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State Water Resources Control Board

Division of Water Quality

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Arnold Schwarzenegger
Governor

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND NOTICE OF PUBLIC HEARING

WATER QUALITY ORDER NO. 2010-XXXX-DWQ

WASTE DISCHARGE REQUIREMENTS FOR SOUTHERN CALIFORNIA EDISON TEHACHAPI RENEWABLE TRANSMISSION PROJECT: SEGMENTS 4, 5, AND 10 KERN AND LOS ANGELES COUNTIES

NOTICE IS HEREBY GIVEN THAT the State Water Resources Control Board (State Water Board) will accept written comments on the Draft Waste Discharge Requirements (WDRs) Permit for the Tehachapi Renewable Transmission Project: Segments 4, 5, and 10 (Project). In order for State Water Board members to consider written comments, all written comments must be received by **8:00 a.m. on December 15, 2010** and addressed to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Comment letters may be submitted to the Clerk to the Board via email at commentletters@waterboards.ca.gov (if less than 15 megabytes in total size) or by fax at (916) 341-5620. Please indicate in the subject line: "**Comment Letter – Draft WDRs for TRTP Segments 4, 5, and 10.**" Couriers delivering comment letters must check in with lobby security personnel in the Cal-EPA Building at 1001 I Street, Sacramento, CA. They may also contact Jeanine Townsend at (916) 341-5600, if needed.

NOTICE IS ALSO HEREBY GIVEN THAT the State Water Board will hold a public hearing/adoption meeting to accept oral testimony on the draft WDRs. After hearing all testimony, the State Water Board plans to take action on the draft WDRs. The location and time of the hearing are provided below.

December 15, 2010 – 9:00 a.m.
State Water Resources Control Board/CalEPA Headquarters Building
Coastal Hearing Room – Second Floor
1001 I Street
Sacramento, California 95814

California Environmental Protection Agency

BACKGROUND

The draft WDRs have been prepared in response to an application for WDRs submitted by Southern California Edison (SCE) on February 26, 2010, which the Board deemed complete on April 7, 2010.

The proposed WDRs cover the proposed discharge of structural materials and/or earthen wastes (fill) to all or portions of fifty-eight natural or man-made watercourses determined to be waters of the State as defined by section 13050 of the California Water Code. An Approved Jurisdictional Determination was requested from the U.S. Army Corps of Engineers (Corps) for all waters impacted by the Project on February 26, 2010. The Corps gave verbal confirmation to State Water Board staff on July 21, 2010 that all impacted waters were not under the jurisdiction of Section 404 of the Clean Water Act (CWA). Final written approval from the Corps is expected in November 2010. However, additional coordination with the Corps indicates that 6 impacted features in the Santa Clara-Calleguas Hydrologic Unit (Features 5-31-S-1, 5-32-S-2, 5-33-S-1, 5-34-S-7, 5-36-S-1 and 5-37-S-1) may have a hydrological connection to the Santa Clara River. A significant nexus evaluation is needed to determine if these features are waters of the U.S. and subject to regulation under Sections 401 and 404 of the CWA.

The Project is part of the larger Tehachapi Renewable Transmission Project (TRTP) which includes multiple segments and one proposed substation. The Project incorporates approximately 50 miles of 500-kV transmission line, 4 miles of 220-kV transmission line, and 328 transmission structures. All of these structures, plus proposed access roads and any other supporting equipment, are collectively referred to as the project alignment.

The Segments 4, 5, and 10 project alignment is primarily located within the Antelope Valley and traverses both the Lahontan and Los Angeles Regional Water Quality Control Board Regions. Drainages within the Segments 4, 5, and 10 project alignment are primarily isolated, ephemeral, dry washes and non-riparian streambeds with the exception of Amargosa Creek. The drainages are located in the Chafee, Willow Springs, Neenach, Lancaster, and Rock Creek Hydrologic Areas of the Antelope Hydrologic Unit in the Lahontan Region, and within the Upper Santa Clara River Hydrologic Area of the Santa Clara-Calleguas Hydrologic Unit in the Los Angeles Region.

Impacts to drainages would be a result of temporary wire setup sites (for pulling, splicing, and stringing wire), construction work areas around tower structures, new access roads, and modifications to existing access roads where they cross water features (drainage modifications).

Impacts to waters of the State within the Segments 4, 5, and 10 project alignment total 0.18 acre of permanent impact and 0.41 acre of temporary impact. Most of the temporary impacts occur as a result of maintenance grading on existing access roads. The Discharger proposes to mitigate for temporary and permanent impacts to waters of the State. The proposed mitigation has been made part of the permit. In addition, the Water Quality Monitoring and Reporting Program for the WDRs requires monitoring for revegetation and stabilization of waters of the State which were temporarily impacted/filled during construction activity at the site.

