California Regional Water Quality Control Board
Colorado River Basin Region

Matthew Rodriquez
Secretary for
Environmental Protection

73-720 Fred Waring Drive, Suite 100, Palm Desert, California 92260
(760) 346-7491 • Fax (760) 341-6820
http://www.waterboards.ca.gov/coloradoriver

Edmund G. Brown Jr.
Governor

February 2, 2012

Ms. 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: This water Quality Certification is written for the Union Pacific Railroad Improvement Projects - Yuma Subdivision for the following Mileposts locations:
661.66 (WDID No. 7A133091001)
666.69 (WDID No. 7A133090001)
666.91 (WDID No. 7A133088001)
668.20 (WDID No. 7A133089001)
668.40 (WDID No. 7A133099001)
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670.40 (WDID No. 7A133094001)
674.72 (WDID No. 7A133093001)
675.34 (WDID No. 7A133092001)

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 <u>all</u> 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 projects (Project) as described in the 401 application received by the Regional Water Board on October 19, 2011. The Regional Board determined that the applications were complete on on December 9, 2011.

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

9. The Project shall not discharge waste classified as "hazardous" as defined in Title 23 California Code of Regulations (CCR) section 2521, California Health and Safety Code section 25140, and Title 22, CCR, section 66260.10 et seq.

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
Colorado River Basin Regional Water Quality Control Board

JJM/

cc: William Miller, U.S. Army Corps of Engineers, Arizona Branch, Regulatory Division
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: Union Pacific Railroad Improvement Project on the Yuma Subdivision Project for
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Mailing List:

William Miller
Senior Project Manager
Arizona Branch, Regulatory Division
Los Angeles District
U.S. Army Corps of Engineers
3636 N. Central Avenue, Suite 900
Phoenix, Arizona 85012-1936

Bill Orme (*)
Water Quality Certification Unit
Division of Water Quality
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Elizabeth Goldmann
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

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: An application for each project was received on October 19, 2011. The Regional Board determined that the applications were complete on December 9, 2011.

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

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

Project Name: Union Pacific Railroad Improvement Projects on the Yuma Subdivision for following Milepost locations:
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Project Start and Completion: Construction will occur between February 2012 and August 2012.

Project Description (purpose/goal):

Milepost 661.66 Improvement Project

UPRR plans to plug and fill the existing culverts and install two new culverts near the town of Wister in Imperial County, California. The replacement culverts have been sized to meet or exceed the required conveyance capacity, based on a review of the 50-year and 100-year flood events, and will accommodate the existing mainline track.

Project Location:
City or area: Wister, Imperial County, California
Longitude/ Latitude: 33°17'42"N/ 115°35'11"W

Township/Range: T 10 S/ R 13 E/Section 14

Fill/Excavation Area:
Approximately 123.19 cubic yards of structural fill material and two 48 inch smooth steel pipe (SSP) will be placed in waters of U.S.

In addition, 0.092 acre (122.26 linear feet) permanent and 0.113 acre (205.52 linear feet) temporary of waters of the United States will be impacted during this activity.

Milepost 666.69 Improvement Project

UPRR plans to remove a bridge and install four culverts near the town of Niland in Imperial County, California.

Project Location:
City or area: Niland, Imperial County, California
Longitude/ Latitude: 33°14'52"N/ 115°31'24"W
Township/Range: T 11 S/ R 14 E/Section 04

Fill/Excavation Area:
Approximately 6.2 cubic yards of structural fill material and four 60 inch CSPs will be placed in waters of U.S.

In addition, 0.024 acre (412.95 linear feet) permanent and 0 acre (0 linear feet) temporary of waters of the United States will be impacted during this activity.

Milepost 666.91 Improvement Project

UPRR plans to remove a bridge and install five culverts near the town of Niland in Imperial County, California.

Project Location:
City or area: Niland, Imperial County, California
Longitude/ Latitude: 33°14'47"N/ 115°31'08"W
Township/Range: T 11 S/ R 14 E/Section 04

Fill/Excavation Area:
Approximately 117.26 cubic yards of structural fill material will be placed in waters of U.S.

