

**STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD**

**In the Matter of Water Quality Certification For
PLACER COUNTY WATER AGENCY**

RALSTON SWITCHYARD EROSION PROTECTION PROJECT

FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2079

SOURCES: Rubicon River

COUNTY: Placer County

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

BY THE EXECUTIVE DIRECTOR:

1. The Ralston Powerhouse and Switchyard were completed in 1966 as part of the Middle Fork of the American River Project (MFARP), which is operated by the Placer County Water Agency (PCWA). The MFARP consists of two major water storage reservoirs, French Meadows and Hell Hole, four small to medium diversion reservoirs, and one regulating reservoir the Ralston Afterbay. In addition, the project consists of 5 powerhouses.

Approximately 5 miles east of Foresthill, the Ralston Powerhouse is located on the Rubicon River approximately two miles upstream from Ralston Afterbay Dam. The Ralston Afterbay is located on the Middle Fork of the American River downstream from the confluence of the Middle Fork of the American and the Rubicon River on lands administered by the El Dorado National Forest. The MFARP (2079) is under license by the Federal Energy Regulatory Commission (FERC).

2. The Ralston Powerhouse 230 kV electrical switchyard was damaged during recent major storm events. Various levels of erosion have occurred at the switchyard. In January 1997, most of the riprap slope protection and portions of the embankment were removed by severe flooding. The erosion resulted in undermining the electrical switchyard. Interim repairs have been made to stabilize the embankment. However, the restored erosion protection is not considered adequate to prevent switchyard damage from a storm similar to that of January 1997. PCWA is proposing to construct long-term flood control protection measures.
3. The purposes of the PCWA Ralston Powerhouse Switchyard project are:
 - To protect the Ralston Powerhouse Switchyard from erosion damage during major storms.

- To prevent environmental damage caused by eroding embankment material, and the potential release of up to 5,000 gallons of circuit breaker and transformer insulating oil.
- To maintain electrical system reliability, particularly following flood events when electrical demands may be most critical.

The project will include the removal of the existing embankment material, installation of a reinforced shotcrete wall about 180 feet long with soil nail embankment supports, then backfilling a portion of the shotcrete wall with riprap and embankment materials from the original excavation, and restoration of native vegetation. A detailed project description is located in the document titled "PCWA Ralston Switchyard Erosion Protection Project" on file with the State Water Resource Control Board (SWRCB).

4. 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" (33 USC §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.
5. The 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)).
6. In 1997, 2000 and again in 2002 the SWRCB issued a statewide water quality certification order for several classes of activities covered under U.S. Army Corps of Engineers (Corps) 404 Nationwide Permits (NWP). In these actions the SWRCB denied water quality 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 NWPs and therefore require certification on a project by project basis. PCWA has applied for a Section 404 NWP #13 (Bank Stabilization). Nation Wide Permit 13 is a class of activities for which the SWRCB has denied water quality certification and requires certification on an individual project basis. In addition, any NWPs for FERC projects require project specific certifications.
7. The California Regional Water Quality Control Boards have adopted, and the SWRCB 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.

8. The California Regional Water Quality Control Board, Central Valley Region, 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 Middle Fork of the American River from its source to Folsom Lake as: Municipal and Domestic Supply, Irrigation, Stock Watering, Hydropower Generation, Contact and Non-Contact Recreation, Canoeing and Rafting, Cold Freshwater Habitat, proposed Warm Freshwater Habitat, Cold Water Spawning and Wildlife Habitat.
9. 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.
10. As the state Lead Agency and pursuant to the California Environmental Quality Act (CEQA), PCWA prepared and circulated for public review a Negative Declaration. PCWA adopted the Negative Declaration on March 1, 2001. The SWRCB staff has reviewed the proposed project construction documents, the Negative Declaration and the conditions incorporated into the project by PCWA to protect the environment. The SWRCB acting as a Responsible Agency has prepared a Notice of Determination pursuant to CEQA for this project.

