

Appendix I-2  
**Water Quality Technical Errata**

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## Memorandum

<b>To:</b>	Mark Aikawa and Eva Pong
<b>From:</b>	Katrina Sukola Water Quality/Water Resources Specialist  Diana Roberts Project Manager, ICF
<b>Date:</b>	November 30, 2020
<b>Re:</b>	<b>Water Quality Technical Errata</b>

Dear Mr. Aikawa and Ms. Pong,

The below documentation serves as an update to the existing regulatory setting and environmental conditions at the project site with respect to the Water Quality Technical Memorandum as of 2020. As needed, effect conclusions are updated as well. This errata memorandum was prepared by ICF staff Katrina Sukola, water quality/water resources specialist. This memorandum includes the following sections.

- Project Description
- Setting
- Effect Analysis

## Project Description

The footprint for the project has not changed since the San Francisco-Oakland Bay Bridge Regional Bicycle/Pedestrian Connection Initial Study/Mitigated Negative Declaration (IS/MND) was drafted in 2014. However, the project proponent has introduced three phasing options to guide construction.

The Link may be implemented in more than one phase to respond to timing considerations and the availability of funds as well as the schedule for related projects. The sections that follow discuss the possible phasing options. All Class II bicycle lanes and bicycle boxes would be installed as part of the initial period of construction, regardless of phasing option.

## Phasing Option 1

Phasing Option 1 would construct approximately 2,900 feet of Class I path structure, beginning approximately 600 feet east of Maritime Street and continuing to the Bay Bridge Trail. Starting from the east, the structure would begin approximately 600 feet east of Maritime Street with an interim connection to the multi-use path (MUP), which was installed as part of the high-occupancy vehicle/bus extension project. Under Phasing Option 1, the West Oakland Link profile would be lowered to tie in to West Grand Avenue. The structure would continue west, parallel to West Grand Avenue. The elevated Link structure would span Maritime Street and the existing at-grade railroad crossings near Burma Road. The structure would then continue under the Interstate 80 ramps and tie in at the connection to the Bay Bridge Trail. Construction under the initial build portion of Phasing Option 1 would correspond to a portion of Segment 4 and all of Segment 5.

When additional funding for construction is available, the Link would be extended to Mandela Parkway. The interim connection to West Grand Avenue could either be demolished or retained as an emergency access point. The remaining easterly portion of Segment 4 would be constructed with a slightly revised vertical profile. Segments 1 through 3 as well as the ramps to Maritime Street and Oakland Maritime Support Services (OMSS) (the remainder of Segment 4) would also be constructed.

## Phasing Option 2

Phasing Option 2 would be similar to Phasing Option 1. However, a 600-foot segment on the east side of Maritime Street would be designed and constructed so that the bridge deck could be raised during a future phase of the project, providing a smooth profile and minimizing elevation changes for the Link under the full build condition. Construction under the initial build portion of Phasing Option 2 would correspond to a portion of Segment 4 and all of Segment 5.

When additional funding for construction becomes available, the Link would be extended to Mandela Parkway. The above-mentioned 600 feet of the bridge deck could be raised to its final elevation by extending the bridge columns. Segments 1 through 3, the remaining easterly portion of Segment 4, and the ramps to Maritime Street and OMSS would also be constructed.

## Phasing Option 3

Phasing Option 3 would construct Segment 4, except for the ramps to Maritime Street, OMSS, and Segment 5 of the Link project.

When additional funding for construction is available, Segments 1 through 3 and the ramps to Maritime Street and OMSS could be constructed.

## Setting

### Changes in the Setting

The Federal Emergency Management Agency revised its regional Flood Insurance Rate Maps in December 21, 2018. As a result, flood zones have changed since the 2015 analysis. As discussed below, the State Water Resources Control Board (State Water Board) combined its 303(d) list and the 305(b) report into the 2014 and 2016 California Integrated Report. As a result, 303(d)-listed impairments for central San Francisco Bay have also changed since the 2015 analysis.

### Changes in Regulatory Setting

#### Federal Laws and Requirements

The State of California adopts water quality standards to protect beneficial uses of state waters, as required by Section 303(d) of the Clean Water Act (CWA) as well as the Porter-Cologne Water Quality Control Act (Porter-Cologne Act). In addition to the impaired water body list required by CWA Section 303(d), CWA Section 305(b) requires states to develop a report that assesses statewide surface water quality. Both CWA requirements are being addressed through the development of a 303(d)/305(b) integrated report, which will be both an update to the 303(d) list and a 305(b) assessment of statewide water quality.

The 2015 analysis considered the State Water Board's 2010 California Integrated Report. However, as noted above, the State Water Board combined its 303(d) list and the 305(b) report into the 2014 and 2016 California Integrated Report. The complete 2014 and 2016 California Integrated Report was submitted to the U.S. Environmental Protection Agency (USEPA) for final approval of the California 303(d) list. The California 303(d) list was approved by USEPA on April 6, 2018.

