California Regional Water Quality Control Board
Lahontan Region

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File: Solar Projects

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REVIEW OF DRAFT REPORT OF WASTE DISCHARGE, BEACON SOLAR ENERGY PROJECT, FREMONT VALLEY, KERN COUNTY

The California Regional Water Quality Control Board, Lahontan Region (Water Board) received a draft application / report of waste discharge (ROWD) for the proposed Beacon Solar Energy Project (BSEP), located in Fremont Valley northeast of the Antelope Valley in the Mojave Desert, Kern County, on May 21, 2008. The draft ROWD was prepared by ENSR Corporation (ENSR). Water Board staff has reviewed the draft document and has the following comments.

Project Description

Beacon Solar, LLC, a Delaware limited liability company is proposing to construct, own, and operate the BSEP. BSEP is a concentrated solar electric generating facility proposed on an approximately 2,012-acre site in Kern County, California. BSEP will use well-established parabolic trough solar thermal technology to produce electrical power using a steam turbine generator (STG) fed from a solar steam generator (SSG). The SSG will receive heated heat transfer fluid (HTF) from solar thermal equipment comprised of arrays of parabolic mirrors that collect energy from the sun.

The project will have a nominal electrical output of 250 megawatts (MW) and commercial operation is planned to commence by the third quarter of 2011, subject to timing of regulatory approvals and applicant achievement of project equipment procurement and construction milestones. The solar thermal technology will provide 100 percent of the power generated by the plant; no supplementary energy source (e.g., natural gas to generate electricity at night) is proposed to be used for electric energy production. The project will utilize two auxiliary boilers fueled by natural gas to reduce startup time and for HTF freeze protection. The auxiliary boilers will supply steam to the HTF freeze protection heat exchangers during nighttime hours to keep the HTF in a liquid state when ambient temperatures are not sufficient to keep the temperature of the HTF above its relatively high freezing point.

In order to fuel the boilers, a new 17.6-mile, eight-inch gas pipeline will be constructed to connect the project to an existing Southern California Gas Company (SCG) pipeline in the California City area.

Disposal Facilities

BSEP proposes to use three 8.3-acre surface impoundments (i.e., evaporation ponds with a total combined area of 25 acres) and a land treatment unit (i.e., one land farm about 7.4 acres) as part of the Project. The surface impoundments are the disposal facilities for wastewater from operations at BSEP. The land farm unit will be used to receive, ternporarily store, and treat soil contaminated with HTF accidentally released from the process to the environment.

Incomplete ROWD

As submitted, the draft ROWD is incomplete. Specific information needed to complete the ROWD is identified below.

Necessary Items for the ROWD

The California Water Code (CWC) section 13226, requires that the Regional Board review and classify any proposed waste disposal site within its region.

California Code of Regulations (CCR), title 27, section 21710, et seq., describe the classification procedure to be used by the Regional Board, and states, "Dischargers shall provide information on waste characteristics, geologic and climatologic characteristics of the Unit and the surrounding region, installed features, operation plans for waste containment, precipitation and drainage controls, and closure and post closure maintenance plans as set forth in CCR, title 27, sections 21740, 21750, 21760, and 21769."

Additional information, as specified in CCR, title 27, sections 21740, 21750, 21760, and 21769, will need to be submitted with the ROWD and is outlined below.

Waste Characteristics

The draft ROWD did not include a waste characterization. The ROWD needs to include characterizations of the quality of water to be treated and discharged to properly evaluate a potential threat to groundwater quality. A Waste Characterization Report must be prepared and submitted as part of the ROWD. The Waste Characterization Report may possibly include, but is not limited to, analyses to determine if the influent is a hazardous waste pursuant to requirements presented in CCR, title 22, and analyses to determine if the influent is a liquid designated waste, pursuant to CCR, title 27.

The Waste Characterization Report should characterize representative wastewater proposed to be discharged into the surface impoundments.

At a minimum, the characterization of wastes must include a technical evaluation of the wastes and determination of how the wastes are classified in accordance with CCR, title 27, sections 20200 through 20230 (for nonhazardous wastes), and CCR title 23, Chapter 15, section 2521 (with reference to CCR title 22, Division 4.5 for hazardous wastes).

Existing Site Conditions

The report indicates that the project site was formerly used for alfalfa farming. Local alfalfa farms in the area have historically accepted sewage sludge (municipal wastewater sludge from wastewater treatment plants) for land application. Please consider analyzing soil samples from the site in order to determine if constituents from historical farming activities are present that could possibly affect water quality by means of runoff and percolation, or both, to groundwater.

Waste Management Unit Characteristics

Waste management units (Units) are classified according to their ability to contain wastes. Containment is determined by geology, hydrology, topography, climatology, and other factors relating to the ability of the Unit to protect water quality. The classification of Units is based on criteria contained in CCR, title 27, section 20200 et seq.

