

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Water Quality Certification for

**SOUTHERN CALIFORNIA EDISON COMPANY
EASTERN SIERRA HYDROELECTRIC POWER PROJECT**

Sources: Mill Creek, Lee Vining Creek, and Rush Creek Watersheds tributaries to Mono Lake Basin

McGee Creek, Birch Creek, and Bishop Creek Watersheds tributaries to Owens River

County: Inyo and Mono Counties

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

BY THE EXECUTIVE DIRECTOR:

Project Description

1. Southern California Edison Company (SCE) operates four hydroelectric facilities along the eastern slope of the Sierra Nevada Mountains in Inyo and Mono Counties, California. SCE proposes to conduct routine maintenance at each of the four hydroelectric facilities, consisting of the Bishop Creek Hydroelectric Project in Inyo County; and the Rush Creek Hydroelectric Project, Lee Vining Creek Hydroelectric Project and Lundy Hydroelectric Project in Mono County. There are 15 sites within the four hydroelectric facility project areas where the proposed maintenance activities (Project) will be conducted, as shown on Attachment A.
2. The Project activities consist primarily of routine maintenance such as removal of sediment, debris, and vegetative growth, and structures and facilities repair. Other Project activities include a boat dock repair and installation of an acoustical velocity meter (AVM) flow cell and motor operated valve (MOV). Many of the activities will require draining impoundments, installation of coffer dams, placement of sand bags, or bypassing water around or through the sites. The proposed activities at each site are summarized in Attachment B.
3. The Bishop Creek Hydroelectric Project is authorized under Federal Energy Regulatory Commission (FERC) Project No. 1394. Water sources are diverted from facilities along Bishop Creek and its tributaries including South Fork Bishop Creek, Middle Fork Bishop Creek, Green Creek, Birch Creek, and McGee Creek.

These facilities are located partially within the Inyo National Forest, the John Muir Wilderness Area, lands managed by the Bureau of Land Management (BLM), and private lands.

4. The Rush Creek Hydroelectric Project is authorized under FERC Project No. 1389. The facilities divert water from Rush Creek and are located within the Inyo National Forest and the Ansel Adams Wilderness Area.
5. The Lee Vining Creek Hydroelectric Project is authorized under FERC Project No. 1388. The facilities divert water from Lee Vining Creek and are located within the Inyo National Forest and partially on private lands.
6. The Lundy Hydroelectric Project is authorized under FERC Project No. 1390 and currently operates under annual license(s). The facilities divert water from Mill Creek and are located partially within the Inyo National Forest and private lands.
7. SCE entitlements to divert water for the Project are under either water right permits or licenses issued by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) or claims of pre-1914 appropriations and adjudicated entitlements, and are summarized in Attachment C.

Construction Best Management Practices (BMPs)

8. SCE will implement BMPs for routine operation and maintenance activities that follow practices outlined in the California Stormwater Best Management Practices Handbooks published by the California Stormwater Quality Association. SCE will monitor contractors for compliance with the protective measures outlined in the Project description during routine operations and maintenance activities.
9. Vehicle access to streams and wetlands will be limited to ingress and egress points on existing roads, or where there is no existing ingress and egress, access will be limited to the smallest possible area required for entry.
10. The upstream and downstream limits of the construction work areas at each site will be identified with brightly colored flagging. All other areas within the riparian corridor will be avoided. The work areas will not extend beyond SCE's right-of-way or temporary easements and will be confined to the smallest area needed to accomplish the proposed activities.
11. Staging and storage areas for equipment, materials, fuels, lubricants and solvents will be located in areas where accidental spills will not enter the stream or riparian corridor.
12. If equipment washing or cleaning must occur onsite, the cleaning area will be located away from all water bodies. Wash water will be minimized, contained and will not enter surface water.

