Attachment E
Deviation Procedures

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Attachment E

TRTP: SEGMENT 7&8
DEVIATION PROCEDURES

CERTIFICATION DEVIATION PROCEDURES

Introduction

These procedures are put into place to preclude the need for certification amendments for minor modifications in the Project routing or location. Often minor modifications in project activities are required by the permittee following start of construction. These modifications may potentially increase or decrease impacts to waters of the state. In such cases, a Certification Deviation, as defined in Additional Condition 14, may be requested by the SCE as set forth below:

Process Steps

Who may apply: SCE or its designated representative for this Certification.

How to apply: By letter or email to the 401 staff designated as the contact for this Certification.

Certification Deviation Request: SCE or its agent will request verification from State Water Board staff that the project modification qualifies as a Certification Deviation, as opposed to requiring an amendment to the Certification. The request should:

1. Describe the Project change or modification:
    a. Proposed activity description and purpose;
    b. Why the proposed activity is considered minor in terms of impacts to waters of the state;
    c. How the Project activity is currently addressed in the Certification; and,
    d. Why a Certification Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide a map that includes the activity boundaries with photos of the site.
4. Provide verification of any mitigation needed according to the Certification conditions.
5. Provide verification from the CEQA Lead Agency that the proposed changes or modifications do not trigger the need for a subsequent Negative Declaration or EIR, or a supplemental EIR. (Cal. Code Regs., tit. 14, §§ 15162 & 15163.)

Action by State Water Board on Request: State Water Board staff will make a determination on the Certification Deviation request within 5 working days from receipt of a complete request and notify the SCE or its agent via email of the staff determination. Whether or not a Certification Deviation request is complete is at the discretion of State Water Board staff.

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Post-Construction Certification Deviation Reporting:

1. Within 30 calendar days of completing the approved Certification Deviation activity, SCE or its agent will provide a post-construction activity report that includes the following information:
    a. Activity description and purpose;
    b. Activity location, start date, and completion date;
    c. Erosion control and pollution prevention measures applied;
    d. Impacts to water body types if applicable;
    e. Mitigation plan if applicable; and,
    f. Map of activity location and boundaries; post-construction photos.

Action by State Water Board on Post-Construction Activity Report: State Water Board staff will review the post-construction Certification Deviation Report within 10 working days from receipt of a complete report. State Water Board staff will determine, in consultation with the SCE and other regulatory agencies, if applicable, whether additional mitigation will be required. If additional mitigation is required, State Water Board staff will inform SCE within the 10-day review period. Whether or not a post-construction activity report is complete is at the discretion of State Water Board staff.

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Annual Summary Variance Report:

1. By January 31 of each year until the Project terminates construction activities, the SCE or its agent will provide an Annual Summary Deviation Report that will include the following information in an excel spreadsheet (or similar format) for all Certification Deviation activities conducted for the previous calendar year (i.e., January 1 through December 31):
    a. Site name(s);
    b. Date(s) of Certification Deviation approval;
    c. Location(s) of authorized activities;
    d. Impact area(s) by water body type prior to activity (for fill/discharge or excavation/dredge: acres, linear feet, and cubic yards) as originally authorized in the Certification;
    e. Actual impact area(s) by water body type (for fill/discharge or excavation/dredge: acres, linear feet, and cubic yards) due to Certification Deviation activity(ies);
    f. The net change in impact area by water body type(s) (for fill/discharge or excavation/dredge: acres, linear feet, and cubic yards). An explanation will be required for any negative values; and,
    g. Mitigation to be provided (approved mitigation ratio and amount).

Action by State Water Board on Annual Certification Deviation Report: Following termination of Project construction, the State Water Board will amend the Certification to reflect all approved Certification Deviations and the amended Certification will serve as a record of actual Project activities.

