project.

What is the Basin Plan, and what is a Basin Plan amendment?

The Water Quality Control Plan for the San Francisco Bay Basin, known as “The Basin Plan,” is the San Francisco Bay Region’s master planning document for water quality. Elements of the Basin Plan—including “beneficial uses” designated for all watersheds in the Bay Area, “water quality objectives” to protect those uses, and TMDLs and other strategies for achieving the objectives—form the basis for the Water Board’s permitting and other actions that we take as a regulatory agency.

The Basin Plan is changed, or added to, by a formal amendment process that requires a public hearing and consideration of public comments on the plan.

The Guadalupe River Watershed Mercury TMDL

Why is there a TMDL for this watershed?

The federal Clean Water Act requires the states to develop and adopt action plans to reduce pollutants and restore healthy watersheds for all “impaired” waters. In California, this is the responsibility of the State Water Resources Control Board and the nine Regional Water Quality Control Boards.

For many years, the Guadalupe River watershed downstream of the mercury mines has been designated under the federal Clean Water Act as impaired by mercury. This is because mining waste from the mines was either dumped into local creeks in the past, or has eroded from the mine sites and accumulated in reservoirs and creek beds and banks downstream. This mercury has made fish in the watershed unsafe for people or wildlife to eat.

San Francisco Bay is also impaired by mercury, and the Guadalupe River is a significant source of mercury to the Bay. Bay fish, including several species caught and eaten by anglers and their families, are unsafe to eat, especially for children, pregnant or nursing mothers, and women of childbearing age.

Why is Alamos Creek so polluted?

Hacienda Furnace Yard was located in the upper reaches of Alamos Creek. More mercury ore was processed there than anywhere else in California. Much of the processed ore washed downstream, and accumulated in the banks & beds of Alamos Creek.

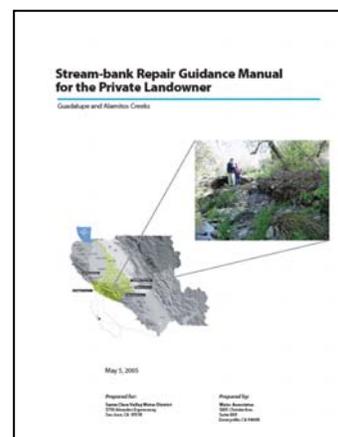
A special study of Alamos Creek was conducted for the TMDL, and is available on Valley Water District's website, at

http://www.valleywater.org/media/pdf/Guad_TMDL_New_Almaden_Survey.pdf.

What will I have to do under this TMDL, and how much will it cost me?

Our plan relies on public agencies to undertake the actual cleanup. Private property owners may be called on to allow representatives of these implementing agencies onto your land to assess problems and design solutions that will meet with your approval.

The Water District's publication, *Streambank Repair Guidance Manual for the Private Property Owner*, contains excellent information and details on approaches to keeping the mercury problem from getting worse on your property. We highly recommend it.



Is this a done deal? As a citizen, can I have input on these plans?

On October 8, at our offices in Oakland, the Regional Water Quality Control Board will hear testimony on a proposed amendment that would bring this TMDL into the Basin Plan. Members of the public are welcome to attend the hearing and speak to the Board before they vote on the proposal.

After our Board adopts an amendment, it is reviewed and approved by the State Water Resources Control Board and the U.S. Environmental Protection Agency before it is formally incorporated in the Basin Plan. The State Water Board also solicits public comments on Basin Plan amendments.

Is public funding available for cleanup?

The Water Board will identify mercury cleanup as a grant funding priority for the San Francisco Bay region. We view Alamos Creek as a high priority area.

How long will this cleanup program take?

The comprehensive plan we will propose for adoption by our Board on October 8 has a 20-year timeline to reach our targets for fish in the watershed to be safe to eat. We propose starting work at the top of the watershed so that the upstream sources will stop sending mercury downstream before downstream work begins. The program for the first 10 years includes implementing effective

source control measures for mining waste at mine sites, and completing surveys and engineering design studies to reduce discharge of mining waste accumulated in Alamitos Creek.

If all goes well, mercury in the tissues of fish caught in the watershed should be at safe-to-eat levels at the end of the 20 year program we envision. If those levels are not achieved in 20 years, we will re-assess and develop additional measures to reduce mercury.

If I want to make changes to the creek on my own property – such as shoring up the banks – can't I just go out there and do it?

State and federal law require permits (potentially from the U.S. Army Corps of Engineer, California Department of Fish and Game, and the Regional Water Board, depending on the project) work in these waters. For an overview of permitting agencies and the types of projects that concern them, see page 16 of the Water District's manual.

Do I need to take special actions to keep the mercury problem from getting worse?

The most important thing you can do is not exacerbate the problem—in other words, do not excavate or add soil, debris, or any kind of material to the creek or on the creek bank. In addition, we hope you will allow cleanup engineers onto your property to survey for mercury deposits and propose solutions.

Can the Water Board force me to take actions on my own property if I don't want to?

We are required by the California Water Code to protect creeks and other water bodies in our region. We permit any and all actions that private property owners (or public agencies such as the Santa Clara Valley Water District) take in creeks, and we issue “cleanup and abatement orders” when problems need remediating or when parties take actions that may harm water quality.

However, we sincerely hope we will not have to take such actions in this watershed, and have no plans to do so for individual homeowners. If we are to be successful in cleaning up the watershed and protecting future generations of both human and wildlife residents of the area, we need everyone's help and cooperation.

Links

Guadalupe River watershed mercury TMDL page on the Water Board's website:

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/tmdls/guadalupe/rivermercury/tmdl.shtml

Santa Clara Valley Water District page for the TMDL (scroll down for a report on Alamitos Creek):

http://www.valleywater.org/Water/Watersheds_-_streams_and_floods/Watershed_info_&_projects/Guadalupe/Guadalupe_River_TMDL_project/index.shtm

Quest program video on the mercury mines and the watershed:

<http://www.kqed.org/quest/television/view/855>

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