

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 92-05
SOURCE: Fall River,
Lake Britton,
Sacramento River,
San Joaquin River
and Dutch Slough
COUNTIES: Shasta, Tehama,
Solano,
Contra Costa
and Sacramento

FINDINGS AND ORDER VALIDATING THE
ISSUANCE OF TEMPORARY PERMIT

Pacific Gas Transmission-Pacific Gas and Electric, hereinafter referred to as PGT-PG&E, having filed Application 30113 for 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, the California Regional Water Quality Control Board, Central Valley Region, and the United States Bureau of Reclamation; the Executive Director, Walter G. Pettit having reviewed available information, authorized issuance of a 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); a temporary permit having been issued on May 29, 1992, the State Water Board finds as follows:

Issuance of Temporary Permits

1.0 Water Code Section 1425(d) provides for delegation of the authority to issue temporary permits. The State Water Board has delegated the authority to authorize the issuance of temporary permits to Walter G. Pettit. When this authority is exercised, Water Code Section 1425(d) further requires that the State Water Board review and validate any temporary permit so issued within 30 days of issuance. On May 29, 1992, Executive Director Walter G. Pettit authorized issuance of the temporary permit and on the same date, the Chief of the Division of Water Rights (Division) issued Temporary Permit 20622. The matter is before the State Water Board for review and validation.

Substance of the Application and Project

2.0 PGT-PG&E are of constructing 845 miles of pipeline (415 miles within California) from U.S.-Canadian border to PG&E's Panoche Metering Station in Fresno County. Pipeline sections will be hydrostatically tested to ensure that the system will operate at maximum allowable pressure. Hydrostatic testing is required by the California Public Utilities Commission. In addition, water is needed to make drilling mud for use in boring under the Fall River and Sacramento River.

3.0 On April 16, 1992, the State Water Board adopted Order WR 92-03 which validated two temporary permits issued to PGT-PG&E. These permits authorized diversion of water from the San Joaquin River and Dutch Slough for purposes of conducting hydrostatic pipeline pretests and to

make drilling mud for the San Joaquin River and Dutch Slough pipeline crossings in Contra Costa and Sacramento Counties. Temporary Permit 20622 authorizes diversion of water for similar purposes at other waterway crossings from the Delta to the Oregon border and also authorizes diversion of water for hydrostatic mainline tests of the 42-inch diameter gas pipeline.

- 4.0 Temporary Permit 20622 is for direct diversion and use of water from Fall River and Lake Britton in Shasta County, the Sacramento River in Tehama County (Upper Sacramento River), the Sacramento River in Sacramento and Solano Counties (Lower Sacramento River), the San Joaquin River in Contra Costa and Sacramento Counties and Dutch Slough in Contra Costa County. The season of diversion authorized in the temporary permit is June 1 to November 27, 1992. The ten points of diversion will be adjacent to the pipeline crossings and as specified in the temporary permit. All pump intakes will be screened in accordance with the requirements of the California Department of Fish and Game.
- 5.0 Hydrostatic pretests are conducted on land and adjacent to the points of diversion. The Temporary permit allows PGT-PG&E to divert at a maximum rate of 2.23 cubic feet per second into 2,500 feet of pipe for the Fall River crossing; 2,000 feet of pipe for the Upper Sacramento River crossing (near Red Bluff); and 4,150 feet of pipe for the Lower Sacramento River crossing (approximately six miles upstream of the confluence with the San Joaquin River).

The maximum amount to be diverted for the initial pretests, and any subsequent pretests, will be 0.65 acre-feet from Fall River; 3.7 acre-feet from the Upper Sacramento River; and 0.85 acre-feet from the Lower Sacramento River. All water diverted into the pipeline for pretesting purposes, except any lost to leakage, will be returned to the source upon completion of the pretests.

- 6.0 To mitigate adverse impacts associated with trenching, PGT-PG&E has opted to bore under Fall River and the Lower Sacramento River for installation of the pipeline. This requires the use of water for purposes of making bentonite based drilling muds. The muds will be injected into the borehole as drilling proceeds to maintain the integrity of the hole until the pipe can be fully installed.

The temporary permit allows PGT-PG&E to divert at a maximum rate of 0.9 cubic foot per second for the making of drilling muds. The maximum amount to be diverted from Fall River will be 4.6 acre-feet and from the Lower Sacramento River, 6.1 acre-feet. Following pipe installation, the drilling muds will be either disposed of at an approved landfill or will be used by local irrigation districts and farmers as containment liners, subject to the requirements of the Central Valley Regional Water Quality Control Board.

- 7.0 Hydrostatic Mainline tests will be conducted on 127 miles of pipeline, under this temporary permit, which allows PGT-PG&E to divert at a maximum rate of 6.7 cubic feet per second into 41 miles of pipe from

the Fall River points of diversion; 27 miles of pipe from the Lake Britton point of diversion; and 59 miles of pipe from either the Lower Sacramento River, San Joaquin River or Dutch Slough points of diversion. The maximum amount to be diverted for the initial mainline test, and any subsequent mainline tests, will be 54.6 acre-feet from Fall River; 35.9 acre-feet from Lake Britton and 76.5 acre-feet total from the Lower Sacramento River and/or the San Joaquin River and/or Dutch Slough. All water diverted into the pipeline for mainline testing purposes, except any lost to leakage, will be returned to the source upon completion of the mainline tests.

Urgent Need of Permittee to Divert and Use Water

8.0 The California Public Utilities Commission (CPUC), as lead agency under the California Environmental Quality Act for the overall pipeline project, specified certain mitigation measures if PGT-PG&E chose to trench across Fall River and the Sacramento River for installation of the pipeline. Due to difficulty in complying with these mitigation measures, including compatibility with the construction schedule, PGT-PG&E chose to bore under Fall River and the Lower Sacramento River, thus requiring the need for water to make bentonite drilling mud. The hydrostatic pretests and mainline tests of the pipeline are a requirement of the CPUC and are essentially a non-consumptive use of water.

In consideration of the above circumstances, the State Water Board finds that PGT-PG&E has an urgent need to divert and use water under the temporary permit.

Notice of the Temporary Permit

9.0 Public notice of the application for a temporary permit was issued on April 24, 1992. The notice was published in a newspaper having a general circulation in each of the counties wherein there is a point of diversion. Copies of the Notice were also mailed to all known interested parties and diverters from the sources in accordance with Water Code Section 1428. No objections were received to diversion of water as specified in the public notice and as authorized in the temporary permit.

Effect of the Diversions on Other Lawful Users of Water

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

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

11.0 The California Department of Fish and Game (DFG) has prepared a California Endangered Species Act Biological Opinion for the overall pipeline project. Based on this document, DFG has requested that the temporary permit be conditioned to require specific fish screening criteria for the diversion pump intakes. The temporary permit was 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

12.0 The California Public Utilities Commission 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 and find that the project, as mitigated, has no significant effects.

Public Interest

13.0 Diversion and use of water by PGT-PG&E under 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 issuance of Temporary Permit 20622 is validated subject to the conditions specified in the 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 June 18, 1992.

AYE: W. Don Maughan
John Caffrey
Marc Del Piero
James M. Stubchaer

NO: None

ABSENT: Eliseo M. Samaniego

ABSTAIN: None


Maureen Marché
Administrative Assistant to the Board

