



Central Valley Regional Water Quality Control Board

21 February 2024

Steve Cheney
Union Pacific Railroad Company
1400 Douglas Street, Stop 0910
Omaha, NE 68179

**NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD
CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION
FOR REGIONAL GENERAL PERMIT 8 (ORDER WQ 2023-0061-DWQ), UNION
PACIFIC RAILROAD COMPANY, CANYON SUB DERAILMENT PROJECT, PLUMAS
COUNTY, WDID NO. 5A32CR00241**

This letter serves to notify Union Pacific Railroad Company the Canyon Sub Derailment Project (Project) is certified under State Water Resources Control Board's Clean Water Act Section 401 General Water Quality Certification for Regional General Permit 8 for Emergency Repair and Protection Activities (General Order; Order WQ 2023-0061-DWQ). The project site is located at latitude 39.8467 and longitude -120.6844 in Plumas County, California.

This Notice of Applicability (NOA) is being issued to Union Pacific Railroad Company (hereinafter Enrollee) by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) under the General Order pursuant to Section 3838 of the California Code of Regulations. A copy of the General Order is enclosed and may also be accessed on [State Water Resources Control Board's General Orders Web Page](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2023) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2023).

The Project must proceed in accordance with the requirements contained in this NOA and the General Order. The Project is described in the Notice of Intent requesting coverage and supplemental information (Application Package) submitted by the Enrollee and is limited to the impacts identified in the Application Package and described in this NOA. If the Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

I. EMERGENCY WORK DESCRIPTION

On 11 February 2024, Union Pacific Railroad Company coal hopper cars derailed in the Feather River Canyon. The derailment consisted of 14 coal hopper cars, three of which entered the river, while several of the other cars spilled their contents down the embankment, with some of that material entering the Middle Fork Feather River. An estimated 300 tons of coal in total entered the river. Two of the rail cars that entered the river were removed as part of the initial response.

The following plans are proposed to remove the remaining hopper car and coal from the river:

- A rock dike will be constructed from the embankment that extends out into the river approximately 100 feet. The dike will be approximately 24 feet wide at the base and 12 feet wide at the surface. Approximately 1,200 tons of clean, locally sourced, approximately 12 to 24-inch rock will be utilized. Rock will be dumped down the embankment and built out into the river utilizing an excavator.
- A 12-foot-wide access ramp will be constructed from the railroad right-of-way down to the floodplain from the west to the upstream edge of the floodplain.
- A 30 x 60-foot crane pad will be constructed using wood crane mats that extend out to the edge of the floodplain, and a crane will be moved into position on the pad.
- Using the crane, supersacks will be put in place starting at the end of the rock dike and extending downstream and tying into the right riverbank below the crane pad to construct a cofferdam.
- An impermeable turbidity curtain will be placed along the inside perimeter of the cofferdam enclosure.
- Within the enclosure a guzzler will be utilized to remove residual coal from the gondola car.
- The gondola car will be lifted or pulled out of the river to the riverbank at the crane pad location and removed.
- The crane will use a clamshell bucket to dredge coal from the riverbed within the enclosure. Coal will be removed until the enclosed portion of the river is visually clean.
- Coal will be loaded into dump trucks and hauled to the right-of-way for staging and offsite disposal.
- Coal stockpiles will be placed on plastic sheeting to capture and contain water from the stockpiles.
- Onsite personnel will remove the wastewater from the waste coal stockpiles via vacuum truck. Wastewater will be transferred into an onsite frac tank for

temporary staging. A waste characterization sample will be collected and analyzed to facilitate disposal approval of the wastewater at an appropriate disposal facility.

- Following the removal of coal from the river, an assessment of the water within the enclosure will be completed and a determination will be made in coordination with the Central Valley Water Board for the response on any treatment of river water in the cofferdam enclosure prior to release of the water and the removal of the cofferdam.
- Following completion of the coal removal, the turbidity curtain, supersacks, and rock dike will be removed. The cofferdam and the temporary pad will be removed in a sequence that minimizes the downstream transportation of suspended solids.
- The crane and crane pads will demobilize.
- Disturbed areas associated with the access ramp material (rock) and crane pad will be restored to a stable condition, matching adjoining topographic features, and reseeded with a native seed mix suitable for the location.

The entire in-stream effort is anticipated to require approximately 5 weeks to complete.

II. DESCRIPTION OF DIRECT IMPACTS TO WATERS OF THE STATE

Total Project impacts are summarized in Table 1.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.121	1,368	320

¹ Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

III. WATER QUALITY MONITORING

A. General:

If surface water is present, continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). The Permittee shall perform surface water sampling:

1. when performing any in-water work;
2. during the entire duration of temporary surface water diversions;
3. in the event that the Project activities result in any materials reaching surface waters; or
4. when any activities result in the creation of a visible plume in surface waters.

B. Accidental Discharges/Noncompliance:

Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

C. In-Water Work or Diversions:

During planned in-water work, dewatering activities, or during the installation or removal of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:

1. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
2. Activities shall not cause dissolved oxygen to be reduced below 7.0 mg/L for waters designated with the COLD or SPWN beneficial uses in surface water.
3. Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.
4. Activities shall not cause turbidity increases in surface water to exceed:
 - a. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
 - b. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;

- c. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
- d. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
- e. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

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 permission of the Central Valley Water Board Executive Officer.

Sampling during in-water work shall be conducted in accordance with Table 2 sampling parameters.² The sampling requirements in Table 2 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area.

The sampling frequency and/or monitoring locations may be modified for certain projects with written approval from Central Valley Water Board staff. A Water Quality Monitoring Report shall be submitted weekly. In reporting the data, the Permittee 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 Order 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 in III.C.4.

If no sampling is required, the Permittee shall submit a written statement stating, "No sampling was required" in the weekly report.

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. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-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.

Table 2: Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Visible construction related pollutants ³	Observations	Visual Inspections	Continuous throughout the construction period
Dissolved Oxygen	mg/L and % saturation	Grab	Every 4 Hours
pH	Standard Units	Grab	Every 4 hours
Turbidity	NTU	Grab	Every 4 hours

IV. REPORTING

The Enrollee must notify the Central Valley Water Board no less than forty-eight (48) hours prior to initiating the emergency project.

A Notice of Completion (NOC) shall be submitted by the Enrollee within 45 calendar days of completion of Project activities. The NOC shall demonstrate that the work has been carried out in accordance with the description provided in the Enrollee's Notice of Intent.

Failure to comply with the terms and conditions of this NOA may expose the Enrollee to enforcement action pursuant to the Clean Water Act and California Water Code.

V. CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

If you have any questions regarding this Notice of Applicability, please contact Daniel Warner at (530) 224-4848 or Daniel.Warner@Waterboards.ca.gov.

Original Signed by Clint Snyder, AEO
 (for) Patrick Pulupa, Executive Officer
 Central Valley Regional Water Quality Control Board

2/21/2024
 Date

DLW: db

³ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

Enclosure: State Water Resources Control Board's Clean Water Act Section 401
General Water Quality Certification for Regional General Permit 8 for
Emergency Repair and Protection Activities (Order
WQ 2023-0061-DWQ)

cc via email: U.S. EPA, Region 9, San Francisco
Water Quality Certification Program, SWRCB, Sacramento
Shannon Morgan, U.S. Army Corps of Engineers, Reno, NV
Robert Hosea, California Department of Fish & Wildlife, Rancho
Cordova
Nicholas Kautzman, Arcadis U.S., Inc, Highland Ranch, CO

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