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MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

Sent via electronic mail to len@sfcjpa.org: no hard copy to follow

June 28, 2016
Place ID: 757384 (SG)
Regulatory Measure ID: 393508

San Francisquito Creek Joint Powers Authority
Attn: Mr. Len Materman, Executive Director
615 B Menlo Avenue
Menlo Park, CA 94025
Email: Len@sfcjpa.org

Subject: Comments on Technical Reports Submitted in Accordance with Water Quality Certification for the San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation Project

Dear Mr. Materman:

This letter provides an update on the status of the technical reports required by the Water Board's conditional water quality certification (Certification) of April 7, 2015, for the San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation Project (Project).

Per our mutual agreement, the Water Board issued the Certification with conditions that allowed the JPA to submit a number of technical reports after issuance of the Certification. As you are aware, in most instances, the reports are required to be submitted to the Water Board no later than 60 days prior to initiation of Project construction. We understand that Project construction is scheduled to begin September 1, 2016 (except for certain tasks outside of the creek channel and exclusion zone for protection of the Ridgway's rail, such as the electric utility tower work that started this month). As such, most of the reports need to be submitted by July 1 to meet the Certification's technical report submittal requirement and to allow sufficient time for Water Board staff review and any needed discussion with JPA staff.

Of those technical reports submitted to date, the Sanitary Sewer Relocation Plan is complete and acceptable as submitted. However, these other submitted technical reports are either not yet complete or need clarification: the Dewatering Plan; the Utility Relocation Plan; the Gas Pipeline Removal Plan; the Mitigation and Monitoring Plan; and the Post-Construction Stormwater Management Plan. We have been discussing with your staff the areas where

DR. TERRY F. YOUNG, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

1515 Clay St., Suite 1400, Oakland, CA 94612 | www.waterboards.ca.gov/sanfranciscobay

clarification or more information is needed, and the attachment to this letter provides a summary of those discussions.

We have not yet received the following technical reports: the Groundwater Management Plan portion of the Dewatering Plan; the Boring Plan; and the Construction Stormwater Pollution Prevention Plan (due by August 1 per its shorter 30-day review period).

The Water Board has posted all of the technical reports we have received for the required public comment period of 21 days, with the last public review period ending on May 31, 2016. We did not receive comments on any of these reports.

We look forward to continuing to work with the JPA as the Project moves towards construction. We are available to assist the JPA in revising the technical reports that need completion or clarification and to advise on preparation of the reports that the JPA has not yet submitted. Please feel free to contact me at (510) 622-2314 or via email to Bruce.Wolfe@waterboards.ca.gov, or Susan Glendening at (510) 622-2462 or via email to Susan.Glendening@waterboards.ca.gov to discuss this matter further.

Sincerely,

Bruce H. Wolfe
Executive Officer

Attachment: Water Board Comments on Technical Reports Received to Date

Cc w/: San Francisquito Creek JPA:

Kevin Murray, KMurray@sfcjpa.org

Tess Byler, TByler@sfcjpa.org

SCVWD:

Melanie Richardson, MRichardson@valleywater.org

Norma J. Camacho, NCamacho@valleywater.org

Michael Martin, MMartin@valleywater.org

Bill Springer, BSpringer@valleywater.org

U.S. EPA, Region IX:

Luisa Valiela, Valiela.Luisa@epamail.epa.gov

Jennifer Siu, Siu.Jennifer@epamail.epa.gov

Corps, SF Regulatory Branch:

Gregory Brown, Gregory.G.Brown@usace.army.mil

Katerina Galacatos, Katerina.Galacatos@usace.army.mil

U.S. Fish and Wildlife Service

Vincent Griego, Vincent_Griego@fws.gov

Joseph Terry, Joseph_Terry@fws.gov

Ryan Olah, Ryan_Olah@fws.gov
National Marine Fisheries:
Gary Stern, Gary.Stern@noaa.gov
Amanda Morrison, Amanda.Morrison@noaa.gov
California Department of Fish and Wildlife:
Tami Schane, Tami.Schane@Wildlife.ca.gov
Brenda Blinn, Brenda.Blinn@Wildlife.ca.gov
Regional Water Board:
Victor Aelion, Victor.Aelion@waterboards.ca.gov
Bill Hurley, Bill.Hurley@waterboards.ca.gov
Keith Lichten, Keith.Lichten@waterboards.ca.gov
JPA Board members
Regional Water Board members

Water Board Staff Comments on Technical Reports Received April 13 through May 9, 2016

The following list summarizes Water Board staff's comments on the technical reports received to date, submitted by the JPA pursuant to Project's Certification.¹

1. Dewatering Plan

- A Groundwater Management Plan must be included, including a plan for management of flows and discharges for the aquifer testing planned by PG&E for approximately September 1, 2016.
- The Monitoring Plan is tailored for compliance with the Construction General Permit (i.e., the statewide NPDES general permit for Stormwater Associated with Construction Activity (Order No. DWQ-2009-0009, as amended by Order Nos. 2010-0014-DWQ and 2012-006-DWQ)), so it does not yet adequately address the Certification's other monitoring requirements. In addition, the proposed monitoring frequency of five water quality samples to assess ambient conditions before construction begins should be modified to at least one sample every 8 hours on days when discharges will occur, as per our staff discussion of June 2, 2016.

