STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Water Quality Certification for

**SOUTHERN CALIFORNIA EDISON COMPANY**
**LYTLE CREEK GATE INTAKE REPAIR PROJECT**

Sources: Lytle Creek tributary to Santa Ana River

County: San Bernardino County

## WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

BY THE EXECUTIVE DIRECTOR:

Project Description

1. Southern California Edison Company (SCE) operates the Lytle Creek Hydroelectric Project (Project) located within the San Bernardino National Forest, as shown on Attachment A, Location Map. The Project is a run of the river operation that began in 1904. Power generation is authorized under Federal Energy Regulatory Commission (FERC) Project No. 1932.

2. The Lytle Creek Intake Structure diverts water to the SCE hydroelectric powerhouse located about 3.5 miles downstream. Flow is diverted to the intake structure via a channel created by a primary soft plug barrier in the stream channel, which is comprised of native materials (cobbles, gravel, sand and fines) from the stream bed.

3. Statement of Water Diversion and Use No. S007764 documents the diversion with the State Water Resources Control Board (State Water Board), Division of Water Rights. Water released from the SCE powerhouse is re-diverted as the City of Fontana (City) municipal water supply.

4. SCE proposes to perform the Lytle Creek Gate Intake Repair Project (Repair) for the grids, intake gates, and gate valves as these components have been damaged due to exposure to the elements and vandalism. The Repair will be done in the dry season and is anticipated to take 36 days to complete. Repair will be performed in two phases to ensure that water is available to the City. About 12 days will be needed in each phase for construction activities, with 12 days between phases for the fabrication of the replacement units.

5. Phase One construction activities will consist of excavating the streambed to expose the upstream face of the concrete footing of the intake structure, chipping out a notch in the footing, building forms for the new foundation, and pouring concrete for the foundation. Measurements will also be taken for the fabrication of the new grids, gates and valves. Phase Two will consist of removing the old gates, grids and valves and replacing them with the newly fabricated units. The new units will be tested before returning the project to full operation.

6. Two temporary berms will be built during each phase of the Repair for dewatering the Lytle Creek stream channel. Native materials (sand, gravel, cobbles, and boulders) from the adjacent beach and streambed will be used to construct the berms. The temporary berms will be removed at the end of each phase so that the channel to the intake structure will refill.

7. The work area for the Repair will be adjacent to the upstream face of the intake structure. An existing unpaved parking area located within 100 feet of the northern access road will be used as the staging area.

Construction Activities

8. A large temporary berm (LB) will be built approximately 200 feet upstream of the intake structure and will redirect the flows away from the channel that leads to the intake. The redirected flow is expected to top the LB and continue downstream in another channel of Lytle Creek.

9. A small temporary berm (SB) will be built immediately upstream of the drain gates at the intake structure. The upstream face of the SB will be lined with plastic to divert any seepage that passes through the LB. Any water that seeps through the SB will be passed downstream via the drain gates.

10. Construction material, equipment, gas-powered concrete mixer, and supplies will be transported to the project site using South Lytle Creek Road. An excavator, bulldozer, and dump truck will be used for the Repair.

11. A 12 feet tall alder on the east bank of Lytle Creek will need to be removed for the Repair. The alder is the only vegetation within the stream channel borrow area. There are no plans to plant new trees.

12. At the completion of the Repair, the stream channel, work and staging areas will be returned back to their original conditions. All construction related materials, spoils, trash and waste, will be transported to a SCE property for final disposal at an authorized site.

Construction Best Management Practices (BMPs)

13. Heavy equipment will be stored overnight in designated portions of the staging areas and drip pans or other types of containment will be placed under the vehicles. Heavy equipment will be stored overnight in the staging area, however no construction material and supplies will be stored overnight due to potential vandalism.

14. Equipment will be inspected daily for leaks. If leaks are found, they will be immediately repaired or the equipment will be removed from the project site. No refueling of the equipment will be performed onsite.

15. Straw bales will be placed in the stream channel on the upstream face of the LB as a turbidity control measure.

16. Concrete will be mixed onsite in a designated location within the staging area. Plastic will be laid across the creek bed to collect any concrete spillage in the work area. Concrete wash water will be placed in containers and transported to a SCE property for final disposal at an authorized site.

17. All construction related debris, waste, and trash will be collected at the end of the work day. Material will be loaded onto the dump truck and transported to a SCE property for final disposal at an authorized site.

Regulatory Authority

18. 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."

19. 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 Resources Control Board (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).)

20. 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.

21. The Santa Ana Regional Water Quality Control Board (Santa Ana Region) has adopted, and the State Water Board and the U.S. Environmental Protection Agency have approved, the Water Quality Control Plan for the Santa Ana 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.

