



CalVEPA

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

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**Pete Wilson
Governor**

August 29, 1997
File #2158 02 (K111)

Mr. Ken Van Velsor
California Department of Transportation
111 Grand Avenue
Oakland, CA 94623-0660

**Re: Marin 101 HOV Gap Closure Project Draft Environmental Impact Report
SCH # 93023054**

Dear Mr. Van Velsor:

We have received the above referenced Draft Environmental Impact Report (DEIR) and offer the following comment on issues with which the Regional Board is interested.

The purpose of the project is to construct northbound and southbound high occupancy vehicle (HOV) lanes between Lucky Drive and North San Pedro Road on U.S. Route 101 in Marin County. The project would also improve the Route 101/Interstate 580 interchange, relocate West Francisco Boulevard and add a new interchange on Interstate 580 near Irene Street. The project would result in the filling of jurisdictional wetlands and Waters of the State and could potentially result in impacts to water quality during construction and after the project is complete.

The proposed project is expected to result in an increase in the levels of nonpoint source stormwater pollution generated discharged from Route 101. The DEIR indicates that storm water drainage should "be routed to nearby upland locations for land treatment and control ... [such as a] combination of biofilters and treatment wetlands." The Regional Board supports the use of such structural control measures to mitigate potential post-construction impacts to water quality. If appropriately designed, installed, and maintained, such structural stormwater treatment measures could mitigate for increases to stormwater pollution discharged from the project site. The EIR should indicate specifically which measures will be used, state who will be responsible for their maintenance, and state how the maintenance will be funded. The DEIR also proposes to "combine [the] required restoration of Northern Coastal Salt Marsh vegetation with the construction of treatment wetlands...." Wetland features or ponds created as mitigation for the loss of existing jurisdictional wetlands or Waters of the United States cannot be used as storm water treatment controls, so wetlands mitigation and stormwater treatment cannot be directly combined.

The project would impact up to approximately 1.76 acres of Jurisdictional wetlands or Waters of the State as a result of fill or shading; up to 1.53 acres of wetlands or Waters of the State would be filled, and up to 0.23 acres would be shaded (p. 75-76). The DEIR states that a 1-acre mitigation site may be used to mitigate for these Impacts. In general, the Regional Board

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

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requires a minimum 2:1 mitigation ratio for wetlands acreage, so the proposed site would not be sufficient to mitigate for the expected impacts. Further information is provided in the enclosed **General Comments**. Also, the DEIR states that the placement of fill has been minimized by "culverting and the use of retaining walls." The impacts on wetland hydrology resulting from the use of culverts or retaining walls, including the alteration of upland habitat that may affect wetlands downstream, should be evaluated in the EIR, and appropriate mitigation should be proposed.

If you have any questions, please call me at (510) 286-4398.

Sincerely,



Dale R. Hopkins
Environmental Specialist

Enclosure

cc: Governor's Office of Planning and Research

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General Comments

The San Francisco Regional Water Quality Control Board (Regional Board or RWQCB) is charged with the protection of the Waters of the State of California in the San Francisco Bay Region, including Wetlands and Storm Water Quality. The Regional Board is responsible for administering the regulations established by the Federal Clean Water Act. Additionally, the California Water Code establishes broad state authority for regulation of water quality. The San Francisco Bay Basin Water Quality Control Plan (Basin Plan) explains the Regional Board's strategy for regulating water quality. The Basin Plan also describes the range of responses available to the Regional Board with regard to actions and proposed actions that degrade or potentially degrade the beneficial uses of the Waters of the State of California.

NPDES

Water quality degradation is regulated by the Federal National Pollutant Discharge Elimination System (NPDES) Program, established by the Clean Water Act, which controls and reduces pollutants to water bodies from point and nonpoint discharges. In California, the program is administered by the California Regional Water Quality Control Boards. The Regional Board issues NPDES permits for discharges to water bodies in the San Francisco Bay Area, including Municipal (area- or county-wide) Stormwater Discharge Permits.

Projects disturbing more than five acres of land during construction must be covered under the State NPDES General Permit for Discharges of Storm Water Associated with Construction Activity. This can be accomplished by filing a Notice of Intent. The project sponsor must propose and implement control measures that are consistent with this State Construction Storm Water General Permit and with recommendations and policies of the local agency and the RWQCB.

Projects that include facilities with discharges of Storm Water Associated with Industrial Activity must be covered under the State NPDES General Permit for Discharges of Storm Water Associated with Industrial Activity. This may be accomplished by filing a Notice of Intent. The project sponsor must propose control measures that are consistent with this, and with recommendations and policies of the local agency and the RWQCB. In a few cases, the project sponsor may apply for (or the RWQCB may require) issuance of an individual (industry- or facility-specific) permit.

