
Colorado River Basin Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: July 21, 2017	Reg. Meas. ID: 413128
Program Type: Fill/Excavation	Place ID: 835055
Project Type: Bridges, Overpasses and Crossings	WDID: 7A133150001
	USACOE#: NWP#14

Project: UPRR Yuma Subdivision, MP 676.48 - Bridge Replacement Project

Applicant: Union Pacific Railroad Company
Applicant Contact: Damian Wallner
Senior Manager Structures Design
Union Pacific Railroad Company
1400 Douglas Street, STOP 0910
Omaha, Nebraska 68179
Phone: (402) 544-2452
Email: dgwallne@up.com

Applicant's Agent: CH2M – Kirstin Skadberg
404 W Broadway #1450
San Diego, CA 92101
Phone: (619) 272-7251
Email: Kirstin.Skadberg@sc2m.com

Water Board Staff: Kai Dunn
Senior Water Resource Control Engineer
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
Phone: (760) 776-8986
Email: kai.dunn@waterboards.ca.gov

Water Board Contact Person:

If you have any questions, please call Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) Staff listed above or (760) 346-7491 and ask to speak with the Water Quality Certification and Wetlands Unit Program Manager.

Attachment A Maps

Attachment B Receiving Waters, Impact, and Mitigation Information

Attachment C CEQA Findings of Facts

Attachment D Signatory Requirements

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Union Pacific Railroad Company (UPRR) (herein after Permittee) for the Project. This Order is for the purpose described in application submitted by the Permittee. The application was received on April 20, 2017. The application was deemed complete on May 10, 2017

II. Public Notice

Public Notice (6-1-2017) was done on June 1, 2017 and completed on June 22, 2017.

III. Project Purpose

The Bridge Replacement Project is needed to comply with Federal Railroad Administration (FRA) regulations and to meet UPRR safety and design standards. The existing bridge is at the end of its useful life and must be replaced to address the aging timber piles/supports and abutments. The bridge and rail line support Amtrak passenger service through Imperial County. The replacement bridge will maintain and improve both freight and passenger rail service.

IV. Project DescriptionExisting Facilities

The existing bridge at Milepost (MP) 676.48 consists of a 150-foot long, double-track, eight-span prestressed concrete box ballast deck bridge on Track 1 and an eight-span timber stringer trestle – ballast deck bridge on Track 2.

Proposed Project

UPRR plans to replace the existing Track 2 (south track) railroad bridge at MP 676.48 on the Yuma Subdivision, southeast of the city of Niland in Imperial County, California. The purpose of the project is to replace the existing bridge with a 150-foot bridge with concrete ties, composed of five 20-foot spans of prestressed concrete box (PCB) girder. The new bridge is needed to meet UPRR safety and design standards and to comply with Federal Railroad Administration regulations. The bridge for Track 2 is at the end of its useful life and must be replaced to address the aging timber piles/supports and abutment. The bridge and rail line support Amtrak passenger service through Imperial County and the replacement will maintain and improve both freight and passenger rail service.

V. Project Location

Bridge 676.48 is located in Imperial County, California near the city of Niland. Bridge 676.48 is in the U.S. Geological Survey (USGS) 7.5-minute quadrangle in Section 26, Township 11S, Range 15E, San Bernardino Meridian (latitude 33° 10' 57.32" N; longitude -115° 22' 30.65" W). Maps showing the Project location is found in Attachment A of this Order.

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of Colorado River Basin Regional Water Quality Control Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plan (Basin Plan) for the region and other plans and policies which may be accessed online at:

http://www.waterboards.ca.gov/plans_policies/. The Basin Plan includes water quality

standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal anti-degradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information can be found in Attachment B. Unnamed natural waterway, tributary to the Alamo River, which is a tributary to the Salton Sea, are the receiving waters.

Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.

