



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Colorado River Basin Regional Water Quality Control Board

CERTIFIED MAIL: 7008 3230 0000 6886 2498

November 10, 2016

Ms. Fran Smith
TransCanada
700 Louisiana Street
Houston, TX 77002-2700

Dear Ms. Smith:

SUBJECT: CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS (WDID FILE # 7B 13 3040 001

Enclosed please find a CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER, authorized by the Colorado River Basin Regional Water Quality Control Board. This Water Quality Certification (WQC) is issued to TransCanada for the replacement of natural gas pipeline project (Project) in the Milpitas Wash in Imperial County, California.

This WQC is issued in response to an application submitted by TransCanada for proposed Project discharges to waters of the U.S., to ensure that the water quality standards for all waters of the U.S. impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed WQC.

If you require further assistance, please contact Kai Dunn, Senior Water Resource Control Engineer, by phone at (760) 776-8986 or by email at Kai.Dunn@waterboards.ca.gov.

Sincerely,

Digitally signed by Jose L. Angel
Date: 2016.11.10 14:46:43
-08'00'

Jose Angel, P.E.
Executive Officer
Colorado River Basin
Regional Water Quality Control Board

KD/tab

Enclosures: WQC Milpitas Wash Project

NANCY WRIGHT, CHAIR | JOSE L. ANGEL, EXECUTIVE OFFICER

73-720 Fred Waring Drive, Suite 100, Palm Desert, CA 92260 | www.waterboards.ca.gov/coloradoriver

TransCanada
Milpitas Wash Project
WDID No. 7B133040001

- 2 -

November 10, 2016

cc:

Jason Brush
Chief, Wetlands Regulatory Office
(WTR-8)
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Veronica Li
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CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
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Kai Dunn
Program Manager
Colorado River Regional Water Quality Control Board
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Colorado River Basin Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: November 10, 2016	Reg. Meas. ID: 408187
Program Type: Fill/Excavation	Place ID: 827066
	WDID: 7B133040001
	USACOE#: SPL-2014-00554

Project Type: Underground Utility

Project: North Baja Pipeline – Milpitas Wash Project (Project)

Applicant: TransCanada
Applicant Contact: Fran Smith

TransCanada
700 Louisiana Street
Houston, Texas 77001-2700
Phone: (832) 320-5983
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Water Board Staff: Maribel Jernegan
Colorado River Regional Water Quality Board
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Palm Desert, CA 92260
Phone: (760) 776-8941

Email: Maribel.Jernegan@waterboards.ca.gov

Water Board Contact Person:

If you have any questions, please call the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) Staff listed above or (760) 346-7491 and ask to speak with the Water Quality Certification and Wetlands Unit Program Manager.

- Attachment A** Project Maps
- Attachment B** Receiving Waters Information
- Attachment C** CEQA Findings of Facts
- Attachment D** Signatory Requirements

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of TransCanada (herein after Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on August 15, 2016. The application was deemed complete on September 14, 2016.

II. Public Notice

Public Notice was done on August 15, 2016 and completed on September 7, 2016.

III. Project Description

The project involves the replacement of approximately 260-foot-long segment of 30-inch-diameter natural gas pipeline in the Milpitas Wash in Imperial County, California.

Approximately 35 feet of the pipeline has been exposed due to scour and erosion following an August 2014 storm event. Approximately 20 feet of the pipeline is suspended along the northeastern bank of the Milpitas Wash. The project will lower the pipeline and reinforce the bank to prevent future exposure. Work on this project will include the following components:

- establishment of temporary staging and work areas,
- excavation of the existing pipe section,
- installation of a new pipe section approximately 25 feet to the east of the existing pipeline at a lower elevation (18 to 20 feet deep),
- tying the new pipe section into the existing pipeline,
- removing the existing pipe section that was exposed,
- backfilling the trench,
- restoring the area to pre-construction conditions, and
- reinforcing the northern bank of the drainage with riprap to prevent future washouts.

