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Central Valley Regional Water Quality Control Board

23 January 2015

Jason Cashman
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2201 W Washington Street
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CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; PORT OF STOCKTON, WEST COMPLEX RAIL LINE EXTENSION PROJECT (WDID#5B39CR00241), SAN JOAQUIN COUNTY

This Order responds to the 18 September 2014 application submitted by the Port of Stockton (Applicant) for the Water Quality Certification of a rail line extension project permanently impacting 0.03 acre/1,500 linear feet and temporarily impacting 0.02 acre/800 linear feet of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Nationwide Permit #14 (SPK-2014-00709) under § 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Board Order 2003-0017-DWQ.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to § 13330 of the California Water Code and § 3867 of the California Code of Regulations.

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 § 3855(b) of the California Code of Regulations, 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 shall be conditioned upon total payment of the full fee required under § 3860(c) of the California Code of Regulations.

4. This Certification is no longer valid if the project (as described) is modified, or coverage under § 404 of the Clean Water Act has expired.

5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.

   (a) For a corporation: by a responsible corporate officer such as (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (2) any other person who performs similar policy or decision-making functions for the corporation; or (3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
   (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
   (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

6. Any person signing a document under Standard Condition number 5 shall make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

TECHNICAL CERTIFICATION CONDITIONS:

In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States.

2. Except for activities permitted by the United States Army Corps of Engineers under § 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed project shall be adequately informed and trained regarding the conditions of this Certification.

4. The Applicant shall perform surface water sampling:
   a) when performing any in-water work;
   b) in the event that project activities result in any materials reaching surface waters; or
   c) when any activities result in the creation of a visible plume in surface waters.

   The sampling requirements in Table 1 shall be conducted upstream out of the influence of the project, and 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

Table 1:

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab(1)	Every 4 hours during in-water work	(2, 4)
Settleable Material	mL/L	Grab(1)	Every 4 hours during in-water work	(2)
Visible construction related pollutants (3)	Observations	Visual Inspections	Continuous throughout the construction period	—

(1) Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.
(2) Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff.
(3) Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.
(4) A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

   Surface water sampling shall occur at mid-depth. A surface water monitoring report shall be submitted within two weeks of initiation in-water construction, and every two weeks thereafter. In reporting the sampling data, the Applicant shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the project complies with Certification requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

   If no sampling is conducted, the Applicant shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water work, and every two weeks thereafter.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains

implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and settleable matter limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

a) Activities shall not cause turbidity increases in surface water to exceed:
   i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
   ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
   iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
   iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
   v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

   Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTUs over background turbidity. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior approval of the Central Valley Water Board staff.

b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within 300 feet downstream of the project.

6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity and settleable matter, or other water quality objectives are exceeded.

7. In-water work shall occur during periods of no flow and no precipitation. The Applicant shall perform surface water sampling in accordance with Technical Certification Condition No. 4, if any of the following conditions occur: in-water work is conducted during an unanticipated flow event; project activities result in any materials reaching surface waters; or project activities result in the creation of a visible plume in surface waters.

8. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

9. The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up

potential spills during construction of the project. The Plan must detail the project elements, construction equipment types and location, access and staging and construction sequence.

10. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States.

11. Concrete must completely be cured before coming into contact with waters of the United States. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.

12. Creosote-treated wood products or any other treated wood products that are highly flammable and/or toxic to aquatic life shall not be installed in waters of the United States.

13. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States through the entire duration of the project.

14. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the project area.

15. All areas disturbed by project activities shall be protected from washout and erosion.

16. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.

17. All materials resulting from the project shall be removed from the site and disposed of properly.

18. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.

19. If temporary surface water diversions and/or dewatering are anticipated, the Applicant shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) shall include the proposed method and duration of diversion activities. The Surface Water Diversion and/or Dewatering Plan(s) must be consistent with this Certification.

20. When work in a flowing stream is unavoidable and any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the State below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate Technical Certification Condition 5 of this Certification.

21. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous

substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge. Activities shall not cause visible oil, grease, or foam in the receiving water.

22. If the Project will involve land disturbance activities of one or more acres, or where the project disturbs less than one acre but is part of a larger common plan of development that in total disturbs one or more acres, the Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity.