VII. Description of Direct Impacts to Waters of the U.S.

Permanent impacts will include placement of riprap within the Ordinary High Water Mark (OHWM) around the western abutment of the new bridge on Track 2 (south track), and additional riprap to be added around the western and eastern abutments of the existing bridge on Track 1 (north track). Total permanent impacts to waters of the U.S. will be approximately 0.026 acres. Temporary impacts to waters of the US will occur within UPRR Right of Way (ROW) during construction, and will affect approximately 0.417 acres.

Construction will be completed from the area adjacent to the structure, by off-track and other equipment. All work will be conducted during the dry season, when flows are expected to be minimal.

Total Project dredge and fill/excavation quantities for all impacts are summarized in Tables 1

Aquatic Resource Type	Temporary Impact ¹			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY ²	LF	Acres	CY	LF	Acres	CY	LF
Lake									
Ocean/bay/estuary									
Riparian Zone									
Stream Channel	0.417		205	0.026		48	N/A		
Vernal Pool									
Wetland									

¹ Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

² Cubic Yards (CY); Linear Feet (LF)

VIII. Description of Indirect Impacts to Waters of the State

The Colorado River Basin Water Board recognizes the potential for indirect impacts to Waters of the State associated with the Project. No direct impacts to the Waters of the State are anticipated as the work shall be confined to temporary disturbance within the channel bed and upon completion, the channel being returned to its original contours.

IX. Avoidance and Minimization

UPRR uses the following general Best Management Practices (BMP's) for crossing improvements to minimize impacts:

DURING PLANNING AND DESIGN	
1.	Waters of the U.S. will be avoided or impact minimized wherever feasible.
DURING CONSTRUCTION	
1.	A copy of the WQC will be provided to the construction operator. All personnel working at the construction site will be familiar with the content of the WQC. Copies of the WQC will be available at the construction site at all times during periods of active work and will be presented to regulatory agency representatives upon request.
2.	UPRR will grant the Regional Water Quality Control Board (RWQCB) staff, or an authorized representative, upon presentation of credentials and/or other documents as may be required by law, to enter the construction site at reasonable times, to ensure compliance with the terms and conditions of the WQC and/or determine whether the construction activities may impact waters of the U.S./state.
3.	The proposed construction activities will not extend beyond the proposed construction area. UPRR will delineate the construction boundaries and staging areas with stakes, flags, and/or temporary construction fencing.
4.	To the maximum extent practicable, existing roads and access ramps will be used to access the construction site.
5.	Staging and storage areas for equipment and materials will be located outside of waters of the U.S. and, to the maximum extent practicable, will occur in previously disturbed areas.
6.	Following construction, all temporary facilities will be removed and the construction site will be restored to pre-existing conditions and contours where possible.
7.	To the extent feasible, excavation and/or grading operations will be conducted during the drier months of the year (generally April through November, excluding summer storms). Work within the unnamed wash will be restricted to dry periods and when no rain is predicted. Excavation and grading will not be performed during rain events or prior to predicted rain events unless required by emergency conditions. Construction activities will be scheduled to allow implementation of soil stabilization and sediment controls on all disturbed areas prior to predicted rain events.
8.	The area of vegetation and soil disturbance will be restricted to the smallest extent possible.
9.	UPRR will implement appropriate soil stabilization and sediment control measures to reduce the potential transport of soil particles as a result of erosion from the disturbed areas created during construction.
10.	Stockpiles from excavation or grading operations will not be located in areas that are subject to flows from stormwater, drainage systems, inlets, or watercourses.
11.	Stockpiles will not be placed in the drainage. Stockpiles will be placed in locations that prevent material from being washed into the drainage.

