

**CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD SAN FRANCISCO BAY REGION**

ITEM 5 – APPENDIX C

RESPONSE TO WRITTEN COMMENTS

on the Tentative Order for

Waste Discharge Requirements for Gonsalves & Santucci, Inc.,
Conco Industrial Subdivision, Unincorporated Contra Costa County

The Water Board received written comments from the following on the tentative order distributed on September 12, 2022, for public comment:

1. East Bay Regional Park District (September 20, 2022)
2. Contra Costa Water District (CCWD) (October 12, 2022)
3. California Department of Fish & Wildlife (September 13, 2022)
4. Department of Toxic Substances Control (DTSC) (October 12, 2022)

Water Board staff has included substantive excerpts from the comments and our responses below, in the same order presented above. For the full content and context of the comments, please refer to the comment letters. To request copies of the letters, please contact Kathryn Hart at kathryn.hart@waterboards.ca.gov or (510) 622-2356. Gonsalves & Santucci is referred to as the Discharger.

East Bay Regional Park District

Letter of support for the Project, acknowledging the benefits of relocating the Lower Walnut Creek levee onto the Conco property. The levee relocation supports expansion of tidal wetlands and public access on the newly built levee for future extension of the Iron Horse Trail.

Response: Comment noted.

Contra Costa Water District

Letter of support for the Project. CCWD encourages the Water Board to approve the Conco development project as soon as possible because this will facilitate CCWD's planned Shortcut Pipeline repair work as well as future maintenance activities to ensure this critical pipeline remains fully available to provide essential water service. CCWD manages and maintains the pipeline on behalf of the U.S. Bureau of Reclamation (Reclamation). The pipeline, constructed in 1972, provides essential water utility service to the City of Martinez and several large industrial customers. The pipeline is a single 48-inch steel and cement lined pipeline and Reclamation holds a 50-foot easement for the operation, maintenance, and repair of the pipeline on the Conco property. As noted in the Tentative Order, CCWD currently plans to repair a sagging section of the SCPL between the Marathon Refinery and the Project site, under Lower Walnut Creek. CCWD has been working with Conco to facilitate a new pipeline easement in the areas where the pipeline will be repaired.

Response: Comment noted.

California Department of Fish & Wildlife

Comment: *The Project is within CDFW's regulatory authority and the project proponent will need to*

notify CDFW about the work. Given the Project's proximity to one reach of the Lower Walnut Creek wetland restoration project, CDFW hopes that suitable attention will be given to planning and design so as not to compromise the restoration efforts that have been carried out to date.

Response: The Discharger is aware they need to notify CDFW about the Project. The Project is outboard of the realigned Lower Walnut Creek levees and has been coordinated with and is not expected to compromise the restoration efforts. The levee, which will be maintained over the long term by the Contra Costa County Flood Control and Water Conservation District, physically separates the Lower Walnut Creek restoration area and the Project. The Project's post-construction stormwater runoff will be treated before discharging to surrounding wetlands and Lower Walnut Creek.

Department of Toxic Substances Control (DTSC)

DTSC provided a comment letter, primarily for the record, noting the Project's proximity to the neighboring Baker hazardous waste landfill and appurtenant structures. Appurtenant structures include a 2-inch pipeline within a 4-inch protective sleeve that conveys extracted Baker site groundwater through the Conco site to the Vine Hill facility for treatment. The comment letter includes Attachments A, B, and C from DTSC's Engineering and Special Projects Office (ESPO), DTSC's Geological Services Branch (GSB), and the IT Environmental Liquidating Trust (ITELT, the operator of the Vine Hill Complex), respectively. The comment letter and attachments provide details about the Vine Hill Complex and emphasize the need to protect and provide access to the hazardous waste containment, management, and monitoring features.

DTSC Comment Letter:

- (1) *DTSC finds it significant that the Draft Order does not clearly state that Baker is a closed hazardous waste landfill.*

Response: We agree it would be beneficial to more clearly note the presence of the adjacent hazardous waste landfill. We revised Tentative Order Finding 6 to reflect that Baker is a closed hazardous waste landfill:

Revised Finding 6: "The Site encompasses portions of the former Baker site, which was part of the Vine Hill Complex facility that was used for management of hazardous wastes including used oils, oil reprocessing, and the treatment of chemical waste until the facility was closed in 1989. . . ."

