
North Coast Regional Water Quality Control Board

April 18, 2014

In the Matter of

Water Quality Certification

for

**PG&E Humboldt Bay Power Plant Decommissioning Program Intake / Discharge
Canal Remediation Project
WDID No. 1B13126WNHU**

APPLICANT: Pacific Gas and Electric Company
RECEIVING WATER: Humboldt Bay and wetlands
HYDROLOGIC UNIT: Eureka Plain Hydrologic Unit No. 110.00
COUNTY: Humboldt
FILE NAME: PG&E HBPP Decommissioning Program Intake / Discharge
Canal Remediation Project

BY THE EXECUTIVE OFFICER:

1. On September 13, 2013, Pacific Gas and Electric Company (PG&E) (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the PG&E Humboldt Bay Power Plant Decommissioning Program Intake / Discharge Canal Remediation Project (Project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on January 10, 2014, and posted information describing the Project on the Regional Water Board's website. We did not receive any public comments on the Project. The Project is located approximately at latitude 40.7406182295°N, and longitude 124.210606006°W. The Project will result in permanent impacts to approximately

1.48 acres / 1,399 Linear Feet of waters of the U.S. and the State, including wetlands, eelgrass beds, channels and shorelines. The project will temporarily impact approximately 0.70 acres / 313 linear feet of streambed, waters of the US, associated with Humboldt Bay and Wetlands, Eureka Plain Hydrologic Unit No. 110.00.

2. The primary purpose of the Project is the remediation of the intake and discharge canals to remove contaminated sediment as necessary to terminate the Nuclear Regulatory Commission (NRC) license for the Humboldt Bay Power Plant (HBPP) nuclear power Unit 3 in accordance with 10 Code of Federal Regulations 52.110. The final goal is to establish conditions that allow for license termination and restore the canals to near pre-project conditions. The scope of this Project is limited to remediation and interim use of the canals before final restoration.
3. The Project involves removal and disposal of contaminated sediments and concrete structures from intake and discharge canals that were formerly part of a "once-through cooling" water system serving the HBPP. To achieve these project objectives the Applicant proposes to temporarily install a water control structure in the intake canal and a coffer dam in Humboldt Bay; dewater both canals; remove contaminated sediments, rip-rap, and concrete intake and discharge structures; and then restore these features to pre-project conditions. The Applicant would additionally remove the discharge canal outfall pipes to Humboldt Bay, disconnecting the canal from the Bay. The applicant may temporarily store clean soils from the decommissioning within the remediated discharge canal, to be removed at the conclusion of the decommissioning project.
4. The Project is planned to take place between April 2014 and March 2018. Remediation work is proposed to last approximately one (1) year and soil storage will last four (4) years, concurrently.
5. Compensatory mitigation is required for the proposed impacts to waters of the United States. The Project includes mitigation for the impacts to wetlands, waters of the U.S. and State including creation of approximately 0.24 acres of wetlands, restoration of approximately 0.38 acres and creation of approximately 0.20 acres of eelgrass beds, as well as, creation of approximately 0.79 acres of deep water, northern coastal salt marsh, mudflat and eelgrass habitat.

Mitigation for temporary impacts will include restoration of 1.15 acres of channel and shoreline to pre-project conditions. Enhancement of 6.20 acres of tidal salt marsh through invasive *Spartina densiflora* (denseflower cordgrass) eradication at Buhne Slough Salt Marsh in Humboldt Bay will offset temporal loss of functions between impacts and completed mitigation. The Project proposes to employ best management practices to prevent or reduce any discharges during and after construction.

6. The Applicant has applied for authorization from the United States Army Corps of Engineers for a Clean Water Act, section 404 permit. The Applicant has applied to the California Department of Fish and Wildlife for a Streambed Alteration Agreement.

Additionally, the Applicant has applied to the California Coastal Commission for a Coastal Development Permit.

7. On January 23, 2014, the Humboldt Bay Harbor District, as lead California Environmental Quality Act (CEQA) agency, certified a Mitigated Negative Declaration and filed with the State Clearinghouse (SCH No. 2013122032), pursuant to CEQA guidelines. The Regional Water Board has considered the environmental document.
8. Pursuant to Regional Water Board Resolution R1-2004-0087, Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters within the North Coast Region (Sediment TMDL Implementation Policy), the Executive Officer is directed to "rely on the use of all available authorities, including existing regulatory standards, and permitting and enforcement tools to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste."
9. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater.
10. This discharge is also regulated under State Water Resources Control 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 water quality certification. (Weblink below)

