
San Francisco Bay Regional Water Quality Control Board

Sent via email to sandor.halvax@baesystems.com

July 9, 2014
CIWQS Place ID 255279

BAE Systems San Francisco Ship Repair, Inc.
Attn.: Shaun Halvax, Director of Environmental Services
Pier 70
San Francisco, CA 94107

Subject: Water Quality Certification, Maintenance Dredging at BAE Systems San Francisco Ship Repair Facility, City and County of San Francisco

Dear Mr. Halvax:

We have reviewed and hereby issue certification for the BAE Systems San Francisco Ship Repair, Inc.'s (BAE Systems') application to perform maintenance dredging at its large-scale ship repair facility consisting of two piers and two dry docks at the Port of San Francisco's Pier 70 complex (Figure 1). BAE Systems currently provides ship repair services to the U.S. Coast Guard, the U.S. Navy, and commercial cruise lines. In order to provide these services, BAE Systems performs regular maintenance dredging to ensure consistent navigational access to and from the dry docks and piers. Maintenance dredging was most recently performed in 2011. BAE Systems has a U.S. Army Corps of Engineers individual permit authorizing multiple episodes of dredging over a 10-year period ending on December 31, 2018 (Corps File No. 400192S) pursuant to section 404 of the Clean Water Act (33 USC 1344) (CWA) and section 10 of the Rivers and Harbors Act of 1899 (33 USC 403). Correspondingly, BAE Systems has applied to the San Francisco Bay Regional Water Quality Control Board (Water Board) for a CWA section 401 water quality certification that the proposed 2014 dredging episode will not violate State water quality standards.

Project

The project involves mechanically dredging, via clamshell bucket, a total of approximately 112,000 cubic yards (cy) of sediment from the following locations at the dry dock facility: Dry Dock 2 (DD2), Pier 4 East (P4E), and a small portion of the Central Basin (CB). Figure 2 shows the dredge footprint and the Table 1 summarizes project depths, volumes, and dredged material placement sites. For the 2014 dredging episode, approximately 22,400 cy of material is proposed to be placed in-Bay at SF-11, and 89,600 cy of material will be beneficially reused out-of-Bay to create tidal marsh habitat at the Montezuma Wetlands Restoration Project at the eastern edge of the Suisun Marsh. This is consistent with the Long Term Management Strategy for the

Placement of Dredged Material in the San Francisco Bay Region (LTMS) goal of diverting at least 80% of dredged material from unconfined aquatic in-Bay disposal.

Table 1. Proposed Maintenance Dredging Volumes

Dredge Unit	Project Depth (feet MLLW)	Estimated Project Depth Volume (cy)	Overdepth (feet)	Estimated Overdepth Volume (cy)	Estimated Total Volume (cy)	Proposed Disposal/ Reuse Location
Dry Dock 2						
DD2-DU1	-60	29,000	2	10,000	39,000	SF-11 (22,400 cy) ³ Montezuma cover (16,600 cy)
DD2-DU2	-60	24,000	2	5,000	29,000	Montezuma foundation
Pier 4 East						
P4E	-32	30,000	2	10,000	40,000 ¹	SF-11 or Montezuma cover
Central Basin						
CB	-32	3,000	2	1,000	4,000 ²	Montezuma foundation
Total Volume	--	86,000	--	26,000	112,000	--

Notes:

- 30,000 cy are from BAE Systems' lease area, and 10,000 cy are from the Port of San Francisco's Central Basin area.
 - Port of San Francisco's Central Basin area.
 - Volume to SF-11 equivalent to 20% of total dredge volume. The remaining 80% (89,600 cy) will be beneficially reused as cover and foundation fill at the Montezuma Wetlands Restoration Project.
- MLLW = mean lower low water

Testing Results

In conjunction with the Dredged Material Management Office (DMMO), we have reviewed a report characterizing the suitability of sediments for aquatic disposal in San Francisco Bay and for beneficial reuse as cover and foundation fill at the Montezuma Wetlands Restoration Project: *BAE San Francisco Shipyard 2014 Dredging Program Sediment Characterization Sampling and Analysis Report*, dated June 2014. Based on this report, we have determined that disposal and beneficial reuse of the dredged sediments as shown in Table 1 is appropriate.

California Environmental Quality Act

The project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations, section 15304(g), minor alterations to land—maintenance dredging.

Certification and General Waste Discharge Requirements

I hereby issue an order certifying that any discharge from the referenced project, as conditioned by this Certification and Order, 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 Water Quality Certification. The following conditions are associated with this certification:

1. Dredging shall be limited to the project depth of -60 feet MLLW in Dry Dock 2, and -32 feet MLLW in Pier 4 East and Central Basin areas, plus an additional 2-foot overdredge allowance in each dredge unit.
2. No overflow or decant water shall be discharged from any barge at any time.
3. BAE Systems shall provide a technical report that documents monitoring efforts designed to evaluate the water quality impacts of the dredged material discharge on waters of the State, pursuant to California Water Code (Water Code) section 13267.

