



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Executive Office

Charles R. Hoppin, Chairman
1001 I Street • Sacramento, California 95814 • (916) 341-5603
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger
Governor

**ORDER FOR CLEAN WATER ACT SECTION 401
WATER QUALITY CERTIFICATION FOR THE SAN DIEGO GAS AND ELECTRIC
COMPANY SUNRISE POWERLINK PROJECT
FILE NO. SB09015IN
U.S. ARMY CORPS OF ENGINEERS FILE NO. 2007-00704-SAS**

PROJECT: Sunrise Powerlink Electric Transmission Line

APPLICANT: Mr. Don Haines
San Diego Gas and Electric Company (SDG&E)
8315 Century Park Court, CP21G
San Diego, CA 92123-1548

This Certification responds to your request on behalf of SDG&E for water quality certification for the subject project [State Water Resources Control Board File no. SB09015IN; U.S. Army Corps of Engineers (Corps) File no. 2007-00704-SAS]. Your application was received on October 15, 2009, and was determined to be complete on November 15, 2009. Numerous changes to the project were made by the applicant, and a revised application reflecting those changes was received on August 23, 2010.

ACTION

- | | |
|---|---|
| <input type="checkbox"/> Order for Standard Certification | <input type="checkbox"/> Order for Denial of Certification |
| <input checked="" type="checkbox"/> Order for Technically Conditioned Certification | <input type="checkbox"/> Order for Waiver of Waste Discharge Requirements |

AUTHORIZATION:

This Certification conditionally certifies the construction and operation by SDG&E of the Sunrise Powerlink Project (Project) as described in the Sunrise Powerlink Final Environmental Impact Report/Final Environmental Impact Statement and supporting documents. The State Water Resources Control Board (State Water Board) has reviewed these documents and has made the findings required by the California Environmental Quality Act (CEQA) Guidelines (see attachment D).

STANDARD CONDITIONS:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the

California Water Code (CWC) and California Code of Regulations (CCR), title 23, chapter 28, article 6 (commencing with section 3867).

2. This Certification action is not intended and shall not be construed to apply to 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 CCR, title 23, section 3855(b), and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Certification is conditioned upon total payment of any fee required under CCR, title 23, chapter 28 and owed by the SDG&E. The maximum possible fee of \$40,000.00 was received with the application.

ADMINISTRATIVE CONDITIONS:

1. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to SDG&E and/or responsible contractor(s)/sub-contractor(s), if the State Water Board determines that the Project fails to comply with any of the terms or conditions of this Certification.
2. This Certification shall expire upon the expiration, retraction, or substantial modification of the Clean Water Act Section 404 permit issued by the Corps, or five (5) years from the date of issuance of this Certification, whichever comes first.
3. A copy of this Certification, the application, and all supporting documentation must be available at the Project site during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Certification and its posted location on the Project site.
4. SDG&E shall grant State Water Board and Regional Water Quality Control Boards (Regional Water Board, collectively Water Boards) staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the Project site at reasonable times, to ensure compliance with the terms and conditions of this Certification, or to determine the impacts the Project may have on waters of the State.
5. 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, processes, or sanctions as provided for under state or federal law. For purposes of Clean Water Act section 401(d), the applicability of any State law authorizing remedies, penalties, processes, 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 Order.

6. In response to a suspected violation of any condition of this Certification, the Water Boards may require the holder of this Certification to furnish, under penalty of perjury, any technical or monitoring reports the 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.
7. 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 (Wat. Code, § 13000 et seq.) or section 303 of the Clean Water Act.
8. SDG&E shall notify the State Water Board within 24 hours of any noncompliance that may impact the beneficial uses of waters of the State (including wetlands, rivers or streams). The notification shall include the volume and type of materials discharged and recovered, measures used to contain the discharge, and measures used to prevent future discharges.
9. Permitted activities shall not result in the taking of any State endangered species, threatened species, or candidate species, or the habitat of such a species unless the activity is authorized by the California Department of Fish and Game pursuant to a permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code.
10. Permitted activities must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Water Quality Control Plan (Basin Plan) by a Regional Water Board or the State Water Board.
11. This Certification does not obviate the need to obtain other permits that may be required by federal, state, or local authorities. Failure to comply with any condition of this Certification shall constitute a violation of the Clean Water Act and the Porter Cologne Water Quality Control Act. Any such Certification previously granted shall immediately be revoked, and any or all discharges shall cease. SDG&E may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