1. Topographic Map

Provide a topographic map, reproducible to 8.5 x 11 inches, of the site showing:

- Contours at sufficient intervals to determine natural ground slope;
- All intermittent, ephemeral, or perennial water courses or drainages;
- The 100-year flood plain of any nearby river or intermittent or ephemeral drainage;
- The location of on-site water supply wells;
- The locations of any nearby water wells (within one-mile of the surface impoundments), residences, or commercial developments;
- The locations of any soil borings or percolation tests performed for this site; and
- Stormwater runoff control measures – include the area, in acres, covered with an impermeable surface (pavement or roofs) that drains to the wastewater pond.

2. Well Construction Details

The report indicated that:

- A review of available boring log data revealed limited information on the lithology of the unconsolidated younger and older alluvium beneath the project site; and
- While there are 14 wells on the plant site, no lithologic information could be obtained because the well logs were unavailable for review.

Please provide well construction details of the existing on-site production well showing, lithology, casing and screening details, and location of any sanitary seals.

3. Plot Plan

Please provide a plot plan to scale to show:

- Locations of all on-site facilities;
- Locations of the proposed on-site recycled water disposal sites;
- Alignments of any channels, ditches, or pipelines used for the conveyance of liquid wastes; and
- Assessor's parcel numbers (APNs) for the facility site. List the site location by section, township, and range.

4. Water Supply

If water for the site is supplied by other than a community water supply system, provide a complete chemical analysis of a sample of the supply water with this report.

5. Flood Protection

Provide information including, but not limited to, design calculations, plans, and specifications for protection of treatment, storage, and disposal facilities from a 24-hour storm or flood having a recurrence interval of 100 years.

Provide a description of the measures that are taken for controlling stormwater runon and runoff at the facility. This should include a description of the facilities and best management practices (BMPs) used to prevent runoff by a 25-year, 24-hour storm.

River and Drainage Maps

The Project Site Location map, Figure A-1, shows blue-lined streams and other washes and drainages are located on the 2,012-acre project site. The map also suggests that mirrors may be built where the streams, washes and drainages are currently located. Specific plans for how the water flows will be redirected are not provided. The map, as drawn, does not indicate the final configuration of the blue-line streams in the project vicinity. Please re-draw the maps using an overlay feature to indicate where building pads, etc., will be placed in relation to the blue-line streams. Please include a narrative description of the current and proposed drainage features detailed in the revised maps.

A number of activities associated with the project may require permits issued by the State Water Resources Control Board (SWRCB) or the Water Board because they appear to impact blue-line streams and other drainage areas of the 2,012-acre site. The required permits may include:

- Discharge of fill material - Clean Water Act (CWA) §401 water quality certification for federal waters; or Waste Discharge Requirements for non-federal waters, and
- Land disturbance - CWA §402(p) storm water permit, to include the development of a Stormwater Pollution Prevention Plan and a NPDES General Construction Stormwater Permit and/or a NPDES General Industrial Stormwater Permit. These permits are accessible on the SWRCB's Homepage (www.swrcb.ca.gov).

If the project is not subject to federal requirements, activities that involve fill or alteration of surface waters including drainage channels may still be subject to state permitting. Please see information at the Regional Board web site at <http://www.waterboards.ca.gov/lahontan/water_issues/programs/permitting/permitting_questions.shtml>, and at <http://www.waterboards.ca.gov/lahontan/water_issues/available_documents/misc/general_permits4lahontan.pdf>.

Best Management Practices must be used to mitigate project impacts. For more information regarding water quality and how the Regional Board may regulate activities affecting water quality, see the Lahontan Region Basin Plan which contains prohibitions, water quality standards, and policies for implementation of standards at <http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml>. The BSEP will need to comply with all applicable water quality standards and prohibitions, including provisions of the Basin Plan. Specifically, project alternatives should be developed, and areas where impacts can be avoided or minimized should be identified. Any unavoidable impacts must be mitigated.

Beneficial uses for the blue-line streams and other drainages in the project area include water quality enhancement and recognize additional characteristics of water bodies, including their ability to enhance and protect water quality. Characteristics, which enable surface waters to provide water quality enhancement, include, but are not limited to, riparian vegetation and stream bank configuration. Additionally, natural surface drainages help buffer passage of waters, slowing runoff and providing temporary storage of direct precipitation and runoff, serving to reduce the heights of flood peaks in adjacent receiving waters and adjacent or downstream areas. This form of water storage is vital to a number of other beneficial uses, including agriculture and wildlife. Any impacts to beneficial uses are to be avoided, minimized, or mitigated, in that order.

Civil Engineering Design Package

Please submit a Plan of Development / Civil Engineering Design Package to include preliminary grading, clearing, excavation, and stormwater management system plans.

Design Report and Operations Plan

Provide a description of the manner in which liquid and solid wastes (wastewater and soil) are handled and disposed, an estimate of the quantities of soil and water generated per day, and location and construction details of all on-site waste storage or disposal sites. Include the volume of any onsite storage ponds (surface impoundments), settling and decanting ponds, and stormwater basins, or all impoundments, ponds, and basins.

