

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

TENTATIVE ORDER No. R2-2025-00XX

WASTE DISCHARGE REQUIREMENTS FOR:

CALIFORNIA DEPARTMENT OF TRANSPORTATION

**Interstate 80 (I-80) Westbound Cordelia Commercial Vehicle Enforcement Facility
Project, Solano County**

The California Regional Water Quality Control Board, San Francisco Bay Region, hereinafter the Water Board, finds that:

1. The California Department of Transportation (the Department) proposes to construct a new Class B Commercial Vehicle Enforcement Facility (Facility) and two new off-ramps to the Facility on I-80 westbound, from Post Mile 14.18 to Post Mile 16.15 (Latitude 38.237457; Longitude -122.098854), in unincorporated Solano County and partially within the City of Fairfield. The Project consists of the following:
 - a. Improving the existing I-80 westbound commercial vehicle inspection capacity and safety by constructing a new Class B Commercial Vehicle Enforcement Facility;
 - b. Constructing a direct off-ramp from I-80 and a westbound on-ramp from the Facility across Suisun Creek; and,
 - c. Removing an existing pedestrian bridge over Suisun Creek.
2. Project construction is expected to occur over a three-year period. Construction of the new bridge over Suisun Creek will be completed within one year. The new Suisun Creek bridge will be designed to be clear span with shoulders, 4-foot inside and 8-foot outside, and one 12-foot traveled lane. The bridge abutments and foundation that support the span at each end will be placed above the top of bank with at least 20 feet of setback from the top of bank. The bridge abutments will be made of cast-in-place reinforced concrete and supported on a group of driven steel pipe piles. No piles will be placed in the low-flow channel and no equipment will access below the top of bank. The pile group will be installed in an excavation area entirely above the top of bank. A reinforced-concrete pile cap will be cast in place on the pile group. The abutment seat and walls will be cast in place onto the pile cap. The deck will be placed via crane and will not require material placement below the top of bank. Minor grading above the top of bank will be associated with the bridge abutments, and all disturbed areas above the top of bank will be stabilized using sediment/erosion control best management practices (BMPs).
3. The existing Suisun Creek truss pedestrian bridge will be removed in one piece by crane. A debris containment system will be installed and implemented during the bridge demolition process to prevent construction-related materials from discharging into the creek.

4. The Project will result in a permanent shading impact of 0.02 acre to riparian woodland below the top of bank and perennial drainage habitat within Suisun Creek. Project activities will also permanently fill a 0.24-acre seasonal wetland west of the bridge over Suisun Creek. An additional seasonal wetland will be permanently impacted by the construction of a Maintenance Vehicle Pullout area. This will result in less than 0.01 acre (105 square feet) of permanent impacts to the wetland from embankment fill, and less than 0.01 acre (53 square feet) of temporary impacts related to silt fence/BMP installation and construction access (Att. A, Fig. 1).
5. Portions of the Project site serve as potential habitat for federally and state-listed threatened species including California red-legged frog (*Rana aurora draytonii*, hereinafter CRLF), vernal pool tadpole shrimp, vernal pool fairy shrimp (*Branchinecta lynchi*, hereinafter VPFS), and northwestern pond turtle. The Department has been given terms and conditions by the United States Fish and Wildlife Service (USFWS), in the Project's Biological Opinion issued July 24, 2024, to ensure the implementation of Reasonable and Prudent Measures to minimize Project impacts to the species. To protect the Preservation of Threatened and Endangered Species (RARE) beneficial use, this Order requires the Department to implement the USFWS's specified conditions.
6. The Project site has waters of the state subject to regulation by the Water Board. A delineation of jurisdictional waters at the site was completed based on field work conducted on February 29, 2024, with the U.S. Army Corps of Engineers (Corps). The Corps evaluated the presence or absence of a continuous surface connection for wetlands and other waters in the project area to downstream jurisdictional waters. The Corps determined that seasonal wetlands within the Project lack a continuous surface connection to a water of the U.S. and therefore are not subject to regulation under Clean Water Act (CWA) section 404. The Water Board is issuing Waste Discharge Requirements (WDRs) pursuant to California Water Code (Water Code) section 13263 to authorize the discharge of waste associated with the Project, including the fill of waters.
7. On June 30, 2024, the Department submitted a Report of Waste Discharge to the Water Board pursuant to Water Code section 13260.

