



California Regional Water Quality Control Board

Colorado River Basin Region



Matthew Rodriguez
Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

January 9, 2012

Nadja Jusufovic
Centinela Solar Energy, LLC
5000 Hopyard Road, Suite 480
Pleasanton, CA 94588

**SUBJECT: ORDER FOR TECHNICALLY-CONDITIONED CLEAN WATER ACT
SECTION 401 WATER QUALITY CERTIFICATION FOR DISCHARGE OF
DREDGED AND/OR FILL MATERIALS**

PROJECT: Centinela Solar Energy Project (CSE)

APPLICANT: Centinela Solar Energy, LLC

- ACTION:**
1. Order for Standard Certification
 2. Order for Technically-Conditioned Certification
 3. Order for Denial of Certification

STANDARD CONDITIONS:

The following standard conditions apply to all certification actions, except as noted above under Action 3 for denials.

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 and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. 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 23 CCR 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. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

California Environmental Protection Agency

4. 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 State law. For purposes of Clean Water Act (CWA) section 401(d), 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 Water Quality Certification (WQC).
 - a. In response to a suspected violation of any condition of this WQC, the Regional Water Quality Control Board (Regional Water Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - b. In response to any violation of the conditions of this WQC, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

ADDITIONAL CONDITIONS:

The following additional conditions apply to this certification:

This WQC applies towards the proposed project (Project) as described in the 401 application received by the Regional Water Board on November 10, 2011. The final documentation related to the California Environmental Quality Act (CEQA) was received on December 19, 2011.

The Applicant shall provide the Regional Water Board and other interested agencies with written notification of any significant modifications made to the project prior to implementation of the modifications.

1. This WQC does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
2. This WQC does not authorize the Applicant or any associated party to trespass on any land or property unless the applicant has obtained written authorization or acquired a special use authorization permit from the land or property owner.
3. A copy of this WQC shall be provided to the appropriate onsite Supervisor for the Project. All personnel performing work on the proposed project shall be familiar with the content of this WQC. Copies of the WQC shall be readily available at the project site at all times during periods of active work and shall be presented to regulatory agency representatives upon request.



4. The Applicant shall grant Regional Water Board staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to enter the project site at reasonable times, to ensure compliance with the terms and conditions of this WQC and/or to determine the impacts the project may have on waters of the United States.
5. The proposed project shall not be enlarged or extend beyond the proposed project impact area. The Applicant shall delineate the project boundaries and staging areas with stakes, flags and/or temporary construction fencing.
6. The area of vegetation and soil disturbance shall be restricted to the smallest extent possible.
7. The Project shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
8. The Project shall not discharge waste classified as "hazardous" as defined in Title 23 California Code of Regulations (CCR) section 2521, California Health and Safety Code section 25140, and Title 22, CCR, section 66260.10 et seq.
9. No oil, petroleum products, or rubbish shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the United States.
10. No equipment maintenance will be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter waters of the United States.
11. Equipment refueling shall not occur within waters of the United States.
12. Any oil or grease leaks shall be immediately cleaned up.
13. The Applicant shall ensure that all contaminated material and/or contaminated soil removed or excavated from the Project site is properly loaded, transported, and disposed of in accordance with Federal, State, and local regulations.
14. Staging/storage areas for equipment and materials shall be located outside of waters of the United States.
15. The Applicant shall ensure that all disturbed and filled areas are adequately stabilized and protected from erosion and siltation by implementing appropriate soil stabilization, sedimentation and silt control measures.
16. Any flow diversion used during construction shall be designed in a manner to prevent pollution, minimize siltation, and shall provide flows to downstream reaches. Flows shall be maintained to support existing aquatic life and riparian wetlands and habitat that may be located upstream and downstream from any temporary diversion.



17. The Applicant shall restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient.
18. All temporary facilities and impacts shall be removed and restored to the preexisting conditions and contours to the extent practicable.
19. Construction related materials and wastes shall be removed from the project site upon completion of the project.
20. The Applicant shall submit Notice to the Regional Water Board within 60-days of completion of the Project. The Notice shall include: 1) a detailed summary of the mitigation and restoration activities implemented during the project and 2) provide photographic documentation that supports the information summarized in the Notice.
21. The Regional Water Board reserves the right to suspend, cancel, or modify and reissue this WQC, after providing notice to the Applicant and/or responsible Site-Supervisor, if the Regional Water Board determines that the project fails to comply with any of the terms or conditions of this WQC.
22. The Applicant shall orally notify the Regional Water Board of any noncompliance that may impact the beneficial uses of waters of the United States, as soon as notification is possible and notification can be provided without substantially impeding measures necessary to address the noncompliance.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

If you have any questions, please contact Jay Mirpour, Water Resources Control Engineer, at (760) 776-8981 or jmirpour@waterboards.ca.gov.



WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of 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) of the Clean Water Act, and with other applicable requirements of State law.

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 applicants' project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).