Provide an estimate of the number of times per year the wastewater ponds are pumped down. Include the number of times per year that the settling ponds (surface impoundments) are scraped and cleaned and the number of times the storage decanting basins (surface impoundments) are emptied, and the manner in which the stormwater basins will be managed.

1. Surface Impoundment Construction Details

Pursuant to CCR, title 27, section 20330 et seq., the discharger must submit a design plan for a liner to the surface impoundments. The liners must be designed to meet the stated Performance Standard in the section to protect existing water quality. However, the Regional Board can allow an engineered alternative for any of the prescriptive standards in considering a proposal by the discharger.

2. Construction Quality Assurance Plan

CCR, title 27, section 20323 requires construction for all liner systems and final cover systems to be carried out in accordance with a Construction Quality Assurance (CQA) plan certified by an appropriately registered professional to satisfy the requirements of CCR, title 27, section 20324. Please prepare a CQA plan for construction of the surface impoundments to satisfy the requirements of CCR, title 27, section 20324.

3. Seismic Location Siting

The Project must not be constructed within 200 feet (61 meters) of a fault which has displacement during Holocene time. Please provide information supporting the location siting criteria for the surface impoundments prepared by a California registered professional civil engineer or geologist, including, but not limited to, seismic considerations.

4. Recordkeeping, and Reporting of Heat Transfer Fluid Soils

Please submit a plan indicating a tracking system and operating record of HTF impacted soil delivered to the land treatment unit. The tracking system should include the delivery date, source of the wastes, analytical laboratory reports, volumes/weights, and the location of the land treatment unit to which the wastes are discharged. In

addition, please submit a Spill Prevention Plan, detailing measures to prevent and respond to spills.

5. Required Water Quality Monitoring and Response Programs

Pursuant to CCR, title 27, section 20380 et seq., the discharger must conduct a water quality monitoring and response program by instituting a detection monitoring program for the life of the project, an evaluation monitoring program for any significant evidence of a release, and a corrective action plan to remediate any release verified under the evaluation monitoring program.

Development of Plans, Cost Estimates, and Financial Assurances

Before Waste Discharge Requirements (WDR) are adopted by the Regional Board, the discharger is required to prepare and submit discrete, preliminary plans for closure, post-closure maintenance, and corrective action for a reasonably foreseeable release. Cost estimates to implement the plans by a third party must accompany each plan. The discharger must demonstrate financial responsibility to the Regional Board for closure, postclosure maintenance, and corrective action in at least the amount of the cost estimates pursuant to CCR, title 27, sections 22205, 22210, and 22220.

Filing Fee

An application filing fee needs to be submitted with the ROWD. To assist you in determining the correct WDR filing fee, Water Board staff compared your project with similar projects and tentatively considers that your project may qualify as "Land Disposal," with a threat to water quality (TTWQ) of "2," and a complexity (CPLX) of "A." Therefore, according to the filing fee schedule, your application filing fee would be $16,753.
The filing fee schedule is available on-line at the Water Board's internet site at < http://www.waterboards.ca.gov/resources/fees/docs/water_quality_fees.pdf >.

The fee(s) to be remitted depends upon the fee schedule in place at the time the application is deemed complete.

Basin Plan

Please submit Information to show that the proposed Project will comply with the Water Quality Control Plan for the Lahontan Region (Basin Plan). The elements that pertain to your facility are discussed in the Basin Plan in policies such as, State Water Resources Control Board (SWRCB) Resolution 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California. In addition, the Basin Plan is available on line at the Regional Board's Internet site at <http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml >.

California Environmental Quality Act

The California Energy Commission (CEC) is the lead agency under the California Environmental Quality Act (CEQA). The CEC has a certified regulatory program under CEQA (CCR, title 14, section 15251(j)). Under its certified program, the CEC is exempt from having to prepare an environmental impact report. However, its certified program does require environmental analysis of the project, including an analysis of alternatives and mitigation measures to minimize any significant adverse effect the Project may have on the environment. The Water Board is a responsible agency under CEQA and is on the CEC's notification list.

The CEC will certify a "Final Commission Decision document" affirming the CEC's Final Staff Assessment, which is a functional equivalent of a final environmental impact report for the project. The Final Commission Decision document is expected in May / June 2009. The CEC's hearing conference to approve the project has yet to be scheduled, but typically it is scheduled 12 months after the filing of a complete application for certification of the powerplant, which was approved by the CEC on May 7, 2008.

Future Actions

Please submit the required information as soon as possible. In order to be considered for our June 10, 2009 board meeting, a complete ROWD will need to be submitted no later than **February 10, 2009**.

We look forward to assisting you in conducting your Project in a manner that protects water quality. If you have any questions or wish to discuss this matter further, please contact me at (760) 241-7391, jkoutsky@waterboards.ca.gov, or Patrice Copeland, Senior Engineering Geologist at (760) 241-7404, pcopeland@waterboards.ca.gov.

