

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR SPECIAL MEETING OF JULY 21, 2023

Prepared on July 11, 2023

ITEM NUMBER: 3

SUBJECT: Consideration of a Proposed Resolution Ratifying a Voluntary Cleanup and Abatement Agreement Between the Central Coast Water Board Cleanup Team and the County of San Luis Obispo and the California Department of Forestry and Fire Protection in Lieu of a Draft Cleanup and Abatement Order Addressing Per- and Polyfluoroalkyl Substances (PFAS) at the San Luis Obispo County Regional Airport

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KEY INFORMATION

Location: San Luis Obispo County Regional Airport and areas to south and west
Type of Discharge: Soil, sediment, and groundwater contamination due to use of firefighting foam containing PFAS

ACTION: Adopt or Reject Resolution Ratifying a Voluntary Cleanup and Abatement Agreement with the County of San Luis Obispo and the California Department of Forestry and Fire Protection

SUMMARY

This staff report provides a summary of an agreement, titled *Voluntary Cleanup and Abatement Agreement* (Agreement), between the Central Coast Water Board Cleanup Team, San Luis Obispo County, and the California Department of Forestry and Fire Protection (CAL FIRE) to assist the Central Coast Water Board in its consideration of Resolution No. R3-2023-0046 (Attachment 1) ratifying the Agreement¹ in lieu of considering draft Cleanup and Abatement Order No. R3-2023-00XX (draft CAO) for adoption.² The draft CAO was released on February 16, 2023, for public comment.

¹ Tentative Agreement: <https://geotracker.waterboards.ca.gov/?surl=drlic>

² Draft CAO: <https://geotracker.waterboards.ca.gov/?surl=140mu>.

During an extended public comment period³ on the draft CAO, the Central Coast Water Board, San Luis Obispo County, and CAL FIRE conducted negotiations over actions needed to address pollution of soil and groundwater by of a class of chemicals known as “PFAS” (per- and polyfluoroalkyl substances) at and from the San Luis Obispo County Regional Airport (Airport). Negotiations continued until June 23, 2023, when a tentative agreement was reached between the parties. The Agreement includes various water replacement, investigation, and remediation tasks associated with PFAS pollution discharged at, and emanating from, the Airport.

The resolution itself is very simple, providing for approval or ratification by the Board of the Agreement. If ratified, the Agreement would take the place of the draft CAO and resolve outstanding issues pertaining to the cleanup and abatement of PFAS wastes and replacement water for the communities affected by PFAS contamination from the Airport.

Through the Agreement, CAL FIRE and the County intend to, among other things, (a) immediately provide point-of-use (“POU”) treatment systems to those locations where primary drinking water exceeds a PFAS standard, as defined in this Agreement, for Airport-related PFAS; (b) evaluate the effectiveness of, plan for, and implement point-of-entry (“POE”) treatment for those locations where groundwater is impacted by Airport-related PFAS in excess of a PFAS standard; (c) continue to evaluate and plan for long-term water supply solutions; (d) continue public outreach; (e) continue investigation activities and develop feasibility studies and remedial action plans, and where feasible, to implement remedial action plans; and (f) prepare and submit a human health risk assessment. Groundwater, supply well, and post-treatment system monitoring and testing are also included in the Agreement.

The Agreement sets forth an aggressive schedule under which these objectives will be achieved, specifically, over the next three years. For example, investigations must be done within 18 months; a human health risk assessment must be submitted within 18 months; and a proposed remedial action plan must be submitted within 36 months. The Agreement also provides for an extensive public outreach plan. Under the Agreement, the Central Coast Water Board retains oversight and control over the work performed by the County and CAL FIRE, and the Board may also provide oversight of field activities, including sampling. The County and CAL FIRE have also agreed to provide the Central Coast Water Board with written quarterly status updates, including the update on the status of water supply replacement and treatment, remedial investigations, and other matters. Water Code section 13304’s replacement water standard can be satisfied via treatment rather than “replacement” water under the Agreement. The Agreement also allows for a feasibility study for permanent replacement water solutions, such as a public water system, depending on factors such as funding. If the long-term water supply evaluation determines that there are no feasible long-term solutions (such as consolidation with an existing public water system or a new standalone public water system) other than POE and/or well-head treatment, and if the Central Coast Water Board concurs with this conclusion, the Airport Parties will install well-head treatment

³ Public comments on the draft CAO: <https://geotracker.waterboards.ca.gov/?surl=v03o9>

systems at all supply wells impacted by Airport-related PFAS where a groundwater sample exceeds a PFAS standard. The well-head treatment systems will be installed within four years of the effective date.