Regional Monitoring Program

Please be aware that Condition 3 is an order for a technical report. The Water Board requires dischargers of waste materials to the Bay, including those who dispose of dredged material, are required to monitor the impacts of their discharges under section 13267. This monitoring provides necessary information about ambient Bay water quality and potential long-term impacts of dredged material disposal. BAE Systems may elect to participate in the San Francisco Estuary Regional Monitoring Program for Trace Substances (RMP) to fulfill this requirement or provide comparable data on an individual basis. The RMP is a coordinated and comprehensive long-term monitoring program with the goal of monitoring water and sediment quality to provide the scientific foundation for managing and improving the health of the San Francisco Bay aquatic ecosystem. Additionally, the RMP provides for special and pilot studies of interest to program participants.

Since 1992, many Bay Area dischargers have decided to provide this information through the RMP, rather than through individual monitoring programs. The San Francisco Estuary Institute (SFEI), located in Richmond, administers the program with oversight by the Water Board. Dischargers may contribute money to the RMP, based on the RMP Dredger Fee Schedule Policy and any subsequent amendments, as approved by the RMP Steering Committee. The fees will be based on in-bay dredge disposal volumes calculated using post-dredge survey results provided to the Water Board and SFEI by the U.S. Army Corps of Engineers. If the post-dredge survey volumes for each fiscal year ending June 30 are not reported to the Water Board by September 1 of the next fiscal year (same calendar year), RMP dredger participants will be billed based on reported bin volumes, which may overestimate the volume actually dredged. The Water Board recognizes

payments to the RMP as fulfilling requirements to provide information on water quality impacts under section 13267.

4. Dredging and disposal activities shall be limited to the work windows established by the California Department of Fish and Wildlife (CDFW), the National Marine Fisheries Service (NMFS), and the U.S. Fish and Wildlife Service (USFWS) in their Biological Opinions on the Long Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region, unless written authorization by the appropriate agencies to work outside these windows is provided to Water Board staff. This condition is a conditional requirement to submit a technical report pursuant to Water Code section 13267.

As shown in the following table, the applicable work window for this dredging project is June 1 through November 30 of any year.

Species of Concern	Work Window Period	Consulting Agency
Pacific Herring	March 1 through November 30	CDFW
Chinook Salmon	June 1 through November 30	NMFS, CDFW*
Steelhead Trout	June 1 through November 30	NMFS

*If a federal agency and CDFW are both listed, CDFW generally defers to the federal agency

5. This certification does not allow for the take, or incidental take, of any special status species. BAE Systems is required, as prescribed in the State and federal endangered species acts, to consult with the appropriate agencies prior to commencement of the project. BAE Systems shall use the appropriate protocols, as approved by CDFW, NMFS, and/or USFWS, to ensure that project activities do not adversely impact Preservation of Rare and Endangered Species, a beneficial use of San Francisco Bay and its tributaries as set forth in the Basin Plan.
6. BAE Systems or its representative shall notify Water Board staff immediately by telephone and e-mail whenever an adverse condition occurs as a result of this activity. An adverse condition includes, but is not limited to, a violation or threatened violation of conditions of this certification, or a release of petroleum products or toxic chemicals to waters of the State. Pursuant to Water Code section 13267, a written notification of adverse condition shall be submitted to the Water Board within 30 days of occurrence. The written notification shall identify the adverse condition, describe the action necessary to remedy the condition, and specify a timetable, subject to the modifications of the Water Board, for remedial actions.
7. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).

8. This certification action is not intended and shall not be construed to 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.
9. Certification is conditioned upon full payment of the required fee as set forth in 23 CCR Section 3833. The total fee required for certification of the subject project is \$22,541. Water Board staff received payment in full on July 2, 2014.

Conclusion

This certification applies to the project as proposed in the application materials. Please be advised that failure to implement the project as proposed is a violation of this water quality certification. Any violation of water quality certification conditions is subject to administrative civil liability pursuant to Water Code sections 13268 and 13350. Failure to meet any condition of a certification may subject BAE Systems to civil liability imposed by the Water Board to a maximum of \$5,000 per violation day for violations of section of Water Code section 13267 technical report requirements and \$5,000 per violation day or \$10 for each gallon of waste discharged in violation of this certification.

We anticipate no further action on this request. 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 23 CCR section 3857.

If you have any questions, please contact Elizabeth Christian at (510) 622-2335, or by email, to echristian@waterboards.ca.gov.

