CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

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Place ID:	833964
SWRCB ID:	SB17003IN
USACOE#:	SPL-2017-00208

Effective Date:

Program Type: Fill/Excavation

Project Type: Overhead Utility

Project: West of Devers Upgrade (Project)

Applicant: Southern California Edison

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Table of Contents

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) and attachments A through F is issued at the request of Southern California Edison (SCE) (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 March 24, 2017. The application was deemed complete on November 16, 2017. Prior to receiving a complete application, State Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following dates (Table 1).

Table 1: Record of Notice(s) of Incomplete Application	
Date of Notice of Incomplete Application	Date all requested information was received.
4/13/2017	11/16/2017

State Water Board staff requested additional information necessary to supplement the contents of the complete application and the Permittee responded to the request for supplemental information on the following dates (Table 2)

Table 2 Record of Supplemental Application Information	
Date of Request for Supplemental Information	Date all requested information was received.
4/24/2017	1/16/2018

II. Public Notice

The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from December 5, 2017 to December 29, 2017. The State Water Board did not receive any comments during the comment period. Public notice regarding the environmental impact report/environmental impact statement is described in Attachment A, CEQA Findings of Fact.

III. Project Purpose

The Project purpose is to increase the power transfer capability of the West of Devers (WOD) 220 kV transmission lines between Devers, El Casco, Vista, and San Bernardino substations. The Proposed Project is needed to facilitate the full deliverability of new electric generation resources being developed in eastern Riverside County, in an area designated by the California Independent System Operator (CAISO) for planning purposes as the Blythe and Desert Center areas.

IV. Project Description

The Proposed Project will upgrade the existing WOD transmission line system by replacing the existing 220 kV transmission lines and associated structures with new, higher-capacity transmission lines and structures; installing new and/or upgraded substation facilities; and making telecommunication improvements. Project components are as listed below:

- Upgrade substation equipment within SCE's existing Devers, El Casco, Etiwanda, San Bernardino, and Vista substations in order to accommodate increased power transfer on the upgraded WOD 220 kV transmission lines.

- Remove and upgrade the existing 220 kV transmission lines and structures with new transmission lines and structures utilizing double-bundled 1590 kcmil[1] aluminum conductor steel-reinforced (2B-1590 ACSR) conductor at the following locations:
  - Devers – El Casco (approximately 30 miles);
  - El Casco – San Bernardino (approximately 14 miles);
  - Devers – San Bernardino (approximately 43 miles);
  - Devers – Vista No. 1 and No. 2 (approximately 45 miles each);
  - Etiwanda – San Bernardino (approximately 3.5 miles); and
  - San Bernardino – Vista (approximately 3.5 miles).

- Remove a portion (approximately 2 miles) of the existing San Bernardino-Redlands-Timoteo and San Bernardino-Redlands-Tennessee 66-kV subtransmission lines from within the existing WOD right-of-way (ROW) and reconstruct as follows:
  - The relocated San Bernardino-Redlands-Timoteo 66-kV subtransmission line would be approximately 2 miles long and would reconnect to the San Bernardino-Redlands-Timoteo 66-kV subtransmission line inside Timoteo substation.
  - The relocated San Bernardino-Redlands-Tennessee 66-kV subtransmission line would be approximately 3.5 miles long and would reconnect to the San Bernardino-Redlands-Tennessee 66-kV subtransmission line at Barton Road.

- Remove a portion of the existing Dental and Intern 12-kV distribution circuit lines within the WOD ROW and relocate the circuit- lines as follows:
  - The relocated Dental 12-kV distribution circuit line would be approximately 1.5 miles long and would reconnect to the existing Dental 12-kV circuit line.
  - The relocated Intern 12-kV distribution circuit line would be approximately 2.25 miles long and would reconnect to the Intern 12-kV circuit line.

- Install telecommunication lines and equipment for the protection, monitoring, and control of transmission lines and substation equipment.

- Project includes 205.6 miles of access roads: 188.7 miles of existing roads and 16.9 miles of new roads.

