Application No. 18814 Agenda Item No. 6H

Meeting of the Central Valley Flood Protection Board March 22, 2013

Staff Report – Encroachment Permit

Pacific Gas and Electric Company Gas Pipeline Authorization, San Joaquin County

<u>1.0 – ITEM</u>

Consider approval of Permit No. 18814 (Attachment B)

2.0 – APPLICANT

Pacific Gas and Electric Company

3.0 - LOCATION

The project is located at the Commerce Street crossing of Mormon Slough in Stockton. (Mormon Slough, San Joaquin County, see Attachment A)

4.0 - DESCRIPTION

Applicant proposes to have authorized an existing 12-inch-diameter gas pipeline crossing Mormon Slough.

5.0 - PROJECT ANALYSIS

PG&E requested authorization to replace the existing 12-inch diameter gas distribution pipeline due to rupture concerns. A Letter of Authorization for the work was issued on November 14, 2012 (see Attachment C). This application is for authorization of the 12-inch diameter gas distribution line pipeline that crosses Mormon Slough.

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6.0 – AGENCY COMMENTS AND ENDORSEMENTS

The comments and endorsements associated with this project, from all pertinent agencies are shown below:

- There is no local maintaining agency in the area of the pipeline.
- The U.S. Army Corps of Engineers comment letter <u>has been received</u> for this application. The District Engineer has no comments or recommendations concerning the project because the proposed work does not affect a federally constructed project. The letter is attached to the permit as Exhibit A in reference to the project.

7.0 - CEQA ANALYSIS

Board staff has prepared the following California Environmental Quality Act (CEQA) determination:

The Board determined that the project is categorically exempt from CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering repair or maintenance of existing facilities.

8.0 - SECTION 8610.5 CONSIDERATIONS

 Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

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3. Effects of the decision on the entire State Plan of Flood Control:

Authorization of the pipeline will have no adverse effect the State Plan of Flood Control and is consistent with the Central Valley Flood Protection Plan.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

There will be no effects from reasonable projected future events on the pipeline.

9.0 - STAFF RECOMMENDATION

Staff recommends that the Board find the project exempt from CEQA, approve the permit, and direct staff to file a Notice of Exemption with the State Clearinghouse.

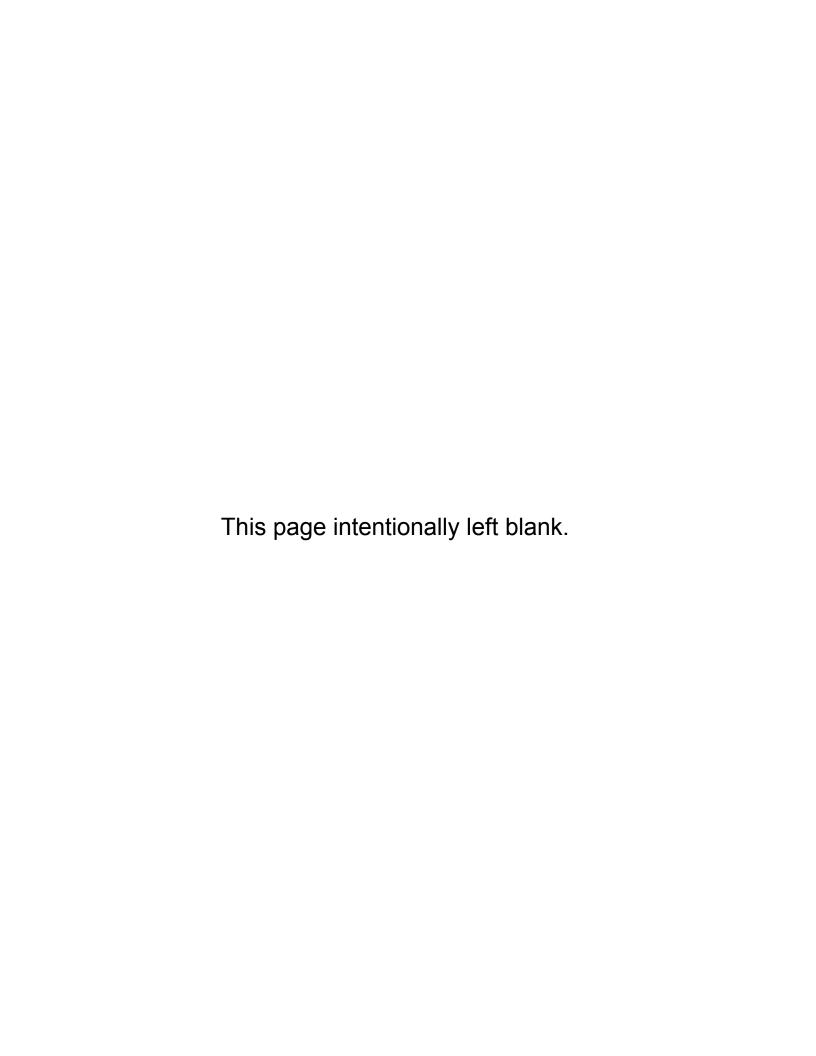
<u>10.0 – LIST OF ATTACHMENTS</u>

- A. Location Map
- B. Draft Permit No. 18814
- C. Authorization letter issued November 14, 2012, with drawings.

