CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE

SFO Shoreline Structures Repair Program Project

San Francisco County

Sent via electronic mail: No hard copy to follow

Effective Date:	July 11, 2024
RM:	456809
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Corps File No:	2023-00412S

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Certification and Order Coverage

This Clean Water Act (CWA) section 401 Water Quality Certification (Certification) and Order (Order) is issued to the San Francisco International Airport (Permittee or SFO).

Pursuant to CWA section 404, the Permittee will fill and discharge to waters of the U.S. under a U.S. Army Corps of Engineers (Corps), Regulatory Branch, Regional General Permit (RGP) (Corps File No. 2023-00412S). At the time of this Certification's issuance, the Corps had not yet issued the Project's RGP. The Corps determined the reasonable period of time for the Water Board to take a Certification action is July 17, 2024.

The Permittee applied to the San Francisco Bay Regional Water Quality Control Board (Water Board) requesting Certification verifying the SFO Shoreline Structures Repair Program Project (Project) does not violate State water quality standards. The Certification application (Application) was received by the Water Board November 20, 2023. The following sections are derived from the Application materials.

1. Project

The Project consists of in-kind repair, replacement, and maintenance activities at SFO over a 5-year period, from 2024 through 2028.

1.1 Site Description & Background

The Project site is located along SFO's approximately 8-mile-long shoreline, primarily in unincorporated San Mateo County (Lat. 37.636358, Long. -122.36114). The Permittee maintains existing shoreline infrastructure, including timber piers/piles, timber trestle components, and concrete structures associated with various storm drain pump station (SDPS) outfalls. These structures consist of unsupported concrete piers and steel or treated timber piles installed in the San Francisco Bay mud, as well as overwater treated timber platforms that provide access to or support essential SFO infrastructure. Given their composition and locations, various components of the structures deteriorate over time due to direct exposure tidal action, wave energy, and associated elements in San Francisco Bay. The Project consists of maintenance and repair activities to these shoreline structures over a 5-year permit timeframe.

1.2 Summary

The Project consists of in-kind repair, replacement, or maintenance of existing infrastructure at the following locations: 1) Guide Lighting Trestles at ends of Runway 28R, 28L, and 19L; 2) Middle Marker Platform; and SDPS 1D (Outfall E003), 2/2A (Outfall E004), 1A Outfall E005), 1B (Outfall E006), 1C (Outfall E007), 17 (Outfall E008), 18 (Outfall E009), 6 (Outfall E013), and Outfall E010. Each year, prior to conducting maintenance activities, the Permittee will submit an Annual Notification Report (ANR) to the Water Board that details the upcoming maintenance activities that will be performed in that work season (see Condition 11).

In-Water Repairs

The Permittee will conduct in-water maintenance and repair activities consisting of strengthening existing timber piers and piles. Existing piles will be maintained and repaired by installation of a

fiberglass wrap around each deteriorated pier/pile. A rebar cage and marine grout will be applied between the existing pier/pile infrastructure and the fiberglass wrap. Localized excavation at the base of the pier/pile is required to set the rebar cage and fiberglass wrap, but all excavated material will be backfilled upon completion of the repairs. Over the duration of the 5-year permit timeframe, the Permittee will strengthen up to 75 piles, 15 piles in any given year.

Overwater Repairs

Overwater repair and maintenance activities will consist of reinforcement or in-kind replacement of timber trestles' deteriorated components, including various timber beams, guardrails, stringers, floor planks, decking, and knee and cross braces. Existing straps that connect the stormwater outfall pipes to the trestle support structures will be replaced with stainless steel connection straps. All reinforcement or in-kind replacement of deteriorated trestle components will occur outside of waters of the State. However, depending on the repairs' location, a barge or boat may be required for access and implementation.