13. Vehicles and/or equipment will be checked and maintained daily to prevent leaks. Vehicles will be cleaned of petroleum residue. Leaks will be repaired immediately and equipment will be removed from the Project site if necessary. Storage of stationary equipment such as motors, pumps, generators, compressors, and welders will be positioned over drip-pans.
14. Fuels will be stored in a designated containment area. Fueling that occurs onsite will be performed at a designated fueling area. Absorbent materials, spill kits, and drip pans or absorbent pads will be used during vehicle and equipment fueling. Fueling areas will be protected from storm water run-on and runoff, and will be staged a minimum of 50 feet from watercourses.
15. The bucket of the excavator/backhoe may operate within the water bodies. The main body of the excavator/backhoe will not enter into surface water.
16. Removal of vegetation will be completed by hand and excess vegetation will be disposed of in an appropriate manner. Fallen trees, tree limbs, and other woody debris may be used for bank stabilization or used to enhance wildlife habitat.
17. Sand, silt, and sediment removal will be limited to the stream or impoundment, and will be limited to that required to complete the work. Sand and sediment will be removed using a "skimming" type operation, so as to avoid the creation of holes and depressions.
18. Debris removed from the normal high-water areas of the stream or channel will not be re-deposited within the flood plain. Spoil sites will not be located within a stream or wetland.
19. Clean imported rip-rap will be used to maintain bank stability in previously rip-rapped areas. The length, width, and height dimensions of the rip-rap area will not exceed those of the original installation.
20. Stream flow will be diverted around or through the work area by a barrier, temporary culvert, new channel, or other means so that potential pollution and/or siltation is prevented. Construction of the barrier will begin downstream and will continue in an upstream direction. Barriers will be enclosed by sheet piling, rock rip-rap, or other protective material to avoid erosion. Flow will be diverted only when construction of the barrier is completed. The enclosure and supportive material of the barrier will be removed when the work is completed and removal will be conducted in an upstream direction.
21. Lakebed and streambed materials will be used to fill sand bags for construction of temporary diversions, channel crossings, stream deposit traps, and retention basins. Sand bag contents will be re-deposited in a manner that will minimize downstream turbidity.

22. Silt fences will be placed along a level contour and will remain in place until the disturbed area is permanently stabilized. Silt fences will be inspected before and after each rainfall event and will be repaired as needed.
23. After removal of vegetation, sediment, and debris, the topography and drainage patterns will be returned to the designed or natural condition.
24. All temporary diversion channels and the original low-flow channel will be restored to their pre-existing elevations, gradients, and contours following completion of Project activities. Normal stream flows will be restored immediately upon completion of work at that location.
25. All litter and rubbish will be deposited in an appropriate container and hauled out daily from the work site.

Regulatory Authority

26. The US Army Corp of Engineers (ACOE) has determined a regional general permit under section 404 of the Clean Water Act is required for this Project. The ACOE identification number for the Project is 2009-00151-BAH.
27. The application for Water Quality Certification was received on November 10, 2009, but was not accepted for filing until December 21, 2009 when the appropriate filing fee was received. The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the Division's website on December 28, 2009. No comments were received.
28. The Federal Clean Water Act (33 U.S.C. §§ 1251-1387) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." (33 U.S.C. § 1251(a).) Section 101 of the Clean Water Act (33 U.S.C. § 1251) requires federal agencies to "co-operate with the State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources."
29. Section 401 of the Clean Water Act (33 U.S.C. § 1341) requires every applicant for a federal license or permit which may result in a discharge into navigable waters to provide the licensing or permitting federal agency with certification that the Project will be in compliance 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). Section 401 of the Clean Water Act directs the agency responsible for certification to prescribe effluent limitations and other limitations necessary to ensure compliance with the Clean Water Act and with any other appropriate requirement of state law. Section 401 further provides that certification conditions shall become conditions of any federal license or permit for the Project. The State Water Board is the

state agency responsible for such certification in California. (Wat. Code, § 13160.) The State Water Board has delegated this function to the Executive Director by regulation. (Cal. Code Regs., tit. 23, § 3838, subd. (a).)

30. The California Regional Water Quality Control Boards have adopted, and the State Water Board has approved, water quality control plans (basin plans) for each watershed basin in the State. The basin plans designate the beneficial uses of waters within each watershed basin and water quality objectives designed to protect those uses. Section 303 of the Clean Water Act requires the states to develop and adopt water quality standards. (33 U.S.C. § 1313.) The beneficial uses together with the water quality objectives that are contained in the basin plans constitute State water quality standards under section 303.
31. The Lahontan Regional Water Quality Control Board (Lahontan Region) has adopted, and the State Water Board and the U.S. Environmental Protection Agency have approved, the Water Quality Control Plan for the Lahontan Region (Basin Plan). The Basin Plan designates the beneficial uses of waters to be protected along with the water quality objectives necessary to protect those uses.
32. The Basin Plan identifies the beneficial uses for the streams, lakes and reservoirs within the Mono Hydrologic Unit and Owens River Watershed involved with this Project as municipal and domestic supply; agricultural supply; ground water recharge; freshwater replenishment; navigation; hydropower generation; water contact recreation; non-contact water recreation; commercial and sport fishing; warm freshwater habitat; cold freshwater habitat; wildlife habitat; preservation of biological habitats of special significance; and spawning, reproduction, and development. The beneficial uses identified in the Basin Plan for Mill Creek, Lee Vining Creek, Rush Creek, Bishop Creek, and their associated tributaries, lakes, and water bodies within the Mono Hydrologic Unit and Owens River Watershed are summarized in Attachment D.
33. The State Water Board has reviewed and considered the plans and Project description provided by SCE. Further, the State Water Board has considered the Lahontan Region Basin Plan, the existing water quality conditions and Project-related controllable factors.
34. A Long Term Streambed Alteration Agreement was issued by the California Department of Fish and Game (Agreement No. 1600-2008-0099-R6) on October 20, 2008 for routine maintenance activities.
35. After reviewing and considering all of the pertinent information available for the Project, the State Water Board has determined that there will be no significant effect on the environment from the Project, and that it meets the criteria for both Class 1 and Class 4 categorical exemptions under the California Environmental Quality Act for the ongoing operation, repair, and maintenance of an existing facility and the minor alteration of land. (Pub. Resources Code, § 21083; Cal.