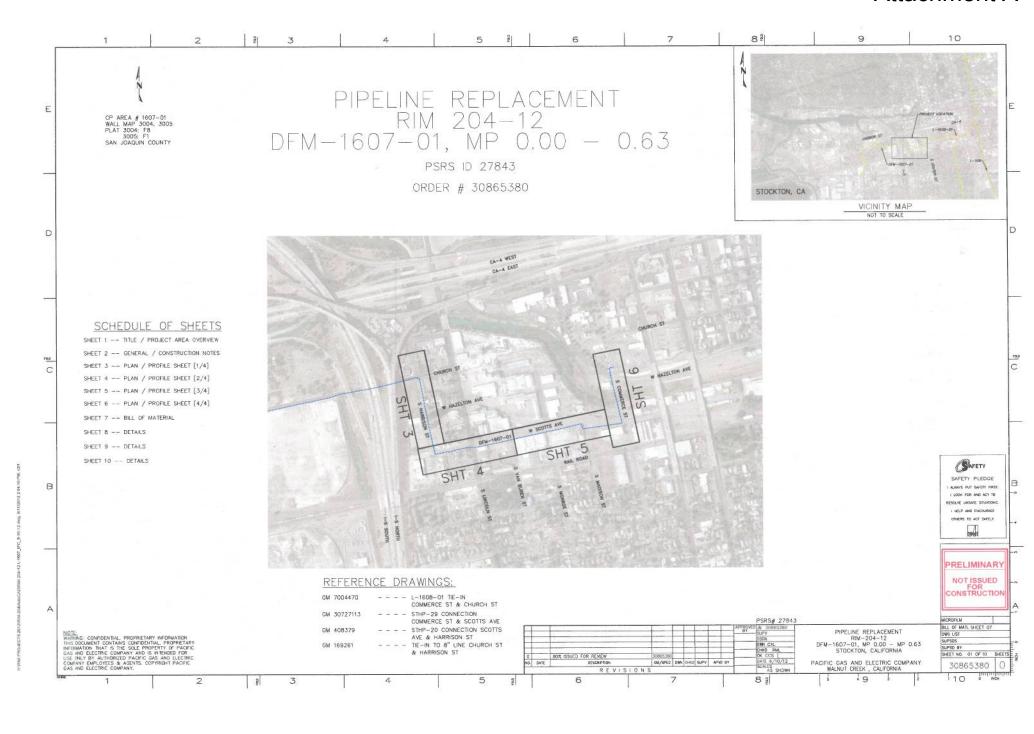
Design Review: Steve Dawson

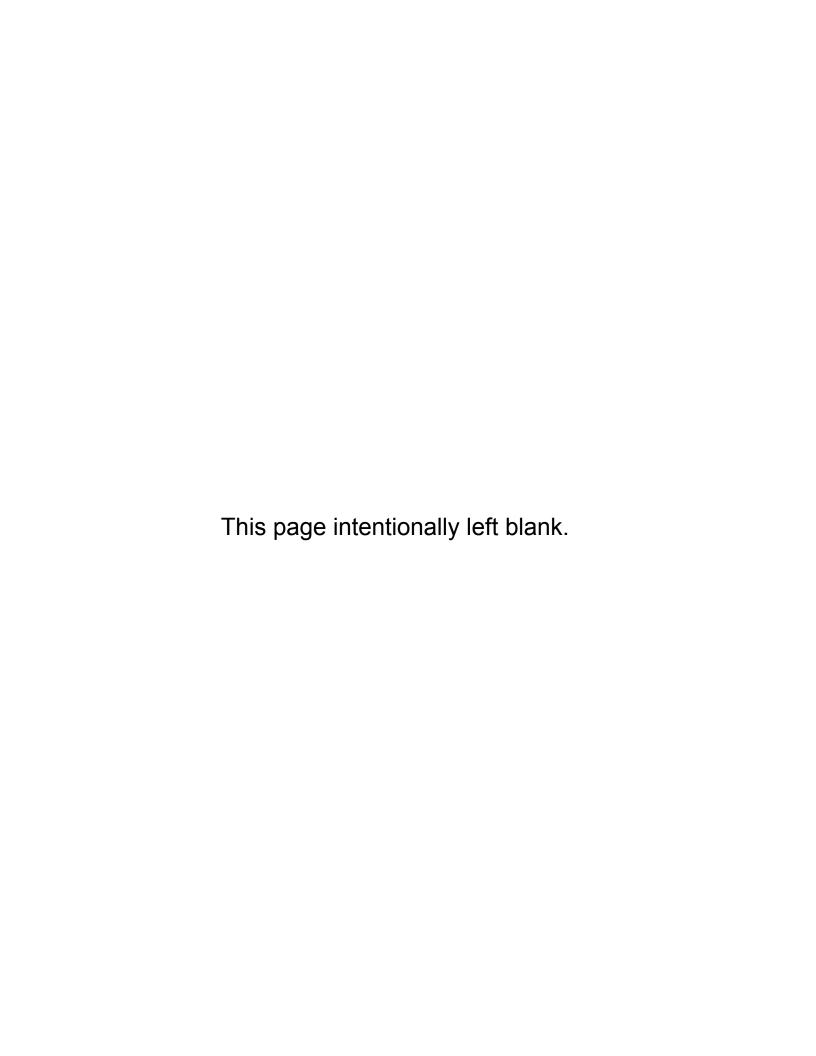
Environmental Review: James Herota/Andrea Mauro Document Review: Mitra Emami P.E./Len Marino P.E.

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Attachment A





DRAFT

STATE OF CALIFORNIA THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18814 BD

This Permit is issued to:

Pacific Gas & Electric 2730 Gateway Oaks Dr. Ste. 220 Sacramento, California 95833

To authorize an existing 12-inch-diameter gas pipeline crossing Mormon Slough. The project is located at the Commerce Street crossing of Mormon Slough in Stockton, San Joaquin County. (Section 11, T1N, R6E, MDB&M, Mormon Slough, San Joaquin County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project

as described above.