Concrete/Unsupported Structure Maintenance and Repairs

The Permittee will conduct concrete and unsupported structure maintenance repairs to the concrete basin at SDPS outfalls E013, concrete piers at E007 and E008, and concrete cradles at other various SDPS outfalls. Repair activities include in-kind repairs of surface cracks or spalls and will occur outside of waters of the State. Sediment accumulated in the existing outfall pipes would also be removed to restore as-built conditions, and the sediment will be disposed of at an appropriate upland location.

2. Impacts to Waters of the State

The Water Board has independently reviewed the Project record to analyze impacts to water quality and the environment and designated beneficial uses within the Project's watershed.

2.1 Fill and Discharge

The Project will permanently impact approximately 0.007 acres of waters of the State over the course of the 5-year permit timeframe.

3. Mitigation

The Project's impacts are not anticipated to adversely affect waters of the State. The Project will not result in a loss of or degradation to waters of the State. No mitigation is required. However, should adverse effects be identified, the Water Board may require SFO to submit and implement a mitigation plan, acceptable to the Executive Officer, to address the identified impacts

4. California EcoAtlas

Regional, state, and national studies have determined that tracking of mitigation and restoration projects must be improved to better assess the performance of these projects, following monitoring periods that last several years. To effectively carry out the State's Wetlands Conservation Policy of no net loss to wetlands, the State needs to closely track both losses and successes of mitigation and restoration projects affecting wetlands and other waters of the State. The Water Board must also track project performance in Bay Area creeks subject to routine

repair and maintenance activities, such as recurring instabilities. Therefore, we adopted the digital interactive mapping tool called *EcoAtlas*.[1] *EcoAtlas* is a web-based tool that integrates maps, project plans, site conditions, restoration efforts, and other elements on a project-by-project basis based on data inputs. Accordingly, we require the Permittee to upload their Project information to *EcoAtlas* with the *Project Tracker* tool at https://ptrack.ecoatlas.org (see Condition 7). The San Francisco Estuary Institute developed *EcoAtlas* and maintains detailed instructions for *Project Tracker* on its website at https://ptrack.ecoatlas.org/instructions.

5. CEQA Compliance

The Permittee, as lead agency, determined the Project activities are categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15301, *Existing Facilities*. The Applicant filed a Notice of Exemption (NOE) for the Project activities with County Clerk of San Francisco County January 13, 2020, and on December 2, 2022. The Water Board, as a responsible agency under CEQA, concurs that the categorical exemption was appropriate.

6. Conditions

I, Eileen White, Executive Officer, do hereby issue this Order certifying that any discharge from the proposed Project will comply with the applicable provisions of CWA 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), 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 Order, including the following:

6.1 Regulatory Compliance and Work Windows

1. **Design Conformance.** The Project work shall be constructed in conformance with the Application materials, including supplemental information, and as described in this Certification. Any changes to the Project that may impact waters of the State must be accepted by the Executive Officer before they are implemented. To request Executive Officer acceptance, the Permittee shall submit the proposed revisions, clearly marked and described, to the attention of the Water Board staff listed on the cover page of this Certification. The Permittee shall not implement the proposed revisions until notified that they have been accepted by the Executive Officer.

   Rationale: *This condition is necessary to ensure compliance with the permit and applicable conditions and to ensure that the proposed work and final restoration work has been conducted in accordance with the permit and all applicable conditions. (California Water Code (CWC) section 13264).*

[1] Source: California Wetlands Monitoring Workgroup (CWMW). EcoAtlas. Accessed March 12, 2019. https://www.ecoatlas.org. CWMW includes SFEI, State Board, U.S. EPA Region 9, and other agencies with similar goals to track effects of projects in wetlands and other aquatic habitats.

2. **Corps Permit Compliance.** The Permittee shall adhere to the conditions of the Corps' CWA Section 404 NWP, when issued (Corps File No. 2023-00412S).

