

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

In the Matter of Water Quality Certification for

**SOUTHERN CALIFORNIA EDISON COMPANY'S
HUNTINGTON LAKE DAM NO. 1 LOW-LEVEL OUTLET VALVES REPLACEMENT
PROJECT**

Sources: Huntington Lake and Big Creek

County: Fresno

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

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Acronyms and Abbreviations

<i>2020-2022 Integrated Report</i>	<i>2020-2022 California Integrated Report (Clean Water Act Section 303(d) List/305(b) Report)</i>
<i>Antidegradation Policy</i>	<i>Statement of Policy with Respect to Maintaining High Quality Waters in California</i>
<i>Applicant</i>	<i>Southern California Edison</i>
<i>Bay-Delta Plan</i>	<i>Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary</i>
<i>BMPs</i>	<i>best management practices</i>
<i>CDFW</i>	<i>California Department of Fish and Wildlife</i>
<i>Central Valley Regional Water Board</i>	<i>Central Valley Regional Water Quality Control Board</i>
<i>CEQA certification</i>	<i>California Environmental Quality Act water quality certification</i>
<i>Construction General Permit</i>	<i>National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities</i>
<i>Deputy Director</i>	<i>Deputy Director of the Division of Water Rights</i>
<i>Dredge or Fill Procedures</i>	<i>State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State</i>
<i>ESA</i>	<i>Endangered Species Act</i>
<i>Executive Officer</i>	<i>Executive Officer of Central Valley Regional Water Board</i>
<i>FERC</i>	<i>Federal Energy Regulatory Commission</i>
<i>GPS</i>	<i>global positioning system</i>
<i>LLO</i>	<i>low-level outlet</i>
<i>MIF</i>	<i>minimum instream flow</i>
<i>NPDES</i>	<i>National Pollutant Discharge Elimination System</i>
<i>NTU</i>	<i>Nephelometric Turbidity Unit</i>
<i>Project</i>	<i>Huntington Lake Dam No. 1 Low-Level Outlet Valves Replacement Project</i>
<i>Regional Water Boards</i>	<i>California Regional Water Quality Control Boards</i>
<i>SCE</i>	<i>Southern California Edison Company</i>
<i>SR/SJR Basin Plan</i>	<i>Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin</i>
<i>State Water Board</i>	<i>State Water Resources Control Board</i>
<i>TMDLs</i>	<i>total maximum daily loads</i>
<i>USACE</i>	<i>United States Army Corps of Engineers</i>
<i>USEPA</i>	<i>United States Environmental Protection Agency</i>
<i>Water Boards</i>	<i>State Water Board and Regional Water Boards, collectively</i>

1.0 Project Description

Southern California Edison Company (SCE or Applicant) owns and operates Huntington Lake Dam No. 1, which is part of the Big Creek Nos. 1 and 2 Hydroelectric Project (Federal Energy Regulatory Commission [FERC] Project No. 2175). Huntington Lake Dam No. 1 is a concrete gravity arch dam that is 1,335 feet in length and 170 feet in height and impounds approximately 90,000 acre-feet of water in Huntington Lake for hydropower (National Inventory of Dams 2021). Huntington Lake Dam No. 1 is located on Big Creek, in Fresno County, and is approximately 45 miles northeast of Fresno, California.

SCE proposes the Huntington Lake Dam No. 1 Low-Level Outlet Valves Replacement Project (Project) to repair the low-level outlet (LLO) system of Huntington Lake Dam No. 1 and accurately measure minimum instream flow (MIF) releases that are anticipated under the new FERC license for the Big Creek Nos. 1 and 2 Hydroelectric Project. As part of the Project, SCE is proposing to: (1) repair or replace the upstream and downstream valves, gates, and operators; (2) dredge and remove accumulated sediment and debris in front of the LLO intake gates; and (3) install a Parshall Flume (SCE 2022a). The proposed repairs and upgrades will not result in a change to the design or function of the dam. By restoring the functionality of the LLO system, the Project repairs will address public safety concerns downstream of the dam. The installation of the Parshall Flume will allow flow releases to be measured accurately.

Project construction is anticipated to require two construction seasons of approximately seven months each, from May through November, in 2023 and 2024. In 2024, SCE anticipates using clamshell dredging to remove accumulated sediment and debris from in front of the LLO intake slide gates on the upstream face of the dam.

Project implementation will require a permit from the United States Army Corps of Engineers (USACE), pursuant to section 404 of the Clean Water Act. SCE anticipates it will obtain coverage for the Project from the Sacramento USACE District under the following non-reporting Nationwide Permits: 3(a) – Maintenance; 5 – Scientific Measuring Devices; and 13 – Bank Stabilization. A section 404 permit from USACE necessitates a Clean Water Act section 401 water quality certification (certification) from the State Water Resources Control Board (State Water Board). USACE has assigned the Project a designation number of SPK-2022-00432. Project maps can be found in Attachment A: Project Overview Maps.

2.0 Water Rights

Table A lists the water rights claimed by SCE for Big Creek Nos. 1 and 2 Hydroelectric Project.

Table A. SCE’s Big Creek Nos. 1 and 2 Hydroelectric Project Water Rights/Claims*

Statement/ Application No.	Priority Date	Place of Storage or Diversion	Sources	Purpose of Use
A026535	9/24/1980	Adit No. 8., Balsam, and Ely Creeks	Adit No. 8., Balsam, and Ely Creeks	Power
A026536A	9/24/1980	Adit No. 8, Big, Pitman, and Snowslide Creeks	Adit No. 8, Big, Pitman, and Snowslide Creeks	Irrigation, Domestic, Fire Protection
A026536B	9/24/1980	Big, Pitman, and Snowslide Creeks	Big, Pitman, and Snowslide Creeks	Aquaculture
S001828	1/01/1972	Unnamed Spring	Ely Meadow – Unnamed Stream	Irrigation and Domestic

* Information is from the State Water Board’s electronic Water Rights Information Management System.

3.0 Regulatory Authority

3.1 Water Quality Certification and Related Authorities

The federal Clean Water Act (33 U.S.C. §§ 1251-1388) 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 relies significantly on state participation and support in light of “the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution” and “plan the development and use” of water resources. (33 U.S.C. § 1251(b).) Section 101 of the Clean Water Act (33 U.S.C. § 1251(g)) 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 that may result in a discharge into navigable waters to provide the licensing or permitting federal agency with certification that the project will comply with specified 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 agency responsible for certification to prescribe effluent limitations and other conditions necessary to ensure compliance with the Clean Water Act and with “any other appropriate requirement of State law.” (33 U.S.C. §1341(d).) Section 401 further provides that 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. (Cal. Code Regs., tit. 23, § 3838, subd. (a).)

Water Code section 13383 authorizes the State Water Board to “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), as provided for in State Water Board Resolution No. 2012-0029 (State Water Board 2012). In the *Redelegation of Authorities* memo issued by the Deputy Director on June 6, 2022, this authority is redelegated to the Assistant Deputy Directors of the Division of Water Rights (State Water Board 2022a).

Procedure, Application, and Noticing. On June 27, 2022, SCE filed a certification application with the State Water Board under section 401 of the Clean Water Act. On July 19, 2022, 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 were received in response to this notice.

