STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Water Quality Certification for

PLACER COUNTY WATER AGENCY'S
HELL HOLE SEASONAL STORAGE INCREASE IMPROVEMENT PROJECT

Sources: **Hell Hole Reservoir, Rubicon River**

County: **Placer**

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

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Abbreviations

ac-ft	acre-feet
APMs	Avoidance and Protection Measures
Antidegradation Policy	Statement of Policy with Respect to Maintaining High Quality Waters in California
Applicant	Placer County Water Agency
Bay-Delta Plan	Water Quality Control Plan for the San Francisco Bay/ Sacramento-San Joaquin Delta Estuary
BMPs	best management practices
CDFW	California Department of Fish and Wildlife
Central Valley Basin Plan	Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin
Central Valley Regional Water Board	Central Valley Regional Water Quality Control Board
CEQA	California Environmental Quality Act
certification	water quality certification
cfs	cubic feet per second
Construction General Permit	National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities
Deputy Director	Deputy Director of the Division of Water Rights
Dredge or Fill Procedures	State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State
EIS	Environmental Impact Statement
ESA	Endangered Species Act
Executive Officer	Executive Officer of Central Valley Regional Water Board
FERC	Federal Energy Regulatory Commission
Forest Service	United States Forest Service
Hydroelectric Project	Middle Fork American River Project
msl	mean sea level
NPDES	National Pollutant Discharge Elimination System
NOD	Notice of Determination
OHWM	ordinary high-water mark
PCWA	Placer County Water Agency
Project	Hell Hole Seasonal Storage Increase Improvement Project
Regional Water Boards	Regional Water Quality Control Boards
State Water Board	State Water Resources Control Board
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
Water Boards	State Water Board and Regional Water Boards, collectively

1.0 Project Description

Placer County Water Agency (PCWA) owns and operates Hell Hole Reservoir (impounded by Hell Hole Dam) as part of the Middle Fork American River Project (Hydroelectric Project; Federal Energy Regulatory Commission (FERC) Project No. 2079)[1]. The Hydroelectric Project, including Hell Hole Reservoir, is located in Placer County approximately 45 miles northeast of Georgetown, California on approximately 3,268 acres of federal lands managed by the United States Forest Service (Forest Service) in the Tahoe and Eldorado National Forests.

On June 8, 2020, FERC issued a new license for the Hydroelectric Project, which includes new ramping rates at multiple locations including below Hell Hole Dam. As part of the relicensing of the Hydroelectric Project, PCWA proposed the Hell Hole Seasonal Storage Increase Improvement Project (Project) to allow for the capture and storage of additional water in Hell Hole Reservoir. The additional storage will allow PCWA to extend the timing of power generation from the spring runoff period to the summer season (when energy demand peaks) while ensuring compliance with the Hydroelectric Project's new FERC license, including new ramping rates.[2]

Hell Hole Dam is a 410-foot-high, 1,570-foot-long rock-fill dam that impounds the Rubicon River and Five Lakes Creek to form Hell Hole Reservoir. Hell Hole Dam discharges flow through three outlets: (1) a maintenance pipe with a maximum discharge capacity of 20 cubic feet per second (cfs) that conveys flow to the Rubicon River; (2) a low-level outlet pipe that conveys water to the powerhouse with a maximum discharge capacity of 852 cfs; and (3) a 350-foot-wide uncontrolled spillway located on the right abutment of the dam. Additionally, Hell Hole Dam is equipped with a weir for measuring dam leakage located adjacent to the downstream face of the dam. Hell Hole Reservoir has 207,590 acre-feet (ac-ft) of gross storage at the normal operating level of 4,630 feet. Project maps can be found in Attachment A: Project Overview Maps.

The Project consists of structural modifications to the existing uncontrolled Hell Hole spillway and construction of support facilities on Hell Hole Dam's left abutment (outside of the ordinary high-water mark (OHWM) of Hell Hole Reservoir). The modifications and additional support facilities will allow PCWA to control spills through the spillway via 18 newly constructed spillway gates[3] along the existing spillway's ogee crest, increasing the reservoir's inundation surface area by approximately 36 acres. The primary access route for construction traffic will be through Hell Hole Dam Spillway Gates Access Road with a secondary access route through the Northern Access Point Road. Portions of site

[1] FERC issued the new license for the Hydroelectric Project on June 8, 2020.

[2] Specifically, Forest Service's 4(e) Condition No. 24 (Ramping Rates) requires that by 2027, PCWA down-ramp spills into the Rubicon River below Hell Hole Reservoir Dam.

[3] The new spillway gates are pneumatically actuated Obermeyer gates that incorporate a steel panel and inflatable rubber bladder dam to create a flashboard that can quickly adjust the height of the gates to control spills.

access will also be located below the OHWM in Hell Hole Reservoir. Generally, work associated with the Project includes:

- Removing the top six inches of concrete on the existing spillway's ogee crest.
- Constructing two concrete end abutments approximately 345 feet apart along the ogee crest structure and an intermediate pier to separate the regulating and non-regulating gates (discussed below)[4].
- Installing 18 pneumatically controlled overflow crest gates across the length of the spillway between the new abutments. The gates will be divided into: (i) a regulating (three gates) section of approximately 57 feet designed to operate as one unit to provide operational flexibility for passing floating debris and meet the required down ramping flows; and (ii) non-regulating (15 gates) sections spanning approximately 286 feet designed for temporary closure to provide for the cessation of flows through the spillway channel for maintenance, inspection, or emergencies.
- Constructing support facilities that include: (i) a control building to house electrical equipment for control of the new spillway gates; (ii) one new transformer on a concrete pad with an oil containment curb adjacent to the control building; (iii) one 1,000 gallon propane tank for a propane powered emergency electric generator; and (iv) an eight-foot-tall mesh chain link security fence enclosing the control building, transformer, and propane tank. The support facilities will be located along the crest structure's left abutment.

Spillway modifications will allow Hell Hole Reservoir's maximum water surface elevation to increase from 4,630 feet above mean sea level (msl) to 4,636 feet above msl when the new gates are lowered or 4,639 feet above msl with three feet overtop above the gate crest when the gates are raised. The increased reservoir elevation will allow for up to 7,600 ac-ft of additional seasonal storage of water in Hell Hole Reservoir.

Construction of the Project is anticipated to be completed over one construction season during the low flow period (June – October) once Hell Hole Reservoir water surface elevation has been maintained at or below 4,595 feet for at least a week. Construction is expected to last approximately 22 weeks.

Project implementation requires a non-reporting Nationwide Permit 3(a) from the United States Army Corps of Engineers (USACE). Pursuant to section 401 of the Clean Water Act, a USACE permit requires PCWA to obtain a water quality certification (certification) from the State Water Resources Control Board (State Water Board).

[4] Regulating gates can be incrementally adjusted while non-regulating gates only have up and down positions.

2.0 Water Rights

Table A lists Hydroelectric Project-related water rights maintained by PCWA[5].

[5] Information is from the State Water Board's California Water Accounting, Tracking, and Reporting System. The table shows water right details that pertain to Hell Hole Dam, Reservoir, and Powerhouse.

Table A. PCWA's Water Rights Related to Hell Hole Dam, Reservoir, and Powerhouse

Permit No. (Priority Date)	Sources	Purposes of Use	Diversion and Storage Details	Places of Use (Powerhouses)
013855 (4/7/1958)	• Rubicon River • North Fork Long Canyon Creek • South Fork Long Canyon Creek	• Power • Recreation	• Point of re-diversion at Hell Hole Reservoir • Rubicon River: 675 cfs direct diversion* and 129,000 ac-ft storage** at Hell Hole Reservoir • South Fork Long Canyon Creek: 400 cfs direct diversion* to either Hell Hole or Middle Fork powerhouses • North Fork Long Canyon Creek: 100 cfs direct diversion* to either Hell Hole or Middle Fork powerhouses	• French Meadows • Middle Fork • Ralston • Oxbow
013856 (4/7/1958)	• Rubicon River	• Irrigation and Domestic • Recreation • Municipal and Industrial	• Point of re-diversion at Hell Hole Reservoir • Rubicon River: 129,000 ac-ft storage** at Hell Hole Reservoir	Power not an authorized use of permit
013857 (4/8/1958)	• Rubicon River • North Fork Long Canyon Creek • South Fork Long Canyon Creek	• Power • Recreation	• Point of re-diversion at Hell Hole Reservoir • Rubicon River: 155 cfs direct diversion* and 36,000 ac-ft storage** at Hell Hole Reservoir • South Fork Long Canyon Creek: 13,000 ac-ft storage at maximum 830 cfs diversion rate** to Hell Hole Reservoir • North Fork Long Canyon Creek: 7,000 ac-ft storage at maximum 830 cfs diversion rate** to Hell Hole Reservoir	• French Meadows • Middle Fork • Ralston • Oxbow
013858 (4/8/1958)	• Rubicon River	• Irrigation and Domestic • Recreation	• Point of re-diversion at Hell Hole Reservoir • Rubicon River: 36,000 ac-ft storage** at Hell Hole Reservoir	Power not an authorized use of permit

