

**STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD**

In the Matter of Water Quality Certification for

**SOUTHERN CALIFORNIA EDISON COMPANY
SAN GORGONIO FLOWLINE LINE NO. 1 REPAIR PROJECT**

SOURCES: East and South Forks of Whitewater River and Black Wheel Creek

COUNTY: San Bernardino

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

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Acronyms and Abbreviations

<i>Antidegradation Policy</i>	<i>Statement of Policy with Respect to Maintaining High Quality Waters in California</i>
<i>Applicant</i>	<i>Southern California Edison Company</i>
<i>BMPs</i>	<i>Best Management Practices</i>
<i>CDFW</i>	<i>California Department of Fish and Wildlife</i>
<i>CEQA</i>	<i>California Environmental Quality Act</i>
<i>certification</i>	<i>water quality certification</i>
<i>Certification Rule</i>	<i>United States Environmental Protection Agency Clean Water Act Section 401 Certification Rule, 85 Fed. Reg. 42, 210 (July 13, 2020)</i>
<i>Colorado River Basin Plan</i>	<i>Water Quality Control Plan for the Colorado River Basin Region</i>
<i>Colorado River Regional Water Board</i>	<i>Colorado River Regional Water Quality Control Board</i>
<i>Construction General Permit</i>	<i>General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities</i>
<i>Deputy Director</i>	<i>Deputy Director of the Division of Water Rights</i>
<i>Dewatering Plan</i>	<i>Diversion and Dewatering Plan</i>
<i>Dredge or Fill Procedures</i>	<i>State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State</i>
<i>ESA</i>	<i>Endangered Species Act</i>
<i>ESCM</i>	<i>Erosion and Sedimentation Control Measure</i>
<i>Executive Officer</i>	<i>Executive Officer of Colorado River Regional Water Quality Control Board</i>
<i>FERC</i>	<i>Federal Energy Regulatory Commission</i>
<i>Hazardous Materials Plan</i>	<i>Hazardous Materials Management Plan</i>
<i>HDPE</i>	<i>high density polyethylene</i>
<i>NPDES</i>	<i>National Pollutant Discharge Elimination System</i>
<i>NOE</i>	<i>Notice of Exemption</i>
<i>Project</i>	<i>San Gorgonio Flowline Line No. 1 Repair Project</i>
<i>Regional Water Boards</i>	<i>Regional Water Quality Control Boards</i>
<i>SCE</i>	<i>Southern California Edison Company</i>
<i>State Water Board</i>	<i>State Water Resources Control Board</i>
<i>USACE</i>	<i>United States Army Corps of Engineers</i>
<i>USEPA</i>	<i>United States Environmental Protection Agency</i>
<i>Water Boards</i>	<i>State Water Resources Control Board and Regional Water Quality Control Boards, collectively</i>

1.0 Project Description

Southern California Edison Company (SCE or Applicant) is proposing the San Gorgonio Flowline Line No. 1 Repair Project (Project) to replace Flowline Line No. 1 and to repair diversion structures in the East and South Forks of the South Fork Whitewater River and Black Wheel Creek. The Project is needed to address significant damage to Flowline Line No. 1 and diversion structures from the 2020 Apple Fire. Flowline Line No. 1 and the diversion structures are part of the San Gorgonio 1 and 2 Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 344, which is located near the city of Banning and the town Banning Heights in San Gorgonia Pass on 246 acres of lands managed by the United States Forest Service in the San Bernardino National Forest and on private land.

On September 29, 2010¹, SCE filed with FERC a license surrender application for its San Gorgonio 1 and 2 Hydroelectric Project. Following license surrender, SCE proposes to transfer some of the San Gorgonio 1 and 2 Hydroelectric Project water conveyance system to the San Gorgonio Pass Water Agency, Banning Heights Mutual Water Company, and the City of Banning. As part of FERC-led mediation, SCE proposes to repair parts of the water conveyance system prior to license surrender. The 2020 Apple Fire burned and damaged large portions of the Project infrastructure interrupting water supply to local communities. Some repair work was conducted in 2022 and will be concluded as part of the Project.

The Project includes: (1) repairing damaged concrete on the East Fork Diversion structure and replacing the sandbox; (2) replacing the 7,793-foot-long upper Flowline No. 1 with an 18-inch high density polyethylene (HDPE) pipe from the East Fork Diversion to the South Fork Diversion; (3) repairing the South Fork Diversion structure and replacing the sandbox connecting the Upper and Lower Flowlines; (4) repairing the Black Wheel Creek Diversion, located 1,200 feet downstream of the South Fork sandbox; (5) constructing a concrete box where the flowline crosses Forest Road at Raywood Flat to facilitate water conveyance to an existing open concrete flume and installing concrete aprons in areas along the flowline that are subject to scour and high flows; (6) installing gabion structures, concrete aprons, or other stabilization measures at several locations along Upper Flowline No. 1; and (7) clearing and grading all work areas and a new temporary access road to the Black Wheel Creek worksite.

Staging areas are planned on disturbed land in parking lots near each worksite and equipment will be helicoptered or trucked to each site. Repairs at each diversion structure and access to the East Fork work site will require dewatering sections of the East and South Forks of Whitewater River and Black Wheel Creek.

¹ As supplemented on November 3, 2010, September 14, 2012, November 6, 2012, and November 20, 2012.

SCE anticipates construction to begin in June 2023 and finish in December 2023. Project implementation requires a permit from the United States Army Corps of Engineers (USACE) pursuant to section 404 of the Clean Water Act. SCE anticipates it will obtain coverage for the Project from the USACE under the following Nationwide Permits: 13 – Bank Stabilization and 3 – Maintenance. A section 404 permit from USACE requires SCE to obtain a Clean Water Act section 401 water quality certification (certification) from the State Water Resources Control Board (State Water Board) for the Project. USACE has assigned the Project a designation number of SPL-2023-00237. Project maps can be found in Attachment A: Project Maps.

2.0 Water Rights

Table A shows the water right associated with the Project.

Table A. SCE’s San Gorgonio Flowline Line No. 1 Repair Project Water Rights*

License No.	Source	Licensed Date	Place of Storage or Diversion	Purpose of Use
000550	East/West branches of South Fork Whitewater River; Black Wheel Creek	12/13/1926	East Fork Diversion Structure; South Fork Diversion Structure; Black Wheel Creek Diversion Structure	Power

* Information is from the State Water Board’s electronic Water Rights Information Management System.

3.0 Regulatory Authority

3.1 Water Quality Certification and Related Authorities

The federal Clean Water Act (33 U.S.C. §§ 1251-1388) was enacted “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” (33 U.S.C. § 1251(a).) The Clean Water Act relies significantly on state participation and support in light of “the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution” and “plan the development and use” of water resources. (33 U.S.C. § 1251(b).) Section 101 of the Clean Water Act (33 U.S.C. § 1251(g)) requires federal agencies to “co-operate with State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources.” (33 U.S.C. § 1251(g).)

Section 401 of the Clean Water Act (33 U.S.C. § 1341) requires any applicant for a federal license or permit that may result in a discharge into navigable waters to provide the licensing or permitting federal agency with certification that the project will comply with specified provisions of the Clean Water Act, including water quality standards and implementation plans promulgated pursuant to section 303 of the Clean Water Act (33 U.S.C. § 1313). Clean Water Act section 401 directs the agency responsible for

certification to prescribe effluent limitations and other conditions necessary to ensure compliance with the Clean Water Act and with “any other appropriate requirement of State law.” (33 U.S.C. §1341(d).) Section 401 further provides that certification conditions shall become conditions of any federal license or permit for the project. (*Ibid.*)

The State Water Board is the state agency responsible for Clean Water Act section 401 certification in California. (Wat. Code, § 13160.) The State Water Board has delegated authority to act on applications for certification to the Executive Director of the State Water Board. (Cal. Code Regs., tit. 23, § 3838, subd. (a).)

Water Code section 13383 authorizes the State Water Board to “establish monitoring, inspection, entry, reporting, and recordkeeping requirements” and obtain “other information as may be reasonably required” for activities subject to certification under section 401 of the Clean Water Act. For activities that involve the diversion of water for beneficial use, the State Water Board delegated this authority to the Deputy Director of the Division of Water Rights (Deputy Director), as provided for in State Water Board Resolution No. 2012-0029 (State Water Board 2012). In the *Redelegation of Authorities* memo issued by the Deputy Director on April 20, 2023, this authority is redelegated to the Assistant Deputy Directors of the Division of Water Rights (State Water Board 2023).

Procedure, Application, and Noticing

On March 15, 2023, SCE filed a certification application with the State Water Board under section 401 of the Clean Water Act. On April 14, 2023, State Water Board staff provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858, by posting information describing the Project on the State Water Board’s website. No comments were received in response to this notice.

On May 23, 2023, State Water Board staff requested comments from the Colorado River Regional Water Quality Control Board (Colorado River Regional Water Board) on the certification application. (See Cal. Code Regs., tit. 23, § 3855, subd. (b)(2)(B).) No comments were received.

