



Central Valley Regional Water Quality Control Board

28 June 2022

Lauren Mancuso
Union Pacific Railroad Company
1408 Middle Harbor Road
Oakland, CA 94607

**NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD
CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION
OF ARMY CORPS OF ENGINEERS' 2021 NATIONWIDE PERMITS (ORDER NO.
WQ 2021-0048-DWQ), UNION PACIFIC RAILROAD COMPANY, NORTH FUELING
FACILITY, DUNSMUIR RAILYARD 2022 RESPONSE ACTION PROJECT (WDID NO.
5A47CR00058), SISKIYOU COUNTY**

On 3 June 2022, Union Pacific Railroad Company (Applicant) filed a Notice of Intent (NOI) requesting coverage for the North Fueling Facility, Dunsmuir Railyard 2022 Response Action Project under State Water Resources Control Board's Clean Water Act Section 401 General Water Quality Certification of Army Corps of Engineers' 2021 Nationwide Permits (Order No. WQ 2021-0048-DWQ). The applicable Nationwide Permit (NWP) is NWP 20, Response Operations for Oil or Hazardous Substances. After review of the NOI and supplemental materials submitted by the Applicant, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the North Fueling Facility, Dunsmuir Railyard 2022 Response Action Project (Project) qualifies for enrollment under this General Order.

The Central Valley Water Board is certifying this Project under Water Quality Order WQ 2021-0048-DWQ. This Notice of Applicability (NOA) is being issued at the request of Union Pacific Railroad Company (hereinafter Enrollee) under the General Order pursuant to Section 3838 of the California Code of Regulations.

A copy of the General Order is enclosed. You can also access the General Order on [State Water Resources Control Board's General Orders Web Page](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2021) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2021).

The Project must proceed in accordance with the requirements contained in this NOA and the General Order. Project Status Notifications in the General Order include a Commencement of Construction Notice at least seven days prior to start of initial disturbance activities and a Request for Notice of Project Complete Letter within 30

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

days following completion of all project activities, including post-construction monitoring. The Project is described in the NOI Form requesting coverage and supplementary information (Application Package). If the Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.

I. Public Notice

The Central Valley Water Board provided public notice of the application from 3 June 2022 to 24 June 2022. The Central Valley Water Board did not receive any comments during the comment period.

II. Project Description

Project response action activities to be completed in 2022 under the U.S. EPA Order for Removal, Mitigation, or Prevention of a Substantial Threat of Oil Discharge (CWA 311 09-2021-0002) will include an inland extension of the 2021 response action and preparation for future full-scale excavation in 2023-2024. Work in waters of the U.S. in 2022 will be limited to temporary access for debris boom installation/removal and retaining wall support. An approximately 12-foot wide by 450-foot-long area between stations 12+50 and 17+00 (0.12 acre) will be used for temporary access in 2022. Future full-scale excavation activities anticipated to occur in 2023 are not covered under this NOA.

III. Project Location

County: Siskiyou County

Address: 5750 Sacramento Avenue

Nearest City: Dunsmuir

Latitude: 40.21097° and Longitude: -122.26963°

Maps showing the Project location are found in Attachment A of this NOA.

IV. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, May 2018 (Basin Plan). The plan for the region and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/) (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 antidegradation 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 NOA 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. 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 are shown in Table 2 of Attachment B.

V. Description of Direct Impacts to Waters of the United States

The Project will impact 0.12 acre of Waters of the United States. These impacts include temporary impacts of 0.12 acre of stream channel.

Total Project fill/excavation quantities for all 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	0.12		450

VI. California Environmental Quality Act (CEQA)

The Central Valley Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, Title 14, section 15061. Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, Title 14, section 15330, Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances.

VII. 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.

VIII. Fees Received

An application fee of \$2,417.00 was received on 3 June 2022. The fee amount was determined as required by California Code of Regulations, Title 23, sections

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.

3833(b)(3) and 2200(a)(3) and was calculated as Category A – Fill and Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

IX. Compensatory Mitigation

No compensatory mitigation is required as no permanent impacts will occur. To the extent feasible, the Enrollee is required to restore and stabilize the area following disturbance.

X. Central Valley Regional Water Quality Control Board Contact:

If you have any questions regarding this Notice of Applicability, please contact Katie Gilman at (530) 224-3212 or Katie.Gilman@waterboards.ca.gov.

