

## DOCKETED

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## Lahontan Regional Water Quality Control Board

April 20, 2016

File: CEQA - Los Angeles County  
City of Palmdale

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California Energy Commission  
1516 Ninth Street  
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### **Comments on the Preliminary Staff Assessment for Palmdale Energy Project Decision, Palmdale, Los Angeles County**

California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received a Preliminary Staff Assessment for the Palmdale Energy Project (PEP) Decision on March 29, 2016, for the above-referenced Project. The PEP, dated March 24, 2016, was prepared by the California Energy Commission (CEC) and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, are providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations, title 14, section 15096. We encourage the CEC and the Project proponent to take this opportunity to integrate elements into the PEP that: (1) promote watershed management, (2) support "Low Impact Development" (LID), and (3) reduce the effects of hydromodification. Our comments are outlined below.

#### **Project Description**

The Palmdale Hybrid Power Project (PHPP) was originally planned to be built on the site, but never was constructed. The Project owner, Palmdale Energy LLC, submitted petitions to amend the final CEC decision during July 2015, to change the name of the PHPP to the PEP, and to begin construction and operation following construction. As petitioned, the PEP would be a "natural gas fired combined-cycle generating facility," and eliminated the solar components of electrical power generation as had been originally planned with the PHPP. The PEP would occupy a 50-acre site and require the use of an additional 20-acres for construction laydown and parking, as compared to the 333-acres required for the site to have been developed as the PHPP. Two segments, totaling 35.6 miles of generator tie-lines, are proposed for the PEP along the same route that had been proposed for the PHPP.

## Water Board's Authority

All groundwater and surface waters are considered waters of the State. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. The Federal Clean Water Act (CWA) provides additional protection for waters of the U.S.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwaters of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at

[http://www.waterboards.ca.gov/lahontan/water\\_issues/programs/basin\\_plan/references.shtml](http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml).

## Specific Comments

1. Project Description, page 3-1, "Project Location and Site Description" of the PEP states "the project in total is comprised of the 50-acre power plant site and an additional separate 20 acre portion of land for construction laydown and parking, located adjacent and north of the proposed power plant site. After completion of project construction, the 20-acre parcel would be restored and re-vegetated, if necessary, and remain under the ownership of the city of Palmdale." Water Board staff request that the 20-acre parcel be restored and re-vegetated.
2. Project Description, page 3-5, "Project Description Figure 3," (Project Location and Site Description) of the PEP shows both the additional 20-acre portion of land for construction laydown and parking along with the 50-acre power plant site as described above. Figure 3 shows an area of approximately 16-acres within the 50-acre power plant site to be developed with the power generating facility. Water Board staff suggest that clearing of vegetation and grading activities be kept to a minimum outside of the power generating facility footprint in order to maintain natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge, managing runoff as close to the source as possible, and maintaining vegetated areas for storm water management and onsite filtration. Additionally, vegetation clearing should be kept to a minimum. We encourage the mowing of onsite vegetation during construction and maintaining onsite vegetation post-construction to help mitigate for potential storm water impacts throughout the life of the Project
3. Project Description, page 3-5, "Electric Transmission Line," indicates that 35.6-miles of generator tie-lines will be constructed. "Segment 1 would be 23.7 miles long and located within new and existing rights-of-way as it extends from the on-site substation through the northeast corner of the site, along 10<sup>th</sup> Street East and East Ave L. The generator tie-line would then continue over industrial and

agricultural areas, over open spaces, and along new and existing road rights-of-way, until it connects at the California Department of Water Resources (DWR) Pearblossom substation." "Segment 2 is 11.9 miles long, and would be built along the existing Southern California Edison (SCE) right-of-way, and would proceed from north of the DWR Pearblossom Pumping Station southwest to the SCE Vincent Substation." Water Board staff request that impacts from generator tie-lines that may traverse any waters of the state, including ephemeral drainages, be evaluated to **avoid, minimize or mitigate** for such impacts (please see Permitting Requirements below). Consultation with Water Board staff is encouraged as soon as possible.

4. Soil and Water Resources, page 4.9-3, "Construction Storm Water," Water Board staff concur with the recommendation by CEC staff, that the Construction Storm Water Pollution Prevention Plan developed for the PHPP should be updated to ensure consistency with the current State Water Resources Control Board's (SWRCB) National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWG, NPDES, CAS000002.

### **Permitting Requirements**

A number of activities associated with the proposed Project may have the potential to impact waters of the State or waters of the U.S. and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include the following.

1. Streambed alteration and or discharge of fill material to a surface water may require a Clean Water Act, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters (waters of the State), both issued by the Lahontan Water Board.
2. Land disturbances of more than 1 acre may require a CWA, section 402 (p) storm water permit, including an NPDES General Construction Storm Water permit obtained from the State Water Board or individual storm water permit obtained from the Lahontan Water Board.
3. Water diversion and/or dewatering activities may be subject to discharge and monitoring requirements under the NPDES General Permit, Limited Threat Discharges to Surface Waters, Board Order R6T-2008-0023.

Please be advised of the permits that may be required for the proposed Projects, as outlined above. Should Project implementation result in activities that will trigger these permitting actions, the Project proponent must consult with Water Board staff well in advance of Project construction. Information regarding these permits, including

application forms, can be downloaded from our web site at <http://www.waterboards.ca.gov/lahontan/>.

Thank you for the opportunity to comment on the proposed Project. If you have any questions regarding this letter, please contact me at (760) 241-4942 ([jeffrey.fitzsimmons@waterboards.ca.gov](mailto:jeffrey.fitzsimmons@waterboards.ca.gov)) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 ([patrice.copeland@waterboards.ca.gov](mailto:patrice.copeland@waterboards.ca.gov)).



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