

**State Water Resources Control Board**

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**ACTION ON REQUEST FOR CLEAN WATER ACT SECTION 401  
WATER QUALITY CERTIFICATION FOR SOUTHERN CALIFORNIA EDISON  
DEVERS–PALO VERDE 500 KV NO. 2 PROJECT  
RIVERSIDE COUNTY, CALIFORNIA, FILE NO. SB11007IN**

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**PROJECT:** Southern California Edison (SCE)–Devers–Palo Verde 500 kV No. 2 (DPV2) Project (Project)

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

This Water Quality Certification (Certification) responds to your request on behalf of SCE for Certification for the subject Project. Your application for the Project was received on May 25, 2011 and was determined to be complete on November 4, 2011.

**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 conditionally certifies the Project. The DPV2 Project will consist of a new 500 kV electric transmission line, including fiber-optic communication lines, upgrades to the Valley and Devers Substations, a new series capacitor, and the new Colorado River Substation. The transmission line will extend approximately 153 miles from the proposed Colorado River Substation, approximately 10 miles southwest of Blythe, California, through the Devers Substation near Palm Springs, California, to the Valley Substation in Menifee, California. The DPV2 Project will be composed of two lines in Riverside County: the Colorado River Substation–Devers line, which will extend approximately 110 miles from the new Colorado River Substation, west to SCE's

existing Devers Substation, and the Devers–Valley line, which will extend approximately 42 miles from SCE’s existing Devers Substation west to SCE’s existing Valley Substation.

SCE has received a number of interconnection requests from renewable generators in the Blythe area and has executed one Large Generator Interconnection Agreement with an interconnection customer. The purpose of the Project is to interconnect these renewable generation projects to the California Independent System Operator (CAISO) grid and help California meet its renewable energy goals.

Proposed Project activities involve work within waters of the United States and waters of the state. For the Project, Waters of the United States include all waters of the state because the U.S. Army Corps of Engineers (Corps) issued a Preliminary Jurisdictional Determination for the Project thereby taking jurisdiction for all waters on the site. The proposed Project will result in 1.01 acre of permanent impacts and 15.99 acres of temporary impacts to waters of the United States and waters of the state. Temporary impacts include Project activities associated with wire setups, fiber-optic wire setups, guard structures, helicopter landing zones, construction yards, tower footprints, and temporary construction areas. Permanent impacts include stub roads, daylight for stub road construction, riprap and gabion wet crossings, and tower footings. Existing access roads may need to be graded or may require vegetation trimming to accommodate construction vehicles. Construction of the new Colorado River Substation will not impact waters of the state.

More details about the Project and Project impacts are described in *Attachments B–G* of this Certification.

#### **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.

**ADMINISTRATIVE CONDITIONS:**

1. The State Water Resources Control Board (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. 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 the State Water Board, and the Santa Ana Regional Water Quality Control Board and Colorado River Regional Water Quality Control Board (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.

**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/Environmental Impact Statement (FEIR/EIS) for the SCE's Devers-Palo Verde 500 kV No. 2 Project (January 2007) and the Final Supplemental EIR (FSEIR), Colorado River Substation Expansion for Southern California Edison's Devers-Palo Verde No. 2 Transmission Line Project (July 2011). All BMP materials shall be on site 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. All construction activities and other project work activities shall be effectively isolated from stream flows. This may be accomplished by working in the dry season, or dewatering the work area in the wet season. The diverted stream flow shall not be contaminated by construction activities. All open flow temporary diversion channels will be lined with filter fabric or plastic to prevent channel erosion and sediment transport. 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.

- c. Structures for isolating the in-water work area and/or diverting the stream flow shall not be removed until all disturbed areas are cleaned and stabilized.
- d. All ground disturbance activities shall employ appropriate washout and erosion control BMPs to protect waters of the state.
- e. 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.
- f. Any straw or hay BMPs used for sediment barriers must be weed free.
- g. The discharge of petroleum products or other pollutants to surface waters that may result in violation of water quality standards is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or downstream.
- h. Equipment shall not be operated in standing or flowing waters of the state. However, equipment and vehicle crossing of waters of the state using existing access roads is permitted.
- i. 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.
- j. A daily log shall be maintained to note the presence and absence of waste releases from vehicles and equipment operated within 100 feet of 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 within 100 feet of waters of the state 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 anywhere on the project site must be reported to State Water Board staff within 24 hours with an explanation of how the problem was resolved.
- k. No rubbish shall be deposited within 100 feet of waters of the state.

