
State Water Resources Control Board

REISSUANCE OF THE CLEAN WATER ACT SECTION 401
WATER QUALITY CERTIFICATION FOR THE SOUTHERN CALIFORNIA EDISON
TEHACHAPI RENEWABLE TRANSMISSION LINE PROJECT SEGMENTS 7 AND 8, LOS
ANGELES AND SAN BERNADINO COUNTIES, CALIFORNIA, FILE NO. SB10002IN

PROJECT: Southern California Edison (SCE) – Tehachapi Renewable Transmission Line Project (TRTP) Segments 7 and 8 (Project)

APPLICANT: Mr. Hazem Gabr
Southern California Edison
1218 South Fifth Avenue
Monrovia, CA 91016

This Certification responds to your request on behalf of SCE for a Certification of the subject Project. Your application was received on October 7, 2011, and was determined to be complete on January 9, 2012.

ACTION

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| <input type="checkbox"/> Order for Standard Certification | <input type="checkbox"/> Order for Denial of Certification |
| <input checked="" type="checkbox"/> Order for Technically Conditioned Certification | <input type="checkbox"/> Order for Waiver of Waste Discharge Requirements |

AUTHORIZATION:

This Certification includes permit conditions for the Project. On December 24, 2010, the State Water Resources Control Board (State Water Board) issued a Certification for the SCE TRTP Segments 7 and 8. On July 13, 2011 the State Water Board issued an amendment to the Certification due to minor Project changes and an increase in impacts to waters of the United States (U.S.). On October 12, 2011, the State Water Board received an application from SCE, requesting a new modification to the Certification for the Project. As a result, the State Water Board issued a public notice on February 10, 2012, regarding SCE's request for an amended Certification. However, the U.S. Army Corps of Engineers (Corps) determined that it would enroll the amended Project under the newly issued Nationwide Permit (NWP) 12. The Corps existing NWPs expired on March 18, 2012. On March 19, 2012, the Corps reissued forty-eight of forty-nine existing NWPs and all of the general conditions and definitions, with some additions and modifications. As a result of these events, the State Water Board is now reissuing the Certification for TRTP Segments 7 & 8, which will include all the Project modifications that have

occurred since the first Certification was issued on December 24, 2010. This re-issued Certification incorporates the original Certification for the project that was issued on December 24, 2010 and the first amendment to the Certification for the project that was issued on July 13, 2011, and adds additional conditions prompted by SCE's October 12, 2011 request. It is being presented as a single re-issued Certification for the convenience of the reader.

The Project involves construction of new and upgraded transmission infrastructure along the Project alignment, which incorporates approximately 49 miles of 500kV transmission line and seven miles of 220kV transmission line. The Project alignment extends southwest from the southern boundary of the Angeles National Forest, near the intersection of Interstate 605 and Interstate 210, to the El Monte area. From the El Monte area, the Project alignment extends eastward through Chino and ends in Ontario. Construction work areas for transmission line structures, modifications to existing roads, and construction of new roads will result in the fill of waters of the U.S. and the State. More details about the Project and Project impacts are described and shown in Attachments B, C, and D of this Certification.

PROJECT MODIFICATIONS:

The original Certification for the Project covered 0.07 acre and 250 linear feet of permanent impacts and 0.95 acre and 4,022 linear feet of temporary impacts to waters of the U.S. Impacts to waters of the U.S. have increased since the original Certification was issued. As a result, the reissued Certification will cover 0.10 acre and 758 linear feet of permanent impacts and 0.99 acre and 4,978 linear feet of temporary impacts to waters of the U.S.

Some minor variances have occurred along the Project alignment since the original Certification was issued. The amendment to the Certification (issued July 13, 2011) involved a new impact to a water of the U.S. that was not previously covered under the original Certification. The construction of two transmission towers and a permanent access road at Structures M24-T1 and M57-T1 was part of the Project in the original Certification but there were no impacts to waters of the U.S. During a pre-construction survey at Structures M24-T1 and M57-T1, field staff for SCE identified a feature within the work limits that could be under Corps jurisdiction. This feature was previously identified as a non-jurisdictional swale. ICF Regulatory Specialists (consultants for SCE) conducted a wetland delineation of the water feature (8-33-S-200) on January 14, 2011, and identified it as an ephemeral drainage that was under the jurisdiction of the U.S. Army Corps of Engineers, the State Water Board, and the California Department of Fish and Game. As a result, construction of two transmission towers and a permanent access road at Structures M24-T1 and M57-T1 would result in 0.024 acre and 346 linear feet of permanent impact to an ephemeral drainage in coast live oak woodland habitat, which was not covered under the original Certification. This reissued Certification covers this additional impact.