#### State Laws and Requirements

##### California Department of Transportation National Pollutant Discharge Elimination System Permit Program

The California Department of Transportation (Caltrans) holds a general National Pollutant Discharge Elimination System (NPDES) permit that covers primarily municipal stormwater discharges. The Caltrans municipal separate storm sewer system (MS4) permit was amended in November 2017 (Order 2012-0011-DWQ [NPDES CAS000003, as amended by Order 2014-0006-EXEC, Order 2014-0077-DWQ, Order 2015-0036-EXEC, and ORDER WQ 2017-0026-EXEC], NPDES Statewide Stormwater Permit Waste Discharge Requirements for State of California Department of Transportation). However, the amendment is not certified. Per Section J of the "small" MS4 permit, the 2012 order expired on July 1, 2018. If the order is not reissued or replaced prior to the expiration date, it will be automatically continued in accordance with 40 Code of Federal Regulations 122.6 and remain in full force and effect. Therefore, all existing permit conditions and requirements will continue to be implemented until a new permit is adopted. In addition, Caltrans' Stormwater Management Plan (SWMP) describes the procedures and practices used to reduce or eliminate the discharge of pollutants to storm drainage systems and receiving waters. The last SWMP was adopted in July 2016, since completion of the 2014 Water Quality Technical Memorandum. The Project Planning and Design Guide was last updated in April 2019 in support of the SWMP.

## **Sustainable Groundwater Management Act**

The Sustainable Groundwater Management Act of 2014 (SGMA) was not included in the 2014 Water Quality Technical Memorandum. The SGMA is a comprehensive three-bill package that Governor Jerry Brown signed into California state law in September 2014. The SGMA provides a framework for sustainable management of groundwater supplies by local authorities, with a limited role for state intervention only if necessary to protect the resource. The plan is intended to ensure a reliable groundwater water supply for California for years to come. The SGMA requires governments and water agencies with high- and medium-priority basins to end overdraft conditions and bring groundwater basins into balance with respect to pumping and recharge.

The project area is in the East Bay Plain subbasin of the larger Santa Clara Valley groundwater basin, which is designated as a medium-priority basin. The SGMA required local agencies to form groundwater sustainability agencies (GSAs) by June 30, 2017 and prepare groundwater sustainability plans (GSPs) by January 31, 2022, for medium-priority basins to manage the sustainability of groundwater basins. GSAs for all high- and medium-priority basins, as identified by the Department of Water Resources, must adopt a GSP or submit an alternative to a GSP. Groundwater in the basin is managed by the East Bay Municipal Utility District and the City of Hayward as the GSAs for the East Bay Plain subbasin. The GSP for the East Bay Plain subbasin, which will be used to manage groundwater in the basin, will include portions of Contra Costa County and Alameda County. Development of the East Bay Plain subbasin GSP is ongoing and estimated to be completed in 2022.

## **Regional and Local Requirements**

### **San Francisco Bay Regional Water Quality Control Board**

The San Francisco Bay Regional Water Quality Control Board regulates water quality in San Francisco Bay and is responsible for adopting, approving, and implementing the region's basin plan. The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the board's master water quality control planning document.

The 2013 *San Francisco Bay Basin (Region 2) Water Quality Control Plan* was used to evaluate water quality in the 2015 San Francisco-Oakland Bay Bridge Regional Bicycle/Pedestrian Connection IS/MND. The document was updated to reflect Basin Plan amendments adopted up through May 4, 2017; it incorporates all amendments approved by the Office of Administrative Law as of November 5, 2019. Amendments include the selenium total maximum daily load (TMDL) for north San Francisco Bay and the bacteria TMDL for San Francisco Bay beaches. There were no changes to beneficial uses of in central San Francisco Bay.

## **Waste Discharge Requirements for Dewatering and Other Low-Threat Discharges to Surface Waters**

The Porter-Cologne Act also includes a Waste Discharge Requirements Program to regulate point discharges. Although temporary construction-related dewatering of small volumes of water are typically covered under the General Construction Permit, the San Francisco Bay Regional Water Quality Control Board has regulations specific to dewatering activities. These typically involve

reporting and monitoring requirements. The following permits are required for specific types of dewatering:

- The 2015 analysis discussed the Volatile Organic Compound (VOC) and Fuel General Permit (Order No. R2-2012-0012), which covered dewatering discharges of groundwater contaminated with fuel or solvent. However, Order No. R2-2012-0012 has been rescinded. The current order is Order No. R2-2017-0048, NPDES Permit No. CAG912002, General Waste Discharge Requirements for Discharge or Reclamation of Extracted and Treated Groundwater Resulting from the Cleanup of Groundwater Polluted by VOCs, Fuel Leaks, Fuel Additives, and Other Related Wastes. Dischargers that enrolled under Order No. R2-2012-0012 and submitted an Notice of Intent (NOI) at the end of that order's term (March 15, 2017) are not required to submit a new NOI form to enroll under the 2017 order.
- The 2015 analysis also discussed the Discharge or Reuse of Extracted Brackish Groundwater, Reverse Osmosis Concentrate Resulting from Treated Brackish Groundwater, and Extracted Groundwater from Structural Dewatering Requiring Treatment (Groundwater General Permit Order No. 2012-0060). However, Order No. R2-2012-0060 was rescinded; the current Groundwater General Permit is Order No. 2018-0026. Dischargers that enrolled under Order No. R2-2012-0060 and submitted an NOI at the end of that order's term (August 9, 2017) are not required to submit a new NOI form to enroll under the 2018 order.

