



California Regional Water Quality Control Board

Colorado River Basin Region



Linda S. Adams
Secretary for
Environmental Protection

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<http://www.waterboards.ca.gov/coloradriver>

Arnold Schwarzenegger
Governor

November 24, 2009

Mr. Ed Wiegman
Southern California Gas Company
9400 Oakdale Ave
Chatsworth, Ca 91311

**RE: ORDER FOR TECHNICALLY-CONDITIONED CLEAN WATER ACT SECTION 401
WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR
FILL MATERIALS**

PROJECT: Southern California Gas Company (SCG) California Desert Region Natural Gas
Supply System Operation and Maintenance Program Project

APPLICANT: Southern California Gas Company

- ACTION:**
1. Order for Standard Certification
 2. Order for Technically-Conditioned Certification
 3. Order for Denial of Certification

STANDARD CONDITIONS:

The following standard conditions apply to all certification actions, except as noted above under Action 3 for denials.

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 California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from 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 23 CCR section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

California Environmental Protection Agency

4. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under State law. For purposes of Clean Water Act (CWA) section 401(d), 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 Water Quality Certification (WQC).
 - a. In response to a suspected violation of any condition of this WQC, the Regional Water Quality Control Board (Regional Water Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - b. In response to any violation of the conditions of this WQC, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

ADDITIONAL CONDITIONS:

The following additional conditions apply to this certification:

1. This WQC applies towards the proposed project as described in the 401 application received by the Regional Water Board on September 23, 2009. The Applicant shall provide the Regional Water Board and other interested agencies with written notification of any significant modifications made to the project prior to implementation of the modifications.
2. This WQC does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
3. This WQC does not authorize the Applicant or any associated party to trespass on any land or property unless the applicant has obtained written authorization or acquired a special use authorization permit from the land or property owner.
4. A copy of this WQC shall be provided to the appropriate onsite Supervisor for the Project. All personnel performing work on the proposed project shall be familiar with the content of this WQC. Copies of the WQC shall be readily available at the project site at all times during periods of active work and shall be presented to regulatory agency representatives upon request.
5. The Applicant shall grant Regional Water Board staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to enter the project site at reasonable times, to ensure compliance with the terms and conditions



of this WQC and/or to determine the impacts the project may have on waters of the United States.

6. The proposed projects shall not be enlarged or extend beyond the proposed project impact area. The Applicant shall delineate the project boundaries and staging areas with stakes, flags and/or temporary construction fencing.
7. The area of vegetation and soil disturbance shall be restricted to the smallest extent possible.
8. Projects shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
9. Projects shall not discharge waste classified as "hazardous" as defined in Title 22 CCR section 66261 and the California Water Code section 13173.
10. No oil, petroleum products, or rubbish shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the United States.
11. No equipment maintenance will be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter waters of the United States.
12. Equipment refueling shall not occur within waters of the United States.
13. Any oil or grease leaks shall be immediately cleaned up.
14. The Applicant shall ensure that all contaminated material and/or contaminated soil removed or excavated from the Project site is properly loaded, transported, and disposed of in accordance with Federal, State, and local regulations.
15. Staging/storage areas for equipment and materials shall be located outside of waters of the United States.
16. The Applicant shall ensure that all disturbed and filled areas are adequately stabilized and protected from erosion and siltation by implementing appropriate soil stabilization, sedimentation and silt control measures.
17. Any flow diversion used during construction shall be designed in a manner to prevent pollution, minimize siltation, and shall provide flows to downstream reaches. Flows shall be maintained to support existing aquatic life and riparian wetlands and habitat that may be located upstream and downstream from any temporary diversion.
18. The Applicant shall restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient.



19. All temporary facilities and impacts shall be removed and restored to the preexisting conditions and contours to the extent practicable.
20. Construction related materials and wastes shall be removed from the project site upon completion of the project.
21. The Applicant shall submit Notice to the Regional Water Board within 60-days of completion of the Project. The Notice shall include: 1) a detailed summary of the mitigation and restoration activities implemented during the project and 2) provide photographic documentation that supports the information summarized in the Notice.
22. The Regional Water Board reserves the right to suspend, cancel, or modify and reissue this WQC, after providing notice to the Applicant and/or responsible Site-Supervisor, if the Regional Water Board determines that the project fails to comply with any of the terms or conditions of this WQC.
23. The Applicant shall orally notify the Regional Water Board of any noncompliance that may impact the beneficial uses of waters of the United States, as soon as notification is possible and notification can be provided without substantially impeding measures necessary to address the noncompliance.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

If you have any questions, please contact Jay Mirpour, Water Resources Control Engineer, at (760) 776-8981 or jmirpour@waterboards.ca.gov.



WATER QUALITY CERTIFICATION:

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.

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 applicants' project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



ROBERT PERDUE
Executive Officer

JJM/

cc: Mark Durham, U.S. Army Corps of Engineers, Los Angeles District Office
Bill Orme, SWRCB, Division of Water Quality, Water Quality Certification Unit
David Smith, U.S. Environmental Protection Agency, Region 9
Thomas A. Vandenberg, Office of Chief Counsel, SWRCB

File: 401 Southern California Gas Company (SCG) California Desert Region Natural Gas
Supply System Operation and Maintenance Program Project, WDID No.
7B363019001



Mailing List:

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Thomas A. Vandenberg (*)
Staff Counsel
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Note: (*) will e-mail electronic copy



PROJECT INFORMATION

Application Date: Received on September 23, 2009

Applicant: Southern California Gas Company

Contact: Mr. Ed Wiegman, (818) 701-4534

Applicant Representative: Mr. G. Scott Koken
Southern California Gas Company
(213) 244-5823

Project Name: Southern California Gas Company (SCG) California Desert Region Natural Gas Supply System Operation and Maintenance Program Project

Project Start and Completion: December 1, 2009 – December 1, 2014

Project Description (purpose/goal):

The Goal of this application is to obtain a long-term CWA Section 401 Water Quality Certification to replace the Water Quality Certification (WQC), File Number 7B363005001, and to authorize the regulatory required operation and maintenance activities for SCG's natural gas pipelines in the project area. These maintenance activities are mandated by the current law and regulations of the federal Department of Transportation (DOT) including 49 CFR 192 and the California Public Utilities Commission (CPUC), including General Order 112e. Additionally, the Pipeline Safety Improvement Act of 2002 (PSIA) regulations also now require SCG to perform additional maintenance activities to assess, evaluate, repair and validate pipeline safety and reliability, including the project area.

