



State Water Resources Control Board



Division of Water Rights

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SEP 04 2008

Mr. Henry M. Ramirez
Oroville Facilities Relicensing Program
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Dear Mr. Ramirez:

REQUEST FOR WATER QUALITY CERTIFICATION FOR THE RELICENSING OF THE OROVILLE FACILITIES, FERC NO. 2100

Thank you for your letter to Dorothy Rice, Executive Director of the State Water Resources Control Board (State Water Board), received in our office on August 7, 2008, requesting the withdrawal and resubmittal of water quality certification pursuant to section 401 (a)(1) of the Federal Clean Water Act (33 USC §1341 *et seq.*), for the Oroville Facilities, Federal Energy Regulatory Commission (Commission) #2100. This is the fourth request for water quality certification; the first request was received on October 26, 2005. Prior to Commission issuance of a new license, a water quality certification or waiver will be required (18 C.F.R. §16.8 (d)(7)(i)). The Department of Water Resources (DWR) letter, received August 7, 2008, initiates a one-year time clock for the State Water Board to act on the request for water quality certification.

Issuance of water quality certification is a discretionary action that requires the State Water Board to comply with the California Environmental Quality Act (CEQA). In this case DWR is the lead agency under CEQA and issued the Final Environmental Impact Report (FEIR) on July 22, 2008. DWR has withdrawn and resubmitted the request for water quality certification to allow State Water Board staff additional time to review the FEIR.

The application for water quality certification, together with the Commission license application and other documents from the Commission files that are incorporated by reference in the certification application, meet the application filing requirements specified in California Code of Regulations, title 23, section 3856. A complete application for water quality certification must include a description of any steps that have been, or will be taken to avoid, minimize, or compensate for loss of, or significant adverse impacts to beneficial uses of water. (Cal. Code Regs. tit. 23, §3856(h)(6).) We may request additional information to clarify, amplify, correct, or otherwise supplement the contents of the application. Supplemental information may include evidence of compliance with the water quality control plan. (Cal. Code Regs. tit. 23, §3836.)

If DWR does not provide any requested supplemental information or provide the final environmental documentation soon enough for the State Water Board to properly review it before the one-year federal period for certification expires, State Water Board staff will recommend denial of water quality certification without prejudice. (Cal. Code Regs., tit. 23,

California Environmental Protection Agency

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§3836.) Alternatively, DWR could choose to withdraw its request for water quality certification and file a new request for water quality certification.

State Water Board staff appreciates the cooperation of DWR staff and looks forward to working with you on this matter. Should you have questions regarding this letter, please contact me at (916) 341-5341 or e-mail at rkanz@waterboards.ca.gov.

Sincerely,



Russ J. Kanz
Staff Environmental Scientist

cc: Ms. Magalie R. Salas, Secretary
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