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## Central Valley Regional Water Quality Control Board

4 October 2023

Betsy Brunswick  
Pacific Gas & Electric Company  
300 Lakeside Drive  
Oakland, CA 94612

**NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD  
CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION  
FOR REGIONAL GENERAL PERMIT 8 (ORDER WQ 2023-0061-DWQ), PACIFIC  
GAS & ELECTRIC COMPANY, BUTTE CANAL DEBRIS FLOW MITIGATION  
PROJECT, BUTTE COUNTY, WDID NO. 5A04CR00359**

This letter serves to notify Pacific Gas & Electric Company (PG&E) the Butte Canal Debris Flow Mitigation Project (Project) is certified under State Water Resources Control Board's Clean Water Act Section 401 General Water Quality Certification for Regional General Permit 8 for Emergency Repair and Protection Activities (General Order; Order WQ 2023-0061-DWQ). The project site is located at latitude 39.924069 and longitude -121.603744, north of Magalia in Butte County, California.

This Notice of Applicability (NOA) is being issued to Pacific Gas & Electric Company (hereinafter Enrollee) by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) under the General Order pursuant to Section 3838 of the California Code of Regulations. A copy of the General Order is enclosed and may also be accessed on [State Water Resources Control Board's General Orders Web Page](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2023) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/generalorders.html#yr\\_2023](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2023)).

The Project must proceed in accordance with the requirements contained in this NOA and the General Order. The Project is described in the Notice of Intent requesting coverage and supplemental information (Application Package) submitted by the Enrollee and is limited to the impacts identified in the Application Package and described in this NOA. If the Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.

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MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

## **I. EMERGENCY WORK DESCRIPTION**

On 10 August 2023, PG&E's Butte Canal breached; flows eroded the hillslope, delivering sediment to Butte Creek and causing a turbidity event. A geotechnical investigation by GeoServ found that if immediate mitigation is not implemented at the debris flow fan, debris will continue to be transported down Butte Creek. Based on GeoServ's investigation, approximately 9,500 cubic yards (cy) of material were delivered to Butte Creek. Of this, approximately 7,000 cy were washed downstream, leaving a debris fan of approximately 2,500 cy. The Enrollee proposes to remove approximately 2,100 cy of the debris fan material from Butte Creek. In addition, to mitigate further sedimentation during precipitation events, unstable colluvium will be removed, and rock armored crossings will be created to slow flows; this work would take place in a potential ephemeral channel.

Prior to removing debris fan material, a turbidity curtain will be temporarily anchored parallel to creek flows at the debris fan and anchored in place by gravel bags or similar (approximately 277 feet long). If needed to manage water, ground water daylighted at the base of the ephemeral channel will be temporarily diverted around the work at the debris fan via a pipe. The majority of sediment in the debris fan will be pushed by equipment so that it can be airlifted by helicopter and permanently removed. Rock armor check dams will be built at four locations within the debris flow channel, with one being located in an ephemeral channel.

Measures expected to result in discharges of dredged or fill material in waters of the U.S. include: removal of the debris flow fan material within the Butte Creek channel and ephemeral channel (approximately 0.22 acre temporary discharge of excavated material); anchoring of a temporary turbidity curtain within the Butte Creek channel (approximately 0.007 acre discharge of temporary fill); and construction of a rock armor check dam within the ephemeral channel (approximately 0.004 acre permanent fill).

The staging area and sediment disposal site is located on PG&E property at latitude 39.937911 and longitude -121.592397. The location is a historically used upland staging area. The debris removed from the stream will be placed and graded out, raising the elevation of the staging area.

## **II. DESCRIPTION OF DIRECT IMPACTS TO WATERS OF THE STATE**

Total Project impacts are summarized in Tables 1 and 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

**Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts<sup>1</sup>**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.227	2,092	277

**Table 2: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.004	100	220

### III. WATER QUALITY MONITORING

#### A. General:

If surface water is present, continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). The Permittee shall perform surface water sampling:

1. when performing any in-water work;
2. during the entire duration of temporary surface water diversions;
3. in the event that the Project activities result in any materials reaching surface waters; or
4. when any activities result in the creation of a visible plume in surface waters.

#### B. Accidental Discharges/Noncompliance:

Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

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<sup>1</sup> Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

**C. In-Water Work or Diversions:**

During planned in-water work, dewatering activities, or during the installation of removal of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:

1. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
2. Activities shall not cause turbidity increases in surface water to exceed:
  - a. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
  - b. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
  - c. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
  - d. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
  - e. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer. Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling parameters.<sup>2</sup> The sampling requirements in Table 3 shall be conducted upstream out of the

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<sup>2</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

influence of the Project, and approximately 300 feet downstream of the work area.

The sampling frequency and/or monitoring locations may be modified for certain projects with written approval from Central Valley Water Board staff. A Water Quality Monitoring Report shall be submitted weekly. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in III.C.3.

If no sampling is required, the Permittee shall submit a written statement stating, "No sampling was required" in the weekly report.

