



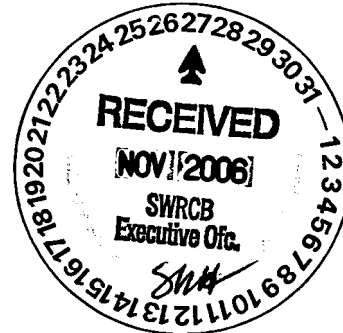
REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS  
333 MARKET ST.  
SAN FRANCISCO, CALIFORNIA 94105-2197

**Sediment Quality Obj.**  
Deadline: 11/28/06 5pm

Planning Branch  
San Francisco District

Ms. Song Her, Clerk to the Board  
Executive Office  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95812-0100



Subject: Comment Letter – Sediment Quality Objectives

Dear Ms. Her:

The purpose of this letter is to provide comments on the State Water Resources Control Board's *CEQA Scoping Meeting Informational Document, Development of Sediment Quality Objectives for Enclosed Bays and Estuaries*.

The U.S. Army Corps of Engineers, San Francisco District supports Alternative 2, that the sediment quality objectives (SQOs) should not apply to dredged material, as the resolution to Issue 2.5. It is inappropriate to apply the SQOs to dredged material as described in this document, since dredging typically involves removing material below the biologically active surficial sediments. The current dredged material testing program is robust and was designed to accurately measure the bulk properties of dredged material to determine its suitability for placement at a variety of locations.

The State Water Board staff currently recommends Alternative 3, that the SQO's apply under the specific conditions contained in section California Water Code § 13396 (2006). If this alternative is adopted, its explanation requires a closer look at the language of § 13396 and minor subsequent clarification. Section 13396 of the Water Code states "no person shall dredge or otherwise disturb a toxic hot spot that has been identified and ranked by a regional board without first obtaining certification. . ." (emphasis added) The scoping document does not address the fact that incorporating California Water Code § 13396 by reference limits the applicability of the SQO's to specific toxic hot spots that are identified and ranked by a regional water quality control board before dredging commences.

The Preliminary Draft Plan should also be amended to address when the SQOs are intended to apply to the placement of dredged material at aquatic disposal and beneficial reuse

locations that have not yet been identified and permitted, but will be in the future. To help address these concerns, the Corps suggests modifying the wording in Part 1, Section D of the Preliminary Draft Plan, as follows:

**D. Applicability to Dredged Material Testing Program**

1. *This Plan shall only apply under the conditions specified in Section 13396 of the California Water Code.*
2. This Plan shall not apply to:
  - a. Dredged material suitability determinations. Suitability determinations shall be based upon USACE and U.S. EPA methodologies developed for ocean, inland, and upland disposal *and additional* guidance developed by regional dredging teams and approved by the Regional Water Boards. *These suitability determinations shall apply to dredging taking place under conditions specified in California Water Code § 13396.*
  - b. The management of *aquatic dredged material disposal or placement sites that are currently active, designated or may be permitted in the future* ~~active, designated, or permitted aquatic dredged material disposal or placement sites~~. This provision does not prevent the State or Regional Water Boards from taking future action on placement sites if the site itself is harming beneficial uses.

If you have any concerns regarding our comments, please contact Ms. Jessica Burton Evans at 415-977-8523 or [Jessica.L.BurtonEvans@usace.army.mil](mailto:Jessica.L.BurtonEvans@usace.army.mil).

Sincerely,



Thomas R. Kendall  
Chief, Planning Branch