- I. The limits of Project disturbance shall be clearly identified in the field with highly visible markers such as flagging, construction fencing, or silt barriers prior to commencement of construction activities within waters of the state. Such identification shall be properly maintained until construction is completed and soils have been stabilized. Equipment, materials, or any other substances or activity that impact waters of the State outside of the permit limits (as shown on the permit maps/drawings), is prohibited except for the additional 0.13 acre of permanent impacts and 0.50 acre of temporary impacts to waters of the state set aside for unforeseen impacts in the event of unanticipated, minor changes to the construction. This requirement is only waived as described above if all waters of the state are avoided on-site, and if there are no off-site waters within 100 feet of the Project site.
  - m. When the Project is completed, any excess material or debris shall be removed from the work area and disposed of properly.
2. 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.
3. 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.
4. SCE must obtain coverage under the new NPDES General Permit for Storm Water Discharges Associated with Construction Activities, which became effective on July 1, 2010.
5. SCE shall implement the Mitigation Measures (MM) and Applicant Proposed Measures (APM) described in the Hydrology and Water Quality, and Public Health and Safety Sections of the Mitigation Monitoring Compliance and Reporting Program (MMCRP) (May 26, 2011) for Southern California Edison's Devers-Palo Verde 500kv No. 2 Transmission Line Project (Attachment G).
6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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 Colorado River Basin, pH shall not be depressed below 6.0 or raised above 9.0 as a result of water discharges.

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 Colorado River Basin, the natural receiving water temperature of surface waters shall not be altered by discharges of waste unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in temperature does not adversely affect beneficial uses.

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 95<sup>th</sup> percentile concentration or fall below 75% of saturation within a 30-day period.

For waters of the state in the Colorado River Basin, 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 8 mg/l as a result of waste discharges. The dissolved oxygen content of all surface waters designated as both COLD and WARM shall not be depressed below 8 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 Colorado River Basin:

Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.

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 Colorado River Basin:

Discharges of wastes or wastewater shall not contain suspended or settleable solids in concentrations which increase the turbidity of receiving waters, unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in turbidity does not 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.



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**MITIGATION CONDITIONS:**

1. To compensate for temporary and permanent impacts to waters of the state, SCE shall implement the Draft Conceptual Wetlands Mitigation and Monitoring Plan (CWMMP), referred to herein as the Draft CWMMP (Dudek, October 28, 2011).
2. For 15.99 acres of temporary impacts to waters of the state, a total of 15.99 acres of on-site waters of the state will be restored. The compensatory mitigation for temporary impacts includes returning the area to pre-construction conditions through restoration of contours and implementation of construction site BMPs. This approach will result in 1:1 mitigation for waters of the State on site. The preexisting hydrology of the site will be restored to allow passive restoration processes to revegetate these areas, thus providing 1:1 mitigation for temporary impacts to vegetated features. This passive restoration approach will be coupled with 5 years of monitoring and maintenance (i.e., exotic plant species control), as necessary. Contingency measures (i.e., seeding, watering, additional management, and monitoring) will be in place if monitoring reveals that sites are not adequately returning to preexisting conditions. Passive restoration may also be enhanced through transplantation of plant materials and "vertical mulching" to create micro-topographic complexity. If restoration fails to meet the success criteria listed in CWMMP after the maintenance and monitoring period, maintenance and monitoring will be extended beyond the 5-year period until the criteria are met or unless otherwise approved by State Water Board staff.
3. For 1.01 acre of permanent impacts to waters of the state, off-site preservation will be approximately 619 acres of waters within the 1,874-acre Devers Palo Verde Preserve (Preserve), as described in the Draft CWMMP. The Preserve is located in an unincorporated portion of rural Riverside County, California (Attachment D, Figure 1) and is composed of five groups of properties that are grouped by geographic proximity and habitat similarity.
4. Existing SCE-maintained access roads will be used during construction and maintained, as described in the Draft CWMMP, MMCRP, and FEIR/FSEIR. BMPs to protect water quality, such as soil stabilizing measures (i.e., stabilization mats, etc.), shall be used in areas where the existing SCE access roads intersect state jurisdictional features. Any placement of temporary material in a state jurisdictional feature shall be removed once construction is completed at that location and the roads shall be re-contoured, as necessary and as described in the Draft CWMMP, MMCRP, and the FEIR/FSEIR. No mitigation for this activity is required. Similarly, no mitigation is required for maintenance impacts to existing access roads during implementation of the Project because this activity would not affect the function and value of waters of the State.
5. Restoration for temporary impacts shall be as follows:

- a. Re-vegetation of disturbed areas shall use viable seed of native species. Native seed will be collected within and adjacent to the project area prior to or during construction, or obtained from a native plant nursery or native seed supplier. Native seed should be collected from local genetic sources in the area, in the same or adjacent watershed, collected and planted within the same zone, and within approximately 500 feet of its original elevation. For widespread herbaceous species that are more likely to be genetically homogenous, seed collection areas may include a broader geographic range. Seed shall be free of noxious weeds.
  - b. SCE will submit a list of commercial seed vendors that collect and sell seed throughout Southern California to State Water Board staff. State Water Board staff will approve the seed vendor and seed mix, including the origin of the seed and seed ratios within the seed mixes, prior to SCE's purchase of the seed.
6. To compensate for permanent impacts to waters of the state, SCE shall implement each measure listed below.
- a. Agreement/Contract Demonstrating Acquisition and Purchase of Compensatory Mitigation
    - i. Agreement/Contract. SCE shall execute an agreement/contract with Wildlands California Holdings I, LLC (sponsor) that details the conditions of the compensatory mitigation obligations for the Project. A copy of the agreement/contract between SCE and the sponsor shall be provided to the State Water Board and Regional Water Boards within 90 days of issuance of this Certification. The agreement/contract must clearly indicate the party or parties responsible for the implementation, performance, and long-term management of the compensatory mitigation project. This includes the requirement for annual reporting as per **Mitigation Condition 12** below.
    - ii. The agreement/contract must show that the sponsor has received funds from SCE to purchase the parcels in the Preserve. The agreement/contract must indicate the sum of the funds received by the sponsor that includes the cost of each parcel. The agreement/contract shall list the exact acreage and type of waters of the state in the Preserve based on a delineation that has been field verified.
    - iii. Mitigation Timing. All compensatory mitigation shall be acquired or secured by SCE and the sponsor within 12 months of issuance of the Certification. Any delay in acquiring or securing compensatory mitigation by SCE and the sponsor shall require an amendment to this Certification and may result in higher mitigation ratio requirements to offset the additional temporal loss of waters of the state.

- iv. If SCE is unable to provide a copy of an agreement/contract within 90 days of the issuance of this certification, or acquire and secure compensatory mitigation as described in Mitigation Condition No. 3 herein or as determined by the State Water Board as adequate within 12 months of issuance of the 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.
- b. Conservation Easement Deed
- i. A copy of the Conservation Easement Deed for the Preserve will be provided to State Water Board staff within 18 months of issuance of the Certification. 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 Preserve in perpetuity and to ensure compliance with the conservation easement and report to the agencies. Funds shall be provided by SCE to the holder within 18 months of issuance of the Certification.
  - iii. The Conservation Easement Deed must ensure that the property within the Preserve will be retained in perpetuity in its natural conditions as described in the CWMMP and permits for the U.S. Army Corps of Engineers, Carlsbad Office of the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFG) Inland Deserts Region.
  - iv. The Conservation Easement Deed must provide the Assessor's Parcel Numbers for all the properties within the Preserve.
- c. Endowment Funding for the Long-Term Management of the Devers-Palo Verde Preserve
- i. The endowment holder shall not be the mitigation sponsor.
  - ii. CE must provide proof of full funding for the endowment fund for the Preserve to the State Water Board within 18 months of issuance of the Certification. Based on the CWMMP, the total estimated land management endowment amount required is \$946,876.

- iii. SCE must provide official documentation to the State Water Board demonstrating that it has provided funds to the endowment holder for the Initial Habitat Improvement Fund (IHIF). The IHIF provides for the initial costs to manage the Preserve for the first 3 years, as referred to in the Long-Term Management Plan for the Devers-Palo Verde Preserve (October 2011, Wildlands). SCE must provide the documentation for the IHIF to the State Water Board within 18 months of issuance of the Certification.
  - iv. The holder of the IHIF shall not be the mitigation sponsor.
- d. Letter of Credit
- i. Within 90 days of issuance of this certification, SCE shall establish in favor the State Water Board an irrevocable letter of credit in an amount determined by the State Water Board to be sufficient for the value of (1) the acquisition of parcels within the Preserve where escrow has not been closed, and (2) the estimated amount of the endowment fund (including the IHIF) and (3) the estimated amount of the conservation easement endowment. SCE shall prepare a draft letter of credit and submit it to the State Water Board for its approval within 45 days of issuance of the 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 may 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 with the State Water Board.
7. SCE shall provide the State Water Board and Regional Water Boards a Final CWMMP within 24 months of issuance of the Certification for State and Regional Water Board approval.