SCE's request for a second modification to the Certification (which is incorporated into this reissued Certification) was triggered by final engineering and construction contractor input regarding construction methods and feasibility due to steep terrain. The changes primarily involve expanded temporary work areas for construction access (including pull sites and the installation and maintenance of temporary BMPs) and/or revised permanent grading limits based on detailed surveys of site conditions as necessary to ensure site stabilization. At Structures M24-T1 and M57-T1, previously permitted impacts to feature 8-33-S-200 were modified leading to a net decrease in

permanent impacts but a net increase in temporary impacts. In addition, a new road design was required to access Structures M49-T1 and M2-T4A due to property acquisition issues, and an additional instance of maintenance grading on an existing access road was also necessary. The new road design results in temporary and permanent impacts to feature 8-20-S-4. On September 2, 2011, ICF Regulatory Specialists conducted a wetland delineation of water feature 8-20-S-4, and identified it as an ephemeral drainage that was not previously proposed for impacts. Impacts to waters of the U.S. for just the second Project modification, involves an additional 0.004 acre and 162 linear feet of permanent impact and 0.04 acre and 956 linear feet of temporary impact.

STANDARD CONDITIONS:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to the Water Code, section 13330, and the California Code of Regulations (Cal. Code Regs.), title 23, section 3867 and following.
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent Certification application was filed pursuant to Cal. Code Regs., title 23, section 3855, subdivision (b), and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Certification is conditioned upon total payment of any fee required under Cal. Code Regs., Title 23, and owed by the applicant.

ADDITIONAL CONDITIONS:

1. Best Management Practices (BMPs)
 - a. Appropriate BMPs shall be implemented throughout Project activities to help minimize sediment disturbance and suspension within surface waters as described in this Certification, and also in the Final Environmental Impact Report (FEIR) (December 2009) and the Final Environmental Impact Statement (FEIS) (September 2010) for the SCE TRTP. All BMP materials shall be onsite prior to construction activity and ready for use. BMPs shall be in full compliance with all specifications governing the proper design, installation, operation, and maintenance of such management practices.
 - b. Substances resulting from Project-related activities that could be harmful to aquatic life, including but not limited to petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, Portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the state.
 - c. Vehicles shall not be driven or equipment operated in waters of the state on the Project site, except as necessary to complete the proposed Project.
 - d. Equipment shall not be maintained or parked within or near any stream crossing, channel, or water body margin in such a manner that petroleum products or other

pollutants from the equipment may enter these areas under any flow conditions. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall be outside of waters of the state, and shall not result in a discharge or a threatened discharge to any waters of the state.

- e. A daily log shall be maintained to note the presence and absence of waste releases from vehicles and equipment within or adjacent to waters of the State. Copies of the daily log must be available on site. Daily visual inspections for waste releases of all vehicles and equipment parked or operating within or adjacent to waters of the State must be conducted before the vehicles or equipment begin conducting work for the day. Spillage and leaks must be reported in the daily log during any point that they occur during the day. Presence of any spillage from leaks must be reported in the daily log and contaminated soils must be immediately removed from the site and disposed of at an approved area or facility. State Water Board staff may request this information at any time. Any waste releases of 5 gallons or greater must be reported to State Water Board and Regional Water Quality Control Board (Regional Water Board) staff within 24 hours with an explanation of how the problem was resolved.
 - f. All work areas shall be effectively isolated from stream flows using suitable control measures before commencement of any in-water work. The diverted stream flow shall not be contaminated by construction activities. Structures for isolating the in-water work area and/or diverting the stream flow (e.g., coffer dam, geo-textile silt curtain) shall not be removed until all disturbed areas are cleaned and stabilized.
 - g. In the event of rain, the disturbed in-water work area shall be temporarily stabilized before stream flow exceeds the capacity of the diversion structure. The disturbed streambed shall be stabilized so that the disturbed areas will not come in contact with the stream flow.
 - h. If re-vegetation of disturbed areas is required, viable seed of native species collected within the same watershed, or the greater watershed, shall be used.
 - i. When the Project is completed, any trash, excess material or other debris shall be removed from the work area and disposed of properly.
2. SCE must obtain coverage under the new NPDES General Permit for Storm Water Discharges Associated with Construction Activities (Order 2009-009-DWQ as amended by 2010-0014-DWQ), which became effective on July 1, 2010.
 3. SCE shall implement the Applicant-Proposed Measures (APM) and Mitigation Measures (MM) described in the EIR/EIS for the SCE TRTP.
 4. Designs and details for all water body crossings shall be submitted to State Water Board staff for review and approval at least 30 days prior to installation of crossings. Water body crossings shall not be installed until State Water Board and Regional Water Board staffs have approved the crossing designs.
 5. If ground water dewatering is required for the Project, SCE shall consult with the appropriate Regional Water Board to determine if additional permits are required.