   Rationale: *This condition is required pursuant to 23 CCR section 3856(e), which requires that copies be provided to the Water Boards of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity."*

3. **Special Status Species.** This Certification does not allow for the take, or incidental take, of any special status species. The Permittee shall request appropriate protocols prescribed from the United State Fish and Wildlife (USFWS) and/or National Marine Fisheries Service (NMFS) to ensure that Project activities do not impact the Beneficial Use of the Preservation of Rare and Endangered Species, and shall implement the provided protocols, as appropriate.

   Rationale: *This condition is required to ensure avoidance and minimization of impacts to waters of the State and associated Beneficial Uses from construction activities. (CWC section 13369(b)(1)(B) and (C); (Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) section 4.19).*

6.2 General Construction

4. **Discharge Prohibition.** No unauthorized construction-related materials or wastes shall be allowed to enter into or be placed where they may be washed by rainfall or runoff into waters of the State. When construction 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 discharged to waters of the State.

   Rationale: *This condition is necessary to ensure that contaminated material is not placed within waters of the State (Basin Plan sections 3.3.12, 3.3.19, and 4.19).*

5. **Equipment Maintenance Prohibition.** No fueling, cleaning, or maintenance of vehicles or equipment shall take place within waters of the State, or within any areas where an accidental discharge to waters of the State may occur; and construction materials and heavy equipment must be stored outside of waters of the State. When work within waters of the State is necessary, best management practices shall be implemented to prevent accidental discharges.

   Rationale: *This condition is necessary to ensure avoidance and minimization of impacts to waters of the State and associated Beneficial Uses from construction activities (CWC section 13369(b)(1)(B) and (C); Basin Plan section 4.19).*

6. **Beneficial Use Impacts.** All work performed within waters of the State shall be completed in a manner that minimizes impacts to beneficial uses and habitat; measures shall be employed to minimize disturbances along waters of the State that will adversely impact the water quality of waters of the State. Disturbance or removal

of vegetation shall not exceed the minimum necessary to complete Project implementation.

Rationale: *This condition is necessary to ensure minimization of impacts to waters of the State and to ensure successful restoration of all temporary impacts authorized (State Board Resolution No. 68-16; 40 CFR part 131.12 (a)(1); CWC sections 13264 and 13369; Basin Plan Ch. 3 and 4).*

6.3 Pre-Construction Reporting and Other Requirements

7. **EcoAtlas Form.** The Permittee shall input Project information into *EcoAtlas* no later than 14 days from this Certification's issuance date, consistent with Section 4 herein. The Project information shall be added to the *Project Tracker* tool in *EcoAtlas* online at https://ptrack.ecoatlas.org. Instructions for adding information to *EcoAtlas* are available at https://ptrack.ecoatlas.org/instructions, or by contacting the Water Board staff listed on the cover page of this Certification. The Permittee shall notify the Water Board and submit documentation demonstrating the Project has been successfully added to EcoAtlas via email to RB2-401Reports@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see address on the letterhead), and include **EcoAtlas_456809_SFO Shoreline Structures Repair Program Project**.

   Rationale*: This condition is necessary to ensure compliance with the permit and applicable conditions (CWC section 13267).*

8. **Start of Construction.** The Permittee shall submit a Start of Construction (SOC) Report acceptable to the Executive Officer. The SOC Report shall be submitted no later than seven days prior to the start of initial ground disturbance activities and notify the Water Board at least 48 hours prior to initiating in-water work and any stream diversions in any given Project year. Notification may be via telephone, email, delivered written notice, or other verifiable means. The SOC Report shall be submitted in same timeframe specified herein for multiple construction seasons, if necessary, via email to RB2-401Reports@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see address on the letterhead), and include **SOC_456809_ SFO Shoreline Structures Repair Program Project**.

   Rationale: *This condition is necessary to assist in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (CWC section 13267).*

9. **Photo-Documentation Points.** Prior to the start of construction, in each year that work occurs, the Permittee shall establish a minimum of 4 photo-documentation points at each location where Project-related impacts to waters of the State will occur. The points shall be used to track the Project's construction impacts, the pre- and post-construction condition, and overall Project success. The Permittee shall prepare a site map with the photo-documentation points clearly marked. These post-construction photographs and map shall be submitted, along with the construction completion report (See Condition 10).

