California Regional Water Quality Control Board
Colorado River Basin Region

Linda S. Adams
Secretary for
Environmental Protection

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Edmund G. Brown J.
Governor

March 1, 2011

Debra Schafer
Union Pacific Railroad
1400 Douglas St., Stop 0910
Omaha, NE 68179

RE: ORDER FOR TECHNICALLY-CONDITIONED CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS

PROJECT: Union Pacific Railroad Bridge Improvements - Yuma Subdivision Project, Mileposts: 637.18, 637.44, 637.95, 638.88, 639.12, 639.28, 639.59, 639.85, 640.11, 640.22, 640.31

APPLICANT: Union Pacific Railroad

ACTION:

1. ☐ Order for Standard Certification
2. ☒ Order for Technically-Conditioned Certification
3. ☐ Order for Denial of Certification

STANDARD CONDITIONS:

The following standard conditions apply to all certification actions, except as noted above under Action 3 for denials.

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).

2. 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 section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

4. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under State law. For purposes of Clean Water Act (CWA) section 401(d), the applicability of any State law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Water Quality Certification (WQC).

   a. In response to a suspected violation of any condition of this WQC, the Regional Water Quality Control Board (Regional Water Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

   b. In response to any violation of the conditions of this WQC, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

ADDITIONAL CONDITIONS:

The following additional conditions apply to this certification:

1. This WQC applies towards the proposed project as described in the 401 application received by the Regional Water Board on December 30, 2010. The Applicant shall provide the Regional Water Board and other interested agencies with written notification of any significant modifications made to the project prior to implementation of the modifications.

2. This WQC does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

3. This WQC does not authorize the Applicant or any associated party to trespass on any land or property unless the applicant has obtained written authorization or acquired a special use authorization permit from the land or property owner.

4. A copy of this WQC shall be provided to the appropriate onsite Supervisor for the Project. All personnel performing work on the proposed project shall be familiar with the content of this WQC. Copies of the WQC shall be readily available at the project site at all times during periods of active work and shall be presented to regulatory agency representatives upon request.

5. The Applicant shall grant Regional Water Board staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to enter

the project site at reasonable times, to ensure compliance with the terms and conditions of this WQC and/or to determine the impacts the project may have on waters of the United States.

6. The proposed projects shall not be enlarged or extend beyond the proposed project impact area. The Applicant shall delineate the project boundaries and staging areas with stakes, flags and/or temporary construction fencing.

7. The area of vegetation and soil disturbance shall be restricted to the smallest extent possible.

8. Projects shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.

9. Projects shall not discharge waste classified as "hazardous" as defined in Title 22 CCR section 66261 and the California Water Code section 13173.

10. No oil, petroleum products, or rubbish shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the United States.

11. No equipment maintenance will be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter waters of the United States.

12. Equipment refueling shall not occur within waters of the United States.

13. Any oil or grease leaks shall be immediately cleaned up.

14. The Applicant shall ensure that all contaminated material and/or contaminated soil removed or excavated from the Project site is properly loaded, transported, and disposed of in accordance with Federal, State, and local regulations.

15. Staging/storage areas for equipment and materials shall be located outside of waters of the United States.

16. The Applicant shall ensure that all disturbed and filled areas are adequately stabilized and protected from erosion and siltation by implementing appropriate soil stabilization, sedimentation and silt control measures.

17. Any flow diversion used during construction shall be designed in a manner to prevent pollution, minimize siltation, and shall provide flows to downstream reaches. Flows shall be maintained to support existing aquatic life and riparian wetlands and habitat that may be located upstream and downstream from any temporary diversion.

18. The Applicant shall restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient.

19. All temporary facilities and impacts shall be removed and restored to the preexisting conditions and contours to the extent practicable.

20. Construction related materials and wastes shall be removed from the project site upon completion of the project.

21. The Applicant shall submit Notice to the Regional Water Board within 60-days of completion of the Project. The Notice shall include: 1) a detailed summary of the mitigation and restoration activities implemented during the project and 2) provide photographic documentation that supports the information summarized in the Notice.

22. The Regional Water Board reserves the right to suspend, cancel, or modify and reissue this WQC, after providing notice to the Applicant and/or responsible Site-Supervisor, if the Regional Water Board determines that the project fails to comply with any of the terms or conditions of this WQC.

23. The Applicant shall orally notify the Regional Water Board of any noncompliance that may impact the beneficial uses of waters of the United States, as soon as notification is possible and notification can be provided without substantially impeding measures necessary to address the noncompliance.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

If you have any questions, please contact Jay Mirpour, Water Resources Control Engineer, at (760) 776-8981 or jmirpour@waterboards.ca.gov.

WATER QUALITY CERTIFICATION:

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.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).

