

**STATE WATER RESOURCES CONTROL BOARD  
WATER QUALITY ORDER NO. 2010-XXXX-DWQ**

**WDID NO. SB10003IN**

**WASTE DISCHARGE REQUIREMENTS**

**FOR**

**SOUTHERN CALIFORNIA EDISON COMPANY FOR SEGMENTS 4, 5, AND 10 OF  
THE TEHACHAPI RENEWABLE TRANSMISSION PROJECT, KERN AND  
LOS ANGELES COUNTIES**

The State Water Resources Control Board (State Water Board) finds:

1. Discharger

Southern California Edison (hereinafter Discharger) submitted a Report of Waste Discharge (RWD) to construct Segments 4, 5 and 10 of the Tehachapi Renewable Transmission Project (Project), located in southern Kern County; portions of Los Angeles County, California, on February 26, 2010. The RWD was deemed complete on April 7, 2010. The Discharger proposes to discharge wastes, dredged, and/or fill material to State waters associated with construction activity at the Project site.

2. Project Location

The Project is located within the cities of Lancaster, Palmdale, and unincorporated Kern and Los Angeles counties, California ([See Attachment C](#)). The alignment is located in the U.S. Geological Survey (USGS) 7.5-minute topographic quadrangles identified in [Attachment B](#), Table 1, along with the multiple townships and ranges that make up each quadrangle. The latitude and longitude of each impacted feature are listed in Attachment B, Table 2.

3. Receiving Waters

The Project traverses both the Lahontan and Los Angeles Regional Water Quality Control Board Regions. Drainages within the Segments 4, 5, and 10 project alignment are primarily isolated, ephemeral, dry washes and non-riparian streambeds with the exception of Amargosa Creek. The drainages are located in the Chafee, Willow Springs, Neenach, Lancaster, and Rock Creek Hydrologic Areas of the Antelope Hydrologic Unit in the Lahontan Region, and within the Upper Santa Clara River Hydrologic Area of the Santa Clara-Calleguas Hydrologic Unit in the Los Angeles Region. The Department of Water Resources designations for the Hydrologic Areas are:

<b>Lahontan Region</b>		<b>Los Angeles Region</b>	
Chafee	626.10	Upper Santa Clara	403.50
Willow Springs	626.30		
Neenach	626.40		
Lancaster	626.50		
Rock Creek	626.60		

#### 4. Project Description

The Project consists of three segments of the larger Tehachapi Renewable Transmission Project (TRTP) proposed by the Discharger. The TRTP will assist in meeting the State's Renewable Portfolio Standards requirements by providing new and upgraded transmission infrastructure for the distribution of electricity generated from new and upgraded wind and solar energy facilities, and other forms of renewable and non-renewable energy, in the Tehachapi Wind Resource Area of California. This will enable the Discharger and other California utilities to comply with California Renewable Portfolio Standard goals of 20 percent renewable energy by year 2010. The TRTP involves a total of 173 miles of transmission line segments along new and existing rights-of-way (ROWs) in southern Kern County, portions of Los Angeles County (including the Angeles National Forest), and the southwestern portion of San Bernardino County, California.

Segments 4, 5, and 10 of the TRTP incorporate approximately 50 miles of 500-kilovolt (kV) transmission line, 4 miles of 220-kV transmission line, and 328 transmission structures. All of these structures, plus proposed access roads and any other supporting equipment are part of the Project. Project disturbance areas include wire setup sites (for pulling, splicing, and stringing wire), construction work areas around each tower structure, new access roads, and modifications to existing access roads where they cross jurisdictional features (drainage modifications).

#### 5. Regulatory Authority and Reason for Action

The U.S. Army Corps of Engineers (Corps) determined on June 17, 2004, that Amargosa Creek in Los Angeles County was not subject to federal jurisdiction for purposes of Section 404 of the federal Clean Water Act (CWA) due to its nature as a non-navigable, isolated nature. However, the drainages and wetlands affected by the Project are waters of the State, as defined by section 13050 of the California Water Code, and are therefore subject to State requirements. The Project involves the proposed discharge of structural materials and/or earthen wastes (fill) to all or portions of approximately fifty-nine natural watercourses in the Project area.

