



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

SENT VIA EMAIL

Date: December 5, 2008
CIWQS Place No. 729895 (EAC)

San Mateo County Harbor District (SMCHD)
Attn: Peter Grenell, General Manager
pgrenell@smharbor.com
400 Oyster Point Boulevard, Suite 300
South San Francisco, California 94080

San Francisco Bay Area Water Emergency Transportation Authority (WETA)
Attn: John Sindinski, Planning & Development Manager
sindzinski@watertransit.org
Pier 9, Suite 111, The Embarcadero
San Francisco, California 94111

SUBJECT: Water Quality Certification, Construction of the South San Francisco Oyster Point Ferry Terminal at the Oyster Point Marina East Basin, in South San Francisco, San Mateo County, California

Dear Mr. Grenell & Mr. Sindinski:

We have reviewed and hereby issue certification for your proposal to perform maintenance dredging, deepening and construction of a new ferry terminal in the East Basin of the Oyster Point Marina located along the western shoreline of the central portion of San Francisco Bay in South San Francisco, San Mateo County. You have applied for a U.S. Army Corps of Engineers individual permit (File No. 2008-00097S) 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). Correspondingly, 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 South San Francisco Oyster Point Ferry Terminal is part of an expansion of ferry service in the Bay Area that is intended to provide transportation alternatives that can help relieve traffic congestion and provide disaster response facilities with emergency access to the Peninsula in the event of a natural or man-made emergency that disables roads, other transit, bridges or tunnels. Construction of the new ferry terminal will occur in four phases as shown in Figure 2.

Phase I – Demolition and Reconstruction

Demolition of existing structures, which is necessary to provide adequate space for the ferry terminal and to provide an accessible channel for ferry vessels, includes the following:

- Docks 9 and 10 (floats, concrete guide piles, gangway, pier, piles, concrete slab)
- Partial demolition of end ties at docks 11, 12 and 13 (piles, floats)
- Reconstruction of end ties at docks 11, 12 and 13 (installation of new piles, floats)

Phase II - Dredging

The project involves dredging a total of approximately 50,000 cubic yards (cy) of sediment from the footprint shown in Figure 4. Approximately 31,000 (cy) of this material will be maintenance dredging to a project depth of -8 feet Mean Lower Low Water (MLLW), plus a two-foot overdredge allowance. The remaining volume of approximately 19,000 cy is new work (deepening) to -10 feet (MLLW), plus a two-foot overdredge allowance, to accommodate the passenger boarding float and for ferry vessel access. The dredged material will be disposed of at the Alcatraz Island Disposal Site (SF-11) in San Francisco Bay.

Phases III and IV – Construction

Access from land to the ferry will be provided by four structures: and access/viewing terrace (supported by sixteen 20-inch diameter steel piles), pier (supported by ten 36-inch or 42-inch steel pipe piles), gangway, and a hollow concrete boarding float restrained horizontally by four steel guide piles. Dolphin piles (42-inch diameter steel piles with a floating donut-type fender) will be installed in three locations (existing fuel station, end of Dock 11, and two at end of the passenger boarding float) to protect vessels from collisions with other structures. After factoring in the demolition of existing structures conducted in Phase I, construction of the features listed above will result in a net reduction of 0.1 acres of solid and floating Bay fill.

Testing Results

Water Board staff, in conjunction with the Dredged Material Management Office (DMMO), has reviewed a report characterizing the suitability of dredged sediments for aquatic disposal in San Francisco Bay: *Sampling and Testing of Sediments, South San Francisco Ferry Terminal, Oyster Point Marina East Basin Demolition and Dredging*, dated November 2007. Based on these results, Board staff has determined that disposal of the dredged sediments at the Alcatraz Island Disposal Site is appropriate.

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). On November 27, 2006, the WETA, as lead agency, certified an Environmental Impact Report (EIR) (SCH No. 2004122091) for the rest of the project (new ferry terminal construction and operation) in accordance with CEQA. The Water Board has reviewed and considered the environmental document and all proposed mitigation measures. The project may have the following significant effects on the environment which are within Water Board jurisdiction:

1. Operation of the ferry terminal is expected to erode bottom sediments and increase turbidity in the harbor, which may displace or bury native oysters which have been observed in the marina at relatively high densities during pre-construction surveys. A conceptual model predicts that the zone of increased turbidity will be limited to the entrance channel and within 53 feet adjacent to either side of the new ferry terminal.

