

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Water Quality Certification For
ROCK CREEK RESERVOIR SPILLWAY MODIFICATION
PACIFIC GAS AND ELECTRIC COMPANY
DRUM-SPAULDING HYDROELECTRIC PROJECT

FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2310

SOURCES: Rock Creek, Coon Creek, and Feather River

COUNTY: Placer County

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

BY THE EXECUTIVE DIRECTOR:

1. The **PACIFIC GAS AND ELECTRIC COMPANY** (PG&E) proposes to lower the existing spill crest of Rock Creek Reservoir Dam by 2.5 feet. This will involve saw cutting and removing the top portions of the existing concrete spill crest at Bays No. 25 and No. 26 of the multiple arch dam. A new reinforced concrete slab with an ogee crest will be installed, similar to the existing spill crest. To allow crane access to the spillway, the existing outlet pipe will be extended by approximately 15 feet, and the channel will be filled with rock. At the end of construction the fill material will be removed and the site restored.
2. In 1997 the California Division of Safety of Dams and the Federal Energy Regulatory Commission (FERC) required PG&E to improve the safety of the Rock Creek Dam. The improvements included strengthening of the dam face for seismic loading and improving spillway capacity to prevent potential overtopping of the dam under the probable maximum flood. The dam strengthening was completed in 1998.
3. Rock Creek Reservoir is part of the Drum-Spaulding Hydroelectric Project, FERC #2310, that is owned by PG&E. The FERC is requiring an amendment to the license for this project because the lowering of the spillway will result in a reduction of reservoir capacity from 548 acre-feet to 425 acre-feet. On February 22, 2001, PG&E submitted a request for Clean Water Act Section 401 Certification for this project.
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" (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.

5. The SWRCB has delegated the authority to issue or deny water quality certification to the Executive Director. (Cal. Code Regs., tit. 23, § 3838, subd. (a).)
6. 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 Section 404 NWP #33 (temporary construction, access, and dewatering) and NWP #18. NWPs #33 and #18 are a class of activity for which the State requires water quality certification on an individual project basis.
7. 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.
8. 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.

Rock Creek and Coon Creek are tributaries of the Feather River thence the Sacramento 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, Irrigation, Contact and Non-Contact Recreation, Canoeing and Rafting, Cold Freshwater Habitat, Warm Freshwater Habitat, Warm and Cold 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.

IN LIGHT OF THE FOREGOING, THE SWRCB CERTIFIES THAT THE ROCK CREEK RESERVOIR SPILLWAY MODIFICATION THAT IS PART OF THE DRUM-SPAULDING HYDROELECTRIC PROJECT AS PROPOSED BY PG&E will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act (33 U.S.C. §§ 1311, 1312, 1313, 1316, & 1317), and with applicable provisions of state law, provided that 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. Any equipment entering a stream must 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 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 Rock Creek and Coon Creek.
8. PG&E will comply with the requirements of the "Water Quality Monitoring Plan Rock Creek Dam Spillway Modification" dated April 18, 2001.
9. PG&E shall comply with the Stream Alteration Agreement Number R2-83-00 issued by the Department of Fish and Game.
10. 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, processes 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.
11. In response to a suspected violation of any condition of this certification, the SWRCB may require PG&E to furnish, under penalty of perjury, any technical or monitoring reports that the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
12. Prior to implementing any change to the project that would have a significant or material effect on the findings, conclusions, or conditions of this certification, PG&E must obtain the written approval of the Chief of the Division of Water Rights.

This water quality certification applies only to this project, which encompasses the reconstruction of the diversion dam. This water quality certification is not intended and shall not be construed to apply to any other activities proposed in PG&E's application for a license amendment, or to the issuance of any other federal permit or license, including the issuance of a new FERC license for Project No. 2310.

This certification is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and California Code of Regulations, title 23, sections 3867-3869.



Edward C. Anton
Acting Executive Director

Date: **MAY 02 2001**