Notice of Qualification for Permit Variances in Response to Project Changes Regarding the Segment 7 and 8 Certification; Issued July 25, 2013

State Water Resources Control Board

JUL 25 2013

Mr. Hazem Gabr
Southern California Edison
1218 South 5th Ave.
Monrovia, CA 91016

NOTICE OF QUALIFICATION FOR PERMIT VARIANCES IN RESPONSE TO PROJECT CHANGES REGARDING THE CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR THE SOUTHERN CALIFORNIA EDISON TEHACHAPI RENEWABLE TRANSMISSION LINE PROJECT, SEGMENTS 7 AND 8, LOS ANGELES AND SAN BERNARDINO COUNTIES, CALIFORNIA

Dear Mr. Gabr,

The State Water Resources Control Board (State Water Board) received an application on April 8, 2013 from Southern California Edison (SCE) for the amendment of the existing Water Quality Certification (Certification) for the Tehachapi Renewable Transmission Project (TRTP) Segments 7 and 8 Project (Project) (File No. SB10002IN). The amendment request was triggered by changes in the mitigation strategy and permanent impacts to waters of the state originally identified during the permit application phase and included in the current Certification. The State Water Board authorizes the project changes and proposed activities described in SCE's application. State Water Board staff has determined that the project changes and proposed activities qualify as a variance because they meet the criteria outlined in this letter. A description of the proposed activities is provided in *Attachment A, Description of Variance Activities*. A "variance" is a project change that does not require an immediate amendment of the Certification because the State Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Certification conditions. Prior to the termination of construction, the Certification will be amended to reflect all project variances and any resulting adjustments to the record of water quality impacts and required mitigation amounts.

When qualifying for a variance, SCE may proceed with the proposed construction activity under the existing Certification only when the following requirements are met for each change:

1) SCE will request verification from State Water Board staff that the change qualifies as a variance, as opposed to a Certification amendment. The request should include the following information:
   - Describe why this activity is a variance including activity description and purpose.
   - Describe location (latitude/longitude coordinates), the date/s it will occur, as well as associated impact information (i.e., temporary or permanent, water body name/type, estimated impact area) and minimization measures to be implemented.
   - Provide a map that includes the activity boundaries with photos of the site.

- Provide verification of any mitigation needed according to the Certification conditions.
- Provide verification from the CEQA Lead Agency that the prospective changes or modifications do not trigger the need for a subsequent Negative Declaration or EIR (CEQA Guidelines sec. 15162).

2) State Water Board staff will make a determination on the variance request within 5 working days from receipt of the request via email to SCE.
3) Within 30 days of completing the approved variance activity, SCE will provide a post-construction variance report that includes the following information:
   - Activity description and purpose
   - Activity location, start date and completion date
   - Erosion control and pollution prevention measures applied
   - Impacts to waterbody types
   - Mitigation plan if applicable
   - Map of activity location and boundaries; post-construction photos.
4) State Water Board staff will review the post-construction variance report within 10 working days. State Water Board staff will determine, in consultation with SCE and other agencies, whether additional mitigation may be required. If additional mitigation is required, State Water Board will inform SCE within the 10-day review period.
5) By January 31 of each year, SCE will provide an annual summary variance report that will include the following information in an excel spreadsheet (or similar format) for all variance activities up to December 31 of the preceding year: If the variance activity results in changes to what is reported in the Certification, then in the reported, actual, and difference should be shown with explanation in an explanation column.
   - Site name
   - Location
   - Impact area by waterbody type prior to activity (for fill/discharge or excavation/dredge: acres, linear feet, and cubic yards) as reported in the Certification.
   - Actual impact area by waterbody type (for fill/discharge or excavation/dredge: acres, linear feet, and cubic yards) due to variance activity.
   - Net change in impact area by waterbody type (for fill/discharge or excavation/dredge: acres, linear feet, and cubic yards). Explanation required for negative values.
   - Mitigation to be provided (approved mitigation ratio and amount)
6) Prior to completion of project construction, the State Water Board will amend the Certification to reflect all project changes and the amended Certification will serve as a record of what actually occurred.

If you have any questions, please contact me at (916) 341-5464 (borme@waterboards.ca.gov).