Construction is scheduled to begin in November 2016 and is expected to take approximately 7 weeks to complete. Construction crews will work approximately 10 hours per day and up to 6 days per week.

IV. Project Location

The project is located within Milpitas Wash, approximately 0.5 miles south of the intersection of Milpitas Wash Road and SR-78, near the community of Palo Verde in Imperial County California and has the following coordinates:

Longitude 33.277739, Latitude -114.784586
Longitude 33.279025, Latitude -114.782858

Township 10 South, Range 21 East, San Bernardino Base Meridian.

A map showing the Project location is found in Attachment A of this Order.

V. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of Colorado River Basin Regional Water Quality Control Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plan for Colorado River Basin Regional Water Quality Control Board (Basin Plan) for the region and other plans and policies which may be accessed online at: http://www.waterboards.ca.gov/plans_policies/.

The Basin Plan was prepared by the California Regional Water Quality Control Board, Colorado River Basin Region, in accordance with criteria contained in the California Porter-Cologne Water Quality Control Act, the Federal Clean Water Act, and other pertinent state and federal rules and regulations. It includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B. Milpitas Wash, an ephemeral wash to the Colorado River, is the receiving water for the project.

VI. Description of Direct Impacts to Waters of the State

Replacement of the approximately 260-foot-long segment of 30-inch-diameter natural gas pipeline will require excavation and surface disturbance within an ephemeral Colorado River Basin Water Board-jurisdictional wash. The Colorado River Basin Water Board-jurisdictional features are channels within the larger Milpitas Wash braided system, which consists of a network of small channels separated by small and often temporary islands called braid bars.

A total of approximately 2.47 acres of Colorado River Basin Water Board-jurisdictional areas will be temporarily impacted during construction of the project. The project activities that will temporarily impact jurisdictional drainages include vegetation removal, grading of an existing access road within the wash, earth-moving/grading, trenching, and backfilling. The installation of riprap will permanently impact approximately 0.03 acres of waters under the jurisdiction of the Colorado River Basin Water Board.

Total project fill/excavation quantities for all impacts are summarized in Table 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition only.

Table 2: Total Project Fill/Excavation Quantity									
Aquatic Resource Type	Temporary Impact ³			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY ⁴	LF	Acres	CY	LF	Acres	CY	LF
Lake									
Ocean/bay/estuary									
Riparian Zone									
Stream Channel	2.5	4,860	320	0.03	450	100			
Vernal Pool									
Wetland									

VII. Description of Indirect Impacts to Waters of the State

No direct impact to Waters of the State is anticipated because the proposed repair work shall be conducted when it is not raining where the repair work is taking place and when there is no flow in the Milpitas Wash; and because the Permittee shall be using Best Management Practices as described below.

VIII. Avoidance and Minimization

To avoid and minimize impacts to the waters of the U.S., TransCanada will implement the following Best Management Practices (BMPs) to minimize impacts during construction:

- Temporary fiber roll
- Temporary construction entrance
- Temporary construction washout facility
- Temporary drainage inlet protection

Fiber rolls will help stabilize soil adjacent to the unvegetated wash during construction. The temporary construction entrance, washout facility and drainage inlet protection will all minimize the chance of construction related fluids and/or sediment from getting into the unvegetated wash.

IX. Compensatory Mitigation

No compensatory mitigation is required for this Project because the Project’s impact on the Milpitas Wash is below the 0.1-acre Compensatory threshold established by the USACOE’s Nationwide Permit # 12 (Sec. 23 et seq.). This notwithstanding, this Order requires the Permittee to implement mitigation requirements to avoid, minimize, rectify, and reduce resources losses to ensure adverse impacts to the beneficial uses of the Milpitas Wash.

X. California Environmental Quality Act (CEQA)

The Colorado River Basin Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, Title 14, Section 15061.

³ 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.