6. Any structure/culvert placed within a stream where fish (as defined in Fish and Game Code section 45) do or may occur, shall be designed, constructed and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish that impedes their upstream or downstream movement. This includes but is not limited to the supply of water at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any aspect of the proposed Project results in a long-term reduction in fish movement, SCE shall be responsible for all future activities and expenditures necessary (as determined by the State Water Board and Regional Water Boards) to secure passage of fish across the structure.
7. Bridges, culverts, dip crossings, or other structures shall be installed so that water flow is not impaired. Bottoms of temporary culverts shall be placed at stream channel grade and bottoms of permanent culverts shall be placed at or below stream channel grade.
8. Storm drain lines/culverts and other stream crossing structures shall be designed to accommodate at least a 50-year, 24 hour storm event, including associated bedload and debris movement. The storm drain lines/culverts, the outfall structure, and other stream crossing structures shall be properly aligned within the stream and otherwise engineered, installed, and maintained, to assure resistance to washout, and to prevent erosion and/or fill of the stream. Water velocity shall be dissipated at outfalls to reduce erosion.
9. Cofferdams and water barrier construction shall be adequate to prevent seepage into or from the work area. Cofferdams or water barriers shall not be made of earth or other substances subject to erosion or that contain pollutants. When dewatering is necessary to create a temporary dry construction area, the water shall be pumped through a sediment settling device before it is returned to the water body. The enclosure and the supportive material shall be removed when the work is completed and removal shall proceed from downstream to upstream.
10. Flow diversions shall be done in a manner that shall prevent pollution and/or siltation and which shall provide flows to downstream reaches. Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life. Said flows shall be of sufficient quality and quantity, and of appropriate temperature, to support fish and other aquatic life both above and below the diversion. Diversions shall be engineered, installed, and maintained to assure resistance to washout and erosion of the water body. Normal flows shall be restored to the effected stream immediately upon completion of work at that location.
11. During surface water diversions or dewatering, upstream and downstream monitoring for the following shall be implemented:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids (TSS)

Analysis must be performed using approved U.S. Environmental Protection Agency Methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored on a daily basis during the first week of diversion and/or dewatering activities,

and then on a weekly basis thereafter, until in-stream work is complete. Turbidity measurements shall be collected one hour after barrier installation and one hour after barrier removal.

Results of the analysis shall be submitted to the State Water Board within 30 days after completing the surface water diversion or dewatering. A map or drawing indicating the locations of the sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Constituent measurements must comply with the following limits:

a. pH

For waters of the state in the Santa Ana River Basin, pH shall not be depressed below 6.5 or raised above 8.5 as a result of controllable water quality factors.

For waters of the state in the Los Angeles Basin, the pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges. Ambient pH levels shall not be changed more than 0.5 units from natural conditions as a result of waste discharge.

b. Temperature

For waters of the state in the Santa Ana River Basin, waters designated WARM shall not be raised above 90°F June through October or above 78°F during the rest of the year as a result of controllable water quality factors. For waters designated COLD, water temperature shall not be increased by more than 5 °F above the natural temperature as a result of controllable water quality factors.

For waters of the state in the Los Angeles Basin:

For waters designated as WARM, water temperature shall not be altered by more than 5 °F above the natural temperature. At no time shall these WARM-designated waters be raised above 80 °F as a result of waste discharges.

c. Dissolved Oxygen

For waters of the state in the Santa Ana Basin, the dissolved oxygen content of surface waters shall not be depressed below 5mg/L for waters designated WARM, or 6mg/L for waters designated COLD, as a result of controllable water quality factors. In addition, waste discharges shall not cause the median dissolved oxygen concentration to fall below 85% of saturation or the 95th percentile concentration or fall below 75% of saturation within a 30-day period.

For waters of the state in the Los Angeles Basin:

At a minimum, the mean annual dissolved oxygen concentration of all waters shall be greater than 7mg/L, and no single determination shall be less than 5 mg/L, except when natural conditions cause lesser concentrations.

The dissolved oxygen content of all surface waters designated as WARM shall not be depressed below 5 mg/L as a result of waste discharges.

The dissolved oxygen content of all surface waters designated as COLD shall not be depressed below 6 mg/L as a result of waste discharges.

The dissolved oxygen content of all surface waters designated as both COLD and SPWN shall not be depressed below 7 mg/L as a result of waste discharges.

d. Turbidity

For waters of the state in the Santa Ana Basin:

Where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%.

Where natural turbidity is between 50 and 100 NTU, increases shall not exceed 10 NTU.

