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## Central Valley Regional Water Quality Control Board

13 January 2022

Jim Brannen  
Union Pacific Railroad Company  
1400 Douglas Street, STOP 1030  
Omaha, NE 68179

**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 INTERIM MEASURE ENHANCEMENT ACTION  
PROJECT (WDID NO. 5A47CR00060), SISKIYOU COUNTY**

On 9 January 2023, Union Pacific Railroad Company (Applicant) filed a Notice of Intent (NOI) requesting coverage for the North Fueling Facility, Dunsmuir Railyard Interim Measure Enhancement 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 Interim Measure Enhancement 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](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

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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 13 January 2023 to 3 February 2023.

#### **II. Project Description**

Project response action activities to be completed in 2023 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 enhancements to the interim measures installed in 2021. The enhancement project involves the placement of two Gabion Baskets and nine Supersack Bags containing absorbent BMPs and ballast rock in the river channel at Sta 13+65 on top of the existing In-River Rock-Filled Mattresses. The BMP Gabion baskets are covered by a Reactive Core Mat to contain absorbed material within the basket during high flow events. Aggregate filled supersacks are arranged around the BMP baskets to secure them in place, with additional riprap placed upstream to divert flow away from the enhancement. All enhancement components will be placed from the UPRR yard using an excavator equipped with a sling lift. Additional 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/](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 0.003 acre of Waters of the United States. These impacts include temporary impacts of 0.003 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 Impacts<sup>1</sup>**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.003	16	20

**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.

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<sup>1</sup> 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.

**VIII. Fees Received**

An application fee of \$2,734.00 was received on 11 January 2023. 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 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 Daniel Warner at (530) 224-4848 or [Daniel.Warner@waterboards.ca.gov](mailto:Daniel.Warner@waterboards.ca.gov).

Original Signed by Bryan J. Smith, P.E.  
(for) Patrick Pulupa, Executive Officer  
Central Valley Regional Water Quality Control Board