An Approved Jurisdictional Determination was requested from the Corps for all waters impacted by the Project on February 26, 2010. The Corps gave verbal confirmation to the State Water Board on July 21, 2010 that most of the impacted waters fall outside of federal jurisdiction. A final written jurisdictional determination is still pending (See Attachment B for more details). Should some Project areas be subject to federal jurisdiction, this Order shall also serve as the water quality certification issued pursuant to section 401 of the CWA.

These Waste Discharge Requirements (WDRs), issued pursuant to Water Code section 13263, regulate the proposed discharge of fill material, including structural material and/or earthen wastes, to waters of the State. WDRs are necessary to adequately address potential and planned impacts to waters of the State, to require mitigation for these impacts, and to comply with the water quality standards specified in the Basin Plans.

The Discharger filed a Notice of Intent to comply with [State Water Board Order No. 2009-0009-DWQ](#), Waste Discharge Requirements For Discharges of Stormwater Runoff Associated With Construction Activity (Construction General Permit), National Pollutant Discharge Elimination System (NPDES) permit (Segment 4: WDID# 6B19C359492 [Lahontan Water Board]; Segment 5: WDID#s 6B19C359493 [Lahontan Water Board] and 419C359494 [Los Angeles Water Board]; Segment 10: WDID# 6B15C359003 [Lahontan Water Board]). This Order also regulates waste discharges to non-federal waters from stormwater runoff, other discharges associated with Project construction activity, and post-construction stormwater runoff.

## 6. Site Description

The Project is primarily located within the Antelope Valley, which includes the western tip of the Mojave Desert and is surrounded by the rugged and steep hillsides of the San Gabriel Mountains to the south; the Tehachapi Mountains to the north, northeast, and west; and the Liebre and Sierra Pelona Mountains to the southwest (see Project Map in Attachment C). At the base of each of the surrounding mountain ranges are several alluvial fans that deposit faulted bedrock and other sediments onto the high desert floor of the Antelope Valley. The alluvial deposits direct surface water and groundwater flow that eventually lead to several dry lakes. The low point (2,300 feet above mean sea level [AMSL]) of Antelope Valley's watershed appears to occur at Rosamond Lake within Edwards Air Force Base southeast of the Community of Rosamond. For a more detailed description, see Site Description in Attachment B.

## 7. Mitigation

Through final design and engineering, the Project avoids approximately 20 features that would have been permanently or temporarily affected by the original design. The impact acreage was reduced for an additional nine features that could not be completely avoided.

The Project will impact 67 features that are waters of the State. All but 6 of the impacted features are isolated waters of the State (non-federal waters). No wetland areas are expected to be impacted by Project activities. The Project will result in 0.18 acre of permanent and 0.41 acre of temporary impacts to waters of the State. Of the 0.41 acre of waters of the State, 0.07 acre are waters of the U.S. Temporary impacts due to vegetation trimming and/or grading within existing access roads (0.25 acre) are excluded from compensatory mitigation totals. A detailed breakout of temporary and permanent impacts by feature is provided in Attachment B, Tables 3a and 3b.

The Discharger will restore all areas where temporary fill of waters of the State has occurred. The Discharger will revegetate temporarily impacted areas according to the requirements in the Monitoring and Reporting Program ([Attachment E](#)). The Discharger will revegetate waters of the State and surrounding upland areas with native seed mix based on the existing vegetation communities in the vicinity of each impacted area. Seed palettes are included as [Attachment D](#).

