

JCC

ORIGINATOR

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ACE HEREFORD RANCH)	
)	
Applicant.)	
)	SOURCE: West Fork Carson River
Hydroelectric Project, FERC No. 10852)	
<hr/>)	COUNTY: Alpine

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

BY THE EXECUTIVE DIRECTOR:

1. Ace Ranch Associates (Ace) has applied to the Federal Energy Regulatory Commission for a License under the Federal Power Act (16USC §791(a), et seq.) to operate an existing small hydroelectric power project in Alpine County and to the State Water Resources Control Board (State Board) for Water Quality Certification Section 401 of the Clean Water Act (33USC §1344).
2. The Federal Clean Water Act (33USC §1251, et seq.) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters" (33USC §1251(a)). Section 101(g) (33USC §1251(g)) requires federal agencies to "cooperate with state and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources". Section 401 (33USC §1341) requires every applicant for a federal license or permit to provide the responsible federal agency with certification that the project will be in compliance with specified provisions of the Clean Water Act, including Section 303 ("Water

Hydroelectric Project

FERC No. 10852

Page 2

Quality Standards and Implementation Plans", 33USC §1313); directs the state agency responsible for certification to prescribe effluent limitations and other limitations necessary to ensure compliance with the Clean Water Act and with any other appropriate requirement of state law; and provides that state certification conditions shall become conditions of any federal license or permit for the project.

3. The 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 of the California Code of Regulations).
4. On November 21, 1989, Ace requested certification that the Ace Hereford Ranch Hydroelectric Project would be in compliance with state and local water quality requirements, including requirements that satisfy the specified provisions of the Federal Clean Water Act.
5. Certification of compliance with state and local 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

Hydroelectric Project

FERC No. 10852

Page 3

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.

6. The State Board prepared and circulated for public comment a Negative Declaration (ND) for the Ace Hereford Ranch Hydroelectric Project. The ND identified potential impacts to water quality of the West Fork Carson River. The ND also identified mitigation measures recommended by the California Regional Water Quality Control Board, Lahontan Region, that could avoid or reduce potential impacts to a level below significance.
7. The California Regional Water Quality Control Boards have adopted, and the State Board has approved, Water Quality Control Plans (Basin Plans) for each watershed basin in accordance with provisions of Sections 303 and 304 of the Clean Water Act, related to the establishment of water quality standards and planning (33USC §§1313, 1314). Basin Plans identify beneficial uses of the waters within each Region.

Hydroelectric Project

FERC No. 10852

Page 4

8. Protection of the chemical, physical, and biological integrity of waters of the state for instream beneficial uses identified in the Basin Plans requires maintenance of adequate stream flows as well as effluent limitations and other limitations on discharges of pollutants from point and nonpoint sources to navigable waters and their tributaries.
9. The California Regional Water Quality Control Board, Lahontan Region, has reviewed Ace's application and the ND prepared for this project for consistency with the Basin Plan for the project area and has made recommendations for water quality protection to the State Board.

ACCORDINGLY, THE STATE BOARD CERTIFIES THAT the Ace Hereford Ranch Hydroelectric Project will comply with Sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law provided Ace complies with the following terms and conditions:

Hydroelectric Project

FERC No. 10852

Page 5

10. Inspections

An inspection of the project site shall be made by the Discharger on a monthly basis during those months in which ground cover by snow is not complete. The purpose of this investigation is to discover potential erosion and surface runoff problems on the project site so that corrective measures may be immediately undertaken.

The following items shall be included in the erosion control inspection:

- a. Unhealthy or poorly established vegetation

- b. Gully or rill erosion on slopes

- c. Sediment buildup at toe of slopes

- d. Vegetation damage by vehicles or heavy foot traffic

Hydroelectric Project

FERC No. 10852

Page 6

- e. Bare areas in need of revegetation
- f. Any subsequent bank erosion or disturbance caused by installation of the project

11. Water Quality Monitoring of Project Site

- a. Location of water quality sampling stations shall be as follows:

- (1) West Fork Carson River within 100 feet upstream of tailrace outlet
- (2) Reservoir
- (3) West Fork Carson River within 100 feet downstream of tailrace outlet

- b. Constituents to be Monitored

Hydroelectric Project

FERC No. 10852

Page 7

- (1) Volumetric flowrate measurements at each station each time it is sampled (use influent flows to penstock for the reservoir sampling station). Units shall be reported in cubic feet per second.
- (2) Temperature* (reported in F or C)
- (3) Turbidity (reported in NTU)
- (4) Suspended solids (reported in mg/l)
- (5) Settleable solids (reported in mg/l)
- (6) Dissolved oxygen* (reported in mg/l)
- (7) Elevation of reservoir - sample location (b) only (MSL as reference)

*Temperature and dissolved oxygen shall be measured in the field using appropriate field measurement techniques.

Hydroelectric Project

FERC No. 10852

Page 8

c. Sampling Frequency

Monthly grab samples shall be collected at the above stations on a day during which electricity is being generated. The samples shall be analyzed for the constituents listed above.

The need for sampling will be re-evaluated after the project has been monitored for a period of one year. Comments from the California Department of Fish and Game will be considered during this evaluation.

12. Reporting

Any erosion or surface runoff problems found on the subject property or violation of waste discharge requirements shall be clearly described and the corrective measures proposed by the Discharger shall be included in the monitoring report. If no such problems are found on the subject property, or if the project site was inaccessible due to adverse weather conditions, a statement certifying this condition must be included for each monthly inspection.

Hydroelectric Project

FERC No. 10852

Page 9

Quarterly monitoring reports including the preceding information shall be submitted to the Board by the 15th day of the month following each quarter. The first report shall be due the first quarter after the license is issued.

The Discharger shall arrange and compile the data in a concise form for quick review by the California Regional Water Quality Control Board, Lahontan Region. All analyses shall be performed in accordance with the current edition of "Standard Methods for the Examination of Water and Waste Water", in a laboratory certified to perform such analyses by the California State Department of Health or the Executive Officer of the California State Quality Control Board, Lahontan Region. Monitoring reports shall also include the following information:

- a. Name and telephone number of an individual who can answer questions about the report.
- b. WDID Number 6A129004001.
- c. Monitoring and Reporting Number 90-46.

Hydroelectric Project

FERC No. 10852

Page 10

13. Project Operation

Ace shall operate the Ace Hereford Ranch Hydroelectric Project in accordance with the terms and conditions identified above 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.

ORIGINAL SIGNED BY:

James W. Baetge

Executive Director

10/10/2020