STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

SOUTHERN CALIFORNIA EDISON COMPANY Applicant	)	SOURCE: Kern River
Hydroelectric Project, FERC No. 1930	)	COUNTY: Kern

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

BY THE EXECUTIVE DIRECTOR:

1. The Southern California Edison Company (SCE) has applied to the Federal Energy Regulatory Commission (FERC) for a license under the Federal Power Act (16 USC §791(a), et seq.) to operate an existing major hydroelectric power project in Kern County and to the State Water Resources Control Board (SWRCB) for Water Quality Certification under section 401 of the Clean Water Act (33 USC §1344).

2. The Federal Clean Water Act (33 USC §1251, et seq.) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters" (33 USC §1251(a)). Section 101(g) (33 USC §1251(g)) requires federal agencies to "cooperate with state and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources". Section 401 (33 USC §1341) requires every applicant for a federal license or permit to provide the responsible federal agency with certification that the project will be in compliance with specified provisions of the Clean Water Act, including section 303 ("Water Quality Standards and Implementation Plans", 33 USC §1313); directs the state 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; and provides that state certification conditions shall become conditions of any federal license or permit for the project.

3. The SWRCB is the agency responsible for water quality certification in California (section 13160 of the California Water Code); and has delegated this function to the Executive Director by regulation (section 3838 of Title 23 of the California Code of Regulations (CCR)).

4. On May 2, 1994, the SWRCB received a request from SCE for certification that the Kern River No. 1 Hydroelectric Project (Kern No. 1 Project) would be in compliance with state and local water quality requirements, including requirements that satisfy the specified provisions of the Federal Clean Water Act. The Kern No. 1 Project is a run-of-the-river type facility. Water is diverted at Kern River No. 1 Diversion Dam (also known as Democrat dam) and intake structures located on the Kern River approximately 10.2 miles upstream of the powerhouse. A water conduit,

consisting of a flowline, sandbox, forebay and one penstock, connects the intake at the Kern River No. 1 Diversion Dam with the powerhouse. The Kern River No. 1 Diversion Dam is designed to spill all waters released from Lake Isabella, in excess of the 412 cubic feet per second used through the powerhouse.

5. The Kern No. 1 Project is an existing project and no new construction or changes in project operational criteria other than possible increased bypass flow is contemplated. Because the project is an ongoing project developed prior to the passage of the California Environmental Quality Act (CEQA) and no new construction or operation of the project is proposed, the project is exempt from CEQA requirements in accordance with Title 14, CCR Section 15261.

6. The California Regional Water Quality Control Boards have adopted, and the SWRCB has approved, Water Quality Control Plans (Basin Plans) for each watershed basin in accordance with provisions of section 303 of the Clean Water Act, related to the establishment of water quality standards and planning (33 USC §§1313). Basin Plans identify beneficial uses of the waters within each Region.

7. The California Regional Water Quality Control Board (CRWQCB), Central Valley Region, in its Water Quality Control Plan for the Tulare Lake (5D) Basin has identified the beneficial uses of the Kern River from Lake Isabella to Kern River No. 1 Powerhouse as hydropower generation, contact and non-contact recreation, freshwater habitat (warm and cold), wildlife habitat and preservation of rare and endangered species. The Basin Plan identifies the beneficial uses of the Kern River below Kern River No. 1 Powerhouse as municipal and domestic supply, agricultural supply, industrial process supply, hydropower generation, contact and non-contact recreation, warm freshwater habitat, wildlife habitat, preservation of rare and endangered species and groundwater recharge.

8. Protection of the chemical, physical, and biological integrity of waters of the state for instream beneficial uses identified in the Basin Plans requires maintenance of adequate stream flows as well as effluent limitations and other limitation on discharges of pollutants from point and nonpoint sources to navigable waters and their tributaries.

9. SWRCB staff has reviewed SCE's FERC license application for the Kern No. 1 Project (SWRCB files).

ACCORDINGLY, THE SWRCB CERTIFIES THAT the Kern No. 1 Project will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law provided SCE complies with the following terms and conditions:

1. In order to meet "COLD" water temperature objective of 68 degrees fahrenheit for the Kern River from the SCE Kern River No. 1 Powerhouse upstream, as defined in the CRWQCB's Water Quality Control Plan for the Tulare Lake Basin (5D), SCE shall:

a. Continuously monitor water temperature: (1) at the upper and lower extreme ends of the Kern River bypassed reach; and (2) above the influence of the project in Kern River, for an initial period of five years after date of relicensing. Maintain records of daily maximums, minimums and average water temperature for each gage.

b. Maintain records of daily streamflow: (1) above the influence of the project in the Kern River; and, (2) at the upper and lower extreme ends of the bypassed stream reach.

c. Submit streamflow and water temperature records to the Executive Director of the SWRCB and the Director of the California Department of Fish and Game by November 15 of each year.

d. Maintain the "COLD" water designation of the Basin Plan whenever daily Kern River streamflow above the influence of the project meets the "COLD" water designation, by bypassing adequate streamflow downstream into Kern River to maintain the "COLD" water designation throughout the bypassed reach. Whenever the water temperature does not meet the "COLD" water designation, bypass sufficient water to maintain continuous flow throughout the bypassed reach to maintain the beneficial uses of water identified in the Basin Plan, including recreation.

2. In order to protect the beneficial use designations identified in the Basin Plan, operation of the project shall not add the following substances to surface waters:

a. Taste or odor-producing substances to impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or to cause nuisance or adversely affect beneficial uses;

b. Perceptible floating material including, but not limited to, solids, liquids, foams or scums which could result in degradation of water quality;

c. Suspended or settleable material in concentrations that cause a nuisance or adversely affect beneficial uses;

d. Oil, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water;

e. Toxic pollutants present in the water column, sediments, or biota in concentrations that adversely affect beneficial uses; that produce detrimental response in human, plant, animal, or aquatic life; or that bioaccumulate in aquatic resources at levels which are harmful to human health; and,

f. Coliform organisms attributable to human wastes.

3. If the permittee or licensee initiates any activities requiring installation of concrete or grout, fresh concrete or grout shall not be allowed to contact or enter surface water.

4. Any project dewatering activities shall be coordinated with the California Department of Fish and Game, and all reasonable measures taken to protect the beneficial uses of water.

5. Only water used for power generation is authorized for discharge. Discharge of any other materials is prohibited.

Original Signed By:

Walt Pettit
Executive Director

Date: MAY - 1 1995