



# California Regional Water Quality Control Board Santa Ana Region



**Linda S. Adams**  
Acting Secretary for  
Environmental Protection

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**Edmund G. Brown Jr.**  
Governor

March 1, 2011

Rick Greenwood  
Southern California Edison  
2244 Walnut Grove Avenue  
Rosemead, CA 91770

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR THE IRON CIRCUIT 12 KV LINE DETERIORATED POLE  
REPLACEMENT PROJECT, LAKE FOREST, COUNTY OF ORANGE, CALIFORNIA  
(ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 302010-25)**

Dear Mr. Greenwood:

On July 16, 2010, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from Southern California Edison for the replacement of the existing wooden pole (Pole 2196270E) with a new pole within approximately 5 feet of its current location. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

**Project Description:** The proposed project involves the replacement of an existing wooden pole (Pole 2196270E) with a new pole within approximately 5 feet of its current location. The pole is located partially within the streambed and bank of Drainage A, as shown in the July 16, 2010 application, which is approximately 300 meters northwesterly of Arctic Ocean Drive in the Lake Forest area of southern Orange County. A new hole will be augured within approximately five feet of the existing pole location. Excavated materials will be temporarily side cast (outside of the ordinary high water mark (OHWM)), and will be used later to backfill the hole created with the removal of the deteriorated pole. The replacement pole will be placed within the new hole and set. Once the new pole is set, the power lines will be transferred to the new pole by the work crew in a bucket truck.

*California Environmental Protection Agency*

Following the line transfer, the deteriorated pole will be cut into sections and removed from the site. The work will take place within Section 11 of Township 6 South, Range 8 West, of the U.S. Geological Survey *El Toro* quadrangle map (33° 40' 7.990" N/ 117° 41' 32.030" W).

Receiving water: Unnamed drainage tributary to Borrego Canyon Wash

Fill area: 0.0001 acres of permanent impact to wetland habitat and 0.02 acres of temporary impact to wetland habitat (80 linear feet)

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 12

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- None

Offsite Water Quality Standards Mitigation Proposed:

- None

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of Order No. R8-2009-0030 (NPDES Permit No. CAS618030), commonly known as the Orange County Municipal Storm Water Permit, and subsequent iterations thereof. Order No. R8-2009-0030 requires that you substantially comply with the requirements of State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity.

Pursuant to the California Environmental Quality Act (CEQA), the California Department of Fish and Game has determined that the proposed project is categorically exempt from provisions of CEQA according to Guidelines Section 15301 for maintenance of existing public or private structures that does not expand existing uses.

The Regional Board has independently reviewed the project and considered the lead agency's Categorical Exemption in the issuance of this Certification, and finds that no changes or alterations to the proposed project are necessary to avoid or mitigate impacts to water quality to a less than significant level.

**This 401 Certification is contingent upon the execution of the following conditions:**

- 1) The applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 2) All waste materials generated from activities associated with this project, shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all necessary pollution prevention BMPs as they relate to each potential pollution source identified. The project proponent shall utilize Best Management Practices during project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the state and of the United States.
- 3) Substances resulting from project-related activities that could be harmful to wildlife, including, but not limited to, saw dusts or shavings resulting from cutting treated or preserved wood, accumulated wood preservative residues on surface soils, 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. All waste concrete shall be removed.
- 4) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.
- 5) This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.

- 6) Construction de-watering discharges, including temporary stream diversions necessary for project construction may be regulated under Regional Board Order No. R8-2009-0003, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2009-0003 at [www.waterboards.ca.gov/santaana/](http://www.waterboards.ca.gov/santaana/)
- 7) The applicant shall restore to pre-construction conditions the area designated and used as the project's access road. This shall include, but need not be limited to, revegetation with appropriate native plant species, and taking other permanent erosion control measures.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every 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 this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process 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.

Rick Greenwood  
Southern California Edison

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Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of 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) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at:

[www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



Kurt V. Berchtold  
Executive Officer  
Santa Ana Regional Water Quality Control Board

cc (via electronic message):

U. S. Army Corps of Engineers, Los Angeles Office – Stephanie Hall  
State Water Resources Control Board, OCC – David Rice  
California Department of Fish and Game, Ontario Office – Jeff Brandt  
State Water Resources Control Board, DWQ-Water Quality Certification Unit-Bill Orme  
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini

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