Where natural turbidity is greater than 100 NTU, increases shall not exceed 10%.

For waters of the state in the Los Angeles Basin:

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

Where natural turbidity is between 0 and 50 NTU, increases shall not exceed 20%.

Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

e. Total Suspended Solids

For the Santa Ana Basin, inland surface waters shall not contain suspended or settleable solids in amounts which cause a nuisance or adversely affect beneficial uses as a result of controllable water quality factors.

For the Los Angeles Basin, waters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses.

Any violations of the limits described above may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

12. Total Project impacts are 0.10 acre and 758 linear feet of permanent impacts and 0.99 acres and 4,978 linear feet of temporary impacts on jurisdictional waters. All impacts to jurisdictional waters requiring mitigation will be mitigated at the Upper Lemon Creek Restoration Site. The Upper Lemon Creek mitigation site is the selected mitigation site in the draft HMMP for Segments 7 and 8.
13. A copy of this Certification must be provided to the contractor and all subcontractors who will work at the work site, and must be in their possession at the work site. The Project proponent and all contractors and subcontractors shall be familiar with all conditions of this Certification.

MITIGATION CONDITIONS:

1. SCE shall provide a draft Habitat Mitigation and Monitoring Plan (HMMP) for TRTP Segments 7 and 8 which will include the mitigation proposals for the additional impacts as described in the October 12, 2011 request. The draft HMMP shall include all measures to restore all temporarily impacted jurisdictional areas back to pre-Project conditions and all

measures for compensatory mitigation for permanent impacts. SCE shall implement the Final HMMP upon approval by the State Water Board.

2. SCE shall provide an HMMP that includes the following:

a. HMMP submittal dates.

SCE shall provide the State Water Board and the Regional Water Boards an HMMP. The HMMP will include a description of the mitigation site required for compensatory mitigation. The HMMP should be detailed enough for the State and Regional Water Boards to determine whether the mitigation satisfies mitigation requirements and replaces the lost functions and values of waters of the state impacted by the Project. The final draft of the HMMP shall be submitted for State Water Board approval within 180 days of issuance of this Certification.

b. The HMMP shall include the following for compensatory mitigation sites:

i. Protection in perpetuity. The HMMP shall detail the mechanisms of protection and management of the mitigation property in perpetuity and must be approved by State Water Board staff.

ii. Management plans for compensatory mitigation sites. The HMMP shall describe interim and long-term management plans as proposed by the sponsor for all compensatory mitigation sites and will include the following:

(a) Site selection. A description of the factors considered during the site selection process. This should include consideration of watershed needs, and the practicability of accomplishing ecologically self-sustaining aquatic resource restoration, establishment, enhancement, and/or preservation at the compensatory mitigation site.

(b) Baseline information. A description of the ecological characteristics of the proposed compensatory mitigation project site(s) and how that compares to the characteristics of the impact site(s). This may include descriptions of historic and existing plant communities, historic and existing hydrology, soil conditions, a map showing the locations of the mitigation site(s), other site characteristics for those site(s), and other site characteristics appropriate to the type of resource proposed as mitigation.

(c) Determination of credits/financing. A description of the amount of financing to be provided, including a brief explanation of the rationale for this determination.

(d) Site work plan. Detailed written specifications and work descriptions for the compensatory mitigation project(s), including timing, sources of water, methods for establishing desired plant communities, erosion control measures, etc.

(e) Maintenance plan. A description and schedule of maintenance requirements to ensure the continued viability of the resource once initial construction is completed.

(f) Performance standards. Ecologically-based standards that will be used to determine whether the compensatory mitigation project is achieving its objectives.

