

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

Response to Written Comments
Item No. 5D

Rescission of Waste Discharge Requirements
for
Hanson Aggregates Mid-Pacific, Inc.
San Francisco Sand Yard, and
Oakland Yard

The Regional Water Board received timely written comments from the following:

- Hanson Aggregates Mid-Pacific, Inc., dated May 17, 2006

This Response to Comments begins with the comments (in *italics*) quoted where possible, or paraphrased for brevity. Responses follow each comment.

Hanson Comment 1: *“The correct name of the discharger is as shown, Hanson Aggregates Mid-Pacific, Inc. (HAMP). The existing permits ... were issued to Tidewater Sand and Gravel Company.” “By way of explanation, HAMP purchased Tidewater Sand and Gravel, Inc. on 7/2/1999. On 3/31/2000 Tidewater was merged with HAMP. At the acquisition of Tidewater Sand and Gravel in 1999, there was no reason to transfer the permits because Tidewater was still operating. When Tidewater was merged with HAMP in 2000, the permit should have transferred by operation of law. However, the Regional Board did not actually change the names on the permits; the permits still describe the permittee as ‘Tidewater Sand And Gravel Company’.”*

Response: Thank you for confirming the appropriate legal name on the Tentative Order (T.O.). Finding 5 has been revised to clarify the history.

Hanson Comment 2: *“In finding 2, the location and brief description of the operation is given only for the San Francisco Sand Yard. Similar text should be included for the Oakland Yard.”*

Response: Finding 2 of the T.O. has been revised to add the detail as suggested.

Hanson Comment 3: *“The discharge from San Francisco Sand Yard is not to Islais Creek. It is to “Islais Creek Channel”, which is an inlet that is part of San Francisco Bay. As noted for finding 2, finding 3 omits a similar description for Oakland Yard. As described in the existing permit, the Oakland Yard discharge is to Oakland Inner Harbor Channel, which is also part of San Francisco Bay.”*

Response: Finding 3 of the T.O. has been revised to add the details as suggested.

Hanson Comment 4: *“The Tentative Order states that both permits were ‘administratively extended’ in 2003. Requests for reissuance of these permits were submitted by Hanson as required prior to the expiration date. Up until now, the Regional Board had not acted on Hanson’s request.”*

Response: Comment noted.

Hanson Comment 5: *“While the General Permit was adopted on June 19, 2002, the corresponding 2002 Self-Monitoring Program (SMP), as available on the Board’s web site, is labeled “Tentative”. The Tentative SMP contains various typos and inconsistencies which make compliance problematic. The statement in finding 7 “discharge limitations based on technology limits specified in the Water Quality Control Plan” is not accurate for the parameter turbidity. This is discussed further below in the reply to finding 12.”*

Response: We will endeavor to be more precise in our reissuance of the General Permit next year, and look forward to input from all interested parties on necessary improvements and changes. We note that Hanson did not submit comments on the General Permit when it was issued in 2002, though Hanson was on the distribution list. Please see also response to comment 11.

Hanson Comment 6: *“As discussed above, Hanson has previously raised a number of concerns about the appropriateness of the existing General Permit for marine sand washing facilities—as opposed to general sand washing facilities. The Regional Board staff has addressed a number of those concerns as reflected in the Tentative Order. Hanson has submitted to the Board a Model Marine Sand Washing General Permit for the Regional Board’s consideration. This permit would apply exclusively to marine sand washing facilities for which the operations would better qualify than for the existing General Permit. We appreciate the Regional Board’s commitment to consider our proposal carefully in the coming year.”*

Response: Comment noted.

Hanson Comment 7: *“The TSS concern is the same for both the existing permits and the General Permit, so Hanson’s concerns about TSS were not its only reasons for not seeking coverage under the General Permit. Rather, because our concerns were not addressed in the General Permit we were not prepared to seek coverage until those concerns were addressed. Again, we appreciate the progress we have made with the Regional Board on those issues. Regarding Settleable Matter (SM), the General Permit states the limit as a ‘30-day average’ rather than ‘monthly average.’ Lila Tang clarified in the April 13, 2006, meeting that calendar months should be used for this average; we request that this understanding be confirmed by the Board in writing.”*

Response: Regional Water Board staff has recently sent a letter to Hanson making the minor modification to the General Permit as requested.

Hanson Comment 8: *“Hanson appreciates the Board’s understanding of the unreliability of the TSS test method for saline water, and will immediately apply this finding to all its facilities.”*

Response: Comment noted.

