



Linda S. Adams
Acting Secretary for
Environmental Protection

State Water Resources Control Board

Executive Office

Charles R. Hoppin, Chairman
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Edmund G. Brown Jr.
Governor

JAN 21 2011

Ms. Patricia Sanchez
Pacific Gas and Electric Company
245 Market Street, Room 1054-C
San Francisco, CA 94105-1702

Dear Ms. Sanchez,

CLEAN WATER ACT (CWA) SECTION 401 WATER QUALITY CERTIFICATION FOR
THE PACIFIC GAS AND ELECTRIC COMPANY GAS PIPELINE 303 IN-LINE
INSPECTION AND REPAIR PROJECT (U.S. Army Corps of Engineers File No. 2009-
00143-S, State Water Resources Control Board File # SB10004IN).

Pacific Gas and Electric Company (PG&E) has requested that the State Water Resources Control Board (State Water Board) issue a CWA Section 401 Water Quality Certification (Certification) for the Gas Pipeline 303 In-Line Inspection and Repair Project. An application for Certification was received on April 10, 2009. The application was completed on June 16, 2009. State Water Board staff reviewed the information submitted by PG&E describing project activities and proposed water quality protection measures. Consultations regarding this program were also conducted with staff of the Central Valley and the San Francisco Bay Regional Water Quality Control Boards.

Pursuant to Title 23, Section 3838 of the California Code of Regulations, the Executive Director has made the Certification determination described in the Enclosure for these projects. Attachments A through G of the Enclosure are also part of this Certification.

If you require further assistance, please contact Cliff Harvey, the staff person most knowledgeable on the subject, at (916) 558-1709 (charvey@waterboards.ca.gov). You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Unit, at (916) 341-5464 (borme@waterboards.ca.gov).

Sincerely,

Thomas Howard
Executive Director

California Environmental Protection Agency

Attachments (7): Water Quality Certification Order
 A. Signatory Requirements
 B. Project Information Sheet and Supplement
 C. Project Area Map
 D. CEQA Notice of Determination
 E. PG&E Gas Line 303 In-Line Inspection Project Mitigation
 Monitoring and Reporting Plan (MMRP).
 F. USFWS Biological Opinion
 G. CDFG Consistency Determination

cc: Mr. Justin Yee
 Regulatory Branch
 San Francisco District
 U.S. Army Corps of Engineers
 1455 Market Street
 San Francisco, CA 94103-1398

Mr. Jason A. Brush, Chief
Wetlands Regulatory Office (WTR-8)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Ms. Pamela Creedon, Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive
Rancho Cordova, CA 95670-6144

Mr. Bruce H. Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Ms. Sandra Morey, Deputy Director
Ecosystem Conservation Division
California Department of Fish and Game
1416 Ninth Street
Sacramento, CA 95814

cc (See next page)

JAN 21 2011

cc: (Continuation page)

Ms Susan K. Moore
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W2605
Sacramento, CA 95825-1846

Ms. Marcia Gresfrud
CDFG, Region 3
7329 Silverado Trail
Napa, CA 94558
mgresfrud@dfg.ca.gov



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Edmund G. Brown Jr.
Governor

**ACTION ON REQUEST FOR CLEAN WATER ACT (CWA) SECTION 401 WATER
QUALITY CERTIFICATION FOR THE PACIFIC GAS AND ELECTRIC COMPANY
GAS PIPELINE 303 IN-LINE INSPECTION AND REPAIR PROJECT
(U.S. Army Corps of Engineers File No. NO. 2009-00143-S, State Water Resources
Control Board File # SB10004IN)**

PROJECT: CWA Section 401 Certification for the Gas Pipeline 303 In-Line Inspection and Repair Project

APPLICANT: Ms. Patricia Sanchez
Pacific Gas and Electric Company
245 Market Street, Room 1054-C
San Francisco, CA 94105-1702

This 401 Water Quality Certification (Certification) is for Pacific Gas and Electric Company's (PG&E) Gas Pipeline 303 In-Line Inspection and Repair Project (Project). PG&E will conduct the Project under U.S. Army Corps of Engineers (Corps) Nationwide Permit 12. A Mitigated Negative Declaration and Notice of Determination for the project have been prepared by the State Water Resources Control Board (State Water Board), acting as lead agency for CEQA compliance. A review of the effects of the project indicates that the Project will not violate State water quality standards if specified conditions and mitigations are implemented.