In addition, 0.079 acre (345.37 linear feet) permanent and 0 acre (0 linear feet) temporary of waters of the United States will be impacted during this activity.

Milepost 668.20 Improvement Project

UPRR plans to remove a bridge and install four culverts near the town of Niland in Imperial County, California.

Project Location:
City or area: Niland, Imperial County, California
Longitude/ Latitude: 33°14'16"N/ 115°30'01"W
Township/Range: T 11 S/ R 14 E/Section 03

Fill/Excavation Area:
Approximately 32.65 cubic yards of structural fill material and four 96 inch corrugated steel pipes (CSPs) will be placed in waters of U.S.

In addition, 0.044 acre (310 linear feet) permanent and 0.022 acre (432.76 linear feet) temporary of waters of the United States will be impacted during this activity.

Milepost 668.40 Improvement Project

UPRR plans to remove a bridge and install four culverts near the town of Niland in Imperial County, California.

Project Location:
City or area: Niland, Imperial County, California
Longitude/ Latitude: 33°14'11"N/ 115°29'50"W
Township/Range: T 11 S/ R 14 E/Section 03

Fill/Excavation Area:
Approximately 18.55 cubic yards of structural fill material and four 48 inch CSPs will be placed in waters of U.S.

In addition, 0.046 acre (591.82 linear feet) permanent and 0.009 acre (142.28 linear feet) temporary of waters of the United States will be impacted during this activity.

Milepost 668.57 Improvement Project

UPRR plans to remove a bridge and install four culverts near the town of Niland in Imperial County, California.

Project Location:
City or area: Niland, Imperial County, California

Longitude/ Latitude: 33°14'07"N/ 115°29'41"W
Township/Range: T 11 S/ R 14 E/Section 03

Fill/Excavation Area:
Approximately 69.76 cubic yards of structural fill material and four 84 inch CSPs will be placed in waters of U.S.

In addition, 0.094 acre (396.84 linear feet) permanent and 0 acre (0 linear feet) temporary of waters of the United States will be impacted during this activity.

Milepost 668.70 Improvement Project

UPRR plans to remove a bridge and install two culverts near the town of Niland in Imperial County, California.

Project Location:
City or area: Niland, Imperial County, California
Longitude/ Latitude: 33°14'63"N/ 115°29'33"W
Township/Range: T 11 S/ R 14 E/Section 11

Fill/Excavation Area:
Approximately 7.79 cubic yards of structural fill material and two 72 inch CSPs will be placed in waters of U.S.

In addition, 0.023 acre (250.09 linear feet) permanent and 0 acre (0 linear feet) temporary of waters of the United States will be impacted during this activity.

Milepost 668.89 Improvement Project

UPRR plans to remove a bridge and install three culverts near the town of Niland in Imperial County, California.

Project Location:
City or area: Niland, Imperial County, California
Longitude/ Latitude: 33°13'59"N/ 115°29'23"W
Township/Range: T 11 S/ R 14 E/Section 11

Fill/Excavation Area:
Approximately 8.23 cubic yards of structural fill material and three 48 inch CSPs will be placed in waters of U.S.

In addition, 0.030 acre (218.48 linear feet) permanent and 0.002 acre (18.02 linear feet) temporary of waters of the United States will be impacted during this activity.

Milepost 669.03 Improvement Project

UPRR plans to remove a bridge and install three culverts near the town of Niland in Imperial County, California.

Project Location:
City or area: Niland, Imperial County, California
Longitude/ Latitude: 33°13'55"N/ 115°29'15"W
Township/Range: T 11 S/ R 14 E/Section 11

Fill/Excavation Area:
Approximately 20.76 cubic yards of structural fill will be placed in waters of U.S.

In addition, 0.039 acre (227.5 linear feet) permanent and 0.008 acre (102.39 linear feet) temporary of waters of the United States will be impacted during this activity.