2. Installation of steel piles could create sound waves that adversely affect fish and marine mammals.

The Water Board has determined that the proposed mitigation measures will mitigate these impacts to less-than-significant levels.

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 shall be limited to the project depth of -8 feet MLLW in Subareas 1 and 2 and -10 feet MLLW in Subarea 3, plus an additional two-foot overdredge allowance, as shown in Figure 4.
2. 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. The SMCHD and the WETA 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).
4. As required under Mitigation Measure 3.1-3(b) of the South San Francisco Ferry Terminal Project EIR/EA: If native oyster surveys conducted in collaboration with NOAA Fisheries pursuant to Mitigation Measure 3.1-3(a) determine that oysters are present in the footprint of the area to be dredged for the ferry channel, within 53 feet adjacent to either side of the new ferry terminal, and/or on the underside of the floating docks that will be removed to complete the new ferry terminal, the SMCHD and the WETA shall mitigate for the loss of native oyster habitat by placing NOAA Fisheries-approved substrate in an area outside of direct impact by the project. NOAA Fisheries staff shall be contacted to assist with substrate choice and site selection. If mitigation is necessary, the SMCHD and the WETA shall provide an electronic copy of the mitigation and monitoring plan to Water Board staff.
5. As required under Mitigation Measure 3.1-3(c) of the South San Francisco Ferry Terminal Project EIR/EA: Monitoring of oyster densities and settlement rates, as well as water quality (temperature, salinity, and turbidity) using the same protocols as pre-construction monitoring, shall continue for at least one year post-construction. Monitoring beyond the one-year post-construction period shall continue for one additional year if NOAA Fisheries staff determine that adverse impacts to live native oysters have occurred based on the results of the pre-construction and post-construction monitoring data. The SMCHD and the WETA shall provide an electronic copy of all post-construction monitoring reports to Water Board staff.
6. Pile driving shall be monitored to ensure that aquatic species are not adversely affected and that sound pressure measured outside the East Basin of the marina during pile driving will

- not exceed the 180 decibel threshold established by NOAA Fisheries. Vibratory devices shall be used where feasible instead of impact hammers to drive piles. If steel piles must be installed with impact hammers due to unforeseen geotechnical conditions, an air barrier such as a bubble curtain shall be used to attenuate sound levels. A qualified biologist shall monitor pile driving to ensure that the air curtain is functioning properly and project-generated sound waves do not exceed the NOAA threshold.
7. No debris, rubbish, creosote-treated wood, soil, silt, sand, cement, concrete, or washings thereof, or other construction related materials or wastes, oil or petroleum products or other organic or earthen material shall be allowed to enter into, or be placed where it may be washed by rainfall or runoff into the marina basin. When the project is completed, any excess material shall be removed from the work area and any areas adjacent to the work area where such material may be washed into the marina basin.
 8. Debris containment booms shall be deployed and maintained at all times around all active demolition in or immediately adjacent to San Francisco Bay. Any debris that falls into the Bay shall be immediately removed and disposed of at an appropriate upland location.
 9. Discharges of dredged material shall comply with annual and seasonal volume target limits for disposal at in-Bay sites set in the Basin Plan.
 10. Dredging and disposal activities shall be limited to the work windows established 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.
 11. The SMCHD and the WETA or their 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.
 12. 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).
 13. 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.
 14. 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 3 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 requirements 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

Attachments:

- Figure 1. Location Map
- Figure 2. Phasing Map

Figure 3. Demolition Plan

Figure 4. Dredging Plan

cc: SWRCB-DWQ (Bill Orme)

BCDC, San Francisco, CA (Ming Yeung, mingy@bcdc.ca.gov & Jessica Hamburger, jessicah@bcdc.ca.gov)