V. Project Location

The Project is a linear overhead utility project spanning some 50 miles of Riverside and San Bernardino Counties and within the cities of Banning, Beaumont, Calimesa, Colton, Grand Terrace, Loma Linda, Palm Springs, Rancho Cucamonga, Redlands, San Bernardino, and Yucaipa, and unincorporated areas of the affected counties. The easternmost point of the project is at the Devers Substation (Lat. 33.940 deg. west, Long. -116.575 north). The northeasternmost point of the project is at the San Bernardino Substation (Lat. 33.081 deg.

[1] MCM is an abbreviation for thousandths of circular mils, a measurement of wire gauge. 1 MCM = 1 **kcmil** = 0.5067 square millimeters.

west, Long. -117.238 north) A map showing the Project location is found in Attachment B of this Order.

VI. Project Impact and Receiving Waters Information

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

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information can be found in Attachment C. Table 1 of Attachment C shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Table 1 also includes Individual impact locations and quantities .

VII. Description of Direct Impacts to Waters of the State

Project impacts, both permanent and temporary, primarily result from use, reworking or construction of access road stream crossings. Permanent impacts to 0.152 acres of wetlands will result from the expansion of an access road to one tower.

Total Project fill/excavation quantities for all impacts are summarized in Table 3. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition only.

Table 3: Total Project Fill/Excavation Quantity[2]

Aquatic Resource Type	Temporary Impact[3]			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY	LF	Acres	CY	LF	Acres	CY	LF
Lake									
Ocean/bay/ estuary									
Riparian Zone	1.206						1.744		
Stream Channel	2.499						0.595		
Vernal Pool									
Wetland	0.200			0.152					

[2] Cubic Yards (CY); Linear Feet (LF)

[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.

VIII. Description of Indirect Impacts to Waters of the State

The State Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Indirect impacts could result from adverse effects of road construction, improvement and maintenance resulting from discharge of stormwater runoff from road surfaces into waters of the state. Such discharges may include direct runoff from road surfaces and adjacent upland runoff diverted by road ditches. These impacts would be adequately minimized through enrollment in, and compliance with, the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002) and compliance with the conditions of this certification that pertain to road drainage and stream crossings.

IX. Avoidance and Minimization

The Project would avoid and minimize impacts to waters of the state through implementation of the conditions of this Order, and other measures as discussed in greater detail in attachment A, CEQA findings.

X. Compensatory Mitigation

The Permittee has agreed to provide compensatory mitigation for direct impacts to waters of the state and U.S., as described in section VII for permanent impacts.

XI. California Environmental Quality Act (CEQA)

On August 18, 2016, the California Public Utilities Commission (CPUC) , as lead agency, certified an environmenal impact report/environmental impact statement (EIR/EIS) (State Clearinghouse (SCH) No. 2014051041) for the Project and filed a Notice of Determination (NOD) at the SCH on August 22, 2016. Pursuant to CEQA, the State Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment A.

XII. 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.

XIII. Fees Received

An application fee of $120,000.00 was received on March 28, 2017. 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. The final total fee, using the fee calculator that was in effect on the day the application was deemed complete, was calculated to be $45,775.00. This sum was based on a combined total of 3.45 acres of permanent and temporary impacts. A refund of $74,225.00 will be remitted to the applicant.

XIV. Conditions

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

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Table 3.

B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment D, including specifications for photo and map documentation during the Project.

Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

1. Project Reporting

a. **Monthly Reporting:** Monthly and weekly reports prepared by the CPUC project environmental monitors shall be submitted to State Water Board staff to provide information on ongoing project activities and any minor issues that may arise. These reports integrate CPUC monitors' observations and construction progress input from the Applicant and the Applicant's contractors. In addition to providing these CPUC reports, the Permittee shall meet the reporting requirements herein.

b. Annual Reporting: The Permittee shall submit an Annual Report each year, with the first report due one year from the effective date of this certification. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

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 State Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, State 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,[4] and no further Project activities will occur. This request shall be submitted to State Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the State Water

[4] Completion of post-construction monitoring shall be determined by State Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

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 Materials**[5]

      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://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf

      ii. Following notification to OES, the Permittee shall notify State 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 State Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

   b. **Violation of Compliance with Water Quality Standards:** The Permittee shall notify the State 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. This report shall provide a record of the incident up to the date of submittal. For incidents that require more than three days to resolve, the report required in this condition shall describe the facts of the incident as they are known at the time, and shall provide for follow-up reports as needed.

