



# State Water Resources Control Board



Linda S. Adams  
Acting Secretary for  
Environmental Protection

Division of Water Quality  
1001 I Street • Sacramento, California 95814 • (916) 341-5455  
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100  
FAX (916) 341-5463 • <http://www.waterboards.ca.gov>

Edmund G. Brown Jr.  
Governor

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AMENDMENT TO THE CLEAN WATER ACT SECTION 401  
WATER QUALITY CERTIFICATION ISSUED ON DECEMBER 24, 2010 FOR  
SOUTHERN CALIFORNIA EDISON TEHACHAPI RENEWABLE TRANSMISSION  
LINE PROJECT SEGMENTS 7 AND 8, LOS ANGELES AND SAN BERNADINO  
COUNTIES, CALIFORNIA, FILE NO. SB10002IN

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All changes to the water quality certification (Certification) (FILE NO. SB10002IN) issued on December 24, 2010 are shown below as additions in **bold underline**, and deletions in **~~bold strikethrough~~**. This does not include minor grammatical edits.

**PROJECT:** Southern California Edison (SCE) –TRTP Segments 7 and 8 (Project)

**APPLICANT:** ~~Mr. James R. Greenwood~~ Mr. Hazem Gabr  
c/o Amanda Duchardt  
Southern California Edison  
~~2244 2131~~ Walnut Grove Avenue ~~#3A~~  
Rosemead, CA 91770

This Certification responds to your request on behalf of SCE Certification for the subject Project. Your application was received on February 2, 2010, and was determined to be complete on April 1, 2010.

**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 |

**AMENDMENT:**

This amendment request by Mr. Hazem Gabr on behalf of SCE was received by the State Water Board on February 15, 2011. The request was initiated due to the discovery of an additional permanent impact to waters of the U.S. that was not included in the original Certification issued on December 24, 2010. Above-average precipitation in December 2010 changed field conditions within the Project footprint at Structures M24-T1 and M57-T1 in Tonner Canyon. During a pre-construction survey, field staff identified a potential jurisdictional drainage

within the work limits of Structures M24-T1 and M57-T1. This feature was previously identified as a non-jurisdictional swale. ICF Regulatory Specialists (consultants for SCE) conducted a wetland delineation of the water feature (8-33-S-200) on January 11 and identified it as an ephemeral drainage. ICF Regulatory Specialists determined that the ephemeral drainage would be under the jurisdiction of the U.S. Army Corps of Engineers, the State Water Board, and the California Department of Fish and Game. The construction of two transmission towers and a permanent access road at Structures M24-T1 and M57-T1 will now result in 0.024 acre and 346 linear feet of permanent impact to an ephemeral drainage in coast live oak woodland habitat, which was not covered under the original Certification. This amendment to the Certification covers the additional permanent impact to 0.024 acre and 346 linear feet of ephemeral drainage 8-33-S-200. The construction of the two transmission towers was part of the Project in the original Certification, but at the time the original Certification was issued ICF Regulatory Specialists had not identified the feature as a waters of the U.S. So, construction of the two transmission towers at structures M24-T1 and M57-T1 had no impact to waters of the U.S. when the original Certification was issued.

#### **AUTHORIZATION:**

This Certification **as amended** conditionally certifies the Project . The Project involves construction of new and upgraded transmission infrastructure along the Project alignment, which incorporates approximately 49 miles of 500kV transmission line and seven miles of 220kV transmission line. The Project alignment extends southwest from the southern boundary of the Angeles National Forest, near the intersection of Interstate 605 and Interstate 210, to the El Monte area. From the El Monte area, the Project alignment extends eastward through Chino and ends in Ontario. Construction work areas for transmission line structures, modifications to existing roads, and construction of new roads will result in the fill of waters of the U.S. and the State. More details about the Project and Project impacts are described in *Attachment B – Project Information* 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 California Water Code (CWC) and Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23).



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, CCR 23, 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, CCR 23 and owed by the applicant.

**ADDITIONAL CONDITIONS:**

1. Best Management Practices (BMPs)
  - a. Appropriate BMPs shall be implemented throughout Project activities to help minimize sediment disturbance and suspension within surface waters as described in this Certification, and also in the Final Environmental Impact Report (FEIR) (December 2009) and the Final Environmental Impact Statement (FEIS) (September 2010) for the SCE TRTP. All BMP materials shall be onsite prior to construction activity and ready for use. All ground disturbance activities shall employ appropriate washout and erosion control BMPs.
  - b. Substances resulting from Project-related activities that could be harmful to aquatic life, including but not limited to: petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, Portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the State.
  - c. Vehicles shall not be driven or equipment operated in waters of the State on the Project site, except as necessary to complete the proposed Project.
  - d. Motorized 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 to any waters of the State.