On September 6, 2022, State Water Board staff requested comments from the Central Valley Regional Water Quality Control Board (Central Valley Regional Water Board) on a draft certification. (See Cal. Code Regs., tit. 23, § 3855, subd. (b)(2)(B).) On September 13, 2022, Central Valley Regional Water Board staff provided comments, which were addressed in the development of this certification.

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 and objectives in the *Central Valley Regional Water Board's Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin* (SR/SJR Basin Plan) (Central Valley Regional Water Board 2019) and the *Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin*

Delta Estuary (Bay-Delta Plan) (State Water Board 2018).¹ Water quality control plans designate the beneficial uses of water to be protected (such as municipal and domestic supply, industry, agriculture, and wildlife habitat), 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 and applicable state and federal anti-degradation requirements, constitute California's water quality standards for purposes of the Clean Water Act. In issuing 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 No. 1 of Jefferson County v. Washington Dept. of Ecology* (1994) 511 U.S. 700, 714-719.)

The 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. (Wat. Code, § 13170.) The State Water Board and Regional Water Boards (collectively Water Boards) adopt the 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).

Sacramento and San Joaquin Rivers Basin Plan

The Central Valley Regional Water Board adopted, and the State Water Board and USEPA approved, the SR/SJR Basin Plan (Central Valley Regional Water Board 2019). The SR/SJR Basin Plan designates the beneficial uses of water to be protected along with the water quality objectives necessary to protect those uses. The SR/SJR Basin Plan specifies that the beneficial uses of any specifically identified waterbody generally apply to its tributary streams. The SR/SJR Basin Plan identifies existing beneficial uses for Sources to Millerton Lake (which includes Big Creek and Huntington Lake) as: municipal and domestic supply; agriculture; power; contact recreation; non-contact recreation; warm freshwater habitat; cold freshwater habitat; and wildlife habitat.

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 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

¹ Based on the Project's limited scope and distance from the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, impacts to water quality objectives listed for waterbodies in the Bay-Delta Plan are not anticipated to occur from Project activities.

Clean Water Act (33 U.S.C. § 1313). The beneficial uses 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 2018, the Bay-Delta Plan was updated to adopt new and revised Lower San Joaquin River flow objectives and revised southern Delta salinity objectives.

Antidegradation Policy

The State Water Board's **Statement of Policy with Respect to Maintaining High Quality Waters in California** (Antidegradation Policy)² (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 (40 C.F.R. § 131.12 (a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected."

In March 2019, the State Water Board submitted to FERC the plans and policies included in the state's comprehensive plan for orderly and coordinated control, protection, conservation, development, and utilization of the water resources of the state. This submission included the SR/SJR Basin Plan, the Bay-Delta Plan, the Antidegradation Policy, and other applicable plans and policies for water quality control (FERC 2019).

3.3 Clean Water Act Section 303(d) Listing

On January 19, 2022, the State Water Board adopted the **2020-2022 California Integrated Report (Clean Water Act Section 303(d) List/305(b) Report)** (2020-2022 Integrated Report) (State Water Board 2022b) and it was approved by USEPA on May 11, 2022.

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

² State Water Board Resolution No. 68-16 and any amendments thereto. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf. Accessed on September 13, 2022.

quality standards and establish waste load allocations and load allocations for point and nonpoint sources of pollution, respectively. Huntington Lake and Big Creek, downstream of Huntington Lake Dam No. 1, are not identified as impaired waterbodies in the 2020-2022 Integrated Report.

3.4 Construction General Permit

SCE will need to obtain 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)³ (State Water Board 2009) 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 the facility. Coverage is required pursuant to Clean Water Action sections 301 and 402, which prohibit certain discharges of stormwater containing pollutants except in compliance with a NPDES permit. (33 U.S.C. §§ 1311, 1342(p); 40 C.F.R. pts. 122, 123, and 124.)

3.5 State Wetland Definition and Procedures for Discharges of Dredged or Fill Material 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)⁴ (State Water Board 2019 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, compliant with the *California Wetlands Conservation Policy*, Executive Order W-59-93. SCE must comply with the Dredge or Fill Procedures when conducting dredge or fill activities that may impact waters of the state, including wetlands.

³ Water Quality Order No. 2009-0009-DWQ and NPDES No. CAS000002, as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html Accessed on September 13, 2022.

⁴ The Dredge or Fill Procedures and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html. Accessed on September 13, 2022.

4.0 California Environmental Quality Act

The California Environmental Quality Act (CEQA) applies to discretionary projects that may cause a direct or indirect physical change in the environment. (Pub. Resources Code, §§ 21000 et seq.) When proposing to undertake or approve a discretionary project, state agencies must comply with the procedural and substantive requirements of CEQA. The State Water Board determined that the Project is categorically exempt from CEQA under Class 1, existing facilities (Cal. Code Regs, tit. 14, § 15301). The State Water Board will file a Notice of Exemption with the State Clearinghouse within five days of issuing this certification.

5.0 Rationale for Water Quality Certification Conditions

This section of the certification explains that the grant of certification, as conditioned, is within the scope of certification and why the conditions in Section 7.0 are necessary to ensure that the Project and its discharges 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 SR/SJR Basin Plan, as described in the “Regulatory Authority” section, above.

The Dredge or Fill Procedures, adopted pursuant to Water Code sections 13140 and 13170, authorize approval of dredge or fill projects subject to satisfaction of specified requirements. California Code of Regulations, title 23, sections 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.

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 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 discharges that may impact waters of the state.

Fish and Game Code section 5937 requires any owner of a 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 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.

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 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, prevent degradation of water quality, and help ensure compliance with state and federal water quality requirements.

When preparing the conditions in this certification, State Water Board staff reviewed and considered the following information:

- SCE's June 27, 2022 application for certification (SCE 2022a) including its attachments (Attachments A-G);
- Erosion and Sediment Control Plan submitted by SCE on August 23, 2022 (SCE 2022b);
- Comments on the draft certification provided by Central Valley Regional Water Board staff;
- Beneficial uses, water quality objectives, and implementation measures and programs described in the SR/SJR Basin Plan (Central Valley Regional Water Board 2019) and Bay-Delta Plan (State Water Board 2018);
- Applicable water quality information, permits, policies, objectives, implementation measures, and programs (e.g., Construction General Permit, Dredge or Fill Procedures, etc.);
- Project-related controllable factors; and
- Other information in the record.

To the extent USACE considers any certification condition to include requirements outside the substantive scope of USEPA's Clean Water Act Section 401 Certification Rule, 85 Fed. Reg. 42, 210 (July 13, 2020) (Certification Rule), the Certification Rule—including but not limited to 40 C.F.R. §§ 121.1(f) and (n), 121.3, 121.7(d)(1), and 121.9(b)—is inconsistent with federal law and controlling case law. 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 discharge 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 and “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 No. 1*, supra, 511 U.S. at pp. 711- 712.) USEPA has indicated its intent to revise the Certification Rule because, among other faults, it “may prevent state and tribal authorities from adequately protecting their water quality,” “may result in a state or tribe’s certification or conditions being permanently waived as a result of non-substantive and easily fixed procedural concerns,” and “may limit the flexibility of certifications and permits to adapt to changing circumstances.” (86 Fed. Reg. 29,543-29,544 (June 2, 2021).) USEPA has maintained its “substantial concerns” and has asked that the Certification Rule be voluntarily remanded in ongoing litigation. Additionally, on June 9, 2022, USEPA published in the

Federal Register a proposed rule to revise procedures for implementing section 401 of the Clean Water Act. The proposed rule would replace and update the Certification Rule (USEPA 2022). 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: Diversions and Dewatering

Water quality monitoring during Project implementation is necessary to inform corrective actions in response to Project activities, if necessary. Condition 1 requires the implementation, with modifications, of SCE's Diversion and Seepage Water Best Management Practices (BMPs) Plan (Diversion and Seepage Plan) (Attachment G to the Project application), to minimize and identify any Project-related impacts to water quality. The Diversion and Seepage Plan includes BMPs to minimize water quality impacts and monitoring to periodically evaluate water quality during Project implementation.