[5] "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.)

c. In-Water Work

i. The Permittee shall notify the State Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to State Water Board staff. This report shall include all water quality monitoring data collected during the activity and a brief summary of how the work was conducted and concluded.

d. Modifications to Project
Project modifications may require an amendment of this Order. Minor modifications may be administered as certification deviations. The Permittee shall give advance notice to State 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 State Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of 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 State Water Board in accordance with the following terms:

i. The Permittee must notify the State 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 State Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the State Water Board to be named as the permittee in a revised order.

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 must submit to the State Water Board a copy of such documentation and must 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 State 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).

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

3. **In-Water Work or Diversions:**

For Project activities involving planned work in water or stream diversions where flowing or standing water is present, or where flowing or standing water may occur during the Project activities; a water quality monitoring plan shall be submitted to State Water Board staff for acceptance at least 30 days in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan. The plan shall include criteria for monitoring compliance with all pertinent water quality objectives in the Water Quality Control Plan of the affected Regional Water Board.

4. **Post-Construction:** For the duration of the monitoring period provided for in the Habitat Restoration and Revegetation Plan (see subsection H below) visually inspect the Project site during the rainy season to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the State Water Board staff member overseeing the Project within three (3) working days. The State Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

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 section 3867. Additionally, the State Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the State 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). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law

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 must 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 Regional 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 State 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 must, 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. The Permittee shall adhere to all requirements in the West of Devers Upgrade Project Mitigation Monitoring, Compliance, and Reporting Plan Draft (October, 2017) which is incorporated herein by reference and any additional measures as outlined in Attachment A, CEQA Findings of Fact. The Permittee shall likewise adhere to the final plan, upon adoption.

7. **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 E 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 State Water Board staff, Santa Ana and Colorado Basin Regional Water Quality Control Board staffs, 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 must 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. Lake and 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 State Water Board immediately upon execution and prior to any discharge to waters of the state.

G. Construction

Good Site Management – "Housekeeping"

1. All materials and supplies necessary for implementing these construction conditions must be on-site and ready for use at the start of construction activity, and must remain in supply and ready for implementation throughout the construction process. All non-structural BMP materials (e.g., training documents, compliance tracking procedures) must be ready for use at the start of construction.

2. Waste containers shall be available and regularly serviced at all active construction sites. Waste containers shall be placed in appropriate upland sites, and not stored or placed in delineated waters of the state. No rubbish, waste material or waste containers shall be placed and maintained in a manner that could accidentally spill or discharge the contents into waters of the state.

3. Environmentally sensitive areas and environmentally restricted areas must be delineated for exclusion prior to start of construction.

In-Water Work Conditions

4. The term "in-water work" means any ground disturbing activities in any delineated waters of the state, including waters of the U.S., that are permitted under this Order, regardless of the presence or absence of flowing or standing water. Work in water commences at the onset of the regulated activity and continues until the activity is finished and all restoration of the affected work area is complete. In-water work activities must not cause water quality objectives of the receiving waters to be exceeded.

5. Areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity in or adjacent to delineated waters of the state which may result in a discharge to surface waters of the state, including ponded water, shall be dewatered before the activity starts. Appropriate BMPs for placement, operation and removal of diversion or isolation installations for site dewatering (e.g. diversion weirs, cofferdams) shall be used.

6. Any structure or material, including, but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in Fish and Game Code section 45) exist or may exist, must be designed, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the Applicant shall be responsible for restoration of conditions as necessary (as determined by the Water Boards) to secure passage of fish across the structure.