Sincerely,



Robert Perdue
Executive Officer
Colorado River Basin
Regional Water Quality Control Board

JJM/tab

cc: Lanika Cervantes, U.S. Army Corps of Engineers, Carlsbad Field Office
Bill Orme, SWRCB, Division of Water Quality, Water Quality Certification Unit
Elizabeth Goldmann, U.S. Environmental Protection Agency, Region 9
Thomas A. Vandenberg, Office of Chief Counsel, SWRCB

File: WDID No. 7A133101001, Centinela Solar Energy, LLC - Centinela Solar Energy Project,



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Note: (*) will e-mail electronic copy



PROJECT INFORMATION

- Application Date:** The 401 application received by the Regional Water Board on November 10, 2011. The final documentation related to the California Environmental Quality Act (CEQA) was received on December 19, 2011.
- Applicant:** Centinela Solar Energy, LLC
- Contact:** Ms. Nadja Jusufovic, (925) 201-5220
- Applicant Representative:** LS Power Development, LLC
Contact: David Wilson, P.E., (636) 534-3221
- Project Name:** Centinela Solar Energy Project, WDID No. 7A133101001
- Project Start and Completion:** January 1, 2012 – December 20, 2014
- Project Description (purpose/goal):** Centinela Solar Energy, LLC is proposing to build, operate and maintain a photovoltaic (PV) solar electric power generating facility with a capacity of up to approximately 275 megawatts (MW) and associated electric line (Gen-tie Line) on private and federal lands in southern Imperial County. The proposed project consists of two primary components:
- (i) generation and associated facilities on privately owned land (the "CSE Facility") and
 - (ii) approximately four-mile, 230-kilovolt (kV) aboveground, electric lines and other electrical interconnection facilities (referred to as the "Gen-tie Line") that will electrically connect the CSE Facility on private land with the Imperial Valley Substation located on federal land managed by the U.S. Department of the Interior Bureau of Land Management (BLM). The CSE Facility and Gen-tie Line are referred to collectively as the "Project." The area encompassing the CSE Facility and the Gen-tie Line is referred to as the "CSE Project Area."
- Project activities (i.e., proposed alterations of Waters of the United States) associated with the CSE Project include:
- 1) the construction or widening of culvert/bridge crossings of certain canals and drains in proximity to the CSE Facility to facilitate ingress/egress points for the CSE Facility;
 - 2) construction of permanent unpaved access roads for the



Gen-tie Line within or near ephemeral washes;
3) construction of a permanent Gen-tie Line tower structure within or near an ephemeral wash, including temporary disturbances associated with construction. The activities listed above would be operated and maintained as necessary throughout the life of the CSE Project.

Project Location: City or Area Mount Signal Area (El Centro), County Imperial
Longitude/Latitude: 32.68686, -115.647844
Township/Range: T 17 South, R 13 East

Receiving Water(s): The sites are located in the Mount Signal area, southwest of the city of El Centro, County of Imperial, California and are grouped by NWP.

NWP 39

Site 1

- Waterbody: Woodbine Canal
- UTM: 11S, 625474 E, 3618242 N
- Assessor's Parcel Number: 052-170-019
- Section, Township, Range: T17N, R13E, Section 5, SWSE
¼
- USGS Quadrangle Map Name: Mount Signal

The project site is located within the Salton Sea Watershed, USGS 8-digit Hydrologic Cataloging Unit (HUC) 18100200. The Salton Sea is the terminal water body that receives water from the New, Alamo, and Whitewater Rivers. Water flows into head ditches (delivery canals) and through agricultural fields into drains, then into Greeson Wash, which flows to the New River and eventually the Salton Sea.

Site 2

- Waterbody: Woodbine Canal
- UTM: 11S, 627625 E, 3617355 N
- Assessor's Parcel Number: 052-170-035
- Section, Township, Range: T17N, R13E, Section 9, NESE
¼
- USGS Quadrangle Map Name: Mount Signal

Watershed and Other Location Descriptions: See description for Site 1 above.



Site 3

- Waterbody: Wells Drain
- UTM: 11S, 627668 E, 3617134 N
- Assessor's Parcel Number: 052-180-033
- Section, Township, Range: T17N, R13E, Section 10,
NWSW ¼
- USGS Quadrangle Map Name: Mount Signal

The project site is located within the Salton Sea Watershed, USGS 8-digit Hydrologic Cataloging Unit (HUC) 18100200. The Salton Sea is the terminal water body that receives water from the New, Alamo, and Whitewater Rivers. Water flows from Wells Drain into Greeson Wash, which flows to the New River and eventually the Salton Sea.

Site 4

- Waterbody: Carpenter Drain 1
- UTM: 11S, 626002 E, 3616470 N
- Assessor's Parcel Number: 052-190-009
- Section, Township, Range: T17S, R13E, Section 16,
NWNW ¼
- USGS Quadrangle Map Name: Mount Signal

The project site is located within the Salton Sea Watershed, USGS 8-digit Hydrologic Cataloging Unit (HUC) 18100200. The Salton Sea is the terminal water body that receives water from the New, Alamo, and Whitewater Rivers. Water flows to Carpenter Drain, then to the Mount Signal Drain, then into Greeson Wash, which flows to the New River and eventually the Salton Sea.