Sincerely,

Joseph J. Koutsky, P.E.
Water Resources Control Engineer

cc: Mail List

Attachments: Fee Schedule

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Mail List
Beacon Solar Energy Project

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As adopted by Resolution 2008-0073

CALIFORNIA CODE OF REGULATIONS
TITLE 23. Division 3. Chapter 9. Waste Discharge Reports and Requirements
Article 1. Fees

Section 2200. Annual Fee Schedules

Each person for whom waste discharge requirements have been prescribed pursuant to section 13263 of the Water Code shall submit, to the State Board, an annual fee in accordance with the following schedules. The fee shall be submitted for each waste discharge requirement order issued to that person.

An ambient water monitoring surcharge will be added to each individual fee as required. The ambient water monitoring surcharge for all discharges pursuant to subdivisions (a) and (c) is 9.5% of the calculated fee; the surcharge for all discharges pursuant to subdivision (b) is 21% of the calculated fee. The surcharge shall be applied to all permits prior to other surcharges prescribed herein.

(a) The annual fees for persons issued waste discharge requirements (WDRs), except as provided in subdivisions (a)(3), (b), and (c), shall be based on the discharge's threat and complexity rating according to the following fee schedule, plus applicable surcharge(s).

ANNUAL FEE SCHEDULE FOR WASTE DISCHARGE REQUIREMENTS			
Threat to Water Quality (TTWQ)	Complexity (CPLX)	Type of Discharge	
		Discharge to Land or Surface Waters[1]	Land Disposal[2]
1	A	$58,520	$35,360[3]
1	B	$36,960	$28,560
1	C	$19,943	$18,360
2	A	$13,321	$15,300
2	B	$8,008	$12,240
2	C	$6,006	$9,180
3	A	$4.732	$6,120
3	B	$2,520	$4,590
3	C	$1,120	$2,040

[1] For this table, discharges to land or surface waters are those discharges of waste to land or surface waters not covered by NPDES permits that are regulated pursuant to Water Code Section 13263 that do not implement the requirements of Title 27 of the California Code of Regulations (CCR). Examples include, but are not limited to, wastewater treatment plants, erosion control projects, and septic tank systems. It does not include discharge of dredge or fill material or discharge from animal feeding operations.
WDRs for municipal and domestic discharges with permitted flows of less than 50,000 gallons per day in categories 2-B, 2-C, 3-B and 3-C will receive a 50% fee discount. The design flow shall be used where no permitted flow is present. Municipal and domestic discharges receiving the discount are defined as discharges from facilities that treat domestic wastewater or a mixture of wastewater that is predominately domestic wastewater. Domestic wastewater consists of wastes from bathroom toilets, showers, and sinks from residential kitchens and residential clothes washing. It does not include discharges from food preparation and dish washing in restaurants or from commercial laundromats.

[2] For this table, land disposal discharges are those discharges of waste to land that are regulated pursuant to Water Code Section 13263 that implement the requirements of CCR Title 27. Examples include, but are not limited to, active and closed landfills and surface impoundments.

[3] A surcharge of $12,000 will be added for Class I Landfills. Class I landfills are those that, during the time they are, or were, in operation, are so classified by the RWQCB under 23 CCR Chapter 15, have WDRs that allow (or, for closed units, allowed) them to receive hazardous waste, and have a permit issued by the Department of Toxic Substances Control under 22 CCR Chapter 10, §66270.1 et seq.

(1) Threat to water quality TTWQ and complexity CPLX of the discharge is assigned by the Regional Board in accordance with the following definitions:

THREAT TO WATER QUALITY

Category "1" – Those discharges of waste that could cause the long-term loss of a designated beneficial use of the receiving water. Examples of long-term loss of a beneficial use include the loss of drinking water supply, the closure of an area used for water contact recreation, or the posting of an area used for spawning or growth of aquatic resources, including shellfish and migratory fish.

Category "2" – Those discharges of waste that could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance.

Category "3" – Those discharges of waste that could degrade water quality without violating water quality objectives, or could cause a minor impairment of designated beneficial uses as compared with Category 1 and Category 2.

COMPLEXITY

Category "A" – Any discharge of toxic wastes, any small volume discharge containing toxic waste or having numerous discharge points or ground water monitoring, or any Class 1 waste management unit.

Category "B" – Any discharger not included above that has physical, chemical, or biological treatment systems (except for septic systems with subsurface disposal), or any Class 2 or Class 3 waste management units.

Category "C" – Any discharge for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included as a Category "A" or Category "B" as described above. Included would be discharges having no waste treatment systems or that must comply with best management practices, discharges having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.

