State Water Resources Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR SOUTHERN CALIFORNIA EDISON TEHACHAPI RENEWABLE TRANSMISSION LINE PROJECT SEGMENT 11C, LOS ANGELES, CALIFORNIA FILE NO. SB13003IN

PROJECT: Southern California Edison (SCE) – Tehachapi Renewable Transmission Line Project (TRTP) Segment 11C (Project)

APPLICANT: Mr. Hazem Gabr
c/o Amanda Solomon
Southern California Edison
2131 Walnut Grove Avenue
Rosemead, CA 91770

This Water Quality Certification (Certification) responds to your request on behalf of SCE for Certification for the Project. Your application for TRTP Segment 11C was received on April 22, 2013, and was deemed complete on May 21, 2013.

ACTION:

- ☑ Order for Standard Certification
- ☐ Order for Technically Conditioned Certification
- ☐ Order for Denial of Certification
- ☐ Order for Waiver of Waste Discharge Requirements

AUTHORIZATION:

The Project area includes approximately 19 miles of the 173-mile TRTP alignment and is located primarily on National Forest Service lands in the Angeles National Forest (ANF), within unincorporated areas of Los Angeles County. The northern terminus of the alignment for Segment 11C is located at the Vincent Substation, southwest of the intersection of the Angeles Forest Highway and Soledad Pass Road and south of State Route (SR) 14. The southern terminus of Segment 11C is located at the Gould Substation in La Cañada Flintridge, southeast of Angeles Crest Highway. The Project area is located in the Los Angeles-San Gabriel River Hydrologic Unit (HU) and Santa Clara-Calleguas HU. Both of these watersheds are located within the Los Angeles Regional Water Quality Control Board's (Los Angeles Regional Water Board) jurisdiction.

The Project involves the removal and installation of transmission towers, related structures, and a transmission line. Activities associated with this Project that will result in fill of waters of the U.S. include culvert installation, replacement, and removal; installation of concrete wet crossings; road widening (which may include gabion wall and mattress installation; installation of retaining/hilfiker and crib walls; and debris wall installation); McCarthy drain installation and replacement; temporary wire setup sites; structure work areas; helicopter assembly yards and helicopter support yards; vegetation removal; guard poles; temporary water diversions; and, temporary steel plates at water crossings.

Impacts related to construction and operation of the Segment 11C project alignment include 0.14 acre and 3,611 linear feet of permanent impacts and 1.18 acre and 12,511 linear feet of temporary impacts to waters of the U.S. The United States Army Corps of Engineers (Corps) has determined that all waters within the Project area are under Corps jurisdiction. Note that all waters of the U.S. are also waters of the state.

Additional Project details are provided in Attachments B through H 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 section 13330 of the Water Code and article 6 (commencing with section 3867) of chapter 28, title 23 of the California Code of Regulations.

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 subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, 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 chapter 28, title 23 of the California Code of Regulations and owed by the applicant.

ADDITIONAL CONDITIONS:

1. SCE shall comply with all water quality objectives required by regional and statewide water quality control plans and policies.

2. SCE shall obtain coverage under the new National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities (Order 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006 DWQ) (Construction Storm Water Permit).

3. SCE shall implement the Applicant-Proposed Measures (APM) and Mitigation Measures (MM) described in the Final Environmental Impact Report (FEIR) (December 2009)/Final Environmental Impact Statement (FEIS) (September 2010) for the SCE TRTP Segments 4-11 (State Clearinghouse Number 2007081156). The following additional environmental documents are part of the FEIR and FEIS: Draft Supplemental EIS (SEIS) for the 2009 ANF Station Fire (April 2010); Draft Supplemental Environmental Impact Report (SEIR)/Draft SEIS for the Federal Aviation Administration's (FAA's) recommendations (April 2003); and the Addendum to the FEIR for the City of Chino Hills (June 2013).

4. SCE has proposed some Project activities that fall within the former construction footprint of TRTP Segment 6. Some water features will be re-impacted, but in most cases not in the same location. As such, when SCE re-impacts water features on TRTP Segment 11C that were previously impacted on TRTP Segment 6, SCE shall refer to conditions in this Certification rather than the TRTP Segment 6 Certification because the activity is associated with the TRTP Segment 11C project.