Compensatory Mitigation Plan

8. The Department will restore wetlands and waters temporarily impacted by Project activities, immediately following Project construction. The 53 square feet of temporarily disturbed seasonal wetland will be revegetated using a native wetland seed mix. This Order requires the Department to monitor the onsite wetland restoration for a minimum of one year.
9. To mitigate for permanent fill and shading impacts to 0.24 acres of seasonal wetlands and 0.02 acres of creek channel, respectively, the Department will implement or ensure the implementation of a combination of on- and off-site mitigation. The Department will restore the temporarily impacted seasonal wetland of 53 square feet. The Department will fund, in the amount of \$293,570, off-site wetland creation and riparian enhancement mitigation at the Lynch Canyon Open Space (Lynch Canyon), owned by the Solano Land Trust, at 3100 Lynch Canyon Rd. in the City of Fairfield. The Lynch Canyon mitigation includes creation of freshwater seasonal wetlands, enhancement of a degraded creek and riparian vegetation, and implementation of a grazing management plan.

10. Prior to commencement of Project construction, this Order requires the Department to provide the Water Board with a copy of the final cooperative agreement between the Solano Land Trust and the Department that describes the Department's funding commitments for the Lynch Canyon mitigation project.
11. Prior to commencement of Project construction, this Order requires the Department to provide the Water Board proof of payment of \$293,570 to the Solano Land Trust for the Lynch Canyon mitigation project.

Post-Construction Stormwater and Hydromodification Management

12. Stormwater at the Project Site currently flows to Dan Wilson Creek, Suisun Creek, Raines Drain, and Busch Drive Ditch.
13. Operation of the newly constructed truck scale facility will impact beneficial uses through the discharge of stormwater containing automobile-related pollutants (e.g. oil, grease, heavy metals). Runoff from impervious surfaces at the developed Site may cause or contribute to water quality impairment. To address the Project's post-construction impacts to beneficial uses, the Department will install seven biofiltration swales along portions of I-80. The swales will treat pollutants from at least 9.79 acres of new and reworked impervious surfaces that will be created by the Project. The seven biofiltration swales will also treat an additional 5.95 acres, for a total of approximately 15.74 acres of impervious Project area.
14. Project implementation will result in an increase of 7.09 acres of net new impervious surface draining to Raines Drain and Busch Ditch. As a result, in comparison with the pre-Project conditions, stormwater runoff will be discharged from the Project site at greater volumes and over a shorter period of time following storm events. Consequently, the Project will increase the potential for creek bed and bank erosion impacts downstream of the Project site. The Department has submitted a *Technical Memorandum: Hydromodification analysis (HDR, Nov. 2024)*, that proposed the installation of six biofiltration swales to provide hydromodification management for the net added impervious area flowing from the Project to the Raines Drain and Busch Drive outfalls of the Project site. Based upon the submitted analysis, the proposed biofiltration swales will appropriately address the potential hydromodification impacts.
15. This Order requires the Department to ensure that all stormwater and hydromodification controls are installed and functional by the completion of Project construction. The Department is required to submit an as-built plan of all stormwater treatment devices within 60 days of construction completion.

Regulatory Framework

16. The *Water Quality Control Plan for the San Francisco Bay Basin* (Basin Plan) is the Water Board's master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes implementation plans to achieve water quality objectives. The Basin Plan was duly adopted by the Water Board and approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law, and U.S. EPA, where

required. This Order implements the Basin Plan and takes into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and Water Code section 13241.

