

APPENDIX A
REVISED TENTATIVE ORDER

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

Revised Tentative Order

Order No. R2-2008-XXXX

Rescission of Waste Discharge Requirements For

**Hanson Aggregates Marine Operations
Waterfront Road and Marina Vista Sand Reclamation Facilities
Martinez, Contra Costa County**

WHEREAS, the California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter "Regional Water Board") finds that:

1. Hanson Aggregates Marine Operations (hereinafter "Discharger") owns a sand reclamation facility located at 200 Waterfront Road, Martinez (hereinafter "Waterfront Road Facility"). The Discharger also owns and operates a sand reclamation facility located at 1725 Marina Vista Avenue, Martinez (hereinafter "Marina Vista Facility").
2. The Regional Water Board reissued General Permit No. CAG982001 through Order No. R2-2008-0011. This General Permit regulates discharges of process wastewater from aggregate mining, sand washing, and sand offloading facilities to surface waters. All dischargers eligible for this General Permit may file a Notice of Intent to obtain coverage.
3. Storm water discharges from the Discharger's facilities must be covered by the statewide General Permit for Discharges of Storm Water Associated with Industrial Activities (NPDES General Permit No. CAS000001, Order No. 97-03-DWQ) unless the storm water is covered by another permit.

Waterfront Road Facility

4. The Waterfront Road Facility can hydraulically dredge up to 250,000 cubic yards of sand annually from nearby permitted locations in San Francisco Bay. The sand-water mixture can be hydraulically offloaded through a pipeline at the Facility for sand recovery. The Facility is currently not in operation; however, the Discharger periodically deposits dredged materials in its settling ponds. The last deposit occurred in 2005. This type of operation does not generate enough wastewater to result in a surface water discharge.
5. On April 17, 1996, the Regional Water Board adopted Order No. 96-055 for the Waterfront Road Facility, reissuing waste discharge requirements for discharging drained San Francisco Bay water from the Waterfront Road Facility into the adjacent Suisun Bay tidal marsh. These waste discharge requirements address commercial sand offloading and recovery operations, not dredged material storage and disposal.

To resume dredged material storage and disposal, the Discharger would need to apply for waste discharge requirements for those specific activities.

6. Pursuant to a USEPA determination, discharges from the Waterfront Road Facility (if the Discharger resumes sand offloading activities at the Facility in the future) are subject to NPDES regulations. Therefore, the existing waste discharge requirements are inadequate because they do not meet NPDES requirements. Future sand offloading discharges would qualify for coverage under the General Permit for Aggregate Mining, Sand Washing, and Sand Offloading Facilities.
7. Because the Waterfront Road Facility process wastewater discharges can be covered by the General Permit for Aggregate Mining, Sand Washing and Sand Offloading Facilities, the Waste Discharge Requirements are no longer necessary and Order No. 96-055 may be rescinded.
8. A March 7, 2008, site inspection revealed that there are infrastructure and industrial materials, including earthen berms, an asphalt pile, a mud pile, and an aggregate pile on the site. Storm water from the site flows into the adjacent marsh. Due to the infrastructure and industrial materials on the site, the storm water runoff may be subject to the industrial storm water permitting requirements. However, the Waterfront Road Facility is currently not covered under the Industrial Storm Water General Permit.

Marina Vista Facility

9. The Marina Vista Facility hydraulically dredges an average of 2,000 tons per day of sand from various permitted locations in San Francisco Bay, including Carquinez Strait. The sand-water mixture is hydraulically offloaded through a pipeline at the Facility for sand recovery. The transport water drained from the sand is clarified by routing it through a series of six settling ponds to remove solids before discharging the wastewater back into Suisun Bay.
10. On October 17, 2001, the Regional Water Board adopted Order No. 01-112, reissuing NPDES Permit No. CA0028321 for the discharge from the Marina Vista Facility. This permit covers commercial sand offloading and recovery operations and the resulting discharge of drained San Francisco Bay water into the adjacent Suisun Bay tidal marsh.
11. The Marina Vista Facility NPDES permit (Order No. 01-112) expired on October 16, 2006, and was administratively extended.
12. The Discharger's operations and discharges from the Marina Vista Facility qualify for coverage under the General Permit for Aggregate Mining, Sand Washing, and Sand Offloading Facilities.
13. Because the Marina Vista Facility process wastewater discharges can be covered by the General Permit for Aggregate Mining, Sand Washing and Sand Offloading Facilities, the individual permit is no longer necessary and Order 01-112 may be rescinded.

