

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95812-0100
(916) 657-0941
FAX: 657-0932



APRIL 19 1995

Mr. Shan Bhattacharya
Pacific Gas and Electric Company
P.O. Box 770000
Mail Code P10A
San Francisco, CA 94177

CLEAN WATER ACT SECTION 401 CERTIFICATION FOR THE UTICA
HYDROELECTRIC PROJECT--FEDERAL ENERGY REGULATORY COMMISSION
NO. 2019--NORTH FORK STANISLAUS RIVER IN CALAVERAS COUNTY

The State Water Resources Control Board (SWRCB) has determined that it is appropriate to issue Clean Water Act section 401 certification for the Utica Hydroelectric Project of Pacific Gas and Electric Company. A copy of the certification is enclosed.

If we can be of further assistance, the SWRCB's Section 401 Coordinators can be contacted at the following telephone numbers: Ms. Katherine Mrowka at (916) 657-1951, or Mr. Jim Canaday at (916) 657-2208.

Sincerely,

ORIGINAL SIGNED BY:

Walt Pettit
Executive Director

Enclosures

cc: Enclosed Mailing List

bcc: Andy Sawyer
Ed Anton
Jerry Johns
Jim Canaday
Mike Falkenstein

KDMrowka:kdm/pminer:4-14,18-95
o:\kdm\pgeutica

MAILING LIST FOR UTICA HYDROELECTRIC PROJECT

(all w/encl)

Mr. Fred Springer
Director of Hydropower Licensing
Federal Energy Regulatory Commission
825 North Capitol Street, NE
Washington, DC 20406

Mr. William Crooks, Executive Director
Regional Water Quality Control Board,
Central Valley Region
3443 Routier Road, Suite A
Sacramento, CA 95827-3098

Mr. Ethan Heilman
Water Resources Control Engineer
Regional Water Quality Control Board,
Central Valley Region
3443 Routier Road, Suite A
Sacramento, CA 95627-3098

Mr. Mike Ammon
Boating Safety Administrator
Department of Boating and Waterways
1629 S Street
Sacramento, CA 95814-7291

Mr. Stafford Lehr
Department of Fish and Game, Region II
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

Honorable George Middleton
Mayor of the City of Angels
P.O. Box 667
Angels Camp, CA 95222

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

PACIFIC GAS AND ELECTRIC)	SOURCES:	North Fork Stanislaus
COMPANY)		River, Silver Creek,
Applicant)		Mill Creek and
)		Angles Creek
Hydroelectric Project,)		
FERC No. 2019)	COUNTIES:	Alpine, Calaveras and
)		Tuolumne Counties
_____)		

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

BY THE EXECUTIVE DIRECTOR:

1. The Pacific Gas and Electric Company (PG&E) has applied to the Federal Energy Regulatory Commission for a new license under the Federal Power Act (16USC §791(a), et seq.) to operate an existing major hydroelectric power project in Alpine, Calaveras and Tuolumne Counties and to the State Water Resources Control Board (SWRCB) for Water Quality Certification pursuant to section 401 of the Clean Water Act (33USC §1344).
2. The Federal Clean Water Act (33USC §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) (33USC §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 (33USC §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", 33USC §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.
3. 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)).
4. On April 20, 1994, the SWRCB received a request from PG&E for certification that the Utica Hydroelectric Project would be in compliance with state and local water quality requirements, including requirements that satisfy the specified provisions of the Federal Clean Water Act. The Utica Hydroelectric Project facilities include Lake Alpine, Union Reservoir, Utica Reservoir, Hunters Reservoir, Utica Conduit (aka Utica Ditch), Murphys Forebay and Murphys Afterbay.

