



Linda S. Adams
Secretary for
Environmental Protection

**California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman**

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Arnold
Schwarzenegger
Governor

July 19, 2010

In the Matter of

**Notice of Coverage, Waiver of Waste Discharge Requirements for
Minor Dredging and Fill Activities**

for the

**Pacific Gas and Electric
Farmer's Lane Bridge Project
WDID No. 1B09120WNSO**

APPLICANT: Pacific Gas and Electric
RECEIVING WATER: Santa Rosa Creek
HYDROLOGIC AREA: Santa Rosa Hydrologic Sub Area No. 114.22,
Russian River Hydrologic Unit No. 114.00
COUNTY: Sonoma County
FILE NAME: PG&E Farmer's Lane Bridge Project

BY THE EXECUTIVE OFFICER:

1. This Notice of Coverage provides notice that certain activities are covered by the Waiver of Waste Discharge Requirements for Minor Dredging and Fill Activities (Waiver), which was adopted pursuant to California Water Code Section 13269 by the California Regional Water Quality Control Board, North Coast Region, (Regional Water Board) in Resolution 2007-0098. On October 5, 2009, Ms. Patricia Sanchez of Pacific Gas and Electric (Applicant), filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341) and/or Waste Discharge Requirements for dredge/fill activities, with the Regional Water Board for activities associated with the Farmer's Lane Bridge Project (Project), in Sonoma County. The total fee in the amount of \$778 was received on the same day. A "Spill Contingency Plan" prepared by ENGEO Inc., was received on April 19, 2010. The Regional Water Board provided public notice

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of the application pursuant to title 23, California Code of Regulations, section 3858 on June 10, 2010, and posted information describing the Project on the Regional Water Board's website. No comments were received.

2. The latitude and longitude of the Project are 38.449190° N and 122.688519° W respectively. The project includes the Assessors Parcels Number (APN) 014-071-093. The Project will cause temporary impacts to approximately 0.05 acres of streambed and bank associated with Santa Rosa Creek in the Santa Rosa Hydrologic Sub Area No. 114.22, Russian River Hydrologic Unit No. 114.00.
3. The purpose of the project is to maintain the integrity of a four-inch, natural gas pipeline, suspended under the Farmers Lane Bridge. This pipeline is a conveyance for natural gas and serves the geographic area of Santa Rosa. The Applicant believes that the repair of this facility must be completed before the onset of the 2010 rainy season, in order to insure an uninterrupted energy supply and to protect the safety of the public.
4. As described in the application, the Applicant will install approximately 16, 14 by 14 inch wood plates on the creek bed. The plates will provide a stable footing for temporary scaffolding used to make the necessary repairs. The repair will also require minor cuts into an existing footpath on the banks to construct steps and allow safe access to the creek bed. A 6-mil poly sheet will be installed over and around the scaffolding to prevent the proposed protective coatings from entering the stream bed and will be vacuumed daily to prevent any materials from entering the creek bed. The existing lead-based protective pipe coating will be removed by hand using metal scrapers and wire brushes, and the new epoxy coating will be applied over the pipeline by hand, with paintbrushes. A 60 by 100 foot staging area will be set up in a vacant field west of Farmers Lane and just south of the project site. Access between the staging area and project site will be via an established footpath. Upon completion of the repair work, the scaffolding, plastic sheeting, and steel plates will be removed from the project site. The proposed project will not impact any vegetation, but should unintentional impacts occur, a Bank Restoration Plan, which will repair impacts, will be implemented.
5. Compensatory mitigation will not be required. However, the access path on the creek bank will be returned to its original slope, and the area will be seeded with native grasses. If riparian restoration is necessary, all plantings shall be irrigated and managed for a minimum of 5 consecutive years immediately following planting. Planted vegetation shall have at least an 85% survival rate of thriving planted species at the end of five years. Annual reports shall be submitted to the Regional Water Board for five years, and shall include photos of the revegetated

areas, and include survival rates and a narrative summary of the status of the revegetation/mitigation effort.

6. The Applicant has applied to the California Department of Fish and Game for a Lake and Streambed Alteration Agreement (File No. 1600-2009-0358-R3).
7. U.S. Army Corps of Engineers have determined that the project does not require Department of the Army authorization, and stated in their letter dated May 21, 2010.
8. If, at any time, an unauthorized discharge to surface waters occurs, or any situation arises that compromises water quality and its beneficial uses, the Applicant shall immediately cease work on the project and notify the Regional Water Board.
9. The Regional Water Board may add to or modify the conditions of this Notice of Coverage, 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.
10. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has adopted Categorical Waivers for Resolution 2007-0098, on December 6, 2007, pursuant to CEQA.

