**PUBLIC COMMENT PERIOD FOR**
**DRAFT WATER QUALITY CERTIFICATION FOR**
**RELICENSING OF THE BALCH HYDROELECTRIC PROJECT**
**FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 175**

To: Interested Parties, including Federal Energy Regulatory Commission Interested Parties Mailing List for Balch Hydroelectric Project

On July 3, 2025, Pacific Gas and Electric Company (PG&E) applied to the State Water Resources Control Board (State Water Board) for a water quality certification (certification) for the Federal Energy Regulatory Commission (FERC) relicensing of the Balch Hydroelectric Project (Project) pursuant to Section 401 of the Federal Clean Water Act (33 U.S.C. § 1341). While not required, the State Water Board is providing this opportunity for public review and comment on a draft certification for the Project.

Background Information

The Project is located on the North Fork Kings River, downstream of Lake Wishon, which is part of PG&E's Haas-Kings River Hydroelectric Project (FERC Project No. 1988). The Project includes Balch Diversion Dam, Black Rock Reservoir, Balch Afterbay Dam, Balch Afterbay, two powerhouses (Balch No. 1 and Balch No. 2), transmission and distribution lines, and three developed recreation sites (Black Rock Campground, Black Rock Scenic Overlook, and Williams Creek Fishing Access).

The Project is primarily operated as a peaking facility to meet power demand, and for irrigation purposes. Flows that pass through the Project's hydropower facilities are discharged to the North Fork Kings River (or diverted from Balch Afterbay to the Dinkey Creek Siphon and Kings River Powerhouse, both part of Haas-Kings River Hydroelectric Project). Below Balch Afterbay Dam, the North Fork Kings River flows into the Kings River, which flows into Pine Flat Reservoir (owned and operated by United States Army Corps of Engineers). The Kings River flows into the San Joaquin River, which flows to the San Francisco Bay through the Sacramento-San Joaquin Delta Estuary.

As part of Project relicensing, PG&E is proposing to: (1) continue to operate the Project; (2) replace and rehabilitate existing recreation facilities; (3) designate approximately 14 miles of existing roads and approximately 2.5 miles of existing trails as Project roads and trails; (4) decommission the defunct Black Rock Creek and Weir Creek feeder facilities; (5) modify the FERC Project boundary to more accurately define lands and waters necessary for Project operation and maintenance activities under a new FERC Project license; and (6) implement new protection, mitigation, and enhancement plans and measures.

Water Quality Certification

In California, the State Water Board is responsible for protecting the State's water quality, including through issuance of certifications under Section 401 of the Clean Water Act. Certifications must ensure compliance with water quality standards and other appropriate requirements of state law. If the State issues a certification with conditions, those conditions become conditions of the federal permit or license. In this instance, the certification will provide conditions for FERC's relicensing of the Project.

Opportunity for Public Comment

This draft certification does not constitute final action by the State Water Board on PG&E's request for certification for the Project. The State Water Board is releasing this draft certification to provide the public with an opportunity to review and comment on draft conditions developed to protect water quality and beneficial uses.

The comment period for the draft certification is from the date of this notice until June 19, 2026. **Comments on the draft certification must be received by 12:00 noon on Friday, June 19, 2026**, and can be submitted electronically (preferred) or by mail as follows:

**Email (preferred):**
WR401Program@waterboards.ca.gov

or

**Mail:**
State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
Attn. Jessica Dyke
P.O. Box 2000
Sacramento, CA 95812-2000

The draft certification for the Project and additional information regarding the State Water Board's certification process for the Project are available on the State Water Board's webpage for the Balch Hydroelectric Project.[1]

Questions

If you have questions related to this notice, please contact Ms. Jessica Dyke by email to: Jessica.Dyke@waterboards.ca.gov or by phone call to: (916) 341-5448

[1] https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/balch.html

***KEEP INFORMED OF PROJECT MILESTONES***

To receive emails related to the Project, interested persons should enroll in the "Water Rights Water Quality Certification" e-mail notification service. Instructions on how to sign up for the State Water Board's Email Subscription List are outlined below:

1. Visit the State Water Board's Email Subscription webpage.[2]
2. Provide your name and email in the required fields.
3. In the categories below the email and name fields, under "State Water Resources Control Board" select "Water Rights," then "Water Rights Water Quality Certification."
4. Click the "Subscribe" button.
5. An email will be sent to you. You must respond to the email message to confirm your membership on the selected list(s).

By enrolling in this email list, you will receive notices for the Project's certification process and other current projects in the Division of Water Rights' Water Quality Certification Program. If you do not have internet access or do not wish to participate in the email subscription list, you may contact Ms. Waverly Patterson by phone call to: (916) 319-9142 to request to receive notices by mail. You can enroll or un-enroll from the email subscription service at any time.

6/3/2026

Oscar Biondi
Senior Water Resource Control Engineer Specialist
Division of Water Rights

Date

[2] http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml

**STATE OF CALIFORNIA**
**STATE WATER RESOURCES CONTROL BOARD**

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**In the Matter of Water Quality Certification for**

**PACIFIC GAS AND ELECTRIC COMPANY'S**

**BALCH HYDROELECTRIC PROJECT**
**FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 175**

**Sources:** **North Fork Kings River, Black Rock Reservoir, Balch Afterbay**

**Counties:** **Fresno and Madera**

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# DRAFT WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

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| *2024 Integrated Report* | *California's 2024 California Integrated Report (Clean Water Act Section 303(d) List / 305(b) Report)* |
| *2024 Review* | *2024 Review of State Water Quality Control Plans and State Policies for Water Quality Control* |
| *ac-ft* | *acre-feet* |
| *AMM* | *Avoidance and Mitigation Measure* |
| *Antidegradation Policy* | *Statement of Policy with Respect to Maintaining High Quality Waters in California* |
| *Aquatic Weed Control General Permit* | *Statewide National Pollutant Discharge Elimination System Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications* |
| *Bay-Delta* | *San Francisco Bay/Sacramento-San Joaquin Delta Estuary* |
| *Bay-Delta Plan* | *Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* |
| *BMP* | *Best Management Practice* |
| *CalGEM* | *California Geologic Energy Management Division* |
| *CDFW* | *California Department of Fish and Wildlife* |
| *Central Valley Regional Water Board* | *Central Valley Regional Water Quality Control Board* |
| *CEQA* | *California Environmental Quality Act* |
| *certification* | *water quality certification* |
| *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* |
| *ESA* | *Endangered Species Act* |
| *Executive Director* | *Executive Director of the State Water Board* |
| *Executive Officer* | *Executive Officer of Central Valley Regional Water Board* |

| | |
|---|---|
| *FERC* | *Federal Energy Regulatory Commission* |
| *Forest Service* | *United States Forest Service* |
| *IS* | *initial study* |
| *Licensee* | *Pacific Gas and Electric Company* |
| *MND* | *mitigated negative declaration* |
| *MW* | *megawatt* |
| *MWh* | *megawatt-hours* |
| *NOD* | *Notice of Determination* |
| *NPDES* | *National Pollutant Discharge Elimination System* |
| *PG&E* | *Pacific Gas and Electric Company* |
| *Project* | *Balch Hydroelectric Project* |
| *Regional Water Board* | *Regional Water Quality Control Board* |
| *State Water Board* | *State Water Resources Control Board* |
| *Tulare Lake Basin Plan* | *Water Quality Control Plan for the Tulare Lake Basin* |
| *USEPA* | *United States Environmental Protection Agency* |
| *USFWS* | *United States Fish and Wildlife Service* |
| *Water Boards* | *State Water Board and Regional Water Boards, collectively* |

## 1.0 Project Description

The Pacific Gas and Electric Company (PG&E or Applicant) owns and operates the Balch Hydroelectric Project (Project), Federal Energy Regulatory Commission (FERC) Project No. 175. The Project is located on the North Fork Kings River and includes Black Rock Reservoir and Balch Afterbay, in Fresno and Madera counties on the west slope of the Sierra Nevada; approximately 40 miles northeast of the city of Fresno, California (see Figure 1). The FERC Project Boundary includes federal lands that are managed by the United States Forest Service as part of the Sierra National Forest and Sequoia National Forest.

The Project is located on the North Fork Kings River, downstream of Lake Wishon, which is part of PG&E's Haas-Kings River Hydroelectric Project (FERC Project No. 1988) (see Figure 2). The Project is primarily operated as a peaking facility to meet power demand, and for irrigation purposes. Flows that pass through the Project's hydropower facilities are discharged to the North Fork Kings River (or diverted from Balch Afterbay to the Dinkey Creek Siphon and Kings River Powerhouse, both part of Haas-Kings River Hydroelectric Project). Below Balch Afterbay Dam, the North Fork Kings River flows into the Kings River, which flows into Pine Flat Reservoir (owned and operated by United States Army Corps of Engineers). The Kings River flows into the San Joaquin River, which flows to the San Francisco Bay through the Sacramento-San Joaquin Delta Estuary.

Project facilities include: (1) Balch Diversion Dam; (2) Black Rock Reservoir; (3) Balch Afterbay Dam; (4) Balch Afterbay; (5) intake and water conveyance systems: Balch Tunnel Intake, Balch Tunnel, Black Rock Creek and Weir Creek feeders, Balch Tunnel Sluice Spill Channels, Balch Penstock No. 1, and Balch Penstock No. 2; (6) Balch No. 1 and No. 2 powerhouses and switchyards; (7) the 22-mile-long 115-kilovolt (kV) Balch-Sanger Transmission Line and a 6.2-mile,12-kV distribution line; (8) three stream gages on the North Fork Kings River; (9) Balch Camp, which is the Project's operating headquarters and includes personnel housing; (10) helicopter landing zones; (11) non-recreational Project roads and trails; and (12) three recreational facilities (including roads and trails) around Black Rock Reservoir: Black Rock Campground, Black Rock Scenic Overlook, and Williams Creek Fishing Access. Project operations are coordinated with PG&E's Haas-Kings River Hydroelectric Project as releases from Lake Wishon via Haas Powerhouse (part of the Haas-Kings River Hydroelectric Project) largely control inflow to the Project's Black Rock Reservoir.

In general, water is released from Black Rock Reservoir to Balch Afterbay via an intake to the Balch powerhouses or to the North Fork Kings River through an overflow spillway, a needle valve outlet, or three low-level outlets at Balch Diversion Dam. Releases to the North Fork Kings River are made to meet instream flow requirements downstream of Balch Diversion Dam. Balch Afterbay receives inflow from Balch powerhouses' releases, Black Rock Reservoir releases, and ungaged accretion from approximately 12 square miles of watershed lands downstream of Balch Diversion Dam. Water in Balch Afterbay is either diverted via Kings River Tunnel to PG&E's Haas-Kings River Hydroelectric Project Kings River Powerhouse or continues down the North Fork Kings River to Pine Flat Reservoir (see Figures 1 and 2). Combined releases from Balch

Afterbay to the North Fork Kings River, Dinkey Creek Siphon[1] (part of the Haas-Kings River Hydroelectric Project), and the natural flows of Dinkey Creek are used to meet current instream flow requirements for the North Fork Kings River downstream of Dinkey Creek.

