Polluted water not stopping EDC road project

Publisher's note: *This is the second of two stories investigating the toxic storm water runoff on the West Slope of El Dorado County.*

By Joann Eisenbrandt

A major El Dorado County roads project slated to begin construction in spring 2017 has raised additional concerns as well as questions about what actually remains of the Diamond Lime Plant underneath the material recovery facility (MRF) and whether it, too, is a source of toxic storm water runoff.

The Diamond Springs Parkway (DSP) project is a county Transportation division roads project that was envisioned in the county's 2004 General Plan. It has been in the works for even longer.

Its stated goal is to improve traffic circulation along Pleasant Valley and Missouri Flat roads north of the town of Diamond Springs. It includes the widening of Highway 49 from Bradley Drive south of Placerville to its intersection with Pleasant Valley Road in Diamond Springs. It also includes the construction of a four-lane connector road—Diamond Springs Parkway—between Missouri Flat Road and Highway 49. This road will border the property owned by Michael Lindeman.

The project will take place in two phases. Phase 1A is scheduled to begin in spring 2017 and includes the widening of Highway 49, the addition of sidewalks and improved access to bordering properties and realignment of Highway 49's intersection with Pleasant Valley Road in Diamond Springs. Phase 1B, the construction of Diamond Springs Parkway, will not happen sooner than 2021.

Concerns have been voiced that the soil disturbances that will come with the project could escalate problems with the unmitigated toxic remnants of the Diamond Lime Plant.



The alkalinity of storm water in areas of Placerville is nearly off the charts. Photo/Provided

A history of toxic storm water runoff

Hazardous storm water runoff along the El Dorado Trail that runs between Missouri Flat Road and Highway 49 near Placerville on the county's West Slope has been a concern for years. The runoff has impacted this popular walking and biking trail as well as the tributaries bordering it that lead to Weber Creek and eventually to the American River. Numerous tests have shown the runoff to be strongly alkaline with high pH levels. Properties adjoining the trail were the former site of the Diamond Lime Plant which processed limestone for a variety of industrial uses. One of the properties is owned by

Lindeman and the other, owned by Waste Connections, is the site of the material recovery facility (MRF).

The Lindeman property has been the main focus of investigations and citations by state and county agencies. It has been identified in reports as the source of the toxic runoff from past lime processing activities. Despite investigations by state and county agencies, the problem has not been fully abated. The beginning of this season's rainy season in October and the storm water runoff that has come with it brings new concerns.

A road runs through it

An environmental impact report (EIR) required by the California Environmental Quality Act (CEQA) was prepared to identify potential impacts to the environment from the parkway project and propose mitigation measures and mitigation monitoring plans which would reduce them to insignificance. It was approved by the El Dorado County Board of Supervisors in 2011.

The project also required an environmental site assessment (ESA). The Phase 1 ESA was done in 2009. The ESA is a necessary precursor before the county acquires property or rights-of-way and identifies any issues on the property that would affect its value. If the Phase I ESA finds that the site has significant issues, then a Phase II ESA is also prepared with remediation of the problems to take place before construction begins.

According to Dustin Harrington, senior civil engineer with the Transportation division of the county's Community Development Agency and DSP project manager, "No recognized environmental conditions or hazardous materials have been found within the footprint for the DSP's Phase 1A. It's all clean dirt."

But because the original Phase I ESA was done so long ago, it requires a review to account for changes that have taken place

in the interim. Harrington said that it is being reviewed as part of the Phase II ESA which is being prepared for Phase 1B of the parkway project, but he doesn't anticipate that this review will lead to the need for a Phase II ESA for the first part of the project that begins next spring.



After multiple days of rain in October, a tributary that drains into Weber Creek contains caustic lime sediment. Photo/Provided

What the grand jury said

The 2013-14 grand jury report included a response to a citizen complaint regarding the illegal grading on the Lindeman property in 2012 done without a county grading permit and the failure to notify state Fish and Wildlife as required by their code. Among its recommendations was that the county review the wisdom of spending public money for the Diamond Parkway Project given what it termed "environmental concerns."

The county responded that it is “spending ‘public monies’ to construct the Diamond Springs Parkway which has benefits for a wide range of county residents,” adding that the preparation of the EIR and ESA and the mitigation measures that come with them will resolve any environmental issues.

Some have said that the extent of the hazards from the toxic materials used at the Diamond Lime Plant have not been fully explored because of the financial benefits to the county and developers of both the Diamond Dorado and Diamond Springs Parkway projects. Finding out what’s really under there could jeopardize such projects or make them prohibitively expensive to construct.