Permit No. (Priority Date)	Sources	Purposes of Use	Diversion and Storage Details	Places of Use (Powerhouses)
	• North Fork Long Canyon Creek • South Fork Long Canyon Creek	• Municipal and Industrial	• South Fork Long Canyon Creek: 13,000 ac-ft storage at maximum 830 cfs diversion rate** to Hell Hole Reservoir • North Fork Long Canyon Creek: 7,000 ac-ft storage at maximum 830 cfs diversion rate** to Hell Hole Reservoir	
018380; License No. 12644 (5/17/1990)	Rubicon River	Power	• Face amount: 11,464.6 ac-ft/year • Hell Hole Dam: 20 cfs direct diversion May 16 – Dec 14 • Hell Hole Dam: 10 cfs direct diversion Dec 15 – May 15 • Maximum amount diverted under this license shall not exceed 11,500 ac-ft/year	Hell Hole
20754 (8/10/1994)	Rubicon River	Power	• Face amount: 17,494.5 ac-ft/year • Rubicon River: 20 cfs direct diversion May 16 – Dec 14 • Rubicon River: 30 cfs direct diversion Dec 15 – May 15 • Maximum amount diverted under this permit shall not exceed 17,640 ac-ft/year	Hell Hole

*Diversion permitted year-round.
**Diversion for off-stream storage permitted from about November 1 through July 1.

3.0 Regulatory Authority

3.1 Water Quality Certification and Related Authorities

The federal Clean Water Act (33 U.S.C. §§ 1251-1388) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." (33 U.S.C. § 1251(a).) The Clean Water Act relies significantly on state participation and support in light of "the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution" and "plan the development and use" of water resources. (33 U.S.C. § 1251(b).) Section 101 of the Clean Water Act (33 U.S.C. § 1251(g)) requires federal agencies to "co-operate with State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources." (33 U.S.C. § 1251(g).)

Section 401 of the Clean Water Act (33 U.S.C. § 1341) requires any applicant for a federal license or permit that may result in a discharge into navigable waters to provide the licensing or permitting federal agency with certification that the project will comply with specified provisions of the Clean Water Act, including water quality standards and implementation plans promulgated pursuant to section 303 of the Clean Water Act. (33 U.S.C. § 1313.) Clean Water Act section 401 directs the agency responsible for certification to prescribe effluent limitations and other conditions necessary to ensure compliance with the Clean Water Act and with "any other appropriate requirement of State law." (33 U.S.C. §1341(d).) Section 401 further provides that certification conditions shall become conditions of any federal license or permit for the project. (*Ibid.*)

The State Water Board is the state agency responsible for Clean Water Act section 401 certification in California. (Wat. Code, § 13160.) The State Water Board has delegated authority to act on applications for certification to the Executive Director of the State Water Board. (Cal. Code Regs., tit. 23, § 3838, subd. (a).)

Water Code section 13383 authorizes the State Water Board to "establish monitoring, inspection, entry, reporting, and recordkeeping requirements" and obtain "other information as may be reasonably required" for activities subject to certification under section 401 of the Clean Water Act. For activities that involve the diversion of water for beneficial use, the State Water Board delegated this authority to the Deputy Director of the Division of Water Rights (Deputy Director), as provided for in State Water Board Resolution No. 2012-0029. (State Water Board 2012.) In the *Redelegation of Authorities* memo issued by the Deputy Director on April 20, 2023, this authority is redelegated to the Assistant Deputy Directors of the Division of Water Rights. (State Water Board 2023.)

3.1.1 Procedure, Application, and Noticing

On October 4, 2024, PCWA filed a certification application with the State Water Board under section 401 of the Clean Water Act. On February 4, 2025, State Water Board staff provided public notice of the application, pursuant to California Code of Regulations, title 23, section 3858, by posting information describing the Project on the State Water Board's website. No comments were received in response to this notice.

On September 16, 2025, State Water Board staff requested comments from the Central Valley Regional Water Quality Control Board (Central Valley Regional Water Board) on a draft certification for the Project and shared the certification application. (See Cal. Code Regs., tit. 23, § 3855, subd. (b)(2)(B).). On September 19, 2025, State Water Board staff received minor, non-substantive comments from the Central Valley Regional Water Board related to the Project description. The Central Valley Regional Water Board's comment was addressed in the development of the final certification.

3.2 Water Quality Control Plans and Related Authorities

The State Water Board's certification for the Project must ensure compliance with applicable water quality standards in the Central Valley Regional Water Board's Water *Quality Control Plan (Basin Plan) for the Sacramento River Basin and the San Joaquin River Basin* (Central Valley Basin Plan) (Central Valley Regional Water Board 2019) and the *Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* (Bay-Delta Plan). (State Water Board 2018[6].)

Water quality control plans designate the beneficial uses of water to be protected (such as municipal and domestic supply, industry, agriculture, and fish and wildlife habitat), water quality objectives for the reasonable protection of the beneficial uses and the prevention of nuisance, and a program of implementation to achieve the water quality objectives. (Wat. Code, §§ 13241, 13050, subds. (h), (j).) The beneficial uses, together with the water quality objectives contained in the water quality control plans and applicable state and federal antidegradation requirements, constitute California's water quality standards for purposes of the Clean Water Act. In issuing certification for a project, the State Water Board must ensure consistency with the designated beneficial uses of waters affected by the project, the water quality objectives developed to protect those uses, and anti-degradation requirements. (*PUD No. 1 of Jefferson County v. Washington Dept. of Ecology* (1994) 511 U.S. 700, 714-719.)

The California Regional Water Quality Control Boards (Regional Water Boards) have primary responsibility for the formulation and adoption of water quality control plans for their respective regions, subject to State Water Board and United States Environmental Protection Agency (USEPA) approval, as appropriate. (Wat. Code, § 13240 et seq.) As noted above, the State Water Board may also adopt water quality control plans, which will supersede regional water quality control plans for the same waters to the extent of any conflict. (Wat. Code, § 13170.) The State Water Board and Regional Water Boards (collectively Water Boards) adopt these plans pursuant to their authorities under the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) and the federal Clean Water Act (33 U.S.C. § 1313).

[6] Based on the Project's limited scope, duration, and distance from the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, impacts to water quality objectives listed for waterbodies in the Bay-Delta Plan are not anticipated to occur from Project activities.

3.2.1 Central Valley Basin Plan

The Central Valley Regional Water Board adopted, and the State Water Board and USEPA approved, the Central Valley Basin Plan. The Central Valley Basin Plan designates beneficial uses of water to be protected along with the water quality objectives necessary to protect those uses. The Central Valley Basin Plan specifies that the beneficial uses of any specifically identified waterbody generally apply to its tributary streams. The Central Valley Basin Plan identifies existing beneficial uses for the Middle Fork American River, Sources to Folsom Lake as: municipal and domestic supply, irrigation, stock watering, power, contact recreation, canoeing and rafting, other non-contact recreation, cold freshwater habitat, cold freshwater spawning, and wildlife habitat. Warm freshwater habitat is identified as a potential beneficial use.

3.2.2 Antidegradation Policy

The State Water Board's *Statement of Policy with Respect to Maintaining High Quality Waters in California* (Antidegradation Policy)[7] (State Water Board 1968) requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably impact present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. The state Antidegradation Policy incorporates the federal Antidegradation Policy (40 C.F.R. § 131.12 (a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." (Id., § 131.12(a)(1).)

3.2.3 Construction General Permit

Coverage under the State Water Board's *National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit)[8] (State Water Board 2022) is required for activities that disturb one or more acres of soil, or 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 the facility. Coverage is required pursuant

[7] State Water Board Resolution No. 68-16 and any amendments thereto. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf. Accessed on June 23, 2025.

[8] State Water Board Order No. 2009-0009-DWQ and 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 at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction/general_permit_reissuance.html. Accessed on June 23, 2025.

to Clean Water Act sections 301 and 402 which prohibit certain discharges of stormwater containing pollutants except in compliance with a NPDES permit. (33 U.S.C. §§ 1311, 1342(p); 40 C.F.R. pts. 122, 123, and 124.)

3.3 State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Water of the State

The *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Dredge or Fill Procedures)[9] (State Water Board 2019 and 2021[10]) provide California's definition of wetland, wetland delineation procedures, and procedures for submitting applications for activities that could result in discharges of dredged or fill material to waters of the state. The Dredge or Fill Procedures ensure that State Water Board regulatory activities will result in no net loss of wetland quantity, quality, or permanence, consistent with California Water Code, Division 7, Chapter 28, sections 16200-16201.