Receiving Water:	Humboldt Bay and wetlands, Eureka Plain Hydrologic Unit No. 110.00
Filled or Excavated Area:	Permanent impact to waters of the U.S.: 0.14 acres (6,098 ft. ²) Wetlands Permanent impact to waters of the State: 0.10 acres (4,356 ft. ²) wetlands
Channel and Shoreline:	Permanent impact to waters of the U.S.: 690 linear feet Humboldt Bay channels / shorelines Temporary impact to waters of the U.S.: 313 linear feet Humboldt Bay channels / shorelines

Fill Volume: 18,000 cubic yards

Latitude/Longitude: 40.7406182295°N / 124.210606006°W

Mitigation Summary Table: See Attachment 1

Expiration: April 18, 2019

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the PG&E Humboldt Bay Power Plant Decommissioning Program Intake / Discharge Canal Remediation Project (WDID No. 1B13126WNHU), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

All conditions of this order apply to the Applicant (and all their employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the Project as related to this Water Quality Certification.

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from 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 title 23, California Code of Regulations, section 3855, subdivision (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 this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833, and owed by the Applicant.
4. The Mitigation measures identified in the Mitigated Negative Declaration as necessary to reduce or eliminate significant effects on rare or endangered species within the Project site associated with waters of the State shall be incorporated as conditions of this water quality certification.
5. Compensatory mitigation shall be implemented in accordance with the *Biological Mitigation and Monitoring Plan for the Humboldt Bay Power Plant Canal Remediation Project* dated December 2013, submitted by Stillwater Sciences on behalf of the Applicant. Project mitigation includes creation of approximately 0.24 acres of wetlands, restoration of approximately 0.38 acres and creation of approximately 0.20

acres of eelgrass beds, as well as, creation of approximately 0.79 acres of deep water, northern coastal salt marsh, mudflat and eelgrass habitat. See attached mitigation summary table for specifics related to impact timing, area, and mitigation timing and area.

Mitigation for temporary impacts will include restoration of approximately 1.15 acres of channel and shoreline to pre-project conditions. Enhancement of approximately 6.20 acres of tidal salt marsh through invasive *Spartina densiflora* (denseflower cordgrass) eradication at Buhne Point Wetlands Preserve in Humboldt Bay will offset temporal loss of functions between impacts and completed mitigation.

Results of annual monitoring of the mitigation areas will be reported to the Regional Water Board annually. Reports shall summarize data collected, annual performance, any remedial action necessary and whether success criteria are met.

6. This certification does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (ESA) (Fish & Game Code §§ 2050-2097) or the federal ESA (16 U.S.C. §§ 1531 - 1544). If a "take" will result from any act authorized under this certification or water rights held by the Applicant, the Applicant must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Applicant is responsible for meeting all requirements of the applicable ESAs for the Project authorized under this certification.
7. The Applicant shall dispose of all contaminated soil at an approved and appropriately permitted disposal site that is in compliance with all applicable permits.
8. Applicant shall prioritize the use of wildlife-friendly 100% biodegradable erosion control products/BMPs whenever feasible. For purposes of this Order, 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. Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, or sooner.
9. BMPs shall be implemented as proposed in the application materials. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other Project activities that could result in erosion or sediment discharges to surface water. Severe and unseasonal rain events are becoming more frequent due to the effects of climate change. Therefore, BMPs shall be immediately available for deployment at all times to prevent discharges to waters of the state.

10. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area.
11. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this certification.
12. If, at any time, an unauthorized discharge to surface water (including wetlands, lakes, rivers or streams) occurs, or any water quality problem arises, the associated Project activities shall cease immediately until adequate BMPs are implemented including stopping work. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
13. Prior to implementing any change to the Project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer. If the Regional Water Board is not notified of a significant alteration to the Project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement action(s).
14. All Project work shall be conducted as described in this Order and in the application submitted by the Applicant, and shall comply with all applicable water quality standards as detailed in the Basin Plan. If the Regional Water Board is not notified of a significant alteration to the Project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
15. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the Project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.
16. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the Project.
17. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or threatened discharge to any waters of the State including dry portions of the shoreline. At no time shall the Applicant or its contractors allow use of any vehicle or equipment, which leaks any substance that may impact water quality.

18. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
19. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, 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 Order. In response to a suspected violation of any condition of this certification, the State Water Board may require the holder of any federal permit or license subject to this Order to furnish, under 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. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
20. 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 Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board.

The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's Project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

21. The authorization of this certification for any dredge and fill activities expires on April 18, 2019. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments, please call Gil Falcone at (707) 576-2830 or Stephen Bargsten at (707) 576-2653.

Original signed by David Leland for

Matthias St. John
Executive Officer

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Enclosure: Attachment 1 mitigation summary table

Weblink: State Water Resources Control Board Order No. 2003-0017 -DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification can be found at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

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