

# Attachment G

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**COUNTY OF MONTEREY  
HEALTH DEPARTMENT**

**MEMORANDUM**

ENVIRONMENTAL HEALTH BUREAU

**Date:** April 20, 2015 (amended April 27, 2015)  
**To:** Steve Mason, Project Planner  
**From:** Nicki Fowler, REHS  
**Subject:** Appeal of PLN140677, PLN140713, and PLN140714  
Pick-N-Pull Extension Request

EHB has reviewed our records and determined that the Pick-N-Pull site an 516 Dolan Road was in substantial compliance with Hazardous Materials Management Services (HMMS) regulations during our last inspection, November 14, 2014. EHB records do not indicate any stormwater complaints since the January 5, 2010 letter from Mr. Hafen to EHB, referenced in the Appellant's letter of appeal. It should be noted that EHB initiated an investigation of the subject site based on Mr. Hafen's letter and none of the allegations could be confirmed. EHB responded in a letter to Mr. Hafen on January 24, 2010, attached. EHB has reviewed two (2) water quality analysis reports submitted with the appeal, collected December 2014. It should be noted that those water quality samples have not previously been reported to EHB. Acknowledging that multiple reported constituents exceed EPA stormwater benchmark values, the sampling location, "the Facility's north storm water discharge pipe", has not been identified on a map. Regardless, EHB is not privy to the stormwater conveyance system and therefore would not be able to determine that Pick-N-Pull is the sole source of contamination.

The project site is currently subject to a Regional Water Quality Control Board (RWQCB) stormwater permit and EHB was furnished a copy of the 2013/14 annual reporting with the Pick-N-Pull extension permit application. To our knowledge, RWQCB had not issued any letters for stormwater violations, which would indicate their concern about exceedances in these annual reports. EHB has forwarded a copy of the Appellant's letter and the 2 water quality analysis reports from December 2014 to RWQCB.

# MONTEREY COUNTY



DEPARTMENT OF HEALTH LEN FOSTER, Director

ANIMAL SERVICES  
BEHAVIORAL HEALTH  
CLINIC SERVICES

EMERGENCY MEDICAL SERVICES  
ENVIRONMENTAL HEALTH

PUBLIC HEALTH  
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

January 24, 2010

Mark W. Hafen, Esq.  
325 Cayuga Street  
Salinas, CA 93901

Re: Letter Dated January 5, 2010  
Dolan Industrial Park: 516 Dolan Road, Moss Landing

Dear Mr. Hafen:

I am receipt of the reference letter expressing certain concerns regarding the water system serving parcels A, B, and C and contamination that you are asserting is coming from Parcel B onto your client's property (parcel D).

My staff have investigated the assertions that you have made in your letter of January 5, 2010. In my letter I will address each assertion and the findings of my staff as follows:

1. You have indicated that Mr. McCurdy reported to Environmental Health on or about March 2008 that contamination was coming onto parcel D from parcel B through a storm water system. You also submitted seven pages of laboratory test results from Soils Control Lab dated February 7, 2008 (Exhibit A) to corroborate Mr. McCurdy's assertion. Page 1 are the results of the samples tested and pages 2 – 7 are quality control test results that the laboratory uses as part of the testing protocol.

*Environmental Health staff have searched our complaint log and have found no such record regarding a complaint as described above. Staff have also reviewed our files and have no record of Exhibit A. Therefore, unless you have some documentation that clearly demonstrates this concern was brought to Environmental Health's attention, it appears Mr. McCurdy did not contact our agency to report his concerns.*

*The Storm Water Management Plan was approved by the Regional Water Quality Control Board (Central Coast), which subsequently issued a Discharge Permit. Therefore, your complaint should be directed to the Regional Water Quality Control Board (Central Coast) as they are the appropriate regulatory agency to enforce their Discharge Permit. Condition 32 of the use permit for parcels A, B, and C also required the owners of those parcels to maintain the stormwater drainage facilities to the satisfaction of the Water Resources Agency and the Building Department. We will forward your concerns to these Departments.*

1270 Natividad Road, Salinas CA 93906  
Phone: (831) 755-4500 Fax: (831) 755-4880 [www.co.monterey.ca](http://www.co.monterey.ca).

2. You also assert in your letter that the water system for parcel B is contaminated by arsenic, which on occasion has exceeded the Federal and State Maximum Contaminant Level (MCL) of 10 ppb. Based on these test results you are claiming that the water is contaminating parcel D and the Elkhorn Slough.

*The MCL for arsenic is based on chronic (i.e. lifetime) exposure by ingestion (i.e. drinking the water). The arsenic levels of the water system vary from below the 10 ppb MCL to slightly over. A review of the public health information for arsenic does not indicate that exposure at these low levels, other than lifetime ingestion in the manner that you have indicated in your letter, pose a public health risk.*

*Title 22 of the California Code of Regulations sets forth a quarterly sampling protocol for those water systems that have arsenic levels that seasonally fluctuate above and below the MCL. The water system for parcel B is currently conducting this protocol. When the quarterly samples are completed they will be averaged over a year and a determination will be made whether the arsenic levels meet or exceed the MCL. If it is determined that the arsenic level exceeds the MCL then treatment will be required for the water system.*

3. In your letter you have also made a demand that the northerly end of the paved access road be inspected.

*I will forward your request to the Resource Management Agency, which is the appropriate agency to review this concern.*

In conclusion, the water system is the only issue where the Environmental Health Bureau has regulatory oversight. After review of the public health information regarding arsenic, it is the opinion of Environmental Health that exposure to these low levels of arsenic in the water, other than lifetime ingestion in the manner you have described in your letter, does not pose a public health risk.

Sincerely,



Richard LeWarne, REHS  
Assistant Director  
Environmental Health Bureau

cc: Roger McCurdy, General Manager, Loan Exchange Group, LLC  
Cheryl Sandoval, Supervising Environmental Health Specialist  
Irv L. Grant, Deputy County Counsel  
Lou Calcagno, 2<sup>nd</sup> District Supervisor  
Roger Briggs, Executive Officer, CA Regional Water quality Control Board