



State Water Resources Control Board

September 2, 2024

Ben Ransom, Senior Environmental Scientist
Placer County Water Agency
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Auburn, CA 95604
Sent via Email: BRansom@pcwa.net

NOTICE OF APPLICABILITY, CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION FOR PLACER COUNTY WATER AGENCY'S RALSTON AFTERBAY MAINTENANCE AND ENHANCEMENT/RESTORATION ACTIVITIES PROJECT, EL DORADO AND PLACER COUNTIES, CALIFORNIA

Dear Mr. Ransom:

On September 5, 2023, the State Water Resources Control Board (State Water Board) received Placer County Water Agency's (PCWA) Notice of Intent (NOI) to enroll the Ralston Afterbay Maintenance and Enhancement/Restoration Activities Project (Project) under the *General Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements, Order No. WQ-2022-0048-DWQ for Restoration Projects Statewide (Restoration General Order, Enclosure A)*¹. Implementation of the Project will require a permit from the United States Army Corps of Engineers (USACE) pursuant to Section 404 of the Clean Water Act. PCWA is seeking authorization under a USACE Letter of Permission.

State Water Board staff have reviewed PCWA's NOI and find the Project meets the requirements of the Restoration General Order. The Project is hereby enrolled under the Restoration General Order. The Restoration General Order certifies that as long as all the conditions listed in the Restoration General Order are met, implementation of restoration projects statewide will comply with Clean Water Act sections 301, 302, 303, 306, and 307. PCWA may proceed with the Project following any additional federal and/or state approvals such as a USACE Letter of Permission.

PCWA shall comply with this Notice of Applicability (NOA) and all applicable Restoration General Order requirements. Enclosure B provides additional information related to the Restoration General Order's conditions to conform to the recommendation in 40 Code of Federal Regulations part 121.7(d)(3). Failure to comply with this NOA and the Restoration General Order constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Restoration General Order.

¹ Available online at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf.

PROJECT NOTICING

In accordance with Section 401(a)(1) of the Clean Water Act and California Code of Regulations, title 23, section 3858, the State Water Board issued a public notice for the Project on October 2, 2023. The State Water Board did not receive any comments relevant to the Project certification.

PROJECT DESCRIPTION

The Project is located on the Middle Fork American River (MFAR), approximately five miles east of Foresthill in El Dorado and Placer Counties. Project activities include: excavation and dredging of sediment from Ralston Afterbay; relocation of suitable excavated material to downstream MFAR sediment augmentation sites and spawning gravel habitat sites; and sediment pass-through. The Project is required under the Sediment Management Plan and Spawning Habitat Improvement Plan (plans), which are included in PCWA's 2020 Federal Energy Regulatory Commission (FERC) license for the Middle Fork American River Hydroelectric Project (Hydroelectric Project), also referred to as FERC Project No. 2079. In part, the plans aim to ensure the downstream movement of sediments and gravels that are otherwise retained in Ralston Afterbay, as well as enhance spawning habitat and overall aquatic and riparian habitats along the MFAR downstream of Ralston Afterbay. PCWA anticipates beginning Project sediment removal activities (i.e., excavation and dredging) during the Hydroelectric Project 2025 Fall Outage Period (i.e., late September or early October 2025) and plans to continue Project implementation periodically over the effective period of the USACE permit. Lands in the vicinity of Ralston Afterbay are owned primarily by the United States Forest Service.

Sediment removal activities help maintain the Hydroelectric Project system reliability by restoring Ralston Afterbay's storage capacity and removing accumulated sediments adjacent to Ralston Powerhouse's outlet works. Approximately once every five years, between 1969 and 2023, approximately 45,000 cubic yards of sediment was removed from Ralston Afterbay. The Project objectives are to: (1) periodically remove sediment from Ralston Afterbay via excavation or dredging on an as-needed basis to allow for safe and reliable operation of the Hydroelectric Project and provide sediment for downstream aquatic habitat enhancement/restoration; (2) relocate sediment captured in Ralston Afterbay to the Indian Bar and Junction Bar sediment augmentation areas immediately downstream of Ralston Afterbay; (3) selectively relocate Ralston Afterbay gravels to help re-establish four rainbow trout spawning gravel sites immediately below Ralston Afterbay Dam; and (4) periodically open Ralston Afterbay Dam's low-level outlet during flows of more than 3,500 cubic feet per second (cfs) to facilitate sediment transport and enhance downstream aquatic and riparian habitat.

