BAY PLANNING COALITION
303 WORLD TRADE CENTER • SAN FRANCISCO, CALIFORNIA 94111 (415) 397-2293 FAX (415) 986-0694
e-mail: staff@bayplanningcoalition.com www.bayplanningcoalition.com

April 27, 1999

Memorandum via email and facsimile

To: LTMS Agency Members: LTC Peter Grass, Alexis Strauss, Loretta Barsamian, Will Travis

From: Ellen Johnck, Executive Director

Subject: Recommendations for Topics to Incorporate into May 13 LTMS Workshop(s) Related to Dredged Material Testing and Evaluations

Our general recommendation for the May 13 agenda and subsequent workshops, as needed, are as follows:

I. Review current agency procedures for implementation of the Federal Inland Testing Manual (ITM) and related issues.
   a. disposal site suitability criteria
   b. reference sites

II. Review testing procedures and interpretive criteria for all disposal media (brackish/fresh water wetlands, brackish/marine wetlands, in-bay, ocean, construction, AND landfill.)

Background and further elaboration

As you are aware, testing and suitability determinations are vitally important to the implementation of the LTMS goals. Dredgers will (theoretically) have an array of disposal option available, including beneficial uses such as habitat creation/restoration/enhancement, and construction. In addition to these "new" reuse options, traditional disposal option such as in-bay, ocean and landfill will also be possible. It is currently very difficult and expensive to test for all disposal options. Therefore, either the project sponsor, or the DMMO must make an a priori decision on which disposal/reuse option will be pursued. If it is not possible to predetermine the disposal/reuse site, the testing protocols need to be generic enough to allow disposal at a variety of sites. Failing this, testing for specific disposal options may need to be done sequentially, which will greatly lengthen the time required for approvals and the cost of testing.

Testing for a specific site is specific for that material and the

potential for impacts at the preferred disposal location. For example, is testing under Green Book for ocean disposal appropriate for determining suitability for reuse at Hamilton or Montezuma? The Inland Testing Manual (ITM) is similar to the Green Book and determining disposal options between In-Bay and Ocean should be possible, however is this testing adequate for wetland creation/restoration? Technically the answer is no, since the testing is targeted to determine the potential for unacceptable impacts at the disposal site. The deep ocean disposal site is substantially different from a wetland site.

The direction of the LTMS is to promote reuses of dredged material out of the Bay. This alone will substantially increase costs. It also adds is uncertainty to the testing process. Is the LTMS (through the DMMO) going to adopt a "generic" sediment testing program that will cover all disposal options, or testing be managed as it currently is with testing targeted for the disposal site? Will the Agencies adopt Sediment Screening Criteria (SSC) as PSDDA has?

We believe that the Agencies need to adopt SSC for all the disposal sites (brackish/fresh water wetlands, brackish/marine wetlands, in-bay, ocean, construction, AND landfill.) The establishment of SSC could help mitigate the cost of testing and allow flexibility in determining suitability. However, the SSC will need to be developed over time (i.e. be a living document). The key issues that we need to address will be:

Who will develop the SSC and how will the dredgers be involved?
What will be covered by the SSC (ocean, in-bay, wetlands, landfill)?
Where will the SSC apply, reaches of the bay based on salinity?
When will the SSC be implemented and what will we do in the interim?
How will the SSC be funded and implemented?

It should be noted that SSC is not a bright-line, but would be used as a screening tool. Exceedance of a SSC would not preclude reuse/disposal, but would require additional specific testing. Further, there would be a range of criteria acceptable for various disposal options. For example, the standard in a sensitive habitat (such as wetlands) may be higher than the standard for disposal at SFDODS. Although the general public may have some concerns regarding these different standards, there is technical merit and justification for a program such as this.

Long Term vs. Near Future

The development of SSC for several reaches of the Bay and for several disposal options will be a slow and laborious process. We can not jump to "default" criteria such as ERLs or ERMs without causing severe

problems in backing-off overly conservative criteria later. The criteria will need to be developed using a good database with adequate QA/QC so that outlying information can be dealt with in an appropriate manner.

The obvious mechanism for developing SSC will be through the implementation of the ITM. It is therefore critical that the implementation of the ITM be done in a manner that will allow the information to be used for the development of the SSC. The LTMS agencies have not yet proposed a Regional Implementation Manual (RIM) for the ITM program. In fact, the ITM should not be implemented until a RIM has been presented and reviewed.

The ITM is a cornerstone of implementation of the LTMS goals. There are numerous issues that need to be clarified and addressed relating to the implementation of the ITM. We suggest that the focus of the first few meeting include, but not be limited to, the issues outlined below:

1. How will the ITM be implemented locally?
2. How many of which species will be needed for biological testing?
3. When will bioaccumulation testing be required? What will be the basis for this if there are no SSC?
4. What happened to the off (disposal) site reference (grain size controls)?
5. What would be used as a reference site for wetland creation projects?
6. Will EPA and COE accept ITM for ocean designations, or will it need to be modified somehow?
7. Will ITM be applied to upland/wetland/reuse projects? If so, how?
8. Will there be DMMO guidance on Tier I exclusions or will it be up to the applicant to argue the issue on a case by case basis?
9. What about Dioxin tests? Why, when and how much (if any) will be needed?
10. What about PCBs? Why should we be required to test for PCB congeners when we are not sure if we even have PCBs at a concentration that is of concern. The costs are prohibitive for congener analysis. If PCBs are at a concentration of concern, then congener analysis MAY be appropriate. However, We fail to see the need when we already test for contaminants like individual PAHs, yet regulated only on total concentrations.
11. How and who will compile the data collected so that the information can be used to develop SSC?
12. How will SSC be developed (i.e. AETs, Triad, etc.)? This is key to determining the testing needs.
13. When dredgers were not required to monitor the disposal site, there was a basis for our contribution to the RMP. Since we will be required to monitor the disposal site under ITM, why should dredgers continue to contribute to the RMP? Would the money be better spent contributing to

a neutral consultant to develop SSC?
14. QA/QC is much more stringent (and expensive) under ITM. How will the QA/QC requirements be determined?
15. What about small dredging projects? Will there be volume thresholds?
16. What happened to the testing framework that was outlined in the appendix of the LTMS Programmatic EIR/S?
17. Since the environmental community is concerned about terminology, is there a way to determine Suitability without determining or inferring Unsuitability?

Please feel free to call me at (415) 397-2293 or Jon Amdur at (510) 272-1582 if you have any questions or comments. We look forward to working on these issues with you all.

cc: Kathy Dadey
Glynnis Collins
Jaime Michaels