23. The Applicant shall work with the Central Valley Water Board to obtain coverage under an NPDES permit for dewatering activities that result in discharges into surface water.

24. The Applicant shall comply with the General Waste Discharge Requirements (WDRs) outlined in State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ for dewatering activities that result in discharges to land.

25. The Conditions in this Certification are based on the information in the attached "Project Information Sheet." If the actual project, as described in the attached Project Information Sheet, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.

26. The Applicant shall implement each of the mitigation measures specified in the certified Environmental Impact Report and Addendum to the Environmental Impact Report for the project, as they pertain to biology, hydrology and water quality impacts as required by § 21081.6 of the Public Resource Code and § 15097 of the California Code of Regulations.

27. 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 and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.

    (a) If the Applicant or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.

    (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley 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.

(c) The Applicant shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the project.

28. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the project completion. The NOC shall demonstrate that the project has been carried out in accordance with the project description in the Certification and in any approved amendments. The NOC shall include a map of the project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.

NOTIFICATIONS AND REPORTS:

1. The Applicant shall submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleysacramento@waterboards.ca.gov. In the subject line of the email, include the Central Valley Water Board Contact, project name, and WDID number as shown in the subject line above. Documents that are 50 MB or larger should be transferred to a disk and mailed to the Central Valley Water Board Contact.

CENTRAL VALLEY WATER BOARD CONTACT:

Stephanie Tadlock, Environmental Scientist
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-8114
Stephanie.Tadlock@waterboards.ca.gov
(916) 464-4644

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The Port of Stockton is the Lead Agency responsible for compliance with the California Environmental Quality Act for the West Complex Rail Line Extension Project pursuant to § 21000 et seq. of the Public Resources Code. The Port of Stockton certified the Environmental Impact Report on 23 June 2004. The Port of Stockton filed a Notice of Determination with the State Clearinghouse on 28 June 2004 (State Clearinghouse Number 2002032048). The Port of Stockton certified an Addendum to the Environmental Impact Report in October 2014.

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Environmental Impact Report is in accordance with the requirements of the California Environmental Quality Act.

The Central Valley Water Board has reviewed and evaluated the impacts to water quality identified in the Environmental Impact Report. The proposed mitigation measures discussed in the Environmental Impact Report were adopted to avoid and minimize project impacts. The project with proposed mitigation will not result in significant and unavoidable impacts to State waters. The mitigation measures discussed in the Environmental Impact Report to minimize project impacts to State waters are required by this Certification.

With regard to the remaining impacts identified in the Environmental Impact Report, the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the Port of Stockton, West Complex Rail Line Extension Project (WDID#5B39CR00241) will comply with the applicable provisions of § 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. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

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 compliance with the conditions of this Certification, Port of Stockton's application package, and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011.

Pamela C. Creedon for
Executive Officer

Enclosure: Project Information Sheet

Attachments: Figure 1 – Project Location Map
Figure 2 – Culvert Installation Location Map

cc: Distribution List, page 13

PROJECT INFORMATION SHEET

Application Date: 18 September 2014

Applicant: Jason Cashman
Port of Stockton
2201 W Washington Street
Stockton, CA 95203

Applicant Representative: Katie Chamberlin
Anchor QEA, LLC
130 Battery Street
San Francisco, CA 94111

Project Name: West Complex Rail Line Extension Project

Application Number: WDID#5B39CR00241

Date on Public Notice: 6 September 2014

Date Application Deemed Complete: 18 December 2014

Type of Project: rail line extension

Approved Months of Project Implementation: 14 January 2015 through 15 May 2015

Project Location: Section S7, Township 1 North, Range 6 East, MDB&M.
Latitude: 36°56'41.75"N and Longitude: 121°21'33.07" W

County: San Joaquin County

Receiving Water(s) (hydrologic unit): Burns Cutoff and San Joaquin River, San Joaquin Hydrologic Basin, San Joaquin Delta Hydrologic Unit #544.00

Water Body Type: Wetland

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A

comprehensive and specific list of the beneficial uses applicable for the project area can be found at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