Routine Project activities include: powerhouse inspections; vegetation management; pest management and herbicide application; sediment management; road and trail maintenance; recreational facility maintenance; transmission, power, and communication line maintenance; debris and trash maintenance; routine patrols; and planned outages.

The current FERC license for the Project was issued on April 13, 1980, and expired on April 30, 2026. The Project hydropower facilities have a combined capacity of 131.52 megawatts (MWs) and have been in operation since 1927. On average, the Project generates 412,616 megawatt-hours (MWh) of electricity per year. PG&E is not currently proposing to add capacity or make any major changes to the existing facilities or Project operations. PG&E has applied for a new FERC license for the Project, under which it proposes to: (1) continue to operate the Project; (2) replace and rehabilitate existing recreation facilities; (3) designate approximately 14 miles of existing roads and approximately 2.5 miles of existing trails as Project roads and trails; (4) decommission the defunct Black Rock Creek and Weir Creek feeder facilities; (5) alter the FERC Project boundary to more accurately define lands and waters necessary for Project operation and maintenance activities under a new FERC Project license; and (6) implement new protection, mitigation, and enhancement plans and measures.

## 2.0 Water Rights

PG&E's water rights on the North Fork Kings River are subordinate to the downstream water rights of the Kings River water users (specifically, water rights granted to members of the Kings River Water Association under Application 360 covering Pine Flat Reservoir). Under its water rights issued by the State Water Resources Control Board (State Water Board), a 1954 agreement with the Kings River Water Association, and a 1955 agreement with the Kings River Conservation District, PG&E obtained the right to use, under certain specific conditions, the waters of the North Fork Kings River and its

[1] Article 38 in the Project's existing FERC license requires PG&E to release a flow of 5 cubic feet per second (cfs) from Haas-Kings River Hydroelectric Project's Dinkey Creek siphon drain valve into Dinkey Creek from June 1 to September 30 when the natural flow of Dinkey Creek is equal to or less than 60 cfs at its confluence with the North Fork Kings River. The siphon is normally used for fish releases of up to 15 cfs required by the Haas-Kings River Hydroelectric Project's FERC license, or higher flows when PG&E is draining Haas-Kings River Hydroelectric Project's Kings River Diversion Tunnel.

tributaries for power purposes related to PG&E's hydropower projects[2] on the North Fork Kings River.

Table A lists PG&E water rights for the Project.

**Table A. PG&E's Water Rights for the Project** [3]

| Water Right No. | Priority Date and Face Value (acre-feet [AF]/year) | Source | Purpose of Use | Maximum Annual Diversion (cubic feet per second [cfs]) and Storage (AF) |
|---|---|---|---|---|
| A000722 | 6/16/1917 181,000 | North Fork Kings River | Diversion to storage, power, direct diversion | 250 cfs at Balch Diversion Dam 112,500 AF at Lake Wishon |
| A001920 | 7/17/1920 180,994.4 | North Fork Kings River | Power, domestic, direct diversion | 250 cfs at Balch Diversion Dam |
| A004703 | 7/16/1925 159,275.1 | North Fork Kings River | Power, domestic, direct diversion | 220 cfs at Balch Diversion Dam |
| A005685 | 9/10/1927 4,343.9 | Weir Creek, East Fork Black Rock Creek, West Fork Black Rock Creek (tributaries to North Fork Kings River) | Power, direct diversion | 3 cfs from Weir Creek 3 cfs (combined total) from East Fork Black Rock Creek and West Fork Black Rock Creek |
| A012242 | 1/14/1948 61,500 | Helms Creek (tributary to North Fork Kings River) | Diversion to storage, power, domestic | 61,500 AF at Courtright Lake |
| A012243 | 1/14/1948 28,959.1 | North Fork Kings River | Power, domestic, direct diversion | 40 cfs at Balch Diversion Dam |
| A012724 | 10/1/1948 203,282.4 | North Fork Kings River | Diversion to storage, power, direct diversion | 250 cfs at Balch Diversion Dam 22,288 AF at Lake Wishon |

[2] Helms Pumped Storage Project (FERC Project No. 2735), Balch Hydroelectric Project (FERC Project No. 175), and Haas-Kings River Hydroelectric Project (FERC Project No. 1988).

[3] Information is from the State Water Resources Control Board's California Water Accounting, Tracking, and Reporting System.

| Water Right No. | Priority Date and Face Value (acre-feet [AF]/year) | Source | Purpose of Use | Maximum Annual Diversion (cubic feet per second [cfs]) and Storage (AF) |
|---|---|---|---|---|
| A012726 | 10/1/1948<br>41,000 | Helms Creek (tributary to North Fork Kings River) | Domestic, recreational power, diversion to storage | 41,000 AF at Courtright Lake |
| A018227 | 7/22/1958<br>6,335 | Helms Creek (tributary to North Fork Kings River) | Domestic, recreational power, diversion to storage | 6,335 AF at Courtright Lake |

## 3.0 Regulatory Authority

### 3.1 Water Quality Certification and Related Authorities

The federal Clean Water Act (33 U.S.C. § 1251 et seq.) 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 recognizes, preserves, and protects "the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution [and] to plan the development and use (including restoration, preservation, and enhancement) of land and water resources. . . ." (33 U.S.C. § 1251(b).) In addition, section 101 of the Clean Water Act 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 to conduct any activity which may result in a discharge into waters of the United States to provide the licensing or permitting federal agency with certification that the project will comply with specific 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 state agency responsible for certification to prescribe effluent limitations, monitoring requirements, and other conditions necessary to ensure the project will comply with the Clean Water Act and with "any other appropriate requirement of State law." (33 U.S.C. § 1341(d).) These 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 (Executive Director). (Cal. Code Regs., tit. 23, § 3838, subd. (a).)

Water Code section 13383 provides that the State Water Board may "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) in State Water Board Resolution 2012-0029 (State Water Board 2012). In the *Redelegation of Authorities* memorandum 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 July 3, 2025, PG&E filed a certification application for relicensing of the Project with the State Water Board under section 401 of the Clean Water Act (PG&E 2025). On July 30, 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 have been received to date.

On July 3, 2025, and again on March 9, 2026, the certification application from PG&E was sent to the Executive Officer of the Central Valley Regional Water Quality Control Board (Central Valley Regional Water Board) and senior staff at the Fresno and Sacramento offices of the Central Valley Regional Water Board. (See Cal. Code Regs., tit. 23, § 3855, subd. (b)(2)(B).).

## 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 for the Tulare Lake Basin* (Tulare Lake Basin Plan)[4] (Central Valley Regional Water Board 2018) and the *Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* (Bay-Delta Plan)[5] (State Water Board 2018) and any amendments thereto.

Water quality control plans designate the beneficial uses of water that are to be protected (such as municipal and domestic supply, industrial, agricultural, fish and wildlife), 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,

[4] Available online at: https://www.waterboards.ca.gov/rwqcb5/water_issues/basin_plans/tularelakebp_201805.pdf. Last accessed: April 21, 2026.

[5] In 2018, the Bay-Delta Plan was updated to adopt new and revised Lower San Joaquin River flow objectives and revised southern Sacramento-San Joaquin Rivers Delta salinity objectives. (State Water Board 2018), available online at: https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf. Last accessed: June 2, 2026.

and applicable state and federal anti-degradation requirements, constitute California's water quality standards for purposes of the Clean Water Act. In issuing water quality 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 1 of Jefferson County v. Washington Dept. of Ecology* (1994) 511 U.S. 700, 714-719.)

The nine 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. (Water Code, § 13170.) The State Water Board and Regional Water Boards (collectively Water Boards) adopt water quality control 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).

*Periodic Review*. The State Water Board has commenced the 2024 Review of State Water Quality Control Plans and State Policies for Water Quality Control (2024 Review). State water quality control plans and policies for water quality control (state plans and policies) contain water quality standards and other provisions established by the State Water Board to preserve and enhance California's waters to safeguard human health, support aquatic ecosystems, improve the quality of water resources, and protect beneficial uses of waters.

Triennial reviews are conducted pursuant to the federal Clean Water Act (33 U.S.C. § 1251 et seq.) and its implementing regulations, and periodic reviews are conducted pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.). (See 33 U.S.C. § 1313(c)(1); 40 C.F.R. § 131.20(a); Wat. Code, §§ 13143, 13170, 13170.2, subd. (b), 13240.) For the 2024 review cycle, the State Water Board will be conducting triennial review and periodic review in a single combined proceeding. In addition to reviewing state plans and policies, the 2024 Review will include consideration of the federally promulgated water quality standards for California (40 C.F.R. §§ 131.36, 131.37, and 131.38) and Clean Water Act section 304(a) recommended criteria.

The 2024 Review will engage the public and interested persons to identify potential changes or additions that will help to guide the State Water Board's priorities for future amendments to the state plans and policies, including new or revised water quality standards that are enforceable for the waterbodies for which they are established.

### 3.2.1 Tulare Lake Basin Plan

The Central Valley Regional Water Board adopted, and the State Water Board and USEPA approved, the Tulare Lake Basin Plan. The Tulare Lake Basin Plan designates the beneficial uses of water to be protected along with the water quality objectives necessary to protect those uses. The Tulare Lake Basin Plan identifies existing beneficial uses for the North Fork Kings River as: hydropower generation; water contact

recreation; non-contact water recreation; warm freshwater habitat; cold freshwater habitat; wildlife habitat; rare, threatened, or endangered species; spawning, reproduction, and/or early development; and freshwater replenishment.

### 3.2.2 Bay-Delta Plan

The Bay-Delta Plan establishes water quality objectives to protect beneficial uses of water in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta) and tributary watersheds, including drinking water supply, irrigation supply, and fish and wildlife. The State Water Board adopts the Bay-Delta Plan pursuant to its 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).

The State Water Board has historically developed the water quality control plan for the Bay-Delta for several reasons. The Bay-Delta is a critically important natural resource that is both the hub of California's water supply system and the most valuable estuary and wetlands system on the West Coast. As diversions of water within and upstream of the Bay-Delta Estuary are a driver of water quality in the Bay-Delta watershed, much of the implementation of the Bay-Delta Plan relies on the combined water quality and water rights authorities of the State Water Board. In addition, the Bay-Delta falls within the boundaries of two Regional Water Boards. Having the State Water Board develop and adopt a water quality control plan that crosses Regional Water Board boundaries ensures a coordinated approach.