ACTION

- | | |
|---|---|
| <input type="checkbox"/> Order for Standard Certification | <input type="checkbox"/> Order for Denial of Certification |
| <input checked="" type="checkbox"/> Order for a Technically Conditioned Certification | <input type="checkbox"/> Order for Waiver of Waste Discharge Requirements |

PROJECT DESCRIPTION:

PG&E proposes to inspect and, if necessary, repair three anomalies identified by previous in-line inspections of the 36 inch diameter Gas Pipeline 303 in at three sites in rural Alameda and Contra Costa Counties.

California Environmental Protection Agency



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Sites 1 and 2 are located north and south of Camino Diablo Road, respectively, in Contra Costa County. Site 3 is located in Alameda County approximately two miles north of Interstate 580 and 0.45 miles west of Vasco Road near Livermore, California. Sites 1 and 2 are separated from Site 3 by a distance of approximately 9.8 miles. Sites 1 and 2 are accessed by Camino Diablo Road. Site 3 is accessed via a gated unpaved road which proceeds from the intersection of Ames Road and Raymond Road, and follows the Contra Costa-Los Positas 230kV overhead electrical transmission line.

As part of the verification of the in-line inspection results, an external direct examination of the pipeline is required. As a result of the external direct examination, a repair may be made to restore the integrity of the pipeline. Each pipeline anomaly will require excavation of a 10 foot x 20 foot hole placed within a 50 foot x 50 foot work area. After the pipe has been exposed, examined and repaired (if necessary), a protective epoxy coat will be applied and the pipe trench will be backfilled. The temporarily impacted areas will then be restored to pre-construction conditions.

Wetland features have been identified at Site 1. A seasonal wetland is located in the work area of site 1, which shall be subject to 0.057 acres of temporary disturbance entailing 74 cubic yards of dredging and 74 cubic yards of fill (i.e., soil excavated will be returned to the excavated site.) A vernal pool, which shall be avoided, is located immediately to the east of this work site.

The access route to Site 3 crosses an alkali swale, which shall be subject to 0.009 acres of temporary disturbance which may entail up to 40 cubic yards of temporary fill which would be removed at the end of the project.

In accordance with the Biological Opinion issued by U.S. Fish and Wildlife Service (USFWS) for the Project, and the Consistency Determination issued by California Department of Fish and Game (DFG), PG&E will purchase mitigation credits at an USFWS-approved mitigation bank at a minimum of 3:1 ratio to compensate for effects on 0.5 acres of habitat for each of the following species: California tiger salamander, California red-legged frog, and San Joaquin kit fox. In addition, PG&E will compensate for effects to longhorn fairy shrimp, vernal pool fairy shrimp, and vernal pool tadpole shrimp on 0.3 acres of habitat at a minimum of 3:1 ratio. PG&E shall provide documentation to the State Water Board that these mitigation measures have been accomplished to the satisfaction of USFWS and DFG prior to the start of earth-moving activities. Because the primary beneficial uses of the affected project sites are habitat related, the State Water Board will accept this compensatory mitigation as adequate for compensation of the temporary loss of the beneficial uses of the affected waters.

STANDARD CONDITIONS:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to subsection 3855(b) of Chapter 28, Title 23 of the CCR, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of the full fee required in State regulations (23 CCR Section 3833). State Water Board staff received payment of \$764.00 on April 13, 2009. An additional payment of \$51.00 was received on June 29, 2009.

ADMINISTRATIVE CONDITIONS:

1. PG&E shall construct the Project in accordance with the conditions described in the application, supporting documents and this Certification.
2. This Certification shall expire upon the expiration or retraction of the CWA Section 404 permit issued by the Corps, or five (5) years from the date of issuance of this Certification, whichever comes first.
3. PG&E shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed project shall be adequately informed and trained regarding the conditions of this Certification.
4. PG&E shall grant State Water Board and Regional Water Quality Control Board (Regional Water Board) staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the project site at reasonable times, to ensure compliance with the terms and conditions of this Certification and/or to determine the impacts the project may have on the waters of the State.

5. A copy of the Storm Water Pollution Prevention Plan (SWPPP) shall be provided to the State Water Board at least 30 days prior to the start of construction.
6. 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, processes, or sanctions as provided for under State or federal law. For purposes of the CWA section 401 (d), the applicability of any State law authorizing remedies, penalties, processes, 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.
7. In response to a suspected violation of any condition of this Certification, the State Water Board may require the holder of this Certification to furnish, under the penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
8. The State 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 CWA.
9. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to PG&E and/or responsible Project Site Supervisor, if the State Water Board determines that the project fails to comply with any of the terms or conditions of the Certification.
10. This Certification does not obviate the need to obtain other permits that may be required by federal, state, or local authorities.
11. Failure to comply with any condition of this Certification shall constitute a violation of the CWA and the Porter-Cologne Water Quality Control Act. Any such Certification previously granted shall immediately be revoked, and any or all discharges shall cease. PG&E may then be subject to administrative and/or civil liability pursuant to Water Code 13385.