Milepost 669.59 Improvement Project

UPRR plans to plug and fill a culvert and install a new culvert near the town of Niland in Imperial County, California.

Project Location:
City or area: Niland, Imperial County, California
Longitude/ Latitude: 33°13'42"N/ 115°28'45"W
Township/Range: T 11 S/ R 14 E/Section 11

Fill/Excavation Area:
Approximately 11.71 cubic yards of structural fill material and one 36 inch SSP will be placed in waters of U.S.

In addition, 0.022 acre (203.5 linear feet) permanent and 0.007 acre (152.09 linear feet) temporary of waters of the United States will be impacted during this activity.

Milepost 670.40 Improvement Project

UPRR plans to remove a bridge and install two culverts near the town of Niland in Imperial County, California.

Project Location:
City or area: Niland, Imperial County, California
Longitude/ Latitude: 33°13'22"N/ 115°28'01"W
Township/Range: T 11 S/ R 14 E/Section 12

Fill/Excavation Area (acres):
Approximately 24.06 cubic yards of structural fill material and two 48 inch SSP will be placed in waters of U.S.

In addition, 0.071 acre (226.85 linear feet) permanent and 0.006 acre (32.39 linear feet) temporary of waters of the United States will be impacted during this activity.

Milepost 674.72 Improvement Project

UPRR plans to plug and fill the existing culvert and install one new culvert near the town of Niland in Imperial County, California.

Project Location:
City or area: Niland, Imperial County, California
Longitude/ Latitude: 33°11'36"N/ 115°24'03"W
Township/Range: T 11 S/ R 15 E/Section 22

Fill/Excavation Area:
Approximately 26.09 cubic yards of structural fill material and one 60 inch SSP will be placed in waters of U.S.

In addition, 0.049 acre (151.18 linear feet) permanent and 0.003 acre (8.56 linear feet) temporary of waters of the United States will be impacted during this activity.

Milepost 675.34 Improvement Project

UPRR plans to replace an existing box culvert with one pipe culvert near the town of Niland in Imperial County, California.

Project Location:
City or area: Niland, Imperial County, California
Longitude/ Latitude: 33°11'21"N/ 115°23'28"W
Township/Range: T 11 S/ R 15 E/Section 27

Fill/Excavation Area:
Approximately 1.68 cubic yards of structural fill material and one 60 inch CSP will be placed in waters of U.S.

In addition, 0.008 acre (164.27 linear feet) permanent and 0.011 acre (90.89 linear feet) temporary of waters of the United States will be impacted during this activity.

Receiving Water(s): Ephemeral, unnamed drainage, tributary to the Salton Sea.

Fill/Excavation Area (acres): Approximately 31 cubic yards of clean structural fill material will be placed in waters of the U.S. In addition, 0.058 Acre (405.33 linear feet) permanent and 0.001 Acre (21 linear feet) temporary of waters of the United States will be impacted during this activity.

Dredge Volume (cy): N/A

Best Management Practices:

- No toxic and/or hazardous materials shall be stored near or within wash/drainage areas. To extent possible, these materials will be offsite and/or placed in appropriate secondary containment.

- Work and staging areas and temporary access routes will be sized, located and flagged so as to limit potential impacts to natural areas. Previous disturbed areas will be used to the extent feasible.

- No fueling or maintenance of equipment and/or vehicles shall occur adjacent or within the wash/drainage areas.

- Spoil sites shall not be located where spoil could be washed back into the river, or where spoil will cover aquatic or riparian vegetation. Any materials placed in seasonally dry portions of the canal/ drainage areas that could be washed downstream or could be harmful to aquatic life shall be removed from the streambed prior to inundation by high flows.

- After completing the activities, the disturbed area will be restored to pre-existing contours and conditions to the extent feasible.

Federal Permit(s): This Project was determined to fall under the U.S. Army Corps of Engineers' Nationwide Permit Number 14 (Linear Transportation Projects).

Status of CEQA: The Regional Water Board determined that the proposed project is categorically exempt from CEQA per CEQA Guidelines § 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 replace. 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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