2. Utility Relocation Plan

- The plan must include a list, in consolidated format in a single document, of the locations and elevations of live and abandoned utility lines in the Project right-of-way. We recognize that in some cases, such data currently exist as estimates and will be field-verified and documented in the as-built plans after the Project is constructed. For purposes of the Utility Relocation Plan, please provide the information available now and estimates for any data not yet confirmed; for estimates, please flag the data as such.
- The Utility Relocation Plan addresses gas, electric, and sanitary sewer utilities but does not include storm sewer utilities. Please revise the plan to also address storm sewer utility infrastructure.

¹ The water quality certification pursuant to Clean Water Act, section 401, includes the following conditions requiring the JPA to submit technical reports, acceptable to the Water Board's Executive Officer, before construction begins: Condition 14-Dewatering Plan; Condition 16-Utility Relocation Plan; Condition 17-Boring Plan; Condition 18-Sanitary Sewer Relocation Plan; Condition 19-Gas Pipeline Removal Plan; Condition 22-Stormwater Pollution Prevention Plan; Condition 23-Mitigation and Monitoring Plan; and Condition 28-Post-construction Stormwater Management Plan.

3. Boring Plan

- The JPA has not yet submitted a boring plan and awaits a boring plan from PG&E for gas utility infrastructure. JPA staff informed Water Board staff on June 2, 2016, that the utility work may be by open trenching rather than micro-tunneling pending value engineering analyses forthcoming by PG&E to the JPA. Please submit a boring plan and/or trenching plan, as soon as possible for all utility work (i.e., gas, electric, and storm and sanitary sewer utilities). The plan must be compiled in a single document addressing the criteria in the Certification and submitted to the Water Board for acceptance.

4. Sanitary Sewer Relocation Plan

- This plan is acceptable as submitted.

5. Gas Pipeline Removal Plan

- The plan does not include details for the gas pipeline removals; rather, it states that the pipeline(s) will be removed during construction. Please revise the plan to include the same level of detail as the information provided for the Sanitary Sewer Relocation Plan.

6. Stormwater Pollution Prevention Plan

- The Certification does not require this plan until 30 days before the start of construction starts. We urge the JPA to submit this plan as soon as possible, as we understand the JPA may begin electric utility work as early as June 2016.

7. Mitigation and Monitoring Plan

- Please incorporate the following comments to address the Water Board's concerns specific to the Project's impacts to tidal channel/Bay waters:
 - The mitigation plan is inadequate as it does yet not incorporate the planned fish refuge near the Palo Alto Pump Station, contrary to the JPA's statement that it would be included (Letter from Musick, Peeler, and Garrett, LLP, on behalf of the JPA, to Bruce Wolfe, December 1, 2015).
 - Absent submittal of a complete mitigation plan during preparation of the Certification, the Water Board included minimum mitigation requirements in the Certification based on mitigation being onsite (i.e., within the Project right-of-way) and in-kind (i.e., the same habitat type as the impacted waters), with a minimum ratio of 2:1 for the mitigation-to-impact area. The JPA's proposed mitigation plan consists of restoration and creation of tidal marsh and tidal marsh transitional habitats, which are out-of-kind with respect to impacts to tidal channel/Bay waters. Therefore, additional mitigation is necessary to result in a greater ratio of mitigation-to-impact area and/or linear length of 2:1. The addition of a fish refuge near the Palo Alto Pump Station likely would provide the necessary additional mitigation. The Water Board may also consider large woody debris structures in addition to the six that are already

proposed to compensate for impacts to tidal channel/Bay waters, provided the National Marine Fisheries Service concurs that this would provide beneficial habitat complexity in the Project.

- The mitigation plan does not yet propose a schedule for the construction of the required mitigation, including for the offsite riparian tree plantings, and should be revised to include that information.
- The monitoring specified in the mitigation plan currently focuses on vegetation monitoring and should include appropriate monitoring and contingencies for unanticipated erosion or sedimentation for the proposed constructed island refuges and other topographic features. The plan should also provide a basis for proposing to end monitoring after only five years.

8. Post-Construction Stormwater Management Plan

- Additional details are needed, such as calculations for runoff volumes from the impervious surfaces, to fully demonstrate that the Project conforms to the flow and volume design criteria in Provision C.3 of the Municipal Regional Stormwater Permit (Order No. R2-2009-0074, as updated by Order No. R2-2015-0049).
- A trash management plan is needed. This could entail operation and programmatic controls such as waste receptacles at key locations and signage to discourage littering. The trash prevention procedures could be specified in the Operations and Maintenance Manual required pursuant to Certification Condition 31 and incorporated by reference in the Post-Construction Stormwater Management Plan.