Code Regs., tit. 14, §§ 15301, 15304.) The State Water Board has prepared a notice for the Class 1 and Class 4 categorical exemptions and will file a Notice of Exemption within five days from the issuance of this certification.

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE STATE WATER BOARD CERTIFIES THAT THE SOUTHERN CALIFORNIA EDISON COMPANY EASTERN SIERRA HYDROELECTRIC POWER PROJECT will comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with applicable provisions of State law, if SCE complies with the following terms and conditions during the Project activities certified herein.

Construction Conditions

1. All BMPs described in the application for water quality certification and supplemental information are hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any of the following specific conditions in this certification, SCE shall comply with all measures described in the application for water quality certification and its supplements. SCE's construction BMPs and the specific conditions that will be implemented to protect water quality from potential discharges resulting from activities at each work site are summarized in Attachment E.
2. All equipment, including hand tools, must be washed and decontaminated prior to transport to the Project site and must be free of sediment, debris, foreign matter, and invasive aquatic species.
3. A minimum setback of 50 feet from the high water mark of any stream or surface water body shall be established and maintained for staging during construction activities.
4. Control measures for erosion, excessive sedimentation and turbidity shall be implemented and be in place at commencement of, during and after any ground clearing activities, excavation, or any other Project activities that could result in erosion or sediment discharges to surface waters. Jute matting, weed free straw wattles, or some other form of sediment barrier shall be placed to protect the banks disturbed by Project activities from eroding into surface water.
5. Erosion control blankets, liners with berms, and/or other erosion control measures shall be used for any stockpile of excavated material to control runoff resulting from precipitation.
6. Construction material, debris, spoils, soil, silt, sand, bark, slash, sawdust, rubbish, steel, or other organic or earthen material from any construction activity shall be prevented from entering surface water. A minimum setback of 50 feet shall be established for temporary stockpiling of these materials.

7. Onsite containment for storage of chemicals shall consist of plastic sheets or equivalent impermeable materials with a perimeter berm or similar containment feature.
8. The concrete or grout mixer shall be placed in a containment vessel and a spillage fiber roll or similar runoff control feature shall be placed between the mixers and stream channel.
9. No unset cement, concrete, grout, damaged concrete, concrete spoils, and wash water used to clean concrete surfaces shall contact or enter surface waters.
10. Cleaning of concrete mixers shall be performed at a designated concrete washout area. Washout water shall be held in a vessel, temporary pit, or bermed area of sufficient volume to completely contain all liquid and concrete waste generated during washout procedures. Hardened concrete shall be disposed of offsite at an authorized location.
11. Rubber mats shall be placed in all stream channels where mechanical equipment requires crossing. Mechanical equipment shall only operate in the dewatered portions of the impoundment or on the stream bank.
12. Tools, equipment, and excavated sediment shall be removed at the end of the day if located within the high water mark of the stream and impoundment.
13. Temporary sanitary facilities, if necessary, shall be installed 200 feet from any stream or surface water and shall be properly maintained. Sanitary waste shall be taken offsite for disposal.
14. Upon completion of activities, dewatered water bodies shall be refilled according to the following schedule to alleviate potential impacts to fall trout spawning habitat from Project related sedimentation:

HOUR	FLOW IN CFS
0	50
1	100
13	60
15	36
17	20
19	13
21	Minimum required bypass flow

Monitoring and Reporting Conditions

15. All impoundments shall be monitored during dewatering procedures to assure protection of resident fish. Rescue procedures shall be implemented in accordance with Agreement No. 1600-2008-0099-R6.

