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<b>Document Title:</b>	Central Valley RWQCB Comments
<b>Description:</b>	COMMENTS ON AB 205 OPT-IN APPLICATION FOR CERTIFICATION, CEC DOCKET NUMBER 26-OPT-01, VACA DIXON POWER CENTER PROJECT, SOLANO COUNTY
<b>Filer:</b>	Renee Longman
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## Central Valley Regional Water Quality Control Board

29 January 2026

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### **COMMENTS ON AB 205 OPT-IN APPLICATION FOR CERTIFICATION, CEC DOCKET NUMBER 26-OPT-01, VACA DIXON POWER CENTER PROJECT, SOLANO COUNTY**

As per the provisions of the Public Resources Code section 25545.5 Coordination Plan developed between the California Energy Commission and the California State Water Resources Control Board and California Regional Water Quality Control Boards, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed Vaca Dixon BESS LLC and Arges BESS LLC's application for certification of the Vaca Dixon Power Center Project (Project) proposed in Solano County.

The applicant proposes to construct and operate a battery energy storage system (BESS) facility with a combined capacity of 157 megawatts (MW) and 457 megawatt-hours (MWh). The Project includes two BESS facilities (Vaca Dixon BESS: 57 MW/57 MWh; Arges BESS: 100 MW/400 MWh), associated switchyard facilities, access roads, stormwater infrastructure, fencing, and control enclosures. The site encompasses approximately 10 acres (APN 0133-060-060) within the City of Vacaville, Solano County. Interconnection will occur via new 13.8 kV and 115 kV overhead gen-tie lines to the PG&E Vaca-Dixon Substation and the adjacent CalPeak Power Vaca Dixon Peaker Plant.

The project will be located in the City of Vacaville, California. The combined BESS components footprint encompasses approximately 10 acres on APN 0133-060-060. The proposed Vaca Dixon 57 MWh BESS component would be located on approximately 4.25 acres in the southern portion of the 10 acres BESS Project Area. The proposed Arges 400 MWh BESS component would be located on approximately 5.75 acres of the Project Site. Land use is designated by the City of Vacaville General Plan as Business Park and the BESS Project Area is located within the City's Northeast Growth Area. Pursuant to Vacaville General Plan Policy LU-P18.1, development within the Northeast Growth Area is intended for job generating uses such as high-quality offices, industrial

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NICHOLAS AVDIS, CHAIR | PATRICK PULUPA, EXECUTIVE OFFICER

uses, and technology campuses. The purpose of this overlay district is to guide temporary or interim development in a manner that preserves existing land for future development in the Northeast Growth Area. Permitted and Conditional Uses in the Northeast Growth Area do not include BESS projects. The CEC has exclusive approval authority over the Project through the AB 205 Opt-In process, and the CEC has the authority to approve the Project. Land uses surrounding the BESS Project Area include I-80 (Caltrans jurisdiction) to the north and west, a PG&E transmission line easement and agricultural land within the City of Vacaville to the east, and Kilkenny Road and agricultural land within Solano County to the south. The proposed gen-tie facility locations on the PG&E parcel (APN 0133-060-070) are designated by the Solano County General Plan as Public/Quasi-Public land, including existing PG&E facilities associated with the PG&E Vaca-Dixon Substation to the east. Adjacent land uses to the gen-tie routes on the PG&E parcel, which are all in Solano County, include a commercial auto body shop and pond to southwest, designated as Urban Commercial land; and undeveloped land and backyards of residential lots on Mills Lane to the west and northwest, designated as Urban Residential, Public Open Space, and Public/Institutional lands.

Based on the Application and the Project description, the following permits may be required from the Central Valley Water Board:

- Coverage under National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order WQ 2022-0057-DWQ);
- Clean Water Act (CWA) Section 401, Water Quality Certification;
- Waste Discharge Requirements for the Discharge of Dredged or Fill Material to Waters of the State;

As per Public Resources Code section 25545.5, subdivision (d)(2), the Central Valley Water Board is required to take final action on the opt-in facility within 90 days after the certification of the final environmental impact report (EIR) by the California Energy Commission, provided that Vaca Dixon BESS LLC and Arges BESS LLC has filed a complete application with the Central Valley Water Board prior to certification of the Final EIR. Additionally, the applicable permit(s) must be obtained prior to commencement of construction activities.

#### NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (CGP)

Construction activity resulting in a land disturbance of one acre or more must obtain coverage under the CGP, including, but not limited to, clearing, grading, grubbing, or excavation. Project activities that may require coverage under the CGP include the construction of new access roads, widening of existing access roads, and clearing and/or grading activities for staging/laydown areas and the proposed battery energy storage system equipment yard. The Project must be conditioned to implement stormwater pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP, the Legally Responsible Person (LRP)

for the Project must submit Permit Registration Documents electronically prior to construction. Detailed information on the [Construction Stormwater General Permit Order WQ 2022-0057-DWQ \(ca.gov\)](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction/general_permit_reissuance.html) can be found on the [State Water Board NPDES 2022 Construction Stormwater General Permit](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction/general_permit_reissuance.html) website ([https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction/general\\_permit\\_reissuance.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction/general_permit_reissuance.html)).