Receiving Water: Santa Rosa Creek
Santa Rosa Hydrologic Sub Area No. 114.22,
Russian River Hydrologic Unit No. 114.00

Filled or Excavated Area: Temporary impact to 0.05 acres of streambed and bank

Latitude/Longitude: 38.449190° N and 122.688519° W

Expiration: July 19, 2015

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE PACIFIC GAS AND ELECTRIC FARMER'S LANE BRIDGE PROJECT (FACILITY NO. 1B09120WNSO), AS DESCRIBED IN THE APPLICATION, IS HEREBY COVERED UNDER THE WAIVER, PROVIDED THAT PROJECT COMPLIES WITH THE FOLLOWING TERMS AND CONDITIONS:

1. Some or all of the Russian River watershed is identified on the State of California Clean Water Act Section 303(d) list as impaired for sediment, temperature, mercury, low dissolved oxygen, pathogens, pH, nitrogen, phosphorus, and specific conductance. Total Maximum Daily Load (TMDL) analyses have not been completed for the Russian River watershed sediment and temperature listings. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures and sediment. If a TMDL implementation plan is adopted prior to the expiration date of this Notice of Coverage, the Regional Water Board may revise the provisions of this Notice of Coverage to address actions identified in such action plans.
2. Since the Project involves construction that may adversely affect waters of the State, the Regional Water Board has regulatory jurisdiction under Water Code Section 13269.
3. This Notice of Coverage is contingent on compliance with all applicable requirements of the North Coast Region Water Quality Control Plan (Basin Plan), except as may be modified by the specific conditions of the Notice of Coverage.
4. The Applicant shall construct the Project in accordance with the conditions described in the application and the findings herein, and shall comply with all applicable water quality standards.
5. Applicant shall provide Regional Water Board staff access to the project site to document compliance with this Notice of Coverage.
6. The Applicant shall provide a copy of this Notice of Coverage and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. The Applicant shall be responsible for work conducted by its contractor or subcontractors.
7. In the event of any violation or threatened violation of the conditions of this Notice of Coverage, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law.
8. If, at any time, an unauthorized discharge to surface waters occurs, or any situation arises that compromises water quality and its beneficial uses, Applicant shall immediately cease work on the project and notify the Regional Water Board.
9. The Regional Water Board may add to or modify the conditions of this Notice of Coverage, 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.

10. Applicant shall prioritize use of wildlife-friendly 100% biodegradable erosion control products/BMPs wherever feasible. For purposes of this Notice of Coverage, photodegradable synthetic products are not considered biodegradable. Applicant shall not use or allow the use of erosion control products, that contain synthetic (e.g., plastic or nylon) netting or materials for permanent erosion control (i.e., erosion control materials to be left in place for two years or after the completion date of the project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, the Applicant shall remove the netting or product and replace it with wildlife-friendly biodegradable products. The Applicant shall not use or allow the use of soil stabilization products that contain synthetic materials within waters of the United States or waters of the State at any time. Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, or sooner.

11. This Notice of Coverage is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Notice of Coverage by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of this Notice of Coverage to discharge dredged or fill material under this Notice of Coverage. The request must contain the following:
 - i. requesting entity's full legal name
 - ii. the state of incorporation, if a corporation
 - iii. address and phone number of contact person
 - iv. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Notice of Coverage

12. Except 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 applicant's project description, and b) compliance with all applicable requirements of the Basin Plan.

13. The authorization of this Notice of Coverage for any dredge and fill activities expires on July 19, 2015. Conditions and monitoring requirements outlined in this Notice of Coverage are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

14. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this Notice of Coverage must be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
15. The construction activity meets the eligibility criteria for the Waiver and, if constructed as described in the Application and in compliance with the above-listed conditions, the Project will adhere to applicable water quality standards. A monitoring and reporting program is required as described in the application. Therefore, I have determined that the Project is covered by the Waiver.
16. The following is a partial listing highlighting selected standard provisions from Resolution R1-2007-0098:
 - a. "The Applicant shall comply with all applicable provisions of the Water Quality Control Plan for the North Coast Region."
 - b. "The Applicant shall discharge only in accordance with the submitted Report of Waste Discharge or equivalent (i.e., the Application)."
 - c. "The Project shall not create a pollution, contamination, or nuisance, as defined by California Water Code Section 13050."
 - d. "There shall be no discharge of any waste not specifically regulated by waivers in Resolution R1-2007-0098."
 - e. "The Applicant shall allow Regional Water Board staff reasonable access onto the affected property for the purpose of performing an inspection to determine compliance with waiver conditions."
17. The following from Resolution R1-2007-0098 apply specifically to dredge and fill activities.

"The Applicant shall comply with the following additional conditions:

 - a. Discharges shall be non-toxic, short term, discharges to land.
 - b. The Project shall not result in a net loss of wetlands or beneficial uses.
 - c. This Notice of Coverage is valid only if operations are not being covered by General Waste Discharge Requirements."

18. Please be aware that a failure to implement the Project according to the project description and other information submitted in the Application, or violation of any of the terms contained in the Waiver and this Notice of Coverage, may result in the revocation of coverage under the Waiver and the initiation of formal enforcement proceedings as authorized by provisions of the California Water Code.
19. Enclosed is a copy of the Waiver Policy for Minor Dredging and Fill Activities, Resolution No. R1-2007-0098.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions.

Catherine Kuhlman
Executive Officer

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Enclosure: Waiver Policy (Res. R1-2007-0098)

Original sent to: Ms. Patricia Sanchez, PG&E, 245 Market Street, Mailcode N10A,
San Francisco, CA 94105

Copies sent to: Mr. Bill Orme, SWRCB, 401 Program Manager, Clean Water Act
Ms. Kim Niemeyer, SWRCB, Office of the Chief Counsel
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory
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Mr. Adam McKannay, California Department of Fish and Game,
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