



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
Blythe Field Office
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EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



March 6, 2013

Yvonne Meeks
Manager, Environmental Remediation
Pacific Gas and Electric Company
4325 South Higuera Street
San Luis Obispo, CA 93401

Subject: Confirmation of Application of the CERCLA 121(e)(1) Permit Exemption to Pacific Gas and Electric Company's Soil and Groundwater Investigation and Remediation Project

Dear Ms. Meeks:

You asked the California Department of Fish and Wildlife (CDFW) to determine whether or not the permit exemption in Section 121(e)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) applies to response actions conducted onsite at the Pacific Gas and Electricity (PG&E) Topock CERCLA site, specifically soil and groundwater investigations and remediation activities at the site (Project). CDFW has determined that the permit exemption applies to the Project. As a result, PG&E is relieved from obtaining a Lake or Streambed Alteration Agreement (Agreement). However, PG&E must still comply with any substantive elements CDFW would require in an Agreement for the Project. In this case, the substantive elements are the avoidance and mitigation measures (AMMs) attached hereto which PG&E previously agreed to follow. PG&E must comply with the AMMs for the duration of the Project unless they are modified later.

Please note in particular the five day notification procedure specified in AMM 34. The notification required under AMM 34 must include: a written description of any Project-related construction activities; a location map; biological clearance; and additional AMMs PG&E's biologist determines are necessary.

If you have any questions regarding this matter, please contact Victoria Chau, Environmental Scientist at (760) 922-6783 or Victoria.Chau@wildlife.ca.gov.

Sincerely,

Chris Hayes
Deputy Regional Manager
Inland Deserts Region

Attachment: CDFW Topock Remediation AMMs

2/5/13

Avoidance and Mitigation Measures for Topock Remediation Project (Project)

The California Department of Fish and Wildlife (Department) recommends the following avoidance and mitigation measures (AMMs 1-34) for all work conducted in CDFW Jurisdictional Washes. Additional AMMs will be developed for the Project, as needed, by the qualified Biologist or Cultural Specialist. The following AMMs will be implemented in a manner consistent with the mitigation measures set forth in the Mitigation Monitoring and Reporting Program (MMRP) for the Topock Compressor Station Final Remedy FEIR approved by DTSC on January 31, 2011.

1. Formal environmental training will be provided for all onsite personnel prior to construction. This training will include biological, environmental laws, and guidelines.
2. If required for species or habitat protection, a biological site monitor will be on site during all ground disturbing activities.
3. No direct or indirect impacts shall occur to any State or federally listed threatened, endangered, or candidate species. Any and all impacts to these species are strictly prohibited and are punishable by Federal and State laws. If threatened, endangered, or candidate species occur within the proposed work area or could be impacted by the proposed project, Pacific Gas and Electric Company (hereinafter called the Operator) shall obtain the required State and Federal threatened and endangered species permits or comply with the substantive requirements of such laws, pursuant to CERCLA Section 121(e)(1).
4. No discharges to the CDFW Jurisdictional Washes or Colorado River shall occur without permits or compliance with the substantive requirements of applicable Federal and state laws, pursuant to CERCLA Section 121(e)(1).
5. Spoil sites shall not be located within the bed, bank, and channel of any watercourse, where spoil could be washed back into a stream, or where it will cover aquatic or riparian vegetation. Any materials placed in seasonally dry portions of a stream that could be washed downstream or could be deleterious to aquatic life shall be removed from the project site prior to inundation by high flows.
6. Structures and associated materials, including construction debris, not designed to withstand high seasonal flows shall be removed to areas above the high water mark before such flows occur.
7. All debris, bark, slash, sawdust, rubbish, silt, cement or concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances resulting from project related activities that could be hazardous to aquatic life or waters of the State, shall be prevented from

contaminating the soil and/or entering the waters of the State and shall not be deposited within 150 feet of the high water mark, unless containerized. None of these materials shall be allowed to enter into or be placed within or where they may enter or be washed by rainfall or runoff into waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area.