5. Best Management Practices (BMPs)

   a) Appropriate BMPs shall be implemented and maintained throughout Project activities to minimize sediment disturbance to and suspension within surface waters. These BMPs are described in this Certification, the Project Stormwater Pollution Prevention Plans (SWPPPs) for

Segment 11C, and also in the FEIR (December 2009) and the FEIS (September 2010) for the SCE TRTP Segments 4-11. 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 their proper design, installation, operation, and maintenance of such management practices throughout their useful life.

b) Substances resulting from construction activities that could be harmful to aquatic life shall not be discharged to waters of the U.S., 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.

c) Vehicles shall not be driven or equipment operated in waters of the U.S. on the Project site, except as necessary to complete the proposed Project.

d) Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall be outside of waters of the U.S., and shall not result in a discharge or a threatened discharge to waters of the U.S.

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 U.S. Copies of the daily log shall be available on site. Daily visual inspections for waste releases of all vehicles and equipment parked or operating within 50 feet of waters of the U.S. shall be conducted before the vehicles or equipment are operated for the work day. Spillage and leaks shall be reported in the daily log when they occur. Presence of any spillage from leaks shall be reported in the daily log and contaminated soils shall be removed immediately from the site and disposed of at an approved area or facility. State Water Board or Los Angeles Regional Water Board staffs may request this information at any time.

f) Any waste releases from vehicles or equipment of 5 gallons or more shall be reported to the State Water Board and Los Angeles Regional Water Board within 24 hours with an explanation of how the spillage was remedied.

g) All work areas shall be effectively isolated from streamflows using suitable control measures before commencement of any in-water work. The diverted streamflow shall not be contaminated by construction activities. Structures for isolating the in-water work area and/or diverting the streamflow (e.g., cofferdam, geo-textile silt curtain) shall not be removed until all disturbed areas are cleaned of debris and stabilized.

h) In the event of rain, the in-water work area shall be temporarily stabilized before streamflow exceeds the capacity of the diversion structure. The streambed shall be stabilized so that the disturbed areas will not come in contact with the streamflow.

i) For areas of temporary disturbance, the contours of disturbed areas shall be restored to pre-Project conditions and viable seed of native species collected in the Los Angeles-San Gabriel River and Santa Clara-Calleguas HUs shall be used for habitat restoration of disturbed areas. If SCE is unable to obtain enough viable native seed from these watersheds, it will obtain authorization from State Water Board staff to expand the source area to use ecologically viable seed sources from outside the Los Angeles-San Gabriel River and Santa Clara-Calleguas HU watersheds for restoration of temporarily impacted areas.

j) When the Project is completed, any trash, excess material or other debris shall be removed from the work area and disposed of properly.

k) All ground disturbance activities shall employ appropriate washout and erosion control BMPs to protect waters of the U.S.

l) Any straw or hay BMPs used for sediment barriers must be weed free.

m) No rubbish shall be deposited within 100 feet of waters of the U.S.

n) The limits of Project disturbance shall be clearly identified in the field with highly visible markers such as construction fencing or silt barriers prior to commencement of construction activities within waters of the U.S. 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 U.S. outside of the permits limits (as shown on the permit maps/drawings), is prohibited. This requirement is only waived if all waters of the U.S. are avoided on-site, and if there are no off-site waters within 100 feet of the Project site.

6. Design of Water Crossings and Stormwater controls

   a) Designs and details for all water body crossing types and modifications shall be submitted to the State Water Board for review and approval at least 30 days prior to installation of crossings and modifications to water bodies. Water body crossings and modifications shall not be implemented until State Water Board staff have approved the crossing designs.

   b) Any structure/culvert placed within a stream where fish (as defined in California 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.

   c) Storm drain lines/culverts and other stream crossing structures shall be designed and maintained 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 ensure resistance to washout and to prevent erosion and/or fill of the stream. Water velocity shall be dissipated at outfalls to reduce erosion.

7. Flow Diversions during in-water construction

   a) 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.

   b) 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.

   c) Flow diversions shall be done in a manner that shall prevent pollution and/or siltation and provide flows to downstream reaches. Said flows shall be of sufficient quality and quantity, and of appropriate temperature, to support fish or other aquatic life normally present both above and below the diversion. Diversions shall be engineered, installed, and maintained to ensure resistance to washout and erosion of the water body. All open flow temporary diversion channels will be lined with filter fabric or plastic to prevent channel erosion and sediment transport. Normal flows shall be restored to the affected stream immediately upon completion of work at that location. All flow diversion facilities shall be removed and the site restored to pre-project conditions.

   d) If dewatering is required for groundwater control, SCE shall consult with the Los Angeles Regional Water Board to determine if additional permits are required.

