**State Water Resources Control Board**

AUG 2 3 2011

Hazem Gabr
c/o Amanda Duchardt
Southern California Edison
2131 Walnut Grove Avenue
Rosemead, CA 91770

Dear Mr. Gabr:

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR SOUTHERN CALIFORNIA EDISON TEHACHAPI RENEWABLE TRANSMISSION LINE PROJECT, SEGMENT 6, LOS ANGELES, CALIFORNIA (FILE NO. SB11003IN)

Southern California Edison Company (SCE) has requested that the State Water Resources Control Board (State Water Board) issue a Clean Water Act Section 401 Water Quality Certification for the Tehachapi Renewable Transmission Line Project (TRTP) Segment 6. An application for Water Quality Certification was received by the State Water Board on September 9, 2010, for both Segments 6 and 11. SCE subsequently informed State Water Board staff that TRTP Segment 11 would be withdrawn from the application. SCE submitted a revised application that only included TRTP Segment 6 on February 18, 2011. Additional information on TRTP Segment 6 was received by State Water Board staff on May 5, 2011. State Water Board staff deemed the application complete on June 7, 2011.

State Water Board staff reviewed the information submitted by SCE describing activities and proposed water quality protection measures for TRTP Segment 6. Staff conducted a project field review with SCE on March 2-4, 2011, to review impact areas. State Water Board staff also consulted with the Los Angeles Regional Water Quality Control Board and Lahontan Regional Water Quality Control Board (Regional Water Boards) on TRTP Segment 6.

Pursuant to title 23, section 3838 of the California Code of Regulations, I hereby make the Certification determination described in the Enclosure for this project. Attachments A through H of the Enclosure are also part of this Certification.

If you require further assistance, please contact Bob Solecki, the staff person most

knowledgeable on the subject, at (916) 341-5483 (rsolecki@waterboards.ca.gov). You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 (borme@waterboards.ca.gov).

Sincerely,

Thomas Howard
Executive Director

Enclosures: Water Quality Certification Order
Attachment A: Signatory Requirement
Attachment B: Project Information Sheet
Attachment C: Supplement to the Project Information Sheet
Attachment D: Project Location Information
Attachment E: Project Impacts
Attachment F: Comparison of Impacts to Mitigation
Attachment G: Mitigation Tables
Attachment H: EIR Mitigation Measures

cc w/o enc: (next page)

cc: Mr. Dave Castanon,
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U.S. Army Corps of Engineers
Department of the Army
P.O. Box 532711
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Mr. Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board

Harold J. Singer
Executive Officer
Lahontan Regional Water Quality Control Board

**State Water Resources Control Board**

# ACTION ON REQUEST FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR SOUTHERN CALIFORNIA EDISON TEHACHAPI RENEWABLE TRANSMISSION LINE PROJECT SEGMENT 6, LOS ANGELES, CALIFORNIA
FILE NO. SB11003IN

**PROJECT:** Southern California Edison – Tehachapi Renewable Transmission Line Project Segment 6 (Project)

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

This Water Quality Certification (Certification) responds to your request on behalf of Southern California Edison (SCE) for Certification for the subject Project. Your application for TRTP Segments 6 and 11 was received on September 9, 2010. SCE subsequently informed State Water Board staff that TRTP Segment 11 would be withdrawn from the application. SCE submitted a revised application that only included Segment 6 on February 18, 2011. Additional information on Segment 6 was received by State Water Board staff on May 5, 2011. The application for the Project was determined to be complete on June 7, 2011.