PCWA must comply with the Dredge or Fill Procedures when conducting dredge or fill activities that may impact waters of the state, including wetlands.

3.4 Clean Water Act Section 303(d) Listing

On February 6, 2024, the State Water Board adopted the *2024 California Integrated Report for Clean Water Act Sections 303(d) and 305(b)*[11] (State Water Board 2024b) and it was partially approved and partially disapproved by USEPA on December 12, 2024. Hell Hole Reservoir is listed as impaired for mercury.

4.0 California Environmental Quality Act

The California Environmental Quality Act (CEQA) applies to discretionary projects that may cause a direct or indirect physical change in the environment. (Pub. Resources Code, § 21000 et seq.) When proposing to undertake or approve a discretionary project, state agencies must comply with the procedural and substantive requirements of CEQA. For the Project, PCWA is the lead agency for the purposes of CEQA and the CEQA Guidelines. (Pub. Resources Code, § 21000 et seq; Cal. Code Regs., tit. 14, § 15000 et seq.) The State Water Board is a responsible agency under CEQA.

On July 23, 2012, FERC issued a Draft Environmental Impact Statement (EIS) for the relicensing of the Hydroelectric Project under the National Environmental Policy Act. FERC's Draft EIS for the Hydroelectric included the Project. (FERC 2012) On December 6, 2012, PCWA released a Draft CEQA Supplement to the Draft EIS for the

[9] The Dredge or Fill Procedures and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html. Accessed on June 23, 2025.

[10] Resolution No. 2021-0012 is available at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wrapp/rs2021_0012.pdf. Accessed on June 23, 2025.

[11] Available at: https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024-integrated-report.html. Accessed on June 23, 2025.

Hydroelectric Project. The Draft CEQA Supplement augmented sections of FERC's Draft EIS that were insufficient to satisfy CEQA.

On February 22, 2013, FERC released the Final EIS for the Hydroelectric Project, which included the Project. (FERC 2013) On May 16, 2013, PCWA issued the Final CEQA Supplement to FERC's Final EIS for the Hydroelectric Project. (PCWA 2013) PCWA approved the Final CEQA Supplement for the Hydroelectric Project which included the Project and filed a Notice of Determination (NOD) with the State Clearinghouse and the Placer County Clerk and El Dorado County Clerk offices on May 17, 2013. The NOD states that relicensing of the Hydroelectric Project, including the Project, will not have a significant impact on the environment.

The Project is included in both the Final EIS and CEQA Supplement for the Hydroelectric Project. In PCWA's October 4, 2024 certification application, PCWA stated that the Final EIS and Final CEQA Supplement for the Hydroelectric Project cover impacts from Project activities. (PCWA 2024.)

The State Water Board will file a NOD with the Governor's Office of Land Use and Climate Innovation within five working days of issuing this certification.

5.0 Rationale for Water Quality Certification Conditions

This section of the certification explains that the grant of certification, as conditioned, is warranted and why the conditions in Section 7.0 are necessary to ensure that the Project activities will comply with water quality requirements. This section also includes, as necessary, citations to federal, state, or tribal laws that authorize the conditions and sets forth citations to applicable regulatory authority. Section 3.0 also sets forth citations to applicable regulatory authority. The explanation and citations should be evaluated in the context of the certification as a whole, but the certification conditions are set forth only in Section 7.0.

As explained in this section, the conditions in this certification are generally required pursuant to the Central Valley Basin Plan, as described in Section 3.0, Regulatory Authority.

The Dredge or Fill Procedures, adopted pursuant to Water Code sections 13140 and 13170, authorize approval of dredge or fill projects subject to satisfaction of specified requirements. California Code of Regulations, title 23, section 3830 et seq., set forth state regulations pertaining to certifications. In particular, section 3856 sets forth information that must be included in certification requests, and section 3860 sets forth standard conditions that shall be included in all certification actions.

Water Code sections 13267 and 13383 authorize the Water Boards to establish monitoring and reporting requirements for persons discharging or proposing to discharge waste to navigable waters. Water Code section 1051 additionally authorizes the State Water Board to investigate waters diverted for beneficial use. Moreover, this certification ensures continued monitoring, reporting, and assessment of water quality for the Project activities that may impact waters of the state.

Fish and Game Code section 5937 requires any owner of a dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream. Section 5937 and requirements to maintain or monitor flow or other water quality characteristics as required to meet section 5937 are appropriate conditions of state law necessary to protect fishery beneficial uses.

In general, the code citations, plans, and policies that support issuance of this certification that are described in Section 3.0 are not duplicated in this section. The conditions in this certification were developed to ensure compliance with water quality standards and water quality requirements established under the Porter-Cologne Water Quality Control Act and the federal Clean Water Act, including requirements in applicable water quality control plans, and other appropriate requirements of state law. The conditions in Section 7.0 of this certification are necessary to protect the beneficial uses of waters of the state identified in water quality control plans, prevent degradation of water quality, and help ensure compliance with state and federal water quality requirements and other applicable requirements of state law.

When preparing the conditions in this certification, State Water Board staff reviewed and considered the following information:

- PCWA's October 4, 2024, certification application, which includes Avoidance and Protection Measures (APMs) and Forest Service best management practices (BMPs) listed in Table 1B of Attachment 7 in the certification application (PCWA 2024);
- PCWA's supplemental submissions and correspondence clarifying the Project description (PCWA 2025);
- FERC's Final EIS for the Hydroelectric Project (FERC 2013);
- PCWA's Final CEQA Supplement to the Final EIS for the Hydroelectric Project (PCWA 2013);
- Beneficial uses, water quality objectives, and implementation measures and programs described in the Central Valley Basin Plan (Central Valley Regional Water Board 2019);
- Applicable water quality information, permits, policies, objectives, implementation measures, and programs (e.g., Dredge or Fill Procedures, Construction General Permit, etc.);
- Existing water quality conditions;
- Project-related controllable factors (e.g., timing of construction in the dry season, weather forecast monitoring for summer rainfall, ability to delay work until after rainfall); and
- Other information in the record.

This certification is issued pursuant to the final 2023 Clean Water Act Section 401 Water Quality Certification Rule (88 Fed. Reg. 66,558-66,666 (September 27, 2023) [amending 40 C.F.R. Parts 121, 122, 124]) that went into effect on November 27, 2023 (2023 Rule), but also complies with the previous USEPA Clean Water Act Section 401 Certification Rule, 85 Fed. Reg. 42,210 (July 13, 2020) (2020 Rule) that was in effect for portions of 2020-2023 should it reemerge as a result of litigation or any other reason. To the extent the USACE considers any certification condition to include requirements

outside the substantive scope of the 2020 Rule—including but not limited to 40 C.F.R. §§ 121.1(f) and (n), 121.3, 121.7(d)(1), and 121.9(b)—the 2020 Rule is inconsistent with federal law and controlling case law. The 2023 Rule restores the scope of certification "that is consistent with not only the statutory language and congressional intent but also longstanding [USEPA] guidance and decades of Supreme Court case law." (Fed. Reg. 65591-66606 [Scope of Certification].) Under section 401 of the Clean Water Act, when an activity requiring a federal permit or license "may result in any discharge into the navigable waters," the applicant is required to obtain a certification that states the activity will comply with applicable water quality standards and that also sets forth any "limitations" and "monitoring requirements" necessary to assure that the "applicant" will comply with water quality standards and "any other appropriate requirement of State law." (33 U.S.C. § 1341(a) & (d).) Certification is required for such activity as a whole, not merely for its point-source discharges to waters of the United States. (PUD No. 1, supra, 511 U.S. at pp. 711- 712.) USEPA replaced the 2020 Rule because, among other faults, it "may prevent state and tribal authorities from adequately protecting their water quality," "may result in a state or tribe's certification or conditions being permanently waived as a result of non-substantive and easily fixed procedural concerns," and "may limit the flexibility of certifications and permits to adapt to changing circumstances." (86 Fed. Reg. 29,543- 29,544 (June 2, 2021).) As explained in this certification, each certification condition is authorized by applicable state and federal law and is necessary to ensure compliance with such laws. This paragraph is hereby incorporated as part of the explanatory statement for each condition of this certification.