The Discharger filed a Notice of Intent for each of the three project segments to comply with the State Water Resources Control Board Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit). Here are the WDID numbers for each of the three project segments that are enrolled under the Construction General Permit: Segment 4 - WDID# 6B19C359492 [Lahontan Regional Board]; Segment 5 - WDID#s 6B19C359493 [Lahontan Regional Board] and 419C359494 [Los Angeles Regional Board]; Segment 10 - WDID# 6B15C359003 [Lahontan Regional Board]. This Order also includes requirements for discharges of wastes in storm water associated with construction activity.

DOCUMENT AVAILABILITY

The proposed Water Quality Order No. 2010-XXXX-DWQ is available to view or download on the State Water Board's website at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/notices.shtml

Alternatively, you may receive a paper copy in the mail by contacting Lydia Deller at (916) 341-5506 or ldeller@waterboards.ca.gov

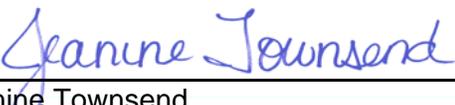
ACCESSIBILITY

Individuals who require special accommodations are requested to call (916) 341-5880 at least five working days prior to the meeting date. Persons with hearing or speech impairments can contact us by using the California Relay Service Telecommunications Device for the Deaf (TDD). TDD is reachable only from phones equipped with a TDD Device.

HEARING IMPAIRED RELAY SERVICE: TDD to voice 1 800-735-2929; voice to TDD 1-800-735-2922.

If you have any questions regarding this proposed Water Quality Order, you may contact Robert Solecki at (916) 341-5483 or rsolecki@waterboards.ca.gov.

November 16, 2010
Date



Jeanine Townsend
Clerk to the Board

DRAFT

STATE WATER RESOURCES CONTROL BOARD BOARD MEETING SESSION – DIVISION OF WATER QUALITY DECEMBER 15, 2010

ITEM

SUBJECT

CONSIDERATION OF ADOPTION OF NEW WASTE DISCHARGE REQUIREMENTS FOR SOUTHERN CALIFORNIA EDISON'S TEHACHAPI RENEWABLE TRANSMISSION PROJECT (TRTP) SEGMENTS 4, 5, AND 10

DISCUSSION

The proposed Waste Discharge Requirements (WDRs) are prepared in response to a Report of Waste Discharge submitted by Southern California Edison (SCE) on February 26, 2010.

Applicability: The proposed TRTP Segments 4, 5, and 10 (Project) WDRs cover the discharge of wastes, dredged, and/or fill material to State waters associated with construction activity on the Project site. The Project is part of the larger TRTP which includes multiple segments and one proposed substation (Whirlwind Substation). The Project incorporates approximately 50 miles of 500- kilovolt (kV) transmission line, 4 miles of 220-kV transmission line, and 328 transmission structures. All of these structures, along with proposed access roads and any other supporting equipment, are part of the Project. The entire TRTP proposed by SCE will assist in meeting the State of California's Renewable Portfolio Standards requirements. The entire TRTP will provide new and upgraded transmission infrastructure for the distribution of generated electricity from new and upgraded wind and solar energy facilities, and other forms of renewable and non-renewable energy, in the Tehachapi Wind Resource Area. The entire TRTP consists of new/upgraded substations and a total of 173 miles of transmission line segments along new and existing rights-of-way in southern Kern County, portions of Los Angeles County (including the Angeles National Forest), and the southwestern portion of San Bernardino County, California.

Monitoring and Reporting Program: The proposed WDRs require SCE to prepare a Water Quality Monitoring and Reporting Program. The program requires monitoring for stormwater and non-stormwater discharges, and restoration and revegetation of waters of the State that have been temporarily filled from construction on the Project site. SCE must ensure that inspections and observations at locations where runoff may discharge from the Project site are performed to identify problems and Best Management Practices (BMPs) that have failed, need maintenance to operate effectively, or are inadequate to achieve effective control. SCE must visually observe construction areas and each drainage area for the presence of (or indication of prior) non-stormwater discharges and their sources to ensure that all BMPs are in place and effective. SCE is also required to prepare a SWPPP which requires the submittal of an annual report.

The Water Quality Monitoring and Reporting Program requires monitoring for revegetation and stabilization of waters of the State which were temporarily impacted/filled during construction activity at the site. For permanent fill of waters of the State, SCE is proposing to purchase compensatory mitigation at the Desert Tortoise Natural Area Mitigation Bank.

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POLICY ISSUE

Should the State Water Board adopt the proposed TRTP Segments 4, 5, and 10 WDRs?

FISCAL IMPACT

State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

The Regional Water Quality Control Boards have the primary responsibility to implement and enforce the proposed TRTP Segments 4, 5, and 10 WDRs.

STAFF RECOMMENDATION

The State Water Board should adopt the proposed WDRs.

State Water Board action on this item will assist the Water Boards in reaching Goal 6 of the Strategic Plan Update: 2008-2012 to enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures. In particular, approval of this item will assist in fulfilling Objective 6.2 to target consistency improvements in program delivery identified through past input, and solicit input to identify consistency issues as they arise.