

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

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In the Matter of Water Quality Certification For  
**L.L. ANDERSON DAM SPILLWAY MODIFICATIONS**  
**French Meadows Spillway Modification Project**

**PLACER COUNTY WATER AGENCY**  
**FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2079,**

Certification Requested By Placer County Water Agency

SOURCES: Middle Fork American River

COUNTY: Placer

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**WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE**

BY THE EXECUTIVE DIRECTOR:

1. The French Meadows Spillway Modification Project is proposed by the Placer County Water Agency (PCWA) to repair, improve, and complete the spillway so it can safely conduct any potential flows to the Middle Fork American River. The French Meadows spillway is located on the right side of L.L. Anderson Dam (Dam). After the reservoir behind the Dam has filled, any excess flows due to storms or floods, are released to the river downstream of the Dam by the spillway. The Dam is a 229 feet high, compacted-gravel and rockfill-shell dam that impounds the French Meadows Reservoir, and that is part of the Middle Fork American River Project, Federal Energy Regulatory Commission (FERC) Project No. 2079. PCWA is not seeking any modifications to FERC License No. 2079 as part of this project. French Meadows Reservoir is a multi-purpose facility.

The project will consist of lowering the downstream end of the spillway escape channel by excavating a series of steps in the granite bedrock; excavating a plunge pool at the downstream end of the escape channel to dissipate energy; and excavating a curved channel below the plunge pool in a series of steps to allow spill flows to be turned and blended into the natural river channel. PCWA has been ordered to perform this work by the California Department of Water Resources, Division of Safety of Dams and FERC.

2. The project will occur in wetlands designated as jurisdictional by the U.S. Army Corps of Engineers (Corps). Placer is seeking authorization from the Corps to perform work in the



Middle Fork American River waterway pursuant to Clean Water Act section 404 Nationwide Permit 14. On November 24, 1997, PCWA applied to the State Water Resources Control Board (SWRCB) for Water Quality Certification under section 401 of the Clean Water Act (33 USC §1344) for the French Meadows Spillway Modification Project. PCWA requested certification that the proposed project is in compliance with state and local water quality requirements, including requirements that satisfy the specified provisions of the Federal Clean Water Act. The work to be accomplished under this request is limited to the items described in paragraph (1) above.

3. The Federal Clean Water Act (33 USC §1251, et seq.) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters" (33USC §1251(a)). Section 101(g) (33 USC §1251(g)) requires federal agencies to "cooperate with state and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources". Section 401 (33 USC §1341) requires every applicant for a federal license or permit to provide the responsible federal agency with certification that the project will be in compliance with specified provisions of the Clean Water Act, including section 303 ("Water Quality Standards and Implementation Plans", 33 USC §1313); directs the state agency responsible for certification to prescribe effluent limitations and other limitations necessary to ensure compliance with the Clean Water Act and with any other appropriate requirement of state law; and provides that state certification conditions shall become conditions of any federal license or permit for the project.
4. The SWRCB is the agency responsible for water quality certification in California (section 13160 of the California Water Code); and has delegated this function to the Executive Director by regulation (section 3838 of Title 23 of the California Code of Regulations (CCR)).
5. On February 10, 1997, the SWRCB issued statewide water quality certification covering several classes of activities covered under Corps 404 NWP's and at the same time denied certification without prejudice to several classes of NWP's that were found to individually or cumulatively have a significant effect on the environment. The NWP classes that were not certified by the SWRCB were found to result in more than minimal individual impacts or contribute to cumulative impacts as a result of the range of activities contemplated under those Nationwide Permits and therefore require certification on a project by project basis. Section 404 NWP 14 is a class of activities for which the State requires water quality certification on an individual project basis.
6. The California Regional Water Quality Control Boards have adopted, and the State Board has approved, Water Quality Control Plans (Basin Plans) for each watershed basin in accordance with provisions of section 303 of the Clean Water Act, related to the establishment of water quality standards and planning (33 USC §§1313). Basin Plans identify beneficial uses of the waters within each Region.