(SEAL)			
Dated:			
	Executive Officer		

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection Board

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18814 BD

THIRTEEN: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources or any other agency responsible for maintenance.

FOURTEEN: The Central Valley Flood Protection Board and Department of Water Resources shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

FIFTEEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

SIXTEEN: The permittee shall be responsible for repair of any damages to the local flood control facilities due to construction, operation, or maintenance of the proposed project.

SEVENTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

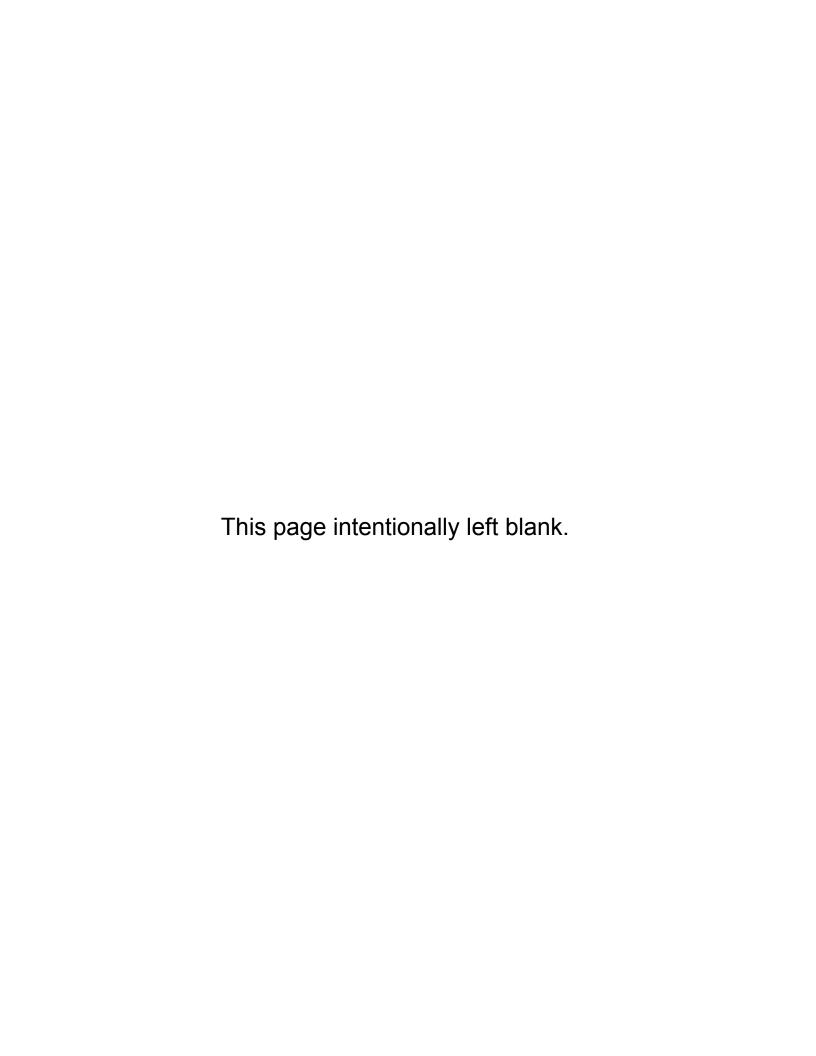
EIGHTEEN: The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection

Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

NINETEEN: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY: Any additional encroachment(s) in the floodway require an approved permit from the Central Valley Flood Protection Board and shall be in compliance with the Central Valley Flood Protection Board's regulations (Title 23 California Code of Regulations).

TWENTY-ONE: The letter from the Department of the Army dated February 26, 2013 is attached to this permit as Exhibit A in reference to this project.





DEPARTMENT OF THE ARMY U.S. Army Engineer District, Sacramento Corps of Engineers 1325 J Street Sacramento, California 95814-2922

Flood Protection and Navigation Section (18814)

FEB **26** 2013

Mr. Jay Punia, Executive Officer Central Valley Flood Protection Board 3310 El Camino Avenue, Room 151 Sacramento, California 95821

Dear Mr. Punia:

We have reviewed a permit application by Pacific Gas & Electric (application number 18814). This project includes removing and replacing an existing gas pipeline crossing Mormon Slough. The project is located at the Commerce Street crossing of Mormon Slough in Stockton, at 37.945762°N 121.290634°W NAD83, San Joaquin County, California.

The District Engineer has no comments or recommendations regarding flood control because the proposed work does not affect a federally constructed project.