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



4. Designs and details for all water body crossings shall be submitted to State Water Board staff for review and approval at least 30 days prior to installation of crossings. Water body crossings shall not be installed until State Water Board and Regional Water Board staffs have approved the crossing designs.
5. If ground water dewatering is required for the Project, SCE shall consult with the appropriate Regional Water Board to determine if additional permits are required.
6. SCE shall submit to State and Regional Water Board staffs, a copy of the final Habitat Mitigation and Monitoring Plan (**HMMP**) for Segments 7 & 8 that has been approved by the California Department of Fish and Game (CDFG) and U.S. Army Corps of Engineers (Corps). SCE shall submit copies of the final plan to State and Regional Water Board staffs within 14 calendar days after the plan has been approved by CDFG and the Corps.
7. **The construction of transmission towers and a permanent access road will result in 0.024 acre and 346 linear feet of permanent impact to the newly identified ephemeral drainage 8-33-S-200 in coast live oak woodland habitat. SCE will mitigate for the additional permanent impact to waters of the U.S. at Structures M24-T1 and M57-T1 by creating 0.036 acre (1.5 to 1 ratio of compensatory mitigation to impact) of waters with coast live oak woodland habitat at the Upper Lemon Creek mitigation site. The Upper Lemon Creek mitigation site is the selected mitigation site in the draft HMMP for Segments 7 and 8 (issued December 1, 2010). This mitigation is consistent with the mitigation requirements approved in the original Certification for the Project.**
8. Violations
  - a. SCE or its contractor and subcontractors shall verbally report any non-compliance to the 401 Program Manager of the appropriate Regional Water Board where the Project is located within 24 hours from the time when SCE or its contractor and subcontractors become aware of the circumstances.
  - b. SCE or its contractor and subcontractors shall report all violations of any terms or conditions of this Certification in writing to the State Water Board and appropriate Regional Water Board within seven (7) consecutive days from the time SCE becomes aware of the violation. The written report shall contain:
    - i. A description of the violation and its cause;

- ii. The period of the violation event, including dates and times, and if the violation has not been corrected, the anticipated time the violation is expected to continue; and;
  - iii. Steps taken or planned to reduce, eliminate, and prevent recurrence of the violation.
- c. In the event of any violation or threatened violation of the conditions of this Certification, the violation shall be subject to any remedies, penalties, processes, or sanctions as provided for under State law. For purposes of the Clean Water Act (CWA) section 401(d), the applicability of any State law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification Order.
- d. In response to a suspected violation of any condition of this Certification Order, the State Water Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including the cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- e. In response to any violation of the conditions of this Certification Order, the State Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

#### **ADMINISTRATIVE CONDITIONS:**

1. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to SCE and/or responsible contractor/sub-contractor, if the State Water Board determines that the Project fails to comply with any of the terms or conditions of this Certification.
2. A copy of this Certification, the application, and supporting documentation must be available at the Project site during construction for review by site personnel and agencies. A copy of this Certification must also be provided to the contractor and all subcontractors who will work at the Project site. All personnel performing work on the proposed Project shall be familiar with the content of this Certification and its posted location on the Project site.



3. SCE shall grant State Water Board and Regional Water Board staffs, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the Project site at reasonable times, to ensure compliance with the terms and conditions of this Certification and/or to determine the impacts the Project may have on waters of the State.

**STATE WATER BOARD CONTACT PERSON:**

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

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

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

The State Water Board reviewed and evaluated the significant and potentially significant impacts to water quality identified in the FEIR. The various APMs and MMs discussed in the FEIR were adopted to reduce and minimize Project impacts. The various MMs related to water quality include development of a Construction Stormwater Pollution Prevention Plan (SWPPP) with accidental spill control procedures, establishment of an environmental training program, implementation of flood and erosion structure damage protection measures, implementation of compensatory mitigation for impacts to special status species,



and cessation of construction in the Angeles National Forest during heavy precipitation. The State Water Board finds that these mitigation measures for significant and potentially significant water quality impacts as identified in the FEIR, along with the measures proposed in the application for Certification and supplemental application materials, the conditions in the Certification, the HMMP for Segments 7 and 8, and the compensatory mitigation described in Attachment B – Project Information Sheet to be adequate to reduce water quality impacts to less than significant levels.

Further, the State Water Board has determined that the conditions requiring this amendment to the Project's Certification does not warrant an amendment to the existing FEIR. CEQA precludes further environmental review unless there is evidence of such substantial changes in the Project or surrounding circumstances require major revisions in the environmental document. (Pub. Resources Code, § 21166; Moss v. County of Humboldt (2008) 162 Cal.App.4th 1041.) State Water Board staff has reviewed the environmental conditions requiring this Certification amendment and determined that the significant effects of the installation of two transmission towers and construction of the permanent access road will result in the same type of impacts that have already been discussed in the FEIR. Similarly, the mitigation measures that reduce the impacts to levels that are less than significant are the same mitigation measures already identified and discussed in the existing FEIR.

#### **WATER QUALITY CERTIFICATION:**

I hereby issue an amendment to the Certification for TRTP Segments 7 and 8 (FILE NO. SB10002IN) certifying that as long as all of the conditions listed in this Certification as amended are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards). This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Certification to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Project Information Sheet (Attachment B) and



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



Thomas Howard  
Executive Director

07/11/2011

Date

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