Beneficial uses identified in the Bay-Delta Plan are: municipal and domestic supply; industrial service supply; industrial process supply; agricultural supply; groundwater recharge; navigation; water contact recreation; non-contact water recreation; shellfish harvesting; commercial and sport fishing; warm freshwater habitat; cold freshwater habitat; migration of aquatic organisms; spawning, reproduction, and/or early development; estuarine habitat; wildlife habitat; and rare, threatened, or endangered species. In addition, the State Water Board is proposing to incorporate tribal beneficial uses in recognition of the numerous California Native American Tribes that rely upon Bay-Delta waterways, the surrounding lands, and the native fish and fauna for subsistence, cultural, ceremonial, and spiritual purposes.

Protection of the Bay-Delta ecosystem and its native aquatic species requires an integrated approach to effectively connect upstream suitable cold water nursery habitat, floodplains, tidal marshland, and turbid open water habitats in the Delta and Bay – and to connect those environments to the ocean.

The State Water Board retains its authority to carry out its responsibilities under the Water Code, article X, section 2 of the California Constitution, the public trust doctrine, or other legal obligations, through other water right or quality proceedings, including through regulation, water quality certifications, adjudicative water right proceedings, or other actions.

### 3.2.3 Antidegradation Policy

The State Water Board's *Statement of Policy with Respect to Maintaining High Quality Waters in California* (Antidegradation Policy)[6] (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, which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." (40 C.F.R. § 131.12(a)(1).)

### 3.2.4 Aquatic Weed Control General Permit

The *Statewide National Pollutant Discharge Elimination System (NPDES) Permit for Residual Aquatic Pesticide Discharges to Water of the United States from Algae and Aquatic Weed Control Applications* (Aquatic Weed Control General Permit)[7] (State Water Board 2022b) applies to projects that require aquatic weed management activities. The Aquatic Weed Control General Permit sets forth detailed management practices to protect water quality from pesticide and herbicide use associated with aquatic weed control.

## 3.3 Clean Water Act Section 303(d) Listing

The State Water Board listed as impaired portions of the Project-affected waterbodies in *California's 2024 California Integrated Report (Clean Water Act Section 303(d) List / 305(b) Report)* (2024 Integrated Report) (State Water Board 2024a) as follows:

- Upper North Fork Kings River is listed as impaired for alkalinity as calcium carbonate.

Section 303(d) of the Clean Water Act requires total maximum daily loads (TMDLs) to be developed for impaired waterbodies. TMDLs are written plans that define the maximum amount of a pollutant that a waterbody can receive without exceeding water

[6] State Water Board Resolution 68-16 and any amendments thereto. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf. Accessed on April 21, 2026.

[7] State Water Board Order WQ 2013-0002-DWQ and NPDES No. CAG990005, as amended by Order WQ 2014-0078-DWQ, Order WQ 2015-0029-DWQ, Order WQ 2016-0073-EXEC, Order WQ 2017-0015-EXEC, Order WQ 2020-0037-EXEC, and Order WQ 2022-056-EXEC, and any amendments thereto. Available online at: https://www.waterboards.ca.gov/water_issues/programs/npdes/pesticides/docs/weedcontrol/2022-0056-EXEC.pdf. Last accessed: June 2, 2026.

quality standards and establish load allocations for point and nonpoint sources of pollution.

### 3.4 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 2022a) 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 a facility. Coverage is required pursuant to Clean Water Act sections 301 and 402 which prohibit certain discharges of stormwater containing pollutants except in compliance with an NPDES permit. (33 U.S.C. §§ 1311, 1342(p); 40 C.F.R. parts 122, 123, and 124.)

### 3.5 State Wetlands Definition and Procedures for Discharges of Dredge or Fill Materials to Waters 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 2019b and 2021) 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 Water Code sections 16200-16201.

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

### 3.6 Comprehensive Plans

Section 10(a)(2)(A) of the Federal Power Act requires FERC to consider the extent to which a project is consistent with federal or state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by a project. In March 2019, the State Water Board submitted to FERC the plans and policies included in California's comprehensive plan for orderly and coordinated control, protection, conservation, development, and utilization of the water resources of the state. On August 5, 2024, the State Water Board filed a comprehensive plan supplement to its

[8] State Water Board Order WQ2022-0057-DWQ and National Pollutant Discharge Elimination System CAS000002, and any amendments thereto. Available online at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html. Last accessed: April 21, 2026.

[9] The Dredge or Fill Procedures and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html. Last accessed: April 21, 2026.

March 2019 filing that included updated plans and policies for water quality protection. These submissions included the Tulare Lake Basin Plan, the Bay-Delta Plan, the Antidegradation Policy, and other applicable plans and policies for water quality control. FERC included these updates in its List of Comprehensive Plans in May 2025 (FERC 2025).

### 3.7 Utility Wildfire General Order

On March 28, 2025, the State Water Board released a revised draft *Utility Wildfire and Similar Operations and Maintenance Activities Clean Water Act Section 401 Certification and Waste Discharge Requirements General Order* (Utility Wildfire General Order)[10] (State Water Board 2024c). The revised draft Utility Wildfire General Order covers the following activities that may cause or threaten to cause a discharge of waste into waters of the state or potentially effect water quality: (1) electric utility company wildfire risk mitigation, response, and cleanup activities; and (2) electric utility infrastructure operations and maintenance activities that are not directly related to wildfire. The activities covered by the revised draft Utility Wildfire General Order have the potential to discharge waste to waters of the state including sediment, herbicides, oils and greases, and some vegetative waste. The revised draft Utility Wildfire General Order imposes conditions that avoid, minimize, and mitigate impacts to waters of the state. The revised draft Utility Wildfire General Order seeks to provide a consistent set of requirements for owners and operators of electrical utility infrastructure located throughout the state in order to avoid inconsistent procedures and additional costs. The Utility Wildfire General Order, if adopted, will establish a framework to streamline the permitting process so that authorization of critical operation and maintenance activities is issued efficiently while protecting water quality.

California has had an increase in wildfire intensity and frequency in recent years due to drought, tree mortality due to pests, climate change, fuel accumulation, and fire suppression. One of the drivers of wildfire in California has been ignition sources associated with the electrical power grid. The revised draft Utility Wildfire General Order seeks to facilitate wildfire prevention work to reduce risks to water quality posed by wildfires and to facilitate post-wildfire response activities that help mitigate the negative water quality impacts caused by wildfire. Adoption of a Utility Wildfire General Order is anticipated to be considered by the State Water Board in 2026.

## 4.0 California Environmental Quality Act

The State Water Board is the lead agency for the purposes of California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) compliance for the relicensing of the Project. On November 17, 2025, the State Water Board released for public review and comment a draft initial study and mitigated negative declaration (collectively draft IS/MND) for the FERC relicensing of the Project (Stantec 2025a, Stantec 2025b). Comments were received from PG&E and the California Department of

[10] The revised draft Utility Wildfire General Order is available online at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2025/revised-draft-utility-general-order.pdf. Last accessed: June 2, 2026.

Fish and Wildlife (CDFW). The State Water Board considered the draft IS/MND and comments on the draft IS/MND in the development of this draft certification. The draft IS/MND did not identify any significant and unavoidable impacts.

## 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 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 Tulare Lake Basin Plan and other applicable plans and policies adopted by the Water Boards, 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 Project 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.

As noted in Section 3.1, Clean Water Act section 401(d) authorizes state agencies responsible for certification to require monitoring to ensure the project will comply with the Clean Water Act and with “any other appropriate requirement of State law.” (33 U.S.C. § 1341(d).) 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 13165 authorizes the State Water Board to require a state or local agency to investigate and report on technical factors involved in water quality control, 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. 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 the owner[11] of any 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

[11] The Fish and Game Code defines “owner” to include “the United States . . . , the State, a person, political subdivision, or district (other than fish and game district) owning, controlling, or operating a dam or pipe.” (Fish & G. Code, § 5900, subd. (c).)

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.

The State Water Board has broad authority to prevent waste and unreasonable use pursuant to article X, section 2 of the California Constitution and Water Code sections 100 and 275. In addition, the State Water Board has both the authority and the duty to protect public trust uses whenever feasible under the public trust doctrine. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 446.) Under California's public trust doctrine, public trust uses include, but are not limited to, navigation, fishing, recreation, environmental values, and fish and wildlife habitat. (*Id.* at pp. 434-435.)

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 policies, 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 and policies, prevent degradation of water quality, and ensure compliance with state and federal water quality requirements and other applicable requirements of state law. When preparing the conditions in this draft certification, State Water Board staff reviewed and considered the following information:

- PG&E's July 3, 2025, certification application for the Project (PG&E 2025);
- PG&E's Project Final License Application for New License (PG&E 2024);
- Draft IS/MND for the Project (Stantec 2025a, Stantec 2025b);
- Forest Service Preliminary Terms and Conditions Provided Under Section 4(e) of the Federal Power Act (United States Forest Service 2025);
- Any comments associated with the aforementioned documents;
- Beneficial uses, associated water quality objectives, and implementation measures and programs described in the Tulare Lake Basin Plan (Central Valley Regional Water Board 2018) and Bay-Delta Plan (State Water Board 2018);
- Applicable water quality information, permits, policies, objectives, implementation measures, and programs (e.g., Construction General Permit, Clean Water Act Section 303(d) List/305(b) Report, Dredge or Fill Procedures);
- Project-related controllable factors (e.g. diversions, scheduled maintenance; operations under drought conditions); and
- Other information in the record.

This certification is issued in conformance with the final Clean Water Act Section 401 Water Quality Certification Improvement Rule (88 Fed.Reg. 66558 (Sept. 27, 2023) [amending 40 C.F.R. parts 121, 122, and 124]) that went into effect on November 27, 2023 (2023 Rule), but as it pertains to documentation of conditions also generally complies with the previous USEPA Clean Water Act Section 401 Certification Rule, 85 Fed.Reg. 42210 (July 13, 2020) (2020 Rule) that was in effect for portions of 2020-2023. 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, other provisions of the Clean Water Act, and "with 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 1*, *supra*, 511 U.S. at pp. 711- 712.) 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: Minimum Instream Flows and Water Year Types

Project operations could potentially impact water quality if flows are insufficient to support beneficial uses. Condition 1 requires minimum instream flows in the North Fork Kings River to provide habitat for fish and wildlife and help support beneficial uses and water quality objectives for surface waters as established in the Tulare Lake Basin Plan (Central Valley Regional Water Board 2018). Condition 1 requires that flow readings at minimum instream flow compliance gages be made publicly available online.