22. The Basin Plan identifies present or potential beneficial uses for the Lytle Creek watershed within the Upper Santa Ana River Basin as municipal and domestic supply; agricultural supply; industrial service supply; industrial process supply; groundwater recharge; hydropower generation; water contact recreation; non-contact water recreation; cold freshwater habitat; wildlife habitat; and rare, threatened or endangered species.

23. The State Water Board has reviewed and considered the plans and project description provided by SCE. Further, the State Water Board has considered the Santa Ana Region Basin Plan, the existing water quality conditions and project related controllable factors.

24. 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 the Class 1 categorical exemption under the California Environmental Quality Act for the ongoing operation, repair, and maintenance of an existing facility. (Pub. Resources Code, § 21083; Cal. Code Regs., tit. 14, § 15301.) The State Water Board has prepared a notice for the Class 1 categorical exemption and will file a Notice of Exemption within five days from the issuance of this certification.

25. SCE filed a Nationwide Permit 3 application with the US Army Corp of Engineers (ACOE) for this project. The ACOE identification number for the project has not yet been assigned.

**ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE STATE WATER BOARD CERTIFIES THAT THE SOUTHERN CALIFORNIA EDISON COMPANY LYTLE CREEK GATE INTAKE REPAIR 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 more specific conditions in this certification, SCE shall comply with all measures described in the application for water quality certification and its supplements.

2. 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.

3. All equipment must be washed prior to transport to the project site and must be free of sediment, debris and foreign matter. All equipment using gas, oil, hydraulic fluid or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (motors, pumps, generator, etc.) shall be positioned over drip pans or other types of containment. Spill and containment equipment (oil spill booms, sorbent pads, etc.) shall be maintained onsite at all locations where such equipment is used or staged.

4. Operation of the bulldozer and/or excavator within the stream channel shall be kept at a minimum.

5. The concrete mixer shall be placed on plastic when in use. Unset cement or concrete is prohibited from contacting or entering surface waters.

6. Cleaning of the concrete mixer shall be performed at a designated washout area within the staging site where the washout water can be collected. Discharge of the washout water to surface water is prohibited.

7. 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 waters.

8. Upon completion, all project-generated debris, waste, and trash shall be removed from the project site for final disposal at an offsite landfill or other authorized waste disposal site.

Monitoring and Reporting Conditions

9. Turbidity monitoring shall be conducted during both phases of Repair activities. Turbidity monitoring is not required when water is diverted through the intake gates for power generation.

10. Repair activities shall not cause an increase in turbidity downstream of the intake structure that is greater than those levels identified in the Santa Ana Region Basin Plan. The Santa Ana Region Basin Plan requires that turbidity increases which result from controllable water quality factors shall comply with the following:

| Natural Turbidity | Maximum Increase |
|---|---|
| 0-50 nano-turbitidy unit (NTU) | 20% |
| 50-100 NTU | 10 NTU |
| Greater than 100 NTU | 10% |

11. To determine compliance with the turbidity water quality standards, the following monitoring activities shall be required.

    a. Sampling locations shall be: 1) 50 feet upstream of the LB that re-diverts stream flow, and 2) 100 feet downstream of the SCE intake structure.

    b. The upstream monitoring location shall be used to determine natural or background levels for the purpose of monitoring water quality impacts from the Repair.

    c. 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.

    d. Daily turbidity monitoring shall begin as soon as construction activities commence in the stream channel upstream of the intake structure, and shall continue 24 hours after flow releases have resumed through the outlet structure.

    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.

12. 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 Santa Ana Region within four weeks of project completion.

Notification Conditions

13. A copy of this certification shall be provided to the contractor and all subcontractors conducting the work, and copies shall remain in their possession at the work site. SCE shall be responsible for work conducted by its contractor or subcontractors.

14. The Deputy Director for Water Rights and the Executive Officer of the Santa Ana Region shall be notified one week prior to the commencement of ground disturbing activities, and upon request, a construction schedule shall be provided to agency staff in order for staff to be present onsite, to answer any public inquiries during construction, and to document compliance with this certification.

15. 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 adequate BMPs are implemented. The Deputy Director for Water Rights and the Executive Officer of the Santa Ana Region shall be notified within 24 hours after the unauthorized discharge or water quality problem arises.

16. 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

17. 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 Santa Ana Region Basin Plan.

18. This certification is contingent on compliance with all applicable requirements of the Santa Ana Region Basin Plan, except as may be modified by the specific conditions of this certification.

19. 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.

