

Delta LTMS

Interagency Work Group

Conference Call

Monday, October 6, 2008
11:00 a.m. – 1:00 p.m.

Teleconference Minutes

Teleconference Participants:

Bill Brostoff – USACE SPN
Jack Malone—Anchor Environmental
Steve Cappellino-Anchor Environmental
Brian Ross—EPA Region 9
Amy Simpson-DWR
Al Paniccia- USACE SPN
Fari Tabatabai-SPN
Christine Boudreau-DCS
Cory Koger-USACE SPK
Phil Giovannini-RWQCB
Susan Ma-USACE SPN

Introductions and Announcements

- Brian stated that the purposes of this conference call are to discuss EPA's notes on the status of the Protocols TWG and Phil's responses.
- Next joint TWG meeting: October 30, 2008. 9:00-2:00 at DWR.

EPA Notes on Status of Protocols TWG

Phil forwarded electronic copy of RWQCB's responses to EPA's memo.

- Phil summarized his responses by stating that testing of sediment is one half of the requirement but it must be followed by characterization of the reuse placement site. Factors to consider include sediment volume, location of reuse site, when the sediment was originally dredged and placed, and how long it has been sitting at the original placement site.
- Brian suggested that perhaps there are issues of miscommunication involved within the LTMS group, but his interpretation of Phil's comments is that there continues to be a need for the Protocols TWG.

Brian referred to the Robert's Island plan and solicited comment from Phil.

- Phil replied that the Roberts I data are very valuable because the plan that was used is conservative and appears to be “at least good enough” for the RWQCB’s purposes. How that affects other sites depends on how similar the sites are to Roberts I. The RWQCB has considered getting the data duplicated at other sites such as Sherman Island to provide more confidence that the plan would work at a range of sites.
- Brian asked whether the RWQCB has enough data on existing sediment ponds to allow beneficial reuse without additional testing. This question led to clarification of whether reuse of the material in the ponds is already approved. Brian then asked, if it is already approved, why worry about developing additional testing protocols. The long-term goal remains to perform adequate testing upfront to cover initial placement and reuse.
- Phil replied that there is lots of data on Roberts I because it is the subject of a contentious WDR involving Port of Stockton dredging. Sediment data from other sites may be more difficult to interpret because they may have sediment sitting for 10-20 years (including multiple placements and possibly transfers), so to the extent that pre-dredge testing data is able to accurately characterize the material, perhaps it need not be tested again. It would also depend on how the sediment would be reused (i.e. as contained fill versus sites with human exposure).
- Brian clarified that if the original sediment data is available, the particular beneficial reuse proposed might inform whether additional testing is required.

Brian asked Cory how this approach meshes with the USACE’s plan.

- Cory replied that the USACE is pulling the sediment data together to determine what was placed and when. Cory requested confirmation that if the sediment is destined for upland beneficial reuse, further testing would not be required, because it was already approved for upland placement initially.
- Phil replied that Cory’s understanding is correct as long as the reuse site is similar to the original placement site. Phil suggested that it would probably be relatively simple to collect sediment samples from existing sediment ponds for additional testing, if a proposed reuse site differs from the original placement site.

Brian asked about the status of the GO.

- Phil explained that they are working on the maintenance dredging GO first because it is more tractable and that the beneficial reuse GO would come next. Beneficial reuse is more complicated because of the range of possible uses and sites. Ports of Stockton and Sacramento placement sites are already covered by existing GOs, which require further RWQCB approval for sediment reuse. The RWQCB has had discussions with the Ports about potentially drafting a blanket approval (notice of applicability [NOA]) for reuse of the material. The NOA could potentially include a streamlined process for small volumes.
- Brian requested clarification of whether the NOA would specify types of acceptable reuse.
- Phil responded that it would and that the onus would be on the Ports to decide what types of reuse they envision. Phil stated that the Ports are responsible for administering the placement sites for the USACE projects.

