Central Valley Regional Water Quality Control Board

17/18 February Board Meeting

# Staff Revisions toTentative Waste Discharge Requirements forPort of StocktonDenmar Natural Soda Ash Export Terminal ProjectSan Joaquin County

At a public hearing scheduled for 17/18 February 2022, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of tentative Waste Discharge Requirements for the Port of Stockton, Denmar Natural Soda Ash Export Terminal Project in San Joaquin County. This document explains staff revisions that have been made to the tentative order:

## Explanation of Central Valley Water Board Modifications to Tentative Order

Central Valley Water Board staff has revised the Tentative Waste Discharge Requirements as discussed below.

### Section XII.J. (Compensatory Mitigation for Permanent Impacts)

Section XII.J of the Waste Discharge Requirements contains requirements regarding compensatory mitigation for permanent physical loss and permanent ecological degradation of waters of the state. The purpose of these requirements is to ensure the Permittee provides adequate compensation for permanent physical loss and ecological degradation of a water of the state. Incorporation and reference to an approved compensatory mitigation plan submitted by the Discharger has been added to the proposed Waste Discharge Requirements to provide clarification of the mitigation strategy and mitigation requirements for this project.

## Central Valley Water Board Modifications to Tentative Order

The Tentative Waste Discharge Requirements have been modified as shown below in underline/strikeout format:

### Waste Discharge Requirements, Section XII.J, Compensatory Mitigation for Permanent Impacts

**1. Compensatory Mitigation Plan**a. The Permittee has submitted an approved compensatory mitigation plan as part of a complete application.
b. The Permittee shall provide compensatory mitigation for the impacts to waters of the state in accordance with the approved compensatory mitigation plan dated 30 November 2021 and incorporated herein by reference.

**2. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation**a. A copy of the fully executed agreement for the purchase of 11.04 mitigation credits was provided to the Central Valley Water Board on 2 September 2021.
b. A copy of the fully executed agreement(s) for the purchase of the remaining 10.29 mitigation credits shall be provided to the Central Valley Water Board prior to the initiation of in-water work.
c. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

**3. Compensatory Mitigation Plan**a. The Permittee is required to provide compensatory mitigation for the authorized impact to 21.33 acres of wetland , stream bed, and vernal pool habitat by purchasing 21.33 mitigation credits from a United States Army Corps of Engineers approved mitigation bank, as detailed in the Permittee’s 30 November 2021 compensatory mitigation plan .
b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 3. [Enhancement (Enh.), Establishment (Est.), Restoration (Res.), Preservation (Pres.)].

**Table 3: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area**

| **Aquatic Resource Type** | **Mitigation Type** | **Units** | **Ehn.** | **Est.** | **Res.** | **Pres.** |
| --- | --- | --- | --- | --- | --- | --- |
| Wetland | Mitigation Bank Credits | Acres |  | 6.89 |  |  |
| Stream Channel | Mitigation Bank Credits | Acres | 0.98 |  | 3.17 |  |
| Vernal Pool | Conservation Bank Credits | Acres |  |  |  | 10.29 |