



CRITICAL

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SECRETARY FOR
ENVIRONMENTAL PROTECTIONFILED
SECRETARY OF THE
COMMISSION

State Water Resources Control Board

JUN 21 2012

Mr. Andy Fecko
Resource Planning Administrator
Placer County Water Agency
P.O. Box 6570
Auburn, CA 95604

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FEDERAL ENERGY
REGULATORY COMMISSION

Dear Mr. Fecko:

**REQUEST FOR WATER QUALITY CERTIFICATION FOR THE RELICENSING OF THE
MIDDLE FORK AMERICAN RIVER PROJECT, FEDERAL ENERGY REGULATORY
COMMISSION 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 (CWA) (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 on June 12, 2012, 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. Your letter initiates a one-year time clock from the date it was received for the State Water Resources Control Board (State Water Board) to act on the request for certification, 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 12, 2013.

Clean Water Act Section 401 Certification

Section 401 of the 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* has adopted, and the State Water Board and U.S. Environmental Protection Agency have approved, the *Water Quality Control Plan for the Sacramento/San Joaquin Rivers (Sac/SJR Basin Plan)*. The Sac/SJR Basin Plan designates the beneficial uses of waters to be protected along with the water quality objectives necessary to protect those uses for the rivers 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.

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

Mr. Andy Fecko

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A complete application for certification must include a description of any steps that have been, or will be taken to avoid, minimize, or compensate for loss of, or significant adverse impacts to beneficial uses of water. (Cal. Code Regs. tit. 23, §3856(h)(6).) The 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 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). The State Water Board must be provided with and have ample time to properly review a final copy of valid CEQA documentation before taking certification action. (Cal. Code Regs., tit. 23, § 3856, subd. (f).) The State Water Board cannot issue a certification without a final copy of a valid CEQA document, and if this document is not provided to the State Water Board, staff may recommend denial of certification without prejudice. (Cal. Code Regs., tit. 23, § 3837(b)(2).) In this case, the PCWA is the lead agency and the State Water Board is a responsible agency for the purpose of compliance with the requirements of CEQA.

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 at mmaher@waterboards.ca.gov.

Sincerely,



Michael Maher
Environmental Scientist
Water Quality Certification Unit 1

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

Ms. Pamela Creddon, Executive Officer
Central Valley Regional Water Quality
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