- (g) **Monitoring requirements.** A description of parameters to be monitored in order to determine if the compensatory mitigation project is on track to meet performance standards and if adaptive management is needed. A schedule for monitoring and reporting must be included.
 - (h) **Long-term management plan.** A description of how the compensatory mitigation project(s) will be managed after performance standards have been achieved to ensure the long-term sustainability of the resource, including long-term financing mechanisms and the party responsible for long-term management.
 - (i) **Adaptive management plan.** A management strategy to address unforeseen changes in site conditions or other components of the compensatory mitigation project(s). The adaptive management plan will guide decisions for revising the compensatory mitigation plans and implementing measures to address both foreseeable and unforeseen circumstances.
- c. **The HMMP shall include the following for restoration of temporary impacts:**
- i. **Minimum requirements.** The final HMMP shall include, at a minimum: (i) recontouring the land; (ii) measures to alleviate soil compaction; (iii) pitting or imprinting the surface to allow small areas where seeds and rain water can be captured (where appropriate); (iv) the native plant species to be used, container sizes, and seeding rates; (v) collection, storage and replacement of the topsoil (if it was collected); (vi) seed collection procedures and permits needed; (vii) planting schedule; (viii) measures to control exotic vegetation site; (ix) specific success criteria; (x) a detailed monitoring program that includes reference sites from the impact area before impacts as well as reference sites of surrounding native habitat; (xi) contingency measures should the success criteria not be met; and (xii) identification of the party responsible for meeting the success criteria and providing for restoration.
 - ii. **Seed source.** If re-vegetation of disturbed areas is required, viable seed of native species collected within the same watershed, or the greater watershed, shall be used.
 - iii. **Weeding plan.** The HMMP shall include a Weeding Plan for all restoration sites. The Weeding Plan shall in detail, describe how SCE will control and limit the establishment of non-native annual grasses and weedy forbs. Proper management of weed and grass cover after seeding can dramatically increase the successful establishment of natives from seed.
 - iv. **Timing.** Irrigation plans and construction documents will be submitted to the State Water Board for approval 120 days prior to restoration implementation. SCE shall restore temporary impacts to waters of the state within 12 months following completion of Project activity at individual restoration locations. This period may be extended to accommodate proper planting times. Restoration activities, including weed control, shall be initiated by the first planting season following issuance of the Notice of Termination (NOT) by the State Water Resources Control Board for the NPDES General Permit for Storm Water Discharges Associated with Construction Activities (Order 2009-009-DWQ as amended by 2010-0014-DWQ).

- v. **Monitoring.** The restoration of habitat shall be maintained and monitored for a five-year period according to the HMMP. Maintenance, monitoring, and reporting shall be conducted following a prescribed schedule to assess progress and identify potential problems with the restoration. Remedial action (e.g., additional planting, weeding, erosion control, use of container stock, supplemental watering, etc.) shall be taken by an experienced, licensed Habitat Restoration Contractor during the maintenance and monitoring period if necessary to ensure the success of the restoration. If the restoration fails to meet the success criteria listed in the HMMP after the maintenance and monitoring period, maintenance and monitoring will be extended beyond the five-year period until the criteria are met or unless otherwise approved by State Water Board staff.
3. As part of the compensatory mitigation requirements, SCE shall implement each measure listed below.
 - a. **Compensatory Mitigation Sponsor**
 - i. **Sponsor.** Compensatory mitigation will occur at the Upper Lemon Creek mitigation site requiring that SCE secure an encroachment permit. The parcel that contains the Upper Lemon Creek mitigation site is owned by the City of Walnut and is designated as open space. SCE will manage the property during the interim five-year implementation and monitoring program period indicated in the HMMP. After the five year period, long-term management of the property will be transferred from SCE to the City of Walnut and a conservation easement to a 3rd party manager will be established for the property. The 3rd party manager shall be approved by the State Water Board.
 - ii. **Agreement/Contract.** A copy of the agreement/contract between SCE and the City of Walnut regarding management and ownership of the Upper Lemon Creek mitigation site shall be provided to the State Water Board and Regional Water Boards within 180 days of issuance of this Certification. The agreement/contract must clearly indicate that SCE is responsible for the implementation, performance, long-term management, funding, and protection of the compensatory mitigation site in perpetuity. This includes the requirement for annual reporting as per **Mitigation Condition 6** below. If SCE is unable to provide a copy of an agreement/contract within 180 days of the issuance of this certification, SCE will be in violation of this Certification and subject to administrative civil liabilities under the California Water Code, Section 13385. Under California Water Code Section 13385, the Regional Water Boards can impose administrative civil liabilities for violations of Section 401 of the Clean Water Act.
 - iii. **Responsibility.** SCE is responsible for its mitigation obligations on the Upper Lemon Creek mitigation site in perpetuity.
 - b. **Timing.**

All compensatory mitigation shall be acquired or secured within 12 months of issuance of this Certification. Any delay in acquiring or securing compensatory mitigation may result in higher mitigation ratio requirements to offset the additional temporal loss of waters of the state.
 - c. **Conservation Easement Deed**