ROBERT PERDUE
Executive Officer

JJM/

cc:

Mark Durham, U.S. Army Corps of Engineers, Los Angeles District Office
Bill Orme, SWRCB, Division of Water Quality, Water Quality Certification Unit
Elizabeth Goldmann, U.S. Environmental Protection Agency, Region 9
Thomas A. Vandenberg, Office of Chief Counsel, SWRCB

File: 401 Certification for Union Pacific Railroad Bridge Improvements -Yuma Subdivision Project for:

- WDID No. 7A333101001 for Milepost 637.18
- WDID No. 7A333102001 for Milepost 637.44
- WDID No. 7A333103001 for Milepost 637.95
- WDID No. 7A333106001 for Milepost 638.88
- WDID No. 7A333107001 for Milepost 639.12
- WDID No. 7A333108001 for Milepost 639.28
- WDID No. 7A333105001 for Milepost 639.59
- WDID No. 7A333101001 for Milepost 639.85
- WDID No. 7A333109001 for Milepost 640.11
- WDID No. 7A333110001 for Milepost 640.22
- WDID No. 7A333111001 for Milepost 640.31

Mailing List:

Mark Durham
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Thomas A. Vandenberg (*)
Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Note: (*) will e-mail electronic copy

PROJECT INFORMATION

Application Date:
Received on December 30, 2010

Applicant:
Union Pacific Railroad
Contact: Debra Schafer
(402) 544-2358

Applicant Representative:
CH2M HILL
Contact: Christine Roberts
(916) 798-3137

Project Name:
Union Pacific Railroad Bridge Improvements - Yuma Subdivision Project, Mileposts: 637.18, 637.44, 637.95, 638.88, 639.12, 639.28, 639.59, 639.85, 640.11, 640.22, 640.31

Project Start and Completion:
March 1, 2011 through January 2012

Project Description (purpose/goal):
Union Pacific Railroad (UPRR) is planning to remove a bridge and install culverts near the town of Salton in Riverside County, California. The new culverts have been sized to meet or exceed the current structure's capacity, based on review of the 50-year and 100-year flood events and will accommodate the existing mainline track and a future second track.

Project Location:
City or Area: Salton, County: Riverside

- Milepost 637.18: Longitude/Latitude: 33°28'47N/ 115°53'27"W, Township/Range: T 7S/ R 10 E/Section 28.

- Milepost 637.44: Longitude/Latitude: 33°28'42"N/ 115°53'21W, Township/Range: T 8 S/ R 10 E/Section 13.

- Milepost 637.95: Longitude/Latitude: 33°28'21"N/ 115°53'0"W, Township/Range: T 8 S/ R 11 E/Section 18.

- Milepost 638.88: Longitude/Latitude: 33°27'52"N/ 115°52'14"W, Township/Range: T 8 S/ R 11 E/Section 19.

Milepost 639.12: Longitude/Latitude: 32°27'44"N/ 115°52'2"W, Township/Range: T 8 S/ R 11 E/Section 20.

- Milepost 639.28: Longitude/Latitude: 33°27'39"N/ 115°51'53W, Township/Range: T 8 S/ R 11 E/Section 20.

- Milepost 639.59: Longitude/Latitude: 33°27'30"N/ 115°51'37"W, Township/Range: T 8 S/ R 11 E/Section 20.

- Milepost 639.85: Longitude/Latitude: 33°27'22"N/ 115°51'25"W, Township/Range: T 8 S/ R 11 E/Section 20.

- Milepost 640.11: Longitude/Latitude: 33°27'13"N/ 115°51'12"W, Township/Range: T 8 S/ R 11 E/Section 29.

- Milepost 640.22: Longitude/Latitude: 32°27'10N/ 115°51'07"W, Township/Range: T 8S/ R 11 E/Section 28.

- Milepost 640.31: Longitude/Latitude: 33°27'07"N/ 115°51'02W, Township/Range: T 8 S/ R 11 E/Section 28.

Receiving Water(s):
The receiving water for this project is an unnamed ephemeral drainage that is tributary to the Salton Sea.

Fill/Excavation Area (acres):
NA

Dredge Volume (cy):
NA

Mitigation:
N/A

Best Management Practices:

1. The proposed maintenance will not result in any net loss of wetland vegetation.
2. Spill prevention measures will be employed to prevent spills into the water or onto soil.
3. All excavated material will be placed in an upland area, away from the river to prevent discharge of waters of the US.
4. The proposed project will not cause pollution, contamination, or a nuisance.
5. The proposed project will not degrade water quality or beneficial uses.
6. The proposed project will not discharge any hazardous, designated, or toxic materials.
7. Land based equipment shall be in good condition with no fuel leaks.

8. Equipment will not be stored/park where contaminated water or accidental fuel or chemical leaks can drain into the river channel.
9. Materials to absorb small toxic material spills will be present on site for the duration of this project.

Federal Permit(s):
U.S. Army Corps of Engineers section 404 Permit Nationwide Permit No. 14

Status of CEQA:
The project is categorical exempt – Class 2, California Code of Regulation (CCR) Title 14, Chapter 3, CEQA Guidelines No. 15302 – Replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will be substantially the same purpose and capacity as the structure replaced.). In accordance with CEQA Guidelines Section 15062, the Regional Water Board shall file a Notice of Exemption with the Office of Planning and Research upon approval of the CWA Section 401 WQC.

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