3.2 Water Quality Control Plans and Related Authorities

The State Water Board’s certification for the Project must ensure compliance with applicable water quality standards and objectives in the Colorado River Regional Water Board *Water Quality Control Plan for the Colorado River Basin Region* (Colorado River Basin Plan) (Colorado River Regional Water Board 2023).

Water quality control plans designate the beneficial uses of water to be protected (such as municipal and domestic supply, industrial, agriculture, and fish and wildlife habitat), water quality objectives for the reasonable protection of the beneficial uses and the prevention of nuisance, and a program of implementation to achieve the water quality objectives. (Wat. Code, §§ 13241, 13050, subds. (h), (j).) The beneficial uses, together with the water quality objectives contained in the water quality control plans and applicable state and federal anti-degradation requirements, constitute California’s water

quality standards for purposes of the Clean Water Act. In issuing certification for a project, the State Water Board must ensure consistency with the designated beneficial uses of waters affected by the project, the water quality objectives developed to protect those uses, and anti-degradation requirements. (*PUD No. 1 of Jefferson County v. Washington Dept. of Ecology* (1994) 511 U.S. 700, 714-719.)

The California Regional Water Quality Control Boards (Regional Water Boards) have primary responsibility for the formulation and adoption of water quality control plans for their respective regions, subject to State Water Board and United States Environmental Protection Agency (USEPA) approval, as appropriate. (Wat. Code, §§ 13240 et seq.) As noted above, the State Water Board may also adopt water quality control plans, which will supersede regional water quality control plans for the same waters to the extent of any conflict. (Wat. Code, § 13170.) The State Water Board and Regional Water Boards (collectively Water Boards) adopt the plans pursuant to their authorities under the Porter-Cologne Water Quality Control Act (Wat. Code, §§ 13000 et seq.) and the federal Clean Water Act (33 U.S.C. § 1313).

Colorado River Basin Plan

The Colorado River Regional Water Board adopted, and the State Water Board and USEPA approved, the Colorado River Basin Plan. The Colorado River Basin Plan designates the beneficial uses of water to be protected along with the water quality objectives necessary to protect those uses. The Colorado River Basin Plan identifies existing beneficial uses for the Whitewater River and intermittent streams such as Black Wheel Creek as: municipal and domestic supply; agricultural supply; groundwater recharge; water contact recreation; non-contact water recreation; cold freshwater habitats; wildlife habitat; and hydropower generation. The Colorado River Basin Plan identifies intermittent beneficial uses of the Whitewater River and intermittent streams such as Black Wheel Creek as: warm water habitat.

Antidegradation Policy

The State Water Board's **Statement of Policy with Respect to Maintaining High Quality Waters in California** (Antidegradation Policy)² (State Water Board 1968) requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably impact present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state

² State Water Board Resolution No. 68-16 and any amendments thereto. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf. Accessed on May 24, 2023.

will be maintained. The state Antidegradation Policy incorporates the federal Antidegradation Policy (40 C.F.R. § 131.12 (a)(1)), which requires “[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.”

3.3 Construction General Permit

SCE will need to obtain coverage under the State Water Board’s *National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit)³ (State Water Board 2009). The Construction General Permit applies to activities that disturb one or more acres of soil, or that disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. Construction activities subject to the Construction General Permit include clearing, grading, and disturbances to the ground, such as stockpiling or excavation, but do not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. Coverage is required pursuant to Clean Water Act sections 301 and 402, which prohibit certain discharges of stormwater containing pollutants except in compliance with a NPDES permit. (33 U.S.C. §§ 1311, 1342(p); 40 C.F.R. pts. 122, 123, and 124.)

3.4 State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State

On April 2, 2019, the State Water Board adopted the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Dredge or Fill Procedures)⁴ (State Water Board 2019 and 2021)⁵. The Dredge or Fill Procedures provide California’s definition of wetland, wetland delineation procedures, and procedures for submitting applications for activities that could result in discharges of dredged or fill material to waters of the state. The Dredge or Fill Procedures ensure that State Water Board regulatory activities will result in no net loss of wetland quantity,

³ Water Quality Order No. 2009-0009-DWQ and NPDES No. CAS000002, as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, Order No. 2022-0057-DWQ, and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html Accessed on May 24, 2023.

⁴ The Dredge or Fill Procedures and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html. Accessed on May 24, 2023.

⁵ Resolution No. 2021-0012 is available online at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wrapp/rs2021_0012.pdf. Accessed on May 24, 2023.

quality, or permanence, compliant with the *California Wetlands Conservation Policy*, Executive Order W-59-93. SCE must comply with the Dredge or Fill Procedures when conducting dredge or fill activities that may impact waters of the state, including wetlands.

3.5 Clean Water Act Section 303(d) Listing

On January 19, 2022, the State Water Board adopted the [2020-2022 California Integrated Report \(Clean Water Act Section 303\(d\) List/305\(b\) Report\)](#)⁶ (State Water Board 2022) and it was approved by USEPA on May 11, 2022. Whitewater River and Black Wheel Creek are not identified as impaired waterbodies in the 2020-2022 California Integrated Report (Clean Water Act Section 303(d) List/305(b) Report).

4.0 California Environmental Quality Act

The City of Banning is the lead agency for the purpose of compliance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). The State Water Board is a responsible agency under CEQA. (Id., § 15381.)

CEQA applies to discretionary projects that may cause a direct or indirect physical change in the environment. (Pub. Resources Code, §§ 21000 et seq.) When proposing to undertake or approve a discretionary project, state agencies must comply with the procedural and substantive requirements of CEQA. The City of Banning, as the Project proponent, concluded that the Project is categorically exempt from CEQA under Class 2, replacement or reconstruction of existing utility systems with negligible or no expansion of capacity (Cal. Code Regs, tit. 14, § 15302). On March 15, 2023, SCE provided the State Water Board with a copy of the Notice of Exemption (NOE) developed by the City of Banning and filed with the State Clearinghouse on June 8, 2023. The State Water Board considered the NOE in connection with the issuance of this certification and, based on its independent judgment, agrees that the Project meets the Class 2 exemption. No exceptions to the Class 2 exemption bar application of the exemption.

This certification has been informed by information contained in SCE's certification application. Documents and other materials that constitute the public record are located at the State Water Board, Division of Water Rights, 1001 I Street, Sacramento, California. The State Water Board will file a NOE with the State Clearinghouse within five working days of issuing this certification (Cal. Code Regs., title 14, § 15075.)

⁶ 2020-2022 Integrated Report. Available at: https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html. Accessed on May 24, 2023.

5.0 Rationale for Water Quality Certification Conditions

This section of the certification explains that the grant of certification, as conditioned, is warranted and why the conditions in Section 7.0 are necessary to ensure that the Project and its discharges will comply with water quality requirements. This section also includes, as necessary, citations to federal, state, or tribal laws that authorize the conditions and sets forth citations to applicable regulatory authority. Section 3.0 also sets forth citations to applicable regulatory authority. The explanation and citations should be evaluated in the context of the certification as a whole, but the certification conditions are set forth only in Section 7.0.

As explained in this section, the conditions in this certification are generally required pursuant to the Colorado River Basin Plan, as described in Section 3, Regulatory Authority.

The Dredge or Fill Procedures, adopted pursuant to Water Code sections 13140 and 13170, authorize approval of dredge or fill projects subject to satisfaction of specified requirements. California Code of Regulations, title 23, sections 3830 et seq., set forth state regulations pertaining to certifications. In particular, section 3856 sets forth information that must be included in certification requests, and section 3860 sets forth standard conditions that shall be included in all certification actions. Authorization under this certification is granted based on the description and information in the application submitted. An applicant is required to detail the scope of Project impacts in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h).

Water Code sections 13267 and 13383 authorize the Water Boards to establish monitoring and reporting requirements for persons discharging or proposing to discharge waste to navigable waters. Water Code section 1051 additionally authorizes the State Water Board to investigate waters diverted for beneficial use. Moreover, this certification ensures continued monitoring, reporting, and assessment of water quality for discharges that may impact waters of the state.

Fish and Game Code section 5937 requires any owner of a dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream. Section 5937 and requirements to maintain or monitor flow or other water quality characteristics as required to meet section 5937 are appropriate conditions of state law necessary to protect fishery beneficial uses.

In general, the code citations, plans, and policies that support issuance of this certification that are described in Section 3 are not duplicated in this section. The conditions in this certification were developed to ensure compliance with water quality standards and water quality requirements established under the Porter-Cologne Water Quality Control Act and the federal Clean Water Act, including requirements in applicable water quality control plans, and other appropriate requirements of state law. The conditions in Section 7.0 of this certification are necessary to protect the beneficial uses of waters of the state identified in water quality control plans, prevent degradation

of water quality, and help ensure compliance with state and federal water quality requirements.

When preparing the conditions in this certification, State Water Board staff reviewed and considered the following information:

- SCE’s March 15, 2023 application for certification (SCE 2023a) including its attachments (Attachments 1 through 6), as supplemented on April 21, 2023 (SCE 2023b);
- Beneficial uses, water quality objectives, and implementation measures and programs described in the Colorado River Basin Plan;
- Applicable water quality information, permits, policies, objectives, implementation measures, and programs (e.g., Construction General Permit, Dredge or Fill Procedures, etc.);
- Project-related controllable factors; and
- Other information in the record.

