

## State Water Resources Control Board

August 28, 2017

Michael Elmore  
Shell Pipeline Company LP  
20945 S. Wilmington Avenue  
Carson, CA 90810

Dear Michael Elmore

***NOTICE OF APPLICABILITY OF STATE WATER BOARD CERTIFICATION OF THE 2017  
NATIONWIDE PERMIT 12, SHELL PIPELINE NORTH 20 REPLACEMENT TRACY TO  
WINDMILL PROJECT***

Enclosed please find a Notice of Applicability (NOA) authorized by State Water Resources Control Board Acting Executive Director, Mr. Michael Lauffer. This Order is issued to the Shell Pipeline Company LP for the Shell Pipeline North 20 Replacement Tracy to Windmill Project (Project). Attachment A of the Enclosure is also part of this NOA.

This Order is issued in response to an application submitted by the Pacific Gas and Electric for proposed Project discharge to waters of the state, to ensure that the water quality standards for all waters of the state impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed Notice of Applicability and General Order.

If you require further assistance, please contact me by phone at (916) 322-7781 or by email at [Jean.Bandura@waterboards.ca.gov](mailto:Jean.Bandura@waterboards.ca.gov). You may also contact Bill Orme, Chief of the Water Quality Certification and Wetlands Unit, by phone at (916) 341-5464 or by email at [Bill.Orme@waterboards.ca.gov](mailto:Bill.Orme@waterboards.ca.gov).

Sincerely,



Jean Bandura  
Environmental Scientist  
Division of Water Quality – Water Quality Certification and Wetlands Unit  
State Water Resources Control Board

Enclosures (1): NOA for the Shell Pipeline Company LP Shell Pipeline North 20 Replacement Tracy to Windmill Project (Project)

Shell Pipeline Company LP Shell Pipeline North 20 Replacement Tracy to Windmill Project

cc: [Via email only] (w/ enclosure):

Jason Brush  
Chief, Wetlands Regulatory Office  
(WTR-8)  
U.S. Environmental Protection Agency, Region 9  
[Brush.Jason@epa.gov](mailto:Brush.Jason@epa.gov)

Michael S. Jewell  
Chief, Regulatory Branch  
Sacramento District  
US Army Corps of Engineers  
[Michael.S.Jewell@usace.army.mil](mailto:Michael.S.Jewell@usace.army.mil)

Jennifer Norris  
Field Supervisor  
U.S. Fish and Wildlife Service  
[Jennifer\\_Norris@fws.gov](mailto:Jennifer_Norris@fws.gov)

Richard Macedo  
Branch Chief  
California Dept. of Fish and Wildlife, Bay Delta Region  
[Richard.Macedo@wildlife.ca.gov](mailto:Richard.Macedo@wildlife.ca.gov)

Karen Larsen  
Deputy Director for Water Quality  
State Water Resources Control Board  
[Karen.Larsen@waterboards.ca.gov](mailto:Karen.Larsen@waterboards.ca.gov)

CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
[Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

Elizabeth Lee  
Program Manager  
Central Valley Regional Water Quality Control Board  
[Elizabeth.Lee@waterboards.ca.gov](mailto:Elizabeth.Lee@waterboards.ca.gov)

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## State Water Resources Control Board

**Effective Date:** August 28, 2017

**Reg. Meas. ID:** 414642  
**WDID:** SB170091N

**Program Type:** Fill/Excavation

**Project Type:** Underground Utility Pipeline

**Project:** Shell Pipeline North 20 Replacement Tracy to Windmill Project  
(Project)

**Applicant:** Shell Pipeline Company LP  
**Applicant Contact:** Michael Elmore  
Senior Staff Land Agent  
20945 S. Wilmington Avenue  
Carson, CA 90810  
Phone: (310) 816-2208  
Email: Michael.Elmore@shell.com

**Agent:** Angela Alcala  
Senior Biologist/Technical Specialist  
630 K Street #400  
Sacramento, CA 95814  
Phone: (916) 231-7656  
Email: Angela.Alcala@icf.com

**State Water Board Staff:** Jean Bandura  
Environmental Scientist  
1001 I Street  
Sacramento, CA 95814  
Phone: (916) 322-7781  
Email: [Jean.Bandura@waterboards.ca.gov](mailto:Jean.Bandura@waterboards.ca.gov)

**State Water Board Contact Person:**

If you have any questions, please call State Water Resources Control Board (State Water Board) Staff listed above or (916) 341-5478 and ask to speak with the Water Quality Certification and Wetlands Unit Program Manager.