ADDITIONAL CONDITIONS:

1. Construction and operation of the Project shall adhere to all Mitigation Measures (MMs) found in the Final Environmental Impact Report/Environmental Impact Statement and Proposed Land Use Amendment SDG&E Company Application

for the Sunrise Powerlink Project (Sunrise FEIR) issued October 17, 2008. Minor revisions to the Sunrise FEIR that may be made by the lead agencies for compliance with the CEQA or the National Environmental Policy Act (NEPA) shall be accepted under this condition when such revisions are made through appropriate legal and administrative processes. Changes to the Sunrise FEIR that may affect the State Water Board's findings pursuant to CEQA, shall result in additional review, and possible modification, revocation, or denial of certification.

2. Construction, operation, documentation and reporting for the Project shall be in compliance with the Project Final Mitigation Monitoring, Compliance, and Reporting Program (MMCRP), dated April 1, 2010, and any subsequent revisions to the MMCRP that may be prepared in order to correct minor inconsistencies, typographical errors, etc. SDG&E is responsible for successfully implementing all the adopted mitigation measures in the MMCRP.
3. As provided in MMCRP, section 2.1.1, the Contact List containing all contact information for all key Project personnel for all Project segments, including all environmental monitors, shall be provided to the State Water Board. No work on the Project that may result in a discharge to a water of the State shall be permitted until the Contact List is received by the State Water Board. The State Water Board shall be provided with any update to this Contact List in a timely manner as personnel changes occur.
4. As provided in the MMCRP, section 3.3, Communication Protocol During Construction, if an unplanned construction activity violates, or threatens to violate, water quality standards, SDG&E shall cause work to be stopped in that area immediately (as long as it can be done safely) until the State Water Board can be contacted to resolve the potential violation.
5. As provided in Mitigation Measure (MM) BIO-APM-15, emergency repairs may be required during the construction and maintenance of the Project to address situations that potentially or immediately threaten the integrity of the Project facilities. For response to emergencies that affect or have the potential to affect waters of the State, all applicable communication protocols and MMs shall be followed to the fullest extent practicable. Once the emergency has abated, any unavoidable environmental damage shall be reported to the Project biological construction monitor, who shall notify the State Water Board within 24 hours. If required by the State Water Board, SDG&E shall develop an emergency response plan following cessation of the emergency in order to mitigate for any significant water quality effects caused by the emergency response consistent with all applicable MMs and any permits issued for the Project.
6. As specified in MM WQ-APM-14, a General Permit for Storm Water Discharges Associated with Construction Activity (NPDES permit) authorization from the Water Boards shall be obtained. No work on the Project that may result in a

discharge to a water of the State shall be permitted until this authorization is obtained. SDG&E shall establish and implement a Stormwater Pollution Prevention Plan or plans (SWPPP) to minimize the hydrologic impacts of Project. Construction of the Project shall be conducted in compliance with all SWPPPs submitted by SDG&E for the Project.

7. Compensatory mitigation for effects due to the construction and operation of the Project, as provided in MM B-2a, shall be guided by, documented, and reported in compliance with Final Project Habitat Mitigation and Monitoring Plans (HMMPs) to be approved by the State Water Board and other relevant state and federal agencies. State and federal regulations require mitigation for impacts to waters of the State, including waters of the U.S. The Final HMMP will describe how the mitigation will be accomplished, including preservation, restoration and enhancement activities, monitoring and performance criteria, and management of compensatory mitigation areas.

Pending approval of the Final HMMPs, the Conceptual HMMP revised October 2010, including all attachments and appendices, shall be accepted as a provisional HMMP for the Project, in consideration of the complexity of the ongoing transactions and planning associated with the proposed compensatory mitigation properties. Substantial changes to the Conceptual HMMP's provisions may result in additional review period, and modification, suspension, or denial of certification.