7. Disturbed in-water work areas must be temporarily stabilized to prevent erosion at least 48 hours prior to the predicted commencement of a rainfall event that is forecast to bring greater than one-half inch of precipitation with a greater than a 50 percent

probability of occurrence, as predicted by the National Oceanic and Atmospheric Administration (NOAA) - National Weather Service. If the predicted commencement of such a rainfall event is less than 48 hours after the prediction is issued, temporary stabilization of the disturbed in-water work areas must begin immediately.

8. Except for the following conditions, equipment must not be operated in standing or flowing waters without site-specific approval from State Water Board staff:

   a. All construction activities must be effectively isolated from water flows to the greatest extent possible. This may be accomplished by working in the dry season or dewatering the work area in the wet season. When work in standing or flowing water is required, structures for isolating the in-water work area and/or diverting the water flow must not be removed until all disturbed areas are cleaned and stabilized. The diverted water flow must not be contaminated by construction activities. All open flow temporary diversion channels must be lined with filter fabric or other appropriate liner material to prevent erosion. Structures used to isolate the in-water work area and/or diverting the water flow (e.g., coffer dam, geotextile silt curtain) must not be removed until all disturbed areas are stabilized, whether that removal is for seasonal work cessation or for permanent removal at the end of the project.

   b. Coffer dams and water barrier construction must be adequate to prevent seepage into or from the work area to the greatest extent feasible.

   c. Flow diversions must be conducted in a manner that prevents pollution and/or siltation and in a manner that restores pre-Project flows (except for variation in flows due to seasonality, upstream diversions, etc.) upon completion of the activity. Diverted flows must be of sufficient quality and quantity, and of appropriate temperature, to support existing fish and other aquatic life both above and below the diversion. Diversions must be designed, installed, and maintained to reduce erosion. Pre-Project flows must be restored to the affected surface water body upon completion of work at that location.

9. If groundwater dewatering is required for the Project, the Applicant shall consult with the Regional Water Board to determine if additional permits are required. If additional Regional Water Board permits relating to dewatering are required, the designated State Water Board staff contact identified in this Order must be notified and copied on pertinent correspondence pertaining to those other required permits.

10. All temporary dewatering methods shall be designed to have the minimum necessary impacts to waters of the state. All dewatering methods shall be installed such that natural flow is maintained upstream and downstream of the diversion area. Any temporary dams or diversions shall be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the diversion area. All dewatering methods shall be removed immediately upon completion of activities for which diversions are needed.

11. All temporary dewatering activities are subject to the work-in-water reporting and monitoring conditions presented in sections XV.B.3.c and XV.C.3 above.

Directional Drilling

12. Because Horizontal Directional Drilling (HDD) and similar drilling operations may affect water quality, the following conditions shall apply to all drilling operations under waters of the state:

a. The discharge of bentonite, drilling muds, lubricants or any drilling compounds into waters of the state is prohibited. A draft HDD or drilling plan shall be prepared, and shall be subject to review by State Water Board staff at least 30 days before drilling activities under waters of the state. No HDD or other drilling operations under waters of the state shall commence until the HDD plan is approved by State Water Board staff.

b. Release of bentonite, drilling muds, lubricants or any drilling compounds through fractures in the streambed or bank substrate during drilling is referred to as a "frack-out." Because of the potential for frack-outs to occur, the HDD or drilling plan shall include a frack-out response plan. The frack-out response plan shall specify all measures to be initiated if frack-outs should occur during HDD operations.

c. For all HDD and other drilling sites, a means of containment (e.g., damming, fluming) or screening capable of capturing all of the potential discharge shall be described in the HDD plan. The downstream end of any such containment structure shall be capable of containing all bentonite or other drilling muds or debris that may be released during boring or drilling. Any drilling mud, spoils, etc. must be completely removed from the streambed prior to removal of the containment structures (e.g., dam, flume, and screen).

d. An environmental monitor (monitor) shall provide monitoring for compliance with the HDD or drilling plan throughout drilling operations under waters of the state.

e. Any HDD or other drilling operation shall be designed and directed in such a way as to minimize the risk of spills and discharges of all types including the frack-out release of drilling lubricants through fractures in the streambed or bank substrates. In substrates where frack-outs are likely to occur, HDD contractors shall employ all reasonable means and methods available to minimize potential for track-out.

f. All drilling muds or compounds will be contained and properly disposed of after drilling activities are completed.

g. If bore pits are excavated to support drilling operations, spoils shall be stored a minimum of 25 feet from the top of the bank of streams or wetland/riparian boundary. Spoils shall be stored behind a sediment barrier and covered with plastic or otherwise stabilized (i.e., tackifiers, mulch, or detention).