5.1 Rationale for Condition 1: Project Activities and Flows

As described in Section 5.0, this certification is granted based on the application and supporting information submitted, in accordance with the State Water Board's regulations and subject to requirements of the Porter-Cologne Water Quality Control Act. Condition 1 requires PCWA to implement the Project as described in its October 4, 2024, certification application (PCWA 2024), as supplemented on September 16, 2025 (PCWA 2025), and as modified by the conditions of this certification. Condition 1 will help ensure that the Project is implemented in a manner that protects water quality objectives and avoids unreasonable impacts to beneficial uses. Any changes to the Project description that are inconsistent with the Project application and supplemental information provided to the State Water Board prior to certification issuance could impact the findings, conclusions, and conditions of the certification and may necessitate the filing of a new certification application as well as trigger additional environmental review.

Additionally, Condition 1 requires PCWA to comply with the flow requirements of the Hydroelectric Project's FERC license. Reduced flows could potentially impact water quality and associated beneficial uses of the Middle Fork American River from sources to Folsom Lake, as identified in the Central Valley Basin Plan. Beneficial uses that may be impacted by reduced flow include but are not limited to: municipal and domestic water supply; irrigation; stock watering; power; contact recreation; canoeing and rafting; other non-contact recreation; cold freshwater habitat; cold freshwater spawning; and wildlife habitat. Further, Fish and Game Code section 5937 requires any owner of a

dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream.

5.2 Rationale for Condition 2: Biological Resource, Aquatic Habitat, and Wetland Protections

Project activities, such as spillway construction and modification activities, site access, and staging, have the potential to adversely impact biological resources, aquatic habitat, and wetlands. Existing and potential beneficial uses of the Middle Fork American River from sources to Folsom Lake that may be impacted by Project-related construction activities include warm freshwater habitat, cold freshwater habitat, cold freshwater spawning, and wildlife habitat.

PCWA's certification application (PCWA 2024) includes correspondence from the United States Fish and Wildlife Service detailing threatened or endangered species that may occur in the vicinity of the Project and concluded no critical habitats overlap the Project area, but that the Project area does include wetlands and aquatic resource habitat for Stebbins' phacelia (*Phacelia stebbinsii*; a Forest Service sensitive species, a California Rare Plant Rank 1B.2), bald eagle (*Haliaeetus leucocephalus;* protected under Bald and Golden Eagle Protection Act, a Forest Service sensitive species, listed under California Endangered Species Act (ESA) as endangered, California Department of Fish and Wildlife (CDFW) fully protected species), pallid bat (*Antrozous pallidus*; a Forest Service sensitive species, CDFW Species of Special Concern), Townsend's big-eared bat (*Corynorhinus townsendii;* a Forest Service sensitive species, CDFW Species of Special Concern), and fringed myotis (*Myotis thysanodes*; a Forest Service sensitive species). Condition 2 requires measures to prevent or minimize impacts to aquatic species and their habitat. Measures included in Table 1A: Avoidance and Protection Measures (APMs) in Attachment 7 of PCWA's certification application (PCWA 2024) include worker environmental training (APM Train 1: Environmental Training Program) and protections to riparian habitat (APM BIO 1: Riparian Removal and APM BIO 2: Riparian Protection). Additionally, Table 1B: Water Quality Best Management Practices in Attachment 7 of PCWA's certification application lists the Forest Service BMPs for biological resources protection that PCWA will implement as part of the Project.

Condition 2 includes provisions for compliance with the Dredge or Fill Procedures, and Water Code Division 7, Chapter 28, sections 16200-16201, and other avoidance and minimization measures to limit or avoid impacts to waters of the state.

5.3 Rationale for Condition 3: Erosion and Sediment Control

Erosion and sedimentation can contribute to degradation of waters of the state; therefore, it is necessary to implement actions to eliminate or limit such discharges to protect water quality and associated beneficial uses. Project activities that have the potential to cause erosion and increased turbidity in Hell Hole Reservoir include: constructing concrete abutments and piers; construction of the control building; construction traffic through Secondary Access Route and Hell Hole Dam Spillway Gates Road; minor grading and boulder removal to maintain existing staging areas; and installation of pneumatic gates. Increases in erosion and sedimentation can violate

water quality objectives (e.g., turbidity) and adversely impact beneficial uses. Condition 3 requires PCWA to implement the Construction General Permit and other measures to protect water quality associated with activities with the potential to cause erosion or result in sediment discharges.

Condition 3 also requires PCWA to monitor for and report any discharges that might violate water quality objectives. This is consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Condition 3 is required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this certification.

Existing and potential beneficial uses for the Middle Fork American River from sources to Folsom Lake that may be impacted by Project-related erosion and sedimentation include municipal and domestic supply, irrigation, stock watering, contact recreation, canoeing and rafting, other non-contact recreation, warm freshwater habitat, cold freshwater habitat, cold freshwater spawning, and wildlife habitat.

5.4 Rationale for Condition 4: Hazardous Materials Management

The Project involves use of heavy equipment that requires refueling and servicing. Site management requires implementation of BMPs to prevent, minimize, and/or clean up construction spills, including spills from construction equipment. For instance, fuels and lubricants associated with the use of mechanized equipment have the potential to result in toxic discharges to surface water in violation of water quality standards, including the toxicity and floating material water quality objectives. Secondary containment around hazardous materials storage sites helps ensure that any leaks or spills of hazardous materials do not result in a discharge to waters. Condition 4 is required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this certification.

The Central Valley Basin Plan includes narrative water quality objectives for oil, grease, and other hazardous materials: "Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses." (Central Valley Regional Water Board 2019.) Condition 4 requires implementation of hazardous materials management measures to prevent hazardous material spills into waterways, including containment criteria pursuant to California Code of Regulations, title 27, section 20320.

Condition 4 also requires PCWA to monitor for and report any discharges that might violate water quality objectives. This is consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383.

Existing and potential beneficial uses for Middle Fork American River from sources to Folsom Lake that may be impacted by Project-related releases of hazardous materials include municipal and domestic supply, irrigation, stock watering, contact recreation,

canoeing and rafting, other non-contact recreation, warm freshwater habitat, cold freshwater habitat, cold freshwater spawning, and wildlife habitat.

5.5 Rationale for Condition 5: Reporting

Condition 5 requires PCWA to notify Central Valley Regional Water Board and State Water Board staff prior to implementing Project activities, submit a Progress Report, and submit a Completion Report to document compliance with the certification requirements. The Progress Report and Completion Report will inform the Deputy Director of compliance with the certification conditions, and thereby compliance with water quality objectives and protection of beneficial uses during Project implementation.

Reporting requirements of Condition 5 are consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. The reporting requirements of Condition 5 are necessary to ensure the Project does not impact water quality and associated beneficial uses.

Rationale for Conditions 6 through 24

This certification imposes additional conditions regarding Project approvals, monitoring, enforcement, and potential future revisions. This section explains why a condition is necessary to assure that the authorized activities will comply with water quality requirements, and cites to federal, state, or tribal law that authorizes the condition. (40 C.F.R. § 121.7(d)(1).) The statements in this section correspond with the conditions set forth in Conditions 6 through 24. In addition, the code citations, plans, and policies that support issuance of this certification are described in Sections 3.0 and are not duplicated in this section but are incorporated herein. Conditions 6 through 24 are necessary to protect the beneficial uses of waters of the state identified in water quality control plans, prevent degradation of water quality, and help ensure compliance with state and federal water quality requirements.

Condition 6 is necessary to comply with Water Code section 13167 and Conditions 7 through 10 contain important clarifications concerning the scope and legal effect of this certification, as well as other legal requirements that may apply to the Project.

Monitoring, reporting, and assessment actions, and the information developed through such actions, must be readable, shared, and coordinated with other appropriate entities, and accessible to ensure that an activity complies with water quality requirements. Water Code section 13167 requires the Water Boards to ensure that monitoring data and assessment information are available in a single location and that the information is presented in a manner easily understandable by the public. To fulfill this legislative mandate, Condition 6 requires electronic data submittal in a compatible format with existing system specifications. Compliance with this condition enhances the accessibility of data and transparency of regulatory actions. This allows regulatory agencies and the public to better assess compliance and understand water quality trends or data anomalies by compiling data and making it readily available.

Pursuant to the California ESA (Fish & G. Code, § 2050 et seq.) and federal ESA (16 U.S.C. § 1531 et seq.), Condition 7 of the certification does not authorize any act which results in the taking of a threatened, endangered, or candidate species.

An applicant for certification is required to identify other licenses, permits, and agreements in the application. In the event an applicant for certification needs authorization from the state or federal authorities, California Code of Regulations, title 23, section 3856, subdivision (e), requires that the applicant provide copies of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included." Water Code section 13160, subdivision (b)(1), allows the State Water Board to issue a certification when there is "reasonable assurance that an activity of any person subject to the jurisdiction of the state board will comply with applicable requirements" of state and federal law. To help ensure the integrity of the certification process and its focus on the protection of water quality and compliance with other applicable state requirements, Condition 8 serves to notify applicants that there may be additional applicable federal, state, or local laws or ordinances with which they must comply.