**Table 3: Sample Type and Frequency Requirements**

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Turbidity	NTU	Grab	Every 4 hours
Visible construction related pollutants <sup>3</sup>	Observations	Visual Inspections	Continuous throughout the construction period

#### IV. COMPENSATORY MITIGATION

Compensatory mitigation is required for permanent physical loss and permanent ecological degradation of a water of the state. The Enrollee is required to provide compensatory mitigation for the authorized impact to 0.004 acre of stream channel by purchasing 0.004 acre of stream channel credits from a U.S. Army Corps of Engineers approved mitigation bank or 0.008 Aquatic Resource Credit from the National Fish and Wildlife Foundation's Sacramento District California In-Lieu Fee Program. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board within 45 days of initiating the emergency project or prior/concurrent to submittal of a Notice of Completion, whichever is earlier.

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<sup>3</sup> Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

## V. REPORTING

The Enrollee must notify the Central Valley Water Board no less than forty-eight (48) hours prior to initiating the emergency project.

A Notice of Completion (NOC) shall be submitted by the Enrollee within 45 calendar days of completion of Project activities. The NOC shall demonstrate that the work has been carried out in accordance with the description provided in the Enrollee's Notice of Intent.

Failure to comply with the terms and conditions of this NOA may expose the Enrollee to enforcement action pursuant to the Clean Water Act and California Water Code.

## VI. CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

If you have any questions regarding this Notice of Applicability, please contact Katie Gilman at (530) 224-3212 or [Katie.Gilman@waterboards.ca.gov](mailto:Katie.Gilman@waterboards.ca.gov).

Original Signed by Clint Snyder, AEO  
(for) Patrick Pulupa, Executive Officer  
Central Valley Regional Water Quality Control Board

10/5/2023  
Date

KAG: db

Enclosure: State Water Resources Control Board's Clean Water Act Section 401 General Water Quality Certification for Regional General Permit 8 for Emergency Repair and Protection Activities (Order WQ 2023-0061-DWQ)

cc via email: U.S. EPA, Region 9, San Francisco  
Water Quality Certification Program, SWRCB, Sacramento  
Zachary Fancher, U.S. Army Corps of Engineers, Sacramento  
Samantha Hillaire, Pacific Gas & Electric Company, Chico

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### Attachment A – Project Maps