⁴ Cubic Yards (CY); Linear Feet (LF)

The Colorado River Basin Water Board has determined that the issuance of this Order is exempt by statute pursuant to Public Resources Code, Section 21080.21.

Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, Title 14, Section 15282 (K) - the installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in Section 21080.21 of the Public Resources Code

Additionally, the Colorado River Basin Water Board concludes that no exceptions to the CEQA exemption apply to the activities approved by this Order.

The Colorado River Basin Water Board shall file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Order. (Cal. Code Regs., tit. 14, Section 15062.)

XI. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, Title 23, Section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

XII. Fees Received

An application fee of \$1,097 was received on August 15, 2016. 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 & Excavation Discharges (fee code 84) with the dredge and fill fee calculator. An additional fee of \$13,078 based on total Project impacts was received on September 19, 2016.

XIII. Conditions

The Colorado River Basin Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

A. Authorization

- a. No toxic and/or hazardous materials shall be stored near or within wash/drainage areas. To extent possible, these materials shall be offsite and/or placed in appropriate secondary containment.
- b. Work shall be performed under "no flow" conditions in the washes to preclude potential impacts to water quality.
- c. Work and staging areas and temporary access routes shall be sized, located and flagged so as to limit potential impacts to natural areas. Previous disturbed areas shall be used to the extent feasible.
- d. No fueling or maintenance of equipment and/or vehicles shall occur adjacent or within the wash/drainage areas.

- e. Spoil sites shall not be located where spoil could be washed back into the river, or where spoil covers aquatic or riparian vegetation. Any materials placed in seasonally dry portions of the canal/ drainage areas that could be washed downstream or could be harmful to aquatic life shall be removed from the streambed prior to inundation by high flows.
- f. After completing the activities, the disturbed area shall be restored to pre-existing contours and conditions to the extent feasible.

B. Reporting and Notification Requirements

1. Project Reporting

- a. **Monthly Reporting:** Monthly report is required to be submitted on the 15th day after the month.
- b. **Annual Reporting:** No annual reporting is required because the majority of the impacts are temporary and the work period is only 42 working days.
- c. **Other Reporting:** The Permittee shall take pictures of the area where repair work needs to take place documenting the before and after conditions of the area; and shall maintain a daily log, for each site where work is taking place pursuant to this Order, while the Permittee conducts its repair activities. The log shall:
 - Provide a general description of the repair work;
 - Specify the date and daily starting and ending time for the repair work;
 - Note key weather conditions (e.g., temperature, wind speed and direction, precipitation if any);
 - Include notes from visual observations regarding the presence/absence of construction debris/trash (e.g., discarded filter fiber) and used oil (e.g., oil that leaks from construction equipment) in the area where the work is taken place.

Within 30 days following completion of all repair work, the Permittee shall submit to the Colorado River Basin Water Board a summary report of the key daily log entries. The summary report shall include the above-mentioned before and after pictures of the conditions of the area and shall be signed by the Permittee's Project Manager.

2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities.
- b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Colorado River Basin Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Colorado River

Basin Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.

- c. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,⁶ and no further Project activities will occur. This request shall be submitted to Colorado River Basin Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Colorado River Basin Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

3. **Conditional Notifications and Reports:** The following notifications and reports are required as appropriate.

a. **Accidental Discharges of Hazardous Materials⁷**

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
- first call – 911 (to notify local response agency)
 - then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
 - Lastly follow the required OES procedures as set forth in: <http://occupainfo.com/civicax/filebank/blobdload.aspx?BlobID=26396>
http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf
- ii. Following notification to OES, the Permittee shall notify Colorado River Basin Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- iii. Within five (5) working days of notification to the Colorado River Basin Water Board, the Permittee shall submit an Accidental Discharge of Hazardous Material Report.

