

Delta LTMS

Multiple Technical Work Group Meeting

Department of Water Resources*
1416 9th Street, Room 1603
Sacramento, CA

Wednesday, September 17, 2008
10:00 am - 2:00 pm

Meeting Minutes

Meeting Attendees:

Tom Scheeler – Port of Sacramento	Steve Cappellino – Anchor Environmental
Cal Fong – Representing Port of Stockton	Victor Izzo – RWQCB
Bill Brostoff – USACE SPN	Jack Malone – Anchor Environmental
Phil Giovaninni – CV Regional Water Board	Susan Wilson Broadus – DWR
Gil Labrie – DCC Engineering	Al Paniccia – USACE SPN
Cory Koger – USACE SPK	Susan Ma – USACE SPN
Kate Dadey – USACE SPK	Amy Simpson – DWR
Darryl Foreman – Land Planning + Entitlements	Steven Michelson – ERS

INTRODUCTIONS AND ANNOUNCEMENTS

- Jessica Burton-Evans called in to announce her promotion to a position in the SF DMMO. As a result, she will no longer be involved in the Delta LTMS but she will be involved with the Bay LTMS database and in coordination with the Delta LTMS database efforts.
- Bill Brostoff and Al Paniccia reported that the Delta LTMS sediment database is under development and will include sediment characterization data and dredge volumes. The information is currently in an Access database format.
- Steve Cappellino added that one of the long-term goals for the Delta LTMS is to merge the Bay and Delta databases with a graphical interface to allow users to access data by selecting the targeted area and specifying data requests. Jones and Stokes is currently developing the Bay database interface. The Delta data can be added once the Bay system is completed later this year.
- Bill Brostoff stated that another long-term goal is to automate the permit application process to allow direct, electronic input of sediment data to the database.

FUTURE MEETING SCHEDULE

- The next TWG meeting was scheduled for October 30 from 9am-2pm and will be a joint Protocols, Alternatives, and Permitting TWG meeting. This meeting may be cancelled due to budget constraints.
- The November meeting will be scheduled in October.

STATUS OF JPA

- Steve Cappellino reviewed the status of this task item with the group. The JPA is an electronic (PDF) document that has been tailored for use in the Delta and can be filled in by applicants. Steve drafted a letter to the Management Committee for the USACE that requests authorization to transmit the draft JPA within their respective agencies for legal and policy review.
- Al Paniccia stated that the USACE staff needed to have a separate discussion about the proper protocol for submitting the Draft JPA to the MC and then provided some additional minor comments on the draft JPA to Steve. Because Kate Dadey was not present to participate in the discussion, the group agreed to have a follow-up conference call to discuss the proper procedures for submitting the JPA to the MC.

MANAGEMENT COMMITTEE MEETING

- Al Paniccia reported that Delta LTMS activity may have to be suspended at the end of the federal fiscal year (September 30) because of Continuing Resolution Authority (CRA) constraints. He anticipates that there may be a 6-month CRA period. If there are no carryover funds from FY08 and special approval from USACE HQ is not granted, there will be no LTMS budget under CRA. He will provide an update on budget status after October 1, 2008. As a result, we cannot work towards scheduling a MC meeting until the budget issue gets resolved.

BUDGET AND FUNDING

- See Al Paniccia's comments above.

CALFED MEETING

- Bill Brostoff stated that he is working with Anchor to prepare a poster for the conference, which is October 22-24, 2008. The USACE SF District will present the Delta LTMS poster and a Salmonid tracking study paper.
- The poster will include background information and the current status of the Delta LTMS and will be crafted to solicit interest from other potential partners like resource agencies. Anchor will circulate a draft of the poster by the end of September for IWG members to review.

ACTION ITEMS –

- 1) **Anchor will prepare and circulate a draft the CALFED poster before the end of September.**
- 2) **Anchor will add a calendar item to the LTMS website for the “Dredging 201” class to be held Tuesday Oct 28, 2008 sponsored by the Bay Planning Coalition.**

DELTA LTMS DEMONSTRATION PROJECT

- Steve Cappellino reminded the group about Walter Yep's proposal for a 3-year demonstration project using dredged material to cap peat at a cost of \$750,000 to be split three ways potentially between the USACE, Port of Sacramento, and possibly DWR.
- Bill Brostoff explained that there is no money in the LTMS budget for it and there are no other funding sources at USACE for it. He added that there is also no money to form an

LTMS Science Group to review such proposals. Although formation of such a group has never been funded for the LTMS, a list of potential science panel members has been developed.