Implementation of the Diversion and Seepage Plan as modified by this condition is required to ensure beneficial uses are protected and to comply with SR/SJR Basin Plan's water quality objectives, and other appropriate requirements of state law. Monitoring requirements of Condition 1 are consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383.

Project activities that may impact water quality, specifically turbidity and pH, include but are not limited to: (1) dredging and removing sediment and debris in front of the LLO intake gates in Huntington Lake; (2) dewatering the LLO release channel immediately downstream of Huntington Lake Dam No. 1; (3) installation of new valves, gates, and operators; and (4) installation of a Parshall Flume. These activities have the potential to violate the SR/SJR Basin Plan's water quality objectives. Condition 1 requires SCE to comply with applicable water quality objectives of the SR/SJR Basin Plan and implement its proposed water quality monitoring and protection measures, as listed in SCE's Diversion and Seepage Plan and as modified by this certification, to prevent water quality objective violations and impacts to beneficial uses. Beneficial uses of Huntington Lake and Big Creek that would be impacted by elevated turbidity and pH levels include, but are not limited to: municipal and domestic supply, agriculture, contact recreation, non-contact recreation, warm freshwater habitat, cold freshwater habitat, and wildlife habitat.

5.2 Rationale for Condition 2: Project Activities

As described in Section 5.0, this certification is granted, based on the application and supporting information submitted, in accordance with the State Water Board's regulations and subject to requirements of the Porter-Cologne Water Quality Control Act. Condition 2 requires SCE to implement the Project as described in its June 27, 2022 certification application, its August 23, 2022 supplemental submission, and as modified by conditions of this certification. Condition 2 will help ensure that the

Project is implemented in a manner that protects water quality objectives and avoids unreasonable impacts to beneficial uses. Any changes to the Project description that are inconsistent with the Project application and supplemental submission documents provided to the State Water Board prior to certification issuance could impact the findings, conclusions, and conditions of the certification and may necessitate the filing of a new application as well as trigger additional environmental review.

5.3 Rationale for Condition 3: Minimum Instream Flow

Huntington Lake Dam No. 1 operations and associated MIF releases are established by the Big Creek Nos. 1 and 2 Hydroelectric Project's FERC license issued on March 27, 1959. Huntington Lake Dam No. 1 MIF flow releases are the predominant flow releases in portions of Big Creek downstream of the dam. As part of the Project, SCE proposes to maintain MIF releases downstream of Huntington Lake Dam No. 1, as required by the Big Creek Nos. 1 and 2 Hydroelectric Project's FERC license.

Condition 3 requires SCE to maintain MIFs, as required by the Big Creek Nos. 1 and 2 Hydroelectric Project's FERC license, as reduced MIF releases have the potential to impact water quality and associated beneficial uses of Big Creek, as identified in the SR/SJR Basin Plan. Beneficial uses that may be impacted by reduced flow releases include, but are not limited to: municipal and domestic supply; agriculture; power; contact recreation; non-contact recreation; warm freshwater habitat; cold freshwater habitat; and wildlife habitat. MIF discharges directly impact water quality and associated beneficial uses. Fish and Game Code section 5937 requires any owner of a 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. Maintaining MIFs ensures protection of water quality and aquatic resources throughout Project activities.

5.4 Rationale for Condition 4: Erosion and Sediment Control Measures

Erosion and sedimentation can contribute to degradation of the waters of the state; therefore, it is necessary to implement actions to eliminate or limit such discharges to protect water quality and associated beneficial uses. Project activities, including dredging, stockpiling, excavation, and other ground disturbing activities, have the potential to cause erosion of riparian habitat and increased sedimentation in Huntington Lake and Big Creek. Increases in erosion and sedimentation can violate water quality objectives (e.g., turbidity) and impact beneficial uses.

Condition 4 requires SCE to comply with the Construction General Permit, described in Section 3.4, to ensure that construction-related Project activities do not impact water quality and beneficial uses. This is required pursuant to Clean Water Act sections 301 and 402 that prohibit certain discharges of stormwater containing pollutants except in compliance with an NPDES permit. (33 U.S.C. §§ 1311, and 1342(p); 40 C.F.R. pts. 122, 123, and 124.) Protection of the beneficial uses identified in the SR/SJR Basin Plan requires effluent limitations and other limitations on discharges of pollutants from point and non-point sources to Huntington Lake and Big Creek. Erosion from Project construction activities has the potential to result in discharges that violate water quality

standards. Compliance with the Construction General Permit will help ensure protection of water quality and beneficial uses.

Beneficial uses of Huntington Lake and Big Creek that would be impacted by increased erosion and sedimentation include, but are not limited to: warm freshwater habitat, cold freshwater habitat, and wildlife habitat. Condition 4 requires SCE to implement the Erosion and Sediment Control Plan that it submitted to the State Water Board on August 23, 2022 (SCE 2022b), and as modified by this certification, to prevent water quality objective violations and unreasonable impacts to beneficial uses from erosion and sediment discharges. Condition 4 specifies that if a Lake and Streambed Alteration Agreement is issued for the Project by the California Department of Fish and Wildlife (CDFW) and it contains fish and wildlife protection measures related to turbidity curtain use, SCE is required to comply with the more stringent requirements between Condition 4 and those of the Lake and Streambed Alteration Agreement.

5.5 Rationale for Condition 5: Fish Rescue and Relocation

Project dewatering activities have the potential to strand resident fish, such as rainbow trout, which may impact existing beneficial uses. Condition 5 specifies that if a Lake and Streambed Alteration Agreement is issued for the Project by CDFW and it contains fish rescue and relocation measures, SCE is required to comply with the more stringent requirements between this condition and those of the Lake and Streambed Alteration Agreement. Condition 5 will help avoid impacts to water quality and beneficial uses related to recreation and cold water habitat, and supports the related requirement under Fish and Game Code section 5937 that fish be maintained in good condition below a dam.

5.6 Rationale for Condition 6: Hazardous Materials Control Measures

Implementation of hazardous material management measures are essential to ensure hazardous materials are properly managed in the Project area to avoid and minimize the release of hazardous materials to surface waters, and associated impacts to beneficial uses. Condition 6 requires SCE to implement hazardous material management measures as proposed in its certification application as modified by this certification.

The Project involves dredging and excavation using heavy equipment that will require refueling and servicing. Site management requires implementation of BMPs to prevent, minimize, and/or clean up spills, including from 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 6 is required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this certification.

The SR/SJR 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” (Central Valley Regional Water Board 2019). Beneficial uses of Huntington Lake and Big Creek that would be impacted by hazardous materials include, but are not limited to: municipal and domestic supply; agriculture; contact recreation; non-contact recreation; warm freshwater habitat; cold freshwater habitat; and wildlife habitat. This condition protects water quality by ensuring that hazardous materials are not discharged to surface waters when equipment is being used or stored. (Dredge or Fill Procedures, § IV.B.1.) Condition 6 requires implementation of hazardous material management measures to prevent hazardous materials spills into waterways, including containment criteria pursuant to California Code of Regulations, title 27, section 20320.