- Brian asked how the RWQCB would be able to pre-approve sites without knowing exactly where the sediment would go.
- Phil responded that one approach is to restrict reuse to the Delta region. The RWQCB needs to know what the Ports want to do with the material.
- Brian suggested that the workgroups could facilitate the process of identifying beneficial reuse options and sites.
- Fari stated that this assistance would be a very useful product of the LTMS and also relates to the DWSC. She asked if this policy could be memorialized by the RWQCB.
- Phil explained that the Ports would submit their request to the RWQCB requesting approval for reuse of sediment at a specific location and the rationale for why additional testing should not be required (addressing details of the proposed placement site such as whether it will be capped) and existing sediment data. Then the RWQCB could issue a NOA with conditions.
- Al asked how specific the required reuse location information would have to be.
- Phil said that he is envisioning classes of locations, such as levees within the Delta. The approach would be make it as broad as possible with exclusions as appropriate for things like sensitive resources.
- Al asked whether this applies only to sediment that has already been dredged. Phil replied that it would apply only to sediment already dredged under existing GOs.
- Fari requested clarification whether this NOA would apply to existing placement sites whether or not sediment is currently there.
- Phil replied that the existing GOs for the Stockton and Sacramento Ship Channels state that notice of intent [NOI] must be submitted to the RWQCB before reuse.

Brian asked if it is hard administratively to add new projects to a blanket approval.

- Phil said that it is not that hard because it entails staff level approval. He cautioned that the first one might be more work, but subsequent ones would be easier.
- Fari asked if RWQCB staff are on board with this concept. Phil replied that Victor is but the RWQCB still needs to see NOIs from the Ports with their requests and then the RWQCB can respond and move forward.

Al asked whether the GOs for the USACE dredging would apply to Port projects.

- Phil responded that they would not. The Ports are responsible for administering placement sites under their agreements with the USACE.
- Brian suggested that for that reason, the USACE should certainly be involved in facilitating drafting of the NOIs.
- Phil explained that the RWQCB had a meeting with the Ports, who seemed interested in the NOI/NOA, but have not responded since then. According to Phil, Tom Scheeler and Steve Michelson were involved in the discussion. Phil also stated that there might be some confusion at Ports regarding the process because there are multiple issues including development of GOs for maintenance and reuse, the general NOA for dredging the ship channel, and the Roberts II request. He also suggested that it might be difficult for the Ports to articulate the reuse plans because they aren't the end user of the sediment. Phil

restated his approach of making the blanket approval as broad as possible while including certain exclusions.

- Brian agreed that it is likely that confusion on this issue exists at the Ports and within the LTMS workgroups. After considering the issue today, Brian suggested that it might be more of a permitting issue than a protocols issue and he asked if the USACE and the Ports could begin drafting NOIs under the existing GOs.
- Fari replied that the USACE could work with the Ports to facilitate this task.

Phil stated that in general, the protocols issue came up when discussing technical issues related to the GO for beneficial reuse. For example, looking at arsenic in sediments we need to know background levels in the Delta rather than relying on data from problem areas. What levels would the Board authorize for specific constituents in light of background levels? There is also a need for protocols work specifically for reuse on levees. The DWR is interested in this issue and has communicated with the RWQCB about potential background studies (in general and at placement sites).

- Brian added that the way the Sacramento DWSC sampling plan is being formulated there will be systematic data of sediments.
- Fari expressed the strong opinion that there remains a need for the Protocols TWG because the LTMS should develop guidelines that would help project proponents from small dredgers on up, including non-USACE proponents. Fari said that the USACE will facilitate a focused discussion with the Ports regarding the NOI/NOA for the existing GOs.
- Phil concurred that the Protocols TWG could also be helpful in facilitating the NOI/NOA tasks and suggested putting the Ports together with potential sediment end users, like the DWR, to efficiently craft draft NOIs and develop potential uses.