12.	Prior to predicted rain events, stockpiles will be managed as follows: (1) soil stockpiles will be protected with a cover or protected with soil stabilization measures and a temporary perimeter sediment barrier; and (2) cement, concrete, asphalt, and aggregate stockpiles will be protected with a cover or with a temporary perimeter sediment barrier.
13.	Construction-related materials, petroleum products, rubbish, or wastes will not be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the U.S.
14.	Construction activities will be managed to prevent the discharge of substances to waters of the U.S. that are toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
15.	Spill kits for responding to potential spills or leaks of hazardous materials will be maintained at the construction site.
16.	In the event of any accidental spills, the following procedures will be implemented: <ol style="list-style-type: none"> Spills will be contained and recovered with absorbent materials. Contaminated materials will be properly disposed of. If a spill occurs on paved or impermeable surfaces, the spill will be encircled with absorbent materials to limit the spread of the spill and "dry" cleanup methods will be employed. If a spill occurs in dirt areas, the spill will be contained by constructing earthen dike(s) and the contaminated soil will be excavated and properly disposed of. If a spill occurs during a rain event, the spill will be covered with tarps or other material to prevent contaminated runoff. The California Office of Emergency Services (OES) Warning Center at (916) 845-8911 or (800) 852-7550 and local emergency response will immediately be notified of any hazardous spills or large spills that cannot be controlled by personnel in the immediate area.
17.	Construction-related materials and wastes will be removed from the site upon completion of the construction.
18.	Equipment refueling and maintenance will not occur within the drainage channel.
19.	Equipment maintenance will not be performed in areas adjacent to drainage where petroleum products or other pollutants from the equipment can enter waters of the U.S.
20.	Drip pans or absorbent pads will be used during vehicle and equipment maintenance work that involves fluids.
21.	Absorbent spill cleanup materials and other spill protection devices will be available at all vehicle and equipment fueling and maintenance areas.
22.	Any oil, grease, or fuel leaks will be immediately cleaned up, when safe to do so, using "dry" cleanup techniques and materials.
23.	All fuel and oil containers requiring accidental spill containment will be managed in accordance with federal regulations.
24.	To the extent practicable, construction will take place during the drier months of the year, generally April through November, excluding summer storms. No work will be conducted when surface flow is present in the drainage or during rain events.
25.	In the event the construction area is 1.00 acre or greater, UPRR will comply with the conditions and monitoring and reporting requirements of the General Permit for Stormwater Discharges Associated with Construction Activity. UPRR will develop and implement a Stormwater Pollution Prevention Plan (SWPPP) for the proposed construction, if necessary. If a SWPPP is required, a copy of the SWPPP will be retained on-site during the entire construction period.

X. Compensatory Mitigation

No compensatory mitigation was required for permanent impacts because permanent impacts on waters of the US will be less than 1/10 acre. Temporary impacts occur in an unvegetated location of the wash. The 0.417 acres of temporary impacts will be removed upon completion of the project when the stream bed is returned to its pre-construction conditions.

XI. California Environmental Quality Act (CEQA)

The project involves the replacement of an old railroad bridge with a new railroad bridge of the same size, footprint, purpose and capacity. The Regional Water Board determined that the proposed project is categorically exempt from CEQA per CEQA Guidelines Title 19- Catagorical Exemption, Section 15302 (Replacement or Reconstruction) Class 2 (b). Findings of Facts to support the issuance of this Order are included in Attachment C.

Class 2 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, including but not limited to: (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

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.

XII. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

XIII. Fees Received

An application fee of \$720.00 was received on May 10, 2017. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as Category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

An additional fee of \$200 was received on May 10, 2017 for Low Impact Discharge.

XIV. Conditions

The Colorado River Basin Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watersheds of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

A. Authorization

- a. 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.
- b. Work shall be performed under “no flow” conditions in the washes to preclude potential impacts to water quality.
- c. Work and staging areas and temporary access routes shall be sized, located, and flagged so as to limit potential impacts to natural areas. Previous disturbed areas shall be used to the extent feasible.
- d. No fueling or maintenance of equipment and/or vehicles shall occur adjacent or within the wash/drainage areas.
- e. 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.
- f. After completion the activities, the disturbed area will be restored to pre-existing contours and condition to the extent feasible.

B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment A, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment B, which must be signed by the Permittee or an authorized representative.

1. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Colorado River Basin Water Board on the 15th of each month for duration of the construction phase (4 to 6 weeks). Monthly reporting shall continue until the Colorado River Basin Water Board issues a Notice of Project Complete Letter to the Permittee.
- b. **Annual Reporting:** No monthly reporting is required because the impacts are temporary and the work period is only 4 to 6 weeks.