To the extent USACE considers any certification condition to include requirements outside the substantive scope of USEPA’s Clean Water Act Section 401 Certification Rule, 85 Fed. Reg. 42, 210 (July 13, 2020) (Certification Rule), the Certification Rule—including but not limited to 40 C.F.R. §§ 121.1(f) and (n), 121.3, 121.7(d)(1), and 121.9(b)—is inconsistent with federal law and controlling case law. Under section 401 of the Clean Water Act, when an activity requiring a federal permit or license “may result in any discharge into the navigable waters,” the applicant is required to obtain a certification that states the discharge will comply with applicable water quality standards and that also sets forth any “limitations” and “monitoring requirements” necessary to assure that the “applicant” will comply with water quality standards and “any other appropriate requirement of State law.” (33 U.S.C. § 1341(a) & (d).) Certification is required for such activity as a whole, not merely for its point-source discharges to waters of the United States. (*PUD No. 1*, supra, 511 U.S. at pp. 711-712.) USEPA has indicated its intent to revise the Certification Rule because, among other faults, it “may prevent state and tribal authorities from adequately protecting their water quality,” “may result in a state or tribe’s certification or conditions being permanently waived as a result of non-substantive and easily fixed procedural concerns,” and “may limit the flexibility of certifications and permits to adapt to changing circumstances.” (86 Fed. Reg. 29,543-29,544 (June 2, 2021).) USEPA has maintained its “substantial concerns” and has asked that the Certification Rule be voluntarily remanded in ongoing litigation. Additionally, on June 9, 2022, USEPA published in the Federal Register a proposed rule to revise procedures for implementing section 401 of the Clean Water Act. The proposed rule would replace and update the Certification Rule (USEPA 2022). As explained in this certification, each certification condition is authorized by applicable state and federal law and is necessary to ensure compliance with such laws. This paragraph is hereby incorporated as part of the explanatory statement for each condition of this certification.

5.1 Rationale for Condition 1: Project Activities

As described in Section 5.0, this certification is granted based on the application and supporting information submitted in accordance with the State Water Board's regulations and subject to requirements of the Porter-Cologne Water Quality Control Act. Condition 1 requires SCE to implement the Project as described in its March 15, 2023 certification application (SCE 2023a), as supplemented on April 21, 2023 (SCE 2023b), and as modified by the conditions of this certification. Condition 1 will help ensure that the Project is implemented in a manner that protects water quality objectives and avoids unreasonable impacts to beneficial uses. Any changes to the Project description that are inconsistent with the Project application and supplemental documents SCE provided to the State Water Board prior to certification issuance could impact the findings, conclusions, and conditions of the certification and may necessitate the filing of an amendment or new application as well as trigger additional environmental review.

5.2 Rationale for Condition 2: Diversion and Dewatering

The Project includes dewatering and other in-water and water-adjacent work that may have direct impacts to water quality in Whitewater River and Black Wheel Creek. Water quality parameters that may be impacted by such activities include turbidity, dissolved oxygen, and pH. Additionally, de-watering itself can impact aquatic life-related beneficial uses. Project activities that may impact water quality through dewatering and other in-water and water-adjacent work include: (1) road grading through the East Fork Whitewater River; (2) installation and removal of Whitewater River and Black Wheel Creek temporary water bypass measures; (3) dewatering of the East Fork Whitewater River and Black Wheel Creek work areas; (4) demolition and concrete work on the East Fork Whitewater River and Black Wheel Creek diversion structures; (5) installation of a pipe over the South Fork Whitewater River and Black Wheel Creek; and (6) installation of sandboxes at the East Fork Whitewater River, South Fork Whitewater River, and Black Wheel Creek diversion structures.

Development and implementation of a Diversion and Dewatering Plan (Dewatering Plan) is required to ensure beneficial uses are protected and to comply with Colorado River Basin Plan's water quality objectives, and other appropriate requirements of state law. Monitoring requirements of Condition 2 are consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383.

Condition 2 requires SCE to develop and implement a Deputy Director approved Dewatering Plan to ensure the protection of Whitewater River and Black Wheel Creek water quality and associated beneficial uses during Project implementation. The Dewatering Plan will include water quality monitoring, measures to avoid water quality impacts, reporting, and adaptive management, as needed.

Existing beneficial uses for the Whitewater River that may be impacted by dewatering include: municipal and domestic supply; agricultural supply; groundwater recharge; water contact recreation; non-contact water recreation; cold freshwater habitats; wildlife

habitat; and hydropower generation. Intermittent beneficial uses of the Whitewater River that may be impacted by dewatering includes warm water habitat. Intermittent beneficial uses for intermittent streams such as Black Wheel Creek that may be impacted by dewatering include: groundwater recharge; water contact recreation; non-contact water recreation; warm water habitat; wildlife habitat; and preservation of rare, threatened, or endangered species.

5.3 Rationale for Condition 3: Erosion and Sediment Measures

Erosion and sedimentation can contribute to degradation of the waters of the state; therefore, it is necessary to implement actions to eliminate or limit such discharges to protect water quality and associated beneficial uses. Project activities, including vegetation removal, stockpiling, fill and excavation work, riprap placement, and other ground disturbing activities, have the potential to cause erosion of riparian habitat and increased sedimentation in Whitewater River and Black Wheel Creek. Increases in erosion and sedimentation can exceed water quality objectives (e.g., turbidity) and impact beneficial uses. Condition 3 requires SCE to develop and implement erosion and sediment control measures to ensure water quality standards are met during Project construction.

Condition 3 also requires SCE, as applicable, to comply with the Construction General Permit, described in Section 3.3, to ensure that construction-related Project activities, including but not limited to those with the potential to cause erosion and sedimentation, do not impact water quality and beneficial uses. This is required pursuant to Clean Water Act sections 301 and 402 that prohibit certain discharges of stormwater containing pollutants except in compliance with an NPDES permit. (33 U.S.C. §§ 1311, and 1342(p); 40 C.F.R. pts. 122, 123, and 124.) Protection of the beneficial uses identified in the Colorado River Basin Plan requires effluent limitations and other limitations on discharges of pollutants from point and nonpoint sources to the Whitewater River and Black Wheel Creek. Erosion from Project construction activities has the potential to result in discharges that violate water quality standards. Compliance with the Construction General Permit will help ensure protection of water quality and beneficial uses.

Beneficial uses of the Whitewater River and Black Wheel Creek that would be impacted by increased erosion and sedimentation include, but are not limited to: domestic and municipal water supply, cold water habitats, and wildlife habitat.

5.4 Rationale for Condition 4: Hazardous Materials

Appropriate hazardous materials management is essential to ensure hazardous materials are properly stored, transported, and managed in the Project area to avoid the discharge of hazardous materials to surface waters, and the associated impacts to beneficial uses, including contaminated drinking and agricultural water supplies and impacts to aquatic resources and their habitats. Condition 4 requires SCE to design and implement a Hazardous Materials Management Plan to address hazardous materials management for the protection of water quality.

The Project involves concrete construction using heavy equipment that will require refueling and servicing. Site management requires implementation of best management practices (BMPs) to prevent, minimize, and/or clean up construction spills, including from construction equipment. For instance, fuels and lubricants associated with the use of mechanized equipment have the potential to result in toxic discharges to surface water in violation of water quality standards, including the toxicity and floating material water quality objectives. Secondary containment around hazardous materials storage sites helps ensure that any leaks or spills of hazardous materials do not result in a discharge to waters. Condition 4 is required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this certification.

The Colorado River Basin Plan includes narrative water quality objectives for oil, grease, and other hazardous materials. Waters must be free of hazardous materials in concentrations that adversely affect beneficial uses, including matter “floating as debris, scum, grease, oil, wax, or other matter that may cause nuisances” (Colorado River Regional Water Board 2023).

Existing beneficial uses for the Whitewater River that may be impacted by hazardous material contamination include: municipal and domestic supply; agricultural supply; groundwater recharge; water contact recreation; non-contact water recreation; cold freshwater habitats; wildlife habitat; and hydropower generation. Intermittent beneficial uses of the Whitewater River that may be impacted by hazardous material contamination include warm water habitat. The Intermittent beneficial uses for intermittent streams such as Black Wheel Creek that may be impacted by hazardous material contamination include: groundwater recharge; water contact recreation; non-contact water recreation; warm water habitat; wildlife habitat; and preservation of rare, threatened, or endangered species.

5.5 Rationale for Condition 5: Aquatic Biological Resources

Project discharges associated with construction have the potential to adversely impact habitat use and to interfere with native aquatic species that depend heavily on aquatic food or live in riparian or wetland habitats. The Project includes ground disturbing activities with the potential to impact special status wildlife. No aquatic species that are currently listed as threatened, endangered, or candidate under the federal Endangered Species Act (ESA) and the California ESA have the potential to occur in the Project area (SCE 2023a).