In 2022, fish population surveys were conducted in Black Rock Reservoir and the North Fork Kings River downstream of Balch Diversion Dam and Balch Afterbay Dam. Survey results indicated that the existing instream flow releases from Project dams currently support self-sustaining trout populations in good condition between Balch Diversion Dam and Balch Afterbay, and a transitional zone assemblage between Balch Afterbay Dam and Dinkey Creek (Stantec 2025b). In PG&E's *Minimum Flows and Water Year Types* (PG&E 2024, Attachment E2), PG&E proposes maintaining the current minimum instream flows in the North Fork Kings River downstream of Black Rock Reservoir, downstream of Balch Afterbay, and below Dinkey Creek. These flows must be maintained at all times (as measured at the gaging stations immediately downstream of Black Rock Reservoir, Balch Afterbay, and the North Fork Kings River below Dinkey Creek) to support the protection and enhancement of fishery resources in the bypass reach.

Condition 2 requires implementation of PG&E's *Minimum Flows and Water Year Types* (PG&E 2024, Attachment E2), which would maintain existing continuous minimum instream flow releases established in the existing FERC license (FERC 1980), dependent on season and water year type, to maintain adequate habitat and water quality and temperature conditions for fish and northwestern pond turtle within stream reaches.

Designation of water year types is necessary to appropriately consider water supply and instream flow needs and protect the associated beneficial uses of water designated for the North Fork Kings River. Consistent with the existing FERC license, designation of water year types required by Condition 2 is based on the total unimpaired seasonal runoff projections of the Kings River at Pine Flat Reservoir for the October 1 to

September 30 water year period, as forecast on April 1 by the California Department of Water Resources' (DWR) Bulletin 120[12] and as may be adjusted by DWR on May 1. Unimpaired runoff projections in Bulletin 120 are commonly used throughout the state as a reliable metric for determining water year types.

Beneficial uses of the North Fork Kings River that may be impacted by minimum instream flows include hydropower generation; warm freshwater habitat; cold freshwater habitat; wildlife habitat; rare, threatened, or endangered species; spawning, reproduction, and/or early development; and freshwater replenishment.

### 5.2 Rationale for Condition 2: Water Quality Management

Project-related construction (e.g. changes to existing recreation facilities and decommissioning of the feeders) and operation and maintenance of the Project have the potential to impact water quality in Black Rock Reservoir, Balch Afterbay, and Project-affected reaches of North Fork Kings River.

Water quality parameters that may be impacted by ongoing Project operations include pH and dissolved oxygen (e.g., oils, grease, fuels, turbidity plumes). CEQA analysis of the Project revealed that water quality was consistent with the Tulare Lake Basin Plan water quality objectives relevant to the Project with two exceptions: dissolved oxygen and pH (Stantec 2025b). Additionally, the 2024 Integrated Report lists the Upper North Fork Kings River as impaired for alkalinity. Based on the CEQA analysis and the 2024 Integrated Report, Condition 2(A) requires PG&E to develop and implement a Water Quality Monitoring Plan to ensure the Project's ongoing operations comply with Tulare Lake Basin Plan pH and dissolved oxygen water quality objectives.

During the relicensing period, PG&E proposed developing a *Transportation System Management Plan* (PG&E 2024, Attachment E2) that will include the location, description, and condition of drainage structures and stream crossings and routine procedures for the maintenance and repair of non-recreational vehicular roads or trails. In addition, PG&E proposed a *Biological Resources Management Plan* that included sediment and erosion control measures, and PG&E's proposed procedures for low-level outlet (LLO) operations.[13] PG&E operates the LLOs at Black Rock Reservoir and Balch Afterbay when high flows require additional releases to maintain reservoir level and must also exercise LLOs annually to meet internal safety standards and/or California Division of Safety of Dams (DSOD) or FERC-required testing.

Implementation of PG&E's proposed *Transportation System Management Plan* and PG&E's *Low-Level Outlet Operations* as submitted to FERC on April 18, 2024, have the

[12] Bulletin 120 is a publication issued by DWR four times a year, in the second week of February, March, April, and May. Bulletin 120 contains forecasts of the volume of seasonal runoff from California's major watersheds, and summaries of precipitation, snowpack, reservoir storage, and runoff in various regions of California.

[13] PG&E's Proposed Condition 5, *Low-Level Outlet Operations* (PG&E 2024, Attachment E2), guided by the *Protocol for Operation of Low-level Outlet at Balch Afterbay and Black Rock Reservoir and for Reporting Use of Outlets to the California Department of Fish and Wildlife* (PG&E 2018).

potential to impact water quality and associated beneficial uses by mobilizing sediments and increasing turbidity. Condition 2(B) requires PG&E to submit its *Transportation System Management Plan* (PG&E 2024, Attachment E2) for Deputy Director review and consideration of approval and implement the plan following approval. Condition 2(B) also requires PG&E to implement its *Low-Level Outlet Operations* (PG&E 2024, Attachment E2), and applicable sediment and erosion control measures form its *Biological Resources Management Plan*.

Condition 2(C) requires PG&E to comply with the Construction General Permit, as applicable, or to develop and implement Water Quality Monitoring and Protection Plans (WQMP Plans) to protect water quality and beneficial uses. WQMP Plans must be developed and implemented for construction, operations, and maintenance activities that have the potential to cause erosion, stream sedimentation, release of hazardous materials, or otherwise impair water quality that are not otherwise covered by another condition of the Project certification. Additionally, Condition 2(C) requires PG&E to comply with the Dredge or Fill Procedures.

California has had an increase in wildfire intensity and frequency in recent years due to drought, tree mortality due to pests, climate change, fuel accumulation, and fire suppression. One of the drivers of wildfire in California has been ignition sources associated with the electrical power grid. Project activities relate to wildfire management because maintenance of Project facilities help reduce the risk of future wildfires. Wildfires pose a significant public risk and adversely impact water quality through contribution to erodible surfaces and the potential discharge of hazardous materials. Waste discharges from wildfire prevention and response activities can adversely impact water quality and often require a permit from the Water Boards. The State Water Board is developing a Utility Wildfire General Order to protect water quality from discharges related to wildfires. As part of its Application for the Project relicensing, PG&E included a *Fire Management and Response Plan* that describes actions PG&E plans to take for fire protection, prevention, and reporting related to PG&E's operation and maintenance of the Project (PG&E 2024, Attachment E2, Appendix C). Condition 2(D) requires PG&E to comply with the Utility Wildfire General Order (State Water Board 2024c) or similar permit, if adopted, and any amendments thereto. Condition 2(D) further specifies that in the event of any conflict between this certification and applicable requirements of the Utility Wildfire General Order or similar permit, the more stringent shall apply. Requirements of Condition 2 support the Water Boards' authority to investigate waters of the state, including for quality; and require necessary monitoring and reporting pursuant to Water Code sections 1051, 13165, 13267, and 13383. Condition 2 is also required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this certification.

Beneficial uses of the North Fork Kings River that may be impacted by wildfires and Project-related operations, construction, and maintenance include hydropower generation; water contact recreation; non-contact water recreation; warm freshwater habitat; cold freshwater habitat; wildlife habitat; rare, threatened, or endangered species; spawning, reproduction, and/or early development; and freshwater replenishment.

## 5.3 Rationale for Condition 3: Biological Resources Management

Project activities that have the potential to impact aquatic habitat and biological resources include changes to existing recreational facilities, decommissioning of feeder facilities, and existing operations and management activities such as inspections, operation of facility equipment (e.g., gates, powerhouse equipment), vegetation management, and road grading. The potential impacts of routine operations and maintenance activities implemented under the Project on ESA-listed and otherwise special status species include direct effects related to vehicle and equipment use, indirect effects related to pollution and runoff (including sedimentation and pesticides), and indirect effects related to habitat alterations.

Implementation of biological resource protection measures as proposed by PG&E and required by Condition 3 will help avoid unreasonable impacts to water quality and beneficial uses related to biological resources and their habitat. Aquatic habitat includes reservoirs and streams. Special status amphibian and aquatic species with potential to occur within the Project boundary include: California tiger salamander (*Ambystoma californiense*), gregarious slender salamander (*Batrachoseps gregarious*), Kings River slender salamander (*Batrachoseps regius*), and northwestern pond turtle (*Actinemys marmorata*).

PG&E proposes implementing its *Biological Resources Management Plan* (PG&E 2024, Attachment E2, Appendix B), which defines appropriate measures to avoid or minimize potential adverse effects on sensitive biological resources during routine Project operations and maintenance activities within the FERC Project boundary. Resource-specific protections include measures for special-status plant populations, vernal pool wetlands (if present), California tiger salamander, and northwestern pond turtles. This plan also describes surveys, monitoring, and treatment activities for biological resources, along with reporting and scheduling for surveys and monitoring activities.

To prevent or minimize impacts to biological resources and their habitats, Condition 3 requires implementation of PG&E's *Biological Resources Management Plan*.

Condition 4 also requires PG&E to comply with the State Water Board's Aquatic Weed Control General Permit, to prevent or minimize impacts from herbicide and algaecide use, if needed for reservoir maintenance.

Beneficial uses of the North Fork Kings River that may be impacted by disturbance of biological resources associated with the Project include warm freshwater habitat; cold freshwater habitat; wildlife habitat; rare, threatened, or endangered species; and spawning, reproduction, and/or early development.

## 5.4 Rationale for Condition 4: Hazardous Materials Management

Hazardous materials management is essential to ensure hazardous materials are properly stored, transported, and managed throughout Project implementation to avoid their discharge to surface waters. Such discharges could result in impacts to water quality and aquatic species and their habitats. Condition 4 is required pursuant to Water

Code section 13264, which prohibits any discharge that is not specifically authorized in this certification.

The Project involves changes to existing recreational facilities, decommissioning of feeder facilities (i.e., Black Rock Creek and Weir Creek feeders), and existing operations and management activities such as inspections, pest management, road maintenance/grading, operation of facility equipment, and vegetation management. Improvements to recreational facilities may involve use of hazardous materials such as oil and gas, paint, or other wood treatments. Hazardous materials management requires implementation of best management practices (BMPs) to prevent, minimize, and/or clean up construction spills, including 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. Condition 4 requires the implementation of hazardous materials management measures to prevent hazardous material spills into waterways, including containment pursuant to California Code of Regulations, title 27, section 20320. 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 of the state.

