

## Lahontan Regional Water Quality Control Board

August 26, 2014

Dan Coberly  
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### **BOARD ORDER NO. R6T-2014-0074, ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR SWIFT TRANSPORTATION BRIDGEPORT SPILL SITE PROJECT, MONO COUNTY, WDID 6A261311001**

The California Regional Water Quality Control Board, Lahontan Region (Water Board) has received a complete Clean Water Act Section 401 Water Quality Certification (WQC) application and application filing fee from Swift Transportation for the Swift Transportation Bridgeport Spill Site Project (Project) in Mono County. This Order for WQC hereby assigns this Project the following reference number: Waste Discharger Identification (WDID) No. 6A261311001. Please use this reference number in all future correspondence regarding this Project.

Any person aggrieved by this action of the Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

### **PROJECT DESCRIPTION**

#### **Table of Project Information:**

WDID Number	6A261311001
Applicant	Dan Coberly Swift Transportation PO Box 29243 Phoenix, AZ 85038

Agent	Chris Valentine CURA Emergency Services 6205 Chapel Hill Blvd., Suite 100 Plano, TX 75093						
Project Name	Swift Transportation Bridgeport Spill Site						
Project Purpose and Description	Mitigation of diesel-impacted soils caused by a May 14, 2013 truck accident. Initial response was conducted at time of accident. Remaining contaminated soils will be excavated, and area will be backfilled with clean materials and revegetated.						
Project Type	Cleanup/Mitigation						
Project County	Mono						
Project Address or other Locating Information	East bank of East Walker River at Highway 395 in Bridgeport, CA.						
Location Latitude/Longitude	Latitude: N 38.255817, Longitude: W 119.2235						
Hydrologic Unit(s)	Hydrologic Unit, 630.00						
Overall Project Area	160 square feet, 0.0037 acres						
Receiving Water(s) Name	East Walker River						
Water Body Type(s)	River						
Designated Beneficial Uses	MUN, AGR, IND, GWR, FRSH, NAV, REC-1, REC-2, COMM, COLD, WILD, RARE, SPWN,						
Potential Water Quality Impacts	Sedimentation from dredge and fill of contaminated soils.						
Area of Water(s) within the Overall Project Area	160 square feet, 0.0037 acres						
Impacts of Fill to Waters of the State, including Waters of the U.S.	<b>Waterbody Type</b>	<b>Permanent</b>			<b>Temporary</b>		
		Acres	Linear Feet	Cubic Yards	Acres	Linear Feet	Cubic Yards
	<i>Lake</i>						
	<i>Riparian</i>						
	<i>Stream</i>	0.0037	<20	5			
	<i>Wetland</i>						
Impacts of Dredging (Excavation) to Waters of the	<b>Waterbody Type</b>	<b>Permanent</b>			<b>Temporary</b>		
		Acres	Linear Feet	Cubic Yards	Acres	Linear Feet	Cubic Yards

State, including WOUS	<i>Lake</i>						
	<i>Riparian</i>						
	<i>Stream</i>	0.0037	<20	5			
	<i>Wetland</i>						
	<b>Total</b>						
Federal Permit(s)	The applicant has applied for U.S. Army Corps of Engineers (USACOE) authorization to proceed under Nationwide Permit No. 20, pursuant to Clean Water Act section 404.						
Non-Compensatory Mitigation	The entire project is a cleanup project, and all removed contaminated soils will be replaced, stabilized, and revegetated in their entirety to ambient conditions.						
Compensatory Mitigation	N/A						
Applicable Fees	\$1201 (\$1097 application fee + \$104 ambient surcharge).						
Fees Received	\$1201						

**CEQA COMPLIANCE**

The Water Board has determined that this Project is exempt from the California Environmental Quality Act (Public Resources Code Section 21000 et seq.). In accordance with Section 15330, the basis for CEQA exemption is “Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances.” A Notice of Exemption will be filed with the State Clearinghouse concurrently with issuing this Order.

**SECTION 401 WATER QUALITY CERTIFICATION**

**Authority**

Section 401 of the CWA (33 U.S.C., paragraph 1341) requires that any applicant for a CWA Section 404 permit, who plans to conduct any activity that may result in discharge of dredged or fill materials to WOUS, must provide to the permitting agency a certification that the discharge will be in compliance with applicable water quality standards of the state in which the discharge will originate. No Section 404 permit may be granted (or valid) until such certification is obtained. The Applicant submitted a complete application and the fees required for WQC under Section 401 for the Project. The Applicant has applied for USACOE authorization to proceed under Nationwide Permit No. 20 pursuant to CWA section 404.

California Code of Regulations (CCR) title 23, section 3831(e) grants the Water Board Executive Officer the authority to grant or deny WQC for projects in accordance with CWA section 401. The Project qualifies for such WQC.

