

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS
AUGUST 2, 2016**

ITEM 6

SUBJECT

CONSIDERATION OF A PROPOSED ORDER ADDRESSING PACIFIC GAS AND ELECTRIC COMPANY'S PETITION FOR RECONSIDERATION OF THE WATER QUALITY CERTIFICATION ISSUED FOR THE DESABLA-CENTERVILLE HYDROELECTRIC PROJECT

DISCUSSION

Pacific Gas and Electric Company (PG&E) applied to the Federal Energy Regulatory Commission (FERC) for a new license for the DeSabla-Centerville Hydroelectric Project (Project) on October 2, 2007. The Project is also known as FERC Project No. 803. The Project is located on Butte Creek and the West Branch Feather River in Butte County. The Project's installed capacity is 25.8 megawatts. PG&E first applied for water quality certification (certification) from the State Water Resources Control Board (State Water Board) for the Project on June 17, 2008.

Section 401 of the Clean Water Act (33 U.S.C. § 1341) requires every applicant for a federal license or permit which may result in a discharge into navigable waters to provide the licensing or permitting federal agency with certification that the project will be in compliance 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). Section 401 of the Clean Water Act directs the 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 requirements of state law. Section 401 further provides that certification conditions shall become conditions of any federal license or permit for the Project. The State Water Board is the state agency responsible for such certification in California. (Wat. Code § 13160.) The State Water Board has delegated this function to the Executive Director by regulation. (Cal. Code Regs., tit. 23, § 3838, subd. (a).)

On April 8, 2015, the State Water Board Executive Director issued a [certification](#) for the project. PG&E filed a [Petition for Reconsideration of the Water Quality Certification for the DeSabla-Centerville Hydroelectric Project](#) (Petition), on May 8, 2015. PG&E's Petition covers conditions in the certification related to: reservations of authority; revocation; compliance with the basin plan; climate change; and Project operations.

Staff considered the Petition and prepared the proposed order. The proposed order grants portions of the Petition, and issues a revised certification.

POLICY ISSUE

Should the State Water Board adopt the proposed order?

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopt the proposed order.

State Water Board action on this item will assist the Water Boards in reaching Goal 3 of the Strategic Plan Update: 2008-2012 to increase sustainable local water supplies available for meeting existing, and future beneficial uses by 1,725,000 acre-feet per year, in excess of 2002 levels, by 2015, and ensure adequate flows for fish and wildlife habitat. In particular, approval of this item will assist in fulfilling Objective 3.3 to ensure that adequate stream flows are available for the protection of fish and wildlife habitat while meeting the need for diversions of water for other uses.