Because agency organization and authorities change over time, Condition 9 provides direction for continuity of oversight in the event an agency's authority or responsibility is transferred to or subsumed by another agency.

The State Water Board is responsible for the water rights, water quality, and drinking water functions of the California state government. (Wat. Code, § 174.) Certain certifications involve an appropriation of water subject to part 2 of division 2 of the Water Code or the diversion of water for certain beneficial uses. (See, e.g., Cal. Code Regs., tit. 23, § 3855, subd. (b)(1)(A).) Condition 10 explains the State Water Board's issuance of this certification is not adjudicating or approving the validity of water rights that may be related to the Project. It also recognizes the State Water Board's authority, independent of its water quality authority, to prevent unauthorized or threatened unauthorized diversions of water. This helps to ensure that an applicant for a federal license or permit for any activity which may result in a discharge to navigable waters understands that, except as specified in the certification, the certification does not constitute, or excuse the applicant from obtaining any other State Water Board approvals required for the activity.

Conditions 11 through 13 are necessary to assure that any Project activities authorized under the certification will comply with water quality requirements. These conditions are included to comply with California Code of Regulations, title 23, section 3860, which sets forth conditions that must be included in all certifications. Condition 11 is a standard condition that "shall be included as conditions of all certification actions" pursuant to California Code of Regulations, title 23, section 3860, subdivision (a). This condition places the permittee on notice that the certification action may be modified or revoked following administrative or judicial review. Condition 12 is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to

California Code of Regulations, title 23, section 3860, subdivision (b). This condition clarifies the scope of the certification's application and ensures that any applicant for a federal license or permit, which may result in a discharge into navigable waters, is subject to the appropriate State certification. Condition 13 is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to California Code of Regulations, title 23, section 3860, subdivision (c). This fee requirement condition is also required pursuant to California Code of Regulations, title 23, section 3833, subdivision (b), which requires payment of fees by project proponents applying for certification. Fees are essential to support the Water Boards certification program, which includes the development of certifications and related inspections to ensure the protection of water quality and beneficial uses that may be impacted by a project.

Conditions 14 through 24 are necessary to ensure that the Project operates to meet water quality standards and other appropriate requirements of state law, or that adjustments are made to ensure continued compliance with water quality standards in light of new information, changes to the Project, or changes to the standards themselves.

This certification requires monitoring, reporting, and analysis as important elements to ensure that Project activities will comply with state and federal water quality requirements and other appropriate requirements of state law. Conditions 14, 15, and 16 provide for extensions of time to comply with requirements, prevention or remedy of violations, and notification of changed conditions to ensure compliance and prevent violations of water quality standards. In the event of non-compliance, modified conditions may be necessary to return the Project to compliance and prevent violation of water quality standards. Conditions 17 and 18 require the applicant to comply with the Central Valley Basin Plan and to take all reasonable measures to protect water quality and beneficial uses, in accordance with plans adopted pursuant to state and federal water laws. Water Code section 13267 authorizes the State Water Board to require any person or entity who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to furnish, under penalty of perjury, technical or monitoring reports when necessary to investigate the quality of any waters of the state. Condition 19 requires such reports that are necessary to ensure compliance with water quality standards.

Condition 20, related to site access requirements, is authorized pursuant to the Water Boards' authority to investigate the quality of any waters of the state, including specific site access authorized under Water Code sections 13267 and 13383. Site access is needed to ensure compliance with the certification and associated protection of water quality and beneficial uses. Condition 21 requires site personnel and agencies to be familiar with the content of the certification and availability of the document at the Project site. This condition is required to ensure that site personnel are familiar with the conditions needed to protect water quality and any authorized discharge will comply with the terms and conditions of this certification, which requires compliance with water quality objectives and beneficial uses adopted or approved under sections 13170 or 13245 of the Water Code, and with other appropriate requirements of state law.

Condition 22 requires that PCWA use analytical methods approved by California's Environmental Laboratory Accreditation Program, when available, to ensure that such analyses are done in a consistent manner.

Condition 23 provides that the State Water Board will provide notice and an opportunity to be heard in exercising its authority to add or modify certification conditions.

In the event that any provision of this certification is found invalid, Condition 24 ensures that all other provisions will remain effective and water quality will still be protected. (Wat. Code, § 13160.)

6.0 Conclusion

The State Water Board finds that, with the conditions and limitations imposed by this certification, the Project will be protective of state and federal water quality standards and other appropriate requirements of state law.

7.0 Water Quality Certification Conditions

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE STATE WATER RESOURCES CONTROL BOARD CERTIFIES that implementation of the Hell Hole Seasonal Storage Increase Improvement Project (Project) by the Placer County Water Agency (PCWA or Applicant) will comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with applicable provisions of State law, under the following terms and conditions.

CONDITION 1: Project Activities and Flows

Unless otherwise modified by conditions of this water quality certification (certification), or approved by the State Water Resources Control Board (State Water Board) Deputy Director of the Division of Water Rights (Deputy Director), the Applicant shall implement the Project as described in: (1) PCWA's October 4, 2024, certification application (PCWA 2024), which includes PCWA's proposed avoidance and protection measures (APMs) and the United States Forest Service (Forest Service) best management practices (BMPs) listed in Tables 1A and 1B, respectively, of Attachment 7 of the Project certification application (PCWA 2024); and (2) PCWA's September 16, 2025 supplemental submission clarifying the number of spillway gates to be installed (PCWA 2025).

Additionally, unless otherwise approved by the Federal Energy Regulatory Commission (FERC) and the Deputy Director, the Applicant shall comply with all flow requirements below Hell Hole Dam as required by the FERC license for the Middle Fork American River Project (FERC Project No. 2079) throughout Project implementation.

CONDITION 2: Biological Resource, Aquatic Habitat, and Wetland Protections

Unless otherwise approved by the Deputy Director, the Applicant shall implement the aquatic biological resource APMs and BMPs described in Attachment 7 of PCWA's certification application (PCWA 2024) as modified by this condition. Specific APMs and BMPs identified in Attachment 7 relating to biological resource, aquatic habitat, and wetland protections are listed below along with additional measures to ensure protection of beneficial uses.

2(A) Biological Resource and Aquatic Habitat Protections

- **Worker Environmental Training Program:** Consistent with APM TRAIN 1, the Applicant shall retain a qualified biologist[12] to develop and conduct mandatory worker environmental training about special-status species[13] and their associated

[12] A qualified biologist is a biologist who is knowledgeable of and experienced with special-status species and their habitats that may be in the Project area.

[13] Special-status species include those protected by the United States or state of California as endangered or threatened, California Department of Fish and Wildlife (CDFW) Species of Special Concern, CDFW Fully Protected species, or Forest Service sensitive species.

habitat that could be encountered during Project activities. At a minimum, the worker environmental training shall include the following:

- A review of the California and federal Endangered Species Acts (ESAs) and the consequences of noncompliance.
- A review of the photographs, presence, life history, and habitat requirements of all special-status species, including any threatened or endangered species, that are known to occur or may occur in the Project areas.
- A review of avoidance and protection measures that shall be implemented to minimize the potential for effects to these species and habitats.
- Actions that shall be taken if special-status species are encountered and reporting procedures if special-status species are found.
- A review of applicable elements of the Project's certification to ensure personnel implement measures to protect water quality and beneficial uses.

The Worker Environmental Training shall be conducted prior to beginning construction and shall be provided to any new personnel prior to those personnel conducting on-site work.

- **General Biological Resource Protections:**
  - Before construction begins, the Applicant shall identify locations to be protected (e.g., riparian habitat, raptor nesting areas, special-status plant populations) with fencing or other high visibility materials. Fencing shall be installed with a gap between the ground and the bottom of the fence so that small animals do not become trapped inside the fenced area(s). The fencing or other high visibility materials shall be installed before construction activities are initiated, maintained throughout the construction period, and removed when construction is complete.
  - Work crews shall be restricted to designated and clearly defined work areas and access routes. Staging of equipment and material sites shall be restricted to designated areas.
  - A qualified biologist shall conduct regular inspections of the Project area to ensure biological resource protection measures are properly implemented. The qualified biologist shall have the authority to stop work in the immediate vicinity if a special-status species may be harmed by Project activities. Upon implementation of the qualified biologist's measures to ensure special-status species protection, work in the immediate vicinity may resume.
  - The Applicant shall avoid temporary and permanent impacts to waters of the state to the maximum extent possible.
  - Laydown and staging areas shall be located in previously developed or disturbed areas.
  - Stockpiles, portable equipment, vehicles, and supplies shall be restricted to the designated construction areas and shall be located outside of wetlands, surface waters, and riparian habitat.
  - Storage or parking of equipment shall be prohibited within and directly adjacent to waterways and within 100 feet of riparian and wetland habitat.

