
North Coast Regional Water Quality Control Board

December 7, 2021

Mr. Jeff McDougal
Pacific Gas and Electric Company
1759 North Blackwood Avenue
Clovis, CA 93619
J419@pge.com

Dear Mr. McDougal:

Subject: Notice of Violation Associated with Unpermitted Impacts to Waterway at Rio Dell – Bridgeville Structure 38/1, Bridgeville

File: PG&E, Rio Dell-Bridgeville 38-1, Unpermitted Impacts to Waterway CW-87566; WDID 1B21233WNHU

The North Coast Regional Water Quality Control Board (Regional Water Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all uses within the north coast region of the State of California. It has come to our attention that Pacific Gas and Electric Company (PG&E) and/or its agents have conducted activities involving unpermitted access road construction, riparian vegetation removal, and creation of and use of a stream crossing in an ephemeral drainage to access Structure 38/1 upslope from Highway 36 near Bridgeville in Humboldt County (Site). By this letter, we are providing you notice that such activities violate provisions of the Water Quality Control Plan for the North Coast Region (Basin Plan), the California Water Code, and may violate the federal Clean Water Act (Refer to Exhibit A, Regulatory Citations) due to discharges and/or threatened discharges of earthen material and pollutants into waters of the state. PG&E has failed to comply with Basin Plan Section 4.2.1 Prohibitions 1 and 2 and California Water Code Sections 13260 and 13264.

On October 7, during an inspection of completed work at the Site, PG&E personnel discovered that a crew had bladed a new access road through an ephemeral drainage and removed willows along the drainage to access the work site. These impacts occurred between late September and early October 2021. On October 11, 2021, PG&E notified the Regional Water Board about the incident and submitted photographs of the impacted areas as well as a proposed plan to restore disturbed areas.

On October 14, 2021, after consulting with the Regional Water Board, PG&E stabilized the drainage and soil disturbances caused by accessing the Site from Highway 36.

GREGORY A. GIUSTI, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

To avoid and minimize sediment transport into the drainage and/or the Van Duzen River, disturbed areas were recontoured to match the existing topography, sediment and debris were removed from the channel, 100 percent biodegradable fiber rolls were installed, and native seed was broadcast to revegetate disturbed areas. Photographs of the work to stabilize the site were taken immediately after implementation and after a major rainstorm event. These photographs were submitted to the Regional Water Board to demonstrate the effectiveness of these measures to avoid sediment delivery to the drainage and to avoid erosion within the disturbed areas on the Site.

This NOV is specifically for unpermitted activities associated with road and stream crossing construction impacting waters of the state and the removal of riparian vegetation. The ephemeral drainage impacted by these activities is located within the Van Duzen River - Bridgeville Hydrologic Subarea 111.22. The existing and potential Beneficial Uses of this Hydrologic Subarea include:

- Municipal and Domestic Supply
- Agricultural Supply
- Industrial Service Supply
- Industrial Process Supply
- Groundwater Recharge
- Freshwater Replenishment
- Navigation
- Hydropower Generation
- Water Contact Recreation
- Non-Contact Water Recreation
- Commercial and Sport Fishing
- Warm Freshwater Habitat
- Cold Freshwater Habitat
- Wildlife Habitat
- Rare, Threatened, or Endangered Species
- Migration of Aquatic Organisms
- Spawning, Reproduction, and/or Early Development
- Aquaculture

Please be aware that the operation of heavy equipment and alteration of waters of the state and or United States, including wetlands, requires a permit from the Regional Water Board. Specifically, PG&E failed to comply with section Basin Plan Section 4.2.1 Prohibitions 1 and 2, Water Code sections 13260 and 13264. Activities that may directly or indirectly impact waters of the state and/or waters of the United States require an application for Water Quality Certification and/or Waste Discharge Requirements (WDRs) for review and approval by the Regional Water Board's Executive Officer. These activities might also require input, consultation, and permits from other federal, state, and local agencies. For additional information on permits for fill and excavation activities within waters of the state please consult our website here:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/

By no later than March 31, 2022, we request that PG&E submit a complete application for a Clean Water Act Section 401 Water Quality Certification (Application) including details for a restoration plan including revegetation of disturbed areas from the creation of the access road, revegetation of the riparian area impacted by the stream crossing, and any additional measures necessary to restore the stream channel and bed to pre-construction conditions. A monitoring report should be submitted to the Regional Water Board after one winter and should include photographs demonstrating that restored areas have met plan goals.

Please note that correcting the conditions of non-compliance at the Site does not preclude enforcement for the violations alleged in this notice. The Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions. Discharges or threatened discharges of waste, including earthen material, into waters of the state that create a condition of nuisance or pollution may subject a person to a Cleanup and Abatement Order pursuant to Water Code section 13304. An actual discharge to waters of the state, including allowing fill to remain within a wetland, may subject a person to an administrative liability up to \$5,000 per day of violation for each violation, or \$10 for each gallon of waste discharged pursuant to Water Code section 13350. Unlawful discharges to waters of the United States and/or violations of the Clean Water Act may subject a person to up to \$10,000 per day of violation for each violation, and up to \$10 per gallon of waste discharged over 1,000 gallons not cleaned up pursuant to Water Code section 13385. The Regional Water Board retains its discretion to refer this matter to the Attorney General for enforcement. We will contact you upon further assessment of these violations to discuss any potential associated civil liability or other enforcement actions.

Summary/Conclusion

Submit your Application by March 31, 2022, to Northcoast@waterboards.ca.gov and copy Shannon Strong of the 401 Unit at Shannon.Strong@waterboards.ca.gov.

If you have any questions regarding this matter, please contact Shannon Strong at Shannon.Strong@waterboards.ca.gov or Ryan Bey at Ryan.Bey@waterboards.ca.gov.

Sincerely,

Ryan Bey
Senior Environmental Scientist
Supervisor, Northern 401 Water Quality Certification Unit

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cc: Cuyler Stapelmann, PG&E, ccss@pge.com
 Michael Van Hattem, CA Department of Fish and Wildlife,
Michael.vanHattem@wildlife.ca.gov
 Michael Orellana, Army Corps of Engineers, Michael.S.Orellana@usace.army.mil
 Nathan Jacobsen, State Water Resources Control Board, Office of Chief Counsel,
Nathan.Jacobsen@waterboards.ca.gov
 Jennifer Siu, EPA Region 9, Siu.Jennifer@epa.gov
 Diana Henrioulle, Regional Water Board, Diana.Henrioulle@waterboards.ca.gov

Exhibit A: Regulatory Citations

Regulatory Section	Citation
California Water Code Section 13304	“A person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall, upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts...”
California Water Code section 13376	“A person who discharges pollutants or proposes to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state or a person who discharges dredged or fill material or proposes to discharge dredged or fill material into the navigable waters of the United States within the jurisdiction of this state shall file a report of the discharge in compliance with the procedures set forth in Section 13260.”
California Water Code Section 13385	“A person who violates any of the following shall be liable civilly in accordance with this section: (1) Section 13375 or 13376...(5) A requirement of Section 301...401...of the Federal Clean Water Act...”
Clean Water Act	section 401 (33 U.S.C. 1341) and section 404 (b)(1) (33 U.S.C. 1344) of the Clean Water Act