

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Robert Schlipf)
MEETING DATE: February 16, 2005

ITEM: 5

SUBJECT: **Cargill Incorporated, Pond A18 Low Salinity Salt Pond, Santa Clara County – Issuance of Waste Discharge Requirements**

CHRONOLOGY: The Board has not previously considered this matter

DISCUSSION: Cargill has applied to discharge saline waters from its Pond A18, an 856-acre low salinity salt pond located near Alviso in the extreme South San Francisco Bay, and adjacent to numerous salt ponds Cargill sold to the U.S. Fish and Wildlife Service and the California Department of Fish and Game in 2003. The City of San Jose intends to purchase Pond A18 from Cargill in the near future, and will develop long-term uses for this pond over the next three years.

The Revised Tentative Order (Appendix A) includes terms and conditions for 1) the initial discharge from Pond A18 to Artesian Slough, near the San Jose/Santa Clara wastewater treatment plant outfall, followed by 2) subsequent continuous circulation of Bay waters into and out of Pond A18 for the benefit of fish and wildlife. The initial discharge of pond waters will be timed to minimize potential adverse affects of elevated salinity to aquatic life, for instance by taking advantage of fresher Bay waters in the spring. Dynamic modeling results suggest that the initial discharge will take up to three months. After initial discharge, discharges under continuous circulation will be at salinities near ambient Bay levels.

The Tentative Order requires that Cargill operate Pond A18 to comply with the Basin Plan's water quality objectives for salinity, temperature, dissolved oxygen, and pH. Based on technical studies, compliance with salinity will also ensure compliance with metals objectives.

The requirements in the Tentative Order, to a large extent, are consistent with those in the 2004 order the Board issued to the U.S. Fish and Wildlife Service and the California Department of Fish and Game for discharges from the salt ponds they bought from Cargill in 2003. Since the initial discharges from these ponds in July 2004, staff from all agencies have realized the challenges in maintaining dissolved oxygen above 5.0 mg/L in the ponds due to algae buildup and die-off. As such, the Tentative Order establishes a

dissolved oxygen trigger of 3.3 mg/L at the discharge point in addition to the dissolved oxygen limit of 5.0 mg/L. If dissolved oxygen drops below the trigger, Cargill is required to take immediate corrective actions to prevent the discharge from having adverse impacts on the receiving water. Cargill and the City of San Jose commented on the draft Tentative Order (Appendix B). Staff responded to these comments (Appendix C), revised the draft Tentative Order as appropriate, and believes that all issues have been resolved.

RECOMMEN-
DATION:

Adoption of the Revised Tentative Order

APPENDICES:

- A. Revised Tentative Order
- B. Comments Received
- C. Response to Comments