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

6/28/2022
Date

Enclosure: State Water Resources Control Board’s Clean Water Act Section 401 General Water Quality Certification of Army Corps of Engineers’ 2021 Nationwide Permits (Order No. WQ 2021-0048-DWQ)

Attachments: Attachment A - Project Maps
Attachment B - Receiving Water, Impact, and Mitigation Information
Attachment C - CEQA

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Figure 1. Project Location Map.

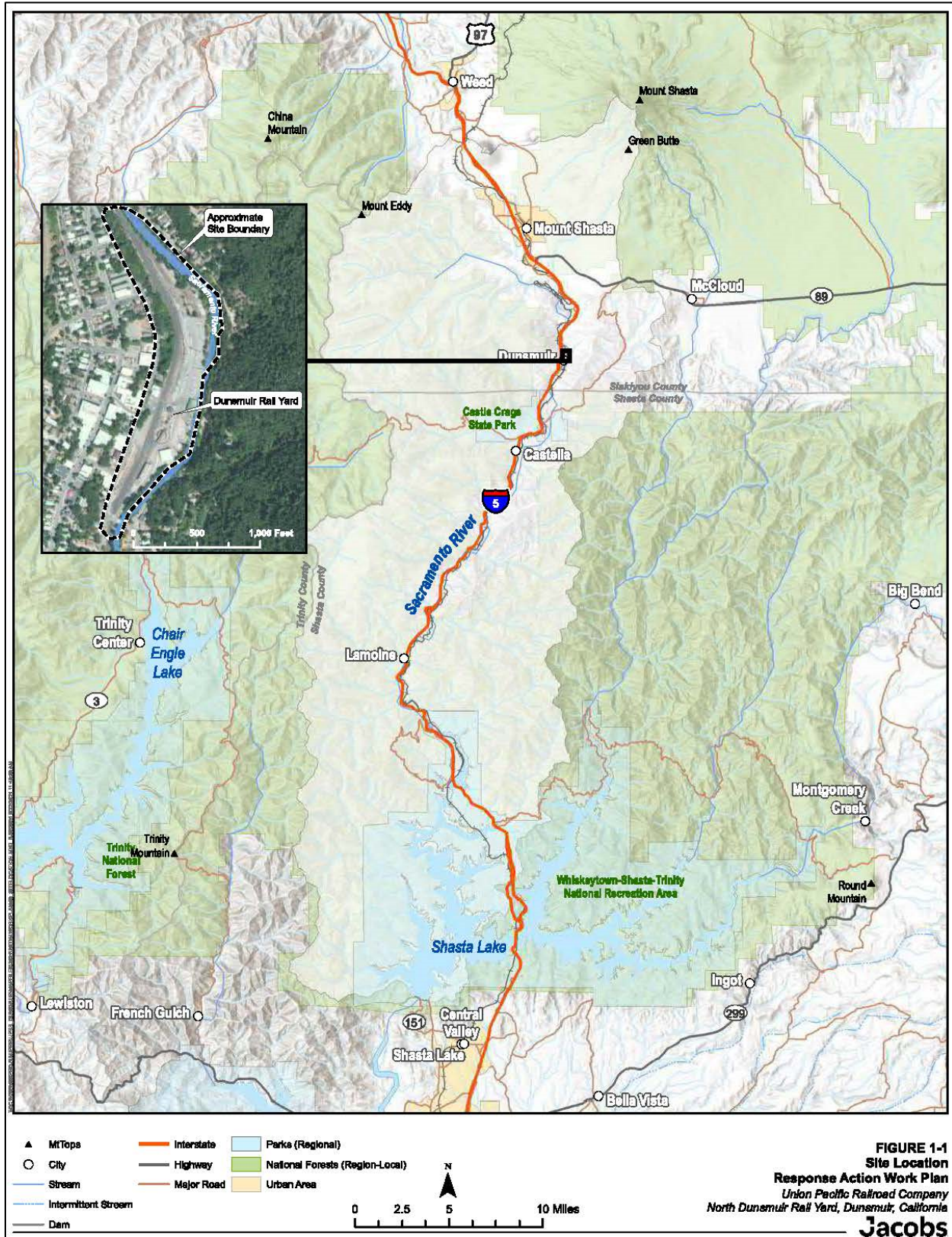
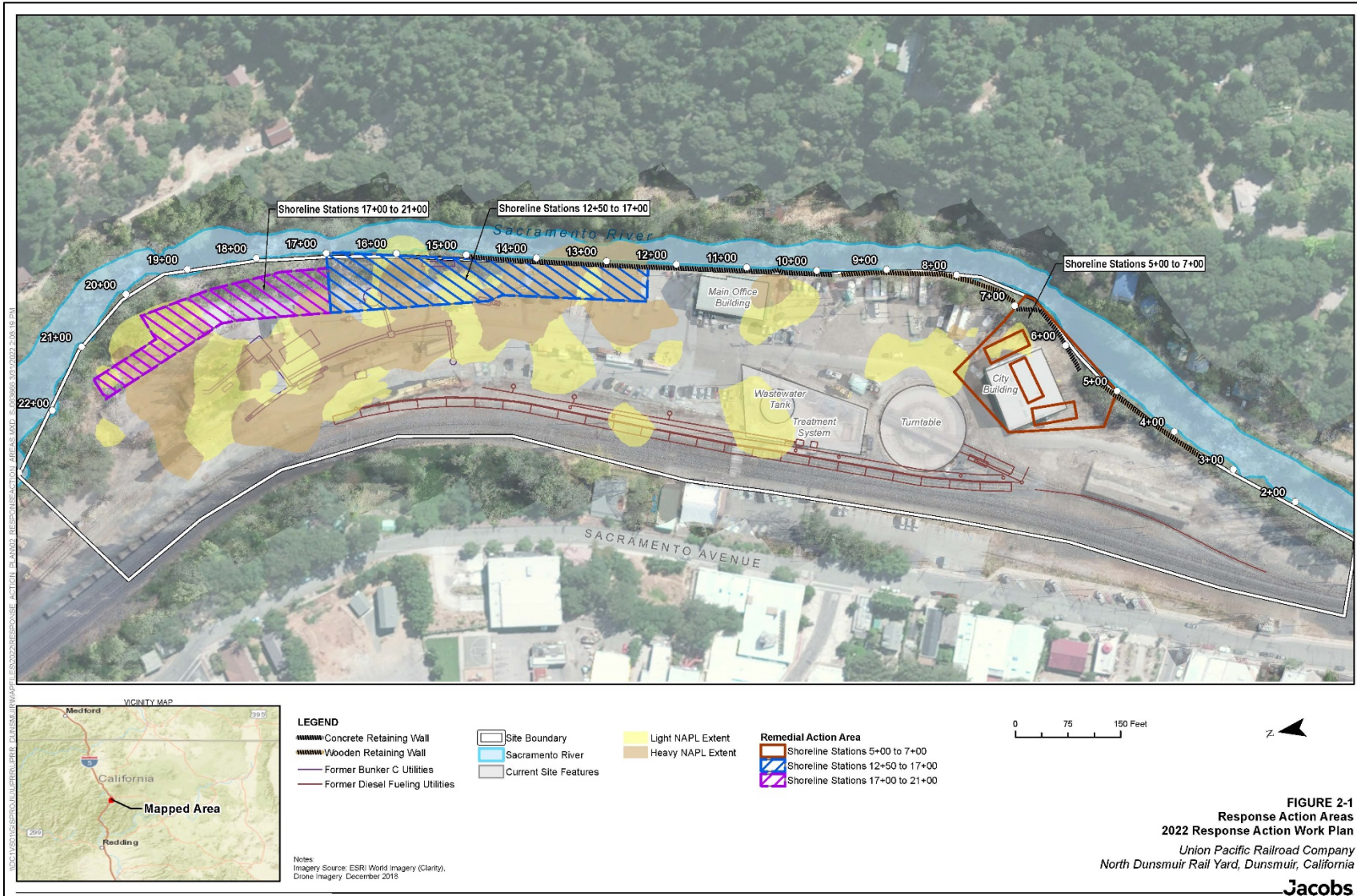


Figure 2. Project Workplan Map.



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Receiving Waters, Impacts and Mitigation Information

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

Table 1: Receiving Waters Information

Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
North Fueling Facility, Dunsmuir Railyard 2022 Response Action Project	Upper Sacramento River	Stream	525.2	Sacramento River (Box Canyon Dam to Shasta Lake)	AGR, REC-1, REC-2, COLD, SPWN, WILD	Not Applicable	Not Applicable

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
North Fueling Facility, Dunsmuir Railyard 2022 Response Action Project	41.21097°	-122.26963°	No	0.12		450

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FINDINGS FOR CEQA EXEMPT PROJECT

The Central Valley Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061.

Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section 15330, Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances, which consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

Additionally, the Central Valley Water Board concludes that no California Code of Regulations, title 14, section exceptions to the CEQA exemption apply to the activities approved by this Order.

The Central Valley Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Order. (California Code of Regulations., title 14, section 15062.)

DISTRIBUTION LIST

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