## **Standard Conditions**

Pursuant to CCR title 23, section 3860, the following standard conditions are requirements of this certification:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code section 13330 and CCR title 23, section 3867.
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license unless the pertinent certification application was filed pursuant to CCR title 23, 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 must be conditioned upon total payment of the full fee required under CCR title 23, section 3833, unless otherwise stated in writing by the certifying agency.
4. Neither Project construction activities nor operation of the Project may cause a violation of the Water Quality Control Plan for the Lahontan Region (Basin Plan), may cause a condition or threatened condition of pollution or nuisance, or cause any other violation of the California Water Code.
5. The Project must be constructed and operated in accordance with the project described in the application for WQC that was submitted to the Water Board. Deviation from the project description constitutes a violation of the conditions upon which the certification was granted. Any significant changes to this Project that would have a significant or material effect on the findings, conclusions, or conditions of this certification, including project operation, must be submitted to the Executive Officer for prior review and written approval.
6. This WQC is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this certification and civil or criminal liability.
7. The Water Board may add to or modify the conditions of this certification as appropriate to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act, or as appropriate to coordinate the operations of this Project with other projects where coordination of operations is reasonably necessary to achieve water quality standards or protect the beneficial uses of water.

Notwithstanding any more specific conditions in this certification, the project must be constructed and operated in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.

8. This certification does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. sections 1531 et seq.). If a "take" will result from any act authorized under this certification, the applicant must obtain authorization for the take prior to construction or operation of the project. The Applicant is responsible for meeting all applicable requirements of the Endangered Species Act for the Project authorized under this certification.

### **Additional Conditions**

Pursuant to CCR title 23, section 3859(a), the following additional conditions are requirements of this certification:

1. Equipment must be steam cleaned before starting work within the Project boundary and must be continually monitored for leaks.
2. An emergency spill kit must be at the Project site at all times.
3. The Project must comply with the conditions contained in the *Project Guidelines for Erosion Control in the Lahontan Region* (enclosed).
4. Water Board staff must be notified 48 hours prior to commencement of ground disturbance. Contact Eric Taxer at (530) 542-5434 or at [Eric.Taxer@waterboards.ca.gov](mailto:Eric.Taxer@waterboards.ca.gov).
5. Water Board staff must be permitted to enter the Project site and sample any discharge.
6. By **November 14, 2014**, complete implementation of the August 4, 2014 Site Remediation and Restoration Work Plan's contaminated soil removal and site restoration elements.
7. By **December 1, 2014**, submit to this office documentation that the Project has been constructed pursuant to the plans reviewed by this office. This report must provide maps identifying the affected river habitat, including associated wetland and riparian areas, locations of photo points that will be used to monitor revegetation, and baseline data from the revegetation reference site.
8. By **October 31, 2015**, submit to this office the results of the year 1 restoration monitoring.
9. By **October 31, 2016**, submit to this office the results of the year 2 restoration monitoring.

10. By **October 31, 2017**, submit to this office the results of the year 3 restoration monitoring.
11. If vegetative cover is less than 70 percent and is not of similar reference site species composition, as identified in the August 4, 2014 Site Remediation and Restoration Work Plan, the annual report for that monitoring period must include a corrective action plan for additional restoration measures for the affected area. The corrective action plan must also specify success criteria and a monitoring plan for evaluating any additional restoration measures.

### **Enforcement**

1. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Clean Water Act 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 certification.
2. In response to a suspected violation of any condition of this certification, the State Water Board or the 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 report the State Water Board or Water Board deems appropriate, provided that the burden, including costs, of the reports must be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
3. In response to any violation of the conditions of this certification, the Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

### **Section 401 Water Quality Certification Requirements Granted**

I hereby issue an order certifying that 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), and with other applicable requirements of State law. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this WQC.

Except insofar as may be modified by any preceding conditions, all WQC cert actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's Project description and the terms specified in this WQC Order, and (b) compliance with all applicable requirements of the Basin Plan.

We look forward to working with you in your efforts to protect water quality. If you have questions, please contact Eric J. Taxer at (530) 542-5434 or Scott C. Ferguson, Chief, Enforcement and Special Projects Unit, at (530) 542-5432.



PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER

Enclosure: Project Guidelines for Erosion Control in the Lahontan Region

cc: Chris Valentine/CURA Emergency Services,  
Jason Brush/US EPA-Region 9, Wetlands Regulatory Office (WTR-8)  
(via email at [R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov))  
Bill Orme/State Water Resources Control Board, Division of Water Quality  
(via email at [Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov))  
Jason Deters/U.S. Army Corps of Engineers, Sacramento District,  
Heidi Sickler/California Department of Fish and Wildlife  
(via email at [Heidi.Sickler@wildlife.ca.gov](mailto:Heidi.Sickler@wildlife.ca.gov))  
Dan Orr/California Department of Fish and Wildlife  
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Todd Duplanty/Selman Breitmann, LLP  
Mono County Environmental Health Department