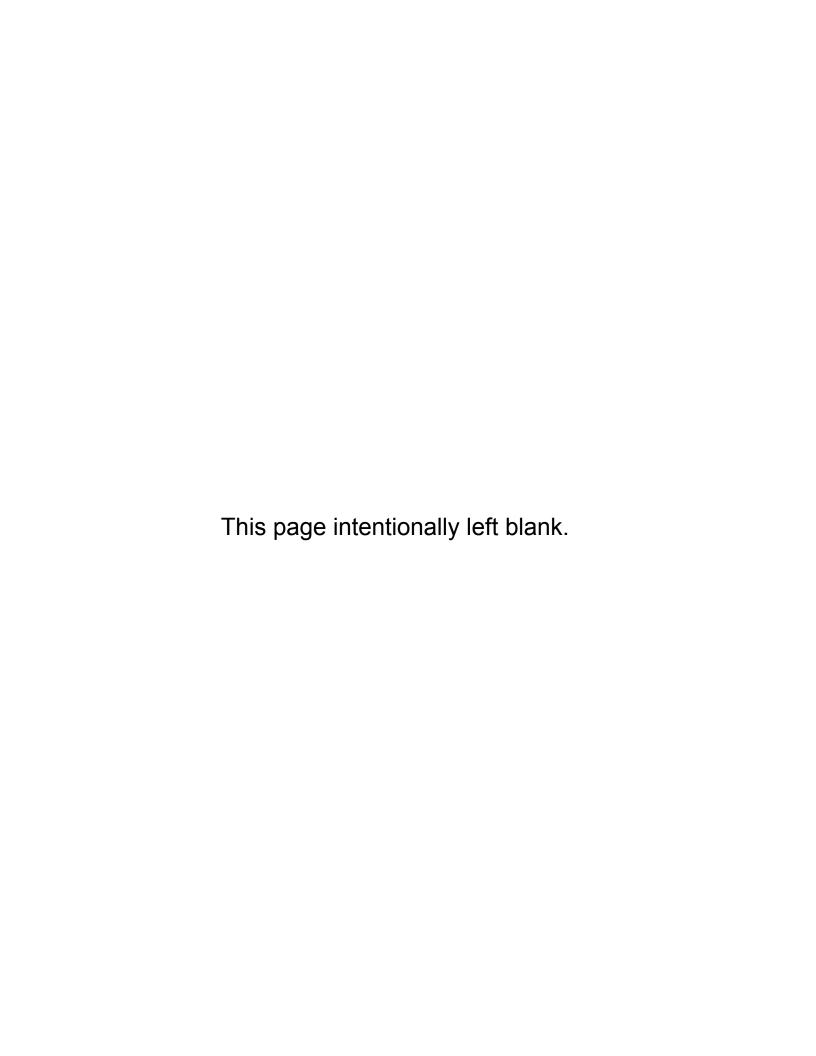
There is not enough information provided to determine if there is a permit action under Section 10 and/or Section 404. Please advise the applicant to contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Division, 1325 J Street, Room 1350, Sacramento, California 95814, telephone (916) 557-5250.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821.

Sincerely,

Meegan/G. Nagy, P.E.

Chief, Flood Protection and Navigation Section





Lonn Maier Supervisor Environmental Planning & Permitting 2730 Gateway Oaks Dr, 220 Sacramento, CA 95833 916-923-7020 916-704-4370 LCMK@pge.com

November 14, 2012

Mr. Len Marino, P.E. Chief Engineer Central Valley Flood Protection Board 3310 El Camino Avenue, Ste. LL40 Sacramento, CA 95821

Subject:

Minor Maintenance Work - Letter of Authorization Request

30865380 - RIM-204, PG&E Replacement in Stockton

Dear Mr. Marino:

PG&E hereby requests authorization from the Central Valley Flood Protection Board (CVFPB) to perform the following maintenance work on the following utility line:

PG&E is proposing to replace a Distribution Feeder Main which crosses Mormon Slough in the City of Stockton (Lat. 37.94575005351224, Long. -121.29061818122864, within the USGS 7.5-minute quadrangle map for Stockton West). A construction diagram showing the proposed work is included with this request as **Attachment A**.

This segment of pipeline was originally constructed with pre-1970's low-frequency electric resistance welded pipe, which has been identified as integrity management threat due to the pipe manufacturing seam type. The same seam type was used during the manufacture of the pipe used to construct Line 132 in San Bruno at the site of the rupture in 2010. Because of this threat, PG&E needs to replace this pipeline immediately and remove it from the system by December 17th, 2012.

An aerial map showing the current location of the pole to be removed, as well as the approximate location of the proposed replacement pole, is included as **Attachment C**. Ground-level photographs of the pole to be removed, as well as the replacement pole's planned location, are included as **Attachment D**.

In connection with this request, PG&E states the following:

- PG&E has a property right to occupy the project area arising from a right-of-way, license, permit
 and/or franchise agreement authorizing the pipeline(s), conduit(s) and/or utility line(s) that are the
 subject of this request.
- PG&E acknowledges that all work must be performed in accordance with the applicable standards, including backfill standards and minimum vertical clearances, set forth in Title 23 of the California Code of Regulations, including, but not limited to, sections 123 (Pipelines, Conduits, and Utility Lines) and 124 (Abandoned Pipelines and Conduits).
- This work is categorically exempt from the California Environmental Quality Act (CEQA) under Title 14 of the California Code of Regulations Section [15301(b), the exemption for operation,

maintenance, repair or minor alteration of existing utility facilities which involve negligible or no expansion of existing use] and no exemption exceptions, as listed in 14 CCR 15300.2, apply. [OR 15302(c), the exemption for replacement or reconstruction of existing utility structures and facilities involving negligible or no expansion of capacity.] The full text of these CEQA exemptions is provided below:

15301. Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

- (b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
- (d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;

15302. Replacement or Reconstruction

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

(c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. ...

Please review the above information and attachments, and indicate the CVFPB's approval of this request for authorization where indicated below. Please feel free to contact me if you have any questions.

