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## State Water Resources Control Board

January 27, 2023

Mary M. Richardson, Project Manager  
Southern California Edison  
1515 Walnut Grove Avenue  
Rosemead, CA 91770  
**Sent via email:** [info@borelhydro.com](mailto:info@borelhydro.com)

**Borel Hydroelectric Project**  
**Federal Energy Regulatory Commission Project No. 382**  
**Kern County**  
**Kern River**

### **COMMENTS ON DRAFT APPLICATION FOR SURRENDER OF LICENSE**

Dear Mary Richardson,

On December 14, 2022, Southern California Edison (SCE) initiated a public review and comment period of the Draft Application for Surrender of License (Draft Application) for the Borel Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 382 (Project). State Water Resources Control Board (State Water Board) staff reviewed the Draft Application and included comments as Attachment A of this letter.

#### ***Background***

The Project is owned by SCE and located on the Kern River in Kern County, California near the community of Lake Isabella. Main Project facilities include: (1) a four-foot-high and 158-foot-long concrete diversion dam; (2) an intake structure with three radial gates; (3) canal inlet structures consisting of a canal intake, trash racks, and a sluice gate; (4) Borel Canal, consisting of 1,985 feet of tunnel, 1,651 feet of steel-lined flume, 51,825 feet of concrete-lined canal, and 3,683 feet of siphon; (5) an auxiliary intake structure to the Borel Canal located at the United States Army Corps of Engineers' (USACE) Auxiliary Dam located on Lake Isabella; (6) a small off-channel, concrete lined forebay; (7) four steel penstocks; (8) a powerhouse with a total installed capacity of 12,000 kW; and (9) other appurtenant facilities.

As originally licensed by the Federal Power Commission in 1925, the Project used a diversion dam and intake structure on the north fork of the Kern River to divert water into the Borel Canal for power generation at the Borel Powerhouse. The Flood Control Act of 1944 authorized the USACE to construct and operate the Isabella Main Dam,

Auxiliary Dam, and reservoir on the Kern River. The USACE Auxiliary dam was constructed over a portion of the Borel Canal, and a concrete conduit was built through the dam to allow continued flow through the Borel Canal. The Project facilities beneath and to the north of the Auxiliary Dam were heavily modified during the dam's construction. SCE's current license for the Borel Project was issued on May 17, 2006, however in 2017 the USACE implemented a safety modification project to its Auxiliary dam. The safety modification project for the Auxiliary Dam resulted in condemning 10.7 acres of private and public land associated with the Project and sealing the conduit through the Auxiliary Dam by filling it with concrete and abandoning the conduit in place. This action rendered the Project nonfunctional, as it prevented water from flowing into the Borel Canal, and as a result SCE chose to file an application to surrender the Project license.

**Contact Information**

State Water Board staff appreciate SCE providing the opportunity to review and comment on the Draft Application. If you have questions regarding this letter, please contact me by email at [Andrea.Sellers@waterboards.ca.gov](mailto:Andrea.Sellers@waterboards.ca.gov). Written correspondence or inquiries should be mailed to:

State Water Resources Control Board  
Division of Water Rights  
1001 I Street, Sacramento, CA 95814

Sincerely,

*Andrea Sellers*

Andrea Sellers, Environmental Scientist  
Water Quality Certification Program  
Division of Water Rights

Attachment A: State Water Resources Control Board Staff Comments on the Borel Hydroelectric Project Draft Application for Surrender of License

ec: Wayne Allen, Southern California Edison  
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Kimberly Bose, Federal Energy Regulatory Commission  
[Via efile](#)

## **Attachment A: State Water Resources Control Board Staff Comments on the Borel Hydroelectric Project Draft Application for Surrender of License**

The following comments are provided by State Water Resources Control Board (State Water Board) staff on the Borel Hydropower Project (Project) Draft Application for Surrender of License (Draft Application) for the Borel Hydroelectric Project (Project) submitted by Southern California Edison (SCE) on December 14, 2022.

### ***1. Clean Water Act Section 401 Certification***

Section 401 of the Clean Water Act (CWA) requires any applicant for a federal license or permit, which may result in any discharge to navigable waters, to obtain a water quality certification (certification) from the State Water Board to ensure that the discharge will comply with the applicable water quality parameters in the CWA. As the Project may result in a discharge to navigable waters, SCE will need to apply for a certification to cover Project decommissioning.

### ***2. California Environmental Quality Act***

Issuance of a certification is a discretionary action that requires the State Water Board to comply with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines section 15367, the State Water Board believes it would be the lead agency for the Project. State Water Board staff recommend SCE coordinate with State Water Board staff on the timing of CEQA, which staff recommend occurs prior to SCE submitting a certification application.

### ***3. Water Rights***

The United States Army Corps of Engineers (USACE) Isabella Dam Safety Modification Project eliminated water diversions to the Borel Canal for hydropower generation and SCE is pursuing a license surrender. SCE holds water right license No. 005731 (application No. 013778) to divert and use water for power use associated with the Project. State Water Board staff requests SCE clarify the future disposition of its water rights related to the Project (i.e., voluntary revocation, or other actions).

State Water Board staff are available to discuss SCE's water rights associated with the Project and to address any water right questions as SCE proceeds with license surrender.

### ***4. Volume II Decommissioning Plan – Decommissioning Approach Section 2.2.2.1 Access Roads pg. 12***

SCE plans to improve access roads to the storehouse, canal inlet structure, and concrete-lined canal for construction. Access road improvements, including construction related activities, could impact water quality if proper best management practices are not in place. State Water Board staff request SCE include additional information in its Final License Application regarding proposed access road

improvements, specifically noting any temporary and/or permanent wetland impacts associated with road improvements.

**5. Volume II Decommissioning Plan – Decommissioning Approach Section 2.3.2.1  
Tilley No. 2 Concrete Flume and Tilley No. 3 Concrete Flume pg. 15**

As part of the Project, SCE plans to demolish Tilley No. 2 concrete flume and Tilley No. 3 concrete flume and blend the demolished concrete with native material. Please define “native material”, and further describe how the demolished concrete will be blended with native material and spread. Please also describe any actions that will be implemented to ensure that disposed material does not contribute to erosion into surface waters.

**6. Volume II Draft Decommissioning Plan – Multiple Sections, pg. 11, 15, 19, and 24**

SCE plans to use imported soil as part of the decommissioning process for multiple concrete lined canals and the Tilly No. 1 concrete flume. State Water Board staff requests SCE provide additional information on the type of imported soils and clarification on any project measures to ensure imported materials do not contribute to erosion into surface waters.

**7. Volume II Draft Decommissioning Plan – Multiple Sections, pg. 42 and 54**

Project facilities have known hazardous materials and the potential for more to be found in other areas during dismantling. Section 2.10.2.1 identifies the Pioneer Steel Siphon as containing lead. As such, a Hazardous Materials Plan should be developed to detail how lead contamination will be addressed along with potential impacts to soil contamination and stormwater runoff. In addition, the powerhouse auxiliary buildings should be evaluated for hazardous materials and addressed accordingly in a Hazardous Materials Plan.

**8. Volume III Draft Environmental Assessment – Water Quantity Section 3.4.1.1  
Borel Project pg. 47-48**

The United States Army Corps of Engineers (USACE) Isabella Dam Safety Modification Project has rendered the below Borel Project non-operational and as such, water is no longer conveyed in the Borel Canal for generation. Please provide clarification regarding how Project water is being managed given its no longer being diverted for hydropower.