- Bill Brostoff stated that the EPA advised the USACE that beneficial reuse of dredged material should be maximized for both DWSC projects.
- Bill Brostoff and Al Paniccia recalled that Walter Yep had expressed an interest in presenting the proposal to the LTMS Management Committee. The consensus was that without science panel review it is not appropriate to do so.
- Tom Scheeler observed that because the LTMS has no money to fund the project, there is no compelling reason to present it to the Management Committee anyway.
- There was, however, a general consensus that the Delta LTMS group would not impede the study if it were funded by other sources and would be interested in the results.

ACTION ITEMS –

- 1) **Steve Cappellino will contact Walter to see whether any funding sources have been identified for the project and to get a status update.**

PROTOCOLS WORK GROUP ITEMS

Sacramento DWSC SAP

- Cory Koger stated that he had received comments from the Water Board regarding mercury and lowering the proposed detection limits to meet TMDL standards. The USACE is proposing to analyze both Hg and methyl Hg in water and sediment and has identified a lab that can accommodate the testing requirements. The Water Board also advised taking discrete samples at the proposed new sediment horizons.
- Cory expects to have the revised SAP addressing these comments and a new compositing scheme in response to EPA's comments regarding potential contaminants ready sometime during the week of September 22. Cory explained that existing data suggests Hg is the only COC.
- Cory explained that the SAP figures have been revised to reduce file size and provide greater resolution of sample location and bathymetry as well as historical sediment sample locations in response to EPA comments.
- A project specific WDR is expected because the proposed dredging is outside the bounds of the USACE O&M General Order.
- Steve Michelson asked why the EPA weighed in so heavily on the SAP if it the project is more in line with the Water Board's jurisdiction.
 - Bill Brostoff responded that EPA's involvement comes through their review of the EIS, which will incorporate Cory's SAP.
 - Cory Koger stated that the EPA also has involvement through their role in the Delta LTMS and made similar comments on the Stockton DWSC SAP.
 - Cory Koger stated that the USACE O&M dredging has been completed and the USACE may be able to start sediment sampling in October, 2008 and have chemistry results within a few months. He may be able to give interim updates to the LTMS group on sediment results. Once the project EIS specifies placement sites there may be need for additional site-specific testing of the sediments.

- Anchor will load the updated SAP on the LTMS website or a project-specific ftp site, once it is available.

Stockton DWSC SAP

- Bill Brostoff relayed an update provided from Neil Hedgecock, who stated that they are finalizing a scoping report and resolving issues related to other major proposed projects in the Delta. They are identifying potential placement sites, running models, conducting cost-benefit analyses, and engaging in stakeholder coordination.
- There was a general discussion that at this time the budget status is \$0 in the President's budget, \$1 million in the Senate report, and \$1.8 million in the House report.
- Bill Brostoff reminded the group that the Stockton DWSC project work is being handled jointly by both the USACE SF and Sacramento Districts while the project is being managed by the USACE SF District. Work on the Stockton SAP is awaiting resolution of Sacramento SAP comments so that the two documents will be consistent.
- There was a general discussion clarifying which agencies are "approving" the SAP. While there is no approval per se, input from the EPA, Water Board, and LTMS group is solicited to ensure that the data produced from the SAP will provide the necessary information for decisions to be made.

ACTION ITEMS –

- 1) **Cory Koger will provide Steve Cappellino the updated SAP to be posted on the LTMS website or Anchor's FTP site.**

ALTERNATIVE DEVELOPMENT WORK GROUP ITEMS

- Bill Brostoff noted that in the absence of an agency chair after Cindy Tejada's departure, Anchor will serve as the interim chair.

Dredged Material Management ALTERNATIVES TABLE

- Steve Cappellino presented the revised draft table to group and summarized the general revisions to the table. He emphasized the importance of developing these alternatives as part of the long-term goal of developing an EIS for the Delta LTMS and reminded the group that the rationale for discussing these at this point in the project is to coincide with the USACE planning documents for the two DWSC projects.
- Gilbert Labrie clarified that the Webb Tract had dredged material placed at the toe of the levee in the channel as a means of structural support rather than seepage control.
- Steve Michelson requested clarification about "transfer method" column on table. Steve explained the table's structure, including the transfer method column and asked that comments be submitted to Anchor whenever a suggestion or correction is observed as the goal was to make this an ongoing task item.