PG&E proposes developing and implementing a *Hazardous Substance Plan* (PG&E 2024, Attachment E2) that will address any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or threatened hazard to human health and safety or to the environment, if released into the workplace or the environment. This plan will address the storage, transportation, spill prevention, cleanup, and disposal of hazardous substances used by PG&E associated with Project activities. Condition 4 requires PG&E to refine and submit its final *Hazardous Substance Plan* (PG&E 2024, Attachment E2), including additional measures to ensure water quality protection, for Deputy Director review and consideration of approval and requires PG&E to implement the plan following all required approvals. Condition 4 requires implementation of hazardous-substance-related avoidance and mitigation measures (AMMs) AMM-5, AMM-6, AMM-7, AMM-9, and AMM-11 in PG&E's *Biological Resources Management Plan* (PG&E 2024, Attachment E2, Appendix B).

The Tulare Lake Basin Plan includes narrative water quality objectives for oil, grease, and other hazardous materials. Waters must be free of hazardous materials in concentrations that cause nuisance, "detrimental physiological responses in human, plant, animal, or aquatic life," or "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 2018).

Beneficial uses of the North Fork Kings River that may be impacted by hazardous material releases associated with the Project include water contact recreation; non-contact water recreation; warm freshwater habitat; cold freshwater habitat; wildlife habitat; rare, threatened, or endangered species; spawning, reproduction, and/or early development; and freshwater replenishment.

### 5.5 Rationale for Conditions 5 through 26

This certification imposes additional conditions regarding Project's approvals, monitoring, enforcement, and potential future revisions.

Condition 5 is necessary to comply with Water Code section 13167 and Conditions 6 through 9 contain important clarifications concerning the scope and legal effect of this certification and 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 a discharge 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 5 requires electronic data submittal in a format compatible 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 6 states that 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 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." To help ensure the integrity of the certification process and its focus on ensuring that Project-related activities meet water quality standards and other appropriate requirements of state law, Condition 7 serves to notify applicants that there may be additional applicable federal, state, or local laws or ordinances with which they must comply, including the state and federal ESAs.

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 Water Board] will comply with applicable requirements" of state and federal law. Because agency organization and authorities change over time, Condition 8 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 right, 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 9 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 that involves 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 10 through 12 are necessary to assure that any discharge 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 10 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 licensee on notice that the certification action may be modified or revoked following administrative or judicial review. Condition 11 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 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 (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 13 through 26 are necessary to ensure that the Project operate 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, climate change, or changes to the standards themselves.

This certification requires monitoring, reporting, and analysis as important elements to ensure that Project-related activities will comply with state and federal water quality requirements and other appropriate requirements of state law. Conditions 13, 14, and 15 provide for extensions of time to comply with requirements, prevention or remedy of violations, and notification of additional actions to ensure compliance and prevent violations of water quality standards. In the event of non-compliance, additional actions may be necessary to return the Project to compliance and prevent violation of water quality standards. Conditions 16, 17, 18, and 19 require the licensee to comply with the Tulare Lake Basin Plan and Bay-Delta Plan, and amendments thereto; provide for updates to the Project based on changes in technology and methodology; provide for

consideration of the effects of climate change on the Project's operations and updates to ensure continued compliance with appropriate requirements of state law; and ensure that all reasonable measures are taken 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 provides for changing conditions related to climate change during the term of the new FERC license in order to protect water quality and beneficial uses by providing for appropriate adjustments to protect water quality and beneficials uses during the term of the new FERC license. State Water Board Resolution No. 2017-0012, resolves that the state shall update plans, permits, and policies to improve "ecosystem resilience to the impacts of climate change, including but not limited to actions that protect headwaters, facilitate restoration, enhance carbon sequestration, build and enhance healthy soils, and reduce vulnerability to and impacts from fires."

Condition 21 provides that the State Water Board will provide notice and an opportunity to be heard in exercising its authority to add or change certification conditions.

Condition 22 relates to site access requirements and 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 section 13267 and 13383. Site access is needed to ensure compliance with the certification and associated protection of water quality and beneficial uses.

Condition 23 requires site personnel and agencies to be familiar with the content of the certification and availability of the document at the Project's sites. 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 24 requires the licensee to use analytical methods approved by California's Environmental Laboratory Accreditation Program, when available, to ensure that such analyses are done in a consistent manner.

Conditions 25 ensures the licensee complies with the Dredge or Fill Procedures and the Project's operation and maintenance activities result in no net loss of wetland quantity, quality, or permanence, consistent with the Water Code sections 16200-16201.

In the event that any provision of this certification is found invalid, Condition 26 ensures that the certification 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 under this certification, the Project will comply with applicable state 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 RELICENSING OF THE BALCH HYDROELECTRIC PROJECT** (Federal Energy Regulatory Commission Project No. 175) 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: Minimum Instream Flows and Water Year Types

The Licensee shall implement its Proposed Condition 1, *Minimum Flows and Water Year Types* (PG&E 2024, Attachment E2), as filed by the Pacific Gas and Electric Company (PG&E) with the Federal Energy Regulatory Commission (FERC) on April 18, 2024, and as changed by this condition.

The minimum instream flow (MIF) requirements are shown in Table A. The MIF requirements specify the time period and MIFs in cubic feet per second (cfs) by two water year (WY) types: Normal or Dry. The MIF requirements also specify the compliance point for the MIFs (i.e., United States Geological Survey (USGS) gage). Compliance with the MIF requirements shall be determined in two ways: (1) as an instantaneous flow; and (2) as the daily (24-hour) average flow. The instantaneous flow shall be the value used to construct the average daily flow value and shall be measured in 15-minute or more frequent increments. Each instantaneous flow measurement shall be equal to or greater than 90 percent of the designated minimum flow value. The daily average flow shall be the average of the incremental readings of instantaneous flows from midnight of one day to midnight of the subsequent day. The Licensee shall record instantaneous flow readings at all gages, consistent with USGS standards, and ensure the gages are calibrated for the full range of flows that are required. The Licensee shall post all flow and other data to the California Data Exchange Center (CDEC) website or other publicly accessible location approved by the Deputy Director of the Division of Water Rights (Deputy Director) (e.g., USGS webpage) within 24 hours of flow measurement, unless otherwise approved by the Deputy Director.

**Table 1. MIF Requirements**

| Compliance Location | Time Period | Normal WY MIF (cfs) | Dry WY[1] MIF (cfs) |
|---|---|---|---|
| Black Rock Reservoir (PG&E Gage KI-9, USGS Gage No. 11216200) | December 1 through May 31 | 2.5 | 2.5 |
| | June 1 through November 30 | 5 | 2.5 |
| Balch Afterbay Dam (PG&E Gage KI-21, USGS Gage No. 11216500) | December 1 through May 31 | 10 | 10 |
| | June 1 through November 30 | 15 | 10 |
| North Fork Kings River Flow (PG&E Gage KI-22, USGS Gage No. 11218400) | December 1 through May 31 | 30 | 20 |
| | June 1 through November 30 | 30 | 20 |

[1] Dry WY is defined as a water year (12-month period from October 1 through September 30) in which the total unimpaired seasonal runoff of the Kings River at Pine Flat Reservoir will be 1,000,000 acre-feet or less, as of the April 1 forecast by the California Department of Water Resources (DWR) and as may be adjusted by DWR on May 1. Runoff greater than 1,000,000 acre-feet is defined as a Normal WY. The April 1 and May 1 forecasts shall be determined using DWR's Bulletin 120.[14]

### 1(A) Planned Temporary Changes to MIF

The Licensee may request temporary changes to MIF requirements (Condition 1) for planned and/or non-emergency construction or maintenance activities. Non-emergency requests to change the MIF requirements shall be submitted to the Deputy Director for review and consideration of approval as far in advance as practicable, but no less than four months in advance of the desired effective date. The Licensee shall notify the United States Department of Agriculture, Forest Service (Forest Service), California Department of Fish and Wildlife (CDFW), and United States Fish and Wildlife Service (USFWS) of the proposed request to temporarily change the MIF requirements. The request shall include: a description of the proposed construction or maintenance activity that require the temporary change to MIFs, including a schedule for the proposed construction or maintenance activity; a description of the proposed change, including the planned duration and magnitude of the change; documentation of notification to the Forest Service, CDFW, and USFWS, and any comments received; and proposed measures that will be implemented to protect water quality and beneficial uses. The Deputy Director may deny the request or require changes as part of any approval. Within seven days of Deputy Director approval of the temporary variance, the Licensee shall provide public notice of the planned change on the Licensee's Project webpage. The Licensee shall file with FERC any Deputy Director-approved temporary changes to

[14] Bulletin 120 is a publication issued by DWR four times a year, in the second week of February, March, April, and May. Bulletin 120 contains forecasts of the volume of seasonal runoff from California's major watersheds, and summaries of precipitation, snowpack, reservoir storage, and runoff in various regions of California.

the MIF requirements and any Deputy Director-approved amendments thereto. The Licensee shall not implement any temporary changes to the MIFs without receipt of Deputy Director approval unless consistent with Condition 1(B).

### 1(B) Unplanned Temporary Changes to Minimum Instream Flows

MIFs may be temporarily changed if required by equipment malfunction reasonably beyond the control of the Licensee, as directed by law enforcement authorities, or in emergencies.[15] The Licensee shall make all reasonable efforts to promptly resume flow required by this water quality certification (certification).

When possible, the Licensee shall notify the Deputy Director prior to any unplanned temporary MIF change. In all instances, the Licensee shall notify the Deputy Director within 24 hours of the beginning of any non-emergency unplanned temporary MIF changes. Within 96 hours of the beginning any unplanned temporary MIF change, the Licensee shall provide the Deputy Director with an update of the conditions associated with the change and an estimated timeline for returning to the applicable certification requirement or when the unplanned change ended.

Within 30 days of any unplanned temporary MIF change, the Licensee shall provide the Deputy Director with: (1) a written description of the unplanned change from the MIF requirement associated with the emergency and reason(s) for its necessity; (2) photo documentation of the emergency or reason for the change to the MIFs; (3) a timeline for returning to the applicable MIF requirement or timeline when the unplanned change ended; (4) a description of corrective actions taken in response to the unplanned temporary MIF change; (5) any observed or reported environmental effects; and (6) a plan to prevent the need for MIF changes resulting from a similar emergency or event in the future. The Deputy Director may require changes to the Licensee's plan to prevent future unplanned temporary changes to the MIF requirements resulting from similar emergencies or events. The Licensee shall implement its plan and/or any changes required by the Deputy Director.

## CONDITION 2: Water Quality Management

The Licensee shall ensure that Project activities comply with the Central Valley Regional Water Quality Control Board's (Central Valley Regional Water Board's) *Water Quality Control Plan for the Tulare Lake Basin* (Tulare Lake Basin Plan) (Central Valley Regional Water Board 2018 and any amendments thereto), including its water quality objectives, as also required by Condition 16 of this certification.