5. For project purposes, water is released from Union Reservoir, Utica Reservoir or Lake Alpine and is directly diverted from the North Fork Stanislaus River utilizing the project facilities of the Calaveras County Water District's (CCWD) North Fork Stanislaus Project (FERC No. 2409). CCWD facilities convey PG&E's water from the North Fork Stanislaus River (including the reservoir releases) to the Utica Conduit, thence the Hunters Reservoir. Water either flows into Hunters Reservoir or is bypassed around it and delivered into the lower section of the Utica Conduit. Lower Utica Conduit carries water from Hunters Reservoir to Murphys Forebay, thence to the powerhouse. From Murphys Afterbay, water flows in Angels Creek for approximately 3 miles, through the town of Murphys until it reaches Angels Diversion Dam (FERC No. 2699). Angels Creek is a tributary of the Stanislaus River.
6. The Utica Hydroelectric Project is an existing project and no new construction or changes in project operational criteria other than possible increased bypass flow is contemplated. Because the project is an ongoing project developed prior to the passage of the California Environmental Quality Act (CEQA) and no new construction or operation of the project is proposed, the project is exempt from CEQA requirements in accordance with Title 14, CCR section 15261. Consequently, certification of this project utilizing the FERC license application information is appropriate.
7. The California Regional Water Quality Control Boards have adopted, and the SWRCB has approved, Water Quality Control Plans (Basin Plans) for each watershed basin in accordance with provisions of sections 303 and 304 of the Clean Water Act, related to the establishment of water quality standards and planning (33USC §§1313, 1314). Basin Plans identify beneficial uses of the waters within each Region.
8. The California Regional Water Quality Control Board Central Valley Region, in its Basin Plan for the Sacramento River and the San Joaquin River Basins has identified the beneficial uses of the North Fork Stanislaus River, Silver Creek, Mill Creek and Angels Creek as municipal, irrigation, stockwatering, hydroelectric generation, contact and non-contact recreation, and freshwater habitat (warm and cold).
9. 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.
10. SWRCB staff has reviewed PG&E's FERC license application for the Utica Hydroelectric Project (SWRCB files).

ACCORDINGLY, THE SWRCB CERTIFIES THAT the Utica Hydroelectric Project will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law provided PG&E complies with the following terms and conditions:

1. In order to meet "COLD" water temperature objective of 68 degrees fahrenheit as defined in the Basin Plan, PG&E shall:
 - a. Continuously monitor water temperature: (1) at the upper and lower extreme ends of the Utica Conduit; and (2) above the influence of the project in Silver Creek, Mill Creek and Angels Creek, for an initial period of five years after date of relicensing.
 - b. Maintain records of daily maximums, minimums and average water temperature for each gage and submit the records to the Executive Director of the SWRCB and the California Department of Fish and Game by November 15 of each year.
 - c. Maintain adequate flows in the Utica Conduit at all times to preserve the "COLD" water designation for water discharged from this facility into: (1) Angels Creek; and (2) Stanislaus River.
 - d. Whenever daily streamflow from Silver Creek, Mill Creek and Angels Creek above the influence of the project meets the "COLD" water designation of the Basin Plan, such designation shall be maintained by bypassing adequate streamflow downstream into Silver Creek, Mill Creek and Angels Creek to maintain the "COLD" water designation throughout the bypassed reach.
2. In order to protect the beneficial use designations identified in the Basin Plan, all surface flows conveyed through or stored in project facilities shall not contain the following substances:
 - a. Substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible aquatic organisms;
 - 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. Substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant or animal life;
 - f. Coliform organisms attributable to human wastes.
3. If the permittee or licensee initiates any ditch lining or other activities requiring installation of concrete or grout, fresh concrete or grout shall not be allowed to contact or enter surface water.

4. At no time shall waste earthen materials from ditch maintenance or other activities be placed in surface water drainage courses or in such a manner as to allow the discharge of such materials to any surface water drainage course.
5. Any ditch or reservoir dewatering activities shall be coordinated with the California Department of Fish and Game, 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.
6. Only water used for power generation is authorized for discharge. Discharge of any other materials is prohibited.



Walt Pettit
Executive Director

Date: **APR 19 1995**