## ACTION

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

## AUTHORIZATION:

This Certification conditionally certifies the Project. The Project involves construction of new and upgraded transmission infrastructure along the Project alignment, which

extends from the Vincent substation (near State Route 14), just north of the northern boundary of the Angeles National Forest (ANF), to the south 0.33 miles outside the southern boundary of the ANF (northeast of the City of Duarte). The Project involves installation of transmission towers, related structures, and transmission line. Project construction requires developing and grading wire setup sites (for pulling, splicing, stringing wire), helicopter yards, construction work areas, and access routes. The following construction activities will be required to accommodate construction vehicles: modification of drainage crossings in access roads (including temporary and permanent wet crossings); installation or replacement of McCarthy drains to reduce erosion; creation of new access roads; and stabilization, widening, and/or maintenance grading of existing access roads. These construction activities will result in the fill of waters of the U.S. and waters of the state. More details about the Project 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 (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.

**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. 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 Los Angeles Regional Water Quality Control Board and Lahontan Regional Water Quality Control Board (Regional Water Boards) staff, 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 the water as described in this Certification, and also in the Final Environmental Impact Report (EIR) (December 2009) and the Final Environmental Impact Statement (EIS) (September 2010) for the SCE TRTP. All BMP materials shall be on-site prior to construction activity and ready for use.

   b. All ground disturbance activities shall employ appropriate washout and erosion control BMPs to protect waters of the state.

   c. Prior to rain events, disturbed in-stream work areas shall be temporarily stabilized so that disturbed areas do not come in contact with stream flows if the capacity of diversion structures are exceeded.

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

   e. 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 on the ground or to waters of the state.

   f. Equipment shall not be operated in standing or flowing waters of the state.

   g. 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.

   h. 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 and Regional Water Boards staff within 24 hours with an explanation of how the problem was resolved.

i. No rubbish shall be deposited within 100 feet of waters of the state.

j. 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 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 permits limits (as shown on the permit maps/drawings), is prohibited. This requirement is only waived 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.

k. When the Project is completed, any excess material or 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 Hydrology and Water Quality Section of the EIR/EIS for the SCE TRTP as changed in Attachment G.

4. 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.

5. 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.

6. Any structure/culvert placed within a stream where fish (as defined in Fish and Game Code section 45) do or may occur, shall be designed, constructed and maintained such that it does not constitute a barrier to upstream or downstream movement of

aquatic life, or cause an avoidance reaction by fish that impedes their upstream or downstream movement. This includes but is not limited to the supply of water at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any aspect of the proposed Project results in a long-term reduction in fish movement, SCE shall be responsible for all future activities and expenditures necessary (as determined by the State Water Board and Regional Water Boards) to secure passage of fish across the structure.

7. 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.

8. All construction 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.

9. Coffer dams and water barrier construction shall be adequate to prevent seepage into or from the work area. Coffer dams 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 devise before it is returned to the water body. The enclosure and the supportive material shall be removed when the work is completed and removal shall proceed from downstream to upstream.

10. Flow diversions shall be done in a manner that shall prevent pollution and/or siltation and which shall provide flows to downstream reaches. Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life. Said flows shall be of sufficient quality and quantity, and of appropriate temperature, to support fish and other aquatic life both above and below the diversion. Diversions shall be engineered, installed, and maintained to assure resistance to washout and erosion of the water body. Normal flows shall be restored to the effected stream immediately upon completion of work at that location.

11. During surface water diversions or dewatering, upstream and downstream monitoring for the following shall be implemented:

    - pH
    - temperature

- dissolved oxygen
- turbidity
- total suspended solids (TSS)

Analysis must be performed using approved US 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 instream 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 appropriate Regional Water Board and 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
pH 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 discharges.

b. Temperature
For waters designated 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.

For waters designated COLD, water temperature shall not be altered by more than 5 °F above the natural tempertature as a result of waste discharges.

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

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

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

d. Turbidity
Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20% above natural stream conditions. Where

natural turbidity is greater than 50 NTU, increases shall not exceed 10% above natural stream conditions.

e. TSS
Downstream TSS shall be maintaned at ambient levels.

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

**MITIGATION CONDITIONS:**

1. To compensate for temporary and permanent impacts to waters of the state, SCE shall implement each measure listed below. No mitigation is required for maintenance impacts to existing access roads (i.e. re-grading within the existing road prism) during implementation of the Project because this activity would not affect the function and value of waters of the state. Therefore the totals for this section exclude 0.58 acres of temporary impacts due to road maintenance (see Attachment F).