- (2) *DTSC staff and Vine Hill Complex operators (ITELT employees and contractors) must always (24 hours a day, 7 days a week) have access to the Baker landfill and associated auxiliary systems (e.g., groundwater wells, pipelines) that are located both on and off the Baker site.*

Response: The Discharger is aware of the access requirements and has been working with ITELT in recent years to allow the necessary access, and to ensure future access to the Baker landfill and all associated auxiliary systems.

- (3) *To prevent damaging the Baker landfill and its associated surface and subsurface systems, of which some are located off the Baker site, DTSC recommends before any Project activities occur that ITELT or DTSC be contacted so a tour can be provided to show the location of the Baker landfill features and systems, and as needed, have them marked.*

Response: The Discharger has been coordinating with ITELT regarding the locations of the Baker landfill features and systems and will have them marked as needed.

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- (4) *Tentative Order Finding 7: Please note that Baker landfill includes surface and subsurface features (not just subsurface features, as stated in Finding 7) that comprise, but are not limited to, groundwater collection/interceptor trenches, topography, groundwater extraction and monitoring wells, collection pipes, sumps, pumps, a slurry wall, and a landfill cover system. In addition, some of these surface and subsurface features are located off the Baker landfill site. These are required for the operation and maintenance of the closed hazardous waste landfill.*

Response: We revised Tentative Order Finding 7 to reflect the presence of both surface and subsurface features on the site.

Revised Finding 7: “Under the purview of the Department of Toxic Substances Control (DTSC), hazardous wastes remaining in the Baker site impoundments were solidified and consolidated into the Baker landfill located southwest of and immediately adjacent to the Site. Groundwater control systems and associated infrastructure include surface and subsurface features that comprise, but are not limited to, groundwater collection/interceptor trenches, groundwater extraction and monitoring wells, collection pipes, sumps, pumps, a slurry wall, and a landfill cover system. Some of these features are located off of the Baker site and within the Project Site. These facilities are required for the operation and maintenance of the closed hazardous waste landfill and are managed by IT Environmental Liquidating Trust (ITELT). ~~Were installed below the Baker landfill to recover groundwater and leachate for conveyance off site.~~ The DTSC granted the closure of the Baker site in 1999 and noted that the Site property had been remediated to levels that allow unrestricted future land use.”

- (5) *Regarding Tentative Order Attachment C, the last paragraph of Section C, Summary of the Project Description and Project Site, discusses “[e]xisting land uses in the surrounding area,” but does not include the closed hazardous waste Baker landfill that is surrounded by and adjacent to the Project. Please add the closed hazardous waste Baker landfill to this section.*

Response: The project description summary in the *Conco Industrial Subdivision, Aquatic Resource Mitigation and Monitoring Plan* (MMP) (Tentative Order, Attachment C) has been revised to reflect the presence of the closed hazardous waste Baker landfill.

- (6) *Regarding Tentative Order Attachment C, Section VIII(B)(5), Overall annual site assessment, Groundwater Sampling: This section discusses groundwater sampling as part of long-term monitoring. Please state how the groundwater data points will be collected.*

Response: The need for the groundwater monitoring referenced in the MMP will be assessed during five-year reviews of site conditions relative to sea level rise and associated rise in groundwater levels and/or potential changes in groundwater quality from surrounding land uses. If determined to be necessary, the samples will be collected using currently available technology best suited for sampling near surface groundwater, or at surface ponded water with minimal disturbance to the wetland. The MMP has been revised to reflect that the need for sampling will be determined based on five-year reviews of site conditions, and the sampling methods will be determined based on available technology and anticipated depth of collection.

DTSC Comment Letter, Attachment A, Engineering and Special Projects Office (ESPO) review:

- (1) *The Vine Hill Complex pipeline that passes through the Conco site needs to be protected from potential impacts associated with the Project’s use of soil and lightweight cellular concrete fill. DTSC requests that the latest and final construction drawings showing the pipeline alignment and the proposed fill material types as well as any other pipeline protection measures be provided to DTSC. In addition, as-built drawings for the same area should be provided to*

DTSC following construction completion.

Response: The Discharger will provide to DTSC both the latest and final construction drawings, and the as-built drawings showing the pipeline alignment and the proposed fill material types, as well as any other pipeline protection measures. The Tentative Order has been revised to include a provision requiring the Discharger to coordinate with ITELT and DTSC regarding access to and protection of all Baker landfill appurtenant structures on the Discharger's site. We renumbered subsequent provisions to accommodate the new provision.