Dredged Material PLACEMENT SITES TABLE

- Steve Cappellino explained that Anchor has begun collecting information about dredged material placement sites to assist in development of beneficial reuse alternatives. The goal is to develop a graphical database of all available placement sites with site-specific information about site capacity, ownership, discharge requirements, and status.
- Gilbert Labrie suggested that the table should include proposed sites as well.
- Darryl Foreman stated that the USACE has been identifying vulnerable levees so we should link the critical levees and placement sites to facilitate identification of beneficial reuse opportunities for critical levee repairs.
- Steve Cappellino confirmed that part of the goal is to integrate areas of critical need and past, present, and proposed sediment placement sites.
- Darryl Foreman explained that the State is already creating a list of critical levees and that levee condition and repair is an important political and practical issue in the Delta. For example, RD17 has 22 miles of levees and perhaps half could use stability berms on the inboard side. Darryl asked what kind of testing would need to be done to determine whether dredged material is suitable for that use.
- Phil Giovaninni replied that they are working on that issue now. Levee material should be similar to channel sediment because the channel sediments were almost certainly used to create the levees. Phil also noted that the DWR owns lots of property that might be appropriate for future sediment placement sites.
- Gilbert Labrie added that resource districts can also work with private landowners to identify potential placement sites.

ACTION ITEMS –

- 1) **Anchor will coordinate with USACE Sacramento District (Russ Rote and levee stability group) to identify critical levee locations and sediment placement sites.**
- 2) **Anchor will solicit comments from the LTMS group on the dredged material placement site table. Anchor will work to incorporate the information as well as critical levee areas into the existing maps with the goal of providing updated maps for discussion at the October 30th TWG meeting.**
- 3) **Anchor will continue to solicit comments from the LTMS group on the dredged material management alternatives table.**

PERMITTING WORK GROUP ITEMS

Draft JPA

- Al Paniccia provided additional written comments on the draft JPA to Steve Cappellino.

Dredging General Order (GO)

- Tom Scheeler requested clarification regarding Cal Fong's comment about excluding the DWSCs from the GO. A brief general discussion clarified that dredging projects in the DWSCs are covered by other GOs.
 - Phil Giovaninni replied that in the past emergency or rapid response dredging has been accomplished through the existing orders.

- Phil Giovaninni provided 3 handouts related to the updated dredging GOs that he has been developing. Phil reminded the group that comments on the original example GO are still useful.

Handout 1-Pending Dredging Issues-September 2008

- Phil reported that a draft maintenance dredging GO has been written and proposed that the best strategy is to focus on finalizing the maintenance dredging GO and attempt to resolve as many issues as possible through it before starting work on a “beneficial reuse” GO.

Handout 2-General Maintenance Order-Clauses for Review

- Issues that should be clarified to differentiate between requirements for dredge versus placement site:
 1. Property owner notification
 2. Cultural resource investigations
 3. Erosion control plans
 4. Establish placement site size parameters for requirement to have registered engineer design site
 5. pH control to neutralize acidity. Adjusting pH may have unintended adverse effects. The GO could potentially direct pH monitoring on project-specific basis through the notice of applicability associated with the GO
 6. Exclusion of reach between Stockton and Disappointment Slough because of low DO. Probably not an issue for maintenance dredging (as opposed to “new work” dredging).
 7. Waste attenuation factor. Can geological evaluation be done for classes of placement sites? Victor Izzo suggests there are likely too many possible site condition/project combinations.
 8. Are erosion control plans required for placement sites only? What elements are needed in such plans?
 9. Clause 9 has been removed by Phil.
 10. Define “statistically greater” as opposed to “greater”. Statistical analysis might not be possible given the low number of data points.
 11. pH reporting requirement and corrective actions-what corrective measures are appropriate, if any?
- Steve Michelson stated that the Water Board directed that pH adjustments must be suspended on a previous project that had included lime as a sediment amendment. He suggested that acidity encountered in river sediment dredging is not generally low enough to cause detrimental effects, unlike projects involving mine tailings.
- Victor Izzo disagreed to an extent with Steve Michelson’s comments and said that he has seen projects where pH 4-5 has caused elevated mobility of metals.
- Steve Michelson recommended that the GO refer to dredged sediment as “material” or “sediments” rather than as “waste.”

