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## State Water Resources Control Board

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**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION  
ORDER NO. WQ 2024-0104-DWQ AND  
NOTICE OF APPLICABILITY FOR ENROLLMENT UNDER STATE WATER BOARD  
GENERAL ORDER FOR THE CORPS' NATIONWIDE PERMITS  
(ORDER NO. [WQ] 2020-0039-EXEC)**

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**All changes to this Clean Water Act section 401 Certification and Order issued on December 2, 2024 are shown as bold, additions in underline and deletions in strikethrough.**

**Changes decrease the quantity of temporary and increase the quantity of permanent impacts to waters of the state authorized in Section V; increase the quantity of Section VII.D Mitigation for Permanent Impacts; and reduce the amount of Section IX Certification Fees due.**

**Effective Date:** December 2, 2024

**Program Type:** Fill/Excavation

**Project Type:** Overhead Utility

**Project:** TD1413042 Palm Canyon Rim Deteriorated Pole Replacement Project  
Regulatory Measure ID: 458163  
WDID: SB24071IN

**Applicant:** Southern California Edison  
**Applicant Contact:** Robert LeMoine  
Environmental Services Director  
2244 Walnut Grove Avenue  
Rosemead, CA 91770  
Phone: (626) 302-4476  
Email: [Robert.F.Lemoine@sce.com](mailto:Robert.F.Lemoine@sce.com)

**State Water Board Staff:** Nimisha Patel  
Environmental Scientist  
1001 I Street  
Sacramento, CA 95814

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E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

Phone: (916) 323-0890

Email: [Nimisha.Patel@waterboards.ca.gov](mailto:Nimisha.Patel@waterboards.ca.gov)

**State Water Board Contact Person:**

For further assistance, please call the State Water Resources Control Board (State Water Board) Staff listed above or (916) 322-7781 and ask to speak with the Wetlands Permitting and Enforcement II Unit Supervisor.

**I. Summary**

This document serves as a Notice of Applicability for enrollment under the State Water Board General Order for the Nationwide Permits (Order No. [WQ] 2020-0039-EXEC; SWRCB ID SB20031GN; hereafter referred to as the General Order) at the request of Southern California Edison (Applicant). The General Order can be accessed at [the Clean Water Act Section 401 - Certification and Wetlands Program, General Orders webpage](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2020) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/generalorders.html#yr\\_2020](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2020)). On October 22, 2024, the State Water Board received a complete Notice of Intent requesting authorization for the Applicant's TD1413042 Palm Canyon Rim Deteriorated Pole Replacement Project (Project). After reviewing the Notice of Intent, the State Water Board has determined that the Project meets General Order requirements for Nationwide Permit 57: Electric Utility Line and Telecommunications Activities.

This order also serves as an individual certification (Certification) for the Project enrolling under U.S. Army Corps of Engineers' Nationwide Permit 57 pursuant to Clean Water Act Section 401.

**II. Project Description**

As described in the Project Notice of Intent and supplemental information (hereafter referred to as the Application), which is incorporated herein by reference, the purpose of the Project is to remove and replace one existing wood pole (4030929E) with a new wood pole, caisson and conductor wires. The pole will be accessed via an unvegetated streambed of Palm Canyon Creek from South Araby Drive. Pole replacement and site access will temporarily impact the stream channel.

**III. Project Location**

The Project is located approximately 3.02 miles southeast of Palm Springs in Riverside County, California. The Project coordinates are 33.797519°N, 116.511244°W.

**IV. Receiving Waters Information**

The Project is located within the jurisdiction of the Colorado River Regional Water Quality Control Board. Receiving waters and groundwater potentially impacted by this Project are listed in Table 1. These waters are regulated in accordance with the

applicable water quality control plan (Basin Plan) for the region and other plans and policies of the California Water Boards, which may be accessed online at [the State Water Boards' Plans and Policies webpage](http://www.waterboards.ca.gov/plans_policies/) ([http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/)).