5.7 Rationale for Condition 7: Project Activity Progress Reports

Condition 7 requires SCE to submit Project Activity Progress Reports (Progress Reports) during Project implementation to document Project status and compliance with certification requirements. Additionally, Condition 7 requires SCE to notify State Water Board staff prior to modifying Project BMPs for water quality protection and to submit a Project Completion Report (Completion Report) following Project completion to document Project compliance with certification requirements. The Progress Reports and Completion Report will inform the Deputy Director of potential water quality objective violations and/or impacts to beneficial uses. This condition will allow implementation of measures to limit or prevent any violations and/or impacts.

5.8 Rationale for Conditions 8 through 28

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

Condition 8 is necessary to comply with Water Code section 13167 and Conditions 9 through 13 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 8 requires electronic data submittal in a compatible format 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 Endangered Species Act (Fish & G. Code, §§ 2050 et seq.) and federal Endangered Species Act (16 U.S.C. §§ 1531 et seq.), Condition 9 of 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 construction, operation, maintenance, or other 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 activities meet water quality standards and other appropriate requirements of state law, Condition 10 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 Endangered Species Acts (Condition 9).

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 board will comply with applicable requirements” of state and federal law. To help ensure the integrity of the certification process and its focus on the protection of water quality and compliance with other applicable state requirements, Condition 10 serves to notify applicants that there may be additional applicable federal, state, or local laws or ordinances with which they must comply. Because agency organization and authorities change over time, Condition 11 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 12 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 13 through 15 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 13 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 permittee on notice that the certification action may be modified or revoked following administrative or judicial review. Condition 14 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(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 15 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(c). This fee requirement condition is also required pursuant to California Code of Regulations, title 23, section 3833(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 16 through 26 are necessary to ensure that the Project operates 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, or changes to the standards themselves.

This certification requires monitoring, reporting, and analysis as important elements to ensure that the Project activities will comply with state and federal water quality requirements and other appropriate requirements of state law. Conditions 16, 17, and 18 provide for extensions of time to comply with requirements, prevention or remedy of violations, and notification of changed conditions to ensure compliance and prevent violations of water quality standards. In the event of non-compliance, modified conditions may be necessary to return the Project to compliance and prevent violation of water quality standards. Conditions 19 and 20 requires the applicant to comply with the SR/SJR Basin Plan and to take all reasonable measures 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 21 requires such reports that are necessary to ensure compliance with water quality standards.

Condition 22, related to site access requirements, 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 site. This condition is required to assure 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 reserves the State Water Board's authority to add or modify conditions of this certification to ensure that Project activities meet water quality objectives and protect beneficial uses.

Condition 25 requires that SCE use analytical methods approved by California's Environmental Laboratory Accreditation Program, when available, to ensure that such analyses are done in a consistent manner.

Condition 26 provides that the State Water Board will provide notice and an opportunity to be heard in exercising its authority to add or modify certification conditions.

Condition 27 ensures permanent physical loss and permanent ecological degradation of waters of the state are adequately mitigated. This condition is necessary to ensure compliance with state and federal antidegradation policies and is consistent with Section IV.B.1.a of the Dredge or Fill Procedures, which requires that the Water Boards will approve a project only after it has been determined that a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for adverse impacts to waters of the state that cannot be practicably avoided or minimized. (See also California Code of Regulations, section 3856, subdivision (h) [requiring submittal of proposed mitigation and description of steps taken to avoid, minimize, or compensate].) These compensatory mitigation conditions are also consistent with Executive Order W-59-93 commonly referred to as California's "No Net Loss" Policy for wetlands. The objective of the No Net Loss Policy is to ensure no overall net loss of and a long-term net gain in the quantity, quality, and permanence of wetland acreage and values in California. Further, compensatory mitigation requirements must comply with subpart J of the Supplemental State Guidelines. Mitigation requirements related to financial assurances are also required to ensure that compensatory mitigation will be provided. (Dredge or Fill Procedures, § IV.B.5.f.)

In the event that any provision of this certification is found invalid, Condition 28 ensures that all other provisions 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 by this certification, the Project will be protective of state and federal 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 implementation of the Huntington Lake Dam No. 1 Low-Level Outlet (LLO) Valves Replacement Project (Project) 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 Diversions and Dewatering

The Applicant shall implement the Diversion and Seepage Water Best Management Practices (BMPs) Plan (Diversion and Seepage Plan) submitted to the State Water Resources Control Board (State Water Board) by Southern California Edison Company (SCE or Applicant) as part of its water quality certification (certification) application (SCE 2022a), as modified by this condition.

Diversion and Seepage Plan Section 3: Diversion Approach shall be modified as follows:

- A minimum of 30 days prior to Project implementation, the Applicant shall provide an updated Project schedule for diversion and dewatering activities.
- The Applicant shall take a global positioning system (GPS) point reading and photograph of the re-routed minimum instream flow (MIF) diversion intake and release points and provide this information to the State Water Board Project Manager within 24 hours of initiating temporary bypass releases. The Applicant shall notify the Deputy Director of the Division of Water Rights (Deputy Director) if the MIF diversion intake needs to be relocated.
- No diversion or dewatering activities shall occur without appropriate BMPs in place, as described in Section 3: *Diversion Approach*, of the Diversion and Seepage Plan, to ensure water quality standards are maintained, as defined in the *Central Valley Regional Water Quality Control Board's (Central Valley Regional Water Board) Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin (SR/SJR Basin Plan) (Central Valley Regional Water Board 2019)*.
- The Applicant shall notify the Deputy Director of additional BMPs if the BMPs described in SCE's Diversion and Seepage Plan are not adequate to manage seepage water in the drainage shaft and at the outfall of the LLO pipe.
- Prior to initiating performance testing of the LLO system, the Applicant shall remove as much sediment as possible from the LLO release channel to minimize turbidity.

Diversion and Seepage Plan Section 4: Water Quality Monitoring shall be modified as follows:

- Unless otherwise approved by the Deputy Director, monitoring shall be implemented every four hours during dewatering and throughout Project implementation (e.g., discharges from initial post-Project performance testing,

discharges from hydrostatic pressure tests, etc.) when Project activities may result in discharges to waters of the state.

- Unless otherwise approved by the Deputy Director, the Applicant shall conduct water quality monitoring at the locations specified in SCE's Diversion and Seepage Plan (i.e., ML-1, ML-2, ML-3, ML-4, and ML-5 in Table 1 of SCE's Diversion and Seepage Plan). The Applicant shall take a GPS point reading and photograph for each monitoring location and provide them to the State Water Board Project Manager at least one week prior to the initiation of Project dredging and construction activities.
- Unless otherwise approved by the Deputy Director, the Applicant shall primarily measure natural turbidity (background) at monitoring locations ML-1 and/or ML-4; however, if samples are collected at both ML-1 and ML-4, the lower turbidity sample shall serve as background.
- The downstream monitoring location(s) shall be located no further than 300 feet downstream of the work area, unless otherwise approved by the Deputy Director. The MIF Diversion Outlet monitoring location (ML-5) shall be located no further than 300 feet downstream of the outfall of the MIF diversion pipe, unless otherwise approved by the Deputy Director.
- If deterioration of water quality is visually observed, the Applicant shall take photos and notify the Deputy Director.
- Project activities shall meet SR/SJR Basin Plan water quality objectives. The water quality objectives for turbidity and pH are as follows, unless otherwise updated by an amendment to the SR/SJR Basin Plan:

Turbidity. Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in turbidity attributable to controllable water quality factors shall not exceed the following limits:

- (i) Where natural turbidity is less than one Nephelometric Turbidity Unit (NTU), controllable factors shall not cause downstream turbidity to exceed two NTUs.
- (ii) Where natural turbidity is between one and five NTUs, increases shall not exceed one NTU.
- (iii) Where natural turbidity is between five and 50 NTUs, increases shall not exceed 20 percent.
- (iv) Where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs.
- (v) Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above limits, an appropriate averaging period, not to exceed 24 hours, may be applied, provided that beneficial uses will be fully protected.

pH. The Applicant shall maintain pH between 6.5 and 8.5.