2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities.

- b. Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Colorado River Basin Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Colorado River Basin Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.
- c. Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,³ and no further Project activities will occur. This request shall be submitted to Colorado River Basin Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Colorado River Basin Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

3. Conditional Notifications and Reports: The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials⁴

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
- first call – 911 (to notify local response agency)
 - then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
 - Lastly follow the required OES procedures as set forth in:
http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf
- ii. Following notification to OES, the Permittee shall notify Colorado River Basin Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

³ Completion of post-construction monitoring shall be determined by Colorado River Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

⁴ "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

- iii. Within five (5) working days of notification to the Colorado River Basin Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.
- b. Violation of Compliance with Water Quality Standards:** The Permittee shall notify the Colorado River Basin Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- i. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.
 - ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.
- c. In-Water Work**
- i. The Permittee shall notify the Colorado River Basin Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
 - ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Colorado River Basin Water Board staff.
- d. Modifications to Project**
- Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Colorado River Basin Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Colorado River Basin Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order.
- e. Transfer of Property Ownership:** This Order is not transferable in its entirety or in part to any person or organization except after notice to the Colorado River Basin Water Board in accordance with the following terms:
- i. The Permittee must notify the Colorado River Basin Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Colorado River Basin Water Board at least 10 days prior to the transfer of ownership
 - ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

- f. Transfer of Long-Term BMP Maintenance:** If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Colorado River Basin Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Colorado River Basin Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

C. Water Quality Monitoring

- 1. General:** If surface water is present, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).

The Applicant shall submit a Report to the Colorado River Basin Water Board within 30-days after encountering the pollutants and describe actions taken to correct the problem and provide photographic documentation that supports the information in the report.

- 2. Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Colorado River Basin Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Colorado River Basin Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Colorado River Basin Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313)
2. This Order is not intended and shall not be construed to apply to 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 subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act,

section 401(d), the applicability of any state law authorizing remedies, penalties, processes, 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 Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Colorado River Basin Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Colorado River Basin Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provide that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment D of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for

meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

- 3.** The Permittee shall grant Colorado River Basin Water Board staff or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a.** Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b.** Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c.** Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d.** Sample or monitor for the purposes of assuring Order compliance.
- 4.** A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
- 5.** A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

XV. Conclusion

I hereby issue the Order for the UPRR 2018 Bridge Replacement at MP 676.48, 7A133150001 certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act 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).

