

California Regional Water Quality Control Board

San Francisco Bay Region



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Protection

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File No: 2198.11 (PRO)
Site No: 02-01-C0533
ACOE No: 25260S

Joseph Wong
Director, Engineering Division
Port of Oakland
530 Water Street
Oakland, CA 94607

Subject: **Conditional Water Quality Certification and Waiver of Waste Discharge Requirements for Runway 11-29 Rehabilitation Project, Oakland International Airport, Oakland, Alameda County**

Dear Mr. Wong:

We have reviewed the submitted application materials and hereby issue conditional certification and waiver of waste discharge requirements for the Port of Oakland's (Applicant's) Runway 11-29 Rehabilitation Project (Project). The project site is located at the South airfield of Oakland International Airport (Airport), west of Interstate 880 in Oakland, California. The United States Army Corps of Engineers (ACOE) authorized this project under Clean Water Act (CWA) Section 404 Nationwide Permit No. 14 (*Linear Transportation Crossing*) and 33 (*Temporary construction, Access, and Dewatering*) on February 8, 2001 (ACOE file No. 25260S). In accordance with CWA Section 401, you have applied to this office for State water quality certification.

Project Description: The following project description was derived from application materials received on January 14, February 8, and February 13, 2001. The goal of the Project is to repair and overlay Runway 11-29 to meet federal standards and provide for the safety of the public. The Project would begin in April 2001 and would be completed in September 2001. The Project encompasses a number of improvements and maintenance activities, some of which would impact waters of the State.

The asphalt concrete needed for the overlay of Runway 11-29 would potentially be produced on-site. This would require transport, offloading, and stockpiling of aggregate material at the South airfield. One transportation option is the use of barges. There are three potential locations for barge offloading activities; two near the northwestern end of Runway 11-29 and one at the 9th Avenue terminal. The aggregate would be offloaded from a steel barge onto a smaller temporary steel hopper barge moored just offshore in San Francisco Bay. The hopper barge would feed the aggregate onto a conveyor belt, which would carry the material onto land and place it onto a temporary stockpile. The hopper barge and conveyor would require placing within shallow tidal waters two temporary barge spuds and approximately three temporary support columns. In addition, four temporary mooring piles would be installed within the Bay for barges mooring adjacent to the hopper barge. The temporary piles, columns, and spuds would be installed by a vibrating pile driver and extracted by a vibrating extractor, and the installation would be carefully monitored to minimize impacts to water quality. All equipment and aggregate would be removed within six months of construction initiation.

Taxiway W, which runs parallel to Runway 11-29, would be used as a temporary runway during the repaving of Runway 11-29. The use of the taxiway for this purpose would require grading a 200-foot

wide safety area (measured from the taxiway centerline) on either side of the taxiway. This grading would result in the fill of four nontidal drainage channels, totaling 0.49 acres in area (980 linear feet). The drainage channels would be replaced with reinforced concrete pipe, which would set on pipe bedding, and be covered with approximately 3,000 cubic yards of engineering fill. The pipe diameter would range between 24 and 42 inches, depending on the existing conditions. The purpose of the pipes is to continue the conveyance of water through the existing drainage system. The drainage patterns would not be altered by the proposed work. The proposed fill would be phased with other construction activities between the end of June and mid-August 2001.

There would be no storage or operation of vehicles or equipment, and no storage of materials, vehicles, equipment, or debris within waters of the State, except as specifically described in the application materials. Silt fencing would be placed around the one remaining drainage channel to minimize impacts to water quality and surrounding waters. The boundary of wetlands near the project work area would be clearly marked so that its location is visible day and night. In addition, Best Management Practices and post construction control measures would be implemented to protect water quality.

Impacts: The "San Francisco Bay Basin Water Quality Control Plan" (Basin Plan) defines the beneficial uses of waters of the State. The proposed project would impact San Francisco Bay, which has existing and potential beneficial uses of: *ocean, commercial, and sport fishing; estuarine habitat; industrial service supply; fish migration; navigation; preservation of rare and endangered species; contact and non-contact water recreation; shellfish harvesting; and wildlife habitat.* The proposed project would also impact fresh and brackish wetlands adjacent to the Bay, which generally have potential beneficial uses of: *estuarine habitat; preservation of rare and endangered species; contact and non-contact water recreation; fish spawning; and wildlife habitat.* Based on evaluation of the site, staff has determined the beneficial uses of these onsite waters to be restricted to limited wildlife habitat.

