

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

Sent via electronic mail: No hard copy to follow

May 31, 2017
Regulatory Measure ID 402818
CIWQS Place ID No. 817994
Corps File No. 2015-00347S

San Mateo County Harbor District
504 Avenue Alhambra
El Granada, Ca 94018

Attention: John Moren (jmoren@smharbor.com)

**Subject: Water Quality Certification for the Romeo Pier Removal in Pillar Point Harbor,
San Mateo County Harbor District**

Dear Mr. Moren:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff have reviewed the application submitted by San Mateo Harbor District (the Applicant) for the Romeo Pier Removal Project (Project) in the City of Half Moon Bay, San Mateo County. The Project has been authorized by the U.S. Army Corps of Engineers Regulatory Branch (Corps) pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403) (Corps File No. 2015-00347S). You have applied to this office pursuant to Section 401 of the CWA for water quality certification (Certification) verifying that the Project does not violate State water quality standards.

The following sections are derived from the application materials received by the Water Board from September 11, 2015 (Application), and supplemental information received through March 2017. The Project originally included the replacement of Romeo pier within the same footprint as the removed pier, but the Applicant removed the pier replacement from consideration for this Certification due to lack funding and design plans. The Application was deemed complete on July 25, 2016. The Project purpose is to remove a deteriorated pier in San Mateo County.

Project Site Background & Description: The Project site is located within Pillar Point Harbor in the City of Half Moon Bay (Lat. 37.50172, Long. -122.4919) (Att. A, Figure 1). Regional land uses include industrial, commercial and residential development, agriculture, and open space. The Half Moon Bay Airport is located just north of the Project site. Denniston Creek, a 4.4-mile

DR. TERRY F. YOUNG, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

1515 Clay St., Suite 1400, Oakland, CA 94612 | www.waterboards.ca.gov/sanfranciscobay

tributary stream flowing into Pillar Point Harbor, is located approximately 0.3 miles east of the Project site. Pillar Point Harbor is protected by an outer breakwater and an inner breakwater, structurally forming an inner harbor and an outer harbor.

Romeo Pier was constructed in 1944 by Joseph Romeo, president of the A. Romeo Fish and Oyster Company, to support both the fresh fish trade and a fish cannery. In 1996, the single deck pier was sold to the Applicant and remained operational until it closed in 2002 amid safety concerns. The pier recently started collapsing due to its age and state of deterioration of the supporting members (Att. A, C3). The pier extends approximately 600 linear feet into the harbor and includes buildings towards the outer pier section. The San Mateo County Harbor District proposes to remove this deteriorated pier from Pillar Point Harbor in Half Moon Bay. The San Mateo County Harbor District would like to prevent further debris from entering the water and the associated risk to safety and the environment.

Project Details: The Project consists of the complete removal of Romeo Pier, including the removal of the outer pier, timber piles, and landward trestle. The majority of the timber, approximately 80 percent, is located on the outer 300 feet of the pier. The outer pier will be removed using a floating barge-mounted crane. The buildings and wharf will be removed by the crane and loaded onto a barge. The barge will be periodically towed to the boat ramp, located within the Harbor, where the piles and building material will be removed with a land-based mobile crane and loaded onto trucks for disposal. The landward portion of the pier is too shallow for the barge-mounted crane to access, so the landward trestle will be removed with a mobile crane that will access the pier at low tide from the beach and extend out to remove the decking. The creosote timber piles will be removed using a vibratory hammer where possible. Creosote piles that are too deteriorated below the waterline will be removed using a cable attachment to extract as much of the pile as possible. When extraction using a cable is not possible, the piles will be cut below the mudline to minimize the contact of creosote piles with the water. The removed piles and decking material will be loaded on trucks that will transport the materials to an appropriate landfill; the timber will be tested for classification that will dictate the proper disposal location.

Impacts: The Project will permanently impact 0.41 acres of waters of the State by removing Romeo Pier. Approximately 0.01 acre of solid fill and 0.40 acre of shadow fill will be permanently removed from waters of the State by removing the pier piles and associated decking, respectively.