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

        i. For temporary impacts to 3.62 acres of waters of the state, on-site restoration of 3.62 acres of waters of the state shall be provided as per **Mitigation Condition 3.** below (to view details on mitigation acreages see Table 8.1 in Attachment G).

        ii. For permanent impacts to 0.21 acre of waters of the state, restoration,establishment, and/or enhancement of 0.58 acre of waters of the state shall be provided off-site as per **Mitigation Condition 4.d. below**.

        iii. If 0.58 acre of off-site restoration, establishment, and/or enhancement of waters of the state cannot be achieved within a timely manner consistent with this Certification, the State Water Board is willing to consider the option of preservation of waters of state.

        iv. If the on-site restoration does not achieve success acceptable to the State Water Board, additional preservation can be purchased to mitigate for the on-site restoration component.

        v. Off-site preservation of waters of the state shall require a greater mitigation ratio than off-site creation and/or restoration of waters of the state. 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.

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

i. For temporary impacts to 0.25 acre of waters of the state, on-site restoration of 0.28 acre of waters of the state shall be provided as per **Mitigation Condition 3.** below (to view details on mitigation acreages see Table 8.2 in Attachment G).

ii. For permanent impacts to 0.2 acre of waters of the state, the restoration, establishment, and/or enhancement of 0.64 acre of waters of the state shall be provided off-site as per **Mitigation Measure 4.d. below**.

iii. If 0.64 acre of off-site restoration, establishment, and/or enhancement cannot be achieved within a timely manner consistent with this Certification, the State Water Board is willing to consider the option of preservation of waters of state.

iv. If the on-site restoration does not achieve success acceptable to the State Water Board, additional preservation can be purchased to mitigate for the on-site restoration component.

v. Off-site preservation of waters of the state shall require a greater mitigation ratio than off-site creation and/or restoration of waters of the state. 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 project-wide Mitigation and Monitoring Plan (MMP) for the Project. The MMP shall present anticipated Project impacts and associated mitigation requirements for jurisdictional areas on federal and non-federal land. A Preliminary MMP (PMMP) must be approved by the State Water Board prior to the start of construction. The PMMP shall include all measures to restore jurisdictional areas on federal and non-federal lands back to pre-Project conditions due to temporary impacts. The Final MMP (FMMP) shall also include compensatory mitigation measures for permanent impacts and will include the submittal dates and elements as described in **Mitigation Condition 4.d.** below. The State Water Board can choose to extend the timelines for PMMP and FMMP submittals.

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.

3. Restoration for temporary impacts shall be as follows:

   a. Procedures on federal lands. On federal lands, restoration activities shall be in accordance with the U.S. Forest Service (USFS) Habitat Restoration and Reporting Plan (HRRP) (December 2010) which shall be included as an attachment to the PMMP. The final HRRP shall be approved and provided by USFS prior to implementation.

   b. Procedures on non-federal lands. On non-federal lands, the habitat restoration component within the PMMP shall also follow the procedures described in the HRRP for the implementation of restoration, establishment, and/or enhancement measures.

   c. Minimum requirements. The PMMP 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 vegetationon 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.

   d. Seed source. Per Mitigation Measure B-1a in the Final EIR/EIS for TRTP, all propagules for cuttings and seed shall be collected from local genetic sources in the area (this information is also provided in Attachment H of this Certification). The PMMP will include a seed palette for both federal and non-federal lands. The use of site-specific materials, which are adapted to local conditions, increases the likelihood that the cuttings and seedlings will be successful and maintains the genetic integrity of the local ecosystem. For widespread herbaceous species that are more likely to be genetically homogeneous, seed collection areas may include a broader geographic range. As a rule, native seed should be collected within the same watershed as the disturbance location, within 500 to1,000 vertical feet of the elevation of the site, and on the same aspect and soil type. No commercial seed shall be utilized unless the collection source is local to the Project area and is certified to be free of noxious weeds. The restoration of the impacted areas will be accomplished primarily through the seeding of native plant species with limited use of container plants. Species may be substituted for or eliminated depending on the availability of appropriate genetic sources, with the consent of State Water Board. Supply of seed material and container plants will be coordinated by the Restoration Ecologist and purchased by the Restoration Contractor.