Rationale: *This condition is necessary to assist in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (CWC section 13267).*

6.4 Active Construction and Post-Construction Reporting Requirements

10. **Project Construction Completion Report.** The Permittee shall submit a Notice of Project Construction Completion (NOC) acceptable to the Executive Officer to notify the Water Board that the Project has been completed. The NOC shall be submitted to the Water Board no later than 60 days after completing all Project construction activities at the end of the 5-year permit term. The NOC shall include the post-construction photographs (see Condition 9), the date of the first Project-related disturbance of waters of the State occurred, and the date construction was completed for each Project activity. The NOC shall be sent via email to RB2-401Reports@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see address on the letterhead), and include **NOC_456809_SFO Shoreline Structures Repair Program Project** in the email subject line when sent electronically or in the cover letter for hard copy submissions.

    Rationale: *This condition is necessary to ensure compliance with the permit and applicable conditions and to ensure that the proposed work and restoration work has been conducted in accordance with the permit and all applicable conditions (CWC section 13267).*

11. **Annual Notification Report.** The Permittee shall submit an Annual Notification Report (ANR), acceptable to the Executive Officer, by June 1 of each year. The ANR will describe the maintenance activities to be conducted during the upcoming maintenance season as described in the Application. The ANR shall include the following: (1) the location of proposed maintenance activities; (2) the affected water body and habitat type; (3) an assessment existing condition; (4) the expected Project impacts in acres, linear feet, and cubic yards; (5) the work completed in the previous year; and (6) the program impacts prior to the upcoming maintenance year and after the proposed activities are completed. The ANR shall be sent via email to RB2-401Reports@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see address on the letterhead), and include **ANR_456809_SFO Shoreline Structures Repair Program Project** in the email subject line when sent electronically or in the cover letter for hard copy submissions.

    Rationale: *This condition is necessary to ensure compliance with the permit and applicable conditions and to ensure that the proposed work and restoration work has been conducted in accordance with the permit and all applicable conditions (CWC section 13267).*

6.5 Administrative and General Compliance

12. **Site Access.** The Permittee shall grant Water Board staff or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to: (1) enter upon the Project site or compensatory mitigation site(s) where a regulated facility or activity is located or conducted, or where records are kept; (2) have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order; (3) inspect any facilities,

equipment, practices, or operations regulated or required under this Order; and (4) sample or monitor for the purposes of assuring Order compliance.

Rationale: *This condition is necessary to assist in scheduling compliance inspections and to ensure compliance with the permit and applicable conditions (CWC section 13267).*

13. **Certification and Order at Site.** A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.

    Rationale: *This condition is necessary to ensure compliance with the permit and applicable conditions (CWC sections 13170 and 13245).*

14. **Ownership Change Notification.** The Permittee shall provide a signed and dated notification to the Water Board of any change in ownership or interest in ownership of any Project area at least 10 days prior to the transfer of ownership. The purchaser shall also submit a written request to the Water Board to be named as the permittee in an amended order. Until this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

    Rationale: *This condition is necessary to ensure compliance with the permit and applicable conditions (CWC section 13264).*

15. **Water Quality Violations Notification.** The Permittee shall notify the Water Board of any violations of water quality standards, along with the cause of such violations, as soon as practicable (ideally within 24 hours). Notification may be via telephone, email, delivered written notice, or other verifiable means.

    Rationale: *This condition is necessary to minimize adverse impacts to water quality (CWC sections 13385 and 13267).*

16. **Discharge Change Notification.** In accordance with CWC section 13260, the Permittee shall file with the Water Board a report of any material change or proposed change in the ownership, character, location, or quantity of this waste discharge. Any proposed material change in operation shall be reported to the Executive Officer at least 30 days in advance of the proposed implementation of any change. Changes to discharges include, but are not limited to, significant new soil disturbances, proposed expansions of development, or any change in drainage characteristics at the Project site. For the purpose of this Order, this includes any proposed change in the boundaries of the area of wetland/waters of the State to be impacted.