8. Surface Water Monitoring

Surface water monitoring shall be implemented when: (1) in-water work is performed; (2) Project activities result in any materials reaching surface waters; or (3) Project activities result in the creation of a visible plume in surface waters. Monitoring of the water quality objectives listed below in subsection (a) through (d) shall be conducted immediately upstream out of the influence of the Project and within 300 feet downstream of the active work area.

Sampling frequency shall be at least once prior to scheduled activities and then every four hours during the activity (or after the discharge is discovered in the case of (2) and (3) described in the above paragraph), and at least one hour after the end of each day's work until work is completed or in the event of (2) or (3) above, the objectives (a) through (e) below are met. Overnight monitoring of affected stream reaches after each day's work is not required. Turbidity measurements must be collected within one hour after barrier installation and within one hour after barrier removal.

Results of the analysis shall be submitted to the State and Regional Water Boards within two weeks of initiation of sampling and every two weeks thereafter. A map or drawing indicating the locations of the sampling points must be included with each submittal.

If monitoring samples collected exceed the limits described below, then this must be reported to State Water Board staff within 24 hours of occurrence or discovery (via email or phone) and SCE shall propose measures that will allow surface waters to meet water quality objectives set forth in the Water Quality Control Plan, Los Angeles Region (Basin Plan). Any violations of these limits may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

Constituent measurements must comply with the following limits as specified in the Basin Plan:

a) pH

   i. 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

   i. For waters of the state with the designated beneficial use of 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

   i. 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.

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

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

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

d) Turbidity

i. Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in natural turbidity attributable to controllable water quality factors shall not exceed the following limits. Except that during in-water working periods, these limits will be eased to allow a turbidity increase of 15 Nephelometric Turbidity Units (NTUs) over background turbidity within 300 feet downstream from the working area, and the limits below shall only apply outside of the 300 foot area during this period. In determining compliance with the limits listed below, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods must be approved by the State Water Board.

1) Where natural turbidity is between 0 and 50 NTU, increases shall not exceed 20 percent of natural turbidity levels as a result of Project activities.

2) Where natural turbidity is greater than 50 NTU, increases shall not exceed 10 percent of natural turbidity levels as a result of Project activities.

e) Suspended Materials

i. Waters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses.

9. Certification Deviations

Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on waters resources.

Some modifications of Project locations or predicted impacts may qualify as Certification Deviations. For purposes of this Certification, a "Certification Deviation" is a Project locational or impact modification that does not require an immediate amendment of the Certification, because the State Water Board has determined that any potential water resource impacts that may result from the change are sufficiently addressed by the Certification conditions and the FEIR/FEIS. Project modifications that warrant or necessitate changes to Certification conditions that are not addressed by existing environmental documents will require an amendment to this Certification and do not qualify for the Certification Deviation procedures set forth in Attachment H. After the termination of construction, this Certification will be amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.

MITIGATION CONDITIONS:

1. To compensate for temporary and permanent impacts to waters of the U.S., SCE shall implement each measure listed below. Mitigation for impacts is separately summarized for federal and non-federal lands. Federal lands are those located within the U.S. Forest Service's (USFS) jurisdiction and mitigation will be designed to meet USFS requirements. As described in Attachment C, mitigation is not required for maintenance grading on existing access roads, temporary foot trails, and dead/burned tree removal.

a) On **non-federal** land SCE shall mitigate for impacts as follows:

i. For temporary impacts to 0.54 acres of waters of the U.S., on-site restoration of waters of the U.S. shall be provided as per **Mitigation Condition 3** below.

ii. For permanent impacts to 0.01 acre of waters of the U.S., restoration, establishment, and/or enhancement of waters of the U.S. shall be provided off-site as per **Mitigation Condition 4** below.

b) On **federal land** SCE shall mitigate for impacts as follows:

i. For temporary impacts to 0.64 acre of waters of the U.S., on-site restoration of waters of the U.S. shall be provided as per **Mitigation Condition 3** below.