17. The Project is located in the Suisun Slough Hydrologic Sub-Area of the Fairfield Hydrologic Area in the Suisun Hydrologic Unit. The receiving waterways of the Project site are Raines Drain, Suisun Creek, Dan Wilson Creek, and Busch Drive Ditch. Raines Drain reaches Boynton Slough 6 miles south of the Project site, Suisun Creek, Dan Wilson Creek, and Busch Drive Ditch drain to Cordelia Slough. The Basin Plan states that “[t]he beneficial uses of any specifically identified waterbody generally apply to all of its tributaries.” The Basin Plan lists the following existing and potential beneficial uses for the Suisun Creek, Cordelia Slough, and Boynton Slough:
 - a. Freshwater Replenishment (FRESH)
 - b. Estuarine Habitat (EST)
 - c. Cold Freshwater Habitat (COLD)
 - d. Commercial and Sport Fishing (COMM)
 - e. Fish Migration (MIGR)
 - f. Preservation of Rare and Endangered Species (RARE)
 - g. Water Contact Recreation (REC-1)
 - h. Non-contact Water Recreation (REC-2)
 - i. Fish Spawning (SPWN)
 - j. Warm Freshwater Habitat (WARM)
 - k. Wildlife Habitat (WILD)
18. The Basin Plan implementation plan for wetland fill provides that the Water Board will evaluate a wetland fill project and proposed mitigation together to ensure that there will be no net loss of wetland acreage and no net loss of wetland value, and that mitigation for wetland fill projects will be located in the same area of the Region, whenever possible, as the project. The Basin Plan further establishes that wetland disturbance should be avoided whenever possible, and if not possible, should be minimized, and only after avoidance and minimization of impact should mitigation for lost wetlands be considered.
19. In its evaluation of the Project, the Water Board considered the California Wetlands Conservation Policy (Governor’s Executive Order W-59-93, signed August 23, 1993), Senate Concurrent Resolution No. 28, and Water Code section 13142.5.
 - a. The goals of the California Wetlands Conservation Policy include ensuring no “overall loss,” and achieving a “long-term net gain in the quantity, quality, and permanence of wetlands acreage and values....”
 - b. Senate Concurrent Resolution No. 28 states that, “It is the intent of the legislature to preserve, protect, restore, and enhance California’s wetlands and multiple resources which depend on them for the benefit of the people of the State.”
 - c. Water Code section 13142.5 requires that “Highest priority shall be given to improving or eliminating discharges that adversely affect ... Wetlands, estuaries, and other biologically sensitive areas.”

20. With the successful implementation of the mitigation measures described in these findings and the provisions, the Water Board finds that the Project will be consistent with the Basin Plan implementation plan for wetland fill and the California Wetlands Conservation Policy, Senate Concurrent Resolution No. 28, and Water Code section 13142.5 referenced in Findings 18 and 19.
21. The Department has submitted an Alternatives Analysis to show that the Project appropriately avoids and minimizes wetland disturbance, as required by the Basin Plan. The Water Board concurs with the conclusions of the Alternatives Analysis.
22. Discharges of stormwater associated with construction activity will occur. The Department is responsible for obtaining appropriate permits for these discharges, including complying with the rules and regulations of National Pollutant Discharge Elimination System (NPDES) permit requirements. This includes complying with the requirements of Order No. 2022-0033-DWQ (NPDES Permit No. CAS000003), its Statewide Stormwater NPDES Permit (Statewide Permit).
23. Because of the Project's proximity to sensitive resources, including special status species habitat, and potential to discharge materials that could significantly impact those resources, this Order requires the Department to submit a Storm Water Pollution Prevention Plan (SWPPP) for the Project, prepared pursuant to the provisions of its Statewide Permit, at least 60 days prior to the beginning of construction for the Project.
24. Discharges of groundwater or other non-storm water during construction may be required. This Order considers such discharges covered by the Statewide Permit, contingent on submittal of an acceptable discharge plan at least 30 days prior to such a discharge.
25. The California Environmental Quality Act (CEQA) requires all projects approved by State agencies to comply with CEQA, and requires a lead agency to prepare an appropriate environmental document (e.g., Environmental Impact Report or Negative Declaration) for such projects. The Project is an element of the larger Interstate 80/Interstate 680/State Route 12 Interchange Project. The Department, as the lead agency, published a final environmental impact report (EIR) for the larger project in October 2012, and filed a CEQA Notice of Determination on October 29, 2012 (State Clearing House # 2003052021). The Water Board, acting as a responsible agency, has reviewed and considered the environmental impacts to water quality related to the issuance of this Order as analyzed in the EIR. The mitigation measures included in this Order mitigate or avoid the impacts to water quality relation to the portion of the Project that the Water Board is approving by the issuance of this Order. The Water Board finds that compliance with this Order, including the mitigation measures that have been incorporated, will reduce the impacts to water quality to a level that is less than significant.
26. On July 24, 2024, the United States Fish and Wildlife Service issued a Biological Opinion for the Project (USFWS File No. 2024-0108055), finding that it is not likely to jeopardize the existence of either the California red-legged frog, vernal pool tadpole shrimp, vernal pool fairy shrimp, and northwestern pond turtle, contingent on the Department's implementation of the Reasonable and Prudent Measures identified in the Biological Opinion.