(2) For dischargers covered under Statewide General WDRs for Sanitary Sewer Systems (Water Quality Order No. 2006-0003), the TTWQ and CPLX designations are assigned based on the population served by the sanitary sewer system. The table below describes the correlation between population served and TTWQ and CPLX designations to determine the appropriate annual fee:

Population Served[4]	Threat and Complexity Designation
Less than 50,000	3C
50,000 or more	2C

[4] Assumes 2.5 persons per equivalent dwelling unit (EDU).

(3) The fees for discharges of dredge and fill material shall be as follows, not to exceed $40,000, plus applicable surcharge(s).[5]

Type of Discharge	Fees
(A) Fill & Excavation[6] Discharges. Size of the discharge area expressed in acres to two decimals (0.01 acre) (436 square feet) rounded up.	$640 Base Price + (Discharge area in acres x $2,752)
(B) Dredging Discharges[7] Dredge volume expressed in cubic yards.	$640 Base Price + (Dredge volume in cubic yards x $0.102)
(C) Dredging Discharges (Sand Mining). Aggregate extraction in marine waters where source material is free of pollutants and the dredging operation will not violate any basin plan provisions.	$1,024.
(D) Channel and Shoreline Discharges Includes linear discharges to drainage features and shorelines, e.g., bank stabilization, revetment and channelization projects. (Note): The fee for channel and shoreline linear discharges will be assessed under the "Fill and Excavation" or "Channel and Shoreline" schedules, whichever results in the higher fee.	$640 Base Price + (Discharge length in feet x $$6.40)
(E) Discharges to Non-federal (e.g. "Isolated") Waters. Discharges to waters or portions of waterbodies not regulated as "waters of the United States," including waters determined to be "isolated" pursuant to the findings of *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (2001) 121 S. Ct. 675.	Double the applicable fee schedules except for (G) restoration projects

[5] i. For "excavation" the area of the discharge is the area of excavation; if the excavated material is then discharged to waters, an additional "fill" fee will be assessed.

ii. When a single project includes multiple discharges within a single dredge and fill fee category, the fee for that category shall be assessed based on the total area, volume, or length of discharge (as applicable) of the multiple discharges. When a single project includes discharges that are assessed under multiple fee categories, the total fee shall be the sum of the fees assessed under each applicable fee category; however a $500 base fee, if required, shall be charged only once.

iii. Fees shall be based on the largest discharge size specified in the original or revised report of waste discharge or Clean Water Act (CWA) section 401 water quality certification application, or as reduced by the applicant without any State Board or Regional Board intervention.

iv. If water quality certification is issued in conjunction with dredge or fill WDRs or is issued for a discharge regulated under such preexisting WDRs, the current annual WDR fee as derived from this dredge and fill fee schedule shall be paid in advance during the application for water quality certification, and shall comprise the fee for water quality certification.

v. Discharges requiring water quality certification and regulated under a federal permit or license other than a US Army Corps of Engineers CWA section 404 permit or a Federal Energy Regulatory Commission License shall be assessed a fee determined from CCR 23, Section 2200(a).

[6] "Excavation" refers to moving sediment or soil in shallow waters or under no-flow conditions where impacts to beneficial uses are best described by the area of the discharge. It typically is done for purposes other than navigation. Examples include trenching for utility lines, other earthwork preliminary to construction, and removing sediment to increase channel capacity.

[7] "Dredging" generally refers to removing sediment in deeper water to increase depth. The impacts to beneficial uses are best described by the volume of the discharge and typically occur to facilitate navigation. For fee purposes it also includes aggregate extraction within stream channels where the substrate is composed of course sediment (e.g., gravel) and is reshaped by normal winter flows (e.g., point bars), where natural flood disturbance precludes establishment of significant riparian vegetation, and where extraction timing, location and volume will not cause changes in channel structure (except as required by regulatory agencies for habitat improvement) or impair the ability of the channel to support beneficial uses.