Compensatory mitigation for impacts to waters of the State will be at a 3:1 ratio (all ratios are expressed as mitigation to impact) for both temporary and permanent impacts. The Discharger has proposed to purchase 1.02 acre of mitigation credits for all temporary and permanent fill of waters of the State through the Desert Tortoise Natural Area mitigation bank, which is operated by the Desert Tortoise Preserve Committee. Compensatory mitigation at the Desert Tortoise Natural Area was also proposed to compensate for project impacts to federally listed species and jurisdictional streambeds regulated by the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). The use of this mitigation bank has been approved through the USFWS Biological Opinion (BO) and approval is expected in the forthcoming CDFG 1600 Streambed Alteration Agreement (SAA) and CDFG 2081 Incidental Take Permit. This mitigation is expected to adequately compensate for loss of habitat within waters of the State associated with the discharge of fill material. This Order requires the Discharger to proceed with the proposed in-lieu fee mitigation.

## 8. Erosion Control Measures

The Discharger prepared a programmatic Erosion Control Plan that covers all segments of the entire TRTP, including the Project. A copy of the Erosion Control Plan is included in [Attachment F](#) and is part of this Order.

## 9. Construction Stormwater Management

This Order includes requirements for discharges of wastes in stormwater associated with construction activities. Stormwater management during construction will follow the Applicant Proposed Measures (APMs) and mitigation measures outlined in the WDR Application, including the development of a Construction Stormwater Pollution Prevention Plan (SWPPP). Implementation of the SWPPP will help stabilize graded areas and waterways and reduce erosion and sedimentation. The SWPPP will

designate best management practices (BMPs) that will be adhered to during construction activities. Erosion-minimizing efforts such as straw wattles, water bars, covers, silt fences, and sensitive area access restrictions (e.g., flagging) will be implemented before clearing and grading would begin. Mulching, seeding, or other suitable stabilization measures will be used to protect exposed areas during construction activities. This Order requires that measures be in place during construction activities to ensure that contaminants are not discharged from the construction sites. The SWPPP will define areas where hazardous materials will be stored; where trash will be placed; where rolling equipment will be parked, fueled and serviced; and where construction materials such as reinforcing bars and structural steel members will be stored. This Order requires that erosion control during grading of the construction sites and during subsequent construction be in place and monitored as specified by the SWPPP. The programmatic Erosion Control Plan will be attached to the SWPPP for the Project. To verify compliance with these requirements, a Water Quality Monitoring and Reporting Program will be carried out by the Discharger per Attachment E, which is part of this Order.

This Order does not preclude the Discharger from additional requirements imposed by municipalities, counties, drainage districts, and other local agencies regarding discharges of stormwater to facilities, systems, or watercourses under their jurisdiction.

#### 10. Post-Construction Stormwater Management

This Order also requires the Discharger to maintain pre-development infiltration, surface retention and recharge rates in order to minimize post-development impacts to offsite water bodies and underlying groundwater. The Discharger is required to avoid adverse effects of altering the hydrologic characteristics (hydromodification) of the Project site by site design and construction activity practices in accordance with this Order. To verify compliance with these requirements, Attachment E of this Order requires the Discharger to carry out a Water Quality Monitoring and Reporting Program.

#### 11. Basin Plans

In accordance with section 13245 of the Water Code, the State Water Board has approved the Water Quality Control Plans for the Lahontan Region (Lahontan Basin Plan) and the Los Angeles Region (Los Angeles Basin Plan). The Basin Plans define beneficial uses and water quality objectives for waters of the State, including surface waters and ground waters. This Order is in compliance with and implements both Basin Plans. In instances where the two Basin Plans have different requirements for a receiving water limitation, this Order contains the more restrictive or protective limitation.

## 12. Beneficial Uses - Surface Waters

The Basin Plans designate beneficial uses for surface waters within each watershed of the Lahontan and Los Angeles regions. Several impacted drainages are tributaries to Cottonwood Creek and Oak Creek. Beneficial uses of surface waters within the project area and vicinity that could be impacted by the project include: Municipal and Domestic Water Supply (MUN), Agricultural Supply (AGR), Industrial Service Supply (IND), Groundwater Recharge (GWR), Water Contact Recreation (REC-1), Non-contact Water Recreation (REC-2), Commercial Sport Fishing (COMM), Warm Freshwater Habitat (WARM), Wildlife Habitat (WILD). Amargosa Creek and Anaverde Creek, which are located in the Antelope watershed, do not have beneficial uses listed in the Lahontan Region Basin Plan. The Upper Santa Clara River is not within impact areas.