ii. For permanent impacts to 0.13 acre of waters of the U.S., the restoration, establishment, and/or enhancement of waters of the U.S. shall be provided off-site as per **Mitigation Condition 4** below.

c) Mitigation Ratios

i. Compensatory mitigation ratios for waters of the U.S. will be determined by State Water Board staff in consultation with SCE. The ratios will be approved by State Water Board staff via a letter or email as a separate process from the review and approval of the SCE's proposed mitigation plan.

d) Preservation as a mitigation option

i. The State Water Board will consider the mitigation option of preservation of waters of U.S. if the temporary or permanent mitigation proposals for on and off-site locations cannot be feasibly provided as determined by the State Water Board.

ii. Off-site preservation of waters of the U.S. shall require a greater mitigation ratio than off-site establishment and/or restoration of waters of the U.S. Preservation ratios shall be determined by the State Water Board based on the parcels SCE selects during the agency approval process and prior to purchase.

2. SCE shall prepare and implement a Habitat Mitigation and Monitoring Plan (HMMP). Because of the proximity of the Project to TRTP Segment 6, the Segment 6 Mitigation and Monitoring Plan (approved on December 15, 2011) will be amended to include Segment 11C (Amended HMMP). SCE shall prepare an Amended Draft HMMP (DHMMP) and an Amended Final HMMP (FHMMP). Additional HMMP conditions specific to temporary and permanent impacts are discussed in **Mitigation Conditions 3 and 4**, respectively. The DHMMP and FHMMP shall be submitted as follows:

a) DHMMP. The DHMMP shall include all measures to restore waters of the U.S. on federal and non-federal lands back to pre-Project conditions due to temporary impacts as well as conceptual-level compensatory mitigation measures for permanent impacts. Approval of Compensatory mitigation ratios for permanent impacts will be a separate process from approval of the DHMMP.

i. DHMMP submittal.

1) SCE shall submit a DHMMP to the State Water Board and Regional Water Board that must be approved by State Water Board staff, prior to the start of construction within waters of the U.S.

a. "Start of construction" defined. For the purpose of this Certification, "start of construction" means to engage in a program of on-site construction, including site clearing, grading, dredging, landfilling, changing equipment, substituting equipment, or even moving the location of equipment specifically designed for a stationary source in preparation for the fabrication, erection or installation of the building components of the stationary source within waters of the U.S.

b) FHMMP. SCE shall provide the State Water Board and the Regional Water Boards a DHMMP. The DHMMP will include measures for temporary impacts as well as compensatory mitigation planning for permanent impacts on federal and non-federal lands. The impacts for each of the two TRTP segments (Segment 6 and Segment 11C) must be reported separately for the impacts and mitigation associated with that specific segment. The DHMMP will include descriptions of the proposed mitigation site acquisitions required for compensatory mitigation.

The DHMMP should be detailed enough for the State and Regional Water Boards to determine whether the proposed mitigation sites satisfy the compensatory mitigation requirements and replace the lost functions and values of waters of the U.S. impacted by the Project.

i. Submittal dates. The submittal schedule shall be as follows:

1) SCE shall submit a DHMMP to the State Water Board and Regional Water Board within one year of the date of this Certification.

2) SCE shall submit the FHMMP to the State Water Board and Regional Water Board within 180 days of State Water Board and Regional Water Board approval of the draft FHMMP.

3) Timelines may be further extended by State Water Board staff if progress satisfactory to State Water Board staff has been made.

3. For restoration of temporary impacts to waters of the U.S., SCE shall implement each measure listed below:

a) Restoration for temporary impacts on federal and non-federal lands shall be as follows:

i. Procedures on federal lands. On federal lands, restoration activities shall be in accordance with the USFS Habitat Restoration and Reporting Plan (HRRP) which shall be included as an attachment to the DHMMP. The FHMMP shall be approved by the USFS prior to implementation.

ii. Procedures on non-federal lands. On non-federal lands, implementation of restoration, establishment, and or enhancement measures will follow the procedures described in the FHMMP.

b) Minimum requirements. For restoration of temporary impacts, the FHMMP 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 on 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.

c) Seed source. Per Mitigation Measure B-1a in the FEIR and FEIS for TRTP Segments 4-11, all propagules for cuttings and seed shall be collected from local sources in the area (this information is also provided in Attachment F of this Certification). The Segment 6 and 11C HMMP will include a seed palette for both federal and non-federal lands. Propagules will be planted according to the procedures described in the FHMMP.

