



California Regional Water Quality Control Board

Colorado River Basin Region



Matthew Rodriguez
Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

January 5, 2012

Hazem Gabr
Water Quality Section Manager
Southern California Edison
1218 S. Fifth Avenue
Monrovia, CA 91016

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

PROJECT: Southern California Edison - Leatherneck Substation and Electrical System Upgrade Project for the Marine Corps Air Ground Combat Center WDID No.7A333121001

APPLICANT: Southern California Edison

- 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.
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 (Project), as described in the 401 application received by the Regional Water Board on August 5, 2011, which was supplemented on December 30, 2011. The required CEQA documentation was received on November 18, 2011.

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 Project 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. The Project shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
9. The Project shall not discharge waste classified as "hazardous" as defined in Title 23 California Code of Regulations (CCR) section 2521, California Health and Safety Code section 25140, and Title 22, CCR, section 66260.10 et seq.
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. Based on the information provided in the application and December 30, 2011 supplement, the Applicant proposes to provide compensatory mitigation for the unavoidable permanent impacts caused by the Project that will result in a loss of approximately 0.10 acres (262 linear feet) and temporary impacts of 3.23 acres (3,789 linear feet) of vegetated streambed, non-wetland waters of the United States and the State. Second, the Applicant proposes to fund the acquisition of non-wetland, unvegetated or vegetated waters of the U.S. and State at a compensatory mitigation to impact ratio of 2:1 for the permanent losses and of 1:1 for the temporary impacts. Third, the Applicant proposes to formalize this proposal in a Project-specific Mitigation Plan that will be prepared upon issuance of this Water Quality Certification and submitted for United States Army Corps of Engineers, Regional Water Board, and California Department of Fish and Game approval. Finally, the Applicant proposes to prepare and enter into a Memorandum of Agreement (MOA) with a mutually-agreed upon mitigation bank (or equivalent in-lieu fee program) regarding acquisition of mitigation lands. Following agency approvals of the Mitigation Plan and MOA by the Regional Water Board, and prior to any impacts to waters of the U.S. and State, the Applicant has agreed to transmit the negotiated funds to the mitigation bank (or equivalent) entity, and to provide the Regional Water Board with receipt of that transaction. The Regional Water Board agrees with the Applicant's proposals. Accordingly, upon issuance of this Water Quality Certification and as an "Additional Condition" of this Certification, the Applicant shall prepare and submit for Regional Water Board approval the Project-specific Mitigation Plan and MOA, and shall provide receipt of mitigation bank funds transmitted prior to any impacts to waters of the U.S. or State occurring.

22. The Applicant proposes to provide mitigation in addition to that specified in Additional Condition 21 above by developing and implementing a Storm Water Pollution Prevention Plan (SWPPP) and to follow applicable requirements in the State Water Resource Control Board's state-wide Storm Water Construction General Permit, Order No. 2009-0009-DWQ, as amended on November 16, 2010, by Order No. 2010-0014-DWQ. Accordingly, the Applicant shall submit a copy of the SWPPP to the Regional Water Board.
23. The Applicant shall provide Notice to the Regional Water Board within 60-days of completion of the Project. The Notice shall: 1) include a detailed summary of the mitigation and restoration activities implemented during the Project, as described in the approved Mitigation Plan and MOA, and 2) provide photographic documentation that supports the information summarized in the Notice.
24. 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.
25. 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).

Sincerely,



Robert Perdue
Executive Officer
Colorado River Basin
Regional Water Quality Control Board

JJM/tab

cc: Shanti Abichandani Santulli, Los Angeles District Office
Bill Orme, SWRCB, Division of Water Quality, Water Quality Certification Unit
Elizabeth Goldmann, U.S. Environmental Protection Agency, Region 9
Thomas A. Vandenberg, Office of Chief Counsel, SWRCB

File: WDID No.7A333121001, Southern California Edison - Leatherneck Substation and Electrical System Upgrade Project for the Marine Corps Air Ground Combat Center

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Note: (*) will e-mail electronic copy



PROJECT INFORMATION

Application Date: The application was received on August 5, 2011. The required CEQA documentation was received on November 18, 2011.

Applicant: Southern California Edison
Contact: Hazem Gabr
(626) 476-9411

Applicant Representative: Southern California Edison
Contact: Shirin Tolle
(626) 646-3458

Project Name: Southern California Edison - Leatherneck Substation and Electrical System Upgrade Project for the Marine Corps Air Ground Combat Center WDID No.7A333121001

Project Start and Completion: December 1, 2011- December 20, 2014

Project Description (purpose/goal): The purpose of the Project is to accommodate an expected increase in long-term electrical demand at the Combat Center and to enhance the reliability of access to local electricity and telecommunication sources to promote increased mission sustainability. This Project is needed because the existing electrical infrastructure serving Combat Center operations is nearly at full capacity and is insufficient to accommodate planned facility development and growth. In addition, the Combat Center has only one primary 33-kilovolt (kV) distribution line, which provides 95% of all electrical power to the installation. There is no reliable secondary power source. In the event of service disruption, the Combat Center's ability to sustain mission objectives would be jeopardized.

The Project provides necessary electrical and telecommunication upgrades, including redundant connections to the existing Hi Desert and Carodean secondary substation sources. This ensures a reliable source of power sufficient to meet current and future demand. This Project has the added benefit of improving system reliability and capacity for others in Twentynine Palms and the surrounding areas.



Project Location: City or area: Desert Hot Springs to Twentynine Palms, San Bernardino and Riverside, California
Longitude/ Latitude: Please refer to the attached map
Township/Range: Please refer to the attached map

Receiving Water(s): Receiving water bodies include Mission Creek, Dry Morongo Creek, Big Morongo, Little Morongo Creek, Whitewater River, and unnamed tributaries.

Fill/Excavation

Area (acres): 0.1 acre (262 linear feet) permanent and 3.23 acre (3789 linear feet (temporary)).

Dredge Volume (cy): N/A

Mitigation: For a complete description of mitigation requirements, please refer to the Final Environmental Assessment – Construction of Electrical System Upgrade Marine Corps Air Ground Combat Center Twentynine Palms, California, prepared by United States Marine Corps - March 2011.

Best Management Practices:

- 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.
- Work will be performed under “no flow” conditions to preclude potential impacts to water quality.
- Work and staging areas and temporary access routes will be sized, located and flagged so as to limit potential impacts to natural areas. Previous disturbed areas will be used to the extent feasible.
- No fueling or maintenance of equipment and/or vehicles shall occur adjacent or within the wash/drainage areas.
- Spoil sites shall not be located where spoil could be washed back into the creek, or where spoil will cover aquatic or riparian vegetation. Any materials placed in seasonally dry portions of the creek that could be washed downstream or could be harmful to aquatic life shall be removed from the streambed prior to inundation by high flows.

- Following the installation activities, the disturbed area will be restored to pre-existing contours and conditions to the extent feasible.

Federal Permit(s): This Project was determined to fall under the U.S. Army Corps of Engineers' NWP 12 (Utility Line Activities) projects (pending).

Status of CEQA: A Negative Declaration was received for this Project from the California Public Utilities Commission (CPUC), the CEQA lead agency, on September 22, 2011. State Clearinghouse Number: 2010044007.

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