Diversion and Seepage Plan Section 4.8: Protocols for Elevated Readings shall be modified as follows:

- If turbidity monitoring indicates turbidity levels greater than natural levels, but less than the SR/SJR Basin Plan water quality limits, monitoring shall be conducted at least every two hours during Project activities until turbidity levels have returned to natural levels. Additionally, during the period when turbidity levels are greater than natural levels and less than the SR/SJR Basin Plan water quality limits, the Applicant may implement the procedures outlined in the First, Second, and Third Elevated Reading Event sections of SCE's Diversion and Seepage Plan (see Section 4.8), as appropriate.
- During concrete work, pH monitoring of the discharge(s) shall be implemented. For example, if water comes into contact with newly constructed concrete in the drainage shaft or the LLO release channel, water shall be captured, treated, and only discharged to waters of the state if the pH is within the SR/SJR Basin Plan water quality limits. If pH monitoring indicates that Project activities are affecting pH levels, but are still within the SR/SJR Basin Plan water quality limits, pH monitoring shall be conducted at least every two hours during concrete-related Project activities and cleanup. Additionally, the Applicant may implement the procedures outlined in the First, Second, and Third Elevated Reading Event sections of SCE's Diversion and Seepage Plan (see Section 4.8), as appropriate.
- The Deputy Director and the Central Valley Regional Water Board Executive Officer (Executive Officer) shall be notified promptly, and in no case more than 24 hours following a turbidity or pH exceedance of SR/SJR Basin Plan water quality objectives. Regardless of when such notification occurs, activities associated with the SR/SJR Basin Plan turbidity or pH exceedance shall cease immediately upon detection of the exceedance. Work activities may resume after corrective actions have been implemented, water quality meets the turbidity and/or pH SR/SJR Basin Plan water quality objective(s), and the Deputy Director has provided approval to proceed.
- Water quality monitoring reports described in Section 4.10 of the Diversion and Seepage Plan, shall be modified to include: monitoring results (visual and field collected), a list of implemented BMPs, and any proposed water quality monitoring or BMP modifications.

Applicant-proposed modifications to water quality monitoring and BMPs in the Diversion and Seepage Plan may be implemented following Deputy Director review and approval. Any revisions or modifications to the Diversion and Seepage Plan, including water quality monitoring, must be approved by the Deputy Director prior to implementation. The Deputy Director may require modifications as part of approval.

CONDITION 2 Project Activities

Unless otherwise modified by conditions of this certification, or approved by the Deputy Director, the Applicant shall implement the Project as described in SCE’s June 27, 2022 certification application (SCE 2022a) and SCE’s August 23, 2022 supplemental submission (SCE 2022b).

CONDITION 3 Minimum Instream Flow

During Project activities, the Applicant shall comply with all minimum instream flow requirements of the Federal Energy Regulatory Commission (FERC) license for the Big Creek Nos. 1 and 2 Hydroelectric Project (FERC Project No. 2175).

CONDITION 4 Erosion and Sediment Control Measures

The Applicant shall implement the Erosion and Sediment Control Plan (Erosion Plan) submitted to the State Water Board by SCE on August 23, 2022 (SCE 2022b), as modified by this condition. Subsections of Section 2 of the Erosion Plan – Best Management Practices, shall be modified as follows.

Erosion Plan Section 2 – Best Management Practices: In-Water Activities Subsection
shall be modified as follows:

- The turbidity curtain, BMPs, and other control measures for erosion, excessive sedimentation, and sources of turbidity shall be implemented and in place prior to the commencement of, during, and as applicable, after any Project activities that could result in erosion or sediment discharges to surface water.
- The Applicant shall implement appropriate measures to minimize the number of fish and wildlife trapped in the area enclosed by the turbidity curtain⁵ during installation, operation, and removal. If a California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement is issued for this Project and includes provisions for fish protection related to the turbidity curtain installation, operation, and/or removal, the more stringent requirements between this certification and those of the Lake and Streambed Alteration Agreement shall apply.
- The Applicant shall notify the Deputy Director if sediment migration is observed (i.e., from the inside to the outside of the curtain) as part of the turbidity curtain daily monitoring proposed by SCE’s Erosion Plan (SCE 2022b). Additionally, the curtain shall be inspected for holes or other problems, and any needed repairs shall be made promptly and described in the Project Activity Progress Reports required by Condition 7.

⁵ The area enclosed by the turbidity curtain is defined as the 0.901 acres of Huntington Lake surface area shown as Work Area 2 in Attachment A, Figure A2.

- Unless otherwise approved by the Deputy Director, the turbidity curtain shall be removed after: (1) obtaining visual confirmation that sediment has settled; and (2) measured turbidity levels meet the requirements of the SR/SJR Basin Plan turbidity water quality objective, described in Condition 1.
- The Applicant shall report, in the Project Activity Progress Reports required by Condition 7, if water from saturated dredged material removed as part of the Project is discharged outside of Work Area 2 during Project dredging, transportation, or stockpiling activities.
- Unless otherwise modified by the Deputy Director, the Applicant shall ensure the transfer of dredged material from the secondary transport barge(s) to the hauler trucks occurs in the area enclosed by the turbidity curtain, as proposed in the Erosion Plan (SCE 2022b), which states “Dredged material transported from the secondary transport barge to hauler trucks must occur within the turbidity curtain to minimize material falling outside of Work Area 2.” The Applicant shall report, in the Project Activity Progress Reports required by Condition 7, if the transfer of dredged materials off of a barge occurs outside the area enclosed by the turbidity curtain, and provide detailed information regarding why the deviation occurred and what measures were implemented to ensure no discharge and impacts to beneficial uses.
- The Applicant shall use watertight hauler trucks for the transport of dredged material. The Applicant shall monitor hauler trucks for leaks prior to, during, and following transport of dredged material to Staging Area 4. If water is observed leaking from a hauler truck, the truck shall not begin transporting dredged material until the leaking stops and any discharge associated with the leak has been cleaned up, as applicable (i.e., dredged material shall be cleaned up, but clean water may be discharged so long as it does not create a water quality issue such as erosion and runoff). The Applicant shall ensure that, as applicable, leaking water from the hauler trucks is discharged into the area enclosed by the turbidity curtain. The Applicant shall report if any leakage water or dredged material is discharged outside of the turbidity curtain. The report shall be made as part of the Project Activity Progress Reports required by Condition 7 and include: (a) the location; (b) estimated amount of observed leakage of dredged material; (c) what steps were taken to clean up the leakage of dredged material; and (d) what steps, if any, the Applicant will implement moving forward to avoid such discharges from the trucks.