14. The Marina Vista Facility is not covered under the Industrial Storm Water General Permit because the Discharger claims all storm water at the site is commingled with process wastewater. However, the Discharger has not submitted a Notice of Non-Applicability that certifies its operations are exempt from Industrial Storm Water General Permit requirements.

IT IS HEREBY ORDERED, pursuant to the provisions of the California Water Code (Division 7) and the regulations, plans, and policies adopted thereunder, that:

1. By May 8, 2008, the Discharger shall file a Notice of Intent for coverage under the General Permit for Aggregate Mining, Sand Washing and Sand Offloading Facilities (NPDES Permit No. CAG982001, Order No. R2-2008-0011) for the Marina Vista Facility.
2. Order No. 01-112 (the existing Marina Vista Facility NPDES permit) shall be rescinded, except for enforcement purposes, upon the effective date of the notice of permit coverage under the General Permit for Aggregate Mining, Sand Washing and Sand Offloading Facilities, Order No. R2-2008-0011.
3. Order No. 96-055 (the existing Waterfront Road Facility Waste Discharge Requirements) shall be rescinded effective April 9, 2008, except for enforcement purposes.
4. For both the Marina Vista and Waterfront Road Facilities, the Discharger shall submit a Notice of Non-Applicability to demonstrate that it is exempt from Industrial Storm Water General Permit requirements. Otherwise, it shall submit a Notice of Intent for coverage under the Industrial Storm Water General Permit (NPDES Permit No. CAS000001, Order No. 97-03-DWQ).

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Region, on April 9, 2008.

Bruce H. Wolfe
Executive Officer

APPENDIX B
COMMENTS RECEIVED



Hanson Aggregates West Region
3000 Busch Road
Pleasanton, CA 94566-8403

October 31, 2007

Dr. Tong Yin
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street
Oakland, California 94612

Subject: **Hanson Aggregates Marine Operations' Comments & Questions:
Tentative Order for Rescinding Waste Discharge Requirements (WDR)
for Hanson Aggregates Marine Operations' locations at Marina Vista
and Waterfront Road**

Dear Dr. Yin,

The Regional Water Quality Control Board has submitted the Tentative Order for Rescinding Waste Discharge Requirements for Hanson Aggregates Marine Operations, Marina Vista and Waterfront Road Sand Reclamation Facilities for public comment on October 1, 2007. The comment period ends on November 1, 2007. Please find Hanson Aggregates Mid-Pacific Inc., Marine and Aggregate Operations (Hanson) comments as follow:

RWQCB item 7 states:

"The Regional Water Board reissued General Permit No. CAG982001 through Order No. R2-2007-XXXX.

Hanson's Comments & Questions –

This sentence is worded in the past tense, "reissued". The permit has not been issued.

What is the Board's schedule for adopting a new permit?

Hanson is concerned about the timing of this proposed action as it relates to the reissuance of the new General Permit for Discharges from Aggregate Mining, Sand Washing, and Sand Offloading Facilities to Surface Waters, NPDES Permit No. CAG982001. Any rescission of the waste discharge requirements for the Marina Vista and Waterfront Rd. facilities rescissions must coincide with the adoption of the new general permit and the length of time allowed for permittees to obtain coverage under it. Without the new general permit in force at the same time that these waste discharge requirements are rescinded, Marina Vista and Waterfront Road would have no permit coverage and be forced out of business.

Hanson Aggregates Marine Operations' Comments on Tentative Order for Rescinding Waste Discharge Requirements for Hanson Aggregates Marine Operations, Marina Vista and Waterfront Road Sand Reclamation Facilities

October 31, 2007

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RWQCB item 1 under IT IS HEREBY ORDERED states:

"The Discharger shall file a Notice of Intent for coverage under General Permit No. CAG982001 (Order No. R2-2007-xxxx) for the Marina Vista Facility by December 1, 2007.

Hanson's Comment –

The notice states to file an NOI for Marina Vista, but does not include Waterfront Rd. Should an NOI be filed for the Waterfront Road facility?

Should the NOI in the un-issued general permit be used?

