STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Water Quality Certification for

THE SOUTHERN CALIFORNIA EDISON COMPANY
KERN RIVER 3 HYDROELECTRIC PROJECT
REVISED SEDIMENT MANAGEMENT PRACTICES

Sources: North Fork Kern River tributary to Kern River thence Buena Vista Lake thence the Tulare Lake Basin

County: Tulare County

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

BY THE EXECUTIVE DIRECTOR:

Project Description

1. The Southern California Edison Company (SCE) Kern River No. 3 Hydroelectric Project (Kern 3) is on the North Fork of the Kern River and is a run-of-the-river operation. Water is diverted for Kern 3 at Fairview Dam, which is approximately two miles northeast of the unincorporated community of Fairview and about eleven miles north of the southern boundary of Tulare County, California as shown on Attachment A, Kern River 3, Project Site Map.

2. Fairview Dam is a mass concrete overflow gravity dam with a crest length of 206 feet and a height of 26 feet. There are two outlets or low-level sluice gates, known as the outer and inner gates, along the eastern side at the base of the dam as shown on Attachment B, Fairview Dam Infrastructure. The two low-level sluice gates are opened for draining the impoundment behind Fairview Dam, normal sediment management, and annual maintenance inspections. During refill periods, the outer sluice gate, with the lowest invert elevation of the two gates, remains open to maintain the required instream flow releases. The combined discharge capacity of the two low-level sluice gates is 1,400 cubic feet per second (cfs).

3. There are two flume gates adjacent to Fairview Dam that divert river flows from the impoundment through a double chamber sandbox that conveys water downstream to the Kern 3 Powerhouse (Powerhouse). The sandbox is 449 feet long by 50 feet wide and traps sediment before entry into the flowline. There are two flat vertical fish screens at the downstream end of the sandbox that preclude the entrainment of fish into the flowline. A sandbox drain channel connects the sandbox to the

river and is used to convey the flushed sediment, and is approximately 100 feet downstream of the dam.

4. Water is conveyed about 12 miles in the flowline from Fairview Dam to the two penstocks that connect to the Powerhouse. The design carrying capacity of the flowline is approximately 620 cfs. The penstocks are approximately 2,400 feet in length and use an elevation drop of 850 feet. The Kern 3 Powerhouse is about 1.5 miles northwest of the town of Kernville in Kern County and has an installed operating capacity of 40.2 megawatts.

5. Water for Kern 3 is also obtained from Corral Creek and Salmon Creek, which are downstream tributaries of the North Fork Kern River. Flows from these sources are diverted directly into the flowline to the Powerhouse.

6. Kern 3 diversions of water for hydroelectric power generation are authorized under Water Right License 148 (Application 624) issued by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division). License 148 entitles SCE to directly divert 600 cfs of water year round.

Project History

7. SCE operates Kern 3 under license from the Federal Energy Regulatory Commission (FERC), Project No. 2290. SCE applied to re-license the project on December 27, 1991 and FERC issued the license on December 24, 1996. The license will expire on November 30, 2026.

8. The FERC license required five years of sediment monitoring downstream of Fairview Dam in the North Fork Kern River to increase the level of protection of downstream pool and riffle habitat from sedimentation during dry years, and to improve the water flow for uninterrupted hydroelectric power generation. Data were collected from1997 through 2001 at three locations, Sites A, B and C, as shown on Attachment A. The sediment monitoring data were summarized in the 2002 *Fairview Dam Sandbox Flushing Study Assessment Final Report* (Sandbox Flushing Report).

9. The Sandbox Flushing Report revealed that Site A was the optimal location for assessing downstream sediment transport and concluded that the frequency of sandbox flushing could be reduced from weekly to bi-weekly, provided the flows exceeded 350 cfs. The modifications to the flushing procedure were approved by FERC and a stakeholder group consisting of governmental agencies, public and private utilities, local water purveyors, consultants, and private parties in 2002, contingent on two additional years of sediment monitoring at Site A with a follow-on summary report. Weekly sandbox flushing would resume upon completion of the two-years of monitoring.