Erosion Plan Section 2 – Best Management Practices: Staging Areas Subsection shall be modified as follows:

- Stockpiles shall be located outside of wetlands, surface waters, and riparian habitat. Unless otherwise approved by the Deputy Director, dredged or excavated material shall be stored at least 300 feet from any waters of the state.
- Any disposal sites for non-hazardous waste materials shall be away from waterways and graded in a manner that prevents erosion and the discharge of sediments to surface waters.

- In areas prone to run-off, inundation, and/or erosion, structures such as riprap, culverts, or retaining walls may be necessary to protect water quality. Where necessary, the Applicant shall install sediment basins or silt fences to prevent sediment runoff into streams or waterbodies and negative water quality and aquatic habitat impacts.
- Overwintering preparation: At the end of each construction season, the work area shall be prepared for overwintering. All construction equipment shall be removed from the site with the exception of stockpiled, clean rock and granular fill, which may remain on site for use in the subsequent construction season(s) with appropriate BMPs in place to prevent erosion and sloughing into surface waters.
- If Project stockpiling results in runoff discharges to surface waters outside Staging Area 4, the Applicant shall report the discharges, in the Project Activity Progress Reports required by Condition 7, and perform water quality monitoring of the discharges pursuant to Condition 1.
- The Applicant shall comply with the ***National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities***⁶ (Construction General Permit) and any amendments thereto. To the extent of any conflict between the conditions of this certification and applicable conditions in the Construction General Permit, the more stringent shall apply.

Erosion Plan Section 2 – Best Management Practices: Soil Disturbing Activities Subsection shall be modified as follows:

- Vegetation removal shall be limited to the minimum amount necessary.

Erosion Plan Section 2 – Best Management Practices: Concrete Activities Subsection shall be modified as follows:

- Imported materials (i.e., not from on-site rock borrow locations) shall be washed prior to use. If materials are washed on-site, washing shall occur, and wash water shall be stored away from any waterway and either disposed of off-site or used for dust abatement.
- The Applicant shall report, in the Project Activity Progress Reports required by Condition 7, if unset cement, concrete, grout, damaged concrete, concrete spoils, or wash water used to clean concrete surfaces is released and enters surface waters, including information on the location and clean up actions taken.

⁶ Water Quality Order No. 2009-0009-DWQ and NPDES No. CAS000002, as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, and any amendments thereto. Available at:
https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html
Accessed on September 13, 2022.

Erosion Plan Section 2 – Best Management Practices: Site Access and Track Out Subsection shall be modified as follows:

- No vehicles or equipment shall drive off-road through wetlands or riparian areas to access the Project area. For any surface water crossings, the Applicant shall monitor water quality and implement appropriate BMPs to ensure water quality objectives are met.
- The Applicant shall inspect all construction access points for sediment track out and include in the Project Activity Progress Reports required by Condition 7 if additional measures are necessary to minimize sediment track out.

Erosion Plan Section 2 – Best Management Practices: BMP Maintenance, Inspection, and Repair Subsection shall be modified as follows:

- The Applicant shall conduct a final inspection to ensure that cleanup and stabilization activities are satisfactorily completed. The Applicant shall include in the Condition 7 Project Completion Report the final inspection findings.
- As part of the Condition 7 Project Activity Progress Reports, the Applicant shall report BMP inadequacies found during inspection.

CONDITION 5 Fish Rescue and Relocation

The Applicant shall implement the fish rescue and relocation measures in this condition in any dewatered reaches of the LLO release channel immediately following closure of the valves that discharge into the LLO release channel. If a CDFW Lake and Streambed Alteration Agreement is issued for this Project and includes provisions for fish rescue and relocation, the more stringent requirements between this condition and those of the Lake and Streambed Alteration Agreement shall apply.

A qualified aquatic wildlife biologist shall be present prior to and during initial dewatering of the LLO release channel to survey for aquatic resources in areas to be dewatered. If fish are found in the dewatered area, a qualified aquatic wildlife biologist shall implement the fish rescue and relocation measures provided in this condition.

- Collect fish using a combination of block nets, dip nets, and beach seines or hand nets. If necessary, backpack electrofishing equipment may be used to facilitate capture. If electrofishing is determined to be needed, the Applicant shall follow applicable National Marine Fisheries Service guidelines for electrofishing.
- Transport captured fish in buckets with battery-operated aerators to a processing area that is closely located to the release location. The release location shall be located downstream of the work area, at a location outside of potential water quality impacts with similar or better habitat to where the fish was initially located. A qualified aquatic wildlife biologist shall ensure that the fish are appropriately acclimated to the release site's temperature and other water quality parameters prior to release.
- Following acclimation, a qualified aquatic wildlife biologist shall release fish into the release location and observe fish for mortality or stress. If mortality occurs, the Applicant shall report mortality to the Deputy Director and CDFW and dispose

of fish carcasses at an approved waste management facility. Mortality reporting shall include: (1) number and species of fish that were relocated; (2) number and species of fish that experienced mortality; (3) size and condition of fish that experienced mortality; (4) potential causes of fish mortality; and (5) as applicable, proposed compensatory mitigation the Applicant will implement to offset any impacts related to fish mortality.

The Deputy Director may require additional mitigation or adaptive management actions to address Project-related fish mortality.

CONDITION 6 Hazardous Materials Control Measures

The Applicant shall implement hazardous materials⁷ control measures as described in Section Eight of its certification application and Section 6 of its Diversion and Seepage Plan (SCE 2022a), as modified by this condition.

- Unless otherwise modified by the Deputy Director, vehicles shall not be parked overnight in wetlands, surface waters, or riparian vegetation. BMPs (e.g., oil drip pans, plastic sheeting) shall be required for any vehicles and equipment staged overnight to contain any vehicle and equipment leakage of hazardous materials.
- Before entering the Project area, vehicles, barges, and equipment shall be inspected for leaks (e.g., fuel, oil, hydraulic fluids) and repaired prior to entering the Project area. Fueling, lubrication, maintenance, storage, and staging of land vehicles, barges, and equipment shall not result in a discharge to any waters of the United States and/or state.
- Fueling, lubrication, maintenance, storage, and staging of land-based vehicles (i.e., excluding watercraft) and equipment shall be located outside of waters of the United States and/or state in areas where accidental spills are not likely to enter or affect such waters. At a minimum, storing, fueling, and maintenance of land-based vehicles (i.e., excluding watercraft) and equipment shall not occur in wetlands, surface waters, riparian areas, or on slopes above and adjacent to these features.
- Training of field personnel and crews shall be conducted to ensure field personnel and crews are aware of and understand all hazardous material requirements prior to conducting Project activities.
- All containment structures shall comply with California Code of Regulations, title 27, section 20320. When not in use, hazardous materials shall be stored away from any watercourse.
- If Project-related hazardous materials are released, appropriate spill response procedures shall be initiated as soon as the incident is discovered. Actions that

⁷ Hazardous materials include, but are not limited to: petroleum products, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to water quality and beneficial uses.

shall be taken, as applicable, include that any water contaminated by hazardous materials shall be stored in structures compliant with California Code of Regulations, title 27, section 20320, and/or disposed of properly off-site in a manner that does not impair water quality. In addition, the Deputy Director and Executive Officer, and other relevant agencies shall be notified within 24 hours of hazardous materials reaching surface waters. Notification shall include the spill's magnitude, nature, time, date, and location, as well as any actions being taken to control the spill and restore the affected area.