[15] An emergency is defined as an unforeseen event that is reasonably out of the control of the Licensee and requires the Licensee to take immediate action, either unilaterally or under instruction by law enforcement or other regulatory agency staff, to prevent imminent loss of human life or substantial property damage. An emergency may include but is not limited to natural events such as landslides, storms, or wildfires; vandalism; malfunction or failure of Projects works; recreation accidents; or other public safety incidents. Drought is not considered an emergency for purposes of this condition.

## 2(A) Water Quality Monitoring Plan

No later than nine months following license issuance, the Licensee shall submit a Water Quality Monitoring Plan to the Deputy Director for review and consideration of approval. The Deputy Director may require changes as part of any approval. The Water Quality Monitoring Plan shall be prepared in consultation with State Water Board and Central Valley Regional Water Board staff. Unless otherwise approved by the Deputy Director, at a minimum, the Water Quality Monitoring Plan shall include:

- Purpose and need for the plan.
- Actions taken within the Licensee's reasonable control to comply with the water quality objectives outlined in the Tulare Lake Basin Plan.
- Identification of water quality monitoring that will be implemented to ensure Tulare Lake Basin Plan water quality objectives are met. At a minimum, this shall include monitoring for dissolved oxygen and pH. Proposed field sampling and monitoring methods for each monitoring location. At a minimum, field sampling and monitoring methods shall be consistent with the State of California's Surface Water Ambient Monitoring Program or equivalent methods approved by the Deputy Director.
- Proposed analytical methods. At a minimum, samples that require laboratory analysis shall be analyzed by California's Environmental Laboratory Accreditation Program certified laboratories.
- Global positioning system points and photographs for each proposed monitoring location. These locations shall be used for monitoring unless the Deputy Director directs the Licensee to use other locations or to work with Central Valley Regional Water Board and State Water Board staff to find alternate locations.
- Description of quality assurance and quality control procedures that will be used for collection and handling of samples and data validation or to operate, maintain, and calibrate field equipment when field measurements are used to comply with water quality objectives.
- Identification of format and schedule of reporting of water quality monitoring analyses and results to the State Water Board, including a summary of water quality monitoring results and any highlights (e.g., trends, etc.). Water quality monitoring reporting shall include an evaluation of the dissolved oxygen and pH monitoring results and any supplemental water quality monitoring data collected and any recommendations regarding whether additional monitoring is needed, beyond what is required as part of the plan.
- Adaptive management and corrective action strategies to comply with water quality standards based on water quality monitoring results or new information that suggests a Project-related water quality impact that is not covered by the plan.
- Consultation documentation. Documentation of consultation with State Water Board and Central Valley Regional Water Board staff, including comments and recommendations made in connection with the plan, and a description of how the plan incorporates or addresses the comments and recommendations.

The Deputy Director may require changes to the Water Quality Monitoring Plan or additional actions to ensure protection of water quality and beneficial uses based on the information provided in the report or other information in the record.

The Licensee shall file with FERC the Deputy Director-approved Water Quality Monitoring Plan and any changes thereto. The Licensee shall implement the Water Quality Monitoring Plan and any approved changes thereto upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.

The Licensee may request changes to the Water Quality Monitoring Plan. The Licensee shall submit the request to the Deputy Director for review and consideration of approval at least 30 days prior to when the Licensee would like to change its water quality monitoring. The request shall include the proposed changes and rationale. Any changes to the Water Quality Monitoring Plan shall be approved by the Deputy Director prior to implementation. The Deputy Director may require changes as part of any approval.

### 2(B) Sediment Management

The Licensee shall implement the avoidance and minimization measures (AMMs) in PG&E's *Biological Resources Management Plan* as they relate to water quality and sediment management (i.e., AMM-1, AMM-4, AMM-5, and AMM-8) (PG&E 2024, Attachment E2, Appendix B). The Licensee and shall also implement PG&E's *Low-Level Outlet Operations*[16] (PG&E 2024, Attachment E2). No later than nine months following license issuance, the Licensee shall submit its proposed *Transportation System Management Plan* with applicable water-quality related AMMs for Deputy Director review and consideration of approval. The *Transportation System Management Plan* shall be developed in consultation with Forest Service and State Water Board staff, consistent with PG&E's final license application for the Project. The *Transportation System Management Plan* shall not be implemented until receipt of Deputy Director and any other required approvals.

Any changes to the Deputy Director-approved *Transportation System Management Plan* that could impact water quality, the *Biological Resources Management Plan* AMMs listed in the paragraph above, or *Low-Level Outlet Operation*s shall be approved by the Deputy Director prior to implementation. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved changes to the *Transportation System Management Plan, Biological Resources Management Plan AMMs, or Low-Level Outlet Operations.* The Licensee shall implement any Deputy Director-approved changes to the *Transportation System Management Plan, Biological Resources Management Plan AMMs*, or *Low-Level Operations Plan* upon receipt of Deputy Director and any other required approvals.

[16] PG&E's Proposed Condition 5, *Low-Level Outlet Operations* (PG&E 2024, Attachment E2), guided by the *Protocol for Operation of Low-level Outlet at Balch Afterbay and Black Rock Reservoir and for Reporting Use of Outlets to the California Department of Fish and Wildlife* (PG&E 2018)

### 2(C) Construction and Maintenance

When applicable, the Licensee shall comply with 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)[17] (State Water Board 2022a), State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Dredge or Fill Procedures) (State Water Board 2019b and 2021), and amendments to the aforementioned documents.

For construction, operations, and maintenance activities with the potential to impact water quality or beneficial uses (e.g., updates to recreation sites, and decommissioning of the feeders) that are not subject to the Construction General Permit and/or that are not covered by another condition of this certification, the Licensee shall prepare and submit site-specific Water Quality Monitoring and Protection Plans (WQMP Plans) for Deputy Director review and consideration of approval. The objective of the WQMP Plans shall be to identify and implement water quality protection measures for construction, operations, maintenance, or other activities with the potential to cause erosion, stream sedimentation, fugitive dust, soil mass movement, release of hazardous materials, or other water quality impairment that are not covered by the Construction General Permit or another condition of this certification.

At a minimum, WQMP Plans must demonstrate compliance with: (1) sediment and turbidity water quality objectives, as well as other applicable water quality objectives in the Tulare Lake Basin Plan associated with the construction or maintenance activities; and (2) the Dredge or Fill Procedures. The Licensee shall submit WQMP Plans to the Deputy Director for review and consideration for approval at least four months prior to the desired start date of the applicable construction or maintenance activity. The Deputy Director may require changes as part of any approval. WQMP Plans shall be based on actual site conditions, and at a minimum shall include:

- Description of site conditions and the proposed activity, including any dewatering and diversion activities.
- Detailed descriptions, design drawings, and specific topographic locations of all control measures in relation to the proposed activity, which may include:
    - Measures to divert runoff away from disturbed land surfaces.
    - Measures to collect and filter runoff from disturbed land surfaces, including sediment ponds at the sites.
    - Measures to dissipate energy and prevent erosion.
    - Measures that will be implemented to protect water quality and beneficial uses.
- Revegetation of disturbed areas, which shall include use of native plants and locally sourced plants and seeds.

[17] State Water Board Order WQ 2022-0057-DWQ and National Pollutant Discharge Elimination System No. CAS000002, and any amendments thereto. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo_2022-0057-dwq.pdf. Last accessed: June 2, 2026.

- Description of how the Licensee will comply with the Dredge or Fill Procedures, if appropriate.
- Description of monitoring that will be performed, if appropriate.
- A monitoring, maintenance, and reporting schedule.

The Licensee shall file with FERC the Deputy Director-approved WQMP Plan(s), and any Deputy Director-approved changes thereto. The Licensee shall implement the WQMP Plans upon receipt of Deputy Director approval and any other required approvals, in accordance with the schedule and requirements specified therein.

### 2(D) Wildfire

As applicable, and if adopted and in effect, the Licensee shall comply with the conditions of the Utility Wildfire and Similar Operations and Maintenance Activities Clean Water Act Section 401 Certification and Waste Discharge Requirements General Order (Utility Wildfire General Order)[18] (State Water Board 2024c), any amendments thereto, or successor permits for Project activities covered by the order. If there is any conflict between this certification and the Utility Wildfire General Order, the more stringent shall apply.

## CONDITION 3: Biological Resources Management

The Licensee shall implement the *Biological Resources Management Plan* as filed by PG&E with FERC on April 18, 2024 (PG&E 2024, Attachment E2, Appendix B). Any changes to the *Biological Resource Management Plan* shall be approved by the Deputy Director prior to implementation. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved changes to the Biological Resource Management Plan. The Licensee shall implement any Deputy Director-approved changes to the Biological Resource Management Plan upon receipt of Deputy Director and any other required approvals.

Implementation of chemical vegetation management shall comply with the *Statewide National Pollutant Discharge Elimination System (NPDES) Permit for Residual Aquatic Pesticide Discharges to Water of the United States from Algae and Aquatic Weed Control Applications* (State Water Board Order WQ 2013-0002-DWQ and NPDES No. CAG990005, as amended by Orders WQ 2014-0078-DWQ, WQ 2015-0029-DWQ, and WQ 2016-0073-EXEC, Order WQ 2017-0015-EXEC, Order WQ 2020-0037-EXEC, and Order WQ 2022-056-EXEC) and any amendments thereto.

[18] This includes permits of a similar name and nature as may ultimately be adopted by the State Water Board to address wildfires and similar operations and maintenance activities for transmission lines and utility projects such as are part of the Project. The Utility Wildfire General Order is anticipated to be considered by the State Water Board in 2026. The revised draft Utility Wildfire General Order is available online at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2025/revised-draft-utility-general-order.pdf. Last accessed: June 2, 2026.

**CONDITION 4: Hazardous Materials Management**

The Licensee shall implement AMMs in PG&E's *Biological Resources Management Plan* as they relate to hazardous substances (i.e., AMM-5, AMM-6, AMM-7, AMM-9, and AMM-11) (PG&E 2024, Attachment E2, Appendix B). No later than six months following issuance of its FERC license, the Licensee shall submit a Hazards Substances Plan to the Deputy Director for review and consideration of approval. The Deputy Director may require changes as part of any approval. The Hazardous Substances Plan may be based on the *Hazardous Substance Plan* in PG&E's license Application for the Project (PG&E 2024, Attachment E2). The Licensee shall consult with Central Valley Regional Water Board and State Water Board staff in refining the Hazardous Substances Plan prior to submittal to the Deputy Director. The Licensee shall not commence Project activities with the potential to discharge hazardous substances without receiving Deputy Director approval of the *Hazardous Substance Plan* or an activity-specific WQMP Plan (Condition 3). The Licensee shall file the Deputy Director-approved Hazardous Substance Plan, and any approved changes thereto, with FERC. The Licensee shall implement the Hazardous Substance Plan upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.