ADDITIONAL CONDITIONS:

1. Permitted activities must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters

as adopted in the Water Quality Control Plan (Basin Plan) by a Regional Water Board or the State Water Board.

2. PG&E shall adhere to all conditions imposed by the Project Nationwide Permit 12, issued to PG&E by the Corps.
3. This Project shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
4. This Project shall not discharge waste classified as "hazardous" as defined in Title 22 CCR section 66261 and CWA section 13173. All hazardous materials, including fuels, lubricants, and cleaning solutions, shall be properly stored, handled, and disposed of.
5. No equipment shall be operated in areas of flowing or standing water.
6. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States.
7. Vehicle and equipment fueling and maintenance operations shall be at least 200 feet away from vernal pools and any other aquatic sites.
8. All hazardous materials, including fuels, lubricants, and cleaning solutions, shall be stored, handled, and used in accordance with all applicable regulations and pollution prevention plans, including but not limited to the Construction Storm Water Pollution Prevention Plan (SWPPP). Any substantial deviation from or change to the pollution prevention plans must be approved by the State Water Board prior to commencement of work.
9. No debris, soil, silt, sand, cement, concrete, or washings thereof, other construction related materials or wastes, oil or petroleum products, or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into jurisdictional wetlands or waters. Upon completion of construction, all construction-related materials shall be removed from the work area and any areas adjacent to the work area.
10. All entrances and exits onto connecting roads shall be kept clean of mud and debris.

11. Daily visual inspections for waste releases of all vehicles and equipment parked or operating in areas that could potentially drain to surface waters shall be conducted before the vehicles or equipment begin conducting work for the day. Any spillage and leaks shall be noted during any point that they occur during the day. Presence of any spillage or leaks must be noted and contaminated soils must be immediately removed from the area for disposal at a permitted facility.
12. Equipment engines shall be covered. PG&E shall ensure that mufflers are in good working condition and equipment free of all leaks.
13. Appropriate Best Management Practices (BMP) shall be implemented throughout the project activities to minimize erosion, sediment transport, and damage to existing vegetation. All BMP materials shall be on site and ready for use prior to project implementation that throughout the life of the project. BMPs shall be in full compliance with all specifications governing the proper design, installation, operation, and maintenance of such management practices.
14. Disturbance or removal of vegetation shall be minimized. The site shall be stabilized utilizing BMPs, including the successful re-establishment of native vegetation. Re-vegetation work must be completed in the same calendar year as specified in the Mitigation Monitoring and Reporting Plan.
15. For all areas to be excavated, topsoil will be stripped, stockpiled separately, and replaced at the end of the backfilling process. Impermeable clay layers in the vicinity of vernal pools, if encountered, should be stockpiled separately and replaced to avoid or minimize potential indirect effects to the hydrology of local vernal pool complexes.
16. All trucks hauling soil, sand, and other loose materials shall take measures to ensure that material is not blown or otherwise carried from the vehicle during transport. Loads shall be covered, or at least two feet of free board shall be maintained. If these measures are not sufficient, additional methods of securing the loads must be devised.
17. If any disturbed work area is to be inactive for more than 14 days, mulching, tackifiers, tarps, or other protective measures sufficient to prevent soil erosion will be implemented.
18. Enclose, cover, water daily or apply approved non-toxic soil binders to exposed stockpiles (soil, sand, etc.) to prevent stockpiled soils from moving by precipitation or wind.