New Provision 7: The Discharger shall coordinate with ITELT and DTSC regarding access to, and protection of all Baker Landfill appurtenant structures located on the Site. During Site construction and future use, protective measures shall be implemented to prevent damage to Baker Landfill appurtenant structures on the Project Site, and discharge of flows from the pipeline. Project plans shall show the groundwater pipeline alignment and the proposed fill material types as well as any other pipeline protection measures. Coordination shall also include addressing any impacts to Baker Landfill Appurtenant Structures that are associated with differential settlement resulting from the Site fill loads.

- (2) *The Aquatic Resources Mitigation and Monitoring Plan, Section (I)(C), Summary of the Project Description and Project Site, should include a full description of existing land uses in the surrounding area, including the Baker Landfill and the associated groundwater conveyance pipeline.*

Response: The MMP has been revised to include a description of the Baker Landfill and the associated groundwater conveyance pipeline.

- (3) *This comment pertains to the drawing titled Fire Exhibit-All Utilities, Sewer Pump Station, Fire Water Storage Tanks and PG&E Substation Locations, March 2022. The drawing shows fire water and water lines within "Road A" on Lot 6 in the vicinity of the groundwater conveyance pipeline from Baker Landfill to Vine Hill Landfill. Grading for the roadway and excavation and backfill for the fire water and water lines likely will require ground disturbance around/over the conveyance pipeline, however, no information is included on measures that will be taken to protect the conveyance pipeline during the work.*

Response: The noted Exhibit is primarily for general site development facilities. More detailed plans showing measures to be implemented in association with the conveyance pipeline during work are under development by the Discharger and they are coordinating with ITELT regarding this issue.

DTSC Comment Letter, Attachment B, GSU Review:

- (1) *This comment notes that the unrestricted use designation for the Conco property pertains only to that property and does not apply to the neighboring DTSC-regulated Baker site. The integrity of the Baker site and its associated groundwater remediation and monitoring system should be strictly maintained. The Tentative Order should include maps showing the locations of DTSC-regulated landfills in the area, including the Vine Hill and Baker sites, and Acme Landfill, and the roads and routes to the Conco site property. All DTSC-regulated landfills should be marked on the related maps.*

Response: We have included in Attachment A to the Tentative Order a map showing all DTSC-regulated landfills in the area.

- (2) *All landfill caps, built-in slurry walls, the groundwater extraction and treatment systems, and*

the monitoring wells, including offsite wells, should be clearly marked and protected from any damage or disruption of operations from the Conco project's construction and subsequent discharging activities.

Response: The Discharger has stated they are working with ITEL to ensure adequate marking and protection of all Baker landfill operations on the Conco project site.

DTSC Comment Letter Attachment C, ITEL Trust:

This May 3, 2019, letter from ITEL to DTSC acknowledges ITEL's review of documents provided in March 2019 by DTSC regarding the Project. The provided documents described the proposed Project. The letter notes that the Project appears to be beneficial to the area. However, the letter notes that any long-term affects to the closed landfill are not yet apparent. ITEL stated support for the Project and requested mutual cooperation and assurances from the Project before and throughout its construction phase.

The letter includes requirements intended to enable continued access, monitoring, maintenance, and operations at the Baker facility to conform to the DTSC Post-Closure Permit requirements. Requirements include the following:

- 1) Requests site visits to communicate and identify the Baker Landfill and site operations systems;*
- 2) Requests a Communication Plan to provide the Project construction foreman's contact information for daily access, monitoring, or construction issues/concerns;*
- 3) Assurance that stormwater drainage from the Baker site will be supported or upgraded;*
- 4) Assurance of continued access to the monitoring wells, inclinometers, and survey monuments 24/7, 365 days a year;*
- 5) Assurance that access to the Pacheco and Walnut Creek levee roads will be maintained;*
- 6) Assurance of protection for operation and access to electrical and pipeline systems or provide potential upgrades; and*
- 7) Assurance that any damage to any component of the Baker Landfill system and appurtenances resulting from the construction project will be immediately communicated to ITEL and remediated to original specifications as outlined in the DTSC Post-Closure permit and other related documents. This includes impacts from consolidation related differential settlement resulting from additional fill loads adjacent to the closed landfill.*

Response: The Discharger states that all of the above requirements have been or will be met. Such assurances have been provided verbally by the Discharger during the permitting process, and additionally in a letter submitted to the Water Board on October 21, 2022.

Revised Tentative Order, Minor Edits: Staff made minor non-substantive copyedits to Finding 1 (removed a parcel number inadvertently included in the draft document), Provisions D.2, 3 and 4 (to correct how the Discharger was referenced), Finding 22 (to reference the stormwater permit), and Finding 33 (modified language regarding human right to water).