20. 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 Federal Energy Regulatory Commission (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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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).

26. 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.

27. 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 Upper Santa Ana River Basin.

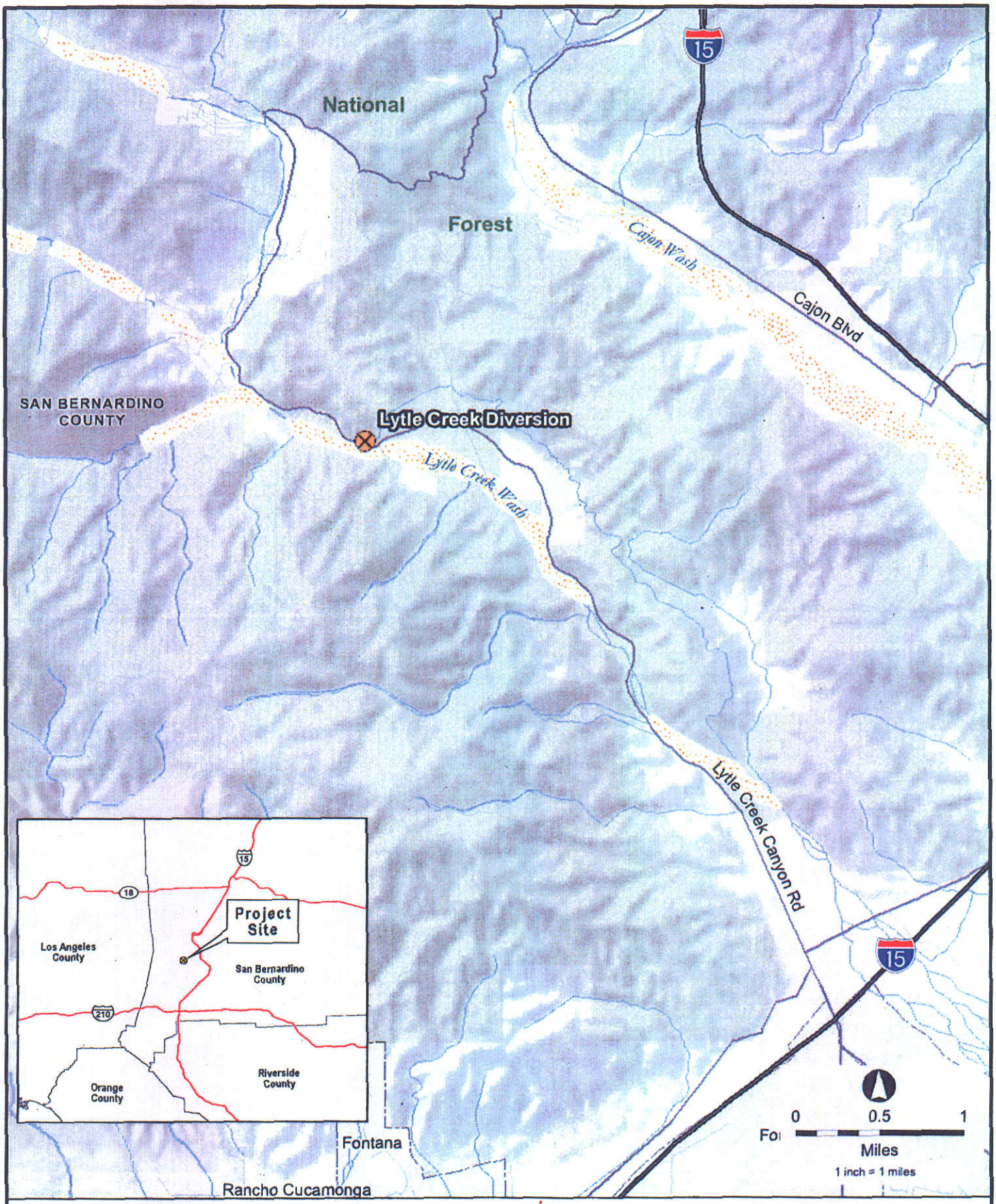
28. The State Water Board may add to or modify the conditions of this certification as appropriate to coordinate the operations of this project and other water development projects, where coordination of operations is reasonably necessary to achieve water quality standards or protect beneficial uses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

29. The State Water Board shall provide notice and an opportunity for hearing in exercising its authority under conditions 26, 27, and 28 above.

Dorothy Rice
Executive Director

8-25-09
Date

Attachment




## ATTACHMENT A - LOCATION MAP

Reference: Application For Development of the Army Permit (33CFR325), Figure 1 - Regional Location, Prepared By - PBSJ for Southern California Edison