This link includes the application materials and guidance documents regarding what information is needed for a complete application.

**Vaca Dixon Power Center Project Application Data Deficiencies:**

- Notice of Intent to request coverage under the CGP, including a Risk Level Determination, submitted through the State Water Board Stormwater Multiple Application and Report Tracking System (SMARTS);
- Site Drawings and maps of areas requiring CGP coverage;
- Construction Stormwater Pollution Prevention Plan (SWPPP) developed by a Qualified SWPPP Developer (QSD)

Clean Water Act (CWA) Section 401, Water Quality Certification

The Central Valley Water Board has regulatory authority over wetlands and waterways under the Federal Clean Water Act (CWA) and the California Water Code, Division 7 (CWC). Discharge of dredged or fill material to waters of the United States requires a CWA Section 401 Water Quality Certification from the Central Valley Water Board. Section 401 Certifications are issued in combination with CWA Section 404 Permits issued by the Army Corps of Engineers. Project activities that may require a section 401 Water Quality Certification include any modifications to these waters, such as the replacement or installation of culverts and/or low water stream crossings, stream bank modifications, filling of wetlands, etc. Steps must be taken to first avoid and minimize impacts to these waters, and then mitigate for unavoidable impacts.

The Comprehensive Biological Survey Report provided an aquatic resource delineation that identified fourteen jurisdictional features, including nine seasonal wetlands (Seasonal Wetland 1 through 9), one swale, three agricultural ditches (Agricultural Ditch 1 through 3), and one man-made pond. The total jurisdictional area within the BSA is approximately 1.85 acres of non-wetland waters of the State and 1.94 acres of streambed, with combined aquatic resources totaling approximately 1.85 acres of wetlands and 0.95 acres of non-wetland waters of the U.S.

Both the Section 404 Permit and Section 401 Water Quality Certification must be obtained prior to site disturbance. Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the California Water Code. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at [Water Boards 401 Water Quality Certification and/or WDRs Application](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources)

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This link includes the application materials and guidance documents regarding what information is needed for a complete application.

**Vaca Dixon Power Center Project Application Additional Data Requirements:**

- Section 401 Water Quality Certification application (draft application is sufficient at this time);
- An aquatic resource delineation report verified by U.S. Army Corps of Engineers, if verification is required by the Corps;
- A description of the waters proposed to be impacted by the project including the quantity of impacts to waters proposed to receive a discharge of dredged or fill material at each location rounded to at least the nearest one-hundredth (0.01) of an acre and nearest linear foot, and cubic yards of fill.
- A compensatory mitigation plan for permanent physical loss and permanent ecological degradation of a water of the U.S. The plan shall comport with State Water Resources Control Board's Supplemental Dredge or Fill Guidelines, Subpart J. A link is provided: [State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State \(ca.gov\)](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/procedures.pdf) (https://www.waterboards.ca.gov/water\_issues/programs/cwa401/docs/2021/procedures.pdf)

Isolated wetlands and other waters not covered by the Federal Clean Water Act

Some wetlands and other waters are considered "geographically isolated" from navigable waters and are not within the jurisdiction of the Clean Water Act. (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high-water mark). Discharge of dredged or fill material to these waters may require either individual or general waste discharge requirements from the Central Valley Water Board. If the U.S. Army Corps of Engineers determines that isolated wetlands or other waters exist at the project site, and the project impacts or has potential to impact these non-jurisdictional waters, a Report of Waste Discharge and filing fee must be submitted to the Central Valley Water Board. The Central Valley Water Board will consider the information provided and either issue or waive Waste Discharge Requirements. Failure to obtain waste discharge requirements or a waiver may result in enforcement action.

Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the CWC. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at [Water Boards 401 Water Quality Certification and/or WDRs Application](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources) (https://www.waterboards.ca.gov/water\_issues/programs/cwa401/#resources). This link includes the application materials and guidance documents regarding what information is needed for a complete application.

**Vaca Dixon Power Center Project Application Additional Data Requirements:**

- Waste Discharge Requirements application (draft application is sufficient at this time);
- An aquatic resource delineation indicating aquatic resources that are not federally jurisdictional;
- A description of the waters proposed to be impacted by the project including the quantity of impacts to waters proposed to receive a discharge of dredged or fill material at each location rounded to at least the nearest one-hundredth (0.01) of an acre and nearest linear foot, and cubic yards of fill.
- A compensatory mitigation plan for permanent physical loss and permanent ecological degradation of a water of the state. The plan shall comport with State Water Resources Control Board's Supplemental Dredge or Fill Guidelines, Subpart J. A link is provided: [State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State \(ca.gov\)](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/procedures.pdf) (https://www.waterboards.ca.gov/water\_issues/programs/cwa401/docs/2021/procedures.pdf)

If you have any questions or comments regarding this matter, please contact Sara Gevorgyan at (916) 464-4710 or by email at [Sara.Gevorgyan@waterboards.ca.gov](mailto:Sara.Gevorgyan@waterboards.ca.gov).

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