16. All monitoring and reporting described in the application for water quality certification and supplemental information are hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any of the following specific conditions in this certification, SCE shall comply with all activities described in the application for water quality certification and its supplements.
17. Turbidity monitoring shall be conducted during removal activities involving sand, silt, sediment, streambed material, and vegetation below the high water level or flood plain. Turbidity monitoring is not required when water is diverted through the intake gates for power generation.
18. Project activities shall not cause an increase in turbidity downstream of each site greater than those levels identified in the Lahontan Region Basin Plan. The Basin Plan requires turbidity increases which result from controllable water quality factors to comply with the following:

Natural Turbidity	Maximum Increase
0-50 nephelometric turbidity unit (NTU)	20%
50-100 NTU	10 NTU
Greater than 100 NTU	10%

19. The following monitoring activities shall be required to determine compliance with the turbidity water quality standards:
 - a. Sampling locations shall be 50 feet upstream and 100 feet downstream of the Project site.
 - b. The upstream monitoring location shall be used to determine natural or background levels for the purpose of monitoring water quality impacts from the site activities.
 - c. Turbidity monitoring shall begin immediately upon commencement of construction activities in the stream channel upstream of the intake structure, and shall continue for a minimum of one day after flow releases have resumed through the outlet structure.
 - d. Monitoring shall occur three times daily: 1) prior to beginning work in the morning to establish daily background turbidity values, 2) midday, and 3) mid-to-late afternoon.
 - e. If monitoring data indicates increased turbidity above background, monitoring shall continue until the data show that turbidity levels have returned to background levels.
 - f. Turbidity may be monitored using an in-situ turbidity probe or by collecting grab samples for immediate measurement upon collection.

20. Monitoring results shall be reported to the State Water Board Deputy Director for Water Rights (Deputy Director for Water Rights) and the Executive Officer of the Lahontan Region within four weeks of Project completion.

Notification Conditions

21. A copy of this certification shall be provided to all contractors and subcontractors conducting the work and copies shall remain in their possession at the work site.
22. The Deputy Director for Water Rights and the Executive Officer of the Lahontan Region shall be notified one week prior to the commencement of ground disturbing activities. A construction schedule shall be provided to agency staff upon request in order for staff to be present onsite, to answer any public inquiries during construction, and to document compliance with this certification.
23. If at any time an unauthorized discharge to surface waters (including rivers or streams) occurs, or any water quality problem arises, the associated Project activities shall cease immediately until BMPs are implemented. The Deputy Director for Water Rights and the Executive Officer of the Lahontan Region shall be notified within 24 hours after the unauthorized discharge or water quality problem arises.
24. SCE must submit any changes to the Project, including Project operation that would have a significant or material effect on the findings, conclusions, or conditions of this certification, to the Executive Director of the State Water Board for review and written approval. If the State Water Board is not notified of a significant change to the Project, it will be considered a violation of this certification.

General Conditions

25. Notwithstanding any more specific conditions in this certification, the Project shall be operated 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. SCE shall take all reasonable measures to protect the beneficial uses of the watersheds identified in Attachment D.
26. This certification is contingent on compliance with all applicable requirements of the Lahontan Region Basin Plan, except as may be modified by the specific conditions of this certification.
27. This certification does not authorize any act which results in the take of a threatened or endangered 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 SCE, SCE shall obtain authorization for the take prior to any construction or operation of the Project. SCE shall be responsible for meeting all requirements of the applicable Endangered Species Act for the Project authorized under this certification.

28. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to California Code of Regulations, title 23, section 3855, subdivision (b), and the application specifically sought a FERC license or amendment to a FERC license for a hydroelectric facility.
29. The authorization to operate the Project pursuant to this certification is conditioned upon payment of all applicable fees for review and processing of the application for water quality certification and administering the State's water quality certification program provided under California Code of Regulations, title 23, section 3833.
30. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under any 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 assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
31. In response to a suspected violation of any condition of this certification, the State 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.
32. 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.
33. This certification 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, division 3, chapter 28, article 6 (commencing with section 3867).
34. The State Water Board reserves authority to modify this certification if monitoring results indicate that the Project would violate water quality objectives or impair the beneficial uses of Mill Creek, Lee Vining Creek, Rush Creek, and Bishop Creek and their associated tributaries and water bodies.

35. The State Water Board may add to or modify the conditions of this certification, as appropriate, 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.
36. The State Water Board may add to or modify the conditions of this certification as appropriate to coordinate the operations of this Project and other water development projects, where coordination of operations is reasonably necessary to achieve water quality standards or protect beneficial uses of water.
37. The State Water Board shall provide notice and an opportunity for hearing in exercising its authority under conditions 34, 35, and 36 above.

ORIGINAL SIGNED BY

Dorothy Rice
Executive Director

June 16, 2010

Date

Attachments

WToy:ds 04/13, 05/10, 5/12 and 6/1/2010

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