During Project construction there is a potential for impacts to aquatic species, including fish, if present. Implementation of aquatic resource protection measures will avoid unreasonable impacts to water quality and the beneficial uses related to fish and habitat, and support a dam owner’s requirement under Fish and Game Code 5937 to maintain fish in good condition below a dam. Beneficial uses in the Whitewater River and Black Wheel Creek related to fish and habitat that may be impacted by Project discharges of dredge and fill material include: warm water habitat, cold water habitats, and wildlife habitat.

Condition 5 also requires that SCE compensate for permanent impacts to riparian and stream channel habitat in compliance with the Dredge or Fill Procedures described in Section 3.4.

5.6 Rationale for Condition 6: Project Progress and Completion Reports

Condition 6 requires SCE to submit Progress Reports during construction to document Project status and compliance with certification requirements and as a regular forum to track and require adaptations based on implementation of required measures to protect water quality. Additionally, Condition 6 requires SCE to submit a Project Completion Report following Project completion to document compliance with certification requirements. The Progress Reports and Project Completion Report will inform the Deputy Director of compliance with water quality objectives and protection of beneficial uses during Project implementation.

5.7 Rationale for Conditions 7 through 26

This certification imposes additional conditions regarding Project approvals, monitoring, enforcement, and potential future revisions. Conditions 7 through 26 are necessary to protect the beneficial uses of waters of the state identified in water quality control plans, prevent degradation of water quality, and help ensure compliance with state and federal water quality requirements.

Condition 7 is necessary to comply with Water Code section 13167 and Conditions 8 through 11 contain important clarifications concerning the scope and legal effect of this certification, and other legal requirements that may apply to the Project.

Monitoring, reporting, and assessment actions, and the information developed through such actions, must be readable, shared, and coordinated with other appropriate entities, and accessible to ensure that a discharge activity complies with water quality requirements. Water Code section 13167 requires the Water Boards to ensure that monitoring data and assessment information are available in a single location and that the information is presented in a manner easily understandable by the public. To fulfill this legislative mandate, Condition 7 requires electronic data submittal in a compatible format with existing system specifications. Compliance with this condition enhances data accessibility of and the transparency of regulatory actions. This allows regulatory agencies and the public to better assess compliance and understand water quality trends or data anomalies by compiling data and making it readily available.

Pursuant to the California ESA (Fish & G. Code, §§ 2050 et seq.) and federal ESA (16 U.S.C. §§ 1531 et seq.), Condition 8 of the certification clarifies that the certification does not authorize any act which results in the taking of a threatened, endangered, or candidate species. Regardless of compliance with other conditions, a discharge from the Project that causes water quality impacts affecting listed species or their critical habitats shall not be permitted to result in unauthorized take. This condition is necessary to protect the beneficial use of endangered species and habitat protection as well as beneficial uses for protection of aquatic life and wildlife.

An applicant for certification is required to identify other licenses, permits, and agreements in the application. In the event an applicant for certification needs authorization from the state or federal authorities, California Code of Regulations, title 23, section 3856, subdivision (e), requires that the applicant provide copies of “any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included.” Water Code section 13160, subdivision (b)(1) allows the State Water Board to issue a certification when there is “reasonable assurance that an activity of any person subject to the jurisdiction of the state board will comply with applicable requirements” of state and federal law. Condition 9 serves to notify applicants that there may be additional applicable federal, state, or local laws or ordinances with which they must comply and provides additional assurance the certification can be issued in compliance with Water Code section 13160.

Because agency organization and authorities change over time, Condition 10 provides direction for continuity of oversight in the event an agency’s authority or responsibility is transferred to or subsumed by another agency. This ensures that the water quality protection requirements will not be interrupted by agency transitions.

The State Water Board is responsible for the water right, water quality, and drinking water functions of the California state government. (Wat. Code, § 174.) Certain certifications involve an appropriation of water subject to part 2 of division 2 of the Water Code or the diversion of water for certain beneficial uses. (See, e.g., Cal. Code Regs., tit. 23, § 3855, subd. (b)(1)(A).) Condition 11 explains the State Water Board’s issuance of this certification is not adjudicating or approving the validity of water rights that may be related to the Project. It also recognizes the State Water Board’s authority, independent of its water quality authority, to prevent unauthorized or threatened unauthorized diversions of water. This helps to ensure that an applicant for a federal license or permit that involves a discharge to navigable waters understands that, except as specified in the certification, the certification does not constitute, or excuse the applicant from obtaining any other State Water Board approvals required for the activity.

Conditions 12 through 14 are necessary to assure that any discharge authorized under the certification will comply with water quality requirements. These conditions are included to comply with California Code of Regulations, title 23, section 3860, which sets forth conditions that must be included in all certifications. Condition 12 is a standard condition that “shall be included as conditions of all certification actions” pursuant to California Code of Regulations, title 23, section 3860, subdivision (a). This condition places the permittee on notice that the certification action may be modified or revoked following administrative or judicial review. Condition 13 is a standard condition that “shall be included as conditions of all water quality certification actions” pursuant to California Code of Regulations, title 23, section 3860(b). This condition clarifies the scope of the certification’s application and ensures that any applicant for a federal license or permit, which may result in a discharge into navigable waters, is subject to the appropriate State certification. Condition 14 is a standard condition that “shall be included as conditions of all water quality certification actions” pursuant to California

Code of Regulations, title 23, section 3860(c). This fee requirement condition is required pursuant to California Code of Regulations, title 23, section 3833(b), which requires payment of fees by project proponents applying for certification. Fees are essential to support the Water Boards certification program, which includes the development of certifications and related inspections to ensure the protection of water quality and beneficial uses that may be impacted by a project.

Conditions 15 through 25 are necessary to ensure that the Project operates to meet water quality standards and other appropriate requirements of state law, or that adjustments are made to ensure continued compliance with water quality standards in light of new information, changes to the Project, or changes to the standards themselves.

This certification requires monitoring, reporting, and analysis as important elements to ensure that the Project activities will comply with state and federal water quality requirements and other appropriate requirements of state law. Conditions 15, 16, and 17 provide for extensions of time to comply with requirements, prevention or remedy of violations, and notification of changed conditions to ensure compliance and prevent violations of water quality standards. In the event of non-compliance, modified conditions may be necessary to return the Project to compliance and prevent violation of water quality standards. Conditions 18 and 19 require SCE to comply with the Colorado River Basin Plan and to take all reasonable measures to protect water quality and beneficial uses, in accordance with plans adopted pursuant to state and federal water laws. Water Code section 13267 authorizes the State Water Board to require any person or entity who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to furnish, under penalty of perjury, technical or monitoring reports when necessary to investigate the quality of any waters of the state. Condition 20 requires such reports that are necessary to ensure compliance with water quality standards.

Condition 21, related to site access requirements, is authorized pursuant to the Water Boards' authority to investigate the quality of any waters of the state, including specific site access authorized under Water Code sections 13267 and 13383. Site access is needed to ensure compliance with the certification and associated protection of water quality and beneficial uses. Condition 22 requires site personnel and agencies to be familiar with the content of the certification and availability of the document at the Project site. This condition is required to assure that site personnel are familiar with the conditions needed to protect water quality and any authorized discharge will comply with the terms and conditions of this certification, which requires compliance with water quality objectives and beneficial uses adopted or approved under sections 13170 or 13245 of the Water Code, and with other appropriate requirements of state law.

Condition 23 reserves the State Water Board's authority to add or modify conditions of this certification to ensure that Project activities meet water quality objectives and protect beneficial uses over the life of the Project.

Condition 24 requires that SCE use analytical methods approved by California's Environmental Laboratory Accreditation Program, when available, to ensure that such analyses are done in a consistent, approved manner.

Condition 25 provides that the State Water Board will provide notice and an opportunity to be heard in exercising its authority to add or modify certification conditions.

In the event that any provision of this certification is found invalid, Condition 26 ensures that all other provisions will remain effective and water quality will still be protected. (Wat. Code, § 13160.)

6.0 Conclusion

The State Water Board finds that, with the conditions and limitations imposed by this certification, the Project will be protective of state and federal water quality standards and other appropriate requirements of state law.

7.0 Water Quality Certification Conditions

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE STATE WATER RESOURCES CONTROL BOARD CERTIFIES that implementation of the San Gorgonio Flowline Line No. 1 Repair Project (Project) will comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with applicable provisions of State law, under the following terms and conditions.

CONDITION 1 Project Activities

Unless otherwise modified by conditions of this water quality certification (certification) or approved by the State Water Resources Control Board (State Water Board), Deputy Director for the Division of Water Rights (Deputy Director), Southern California Edison Company (SCE or Applicant) shall implement the Project as described in the Applicant's March 15, 2023 certification application (SCE 2023a), as supplemented on April 21, 2023 (SCE 2023b).