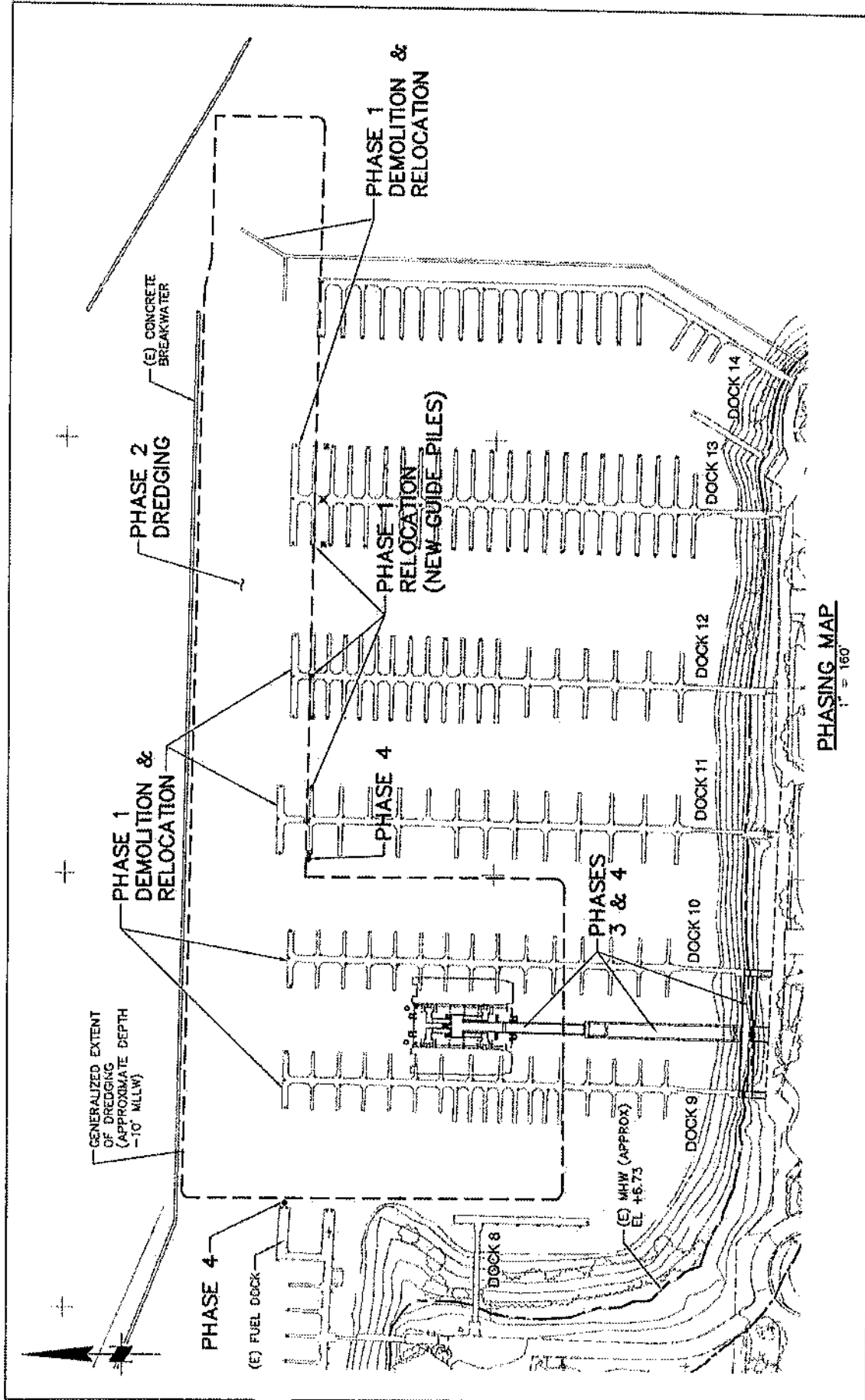
CA SLC, Sacramento, CA (Donn Oetzel, oetzeld@slc.ca.gov)

CDFG, Monterey, CA (George Isaac, gisaac@dfg.ca.gov)

USACE, San Francisco, CA (Paula Gill, Paula.C.Gill@usace.army.mil & Rob Lawrence, robert.j.lawrence@usace.army.mil)

NMFS, Santa Rosa, CA (David Woodbury, david.p.woodbury@noaa.gov)

US EPA, San Francisco, CA (David Smith, smith.davidw@epa.gov)



