

## **APPENDIX II:**

### **Suggestions for Substantive Requirements under CERCLA for Wetlands on Department of Defense Clean-up Sites in the San Francisco Bay Region**

## **Appendix II:**

The San Francisco Bay Water Board has authority to approve, with or without conditions, or deny projects that potentially impact wetlands and/or other waters of the state under the following laws and regulations:

- (1) Porter Cologne Water Quality Control Act through issuance of Waste Discharge Requirements (WDRs)
- (2) Section 401 Water Quality Certification of the Federal Clean Water Act
- (3) San Francisco Basin Water Quality Control Plan (Basin Plan)

Approval of such projects is referred to as Water Quality Certification (WQC) and/or Waste Discharge Requirements (WDRs). Four documents are typically provided during this process, including:

- (1) WDR Application (note CERCLA sites do not have to apply for a permit but the information requested in the application needs to be submitted to the Water Board);
- (2) Preliminary Mitigation & Monitoring Plan;
- (3) Final Mitigation & Monitoring Plan;
- (4) Final “As-Built” report (submitted within 3 months after final construction and planting).

Following are suggested substantive requirements that should be addressed by each of the reports. For information on the Board’s “No Net Loss” policy see the main report.

### **Suggestions for the Substantive Components of a WDR Application and Project Notification:**

1. Description of site location, project purpose, and avoidance/minimization efforts
2. Copies of all completed or draft federal, state, and local permits or agreements related to the project; or a copy of the completed JARPA form, if available
3. Documentation of coordination with other agencies
4. A copy of California Environmental Quality Act (CEQA) compliance (if available) and any other required environmental documents
5. U.S. Environmental Protection Agency’s 404(b)(1) guidelines analysis
6. Mitigation & Monitoring Plan, if required
7. Any other information requested by the Water Board staff
8. Fee: Note that DOD cleanup sites are not charged the typical fees found at <http://www.waterboards.ca.gov/cwa401/docs/dredgefillfeecalculator.xls> or <http://www.waterboards.ca.gov/sanfranciscobay/certs.htm>

See Table 2 in main report for appropriate content of Wetland Mitigation Plans, Monitoring Reports, and As-Built reports.

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