



Colorado River Basin Regional Water Quality Control Board

January 6, 2016

Mr. Marc Van Patten
Imperial Valley Solar, LLC
179 Linclon Street, Suite 500
Boston, MA 02111

RE: ORDER FOR TECHNICALLY-CONDITIONED CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS

PROJECT: This federal Clean Water Act Section 401 Water Quality Certification (WQC) (33 U.S.C. § 1341) is written for the Imperial Valley Solar 2, LLC - Mount Signal Solar 2 Project (combination of two projects previously known as Calexico Solar Farm 1A and Calexico Solar Farm 1B), WDID No. 7A133143001

APPLICANT: Imperial Valley Solar, LLC

- ACTION: 1. [] Order for Standard Certification
2. [x] Order for Technically-Conditioned Certification
3. [] Order for Denial of Certification

STANDARD CONDITIONS:

The following standard conditions apply to all certification actions, except as noted above under Action 3 for denials.

- 1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC

ELLEN WAY, CHAIR | ROBERT PERDUE, EXECUTIVE OFFICER

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license unless the pertinent certification application was filed pursuant to 23 CCR section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.
4. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under State law. For purposes of Clean Water Act (CWA) section 401(d), the applicability of any State law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Water Quality Certification (WQC).
 - a. In response to a suspected violation of any condition of this WQC, the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Colorado River Basin Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - b. In response to any violation of the conditions of this WQC, the Colorado River Basin Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

ADDITIONAL CONDITIONS:

The following additional conditions apply to this certification:

1. This WQC applies towards the proposed project (Project) as described in a 401 application received by the Colorado River Basin Water Board on September 2, 2015. Updated information was received on January 4, 2016.
2. The Applicant shall provide the Colorado River Basin Water Board and other interested agencies with written notification of any significant modifications made to the Project prior to implementation of the modifications.
3. This WQC does 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.

4. This WQC does not authorize the Applicant or any associated party to trespass on any land or property unless the applicant has obtained written authorization or acquired a special use authorization permit from the land or property owner.
5. A copy of this WQC shall be provided to the appropriate onsite Supervisor for the Project. All personnel performing work on the proposed Project shall be familiar with the content of this WQC. Copies of the WQC shall be readily available at the Project site at all times during periods of active work and shall be presented to regulatory agency representatives upon request.
6. The Applicant shall grant Colorado River Basin Water Board staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to enter the Project site at reasonable times, to ensure compliance with the terms and conditions of this WQC and/or to determine the impacts the Project may have on waters of the United States.
7. The proposed Project shall not be enlarged or extend beyond the proposed Project impact area. The Applicant shall delineate the Project boundaries and staging areas with stakes, flags and/or temporary construction fencing.
8. The area of vegetation and soil disturbance shall be restricted to the smallest extent possible.
9. The Project shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
10. The Project shall not discharge waste classified as "hazardous" as defined in Title 23 California Code of Regulations (CCR) section 2521, California Health and Safety Code section 25140, and Title 22, CCR, section 66260.10 et seq.
11. No oil, petroleum products, or rubbish shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the United States.
12. No equipment maintenance will be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter waters of the United States.
13. Equipment refueling shall not occur within waters of the United States.
14. Any oil or grease leaks shall be immediately cleaned up.
15. The Applicant shall ensure that all contaminated material and/or contaminated soil removed or excavated from the Project site is properly loaded, transported, and disposed of in accordance with Federal, State, and local regulations.

16. Staging/storage areas for equipment and materials shall be located outside of waters of the United States.
17. The Applicant shall ensure that all disturbed and filled areas are adequately stabilized and protected from erosion and siltation by implementing appropriate soil stabilization, sedimentation and silt control measures.
18. Any flow diversion used during construction shall be designed in a manner to prevent pollution, minimize siltation, and shall provide flows to downstream reaches. Flows shall be maintained to support existing aquatic life and riparian wetlands and habitat that may be located upstream and downstream from any temporary diversion.
19. The Applicant shall restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient.
20. All temporary facilities and impacts shall be removed and restored to the preexisting conditions and contours to the extent practicable.
21. Construction related materials and wastes shall be removed from the Project site upon completion of the Project.
22. The Applicant shall submit Notice to the Colorado River Basin Water Board within 60-days of completion of the Project. The Notice shall include: 1) a detailed summary of the mitigation and restoration activities implemented during the Project and 2) provide photographic documentation that supports the information summarized in the Notice.
23. The Colorado River Basin Water Board reserves the right to suspend, cancel, or modify and reissue this WQC, after providing notice to the Applicant and/or responsible Site-Supervisor, if the Colorado River Basin Water Board determines that the Project fails to comply with any of the terms or conditions of this WQC.
24. The Applicant shall orally notify the Colorado River Basin Water Board of any noncompliance that may impact the beneficial uses of waters of the United States, as soon as notification is possible and notification can be provided without substantially impeding measures necessary to address the noncompliance.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

If you have any questions, please contact Jay Mirpour, Water Resources Control Engineer, at (760) 776-8981 or jmirpour@waterboards.ca.gov.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the referenced Project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' Project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Colorado River Basin Water Board's Water Quality Control Plan (Basin Plan).