Among the definitions in the Agreement are those for “Domestic Water” and water used for “Domestic Purposes.” Specifically, “Domestic Water” and water used for “Domestic Purposes” means water used for personal needs or for household or domestic sanitary purposes such as drinking, cooking, bathing, washing, and appliances; providing water for heating, sanitation, flushing toilets, and cleaning; the incidental watering of domestic stock for family sustenance or enjoyment; the irrigation of small lawns, ornamental shrubbery, or gardens; or for similar uses, at a residential, business, industrial, or institutional location, or location used for food/beverage production, or other location. The threshold for water replacement is defined as any well that is used for “Domestic Purposes,” if such a well exceeds a PFAS response level (RL), or exceeds a maximum contaminant level (MCL), or if that well exceeds a PFAS RL or MCL in the future. This standard, together with the HHRA, will inform decisions regarding replacement water where there may not be a PFAS drinking water standard and for non-domestic water uses, and on the scope of remediation.

Finally, so long as the Airport Parties are in compliance with the terms of this Agreement, and this Agreement remains active, the Central Coast Water Board Cleanup Team covenants and agrees not to forward the draft CAO to the Central Coast Water Board for its consideration. However, the Agreement does not restrict the ability of the Central Coast Water Board to consider any new information that may be developed, from taking action under any applicable general permit or individual permit issued to the County or CAL FIRE, or from issuing any administrative orders concerning the collection of information unrelated to Airport-related PFAS under existing regulatory statutes, such as California Water Code section 13267.

Additional aspects of the Agreement, as well as a chart comparing the provisions of the Agreement with those of the draft CAO, are included in Attachment 2.

The Central Coast Water Board distributed the Agreement to interested persons on June 26, 2023, and provided a two-week opportunity for parties and interested persons to submit written comments on the Agreement to the Central Coast Water Board. Central Coast Water Board staff will summarize written comments⁴ received on the Agreement and address oral comments on the Agreement during the July 21, 2023 Central Coast Water Board meeting. Representatives of San Luis Obispo County and CAL FIRE plan to attend the meeting to address the Board.

⁴ Public comments on the Tentative Agreement: <https://geotracker.waterboards.ca.gov/?surl=abk7r>

DISCUSSION

Background

PFAS investigations in the Airport area began in 2019 in response to a March 20, 2019 State Water Resources Control Board order requiring certain airports in California to investigate soil and groundwater for the presence of PFAS caused by fire-fighting rescue and preparedness operations that incorporated aqueous film-forming foam (AFFF) fire suppressants. AFFF are fluorinated foams that contain diverse mixtures of PFAS.

Periodic performance testing of AFFF equipment (such as spray nozzles on fire trucks) is required by the Federal Aviation Administration (FAA) and occurred at the Airport. Past testing of AFFF equipment resulted in accumulation of PFAS in surface soils, which degraded underlying groundwater. Practices at the Airport have been modified in accordance with updated FAA requirements to contain AFFF emitted during performance testing, instead of discharging it to the ground.

After initial investigations at the Airport found elevated levels of PFAS in soil and groundwater, the Central Coast Water Board issued orders requiring San Luis Obispo County to conduct additional investigations in both onsite and offsite areas, including sampling of private domestic wells for PFAS in a rural residential and commercial area south and west of the Airport.

Results of Well Testing

Results from San Luis Obispo County sampling of supply wells conducted since April 2022 and other sources of information indicate that at least 54 wells in the Airport vicinity (including two agricultural wells) have one or more PFAS exceeding a drinking water Response Level⁵ in raw (untreated) groundwater. Maps showing the locations of drinking water wells tested for PFAS with associated results are available on GeoTracker.⁶

Most residences in the area currently have some type of water filtration or use bottled water due to water quality issues unrelated to PFAS (e.g., under-sink reverse osmosis (RO) for high total dissolved solids and/or granular activated carbon (GAC) well-head treatment for trichloroethene, also known as TCE). The existing filtration systems have various removal efficiencies for PFAS. Preliminary data indicate that under-sink RO units are generally effective at removing PFAS but do not address other household water uses, such as bathing, toilet flushing, clothes washing, gardening, and livestock and pet watering.

⁵ Response Level is a concentration of a pollutant in drinking water above which the State Water Resources Control Board Division of Drinking Water recommends taking a water source out of service to be protective of human health.