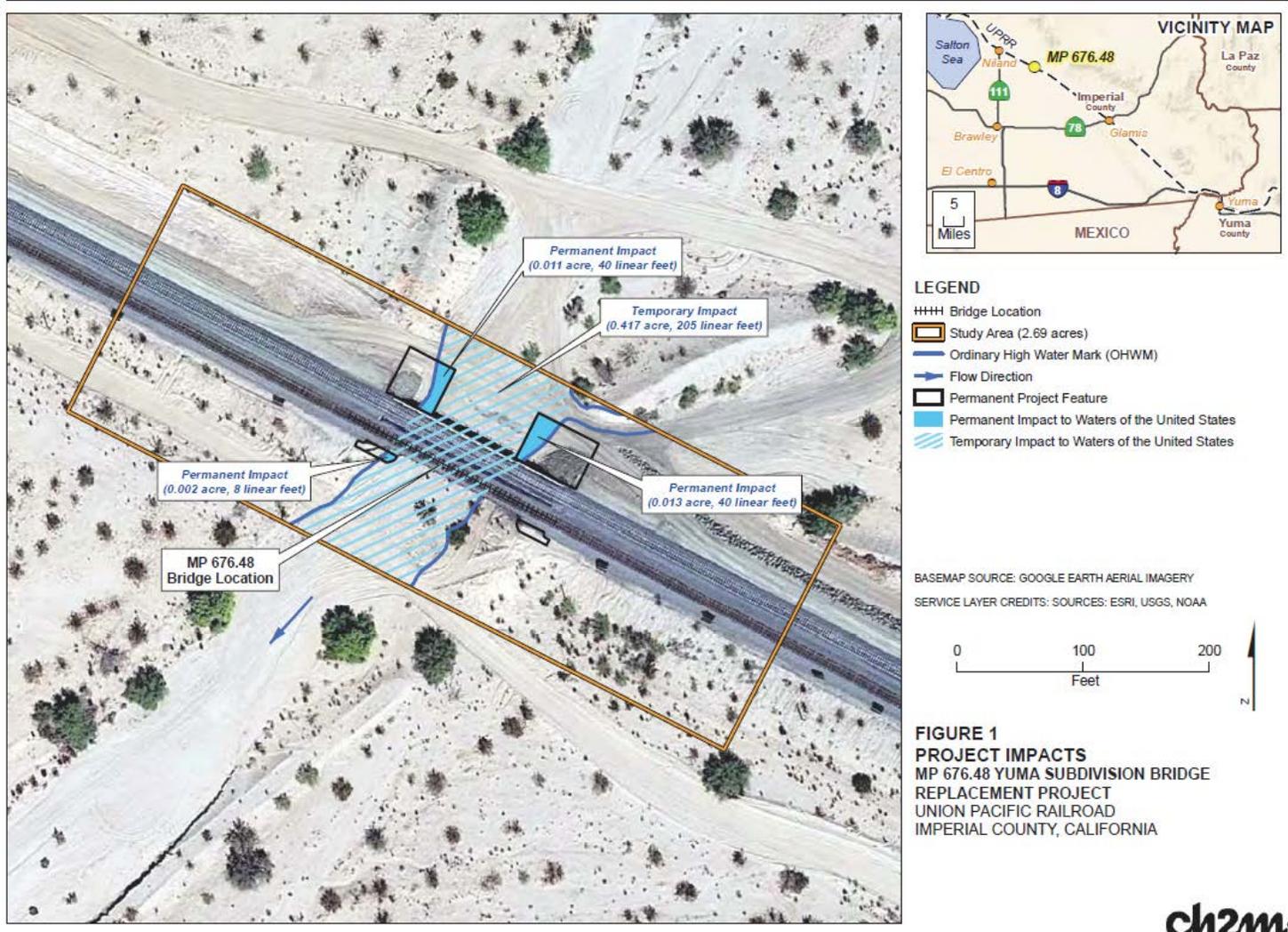
Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.

