



Colorado River Basin Regional Water Quality Control Board

April 2, 2013

Jean Dakota - Project Manager
General Services Administration
450 Golden Gate Avenue
San Francisco, CA 94102

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

PROJECT: General Services Administration (GSA) - Calexico West Land Port of Entry Expansion (LPOE) and Reconfiguration Project, WDID No. 7A133131001

APPLICANT: General Services Administration

- 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 (Project) as described in the 401 application received by the Regional Water Board on November 21, 2012 and additional information was received on March 20, 2013.
2. 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.
3. 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. The area of vegetation and soil disturbance shall be restricted to the smallest extent possible.
9. The Project shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
10. 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.
11. 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.
12. 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.
13. Equipment refueling shall not occur within waters of the United States.
14. Any oil or grease leaks shall be immediately cleaned up.
15. 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.

16. Staging/storage areas for equipment and materials shall be located outside of waters of the United States.
17. 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.
18. 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.
19. The Applicant shall restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient.
20. All temporary facilities and impacts shall be removed and restored to the preexisting conditions and contours to the extent practicable.
21. Construction related materials and wastes shall be removed from the Project site upon completion of the Project.
22. 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.
23. 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.
24. 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: Courtney M. Stevens, USACE Los Angeles, 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: GSA - Calexico West Land Port of Entry Expansion and Reconfiguration Project,
WDID No. 7A133131001

Mailing List:

Courtney M. Stevens - Project Manager
U.S. Army Corps of Engineers Los Angeles District
Regulatory Division, Carlsbad Office
6010 Hidden Valley Road, Suite 105
Carlsbad, CA 92011

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: The original application was received by the Regional Water Board on November 21, 2012 and additional information was received on March 20, 2013.

Applicant: General Services Administration
Contact: Jean Dakota - Project Manager, 415-522-3103

**Applicant
Representative:**

General Services Administration
Contact: Matt Shew, 415-522-3142

Project Name: GSA - Calexico West Land Port of Entry Expansion and Reconfiguration Project, WDID No. 7A133131001

Start and Completion: Phase 1: Construction will occur between June 2016 and June 1, 2019. Phase 2: Construction will occur between June 2018 and June 1, 2021.

Project Description: To improve both pedestrian and vehicle efficiency and enhance security at the U.S. – Mexico border by replacing and expanding the existing campus/facilities at the Calexico LPOE.

The project proposes construction of four storm water outlets as described below:

A1 Storm Drain outlet:

This outlet replaces an existing old corrugated metal storm pipe that has been filled and corroded and not functional. This outlet will collect an area of 6.9 acres onsite that originally sheet flowed storm water into the New River by overflowing the banks. The new outlet is the terminus of several storm water pipes and inlet collecting the area flow to eliminate erosion of the New River bank. The storm water will pass thru a BMP prior to discharging into the outlet and the New River with grouted rip rap to minimize erosion. The A1 Storm Drain outlet is a 30-inch reinforced Concrete pipe, and is located near the Second Street Bridge, on the north side of the river.

A2 Storm Drain outlet:

Presently the rain water covering an area of 2.4 acres, sheet flows into the New River by overflowing the banks. This outlet is a new storm water outlet to collect that water. The outlet is the terminus of several storm water pipes and inlets collecting the area flow to eliminate erosion of the New River bank. The storm water will pass thru a BMP prior to discharging into the outlet and the New River with grouted rip rap to minimize erosion. The A2 Storm Drain outlet is an 18-inch reinforced concrete pipe located near the south end of the proposed bridge on the south side of the river.

A3 Storm Drain outlet:

This outlet is replacing two existing small storm water outlets that collect an area of 9.1 acres onsite that originally discharged storm water into the New River in outlets on the north and south side of the existing bridge on the north bank. The existing two corrugated metal storm water pipes presently cantilever into the New River and have eroded the river banks. The new outlet is the terminus of several storm water pipes and inlets collecting the area flow. The storm water will pass thru a BMP prior to discharging into the outlet and the New River with grouted rip rap to minimize erosion. This outlet is a 27-inch reinforced concrete pipe located north of the existing and proposed bridge on the north side of the river.

A4 Storm Drain outlet:

This outlet is replacing an existing City of Calexico 36 inch Storm water outlet that presently discharges into the New River under the existing Bridge on the north bank. This existing storm drain collects storm water from about 292 acres of offsite City urban area east of the Land Port of Entry. This outlet was relocated in 1982 when the Port was expanded for a Commercial Land Port of Entry and a Bridge across the New River. The existing City Storm Pipe bisects the site in an east to west direction. It is being realigned to cross the proposed site around proposed structures. The storm water will pass thru a BMP prior to discharging into the outlet and the New River with grouted rip rap to minimize erosion. The new A4 Drain will be a 60 inch reinforced concrete pipe storm drain located north of the proposed bridge on the north side of the river.

Project Location: City or area: Calexico, CA, Imperial County, California
Longitude/ Latitude: 115°30' 06" W / 32° 39' 55" N
Township/Range: PM 50-40-33 / S.27, T17S, R14E

Acres and Linear Feet impacted: Streambed (vegetated) 0.0137 acre, 50 feet (permanent);

Dredge: 22 cubic yards

Receiving Water(s): New River

Federal Permit(s): The project was determined to fall under the U.S. Army Corps of Engineers Section 404 Permit, Nationwide Permit (NWP) 7 – Outfall Structures and associated intake structures.

Status of CEQA: GSA is the lead federal agency for the proposed expansion and reconfiguration of the existing Calexico LPOE analyzed in the Environmental Impact Statement (EIS) (May 2011) in order to comply with the National Environmental Policy Act (NEPA) in accordance with Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508). The Record of Decision (ROD) was signed on June 3, 2011.

The Regional Water Board determined that the proposed project is categorically exempt from CEQA per CEQA Guidelines §15302 (Replacement or Reconstruction). 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.

File: GSA - Calexico West Land Port of Entry Expansion and Reconfiguration Project, WDID No. 7A133131001

NOTICE OF EXEMPTION

To:
Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

From:
California Regional Water Quality Control Board
Colorado River Basin Region (Region 7)
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

Project Title:
General Services Administration (GSA) - Calexico West Land Port of Entry Expansion (LPOE) and Reconfiguration Project, WDID No. 7A133131001

Project Location (City and County):
City or area: Calexico, CA, Imperial County, California
Longitude/ Latitude: 115°30' 06" W / 32° 39' 55" N
Township/Range: PM 50-40-33 / S.27, T17S, R14E

Project Description:
To improve both pedestrian and vehicle efficiency and enhance security at the U.S. – Mexico border by replacing and expanding the existing campus/facilities at the Calexico LPOE. The project proposes replacement and construction of four storm water outlets to eliminate erosion of the New River bank.

Name of Public Agency Approving Project:
California Regional Water Quality Control Board, Colorado River Basin Region

Name of Agency Carrying Out Project:
General Services Administration

Exempt Status (CEQA Guidelines Section and Class):
The Regional Water Board determined that the proposed project is categorically exempt from CEQA per CEQA Guidelines Title 19- Categorical Exemption, Section 15302 (Replacement or Reconstruction), Class 2 (b).

Reasons Why Project is Exempt:
The proposed project, as described above consists of 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 have substantially the same purpose and capacity as the structure replaced.

Contact Person - lead agency: John Carmona, Senior WRCE Phone: (760) 340-4521

 4/02/13 Senior Water Resources Control Engineer
Signature Date Title

Date received for filing at OPR: _____