

SUMMARY OF WATER QUALITY ORDER

ORDER NO.	WQ 2011-0018
DATE ADOPTED	October 4, 2011
PETITION TITLE	PETITION OF BACKCOUNTRY AGAINST DUMPS, THE PROTECT OUR COMMUNITIES FOUNDATION, EAST COUNTY COMMUNITY ACTION COALITION, AND DONNA TISDALE (RECONSIDERATION OF CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ORDER FOR THE SAN DIEGO GAS AND ELECTRIC COMPANY SUNRISE POWERLINK PROJECT [FILE NO. SB09015IN] AND U.S. ARMY CORPS OF ENGINEERS [FILE NO. 2007-00704-SAS])
POPULAR NAME <i>[if applicable]</i>	
BOARD	State Water Resources Control Board
FILE NO[S]	SWRCB/OCC File A-2152

NON-PRECEDENTIAL DECISION

On November 9, 2010, the State Water Resources Control Board's (State Water Board) Executive Director issued a water quality certification for the Sunrise Powerlink Project (Project) to San Diego Gas & Electric Company (SDG&E). The Project is to construct, operate, and maintain approximately 115 miles of transmission lines from the El Centro area to northwestern San Diego County, near the City of Poway. A number of non-profit entities and an individual (Petitioners) have filed a petition for reconsideration of the Executive Director's issuance of a water quality certification.

The Petitioners claim that the Executive Director's issuance of the water quality certification was in error, because it was done on reliance of a flawed, insufficient environmental impact report prepared pursuant to the California Environmental Quality Act, and that the State Water Board should have required the California Public Utilities Commission (CPUC) to prepare a supplemental environmental impact report due to modifications made to the Project's route and methods by which the Project will be constructed.

The CPUC's final environmental impact report (FEIR) contained over 120 mitigation measures, many of which required avoidance and minimization of environmental effects. In compliance with the FEIR's mitigation measures, the Project's route and construction methods were altered in order to avoid or minimize environmental impacts. SDG&E submitted these changes to the CPUC in a Project Modification Report (PMR) on May 14, 2010. Though not required, the CPUC publicly noticed and accepted comments on the PMR. The CPUC published its final analysis of the PMR in a Project Modifications Report Memorandum (Memorandum) in September 2010. The Memorandum analyzed each modification, both collectively and individually, and concluded that no supplemental environmental review was necessary.

The Division of Water Quality staff reviewed and considered the FEIR, the PMR, and the Memorandum along with numerous other documents when it drafted the water quality

certification and recommended it be signed by the Executive Director. In response to the petition for reconsideration, the Office of Chief Counsel and Division of Water Quality have again reviewed the administrative record in this matter, along with the Petitioners' allegations and SDG&E's response to the petition.

The Order dismisses the petition of Backcountry Against Dumps, the Protect our Communities Foundation, East County Community Action Coalition, and Donna Tisdale for reconsideration of Clean Water Act, section 401 water quality certification for the Project, because the petition failed to raise any substantial issues appropriate for review.