d) Non-native/invasive plant species. The FHMMP for non-federal lands shall describe, in detail, how SCE will control and limit the establishment of non-native and invasive plant species for all restoration sites. Proper management of weed and grass cover after seeding can dramatically increase the successful establishment of natives from seed.

e) Timing. Irrigation plans and mitigation plan construction documents shall be submitted to State Water Board staff for approval 120 days prior to restoration implementation. SCE shall restore temporary impacts to waters of the U.S. within 12 months following completion of Project activity at individual restoration locations. This period may be extended to accommodate proper planting times. If restoration is not initiated within two years of the impacts, additional mitigation will be required to offset temporal loss of waters of the U.S. These timelines may be extended

and approved by State Water Board staff if progress satisfactory to State Water Board staff has been made.

f) Monitoring. The restoration of habitat for temporary impacts shall be maintained and monitored for a five year period or until performance standards are met according to the FHMMP, whichever is later. 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 performance measures listed in the FHMMP 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.

g) Monitoring Reports for mitigation of temporary impacts shall be as follows:

i. Monitoring reports shall be submitted to the State and Regional Water Board for each temporary impact site as detailed in the FHMMP. This report shall include an evaluation of the sites as compared to the performance standards identified in the FHMMP.

ii. All reports shall include the following:

1) The file number of this Certification SB13003IN

2) A comparison, including map overlays of, and a discussion on, the pre- and post-construction conditions (with supporting photograph documentation) of waters of the U.S.

3) A summary of Project compliance (including noncompliance and corrective actions taken to achieve compliance)

iii. Timing of reports shall be as follows:

1) Annual reports shall be provided by January 31 of each year for 5 years or until all long-term performance standards of the FHMMP have been met with the approval of the State Water Board.

2) Timelines may be extended and approved by State Water Board staff if progress satisfactory to the State Water Board has been made.

4. To compensate for permanent impacts to waters of the U.S., SCE shall implement each measure listed below.

a) Compensatory Mitigation Sponsor.

i. Sponsor. SCE shall secure a sponsor for its compensatory mitigation sites. SCE submitted conceptual information for mitigation in the Project Certification application received on April 22, 2013, that described the proposed compensatory mitigation for Project impacts.

ii. Agreement. SCE shall execute an agreement with a sponsor to purchase and manage compensatory mitigation site(s) for the Project. SCE shall execute an agreement with the sponsor that details the conditions of the mitigation obligations within 6 months of the date of this Certification. A copy of the Mitigation Agreement shall be provided to the State Water Board and Regional Water Board, and shall satisfy the following conditions:

1) The agreement must clearly indicate the party or parties responsible for the implementation, performance, and long-term management of the compensatory mitigation project(s). This includes the requirement for annual reporting, described in **Mitigation Condition** 4.g.iii. below.

2) The instrument must also contain a provision expressing the sponsor's agreement to assume responsibility for SCE's compensatory mitigation requirements as specified

herein, once SCE has secured the appropriate compensatory mitigation from the sponsor and the State Water Board has received documentation of the transaction.

3) A copy of the mitigation agreement shall be provided to the State Water Board and Los Angeles Regional Water Board.

b) Responsibilities. SCE shall retain responsibility for providing the compensatory mitigation until the appropriate compensatory mitigation has been secured from a sponsor and the State Water Board has received documentation that confirms that the sponsor has accepted the responsibility for providing the required compensatory mitigation. This documentation may consist of a letter or form signed by the sponsor, with the file number and a statement indicating the number and resource type of credits that have been secured from the sponsor. Copies of this documentation will be retained in the administrative records for both the permit and the instrument.

c) Non-compliance with compensatory mitigation. If the sponsor fails to provide the required compensatory mitigation, the State Water Board may pursue measures against the sponsor to ensure compliance. This condition must be made a part of SCE's agreement with the mitigation sponsor.

d) Timing. All compensatory mitigation shall be acquired or secured within 24 months of the date of this Certification. Any delay in acquiring or securing compensatory mitigation shall require approval from State Water Board staff and may result in higher mitigation ratio requirements to offset the additional temporal loss of waters of the U.S.

