



Hanson Aggregates West Region
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Pleasanton, CA 94566-8403

May 17, 2006

Ms. Lila Tang
Chief, NPDES Division
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay St., Suite 1400
Oakland, California 94612

Subject: Tentative Order for Rescission of Hanson Aggregates Mid-Pacific, Inc. Marine Operations, San Francisco Sand Yard and Oakland Yard

Dear Ms Tang:

Hanson has reviewed the Regional Board's Tentative Order of April 10, 2006, proposing to rescind the NPDES permits for the San Francisco Sand Yard and Oakland Yard at its June 14, 2006, meeting. This response letter constitutes written comments on the Tentative Order.

In addition to rescinding the individual NPDES permits for Hanson's marine sand washing facilities, the Tentative Order directs that Hanson submit Notices of Intent to be regulated instead under the Regional General NPDES Permit CAG982001, Order No. R2-2002-0063 (General Permit) for sand washing facilities. As the Tentative Order recognizes, Hanson has raised a number of concerns about the appropriateness of the General Permit for marine sand washing facilities, which have a number of characteristics that are distinct from general sand washing facilities. Hanson appreciates the efforts of Regional Board staff to address Hanson's concerns. Although Hanson has a number of remaining concerns, Hanson has agreed to accept the rescission of its individual permits and submit the Notices of Intent to come under the existing General Permit. Hanson appreciates the commitment of the Regional Board staff to address the issues unique to marine sand washing in the coming year as the General Permit comes up for reissuance. To that end, Hanson provides the following comments on the Tentative Order to highlight its concerns and to provide a basis for developing permit conditions that are appropriate for marine sand washing, comply with all applicable requirements, and adequately protect water quality.

Hanson's responses to the numbered findings in the Tentative Order are listed below.

- 1) The correct name of the discharger is as shown, Hanson Aggregates Mid-Pacific, Inc. (HAMP). The existing permit names and numbers in the Tentative Order are as shown on the permits, both of which were issued to Tidewater Sand and Gravel Company.
- 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.
- 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.

- 4) The dates listed are the same as in the final paragraphs of the existing permits.
- 5) 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”.
- 6) 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.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) 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.

- 11) On the issue of Settleable Matter, Hanson has several outstanding concerns:
- 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.
 - 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.
- 12) 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.
- 13) 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.

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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.

- 14) As discussed Hanson remains concerned with the General Permit as applied to marine sand washing facilities but we appreciate the Regional Board's acknowledgement of some of the unique issues presented in the marine context. In addition, we appreciate the Regional Board's commitment to address these issues directly with Hanson in the near future and, in any case in the 2007 renewal of the existing General Permit.

Hanson looks forward to continued discussion with the Board on this proposed rescission action. If you have any questions, please contact the undersigned at (925) 426-4069.

Sincerely,



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