Sincerely,

Bill Orme
Chief, 401 Certification & Wetlands Unit
Division of Water Quality

cc:

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Attachment A

Description of Variance Activities

Attachment A

TRTP: SEGMENT 7&8
NOTICE OF QUALIFICATION FOR PERMIT VARIANCES IN RESPONSE TO PROJECT CHANGES

DESCRIPTION OF VARIANCE ACTIVITIES

SCE proposes to install a concrete wet crossing within an existing debris basin in order to reduce future maintenance in the basin and to provide a more stable driving surface and safe approach for construction as well as O&M vehicles to access TRTP Segment 7 Structure M27-T3. The proposed project site is located in a debris basin at the base of the foothills in the City of Duarte. The basin is operational and maintained by the Los Angeles Department of Public Works. The basin is unvegetated as a result of this ongoing maintenance but upstream portions of the feature (to the north) contain southern coast live oak riparian forest. Steep hillsides on both sides of the basin are mapped as coastal sage scrub and coast live oak woodland. Urban development is located to the south.

Impacts related to the proposed variance activity include 0.02 acre and 44 linear feet of permanent impacts and 0.04 acre and 70 linear feet of temporary impacts to waters of the U.S. This results in a total of 0.06 acre and 114 linear feet of impacts to waters of the U.S. The proposed activity involves the discharge of clean-native fill material, concrete and rip-rap to a streambed waterbody within the San Gabriel River watershed. Inflows to the debris basin originate from upstream unnamed ephemeral tributaries and outflows are routed via a storm drain outlet located within the existing debris basin. These impacts and conditions are shown in the attached figures.

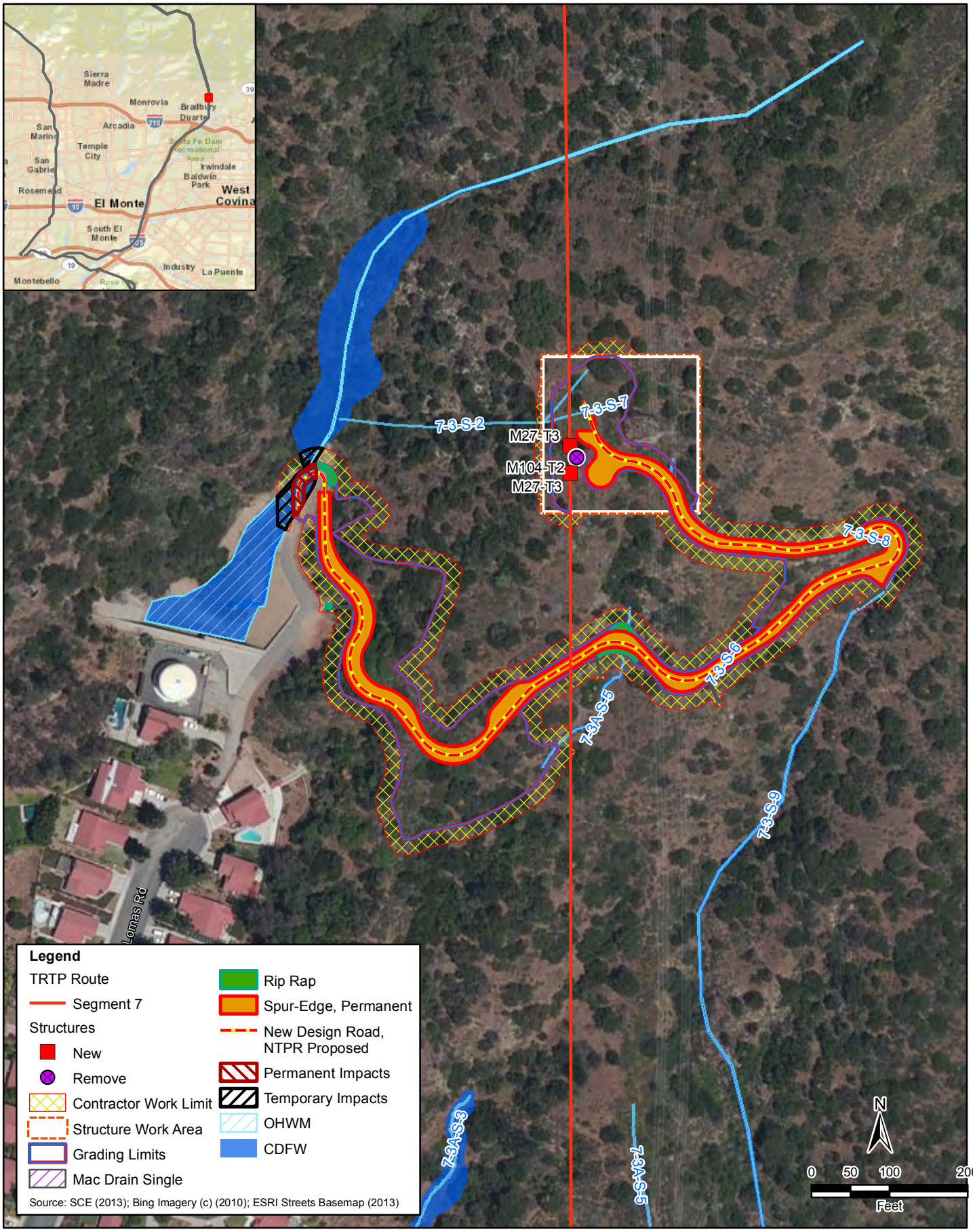
The existing access road is currently at too steep of a grade and in very poor condition, making it impassable for both construction and O&M access. The current concrete approach stops at the edge of the detention basin, creating an unsafe turning radius on the existing dirt access road. The proposed extension of the existing concrete approach will be essentially at current grade elevations with no impact to the basin's retention capacity. Using a natural surface (unpaved) for the approach would require increased annual maintenance in the basin to remove ruts, uneven surfaces, may expose the SCE access road to increased erosion potential during heavier rain events, and would cause increased sedimentation immediately downstream of the crossing.