## 13. Beneficial Uses - Ground Waters

The Basin Plans designate beneficial uses for ground waters within each watershed of the Lahontan and Los Angeles regions. Beneficial uses of ground waters within the project area and vicinity that could be impacted by the project include: MUN; AGR; IND; and Freshwater Replenishment (FRSH).

## 14. Anti-Degradation

The State Water Board established California's anti-degradation policy in [State Water Board Resolution No. 68-16](#). Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The permitted discharge is consistent with Resolution No. 68-16. Minimal water quality degradation may be allowed if: any change in water quality is consistent with the maximum benefit to the people of the State; the degradation will not unreasonably affect present and anticipated beneficial uses; the degradation will not result in violation of the Basin Plans; and, discharges must use the best practicable treatment or control to avoid pollution or a condition of nuisance.

Discharges from the Project may cause minimal degradation, but will be substantially controlled through the application of BMPs for construction and post-construction activities. The State Water Board expects that control measures will be implemented in an iterative manner as needed to meet applicable receiving water quality objectives. The slight changes in water quality are consistent with the maximum benefit to the people of the state, because the Project provides new and upgraded transmission infrastructure to provide the electrical facilities necessary to reliably interconnect and integrate new wind generation in the Tehachapi Wind Resource Area which will enable the Discharger and other California utilities to comply with California Renewable Portfolio Standard goals of 20 percent renewable energy by year 2010.

This Order contains conditions to ensure beneficial uses are maintained or enhanced, such as the mitigation and monitoring requirements for impacts to waters of the State. Implementation of the Monitoring and Reporting Program will determine whether

degradation of water quality is occurring due to the Project and allow for corrections to be made as needed. The programmatic Erosion Control Plan, the SWPPP, and Monitoring and Reporting Program are designed to ensure and verify that the highest level of water quality is maintained.

#### 15. California Environmental Quality Act

The California Public Utilities Commission (CPUC) is the Lead Agency responsible for compliance with the California Environmental Quality Act. (CEQA; Pub. Resources Code, § 21000, et seq.) The CPUC, certified the Final Environmental Impact Report (EIR) for TRTP on October 1, 2009 (SCH No. 2007081156). A Notice of Determination was filed with the State Clearinghouse on December 21, 2009.

The unavoidable significant impacts *not* expected to be reduced to less than significant by mitigation listed in the Final EIR were related to the following:

- Air Quality: Construction emissions would exceed thresholds, and would expose sensitive receptors to substantial pollutant concentrations.
- Noise: Construction noise would substantially disturb sensitive receptors, and construction/operational noise levels would violate local standards. Permanent noise levels along the ROWs would increase due to corona noise from operation of the transmission lines and substations.
- Visual: Temporary visibility of construction activities and equipment involved with the Project would alter the landscape character and visual quality of landscape views. For a landscape that currently has no transmission lines, introduction of a new transmission line in a new ROW would adversely affect landscape character and visual quality. For a landscape with an existing transmission line, increased structure size and new materials would result in adverse visual effects. Vegetative clearing and/or earthwork associated with road improvements and pulling/splicing locations would adversely affect landscape character and visual quality. The Project would conflict with established visual resource management plans or landscape conservations plans.

The significant impacts identified in the Final EIR that would be reduced to less than significant by mitigation were related to air quality, biological resources, cultural resources, environmental contamination and hazards, geology, soils and paleontology, hydrology and water quality, land use, public services and utilities, traffic, wilderness and recreation, wildfire prevention and suppression, and electrical interference and hazards.