Figure 1: Project Location Map

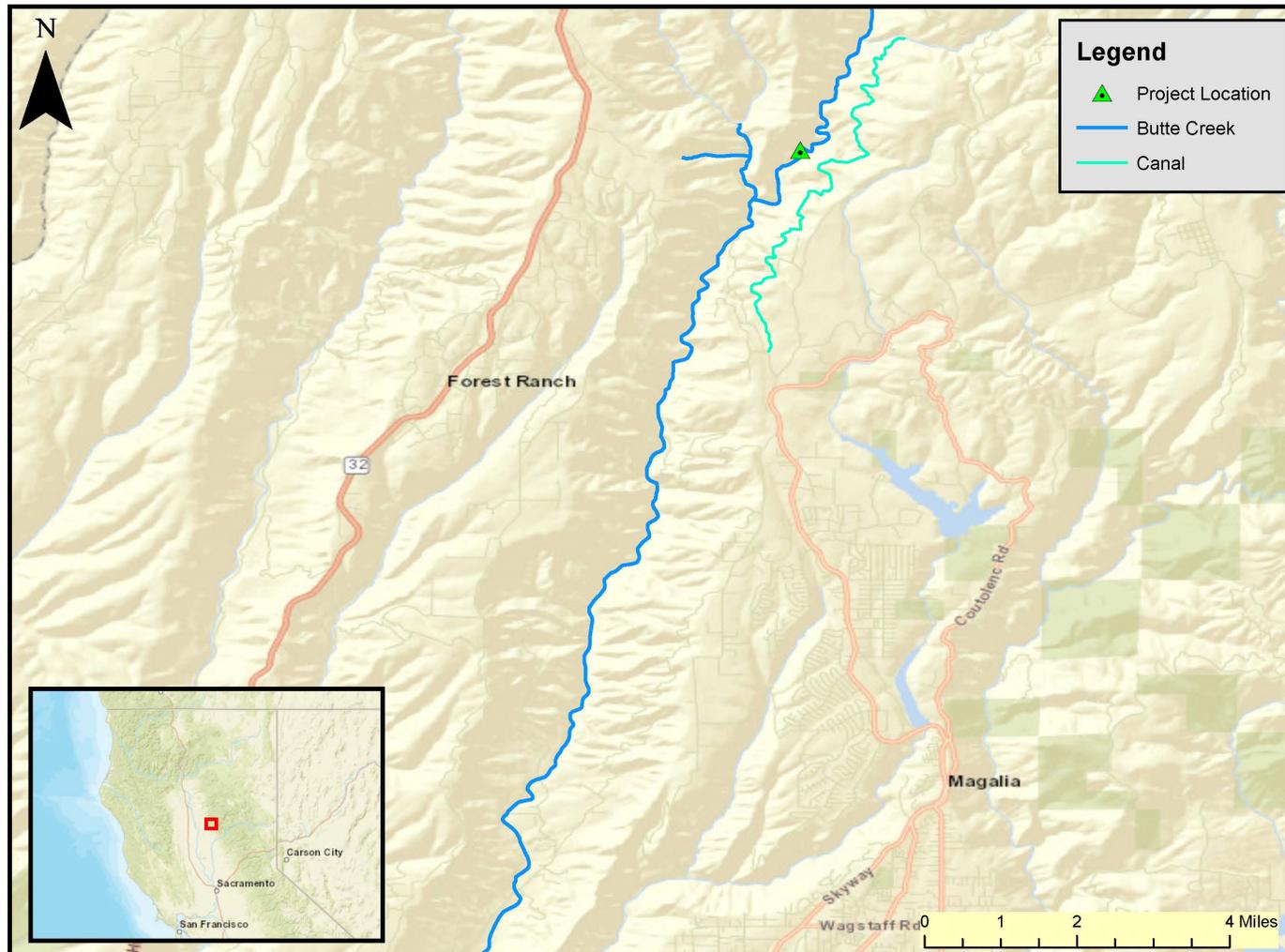


Figure 2. Project Impacts Map

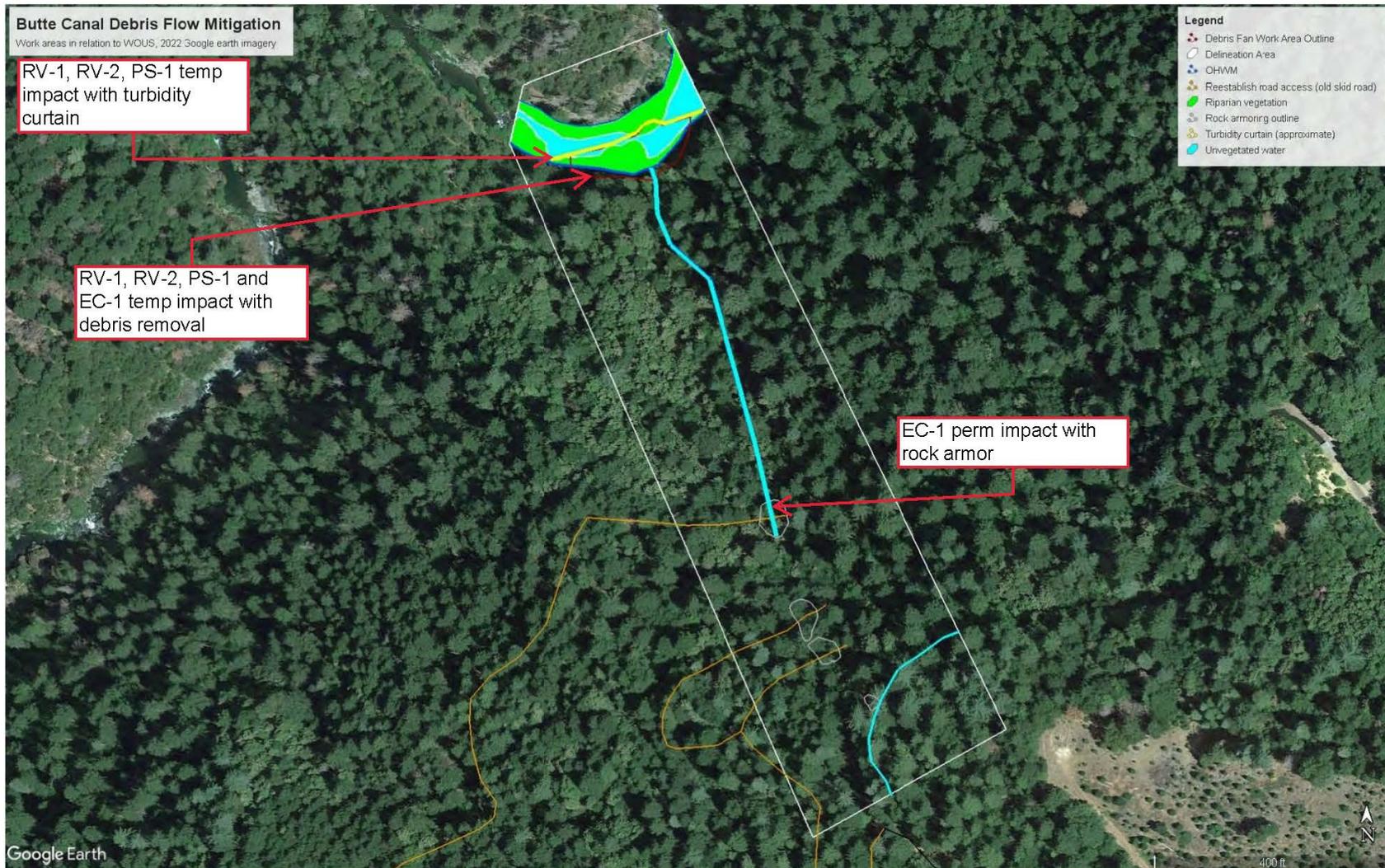


Figure 3. Staging and Disposal Area Map

