CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION No. R2-2018-0008

ADOPTION OF INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION for:

GENERAL WASTE DISCHARGE REQUIREMENTS AND WATER QUALITY CERTIFICATION FOR THE CONSTRUCTION AND MAINTENANCE OF OVERWATER STRUCTURES IN SAN FRANCISCO BAY

Whereas, the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board), finds that:

1. The Regional Water Board regulates the construction and maintenance of overwater structures in San Francisco Bay, as well as associated bank stabilization projects, because these activities discharge, or have the potential to discharge, sediment and other wastes into waters of the State.

2. California Water Code section 13263(i) authorizes the Regional Water Board to prescribe general waste discharge requirements (WDRs) where a category of discharges is produced by the same or similar types of operations, involve the same or similar types of waste, must meet the same or similar treatment standards, and are more appropriately regulated through general, rather than individual requirements. Here, discharges from construction and maintenance of overwater structures meet these requirements; accordingly general WDRs are appropriate.

3. Section 401 of the federal Clean Water Act (CWA) (33 U.S.C. § 1341) requires an applicant to obtain certification from the State of California that the project will comply with State water quality standards (water quality certification) before the U.S. Army Corps of Engineers may issue a CWA section 404 dredge and fill permit or a Rivers and Harbor Act section 10 permit for structures affecting navigable waters (33 U.S.C. §§ 401-413; 1251 et seq.).

4. The Regional Water Board, acting as lead agency, as defined in Public Resources Code section 21067, determined that an initial study evaluating the environmental impacts of the WDRs and water quality certification was required to comply with the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.). The Regional Water Board has conducted an Initial Study (IS) and prepared a Mitigated Negative Declaration (MND) identifying and evaluating the potential environmental impacts associated with Regional Water Board adoption of General WDRs and CWA § 401 Water Quality Certification for Construction and Maintenance of Overwater Structures in San Francisco Bay (Cal. Code Regs., tit. 14, §§ 15063, 15070-15075).

5. The IS/MND showed that adoption of the General WDRs and CWA section 401 Water Quality Certification for Construction and Maintenance of Overwater Structures in San Francisco Bay would have potentially significant effects on the following parameters in the CEQA Guidelines: air quality, biological resources, geology and soils, hydrology and water quality, land use/planning, noise; recreation, and mandatory findings of significance. The IS/MND is adopted with and appears as Attachment A to this resolution.

6. The IS/MND identified mitigation measures to avoid or reduce any potentially significant environmental effects to less than significant levels. A Mitigation Monitoring and Reporting Plan

(MMRP) summarizing the monitoring and reporting of the implementation of these mitigation measures has been prepared and will be adopted with this resolution. (Cal. Code Regs., tit. 14, section 15097.) The MMRP appears as Attachment B to this resolution.

7. On December 20, 2017, the Regional Water Board submitted the following documents to the State Clearinghouse, triggering a 30-day public comment and State agency review period: a Notice of Intent to adopt a MND, the IS/MND, and the Mitigation Monitoring and Reporting Plan. These documents, the Tentative Order for General WDRs and Water Quality Certification, and a draft of this resolution were posted on the Regional Water Board's website and circulated to interested parties. In addition, the Notice of Intent to adopt a MND was provided to the county clerks of the following counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma, which all border the project area.

8. The Regional Water Board finds that on the basis of the whole record there is no substantial evidence that the Project, as mitigated, will have a significant effect on the environment. The IS/MND reflects the Regional Water Board's independent judgment and analysis.

9. The IS/MND, all supporting documentation, and the record of proceedings are available at the Regional Water Board's offices.

THEREFORE BE IT RESOLVED, that the Regional Water Board hereby adopts the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Plan for the General Waste Discharge Requirements and Clean Water Act § 401 Water Quality Certification for the Construction and Maintenance of Overwater Structures in San Francisco Bay.

I, Bruce H. Wolfe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on February 14, 2018.

Digitally signed by Bruce H. Wolfe
Date: 2018.02.23 17:06:13 -08'00'

Bruce H. Wolfe
Executive Officer

Attachment A: Initial Study/Mitigated Negative Declaration
Attachment B: Mitigation, Monitoring, and Reporting Program