CONDITION 2 Diversion and Dewatering

The Applicant shall develop and submit a Diversion and Dewatering Plan (Dewatering Plan) to the Deputy Director for review and consideration for approval. The Dewatering Plan shall be submitted to the Deputy Director a minimum of 60 days prior to commencement of Project construction unless another timeline is approved by the Deputy Director. The Deputy Director may require modifications as part of any approval. The Dewatering Plan shall include procedures for dewatering and diversion, including appropriate best management practices (BMPs) that will be implemented to protect water quality and beneficial uses, and maintain instream flows. This includes a description of the installation, operation, and maintenance (e.g., inspection and follow up actions) of dewatering systems, as well as the locations, quantity, and timing of dewatering and diversion activities. The Applicant shall develop the Dewatering Plan in consultation with State Water Board, California Department of Fish and Wildlife (CDFW), and Colorado River Regional Water Quality Control Board (Colorado River Regional Water Board) staff.

At a minimum, the Dewatering Plan shall include:

- An overview of all in-water work, including work related to dewatering or diversion of water for Project construction;
- Schedule for conducting Project construction activities associated with in-water work, including dewatering and diversion of water related to Project construction;
- Description of cofferdams or other barriers that will be used to isolate the construction area from surface waters;
- List of construction materials that will be used in or adjacent to the watercourse. Any imported riprap, rocks, and gravels shall be pre-washed;
- As necessary, any measures necessary to protect aquatic biological resources (e.g., fish rescue and relocation);
- Description of dewatering activities, including the location for discharges associated with dewatering;

- Actions that shall be implemented to ensure discharges associated with dewatering will not exceed water quality standards in the *Water Quality Control Plan for the Colorado River Region* (Colorado River Basin Plan) (Colorado River Regional Water Board 2023);
- Description of measures, if needed, that will be implemented to avoid potential water quality and aquatic resource impacts including energy-dissipating features at diversion outlets to prevent erosion;
- If applicable, description of specific measures the Applicant will implement to prevent water quality impacts in the event of a concrete seal failure during any cofferdam or other work activities;
- Proposed water quality monitoring and reporting related to in-water Project construction activities shall at a minimum include the parameters and monitoring specified below in this condition. The Applicant shall describe the locations, equipment, frequency, methods, and quality assurance/quality control process for the water quality monitoring; and
- Documentation of consultation with Colorado River Regional Water Board, CDFW, and State Water Board staff, including comments and recommendations made in connection with the plan, and a description of how the plan incorporates or addresses the comments and recommendations.

Any changes to the Dewatering Plan shall be submitted to the Deputy Director prior to implementation. The Applicant shall not commence Project construction without receipt of Deputy Director approval of the Dewatering Plan. The Applicant shall implement the Dewatering Plan upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.

Water Quality Monitoring During In-Water Work. Water quality monitoring shall occur during in-water work and water adjacent work with the potential to result in a discharge to surface waters. At a minimum, water quality monitoring shall be conducted during installation and removal of dewatering dams, work area dewatering, bank stabilization work, rain events, operation of dewatering equipment, implementation of repair work on diversion structures, initial operation of the repaired diversion structures, and any other Project activities within the Whitewater River and Black Wheel Creek ordinary high-water marks with the potential to impact water quality.

The Applicant shall at a minimum, perform the following water quality monitoring activities in addition to those included in the Applicant's certification application (SCE 2023a) and supplemental submission (SCE 2023b), as well as any additional monitoring in the Deputy Director approved Dewatering Plan.

Unless otherwise approved by the Deputy Director, at a minimum, monitoring shall be conducted at 15-minute intervals using an automated sensor system for pH, turbidity, and dissolved oxygen. Additionally, the Applicant shall continuously monitor for visible construction-related pollutants (e.g., oils, greases, fuels) throughout the construction period.

- **Reporting of Exceedances.** The Deputy Director and the Colorado River Regional Water Board Executive Officer (Executive Officer) shall be notified promptly, and in no case more than 24 hours following a violation of a turbidity, dissolved oxygen, or pH water quality objective, as described in the Colorado River Basin Plan. The notice shall include the cause of the violation, measures taken to correct the violation, and measures the Applicant will implement to prevent a future violation. Regardless of when such notification occurs, activities associated with the Colorado River Basin Plan turbidity, dissolved oxygen, or pH exceedance shall cease immediately upon detection of the exceedance. Work activities may resume after corrective actions have been implemented, water quality meets the Colorado River Basin Plan water quality objective, and the Deputy Director has provided approval to proceed. The Deputy Director may require additional actions to address the exceedance or help prevent similar exceedances in the future.
- The current water quality objectives for turbidity, dissolved oxygen, and pH, as listed in the Colorado River Basin Plan are summarized below for reference. The Applicant is responsible for complying with the applicable water quality objectives established in the Colorado River Basin Plan at the time Project work is performed.
 - **Turbidity.** Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. (Colorado River Basin Plan, p. 3-5.)
 - **pH.** pH shall range from 6.0 to 9.0. Discharges shall not cause any changes in pH detrimental to beneficial water uses (Colorado River Basin Plan, p. 3-2.)
 - **Dissolved Oxygen.** The dissolved oxygen concentration shall not be reduced below 5.0 milligrams per liter for waters designated 'WARM' or 8.0 milligrams per liter for waters designated 'WARM and COLD' or 'COLD'. (Colorado River Basin Plan, p. 3-3)
- **Monitoring Locations.** Unless otherwise approved by the Deputy Director monitoring shall be conducted immediately upstream of the Project influence and no farther than 300 feet downstream of the Project area on the South Fork Whitewater River, East Fork Whitewater River, and Black Wheel Creek. The Applicant shall take a global positioning system point and a photograph for each proposed monitoring location and provide them to Colorado River Regional Water Board and State Water Board staff at least one week prior to starting any activities that may contribute to a discharge to South Fork Whitewater River, East Fork Whitewater River, or Black Wheel Creek. These locations shall be used for monitoring unless another monitoring location is approved by the Deputy Director or the Deputy Director directs the Applicant to use other monitoring locations or to work with State Water Board staff to find alternate locations.
- **Monitoring Reports.** The Applicant shall submit monitoring reports for Project activities that may affect water quality throughout Project implementation. The Applicant shall submit the first monitoring report to State Water Board staff within

30 days of initiating monitoring and every four weeks thereafter for the remainder of any in-water and water-adjacent Project work. The monitoring reports shall include: (1) monitoring locations; (2) a description of the equipment, frequency, methods, and quality assurance process for water quality monitoring; (3) monitoring results; and (4) discussion of any water quality exceedances or information necessary to understand the results. The Applicant shall request consultation with State Water Board staff regarding the need for additional site-specific construction measures to protect water quality if deemed necessary.

CONDITION 3 Erosion and Sediment Control Measures

The Applicant shall develop Erosion and Sediment Control Measures (ESCMs) and submit them to the Deputy Director for review and consideration for approval. The ESCMs shall be submitted to the Deputy Director a minimum of 60 days prior to commencement of Project construction unless another timeline is approved by the Deputy Director. The Deputy Director may require modifications as part of any approval. The Applicant shall not commence construction until the ESCMs are approved by the Deputy Director. The ESCMs shall minimize Project-related erosion and sediment in compliance with the Colorado River Basin Plan. Unless otherwise approved by the Deputy Director, the ESCMs shall at minimum contain the following provisions:

- All disturbed areas of the Project site shall be provided with effective erosion and sediment control measures during and after completion of construction to avoid violation of the requirements set forth in the Colorado River Basin Plan.
- All disturbed areas that drain to Whitewater River or Black Wheel Creek shall be protected with adequate and correctly installed erosion and sediment control measures (e.g., jute, straw, coconut fiber erosion control fabric, coir logs). These measures shall be implemented prior to the onset and throughout construction and shall be constructed and maintained to prevent the discharge of earthen materials from disturbed areas to Whitewater River and Black Wheel Creek, including all ephemeral and intermittent drainages, seasonal swales, storm drain systems, and tributaries to Whitewater River and Black Wheel Creek.
- Imported materials shall be washed prior to use. If materials are washed on-site, washing shall occur and wash water shall be stored away from any waterway and either used for dust abatement or disposed of off-site in a manner that does not affect water quality.
- During construction, stockpiling of construction materials, portable equipment, vehicles, and supplies shall be restricted to the designated construction staging areas that shall be located outside of wetlands, surface waters, and riparian habitat.
- No vehicles or equipment shall drive off-road through wetlands or riparian areas to access the Project area. For any surface water crossings, the Applicant shall monitor water quality and implement appropriate BMPs to ensure water quality objectives are met.
- During construction, the number of access routes, number and size of staging areas, and the total Project area shall be limited to the minimum size necessary.

- In areas prone to run-off, inundation, and/or erosion, structures such as riprap, culverts, or retaining walls may be necessary to protect water quality. Where necessary, the Applicant shall install sediment basins or silt fences to prevent sediment runoff into streams or waterbodies and negate water quality and aquatic habitat impacts.
- All vehicles and any ground or vegetation disturbing equipment must be cleaned and free of mud, soil, and plant materials prior to entering the Project area.
- Vegetation removal shall be limited to the minimum amount necessary. No cut materials, including chipped materials, shall be disposed of in wetlands, surface waters, or riparian areas.

The Applicant shall comply with the *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*⁷ (Construction General Permit) and any amendments thereto. To the extent of any conflict between the ESCMs and applicable conditions in the Construction General Permit, the more stringent shall apply.

