STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Water Quality Certification For
LAKE TABEAUD LEAKAGE WEIR REPAIR
PACIFIC GAS AND ELECTRIC COMPANY
MOKELUMNE HYDROELECTRIC PROJECT

FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 137

SOURCES: North Fork Mokelumne River

COUNTY: Amador County

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

BY THE EXECUTIVE DIRECTOR:

1. The **PACIFIC GAS AND ELECTRIC COMPANY** (PG&E) proposes to repair a leakage weir below the Lake Tabeaud Dam. Approximately 300 feet below the Lake Tabeaud Dam is a leakage boil. PG&E is required by the Division of Safety of Dams and the Federal Energy Regulatory Commission (FERC) to monitor the leakage. A weir (M19A) was built many years ago to monitor the leakage, and is required as part of PG&E's Emergency Action Plan (a FERC requirement). The weir consists of a concrete wall (2 feet high, 15 feet long, and 10 inches thick), a 24 inch round cylinder containing gauging equipment, and a steel "V" notch plate. The weir has a capacity of about 500 gallons, and the current leakage is less than .25 CFS. The leakage from the weir flows into a feeder creek that enters into to Jackson Creek approximately 400 feet downstream from the weir.

2. The right side of the concrete wall has deteriorated which allows water to by-pass the weir. Leakage can no longer be properly measured and temporary repairs have not succeeded in repairing the structure.

3. PG&E is proposing to install a small coffer dam to isolate the work area from the leakage boil while allowing passage of water downstream. The water impounded behind the wall will be pumped dry and the damaged section of the concrete wall will be removed. Forms will be placed and approximately 1.5 yards of concrete will be used to repair the wall.

4. The new section of wall will be angled upstream. The work area will be dry when the concrete is poured, and hay bales will be used to prevent cement and sediments from entering the creek. Moss and iron deposits will also be removed from behind the concrete wall with a rubber tired backhoe after dewatering. The project is estimated to take two weeks.

5. The Federal Clean Water Act (33 USC §1251, et seq.) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters" (33USC §1251(a)). Section 101(g) (33 USC §1251(g)) requires federal agencies to "cooperate with state and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources." Section 401 (33 USC §1341) requires every applicant for a federal license or permit to provide the responsible federal agency with certification that the project will be in compliance with specified provisions of the Clean Water Act, including section 303 ("Water Quality Standards and Implementation Plans", 33 USC §1313); directs the state agency responsible for certification to prescribe effluent limitations and other limitations necessary to ensure compliance with the Clean Water Act and with any other appropriate requirement of state law; and provides that state certification conditions shall become conditions of any federal license or permit for the project.

6. The State Water Resources Control Board (SWRCB) is the agency responsible for water quality certification in California (section 13160 of the California Water Code); and has delegated this function to the Executive Director by regulation (section 3838 of Title 23 of the California Code of Regulations (CCR)).

7. On February 10, 1997, the SWRCB issued statewide water quality certification covering several classes of activities covered under U.S. Army Corps of Engineers (Corps) 404 Nationwide Permits (NWP) and at the same time denied certification without prejudice to several classes of NWPs that were found to individually or cumulatively have a significant effect on the environment. The NWP classes that were not certified by the SWRCB were found to result in more than minimal individual impacts or contribute to cumulative impacts as a result of the range of activities contemplated under those Nationwide Permits and therefore require certification on a project by project basis. PG&E has applied for a Section 404 NWP #33 (Temporary construction, access, and dewatering). NWP #33 is a class of activity for which the State requires water quality certification on an individual project basis.

8. The SWRCB staff has reviewed the proposed project and conditions incorporated into the project to protect the environment pursuant to the California Environmental Quality Act (CEQA). The project qualifies for a Class 2 Categorical Exemption from the requirements of CEQA, pursuant to Article 19 Section 15302(c) "Replacement or Reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. The SWRCB has prepared a Notice of Exemption for this project.

9. The California Regional Water Quality Control Boards have adopted, and the State Board has approved, Water Quality Control Plans (Basin Plans) for each watershed basin in accordance with provisions of section 303 of the Clean Water Act, related to the establishment of water quality standards and planning (33 USC §§1313). Basin Plans identify beneficial uses of the waters within each Region.

   Jackson Creek is a tributary of the Mokelumne River thence the San Joaquin River. The California Regional Water Quality Control Board, Central Valley Region, (CVRWQCB) in its Water Quality Control Plan for the Central Valley Region, Sacramento River and San Joaquin River Basins has identified the beneficial uses of the Mokelumne River and tributaries from its source as Municipal, Hydropower Generation, Contact and Non-Contact Recreation, Canoeing and Rafting, Cold Freshwater Habitat, Warm Freshwater Habitat, Warm Water Migration, Cold Water Spawning, Warm Water Spawning and Wildlife Habitat.

   Protection of the chemical, physical, and biological integrity of waters of the state for instream beneficial uses identified in the Basin Plans requires maintenance of adequate stream flows as well as effluent limitations and other limitation on discharges of pollutants from point and nonpoint sources to navigable waters and their tributaries.

ACCORDINGLY, THE SWRCB CERTIFIES THAT THE LAKE TABEAUD LEAKAGE WEIR REPAIR PROPOSED BY PACIFIC GAS AND ELECTRIC COMPANY (PG&E) will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law provided PG&E complies with the following terms and conditions during the prosecution of the work certified herein.

1. Except for activities permitted by the Corps under Section 404 of the Clean Water Act, soil, silt or other organic or earthen materials shall not be placed where such materials could pass into surface waters or surface water drainage courses. Any aggregate base material or riprap shall be free from visible organic or earthen material.

2. In order to protect the beneficial use designations identified in the Basin Plan, the authorized bank stabilization project shall not add the following substances to surface waters:

   a. Taste or odor-producing substances to impart undesirable tastes to domestic and municipal water supplies or odors to fish flesh or other edible products of aquatic origin or to cause nuisance or adversely affect beneficial uses;

   b. Perceptible floating material including, but not limited to, solids, liquids, foams or scums which could result in degradation of water quality;

   c. Suspended or settleable material in concentrations that cause a nuisance or adversely affect beneficial uses;

d. Oil, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water;

e. Toxic pollutants present in the water column, sediments, or biota in concentrations that adversely affect beneficial uses; that produce detrimental response in human, plant, animal, or aquatic life; or that bioaccumulate in aquatic resources at levels which are harmful to human health; and,

f. Coliform organisms attributable to human wastes.

3. When the FERC licensee initiates activities requiring installation of concrete or grout, fresh concrete or grout that has not set shall not be allowed to contact or enter surface water.

4. All areas disturbed by project activities shall be protected from washout or erosion.

5. The backhoe will be steam cleaned prior to entering the stream and will be monitored for leakage of petroleum products or other fluids. Oil containment will be available for immediate use if necessary.

6. The FERC licensee shall notify the SWRCB and the Central Valley Regional Water Quality Control Board immediately of any spill of petroleum products, cement, or other organic or earthen materials.

7. The Licensee shall take all reasonable measures to protect the beneficial uses of water of Jackson Creek and un-named tributaries

This water quality certification is only for the PG&E project titled "LAKE TABEAUD LEAKAGE WEIR REPAIR." This water quality certification cannot be used for any other FERC or U.S. Army Corps of Engineers action relative to FERC License No. 137. This certification does not constitute the water quality approval necessary for the issuance of the new FERC license for Project No. 137.

Walt Pettit
Executive Director

Date: 14 April 00