The State Water Board, acting as a responsible agency for CEQA, evaluated the significant and potentially significant impacts to water quality identified in the Final EIR. APMs and Mitigation Measures (MMs) were adopted to reduce and minimize Project

impacts and are incorporated into this Order below. The various MMs listed in the Final EIR related to water quality include development of a Construction Stormwater Pollution Prevention Plan (SWPPP) with accidental spill control procedures, establishment of an environmental training program, implementation of flood and erosion structure damage protection measures, development of an erosion control plan, development of a Habitat Mitigation and Monitoring Plan, and cessation of construction in the Angeles National Forest during heavy precipitation events.

The State Water Board finds these mitigation measures for significant and potentially significant water quality impacts in the Final EIR, supplemented with the provisions in this Order, are adequate to reduce water quality impacts to less than significant levels. The State Water Board will file a Notice of Determination for the above referenced Final EIR with the State Clearinghouse within five days of adoption of this Order.

#### 16. Notification of Interested Parties and Public Participation

The State Water Board has notified the Discharger and all known interested parties of its intent to adopt the Order. All the above information and the following attachments were considered in establishing the following WDRs. The Discharger and all known interested persons were provided an opportunity to submit their written views and recommendations. The State Water Board, in a public meeting, heard and considered all comments pertaining to this Order and its requirements.

**IT IS HEREBY ORDERED** that, pursuant to Water Code section 13263, the Discharger must comply with the following:

#### **I. DISCHARGE SPECIFICATIONS**

##### **A. Effluent Limitations**

Waste in discharges, including waste in discharges of stormwater and non-stormwater, must be reduced or prevented to achieve the best practicable treatment level through the use of controls, structures, and management practices.

##### **B. Receiving Water Limitations**

###### 1. Surface and Groundwater Objectives

- a) Receiving water limitations are narrative and numerical water quality objectives contained in the Basin Plans for all surface waters and groundwaters of the Lahontan and Los Angeles Regions watershed-specific numerical objectives. As such, they are a required part of this Order. Orders issued by the State Water Board that cover multiple regions contain the receiving water limitations from the Basin Plan that contains the most restrictive limitations. Therefore, some receiving water limitations for Project



activities conducted within the jurisdiction of the Los Angeles Water Board may come from the Lahontan Basin Plan and vice versa. The discharge of waste to surface waters and groundwaters, or other controllable water quality factors, must not cause, or contribute to, a violation of the following narrative water quality objectives for waters of the Antelope Hydrologic Unit and/or Santa Clara-Calleguas Hydrologic Unit. Numerical water quality objectives are not currently established in the Lahontan Basin Plan for the Amargosa and Anaverde Creeks in the Antelope Hydrologic Unit. Surface water and groundwater constituent limits are listed in the Lahontan and Los Angeles Regions Basin Plans.

## 2. Toxicity Testing Requirements

a) Toxicity testing shall be conducted to determine whether stormwater and non-stormwater discharge from the site is contributing toxicity to receiving waters including the discharge channel. Testing will be conducted according to the Region Basin Plan with more restrictive requirements and conditions in the WDRs.

## 3. Wetland Objectives

### a) Hydrology

i. Natural hydrologic conditions necessary to support the physical, chemical, and biological characteristics present in wetlands must be protected to prevent significant adverse effects on natural temperature, pH, dissolved oxygen and other physical/chemical conditions, movement of aquatic fauna, survival and reproduction of aquatic flora and fauna, and water levels.

### b) Habitat

i. Existing habitats and associated populations of wetlands fauna and flora must be maintained by maintaining substrate characteristics necessary to support flora and fauna which would be present naturally, protecting food supplies for fish and wildlife, protecting reproductive and nursery areas, and protecting wildlife corridors.

## **C. General Discharge Requirements**

1. Activities and waste discharges associated with the Project must not cause or threaten to cause a nuisance or pollution as defined in Water Code section 13050.
2. The discharge, including discharges of fill material, is limited to that which is described in this Order. The Project must be constructed and operated in accordance with the information provided in this Order. Deviation from the Project description in this Order constitutes a violation.