7. The project is located on the Middle Fork of the American River. The California Regional Water Quality Control Board, Central Valley Region, (CVRWQCB) in its Water Quality Control Plan for the Central Valley Region, Sacramento River and San Joaquin River Basins has identified the beneficial uses of the Middle Fork of the American River from its source to Folsom Lake. The beneficial uses include municipal and domestic water supply, hydroelectric power generation, contact and non-contact recreation, warm and cold freshwater habitat, cold water spawning, and wildlife habitat. The Basin Plan states that any water body which is identified as having both warm and cold beneficial use designations shall be considered COLD water bodies for the application of water quality objectives.
8. Protection of the chemical, physical, and biological integrity of waters of the state for instream beneficial uses identified in the Basin Plans requires maintenance of adequate stream flows as well as effluent limitations and other limitation on discharges of pollutants from point and nonpoint sources to navigable waters and their tributaries.
9. PCWA is the lead agency pursuant to the California Environmental Quality Act (CEQA). On December 17, 1997, PCWA circulated a Negative Declaration and an Initial Study/Environmental Assessment for the project. On February 3, 1998, PCWA issued a Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code advising the public that PCWA has determined that the project will not have a significant effect on the environment and PCWA has approved the project. Mitigation measures were made a condition of the PCWA approval of the project. A statement of Overriding Considerations was not adopted for this project. Findings pursuant to Section 15091 of the Guidelines were not made. On February 3, 1998, the PCWA Board of Directors passed a resolution approving the Negative Declaration and approving the project.
10. SWRCB staff has reviewed PCWA's application and submittals for the French Meadows Spillway Modification Project. PCWA has applied for and received a Department of Fish and Game (DFG) 1603 Streambed Alteration Agreement for the proposed project. The agreement is attached to this certification as Attachment 1.

ACCORDINGLY, THE SWRCB CERTIFIES THAT the project to repair, improve and complete the French Meadows Reservoir Spillway on the L.L. Anderson Dam will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law provided PCWA complies with the following terms and conditions during the prosecution of the work certified herein.

1. In order to preserve the beneficial uses of water identified in the Basin Plan during the repair, improvement and completion activities, PCWA shall:

Bypass sufficient water at all times to maintain the beneficial uses of water identified in the Basin Plan, as listed in item (8) above. The Basin Plan states that any water body that has both warm and cold beneficial use designations shall be considered COLD for the



application of water quality objectives. Therefore, sufficient water shall be bypassed to maintain the identified COLD water quality objectives at all times. This requirement only pertains to work in the live stream or which affects the project bypass flows. No additional bypass flows, beyond those required by the FERC License No. 2079 and water right Permit 13855 (Application 18084), are required in order to meet this term.

2. Except for activities permitted by the Corps under Section 404 of the Clean Water Act, soil, silt or other organic or earthen materials shall not be placed where such materials could pass into surface waters or surface water drainage courses.
3. In order to protect the beneficial use designations identified in the Basin Plan, the authorized activities shall not add the following substances to surface waters:
  - a. Taste or odor-producing substances to impart undesirable tastes to domestic and municipal water supplies or odors to fish flesh or other edible products of aquatic origin or to cause nuisance or adversely affect beneficial uses;
  - b. Perceptible floating material including, but not limited to, solids, liquids, foams or scums which could result in degradation of water quality;
  - c. Suspended or settleable material in concentrations that cause a nuisance or adversely affect beneficial uses;
  - d. Oil, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water;
  - e. Toxic pollutants present in the water column, sediments, or biota in concentrations that adversely affect beneficial uses; that produce detrimental response in human, plant, animal, or aquatic life; or that bioaccumulate in aquatic resources at levels which are harmful to human health; and,
  - f. Coliform organisms attributable to human wastes.
4. If the permittee or licensee initiates any activities requiring installation of concrete or grout, fresh concrete or grout that has not set shall not be allowed to contact or enter surface water.
5. Activities shall not cause turbidity increases in surface waters to exceed: (a) 20 percent if background turbidity is between 0 and 50 NTU; (b) 10 NTU if background turbidity is between 50 and 100 NTU; and, (c) ten percent if background turbidity is greater than 100 NTU, except during working periods when these limits will be eased to allow a turbidity increase of 15 NTU over background turbidity as measured 200 feet downstream from working area.
6. Activities shall not cause settleable matter to exceed 0.1 mg/l in surface waters as measured 200 feet downstream from working area.