RWQCB item 2 under IT IS HEREBY ORDERED states:

"Order Nos. 96-055 and 01-112 shall be rescinded effective January 1, 2008."

Hanson's Comment –

As discussed above, rescission of the WDRs should coincide with the adoption of the new general permit. The Board should extend coverage under the existing WDRs until the time that the Board acts on the General Permit and Hanson comes under its coverage, provided that Hanson submits a timely Notice of Intent

Please contact me if you have any questions.

Sincerely,



Lee Cover
Environmental Manager
Hanson Aggregates Northern California

cc: Bill Butler, Hanson Aggregates Northern California
Michael Bishop, Hanson Marine Operations
Jim Wallmann, Hanson Building Materials of America

APPENDIX C

REVISED RESPONSE TO COMMENTS

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

Response to Written Comments
On September 2007 Draft Order for Rescinding Waste Discharge Requirements
(WDR) for Hanson Aggregates Marine Operations' locations at Marina Vista
and Waterfront Road

The Regional Water Board received written comments on the draft rescission order distributed on September 27, 2007, for public comment from Hanson Aggregates Mid Pacific Inc., dated October 31, 2007.

This Response to Comments summarizes each comment in *italics* (quoted where possible, or paraphrased for brevity) followed by Regional Water Board staff's response. For the full context and content of the comment, please refer to the comment letter associated with this item available at www.waterboards.ca.gov.

This item is continued from the February 13, 2008 Board meeting. Due to some new findings since the February 13 Board meeting, Regional Water Board staff updated the original Response to Comments for the February 13 Board meeting.

Comment 1. *Hanson questions the word and its tense "reissued." "The General permit has not been issued. What is the Board's schedule for adopting a new permit? Hanson is concerned about the timing of this proposed action as it relates to the reissuance of the new General Permit for Discharges from Aggregate Mining, Sand Washing, and Sand Offloading Facilities to Surface Waters, NPDES Permit No. CAG982001. Any rescission of the waste discharge requirements for the Marina Vista and Waterfront Rd. facilities rescissions must coincide with the adoption of the new general permit and the length of time allowed for permittees to obtain coverage under it. Without the new general permit in force at the same time that these waste discharge requirements are rescinded, Marina Vista and Waterfront Road would have no permit coverage and be forced out of business."*

Response to Comment 1. This item is continued from the February 13 Board meeting, and the General Permit for Discharges of Process Wastewater from Aggregate Mining, Sand Washing and Sand Offloading Facilities to Surface Waters (aggregate mining general permit) has already been adopted. The revised draft order reflects reissuance of the aggregate mining general permit, Order No. R2-2008-0011. Due to the new Board meeting date, we also revised several dates accordingly, including new rescission effective dates for Order Nos. 96-055 and 01-112. For Order No. 96-055, the new rescission effective date is April 9, 2008 (the rescission order adoption date). For Order No. 01-112, the new rescission effective date is the date Hanson receives coverage under the new aggregate mining general permit. The revised draft order also requires Hanson to submit a Notice of Intent for its Marina Vista Facility by May 8, 2008, 30 days after the adoption of this order for the aggregate mining general permit coverage.

Comment 2. *The draft rescission order directs Hanson to file an NOI for Marina Vista, but does not include Waterfront Rd. Hanson asked whether an NOI should be filed for the Waterfront Road facility and whether the NOI in the un-issued general permit should be used.*

Response to Comment 2. Since the Waterfront Road facility is not currently in operation, Hanson does not need a wastewater discharge permit for it. If Hanson plans to resume operation at the facility, Hanson will need to submit a Notice of Intent (NOI) for the aggregate mining general permit coverage 30 days before planned resumption of operation. Therefore, the NOI requirements in the reissued aggregate mining general permit apply.

To resume dredged material storage and disposal, Hanson would need to apply for waste discharge requirements for those specific activities since the existing waste discharge requirements do not address those activities.

Comment 3. *The draft rescission order states “Order Nos. 96-055 and 01-112 shall be rescinded effective January 1, 2008.” Hanson requests that the Board extend coverage under the existing WDRs until the time that the Board acts on the General Permit and Hanson comes under its coverage, provided that Hanson submits a timely Notice of Intent.*

Response to Comment 3. See **Response to Comment 1** above.