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**State Water Resources Control Board**

ORIGINAL

FEDERAL ENERGY REGULATORY COMMISSION

2013 JUN 27 A 9:29

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SECRETARY OF THE  
COMMISSION

**JUN 19 2013**

Mr. Benjamin Ransom  
Placer County Water Agency  
P.O. Box 6570  
Auburn, CA 95604

Dear Mr. Ransom:

**REQUEST FOR WATER QUALITY CERTIFICATION FOR THE RELICENSING OF THE MIDDLE FORK AMERICAN RIVER PROJECT, FEDERAL ENERGY REGULATORY COMMISSION (FERC) PROJECT NO. 2079, PLACER AND EL DORADO COUNTIES**

Thank you for your letter requesting water quality certification (certification) pursuant to section 401(a)(1) of the Federal Clean Water Act (33 U.S.C. § 1341 et seq.) for relicensing of Placer County Water Agency's (PCWA) Middle Fork American River Project (Project), Federal Energy Regulatory Commission (FERC) Project No. 2079. The letter, received electronically June 7, 2013, serves as a formal withdrawal and re-filing request for certification of the Project. Certification is required prior to issuance of a new FERC license for the Project. PCWA's letter initiates a one-year deadline from the date it was received for the State Water Resources Control Board (State Water Board) to act on the request for certification. The certification is subject to completion of the environmental review process described below. PCWA will be subject to annual fees as specified in California Code of Regulations, title 23 (Cal. Code Regs. tit. 23), section 3833(b)(1). The new deadline for certification action is June 7, 2014.

Clean Water Act Section 401 Certification

Section 401 of the Federal Clean Water Act (CWA) requires any applicant for a federal license or permit, which may result in any discharge to navigable waters, to obtain certification from the State that the discharge will comply with the applicable water quality parameters in the CWA. Under section 303 of the CWA and under the Porter-Cologne Water Quality Control Act, the Central Valley Regional Water Quality Control Board adopted, and the State Water Board and United States Environmental Protection Agency approved, the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan)*. The Basin Plan designates the beneficial uses of waters to be protected along with the water quality objectives necessary to protect those uses for the Middle Fork American River and all associated tributaries affected by the Project. If the Project does not comply with one or more of the water quality objectives or criteria, then PCWA must describe the actions that it will take to bring its Project into compliance with the applicable water quality limits in order to fully protect and maintain the beneficial uses.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE OFFICER

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PCWA's application for certification, together with the FERC license application and other documents from the FERC files that are incorporated by reference in the certification application, meet the application filing requirements specified in Cal. Code Regs., tit. 23, section 3856. The State Water Board may request additional information to clarify, amplify, correct, or otherwise supplement the contents of the application. Supplemental information may include evidence of compliance with the water quality control plan. (Cal. Code Regs. tit. 23, § 3836.)

A certification is issued when the State Water Board determines that an application for certification is complete and there is reasonable assurance the operation of the Project will comply with water quality standards and other appropriate requirements. The State Water Board must analyze potential Project-related environmental effects to the Middle Fork American River drainage prior to making a determination that continued operation of the Project will be protective of the designated beneficial uses of the watershed.

California Environmental Quality Act

Issuance of a certification is a discretionary action that requires the State Water Board to comply with the California Environmental Quality Act (CEQA). In this case PCWA is the lead agency and the State Water Board is a responsible agency for the purpose of compliance with the requirement of CEQA. The State Water Board has been provided with the final CEQA document.

State Water Board staff appreciates the continued cooperation of PCWA and looks forward to working with you on this Project. Should you have questions regarding this matter, please contact me at (916) 341-5408 or by email at [mmaher@waterboards.ca.gov](mailto:mmaher@waterboards.ca.gov). Written correspondence should be addressed as follows:

State Water Resources Control Board  
Division of Water Rights  
Attn: Michael Maher  
P.O. Box 2000  
Sacramento, CA 95814

Sincerely,



Michael Maher  
Environmental Scientist  
Water Quality Certification Program

cc: Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

Mr. John Kemmerer, Acting Director  
U.S. Environmental Protection Agency,  
Region 9, Water Division  
75 Hawthorne Street  
San Francisco, CA 94105

Ms. Pamela Creedon, Executive Officer  
Central Valley Regional Water Quality  
Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670