All details for the Final HMMPs, except those specified in Condition 8 below, shall be submitted to the State Water Board within 120 days of the issuance of this Certification unless an extension is requested by SDG&E and granted by the State Water Board before the 120 days have expired. Failure to meet this deadline may result in revocation of this Certification. Any such request shall specify the following:

- a. A full explanation of the reason and need for an extension.
 - b. A full explanation of what steps SDG&E is taking to address the reasons for the delay.
 - c. A detailed schedule for completion.
8. Property and interests in real property obtained for compensatory mitigation shall be subject to approval by the State Water Board. Management plans, as presented in the HMMPs for each parcel proposed as compensatory mitigation, will be subject to approval by the State Water Board. These plans will, at a minimum, provide detailed information of the following:
 - a. Mitigation objectives, including a summary of the aquatic resource type, and acreage and/or stream reach length to be provided, the method of compensation (i.e., restoration, establishment, enhancement, and/or preservation), and the manner in which the project will properly function within a watershed to offset permitted impacts to waters of the State.

- b. Compensation Plan's scope of work.
- c. Method(s) of site protection through legal and real estate arrangements and instruments.
- d. Access to all mitigation sites for vector control purposes, if deemed necessary by the appropriate vector control agency, and for on-going maintenance and mitigation compliance review by authorized staff of any regulatory agencies. .
- e. Complete baseline information of all sites, including a full description of the sites' resources and ecological conditions, contributions to water quality and a description of how unavoidable impacts are offset by the acquisition and management of the sites.
- f. Performance standards, including documentation of the sites' maintenance and improvement of ecological and hydrologic functions.
- g. Plans for maintenance and long-term management, including a schedule and work plan of sufficient detail to ensure that all actions needed for accomplishment of site management goals are planned and implemented.
- h. A site monitoring plan of sufficient detail and duration to provide a record of the condition of the sites over time. The monitoring plan will account for all personnel, equipment and actions needed to observe, document and report in perpetuity all site characteristics which are intended to provide compensation for ecological and hydrological services lost due to Project construction and operation. The monitoring plan will specify the level and frequency of monitoring to be conducted at the sites. The monitoring plan will include an adaptive management element to provide for orderly management response to problems and changing conditions.
- i. Budget projections to ensure that site endowments are sufficient to provide for all necessary expenses entailed in the implementation of the plan.
- j. Specification, in detail, of all financial assurances proposed to ensure implementation of all of the plans' elements in perpetuity.
- k. Any additional information deemed necessary by the State Water Board or other relevant state or federal Agency.

The Final HMMPs shall be submitted to the State Water Board within 12 months of the issuance of this Certification unless an extension is requested by the SDG&E and granted by the State Water Board before the

12 months have expired. Failure to meet this deadline may result in revocation of this Certification. Any such request shall specify the following:

- A full explanation of the reason and need for an extension.
- A full explanation of what steps the SDG&E is taking to address the reasons for the delay.
- A detailed schedule for completion.

Full title and ownership or land transfer agreements for all compensatory mitigation properties shall be finalized before energization of Sunrise Powerlink Transmission Line, unless an extension is requested by the SDG&E and granted by the State Water Board. Any such request shall specify the following:

- A full explanation of the reason and need for an extension.
- A full explanation of what steps the SDG&E is taking to address the reasons for the delay.
- A detailed schedule for completion.

9. Compensation for Permanent and Temporary Impacts: The compensatory mitigation ratio for permanent and temporary impacts to waters of the State shall be as shown in Tables 1 and 2 below. Exact mitigation ratios achieved under the Final HMMPs may vary slightly, but shall not be substantially lower than those presented in this Certification. Details for compliance with this condition shall be specified in the Final HMMPs as described in Conditions 7 and 8.

Table 1. Summary of Sunrise Powerlink Project Mitigation for Permanent Impacts to Waters of the State

| Habitat Type | Permanent Impacts | Off-site Restoration Mitigation Acreage | Off-site Enhancement Mitigation Acreage | Off-site Preservation Acreage for Permanent impacts (after subtracting Temporary Impact preservation—see Table 2) | Total Mitigation Acreage for Permanent Impacts | Permanent Impact Mitigation Ratio |
|----------------------------|-------------------|---|---|---|--|-----------------------------------|
| Desert Dry Washes | 2.72 | 0 | 4.04 | 72.94 | 77.98 | 29 ¹ |
| Other Streams ² | 2.71 | 0.04 | 2.14 | 0.41 | 2.59 | 1 |
| Wetlands | 0.08 | 0 | 7.52 | 11.11 | 18.63 | 233 |
| Total | 5.51 | 0.04 | 13.70 | 85.86 | 99.6 | 15.1 ³ |