PCWA plans to commence dewatering of Ralston Afterbay at the start of the Hydroelectric Project maintenance outage period (typically October). Ralston Afterbay will be partially dewatered by shutting down generation at the Ralston Powerhouse and continuing generation at Oxbow Powerhouse. After Ralston Afterbay's reservoir elevation level is near the bottom of the Oxbow Powerhouse intake, generation at Oxbow Powerhouse will cease. The stream maintenance release valve and/or radial gates on the Ralston Afterbay Dam will then be slowly opened to allow Ralston Afterbay to decline to the spillway crest. Dewatering is necessary to expose areas with accumulated sediment in the upper portion of Ralston Afterbay. When dewatered, the natural MFAR and Rubicon River low-flow channels converge and continue through Ralston Afterbay.

The low flow channels in the dewatered Ralston Afterbay will convey inflows to the afterbay past the sediment removal area² and downstream to Ralston Afterbay Dam. Equipment (e.g., excavators, loaders, bulldozers, and haul trucks) will primarily access Ralston Afterbay via the existing Ralston Afterbay Sediment Removal Access Point Boat Launch.

Maps of the Project work area, stream crossings, and temporary diversion structures can be found in PCWA's NOI Project Description (Enclosure C).

CALIFORNIA ENVIRONMENTAL QUALITY ACT

PCWA is the lead agency for the Project for the purpose of compliance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). On April 26, 2013, PCWA approved the Final CEQA Supplement to FERC's Final Environmental Impact Statement for the Hydroelectric Project, which included the Project. The State Water Board considered PCWA's Final CEQA Supplement and will file a Notice of Determination with the Office of Planning and Research within five working days of issuance of this certification. (Cal. Code Regs., tit. 14, § 15096, subd. (i).)

TRIBAL CONSULTATION

On August 25, 2023, pursuant to Restoration General Order Condition E.7, PCWA submitted a Sacred Lands File and Native American Contacts List Request to the Native American Heritage Commission (NAHC). On August 28, 2023, PCWA notified tribal representatives of tribal organizations traditionally and culturally affiliated with the Project's geographic area that PCWA planned to file a NOI for the Project. On September 27, 2023, PCWA received one response from the Shingle Springs Band of Miwok Indians which included: (1) requests for Project progress updates; (2) any and all completed record searches and/or surveys in or around the Project area including environmental, archaeological, or cultural reports; and (3) a request that PCWA contact the Shingle Springs Band of Miwok Indians and discuss procedures to protect important and sacred artifacts if new information or human remains are found during Project implementation. On October 18, 2023, PCWA confirmed that all tribal contacts on the NAHC contact list had been notified.

PCWA performed tribal consultation for the Project consistent with Restoration General Order Condition E.7. PCWA also conducted tribal consultation for the Project, including consultation with Shingle Springs Rancheria during the CEQA process for the FERC relicensing of the Hydroelectric Project. FERC license Condition Nos. 42 and 43 require PCWA to implement its Historic Properties Management Plan and comply with cultural resource discovery procedures outlined in Condition 43. Additionally, FERC's 2013 Environmental Impact Statement states that PCWA will implement protocols for the treatment of human remains that may be identified during Hydroelectric Project activities.

CONSTRUCTION GENERAL PERMIT

Coverage under the *National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance*

² Due to natural gradation of sediment deposition in Ralston Afterbay (i.e., sediment size generally decreases from upstream to downstream), sediment will only be removed by dredging from approximately the upper two-thirds of Ralston Afterbay.

Activities ([Construction General Permit](#))³ is required for discharges of pollutants associated with construction activities that disturb one or more acres of soil or activities that disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. Construction activities subject to the Construction General Permit include clearing, grading, and disturbances to the ground, such as stockpiling or excavation, but do not include regular maintenance activities performed to restore the original line, grade, or capacity of a facility. Coverage is required pursuant to Clean Water Act sections 301 and 402 which prohibit certain discharges of stormwater containing pollutants except in compliance with an NPDES permit. (33 U.S.C. §§ 1311, 1342(p); 40 C.F.R. pts. 122, 123, and 124.) Per the September 5, 2023 NOI for the Project, PCWA will enroll and comply with the Construction General Permit.

PROJECT FEE

On September 28, 2023, PCWA provided payment confirmation that an application fee of \$2,734.00 and a project fee of \$41,612.00 were sent to the State Water Board. This NOA is conditioned on total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28. An annual fee will apply in every fiscal year of Project implementation, including any required monitoring or reporting, and will be based on the higher of the applicable annual fee categories (i.e., category (A) or category (B))⁴. Consistent with Section 2200.2 of title 23 of the California Code of Regulations, the sum of the application fee and the project fee shall serve as the first annual fee. PCWA will be invoiced for the annual fee thereafter. Annual fee invoices are based on the fee schedule in effect for the fiscal year in which the invoice is issued. Annual fees will continue to be charged until a Notice of Project Complete Letter is issued by the Deputy Director for the Division of Water Rights (Deputy Director). Failure to notify the State Water Board of Project completion may result in continued billing of annual fees.