⁶ Groundwater supply well PFAS maps: <https://geotracker.waterboards.ca.gov/?surl=7uxyd>

Public Process

The Central Coast Water Board Cleanup Team released the draft CAO on February 16, 2023, for public comment through April 3, 2023, and provided an extension of the draft CAO comment period to May 1, 2023. Interested persons, San Luis Obispo County, and CAL FIRE provided comments on the draft CAO.

During the extended public comment period on the draft CAO, the Central Coast Water Board Cleanup Team, San Luis Obispo County, and CAL FIRE entered into confidential settlement negotiations over actions needed to address PFAS pollution from the Airport in an effort to reach an agreement in lieu of finalizing and forwarding the draft CAO to the Central Coast Water Board for consideration at a public meeting. While it didn't produce a written response to comments on the draft CAO, the Central Coast Water Board Cleanup Team communicated the public comments received to the parties to help inform the negotiations and development of the Agreement.

In addition, the Cleanup Team, including the Executive Officer, hosted three meetings with groups of community members in response to community requests and attended a San Luis Obispo County-hosted public meeting about Airport-related PFAS. Cleanup Team staff also contacted well owners soon after they received PFAS results via a combination of telephone calls, personal visits, and e-mail to explain the significance of the PFAS detected in their wells and to answer questions they had. Settlement negotiations continued until June 23, 2023, when the tentative Agreement was reached between the parties. The June 23, 2023 Central Coast Water Board meeting included an information item during which the Board and the Cleanup Team heard extensive public comment on Airport-related PFAS.

Thereafter, on June 26, 2023, the Central Coast Water Board Cleanup Team distributed the Agreement to 322 interested persons using an electronic email subscription service, and to 510 tenants and landowners surrounding the Airport via hard copy mailings. These notices invited written comments on the Agreement, which were due on July 11, 2023. Although the law does not require posting the Agreement for public comment, this extra step allowed for further evaluation of public reception to the Agreement. Central Coast Water Board staff will summarize written comments received on the Agreement and address oral comments on the Agreement during the July 21, 2023 Central Coast Water Board meeting.

If the Central Coast Water Board adopts Resolution No. R3-2023-0046 to ratify the Agreement, the parties will begin implementation of the Agreement immediately. During implementation, the Board and interested persons will have the opportunity to ask questions and provide input to staff at any time and during public forum opportunities at regular Board meetings. The term of the Agreement is three years, unless terminated on an earlier date or mutually extended by the Central Coast Water Board Executive Officer, San Luis Obispo County, and CAL FIRE.

JOINT STATEMENT ON VOLUNTARY AGREEMENT

A joint statement by the Central Coast Water Board Cleanup Team, San Luis Obispo County, and CAL FIRE is included as Attachment 3.

CONCLUSION

The Agreement represents an expedited implementation schedule and collaborative approach between the Central Coast Water Board Cleanup Team, San Luis Obispo County, and CAL FIRE to address PFAS pollution in all applicable environmental media by including additional investigation tasks, groundwater monitoring, source remediation, and provisions for water replacement for affected users. Replacement water would meet drinking water PFAS standards. The Agreement includes an additional level of protection in requiring preparation of a human health risk assessment to help inform decisions regarding replacement water where there may not be a PFAS drinking water standard and for non-domestic water uses and to help inform the scope of remediation. The Agreement terminates on June 30, 2026, before which date the Central Coast Water Board will negotiate with San Luis Obispo County and CAL FIRE a potential successor agreement and may consider issuing a CAO (if necessary) to implement additional cleanup and abatement-related actions in the Airport area.

ATTACHMENTS AND LINKS

1. Proposed Resolution No. R3-2023-0046, *Ratifying A Settlement Agreement with the County of San Luis Obispo and the California Department of Forestry and Fire Protection*
2. Summary Table Comparing the Agreement and Draft Cleanup and Abatement Order Requirements
3. Joint Statement on Voluntary Agreement
4. Draft Cleanup and Abatement Order – Link Only
https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/4572309195/02-16-2023_SCP_SLO%20County%20Regional%20Airport%20-%20Draft%20CAO.pdf
5. Voluntary Cleanup and Abatement Agreement – Link Only
https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/4284055411/2023-06-23%20EXE%20Voluntary%20Cleanup%20and%20Abatement%20Agreement%20-%20for%20CCWB%20Board%20Ratification.pdf

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