e) 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 within 120 days of the date of this Certification. SCE shall prepare a draft letter of credit and submit it to the State Water Board for its approval. 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. According to the Letter of Credit, the expiration date will automatically be extended without amendment for one year from the expiration date.

iv. If SCE is unable to establish a letter of credit, it shall arrange a different security instrument with the State Water Board.

f) Compensatory Mitigation Site Approval

i. Prior to purchasing the appropriate number and resource type of credits from the sponsor, SCE shall obtain approval from the State Water Board that the compensatory mitigation site(s) satisfies compensatory mitigation requirements and adequately replaces the lost functions and values of waters of the U.S. impacted by the Project in accordance with this Certification.

ii. As required in **Mitigation Condition 4.d.** above, SCE must provide full, adequate compensatory mitigation for the Project, approved by State and Regional Water Board staffs, within 24 months of the date of this Certification. Compensatory mitigation shall be in

the form of purchased credits and/or properties, applicable funding agreements for purchase and management in perpetuity, an approved FHMMP, and/or an in-lieu fee program agreement. If SCE cannot provide full, adequate compensatory mitigation within 24 months of the date of this Certification, SCE will be in violation of this Certification and subject to administrative civil liabilities under the Water Code, section 13385. Under Water Code section 13385, both the State and Regional Water Boards can impose administrative civil liabilities for any violation of a water quality certification issued pursuant to Section 401 of the Clean Water Act. Timelines may be extended and approved by State Water Board staff if progress satisfactory to the State Water Board has been made.

g) SCE shall provide the following information for compensatory mitigation in the FHMMP:

i. Protection in perpetuity. The FHMMP 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 FHMMP shall describe interim management and long-term management plans as proposed by the sponsor for all compensatory mitigation sites and will include the following:

1) 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.

2) 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.

3) Determination of credits/financing. A description of the number of credits or amount of other financing to be provided, including a brief explanation of the rationale for this determination.

4) 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.

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

6) Performance standards. Ecologically-based standards that will be used to determine whether the compensatory mitigation project is achieving its objectives for the interim management period and the long-term management period.

7) Interim management plan. A description of how the compensatory mitigation project(s) will be managed from site establishment until the performance measures have been met in the interim management plan period. Once the performance measures are met as approved by the State Water Board, the long-term management plan will be in effect.

8) Long-term management plan. A description of how the compensatory mitigation project(s) will be managed until the performance standards are met to ensure the long-term sustainability of the resource, including long-term financing mechanisms and the party responsible for long-term management.

9) 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.

iii. Reporting for permanent impact mitigation shall be as follows:

Mitigation monitoring reports shall be submitted to the State and Regional Water Board for each mitigation site as detailed in the FHMMP. It is the obligation of SCE to provide these reports and to direct the sponsor of the compensatory mitigation sites detailed in the A FHMMP to provide said reports as part of their agreement noted in **Mitigation Condition 4.a.ii** above. This report shall include an evaluation of the sites as compared to the performance standards identified in the FHMMP.

1) All reports shall include the following:
   a. The file number of this Certification SB13003IN.
   b. Photo documentation and surveys (identifying the specific location) showing the condition of waters of the U.S. and associated habitat. The California Rapid Assessment Method (CRAM) shall be used to evaluate the condition of any compensatory mitigation wetlands. Assessments shall be done periodically throughout the monitoring period as per the FHMMP, and a final report shall be provided reviewing the assessment for the monitoring period.
2) Timelines may be extended and approved by State Water Board staff if progress satisfactory to the State Water Board has been made.

Violations:

1. SCE, or its contractor, or subcontractors shall verbally report any noncompliance to the Certification Program Manager of the State Water Board within 24 hours of the time when SCE or its contractor, or subcontractors become aware of the circumstances of noncompliance.

2. SCE or its contractor, or subcontractors shall report all violations of any terms or requirements of this Order in writing to the State Water Board and Regional Water Board within seven (7) consecutive days from the time SCE becomes aware of the violation. The written report shall contain:
   a) A description of the violation and its cause.
   b) 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.
   c) Steps taken or planned to reduce, eliminate, and prevent recurrence of the violation.

3. In the event of any violation or threatened violation of the requirements of this Order, the violation shall be subject to any remedies, penalties, processes, or sanctions as provided for under State law.

4. In response to a suspected violation of any requirement of this 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.