Hanson Comment 9: *“Hanson continues in its view that the Settleable matter limit of the General Permit is not appropriate for its marine sand washing facilities. Further, we continue to believe that the limit of 1.0 mL/L/hr, which is set forth in Basin Plan Table 4.2 footnote “g”, is appropriate for our facilities. We look forward to further discussions on this issue when the Regional Board takes up the development of specific limits for marine sand washing facilities.”*

Response: We will re-evaluate this issue next year either as part of the reissuance of the General Permit or issuance a new permit for marine facilities. However, we believe we appropriately applied the 0.1 and 0.2 ml/l-hr limits from the Basin Plan in the current General Permit.

Hanson Comment 10: *“We also have concerns about the implementation of the Settleable Matter limit in the existing General Permit during the interim period that Hanson is under the General Permit. In its discussions with the Board, Hanson has raised concerns about the appropriate testing ‘average’ (i.e., median vs. mean) to be used to determine compliance with the regulatory limit. It is not scientifically prudent to establish a regulatory limit at the detection level of a test method. We understand from our discussions with Regional Board that the ‘median’ value is to be used to determine the ‘monthly average’ values set forth in the General Permit for settleable matter based upon the SIP methodology. We ask that the Regional Board confirm this as the appropriate methodology in writing.”*

Response: As stated in response to comment 9, we believe we appropriately applied the Settleable Matter limits from the Basin Plan in the General Permit. On the issue of averaging, Regional Water Board staff has recently sent a letter to Hanson confirming the use of median values for data sets containing non-detects.

Hanson Comment 11: *“We remain concerned about turbidity limits in the General Permit. Among other things, the lack of comparability of various turbidimeters (nephelometers) is well established in the literature and in Hanson tests; again, we have presented this information to the Regional Board staff in the past. The FACT SHEET from the June 19, 2002, Board agenda addressing the General Permit for sand washing states “Turbidity limitation is based on best professional judgment and previous individual permits for similar facilities.” We have requested further explanation on the origination of the 40 NTU limit from the Regional Board staff. This limit is not in the Basin Plan and is clearly not based on previous individual permits for marine sand washing facilities. In view of the technical problems with measurement of turbidity and the lack of traceability of the 40 NTU value, we continue to believe that the turbidity limit in the General Permit is not appropriate for our marine sand washing facilities.”*

Response: We will re-evaluate and more fully address the issue of turbidity limits as part of the reissuance of the General Permit and/or issuance a new permit for marine facilities. On the issue of the comparability of turbidity meter results, though there is variability between some meters, there is variability in all analytical results. We are not aware of a technical reason for this being more problematic for marine sand facilities as compared to upland facilities. The nephelometric method is an approved and specified method in federal regulations (40CFR136) for use in compliance with NPDES permits. Hanson should instruct its analysts to practice good quality control and assurance procedures to minimize and/or better understand the source of the variability, and control that variability as appropriate to ensure compliance with applicable requirements.

Hanson Comment 12: *“Hanson has concerns about the statement that the Regional Board will reconsider TSS limits for marine sand washing in the near future. As our correspondence reflects, we have evaluated every possible test method and demonstrated repeatedly that it is not feasible or appropriate to regulate TSS in the marine setting. Furthermore, no clear relation of this parameter in discharges from Hanson’s marine sand washing facilities to San Francisco Bay water quality has been encountered in the extensive research that Hanson has conducted and presented to the Regional Board. We ask that the Regional Board acknowledge that effort and not require any further revising of the TSS issue absent a significant new development.”*

Response: Regional Water Board staff acknowledges Hanson’s effort on TSS as reflected in the Tentative Order’s finding 10. However, it is inappropriate to make commitments now about how this issue will be reflected in the General Permit when it is reissued. Because TSS is a requirement in the General Permit, its change or removal will have to be based on all information and regulations available at that time, including new information that may be brought to light by other parties.

Hanson Comment 13: *“Finally, Hanson encourages the Board to revisit the SM and turbidity effluent limits, and has suggested different, more appropriate limits in the Model General Permit for Marine Sand Washing that Hanson submitted recently. It is unfortunate that the Board’s staffing difficulties will delay this until 2007.”*

Response: All requirements in the General Permit will be re-evaluated in 2007, which is when the permit expires and is up for reissuance. As part of that reissuance, we will consider input both from Hanson and all other interested agencies and parties.