(F) Low Impact Discharges. Projects may be classified as low impact discharges if they meet all of the following criteria: 1. The discharge size is less than all of the following: (a) for fill, 0.1 acre, and 200 linear feet, and (b) for dredging, 25 cubic yards. 2. The discharger demonstrates that: (a) all practicable measures will be taken to avoid impacts; (b) where unavoidable temporary impacts take place, waters and vegetation will be restored to pre-project conditions as quickly as practicable; and (c) where unavoidable permanent impacts take place, there will be no net loss of wetland, riparian area, or headwater functions, including onsite habitat, habitat connectivity, floodwater retention, and pollutant removal. 3. The discharge will not do any of the following: (a) directly or indirectly destabilize a bed of a receiving water; (b) contribute to significant cumulative effects; (c) cause pollution, contamination, or nuisance; (d) adversely affect candidate, threatened, or endangered species; (e) degrade water quality or beneficial uses; (f) be toxic; or (g) include "hazardous" or "designated" material. 4. Discharge is to a water body regulated as "Waters of the United States."	$640 Flat Fee.
(G) Restoration Projects. Projects undertaken for the sole purpose of restoring or enhancing the beneficial uses of water. This schedule does not apply to projects required under a regulatory mandate or to projects that include a non-restorative component, e.g., land development, property protection, or flood management.	$640 Flat Fee
(H) General Orders. Projects which are required to submit notification of a proposed discharge to the State and/or Regional Board pursuant to a general water quality certification permitting discharges authorized by a federal general permit or license, (e.g., a U.S. Army Corps of Engineers nationwide permit). Applies ONLY if general water quality certification was previously granted.	$77 Flat Fee
(I) Amended Orders Amendments of WDR's or water quality certifications previously issued for one-time discharges not subject to annual billings. (a) Minor project changes, not requiring technical analysis and involving only minimal processing time. (b) Changes to projects eligible for flat fees (fee categories C, F, G, and H) where technical analysis is needed to assure continuing eligibility for flat fee and that beneficial uses are still protected. (c) Project changes not involving an increased discharge amount, but requiring some technical analysis to assure that beneficial uses are still protected and that original conditions are still valid, or need to be modified. (d) Project changes involving an increased discharge amount and requiring some technical analysis to assure that beneficial uses are still protected and that original conditions are still valid, or need to be modified. (e) Major project changes requiring an essentially new analysis and re-issuance of WDR's or water quality certification.	(a) No fee required (b) Appropriate flat fee (c) $640 flat fee (d) Additional fee assessed per increased amount of discharge(s) per Section 2200 (a)(3) (plus $640 base price). (e) New fee assessed per Section 2200 (a)(3).

(b) The annual fees for persons issued NPDES permits shall be based on the following schedules, plus applicable surcharge(s).

(1) Each public entity that owns and/or operates a storm water conveyance system, or part of such a system, that is subject to a NPDES permit for storm water discharges from a municipal separate storm sewer system (MS4) shall pay an annual fee according to the following schedule, plus applicable surcharge(s). The fee shall be based on the population of the public entity according to the most recently published United States Census. For public entities other than cities or counties, the population figure shall be the number of people using the entity's

facilities on a daily basis. Flood control districts or other special districts named as co-permittees to MS4 permits and school districts, serving students between kindergarten and fourteenth grade, shall not pay an annual fee if the city or county within whose jurisdiction the district lies, pays an annual fee.

ANNUAL FEE SCHEDULE FOR AREAWIDE MUNICIPAL STORM WATER SEWER SYSTEM PERMITS AND CO-PERMITTEES	
Population equal to or greater than 250,000	$29,750
Population between 200,000 and 249,999	$26,031
Population between 150,000 and 199,999	$22,461
Population between 100,000 and 149,999	$18,594
Population between 75,000 and 99,999	$14,875
Population between 50,000 and 74,999	$11,156
Population between 25,000 and 49,999	$7,438
Population between 10,000 and 24,999	$4,463
Population between 1,000 and 9,999	$2,975
Less than 1,000 population	$1,488
Statewide Permit Holders	$119,000

(2)(A) Facilities that discharge storm water associated with industrial activities that are regulated by a State Board or Regional Board general NPDES storm water permit, shall pay an annual fee of $833, plus applicable surcharge(s). An amount equal to the fee prescribed shall be submitted with the discharger's Notice of Intent (NOI) to be regulated under a general NPDES permit and will serve as the first annual fee. For the purposes of this section, an NOI is considered to be a report of waste discharge.

Storm water industrial permit holders who have filed a complete Annual Report electronically prior to July 1st for fiscal years 2006-07, 2007-08 and 2008-09 shall receive a credit of $100 for each of those same fiscal years.

(B) Facilities that satisfy the conditions of a State Board certified Quality Assurance Program, adopted as part of a general NPDES storm water permit or by special resolution of the State Board, may receive up to a 50 percent fee reduction.

(3) Storm water discharges associated with construction activities that are regulated by a general NPDES storm water permit other than those covered under (b)(4), including those issued by a Regional Board, shall pay an annual fee of $238 plus $24 per acre (rounded to the nearest whole acre and dollar amount), to a maximum fee of $2,618, plus any applicable surcharge, based on the total acreage to be disturbed during the life of the project as listed on

the NOI. An amount equal to the fee prescribed shall be submitted with the discharger's NOI to be regulated under a general NPDES permit and will serve as the first annual fee. For the purposes of this section, an NOI is considered to be a report of waste discharge.

(4) Storm water discharges associated with small linear underground and overhead construction projects, that include but are not limited to, any conveyance, pipe or pipeline for the distribution of any gaseous liquid (including water for domestic municipal services or wastewater), liquescent, or slurry substance; any cable line or wire for the transmission of electrical energy; and any cable line or wire for communications, that are regulated by a general NPDES storm water permit are subject to the following annual fees, plus applicable surcharge(s):

Tier 1 $5,950 for each region in which activities subject to the permit are conducted, or
Tier 2 A fee as prescribed by (b)(3), based on the area covered by the project.