5. In response to any violation of the requirements of this Order, the State Water Board may add to or modify the requirements of this Order 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 SCE or its agents fail to comply with any of the terms or requirements 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 State Water Board and Los Angeles 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 requirements of this Certification and/or to determine the impacts the Project may have on waters of the U.S.

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 St., 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:

On December 17, 2009, the California Public Utilities Commission (CPUC), as lead agency, certified a FEIR for the TRTP Segment 4-11 (State Clearinghouse No. SCH 2007081156) in accordance with the California Environmental Quality Act (CEQA). The Forest Service released a Draft SEIS as part of the FEIS in April 2010 that assessed the changed conditions in the ANF created by the 2009 Station Fire. The final SEIS was certified with the FEIS in September 2010. In addition, the CPUC and Forest Service published a Draft SEIR/SEIS in April 2013 to address implementation of the Federal Aviation Administration's (FAA's) recommendations regarding tower lighting and marker ball installation. A final SEIR/EIS has not been issued yet. The CPUC also prepared an Addendum to the FEIR to address new underground transmission options for a portion of the TRTP that traverses the City of Chino Hills. The Addendum was certified in June 2013. In making its determinations and findings, the State Water Board must presume that the CPUC certified environmental document comports with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3, subd. (b).) The FEIR and Notice of Determination may be viewed at the following Web sites:

ftp://ftp.cpuc.ca.gov/gopher-data/environ/tehachapi_renewables/TRTP.htm
http://www.ceganet.ca.gov/noddescription.asp?DocPK=639084

CEQA Findings on Individual Impacts

The State Water Board reviewed and evaluated the significant and potentially significant individual Project impacts to water quality identified for TRTP Segments 4-11 in the FEIR. The impacts to water quality that result from the Project activities are described in Attachments C and E of this Certification. The APMs and MMs discussed in the FEIR were adopted to reduce and minimize Project impacts. The

various APMs and MMs related to water quality include development of a 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 APMs and MMs are incorporated into this Certification in Attachment F. In incorporating the APMs and MMs, the word "would" is replaced by the word "shall" to clarify that these measures shall be implemented in this Project in accordance with this Certification. The State Water Board finds that these mitigation measures for significant and potentially significant individual Project 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, and information in the attachments to the Certification, to be adequate to reduce non-cumulative water quality impacts to less than significant levels.

CEQA Findings on Cumulative Impacts

The FEIR evaluates nine cumulative impacts pertaining to water resources that are significant and unavoidable. The nine cumulative impacts are as follows:

Hydrology and Water Quality section of the FEIR

- Construction activities would degrade surface water quality through erosion and accelerated sedimentation (Impact H-1)
- Construction activities would degrade water quality through the accidental release of potentially harmful or hazardous materials (Impact H-2)

Biological Resources section of the FEIR

- The Project would result in the loss of desert wash or riparian habitat (B-2)
- The Project could result in the loss of California red-legged frogs and mountain yellow-legged frogs (B-8)
- The Project would result in the loss of arroyo toads (B-9)
- The Project could result in the loss of special-status fish (B-12)
- The Project could result in mortality or injury of, and loss of nesting habitat for southwestern pond turtles (B-24)
- The Project could result in injury or mortality of, and loss of habitat for, Coast Range newts (B-26)
- The Project could result in injury or mortality of, and loss of habitat for, terrestrial California Species of Special Concern and Forest Service Sensitive amphibian and reptile species (B-27)

Less than Significant Impacts

The remaining cumulative impacts related to water quality are considered to less-than-significant and are as follows:

- Operation and maintenance activities would degrade water quality through the accidental release of potentially harmful or hazardous materials (Impact H-3)
- Project structures would cause erosion, sedimentation, or other flood-related damage by impeding flood flows (Impact H-4)
- Project structures would be inundated by mudflow (Impact H-5)
- The Project could result in the loss of Critical Habitat for the Santa Ana sucker (B-13)

The FEIR contains mitigation measures for Project hydrology and water quality impacts H-1 and H-2, and the application of these mitigation measures will lessen impacts individually. However, the FEIR

notes that no additional mitigation measures have been identified that would reduce cumulative impacts to a less-than-significant level for Hydrology and Water Quality, and therefore this Project's incremental effect could potentially be cumulatively considerable, even with mitigation. The vast majority of reasonably foreseeable future projects are residential developments, which would require the introduction of new impervious areas. Although mitigation measures that would be implemented for the proposed Project would reduce these impacts to a less-than-significant level for the proposed Project itself, several residential development projects are currently scheduled to occur at the same time and in the same vicinity as the proposed Project. These residential projects would likely implement measures that would reduce impacts to less-than-significant levels. However, the effectiveness of these measures for these residential projects is unknown.