Sincerely,

for Bruce H. Wolfe
Executive Officer

Attachments:

Figure 1. Location Map

Figure 2. Dredge Footprint

cc w/attachments (*all via email*):

State Water Resources Control Board (Stateboard401@waterboards.ca.gov)

BCDC, San Francisco, CA (brendag@bcdca.gov)

CA State Lands Commission , Sacramento, CA ([Donn Oetzel, oetzeld@slc.ca.gov](mailto:Donn.Oetzel@slc.ca.gov))

DFW, Santa Rosa, CA ([Arn Aarreberg, Arn.Aarreberg@wildlife.ca.gov](mailto:Arn.Aarreberg@wildlife.ca.gov))

USACE, San Francisco, CA ([Debra O'Leary, debra.a.o'leary@usace.army.mil](mailto:Debra.O'Leary@usace.army.mil))

US EPA, WTR-8 (R9-WTR8-Mailbox@epa.gov)



Figure 1
Location Map
BAE Systems San Francisco Ship Repair 2014 Dredging Program

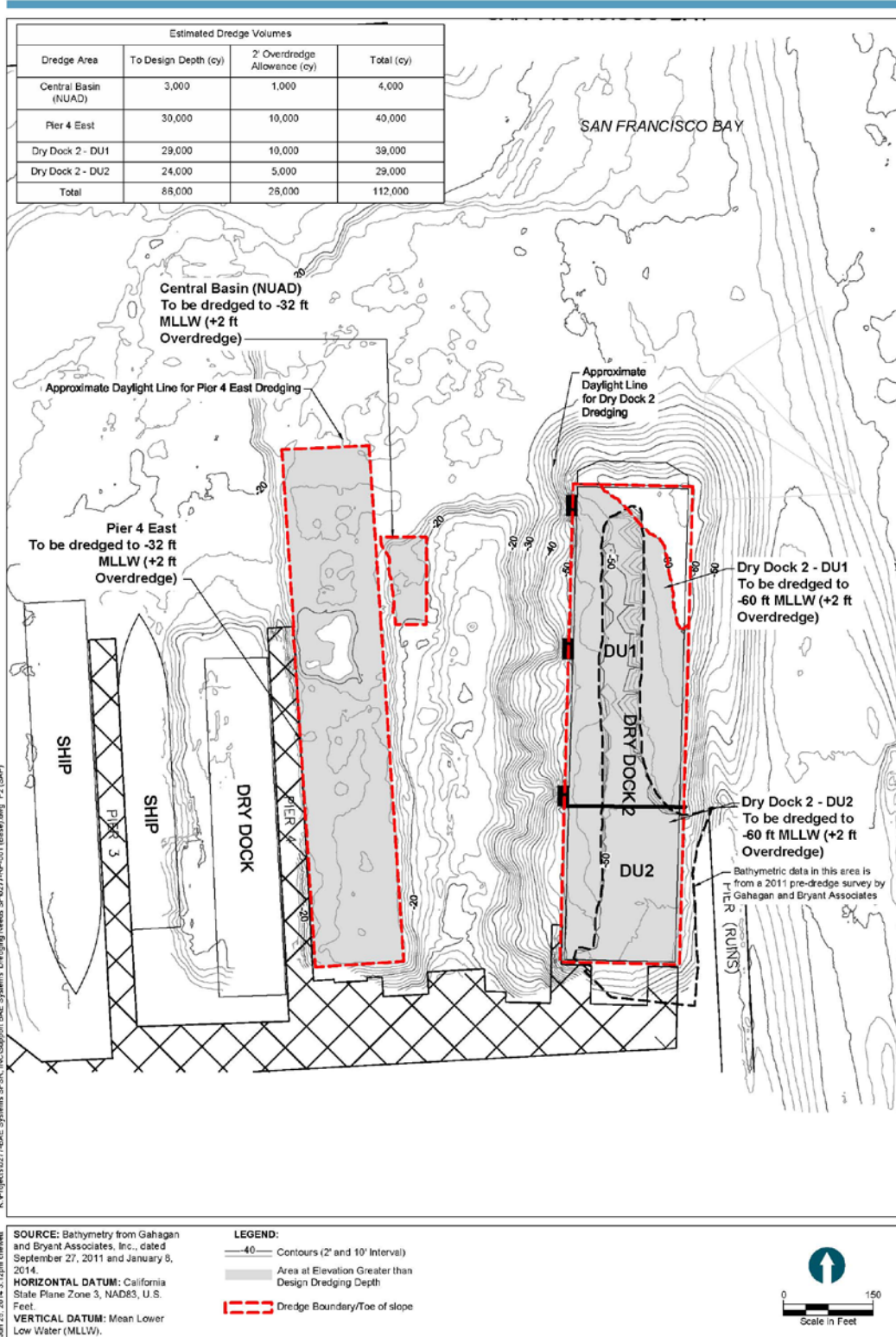


Figure 2
 2014 Dredge Footprint
 BAE San Francisco Ship Repair 2014 Dredging Program Sediment Characterization
 BAE Systems