

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

STAFF SUMMARY REPORT: Katie Hart
MEETING DATE: November 9, 2022

ITEM: 5

**Gonsalves & Santucci, Inc., Conco Industrial Subdivision Project, Unincorporated
Contra Costa County – Issuance of Waste Discharge Requirements**

DISCUSSION

This Revised Tentative Order (Appendix A) would issue waste discharge requirements (WDRs) to Gonsalves & Santucci, Inc. (Discharger) to construct the Conco Industrial Subdivision Project (Project) in the vicinity of the City of Martinez. The Project will be an industrial subdivision on 66.57 acres of land previously used as part of the Vine Hill Complex hazardous waste management site, adjacent to Lower Walnut Creek. Project construction will fill 1.4 acres of seasonal wetlands that have developed on fill within the former waste management area. The Board has not considered this item before.

The Project's discharges of fill to receiving waters would ordinarily be authorized under a Clean Water Act section 401 water quality certification or a statewide general order for fill of waters of the State. In this case, the U.S. Army Corps of Engineers determined the waters the Project would impact are not federally jurisdictional because they are isolated from navigable waters. While the receiving waters remain waters of the state subject to Water Board jurisdiction, the area of fill is too large to qualify for coverage under a statewide general order. Thus, the Revised Tentative Order would authorize the Project's discharges via project-specific WDRs.

The Project design appropriately avoids and minimizes impacts to wetlands. To provide mitigation for the Project's remaining wetland impacts, the Revised Tentative Order would require the Discharger to implement on-site mitigation measures by creating a combination of seasonal and tidal wetlands on the Project property. Staff circulated a tentative order for a thirty-day public comment period, which ended on October 13, 2022. We received four comment letters during the comment period, comprised of: letters of support from the East Bay Regional Park District and the Contra Costa Water District; a letter from the California Department of Fish and Wildlife (CDFW) noting the need for the Discharger to notify CDFW of the Project; and a letter from the state Department of Toxic Substances Control (DTSC) requesting minor editorial changes. We made minor editorial changes to the Tentative Order to respond to DTSC's comments, resulting in the Revised Tentative Order. These changes have been reviewed by and are acceptable to the Discharger. We understand the Discharger has communicated with CDFW about the Project.

APPENDICES

- A. Revised Tentative Order
- B. Order Attachment A: Site Location Maps
Order Attachment B: Lot Development Plan
Order Attachment C: Wetland Mitigation & Monitoring Plan
- C. Response to Comments
- D. Comment Letters Received

Appendices B and D are available on the Water Board FTP site: To access it, go to:
<https://ftp.waterboards.ca.gov/>, and log in by entering the following:

Username: rb2-ftp-download

Password: SFwater1400d

Go to folder entitled: 2022Nov_Item5_ConcoIndustrialSubdivision_TO

Appendix A
Revised Tentative Order

Appendix B

Attachments to Revised Tentative Order

For access to electronic copies of the Attachments to the Revised Tentative Order, please go to: <https://ftp.waterboards.ca.gov/>, and log in by entering the following:

Username: rb2-ftp-download

Password: SFwater1400d

Go to folder entitled: 2022Nov_Item5_ConcoIndustrialSubdivision_TO

Appendix C
Response to Comments

Appendix D

Comment Letters Received

For access to electronic copies of the Attachments to the Revised Tentative Order, please go to: <https://ftp.waterboards.ca.gov/>, and log in by entering the following:

Username: rb2-ftp-download

Password: SFwater1400d

Go to folder entitled: 2022Nov_Item5_ConcolIndustrialSubdivision_TO