**Table 1: Receiving Water Information**

Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303(d) Listing Pollutants
Pole 4030929E	Palm Canyon Wash (Creek)	Riverine System	719.47	Salton Sea	AGR, GWR, MUN, REC1, REC2, WARM, WILD	Ammonia, Arsenic, Chloride, Chlorpyrifos, DDE, DDT, Enterococcus, Low Dissolved Oxygen, Nutrients, Salinity, Toxicity

**V. Direct Impacts to Waters of the State**

Total Project fill/excavation quantities for all impacts are summarized in Table 2.

**Table 2: Total Project Fill/Excavation Quantity to Stream Channels**

Temporary Impact <sup>1</sup>	Permanent Impact - Physical Loss of Area	Permanent Impact - Degradation of Ecological Condition Only
<del>0.045</del> <del>0.46</del> acres <del>50</del> linear feet	<del>0.001</del> <del>0</del> -acres <del>3</del> linear feet	0 acres

**VI. Description of Indirect Impacts to Waters of the State**

The State Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Potential indirect adverse effects include but are not limited to: increased sediment loading to streams from riparian and/or upland areas used for access or staging areas, possibility of introducing invasive species into the Project areas, and changing timing of runoff delivery to streams in the Project area. The Project, as designed, will not have significant indirect impacts to waters of the state.

<sup>1</sup> Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

## VII. Conditions

### A. Scope of Authorization

The Project may proceed only as described in the Application submitted to the State Water Board by the Applicant and in accordance with the conditions in State Water Board General Order No. [WQ] 2020-0039-EXEC and this Notice of Applicability. This Certification and coverage under the General Order is no longer valid if the Project (as described) is modified. A copy of the General Order and its attachments can be found on the State Water Resources Control Board's [General Order Website](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2020) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/generalorders.html#yr\\_2020](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2020)).

This condition is necessary to assure that any discharge under this Certification will comply with water quality requirements as described in the General Order. Water Code section 13264 prohibits any discharge that is not specifically authorized in an order. The conditions set forth in State Water Board Water Quality General Order No. [WQ] 2020-0039-EXEC are further justified in Attachment C of that General Order.

### B. Standard Conditions (These conditions are also set forth in State Water Board General Order No. [WQ] 2020-0039-EXEC, in Section VI.A.1-A.3.)

- i. This action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code Section 13330 and California Code of Regulations, title 23, chapter 28, Article 6 commencing with section 3867.
- ii. This Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission license or an amendment to a Federal Energy Regulatory Commission 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 that application specifically identified that a Federal Energy Regulatory Commission license or amendment to a Federal Energy Regulatory Commission license for a hydroelectric facility was being sought.
- iii. This Certification is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Applicant.

Each standard condition in Section VII.B is necessary to assure that any discharge authorized under the general license or permit will comply with water quality requirements. Water quality requirements include state regulatory requirements for point source discharges into waters of the United States. California Code of Regulations, title 23, Chapter 28 sets forth regulations pertaining to water quality certifications for

point source discharges to waters of the United States. These conditions were included to comply with section 3860, which sets forth conditions that must be included in all water quality certifications.

### **C. Avoidance and Minimization**

In order to avoid and minimize impacts to waters of the state and their designated beneficial uses, the Applicant will follow the avoidance and minimization measures as proposed in their Application. Each avoidance and minimization measure demonstrates that a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for loss of or significant adverse impacts to beneficial uses of waters of the state that cannot be practicably avoided or minimized.

The Water Board may approve a project only if the applicant has demonstrated that a sequence of actions has been taken to first avoid, then minimize, and, lastly, compensate for loss of or significant adverse impacts to beneficial uses of waters of the state. (Dredge or Fill Procedures, section IV.B.1.a.)