The proposed grading and concrete approach to the access road will maintain existing drainage patterns. Under existing conditions, the runoff upstream of the approach to the access road is directed through the flowline at the base of the west side of the debris basin and then continues into the bowl or main storage area of the basin. The basin drains via the county flood control outlet and channel. Under proposed conditions, the runoff will continue its current course. The extension of the existing concrete drive approach along the east side (high side) of the basin will remain outside of the main flowline of the basin. The new concrete approach will be installed from the edge of the existing concrete to the start of the realigned existing access road approach which will be repaired to its original width. The upstream side of the crossing will be lined with rip-rap (rocks 12 to 36 inches in diameter) in order to protect the drive approach and reduce the potential for undercutting of the concrete.

Construction activities are expected to take place during dry conditions. However, if water is present during any of the activities described above a temporary water diversion will be used to direct flows around the active construction area. Sand bags will be placed on the uphill stream

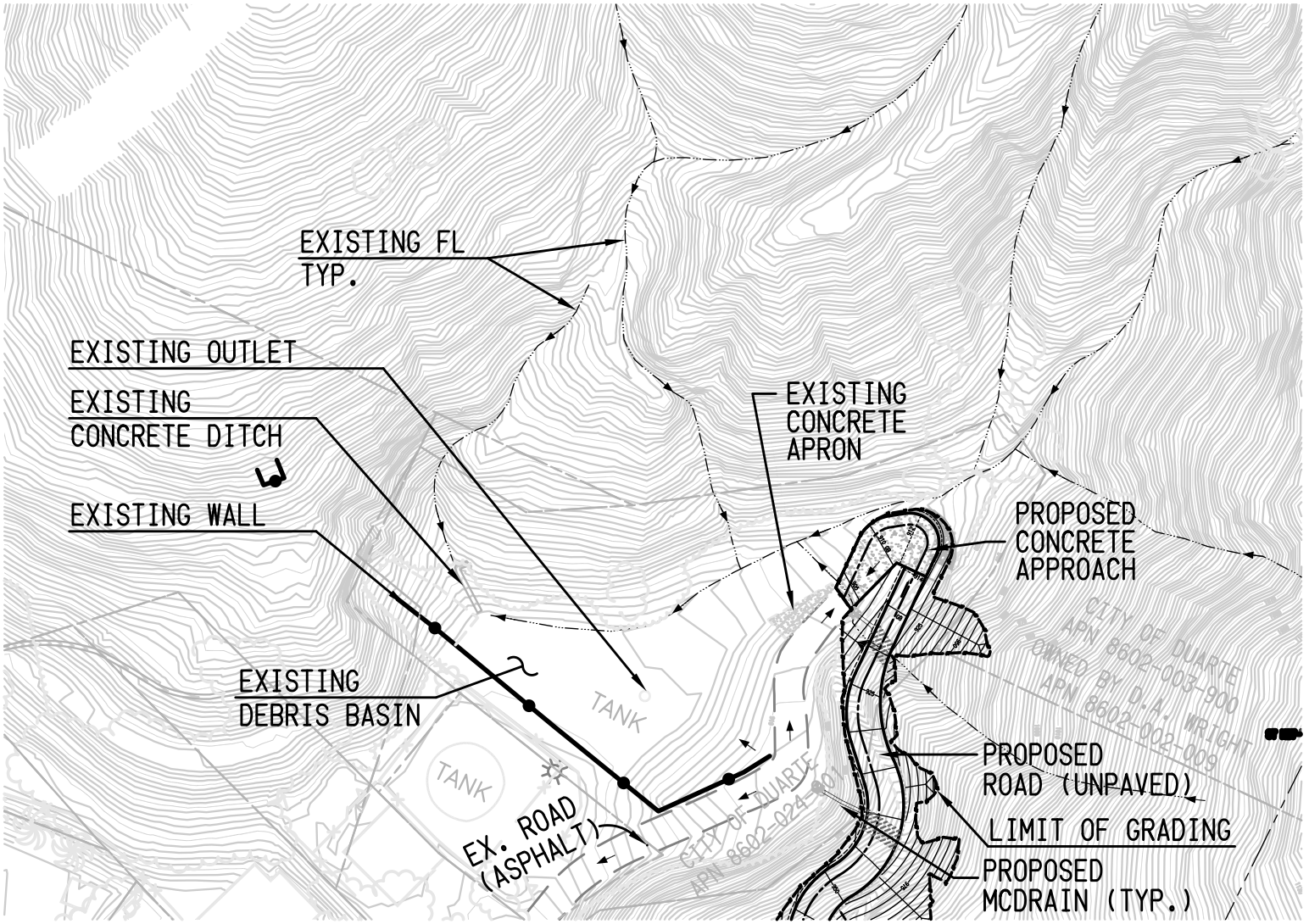