Sincerely,

Lonn Maier

Conn Maies

Supervisor, Environmental Planning and Permitting

MP:mp

Enc: Attachment A: Construction Diagram

Attachment B: Cement Slurry Mixture

Attachment C: Aerial Map

Attachment D: Additional Photographs

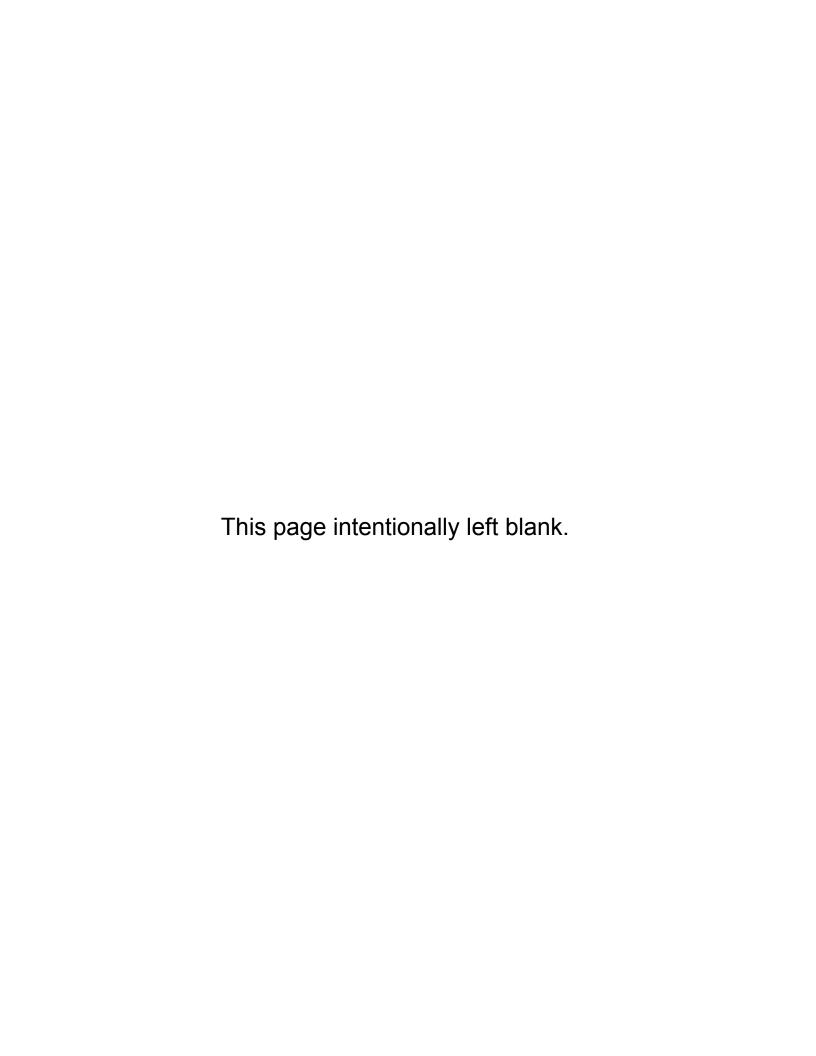
cc: Steve Dawson, Central Valley Flood Protection Board, Floodway Protection Section, 3310 El Camino Ave., Room 151, Sacramento, CA 95821

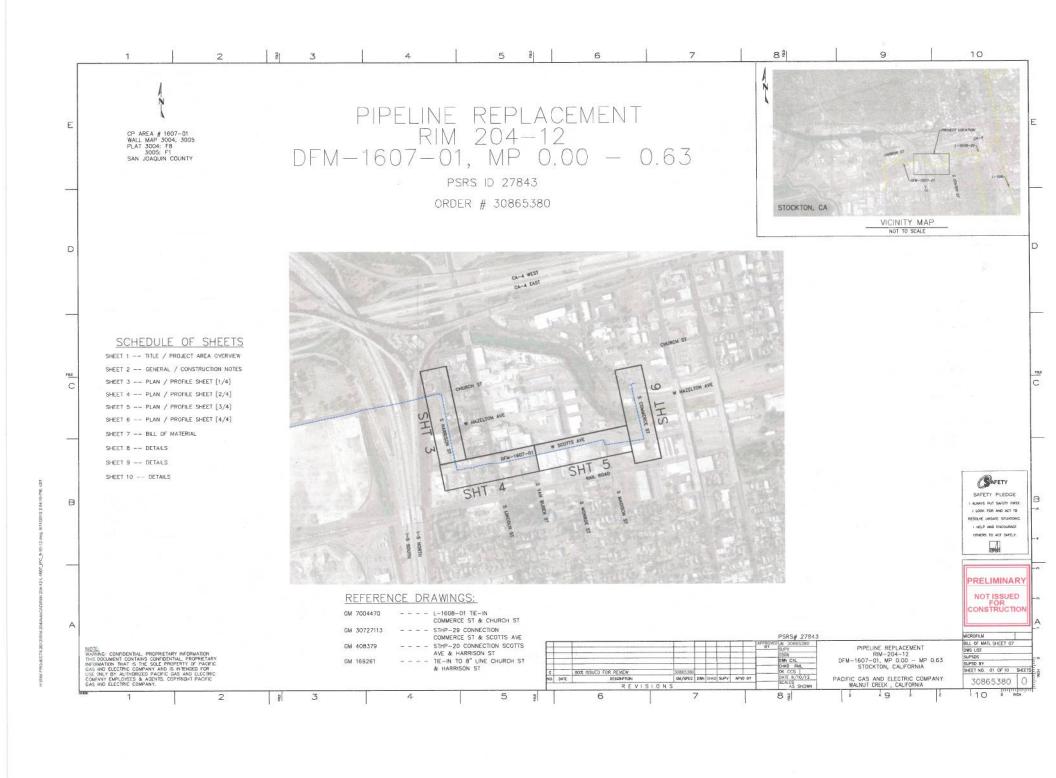
The request for CVFPB authorization to carry out the proposed project, as described above, is hereby approved.