1. Combines restoration, enhancement, and preservation acres. Final HMMP will reflect final allocation of preservation and non-preservation ratios.
2. Other Streams include both non-vegetated streams to Top of Bank and riparian habitat, when present.
3. Based on weighted average

Table 2. Summary of Sunrise Powerlink Project Mitigation for Temporary Impacts to Waters of the State

| Habitat Type | Temporary Impacts | On-site Habitat Replacement Acreage | Temporary Impacts Replacement On-site Ratio | Off-site Preservation Acreage | Temporary Off-site Mitigation Ratio |
|----------------------------|-------------------|-------------------------------------|---|-------------------------------|-------------------------------------|
| Desert Dry Washes | 7.3 | 7.3 | 1:1 | 14.6 | 2:1 ¹ |
| Other Streams ² | 0.9 | 0.9 | 1:1 | 1.08 | 2:1 |
| Wetlands | 0 | NA | NA | NA | NA |
| Total | 8.2 | 8.2 | 1:1 | 16.4 | 2:1 ³ |

1. Combines restoration, enhancement, and preservation acres. Final HMMP will reflect final allocation of preservation and non-preservation ratios.
2. Other Streams include both non-vegetated streams to Top of Bank and riparian habitat, when present.
3. Based on weighted average.

10. In reference to MM B-1a, any impacts associated with unauthorized activity (e.g., exceeding approved construction footprints into a wetland) shall be mitigated at a 5:1 ratio (all ratios are expressed as mitigation: impact), except in Flat-Tailed Horned Lizard Management Areas (FTHL MA) where a ratio of 5.5:1 shall apply. Restoration of the unauthorized impacts shall be credited at a 1:1 ratio (i.e., mitigated by in-place habitat restoration); the remaining 4:1 (or 4.5:1 in FTHL MA) shall be acquired off-site as restoration or enhancement mitigation sites. If preservation sites are offered as off-site compensatory mitigation for unauthorized activity, the minimum acceptable ratio shall be 11:1. Details for compliance with this Condition shall be specified in the final HMMP as described in Conditions 7 and 8.
11. Parcels proposed for compensatory mitigation through preservation must meet the criteria found in the Code of Federal Regulations, title 33, section 332.3(h).
12. Where on-site restoration of vegetation and landforms are planned, SDG&E shall identify a qualified Habitat Restoration Specialist who shall prepare a Habitat Restoration Plan as provided in MM B-1a. The Habitat Restoration Plan shall be subject to approval by the State Water Board. SDG&E shall be responsible for the implementation of the Habitat Restoration Plan.
13. Construction and operation of Project shall comport with the "2009/2010 Weed Control Plan for the Environmentally Superior Southern Route of the SDG&E Sunrise Powerlink Project" as prepared by RECON Environmental, dated September 2, 2009, and as specified in MM B-3a.
14. All construction, maintenance, and removal of roads shall be conducted in a manner that avoids and minimizes road-related erosion and hydromodification. At a minimum, road construction and maintenance for the Project shall be conducted in accordance with BIO-APM-5, WQ-APM-15 and the following reports and plans:
 - a. *Final Basis of Design Report – Sunrise Powerlink 230kV & 500kV Access Roads and Maintenance Pads*. (Prepared by: Bureau Veritas, North America, Inc., 11590 West Bernardo Court, Suite 100, San Diego, CA 92717-1624). (August 6, 2010.)
 - b. *SDG&E Access Road Maintenance Guidelines*, Provided to Cleveland National Forest to support Category 3, 2010 Road Maintenance Submittal (eTS 20281). (May 21, 2010.)
 - c. *SDG&E Water Quality Construction Best Management Practices Manual*, (URS Project No. 27644947.03 B00, December 2002).
 - d. *SDG&E Design and Procedure Manual* (Provided as Appendix C of the Basis of Design Report).

e. Final Grading Plans for all segments.

Road construction, maintenance, or removal specifications that may be conditions of the U.S. Forest Service Special Use Permit or the Bureau of Land Management (BLM) Right of Way Grant shall supercede documents cited above in condition 14.

