

Supplemental to Item 7.

Item 7: Waste Discharge Requirements and Water Quality Certification for:
San Francisco Public Utilities Commission, Calaveras Dam Replacement Project, Alameda and Santa Clara Counties.

Recommended changes to the Revised Tentative Order

1. Revise Finding 10 as follows:

10. California Environmental Quality Act (CEQA): CEQA requires all discretionary projects approved by public agencies to be in full compliance with CEQA, and requires a lead agency to prepare an appropriate environmental document for such projects. The City and County of San Francisco, as the lead agency ~~for CEQA~~, certified an Environmental Impact Report (EIR) for the Project on January 27, 2011. The EIR found several significant impacts that are under the purview and jurisdiction of the Regional Water Board. These included significant impacts to (1) wetlands and other aquatic habitat, including habitat for special status species; (2) fisheries; (3) water quality; and (4) hazardous materials. The EIR ~~also found that~~ identified the following feasible mitigation measures would to mitigate ~~all of~~ these impacts to less than significant levels. ~~The mitigation measures specified in the EIR included the following:~~

- Requiring buffers around wetlands that will be avoided;
- Siting temporary stream crossings to avoid disturbing riparian vegetation, pools, side ponds and other sensitive habitat features to the maximum extent practicable;
- Restoring temporarily impacted areas, including wetlands, streams, and riparian habitat;
- Compensating for permanent impacts to wetlands, streams, and special-status species habitat by restoring and establishing wetland, stream, and special-status species habitat at a ratio needed to achieve no net loss in habitat areas, functions, and services;
- Capturing native fish within the Project's dewatered areas and relocating the fish approximately 100 feet downstream;
- Implementing an adaptive management strategy for resident rainbow trout and future steelhead populations that includes bypass flows at the ACDD, flow releases from Calaveras Dam, and monitoring to verify the efficacy of management actions;
- Compliance with the General National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Storm Water Associated with Construction Activity (NPDES No. CAS000002; Order No. 2009-0009-DWQ), including implementation of a stormwater pollution prevention plan;
- Ensuring that drilling fluids consist only of inert materials and are fully contained;

- Requiring a contingency plan that specifies potential response actions, such as segregation and treatment of affected soil and groundwater, if contamination is encountered; and
- Removing and properly disposing of any hazardous materials encountered in structures that will be demolished.

The Regional Water Board, as a responsible agency under CEQA, has considered the EIR and finds that the significant environmental effects, which are within the Regional Water Board's purview and jurisdiction, have been identified and will be mitigated to less-than-significant levels. Specifically, significant impacts pertaining to wetland and aquatic habitat, fisheries, water quality, and hazardous materials will be mitigated to less than significant levels through implementation of the above mitigation measures ~~set forth in the EIR~~ and the mitigation identified in Finding 7 above, ~~and~~ all of which are required to be implemented and reported on by this Order.

2. Revise Prohibition B.6 as follows:

The discharge of materials, which are not otherwise regulated by a separate NPDES permit or allowed by this Order, to waters of the U.S. and State is prohibited.

3. Add the following Provision C.5a to the Order:

To mitigate the significant impacts identified in the EIR over which the Board has authority, the Discharger shall implement those mitigation measures specified in the EIR which are listed in Finding 10 of this Order and shall report on their implementation by December 31 of each year following initiation of construction and shall continue to report until one year after completion of construction.