- i. SCE shall provide a copy of the Conservation Easement Deed for the Upper Lemon Creek mitigation site to State Water Board staff within 30 days after the Deed is recorded. The Conservation Easement Deed will indicate the "Grantor" (property owner) and "Grantee" (holder) of the Conservation Easement Deed.
 - ii. The holder of the Conservation Easement Deed shall not be the mitigation sponsor. SCE shall provide sufficient funds to the holder of the Conservation Easement Deed to allow for the holder to monitor the Upper Lemon Creek mitigation site in perpetuity, ensure compliance with the conservation easement, and provide reports to the agencies.
 - iii. The Conservation Easement Deed must ensure that the property within the Upper Lemon Creek mitigation site will be retained in perpetuity and must maintain the success criteria as described in the HMMP and permits for the Corps, the California Department of Fish and Game (CDFG), and the State Water Board.
 - iv. The Conservation Easement Deed must provide the Assessor's Parcel Numbers for all the properties within Upper Lemon Creek mitigation site
- b. Endowment Funding for the Long-Term Management of the Upper Lemon Creek mitigation site.
- i. SCE shall submit official documentation to the State Water Board that proves SCE has provided full funding for the endowment fund for the Upper Lemon Creek mitigation site within 180 days of issuance of the Certification.
 - ii. The endowment holder shall not be the mitigation sponsor.
- d. Financial Assurances for Compensatory Mitigation: Securities
- i. SCE shall establish in favor of the State Water Board an irrevocable letter of credit in an amount sufficient to pay for the cost of SCE's compensatory mitigation obligations under this Certification. SCE shall prepare a draft letter of credit and submit it to the State Water Board for its approval within 180 days of issuance of this Certification. The letter of credit shall allow the State Water Board to immediately draw on the letter of credit if the State Water Board determines in its sole discretion that SCE has failed to meet its mitigation obligations.
 - ii. SCE's bank shall finalize and execute the letter of credit after the State Water Board approves the draft letter of credit.
 - iii. If SCE has not met its mitigation obligations within 60 days prior to the letter of credit's expiration date, SCE shall confirm with its bank that the expiration date will be extended. If the bank elects not to extend the expiration date, SCE shall establish a new letter of credit to replace the original letter of credit. The new letter of credit shall be subject to the State Water Board's approval following the same procedure described in the conditions above. SCE shall have a letter of credit in place, as described above, until SCE has met its mitigation obligations.

- iv. If SCE is unable to establish a letter of credit, it shall arrange a different security instrument and the State Water Board will determine the timelines and conditions for submittal of documentation for the security instrument.
- v. If SCE is unable to establish a security instrument for its mitigation obligations, SCE will be in violation of this Certification and subject to administrative civil liabilities under the California Water Code, Section 13385. Under California Water Code Section 13385, the Regional Water Boards can impose administrative civil liabilities for violations of Section 401 of the Clean Water Act.

6. Reporting for temporary and permanent mitigation shall be as follows:

- a. An annual mitigation monitoring report shall be submitted to the State Water Board for each site restored from temporary impacts. These reports shall be provided by September 1st of each year for 5 years, after the site restoration. If the success criteria for the sites are not achieved after 5 years, maintenance and monitoring will be extended beyond the 5-year period until success criteria are met. It is the obligation of SCE to provide these reports. The report shall include an evaluation of the site as compared to the success criteria identified in the Final HMMP. Photographs from designated photograph stations shall be included. While this Certification is in effect, or until the Project has been completed or de-funded, and for as long as required monitoring is occurring, SCE will submit annual reports on September 1st of each year to the 401 Program Managers of the State and Regional Water Boards. The annual reports shall document work undertaken during the preceding year and identify for all such work as follows:
 - i. All reports shall include the file number of this Certification SB11007IN.
 - ii. Photographs, Surveys, and/or Videos. SCE shall submit pre-construction surveys and photo (or video) documentation showing the condition of waters of the state and associated habitat, and identifying their specific location(s).
 - iii. SCE shall submit a post-compliance report to the State and Regional Water Boards within thirty (30) days from the date construction is completed. The post-compliance report shall include: 1) A comparison including map overlays of, and a discussion on, the pre- and post-construction conditions (with supporting photograph documentation) of waters of the state and 2) a summary of Project compliance (including noncompliance and corrective actions taken to achieve compliance).
- b. An annual report shall be submitted to the State Water Board for the Upper Lemon Creek mitigation site. These reports shall be provided by September 1st of each year for 5 years. It is the obligation of SCE to provide these reports. The reports will document conditions within the Preserve so changes can be tracked and management issues identified and addressed. The reports include the following:
 - i. All reports shall include the file number of this Certification: SB11007IN.
 - ii. Photographs and Surveys. The Land Manager shall submit baseline surveys and photo documentation showing the condition of waters of the U.S. and habitats within the Preserve following final acquisition of properties within the Preserve. Year 5 annual reports must also include this information.