Approved by:

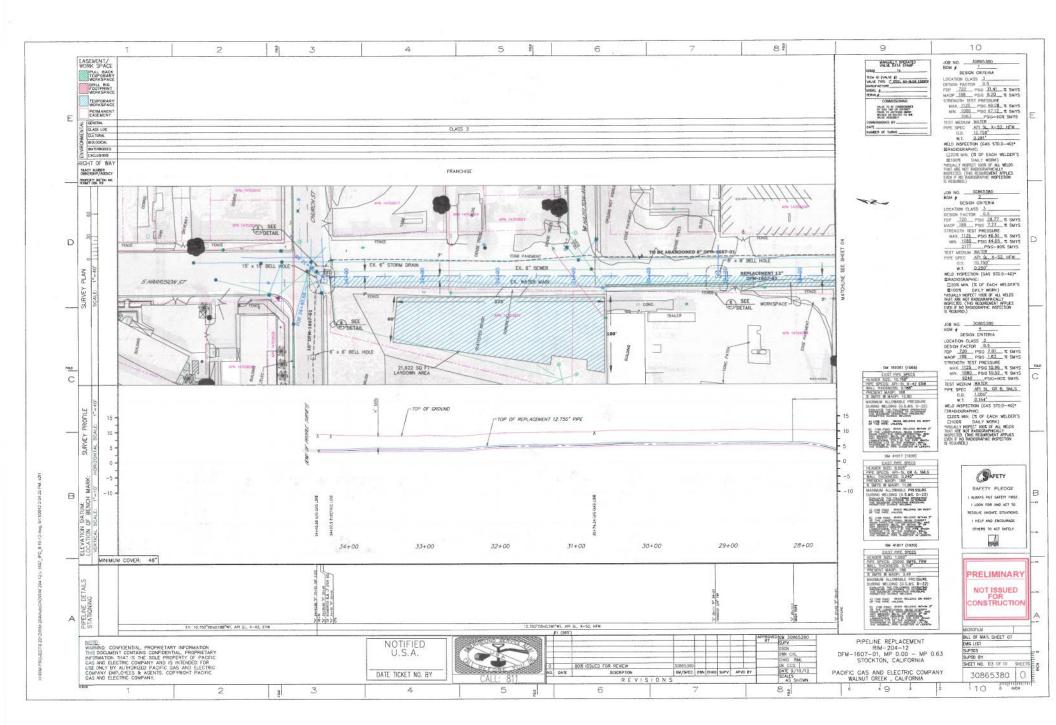
Len Marino, P.E., Chief Engineer

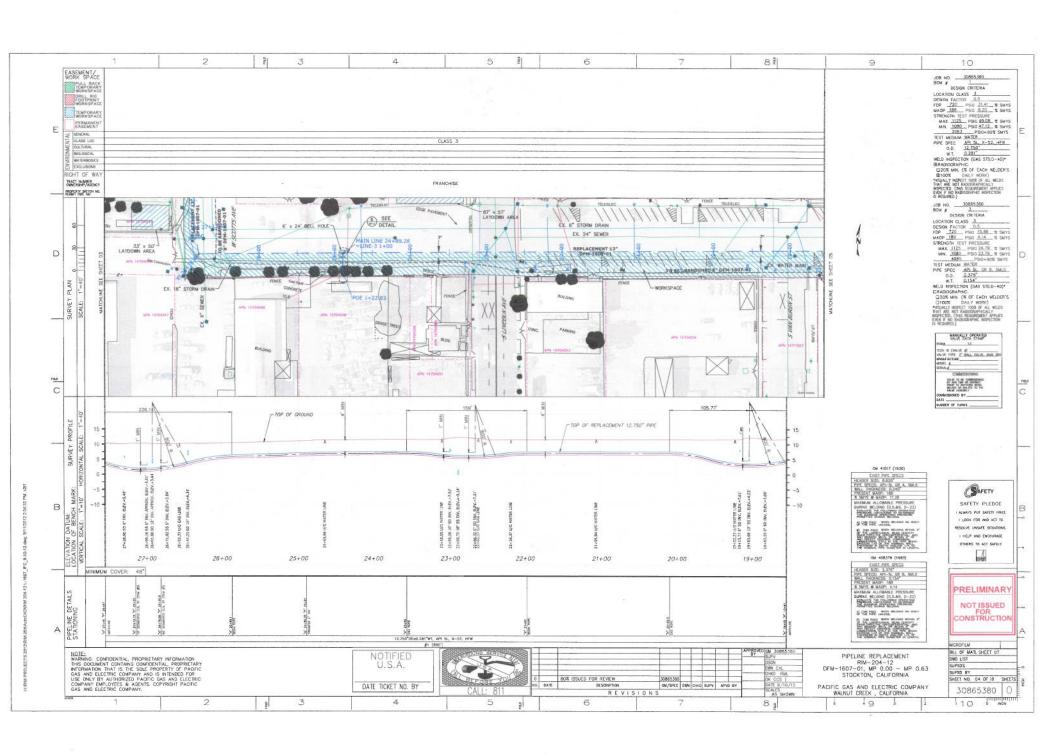
Central Valley Flood Protection Board

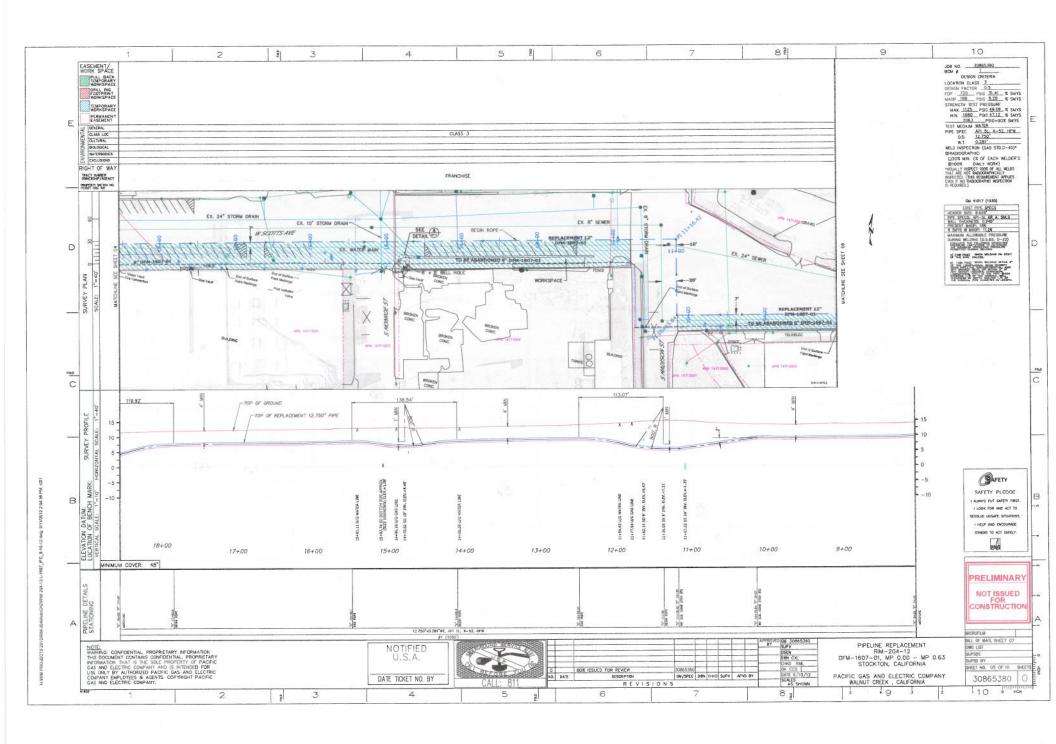


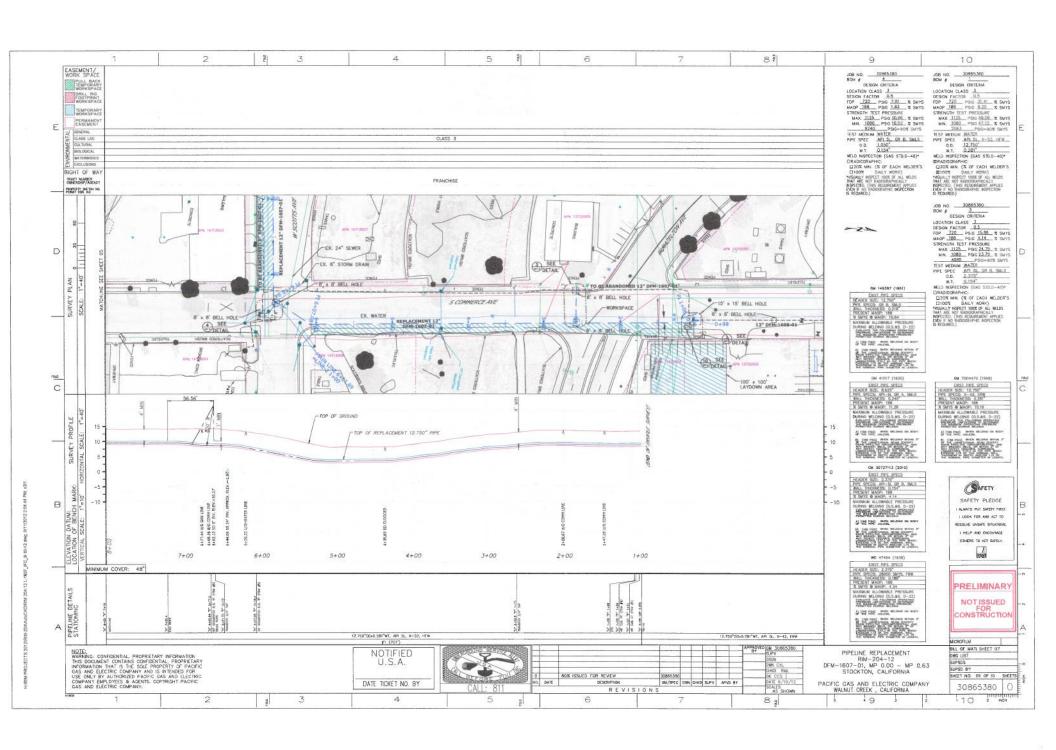


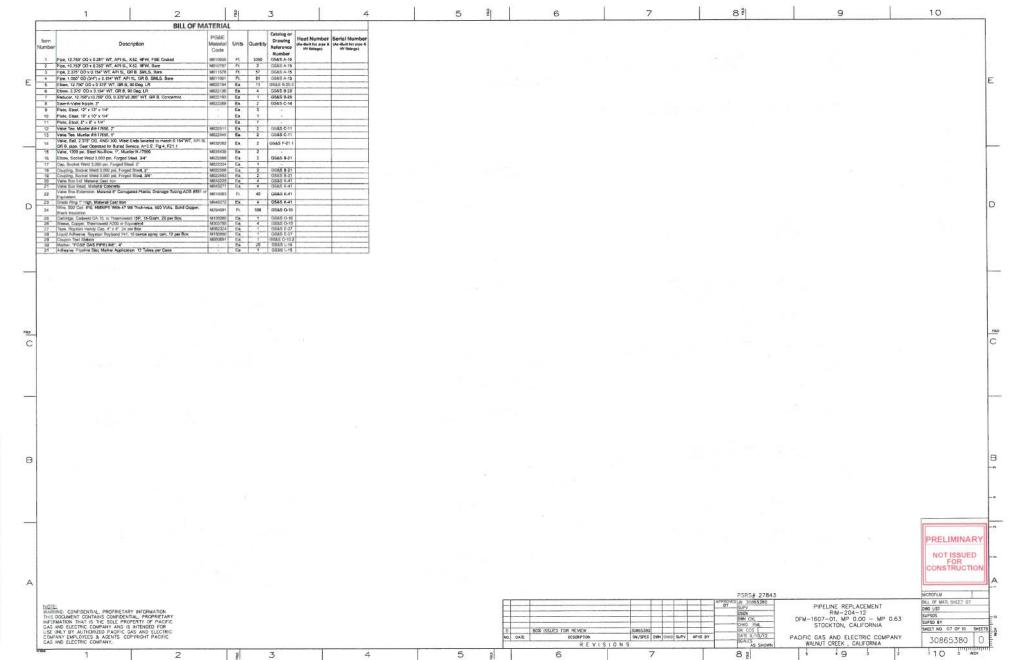
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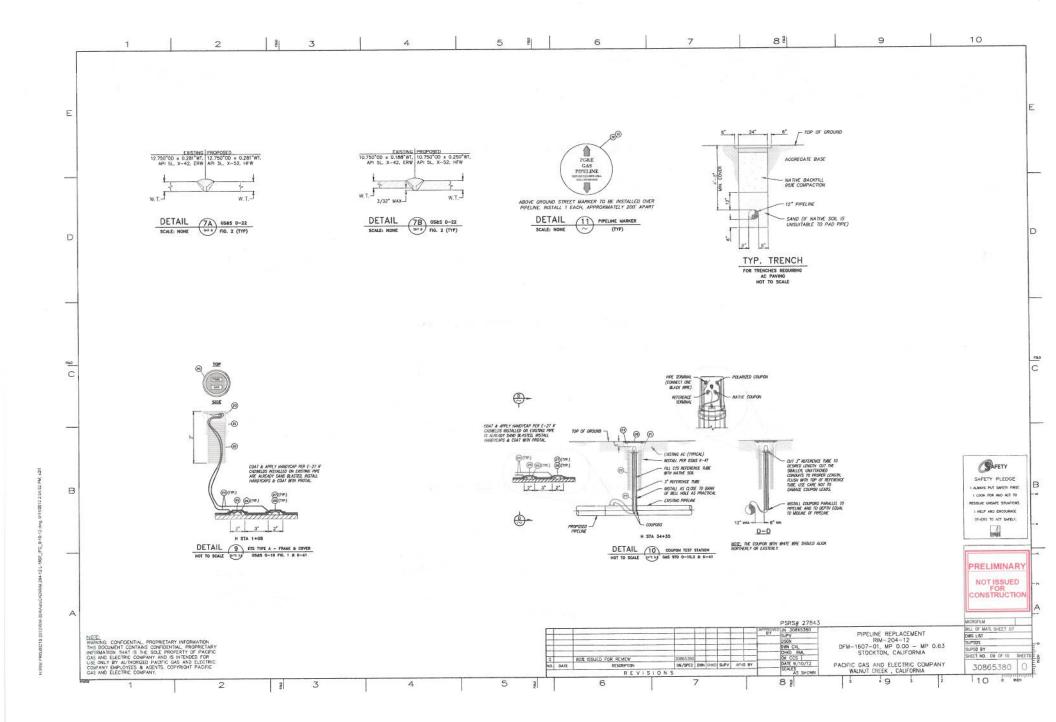






OUECTS 2012/81M-2045/stnCAD/R1M 204-12 L-1607_FC_9-10-12 dwg_9/11/2012 2-04-47 FM, o

HYBIN PROJECTS 2012/RIM-204AutoCAD/RIM 204-12 L-1607, JFC S-10-12-dwg, 9111/2012 2-04-49 PM, c211