⁶ Completion of post-construction monitoring shall be determined by Colorado River Basin Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

⁷ "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

- b. Violation of Compliance with Water Quality Standards:** The Permittee shall notify the Colorado River Basin Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- i. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.
 - ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.
- c. In-Water Work**
- The proposed work shall be conducted when it is not raining and when there is no flow in the Wash.
- d. Modifications to Project**
- Project modifications shall require an amendment of this Order. The Permittee shall give advance notice to Colorado River Basin Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Colorado River Basin Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order.
- e. Transfer of Property Ownership:** This Order is not transferable in its entirety or in part to any person or organization except after notice to the Colorado River Basin Water Board in accordance with the following terms:
- i. The Permittee shall notify the Colorado River Basin Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Colorado River Basin Water Board at least 10 days prior to the transfer of ownership.
 - ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.
- f. Transfer of Long-Term BMP Maintenance:** If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee shall submit to the Colorado River Basin Water Board a copy of such documentation and shall provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Colorado River Basin Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

C. Water Quality Monitoring

1. **General:** If surface water is present, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).

The Applicant shall submit a Report to the Colorado River Basin Water Board within 30-days after encountering the pollutants and describe actions taken to correct the problem and provide photographic documentation that supports the information in the Report.

2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Colorado River Basin Water Board staff shall require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

D. Standard

1. This Order 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 sections 3867-3869, inclusive. Additionally, the Colorado River Basin Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Colorado River Basin Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act Section 303 (33 U.S.C. § 1313).
2. This Order is not intended and shall not be construed to apply to 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 subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, 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 Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code Section 13385.
2. Permitted actions shall not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Colorado River Basin Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Colorado River Basin Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provide that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee shall, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. Construction General Permit Requirement: The Permittee shall maintain compliance with conditions described in, and required by, NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment D of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

3. The Permittee shall grant Colorado River Basin Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order shall be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
6. Streambed Alteration Agreement – The Permittee shall submit a signed copy of the Department of Fish and Wildlife's lake and streambed alteration agreement to the Colorado River Basin Water Board immediately upon execution and prior to any discharge to waters of the state.

G. Mitigation for Temporary Impacts

1. The Permittee shall restore all areas of temporary impacts to waters of the state and all Project site upland areas of temporary disturbance which could result in a discharge of waters of the state
2. If restoration of temporary impacts to waters of the state is not completed within 90 days of the impacts, compensatory mitigation shall be required to offset temporal loss of waters of the state.

XIV. Water Quality Certification

I hereby issue the Order for the North Baja Pipeline – Milpitas Wash Project, 7B133040001 certifying that as long as all of the conditions listed in this 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).

The Colorado River Basin Water Board will file a Notice of Exemption (NOE) at the SCH within five (5) working days of issuance of this Order.