10. Contemporaneously with the review of the Sandbox Flushing Report, the McNally Wildfire burnt 150,670 acres of the North Fork Kern River upper watershed in August 2002. A series of storms during summer 2003 generated large volumes of sediment that accumulated behind Fairview Dam, which adversely impacted its operation by blocking the intake to the flume gates and reducing the retention capacity of the impoundment. SCE attempted to remove this excessive sediment accumulation through sluicing operations and dredging under a Department of Fish and Game (DFG) emergency permit issued in September 2003. The two years of additional sediment monitoring were necessarily delayed until the post-fire sediment build up behind Fairview Dam was reduced.

11. In June 2005, SCE proposed to revise their sediment management practices for both the Kern River No. 1 Hydroelectric Project and Kern 3. The U. S. Army Corps of Engineers (ACOE) reviewed this proposal and determined that the dredging activities were subject to the requirements of Nationwide Permit No. 3.

12. By March 2007, SCE's operational monitoring indicated that the sediment transport in the river had returned to the pre-McNally Wildfire levels. In July 2007, SCE began the two-year monitoring of the downstream sediment accumulation at Site A.

13. In August 2007, the State Water Board, in consultation with SCE, agreed that the Kern 3 sediment management and monitoring activities would require a Water Quality Certification pursuant to the requirements of section 401 of the Clean Water Act. Following further consultation with State Water Board in March 2008, SCE submitted the application for Kern River No. 3 Hydroelectric Project Revised Sediment Management Practices on May 8, 2008.

14. In February 2009, SCE completed the second year of monitoring of sediment accumulation below Fairview Dam. These data will be evaluated and summarized in the report required by FERC and the stakeholder group. On March 2, 2009, weekly sandbox flushing resumed as required under Article 402 of the FERC license.

<u>Operational Sediment Management Activities</u>

15. When sediment accumulates in the sandbox, one side of the chamber is flushed and the sediment is carried through a drain channel to the North Fork Kern River, while the other side conveys water to the flowline. This flushing procedure is then repeated for the other side of the sandbox. Any fish caught in the sandbox are released back to the river.

16. Sediment accumulation is also managed by continuous operational sluicing through the two low-level sluice gates at Fairview Dam. This procedure uses the minimum instream flows and occasionally higher flows that are not diverted for hydroelectric power generation. Sluicing occurs during the winter and spring when

there is highly turbid inflow. Flow criteria have not been established for operational sluicing.

17. Pond drain sluicing procedures drain the impoundment while passing flows of sufficient capacity to scour out the accumulated sediment behind Fairview Dam. Due to the channel geometry of the impoundment, approximately 750 to1000 cubic yards of accumulated sediment can be flushed. Historically, pond drain sluicing has been performed two to three times a year. The duration of a normal pond drain sluicing event can range between 24 to 72 hours. Section 4(e), Condition 5 of the FERC license requires that the bypass flow rate for these sluicing events does not increase more than 50 cfs per half hour and does not decease more than 30 percent of the existing flow per half hour.

Dredging Activities

18. Dredging must be conducted to remove large cobbles and boulders because the pond drain sluicing procedure is only capable of scouring a portion of the material behind Fairview Dam. The impoundment must be completely drained so that sediment, rocks, and other materials can be removed using heavy equipment, including excavators, dozers, front end loaders and dump trucks.

19. SCE anticipates that mechanical dredging should be conducted every seven to ten years to maintain the optimal capacity behind the dam. Dredging will be performed during the dry season and when the flows of the North Fork Kern River are at the lowest levels. No water will be diverted at Fairview Dam for power generation during dredging activities.

20. There are two sites on the adjacent US Forest Service land that will be used as staging areas for dredging events, as shown on Attachment A. One site is 0.4 acre located adjacent to the downstream end of the sandbox, as shown on Attachment B. This smaller staging area is partially paved and covered with gravel and will be used to park the equipment overnight. The second site is about 6.4 acres and is about four miles south of Fairview Dam, northeast of Kern River Highway. This larger site will be graded to stage construction equipment and stock pile excavated material for disposal.

21. The equipment work area for the dredging activities will be limited to 1.6 acres within a 400 feet stretch on the eastern side of the river, upstream of Fairview Dam.