Special-Status Species: The Corps initiated an informal consultation with the National Marine Fisheries Service (NMFS) to address Project related impacts to listed species, pursuant to Section 7(a)(2) of the Endangered Species Act (ESA). NMFS concurred with the Corps' determination that the Project is not likely to adversely affect (NLAA) Central California Coast steelhead distinct population segments (DPS) (*Oncorhynchus mykiss*), Central California Coast coho salmon evolutionarily significant units (ESU) (*Oncorhynchus kisutch*), and North American Green Sturgeon southern DPS (*Acipenser medirostris*). In addition, NMFS determined the Project work would adversely affect EFH through underwater noise from pile driving, water quality effects of increased turbidity from underwater work, and accidental spills from heavy construction equipment. These effects were analyzed in the NMFS concurrence letter,

Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Romeo Pier Removal Project in Pillar Point Harbor, San Mateo County, California (June 13, 2016). Sandy intertidal habitat infaunal prey items (e.g., clams, crustaceans, worms, etc.) of federally-managed species under the Groundfish and Coastal Pelagic Species FMPs may be trampled by the mobile crane operation and barge anchoring. During Project construction, the Applicant will implement the best management practices (BMPs) that were described in the NMFS concurrence letter to reduce impacts to sandy intertidal habitat prey items as well as avoid and minimize potential impacts EFH. Although some impacts to infaunal prey items are anticipated, the effects will be short-term and the habitat is expected to recover quickly to its pre-Project condition. Therefore, NMFS did not provide any EFH Conservation Recommendations in their concurrence letter.

Mitigation: In total, the Project will permanently remove 351 deteriorating creosote treated piles from waters of the State, resulting in water quality improvement. No further mitigation is required.

CEQA Compliance: The Project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Article 19 of the Statutes and Guidelines. A Notice of Exemption (NOE) was filed with the San Mateo County Clerk on September 3, 2015.

Certification and General Waste Discharge Requirements: I hereby issue an order certifying that any discharge from the referenced Project will comply with the applicable provisions of 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) of the Clean Water Act, 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. The Applicant shall construct the Project in accordance with the Letter of Permission issued by the Corps (Corps File No. 2015-00347S);
2. The Applicant shall comply with the work restrictions outlined in the response *Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Romeo Pier Removal Project in Pillar Point Harbor, San Mateo County, California* (June 13, 2016);
3. This certification does not allow for the take, or incidental take, of any special status species. The applicant shall use the appropriate protocols, as approved by the NMFS, to ensure that Project activities do not impact the Beneficial Use of the Preservation of Rare and Endangered Species;

4. Prior to the start of construction, the Applicant shall provide completed, 100 percent design plan to the Water Board's Executive Officer for review and approval. In addition, a site map depicting the staging area shall be sent to the Water Board's Executive Officer prior to the start of construction. The staging area shall not be located within any National Wetland Inventory (NWI) mapped area;
5. Before impacting the Project site, the Applicant shall establish a minimum of eight (8) permanent photo-documentation points at the Project site where temporary and permanent impacts occur. The points shall be used to track the Project success. The Applicant shall prepare a site map with the photo-documentation points clearly marked. Prior to and following construction, the Applicant shall photographically document the pre- and post-construction site conditions. These photographs and the map shall be submitted, along with the as-built report (see Condition 13)

Project Construction

6. Within 30 days of the first Project-related disturbance of waters of the State, the Applicant shall provide the Water Board with written and electronic notification that the Project has disturbed waters of the State;
7. No debris, rubbish, creosote-treated wood, soil, silt, sand, cement, concrete, or washings thereof, or other construction-related materials or wastes, oil or petroleum products, or other organic or earthen material shall be allowed to enter into, or be placed where it may be washed by rainfall or runoff into waters of the State. Any of these materials placed within or where they may enter waters of the State by the Applicant or any party working under contract, or with the permission of the Applicant shall be removed immediately. 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 washed into waters of the State. During construction, the contractor shall not dump any litter or construction debris within the riparian/stream zone. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site;
8. No fueling, cleaning, or maintenance of vehicles or equipment shall take place within any area where an accidental discharge to waters of the State may occur;
9. The Project shall be constructed in conformance with the Project description in the application materials dated September 3, 2015, received by the Water Board on September 11, 2015, and in the *Romeo Pier Demolition* (Moffat & Nichol, July 17, 2014) Figure 7, T1, C1-C3 (See Att. A). Any changes to these plans must be submitted to the Water Board's Executive Officer for review and acceptance before they are implemented;
10. During construction, including pile removal, the Applicant shall maintain floating rafts, containment booms, tarps, and other containment methods beneath the work area, as needed, to contain any falling debris from the Project. Floating debris booms shall be placed as needed around the work area as a secondary and redundant structure to

intercept the debris. Any debris falling into the Bay will be immediately retrieved. Captured material shall be disposed of at an appropriately permitted upland disposal site;