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

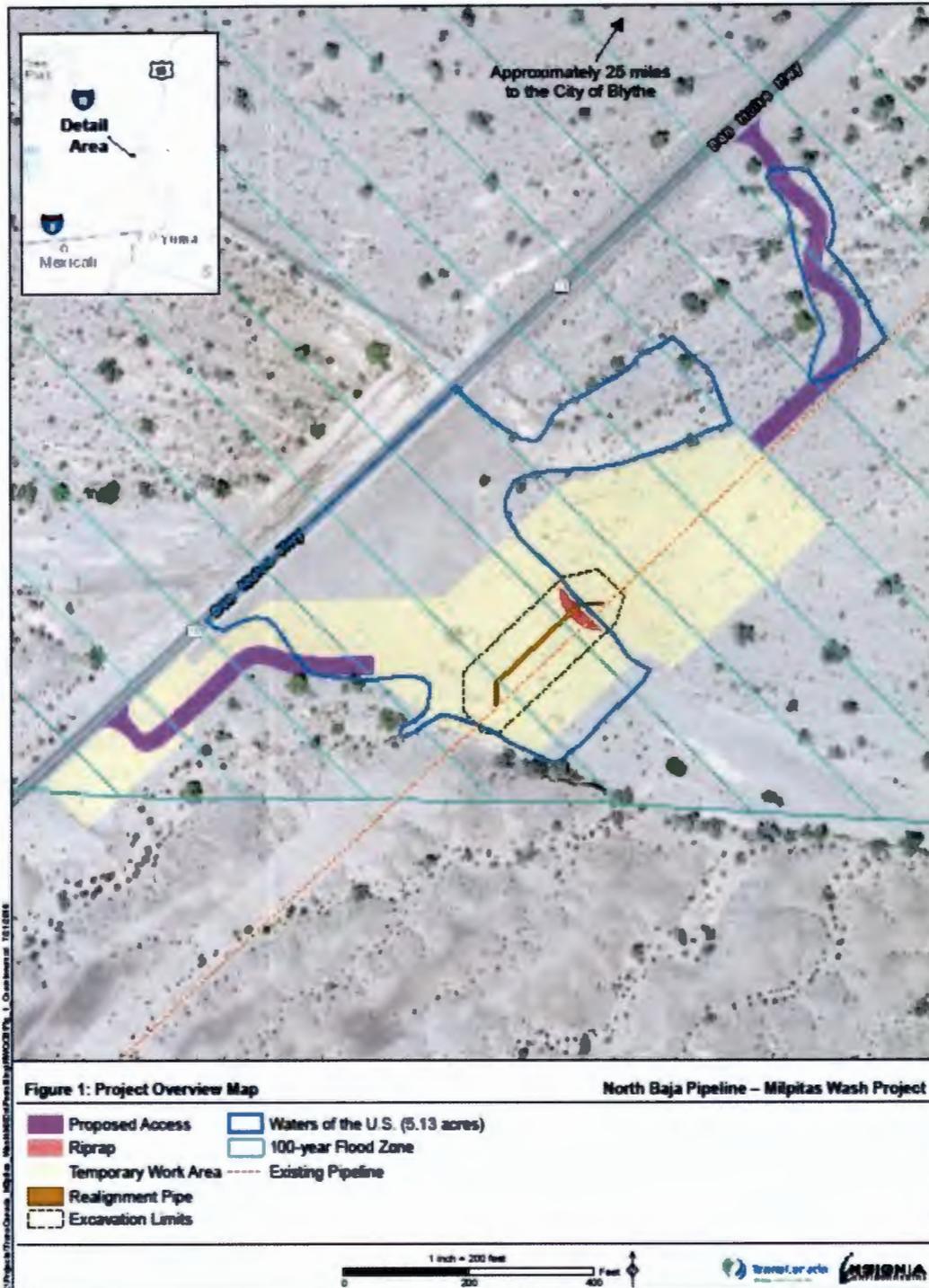
Jose L. Angel, P.E.

Digitally signed by Jose L. Angel
Date: 2016.11.10 14:47:02 -08'00'

Jose L. Angel, P.E.
Executive Officer
Colorado River Basin
Regional Water Quality Control Board

11/10/2016
Date

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Receiving Waters

The following table shows the receiving waters associated with each impact site.

Table 1: Receiving Water(s) Information

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	eCRAM ID ¹
<input type="checkbox"/>	5000 ²	<i>Milpitas Wash; a tributary to the Colorado River</i>	<i>Ephemeral Drainage</i>	<i>Colorado River</i>	<i>Milpitas Wash</i>	<i>GWR, WILD, RARE</i>	<i>None</i>	<i>N/A</i>
<input type="checkbox"/>								

¹ California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

² Feature identification numbers were generated for the purpose of providing unique identifiers.

Individual Direct Impact Locations

The following table shows individual impact locations.

Table 2: Individual Direct Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
			1 5000	33.277739		-114.784586	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary		
					Permanent			100.00	0.03	450	100

Compensatory Mitigation Information¹

The following table(s) show(s) individual compensatory mitigation information and locations.

Permittee Responsible Compensatory Mitigation Site Information

Table 3: Onsite Permittee Responsible Compensatory Mitigation²						
Impact Site ID	Lat.	Long.	Aquatic Resource Type	Mitigation Method	Mitigation Quantity	
					Acres	Linear Feet
N/A						

² Mitigation site is analyzed in the Project CEQA document.