ACCORDINGLY, THE SWRCB CERTIFIES THAT THE PCWA RALSTON SWITCHYARD EROSION PROTECTION PROJECT will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law provided PCWA complies with the following terms and conditions during the prosecution of the work certified herein:

1. This certification is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and Article 6 (commencing with §3867) of Chapter 28 of Division 3 of title 23 of the California Code of Regulations.
2. This certification is not intended and shall not be construed to apply to issuance of a FERC license or FERC license amendment unless the application for certification specifically identified a FERC license or amendment to a FERC license as one of the permits or licenses for which certification was being requested.
3. The SWRCB may add to or modify the conditions of this certification as appropriate to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
4. Notwithstanding any more specific conditions in this certification, the project shall be constructed and operated in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.

5. Any change to the project that would have a significant or material effect on the findings, conclusions, or conditions of this certification, including project operation, must be submitted to the Chief of the Division of Water Rights for prior review and written approval.
6. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

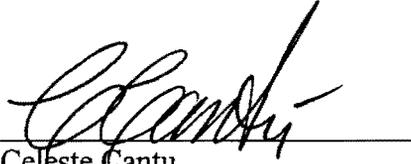
In response to a suspected violation of any condition of this certification, the SWRCB may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.

7. This certification does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water quality certification, the Licensee shall obtain authorization for the take prior to construction or operation of the project. The Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this certification.
8. To protect surface waters, the use of aggregate base material and riprap shall be clean rock that is free from visible organic or earthen material.
9. In order to protect the beneficial use designations identified in the Basin Plan, the authorized project activities 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 including circuit breaker and transformer insulating oils 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.
10. When the Licensee initiates activities requiring installation of concrete, shotcrete, or grout, fresh concrete, shotcrete or grout that has not set shall not be allowed to contact or enter surface water.
 11. All areas disturbed by project activities shall be protected from erosion by the use of U.S. Forest Service "Best Management Practices."
 12. The Licensee shall notify the SWRCB and the Central Valley Regional Water Quality Control Board (CVRWQCB) immediately (within 24 hours) of any spill of petroleum products or other organic or earthen materials into waters of the Middle Fork of the American River. The Licensee shall inform the SWRCB and the CVRWQCB of actions it has taken to control the spill and other corrective actions to protect the water quality and beneficial uses of the Middle Fork of the American River.
 13. The Licensee shall take all reasonable measures to protect the beneficial uses of water of the Middle Fork of the American River. Licensee shall maintain the river flow around the construction site at a rate no less than the natural flow or the minimum flow releases required by the license for FERC 2079.
 14. Prior to initiation of the project, the Licensee shall obtain all necessary federal and state permits to carry out the project. Licensee shall consult with the CVRWQCB regarding any waste discharge requirements or Storm Water Permit necessary for this project. The Licensee shall comply with all such permits that contain conditions to protect the beneficial uses of the Middle Fork of the American River and those conditions are incorporated into this water quality certification by reference.
 15. The PCWA Construction Plan for the Ralston Switchyard Erosion Protection Project and the Ralston Switchyard Erosion Protection Project CEQA Exhibit A, specifically "Plans for Protecting the Environment During the Project" are incorporated in their entirety into this water quality certification by reference.
 16. The Licensee shall file with the Chief of the Division of Water Rights a post construction report describing the site specific measures and any water quality monitoring that may have been conducted during the project pursuant to the CEQA Exhibit A "Plans for Protecting the Environment During the Project." The report shall discuss any ongoing project monitoring that was found necessary by PCWA to comply with this certification or permits and conditions by others to protect water quality.
 17. This water quality certification is only for the PCWA project titled "Ralston Switchyard Erosion Protection Project." This water quality certification cannot be used for any other FERC or U.S. Army Corps of Engineers action relative to FERC License No. 2079. This

certification does not constitute the water quality approval necessary for the issuance of a new FERC license for Project No. 2079.

A handwritten signature in black ink, appearing to read "Celeste Cantu", is written over a horizontal line.

Celeste Cantu
Executive Director

Date: **MAR 20 2002**