

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary
Permit 20622
(Application 30113)

Pacific Gas Transmission-
Pacific Gas and Electric, Permittee

ORDER: WR 93-1
SOURCE: Sacramento River

COUNTIES: Solano and
Sacramento

FINDINGS AND ORDER VALIDATING THE
RENEWAL, IN PART, OF TEMPORARY PERMIT

Pacific Gas Transmission-Pacific Gas and Electric, hereinafter referred to as PGT-PG&E, having filed an application for renewal, in part, of a temporary permit to divert and use water pursuant to Chapter 6.5 (commencing with Section 1425), Part 2, Division 2 of the Water Code; the State Water Resources Control Board (State Water Board) having consulted with the California Department of Fish and Game, the California Department of Water Resources, and the United States Bureau of Reclamation; the Executive Director, Walter G. Pettit having reviewed available information, authorized renewal of the temporary permit to divert and use water subject to review and validation by the State Water Board as provided by Water Code Section 1425(d); the State Water Board finds as follows:

Issuance and Renewal of Temporary Permits

1.0 Water Code Section 1425(d) provides for delegation of the authority to issue and renew temporary permits. The State Water Board has delegated this authority to Walter G. Pettit who, in his absence, redelegated this authority to Dale Claypoole. When this delegated authority is exercised, Water Code Section 1425(d) requires that the State Water Board review and validate the renewal of any temporary permit within 30 days of renewal. On November 24, 1992, Executive Director Walter G. Pettit authorized renewal, in part, of Temporary Permit 20622. On December 24, 1992, Dale Claypoole authorized the extension of this renewal for an additional 30 days, inasmuch, as there was no Board meeting in December. The matter is before the State Water Board for review and validation.

Past Proceedings

2.0 Temporary Permit 20622 was issued on May 29, 1992 and validated by the State Water Board in Order WR 92-05 on June 18, 1992. The temporary permit authorized the direct diversion and use of water for the installation of a new 42-inch diameter natural gas pipeline at four waterway crossings between the Delta and the Oregon border and for hydrostatic mainline testing of 127 miles of the pipeline. The temporary permit was to expire on November 28, 1992. Due to construction delays, the lower Sacramento River crossing was not completed by November 28, 1992.

Substance of the Application for Renewal of Temporary Permit

3.0 Temporary Permit 20622, as renewed, is only for direct diversion and use of water from the Sacramento River in Sacramento and Solano Counties. The season of diversion is from November 28, 1992 to March 16, 1993. The points of diversion are the same, for this location, as in the original temporary permit. The direct diversion rates and amounts are as follows:

1.11 cubic feet per second, up to a maximum of 6.1 acre-feet, for making drilling muds;

1.11 cubic feet per second, up to a maximum of 0.87 acre-feet per test, for hydrostatic post-testing of 4,150 feet of pipeline; and

6.7 cubic feet per second, up to a maximum of 13.5 acre-feet per test, for hydrostatic mainline testing of 10.2 miles of pipeline between the Sacramento River and Rock Slough.

All water diverted into the pipeline for hydrostatic testing purposes, except any lost to leakage, will be returned to the river upon completion of the tests. Pump intakes will be screened in accordance with the requirements of the California Department of Fish and Game. Disposal of drilling muds is subject to the requirements of the Central Valley Regional Water Quality Control Board.

Urgent Need of Permittee to Divert and Use Water

4.0 In late November 1992, PGT-PG&E was still in the process of boring under the Sacramento River in the Delta for installation of the pipeline. Use of water for making drilling muds was at a maximum with no alternate source of water available in the quantity needed. If PGT-PG&E had to shut down drilling operations at that stage for lack of a water supply, there would have been subterranean inflow into the borehole which could have jammed the drilling equipment, thus jeopardizing the boring operation under the river.

In consideration of these circumstances, the State Water Board finds that PGT-PG&E has an urgent need for renewal, in part, of Temporary Permit 20622 to divert and use water.

Notice of Renewal of the Temporary Permit

5.0 Public notice of the application for renewal of Temporary Permit 20622 was issued on November 16, 1992. The notice was published in newspapers having a general circulation in the counties of Sacramento and Solano. Copies of the Notice were also mailed, in accordance with Water Code Section 1428, to all known interested parties and diverters from the sources. No objections were received to diversion of water as specified in the public notice and as authorized in the November 24, 1992 Order approving renewal of the temporary permit.

Effect of the Diversions on Other Lawful Users of Water

6.0 Based upon the facts described above, the State Water Board finds that water may be diverted and used under the renewal, in part, of Temporary Permit 20622 without injury to any lawful user of water.

Effects of the Proposed Diversions on Fish, Wildlife, and Other Instream Uses

7.0 The California Department of Fish and Game (DFG) prepared a California Endangered Species Act Biological Opinion for the overall pipeline project. Based on this document, DFG has requested that the temporary permit requirements for pump intake screening and approach velocity remain in effect. The November 24, 1992 and December 24, 1992 Orders approving renewal of the temporary permit were so conditioned. Accordingly, the State Water Board finds that water may be diverted and used without unreasonable effect upon fish, wildlife or other instream beneficial uses.

Findings Concerning the California Environmental Quality Act

8.0 The California Public Utilities Commission (PUC) is lead agency under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. The State Water Board has reviewed and considered the information in the EIR prepared by the PUC and find that the project, as mitigated, has no significant adverse effects.

Public Interest

9.0 Diversion and use of water by PGT-PG&E under the renewal, in part, of Temporary Permit 20622 is in the public interest and in accordance with the constitutional policy that the water resources of the State be put to beneficial use to the fullest extent of which they are capable.

ORDER

NOW, THEREFORE, IT IS ORDERED that the renewal, in part, of Temporary Permit 20622 is validated subject to the conditions specified in the December 24, 1992 Order approving renewal of the temporary permit.

CERTIFICATION


The undersigned, Administrative Assistant to the State Water Board, does hereby certify that the foregoing is a full, true and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 21, 1993.

AYE: Eliseo M. Samaniego
John Caffrey
Marc Del Piero
James M. Stubchaer

NO: None

ABSENT: None

ABSTAIN: None


Maureen Marché
Administrative Assistant to the Board