- Concrete washouts are not allowed within 50 feet of wetlands, surface water, riparian vegetation, or where associated runoff could drain to surface waters.

CONDITION 7 Project Activity Progress Reports

Every 30 days following initiation of Project construction and throughout the active Project period (i.e., when dredging or Project-related implementation is occurring), the Applicant shall submit Project Activity Progress Reports (Progress Reports) to the Deputy Director and Project Manager. The Progress Reports shall include:

- (1) A summary of Project activities performed during the period covered by the report;
- (2) Documentation of compliance with each condition of this certification and details of any failure to meet the certification requirements;
- (3) Details of Project-related adverse impacts to beneficial uses, if applicable;
- (4) Any anticipated Project implementation activities (e.g., dredging, construction, dewatering, or diversion) differing from those described in the certification application, supplemental submissions, or required by this certification;
- (5) Request for proposed modifications to or additional BMPs for water quality protection, or any newly developed additional site-specific measures;
- (6) A description of upcoming activities that may cause erosion; and
- (7) Identification of any additional Project-specific water quality parameters that will be monitored as part of the Project.

The Deputy Director may require the Applicant to implement corrective actions in response to the information provided in a Progress Report. Within 60 days of Project completion, the Applicant shall provide the Deputy Director with a comprehensive Project Completion Report (Completion Report) that comprehensively summarizes bullets 1 – 3 above. The Applicant shall provide any additional information or clarification requested by the Deputy Director related to a Progress Report or the Completion Report. Upon request from State Water Board staff, the Applicant shall meet with staff to discuss a Progress Report or the Completion Report.

CONDITIONS 8 – 28

CONDITION 8. 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 California Water Code section 13167.

CONDITION 9. This certification does not authorize any act which results in the take of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (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 Applicant, the Applicant 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 Applicant is responsible for meeting all requirements of the applicable ESAs for the Project authorized under this certification.

CONDITION 10. This certification shall not be construed as replacement or substitution for any necessary federal, state, and local approvals. The Applicant is responsible for compliance with all applicable federal, state, or local laws or ordinances and shall obtain authorization from applicable regulatory agencies prior to the commencement of Project activities.

CONDITION 11. Any requirement in this certification that refers to an agency whose authorities and responsibilities are transferred to or subsumed by another state or federal agency, will apply equally to the successor agency.

CONDITION 12. Nothing in this certification shall be construed as State Water Board approval of the validity of any water rights, including pre-1914 or riparian 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 13. This certification is subject to modification 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 14. 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 15. This certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28.

CONDITION 16. Notwithstanding any more specific provision of this certification, any plan or report developed as a condition of this certification requires review and approval by the Deputy Director. The State Water Board's approval authority, including authority delegated to the Deputy Director or others, includes the authority to withhold approval or to require modification of a plan, proposal, or report prior to approval. The State Water Board may take enforcement action if the Applicant fails to provide or implement a required item in a timely manner. If a time extension is needed to submit an item for Deputy Director approval, the Applicant shall submit a written request for the extension, with justification, to the Deputy Director no later than 15 days prior to the deadline. The Applicant shall not implement any plan, proposal, or report until after the applicable State Water Board approval and any other necessary regulatory approvals.

CONDITION 17. In the event of any violation or threatened violation of the conditions of this certification, 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 of the conditions of this certification, the State Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

CONDITION 18. The Applicant shall submit any change to the Project, including, operations, facilities, technology changes or upgrades, or methodology, which could 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. The State Water Board shall determine significance and may require consultation with other 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.

CONDITION 19. This certification is contingent on compliance with all applicable requirements of the SR/SJR Basin Plan.

CONDITION 20. Unless otherwise specified by conditions in this certification, Project activities shall be conducted 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. The Applicant shall take all reasonable measures to protect the beneficial uses of waters of the state, including Big Creek and Huntington Lake.

CONDITION 21. 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 22. Upon request, a construction schedule shall be provided to State Water Board and Central Valley Regional Water Board staff. The Applicant shall provide State Water Board and Central Valley Regional Water Board staff access to Project 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 site. The Applicant shall be responsible for work conducted by its contractor, subcontractors, or other persons conducting Project-related work.

CONDITION 24. The State Water Board reserves the authority to add to or modify the conditions of this certification: (1) to incorporate changes in technology, sampling, or methodologies; (2) if monitoring results indicate that Project activities could violate water quality objectives or impair beneficial uses; (3) to implement any new or revised 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; and (4) to require additional monitoring and/or other measures, as needed, to ensure that Project activities meet water quality objectives and protect beneficial uses.

CONDITION 25. The Applicant 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 Laboratory Accreditation Program-certified laboratories.

CONDITION 26. The State Water Board shall provide notice and an opportunity to be heard in exercising its authority to add to or modify the conditions of this certification.

CONDITION 27. The Applicant shall ensure no net loss of wetland or riparian habitat functions under the standards and procedures set forth in the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Dredge or Fill Procedures)⁸ (State Water Board 2019 and 2021) and the California Wetlands Conservation Policy (Governor's Executive Order W-59-93 (August 23, 1993)) and any amendments thereto. The Applicant shall demonstrate compliance with the Dredge or Fill Procedures upon request from the Deputy Director.

⁸ The Dredge or Fill Procedures and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html. Accessed on September 13, 2022.

CONDITION 28. 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 State Water Board reserves authority to consider whether an alternative term would address the water quality issue without being found invalid or resulting in a waiver determination. 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.



Eileen Sobeck
Eileen Sobeck
Executive Director

September 23, 2022

Date

8.0 References

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State Water Board. 2021. Confirmation That the “State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State” (1) Are in Effect as State Policy for Water Quality Control for All Waters of The State and (2) Shall be Applied via the Inland Surface Waters and Enclosed Bays and Estuaries Plan to only Waters of The United States. Resolution No. 2021-0012. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021-0012.pdf. Accessed on September 13, 2022.

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State Water Board. 2022b. 2020-2022 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/2020_2022_integrated_report.html. Accessed on September 13, 2022.

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ATTACHMENT A:
PROJECT OVERVIEW MAPS
WATER QUALITY CERTIFICATION
FOR
HUNTINGTON LAKE DAM NO. 1 LOW-LEVEL OUTLET VALVES REPLACEMENT
PROJECT

Huntington Lake Dam No. 1 Low-Level Outlet Valves Replacement Project
 Water Quality Certification
 September 2022