Livingston's Concrete Service, Inc. 300050-3sk SAND SLURRY [1] Strength Compressive: 150 psi 12/27/2011

Customer: P.G. & E.		Contractor: PG&E				
Project: CVFPB						
Compressive Strength :	150 psi at 28 days	Source of Concrete : Livingston's Concrete				
Aggregate size :	3/4" 19 mm	Construction type : Sand Slurry				
Air: 2.0 ± 1.5 % Placement: Tailgate/4" pump						
Water/Cement ratio :	1.652	Unit Weight: 131.59 pcf				
Slump :	2.00 to 6.00 in	Design Date: 08/29/2008				
				39		
Constituents :			Quantity	Density	Volume	
	WG 2					
ASTM C-150 Type II or V Cement			94 lb	ł		
Fly Ash, Class F (Salt River Materials Group)			188 lb			
Water			466 lb			
ASTM C -33 Concrete Sand (Western Aggregates)			2805 lb	2.632		
Air			2.0 %.		0.54	
			8			
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		,				
		Total :	3553		27.00	
Remarks :						
95 to 98% compaction (@ 28 days.					
	- 1 1 1 1 X Y 45					
Reported by Rowdy Cor	dero	Approval by :				
D.L.		D.1.	-			
Date: 12/27/2011		Date: //				

12/27/2011

