

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application by )  
CALAVERAS COUNTY WATER DISTRICT )  
Applicant ) SOURCE: North Fork Stanislaus  
McKays Point Dam Addition, FERC No. 2409-CA ) River  
COUNTIES: Calaveras and Tuolumne

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

BY THE EXECUTIVE DIRECTOR:

1. Calaveras County Water District (District) has applied to the Federal Energy Regulatory Commission (FERC) for an Amendment to the License (FERC #2409) under the Federal Power Act (16USC §791(a), et seq.). The District proposes to install a 300 KW microturbine at the existing McKays Point Dam which is an existing facility of the North Fork Stanislaus Hydroelectric Development Power Project on the North Fork Stanislaus River and tributaries in Alpine, Calaveras and Tuolumne Counties. The District has applied to the State Water Resources Control Board (State Board) for Section 401 Water Quality Certification of the Clean Water Act (33USC §1344).
2. The Federal Clean Water Act (33USC §1251, et seq.) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters" (33USC §1251(a)). Section 101(g) (33USC §1251(g)) requires federal agencies to "cooperate with state and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources". Section 401 (33USC §1341) (1) requires every applicant for a federal license or permit to obtain certification that the project will be in compliance with specified provisions of the Clean Water Act, including Section 303 ("Water Quality Standards and Implementation Plans", 33USC §1313); (2) directs the agency responsible for certification to prescribe effluent limitations and other limitations necessary to ensure compliance with the Clean Water Act and with any other appropriate requirement of State law; and (3) provides that certification conditions shall become conditions of any federal license or permit for the project.
3. The State Board is the agency responsible for water quality certification in California (Section 13160 of the California Water Code) and has delegated this function to the Executive Director by regulation (Section 3838 of Title 23, California Code of Regulations).



4. On October 18, 1991, the District requested certification or waiver that the McKays Point Dam Addition would be in compliance with state water quality requirements, including requirements that satisfy the specific provisions of the Federal Clean Water Act.
5. Certification of compliance with water quality requirements is a project subject to the California Environmental Quality Act (Public Resources Code §21000, et seq., "CEQA"). The State Board as lead agency under CEQA must assess potential environmental impacts associated with a proposed project and must prepare an Environmental Impact Report (EIR) if the project could have significant environmental consequences or a Negative Declaration if it does not. If the proposed project is a retrofit of an existing dam, canal, or pipeline and the proposed project will not result in a streamflow change, the project may qualify for a Categorical Exemption (Class 28) "Small Hydroelectric Projects at Existing Facilities".
6. State Board staff has reviewed the FERC license amendment and has consulted with the staff of the California Regional Water Quality Control Board, Central Valley Region, the Department of Fish and Game and the U.S. Fish and Wildlife Service. The proposed McKay Point Dam Addition meets the conditions for a Class 28 "retrofit" Categorical Exemption from CEQA.
7. The California Regional Water Quality Control Boards (Regional Boards) have adopted, and the State Board has approved, Water Quality Control Plans (Basin Plans) for each watershed basin in accordance with provisions of Sections 303 and 304 of the Clean Water Act, related to the establishment of water quality standards and planning (33USC §1313 and 1314). Basin Plans identify beneficial uses of the waters within each Region.
8. The Regional Board, Central Valley Region, in their Basin Plan has identified the beneficial uses of the North Fork Stanislaus River as municipal, industrial, agricultural supply, recreation, esthetic enjoyment, hydroelectric power generation and preservation and enhancement of fish, wildlife and other aquatic resources.
9. Protection of the chemical, physical, and biological integrity of waters of the State for instream beneficial uses identified in the Basin Plans requires maintenance of adequate stream flows as well as effluent limitations and other limitations on discharges of pollutants from point and nonpoint sources to navigable waters and their tributaries.
10. State Board staff has reviewed the District's FERC License Amendment Application for the McKays Point Dam Addition; the previously prepared Environmental Impact Statement for the North Fork Stanislaus Hydroelectric Development; the State Board water right application files; and the Regional Board, Central Valley Region, Order No. 86-218 (NPDES) Waste Discharge Requirements for the North Fork Stanislaus River Hydroelectric Development Project.




ACCORDINGLY, THE STATE BOARD CERTIFIES THAT the District's McKays Point Dam Addition will comply with Sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of State law provided that the District constructs and operates the McKay Point Dam Addition to the North Fork Stanislaus Hydroelectric Development Project in accordance with the following terms and conditions:

1. The District will install only a "microturbine" at the low level outlet works of the McKays Point Dam.
2. The microturbine will generate incidental power and will not be operated to increase power generation for a short period of time in a 24-hour period (peaking).
3. In order to meet required instream flow releases, the "Howell-Bunger" valve used to make current streamflow releases or a suitable replacement stream release valve of adequate capacity will remain as part of the outlet works as described in the License Amendment Application.
4. If the results of the ongoing Instream Flow Studies pursuant to the FERC License requires additional instream releases to protect instream beneficial uses, that those releases greater than the capacity of the microturbine shall be released through the stream release valve.
5. The discharge of any wastewater from concrete, oil, or solvents from construction equipment or hydroelectric generating equipment during construction, maintenance, storage, and repair to surface waters is prohibited.
6. The McKays Point Dam "microturbine" discharge limitations to Receiving Waters of the North Fork Stanislaus River are as follows:
  - a. The discharge shall not cause visible oil, grease, scum, foam, floating or suspended material in the receiving waters or watercourses.
  - b. The discharge shall not cause concentrations of any materials in the receiving waters which are deleterious to human, animal, aquatic, or plant life.
  - c. The discharge shall not cause esthetically undesirable discoloration of the receiving waters.
  - d. The discharge shall not cause fungus, slimes, or other objectionable growths in the receiving waters.
  - e. The discharge shall not alter the normal ambient pH of the receiving water more than 0.5 units.
  - f. The discharge shall not increase the normal ambient temperature of the receiving water more than 5°F (3°C).
  - g. Construction or operation activities shall not cause settleable matter in the North Fork Stanislaus River to exceed 0.1 ml/l at anytime.



- h. Project construction, or operation activities shall not cause turbidity increases in the North Fork Stanislaus River to exceed the following:
    - (1) 20 percent - if background turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU).
    - (2) 10 NTU - if background turbidity is between 50 and 100 NTU.
    - (3) 10 percent - if background turbidity is greater than 100 NTU.
  - i. The discharge shall maintain a continuous minimum of 7 ppm dissolved oxygen.
  - j. All measurements for receiving water limitations shall be taken immediately downstream at a site to be selected for the water quality monitoring as described in point K below.
  - k. The District shall, in consultation with the Department of Fish and Game and the U.S. Fish and Wildlife Service, develop and implement a downstream water quality monitoring and reporting program. The monitoring program shall include but not be limited to water temperature, dissolved oxygen and pH. The District shall provide copies of the monitoring program and future monitoring reports to the cooperating agencies and to the Chief of the Division of Water Rights and to the Executive Officer of the Regional Board, Central Valley Region.
7. Project Operation: The District shall, at all times, operate the McKays Point Dam Addition for incidental power generation in accordance with the terms and conditions identified above and any water right permit or license issued to operate the McKays Point Dam Addition and any subsequent order of the State Board modifying such terms and conditions, to the extent that such terms and conditions are applicable to maintenance of the chemical, physical and biological integrity of the waters of the State or beneficial uses thereof.

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Walt Pettit  
Executive Director