Any specifications found in the documents cited above in condition 14 which may be at variance with the mitigation measures specified in the Project Sunrise FEIR or the conditions of this Certification Order shall be superseded by those mitigation measures or conditions.

15. Through-cut roads can be a significant source of discharge of fill into streams and wetlands. (Through-cut roads are roads of any gradient, with or without sideboard ditches on one or both sides, with a running surface that is lower than the surrounding terrain on both sides of the road.) Provision for through-cut roads is made in section 6.2 of the *Sunrise Basis of Design Road Report* (Bureau Veritas, 2010). Drainage for through-cut roads shall be as specified for water bars for all roads in the *Sunrise Basis of Design Road Report (BOD)*, Table 2, Criteria 11. When a need is encountered for construction or maintenance of new or existing through-cut roads of any gradient that are not described in section 6.2 of the BOD, the State Water Board shall be notified of the circumstance and provided with a description of the site and the provisions for drainage of the site for approval.
16. To avoid potential adverse effects to watershed functions by the Project's temporary and permanent access roads, structure pads and other facilities, and to comply with WQ-APM-1, and with section 5.5 of the *SDG&E Project Design and Procedure Manual*, historic runoff patterns shall be maintained where possible.
17. Appropriate soil erosion prevention and control Best Management Practices (BMPs) shall be implemented throughout the construction and maintenance of the Project. Erosion control BMPs shall be implemented to the minimum standards presented in the *SDG&E Water Quality Construction Best Management Practices Manual*.
18. The discharge of petroleum products or other pollutants to surface waters that may result in violation of water quality standards is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or downstream.
19. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not occur in or within 200 feet of any waters of the State or any area that could affect a water of the State. Fueling, lubrication, maintenance,

storage, and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State.

20. Variances for minor changes to the approved Project plans issued according to the procedures specified in the MMCRP (especially Sections 2.1, 3.4, 4.1 and 4.2) shall be recognized by this Certification Order as part of the Project. Mitigation for impacts to waters of the State that may occur as a result of approved variances shall be provided according to the MMCRP, HMP, and all conditions of this Certification Order. Accounting of any additional or new permanent or temporary impacts to waters of the State which may have occurred as a result of approved variances shall be provided at the end of construction so that appropriate mitigation can be obtained and documented.
21. Reporting -- Notifications and reports shall be directed to: Program Manager, Certification and Wetlands Program at the following State and appropriate Regional Water Board offices:

State Water Resources Control Board
Division of Water Quality – 401 Certification and Wetland Program
1001 "I" Street, 15th Floor
Sacramento, CA 95814-2828

San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Colorado Basin Regional Water Quality Control Board
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260-7002

STATE WATER BOARD CONTACT PERSON:

If you have any questions, please contact State Water Board Environmental Scientist Cliff Harvey at (916) 558-1709, via e-mail at charvey@waterboards.ca.gov, or by mail at:


State Water Resources Control Board,
401 Certification & Wetland Program
1001 I Street, 15-55c
Sacramento, CA 95814-2828.

WATER QUALITY CERTIFICATION:

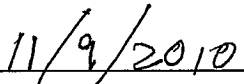
I hereby issue an order certifying that as long as all of the conditions listed in this Certification or incorporated by reference are met, any discharge from the Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality

Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards). This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Certification to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Project Information Sheet (Attachment B), and (b) compliance with all applicable requirements of the State and Regional Water Boards' Water Quality Control Plans, the Sunrise FEIR and all other documents incorporated by reference.



Thomas Howard
Executive Director
State Water Resources Control Board



Date

- Attachments (10):
- A. Signatory Requirements
 - B. Project Information Sheet
 - C. Project Area Map (Attachment A, Project Segments Map, of the Project Mitigation Monitoring, Compliance, and Reporting Program).
 - D. CEQA Responsible Agency Findings
 - E. Sunrise Powerlink Conceptual Habitat Mitigation and Monitoring Plan
 - F. Final Basis of Design Report – Sunrise Powerlink 230kV & 500kV Access Roads and Maintenance Pads
 - G. SDG&E Access Road Maintenance Guidelines
 - H. SDG&E Water Quality Construction Best Management Practices Manual
 - I. SDG&E Design and Procedure Manual
 - J. Sunrise Powerlink Project Mitigation and Monitoring Compliance Plan