Hazardous Materials, Waste and Petroleum Products

13. Stationary equipment (motors, pumps, generator, etc.) and vehicles parked in delineated waters shall be positioned over drip pans or other types of containment. Spill and containment equipment (oil spill booms, sorbent pads, etc.) shall be maintained on site at all locations where such equipment is used or staged.

14. Equipment working in delineated waters, including in areas protected by diversions, shall be removed from the delineated waters for fueling or service including maintenance whenever feasible. When use of stationary equipment that would require refueling or service in delineated waters is planned, BMPs for managing the additional risk posed by that refueling and service shall be developed and presented to State Water Board staff for approval. Such BMPs should include any additional precautions necessary to minimize and contain any potential spills and leaks.

Roads and Bridges

15. The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.

16. Bridges, culverts, dip crossings, or other structures shall be installed so that water and instream sediment flow is not impeded. Appropriate design criteria, practices and materials shall be used to prevent water quality impairment related to roads or construction traffic in areas where access roads intersect waters of the state.

17. Temporary road materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.

18. New roads shall be designed to prevent and minimize direct sediment related discharges to waters of the state. Should erosional issues develop on access roads or any other areas within the disturbance area addressed in the SWPPP, the Permittee shall immediately commence development of adaptive management solutions (e.g. relief drains, rolling dips, water bars, inboard ditch relief culverts, or outsloped road segments) and shall commence implementation of those solutions as soon as is practicable, to treat the disturbance and minimize or prevent future occurrences at the site.

19. Stream-crossings and any other in-stream installations must be designed and constructed to safely convey the flow from the 100-year, 24-hour storm event (including associated bed load and debris movement) and must not result in a change in floodway elevations of more than 12 inches. Stream-crossings must be properly aligned within the stream and otherwise engineered, installed, and maintained, to assure resistance to washout, and to prevent erosion and/or aggradation of the stream.

H. 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 as described in a restoration plan. The restoration plan shall be submitted for written acceptance by State Water Board staff within 90 days of issuance of this Order. The restoration plan shall provide the following: a schedule; plans for grading of disturbed areas to pre-project contours; planting palette with plant species native to the Project area; seed collection location; invasive

species management; performance standards; and maintenance requirements (e.g. watering, weeding, and replanting). The Plan shall also include monitoring requirements for the purpose of documenting progress toward achievement of the performance standards.

2. The State Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by State Water Board Executive Director that the performance standards have not been met or are not likely to be met within the monitoring period.

3. Compensatory mitigation may be required to offset temporal loss of waters of the state if all first-season site restoration work prescribed by the final revegetation and restoration plan is not completed within one year of completion of ground-disturbing activity at any permitted impact site.

Table 4: Required Project Mitigation Quantity for Temporary Impacts

Aquatic Resource Type	Mit. Type[6]	Units	Method[7]					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Riparian Zone	PR	Acres			1.206			
Stream Channel	PR	Acres			2.499			
Wetland	PR	Acres			0.200			

I. Compensatory Mitigation for Permanent Impacts[8]

1. Compensatory Mitigation Plan

a. The Permittee has submitted an approved draft compensatory mitigation plan as part of a complete application. The Permittee shall provide a final compensatory mitigation plan for written acceptance by State Water Board staff. Impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been approved by State Water Board staff. Upon acceptance by State Water Board staff, the Permittee shall implement the approved plan.

b. Permittees fulfilling their compensatory mitigation obligations by securing credits from an approved mitigation bank or in-lieu fee program, should include the items

[6] Mitigation type for onsite restoration of temporary impacts is Permittee Responsible (PR).

