

## DOCKETED

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## **BMP information is entirely reasonable to provide at this time**

In Data Set 2A (docketed 12/30/16) the following requests were made by CEC staff:

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Request 144. Describe how side slopes would be protected from erosion during placement of imported fill material. Provide a topographic site map that identifies the location of preliminary, site-specific best management practices (BMPs) that would protect side slopes from erosion during placement of imported fill material.

Request 146. Describe how side slopes would be protected from erosion and scour during Mission Rock construction (when imported fill material is placed and after it is compacted). Provide a topographic site map that identifies the location of preliminary site specific BMPs for soil stabilization that would be appropriate for the size of soil disturbance, slope steepness, slope length, and soil erodibility.

Request 148. Describe how side slopes would be protected from erosion after Mission Rock construction is complete. Indicate whether stabilization is vegetative or nonvegetative (or both) and approximate time needed for stabilization to be fully effective (e.g. curing time or mature growth).

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In response, Calpine objected to those requests as follows (docketed 1/17/17):

“Site-specific detailed design” will be performed after project approval, i.e., post-Certification, consistent with Commission precedent, the California Environmental Quality Act, and good public policy, and is therefore not reasonably available at this stage in the process. The topographic site maps requested by Data Requests 144 and 146, which request identifying with engineering specificity the location of BMPs or other engineering design measures, are detailed design elements and are not reasonably available at this time. The requested information will be dependent on site-specific detailed design and engineering requirements that will be finalized only after the Application is approved.

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BMP is a term most associated with storm water discharge compliance. BMPs are required by the State Water Quality Control Board Storm Water Permit at a construction project or an operating industrial facility to limit discharge of pollutants from a site. (Pollutants can be anything from silt to bacteria to metals or more.) Sediment discharge during the construction phase is a constituent of high concern at the MREC facility. In the construction phase the top priority of BMPs is not for erosion protection, it is for DISCHARGE of sediment. For example, if a silt fence is the BMP employed at the perimeter of the grading and fill area to prevent sediment discharge, that BMP will not prevent erosion of the fill due to surface water run on or flooding. However, depending on what BMPs are employed in the construction phase, erosion control MAY be provided. Perhaps immediate surface treatment of fill slopes would prevent erosion, and if the applicant provided that information the important question to ask would be: What type of surface treatment is proven to prevent erosion during construction in a setting such as MREC? Without information of proposed BMPs to be used during fill placement, the CEC staff will not be able to evaluate if the techniques are adequate to prevent discharge of sediment and provide erosion control. The information requested in #144 and #146 is entirely reasonable to provide at this time.

After construction is complete and during the operation phase of a facility, BMPs are also required by the State Water Quality Control Board Storm Water Permit for storm water discharge compliance. Depending on the final fill

geometry and surface treatment, sediment discharge may still be a constituent of high concern at the MREC facility. The information requested in #148 is also entirely reasonable to provide at this time.

In both the construction and operation phases of MREC, sediment discharge and erosion control is a high risk issue due to the project being adjacent to a major watercourse and actually within its floodplain. Therefore extra caution is completely warranted during the permitting phase. Rigorous planning and robust technology are absolutely necessary especially for this topic of concern: soil and setting.

The BMP program for construction and industrial projects is only a few years old and technique performances are by no means well established. Projects with higher risks, such as MREC, need to be very carefully planned to ensure safety and success. Therefore, other information may be necessary including:

â€¢ For the BMPs proposed, what is the performance record for silt discharge at similar sites under similar settings? What have been the effluent values, and under what storm conditions?

â€¢ In past deployments do similar BMPs withstand design conditions? What have been the BMP replacement and maintenance requirements?

â€¢ What are the experiences of users of the proposed BMPs?

â€¢ Do the proposed BMPs prevent erosion?

Well made decisions on the proposed project need to be based on full disclosure of information and additional questions to ask may include:

â€¢ Does the forecast 100-year flow elevation at the Santa Clara River including climate change modeling? If so, what is the elevation at the proposed location? If not, what is the uncertainty and risk to the facility, including costs and environmental impacts.

â€¢ Is a sediment transport model available for the Santa Clara River flows at this location? If so, what is the expected peak sediment load that would occur at the site under design storm? If not, can the project be safely designed without a sediment transport model?