The use of barges to transport aggregate material would result in temporary impacts to 0.01 acre of San Francisco Bay shallow waters due to the placement of temporary mooring piles, barge spuds, support columns, and a hopper barge. The barge offloading activities would leave no permanent impacts. Also, negative impacts could result from the barge operation if transport barges were to deviate from the designated course and travel within, or too near, eelgrass beds that are located along the route.

Grading the 200-ft wide safety area on either side of Taxiway W would result in permanent fill of 0.49-acre (980 linear feet) of nontidal drainage channels. These drainage channels were originally excavated in fill to direct runoff from pads, runways, and taxiways. However, many of the channels are currently dominated by wetland vegetation such as alkali bulrush, pickleweed, and brass buttons, and have been delineated as wetlands. Some drainage channels do not support vegetation.

The Applicant evaluated several alternatives to transporting the aggregate to the runway site by barge and to using Taxiway W as a landing runway during rehabilitation of Runway 11-29. All alternatives included levels of environmental impact similar or greater in magnitude to the proposed Project. Board staff has reviewed these alternatives, and finds that the Applicant has avoided and minimized, to the greatest extent possible, adverse impacts to waters of the State, as required by the Basin Plan.

Mitigation: Modifications to Taxiway W would result in 0.49 acre of permanent fill of wetlands, and the barge operation would result in temporary impacts to 0.01 acre of Bay waters. Since these impacts are unavoidable, the Applicant proposes to compensate by creating, enhancing, and preserving seasonal wetlands. Mitigation would be provided at the 8-acre Damon Slough site, located in the Oakland Airport Business Center. At least 0.5 acre of seasonal wetlands would be created and approximately seven acres of existing seasonal wetlands would be enhanced and preserved. The Damon Slough site is owned by the Port of Oakland and is under Port of Oakland jurisdiction. Mitigation for project impacts would be

located at this location to increase the habitat value by creating seasonal wetlands adjacent to an existing larger wetland area. The off-site location is also necessary to avoid bird strike hazards at the airport.

Staff has reviewed a draft mitigation plan. A final plan, including performance criteria, long term maintenance, and monitoring is being developed and would be submitted for approval by the Executive Officer prior to implementation of the proposed mitigation. Pending this submittal and approval, the proposed creation of seasonal wetlands at the Damon Slough site would begin in September 2001 and would be completed 6 months later, February 2002.

CEQA Compliance: The Applicant submitted a signed Exempt Project Determination dated September 19, 2000 certifying that the project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA) under Section 15301 of the California code of regulations, "...operation, repair, maintenance (...) of existing facilities...." The Notice of Exemption was filed with the Alameda County Recorder on September 21, 2000.

Certification: I hereby certify that the proposed project, if implemented as described in the application materials and with incorporation of the conditions indicated below, complies with the applicable provisions of Clean Water Act 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*). I also find that waiving waste discharge requirements for this specific discharge is not against the public interest, and hereby take this action pursuant to Regional Board Resolution No. 83-3. The conditions of this certification and waiver are as follows:

1. No debris, soil, silt, sand, cement, concrete, aggregate, 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 waters of the State. When operations are 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 waters of the State;
2. No barges or other watercraft associated with this project shall be allowed to travel through, or within 50 feet of, areas known to contain eelgrass beds. Watercraft operators shall be provided explicit, written instructions to this effect, including sufficiently detailed map(s) showing the designated travel routes in relation to the eelgrass beds;
3. Pile driving and pile removal equipment shall be supported on land or a floating platform intended for such use. Piles will be placed and removed using a vibrating pile driver and vibrating pile extractor – any other technique must be approved in writing by Regional Board staff prior to implementation;
4. No creosote-treated wooden piles or other materials shall permitted for use within wetlands, tidal flats, or other waters.
5. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. The site shall be stabilized as necessary through incorporation of appropriate Best Management Practices to prevent and control erosion and sedimentation;
6. A final Mitigation Plan, acceptable to the Executive Officer, shall be submitted no later than September 1, 2001. The final Mitigation Plan shall describe in detail the existing site conditions (including geology, hydrology, and vegetation) and the objectives of the proposed mitigation in terms of target species, desired habitat, and expected hydrologic function. The Mitigation Plan shall include plans showing the proposed location and dimension of ponds and other features,