22. Access to the Fairview Dam work site and staging areas is by way of the Kern River Highway that runs parallel with the river. The dam, work area, and smaller staging area are on the west side of the Kern River Highway. A secondary road branching easterly from of the Kern River Highway will be use to provide access the larger staging area.

23. Dewatering of the Fairview Dam impoundment will be conducted by opening the two low-level sluice gates and closing the flume gates to the sandbox and flowline. Flow will continue through the impoundment within a single channel and will be passed downstream through the outer and inner sluice gates. This flow may need to be bypassed through or around the dewatered work site and/or the temporary access ramp in order for the excavator to operate in the work area. A *Construction Period Stream Diversion Plan* (Diversion Plan) will be developed to identify the field activities needed to bypass flow around or through the dewatered work area. The Diversion Plan will identify the procedures to be taken if installation of a temporary bridge or pipe/culvert is needed for the excavator to cross channel flows during dredging.

24. A temporary ramp will be installed on the east side of the river using the excavator to provide access to the dewatered work area. The access ramp will be about 30 feet long and 15 feet wide.

25. The dewatered impoundment will be given sufficient time to dry out before commencing excavation. Excavated material will be pushed up onto the access ramp by a bulldozer to be loaded onto dump trucks for transport to the larger staging area.

26. During dredging activities, the excavator will not enter the water and movement is limited to the dewatered work area. The excavator's bucket will be the only part of the equipment making contact with water and its arm should be of sufficient reach to dredge the western side of the impoundment.

27. Upon completion of the dredging activities, the impoundment will be re-contoured, the disturbed shoreline areas will be re-vegetated, and the access ramp will be removed. Excavated material that is not used in the restoration activities will be transported to the larger staging area. All exposed slopes and areas of the river bank shall be seeded and covered with broadcasted straw. Removal of the access ramp by the excavator will be the reverse of its construction. Re-filling of the impoundment will be made by closing the inner low level sluice gate and allowing the outer level sluice gate to bypass flows as required in the FERC license.

<u>Dredging Construction Best Management Practices (BMPs)</u>

28. Dredging activities will be conducted during the dry season and no work will be performed during significant precipitation events.

29. Maintenance and refueling activities will be conducted at the larger staging site. A catchment area and/or sediment control devices (i.e., straw bales, silt fencing, etc.) will be installed to control runoff in this area.

30. Heavy equipment will be inspected and maintained daily, cleaned of external petroleum residue, and the gear box will be sealed to prevent leakage.

31. Drip pans will be used for the equipment, and a spill containment kit will be placed at the work and staging areas.

32. A buffer zone to surface water of 100-feet will be maintained in the work area. Equipment refueling and fuel storage will not occur within the buffer zone. If the 100-foot buffer is not feasible to maintain, secondary containment (i.e. drip pan, spill containment kit, etc.) will be employed during fueling to prevent spillage and water quality impacts.

33. Vehicle and equipment access will be limited to the ramp, existing roads, the dewatered work area, and the staging areas.

34. Sand and sediments will be removed using a skimming action to prevent holes or depressions from being formed during excavation.

35. All excavated material will be placed in a designated zone within the work area or staging area. Orange construction fencing backed by silt fencing will be used in these areas to control drainage from the excavated material.

36. Tools and loose sediment and soil will be removed if located within the high water mark of the river at the end of the day.

37. All construction debris and trash will be contained and regularly removed from the work area and staging areas for disposal. Food related trash will be removed from the work area when activities cease at the end of the day.

38. All soil and material contaminated by petroleum products or other chemicals used during construction will be excavated, contained, and removed from the project site for appropriate disposal. A *Site Specific Spoils Disposal Plan* (Disposal Plan) will be developed in accordance with Section 4(e) Condition 10 and Article 405 of the FERC license.

Regulatory Authority

39. 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 (g)) 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."

40. 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 State certification conditions shall become conditions of any federal license or permit for the project. The State Water Board has delegated this function to the Executive Director by regulation. (Cal. Code Regs., tit. 23, § 3838, subd. (a).)

41. The California Regional Water Quality Control Boards have adopted, and the State Water Board has approved, water quality control plans for each watershed basin in the State. These 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 plans constitute State water quality standards under section 303.