Project Location: Primarily California Desert Conservation Area, San Bernardino, Riverside, and Imperial Counties

Receiving Water(s): Project maintenance activities may occur at various rivers, streams, washes, and lakes that are Waters of the U.S. along SCG's Desert Region natural gas pipeline system, primarily within the California Desert Conservation Area (CDCA) but also including the RWQCB jurisdiction area between the CDCA and the RWQCB eastern boundary (east of the CDCA but west of the state line mid-stream of the Colorado River). The pipeline system generally follows three main corridors. Two of these corridors latitudinally



bisect San Bernardino and Riverside Counties, and one corridor longitudinally bisects Imperial County.

Fill/Excavation

Area (acres): None

Dredge Volume (cy): None

Mitigation:

- Whenever practical, routine operation and maintenance/repair activities are typically scheduled during the non-rainy season in order to protect and minimize threat to water quality.
- To the maximum extent practicable, SCG shall avoid impact to ephemeral washes and drainages.
- Staging areas shall be located within designated areas outside of the ordinary high water mark. These areas shall be flagged by a water quality biologist prior to starting work.
- No toxic and/or hazardous materials shall be stored near or within wash/drainage areas. To extent possible, these materials will be offsite and/or placed in appropriate secondary containment.
- No fueling or maintenance of equipment and/or vehicles shall occur adjacent or within the wash/drainage areas.
- Whenever it is not feasible for operation and maintenance work activities to avoid stream or wash/drainage areas, SCG shall utilize appropriate BMPs to protect water quality, including returning the area to pre-existing condition upon completion.
- In addition, Southern California Gas Company will use a Best Management Practices (BMP) Manual that has been compiled, in partnership with San Diego Gas and Electric Company that incorporates applicable BMPs for Utility soil disturbance activities. The manual incorporates applicable BMPs derived from the California Storm Water Quality Association and California Department of Transportation (Caltrans) BMP Manuals and other credible public sources, and then edited for utility use.

Federal Permit(s): U.S. Army Corps of Engineers section 404 Permit Nationwide Permit Numbers 3,12,13, and 47 (pending).

Status of CEQA: California Department of Fish and Game adopted a Categorical Exemption 15301(b) & 15301(c) for the Project. The Regional Water Board determined that the proposed project is categorically exempt from CEQA per CEQA Guidelines §15301 (b) - Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services and §15301 (c) - Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar



facilities (this includes road grading for the purpose of public safety). In accordance with CEQA Guidelines section 15062, the Regional Water Board shall file a Notice of Exemption with the Office of Planning and Research upon approval of the CWA section 401 WQC.

Reference No.: 401 Southern California Gas Company (SCG) California Desert Region Natural Gas Supply System Operation and Maintenance Program Project, WDID No. 7B363019001



NOTICE OF EXEMPTION

To:
Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

From:
California Regional Water Quality Control Board
Colorado River Basin Region (Region 7)
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

Project Title:
Southern California Gas Company (SCG) California Desert Region Natural Gas Supply System Operation and Maintenance Program Project

Project Description:
The Goal of this application is to obtain a long-term CWA Section 401 Water Quality Certification to replace the Water Quality Certification (WQC), File Number 7B363005001, and to authorize the regulatory required operation and maintenance activities for SCG's natural gas pipelines in the project area. These maintenance activities are mandated by the current law and regulations of the federal Department of Transportation (DOT) including 49 CFR 192 and the California Public Utilities Commission (CPUC), including General Order 112e. Additionally, the Pipeline Safety Improvement Act of 2002 (PSIA) regulations also now require SCG to perform additional maintenance activities to assess, evaluate, repair and validate pipeline safety and reliability, including the project area.

Project Location (City and County):
Primarily California Desert Conservation Area, San Bernardino, Riverside, and Imperial.

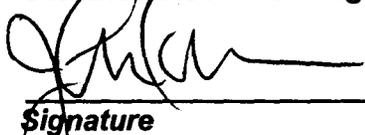
Name of Public Agency Approving Project: California Regional Water Quality Control Board, Colorado River Basin Region

Name of Agency Carrying Out Project: Southern California Gas Company.

Exempt Status (CEQA Guidelines Section and Class): The Regional Water Board determined that the proposed project is categorically exempt from CEQA per CEQA Guidelines §15301 (b) and (c).

Reasons Why Project is Exempt: The proposed project, as described above is categorically exempt from the California Environmental Quality Act in accordance with CEQA section 15301 (b) and (c) because the project includes the repair and maintenance of existing utilities and access roads used to provide natural gas to the public. These activities involve no expansion of the existing use.

Contact Person - lead agency: John Carmona, Senior WRCE Phone: (760) 340-4521


Signature

11/24/09
Date

Senior Water Resources Control Engineer
Title

Date received for filing at OPR: _____

File: 401 Southern California Gas Company (SCG) California Desert Region Natural Gas Supply System Operation and Maintenance Program Project, WDID No. 7B363019001