11. During construction, the Applicant shall ensure that all waste material generated is collected and taken to a location where materials or waste cannot be washing into waters of the State. When existing piles or pier material are removed, they will be placed on a barge and taken to a disposal site based on the classification of the waste. If removed materials are temporarily stored on site, then the area shall be provided with secondary containment and storm water runoff treatment controls;
12. 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;
13. Within 60 days of completing Project construction activities, the Applicant shall submit an as-built report to the Water Board. The report shall include a description of the areas of actual disturbance during Project construction. The report shall clearly identify and illustrate the Project sites, the locations of permanent and temporary impacts;

Discharge Changes and Project Completion

14. In accordance with California Water Code (CWC) Section 13260, the Discharger shall file with the 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. This shall include, but not be limited to, all significant new soil disturbances, all 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 filled;
15. Within 30 days of completing all project elements with impacts waters of the State that are authorized by this Certification, the Applicant shall provide the Executive Officer of the Water Board with a Final Project Completion Reports that includes: (a) the Project name; (b) the CIWQS Place ID number listed as the top of this Certification; and (c) the date Project impacts to waters of the State at the Project site were completed;

Standard Conditions

16. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to CWC Section 13330 and Section 3867 of Title 23 of the California Code of Regulations (23 CCR);
17. This Certification action 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; and

18. Certification is conditioned upon full payment of the required fee as set forth in 23 CCR Section 3833. On March 9, 2016, Water Board staff received a \$200 payment for the Project's Low Impact Discharge fee.

This Certification 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 Certification is a violation of this water quality Certification. Any violation of water quality Certification conditions is a violation of State law and subject to administrative civil liability pursuant to CWC Section 13350. Failure to meet any condition of a Certification may subject the Applicant to civil liability imposed by the Water Board to a maximum of \$10,000 per day of violation or \$10 for each gallon of waste discharged in violation of this action. Any requirement for a report made as a condition to this action (e.g., Conditions 6, 13, 14, and 15) is a formal requirement pursuant to CWC Section 13267, and failure or refusal to provide, or falsification of such required report, is subject to civil liability as described in CWC Section 13268. Should new information come to our attention that indicates a water quality problem with this Project, the Water Board may issue Waste Discharge Requirements.

Please contact Tahsa Sturgis of my staff at (510) 622-2316 or via email to Tahsa.Sturgis@waterboards.ca.gov if you have any questions. All future correspondence regarding this Project should reference the CIWQS Place ID No. indicated at the top of this letter.

Sincerely,

for Bruce H. Wolfe
Executive Officer

Attachment A: Project Maps, Engineering Design Plans, and Site Photographs

cc: SWRCB, DWQ, stateboard401@waterboards.ca.gov
Regional Water Board, Victor Aelion, victor.aelion@waterboards.ca.gov
U.S. EPA, Region IX, Jennifer Siu, siu.jennifer@epa.gov
NMFS, Brian Meux, brian.meux@noaa.gov
Corps, SF Regulatory Branch:
Katerina Galacatos, katerina.galacatos@usace.army.mil
Naomi Schowalter, naomi.a.schowalter@usace.army.mil
Neil Nichols, Moffatt & Nichol, nnichols@moffattnichol.com

**Attachment A:
Project Maps, Site Photographs, and
Engineering Design Plans**

Project Maps, Site Photographs, and Engineering Design Plans are from the 401 Water Quality Certification Application Materials and supplemental information received from September 11, 2015, through January 2017

**401 Water Quality Certification
Romeo Pier Removal Project
Half Moon Bay, CA**

San Mateo County

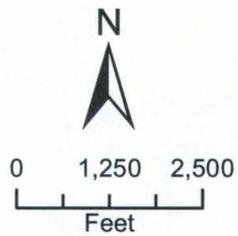
May 2017

Romeo Pier Removal Project
Biological Resources Assessment Memo



Imagery provided by National Geographic Society, ESRI and its licensors © 2015. The topographic representation depicted in this map may not portray all of the features currently found in the vicinity today and/or features depicted in this map may have changed since the original topographic map was assembled.