42. The Central Valley Regional Water Quality Control Board (Central Valley Region) has adopted, and the State Water Board and the U.S. Environmental Protection Agency have approved, the Water Quality Control Plan for the Tulare Lake Basin (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.

43. The Basin Plan identifies the beneficial uses for the Kern River above Lake Isabella as municipal; hydropower generation; contact and non-contact recreation; warm and cold freshwater habitat; wildlife habitat; and rare, threatened or endangered species habitat.

44. Protection of the instream beneficial uses identified in the Basin Plan requires maintenance of adequate instream flows as well as effluent limitations and other limitations for discharges of pollutants from point and non-point sources to the Kern River and its tributaries.

45. The State Water Board has reviewed and considered the plans and project description provided by SCE for the Project. Further, the State Water Board has considered the Central Valley Region Basin Plan, the existing water quality conditions and project-related controllable factors.

46. On March 17, 2006, the DFG filed a Notice of Exemption under the California Environmental Quality Act (CEQA) with the Office of Planning and Research and issued Streambed Alteration Agreement Number 2005-0047-R4 for the project. DFG found that the project would have no significant environmental impacts if completed under the protective features included in the Agreement, which expires in 2018.

47. The federal agency issuing a federal permit for the Project is the ACOE. SCE has applied to the ACOE for Nationwide Permit Number 3 (Corps File No. 200500615)

under section 404 of the Clean Water Act. On August 17, 2007, SCE filed a revised application with ACOE.

48. After reviewing and considering all of the pertinent information available for this 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 CEQA 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 and § 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 KERN RIVER 3 HYDROELECTRIC PROJECT REVISED SEDIMENT MANAGEMENT PRACTICES will comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with applicable provisions of State law, if the Applicant complies with the following terms and conditions during the project activities certified herein.

Sediment Management Conditions

1. Routine sandbox flushing shall be conducted when flows exceed 350 cfs.

2. Sediment sluicing shall be implemented in accordance with the ramping rate requirements in Section 4(e), Condition 5 of the FERC license.

Dredging Conditions

3. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project. Removal of sediment and debris in the impoundment work area shall not extend more than 400 feet upstream of Fairview Dam.

4. All equipment using gas, oil, hydraulic fluid or other petroleum products shall be steam cleaned prior to its use in the waterway. All equipment shall be inspected for leaks prior to use and shall be monitored for leakage.

5. Erosion and sedimentation control measures shall be implemented and be in place at the staging areas prior to commencement of project activities, and shall be maintained during and after any ground clearing activities or any other project activities that could result in runoff and discharges to surface water.

6. A buffer zone of 100-feet shall be maintained in the impoundment work area to prevent spills and polluted runoff from entering surface water.

7. The excavator will only operate in the dewatered portions of the impoundment and entry of the excavator into water is prohibited.

8. Debris, soil, silt, sand, bark, slash, rubbish, oil or petroleum products, or other organic or earthen material from dredging and related activities shall not be placed within the buffer zone, and shall be stockpiled in the larger staging area.

9. Stationary equipment (motors, pumps, generator, etc.) located within or adjacent to the waterway shall be positioned over drip pans. Spill and containment equipment (oil spill booms, sorbent pads, etc.) shall be maintained onsite at all site locations where such equipment is used.

10. Equipment refueling shall only take place in designated portions of the work and staging areas. Containment measures shall be implemented during refueling activities in the work area if a buffer zone of 100-feet cannot be maintained.

11. Placement of excavated material overnight on the access ramp is prohibited.

12. The temporary stockpile and storage areas for excavated sediment, debris, rocks and other materials shall be surrounded with fiber rolls and/or silt fencing. Site erosion control blankets shall be available on site to cover the excavated sediment during precipitation events.

13. Project activities shall not cause an increase in turbidity downstream of the work area that is greater than 20% above background turbidity levels or shall not cause an increase of more than 10 Nephelometric Turbidity Units (NTUs) above background.

14. Upon completion of the project, all project-generated debris, building and excess materials, and trash shall be removed from the work and staging areas. Disposal of waste debris and materials from containers and bins shall be conducted in accordance with the Disposal Plan.