- Riparian habitat shall not be removed or destroyed. (Consistent with APM BIO 1.)
- Existing access routes shall be used to access Hell Hole Reservoir and diversion pools whenever possible. When it is not possible to use existing access routes, the Applicant shall create, if necessary, an access route in an area that does not support riparian vegetation or wetland habitat. (Consistent with APM BIO 2.)
- Vehicle access across streams and wetlands shall be limited to existing roads and designated crossings.
- Any new discovery of aquatic invasive species shall be reported to the Deputy Director. The Applicant shall include the source of the infestation, if known, and, as applicable, measures for Deputy Director review and consideration of approval to prevent spreading the infestation. (Consistent with APM ID 1.)
- Aquatic invasive species observations and Deputy Director approved treatment measures shall be recorded, reported to the qualified biologist, and included in a subsequent Progress or Completion Report (Condition 5).
- Any stream crossings shall be designed and constructed to maintain regular movement of aquatic species and pass the FERC license required flows consistent with Condition 1 of the certification. (Consistent with BMP Road-7.)

2(B) Wetland Protections

The Project will result in temporary and permanent impacts to reservoir and stream channel habitats. The Project is anticipated to have 0.27-acre of temporary impacts and 0.03-acre of permanent impacts to Hell Hole Reservoir. The Project is anticipated to have 0.30-acre of temporary impacts and 0.05-acre of permanent impacts to Hell Hole Spillway (intermittent stream habitat). The Applicant shall notify the Deputy Director of any update to the estimated temporary and permanent impacts if they vary from what is noted in this condition.

Permanent impacts shall be compensated for at a minimum of a 1:1 ratio consistent with the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Dredge or Fill Procedures) (State Water Board 2019 and 2021) and California Water Code, Division 7, Chapter 28, sections 16200-16201, and any amendments thereto. The Applicant shall provide the Deputy Director with documentation of compliance with this mitigation provision as part of the Completion Report (Condition 5).

CONDITION 3: Erosion and Sediment Control

Unless otherwise approved by the Deputy Director, the Applicant shall implement the erosion and sediment control and road construction APMs and BMPs described in Attachment 7 of PCWA's certification application (PCWA 2024), as modified by this condition, and the additional measures listed below.

3(A) Erosion and Sediment Control Measures

- Ground disturbance shall not exceed the minimum amount necessary to complete work at the site.
- The Applicant shall comply with *the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit; State Water Board 2022) and any amendments thereto. If there is any conflict between the conditions of this certification and applicable conditions in the Construction General Permit, the more stringent shall apply.
- The Applicant shall conduct visual monitoring for pollutants (e.g., oils, greases, fuels, and turbidity plumes) in Hell Hole Reservoir throughout Project implementation. If visual monitoring determines that the Project resulted in an exceedance of a water quality objective described in the Central Valley Regional Water Board's Water *Quality Control Plan (Basin Plan) for the Sacramento River Basin and the San Joaquin River Basin* (Central Valley Basin Plan) (Central Valley Regional Water Board 2019), the Applicant shall notify the Deputy Director and the Central Valley Regional Water Board Executive Officer (Executive Officer) promptly, and in no case more than 24 hours, following an exceedance. The notice shall include the cause of the exceedance, measures taken to correct the exceedance if applicable, and measures the Applicant will implement to prevent future exceedances. Regardless of when such notification occurs, activities associated with the exceedance shall cease immediately upon detection. Work activities may resume after corrective actions have been implemented, water quality meets the applicable Central Valley Basin Plan water quality objective(s), and the Deputy Director has provided approval to proceed. The Deputy Director may require additional actions to help prevent similar exceedances in the future.
- To the extent practicable, staging area footprints and use shall be limited to already disturbed areas.
- Following ground disturbance activities, any disturbed areas shall be restored to pre-construction conditions including, as appropriate, use of native seeding and/or plantings and sloping to prevent future runoff and erosion.
- The Applicant shall develop and implement site-specific erosion control measures to prevent erosion, sedimentation, dust, and soil mass movement during ground disturbance activities. These measures shall cover all disturbed areas, including stockpile, fueling, and staging areas. (Consistent with APMs EC 2, WQ 3, and BMP Fac-2.)
- Only clean (washed), toxin-free, and weed-free materials shall be used. (Consistent with APM EC 1 and BMP AqEco-2.)
- The Applicant shall conduct work during the dry season. (Consistent with BMP AqEco-2.)
- Excavation shall be minimized during construction to the extent practicable. Additionally, the Applicant shall limit the disturbance of staged areas without installed stabilization measures to the extent possible. If a rain event is forecasted to occur during construction, the Applicant shall ensure all disturbed

areas are stabilized in a manner that limits potential sediment discharges to surface waters prior to the rain event. (Consistent with BMP AqEco-2.)

- Stockpiles shall be located outside of riparian and wetlands habitats. If 0.5 inch or more of precipitation is forecasted within a 24-hour period during construction, all stockpiles shall be covered with plastic and surrounded with sediment control technologies or berms to prevent sediment run-off.
- Fill shall be properly compacted to avoid and/or minimize erosion. (Consistent with BMP AqEco-2.)
- The Applicant shall implement suitable drainage measures, including necessary erosion and sedimentation control measures, during earthwork. (Consistent with BMP AqEco-2.)
- The Applicant shall implement mechanical treatments on the contour of sloping ground to avoid or minimize water concentration and subsequent accelerated erosion. To reduce gully and sheet erosion and associated sedimentation, mechanical equipment shall be restricted to slopes generally less than 35 percent. Within aquatic, riparian, and meadow habitats, mechanical treatments shall be minimized on moderate slopes (15-30 percent) and restricted to slopes less than 30 percent. (Consistent with BMP Veg-2.)
- The Applicant shall operate equipment when soil compaction, displacement, erosion, and sediment runoff would be minimal. The Applicant shall avoid equipment operations on unstable, wet, or easily compacted soils and on steep slopes unless operation can be conducted without causing excessive rutting, soil puddling, or runoff of sediments directly into waterbodies. The Applicant shall evaluate site conditions frequently to assess changing conditions. (Consistent with BMP Veg-2.)
- All construction materials, spoils, or other debris shall be properly disposed of or removed and/or stored in a manner that will not impact surface waters.
- Barriers, as applicable, shall be installed at all laydown sites to ensure construction equipment, workers, and runoff do not enter surface waters.
- Concrete, solvents, adhesives, fuels, dirt, and gasoline shall not be rinsed or washed into surface waters, drainages, or wetlands.
- Applicable portions of Hell Hole Reservoir and any other aquatic habitats, wetlands, or riparian habitat, shall be protected with silt fences, fiber rolls, erosion control blankets, and other erosion controls as necessary and consistent with the provisions of Condition 2 (Biological Resource, Aquatic Habitat, and Wetland Protections) to ensure the protection of biological resources. Erosion controls shall be installed prior to construction and maintained throughout construction.

3(B) Road Construction and Management Measures

- The Applicant shall use suitable construction techniques to create stable fills including using full bench construction techniques or retaining walls where stable fill construction is not possible, avoiding incorporating woody debris in the fill portion of the roadway, leaving existing rooted trees or shrubs at the toe of the fill slope to stabilize the fill, and avoiding use of road fills for water impoundment dams unless specifically designed for that purpose. (Consistent with BMP Road-3.)

- The Applicant shall maintain road surface treatments to stabilize the roadbed, reduce dust, and control erosion consistent with anticipated traffic use. (Consistent with BMP Road-4.)
- The Applicant shall routinely inspect temporary roads to verify that erosion and stormwater controls are implemented, functioning, and appropriately maintained. The Applicant shall apply protective measures, as appropriate, to all areas of disturbed, erosion-prone, unprotected ground associated with the Project. (Consistent with BMP Road-5.)
- The Applicant shall use suitable measures to ensure that the road surface drainage system will intercept, collect, and remove water from the road surface and surrounding slopes in a manner that reduces concentrated flow in ditches, culverts, and over fill slopes and road surfaces without frequent maintenance. (Consistent with BMP Road-6.)

CONDITION 4: Hazardous Materials Management

Unless otherwise approved by the Deputy Director, the Applicant shall implement the hazardous materials management APMs and BMPs described in Attachment 7 of PCWA's certification application (PCWA 2024), as modified by this condition, and the additional measures listed below.

4(A) Training

- Construction personnel, including contractors and subcontractors, shall be trained in proper hazardous material management and shall be able to access safety data sheets for all hazardous substances used in the Project area. Additionally, all construction staff shall receive training on the appropriate work practices necessary to comply with applicable environmental laws and regulations, including hazardous materials management.