PURPOSE: SOUTH SAN FRANCISCO FERRY TERMINAL
 DATUM: MLLW
 CO-APPLICANT:
 S.F. BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY
 PIER 9, SUITE 111, THE EMBARCADERO
 SAN FRANCISCO, CA 94111

FIGURE 2
 PHASING MAP
 SAN MATEO COUNTY HARBOR DISTRICT
 400 OYSTER POINT BLVD., SUITE 300
 SOUTH SAN FRANCISCO, CA 94080

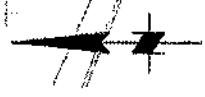
SOUTH SAN FRANCISCO FERRY TERMINAL
 IN: OYSTER POINT MARINA
 SOUTH SAN FRANCISCO
 AT: SAN FRANCISCO
 COUNTY OF: WETA/SMCHD
 APPLICATION BY: FIGURE 2 OF 12
 DATE: MARCH 2008

N 2070000

E 6019000

E 8018500

N 2069500



(E) CONCRETE BREAKWATER

DEMOLISH (E) DOCKS, GUIDE PILES, AND UTILITIES

DEMOLISH (E) DOCKS (PARTIAL), GUIDE PILES, AND UTILITIES (PARTIAL)

RELOCATE DOCK END TIES (TYP DOCKS 11, 12, 13)

DEMOLISH (E) CONCRETE BREAKWATER

NEW GUIDE PILES, TYP TOTAL 3 (DOCK 13)

NEW GUIDE PILES, TYP TOTAL 2 (DOCK 12)

NEW GUIDE PILES, TYP TOTAL 3 (DOCK 11)

(E) FUEL DOCK

(E) MIHW (APPROX) EL +6.73

DEMOLISH (E) GANGWAY

DEMOLISH (E) GANGWAY

DEMOLISH (E) CONCRETE RAMP - CONCRETE ACCESS, PIER AND UTILITIES

DOCK 8

DOCK 9

DOCK 10

DOCK 11

DOCK 12

DOCK 13

DOCK 14

LEGEND:



DEMOLISH AREA



REMOVE AND RELOCATE AREA

NEW CONCRETE GUIDE PILE

NOTES:

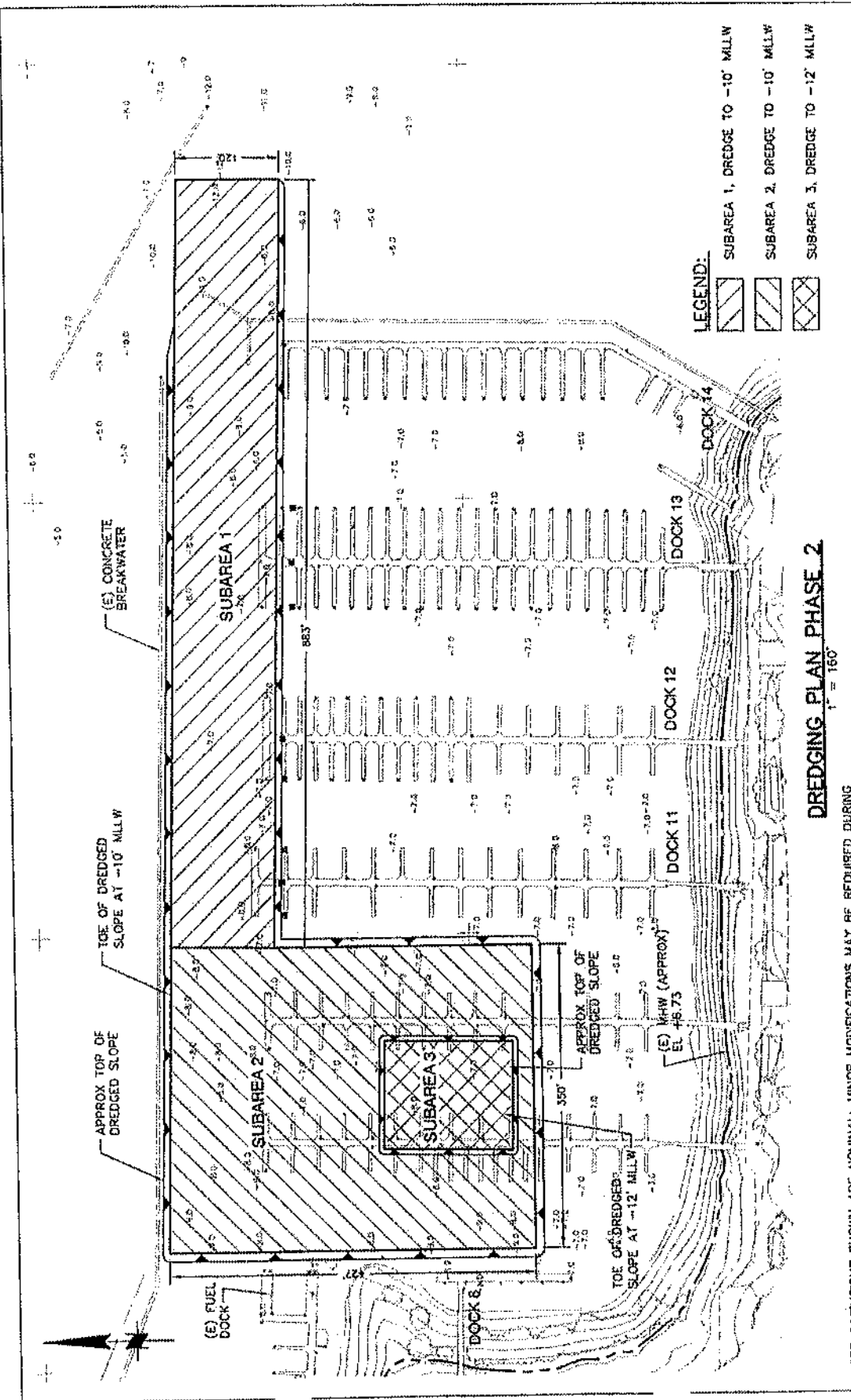
1. DEMOLISH GUIDE PILES, DEMOLISH PORTIONS OF DOCKS, AND RELOCATE DOCK END TIES AT DOCKS 11, 12, AND 13. FINAL LOCATION OF RELOCATED DOCKS NOT SHOWN FOR CLARITY.
2. DRIVE NEW CONCRETE GUIDE PILES FOR RELOCATED DOCK END TIES AT DOCKS 11, 12, AND 13.

