



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
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Arnold Schwarzenegger
Governor

SENT VIA EMAIL

Date: February 5, 2008
File No. 2168.05 (EAC)

City and County of San Francisco
Department of Public Works
Project Management Division
Attn: Mr. Frank V. Filice
30 Van Ness Avenue, 5th Floor
San Francisco, California 94102

SUBJECT: Water Quality Certification, Maintenance Dredging and Deepening at the San Francisco Marina, West Basin Facility and Outer Jetty, in the City and County of San Francisco, California

Dear Mr. Filice:

We have reviewed and hereby issue certification for your proposal to perform maintenance dredging at the San Francisco Marina's West Basin facility located in the City and County of San Francisco. You have received a U.S. Army Corps of Engineers individual permit (File No. 23408S) pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403). You have applied to the Water Board for a Clean Water Act Section 401 (33 U.S. Code 1341) water quality certification that the project will not violate State water quality standards.

Project

The project involves maintenance dredging over a 10-year period of approximately

- 1) 210,000 cubic yards (cy) of mostly fine-grained sediment from the West Basin's inner harbor (Areas A and B) and/or entrance channel (Areas EC1 and EC2), to a design depth of -12 feet Mean Lower Low Water (MLLW), plus a one-foot overdredge allowance, with disposal at the Alcatraz Island Disposal Site (SF-11) in San Francisco Bay; and,
- 2) 350,000 – 600,000 cy of commercial grade sand from the outer jetty outside the entrance channel (Area D) to a depth of -55 feet MLLW plus a two-foot overdredge allowance, and/or from Areas EC1 and EC2 to a depth of -12 MLLW, with upland beneficial reuse. The first proposed dredge episode will remove up to 100,000 cy with subsequent annual episodes of between 25,000 and 50,000 cy, depending on the volume of sand buildup on the outer jetty area. The proposed dredging in Area D will relocate and reconfigure a historic sand trap to more efficiently intercept moving sands that accrete within the marina entrance channel, and thus reduce future maintenance dredging needs in the marina and disposal volumes at SF-11. Although the maximum dredging depth would increase from -25 feet MLLW to -55 feet MLLW, the size of the dredge footprint

would decrease from 459,000 square feet to 156,964 square feet, and the resulting dredge volume over the next 10-year period will remain the same as previously authorized.

The initial dredging episode will consist of removing an unspecified volume of fine-grained sediment and/or sandy material from the Areas EC1 and EC2 and sand from Area D. The sandy material will be taken to an upland sand washing/processing facility for eventual reuse as a commercial sand product and any non-sandy material will be disposed at the Alcatraz Island Disposal Site. Because the details of the initial dredging episode are unspecified at this time, the City and County of San Francisco will need to obtain written approval from Board staff prior to dredging, per Condition 3 of this certification.

Testing Results

Water Board staff, in conjunction with the Dredged Material Management Office (DMMO), has reviewed a report characterizing the suitability of sediments for aquatic disposal in San Francisco Bay: *San Francisco Marina, West Basin Maintenance Dredging Program Sediment Characterization Report*, dated April 3, 2007. Based on these results, Board staff has determined that disposal of the dredged sediments from Areas A1, B1, and B2 in the inner harbor (except as described below) and from Areas EC1 and EC2 at the Alcatraz Island Disposal Site is appropriate. Material composed primarily of sand from Areas EC1, EC2, and Area D is suitable for upland beneficial reuse. The material in the vicinity of sample points B2-4(b) and B2-1(a) & (b) as shown on the attached figure titled "San Francisco Marina West Basin, Areas Suitable for Unconfined Aquatic Disposal, Figure 2," has been determined to be *unsuitable* for unconfined aquatic disposal.

California Environmental Quality Act

The maintenance dredging portion of the project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations, Section 15304(g). The Water Board has filed a Notice of Exemption for the project with the State Clearinghouse. On April 25, 2007, the City and County of San Francisco, as lead agency, published an addendum to the final negative declaration for the San Francisco Marina Maintenance Dredging Program adopted on May 18, 1999 in accordance with CEQA. The addendum addresses the reconfiguration and deepening of the sand trap (Area D) in the outer jetty. The Water Board has reviewed and considered the environmental documents and has determined that the project will not result in any significant adverse water quality impacts.