3. The discharge or threatened discharge or deposition of any wastes into channels, surface water, or any place where it would be discharged or deposited where it would be eventually transported to surface waters, including 100-year floodplain, unless authorized by this Order is prohibited.
4. The discharge must not contain or consist of any substance in concentrations toxic to animal or plant life.
5. The discharge must not contain or consist of oil or other floating materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters.
6. The discharge must not contain or consist of silt, sand, clay, or other earthen materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters, unless authorized by this Order.

#### **D. Discharge Prohibitions**

The discharge of wastes and fill associated with the Project must not violate the following waste discharge prohibitions. These waste discharge prohibitions do not apply to discharges of stormwater when wastes in the discharge are controlled through the application of BMPs or other means as described in the SWPPP, and the discharge does not cause a violation of water quality objectives. The State Water Board expects that control measures will be implemented in an iterative manner as needed to meet applicable receiving water quality objectives.

1. The discharge of waste that causes violation of any narrative water quality objective contained in the Lahontan and Los Angeles Region Basin Plans, including the Non-degradation Objective, is prohibited.
2. The discharge of waste that causes violation of any numeric water quality objective contained in the Lahontan and Los Angeles Region Basin Plans is prohibited.
3. Where any numeric or narrative water quality objective contained in the Lahontan or Los Angeles Region Basin Plans is already being violated, the discharge of waste that causes further degradation or pollution is prohibited.
4. The discharge of untreated sewage, garbage, or other solid waste, or industrial wastes into surface waters of the Region is prohibited. (For the purposes of this prohibition, "untreated sewage" is that which exceeds secondary treatment standards of CWA.)
5. The discharge of waste to surface water, except for stormwater and fill-related discharge authorized by this Order, is prohibited above elevation 3,500 feet.

6. The discharge of septic tank pumpings (septage) or chemical toilet wastes to other than a sewage treatment plant or certified waste hauler is prohibited.

## **II. OTHER REQUIREMENTS**

### **A. Mitigation Requirements**

1. The Discharger will restore all temporary impacts to waters of the State and mitigate for 0.18 acre of temporary and 0.41 acre of permanent impacts to waters of the State through the purchase of 1.02 acre of waters of the State through the Desert Tortoise Natural Area mitigation bank, which is operated by the Desert Tortoise Preserve Committee.
2. The Discharger will restore temporarily impacted areas according to the requirements in the Monitoring and Reporting Program (Attachment E), which is made part of this Order.
3. The Discharger will revegetate waters of the State and upland areas adjacent to waters of the State according to the requirements in Attachment E. Revegetation will be conducted with native seed mix based on the existing vegetation communities in the vicinity of each impacted area. Seed palettes will be consistent with the Seed palette presented in Attachment D, which is made part of this Order.
4. The Discharger must implement the plans for mitigation as proposed in this Order and as modified following review by the State Water Board's Executive Director (Executive Director) to assure compliance. Proof of purchase of mitigation credit within the Desert Tortoise Natural Area must be submitted to State Water Board staff within 60 days of date of purchase and prior to the start of construction. All compensatory mitigation areas must be protected in perpetuity from land-use and maintenance activities that would threaten water quality or beneficial uses within the mitigation area.
5. The APMs and MMs related to water quality and impacts to waters of the State, as published in the Final EIR, are included in [Attachment G](#), which is part of this Order.
6. The Discharger must submit copies of the SWPPP, final environmental training program, and the final Erosion Control Plan to the State Water Board for approval prior to the start of construction.

### **B. Water Quality Monitoring and Reporting Requirements**

1. The Discharger must comply with Monitoring and Reporting Program, No. 2010-XXXX-DWQ, which is part of this Order, and future revisions thereto as specified by the Executive Director.