Handout 3-General Maintenance Order Effluent Provisions

- Phil Giovaninni stated that the text in this handout was taken directly from the original example GO the group had considered and that is now 4 years old. Are these provisions still the best and most applicable? Do they need to be modified?
- The effluent provisions are for water discharged from placement sites (decant water).
 1. Pre-dredge sediment testing: MET (modified elutriate test)
 2. Immediately prior to discharge testing (decant water)
- Kate Dadey asked how MET differs from DIWET.
- Phil, Steve Cappellino, and Steve Michelson replied that DIWET is an extraction with deionized water to determine what will leach out of sediment on the ground (e.g. at the bottom of decant pond). The MET addresses water quality as if water has settled on dredged material and then mixed with it.
- Phil Giovaninni added that MET testing results can be confirmed. If MET pre-dredge results are good, no further testing would generally be required.
- Tom Scheeler requested clarification of how the proposed maintenance dredging GO differs from the proposed beneficial reuse GO.
- Phil Giovaninni responded that he had been communicating with DWR to define their needs and criteria that could be addressed through a proposed GO. Since a reuse GO is still in the concept stage, and the maintenance GO will have provisions for direct reuse for levee work, he suggested a strategy of first developing the maintenance dredging GO and then the reuse GO. The maintenance dredging GO will have provisions for sediment reuse. The Water Board needs further input from project proponents to better understand of the problems that need to be solved by the GO, including issues related to levee maintenance and the need to reduce unnecessary regulatory burden for small projects.
- Tom Scheeler asked why the DWSCs “must” be regulated under separate GO according to the language of the example GO. After general discussion the language was revised to say “are” instead of “must.”
- Phil Giovaninni asked how maintenance should be defined. [Developing a draft definition for the group to consider was a prior task for Christine Boudreau and Bill Darsie, neither of which were present at the current meeting]
 - Darryl Foreman asked if it is appropriate to establish a certain year cutoff for defining “maintenance.” He suggests that any location that has ever been dredged previously should be considered maintenance.
- Steve Michelson stated that there might be natural channels that have never been dredged that might be silted with recent sediments and should still be considered “maintenance.”
- Darryl Foreman stated that it is important for CEQA exemption purposes to establish what is “maintenance” versus “new” dredging.
- Phil Giovaninni said that as it is written now, dredging could be considered “maintenance” if any evidence, such as plans or records are available to document that the proposed dredging would not exceed the original elevations. The GO does not require that regulatory permits be provided as evidence.
 - Victor Izzo stated that this language may change as the GO is developed
- Darryl Foreman observed that maintenance may be defined differently by various agencies, especially if a site has not been dredged for an extended period (for example 10 years).

- Phil Giovaninni said that he wants to use a broad definition of maintenance and place restrictions on the discharge rather than trying to narrowly define maintenance.
 - Cal Fong proposes keeping the broad definition of maintenance as Phil suggested.
- Darryl Foreman asked where the 100,000 cy limit for in-water placement originated? After general discussion the answer is that the cost/benefit analysis restricts in-water placement to smaller operations that have more limited funds as opposed to large proponents like the USACE. In general the volume limit was based on discussions and negotiations with agencies and stakeholders.
- Cal Fong and Kate Dadey said that with regard to the length of time between testing the concept of 2-3 years for validity of data (with exceptions for spills and contaminant events) had been used as a general rule of thumb in the SF Bay area.
- Steve Michelson asked if testing would be required every year for maintenance dredging. If it is not required, perhaps setting a time horizon for what could be considered “maintenance” would be appropriate.
 - Phil Giovaninni replied that the existing draft GO does not specify such a time horizon, but that this should be considered.
- Tom Scheeler supports the notion of not testing sediment every year for recurring maintenance work.
- Phil Giovaninni suggests that the USACE’s historical O&M sediment data can provide useful information to include in the Water Board’s finding to justify testing less frequently.
- As part of the general discussion it was suggested that many marinas may dredge less frequently than every 2-3 years so perhaps language could be added to the GO specifying that if the sediment has not changed since the last dredging event, multiple years between testing can be approved even if there is a time horizon specified in the GO.
- The general discussion included the suggestion that even maintenance dredging involving large volumes of sediment may not involve contaminant concentrations of concern because channel sediments/sandy sediments may be derived from clean sources and are not exposed to sources of contamination (like marina sediments might be). Thus sediment volume alone should not be the only factor in whether testing should be required.
- Phil Giovaninni pointed out that a Water Board waiver for volumes less than 1000 cy was used in the past.
- Darryl Foreman stated that if there is a particular contaminant detected consistently at a project site on both the channel (dredge) and upland (placement) site, perhaps the number of chemical samples required could be reduced.
- Phil Giovaninni stated that if sediment testing were not required every year for dredging within a certain time horizon, the projects would be evaluated on the results of its most recent sediment tests. These results may, or may not, be the “best” results and in some cases further testing would be beneficial to the project proponents if it shows a better quality of material.

ACTION ITEMS –

- 1) **The group will provide comments to Phil Giovaninni on the example GO and the three handouts he provided so that the draft GO can be prepared in time for the October TWG meeting.**

- 2) Anchor will work with the USACE Sacramento District and with Phil to pull together existing O&M data to facilitate development of the draft GO in time for the next meeting.**
- 3) Anchor will send an electronic version of the example GO with comments to Phil.**