4(B) Vehicles and Equipment

- All power equipment and vehicles shall be free of petroleum residue, kept in good working order, and inspected each day for leaks prior to use. Leaks shall be repaired immediately in an area at least 100 feet away from waterbodies.
- Equipment shall be staged overnight in areas with secondary containment or with other suitable barriers to prevent accidental leakage of fuel, oil, or other liquid from soaking into the soil or being carried to surface waters.
- Commercial washing facilities that have proper wastewater treatment systems shall be used whenever possible. All equipment shall be thoroughly cleaned of dirt, grease, etc., prior to entering the Project area and shall be inspected to ensure that it is in proper functioning condition. All suspect hoses and hydraulic lines shall be replaced prior to entering the Tahoe National Forest. (Consistent with BMP Fac-7.)
- A designated fueling site, if necessary, shall be established outside of the reservoir or spillway. Absorbent spill clean-up materials and spill kits shall be available to absorb small spills. All used absorbent materials shall be properly disposed. (Consistent with BMP Road-10.)

- Vehicle refueling shall be located at least 100 feet away from any waterbodies. Drip pans and/or absorbent pads shall be used during equipment fueling. Vehicle refueling shall be performed by trained personnel.

4(C) Storage of Hazardous Materials

- All hazardous materials, including petroleum-based materials, shall be contained in appropriate spill-proof containers and/or have secondary containment and be stored in designated areas at least 100 feet away from surface waters, and shall not be stored in or near a floodplain.
- Bulk fuel storage tanks shall be double-walled or placed in secondary containment areas.
- Hazardous materials and waste generated onsite, such as grease cartridges and oil absorbents, shall be placed in proper containers, labeled appropriately, and transported from the job site to an authorized hazardous waste consolidation site or appropriate landfill for proper disposal in accordance with applicable laws and regulations. (Consistent with BMP Road-10.)
- The Applicant shall use suitable measures around vehicle service, storage and refueling areas, chemical storage and use areas, and waste dumps to fully contain spills and avoid or minimize soil contamination and seepage to groundwater. Temporary fuel tanks shall have adequate local containment consisting of berms and plastic sheeting to protect against accidental spills or leaks. (Consistent with BMP Road-10.)

4(D) Hazardous Waste Release

- Concrete, solvents, adhesives, fuels, dirt, gasoline, and other hazardous materials shall not be rinsed or washed into Hell Hole Reservoir or other aquatic habitats, wetlands, or riparian habitat.
- All containment structures shall comply with California Code of Regulations, title 27, section 20320.
- If 0.5 inch or more of precipitation is forecast within a 24 hour period during Project activities, or the Applicant stops work pursuant to its Temporary Construction Emergency Action Plan[14], work with the potential to result in a hazardous waste discharge shall cease and the site shall be secured to avoid discharges until the rainfall event is over and any flow or potential for flow dissipates.
- The Applicant shall create and implement a chemical spill prevention and contingency plan (in accordance with Forest Service Handbook 2109.14, chapter 60 and 40 C.F.R. § 112) that includes actions to be taken and/or containment

[14] PCWA shall implement the Temporary Construction Emergency Action Plan when water elevation levels rise to a level of significant human risk. Construction shall be temporarily stopped if the water surface elevation in the upstream pool reaches 4,600 feet and resume when the water surface elevation is reduced to 4,595 feet or below. The Temporary Construction Emergency Action Plan describes the actions taken if such an event is to occur during Project construction.

features to be installed to prevent contamination of water resulting from accidental spills of hazardous materials. The plan shall include notification lists, persons responsible for cleanup, requirements for notification, and guidelines for spill containment. A copy of the chemical spill prevention and contingency plan shall be retained onsite and shall be reviewed by all personnel and contractors involved in the Project. (Consistent with BMPs Chem-5 and Fac-6.)

- The Applicant shall report spills and initiate suitable cleanup action in accordance with applicable state and federal laws, rules, and regulations. If an accidental release of sediment, fuel, or oil occurs, immediate containment and cleanup shall be implemented, and appropriate agencies shall be notified. (Consistent with BMP Road-10.)
- If Project-related hazardous materials are released with the potential to impact surface waters, the Applicant shall immediately cease any activities associated with the Project that resulted in the release and implement measures to limit and clean up the release. The Applicant shall notify the Deputy Director and the Executive Officer promptly, and in no case more than 24 hours, following the release. The notice shall include the type and quantity of material released, cause of the release, corrective measures taken, and measures the Applicant will implement to prevent future releases. The Deputy Director may require additional actions to help prevent similar releases in the future. Work activities may resume after corrective actions have been implemented if applicable and the Deputy Director has provided approval to proceed.
    - Any spills shall be cleaned up immediately using absorbent material or, if necessary, by constructing berms, and shall not be buried or washed with water. Contaminated soil shall be excavated, contained, and transported to an approved disposal site. All media affected by a spill, including soils, shall be cleaned up and disposed of offsite in accordance with applicable laws and regulations.
- A spill response kit shall be maintained at all active work areas. The Applicant shall ensure that hazardous spill kits are adequately stocked with necessary supplies and are maintained in accessible locations. Spill kits shall be required in all Applicant and contractor vehicles on site and at locations where hazardous materials are stored. (Consistent with BMP Fac-6.) These kits shall be clearly marked and include oil-absorbent material and tarps to contain and control any minor releases.

CONDITION 5: Reporting

5(A) Initial Report and Updates to Project Schedule

At least five days prior to starting Project activities, the Applicant shall notify the Central Valley Regional Water Board and State Water Board staff that Project activities are anticipated to begin and provide an anticipated schedule for the Project. Throughout Project implementation the Applicant shall provide staff with updates to any major changes to the Project schedule within five days of the schedule change.

5(B) Progress Report

The Applicant shall submit a Progress Report to the Division of Water Rights Water Quality Certification Program Manager approximately 90 days after Project construction has initiated. The Progress Report shall include:

- A summary of Project activities performed.
- Documentation of compliance with each condition of this certification and details of any failure to meet the certification requirements.
- Summary of initial or site preparation activities include any relocated or fenced-off aquatic species or sensitive habitat.
- Details of Project-related adverse impacts to beneficial uses, if applicable.
- Any anticipated activities that would differ from those described in the certification application or required by this certification. Such activities may require further certification actions.

The Applicant may request consultation regarding the need for development and implementation of additional BMPs for water quality protection or approval of additional site-specific construction measures as part of the Progress Report or as part of a separate request if more immediate action is needed to protect water quality. Upon request from the Deputy Director or State Water Board staff, the Applicant shall provide additional information or meet with staff to discuss the Progress Report.

The Deputy Director may require the Applicant to implement additional measures or corrective actions or approve additional measures proposed by the Applicant in response to the information provided in the Progress Report, a request for consultation, new information in the record, or as part of approval of additional measures to protect water quality and beneficial uses.

5(C) Completion Report

Within 60 days of Project completion, the Applicant shall provide the Deputy Director with a Completion Report that may refer to the previously submitted Progress Report, if applicable. The Completion Report shall comprehensively summarize:

- Project activities performed.
- Compliance with each condition of this certification and details of any failure to meet the certification requirements.
- Final inspection information with details to ensure the Project area cleanup was satisfactorily completed.
- Details of any environmental protection measure inadequacies found during Project implementation.
- Details of Project-related adverse impacts to beneficial uses, if applicable.

Upon request from the Deputy Director or State Water Board staff, the Applicant shall provide additional information or meet with staff to discuss the Completion Report.

The Deputy Director may require the Applicant to implement corrective actions in response to the information provided in the Completion Report, new information in the record, or as part of approval of additional measures to protect water quality.

CONDITIONS 6 – 24

CONDITION 6. Unless otherwise specified in this certification or at the request of the Deputy Director, data and/or reports shall be submitted electronically in a format accepted by the State Water Board to facilitate the incorporation of this information into public reports and the State Water Board's water quality database systems in compliance with California Water Code section 13167.

CONDITION 7. This certification does not authorize any act which results in the take of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California ESA (Fish & G. Code, §§ 2050 – 2097) or the federal ESA (16 U.S.C. §§ 1531 – 1544). If a "take" will result from any act authorized under this certification or water rights held by the Applicant, the Applicant must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Applicant is responsible for meeting all requirements of the applicable ESA for the Project authorized under this certification.

CONDITION 8. This certification shall not be construed as replacement or substitution for any necessary federal, state, and local approvals. The Applicant is responsible for compliance with all applicable federal, state, or local laws or ordinances and shall obtain authorization from applicable regulatory agencies prior to the commencement of Project activities.

CONDITION 9. Any requirement in this certification that refers to an agency whose authorities and responsibilities are transferred to or subsumed by another state or federal agency, will apply equally to the successor agency.