Unless otherwise approved by the Deputy Director, at a minimum, the Hazardous Substance Plan shall include:

<u>Hazardous Materials Storage</u>

- A complete inventory of hazardous materials involved in Project activities and their general/typical location.
- Details of how hazardous materials will be used, removed, transported, and disposed of throughout the Project.
- Proposed locations for hazardous material storage, including hazardous waste. Hazardous materials shall be stored in areas that will prevent potential discharges to waters of the state.
- All hazardous materials storage areas shall include secondary containment. All containment structures shall comply with California Code of Regulations, title 27, section 20320. Secondary containment shall be specifically designed for hazardous material storage and sized to contain the largest volume of hazardous materials that could be spilled. Secondary containment shall be positioned to catch any hazardous material spills due to overfilling or any other spills that may occur;

<u>Vehicles and Heavy Equipment</u>

- A general list of the types of heavy equipment that will be used for Project activities, noting what Project activities the equipment is associated with and the general locations of where the equipment will be used and stored.
- Details of overwintering preparation including storage of vehicles and construction equipment, stockpiles and spoil piles, staging areas, and construction sites known at the time the plan is prepared.

Hazardous Material Spills

- A description of spill response equipment and procedures to be initiated if a spill incident occurs. Spill kits shall contain contact information for federal, state, and local officials the Licensee will contact in the event of a hazardous material spill.
- Actions to be taken in the event of release of hazardous materials with the potential to impact surface waters.
- Notification procedures to report a spill shall include cause of the release and measures the Licensee will implement to prevent future releases.
- The Licensee shall notify the Deputy Director and Central Valley Regional Water Board Executive Officer as soon as possible but no later than 24 hours following any hazardous material spill that reaches surface waters. The notice shall include the type and quantity of material released, cause of the release, corrective measures taken, and measures the Licensee will implement to prevent future releases. The Deputy Director may require additional actions to help prevent similar releases in the future.
- Any water contaminated by hazardous materials shall be disposed of properly off-site in a manner that does not impair water quality.
- If hazardous materials are released with the potential to impact surface waters, the Licensee shall immediately cease any activities associated with construction or maintenance that resulted in the release and implement measures to limit and clean up the release.
- Monitoring protocols to: (1) identify type and quantity of hazardous materials that enter waters of the state after a spill; and (2) ensure waters of the state are free of hazardous materials after cleanup.

Avoidance Measures and Best Management Practices

- AMMs and best management practices (BMPs) that will be implemented to minimize the potential for oils, greases, and other hazardous materials or contaminants to enter waterways. This shall include specific measures related to refueling and maintenance of vehicles and equipment including details of secondary containment and spill prevention protocols. When applicable, containment structures shall comply with California Code of Regulations, title 27, section 20320.

Any changes to the AMMs, BMPs, or Hazardous Substance Plan shall be submitted to the Deputy Director for review and consideration of approval and shall be approved by the Deputy Director prior to implementation. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved changes to the Hazardous Substance Plan. The Licensee shall implement any Deputy Director-approved changes to the Hazardous Substance Plan upon receipt of Deputy Director and any other required approvals.

**CONDITIONS 5 – 26**

**CONDITION 5.** 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 Water Code section 13167.

**CONDITION 6.** This certification does not authorize any act which results in the taking 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 Licensee, the Licensee 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 Licensee is responsible for meeting all requirements of the applicable ESAs for the Project authorized under this certification.

**CONDITION 7.** This certification shall not be construed as replacement or substitution for any necessary federal, state, and local approvals. The Licensee is responsible for compliance with all applicable federal, state, and local laws and ordinances and shall obtain authorization from applicable regulatory agencies prior to the commencement of activities associated with the Project.

**CONDITION 8.** Any requirement in this certification that refers to an agency whose authorities and responsibilities are transferred to or subsumed by another local, state or federal agency, will apply equally to the successor agency.

**CONDITION 9.** Nothing in this certification shall be construed as State Water Board approval of the validity of any water rights, including pre-1914 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 10.** This certification is subject to change 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 11.** 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 12.** This certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28.

**CONDITION 13.** Notwithstanding any specific provision of this certification, any plan or report developed as a condition of this certification requires review and approval by the Deputy Director, unless otherwise specified. The State Water Board's approval authority, including authority delegated to the Deputy Director or others, includes the authority to withhold approval or change a proposal, plan, or report prior to approval. The State Water Board may take enforcement action if the Licensee 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 or Executive Director approval, the Licensee shall submit a written request for the extension, with justification, to the designated approver no later than 60 days prior to the deadline. The Licensee shall file with FERC any Deputy Director or Executive Director-approved time extensions. The Licensee shall not implement any plan, proposal, or report until after receiving the applicable State Water Board approval and any other necessary regulatory approvals.

**CONDITION 14.** In the event of any violation or threatened violation of the conditions of this certification, including if monitoring results indicate that Project-related 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 Licensee shall, by a deadline required by the Deputy Director, submit a plan that documents why the violation occurred and steps the Licensee will implement to address the violation. The Licensee shall implement the plan upon approval from the Deputy Director, and the Deputy Director may require changes as part of any approval to ensure the protection of water quality and beneficial uses or compliance with water quality control plans, policies, or other applicable requirements of state law.

**CONDITION 15.** The Licensee shall submit any change to the Project, including operations, facilities, technology changes or upgrades, or methodology, which may 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, unless otherwise specified. The State Water Board shall determine significance and may require consultation with 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. If such a change would also require submission to FERC, the change must first be submitted and approved by the State Water Board unless otherwise delegated in this certification or other State Water Board approval.

**CONDITION 16.** This certification is contingent on compliance with all applicable requirements of the Central Valley Regional Water Board's Tulare Lake Basin Plan (Central Valley Regional Board 2018) and any amendments thereto, and the State Water Board's Bay-Delta Plan and any amendments thereto.

**CONDITION 17.** Reports and plans submitted by the Licensee for approval under this certification shall consider the effects of the Project's operations in relation to compliance with all applicable water quality control plans and policies and, as necessary, propose updates to the Project's operations to ensure protection of water quality and beneficial uses and compliance with other appropriate requirements of state law. The Deputy Director may identify the need for, and set a deadline for, submittal of a report and/or plan focused on additional assessment of potential impacts to water quality and beneficial uses that may have changed from the baseline assumptions used to develop the conditions of the certification, along with recommended changes to address the new or changed water quality control plan or policy beneficial uses and/or water quality objectives. The Deputy Director may include recommendations regarding potential actions that shall be considered by the Licensee in this report and/or plan to ensure ongoing protection of water quality and beneficial uses and compliance with other applicable requirements of state law. The Licensee shall implement the plan upon approval by the Deputy Director and any other required approvals, and the Deputy Director may require changes as part of any approval.

**CONDITION 18.** Unless otherwise specified by conditions in this certification, the Project shall be operated 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.

**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.** Future changes in climate projected to occur during the term of the Project's FERC license(s) may alter the baseline assumptions used to develop the conditions of this certification and necessitate adaptive management. Reports and plans submitted by the Licensee for approval under this certification shall consider the effects of climate change on the Project's operations and, as necessary, propose updates to the Project's operations to ensure protection of water quality and beneficial uses and compliance with other appropriate requirements of state law. The Deputy Director may identify the need for, and set a deadline for, submittal of a report and/or plan focused on additional assessment of potential impacts to water quality and beneficial uses that may have changed from the baseline assumptions used to develop the conditions of the certification, along with recommended changes to address the changed climate conditions and ensure water quality and beneficial use protections. The Deputy Director may include recommendations regarding potential actions that shall be considered by the Licensee in this report and/or plan to ensure ongoing protection of water quality and beneficial uses and compliance with applicable requirements of state law. The Licensee shall implement the plan upon approval by the Deputy Director and any other required approvals, and the Deputy Director may require changes as part of any approval.

**CONDITION 21.** The State Water Board shall provide notice and an opportunity to be heard in exercising its authority to add or change the conditions of this certification.

**CONDITION 22.** Upon request, a construction schedule shall be provided to the Deputy Director. The Licensee shall provide State Water Board and Central Valley Regional Water Board staff access to the Project's sites to document compliance with this certification.

**CONDITION 23.** 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's sites. The Licensee shall be responsible for work conducted by its contractor, subcontractors, or other persons conducting work related to the Project.

**CONDITION 24.** The Licensee 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 Lab Accreditation Program-certified laboratories.

**CONDITION 25.** The Licensee shall ensure no net loss of wetland or riparian habitat functions and is responsible for compliance with the Dredge or Fill Procedures (State Water Board 2019b and 2021) and any amendments thereto, and Water Code sections 16200-16201.

**CONDITION 26.** Certification that the Project will be protective of water quality and beneficial uses in compliance with 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.

**DRAFT**

Eric Oppenheimer
Executive Director

Date

Attachments: Attachment A: Maps and Figures

## 8.0 References

Central Valley Regional Water Quality Control Board (Central Valley Regional Water Board). 2018. *Water Quality Control Plan for the Tulare Lake Basin (Tulare Lake Basin Plan)*. Revised May 2018 (with Approved Amendments). Available at: https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/. Last accessed: April 21, 2026.

Federal Energy Regulatory Commission (FERC). 2025. *Request for Treatment of Document as a Comprehensive Plan, Pursuant to Section 10(a)(2)(A) of the Federal Power Act*. May 1, 2025. Retrieved from: https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20250501-3018. Last accessed: April 21, 2026.

Forest Service. 2025. Forest Service Preliminary Terms and Conditions Provided Under Section 4(e) of the Federal Power Act in Connection with the Application for Relicensing of the Balch Hydroelectric Project (FERC Project No. 175-032). July 2, 2025.

PG&E. 2018. Protocol for Operation of Low Level Outlet at Balch Afterbay and Black Rock Reservoir and for Reporting Use of Outlets to the California Department of Fish and Wildlife. May 16.

PG&E. 2024. Balch Hydroelectric Project FERC Project 175 Application for New License, Major Project. Volumes I–II.

PG&E. 2025. Balch Hydroelectric Project, FERC Project 175-032, Request for Clean Water Act Section 401 Water Quality Certification. July 3, 2025.

State Water Resources Control Board (State Water Board). 1968. Statement of Policy with Respect to Maintaining High Quality Waters in California. Resolution 68- 16. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf. Last accessed: April 21, 2026.