Any changes to the ESCMs shall be submitted to the Deputy Director for review and consideration of approval. The Deputy Director may require modifications as part of any approval. The Applicant shall implement any Deputy Director-approved modifications to the ESCMs upon receipt of Deputy Director and any other required approvals.

CONDITION 4 Hazardous Materials Control Measures

The Applicant shall submit a Hazardous Materials⁸ Management Plan (Hazardous Materials Plan) to the Deputy Director for review and consideration for approval. The Hazardous Materials Plan shall be submitted to the Deputy Director a minimum of 60 days prior to commencement of Project construction, including staging and other early actions, unless another timeline is approved by the Deputy Director. The Deputy Director may require modifications as part of any approval. The objective of the Hazardous Materials Plan shall be to identify measures for the storage and disposal of hazardous materials to avoid discharge and its impacts to water quality and beneficial

⁷ Water Quality Order No. 2009-0009-DWQ and NPDES No. CAS000002, as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html Accessed on May 24, 2023.

⁸ Hazardous materials include, but are not limited to: petroleum products, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating materials, drilling fluids, or other substances potentially hazardous to water quality and beneficial uses.

uses, and to identify protocols that will be implemented to promptly and effectively address any spills or releases of hazardous materials during Project construction. The Applicant shall develop the Hazardous Materials Plan in consultation with State Water Board and Colorado River Regional Water Board staff.

Unless otherwise approved by the Deputy Director, the Hazardous Materials Plan shall at a minimum include:

- Identification of all hazardous materials to be used during Project construction;
- Identification of all on-site spill response materials, including those in spill kits, and their locations and potential uses. At a minimum, hazardous materials spill kits shall be maintained onsite and in vehicles for small spills for the duration of construction activities. These kits shall include oil-absorbent material and tarps to contain and control any minor releases. During Project construction, emergency spill supplies and equipment shall be kept adjacent to all work and staging areas and shall be clearly marked;
- Measures that will be used to manage, remediate, and dispose of hazardous and non-hazardous waste;
- Locations and protocols as defined in California Code of Regulations, title 27, section 20320, for storing hazardous materials during Project construction, which, at a minimum, shall not be stored in or near a floodplain;
- Measures to limit, control, and clean up spills, which shall include, as applicable, use of bermed storage areas, regular equipment inspections, and fueling/refueling procedures. At a minimum the BMPs listed below shall be implemented:
 - Before entering the Project area, vehicles and equipment shall be inspected for leaks (e.g., fuel, oil, hydraulic fluids) and repaired, if necessary, prior to entering the Project area. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge to any waters of the United States and/or state and shall be located outside of waters of the United States and/or state in areas where accidental spills will not affect such waters. At a minimum, storing, fueling, and maintenance of vehicles and equipment shall not occur in wetlands, surface waters, riparian areas, or on slopes above and adjacent to these features.
 - Equipment and materials shall be stored in existing disturbed parking areas or at least 100 feet from waterways. No debris such as trash and spoils shall be deposited within 100 feet of waterways.
- Identification of where Project-related debris will be temporary stored and permanently disposed. All Project-related waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials (including equipment lubricants, solvents, and cleaners), shall be removed to an appropriate waste facility permitted or otherwise authorized to treat, store, or dispose of such materials.
- Procedures for notifying State Water Board, Colorado River Regional Water Board, and other appropriate agencies of any hazardous materials spills, and the measures taken to contain and clean up the spills; and

- Documentation of consultation with State Water Board and Colorado River Regional Water Board staff, comments and recommendations made in connection with the plan, and a description of how the plan incorporates or addresses the comments and recommendations.

Prior to Project construction, all staff and personnel of contractors and subcontractors shall receive training regarding the appropriate work practices necessary to effectively comply with the applicable environmental laws and regulations, including hazardous materials spill prevention and response measures. The training shall include identification and reporting to the appropriate onsite person of any visual observations that may indicate a water quality impairment (e.g., oil sheen, etc.). Hazardous materials or other materials that can affect water quality shall not be disposed of or released onto the ground, the underlying groundwater, or any surface water. If necessary, containment berms shall be constructed to prevent spilled materials from reaching surface waters.

The Applicant shall not commence Project construction, including staging, without receipt of Deputy Director approval of the Hazardous Materials Plan. Any modifications to the Hazardous Materials Plan shall be approved by the Deputy Director prior to implementation. The Deputy Director may require modifications as part of any such approval. The Applicant shall implement the Hazardous Materials Plan and any amendments thereto upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.

CONDITION 5 Aquatic Biological Resources

- 5(A) Streambed Alteration Agreement.** To the extent of any conflict between the provisions of a Streambed Alteration Agreement issued for the Project and conditions of this certification, the more stringent shall apply.
- 5(B) Dredge or Fill Mitigation:** The Project will result in temporary and permanent impacts to stream channel habitat. Temporary impacts include 0.24 acres of stream channel. Permanent impacts include 0.067 acres of stream channel at or below the ordinary high-water mark of the East Fork of the South Fork Whitewater River and Black Wheel Creek. The Applicant shall notify the Deputy Director of any update to the estimated temporary and permanent impacts if they vary from what is noted in this condition. Additionally, permanent impacts shall be compensated for at a minimum ratio of 1:1 and must be consistent with the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Dredge or Fill Procedures)⁹ (State Water Board 2019 and

⁹ The Dredge or Fill Procedures and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html. Accessed on May 24, 2023.

2021), the California Wetlands Conservation Policy (Governor's Executive Order W-59-93 (August 23, 1993)), and any amendments thereto. Unless otherwise extended by the Deputy Director, the Applicant shall provide the Deputy Director with documentation of compliance with this mitigation provision, which includes compliance with the Dredge or Fill Procedures and California Wetlands Conservation Policy, no later than 90 days following completion of construction.

5(C) Biological Monitoring: Prior to construction at each work site, the Applicant shall have a qualified biologist walk the work areas and identify any special status plants or wildlife in the work area. Should any special status species be observed in the work area, the Applicant shall inform the State Water Board, United State Forest Service, and CDFW of the location and species and consult with the biologist about the best method of preservation and avoidance or impact minimization. For plants, this may include collection and relocation of individuals, or seed collection, or both. For wildlife, this may include a no disturbance buffer. A biological monitor shall be present during work in areas where special status species are present or were previously observed.

CONDITION 6 Project Progress and Completion Reports

Every 30 days following initiation of Project construction and throughout Project construction, the Applicant shall submit Project Activity Progress Reports (Progress Reports) to the Deputy Director. The Progress Reports shall include:

- A summary of Project activities performed;
- Documentation of compliance with each condition of this certification and details of any failure to meet the certification requirements;
- Details of Project-related adverse impacts to beneficial uses, if applicable;
- Any anticipated Project implementation activities (e.g., construction, dewatering, or diversion) differing from those described in the certification application or required by this certification;
- A description of upcoming activities that may cause erosion; and
- Any additional Project-specific water quality parameters that will be monitored as part of the Project.

The Applicant may request consultation regarding the need for development and implementation of additional BMPs for water quality protection or approval of additional site-specific construction measures as part of a Progress Report or as part of a separate request if more immediate action is needed to protect water quality.

The Deputy Director may require the Applicant to implement corrective actions or approve additional measures proposed by the Applicant in response to the information provided in a Progress Report, a request for consultation, or new information in the record to protect water quality.

Within 60 days of Project completion, the Applicant shall provide the Deputy Director with a Project Completion Report that comprehensively summarizes the first three bullets from the list above. The Applicant shall provide any additional information or clarification requested by the Deputy Director related to a Progress Report or the

Project Completion Report. Upon request from State Water Board staff, the Applicant shall meet with staff to discuss a Progress Report or the Project Completion Report.

CONDITION 7. Unless otherwise specified in this certification or at the request of the Deputy Director, data and/or reports shall be submitted electronically in a format accepted by the State Water Board to facilitate the incorporation of this information into public reports and the State Water Board's water quality database systems in compliance with California Water Code section 13167.

CONDITION 8. This certification does not authorize any act which results in the take 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 certification or water rights held by the Applicant, the Applicant 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 Applicant is responsible for meeting all requirements of the applicable Endangered Species Acts for the Project authorized under this certification.

CONDITION 9. This certification shall not be construed as replacement or substitution for any necessary federal, state, and local approvals. The Applicant is responsible for compliance with all applicable federal, state, or local laws or ordinances and shall obtain authorization from applicable regulatory agencies prior to the commencement of Project activities.

CONDITION 10. Any requirement in this certification that refers to an agency whose authorities and responsibilities are transferred to or subsumed by another local, state, or federal agency, will apply equally to the successor agency.

CONDITION 11. Nothing in this certification shall be construed as State Water Board approval of the validity of any water rights, including pre-1914 or riparian claims. The State Water Board has separate authority under the Water Code to investigate and take enforcement action, if necessary, to prevent any unauthorized or threatened unauthorized diversions of water.