CONDITION 10. Nothing in this certification shall be construed as State Water Board approval of the validity of any water rights, including pre-1914 or riparian claims. The State Water Board has separate authority under the Water Code to investigate and take enforcement action, if necessary, to prevent any unauthorized or threatened unauthorized diversions of water.

CONDITION 11. This certification is subject to modification or revocation upon administrative or judicial review, including but not limited to review and amendment pursuant to Water Code section 13330 and California Code of Regulations, title 23, division 3, chapter 28, article 6 (commencing with section 3867).

CONDITION 12. This certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent application for certification was filed pursuant to California Code of Regulations, title 23, section 3855, subdivision (b), and that application for certification specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

CONDITION 13. This certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28.

CONDITION 14. Notwithstanding any more specific provision of this certification, any plan or report developed as a condition of this certification requires review and approval by the Deputy Director. The State Water Board's approval authority, including authority delegated to the Deputy Director or others, includes the authority to withhold approval or to require modification of a plan, proposal, or report prior to approval. The State Water Board may take enforcement action if the Applicant fails to provide or implement a required item in a timely manner. Notwithstanding any other condition of this certification, if a time extension is needed to submit an item for Deputy Director approval, the Applicant shall submit a written request for the extension, with justification, to the Deputy Director no later than 15 days prior to the deadline. The Applicant shall not implement any plan, proposal, or report until after the applicable State Water Board approval and any other necessary regulatory approvals.

CONDITION 15. In the event of any violation or threatened violation of the conditions of this certification, including if monitoring results indicate that Project activities could violate water quality objectives or impair beneficial uses, the violation or threatened violation is subject to any remedies, penalties, process, or sanctions as provided for under applicable state or federal law. For the 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 ensure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to any violation or threatened violation of the conditions of this certification, the Applicant shall, by a deadline required by the Deputy Director, submit a plan that documents why the violation occurred and steps the Applicant will implement to address the violation. The Applicant shall implement the plan upon approval from the Deputy Director, and the Deputy Director may require changes as part of any approval.

CONDITION 16. The Applicant shall submit any change to the Project, including to operations, facilities, technology changes or upgrades, or methodology, which could have a significant or material effect on the findings, conclusions, or conditions of this certification, to the State Water Board for prior review and written approval. The State Water Board shall determine significance and may require consultation with other state and/or federal agencies. If the State Water Board is not notified of a change to the Project, it will be considered a violation of this certification.

CONDITION 17. This certification is contingent on compliance with all applicable requirements of the Central Valley Basin Plan.

CONDITION 18. Unless otherwise specified by conditions in this certification, Project activities shall be conducted 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. The Applicant shall take all reasonable measures to protect the beneficial uses of waters of the state, including the Rubicon River and Hell Hole Reservoir.

CONDITION 19. In response to a suspected violation of any condition of this certification, the State Water Board or Central Valley Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board 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. (Wat. Code, §§ 1051, 13165, 13267, and 13383.)

CONDITION 20. Upon request, a construction schedule shall be provided to State Water Board and Central Valley Regional Water Board staff. The Applicant shall provide State Water Board and Central Valley Regional Water Board staff access to Project sites to document compliance with this certification.

CONDITION 21. A copy of this certification shall be provided to any contractor and all subcontractors conducting Project-related work, and copies shall remain in their possession at the Project site. The Applicant shall be responsible for work conducted by its contractor, subcontractors, or other persons conducting Project-related work.

CONDITION 22. The Applicant shall use analytical methods approved by California's Environmental Laboratory Accreditation Program, where such methods are available. Samples that require laboratory analysis shall be analyzed by Environmental Laboratory Accreditation Program-certified laboratories.

CONDITION 23. The State Water Board shall provide notice and an opportunity to be heard in exercising its authority to add to or modify the conditions of this certification.

CONDITION 24. Certification that the Project will be protective of the state and federal water quality standards and other appropriate requirements of state law is dependent upon the conditions and limitations imposed by this certification; however, to ensure the validity of this certification upon any challenge that is not addressed by another condition of this certification, the provisions of this certification are severable. If any provision of this certification is found invalid, affects the validity of the certification, or would result in a determination that the State Water Board has waived its section 401 certification authority for the Project, the remainder of this certification shall not be affected. Upon remand from determination on administrative or judicial review that a provision of this certification is invalid or affects the validity of the certification the State Water Board may adopt an alternative term that addresses the water quality issue while avoiding the invalidity.

_____ ___October 1, 2025_____

Eric Oppenheimer Date
Executive Director

8.0 References

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HELL HOLE SEASONAL STORAGE INCREASE IMPROVEMENT PROJECT
WATER QUALITY CERTIFICATION

ATTACHMENT A:
PROJECT OVERVIEW MAPS

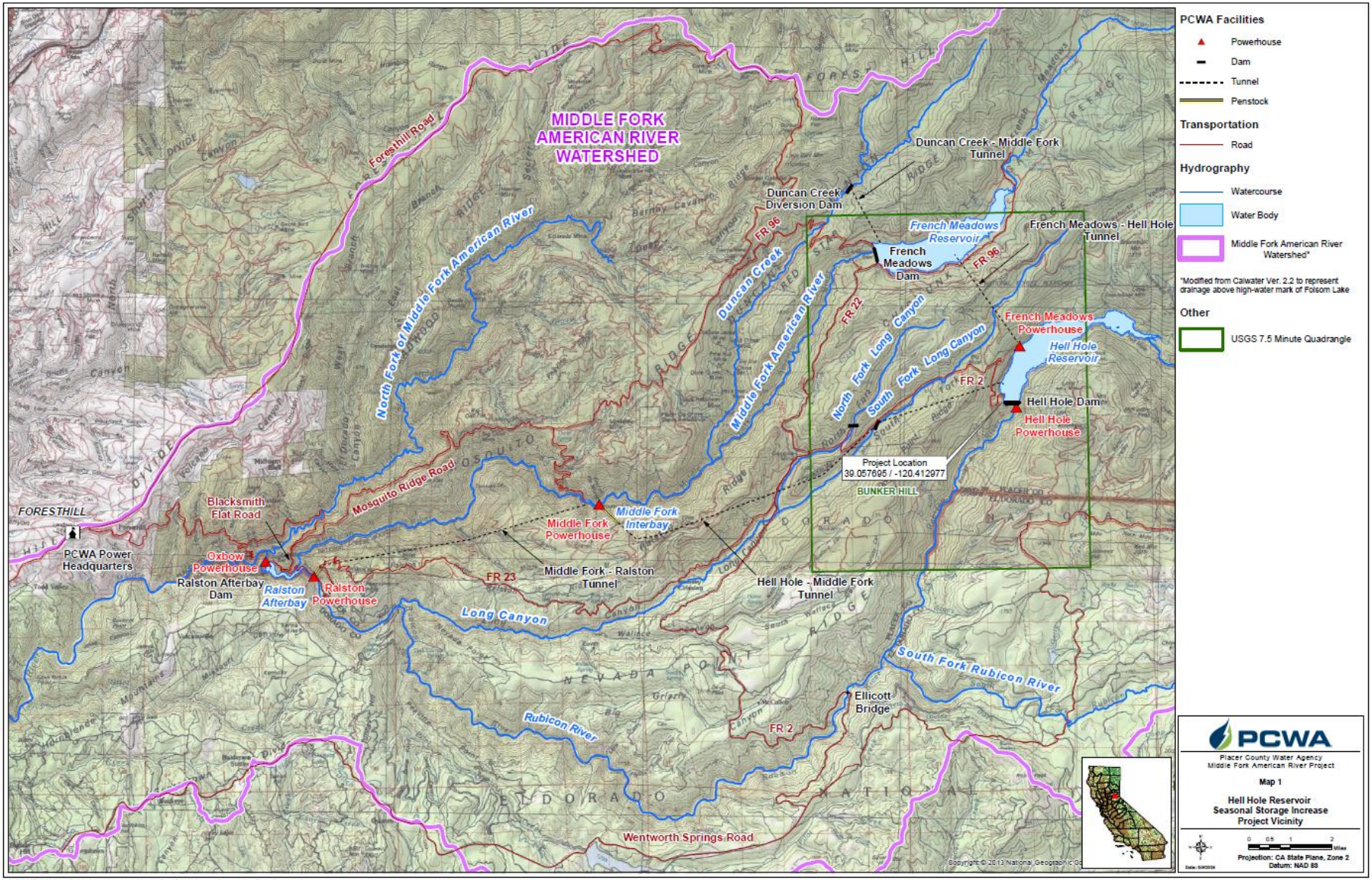

Figure 1. Middle Fork American River Project Area and Facilities

Figure 2. Hell Hole Seasonal Storage Increase Improvement Project Area and Features