19. With the exception of designated storage or staging yards, waste or garbage of all types, including food waste, will be carried off site and properly disposed of daily, and will not be stored at any project activity site beyond the end of any work day.
20. Permitted activities shall not result in the taking of any State endangered species, threatened species, or candidate species, or the habitat of such a species unless the activity is authorized by DFG pursuant to a permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code sections 2081, 2081.1, or 2086.
21. All protective measures included in the Biological Opinion to be issued by the United States Fish and Wildlife Service (USFWS) for this project shall be implemented. PG&E shall provide the State Water Board with the final Biological Opinion as soon as it is available. No construction activity that could harm or harass wildlife shall occur until a copy of the final Biological Opinion is received by the State Water Board.
22. All Mitigation Measures (MMs) in the Project Mitigation Monitoring and Reporting Plan shall be implemented by PG&E. Any significant modifications to the Mitigation and Monitoring Report Plan (MMRP) (Attachment E) must be approved by the State Water Board before implementation.
23. In addition to the conditions in this Certification, all project activity shall be in compliance with the following mitigation measures described in Attachment E, the *PG&E Gas Line 303 In-Line Inspection Project Mitigation Monitoring and Reporting Plan* (MMRP). PG&E is responsible for the implementation of MMRP. The success of the mitigation efforts detailed in the MMRP will be monitored according to the schedule provided by the MMRP. All reports will be prepared by persons who are qualified and knowledgeable regarding the subject of each mitigation measure. The following mitigation measures will be implemented and reported prior to the start of construction (Note that some measures have multiple reporting periods): APM-BIO 1, 3, 4, 7, 14, 15, 16, 26, 31, 34, and 36. The following mitigation measures will be implemented during or immediately after construction and reported immediately after the conclusion of construction: APM-BIO 2, 3, 5 through 12, 17 through 25, 27 through 33, and 35. The following mitigation measures will be implemented and reported at the end of construction and annually for a minimum of five years: APM-BIO 9, 31. Failure to meet any of the final 5-year performance criteria will result in an extension of the monitoring period until that particular criterion is met. This condition does not obviate other reporting requirements in the MMRP that do not pertain to this Certification.

Monitoring and Reporting

1. Monitoring reports will be submitted by November 1st of each monitoring year to the 401 Program Managers of the State Water Board and the appropriate Regional Water Board(s) documenting work undertaken the previous year(s). The reports, at a minimum, shall include:
 - i. Names, titles, and affiliations of all persons who prepared the report and conducted field work;
 - ii. Analysis of all quantitative monitoring data;
 - iii. Electronic or color copies of all photo-documentation;
 - iv. Maps showing the monitoring area, vegetation survey sites, and photo-documentation points; and remedial action recommendations, as needed.
 - v. Reports shall be directed to: Program Manager, Certification and Wetlands Program: at the following State and appropriate Regional Water Board office(s):

State Water Resources Control Board
Division of Water Quality
P.O. Box 100, Sacramento, CA 95812-0100 (by mail)
1001 "I" Street, 15th Floor, Sacramento, CA 95814 (by hand delivery)

San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Central Valley Regional Water Quality Control Board
Sacramento Office
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114
2. PG&E shall notify the State Water Board within 24 hours of any noncompliance that may impact the beneficial uses of waters of the State. The notification shall include the volume and type of materials discharged and recovered, measures used to contain the discharge, and measures used to prevent future discharges.
3. All information requested in this Certification, including mitigation and monitoring reporting, is pursuant to CWC section 13267. Civil liability may be administratively

imposed by the State Water Board for failure to furnish requested information pursuant to CWC section 13268.

4. PG&E shall submit a notice of mitigation completion and final mitigation report to the State Water Board which must be approved by the State Water Board staff contact for this project

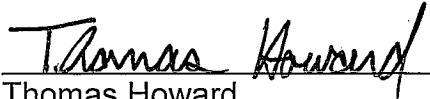
STATE WATER BOARD CONTACT PERSON:

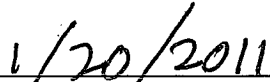
If you have any questions, please contact State Water Board Environmental Scientist Cliff Harvey at (916) 558-1709 (charvey@waterboards.ca.gov). You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 (borme@waterboards.ca.gov).

WATER QUALITY CERTIFICATION:

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), if all of the conditions listed in the Certification action are met. This discharge is also regulated pursuant to State Water Board Quality Order No. 2003-0017-DWQ, which authorizes this Certification to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the MMRP and as described in the Project Information Sheet (Attachment B), and (b) compliance with all applicable requirements of the pertinent Regional Water Board's Water Quality Control Plan.


Thomas Howard
Executive Director
State Water Resources Control Board


Date

- Attachments (3):
- A. Signatory Requirements
 - B. Project Information Sheet and Supplement
 - C. Project Area Map
 - D. CEQA Notice of Determination
 - E. PG&E Gas Line 303 In-Line Inspection Project Mitigation Monitoring and Reporting Plan (MMRP).
 - F. USFWS Biological Opinion – Nov. 9, 2010
 - G. CDFG Consistency Determination