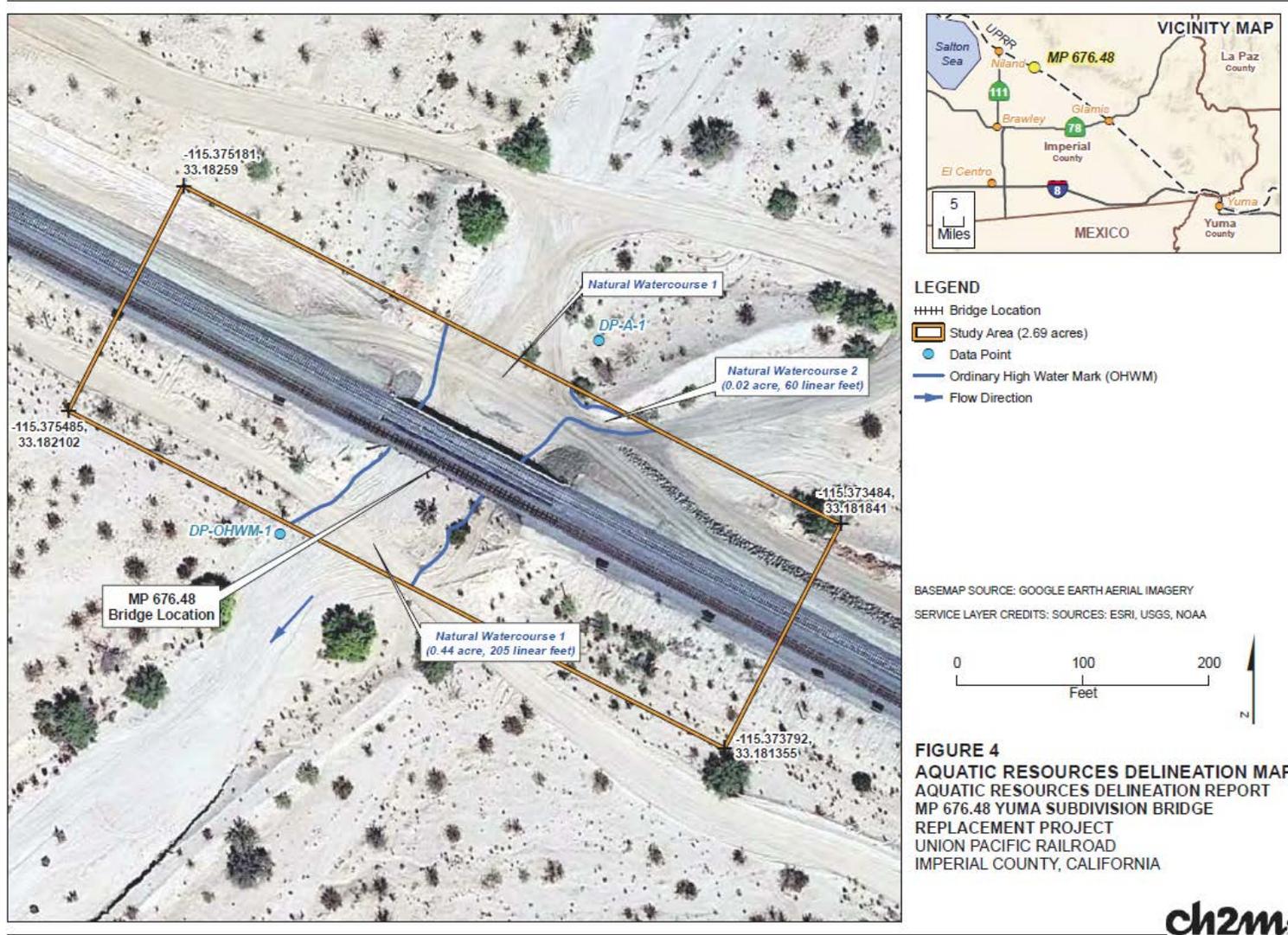
For  AEO

Jose L. Angel, P.E.
Executive Officer
Colorado River Basin
Water Quality Control Board

7/18/17
Date

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Receiving Waters

The following table shows the receiving waters associated with each impact site.

Table 1: Receiving Water(s) Information								
Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	eCRAM ID ¹
<input type="checkbox"/>	1	<i>Unnamed Tributary to the Alamo River</i>			<i>Alamo River, Salton Sea</i>			

Individual Direct Impact Locations

The following table shows individual impact locations. Table 2: Individual Direct Impact Information											
Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
1 <i>Unnamed Tributary to the Alamo River</i>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary				0.417		205
					Permanent				.026		48
					Temporary						
					Permanent						

¹ California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

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FINDINGS FOR CEQA EXEMPT PROJECTS

The project involves the replacement of an old railroad bridge with a new railroad bridge of the same size, footprint, purpose and capacity. The Regional Water Board determined that the proposed project is categorically exempt from CEQA per CEQA Guidelines Title 19- Catagorical Exemption, Section 15302 (Replacement or Reconstruction) Class 2 (b).

Class 2 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, including but not limited to: (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

In accordance with CEQA Guidelines section 15062, the Colorado River Basin Water Board will file a Notice of Exemption with the Office of Planning and Research upon approval of the CWA section 401 WQC.

REASONS TO SUPPORT EXEMPTION FINDINGS:

1. According to Title 14 of the California Code of Regulations, Chapter 3: Guidelines for Implementation of the California Environmental Quality Act, Article 19: Categorical Exemptions:

15302. Replacement or Reconstruction

Class 2 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.