(5) Discharges associated with mosquito and vector control activities that are regulated by an individual or general NPDES permit adopted exclusively for these purposes, including those issued by a Regional Board, shall pay a fee of $136. A mosquito and vector control activity involves discharge of pesticides into a designated area for the maintenance and control of mosquito larva for the protection of public health from the outbreak of lethal diseases. A mosquito and vector control agency discharges pesticides into surface waters for the control of mosquito larva. Dischargers filing an application for a mosquito and vector control permit shall pay a fee of $136. The fee shall be paid each time an application for initial certification or renewal is submitted. Mosquito and vector control fees are not subject to ambient water monitoring surcharges.

(6) All NPDES permitted discharges, except as provided in (b)(7), (b)(8), and (c), shall pay a fee according to the following formula:

Fee equals $1,000 plus 551 multiplied by the permitted flow, in mgd, plus any applicable surcharge(s).

If there is no permitted effluent flow specified, the fee shall be based on the design flow of the facility.

NPDES permitted industrial discharges[8] with a threat/complexity[9] rating of 1A, 1B, or 1C are subject to a surcharge as follows:

Threat / Complexity Rating 1A - $15,000
Threat / Complexity Rating 1B - $10,000
Threat / Complexity Rating 1C - $5,000

Public wastewater treatment facilities with approved pretreatment programs are subject to a surcharge of $10,000. Agencies with multiple facilities under one approved pretreatment program shall pay a $10,000 surcharge per program.

(7)(A) Flow for wet weather municipal facilities will be based on the previous five years actual monthly average flow, as of the date the permit is issued. Wet weather municipal facilities are intermittently operated facilities that are designed specifically to handle flows during wet weather

[8] NPDES permitted industrial discharger(s) means those industries identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented, under the category "Division D—Manufacturing" and such other classes of significant waste producers as, by regulation, the U.S. EPA Administrator deems appropriate. (33 USC Sec. 1362).
[9] Threat/complexity categories are listed under (a)(1) of this document.

conditions. The actual monthly average flow is defined as the average of the flows during each of the months that the discharge occurred during the previous five-year period.

(B) Notwithstanding paragraph 1, the minimum annual fee for wet weather municipal facilities shall be $20,000.

(8) All other general NPDES permits and de minimis discharges that are regulated by an individual or general NPDES permit, including those issued by a Regional Board, shall pay a fee as follows, plus applicable surcharge(s):

Category 1 - Discharges that require treatment systems to meet priority toxic pollutant limits and that could impair beneficial uses if limits are violated: $5,760.

Category 2 - Discharges that require treatment systems to meet non-priority pollutant limits, but are not expected to impair beneficial uses if limits are violated. Examples of non-priority pollutants include, but are not limited to, nutrients, inorganic compounds, pH, and temperature: $3,480.

Category 3 - Discharges that require minimal or no treatment systems to meet limits and pose no significant threat to water quality: $1,200.

De minimis discharge activities include the following: aquaculture activities (as defined in Chapter 40, Section 122.25(b) of the Code of Federal Regulations) defined as managed water areas that use discharges of pollutants into that designated area for maintenance or reproduction of harvestable freshwater, estuarine, or marine plants or animals including fish hatcheries; geothermal facilities that utilize, extract, or produce energy from geothermal fluids for heating, generating power, or other beneficial uses, and discharge geothermal fluids to surface waters; aquatic pesticide applications; evaporative condensate; swimming and landscape pool drainage; discharges from fire hydrant testing or flushing; discharges resulting from construction dewatering; discharges associated with supply well installation, development, test pumping, and purging; discharges resulting from the maintenance of uncontaminated water supply wells, pipelines, tanks, etc.; discharges resulting from hydrostatic testing of water supply vessels, pipelines, tanks, etc.; discharges resulting from the disinfection of water supply pipelines, tanks, reservoirs, etc.; discharges from water supply systems resulting from system failures, pressure releases, etc.; discharges of non-contact cooling water, not including steam/electric power plants; discharges resulting from diverted stream flows; water treatment plant discharges; and other similar types of wastes that have low pollutant concentrations and are not likely to cause or have a reasonable potential to cause or contribute to an adverse impact on the beneficial uses of receiving waters yet technically must be regulated under an NPDES permit.

(c) The annual fees for discharges from confined animal facilities shall be based on the following schedules, plus applicable surcharge(s).