Mitigation Bank Compensatory Mitigation Site Information

Table 4 Mitigation Bank				
Mitigation Bank	Name:	N/A		
	Website:			
Contact Information	Name:			
	Phone:			
	Email:			
Mitigation Location	County:			
	Latitude:			
	Longitude:			
Aquatic Resource Credit Type	Mitigation Method	Mitigation Quantity		
		Acres	Linear Feet	Number of Credits Purchased

In-Lieu Fee Compensatory Mitigation Information

Table 5 In-Lieu Fee Program				
In-Lieu Fee Program	Name:	N/A		
	Website:			
Contact Information	Name:			
	Phone:			
	Email:			
Mitigation Location	County:			
	Latitude:			
	Longitude:			
Aquatic Resource Credit Type	Mitigation Method	Mitigation Quantity		
		Acres	Linear Feet	Number of Credits Purchased

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(A) FINDINGS FOR CEQA EXEMPT PROJECTS

CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION ASSESSMENT THE NORTH BAJA PIPELINE – MILPITAS WASH PROJECT

The North Baja Pipeline – Milpitas Wash Project (project) involves the replacement of an approximately 260-foot-long span of 30-inch natural gas pipeline in the Milpitas Wash in Imperial County, California. Approximately 35 feet of the pipeline has been exposed and approximately 20 feet is suspended along the northeastern bank of the Milpitas Wash due to scour and lateral bank erosion following an August 2014 storm event. Work on this project will include the following components:

- establishment of temporary staging and work areas,
- excavation of the existing pipe section,
- installation of a new pipe section approximately 25 feet to the east of the existing pipeline at a lower elevation (18 to 20 feet deep),
- tying the new pipe section into the existing pipeline,
- removing the existing pipe section that was exposed,
- backfilling the trench,
- restoring the area to pre-construction conditions, and
- reinforcing the northern bank of the drainage with riprap to prevent future washouts.

The following analysis has been prepared to determine whether the project would qualify for either a statutory or categorical exemption under the California Environmental Quality Act (CEQA).

Statutory Exemption

The project may qualify for an Other Statutory Exemptions under Title 14, Chapter 3, Article 19, Section 15282 of the California Code of Regulations (CCR), which is described as follows:

- k) The installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in Section 21080.21 of the Public Resources Code, as long as the project does not exceed one mile in length.*

The project involves the removal and replacement of an approximately 260-foot-long section of existing natural gas pipeline. As described in Section 21080.21 of the California Public Resources Code:

- a) "This division does not apply to any project of less than one mile in length within a public street or highway or any other public right-of-way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline.*

The project is not located in a public street or highway, but is located within an existing right-of-way (ROW) that was granted to TransCanada, Inc. by the Bureau of Land Management (BLM). Thus, the project is located in a ROW on public land.

- b) For purposes of this section, "pipeline" means subsurface pipelines and subsurface or surface accessories or appurtenances to a pipeline, such as mains, traps, vents, cables, conduits, vaults, valves, flanges, manholes, and meters.*

The project meets the definition of a pipeline.

- c) In determining the applicability of the exemption provided by this section to a natural gas pipeline safety enhancement activity under review by a resource agency, the resource agency shall consider only the length of pipeline that is within its legal jurisdiction.*

Conclusion

The Regional Water Board determined that the proposed Project is categorically exempt from CEQA per CEQA Guidelines Title 14, Chapter 3, Article 19, Section §15282 (K) - the installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in Section 21080.21 of the Public Resources Code, as long as the project does not exceed one mile in length.

Attachment D
Signatory Requirements

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SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the Colorado River Basin Water Quality Control Board (Colorado River Basin Water Board) must be signed and certified as follows:
 - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
 - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
 - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
 - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c) The written authorization is submitted to the State Water Board Staff Contact prior to submitting any documents listed in item 1 above.

3. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."