AUTHORIZED IMPACTS

Annual excavation and fill activities authorized by this NOA are limited to 8.9 acres and 7,158 linear feet/103,352 cubic yards of temporary impacts⁵ to a streambed and reservoir.

PROJECT SPECIFIC AVOIDANCE AND MINIMIZATION MEASURES

PCWA shall implement the avoidance and minimization measures and best management practices (Enclosure D) identified in its September 5, 2023 NOI.

³ Water Quality Order No. 2009-0009-DWQ NPDES No. CAS000002, as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, Order No. 2022-0057-DWQ, and any amendments thereto. Available online at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction/general_permit_reissuance.html

⁴ The annual fee for category (B) dredging discharges will be calculated using the annual dredge volume.

⁵ Within Ralston Afterbay, temporary impacts include 7.5 acres from Project sediment removal; minor grading for the existing access ramp; two temporary channel crossings; and temporary diversion structure and piping, if necessary. Within the MFAR, downstream of Ralston Afterbay, temporary impacts include 1.4 acres from a temporary diversion structure; temporary bridge crossing; and four spawning gravel sites ranging in size from 0.27 to 0.4 acres each.

REQUIREMENTS

PCWA shall comply with all applicable conditions of the Restoration General Order, including but not limited to the following:

- The Deputy Director and the Central Valley Regional Water Board Executive Officer shall be notified promptly, and in no case more than 24 hours, following an exceedance of any water quality objective, as described in the Central Valley Regional Water Quality Control Board's *Water Quality Control Plan for the Sacramento River Basin and San Joaquin River Basin* (Central Valley Basin Plan). The notice shall include the cause of the exceedance, measures taken to correct the exceedance, and measures PCWA will implement to prevent future exceedances. Regardless of when such notification occurs, activities associated with the Central Valley Basin Plan exceedance shall cease immediately upon detection. Work activities may resume after corrective actions have been implemented, water quality meets the Central Valley Basin Plan water quality objective, and the Deputy Director has provided approval to proceed. The Deputy Director may require additional actions to help prevent similar exceedances in the future. The Deputy Director may have the authority to address short-term, construction-related impacts that would affect water quality and allow for exceedances of water quality objectives for limited magnitude and duration during implementation of individual restoration projects. PCWA should contact the Deputy Director to determine if a limited term exemption is possible, given the restoration benefits of the Project.
- Pursuant to section IX of the Restoration General Order, PCWA shall minimize impacts to waters of the state to the greatest extent possible. To comply with the requirements of this NOA, PCWA shall at a minimum implement the avoidance and minimization measures and best management practices listed in PCWA's NOI (Enclosure D: Placer County Water Agency's Ralston Afterbay Maintenance and Enhancement/Restoration Activities Project Notice of Intent (NOI) Avoidance and Minimization Measures and Best Management Practices) and the applicable general protection measures listed in Enclosure E: Applicable Restoration General Order General Protection Measures for the Ralston Afterbay Maintenance and Enhancement/Restoration Activities Project. If there is any conflict between the Restoration General Order general protection measures and the avoidance and minimization measures in PCWA's NOI, the more stringent shall apply.
- Pursuant to section XIII of the Restoration General Order, PCWA shall implement the Project in conformance with the information provided in its September 5, 2023 NOI. Any proposed changes to the Project description in the NOI must be submitted to and approved by the Deputy Director prior to implementation.
- Pursuant to section XIII.B.1.a of the Restoration General Order, PCWA shall submit a Commencement of Construction Notice to the Deputy Director at least seven (7) days prior to the start of Project-related initial ground disturbance activities and in each subsequent year in which PCWA plans to implement ground disturbing activities covered under this NOA, including: (1) removal of sediment from Ralston Afterbay; (2) relocation of sediment or gravel within the Project area;

or (3) opening Ralston Afterbay Dam's low-level outlet for sediment pass through⁶.