side of the work area to direct water into 2-inch or 4-inch poly pipe. The size of the pipe will be determined based on the amount of flow present and/or expected during construction. Water will be diverted to a location downstream of the construction area onto level ground and/or energy dissipation devices to prevent turbidity and erosion. If necessary, perforated pipe will be utilized to prevent erosion at the outfall of the diversion.

Temporary impacts to jurisdictional streambeds will be restored on-site and are entirely comprised of unvegetated waters within an actively maintained flood control basin. The post-project contours and gradient will be similar to pre-project conditions as shown in the project engineering drawings. The project has been designed to minimize potential for future erosion problems while providing permanent access. Compensatory mitigation of impacts to waters of the US will be mitigated at the Santa Ana Watershed In-Lieu Fee Program. Proposed mitigation involves restoration, creation/establishment as well as enhancement (invasive species removal) of wetlands and riparian habitats (including woodlands).



K:\Projects_4\SCE_TRTP\00676_09\mapdoc\JD_Impacts\Segment_7\Fig1_M27T3_Impacts.mxd 24347 4/4/2013

Figure 1
Potential Impacts to Jurisdictional Feature 7-3-S-1 at M27-T3
Tehachapi Renewable Transmission Project



SCALE: 1"= 100'

TEHACHAPI RENEWABLE TRANSMISSION PROJECT (TRTP) - SEGMENT 7

POST-DEVELOPMENT CONDITION
TOWER M27-T3

DATE: 12/06/2012 | SHEET 2 OF 2

DRAWING: v:\projects\2042455910.420\design\drain\post development condition.dwg PLOTTED: 12/6/2012 4:19 PM BY: Ito, Vicky


Temporary disturbance limits
Proposed Concrete/rip-rap