 Project Location



Project Location

Figure 1

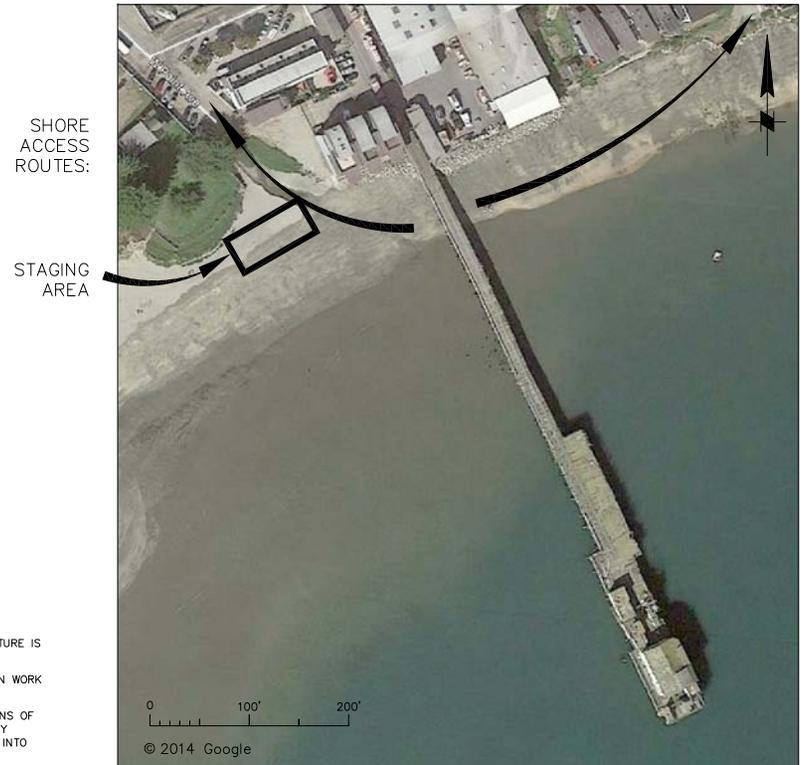
ROMEO PIER DEMOLITION

SAN MATEO COUNTY HARBOR DISTRICT

PILLAR POINT, CALIFORNIA



ROMEO PIER LOCATION PLAN



ROMEO PIER PLAN

INDEX OF DRAWINGS		
SHEET NO.	DWG NO.	DRAWING TITLE
1	T1	TITLE, LEGEND AND GENERAL NOTES
2	C1	PLAN AND ELEVATION
3	C2	PLAN AND SECTIONS
4	C3	PHOTOS

GENERAL NOTES:

1. PILES ARE CREOSOTE TREATED TIMBER. TIMBER USED IN PIER STRUCTURE IS TREATED AND UNTREATED TIMBER.
2. DEMOLITION ACCESS LIMITED BY TIDAL STAGE AND SHALLOW DEPTH IN WORK AREA.
3. ALL WORK SHALL BE PERFORMED IN COMPLIANCE WITH THE CONDITIONS OF THE PERMITS ISSUED BY REGULATORY AGENCIES (BCDC, RWQCB, ARMY CORPS). PROVIDE CONTAINMENT TO PREVENT DEBRIS FROM FALLING INTO WATER DURING OPERATIONS.
4. DO NOT BLOCK PUBLIC ACCESS ALONG THE SHORE AT ANY TIME.
5. THE PIER STRUCTURE IS DETERIORATED, MINIMIZE ACCESS ON STRUCTURE, ANALYZE CAPACITY TO SUPPORT EQUIPMENT AND ACCESS PRIOR TO WORK.

50% REVIEW JUN 27, 2014



SAN MATEO COUNTY HARBOR DISTRICT
 400 Oyster Point Blvd, Suite 300
 South San Francisco, CA 94080
 (650) 583-4400