[7] Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

[8] Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

described in 40 CFR § 230.94(c)(5)-(6), and the name of the specific mitigation bank or in-lieu fee program to be used

2. **Irrevocable Letter of Credit**
   a. The Permittee shall establish in favor of the State Water Board, an irrevocable letter of credit in an amount sufficient to pay for the cost of the Permittee's required compensatory mitigation under this Order within 30 days of issuance of this Order. The Permittee shall prepare a draft letter of credit and submit it to the State Water Board staff for written acceptance. The letter of credit shall allow the State Water Board to immediately draw on the letter of credit if the State Water Board staff determines in its sole discretion that the Permittee has failed to meet its mitigation obligations.

   b. If the Permittee is unable to establish a letter of credit, it shall arrange a different security instrument with State Water Board staff within 30 of issuance of this Order.

   c. The Permittee shall finalize and execute the security instrument within sixty (60) days after the State Water Board staff approves the draft security instrument. The Permittee shall have a security instrument in place until the Permittee has completed the required compensatory mitigation and achieved all performance standards.

   d. If the Permittee has not completed the required compensatory mitigation and achieved all performance standards within sixty (60) days prior to the security instrument's expiration date, the Permittee shall obtain an extension or a new security instrument. The new security instrument shall be subject to State Water Board staff acceptance following the same procedure described in the conditions above.

3. **Purchase of Mitigation Credits by Permittee for Compensatory Mitigation**

   a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the State Water Board on within 180 days of authorized impacts.

   b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until State Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

4. **Total Required Compensatory Mitigation**

   a. The Permittee is required to provide compensatory mitigation for the authorized impacts to wetlands by purchasing credits as described below:

      i. 0.420 credits in the Riverside Corona Resource Conservation District (RCRCD) ILF Program (rehabilitation at 2.75:1 ratio) for the physical loss of 0.152 acres of wetland in the 801.00 hydrologic unit of the Santa Ana Water Quality Control Region.

   b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5.

Table 5: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Comp Mit. Type[9]	Units	Method[10]					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Wetland	ILF	Acres			0.420			

b. The Permittee is required to provide compensatory mitigation for the ecological degradation to streams by purchase of credits at approved mitigation bank(s) or in-lieu fee program(s) as described below.

i. 1.000 credits in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) In-Lieu Fee (ILF) Program (establishment at 2.20:1 ratio) for 0.456 acres of stream channel impacts in the 719.00 hydrologic unit of the Colorado River Basin Water Quality Control Region.

ii. 0.184 credits in the Riverside Corona Resource Conservation District (RCRCD) ILF Program (rehabilitation at 1.33:1 ratio) for 0.139 acres of stream channel impacts in the 819.00 hydrologic unit of the Santa Ana Water Quality Control Region.

c. Total required Project compensatory mitigation information for ecological degradation is summarized in Table 6.

Table 6: Required Project Compensatory Mitigation Quantity for Permanent Degradation of Ecological Condition

Aquatic Resource Type	Comp Mit. Type[11]	Units	Method[12]					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	ILF	Acres	1.000		0.184			

[9] Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

[10] Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

[11] Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

[12] Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

J. Certification Deviation

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water resources. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For purposes of this Certification, a "Certification Deviation" is a Project locational or impact modification that does not require an immediate amendment of the Order, because the State Water Board has determined that any potential water resource impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.

2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

XV. Water Quality Certification

I hereby issue the Order for the West of Devers Upgrade Project, (SB17003IN) 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 State Water Board will file a Notice of Determination (NOD) at the SCH within five (5) working days of issuance of this Order. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

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.

Eileen Sobeck
Executive Director
State Water Resources Control Board

3/1/18
Date

Attachment A CEQA Findings of Fact
Attachment B Project Area Map
Attachment C Receiving Waters and Beneficial Uses
Attachment D Reports and Notifications
Attachment E Signatory Requirements
Attachment F Certification Deviations