CONDITION 12. This certification is subject to modification or revocation upon administrative or judicial review, including but not limited to review and amendment pursuant to Water Code section 13330 and California Code of Regulations, title 23, division 3, chapter 28, article 6 (commencing with section 3867).

CONDITION 13. This certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent application for certification was filed pursuant to California Code of Regulations, title 23, section 3855, subdivision (b) and that application for certification specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

CONDITION 14. This certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28.

CONDITION 15. Notwithstanding any more specific provision of this certification, any plan or report developed as a condition of this certification requires review and approval by the Deputy Director. The State Water Board's approval authority, including authority delegated to the Deputy Director or others, includes the authority to withhold approval or to require modification of a plan, proposal, or report prior to approval. The State Water Board may take enforcement action if the Applicant fails to provide or implement a required item in a timely manner. If a time extension is needed to submit an item for Deputy Director approval, the Applicant shall submit a written request for the extension, with justification, to the Deputy Director no later than 15 days prior to the deadline. The Applicant shall not implement any plan, proposal, or report until after the applicable State Water Board approval and any other necessary regulatory approvals.

CONDITION 16. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation is subject to any remedies, penalties, process, or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to any violation of the conditions of this certification, the State Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

CONDITION 17. The Applicant shall submit any change to the Project, including, operations, facilities, technology changes or upgrades, or methodology, which could have a significant or material effect on the findings, conclusions, or conditions of this certification, to the State Water Board for prior review and written approval. The State Water Board shall determine significance and may require consultation with other state and/or federal agencies. If the State Water Board is not notified of a change to the Project, it will be considered a violation of this certification.

CONDITION 18. This certification is contingent on compliance with all applicable requirements of the Colorado River Basin Plan.

CONDITION 19. Unless otherwise specified by conditions in this certification, Project activities shall be conducted in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act. The Applicant shall take all reasonable measures to protect the beneficial uses of waters of the state, including Whitewater River and Black Wheel Creek.

CONDITION 20. In response to a suspected violation of any condition of this certification, the State Water Board or Colorado River Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board

deems appropriate, provided 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. (Wat. Code, §§ 1051, 13165, 13267, & 13383.)

CONDITION 21. Upon request, a construction schedule shall be provided to State Water Board and Colorado River Regional Water Board staff. The Applicant shall provide State Water Board and Colorado River Regional Water Board staff access to Project sites to document compliance with this certification.

CONDITION 22. A copy of this certification shall be provided to any contractor and all subcontractors conducting Project-related work, and copies shall remain in their possession at the Project site. The Applicant shall be responsible for work conducted by its contractor, subcontractors, or other persons conducting Project-related work.

CONDITION 23. The State Water Board reserves the authority to add to or modify the conditions of this certification: (1) to incorporate changes in technology, sampling, or methodologies; (2) if monitoring results indicate that Project activities could violate water quality objectives or impair beneficial uses; (3) to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act; and (4) to require additional monitoring and/or other measures, as needed, to ensure that Project activities meet water quality objectives and protect beneficial uses.

CONDITION 24. The Applicant shall use analytical methods approved by California's Environmental Laboratory Accreditation Program, where such methods are available. Samples that require laboratory analysis shall be analyzed by Environmental Lab Accreditation Program-certified laboratories.

CONDITION 25. The State Water Board shall provide notice and an opportunity to be heard in exercising its authority to add to or modify the conditions of this certification.

CONDITION 26. The provisions of this certification are severable. If any provision of this certification is found invalid, affects the validity of the certification, or would result in a determination that the State Water Board has waived its section 401 certification authority for the Project, the State Water Board reserves authority to consider whether an alternative term would address the water quality issue without being found invalid or resulting in a waiver determination. If any provision of this certification is found invalid, affects the validity of the certification, or would result in a determination that the State Water Board has waived its section 401 certification authority for the Project, the remainder of this certification shall not be affected.



Eileen Sobeck
Executive Director

June 13, 2023
Date

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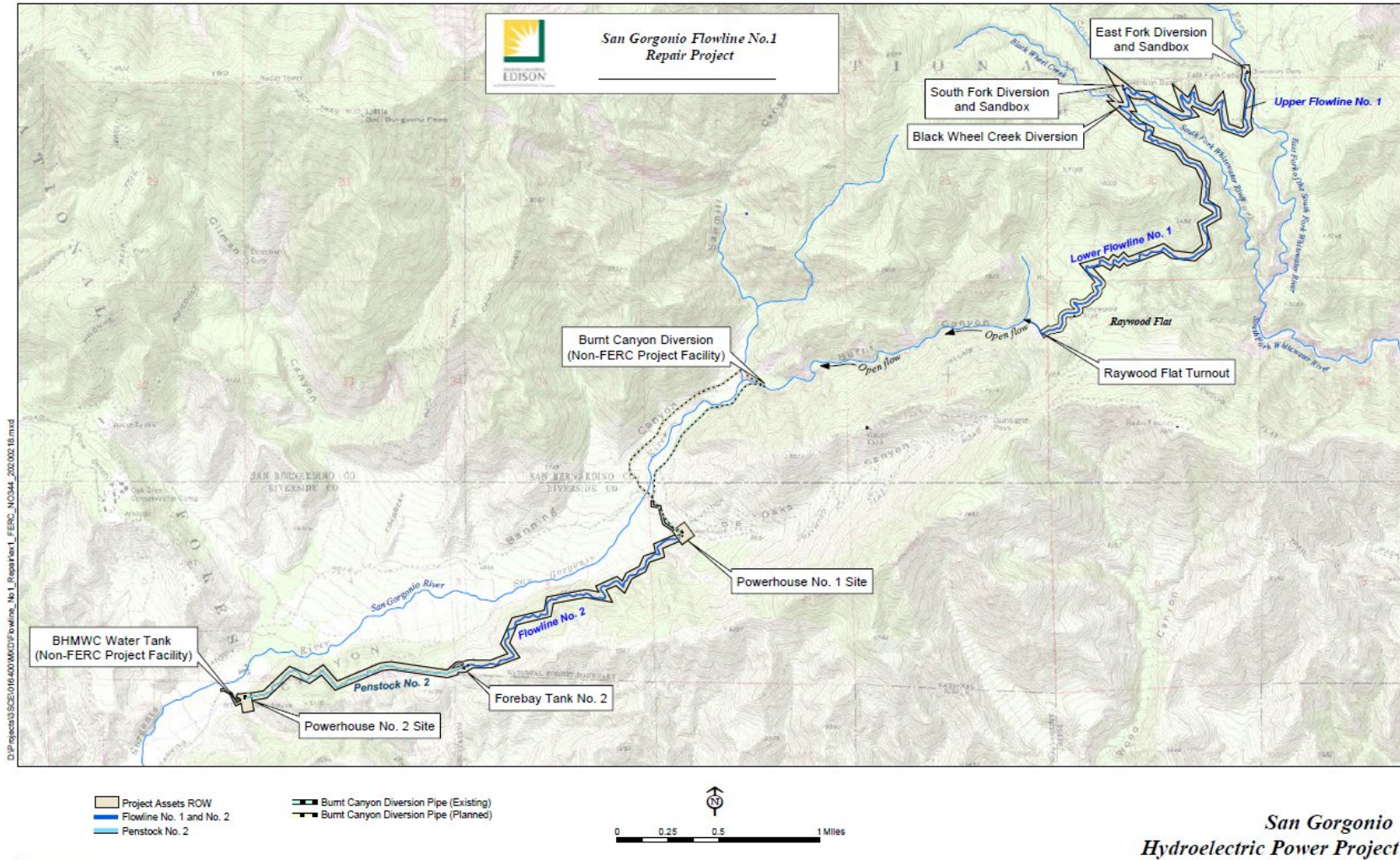
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**ATTACHMENT A:
PROJECT MAPS**