27. The Water Board has notified the Department and interested parties of its intent to issue WDRs for the Project and provided 30 days to submit written comments on the Order.
28. The Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that the Department, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, shall comply with the following, pursuant to authority under CWC sections 13263 and 13267:

A. Discharge Prohibitions

1. The direct discharge of wastes, including rubbish, refuse, bark, sawdust, concrete, asphalt, or other solid wastes into surface waters or at any place where they would contact or where they would be eventually transported to surface waters, including flood plains, is prohibited.
2. The discharge of floating oil or other floating materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.
3. The discharge of silt, sand, clay, or other earthen materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.
4. The wetland fill activities subject to these requirements shall not cause a nuisance as defined in CWC section 13050(m).
5. The discharge of decant water from active dredging or fill sites and dredged material/wet sediment stockpile or storage areas to surface waters or surface water drainage courses is prohibited, except as conditionally allowed following the submittal of a discharge plan or plans as described in the Provisions.
6. The groundwater in the vicinity of the Project shall not be degraded as a result of the Project activities or placement of fill for the Project.
7. The discharge of materials other than stormwater, which are not otherwise regulated by a separate NPDES permit or allowed by this Order, to waters of the State is prohibited.
8. The discharge of drilling muds to waters of the State, or where such muds could be discharged to waters of the State, is prohibited.

B. Receiving Water Limitations

1. The discharges shall not cause the following conditions to exist in waters of the State at any place:

- a. Floating, suspended, or deposited macroscopic particulate matter or foam in concentrations that cause nuisance or adversely affect beneficial uses;
 - b. Bottom deposits or aquatic growths to the extent that such deposits or growths cause nuisance or adversely affect beneficial uses;
 - c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
 - d. Visible, floating, suspended, or deposited oil or other products of petroleum origin; or
 - e. Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on wildlife, waterfowl, or other aquatic biota, or which render any of these unfit for human consumption, either at levels created in the receiving waters or as a result of biological concentration.
2. The discharges shall not cause nuisance, or adversely affect the beneficial uses of the receiving water.
3. The discharges shall not cause the following limits to be exceeded in waters of the State at any one place within one foot of the water surface:

- a. Dissolved Oxygen: 5.0 (WARM) or 7.0 (COLD) mg/l minimum. When natural factors cause lesser concentrations, then this discharge shall not cause further reduction in the concentration of dissolved oxygen.
- b. pH: The pH shall not be depressed below 6.5 nor raised above 8.5, nor caused to vary from normal ambient pH by more than 0.5 pH units.
- c. Toxicity: All waters shall be maintained free of toxic substances in concentrations that are lethal to or that produce other detrimental responses in aquatic organisms.
- d. Nutrients: Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.
- e. Salinity: The discharge shall not increase total dissolved solids or salinity to adversely affect beneficial uses.

f. Turbidity

Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases from normal background light penetration or turbidity relating to waste discharge shall not be greater than 10 percent in areas where natural turbidity is greater than 50 NTU, or greater than 5 NTU where natural turbidity is less than 50 NTU.

C. Provisions

1. The Department shall comply with all Prohibitions, Receiving Water Limitations, and Provisions of this Order immediately upon adoption of this Order or as provided below.
2. To mitigate for proposed Project impacts, the Department shall restore the temporarily impacted wetland area to pre-construction conditions, or better. The Department shall also work with Solano Land Trust to fund the Lynch Canyon Restoration Project.
3. Prior to commencement of Project construction, the Department shall provide the Water Board with a copy of the final cooperative agreement between the Solano Land Trust and the Department that describes the Department's funding commitments for the Lynch Canyon mitigation project.
4. Prior to commencement of Project construction, the Department shall provide the Water Board proof of payment of \$293,570 to the Solano Land Trust for the Lynch Canyon mitigation project.
5. The Department shall construct biofiltration swales that shall treat a minimum of 9.79 acres of new and reworked impervious surfaces that will be created by the Project. All stormwater treatment controls are required to be installed and fully functional by Project construction completion. The Department shall provide additional treatment of ten percent per year late of the area not treated, if controls treating 9.79 acres of impervious surface are not functional by construction completion.
6. The Department shall provide hydromodification management for the net added impervious area of 7.09 acres resulting from the Project by installing six biofiltration swales with flow control measures, following the *Technical Memorandum: Hydromodification analysis (HDR, Nov. 2024)* submitted to the Water Board on November 14, 2024.
7. Not later than 60 days prior to the beginning of construction of any Project component, the Department shall submit, acceptable to the Executive Officer, a final SWPPP, prepared pursuant to its Statewide Permit, to address the Project's construction-stage impacts.
8. The Department shall prepare an as-built report acceptable to the Executive Officer. The as-built report shall be submitted to the Water Board no later than 60 days after

completing Project construction activities, including revegetation, in any work season, and not less frequently than at least once per year. The report shall include a description of the areas of actual disturbance during Project construction. The report shall clearly identify and illustrate the Project site, the locations of permanent and temporary impacts, and the species and quantities of any vegetation planted in waters of the State. The report shall include as-built plans for stormwater treatment and hydromodification management BMPs constructed with the Project. The as-built report shall include the 100 percent construction plans marked with the contractor's field notes that clearly depict any deviations made during construction from the designs reviewed by the Water Board; The as-built report shall be submitted via email to RB2-401Reports@waterboards.ca.gov.