The RWQCB's Urban Runoff Management Program requires Bay Area municipalities to develop and implement storm water management plans (SW1v1Ps). The SWMPs must include a program for implementing new development and construction site storm water quality controls. The objective of this component is to ensure that appropriate measures to control pollutants from new development are: considered during the planning phase, before construction begins; implemented during the construction phase; and maintained after construction, throughout the life of the project.

Impacts and. Mitigation Measures

Wetlands

Wetlands enhance water quality through such natural functions as flood and erosion control, stream bank stabilization, and filtration and purification of contaminants. Wetlands also provide critical habitats for hundreds of species of fish, birds, and other wildlife, offer open space, and provide many recreational

opportunities. Water quality impacts occur in wetlands from construction of structures in waterways, dredging, filling, and altering drainage to wetlands.

The Regional Board must certify that any permit issued by the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act (covering, dredging, or filling of wetlands) complies with state water quality standards, or waive such certification. Section 401 Water Quality Certification is necessary for all 404 Nationwide permits, reporting and non-reporting, as well as individual permits.

All projects must be evaluated for the presence of jurisdictional wetlands. Destruction or impact to wetlands should be avoided. 401 Certification may be denied based on significant adverse impacts to "Waters of the State." The goals of the California Wetlands Conservation Policy, include ensuring "no overall net loss and achieving a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values." In the event wetland loss is unavoidable, mitigation will be preferably in-kind and on-site, with no net destruction of habitat value. Mitigation will preferably be completed prior to, or at least simultaneous to, the filling or other loss of existing wetlands.

Successful mitigation projects are complex tasks and difficult to achieve. This issue will be strongly considered during agency review of any proposed wetland fill. Wetland features or ponds created as mitigation for the loss of existing "jurisdictional wetlands" or "waters of the United States" cannot be used as storm water treatment controls.

Storm Water Quality Control

Storm water is the major source of fresh water to creeks and waterways. Storm water quality is affected by a variety of land uses and the pollutants generated by these activities. Development and construction activities cause both site-specific and cumulative water quality impacts. Water quality degradation may occur during construction due to discharges of sediment, chemicals, and wastes to nearby storm drains or creeks. Water quality degradation may occur after construction is complete, due to discharges of petroleum hydrocarbons, oil, grease, and metals from vehicles, pesticides and fertilizers from landscaping, and bacteria from pets and people. Runoff may be concentrated and storm water flow increased by newly developed impervious surfaces, which will mobilize and transport pollutants deposited on these surfaces to storm drains and creeks. Cumulatively, these discharges will increase pollutant loads in creeks and wetlands within the local watershed, and ultimately in San Francisco Bay.

To assist municipalities in the Bay Area with complying with an area-wide NPDES Municipal Storm Water Permit or to develop a Baseline Urban Runoff Program (if they are not yet a co-permittee with a Municipal Storm Water Permit), the Regional Board distributed the Staff Recommendations for New and Redevelopment Control for Storm Water Programs (Recommendations) in April 1994. The Recommendations describe the Regional Board's expectations of municipalities in protecting storm water quality from impacts due to new and redevelopment projects, including establishing policies and requirements to apply to development areas and projects; initiating appropriate planning, review, approval, and inspection procedures; and using best management practices (BMPs) during construction and post-construction.

Project impacts should be minimized by developing and implementing a Storm Water Pollution Prevention Plan (SW~PPP). A S~XTPPP is required by the State Construction Storm Water General Permit. The SWPPP should be consistent with the terms of the State Construction Storm Water General Permit (if the site is greater than five acres), the Manual of Standards for Erosion & Sedimentation Control Measures by the Association of Bay Area Governments (ABAG), policies and recommendations of the local urban runoff program (city and/or county), and the Recommendations of the RWQCB. SWPPPs should also be required for projects that may have impacts, but which are not required to obtain an NPDES permit. Preparation of a

SWPPP should be a condition of development. Implementation of the SWPPP should be enforced during the construction period via appropriate options such as citations, stop work orders, or withholding occupancy permits.

Impacts identified should be avoided and minimized by developing and implementing the following types of controls.