**WATER QUALITY CERTIFICATION
FOR
SAN GORGONIO FLOWLINE LINE NO. 1 REPAIR
PROJECT**

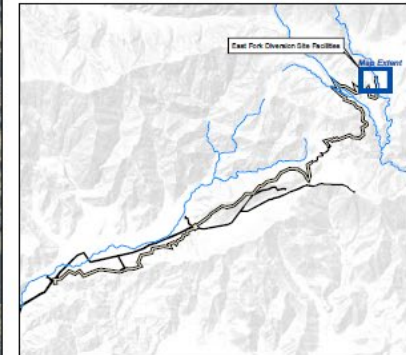
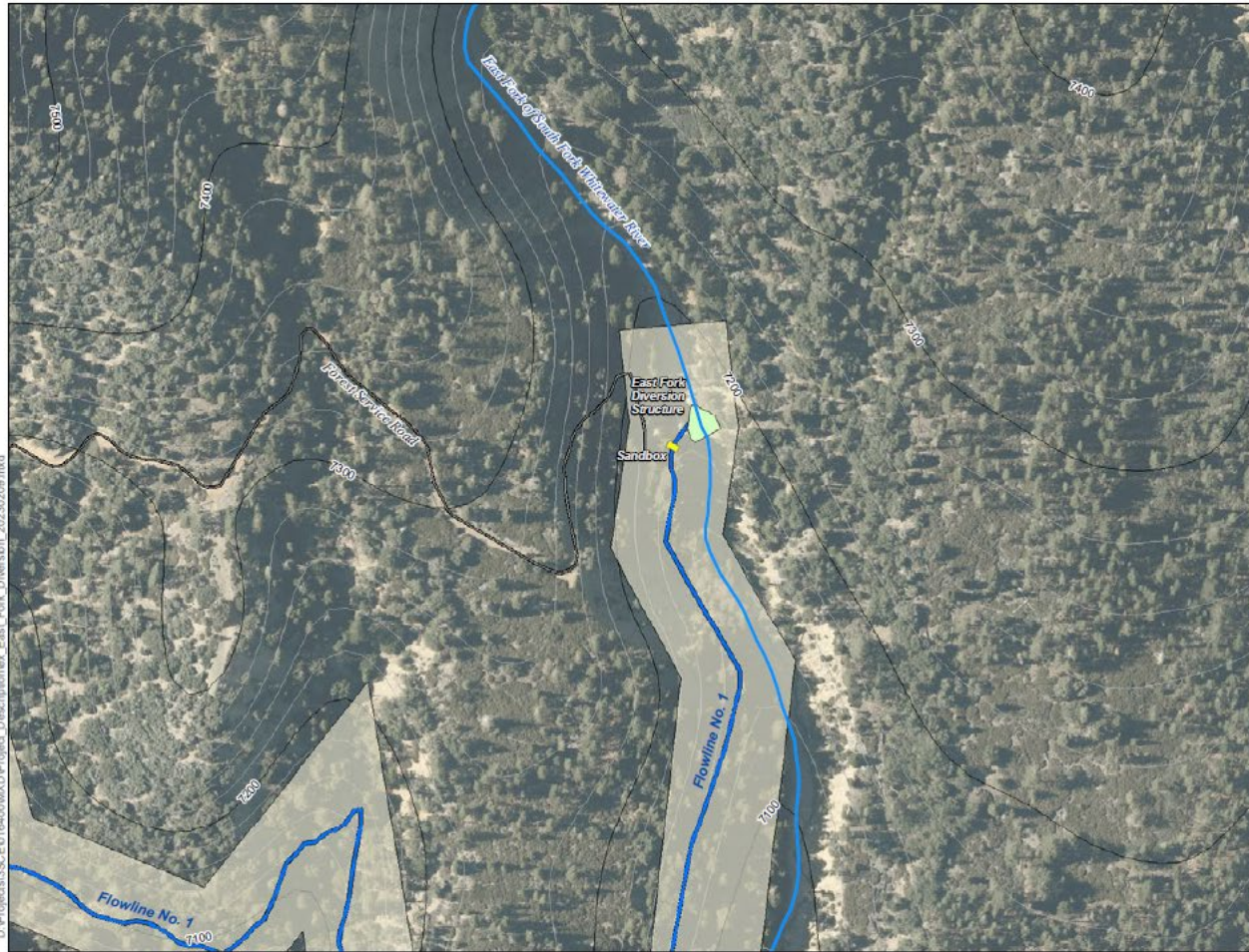


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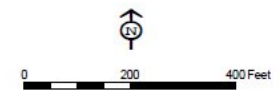
San Gorgonio
 Hydroelectric Power Project

Exhibit 1

Figure A1. San Gorgonio 1 and 2 Hydroelectric Project Area Map



Sources:
 Planimetry: SCE Exhibit G, Project 344, Sheets 1-6 1988
 Elevation Data: USGS National Elevation Data set 2005
 Hydrography: USGS National Hydrography Data set 2005



- ROW (FERC, Utility, Access Roads)
- Sandbox
- Index Contour: Interval 100'
- Diversion Structure
- Intermediate Contour: Interval 20'
- Flowline No. 1
- Forest Service Road



Figure A2. East Fork Whitewater River Diversion Facilities Map

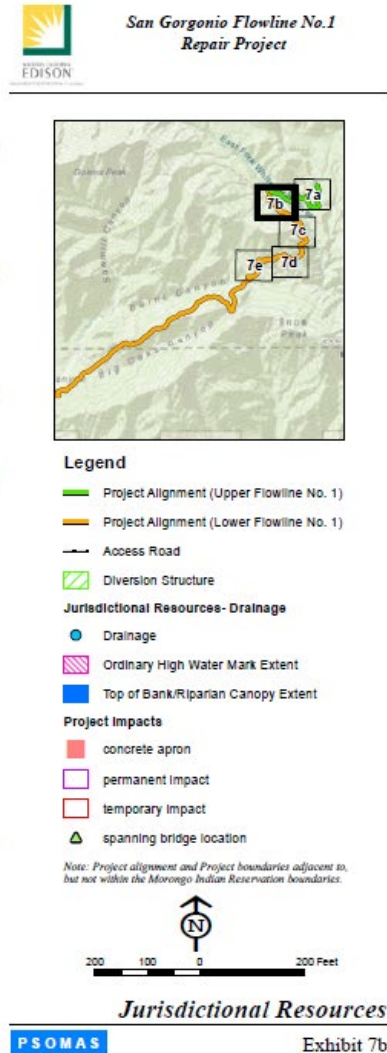
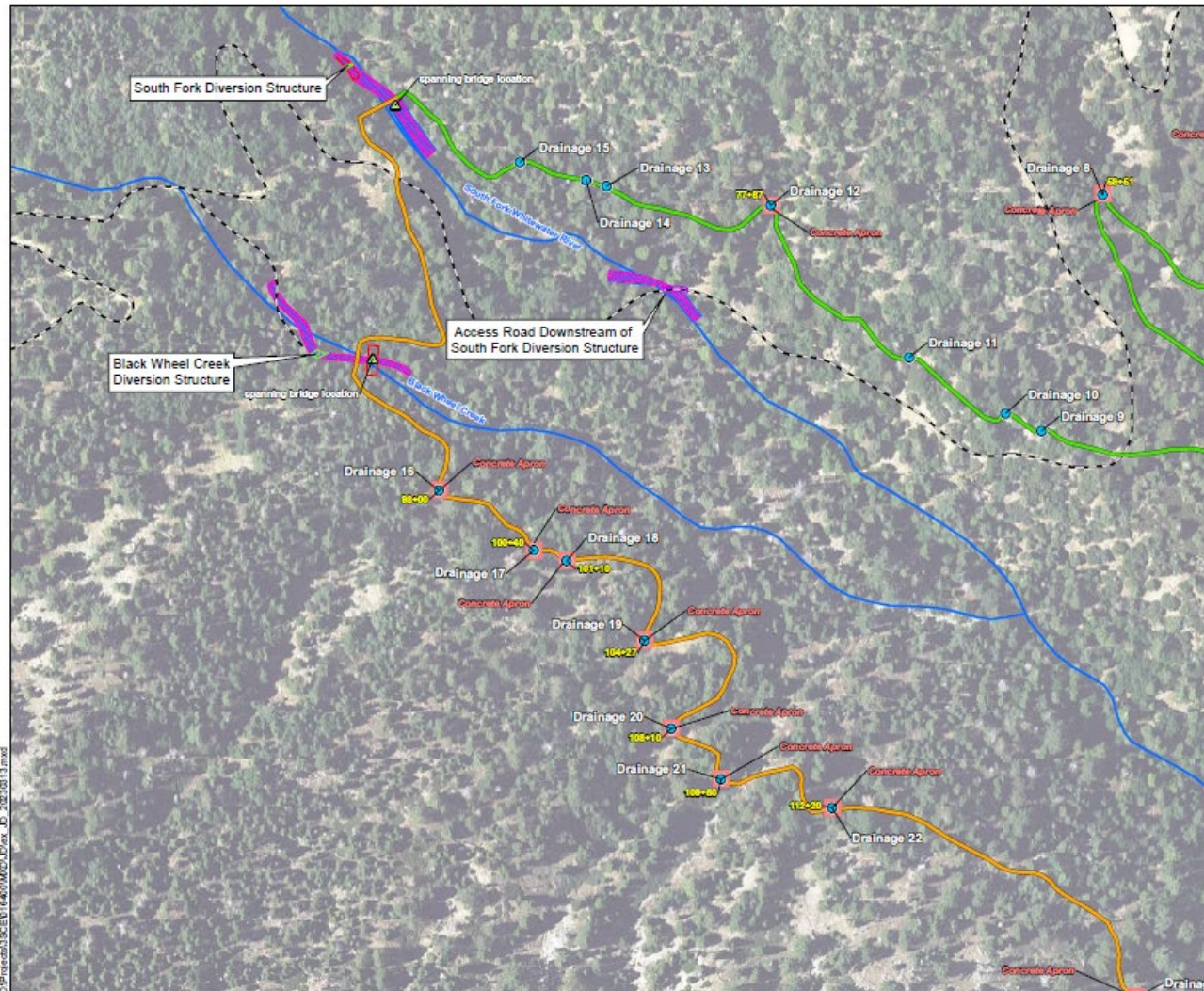


Figure A3: South Fork Whitewater River and Black Wheel Creek Diversion Facilities Map