
State Water Resources Control Board

AUGUST 5 2019

Mr. Neil Wong
License Coordinator, Hydro Licensing
Pacific Gas and Electric Company
P.O. Box 770000, Mail Code N11C
San Francisco, CA 94177

CONDITIONAL APPROVAL OF TEMPORARY FLOW VARIANCE FOR PACIFIC GAS AND ELECTRIC COMPANY'S PIT 3, 4, AND 5 HYDROELECTRIC PROJECT WATER QUALITY CERTIFICATION, FEDERAL ENERGY REGULATORY COMMISSION (FERC) PROJECT NO. 233, SHASTA COUNTY

Dear Mr. Wong:

On June 21, 2019, Pacific Gas and Electric Company (PG&E or Licensee) requested amendment of the State Water Resources Control Board (State Water Board) water quality certification (certification) for the Pit 3, 4, and 5 Hydroelectric Project (Project). PG&E requests an amendment to allow temporary variance of the minimum instream flow requirements below the Pit 3 dam and Pit 5 diversion dam in September 2019.

Background

On January 25, 2007, the State Water Board issued a certification for the Project. Conditions of the certification were incorporated into the Federal Energy Regulatory Commission (FERC) license, which was issued on July 2, 2007.

Conditions 1 and 3 of the certification require PG&E to maintain minimum instream flows below the Pit 3 dam and Pit 5 diversion dam (in Pit 3 and Pit 5 Reaches, respectively). Certification *Condition 1: Pit 3 Reach Required Minimum Stream Flows* requires a minimum instream flow of 280 cubic feet per second (cfs) during the fall¹ in the Pit 3 Reach. *Condition 3: Pit 5 Reach Required Minimum Stream Flows* requires a minimum instream flow of 350 cfs during the fall in the Pit 5 Reach.

¹ Fall is defined as the period extending from September 1 until the first spill after November 1 or through November 30, whichever is earlier.

Project Description and Discussion

The Project involves performing dive inspections at Pit 3 dam and Pit 5 diversion dam, as described below.

Pit 3 Dam: Chapter 14 of FERC's Engineering Guidelines require that PG&E create and maintain a Supporting Technical Information Document that includes a Dam Safety Surveillance Monitoring Plan (DSSMP). The 2018 DSSMP for Pit 3 dam requires that underwater dive inspections occur when a flood emergency is triggered. From February 3–21, 2017, flows exceeded 20,000 cfs in the Pit 3 Reach triggering the Emergency Action Plan requirement of the DSSMP, and thereby requiring a dive inspection.

Pit 5 Diversion Dam: The August 6, 2018 California Department of Water Resources (DWR), Division of Dam Safety Report found erosion of the left abutment downstream of the wingwall and recommended periodic underwater inspections of the spillway apron to monitor the rate and extent of undermining, so that remedial actions can be taken when necessary. Additionally, PG&E's Standard Operating Procedures (SOP) require that the Pit 5 diversion dam be inspected annually and after significant floods (such as those that occurred in February 2017).

To comply with FERC's 2018 DSSMP, DWR's Division of Dam Safety recommendations, and PG&E's SOP, PG&E plans to conduct the dive inspections on September 4 (Pit 3 dam) and September 5 (Pit 5 diversion dam) of 2019. For divers to safely complete dive inspections, instream releases from both dams (Pit 3: 280 cfs and Pit 5: 350 cfs) must be lowered to 75 cfs and maintained at 75 cfs for approximately eight hours at each dam. Flow reductions to accommodate dive inspections, and flow increases following dive inspections, will comply with the ramping rates specified in Condition 7 of the certification, which is 0.5 foot per hour. PG&E proposes a ramp down rate at the Pit 3 dam and Pit 5 diversion dam of 0.1 – 0.25 foot per hour (approximately 30 cfs per hour). Though no anadromous fish are located in the Pit 3 and Pit 5 Reaches, PG&E has proposed a slow ramp down rate to address potential stranding of resident fish associated with the temporary flow variance. After the dive inspections, consistent with Condition 7, PG&E proposes to implement ramp up rates of 0.5 foot per hour (approximately 100 cfs per hour) until the minimum instream flow requirements are met. The temporary flow variance will not interfere with recreation flows required in Condition 8, as recreation flows are scheduled for September 14 and 15, following the dive inspections.