DEMOLITION PLAN PHASE 1

PURPOSE: SOUTH SAN FRANCISCO FERRY TERMINAL
 DATUM: MLLW
 CO-APPLICANT:
 S.F. BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY
 PIER 9, SUITE 111, THE EMBARCADERO
 SAN FRANCISCO, CA 94111

FIGURE 3
 DEMOLITION PLAN
 PHASE 1
 SAN MATEO COUNTY HARBOR DISTRICT
 400 OYSTER POINT BLVD., SUITE 300
 SOUTH SAN FRANCISCO, CA 94080

SOUTH SAN FRANCISCO FERRY TERMINAL
 IN: OYSTER POINT MARINA
 AT: SOUTH SAN FRANCISCO
 COUNTY OF: SAN FRANCISCO
 APPLICATION BY: WETA/SMCHD
 FIGURE 3 OF 12
 DATE: MARCH 2008



NOTE: DIMENSIONS SHOWN ARE NOMINAL; MINOR MODIFICATIONS MAY BE REQUIRED DURING DESIGN, WHICH HAS BEEN ADDED AS A CONTINGENCY TO THE FILL QUANTITIES.

DREDGING PLAN PHASE 2
1" = 160'

<p>PURPOSE: SOUTH SAN FRANCISCO FERRY TERMINAL</p> <p>DATE: MLLW</p> <p>CO-APPLICANT: S.F. BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY PIER 9, SUITE 111, THE EMBARCADERO SAN FRANCISCO, CA 94111</p>	<p>FIGURE 4 DREDGING PLAN PHASE 2</p> <p>SAN MATEO COUNTY HARBOR DISTRICT 400 OYSTER POINT BLVD, SUITE 300 SOUTH SAN FRANCISCO, CA 94080</p>	<p>SOUTH SAN FRANCISCO FERRY TERMINAL</p> <p>IN: OYSTER POINT MARINA AT: SOUTH SAN FRANCISCO COUNTY OF: SAN FRANCISCO APPLICATION BY: WETA/SMCHD FIGURE 4 OF 12 DATE: MARCH 2006</p>
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