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shall specify any assumptions used to develop the mitigation design, and shall describe the work that will be performed to implement the Plan, including a time schedule;

7. The final Mitigation Plan shall include a Monitoring Plan and a Management Plan. The Monitoring Plan shall include mitigation success criteria, and shall describe a monitoring program to measure progress towards achieving the criteria. The success criteria will include the establishment of a minimum of 0.5 acres of new U.S. Army Corps of Engineers (USACE) jurisdictional area within five years of project completion. If mitigation site evaluations indicate that there is potential concern for soil or water toxicity at the site, appropriate measures shall be proposed to monitor any constituents of concern. The Management Plan shall address long-term control of predators, non-native vegetation, human disturbance, and mosquitoes, and shall include contingency measures in case the design fails to meet the stated success criteria or overall project objectives;
8. A report documenting completion of construction of the mitigation wetland shall be submitted to the Executive Officer no later than April 1, 2002. This report shall include an "as-built" plan, and shall describe any problems encountered or variances from the approved design. The report shall also include photographs showing the site before and after construction;
9. Mitigation monitoring reports shall be submitted annually, starting on April 1, 2003. The reports shall describe the results of monitoring performed during the previous year and progress towards achieving the performance standards and project objectives. They shall also describe any problem(s) encountered during the year, and explain actions taken or proposed to address the problem(s). Reports shall be submitted to the Executive Officer under cover letter signed by the Applicant committing to implementation of appropriate action to address any problems;
10. A final report, acceptable to the Executive Officer, shall be submitted at the end of five years (by April 1, 2007) indicating whether performance standards have been met. Additional requirements may be instated at that time if success standards have not been met to the satisfaction of the Executive Officer;
11. This certification action does not 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 California Code of Regulations (CCR) Title 23, 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; and
12. Certification is conditioned upon full payment of the required fee as set forth in 23 CCR Section 3833 and owed by the applicant. The amount of \$1,060.00 has been received from the Applicant, and is accepted as payment in full for the required permit fee.

Please be aware that any violation of water quality certification or waiver of waste discharge requirement conditions is a violation of State law and subject to administrative civil liability pursuant to California Water Code (CWC) Section 13350. Failure to respond, inadequate response, late response, or failure to meet any condition of a certification or waiver may subject the applicant to civil liability imposed by the Regional Board to a maximum of \$1,000 per day of violation or \$10 for each gallon of waste discharged in violation of this action. Any request for a report made as a condition to this action (i.e., Items 5, 6, 7, 8 & 9) is a formal request pursuant to CWC Section 13267, and failure or refusal to provide, or falsification of such requested report is subject to civil liability as described in CWC Section 13268.

We anticipate no further action on this request. However, should new information come to our attention that indicates a water quality problem with this project, the Regional Board may issue Waste Discharge

Requirements pursuant to 23 CCR Section 3857. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to CWC Section 13330 and 23 CCR Section 3867.

Please contact Peggy Olofson of my staff at (510) 622-2402 or pro@rb2.swrcb.ca.gov if you have any questions. All future correspondence regarding this project should reference the Site Number indicated at the top of this letter.

Sincerely,



Loretta K. Barsamian
Executive Officer

cc: SWRCB-DWQ, Oscar Balaguer
USACE, San Francisco District, Mark D'Avignon, 333 Market Street, San Francisco, CA 94105
BCDC, Drew Lucas, 50 California Street, Suite 2600, San Francisco, CA 94111
Port of Oakland, Louise Engel, 530 Water Street, Oakland, CA 94607
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