Follow the money

George Turnboo, a member of the county’s Solid Waste Advisory board, has been involved with the toxic storm water runoff issue along the El Dorado Trail for years. He first became aware of it in 2014 when he was told by boys who had been playing in Weber Creek that they’d gotten burned. He has continued to speak about it ever since at town hall meetings, Solid Waste Advisory Committee meetings and before the Board of Supervisors. He and other local residents have reported the spills to state and county agencies, but believe their concerns have been largely ignored.

“They are downplaying it because they want the Diamond Springs Parkway project to go through no matter what. You have to look at past and present supervisors. It’s all tied together,” Turnboo told *Lake Tahoe News*. “The old saying is true, ‘follow the money’.”

Similar concerns were raised in 2011 when the board approved the Parkway’s EIR. Dave Gutierrez of True Value Hardware commented on the document, “This design is intended for one thing in mind and that’s for more development on the new parkway not to make traffic move faster through Diamond

Springs. It looks to me, and many others, that DOT has fallen into the same pattern as our federal and state government and caters to special interest groups, such as developers in this situation.”



El Dorado County’s Solid Waste Advisory board member George Turnboo finds the storm water runoff to be caustic in January. Photo/Provided

Testing, testing, testing

The Phase II Environmental Site Assessment for Phase 1B of the parkway project is just beginning. According to Harrington, soil samples have been taken from the locations designated in the ESA’s work plan. This work plan was created with input from other county agencies as well as the approval of the state Water Board. The exploratory field work is in progress now and will wrap up sometime this month, with a report expected in December.

Sites for testing were selected based on site reconnaissance, the researching of old records and maps of the Diamond Mine Plant and interviews of those with knowledge of the area's history. Leonard Bartley, former vice president of operations for the Diamond Lime Plant, indicated that he had been called by Youngdahl Consulting, the firm doing the testing, and had shared his firsthand knowledge of the site with them.

Site testing includes varying degrees of exploration from surface samples to trenches to the boring of deep holes. No lab tests of the samples have been completed.

Asked about whether storm water runoff was being tested as part of the process, Harrington said that a very small amount of such testing had been done but that the Storm Water division is "the first line of defense" with regard to toxic storm water runoff. The Transportation Department's main focus is on what is beneath the soil. He added that both county agencies are under the jurisdiction of the Water Board and ultimately answer to it as the "larger arm of authority." No moving of dirt or excavating has taken place yet for Phase 1A of the Diamond Springs Parkway project.

The local division of the state Water Board, the Central Valley Regional Water Quality Control Board, administers the provisions of the federal Clean Water Act and requirements regarding storm water discharge and water quality associated with it on the county's West Slope.

What about the MRF?

While the Lindeman property has been repeatedly identified and scrutinized as a source of hazardous runoff, the material recovery facility (MRF), also part of the Diamond Lime Plant site, has not. Some say it is time to find out if the MRF, owned by Waste Connections, may also be a source of the toxic storm water discharges.

Harrington indicated that no soil testing was being done on

the MRF property as part of preparations for construction of the Diamond Springs Parkway project because of its distance from the project footprint. He said that the testing being done for the project is thorough and adequate, but added that, “The issue right now is that we’re not quite sure of the extent of where the (toxic) materials are and what kind they are.”

Lake Tahoe News asked Walter Floyd, engineering geologist with the state Water Board, in early summer 2016 if his agency had considered investigating the possibility that toxic runoff was coming from the MRF site. At that point, they had not, but on a June visit to the Lindeman property, Floyd measured the soil pH levels in two locations where the Lindeman property abuts the MRF property. On an exposed hillside adjacent to the MRF the pH was nearly neutral, while in a pit by the MRF it was strongly alkaline.

The pH (potential hydrogen) scale measures the acidity or alkalinity of a solution. It goes from 0 to 14. A reading of 7 is neutral, as would be found in distilled water. More than 7 is alkaline (a base) and less than 7 is acidic.

In July, Floyd indicated that, “It is expected that additional investigation will be required in the general vicinity of the MRF and sampling results obtained so that the Water Board will be able to complete a conceptual model of the site that truly represents the current environmental conditions.”

He indicated that Waste Connections, owner of the MRF property, was conducting its own investigation and testing and would be forwarding the results to the Water Board. He added that “no scenarios are being excluded,” including the possibility that the toxic runoff that has been found in the area around the El Dorado Trail could also be coming from the MRF property. Testing results were provided to the Water Board in late July.

According to Floyd, “The results indicate soils with elevated pH underlie portions of the Waste Connections property.”