Attachment A      State Water Board Certification of the 2017 Nationwide Permits

## I. Action

This document serves as a Notice of Applicability (NOA) for enrollment under the State Water Resources Control Board (State Water Board) Water Quality Certification and Order of the 2017 Nationwide Permits (General Order) at the request of Shell Pipeline Company (Applicant). On July 14, 2017, the Applicant filed a Notice of Intent (NOI) requesting authorization for the Shell Pipeline North 20 Replacement Tracy to Windmill Project (Project). After reviewing the NOI, State Water Board staff, in consultation with Central Valley Regional Water Quality Control Board staff, determined that the Project meets General Order requirements.

To comply with State law, this Project may proceed as described in the NOI and supplemental Project information submitted to the State Water Board by the Applicant and in concordance with the conditions in the General Order. Coverage under the General Order is no longer valid if the Project (as described) is modified. The Project must proceed in accordance with the requirements contained in this Notice of Applicability (NOA) and the General Order.

You should familiarize yourself with the contents of the General Order; a copy is enclosed. You may also find the General Order on the State Water Resources Control Board's website at: [http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/nwp\\_go.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/nwp_go.pdf).

## II. Project Purpose

To replace 3.1 miles of crude oil pipeline.

## III. Project Description

The Project is limited to replacement of a 3.1 mile section of the North 20 San Pablo Bay 24-inch diameter San Joaquin Valley Crude Oil Pipeline. The applicant will decommission the existing pipeline and abandon it in place. The applicant proposes to use open cut trenching to lay most of the new pipeline and to use directional boring methods to avoid impacts to certain surface features, such as roadways and perennial streams. The pipeline crosses under two creeks, Mountain House and Patterson Run.

### *Patterson Run*

Temporary direct impacts to Patterson Run will result from excavating a 48-inch-wide by 84-inch-deep trench using a bucket wheel ditcher or a backhoe. The top 6 inches of soil from the trench line will be removed and piled separately from the excavated subsoil. The work area will be 100 feet x 60 feet. The excavated subsoil and topsoil will be placed to one side of the 50-foot-wide construction right-of-way and used for backfilling the trench after the pipe is installed. All soil removed from the trench will be used onsite and no material will be hauled offsite. Non-native material and plants will not be introduced to the construction site. Up to 1,500 feet of right-of-way could be under construction at any one time.

*Mountain House Creek*

Direct impacts to Mountain House Creek will be avoided using horizontal boring methods. The preferred boring method is to use auger boring (jack-and-bore) to cross public roads and Mountain House Creek (a perennial drainage). Current plans are to perform one bore under I-580 and a second bore under Mountain House Creek and Grant Line Road.

If the preferred auger boring method becomes unfeasible the Horizontal Directional Drilling (HDD) method may be used as an alternative. If the Applicant determines that HDD is necessary, a drilling plan in compliance with State Water Board Certification of the 2017 Nationwide Permits (Attachment A) must be submitted at least 30 days before drilling activities under waters of the state.

**IV. Project Location**

The project is located in southern San Joaquin County and northeastern Alameda County, State of California. The Patterson Run creek site is approximately 1.0 miles northwest of the Interstate 580/Mountain House Parkway interchange in San Joaquin County and is located at Latitude 37.724537, Longitude -121.55293. The Mountain House Creek site is on the south side of Grant Line Road, 0.25 mile west of Midway Road in Alameda County at Latitude 37.748395, Longitude -121.580262.

**V. Receiving Waters information**

The Project is located within the jurisdiction of the Central Valley Regional Water Quality Control Board. Receiving waters and groundwater potentially impacted by this Project are listed in Table 1 and protected in accordance with the applicable water quality control plans (Basin Plan) for the region and other plans and policies, which may be accessed online at: [http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/). The Basin Plans include water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

Impact Site ID	Waterbody Name	Impacted Aquatic Resource and Type	Water Board Hydrologic Units/ USGS HUC 10	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant
1	<i>Patterson Run</i>	<i>Stream Channel</i>	543/1804000306	Historic Tributary to San Joaquin River	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, WILD	Dissolved Oxygen, Diazinon and Chlorpyrifos, Boron and Selenium

**VI. Description of Direct Impacts to Waters of the State**

Impacts from the Project may cause adverse effects to waters of the US and/or waters of the state. Direct impacts include temporary vegetation removal, temporary excavation, and fill. This NOA authorizes direct temporary impacts to waters of the state associated with the Project to Patterson Run Creek. Total Project fill/excavation quantities for all impacts are summarized in Table 2.