<u>Reporting Conditions</u>

15. The Diversion Plan shall be submitted to the State Water Board Deputy Director for Water Rights (Deputy Director for Water Rights) prior to initiation of any dredging work. The plan must identify those measures and procedures to bypass flow around the work area and to maintain instream flow downstream of Fairview Dam. This plan shall provide, at minimum, the following information:

    - estimated flow rates to be maintained downstream of Fairview during construction;
    - diagrams of the barrier placement that will control flow around the work area;
    - identification and quantities of materials to be used in construction of the flow control barrier or structure;
    - schedule and duration of dredging activities;

- the number and location of upstream and downstream monitoring points to assure that excessive turbidity is avoided during dredging and impoundment refilling; and
- identification of any mitigation measures that may be needed to protect the fishery.

The Diversion Plan must address the requirements of the DFG Streambed Alteration Agreement No. 2005-0047-R4. The plan must be submitted a minimum of 45 days prior the onset of field activities and will be subject to comments and approval by permitting agencies.

16. A Summary Dredging Report shall be submitted, 90 days from the completion date of dredging activities, to the Deputy Director of Water Rights for review. The report shall provide, at a minimum, the following:

    - summary of dredging activities;
    - summary of the turbidity data;
    - summary of mitigation measures taken to protect the fishery; and
    - photographs of the dredging activities.

17. An annual report must be submitted to the Deputy Director of Water Rights prior to March 15 of the each year that summarizes the sediment management practices used during the previous calendar year. This report will demonstrate compliance with the conditions in this certification set forth by the State Water Board and with the DFG Streambed Alteration Agreement No. 2005-0047-R4. A copy of the annual report shall be provided to the DFG. The annual report shall contain but is not limited to the following:

    - a summary of all maintenance activities performed during the past year;
    - any issues related to protective measures set forth in the project permits;
    - photographs of the project area;
    - a description of sediment conditions in the project impound and bypassed reach, and/or a summary of any monitoring data collected if applicable, and
    - any anticipated work scheduled for the upcoming year.

Notification Conditions

18. The Deputy Director for Water Rights and the Assistant Executive Officer for the Central Valley Region, Fresno Office shall be notified one week prior to the commencement of ground disturbing activities in order for staff to be present onsite, to answer any public inquiries during construction, and to document compliance with this certification.

19. SCE shall provide a copy of this certification to the contractors and all subcontractors conducting the work, and copies shall remain in their possession at

the project site. SCE shall be responsible for work conducted by its contractors or subcontractors.

20. If at any time an unauthorized discharge to surface waters (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Deputy Director for Water Rights and the Assistant Executive Officer for the Central Valley Region, Fresno Office shall be notified within 24 hours after the unauthorized discharge or water quality problem arises.

21. If a turbid flow bypass occurs with little or no advance warning, it may not be feasible to make prior agency notifications. Regulatory agencies and stakeholder groups shall be notified as soon as possible following implementation of turbid flow bypass.

22. SCE must submit any change 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

23. All BMPs described in the application for water quality certification and its supplemental information are hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any more specific conditions in this certification, SCE shall comply with all measures described in the application for water quality certification and its supplements.

24. 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 Kern River.

25. This certification is contingent on compliance with all applicable requirements of the Water Quality Control Plan for the Tulare Lake Basin, except as may be modified by the specific conditions of the certification.

26. DFG Streambed Alteration Agreement Number 2005-0047-R4 issued on March 17, 2006 is incorporated by reference into this water quality certification. SCE shall comply with terms of the Agreement. In the event of conflict between terms of that permit and this water quality certification, the conditions of this certification shall control.

27. This certification does not authorize any act which results in the taking 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 & Game 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 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 deposits 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. SCE must submit any change to the project, including project operations that would have a significant or material effect on the findings, conclusions, or conditions of this certification to the Deputy Director for Water Rights for prior review and written approval.

34. 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 § 3867).

35. 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 the Kern River.

36. 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.