- Pursuant to section XIII.B.1.c of the Restoration General Order, PCWA shall submit a Request for Notice of Project Complete Letter to the Deputy Director within 30 days following completion of all Project activities including post-construction monitoring of restoration sites. Failure to notify the State Water Board of Project completion may result in continued billing of annual fees until a Notice of Project Complete Letter is issued. Upon approval of the request, the State Water Board will issue a Notice of Project Complete Letter to PCWA.
- Pursuant to section XIII.B.2.a of the Restoration General Order, PCWA shall submit an Annual Report by August 1 of every year following NOA issuance. Annual reports are required only for years during which Project activities occurred. The annual report shall include the quantity of material dredged during the previous fiscal year (i.e., July 1 – June 30). Annual reporting shall continue until a Notice of Project Complete Letter is issued to PCWA. PCWA does not need to include information in the annual report that has previously been provided to State Water Board staff (e.g., as part of reporting required by PCWA's FERC license management plans).
- Pursuant to section XIII.E.8 of the Restoration General Order, PCWA shall not implement any activity adversely impacting a significant historical or archeological resource or disturbing any human remains, unless the activity is authorized by the appropriate historical resource agencies.
- Pursuant to section XIII.E.9 of the Restoration General Order, PCWA shall obtain coverage under and comply with the Construction General Permit and any amendments thereto.
- PCWA's NOI Table 5 (Enclosure E) states Restoration General Order General In-Water Measure No. IWW-6 is applicable to the Project. Pursuant to section XIII.C.3 of the Restoration General Order and Restoration General Order General In-Water Measure No. IWW-6, at least 30 days prior to commencement of Project dewatering activities, PCWA shall provide a Dewatering Plan and a Water Quality Monitoring Plan to the Deputy Director for acceptance. PCWA shall not commence dewatering activities until the Dewatering Plan and Water Quality Monitoring Plan are approved by the Deputy Director. The Deputy Director may require modifications as part of any approval.
- PCWA's Dewatering Plan shall include a description of the proposed dewatering structures, and appropriate types of best management practices for the installation, operation, maintenance, and removal of those structures. Pursuant to IWW-6, bypass pipes will be sized to accommodate, at a minimum, twice the expected construction-period flow, to not increase stream velocity, and will be placed at stream grade.
- PCWA's Water Quality Monitoring Plan shall include the turbidity, methylmercury, and total mercury monitoring methods and procedures proposed in Section IX of PCWA's NOI (Enclosure C). PCWA's Water Quality Monitoring Plan shall include

⁶ Sediment pass through operations would occur when storm flows exceed 3,500 cfs below Ralston Afterbay and are anticipated to exceed 3,500 cfs for a minimum of 24 to 48 hours, based on weather and river flow forecasts. Sediment pass through operations will cease on the declining limb of the hydrograph as decreasing flows approach 3,500 cfs.

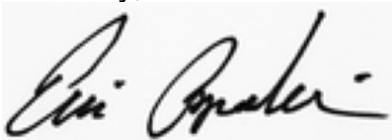
a global positioning system point and a photograph for each proposed monitoring location. These locations shall be used for monitoring unless the Deputy Director directs PCWA to use other locations or to work with staff to find alternate locations or another location is subsequently approved by the Deputy Director.

- PCWA may request modifications to its Dewatering Plan or Water Quality Monitoring Plan. PCWA shall submit the request to the Deputy Director for review and consideration of approval at least 30 days prior to starting in-water or water-adjacent work or 30 days prior to when PCWA would like to modify its dewatering and diversion activities or water quality monitoring. The request shall include the proposed modifications and rationale. PCWA shall not implement the modifications to the plans unless approved by the Deputy Director. The Deputy Director may require modifications as part of any approval.
- Pursuant to section XIII.B.3.c of the Restoration General Order, PCWA shall submit an In-Water Work and Diversions Water Quality Monitoring Report (Restoration General Order Report Type No. 7) within four months of completion of the sediment management activity. The report shall include the turbidity, methylmercury, and total mercury monitoring results proposed in Section IX of PCWA's NOI (Enclosure C).

If you have questions about this NOA, please contact Derek Wadsworth, Project Manager, by phone call to: (916) 322-9255 or email to:

Derek.Wadsworth@waterboards.ca.gov.

Sincerely,



Eric Oppenheimer
Executive Director

Enclosures:

- Enclosure A: General Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide, Order No. WQ 2022-0048-DWQ
- Enclosure B: Additional Information for Conformity with 40 CFR § 121.7(d) for Order WQ 2022-0048-DWQ Conditions
- Enclosure C: Placer County Water Agency's Ralston Afterbay Maintenance and Enhancement/Restoration Activities Project Notice of Intent (NOI) Project Description
- Enclosure D: Placer County Water Agency's Ralston Afterbay Maintenance and Enhancement/Restoration Activities Project Notice of Intent (NOI) Avoidance and Minimization Measures and Best Management Practices
- Enclosure E: Applicable Restoration General Order General Protection Measures for the Ralston Afterbay Maintenance and Enhancement/Restoration Activities Project

ec: Debbie-Anne A. Reese, Acting Secretary
Federal Energy Regulatory Commission
Via efile to Project Docket P-2079

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