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8. Any change in the Long-term Management Plan for the Devers-Palo Verde Preserve must be approved by the State and Regional Water Boards.
9. Any change in the Land Manager for the Devers-Palo Verde Preserve must be approved by the State and Regional Water Boards.
10. A regional strategy for management of compensation and other lands within the Colorado and Mojave Deserts and Coachella Valley is being developed by the Agencies (California Public Utilities Commission (CPUC), the Bureau of Land Management (BLM), Carlsbad Office of the USFWS Office, CDFG Inland Deserts Region). Upon development of a final regional strategy, the Long-Term Management Plan for the Devers-Palo Verde Preserve may be amended to reflect the regional strategy subject to approval by the Agencies and the State Water Board.
11. The California Rapid Assessment Method (CRAM) Report for the Devers-Palo Verde No. 2 500 kV Transmission Line Project (dated December 2011) will be submitted to the Southern California Coastal Water Research Project (SCCWRP) within 18 months of the issuance of the Certification. The submittal will include online submittal of the CRAM data and submittal of the complete report on CD for use by SCCWRP in calibrating the CRAM desert module. No formal approval of the report by SCCWRP is required.
12. 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 February 15th 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 and to direct the sponsor of the Devers-Palo Verde Preserve to do so as part of their contract/agreement noted in **Mitigation Condition 6.a.i** above. This report shall include an evaluation of the site as compared to the success criteria identified in the Final CWMMP. 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 February 15th 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 Preserve. These reports shall be provided by February 15 of each year for 5 years, after completion of the Baseline Surveys, as set forth in the CWMMP. It is the obligation of the Preserve Land Manager 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 and preservation at the Devers-Palo Verde Preserve, a CRAM study and report will be conducted within the Project site and Preserve. The CRAM study will use the same locations as the CRAM Report for the Devers-Palo Verde No. 2 500 kV Transmission Line Project (dated December 2011) to compare and document pre-project and post-project/post-mitigation conditions. The final

CRAM report will be submitted to the SWRCB within 90 days of submittal of the Year 5 annual reports.

**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](mailto: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, 15<sup>th</sup> Floor, Sacramento, CA 95814 (by hand delivery)

You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 or via e-mail at [borme@waterboards.ca.gov](mailto: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 SCE's Devers–Palo Verde 500 kV No. 2 Project on January 25, 2007 and filed a Notice of Determination with the State Clearinghouse on January 26, 2007 (SCH # 2005101104). The California State Water Resources Control Board and California Regional Water Quality Control Board, Colorado River Basin Region reviewed and considered the draft EIR/EIS document. Additionally, the CPUC certified a FSEIR for the Colorado River Substation expansion on July 14, 2011 and a Notice of Determination with the State Clearinghouse was received on July 15, 2011 (SCH # 2005101104). The California Regional Water Quality Control Board, Colorado River Basin Region reviewed and considered the draft FSEIR. In making its determinations and findings, the State Water Board must presume that the FEIR and FSEIR 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 reviewed and evaluated the significant and potentially significant impacts to water quality identified in the FEIR and FSEIR. The various mitigation measures discussed in the FEIR and FSEIR were adopted to reduce and minimize Project impacts. The various mitigation measures related to water quality include establishment of an environmental training program, implementation of erosion control measures, and implementation of compensatory mitigation for impacts to special-status species. Additionally, SCE will comply with all requirements of the NPDES General Permit No. CAS000002 for Storm Water Discharges Associated with Construction Activity, Water Quality Order No. 2009-0009. Specifically, the current

Construction General Permit requires development of a Construction Stormwater Pollution Prevention Plan (SWPPP) with accidental spill control procedures. The State Water Board finds that these mitigation measures for significant and potentially significant water quality impacts as identified in the FEIR and FSEIR, along with the measures proposed in the application for Certification, the conditions in the Certification, the CWMMP for the Project, the MMCRP, and the compensatory mitigation described in Attachment B – Project Information Sheet and Attachment C – Supplement Project Information Sheet to be adequate to reduce water quality impacts to less than significant levels.

**WATER QUALITY CERTIFICATION:**

I hereby issue an order certifying that as long as all of the conditions listed in this Certification action 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 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 conditions of the Certification and the attachments to this Certification, and (b) compliance with all applicable requirements of the pertinent Regional Water Boards' Water Quality Control Plans and the FEIR/EIS for SCE's DPV2 and SFEIR for the SCE DPV2 Colorado River Substation.

Thomas Howard  
Thomas Howard  
Executive Director  
State Water Resources Control Board

2/13/12  
Date

- Attachments (7):
- A. Signatory Page
  - B. Project Information Sheet
  - C. Supplemental Project Information Sheet
  - D. Project Maps
  - E. Project Impact Tables
  - F. Mitigation Tables
  - G. Mitigation Measures and Applicant Proposed Measures from the Mitigation, Monitoring, and Compliance Reporting Program