

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary Permit 20642 (Application 30180)	)	ORDER:	WR Order 92-07
	)	SOURCE:	Rock Slough
	)		
	)		
Pacific Gas Transmission- Pacific Gas and Electric, Permittee	)	COUNTY:	Contra Costa
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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 30180 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 October 21, 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 this authority to Executive Director Walter G. Pettit. When this delegated authority is exercised, Water Code Section 1425(d) requires that the State Water Board review and validate any temporary permit so issued within 30 days of issuance. On October 20, 1992, Executive Director Pettit authorized issuance of the temporary permit, and on the following day, the Chief of the Division of Water Rights (Division) issued Temporary Permit 20642. The matter is before the State Water Board for review and validation.

## Substance of the Application and Project

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

3.0 Temporary Permit 20642 is for direct diversion and use of water from Rock Slough in Contra Costa County for purposes of conducting hydrostatic pretests on approximately 2,000 feet of new 42-inch diameter gas pipeline, and for purposes of making bentonite based drilling muds which will be used in boring under Rock Slough for installation of the pipeline. The season of diversion authorized in the temporary permit is October 21, 1992 to February 1, 1993. The point of diversion is located in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 34, T2N, R3E, MDB&M, approximately 2,000 feet upstream of the inlet for the Contra Costa Canal.

The diversion pump intake will be screened in accordance with the requirements of the California Department of Fish and Game.

4.0 Hydrostatic pretests are conducted on the 2,000 foot pipe section both prior to placement as well as in-place. The temporary permit allows PGT-PG&E to divert at a maximum rate of 1.12 cubic feet per second into the pipe section. The maximum amount to be diverted for each pretest will be 0.49 acre-feet. All water diverted into the pipeline for testing purposes, except any lost to leakage, will be returned to Rock Slough upon completion of the tests.

5.0 Boring under Rock Slough requires the use of water for purposes of making 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 2.23 cubic feet per second for the making of drilling muds. The maximum simultaneous rate of diversion for both hydrostatic pretests and to make drilling muds is limited to 2.90 cubic feet per second. The maximum amount of water to be diverted for making drilling muds is 4.59 acre-feet. Following pipe installation, the drilling muds will be disposed of at a site approved by the Central Valley Regional Water Quality Control Board.

#### Urgent Need of Permittee to Divert and Use Water

6.0 The original plan for the Rock Slough crossing was to use a conventional (shallow) boring technique. The Reclamation Districts responsible for the integrity of the levees on either side of the slough refused to allow this method of boring. PGT-PG&E then developed a plan to span the pipeline across Rock Slough. Conventional boring and spanning have no requirement for hydrostatic pretests of the pipeline and would not have required water for drilling muds. In September 1992, the Districts also turned down the aerial spanning plan leaving trenching, directional drilling or micro-tunneling as the only alternatives. Trenching is not a viable option due to concerns over turbidity and a lack of adequate right-of-way. Therefore, the only alternatives available to PGT-PG&E are directional drilling or micro-tunneling, both of which require the 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

7.0 Public notice of the application for a temporary permit was issued on October 6, 1992. Copies of the Notice were posted and mailed to all known interested parties and diverters from the source 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 Diversion on Other Lawful Users of Water

8.0 Based upon the facts described above, the State Water Board finds that water may be diverted and used under Temporary Permit 20642 without injury to any lawful user of water.

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

9.0 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 intake. 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

10.0 The California Public Utilities Commission is lead agency for the project 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 project EIR and finds that the project, as mitigated, has no significant effects.

#### Public Interest

11.0 Diversion and use of water by PGT-PG&E under Temporary Permit 20642 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 20642 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 November 19, 1992.

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

NO: None

ABSENT: W. Don Maughan

ABSTAIN: None

  
Maureen Marché  
Administrative Assistant to the Board