2. The Discharger must attach a signed, certified cover letter to any monitoring report provided to the State Water Board. To comply with these requirements the Water Quality Monitoring and Reporting Program will be carried out by the Discharger per Attachment E, which is part of this Order. The certified cover letter must clearly identify any violations of this Order, discuss corrective actions taken or planned, and propose a time schedule for completing identified corrective actions. Identified violations must include a description of the violation.

### **C. Standard Provisions**

1. The Discharger must comply with the Standard Provisions in [Attachment E-1](#), which is part of this Order.
2. The Discharger shall immediately notify the State Water Board by telephone whenever an adverse condition occurred as a result of this discharge; written confirmation shall follow within two weeks. An adverse condition includes, but is not limited to, spills of petroleum products or toxic chemicals, or damage to control facilities that could affect compliance.
3. No equipment may be operated in areas of flowing or standing water; no fueling, cleaning, or maintenance of vehicles or equipment must take place within any areas where an accidental discharge to waters of the State may occur; construction materials and heavy equipment must be stored outside of the flow of the creek. When work within the boundaries of waters of the State is necessary, the entire streamflow must be diverted around the work area, temporarily, as needed to control waste discharge.
4. If groundwater dewatering is required for the project, the Discharger shall consult with the appropriate Regional Water Board(s) to determine if additional permits are required.
5. All temporary roads, spurs, landings and set-up sites shall be removed and contours restored to pre-project conditions.
6. The State Water Board reserves the right of changing all or any portion of the WDRs upon notice to and after opportunity to be heard is given to all concerned parties.
7. Failure to comply with these WDRs constitutes a violation of the Water Code and may be grounds for enforcement action or for permit termination, revocation and reissuance, or modification.
8. The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of these WDRs which has a reasonable likelihood of adversely affecting human health or the environment.

9. The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the discharger to achieve compliance with these WDRs. Proper operation and maintenance includes adequate laboratory control, where appropriate, and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by the discharger, when necessary to achieve compliance with the conditions of these WDRs.
10. All facilities used for collection, transport, treatment, storage, or disposal of waste shall be adequately protected against overflow, washout, inundation, structural damage or a significant reduction in efficiency resulting from a storm or flood having a recurrence interval of once in 100 years.
11. These WDRs may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for waste discharge requirement modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any of the waste discharge requirements conditions.
12. The WDRs do not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
13. The Water Code provides for civil liability and criminal penalties for violations or threatened violations of these WDRs including imposition of civil liability or referral to the Attorney General.
14. A copy of this Order shall be kept and maintained by the Discharger and be available at all times to operating personnel.
15. Provisions of these WDRs are severable. If any provision of the requirements is found invalid, the remainder of the requirements shall not be affected.
16. General public access shall be effectively excluded from treatment and disposal facilities.
17. Providing there is no material change in the operation of the facility, this Order may be transferred to a new owner or operation. The owner/operator must request the transfer in writing and receive written approval from the Executive Director. Such a request must be submitted to the State Water Board at least 30 days prior to the transfer or ownership or operation.

#### **D. Other Provisions**

The State Water Board may revise or modify this Order for reasons including, but not limited to, revised application for activities at the TRTP site, and ensuring consistency with changes in the State Water Board's riparian and wetland policy. The State Water Board delegates the authority to approve any necessary changes to this Order and its attachments as set forth above and as necessary to implement the Project to the Executive Director. The Executive Director may delegate these responsibilities to the Chief Deputy Director or the Deputy Director of the Division of Water Quality.

#### **CERTIFICATION**

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 15, 2010.

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Jeanine Townsend  
Clerk to the Board

#### **Attachments to Board Order No: 2010-XXXX-DWQ**

[A: Signatory Requirements](#)

B: Project Details

C: Map

D: Seed Mixes and Container Plants

E: Water Quality Monitoring and Reporting Program

E-1: Standard Provisions

F: Erosion Control Plan

G: Applicant Proposed Measures and Mitigation Measures from the Final EIR