NWP 12

Site 1

- Waterbody: Unnamed tributary to Westside Main Canal
- UTM: 11S, 621558 E, 3616153 N
- Section, Township, Range: T17S, R12E, Section 13,
NENW ¼
- USGS Quadrangle Map Name: Mount Signal

The project site is located within the Salton Sea Watershed, USGS 8-digit Hydrologic Cataloging Unit (HUC) 18100200. The Salton Sea is the terminal water body that receives water from the New, Alamo, and Whitewater Rivers. Water may flow through this ephemeral wash into the Westside Main Canal which eventually delivers water into

head ditches (delivery canals) and through agricultural fields into drains, then into Greeson Wash, which flows to the New River and eventually the Salton Sea.

Site 2

- Waterbody: Pinto Wash
- UTM: 11S, 620764 E, 3619160 N
- Section, Township, Range: T17S, R12E, Section 2, SENE ¼ and NENE ¼
- USGS Quadrangle Map Name: Mount Signal

The project site is located within the Salton Sea Watershed, USGS 8-digit Hydrologic Cataloging Unit (HUC) 18100200. The Salton Sea is the terminal water body that receives water from the New, Alamo, and Whitewater Rivers. Water may flow through this ephemeral wash into the Westside Main Canal which eventually delivers water into head ditches (delivery canals) and through agricultural fields into drains, then into Greeson Wash, which flows to the New River and eventually the Salton Sea.

Fill/Excavation Area (acres):

CSE Facility (NWP 39)

Fill will be placed in the canals/drains to allow culverts to be placed in the drainage feature and to allow for the construction of the four access roads across those features.

CSE Facility:

Water Body Type	Permanent		Temporary	
	Acres	Linear Feet	Acres	Linear Feet
Other: Canal (Site 1)	0.013	50	0	0
Other: Canal (Site 2)	0.013	50	0	0
Other: Drain (Site 3)	0.011	50	0	0
Other: Drain (Site 4)	0.011	50	0	0
Total:	0.05	200	0	0

Gen-tie Line (NWP 12)

Fill will be placed in the ephemeral washes in order to construct the Gen-tie Line access road and to construct one access road (spur) to a Gen-tie Line structure.

Gen-tie Line:

	Permanent	Temporary

Water Body Type	Acres	Linear Feet	Acres	Linear Feet
Unvegetated Streambed (Site 1)	0.018	41.5	0.43	150
Unvegetated Streambed (Site 2)	0.063	150	0	0
Total:	0.08	191.5	0.43	150

Dredge Volume (cy): **CSE Facility (NWP 39)**

The estimated amount of fill (i.e. native soil or other locally available aggregate) to be placed in each canal/drain are:

- Site 1: approximately 162 cubic yards
- Site 2: approximately 74 cubic yards
- Site 3: approximately 290 cubic yards
- Site 4: approximately 150 cubic yards

Mitigation:

For a complete description of mitigation requirements, please refer to the final EIR prepared for the Centinela Solar Energy project - published on the Imperial County's website: <http://www.icpds.com/?pid=2947>

OTHER ACTIONS/BEST MANAGEMENT PRACTICES (BMPs)

- No toxic and/or hazardous materials shall be stored near the receiving waters. To extent possible, these materials will be offsite and/or placed in appropriate secondary containment.
- Work and staging areas and temporary access routes will be sized, located and flagged so as to limit potential impacts to natural areas. Previous disturbed areas will be used to the extent feasible.
- No fueling or maintenance of equipment and/or vehicles shall occur adjacent or within the wash/drainage areas. In addition:
 - Construction in southwestern willow flycatcher or Yuma clapper rail riparian habitat will occur outside the nesting season for southwestern willow flycatcher and Yuma clapper rail in order to avoid impacts.
 - Spill prevention measures will be employed to prevent spills into the water or onto soil.



- All excavated material will be placed in an upland area, away from the river to prevent discharge of waters of the US.
- The proposed project will not destabilize the bed of receiving water.
- The proposed project will not contribute to significant cumulative effects.
- The proposed project will not cause pollution, contamination, or a nuisance.
- The proposed project will not have adverse effects on endangered, threatened, or candidate species.
- The proposed project will not degrade water quality or beneficial uses.
- The proposed project will not discharge any hazardous, designated, or toxic materials.

Federal Permit(s): U.S. Army Corps of Engineers Nationwide Permit No. 12 (Utility Line Activities) and Nationwide Permit No. 39 (Commercial and Institutional Development).

Status of CEQA: A Notice of Determination was prepared for this Project pursuant to the provisions of CEQA on December 27, 2011. Lead Agency: Imperial County Planning & Development Services. State Clearinghouse Number: 2010111056

File: Centinela Solar Energy, LLC - Centinela Solar Energy Project, WDID No. 7A133101001