<b>Table 2: Total Project Fill/Excavation Quantity<sup>1</sup></b>									
<b>Aquatic Resource Type</b>	<b>Temporary Impact<sup>2</sup></b>			<b>Permanent Impact</b>					
				<b>Physical Loss of Area</b>			<b>Degradation of Ecological Condition Only</b>		
	<b>Acres</b>	<b>CY</b>	<b>LF</b>	<b>Acres</b>	<b>CY</b>	<b>LF</b>	<b>Acres</b>	<b>CY</b>	<b>LF</b>
Stream Channel	0.002	1.55	60	0	0	0	0	0	0

**VII. Description of Indirect Impacts to Waters of the State**

The State Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Potential indirect adverse effects include but are not limited to: increased sediment loading to streams from riparian and/or upland areas used for access or staging areas, possibility of introducing invasive species into the Project areas, changing timing of runoff delivery to streams in the Project area. The Project, as designed, will not have significant indirect impacts to waters of the state.

**VIII. Avoidance and Minimization**

In order to avoid impacts to waters, the Applicant will remove or disturb vegetation only when necessary to complete the work and complete work in the shortest reasonable timeframe.

To minimize the remaining, unavoidable, impacts to waters the Applicant will comply with all applicable conditions in the General Order; follow the best management practices listed in the NOI and abide by all other state and federal permit requirements.

**IX. California Environmental Quality Act (CEQA)**

State Water Board staff has determined that the Project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15284. Additionally, State Water Board staff concludes that no exceptions apply to the activities approved by this Certification. The State Water Board will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 after issuance of this NOA.

<sup>1</sup> Cubic Yards (CY); Linear Feet (LF)

<sup>2</sup> Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

## **X. Mitigation**

Avoidance and minimization measures are in place to prevent discharges to waters of the state from Project activities. Since there are no permanent impacts to waters of the state, compensatory mitigation is not required. All temporarily affected areas will be restored to pre-construction contours and conditions upon completion of construction activities.

## **XI. Certification Fees**

A fee payment of \$720 was received by the Regional Water Board on July 14, 2017. The fee required for General Order enrollment is \$200. A refund in the amount of \$520 was processed on August 27, 2017. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category F - General Orders for CEQA Exempt Projects (fee code 19) with the dredge and fill fee calculator.

## **XII. Reporting and Notification Requirements**

The Applicant shall submit an Annual Report each year on the anniversary of the effective date of this NOA until a Notice of Project Complete is issued to the Applicant. Notices and reporting shall be provided to the State Water Board according to section XIII.A. and the Notification Requirements described in Attachment B of the General Order.

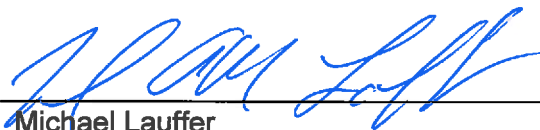
Electronic Document Submittal: The Applicant must submit all reports and information required under this Certification in electronic format via email to [SWBNWP12@Waterboards.ca.gov](mailto:SWBNWP12@Waterboards.ca.gov). Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). Documents over 50 megabytes (MB) will not be accepted via email and must be placed on a disc and delivered to the addresses listed above.

## **XIII. Authorization**

I hereby issue this Notice of Applicability for the Shelly Pipeline Company LP, Shell Pipeline North 20 Replacement Tracy to Windmill Project, certifying that as long as all of the conditions listed in the General Order are met, 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).

The State Water Board will file a Notice of Exemption (NOE) at the SCH within five (5) working days of issuance of this NOA. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this NOA 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 NOA actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of the General Order and the attachments to the General Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.



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Michael Lauffer  
Acting Executive Director  
State Water Resources Control Board

8-28-17

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Date

Attachment A State Water Board Certification of the 2017 Nationwide Permits