

DOCKETED	
Docket Number:	21-AFC-02
Project Title:	Willow Rock Energy Storage Center
TN #:	264237
Document Title:	Department of Water Resources' Division of Safety of Dams Comments - Division of Safety of Dams Dam Safety Program Comments
Description:	N/A
Filer:	System
Organization:	Department of Water Resources' Division of Safety of Dams
Submitter Role:	Public Agency
Submission Date:	6/13/2025 3:17:31 PM
Docketed Date:	6/13/2025

*Comment Received From: Department of Water Resources' Division of Safety of Dams
Submitted On: 6/13/2025
Docket Number: 21-AFC-02*

Division of Safety of Dams Dam Safety Program Comments

Additional submitted attachment is included below.

DEPARTMENT OF WATER RESOURCES

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June 13, 2025

California Energy Commission
Docket Unit, MS-4
Docket No. 21-AFC-02
715 P Street
Sacramento, California 95814

Preliminary Staff Assessment Comments
Docket 21-AFC-02
Willow Rock Energy Storage Center, Proposed
Kern County

This letter presents the Department of Water Resources, Division of Safety of Dams' (DSOD) review of the California Energy Commission's (CEC) Preliminary Staff Assessment (PSA) for the Proposed Willow Rock Energy Storage Center, published on April 29, 2025. DSOD is an interested agency for the project as the proposed hydrostatic compensation reservoir at the complex would meet the definition of a jurisdictional dam as described by sections 6002 and 6003 of the California Water Code.

Condition of Certification (COC) WATER-6 and COC WATER-7 are the areas of the PSA most relevant to DSOD as they describe COC's for the dam and reservoir. WATER-6 and WATER-7 establish roles that will delegate regulation of the dam and reservoir to DSOD as a jurisdictional dam per Division 3, Part 1 of the California Water Code and California Code of Regulations, Title 23, Division 2, Chapter 1, collectively identified as the "Dam Safety Program Requirements" in the PSA.

DSOD has reviewed the PSA and has two overarching comments regarding the Dam Safety Program Requirements that are critical to ensuring long-term dam safety:

1. DSOD's mission is to protect life and property with respect to dam safety for dams during design, construction, operation, maintenance, modification, and removal. Thus, it is recommended that the heading for WATER-6 and WATER-7 remove the word "CONSTRUCTION" and be titled "JURISDICTIONAL DAM REQUIREMENTS." This change is consistent with the requirements in the COCs that go beyond dam and reservoir construction.

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2. Dam safety is a field that evolves with scientific and engineering progress and standards of practice, which can change statutes and regulations related to dam safety. Consequently, it would be preferable that WATER-6 or WATER-7 include language acknowledging the need for compliance with “Dam Safety Program Requirements” as they may change in the future. This would align with DSOD’s regulation of other dam owners, who have a continuing obligation to comply with Dam Safety Program Requirements as they may be changed.

DSOD has prepared further comments, with the full list of comments enclosed here.

If you have any questions or need additional information regarding our comments, you may contact Project Engineer Nekane Hollister at (916) 820-7831 or Design Engineering Branch Manager Erik Malvick at (916) 820-7820.

Sincerely,

Shawn Jones

Shawn O. Jones, P.E.
Acting Division Manager
Division of Safety of Dams

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Division of Safety of Dams Review Comments
Willow Rock Energy Storage Center Preliminary Staff Assessment
Docket No. 21-AFC-02
June 13, 2025
Willow Rock Energy Storage Center
Kern County

The comments listed below are based on the Preliminary Staff Assessment for the above project published on April 29, 2025.

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1. Include the following language in this section: "The Project Owner shall comply with any future changes to statute or regulations making of the Dam Safety Program Requirements."

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2. **Statement:** *".... The CEC delegates inspection of the HC-reservoir embankment construction with respect to engineering design to the DSOD, with onsite consultation with the DCBO and ongoing guidance from the CPM."*

Comment: The Dam Safety Program Requirements must apply to any feature of a dam or reservoir related to dam safety, which includes appurtenant structures, such as an outlet or spillway, or any features that may impede or obscure the ability to monitor or provide maintenance to the dam or reservoir. The project features within DSOD jurisdiction are typically determined during the DSOD application review process. DSOD recommends that language be added to clarify that this delegation is based on DSOD approvals.

Proposed Change: *".... The CEC delegates the dam safety related construction inspection of the HC-reservoir embankment and related dam safety components approved by DSOD, to DSOD with onsite consultation with the DCBO and ongoing guidance from the CPM."*

3. **Statement:** *"The DCBO shall have oversight responsibility of the entire project but shall defer oversight of the hydrostatic compensation reservoir system to the DSOD inspection team up to the reservoir sump/water intake per the reservoir grading plan (Kiewit 2024)."*

Comment: The intent of this section was unclear, dam construction shall be performed under the continuous supervision of the Owner's engineer or designated representative, and under the responsible charge of a civil engineer licensed to practice in California. (See Cal. Code Regs., tit. 23, § 305.) The contractor shall allow DSOD representatives access to all locations within the jurisdictional project boundaries.

Comment: DSOD's jurisdiction over the design, construction, operation, maintenance, modification, and removal of the embankment and all appurtenant structures may extend beyond the reservoir sump and water intake location in accordance with comments 3 and 4. The extent of jurisdiction will be determined during the application review process by DSOD.

Proposed Change: *"The DCBO shall have regulatory oversight responsibility of the entire project but shall defer regulatory oversight of the hydrostatic compensation reservoir system, and related dam safety components approved by DSOD, to the DSOD inspection team as required for dam safety up to the reservoir sump/water intake per the reservoir grading plan (Kiewit 2024)."*

4. **Statement:** *"Verification: At least 60 days (or a project owner, DCBO and DSOD mutually agreed upon alternative time frame) prior to the start of rough grading, the project owner shall submit to the DSOD, DCBO and CPM the schedule, and the master drawings and master specifications list of documents for review and approval."*

Comment: The statement here seems potentially contradictory to other portions of WATER-6 and WATER-7. Generally, it is expected that the owner would make these submittals in its application to DSOD. For DSOD to complete its mission of dam safety, it would work with the DCBO and the CPM regarding a schedule; however, design reviews for dam safety are iterative and cannot be completed within 60 days.

Proposed Change: *"Verification: Once DSOD has approved the project owner's new dam construction application, the project owner shall provide the schedule to the DSOD, DCBO and CPM at least 60 days (or a project owner, DCBO and DSOD mutually agreed upon alternative time frame) prior to the start of rough grading, and the master drawings and master specifications list of documents for review and approval.*

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5. **Statement:** *"Major structures and equipment shall not be added to or deleted from the list without CPM approval. The project owner shall provide schedule updates in the monthly compliance report (MCR)."*

Comment: Any changes made to DSOD jurisdictional structures during construction need to be approved by the CPM and DSOD.

Proposed Change: *"Major structures and equipment shall not be added to or deleted from the list without CPM and DSOD approval. The project owner shall provide schedule updates in the monthly compliance report (MCR)."*