Site Planning

The project should minimize impacts from project development by incorporating appropriate site planning concepts. This should be accomplished by designing and proposing site planning options as early in the project planning phases as possible. Appropriate site planning concepts to include, but are not limited to the following:

- Phase construction to limit areas and periods of impact. Minimize directly connected impervious areas.
- Preserve natural topography, existing drainage courses and existing vegetation.
- Locate construction and structures as far as possible from streams, wetlands, drainage areas, etc.
- Reduce paved area through cluster development, narrower streets, use of porous pavement and/or retaining natural surfaces.
- Minimize the use of gutters and curbs which concentrate and direct runoff to impermeable surfaces. Use existing vegetation and create new vegetated areas to promote infiltration.
- Design and lay out communities to reduce reliance on cars.
- Include green areas for people to walk their pets, thereby reducing build-up of bacteria, worms, viruses, nutrients, etc. in impermeable areas, or institute ordinances requiring owners to collect pets' excrement.
- Incorporate low-maintenance landscaping.
- Design and lay out streets and storm drain systems to facilitate easy maintenance and cleaning. Consider the need for runoff collection and treatment systems.
- Label storm drains to discourage dumping of pollutants into them

Erosion

The project should minimize erosion and control sediment during and after construction. This should be done by developing and implementing an erosion control plan, or equivalent plan. This plan should be included in the SWPPP. The plan should specify all control measures that will be used or which are anticipated to be used, including, but not limited to, the following:

- Limit access routes and stabilize access points.
- Stabilize denuded areas as soon as possible with seeding, mulching, or other effective methods.
- Protect adjacent properties with vegetative buffer strips, sediment barriers, or other effective methods.
- Delineate clearing limits, easements, setbacks, sensitive areas, vegetation and drainage courses by marking them in the field. Stabilize and prevent erosion from temporary conveyance channels and outlets.
- Use sediment controls and filtration to remove sediment from water generated by dewatering or collected on-site during construction. For large sites, stormwater settling basins will often be necessary.

Chemical and Waste Management

The project should minimize impacts from chemicals and wastes used or generated during construction. This should be done by developing and implementing a plan or set of control measures. The plan or control

measures should be included in the SWPPP. The plan should specify all control measures that will be used or which are anticipated to be used, including, but not limited to, the following:

- Designate specific areas of the site, away from streams or storm drain inlets, for storage, preparation, and disposal of building materials, chemical products, and wastes.
- Store stockpiled materials and wastes under a roof or plastic sheeting.
- Store containers of paint, chemicals, solvents, and other hazardous materials stored in containers under cover during rainy periods.
- Berm around storage areas to prevent contact with runoff.
- Cover open Dumpsters securely with plastic sheeting, a tarp, or other cover during rainy periods.
- Designate specific areas of the site, away from streams or storm drain inlets, for auto and equipment parking and for routine vehicle and equipment maintenance.
- Routinely maintain all vehicles and heavy equipment to avoid leaks.
- Perform major maintenance, repair, and vehicle and equipment washing off-site, or in designated and controlled areas on-site.
- Collect used motor oil, radiator coolant or other fluids with drip pans or drop cloths.
- Store and label spent fluids carefully prior to recycling or proper disposal.
- Sweep up spilled dry materials (cement, mortar, fertilizers, etc.) immediately--do not use water to wash them away.
- Clean up liquid spills on paved or impermeable surfaces using "dry" cleanup methods (e.g., absorbent materials, cat litter, rags) and dispose of cleanup materials properly.
- Clean up spills on dirt areas by digging up and properly disposing of the soil.
- Keep paint removal wastes, fresh concrete, cement mortars, cleared vegetation, and demolition wastes out of gutters, streams, and storm drains by using proper containment and disposal.

Post-Construction

The project should minimize impacts from other pollutants, which may be generated by the project post-construction. These pollutants may include: sediment, bacteria, metals, solvents, oil, grease, and pesticides, all of which are typically generated during the life of a residential, commercial, or industrial project after construction has ceased. This should be done by developing and implementing a plan or set of control measures. The plan or control measures should be included in the SWPPP.

The plan should specify all control measures that will be used or which are anticipated to be used, including, but not limited to, the source controls and treatment controls listed in the Recommendations. Appropriate control measures are discussed in the Recommendations, in:

- Table 2: Summary of residential post-construction BNW selection
- Table 3: Summary of industrial post-construction BMP selection
- Table 4: Summary of commercial post-construction BMP selection

Additional sources of information that should be consulted for BMP selection include the **California Storm Water Best Management Practice Handbooks**; the Bay Area Preamble to the **California Storm Water Best Management Practice Handbooks and New Development Recommendations**; the BASMAA New Development Subcommittee meetings, minutes, and distributed information; and Regional Board Staff.