

DIRECTOR REQUEST FOR APPROVAL

To: Mark De Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division

From: 

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Reviewed By: Steve Levine, Legal Office

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Subject: APPROVAL OF THE BORDER FIELD STATE PARK ILLEGAL DISPOSAL SITE, TIJUANA RIVER VALLEY AND ESTUARY GOAT CANYON TRASH CAPTURE AND REMOVAL SYSTEM CLEANOUT, SAN DIEGO COUNTY, SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM (SOLID WASTE DISPOSAL TRUST FUND, FY 2012/13)

REQUESTED ACTION:

Department of Resources Recycling and Recovery (Department) staff have completed an evaluation and recommend approval of the Department-managed cleanup of the Border Field State Park Illegal Disposal Site, Tijuana River Valley And Estuary Goat Canyon Trash Capture And Removal System Cleanout, pursuant to the Solid Waste Disposal and Codisposal Site Cleanup Program (Program).

Time Factor: Decision required no later than September 7, 2012.

Options: The Deputy Director may decide to:

1. Approve the proposed project;
2. Disapprove the project; or
3. Direct staff to provide additional information and bring the project back for future consideration.

Recommendation: Staff recommend Option 1.

PROJECT SCOPE:

Site Location/Description: Border Field State Park (BFSP) is on the very southwestern corner of the United States and 15 miles south of San Diego. It is located in the Tijuana River National Estuarine Research Reserve (TRNERR), an important wildlife habitat. The sand dunes and salt marshes give refuge to critically threatened and endangered species such as the Western Snowy Plover, the California Least Tern, and the Light-footed Clapper Rail.

Large quantities of trash, tires, sediment, and other debris are transported by storm water from Mexico into the Tijuana River Valley and estuary, adversely impacting wildlife habitat. Goat Canyon is an intermittent drainage that enters the Tijuana River through BFSP. The upper and Lower sediment basins were constructed in the spring of 2005 at the mouth of Goat Canyon by the California Department of Parks and Recreation (CDPR) to support and protect riparian habitat, wash habitats, and border upland habitat areas.

Before the 2005 construction of the sediment basins, floodwaters, trash, tires, and sediment damaged roads and facilities within BFSP and caused environmentally sensitive marsh areas to begin transitioning to upland habitats. The debris and sediment is now intercepted by the basins, concrete overflow structure check dams and debris racks maintained by CDPR. There is now an accumulation of trash laden sediment in the basins and a stockpile of trash laden sediment from previous basin cleanouts. CDPR has inadequate funding to address an accumulation of trash laden sediment and is requesting Department-managed assistance to complete this work.

CDPR is also in the process of conducting studies to determine if the trash laden sediment can be screened and used for beach deposition. To assist in that effort, the project includes screening some sediment for study efforts and disposing of the refuse removed in the screening process.

Prior Remediation Projects at the Site: At its meeting on January 21, 2009, (Agenda Item 4) the former Integrated Waste Management Board (Board) approved (1) the installation of a trash collection boom system for the Goat Canyon basins and (2) assistance with the removal of accumulated trash, tires, and sediment during the initial operation and evaluation of the boom system. The boom system was designed to reduce basin long-term operation and maintenance costs by improving the removal of suspended trash and debris. At the time of Board consideration, staff indicated that, in addition to the boom system installation and assistance with its initial operation and maintenance and attendant partial trash removal (Phase 1), staff would also follow up later in the summer with a proposed more extensive cleanout of the basins and removal of the tires and trash (Phase 2). At its meeting on September 15, 2009, (Agenda Item 5) the former Board approved the Phase 2 Project, which was described as providing a one-time cleanout of the basins by removing an estimated 60,000 cubic yards of sediment, tires, trash, and debris. At the time of approval of the Phase 2 project, the CDPR related that for future basin

cleanout efforts, the CDPR intended to pursue all funding sources used successfully in the past, as well as potential funding that may be associated with off-site mitigation projects.

Since the Fall 2009 Board-managed project, CDPR has managed two basin cleanout projects with \$239,500 in CDPR funding and \$380,000 in United States International Boundary and Waterways Commission funding. Past basin cleanout funding has come from varied outside sources including the CA Wildlife Conservation Board, The CA Coastal Conservancy, the USEPA, and CA Boating and Waterways. However, at this time funding from outside sources is unavailable and CDPR funds are insufficient to complete the project. There is an urgent need to complete a basin cleanout project prior to winter rains, otherwise refuse laden sediment will likely exceed basin capacity and severely impact sensitive downstream salt marsh habitat.