9. The Permittee shall submit a Notice of Project Construction Completion (Completion Notice) acceptable to the Executive Officer to notify the Water Board once the Project has been completed. The Completion Notice shall be submitted to the Water Board no later than 60 days after completing Project construction activities and shall reference **NOC_459361_I80Cordelia Commercial Vehicle Enforcement Facility**. The Completion Notice shall include the as-built report, the date of the first Project-related disturbance of waters of the State occurred, CIWQS Place ID 897874, and the date construction was completed. The Completion Notice shall be sent via email to RB2-401Reports@waterboards.ca.gov, and by mail to the attention of 401 Certifications Reports (see address on the letterhead);
10. The Project shall be constructed as described in the Report of Waste Discharge submitted by the Department on June 20, 2024. Any changes to the Project design shall be submitted, acceptable to the Executive Officer, and must be accepted in writing before they may be implemented.
11. In accordance with CWC section 13260(d), the Department shall file with the Water Board a report of any material change or proposed change in the ownership, character, location, or quantity of this waste discharge. Any proposed material change in operation shall be reported to the Executive Officer at least 30 days in advance of the proposed implementation of any change and must be approved by the Water Board. This shall include, but not be limited to, all significant new soil disturbances, all proposed expansion of development, any change in drainage characteristics at the Project site, or any proposed change in the boundaries of the area of wetland/waters of the state to be filled.
12. The Department shall immediately notify the Board staff by telephone whenever an adverse condition occurs as a result of this discharge. Such a condition includes, but is not limited to, a violation of the conditions of this Order, a significant spill of petroleum products or toxic chemicals, or damage to control facilities that would cause noncompliance. Pursuant to CWC section 13267(b), a written notification of the adverse condition shall be submitted to the Water Board within two weeks of occurrence. The written notification shall identify the adverse condition, describe the actions necessary to remedy the condition, and specify a timetable, subject to any modifications by the Water Board staff, for the remedial actions.
13. The Department shall at all times fully comply with the engineering plans, specifications, and technical reports submitted with its application for water quality certification and the completed report of waste discharge.

14. All discharges of ground water or other non-storm water during construction are covered under the Statewide Permit, contingent on submittal of an acceptable discharge plan at least 30 days prior to such a discharge.
15. The Department is considered to have full responsibility for correcting any and all problems that arise in the event of a failure that results in an unauthorized release of waste or wastewater.
16. Any hazardous, designated or non-hazardous waste as defined in Title 23, Division 3, Chapter 15 of the California Administrative Code, shall be disposed of in accordance with applicable state and federal regulations.
17. The Department shall clean up and abate any wastes that are discharged at any sites in violation of this Order.
18. An annual fee for WDRs pursuant to CWC section 13260 is required and shall be paid by the Department in a timely manner.
19. The Department shall maintain a copy of this Order at the Project site so as to be available at all times to site operating personnel and agencies.
20. The Department shall permit the Water Board or its authorized representative at all times, upon presentation of credentials:
 - a. Entry onto Project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this Order.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Order.
 - d. Sampling of any discharge or surface water covered by this Order.
21. This Order does not authorize commission of any act causing injury to the property of another or of the public; does not convey any property rights; does not remove liability under federal, state, or local laws, regulations or rules of other programs and agencies, nor does this Order authorize the discharge of wastes without appropriate permits from other agencies or organizations.
22. The Water Board will consider rescission of this Order upon Project completion and the Executive Officer's acceptance of notices of completion of mitigation for all mitigation, creation, and enhancement projects required or otherwise permitted now or subsequently under this Order.

I, Eileen White, Executive Officer, do hereby certify that the foregoing is a full, complete and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on March XX, 2025.

Eileen M. White, P.E.
Executive Officer

Attachments:

Attachments (*provided as a separate document*)

A: Project Figures

B: Stormwater Treatment and Hydromodification Management Design Plans