
Central Valley Regional Water Quality Control Board

17 February 2021

Jason Cashman
Port of Stockton
2201 West Washington Street
Stockton, CA 95203
jcashman@stocktonport.com

**ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY
CONDITIONED WATER QUALITY CERTIFICATION; PORT OF STOCKTON,
DENMAR NATURAL SODA ASH EXPORT TERMINAL PROJECT
(WDID#5B39CR00341A1), SAN JOAQUIN COUNTY**

This Order responds to the 8 July 2021 request for an amendment of the Denmar Natural Soda Ash Export Terminal Project (Project) Section 401 Water Quality Certification (WDID#5B39CR00341). The original Water Quality Certification (Certification) was issued on 2 July 2021. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

The United States Army Corps of Engineers (SPK-2020-00825) provided an Approved Jurisdictional Determination on 8 July 2021 which concluded that the wetlands within the review area are neither navigable waters of the United States (U.S.) or waters of the U.S.

The Certification is amended as described below:

- This Order responds to the 7 May 2021 application submitted by Port of Stockton (Applicant) for the Water Quality Certification of the Denmar Natural Soda Ash Export Terminal Project (Project), permanently impacting 0.01 acres of waters of the United States.
- Technical Condition 32 has been updated to reflect the following mitigation requirements: To mitigate for the loss of 0.01 acres of stream channel habitat, the Applicant shall purchase a minimum of 0.01 aquatic resource mitigation credits from a United States Army Corps of Engineers approved mitigation or in-lieu fee program for the impacted watershed prior to commencing construction. At a minimum, compensatory mitigation must achieve the ratio of at least 1:1. The Applicant shall provide evidence of all offsite compensatory mitigation to the Central Valley Water Board.

Compensatory mitigation must comply with the effective policy, which ensures no overall net loss of wetlands for impacts to waters of the state, at the time of Certification.

The Project Information Sheet is amended as described below:

- Water Body Type: Streambed
- Project Description: The 101-acre Denmar Natural Soda Ash Export Terminal Project (Project) is located at the Port of Stockton near the intersection of Harbor Street and Port Road 1. The Project involves development of a soda ash export terminal. Permanent impacts to 0.01 acre of stream channel are associated with the installation of a foam-filled pneumatic fender system at the terminal vessel receiving berths.
- Fill Area: Approximately 25 cubic yards of steel-framed, foam-filled fender units will be placed into 0.01 acre of stream bed habitat (waters of the United States).
- California Integrated Water Quality System Impact Data: The Project will permanently impact 0.01 acre of stream bed habitat from fill and excavation activities.
- Table 1: Total Project Fill Permanent Physical Loss of Area Impact Quantity

Aquatic Resource Type	Acres
Stream Channel	0.01

- Compensatory Mitigation: To mitigate for the loss of 0.01 acres of stream bed habitat, the Applicant shall purchase a minimum of 0.01 mitigation credits from a United States Army Corps of Engineers approved mitigation bank or in lieu fee program for the impacted watershed prior to commencing construction. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of this purchase shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification.
- Table 2: Compensatory Mitigation for Permanent Physical Loss of Area by Method [Establishment (Est.), Rehabilitation (Reh.), Enhancement (Enh.)]

Aquatic Resource Type	Mitigation Type	Units	Est.	Reh.	Enh.
Stream Channel	MB	Acres			0.01

APPLICATION FEE RECEIVED:

No fee was required for this amendment. Total fees of \$169,099.00 for the original Certification were received on 1 July 2021. The fee amount was determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3), as was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

Nicholas White, Water Resource Control Engineer
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114
Nicholas.White@waterboards.ca.gov
(916) 464-4856

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Denmar Natural Soda Ash Export Terminal Project (WDID#5B39CR00341A1). All other conditions and provisions of the original Water Quality Certification and any previously approved amendments remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

Original Signed By James Marshall for:

Patrick Pulupa
Executive Officer

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DISTRIBUTION LIST

[Via email only]

Erin Campbell (SPK-2020-00825)
United States Army Corps of Engineers
Sacramento District Headquarters
Regulatory Division
SPKRegulatoryMailbox@usace.army.mil

Department of Fish and Wildlife, Region 2
R2LSA@wildlife.ca.gov

Stephanie Tadlock
Unit Supervisor
Central Valley Regional Water Quality Control Board, Sacramento Office
Stephanie.Tadlock@waterboards.ca.gov

CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
Stateboard401@waterboards.ca.gov

United States Environmental Protection Agency
R9CWA401@epa.gov

Katie Chamberlin
Anchor QEA, LLC
kchamberlin@anchorqea.com