303(d) List of Water Quality Limited Segments: The Burns Cutoff and the San Joaquin River at the Port of Stockton are the receiving water for the West Complex Rail Line Extension Project. The San Joaquin River is on the 303(d) list for Chlorpyrifos, Diazinon, Mercury, Dichlorodiphenyltrichloroethane (DDT), Electrical Conductivity, Group A Pesticides, and Invasive Species. This project, as conditioned with mitigation measures to prevent transport of sediment due to project activities, will minimize impacts to the San Joaquin River. The most recent list of approved water quality limited segments is found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

Project Description: The West Complex Rail Line Extension Project (Project) is located south of Gillis Avenue on Rough and Ready Island in Stockton, CA. The Project consists of extending the Port's existing rail line in the southwestern portion of the West Complex. The existing manmade stormwater and agricultural runoff ditch near the extension will be crossed in two areas. Two 48-inch diameter, 75-foot long steel culverts will be installed at the two crossings, as identified in Figure 2. Earthen berms will be constructed with native soil from dredging activities across the width of the ditch. Dewatering activities will occur in the construction area. Aggregate will be placed on top of the culverts and riprap will be placed along the face and walls of the culverts for erosion control. No wet concrete will be used. Construction will take place in dry conditions. The Project will permanently impact 0.03 acre/1,500 linear feet and temporarily impact 0.02 acre/800 linear feet of waters of the United States.

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity and settleable matter.

Proposed Mitigation to Address Concerns: The Applicant will implement Best Management Practices to control sedimentation and erosion. This Certification requires all work to be conducted during periods of no flow. In the event that project activities result in any materials reaching surface waters or unanticipated in-water work occurs, the Applicant will conduct turbidity and settleable matter testing. During this testing, the Applicant will stop work if Basin Plan criteria are exceeded or observations indicate an exceedance of a water quality objective. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities to provide 1:1 mitigation for temporary impacts.

Fill Area: Approximately 167 cubic yards of rock riprap and aggregate will be placed into 0.03 acre of waters of the United States.

Dredge Volume: Approximately 28 cubic yards of native soil will be dredged from 0.03 acre of waters of the United States.

California Integrated Water Quality System Impact Data: The Project will permanently impact 0.03 acre/1,500 linear feet and temporarily impact 0.02 acre/800 linear feet of drainage ditch (categorized as jurisdictional wetland) from fill and dredging activities.

Table 2: Impacts from Fill Activities

Water Feature Type	Permanent			Temporary		
	Acre(s)	Linear Feet	Cubic Yards	Acre(s)	Linear Feet	Cubic Yards
Wetlands						
Drainage ditch	0.03	1,500	NA	0.02	800	NA
Wetlands Total	0.03	1,500	NA	0.02	800	NA
Total Impacts	**0.03**	**1,500**	**NA**	**0.02**	**800**	**NA**

Notes

NA Not Applicable

Table 3: Impacts from Dredging Activities

Water Feature Type	Permanent			Temporary		
	Acre(s)	Linear Feet	Cubic Yards	Acre(s)	Linear Feet	Cubic Yards
Wetlands						
Drainage ditch	NA	NA	28	NA	NA	NA
Wetlands Total	NA	NA	28	NA	NA	NA
Total Impacts	**NA**	**NA**	**28**	**NA**	**NA**	**NA**

Notes

NA Not Applicable

United States Army Corps of Engineers File Number: SPK-2014-00709

United States Army Corps of Engineers Permit Type: Nationwide Permit #14

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement: The Applicant did not apply for a Lake or Streambed Alteration Agreement.

Possible Listed Species: Swainson's Hawk

Status of CEQA Compliance: The Port of Stockton certified an Environmental Impact Report in June 2004 and an Addendum to the Environmental Impact Report in October 2014. The Port of Stockton filed a Notice of Determination with the State Clearinghouse on 28 June 2004 (State Clearinghouse Number 2002032048).

The Central Valley Water Board will file a Notice of Determination with the State Clearinghouse as a responsible agency within five (5) days of the date of this Certification.

Compensatory Mitigation: The Central Valley Water Board is not requesting compensatory mitigation for the West Complex Rail Line Extension Project.