e. Weeding plan. The PMMP for non-federal lands shall include a Weeding Plan for all restoration sites. The Weeding Plan shall in detail, describe how SCE will control and limit the establishment of non-native annual grasses and weedy forbs. Proper management of weed and grass cover after seeding can dramatically increase the successful establishment of natives from seed.

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

g. Monitoring. The restoration of habitat shall be maintained and monitored for a ten-year period according to the PMMP. Maintenance, monitoring, and reporting shall be conducted following a prescribed schedule to assess progress and identify potential problems with the restoration. Remedial action (e.g., additional planting, weeding, erosion control, use of container stock, supplemental watering, etc.) shall be taken by an experienced, licensed Habitat Restoration Contractor during the maintenance and monitoring period if necessary to ensure the success of the restoration. If the restoration fails to meet the success criteria listed in the PMMP after the maintenance and monitoring period, maintenance and monitoring will be extended beyond the ten-year period until the criteria are met or unless otherwise approved by State Water Board staff.

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

a. Compensatory Mitigation Sponsor

i. Sponsor. SCE submitted conceptual information on May 10, 2011 that described the proposed compensatory mitigation for Project impacts. SCE intends to mitigate Project impacts to streams through the Santa Monica Mountains Conservancy's (SMMC) Los Angeles County Aquatic Resource In-Lieu Fee Mitigation Program established by the Army Corps of Engineers. The In-Lieu Fee Program allows SMMC or a SMMC joint-powers authority (i.e. Mountains Recreation and Conservation Authority (MRCA)), to purchase and restore habitat within the Los Angeles County watersheds impacted by the Project.

ii. Agreement. SCE shall execute an agreement with SMMC or MRCA (sponsor) that details the conditions of the mitigation obligations within **60 days** of the date of this Certification. A copy of the Mitigation Agreement shall be provided to the State Water Board and Regional Water Board. 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 as per **Mitigation Condition 5.a.** below. 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 number and resource type of credits from the sponsor and the State Water Board has received documentation of the transaction.

iii. Responsibilities. SCE shall retain responsibility for providing the compensatory mitigation until the appropriate number and resource type of credits have 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 permit 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. If the sponsor fails to provide the required compensatory mitigation, the State Water Board may pursue measures against the sponsor to ensure compliance.

iv. Timing. All compensatory mitigation shall be acquired or secured within **12 months** of start of construction. Any delay in acquiring or securing compensatory mitigation 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.

b. Financial Assurances for Compensatory Mitigation: Securities

i. Prior to the start of construction, SCE shall establish in favor of the State Water Board an irrevocable letter of credit in an amount sufficient to pay for the cost of SCE's compensatory mitigation obligations under this Certification. SCE shall prepare a draft letter of credit and submit it to the State Water Board for its approval. 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. The State Water Board shall notify SCE that it may begin the Project upon receipt of the original letter of credit in the principal sum and form approved by the State Water Board, provided SCE has complied with any other pre-Project requirements this Certification specifies.