- iii. Results of the Annual Habitat Biological Monitoring and Habitat Disturbance Surveys, general Preserve conditions, GPS recordation of jurisdictional waters, and changes in hydrology. Any recommendations for habitat enhancement measures, changes in the monitoring program, or issues such as weed removal and erosion control will be included in the report.
 - iv. All reports shall include the annual monitoring report by the easement holder documenting compliance with the conservation easement.
- c. Following submittal of the Year 5 annual reports for onsite restoration of temporary impacts within the Project site and restoration at the Upper Lemon Creek mitigation site, a California Rapid Assessment Method (CRAM) study and report will be conducted within the Project site and at the mitigation site. The CRAM study will use the same locations as the CRAM Report for the Project site prior to construction and prior to restoration activities at the Upper Lemon Creek mitigation site to compare and document pre-project and post-project/post-mitigation conditions. The final CRAM report will be submitted to the State Water Board within 90 days of submittal of the Year 5 annual reports.

7. Violations

- a. SCE or its contractor and subcontractors shall verbally report any non-compliance to the 401 Program Manager of the appropriate Regional Water Board where the Project is located within 24 hours from the time when SCE or its contractor and subcontractors become aware of the circumstances.
- b. SCE or its contractor and subcontractors shall report all violations of any terms or conditions of this Certification in writing to the State Water Board and appropriate Regional Water Board within seven (7) consecutive days from the time SCE becomes aware of the violation. The written report shall contain:
 - i. A description of the violation and its cause;
 - ii. The period of the violation event, including dates and times, and if the violation has not been corrected, the anticipated time the violation is expected to continue; and;
 - iii. Steps taken or planned to reduce, eliminate, and prevent recurrence of the violation.
- c. In the event of any violation or threatened violation of the conditions of this Certification, the violation shall be subject to any remedies, penalties, processes, or sanctions as provided for under State law. For purposes of the Clean Water Act (CWA) section 401(d), the applicability of any State law authorizing remedies, penalties, processes, 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 Certification Order.
- d. In response to a suspected violation of any condition of this Certification Order, the State 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 State Water Board deems appropriate, provided that the burden, including the cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

- e. In response to any violation of the conditions of this Certification Order, the State Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

ADMINISTRATIVE CONDITIONS:

1. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to SCE and/or responsible contractor/sub-contractor, if the State Water Board determines that the Project fails to comply with any of the terms or conditions of this Certification.
2. A copy of this Certification, the application, and supporting documentation must be available at the Project site during construction for review by site personnel and agencies. A copy of this Certification must also be provided to the contractor and all subcontractors who will work at the Project site. All personnel performing work on the proposed Project shall be familiar with the content of this Certification and its posted location on the Project site.
3. SCE shall grant State Water Board and Regional Water Board staffs, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the Project site at reasonable times, to ensure compliance with the terms and conditions of this Certification and/or to determine the impacts the Project may have on waters of the state.

STATE WATER BOARD CONTACT PERSON:

If you have any questions, please contact State Water Board Environmental Scientist Bob Solecki at (916) 341-5483, via e-mail at rsolecki@waterboards.ca.gov, or by mail at:

State Water Resources Control Board
401 Certification & Wetland Program
P.O. Box 100, Sacramento, CA 95812-2000 (by mail)
1001 I Street, 15th Floor, Sacramento, CA 95814 (by hand delivery)

You may also contact Bill Orme, Chief of the Water Quality Certification Unit, at (916) 341-5464 or via e-mail at borme@waterboards.ca.gov

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The California Public Utilities Commission (CPUC) is the Lead Agency responsible for compliance with the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) The CPUC certified the FEIR for the TRTP on October 1, 2009, and filed a Notice of Determination with the State Clearinghouse on December 21, 2009. The State Water Board, as a responsible agency, consulted with the CPUC, reviewed and submitted comments on the draft environmental document, and designated appropriate staff to attend meetings and coordinate with the CPUC. In making its determinations and findings, the State Water Board must presume that the FEIR comports with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3, subd. (b).) As such, the State Water Board has reviewed and considered the environmental documents and all proposed mitigation measures.

The State Water Board makes the following findings:

The State Water Board reviewed and evaluated the significant and potentially significant impacts to water quality identified in the FEIR. The various Applicant Proposed Measures (APMs) and Mitigation Measures (MMs) discussed in the FEIR were adopted to avoid and minimize Project impacts. The various MMs related to water quality include development of a Construction Stormwater Pollution Prevention Plan (SWPPP) with accidental spill control procedures, establishment of an environmental training program, implementation of flood and erosion structure damage protection measures, implementation of compensatory mitigation for impacts to special status species, and cessation of construction in the Angeles National Forest during heavy precipitation. The State Water Board finds that these mitigation measures for significant and potentially significant water quality impacts as identified in the FEIR, along with the measures proposed in the application for Certification and supplemental application materials, the conditions in the Certification, the HMMP for Segments 7 and 8, and the compensatory mitigation described in this Certification and *Attachment B – Project Information Sheet* to be adequate to reduce water quality impacts to less than significant levels.