This testing site along the El Dorado Trail shows how close a toxic location is to the public. Photo/Provided

The current situation

Under the federal Clean Water act, businesses like the MRF that discharge pollutants from point sources like pipes or ditches must have a National Pollutant Discharge Elimination System (NPDES) permit and a Storm Water Pollution Prevention Plan (SWPPP) showing how they are controlling pollutants in storm water runoff on their property. Compliance is administered locally by the regional office of the state Water Board.

Some have alleged that the MRF’s storm water discharge system is not currently designed as stated in their SWPPP and that there have been issues with overflow from the three retention ponds that catch storm water runoff and inaccurate information on where that runoff is then directed.

In March 2016, Central Valley Water Board staff conducted an inspection at the MRF. The pH in the three ponds was tested and found to be near neutral, but discrepancies were found with their SWPPP and a notice of violation (NOV) was prepared and sent to them in April. It indicates that the Central Valley Water Board "can impose administrative civil liabilities (monetary fines) for violations of the general permit. The maximum administrative civil liability for each day of violation is ten thousand dollars and ten dollars per gallon of polluted storm water discharged in excess of 1,000 gallons."

Floyd indicated that the Water Board is "continuing to assess compliance with the Industrial General Permit requirements, including the site SWPPP."

Waste Connections submitted a remedial investigation work plan to the Water Board for additional investigation of soil and groundwater on their property on Oct. 19, which the Water Board approved. According to Floyd, field work is expected to be done in mid-November, with a report documenting the results in January 2017.

Waste Connections' response

Susan VanDelinder, divisional vice president for the Northern California Division of Waste Connections and district manager for El Dorado Disposal, was asked by *Lake Tahoe News* if Waste Connections has received any previous violation notices or requests for remediation other than the current one. VanDelinder said no, adding, "The MRF's SWPPP has been updated to reflect additional best management practices."

Questions have been raised whether the high-pH storm water runoff that has impacted the El Dorado Trail and adjacent waterways actually originated on the MRF site and then went over the Lindeman property and then on down to the trail and the tributaries alongside it.

VanDelinder responded, “We disagree with this contention; the storm water discharged from the MRF during last season’s winter period met the state benchmarks for water quality including pH.”

She added, “Storm water from the MRF is first stored in the site’s storm water ponds and then discharged from the site once water quality is below state benchmarks. Storm water is not discharged to neighboring property but to the storm drain.”

Per their exclusive Solid Waste Services Agreement with the county, Waste Connections will be required to construct a new state-of-the-art MRF in the same location as the current one. Asked what additional plans they have for more intensive removal of the lime-processing based materials on the site before this project begins, VanDelinder said, “Once investigative work is complete, we will evaluate remedial options while working closely with the CVRWQCB (Central Valley Regional Water Quality Control Board).



A sample location on the south side of El Dorado Trail. Photo/Provided

The path forward

More will be known about exactly where the remaining toxic materials from the Diamond Lime Plan are located and what needs to be done to permanently remove them once all the soil testing in the area is completed. In the meantime, storm water runoff along the El Dorado Trail has already begun for this fall and will continue to be an issue this winter.

Recent tests by Central Valley Water Board staff confirm this. According to Walter Floyd, pH data was collected on Oct. 14 "at the onset of the storm that reportedly provided 6.5 inches of precipitation to Placerville" and again on Oct. 18. "Elevated pH (i.e., in the range of 10 to 12 standard pH units) was noted in the pond by the El Dorado Trail and at the southeast corner of Throwita Way and Bradley Drive. These are the same locations where elevated pH has been recorded historically."

What is clear is that disagreement remains on precisely where the high pH storm water discharges are originating from, how dangerous they are and who is to blame for the fact that after years of investigation and attempts at mitigation, the toxic legacy of the Diamond Lime Plant still remains.

What is less clear is how to fix the problem. The recommendation made by Fish and Wildlife environmental specialist Carol Oz in a report on the issue from July 2012 has remained hard to achieve. "All agencies," she suggested, "need to communicate plans for a focused corrective action at the site compatible with respective agency goals."

More recently, El Dorado County Assistant District Attorney Jim Clinchard, whose office has also been involved, told *Lake Tahoe News*, "Government as a whole does have problems when an issue crosses over into the potential jurisdictions of multiple agencies. Government has difficulty addressing issues that cross boundaries." He added that he would be willing to get together with other county departments and outside agencies to brainstorm and that setting up such a meeting

might expedite the process. “That,” he said, “is how responsible government should work.”