Jose Angel, Interim Executive Officer
Colorado River Basin Regional Water Quality Control Board

JJM/

cc: James Mace, U.S. Army Corps of Engineers, Los Angeles District
Bill Orme, SWRCB, Division of Water Quality, Water Quality Certification Unit
Elizabeth Goldman, U.S. Environmental Protection Agency, Region 9
Thomas A. Vandenberg, Office of Chief Counsel, SWRCB

File: Imperial Valley Solar 2, LLC - Mount Signal Solar 2 Project (combination of two projects previously known as Calexico Solar Farm 1A and Calexico Solar Farm 1B), WDID No. 7A133143001

PROJECT INFORMATION

Application Date: This WQC applies towards the proposed project (Project) as described in a 401 application received by the Colorado River Basin Water Board on September 2, 2015. Updated information was received on January 4, 2016.

Applicant: Imperial Valley Solar, LLC
Contact: Mr. Marc Van Patten
mvanpatten@sunedison.com, 202-677-0517

Applicant Representative: Irish Hills Environmental
Contact: Mr. James White
JWhite@IrishHillsEnv.com, 805-550-4595

Project Name: Imperial Valley Solar 2, LLC - Mount Signal Solar 2 Project (combination of two projects previously known as Calexico Solar Farm 1A and Calexico Solar Farm 1B), WDID No. 7A133143001

Start and Completion: Startup: 01/01/2016
Completion: 12/01/2017

Project Description: The purpose of the proposed project is to provide access to the Mount Signal Solar 2 project via four driveways crossing Imperial Irrigation District (IID) agricultural drains.

The proposed project would involve placing culverts and fill in four separate locations of Imperial Irrigation District drains that were deemed jurisdictional waters in order to provide access to the Mount Signal Solar Farm 2.

These irrigation drains include Wells Drain and Wistaria Spill Drain. All four crossings will be culvert crossings that will result in no permanent obstruction of downstream flows.

The drainages being crossed are 7-12 feet wide and the driveways will be up to 75 feet. Specific equipment required to complete the construction of culvert crossings will be determined by the contractor in charge of construction. Heavy dirt-moving equipment, heavy lift equipment, and light vehicles are anticipated to be required.

Mount Signal Solar 2 Project

WDID No. 7A133143001

Project Location:

City or area: Calexico, Imperial County, California
Longitude/ Latitude: 32.667636 -115.62024825071373
Township/Range:
K Bishop Portions of: S15, T17S, R13E
B Brandenburg Portions of: S14, T17S, R13E
M Dessert Portions of: S13 & S14, T17S, R13E Bernardino
Base Meridian

Receiving Water(s):

Wells Drain and Wistaria Spill Drain. Both feed into Greeson Wash, the New River and the Salton Sea

Acres and Linear Feet Impacted:

Construction of the proposed project would result in 0.066 acre to vegetated streambed. 0.022 acre to temporary vegetated streambed. 300 linear feet to agricultural drain (permanent) and 100 linear feet to agricultural drain (temporary) impact.

Standard Best Management Practices (BMPs):

Practices (BMPs):

- No toxic and/or hazardous materials shall be stored near or within wash/drainage areas. To extent possible, these materials will be stored offsite and/or placed in appropriate secondary containment.
- Work and staging areas and temporary access routes will be sized, located and flagged so as to limit potential impacts to natural areas. Previous disturbed areas will be used to the extent feasible.
- No fueling or maintenance of equipment and/or vehicles shall occur adjacent or within the wash/drainage areas.
- Spoil sites shall not be located where spoil could be washed back into the river, or where spoil will cover aquatic or riparian vegetation. Any materials placed in seasonally dry portions of the canal/ drainage areas that could be washed downstream or could be harmful to aquatic life shall be removed from the streambed prior to inundation by high flows.
- After completing the activities, the disturbed area will be restored to pre-existing contours and conditions to the extent feasible.

**Additional Site
Specific BMPs:**

During construction, soil erosion and sedimentation will be controlled in accordance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (currently order number 2012-0006-DWQ). A storm water pollution prevention plan (SWPPP) will be developed in accordance with the general permits and will specify the controls, monitoring, and reporting requirements.

Federal Permit(s):

U.S. Army Corps of Engineers Section 404 Permit No. SPL-2015-00543-SAS

Status of CEQA:

Lead Agency: Imperial County Board of Supervisors, State Clearinghouse Number: 2011-071-066.

On April 3, 2012, Board of Supervisors approved the above described project and made the following determinations in a Notice of Determination filed on May 7, 2012:

- 1) The project will not have a significant effect on the environment
- 2) An Environmental Impact Report (EIR) was prepared and certified for this project pursuant to the provisions of CEQA
- 3) Negative measures were made a condition of the approval project and a Mitigation Monitoring Plan was adopted.
- 4) A Statement of Overriding Considerations was not adopted for this project.
- 5) Findings were made pursuant to the provisions of CEQA.

The Colorado River Basin Water Board staff has reviewed the EIR and the mitigation reporting or monitoring plan adopted for the project to avoid or substantially lessen significant environmental effects identified in the EIR. Based on its review, Board staff has concluded that compliance with the mitigation measures specified in the plan will avoid or reduce to less than significant any water quality impacts.