17. **Submittal of Reports.** Where this Certification requires submittal of reports, including plans, reports, or related information, the submitted reports shall be acceptable to the Executive Officer.

Rationale: *This condition is necessary to ensure compliance with the permit and applicable conditions (CWC section 13267).*

18. **Individual Waste Discharge Requirements.** 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 CWC sections 13263 and/or 13377 and 23 CCR section 3857.

19. **Expiration.** This Order shall continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project.

    Rationale: *This condition is necessary to ensure compliance with the permit and applicable conditions (CWC sections 13170 and 13245).*

6.6 Standard Conditions

20. **Certification and Order Modification.** This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to CWC sections 13320 and 13330 and 23 CCR section 3867.

21. **Hydroelectric Facilities.** This Order 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 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.

22. **Application and Project Fee.** This Certification and Order is conditioned upon full payment of the required fee, including annual fees, as set forth in 23 CCR section 3833. The required $2,985 Application and Project fee, calculated using the 2022/2023 Water Quality Certification Dredge and Fill Application Fee Calculator, Category E– *Low Impact Discharges*, was received by the Water Board November 28, 2023;

    Rationale*: Conditions 20, 21, and 22 are standard conditions that "shall be included as conditions of all water quality certification actions" (23 CCR section 3860(a)).*

6.7 Annual Fees

23. **Annual Fee.** In accordance with 23 CCR section 2200, the Permittee shall pay an annual fee to the Water Board each fiscal year (July 1 – June 30) until Project construction activities are completed and an acceptable Notice of Project Construction Completion is received by the Water Board (Note: the Annual Post Discharge Monitoring Fee may be changed by the State Water Board; at the time of Certification it was $399 per year for Category E projects). Annual fees will be automatically invoiced to the Permittee. **The Permittee must notify the Water Board at Project completion with a final report in order to request to terminate annual billing.** Notification shall reference **NOT_ 456809_ SFO Shoreline Structures Repair Program Project** and should be sent to the staff listed at the bottom of this Certification and to RB2-401Reports@waterboards.ca.gov. Water

Board staff will verify the conditions of the Certification have been met and may request a site visit at that time to confirm the Project's status and compliance with the Certification (*23 CCR sections 3833(b)(3) and 2200 (a)(3); CWC section 13267*).

This Order applies to the Project as proposed in the application materials and designs referenced above in the conditions of Certification. Be advised that failure to implement the Project in conformance with this Order is a violation of this Certification. Any violation of Certification conditions is a violation of State law and subject to administrative civil liability pursuant to CWC sections 13350, 13385, or 13399.2. Failure to meet any condition of this Certification may subject the Permittee to civil liability imposed by the Water Board to a maximum of $25,000 per day of violation and/or $25 for each gallon of waste discharged in violation of this action above 1,000 gallons. Any requirement for a report made as a condition to this Certification (e.g., conditions 4, 7-11, and 14-16) is a formal requirement pursuant to CWC sections 13267 and 13383, and failure or refusal to provide, or falsification of such required report, is subject to civil liability as described in CWC section 13268 and criminal liability under 13387. The burden, including costs, of these reports bears a reasonable relationship to the need for the report and the benefits to be obtained. Should new information come to our attention that indicates a water quality problem with this Project, the Water Board may issue Waste Discharge Requirements.

If you have any questions concerning this Order, please contact Tahsa Sturgis of my staff at (510) 622-2316 or tahsa.sturgis@waterboards.ca.gov. All future correspondence regarding this Project should reference **RM 456809**.

Sincerely,

Digitally signed by Keith H. Lichten, Division Manager
Date: 2024.07.11 16:38:44 -07'00'

Water Boards

for Eileen M. White, P.E.
Executive Officer

cc: SWRCB, DWQ, stateboard401@waterboards.ca.gov
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