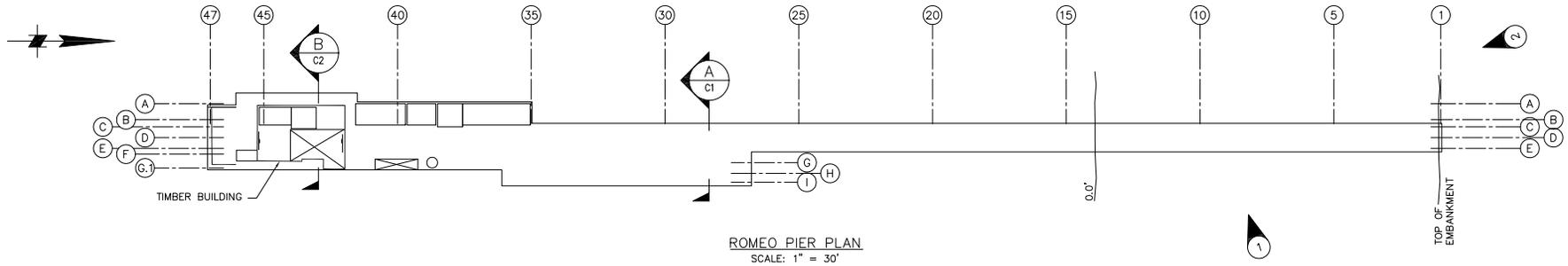
REVISION	DESCRIPTION	BY	DATE



2185 N. California Blvd, Suite 500
 Walnut Creek, California 94596(925) 944-5411

DSGN BP	DR TAE	CHK	
JOB NO. 8281-02		SUBMITTED BY	
		TITLE	

ROMEO PIER DEMOLITION	DATE 06/26/14
PILLAR POINT HARBOR	SHEET 1 OF 4
TITLE AND GENERAL NOTES	T1



ROMEO PIER PLAN
SCALE: 1" = 30'



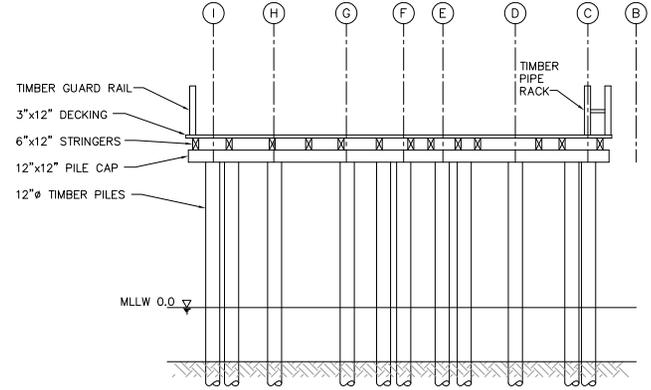
ROMEO PIER ELEVATION
SCALE: 1" = 30'



1 - PIER LOOKING WEST



2 - PIER LOOKING SSE



TYPICAL PIER STRUCTURE

SECTION A-C1
SCALE: 1" = 5'-0"



NOTES:

1. REMOVE ENTIRE PIER STRUCTURE (PILES, BEAMS, DECKING, BUILDINGS) AND DISPOSE OF LEGALLY OFFSITE.
2. PILES SHALL BE REMOVED FOR THEIR ENTIRE LENGTH. PILES BETWEEN BENTS 13 AND 27 MAY BE BROKEN OFF 2 FT BELOW THE BOTTOM IF REMOVAL OF ENTIRE LENGTH CANNOT BE ACCOMPLISHED AND IF USING LAND BASED EQUIPMENT.



SAN MATEO COUNTY HARBOR DISTRICT
400 Oyster Point Blvd, Suite 300
South San Francisco, CA 94080
(650) 583-4400

REVISION	DESCRIPTION	BY	DATE

moftatt & nichol
2185 N. California Blvd, Suite 500
Walnut Creek, California 94596(925) 944-5411

DSGN	EP	DR	TAE	CHK	
JOB NO.	8281-02	SUBMITTED BY		TITLE	

ROMEO PIER DEMOLITION	DATE 06/26/14
PILLAR POINT HARBOR	SHEET 2 OF 4
PLAN AND ELEVATION	C1

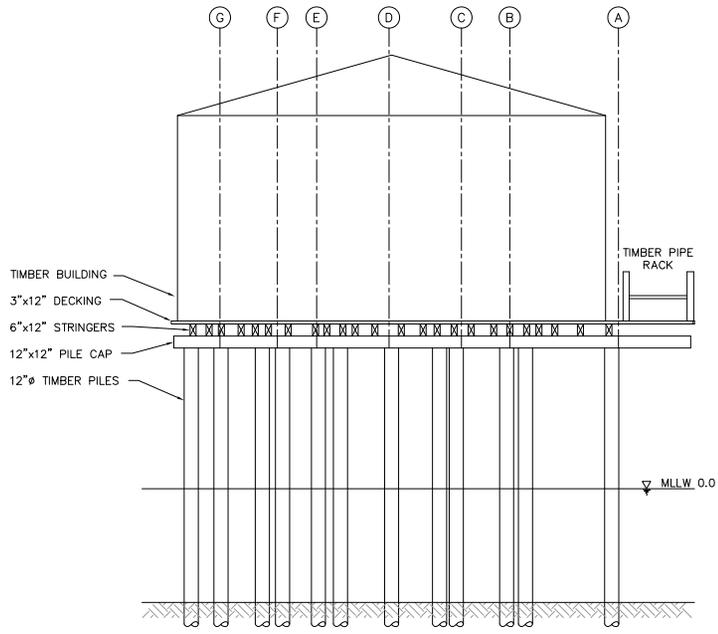
P:\281-02 Romeo Demol\4_CADD\28102_C1.dwg Aug 18, 2015 8:07pm