The State Water Board previously determined that the conditions requiring the first amendment to the Project Certification did not require a subsequent or supplemental EIR. Further, the State Water Board has determined that the conditions requiring the second modification to the Project's Certification do not require a subsequent or supplemental environmental impact report. As described above, this second modification concerns minor road design and access changes at one location on the Project. The State Water Board has determined that none of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 4, sections 15162 and 15163, exist as a result of this second modification. The State Water Board concludes this second modification is not a change in the Project that (1) has the potential to create a new significant effect not previously analyzed, or that (2) will be undertaken under a substantial change in the circumstances requiring major revisions to previous CEQA documents, or that (3) will be undertaken without consideration of any new information of substantial importance previously unknown at the time of the original FEIR. The reasons are stated below:

1. There are no new significant environmental effects or any substantial increase in the severity of previously identified significant effects:

The proposed modification results in additional impacts to jurisdictional waters of the state in the amount of 0.04 acre of temporary impacts and 0.004 acre permanent impacts. This equates to a less than 1% increase in both temporary and permanent impacts to TRTP 4-11 project-wide jurisdictional waters impacts. Therefore, this change is not considered to be a substantial increase in impacts and would not result in changes to the significance of environmental effects provided in the FEIR. Additional jurisdictional impacts are required to be mitigated at the compensatory mitigation ratios proposed in the FEIR and this certification, as such, impacts are considered to be less than significant.

All proposed jurisdictional impacts for this modification would also require satisfaction of any other permit requirements or federal, state, and local approvals, including obtaining Section 404 authorization from the Corps and an amendment to the DFG streambed alteration agreement, both of which are currently being processed by their respective agencies. DFG is also currently processing an amendment to the previously issued California Endangered Species Act Section

2081 Incidental Take Permit for Segments 7 & 8 to cover the proposed areas that have been modified.

The U.S. Fish and Wildlife Service (USFWS) issued a Biological Opinion (FWS-10B0117-10F0215) for the TRTP on July 31, 2010, including Segment 7 and 8. A Letter of Concurrence (FWS-10B0117-10F0215-R001) was issued by the USFWS on January 13, 2012 providing coverage under the Biological Opinion for the Segment 7 and 8 revised work areas included in this Certification.

2. There are no substantial changes that have occurred with respect to the circumstances under which the project is undertaken which would cause the effects cited in (1) above:

No new circumstances have arisen since the time of the Notice of Determination of the FEIR that would change the significance of environmental effects provided in the FEIR with respect to this modification request. There have been no changes to the listing status of sensitive species with the potential to be affected by the project. As stated above, all impacts to federally threatened or endangered species, as well as state threatened or endangered species are covered under the existing Biological Opinion and Section 2081 Incidental Take Permit (or forthcoming amendment). Finally, proposed impacts occur within areas previously surveyed and analyzed under the FEIR and no substantial changes to the baseline conditions established in the FEIR have occurred.

3. There has been no new information that was unknown at the time of the previous FEIR that reveals effects cited in (1) above, or that one or more significant effects could be reduced by mitigation measures or alternatives not adopted by the project proponent that were either (a) previously thought to be infeasible, but are in fact feasible or are (b) considerably different.

No new information has been identified that would change the impact thresholds or findings of the FEIR or change the proposed implementation of mitigation measures previously disclosed in the FEIR.

Through the TRTP variance process, the California Public Utilities Commission (CPUC) has verified the project changes and impacts proposed to jurisdictional waters of the state in this modification are consistent with the findings in the FEIR and do not require subsequent analysis under CEQA.


Neither the proposed modification nor the circumstances under which the project is undertaken would result in any new significant impacts not previously addressed in the FEIR, or any substantial increase in the severity of impacts identified by the FEIR. Further, no new information has become available since the FEIR was prepared regarding new significant impacts, or feasibility of mitigation measures or alternatives. Therefore, none of the conditions as described under Public Resources Code section 21166 or California Code of Regulations, title 4, sections 15162 and 15163, exist as a result of this modification.

WATER QUALITY CERTIFICATION:

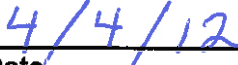
I hereby reissue the Certification for TRTP Segments 7 and 8 (FILE NO. SB10002IN) certifying that as long as all of the conditions listed in this Certification are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301

(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). This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Certification to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

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 Project Information Sheet (Attachment B) and the tables in Attachment C, and (b) compliance with all applicable requirements of the Regional Water Boards' Water Quality Control Plans and the Final EIR/EIS for the SCE TRTP.



Thomas Howard
Executive Director



Date

- Attachments (4):
- A. Signatory Requirements
 - B. Project Information Sheet
 - C. Project Tables
 - D. Project Maps