Mitigation measures proposed for the Project (see Attachment F) will be implemented to address impacts to biological resources. These measures include compliance with requirements under water quality permits and the Biological Opinion. However, even with mitigation incorporated, these actions have the potential to combine with similar impacts of other projects and result in incremental effects. Therefore, these impacts would be considered cumulatively significant and unavoidable.

Statement of Overriding Considerations for Significant and Unavoidable Impacts

As stated above, the State Water Board has determined that changes have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified for TRTP Segments 4-11 in the FEIR based on the MMs, APMs, Mitigation Monitoring Program in the FEIR, and the requirements of this Certification described under Individual Project Impacts above. However, the alternate mitigation measures or Project alternatives set forth in the FEIR are infeasible or fail to avoid or substantially lessen incremental effects that may be cumulatively considerable to hydrology and water quality when compared to those adopted by CPUC.

In the State Water Board's judgment, the Project and its benefits outweigh its cumulative unavoidable significant impacts regarding water quality. The statement below identifies the reasons why, in the State Water Board's judgment, the benefits outweigh such unavoidable significant impacts. Any one of these reasons is sufficient to justify approval of the Project. The evidence supporting the various benefits can be found in the CPUC's Opinion Granting a Certificate of Public Convenience and Necessity for Decision 09-12-044 which may be found at: http://docs.cpuc.ca.gov/PublishedDocs/WORD_PDF/FINAL_DECISION/111744.PDF.

The State Water Board recognizes the benefits of the Project, which outweigh the impacts of the Project, listed below. The Project's benefits include:

- enabling compliance with the State's Renewable Portfolio Standard (RPS) Program, which requires retail sellers of electricity such as SCE and PG&E to increase their sale of electricity produced by renewable energy sources to 20 percent by 2010;
- enabling the interconnection of various wind generation projects in the Antelope Valley-Tehachapi region to the SCE transmission system;
- eliminating existing constraints to the transmission of renewable energy from the Tehachapi and Antelope Valley areas to Southern California; and
- eliminating potential system-wide power flow and reliability problems due to overloading of the existing transmission system.

Specifically, without system improvements provided by the Project, SCE and others could not deliver the necessary significant amounts of wind power from the region. As discussed above, wind provides one of the most economical sources of renewable power, and the Tehachapi area offers the largest wind resource in California and has the undeveloped potential of generating about 1,400 gigawatt-hours per year, with about 4,500 MWs of installed capacity. Additionally, there is significant industry commitment to develop the area for RPS purposes; utilities have received winning bids from, and SCE

has signed contracts with, developers of wind projects, the output of which cannot be fully delivered without increased transmission capacity that the proposed Project will provide.

As described in CPUC's Opinion Granting a Certificate of Public Convenience and Necessity, the CPUC finds that the unavoidable impacts are acceptable in light of these substantial benefits. Each benefit set forth above constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, despite each and every significant unavoidable impact.

The State Water Board has balanced these Project benefits against the unavoidable, cumulative water quality impacts identified in the FEIR and have concluded that those impacts are outweighed by the Project benefits. The State Water Board adopts the MMs and the APMs in the FEIR, and the requirements of this Order as described above in Individual Project Impacts, and finds that any residual or remaining cumulative effects on water quality resulting from the Project, identified as significant and unavoidable in the preceding findings of fact, are acceptable due to the benefits set forth in this Statement of Overriding Considerations.

WATER QUALITY CERTIFICATION:

I hereby reissue the Certification for TRTP Segment 11C (FILE NO. SB13003IN) 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 the 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 conditions of this Certification and the attachments to this Certification, and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies, and the FEIR and FEIS for the SCE TRTP.

Thomas Howard
Executive Director

10/7/13
Date

Attachments (8):

A. Signatory Requirements
B. Project Information Sheet
C. Supplemental Project Information Sheet
D. Project Location Information
E. Permanent and Temporary Impacts by Feature ID
F. EIR Mitigation Measures
G. Project Location Maps
H. Deviation Procedures