

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT  
STAFF: Katie Hart  
MEETING DATE: September 13, 2006

ITEM: 6B

SUBJECT: THE OLSON COMPANY, MARINER WALK PROJECT, PITTSBURG,  
CONTRA COSTA COUNTY - Adoption of Waste Discharge Requirements

DISCUSSION: The Olson Company has applied for approval to construct a residential community and public park on a 15.6-acre parcel in the City of Pittsburg (Project). The Project is the result of a partnership between the Pittsburg Redevelopment Agency and the Olson Company to redevelop an existing vacant lot and relocate the existing Marina Park within the development of a residential community. The Project will include approximately 123 detached single family units, associated roads and utilities, and construction of a basin to provide treatment for stormwater runoff.

The Project would result in the permanent fill of a total of 0.8 acre of seasonal wetlands that are waters of the State. The site has historically been used for the disposal of fill material and dumping, and as a baseball field and playground in the northern part of the site which are part of the existing Marina Park that is to be relocated. The topography of the wetland area on site has been modified over the years, and most recently, for approximately ten years starting in 1987, the wetland areas were used as a sediment basin for silt removed from the Pittsburg Marina. The properties surrounding the site are predominantly residential and industrial.

The U.S. Army Corps of Engineers determined that the wetlands on the site are not waters of the U.S. as they are not connected to navigational waters pursuant to the U.S. Supreme Court decision in Solid Waste Agency of Northern Cook County v. Corps. Due to the Corps' determination that the wetlands on site are not waters of the United States, they are not subject to regulation under Section 404 or 401 of the Clean Water Act. Therefore, waste discharge requirements are necessary to adequately address impacts and mitigation associated with the Project.

The Olson Company's proposal for mitigating the permanent impact to wetlands on the Project site consists of the creation of 2.4 acres of seasonal wetlands and 2.4 acres of native grassland buffer at an off-site location on the privately owned Gunn Ranch in Solano County, approximately 10 miles north of the project site. These wetlands will generally provide for in-kind replacement of the wetlands to be filled. The Project site wetlands are characterized as fresh-brackish seasonal wetlands that are typical of some of the disturbed wetlands found around the edges of the Suisun and Grizzly Bays. The mitigation site is in close proximity to the Montezuma Slough, which drains to Suisun Bay. The mitigation area will be

monitored for a period of at least five years to ensure that the required wetland acreage has been successfully created, and a conservation easement will be placed over the mitigation land area to ensure its long-term preservation.

The Project will also impact beneficial uses through the discharge of stormwater containing automobile-related pollutants and other park and residential area pollutants (e.g., oil, grease, heavy metals, herbicides, pesticides, car washing soaps and chemicals etc.). The Olson Company has proposed to construct a stormwater detention basin to provide treatment for this runoff.

Staff received comments from the Olson Company (Attachment C) that primarily address its concern that timing language included in a provision of the Tentative Order for submittal of a final mitigation plan will unnecessarily delay the start of work in the wetland areas on the project site. In response, the language in Provision 3 has been modified slightly to be consistent with other provisions in the Tentative Order that also require submittals prior to construction. Provision 7 has also been modified to address the comment regarding submittal of an implementation plan. However, Provision 5 has not been modified as requested because an approved mitigation plan will be needed prior to commencement of grading in the wetland areas to be filled on the Project site. We have discussed the comments and our response with representatives from the Olson Company and have agreed to expedite review of the final mitigation plan, draft conservation easements, and the proposed financial assurance when these documents are submitted, to avoid unnecessary delays in implementation of the Project. We expect the item to remain uncontested.

RECOMMEN-      Approval of the Revised Tentative Order  
DATION:

FILE No.          2119.1250 (KRH)

APPENDICES:    A: Revised Tentative Order  
                      B: Not Used  
                      C: Comment Letter  
                      D: Figures showing Project site and proposed offsite mitigation