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, but that instrument may not be a performance bond or any other type of bond.

c. 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 sites satisfy the compensatory mitigation requirements and adequately replace the lost functions and values of waters of the state impacted by the Project in accordance with this Certification.

ii. As required in 4.a.iv. above, SCE must provide full, adequate compensatory mitigation for the Project, approved by State and Regional Water Board staffs, within 12 months of the start of construction. Compensatory mitigation shall be in the form of purchased credits and/or properties, applicable funding agreements for purchase and management in perpetuity, an approved FMMP, and an in-lieu fee program agreement. If SCE cannot provide full, adequate compensatory mitigation within 12 months of the start of construction, 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, the 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.

d. SCE shall provide a FMMP that includes the following:

FMMP submittal dates. SCE shall provide the State Water Board and the Regional Water Boards a draft FMMP. The draft FMMP will include the PMMP (for temporary impacts) as well as compensatory mitigation planning for permanent Project impacts on federal and non-federal lands. The FMMP will include descriptions of the proposed mitigation site acquisitions required for compensatory mitigation within **90 days** of signing the agreement described in **Mitigation Condition 4.a.ii.** above. The draft FMMP 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 state impacted by the Project. The final draft of the FMMP shall be submitted within **120 days** of the start of construction. These timeframes may be extended by the State Water Board if progress satisfactory to the State Water Board has been made.

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

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

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

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

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

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

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

(g) Monitoring requirements. A description of parameters to be monitored in order to determine if the compensatory mitigation project is on track to meet performance standards and if adaptive management is needed. A schedule for monitoring and reporting must be included.

(h) Long-term management plan. A description of how the compensatory mitigation project(s) will be managed after performance standards have been

achieved to ensure the long-term sustainability of the resource, including long-term financing mechanisms and the party responsible for long-term management.

(i) Adaptive management plan. A management strategy to address unforeseen changes in site conditions or other components of the compensatory mitigation project(s). The adaptive management plan will guide decisions for revising the compensatory mitigation plans and implementing measures to address both foreseeable and unforeseen circumstances.

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

a. An annual mitigation monitoring report shall be submitted to the State and Regional Water Boards for each site restored from temporary impacts and all sites provided for compensatory mitigation as detailed in the FMMP. These reports shall be provided by January 1 of each year for 10 years, after the site restoration, establishment, enhancement and/or preservation. It is the obligation of SCE to provide these reports and to direct the sponsor of the compensatory mitigation sites detailed in the FMMP to do so 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 success criteria identified in the FMMP. Photographs from designated photograph stations shall be included. All reports shall include the following:

i. All reports shall include the file number of this Certification SB11003IN.

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 locations.

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).

iv. SCE shall submit an annual mitigation monitoring report to the State Water Board for each of the Project sites by January 1 of each year for 10 years after the restoration/planting. This report shall include an evaluation of the sites as compared to the success criteria identified in the FMMP. Photographs from designated photograph stations shall be included.

AUG 2 3 2011

**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 Board, Certification & Wetland Program, 1001 I St., 15th Floor, Sacramento, CA 95814.

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.

**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 Final EIR 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 and Santa Ana Regional Water Quality Control Board, as responsible agencies, consulted with the CPUC, reviewed and submitted comments on the draft environmental document, and designated appropriate staff to attend meetings and coordinate with the SCE. In making its determinations and findings, the State Water Board must presume that the Final EIR comports with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3, subd. (b).) As such, the State Water Board staff reviewed and considered the environmental documents and all proposed mitigation measures.

The State Water Board staff reviewed and evaluated the significant and potentially significant impacts to water quality identified in the Final EIR. The impacts to water quality that result from the Project activities are described in Attachment C. The APMs and MMs discussed in the Final EIR were adopted to reduce and minimize Project impacts. The various APMs and 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 APMs and MMs are incorporated into this Certification as changed in Attachment H. The State Water Board finds that these mitigation measures for significant and potentially significant water quality impacts as identified in the Final EIR, 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 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 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 the Regional Water Boards' Water Quality Control Plan and the Final EIR/EIS for the SCE TRTP.

Thomas Howard
Executive Director

8/23/11
Date

Attachments (8):

A. Signatory Requirement
B. Project Information Sheet
C. Supplement to the Project Information Sheet
D. Project Location Information
E. Comparison of Impacts to Mitigation
F. Mitigation Tables
G. EIR Mitigation Measures