California Environmental Quality Act

The State Water Board has reviewed PG&E's temporary minimum instream flow variance request and has determined that the variance will not have a significant adverse effect on the environment and is categorically exempt from the requirements to prepare environmental documents under California Code of Regulations, title 14, section 15301 (Existing Facilities). The variance will allow PG&E to temporarily lower the minimum instream flow requirements in order to perform dive inspections of its Pit 3

and Pit 5 hydroelectric facilities. The State Water Board will file the Notice of Exemption within five days of issuance of this certification amendment.

Noticing and Comments

On July 1, 2019, the State Water Board provided public notice of PG&E's temporary flow variance request, pursuant to California Code of Regulations, title 23, section 3858, by posting information describing the Project on the State Water Board's website. Additionally, on July 1, 2019, State Water Board staff provided notice of the Project through the State Water Board's Email Subscription List to interested parties who have subscribed to receive notices related to the Division of Water Rights' Water Quality Certification Program. No comments were received².

Conditional Approval of Temporary Flow Variance

Based on review of available information, the State Water Board grants a one-time variance of the minimum instream flows required per the Project certification, as follows:

1. The Licensee shall conduct the minimum instream flow variance at the Pit 3 dam as follows:

Ramp Down Rate	Ramp down at a rate of 0.1 – 0.25 foot per hour (approximate decrease of 30 cfs per hour) beginning at about 1:00 a.m. to a minimum instream flow of 75 cfs.
Diver Safety Inspection	Minimum instream flows shall be maintained at no less than 75 cfs for a maximum of eight hours or completion of the dive inspection (whichever occurs first).
Ramp Up Rate	Ramp up rate shall not exceed 0.5 foot per hour (approximate increase of 100 cfs per hour) to a minimum instream flow of 280 cfs (per certification Condition 1).

2. The Licensee shall conduct the minimum instream flow variance at the Pit 5 diversion dam as follows:

Ramp Down Rate	Ramp down at a rate of 0.1 – 0.25 foot per hour (approximate decrease of 30 cfs per hour) beginning at about 12:00 a.m. (midnight) to a minimum instream flow of 75 cfs.
Diver Safety Inspection	Minimum instream flows shall be maintained at no less than 75 cfs for a maximum of eight hours or completion of the dive inspection (whichever occurs first).
Ramp Up Rate	Ramp up rate shall not exceed 0.5 foot per hour (approximate increase of 100 cfs per hour) to a minimum instream flow of 350 cfs (per certification Condition 3).

² The Project is limited to alternations/modifications to instream flows. (Cal. Code Regs., title 23, section 3855(b)(2)(B).)

3. The Licensee shall notify the Deputy Director for the Division of Water Rights (Deputy Director) a minimum of 48 hours prior to initiating the minimum instream flow variance.
4. Unless otherwise approved by the Deputy Director in writing, the dive inspections shall occur during the month of September and shall not interfere with scheduled recreation flows.
5. The Licensee shall notify the Deputy Director within 48 hours of completing the minimum instream flow variance.
6. Except for the minimum instream flow requirements listed above, this variance is not intended and shall not be construed as approval to deviate from the existing conditions of the Licensee's certification.
7. The Licensee shall submit a summary report, with photographs, that documents the condition of the river channel before and during the 75 cfs flow. The report shall document the following locations at the applicable required minimum instream flows and 75 cfs flow: Pit 3 dam and Pit 5 diversion dam; gauging sites; and at least two other locations along the river downstream of both dams showing general channel stage. The report shall be submitted to the State Water Board within one month of completion of the variance.
8. This certification amendment is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28, article 4.
9. This certification amendment is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code, section 13330, and California Code of Regulations, title 23, division 3, chapter 28, article 6 (commencing with section 3867).
10. This certification amendment is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent application for certification was filed pursuant to California Code of Regulations, title 23, section 3855, subdivision (b) and that application for certification specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

If you have questions regarding this letter, please contact Philip Meyer by phone at (916) 341-5369 or by email at philip.meyer@waterboards.ca.gov.

Sincerely,

ORIGINAL SIGNED BY

Eileen Sobeck
Executive Director

Enclosure: Notice of Exemption

cc (w/o enclosure): Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
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