## **San Francisco Bay Municipal Regional Stormwater Permit**

Stormwater discharges in the city of Oakland are permitted under the San Francisco Bay Municipal Regional Stormwater Permit (MRP). The Alameda County permittees of the MRP, including the City of Oakland, are subject to NPDES Permit No. CAS612008, issued by Order No. R2-2009-0074 on October 14, 2009, and amended by Order No. R2-2011-0083 on November 28, 2011, when discharging stormwater runoff from storm drains and watercourses within their jurisdictions.

The San Francisco Bay Region MRP was revised in 2015 (Order No. R2-2015-0049, NPDES Permit No. CAS612008). This order expires on December 31, 2020, five years from the effective date of the order. The MRP was amended by Order No. R2-2019-0004. The 2019 amendment included the addition of the Cities of Antioch, Brentwood, and Oakley; unincorporated Contra Costa County and the Contra Costa County Flood Control and Water Conservation District were incorporated into NPDES Permit No. CAS612008. The amendment included green infrastructure planning and implementation, trash load reductions, and other water quality pollutant controls for newly added permittees. The amendment also included revisions to Provisions C.1 and C.17 of Order No. R2-2015-0049 (e.g., compliance with discharge prohibitions and receiving water limitations for diazinon, chlorpyrifos, and methylmercury) as well as new annual report requirements. This permit continues in force and effect until a new permit is issued or the board rescinds the permit.

## **Alameda Countywide Clean Water Program**

The Alameda Countywide Clean Water Program (ACCWP) maintains compliance with the NPDES permit requirements by requiring local agencies to address stormwater quality during development review, incorporate water quality best management practices during project construction, and reduce long-term water quality impacts through site design and source control measures.

The ACCWP developed its C.3 Stormwater Technical Guidance to assist developers and engineers in complying with treatment and hydromodification requirements. The technical guidance (version 6.0) was updated in October 2017.

## City of Oakland Standard Conditions of Approval

The City of Oakland Standard Conditions of Approval (SCAs) includes conditions for projects. Since the 2015 analysis, the following City of Oakland SCAs, which are relevant to the project, were added:

**49. State Construction General Permit.** All projects that disturb one acre or more of surface area shall comply with the Construction General Permit issued by the State Water Resources Control Board prior to approval of a construction-related permit.

**53. NPDES C.3 Stormwater Requirements for Regulated Projects.** All regulated projects under the NPDES C.3 requirements would require a Post-Construction Stormwater Management Plan and Maintenance Agreement.

Revisions to the City of Oakland SCAs resulted in the removal of SCA 74, Stormwater Pollution Prevention Plan.

## Effects Analysis

### Changes in Methods

The 2015 analysis identified thresholds of significance for determining significant impacts on hydrology and water quality. However, the CEQA Guidelines Appendix G Checklist was revised in 2019. In accordance with revised Appendix G to the CEQA Guidelines, the project would consider new thresholds and whether the project would have a significant effect with respect to any of the conditions listed below.

- In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Furthermore, the revised method no longer considers whether the project would:

- Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary Map or Flood Insurance Rate Map or other authoritative flood hazard delineation map.
- Place within a 100-year flood hazard area structures that would impede or redirect floodflows.
- Expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow.



- Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.
- Place housing within a 100-year flood hazard area.

The language for some of the thresholds of significance was also revised. The only substantial change is the language revision that states that the project would have a significant effect if it would result in any of the conditions listed below.

- Substantial decrease in groundwater supplies or substantial interference with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

## Changes in Effects

All construction and operational effects related to surface water, groundwater resources, water quality, and flooding are the same as documented in 2015. New or revised CEQA Appendix G criteria impacts related to hydrology and water quality are similar to impacts previously analyzed. Further, the same stormwater management requirements and best management practices (BMPs) would be implemented to reduce impacts to hydrology and water quality. The project would be required to obtain a NPDES Construction General Permit and prepare and implement a SWPPP. The SWPPP will include BMPs to manage stormwater runoff and protect water quality. Due to shallow groundwater in the project area, dewatering during construction is anticipated. If dewatering to surface waters is required, the contractor would either properly treat the water prior to discharge or dispose of the water at a hazardous waste facility to prevent any discharge of contaminated dewatered groundwater into the storm drain system that could contaminate surface waters. These activities would comply with applicable groundwater discharge requirements, such as the San Francisco Water Board dewatering requirements and the NPDES Construction General Permit.

The project would add 1.68 acres (73,180 square feet) of new impervious space. However, the project proposes approximately 0.93 acre of stormwater treatment, either vegetated flow-through treatment areas or bio-treatment basins. Any additional surface runoff volumes would be minor and would not exceed existing or planned stormwater drainage systems. Proposed stormwater treatment areas are expected to be sufficient in offsetting impacts of new impervious area resulting from the project.