Proposed Remediation Project: In partnership with CDPR, the Department's contractor will remove accumulated refuse laden sediment from the basins and will screen some material for future studies and use. CDPR will provide site access and implement a long-term operation and maintenance plan and budget for the basins.

FISCAL IMPACTS:

Cost Estimate: The Department-managed project will be performed on a time-and-materials basis under the Cleanup Program's Southern California remediation contract number DRR10009. The Program's contractor has conducted a site visit with Program staff and developed a work plan with a preliminary cost estimate of \$1.5M, which includes a 20 percent contingency. Actual costs may vary depending on a variety of factors including, but not limited to the quantities and/or types of materials encountered, market forces, the required timeframes for cleanup, and competitive bids from subcontractors.

Project costs would be shared by Department and CDPR, with CDPR providing a maximum of \$300,000. CDPR will also provide approximately \$375,000 in funds for a study for beach deposition of the sediment within the next 18 months.

Funding: Funding for the project will be derived from previously encumbered funds from the Solid Waste Disposal Trust Fund in the Program's Southern California remediation contract number DRR10009. The contract currently has approximately \$3.1M in available funds from the Solid Waste Disposal Trust Fund and is adequately funded to complete this project.

Cost Recovery: Public Resources Code Section 48023 directs the Department to seek reimbursement for monies expended under the Program to the extent possible. Although the trash laden sediment is now held within the sediment basins on CDPR property, the material was generated in Mexico, transported by stormwater flows, and intercepted by CDPR to protect the

downstream estuary. To curb future illegal dumping, a subcommittee of the Tijuana River Valley Recovery Team (TRVRT) has been tasked to identify the sources of trash and sediment in the Tijuana River Valley watershed that impact the Tijuana River Valley floodplain and to recommend, establish, and implement a plan to abate and manage these sources in cooperation with Mexican agencies.

As to the owner of this site, the CDPR is a public agency charged with the responsibility of maintaining and improving nearly 300 parks and recreation areas in California for the enjoyment of all Californians and visitors. With respect to the prior remediation projects at the Site, in lieu of applying for full grants for which CDPR was eligible, CDPR requested Board-managed cleanups on the grounds that CDPR did not have sufficient financial and staff resources to implement these projects in a timely manner, and cost recovery was waived. (See PRC Section 48021(b)(2).) CDPR is now again seeking a Department-managed cleanout on the same grounds. However, as the former Board during its September 15, 2009 approval of the previous removal system cleanout indicated that CDPR should not look to the Board for full funding of the costs of recurring cleanouts, the Department and CDPR have agreed to share costs as described above. Moreover, CDPR has further committed to seek a budget change to fully fund future basin cleanouts on an annual basis.

BACKGROUND:

Program Eligibility: The Program addresses cleanup of solid waste disposal and codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for a timely remediation and where cleanup is needed to protect public health and safety or the environment. Cleanup projects are implemented through Department-managed contracts, grants, and loans. Staff uses adopted regulations and policies in determining site eligibility. Unless otherwise noted, actions proposed for this project are specifically eligible pursuant to the regulations.

Site Prioritization: Large quantities of trash and transported by storm water from Mexico is accumulating in an environmentally sensitive and recreational area, making the site's cleanup priority is A1. Priority A1 is a suspected condition of pollution or nuisance from solid waste based on comparison with state minimum standards with significant residential, industrial, park, recreation, or environmentally sensitive areas within 1,000 feet.

California Environmental Quality Act (CEQA): CDPR staff is preparing a Notice of Exemption for the project as a maintenance activity at an existing basin facility and state park. CDPR will provide the completed CEQA document to the Department for use on the project prior to contractor mobilization.

Support: Cleanup assistance was requested from the CDPR. The Regional Water Quality Control Board Director has prepared a letter of support of the project in both of his roles as the Executive Officer of the Regional Water Quality Control Board and as the chairperson of the TRVRT .

Opposition: Staff has not received any written opposition at the time this document was submitted for approval.

FINDINGS:

On the basis of the information and analysis in this Request for Action, the Department hereby approves this project under the Solid Waste Disposal and Codisposal Site Cleanup Program.



Mark De Bie
Deputy Director
Waste Permitting, Compliance, and Mitigation Division

09/10/2012
Date