7. All areas disturbed by project activities shall be protected from washout or erosion using the methods identified in the Negative Declaration section titled "Construction Specifications To Control Erosion" and shall also comply with the erosion control measures identified in the "Construction Plan for Proposed Modifications to L.L. Anderson Dam Spillway", Revision 1 dated November 24, 1997 which are incorporated in this certification by reference.

Cut slopes steeper than 1.5:1 will be allowed in firm, undisturbed ground where the ground surface is not subject to erosion, or erosion can be controlled adequately using measures described in the project's Negative Declaration, subject to the approval of the Project Engineer and the U.S. Forest Service. All fill slopes shall be sloped to a 2:1 slope, except within the soils disposal site or where reinforced. Reinforced fill slopes consist of slopes stabilized by the use of reinforced shotcrete, rock bolts, reinforced steel anchors, stabilization fabrics, or other methods acceptable to the CVRWQCB and the U.S. Forest Service.

All soils disposal sites shall be located outside of the waterway (area subject to inundation during a 500-year storm event), and shall be sloped to a stable 3:1 slope. The measures identified in the Negative Declaration section titled "Construction Specifications For Spoil Disposal" shall be implemented.

8. In the event that project activities result in the deposition of soil materials in the Middle Fork of the American River when surface flows exist, the following monitoring shall be conducted 200 feet downstream of the work site and the results reported to the CVRWQCB within two weeks:

| <u>Parameter</u>    | <u>Unit</u> | <u>Type of Sample</u> | <u>Frequency of Sample</u>   |
|---------------------|-------------|-----------------------|--|
| Turbidity           | NTU         | Grab                  | Every four hours for the duration of the work day that soils were deposited. |
| Settleable Material | ml/l        | Grab                  | Ibid above.  |

9. The permittee or licensee shall notify the CVRWQCB immediately if the above criteria for turbidity, settleable matter, oil/grease or foam are exceeded.
10. The permittee or licensee shall notify the CVRWQCB immediately of any spill of petroleum products or other organic or earthen materials.
11. In accordance with Section 1603 of the Fish and Game Code, permittee or licensee has entered into a stream alteration agreement with DFG (#II-007-98). PCWA or its contractor shall be bound by the terms and conditions of the stream alteration agreement and this



agreement is incorporated as a condition of this certification by reference and is attached to this certification as Attachment 1. Any dewatering activities shall be coordinated with DFG, and all reasonable measures taken to protect the beneficial uses of water. Prior to initiating dewatering activities, the permittee or licensee shall develop a plan to ensure an adequate water supply during the dewatering event to protect other legal users of water.

All instream construction shall comply with both this certification and the DFG agreement. Any conflict regarding the measurement locations for monitoring terms (terms 5, 6 and 8 of this certification) and the measurement locations identified in the DFG agreement shall be resolved in the field by DFG and CVRWQCB staff, and a mutually agreed upon measurement location shall be selected which substantially conforms to both sets of requirements.

12. This water quality certification is only for the French Meadows Spillway Modification Project, and cannot be used for any FERC relicensing of FERC Project No. 2079. This certification does not constitute the water quality approval necessary for the issuance of the new FERC license for the Middle Fork American River Project, FERC Project No. 2079.

**ORIGINAL SIGNED BY:**

Walt Pettit  
Executive Director

Date: **MARCH 30 1998**