State Water Board. 2012. *Delegation of Authority to State Water Resources Control Board Members Individually and to the Deputy Director for Water Rights*. Resolution 2012-0029.

State Water Board. 2017. *Tribal Subsistence Beneficial Uses and Mercury Provisions of the Inland Surface Waters, Enclosed Bays, and Estuaries (ISWEBE) Plan*. Resolution 2017-0027.

State Water Board. 2018. *Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan)*. Resolution 2018-0059. Available at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2025/h/dec2025-rev-draft-sacdelta-bdplan.pdf. Last accessed June 2, 2026.

State Water Board. 2022a. Construction Stormwater General Permit Order 2022-0057-DWQ. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo_2022-0057-dwq.pdf. Last accessed: April 21, 2026.

State Water Board. 2022b. *Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Aquatic Pesticide Discharges to Waters of the United States From Algae and Aquatic Weed Control Applications*. Order WQ 2013-0002-DWQ and NPDES CAG990005, as amended by Order WQ 2014-0078-DWQ, Order WQ 2015-0029-DWQ, Order WQ 2016-0073-EXEC, Order WQ 2017-0015-EXEC, Order WQ 2020-0037-EXEC, and Order WQ 2022-0056-EXEC.

State Water Board. 2023. *Redelegation of Authorities Memorandum*. April 20, 2023.

State Water Board. 2024a. 2024 California Integrated Report for Clean Water Act Sections 303(d) and 305(b). Available at: https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024-integrated-report.html. Last accessed: April 21, 2026.

State Water Board. 2024b. *Draft Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed*. October 25, 2024. Available at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2024/drft-sacdelta-bdplan-updates.pdf. Last accessed: April 21, 2026.

State Water Board. 2024c. Revised Draft Utility Wildfire and Similar Operations and Maintenance Activities Clean Water Act Section 401 Certification and Waste Discharge Requirements General Order. Available at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/statewide-utility-wildfire-mitigation-general-order.html. Last accessed: June 1, 2026.

State Water Board. 2025a. *Revised Draft Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed.* July 24, 2025. Available at: https://waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/bay_delta_plan/docs/rev-draft-sacdelta-bdplan-updates.pdf. Last accessed: April 21, 2026.

State Water Board. 2025b. *Revised Draft Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed.* December 12, 2025. Available at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2025/h/dec2025-rev-draft-sacdelta-bdplan.pdf. Last accessed: April 21, 2026.

Stantec. 2025a. Draft Initial Study, Balch Hydroelectric Project, FERC Project 175. May 19, 2025.

Stantec. 2025b. Draft Mitigated Negative Declaration, Balch Hydroelectric Project, FERC Project 175. July 31, 2025.

**BALCH HYDROELECTRIC PROJECT**
**WATER QUALITY CERTIFICATION**

# ATTACHMENT A:
# Maps and Figures

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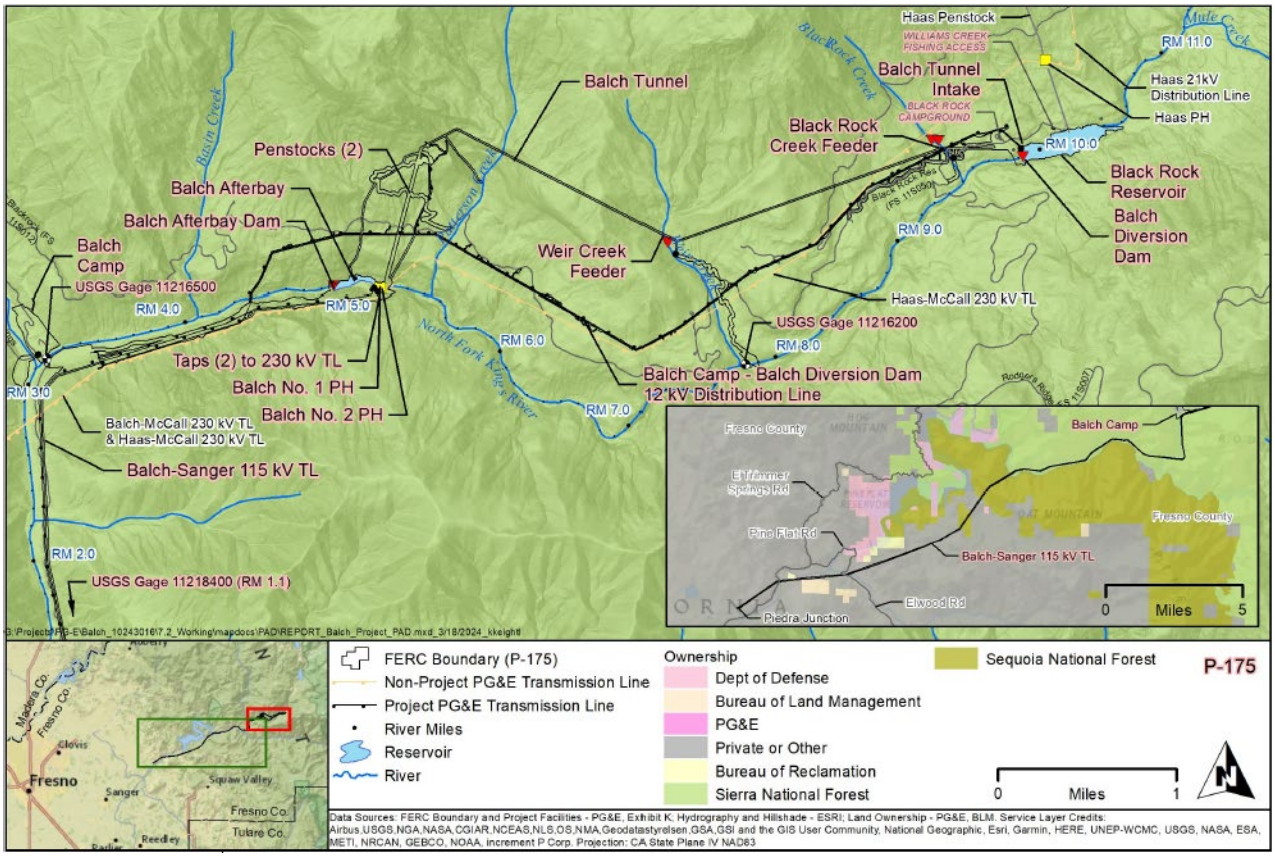


**Figure 1. Balch Hydroelectric Project (FERC Project No. 175) and surrounding non-Project facilities and features (PG&E 2024, Exhibit E).**

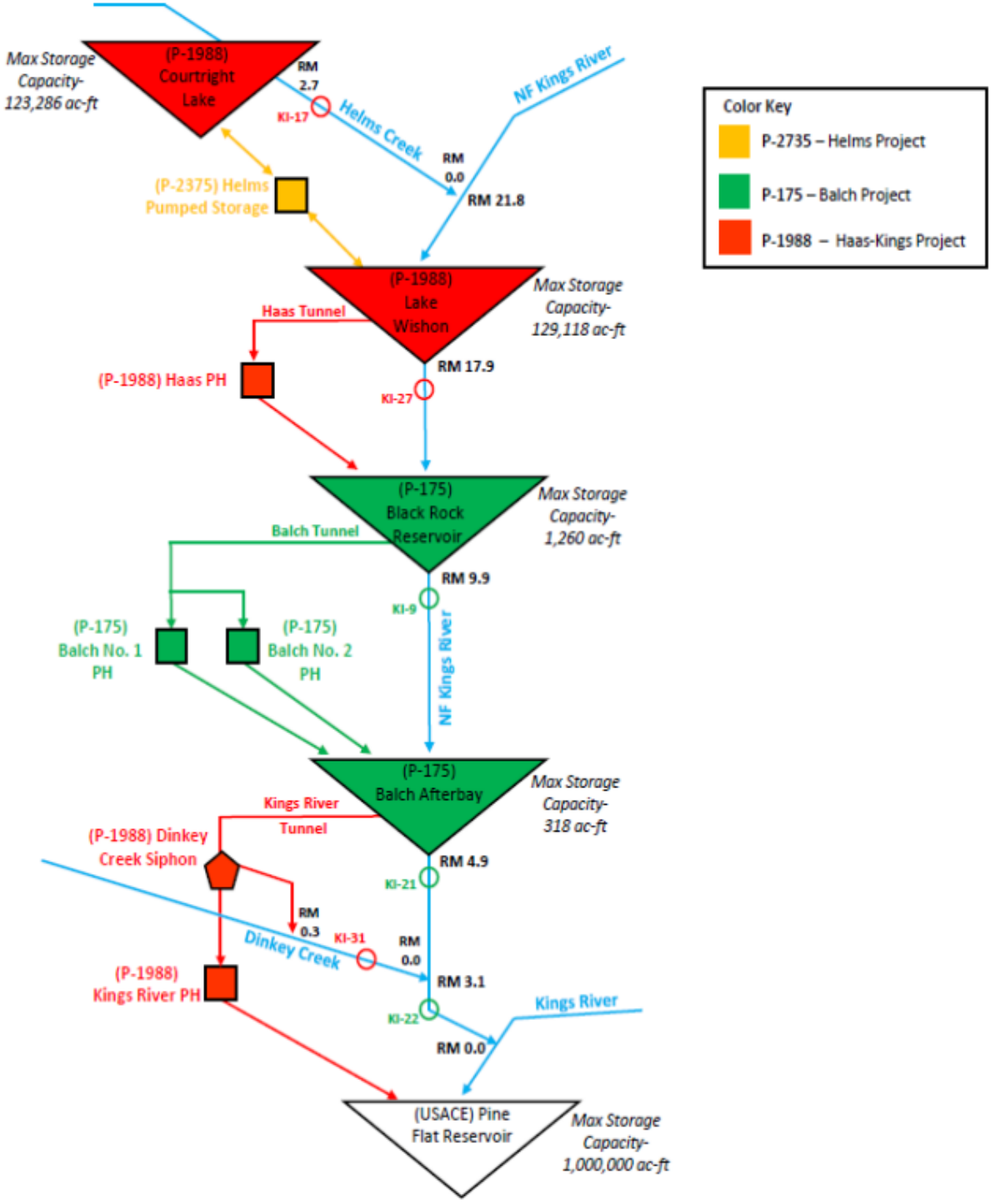


**Figure 2. Watershed schematic of PG&E-owned Helms Pumped Storage Project (FERC Project No. 2735), Balch Hydroelectric Project (FERC Project No. 175), and Haas-Kings River Hydroelectric Project (FERC Project No.) (from PG&E's Balch Relicensing Website).**