### **D. Mitigation for Temporary and Permanent Impacts**

- i.** All temporarily affected areas will be restored to pre-construction contours and conditions upon completion of construction activities in compliance with the General Order and according to the restoration plan submitted by the Applicant in the Application.
- ii.** **The Applicant has provided a letter of credit in favor of the State Water Board to provide security against a default in providing the required compensatory mitigation. By January 15, 2025, the Applicant shall submit a mitigation plan to the State Water Board in accordance with section VI.G.3.e.ii of the General Order. By June 1, 2025, the applicant shall submit proof of credit purchase in accordance with section VI.G.3.e.ii.3 of the General Order.**
- iii.** **Total required Project compensatory mitigation information for permanent physical loss of area shall be greater than or equal to the Project's permanent impact totals listed in Table 2, above, in the form of mitigation bank or in-lieu fee credit purchases in quantities consistent with the mitigation ratios provided in section VI.G.3.e.ii.2 of the General Order.**

Mitigation is required to ensure compliance with Executive Order W-59-93 that requires no net loss of the structure or function of California's wetland resources.

### VIII. California Environmental Quality Act

The State Water Board has determined that the Project is exempt from review under the California Environmental Quality Act pursuant to California Code of Regulations, title 14, section 15301. Additionally, the State Water Board finds that no exceptions to the exemptions apply to the activities approved by this Notice of Applicability.

### IX. Certification Fees

A fee payment of \$8,474 was received by the State Water Board on August 9, 2024. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as category A - Fill and Excavation Discharges (fee code 84). **The amended fee amount was calculated as category E - Low Impact Discharges (fee code 87) and the fee amount due is \$2,985. Following amendment issuance, a refund of \$5,489 will be issued.**

### X. Public Notice

The State Water Board provided public notice of the Application pursuant to California Code of Regulations, title 23, section 3858 from August 13, 2024 to September 3, 2024. The State Water Board did not receive any comments during the comment period.

### XI. Reporting and Notification Requirements

**The Applicant shall submit an Annual Report each year on January 15 until a Notice of Project Complete Letter is issued to the Applicant.** Notices and reporting shall be provided to the State Water Board according to section VI.E, "Application for Coverage and Termination," of the General Order.

The Applicant shall submit Report Types 2 and 3 as described in Attachment B, "Report and Notification Requirements" of the General Order. The Applicant must also submit Report Types 4 through 9 if the Project encounters the conditions described in these Report Types. The Applicant must submit all reports and information required under this Certification according to the Report Submittal Instructions found in Attachment B, "Report and Notification Requirements," of the General Order.

These reporting and notification requirements are necessary to confirm that the requirements set by this Certification are satisfied, and that the requirements are sufficient to protect beneficial uses and water quality objectives. Monitoring and reporting requirements are authorized by Water Code sections 13267 and 13383.

### XII. Water Quality Certification

I hereby issue this Notice of Applicability for the TD1413042 Palm Canyon Rim Deteriorated Pole Replacement Project, certifying that as long as all of the conditions listed in the General Order 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).


As a water quality certification and enrollment under State Water Board General Order No. [WQ] 2020-0039-EXEC, this Certification and Notice of Applicability serve as waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.). State Water Board Order No. [WQ] 2020-0039-EXEC serves as waste discharge requirements in accordance with State Water Board Water Quality General Order No. 2003-0017-DWQ. The State Water Board will file a Notice of Exemption (NOE) at the State Clearinghouse within five (5) working days of issuance of this Notice of Applicability.

Except insofar as may be modified by any preceding conditions, all Notice of Applicability actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of the General Order and the attachments to the General Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans, and the Regional Water Boards' Water Quality Control Plans.

[Original Signature by Phil Crader on 12/2/2024 Omitted]

I hereby issue this amendment.

March 14, 2025  
Amendment Date

Phillip Crader  Digitally signed by Phillip Crader  
Date: 2025.03.14 15:45:45 -07'00'  
Water Boards

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Phillip Crader, Deputy Director  
Division of Water Quality