8. Erosion control measures shall be implemented where necessary to reduce erosion and sedimentation in wetlands, waters of the United States, waters of the state, and habitat occupied by covered species and plant species when activities are the source of potential erosion impacts.
9. During construction, the contractor shall not dump any litter or construction debris within the riparian/stream zone. All such debris and waste shall be removed daily and properly disposed of at an appropriate site.
10. The Operator shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of the Operator to ensure compliance. The clean-up of all pollution spills shall begin immediately. The Operator shall notify the Department immediately of any spills and shall consult with the Department regarding clean-up procedures and requirements.
11. Spills and releases of materials shall be cleaned up immediately and thoroughly. Appropriate spill response equipment, including spill kits preloaded with absorbents in an over-pack drum (where feasible), will be provided at convenient locations throughout the site. Spent absorbent material will be managed and disposed of in accordance with applicable regulations. In particular, absorbents used to clean up spills of hazardous materials or waste will be managed as hazardous waste unless characterized as nonhazardous.
12. Trash and scrap receptacles shall be located throughout work areas, as necessary, to promote proper disposal of solid wastes. Receptacles shall be provided with lids or covers to prevent windblown litter.
13. Proper receptacles to dispose of hazardous wastes shall be provided at each work area.
14. Excess concrete will be collected and disposed of in designated concrete washout facilities.
15. Any sanitary and septic waste facilities provided during project work will be located away from drainage courses and traffic areas. These facilities will be maintained regularly.
16. Staging/storage areas for equipment and materials shall be located outside of the

Colorado River's bed, bank, and channel. No equipment maintenance shall be done within 150 feet of the Colorado River channel where petroleum products or other pollutants from the equipment may enter these areas under any flow.

17. Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the Colorado River, shall be positioned over drip pans.
18. Vehicles shall not be driven or equipment operated in water covered portions of the Colorado River or in wetted areas (including but not limited to ponded, flowing, or wetland areas), or where riparian vegetation may be destroyed, except as necessary to complete authorized work as described under the plan.
19. Any equipment or vehicles driven and/or operated within or adjacent to the Colorado River shall be checked and maintained daily to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic life, wildlife, or riparian and wetland habitat.
20. Project-related vehicle traffic, construction activity, and equipment storage shall be restricted to established roads, designated access roads, the working strip, storage areas, staging and parking areas, and other designated project areas. All of these areas shall be clearly marked by posting signs.
21. All vehicles and equipment regularly entering and leaving work areas shall be cleaned to reduce material track-out.
22. Vehicles shall not exceed a speed limit of 15 mph in the ROWs or on unpaved roads within sensitive land-cover types.
23. All disturbed portions of the Colorado River shall be restored to as near original condition as possible, except as otherwise indicated to the Department.
24. No vehicles shall be refueled within 100 feet of a wetland, stream, or other water-body unless done within a constructed secondary containment area that includes, at a minimum, a perimeter berm and leak-proof liner.
25. All equipment and vehicles will have federal or state approved spark arrestors. All vehicles will carry an approved fire extinguisher (or backpack pump filled with water) and a shovel.
26. The development of new access and ROW roads by PG&E and vegetation clearing and blading for temporary vehicle access shall be minimized.
27. Covered storage for materials, especially toxic or hazardous materials, shall be provided to prevent exposure of these materials to storm water. Toxic or hazardous materials will be stored or transferred on impervious surfaces that will provide secondary containment for spills. Vehicles and equipment used for

material delivery and storage, as well as all contractor vehicles, shall be parked in designated areas.

28. Trash dumping, firearms, open fires (such as barbecues) not required by the activity, hunting, and pets will be prohibited in O&M work activity sites.
29. The perimeter of the work site shall be adequately flagged to prevent damage to adjacent riparian and wetland habitats. The upstream and downstream limits of the work area, including all areas of impact to existing desert riparian habitat and "Environmentally Sensitive Areas (ESA)", shall be identified with flagging or brightly colored mesh fencing or some other means readily conveyed to the equipment operators. These limits will be identified by a supervisor familiar with the terms of these AMMs, prior to the beginning of activities, and will be confined to the minimal area needed to accomplish the proposed work.
30. If disturbance or removal of riparian habitat is unavoidable the operator shall implement measures outlined in MMRP BIO-1 regarding restoration, rehabilitation and/or replacement of such habitat. Measures to implement MMRP BIO-1 shall be outlined in the notification listed below in measure #33.
31. No herbicides shall be used on vegetation unless specifically authorized, in writing, by the Department.
32. The Operator assumes responsibility for the restoration of any wildlife habitat which may be impaired or damaged, either directly or incidental, to the project, as a result of failure to properly implement or complete the listed mitigative features or from activities which were not included in the Operator's Notification.
33. All project resident engineers, project engineers, project inspectors, and contractors and sub-contractors shall be provided with a copy of the AMMs, and shall abide by the terms and conditions of the AMMs.
34. The Operator shall notify the Department, in writing, at least five (5) days prior to initiation of construction (project) activities and at least five (5) days prior to completion of construction (project) activities. Notification shall be sent to: Department of Fish and Wildlife, Colorado River Program, P.O. 2160, Blythe, California 92226; FAX No. (760) 922-5638.