1/13/2023  
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

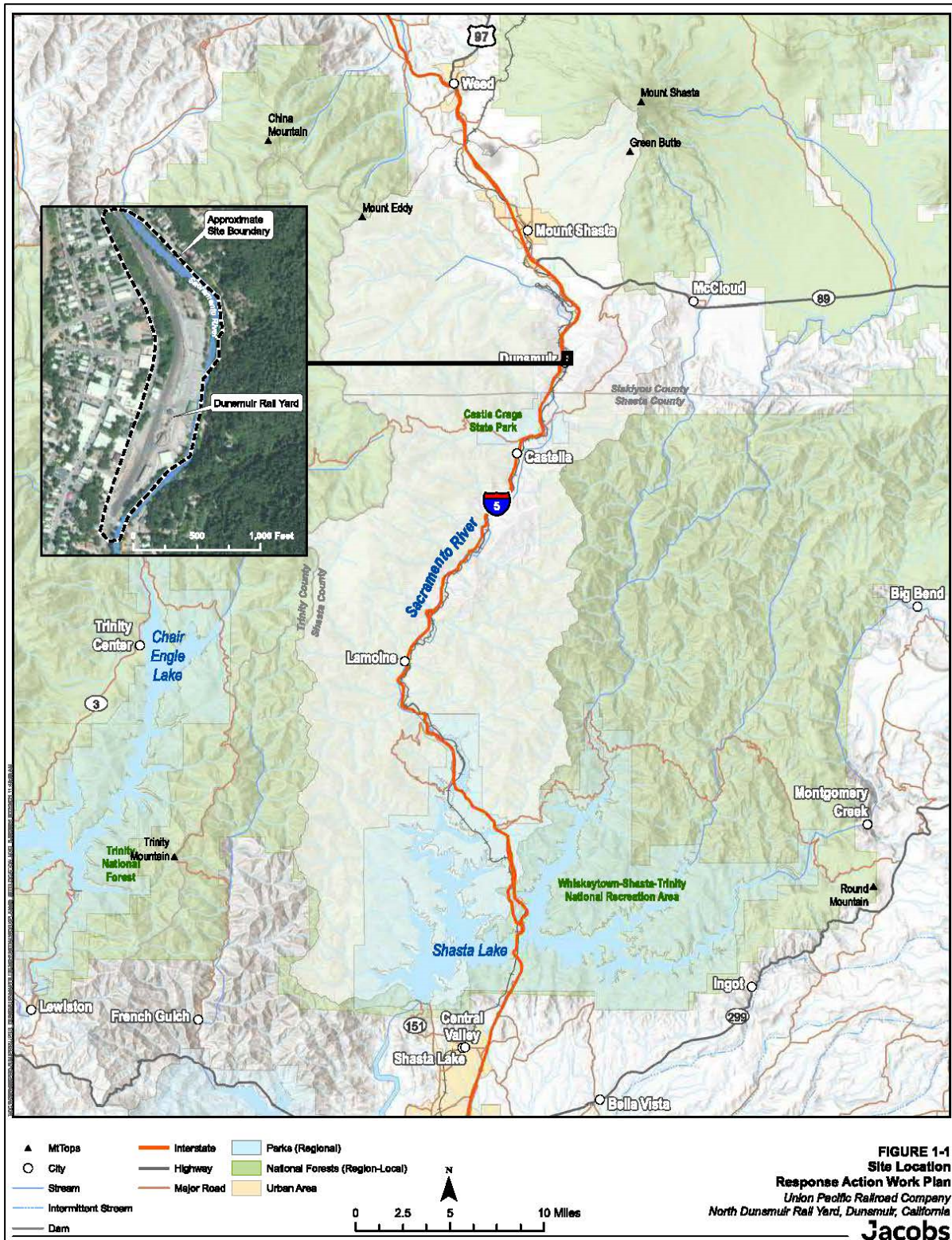




Figure 2. Project Impact Map

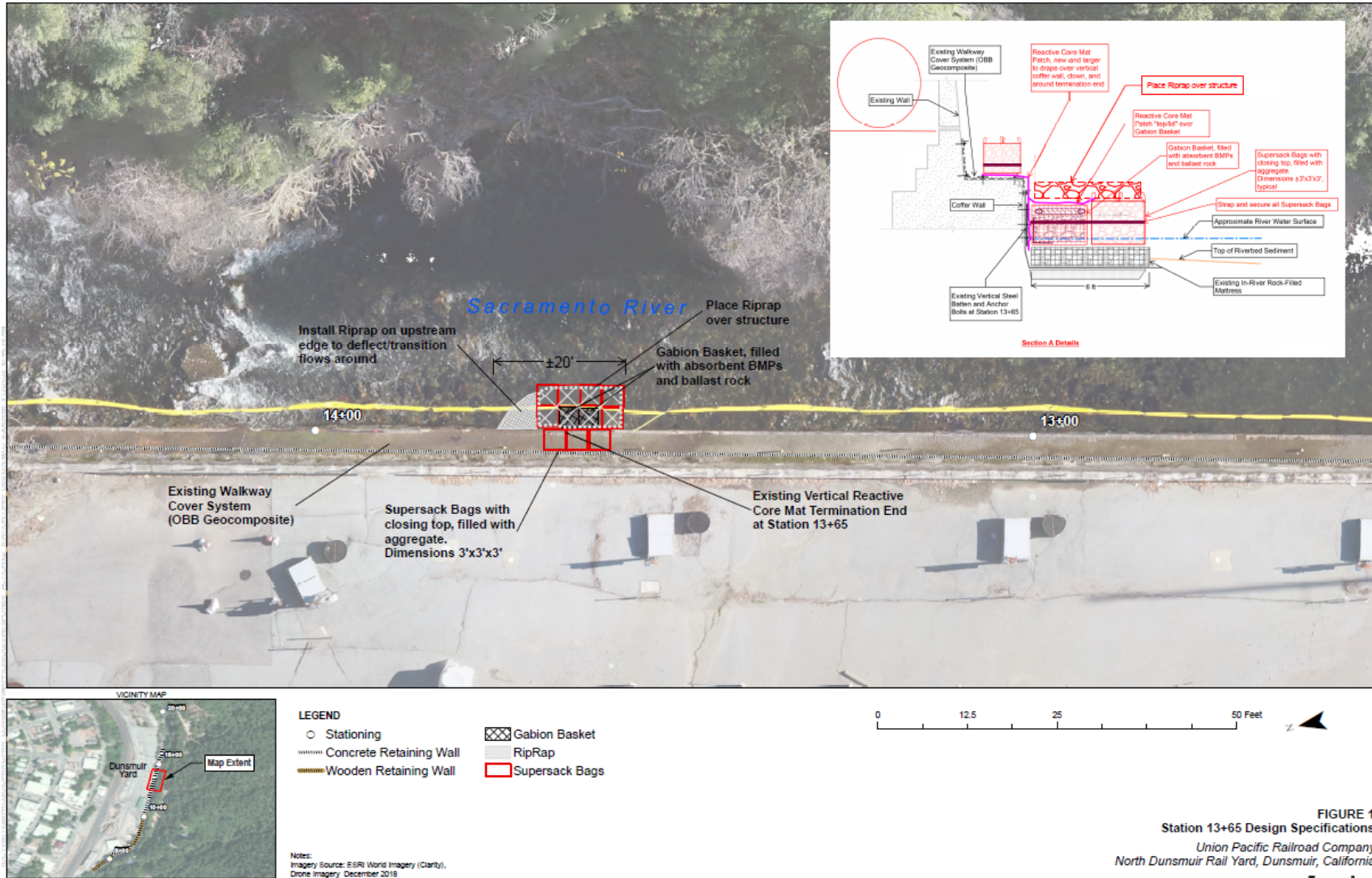


FIGURE 1  
 Station 13+65 Design Specifications  
 Union Pacific Railroad Company  
 North Dunsmuir Rail Yard, Dunsmuir, California

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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 Interim Measure Enhancement 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 Interim Measure Enhancement Action Project	41.21097°	-122.26963°	No	0.002	16	20

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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

United States Environmental Protection Agency  
Region 9, San Francisco  
[R9cwa401@epa.gov](mailto:R9cwa401@epa.gov)

Water Quality Certification Program  
State Water Resources Control Board  
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