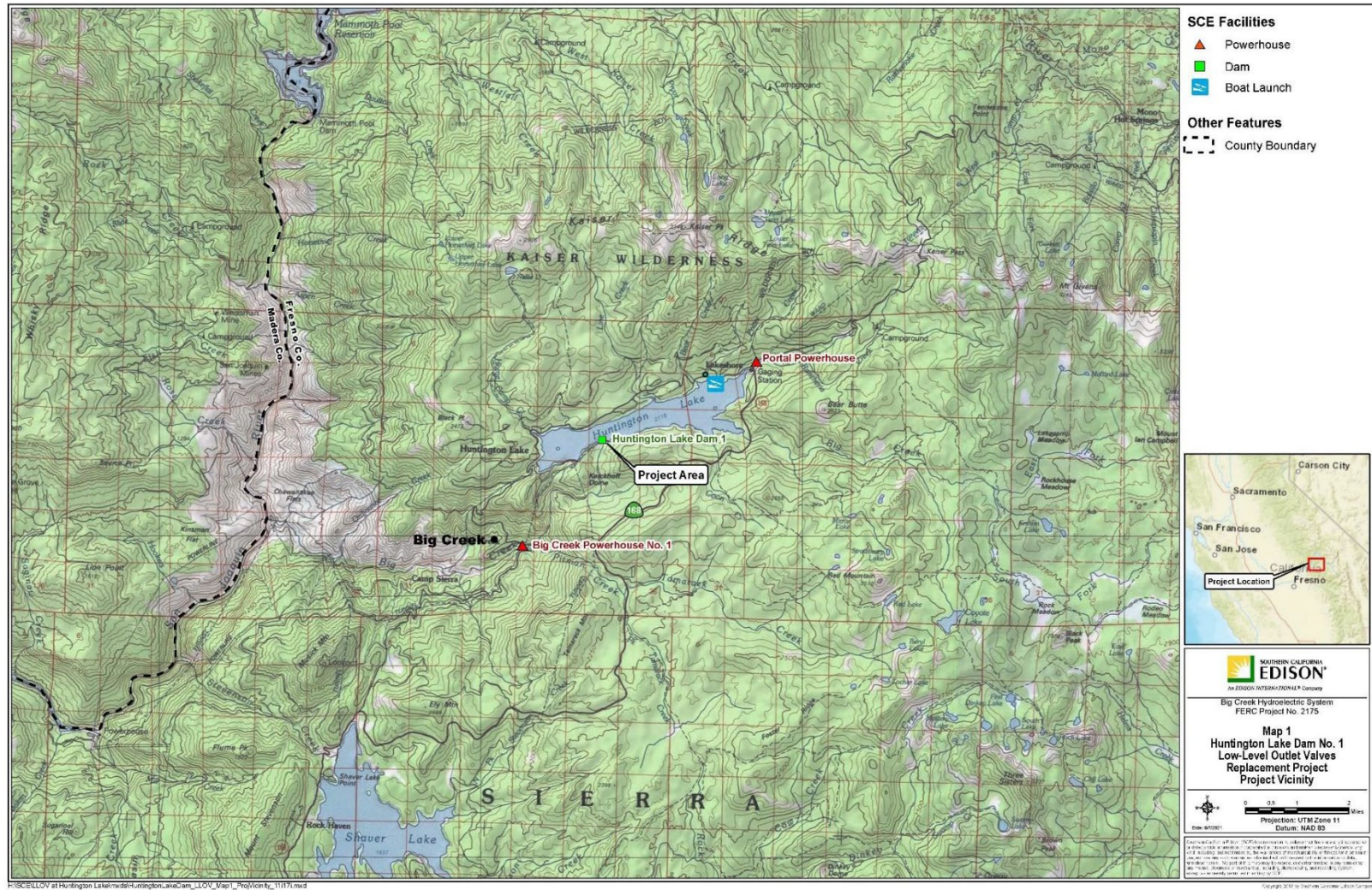


Figure A1. Huntington Lake Dam No. 1 Low-Level Outlet Valves Replacement Project Location (SCE 2022a)

Huntington Lake Dam No. 1 Low-Level Outlet Valves Replacement Project
 Water Quality Certification

September 2022

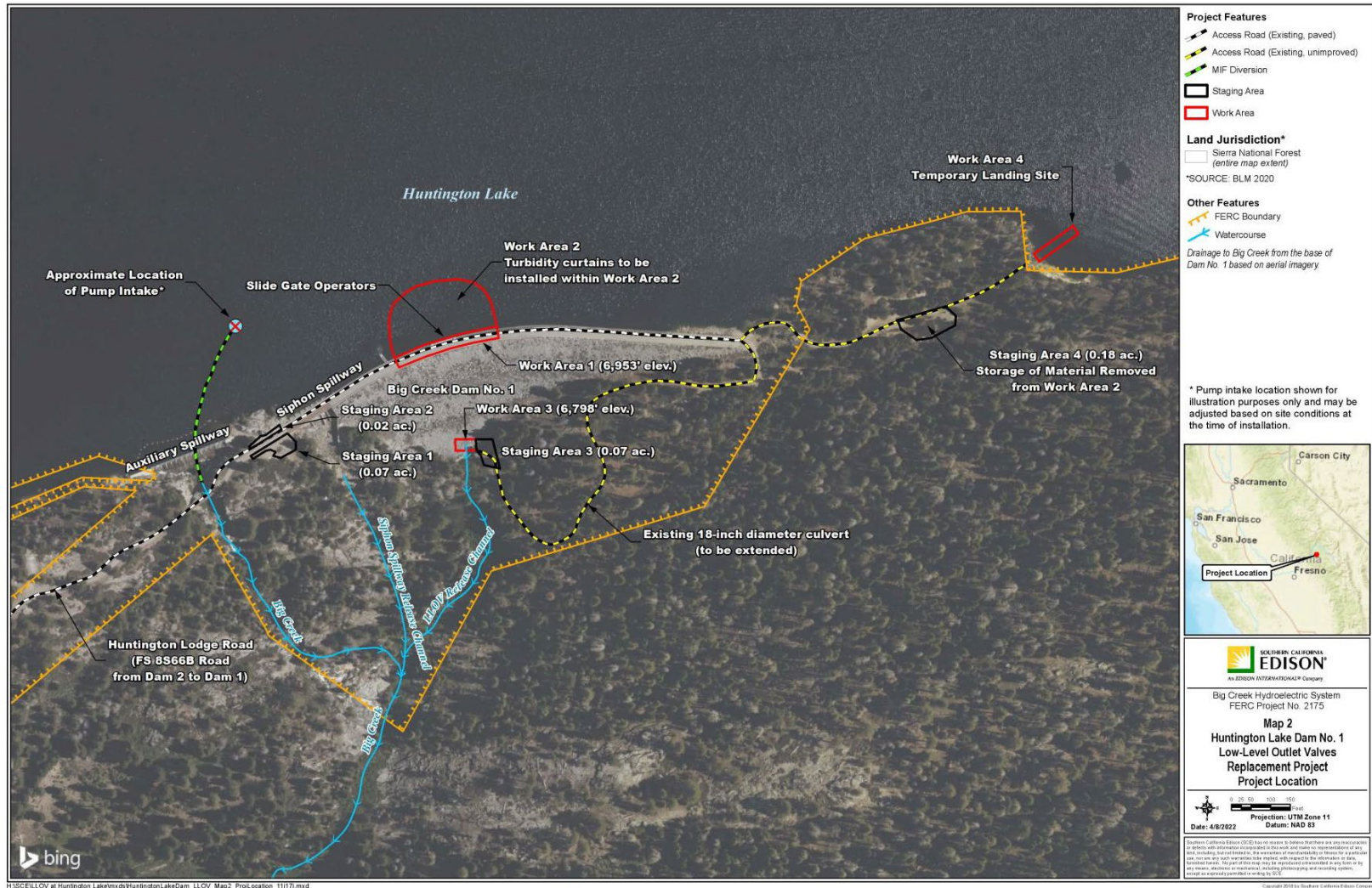


Figure A2. Aerial View of Huntington Lake Dam No. 1 Low-Level Outlet Valves Replacement Project (SCE 2022a)