Application Fee Provided: Total fees of $3,003.00 have been submitted to the Central Valley Water Board as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.

DISTRIBUTION LIST

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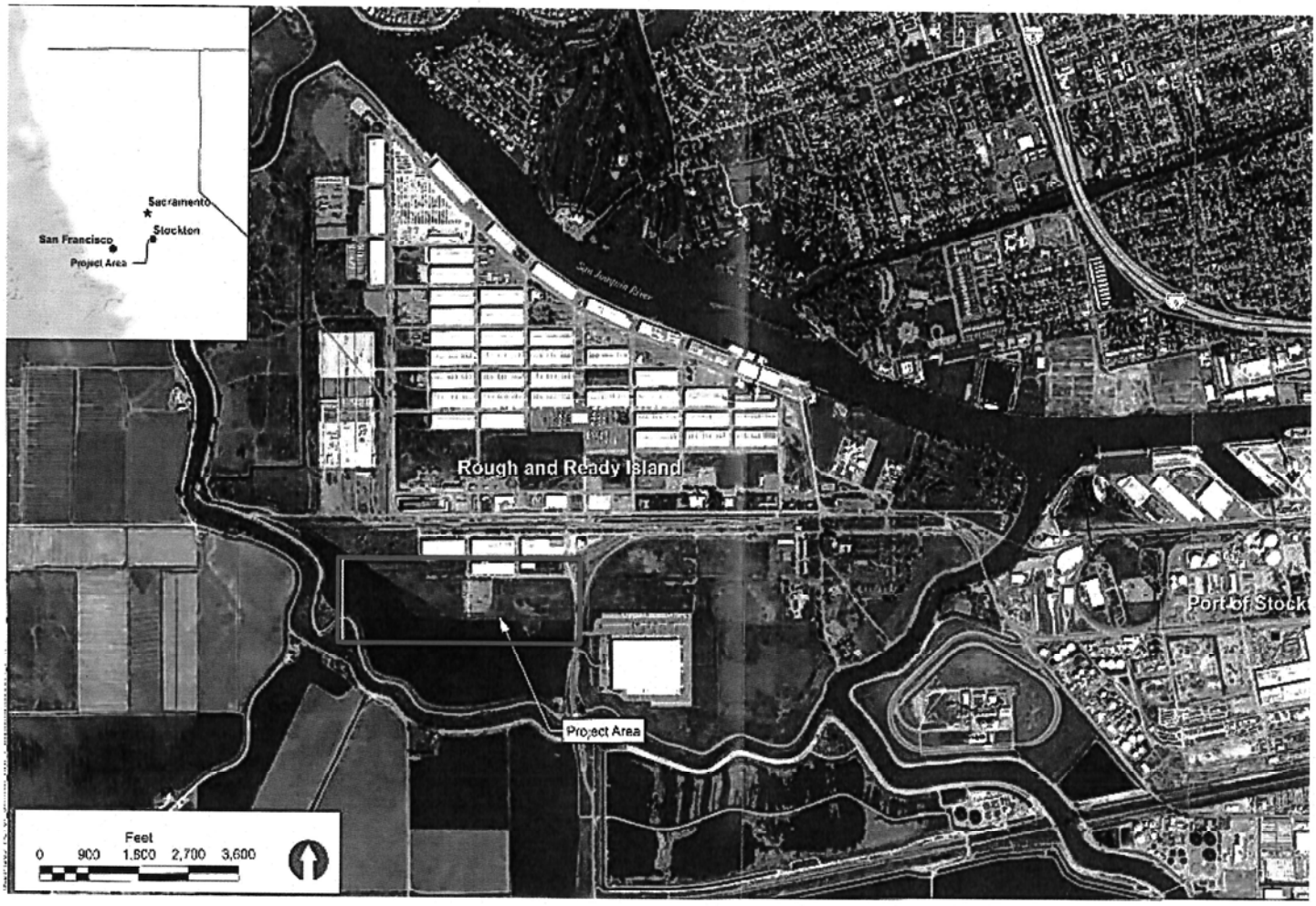

Figure 1 – Project Location Map

Figure 2 – Culvert Installation Location Map