Certification

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification. The following conditions are associated with this certification:

1. Dredging in the inner harbor (Areas A and B) and entrance channel (Areas EC1 and EC2) shall be limited to the design depth of -12 feet MLLW, with no more than one foot of over-



- dredge. Dredging in the outer jetty outside the entrance channel (Area D) shall be limited to the design depth of –55 feet MLLW with no more than two feet of over-dredge.
2. When dredging fine-grained sediment unsuitable for use in commercial sand products, no overflow or decant water shall be discharged from any barge, with the exception of spillage incidental to clam shell or excavator dredge operations.
 3. Sediment suitability determinations for dredging episodes shall be coordinated through the Dredged Material Management Office (DMMO), following applicable federal and state guidance on a tiered testing framework and on the preparation of reports. Dredging and disposal episodes shall not commence until authorized in writing by Water Board staff.
 4. The City and County of San Francisco shall provide technical reports which document monitoring efforts designed to evaluate the water quality impacts of the dredged material discharge on waters of the State, pursuant to Section 13267 of the California Water Code (CWC).
 5. Discharges of dredged material shall comply with annual and seasonal volume target limits for disposal at in-Bay sites set in the Basin Plan.
 6. Dredging and disposal activities shall be limited to the work windows set out by the California Department of Fish and Game, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service in their Biological Opinions on the LTMS, unless written authorization by the appropriate agencies to work outside these windows is provided to Water Board staff.
 7. The City and County of San Francisco or its representative shall notify Water Board staff immediately by telephone whenever an adverse condition occurs as a result of this activity. An adverse condition includes, but is not limited to, a violation or threatened violation of conditions of this certification, or a significant spill of petroleum products or toxic chemicals. Pursuant to Section 13267 of the California Water Code, a written notification of adverse condition shall be submitted to the Water Board within 30 days of occurrence. The written notification shall identify the adverse condition, describe the action necessary to remedy the condition, and specify a timetable, subject to the modifications of the Water Board, for remedial actions.
 8. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the CWC and Section 3867 of Title 23 of the California Code of Regulations (23 CCR).
 9. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
 10. Certification is conditioned upon total payment of the full fee required in State regulations (23 CCR Section 3833) and owed by the applicant. The fee for this certification has been paid in full.



Regional Monitoring Program

Please be aware that Condition 4 is a requirement for a technical report pursuant to CWC Section 13267. Dischargers of waste materials to the Bay, including those who dispose of dredged material, are required to monitor the impacts of the discharge under Section 13267. This monitoring provides necessary information about ambient Bay water quality and potential long-term impacts of dredged material disposal. You may elect to participate in the San Francisco Estuary Regional Monitoring Program for Trace Substances (RMP) to fulfill this requirement or provide comparable data on an individual basis.

Since 1992, many Bay Area dischargers have decided to provide this information through the RMP, rather than through individual monitoring programs. The San Francisco Estuary Institute (SFEI), located in Oakland, California, administers the program with oversight by the Water Board. Dischargers may contribute money to the RMP, based on the RMP Dredger Fee Schedule Policy and any subsequent amendments, as approved by the RMP Steering Committee. The fees will be based on in-bay dredge disposal volumes calculated using post-dredge survey results provided to the Water Board and SFEI by the U.S. Army Corps of Engineers. If the post-dredge survey volumes for each fiscal year ending June 30 are not reported to the Water Board by September 1 of the next fiscal year (same calendar year), RMP dredger participants will be billed based on reported bin volumes, which may overestimate the volume actually dredged. The Water Board recognizes payments to the RMP as fulfilling requirements to provide information on water quality impacts under Section 13267.

Conclusion

This certification applies to the project as proposed in the application materials. Please be advised that failure to implement the project as proposed is a violation of water quality certification. Any violation of water quality certification conditions is subject to administrative civil liability pursuant to CWC Sections 13268 and 13350. Failure to meet any condition of a certification may subject you to civil liability imposed by the Board to a maximum of \$1000 per violation day for violations of Section 13267 technical report requests or \$10 for each gallon of waste discharged in violation of this certification.

We anticipate no further action on this request. Should new information come to our attention that indicates a water quality problem with this project, the Water Board may issue waste discharge requirements pursuant to 23 CCR Section 3857.

If you have any questions, please contact Elizabeth Christian at (510) 622-2335, or by email, at echristian@waterboards.ca.gov.

Sincerely,

Bruce H. Wolfe
Executive Officer

cc: SWRCB-DWQ (Bill Orme)
BCDC, San Francisco, CA (Brenda Goeden, brendag@bcdca.gov)
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