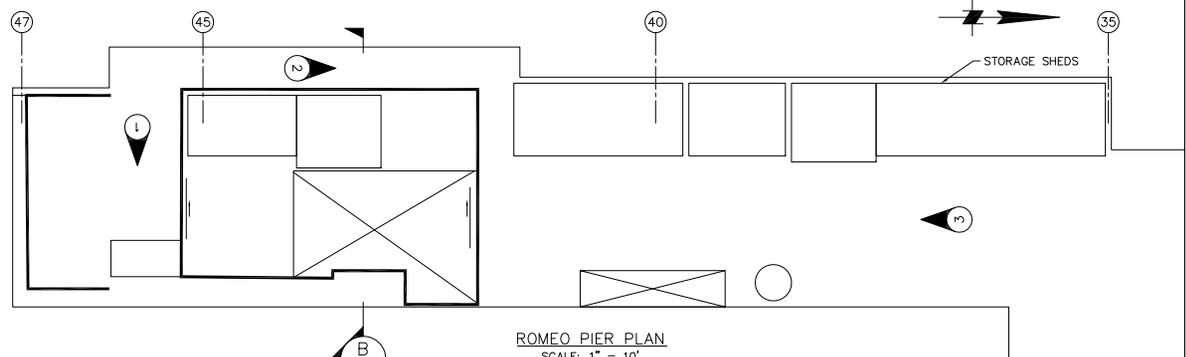
1



2



B
C2 SECTION
SCALE: 1"=1'-5"



ROMEO PIER PLAN
SCALE: 1" = 10'

PHOTO 1



SCALE: 1"=10'-0"

SCALE: 1"=5'-0"



SAN MATEO COUNTY HARBOR DISTRICT
400 Oyster Point Blvd, Suite 300
South San Francisco, CA 94080
(650) 583-4400

REVISION	DESCRIPTION	BY	DATE

moftatt & nichol
2185 N. California Blvd, Suite 500
Walnut Creek, California 94596(925) 944-5411

DSGN	BP	DR	TE	CHK	
JOB NO.	8281-02	SUBMITTED BY		TITLE	

ROMEO PIER DEMOLITION
PILLAR POINT HARBOR

DATE 06/26/14
SHEET 3 OF 4

PLAN AND SECTIONS

C2

P:\281-02 Romeo Demol\4_CADD\28102_C2.dwg Aug 18, 2015 - 5:07pm



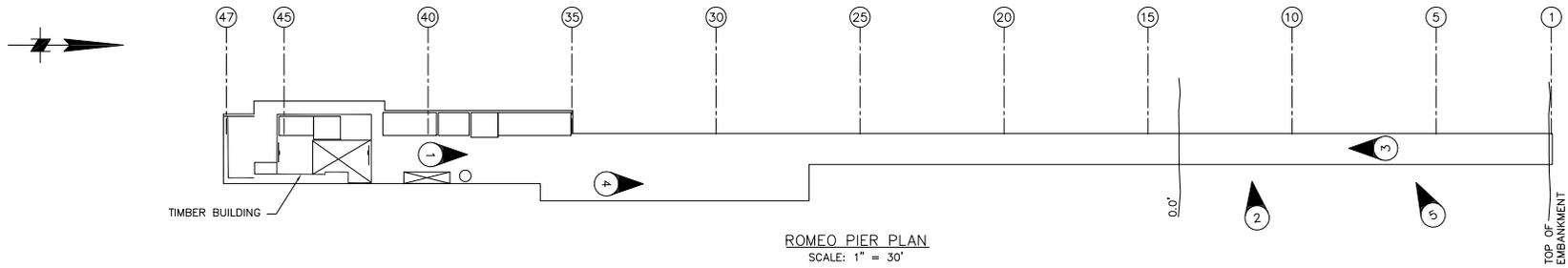
1



2



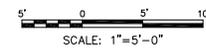
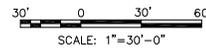
3