The proposed project is the replacement of an existing bridge and replacing the rail and decking with new rails and decking. The replacement bridge will utilize the same alignment. There will be minimal ground disturbance with no channel widening or construction of berms or dykes. The replacement structure will not increase capacity of the bridge or track, and will not change the use of the bridge in any way.

2. There is no substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts with threaten the environment. The exceptions to the exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:
 - *Location. Classes 3, 4, 5, 6 and 11 are qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may have an impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

Attachment C

3. The project is exempt pursuant to Class 2 exemption, pertaining to replacement or reconstruction projects. The proposed project is the replacement of an existing bridge structure in its current location, with no change to capacity or use.
 - *Cumulative Impact. All Exemptions for these classes are inapplicable when the cumulative impact of the successive projects of the same type in the same place of time is significant.*
4. The proposed bridge replacement would not result in the creation of new rail facilities, or directly result in or require additional project on the existing rail facility. No cumulative impacts associated with the replacement of the bridge structure are anticipated because the bridge replacement will not provoke additional work in the area or along the rail system. Further, it will not change the use of the rail system, and will not cause any increase in capacity. Therefore, no significant cumulative impacts over time are anticipated.
 - *Significant Effect. A Categorical Exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*
5. The proposed replacement of the existing bridge structure would not result in any increase in capacity or change in use of the existing rail system. No unusual circumstances are present at the project site, and the rail system has been an existing use in the project area for over 50 years. There is to a reasonable possibility that the bridge replacement would have a significant effect on the environment due to unusual circumstances.
 - *Scenic Highway. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially, designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or EIR.*
6. The project is the replacement of an existing bridge structure along an existing railway line. The project would not result in any discernable visual change, and as such would not damage any scenic resources.
 - *Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of Government Code.*
7. The project site is located along an existing railway and is not included on any list compiled pursuant to Section 65962.5 of the Government Code.
 - *Historical Resource. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*
8. The proposed bridge replacement would not cause a substantial adverse change in the significance of a historical resource.

Attachment D
Signatory Requirements

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SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the Colorado River Basin Water Quality Control Board (Colorado River Basin Water Board) must be signed and certified as follows:
 - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
 - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
 - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
 - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c) The written authorization is submitted to the State Water Board Staff Contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

Notice of Exemption

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA. 95812-3044

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

County Clerk

Project Title: Union Pacific Railroad, Yuma Subdivision, Milepost 676.48 Bridge Replacement Project

Project Location-Specific: 33° 10' 55.3" N / 115° 22' 28.6" W

Project Location-City: Southeast of Niland Project Location-County: Imperial

a) Description of Nature, Purpose and Beneficiaries of Project: The Union Pacific Railroad Company (UPRR) proposes to replace the existing railroad bridge at MP 676.48 on the Yuma Subdivision with a new structure at the same location, which is in Imperial County, California.

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

Name of Person or Agency Carrying Out Project: Union Pacific Railroad

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
 Declared Emergency (Sec.2108(b)(3); 15269(a);
 Emergency Project (Sec.21080(b)(4); 15269(b)(c);
 Categorical Exemption. State type and section number: Class 2, California Code of Regulations (CCR) Title 14, Chapter 3 (CEQA Guidelines), § 15302(b)
 Statutory Exemptions. State code number: State of California Public Resources Code (PRC) §21080(b)(10) and CEQA Guidelines §15275

Reasons why project is exempt:

The project constitutes "replacement or reconstruction of [an existing railroad bridge] 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" (Class 2, CEQA Guidelines § 15302[b]). In addition, the project is for "the institution or increase of passenger or commuter services on rail or highway right-of-way already in use, including modernization of existing stations and parking facilities" (PRC §21080[b][10] and CEQA Guidelines §15275).

Lead Agency

Contact Person: Kai Dunn Area Code/Telephone/Extension: (760) 776-8986

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project: Yes No

Signature: Kai Dunn Date: 7/19/17 Title: SWRCE

Signed by Lead Agency

Date received for filing at OPR: _____

Signed by Applicant