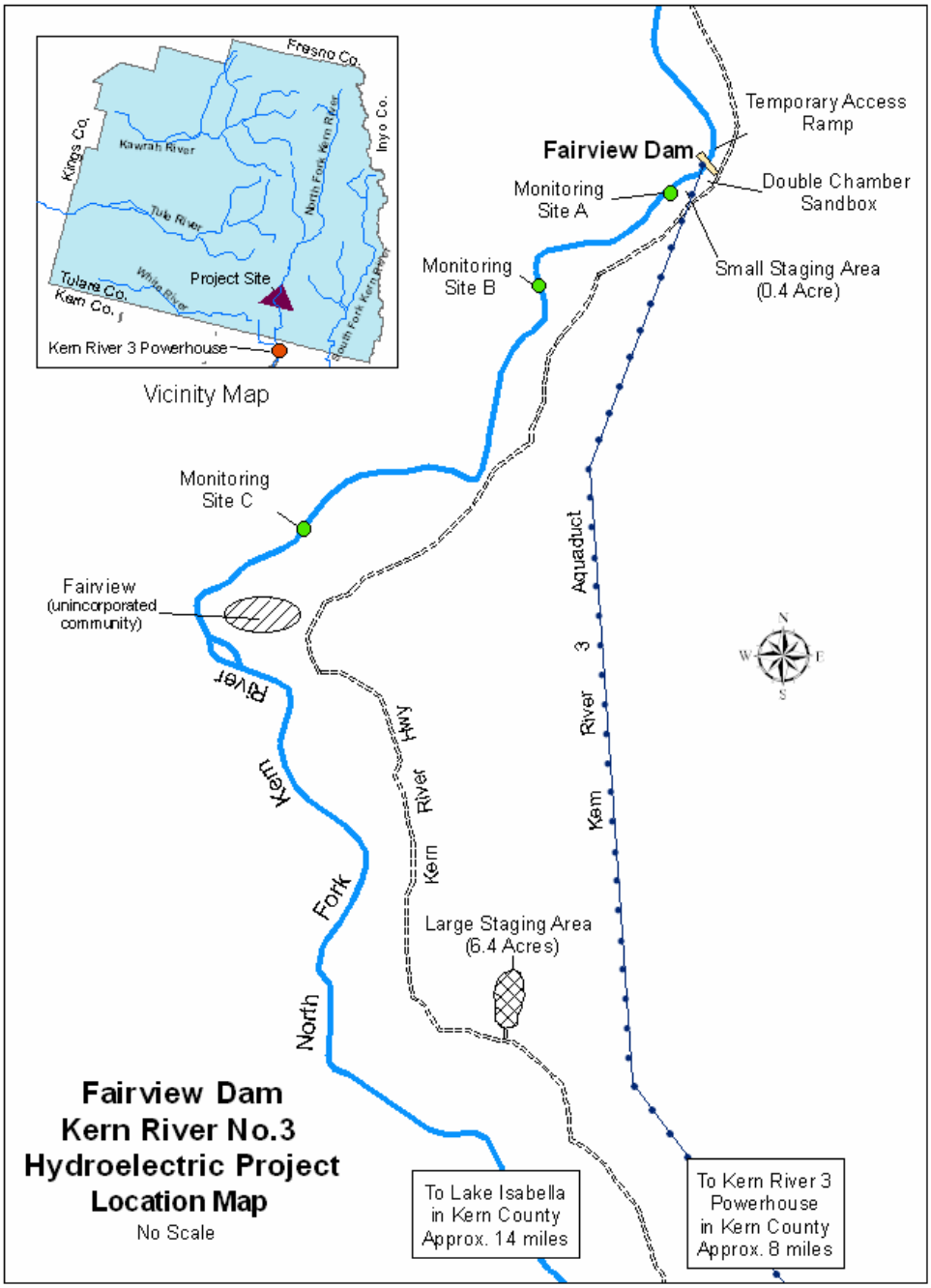
37. The State Water Board may add to or modify the conditions of this certification as appropriate to coordinate the operations of this Project and other water development projects, where coordination of operations is reasonably necessary to achieve water quality standards or protect beneficial uses of water.

38. The State Water Board shall provide notice and an opportunity for hearing in exercising its authority under conditions 35, 36, and 37 above.

ORIGINAL SIGNED BY
Dorothy Rice
Executive Director

APRIL 30, 2009
Date

Attachment A



Attachment B