4



5



SAN MATEO COUNTY HARBOR DISTRICT
400 Oyster Point Blvd, Suite 300
South San Francisco, CA 94080
(650) 583-4400

REVISION	DESCRIPTION	BY	DATE



2185 N. California Blvd, Suite 500
Walnut Creek, California 94596(925) 944-5411

DSGN	EP	DR	TAE	CHK
JOB NO.	8281-02	SUBMITTED BY	TITLE	

ROMEO PIER DEMOLITION
PILLAR POINT HARBOR

DATE 06/26/14

SHEET 2 OF 4

PHOTOS

C3

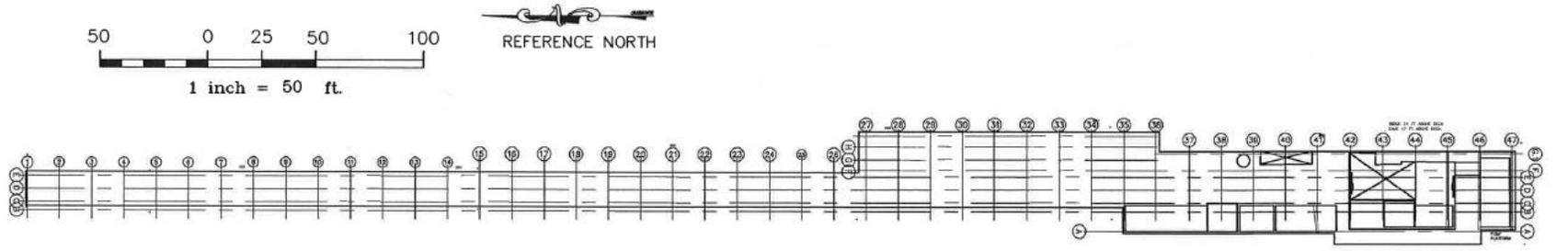


Figure 5 Beach Access Route and Staging (Google Maps Aerial)

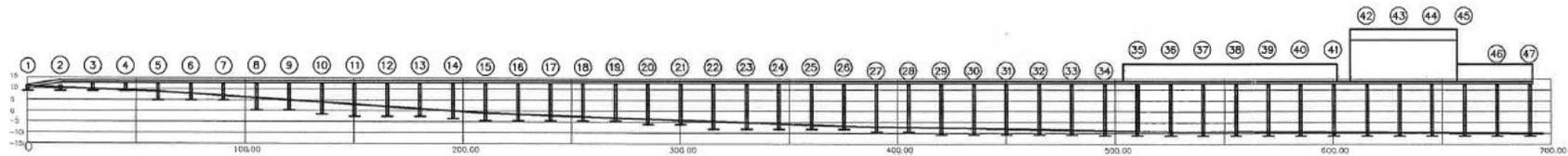


Figure 6 Beach Area for Access Routes

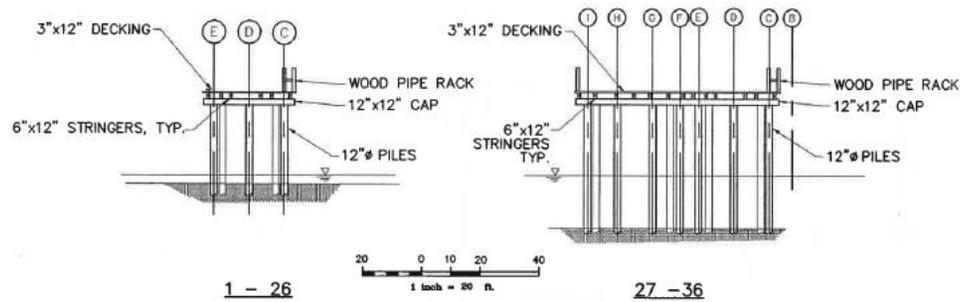




PLAN



ELEVATION



TYPICAL STRUCTURAL SECTION

MOFFATT & NICHOL
ENGINEERS

WALNUT CREEK, CALIFORNIA
11-22-00

EXISTING PIER - PLAN, ELEVATION & TYPICAL FRAMING

ROMEO PIER
JOB NO. 4062

Figure 7 Pier Plan and Elevation