FEEDLOTS	
TYPE OF FACILITY	**FEE**
Cattle or cow/calf pairs	
Number of animals	
100,000 or more	$4,200
10,000 to 99,999	$2,100
5,000 to 9,999	$1,120
1,000 to 4,999	$560
Less than 1,000	$280
Calves	
10,000 or more	$4,200
5,000 to 9,999	$2,100
1,000 to 4,999	$1,120
300 to 999	$560
Less than 300	$280
Heifers (not at a dairy)	
10,000 or more	$4,200
5,000 to 9,999	$2,100
1,000 to 4,999	$1,120
300 to 999	$560
Less than 300	$280
Finishing Yards/Auction Yards	
1,000 or more	$1,120
300 to 999	$560
Less than 300	$280

DAIRIES	
TYPE OF FACILITY	**FEE**
Mature dairy cattle	
Number of animals	
3,000 or more	$5,600
1,500 to 2,999	$3,500
700 to 1,499	$1,680
300 to 699	$840
Less than 300	$420
Goat Dairies	
1,000 or more	$560
Less than 1,000	$280
HOGS	
Swine (> 55 pounds)	
5,000 or more	$2,100
2,500 to 4,999	$1,120
750 to 2,499	$560
Less than 750	$280
Swine (< 55 pounds)	
20,000 or more	$2,100
10,000 to 19,999	$1,120
3,000 to 9,999	$560
Less than 3,000	$280
OTHER	
Horses	
500 or more	$1,120
150 to 499	$560
Less than 150	$280
Sheep or Lambs	
10,000 or more	$1,120
3,000 to 9,999	$560
Less than 3,000	$280

POULTRY		
Number of Animals	**On-Site Discharge Fee**	**Off-Site Discharge Fee**
Layers or Broilers (liquid manure system)		
120,000 or more	$2,800	$980
60,000 to 119,999	$1,400	$700
30,000 to 59,999	$1,050	$490
9,000 to 29,999	$560	$280
Less than 9,000	$280	$0
Non-layers (other than liquid manure system)		
500,000 of more	$2,800	$980
250,000 to 499,999	$1,400	$700
125,000 to 249,999	$1,050	$490
37,500 to 124,999	$560	$280
Less than 37,500	$280	$0
Layers (other than liquid manure system)		
350,000 or more	$2,800	$980
165,000 to 349,999	$1,400	$700
82,000 to 164,999	$1,050	$490
25,000 to 81,999	$560	$280
Less than 25,000	$280	$0
Ducks (other than liquid manure system)		
120,000 or more	$2,800	$980
60,000 to 119,999	$1,400	$700
30,000 to 59,999	$1,050	$490
10,000 to 29,999	$560	$280
Less than 10,000	$280	$0
Ducks (liquid manure system)		
20,000 or more	$1,400	
5,000 to 19,999	$1,050	
1,500 to 4,999	$560	
Less than 1,500	$280	
Turkeys		
200,000 or more	$2,800	$980
100,000 to 199,999	$1,400	$700
55,000 to 99,999	$1,050	$490
16,500 to 54,999	$560	$280
Less than 16,500	$280	$0

(1) Facilities that are certified under a quality assurance program approved by the State Board or under a County regulatory program approved by the appropriate Regional Board, will receive a 50 percent fee reduction. Any facility that is issued a notice of violation by a Regional Board for an off-property discharge shall not be eligible to receive this fee reduction for a minimum of one billing cycle, and for all subsequent billing cycles until recertification and all corrective actions are complete as determined by the Regional Board.

(2) Facilities that pose no potential to discharge, as determined by a Regional Board, shall pay a fee of $280. The fee shall be paid each time an application for initial certification or renewal is submitted and shall not be subject to ambient water monitoring surcharges.

(3) Facilities that are required to submit a report of waste discharge (ROWD) while the facility is under construction and remains so subsequent to the billing cycle will have the annual fee waived until the facility is in operation and animals are present at the facility.

(4) Facility closures that are required to maintain a permit until all requirements are met shall continue to be assessed a fee based at the same rate as when the facility was in operation.

Note: Authority cited: Sections 185 and 1058, Water Code. Reference: Section 13260, Water Code.

Section 2200.1

The State Board shall notify each discharger annually of the fee to be submitted, the basis upon which the fee was calculated, and the date upon which the fee is due.

Section 2200.2

Persons proposing a new discharge shall submit to the State Board or Regional Board a report of waste discharge. Unless specifically instructed otherwise by the State Board, a fee equal in amount to the annual fee based on the fee schedules in Section 2200 shall be submitted with the discharger's report of waste discharge. This fee shall serve as the first annual fee. If the submittal of this first annual fee does not coincide with the current fiscal year billing cycle, then the next, and only the next, fiscal year billing shall be adjusted to account for the payment of a full annual fee that accompanied the discharger's report of waste discharge. Persons proposing a material change in an existing discharge are not required to submit a fee with the report of waste discharge.

Section 2200.3

Failure to pay the annual fee is a misdemeanor and will result in the State Board or Regional Board seeking the collection of fees through the enforcement provisions provided pursuant to Water Code section 13261.

Section 2200.4

Any refund made pursuant to section 13260(e) or for any other reason, shall withhold sufficient funds to cover actual staff time spent in reviewing the report of waste discharge, which shall be calculated using a rate of $100.00 per hour.

Note: Authority cited: Sections 185 and 1058, Water Code. Reference: Section 13260, Water Code.

Section 2200.5. No Exposure Certification

Dischargers filing an application for a No Exposure Certification (NEC) shall pay a fee of $242 for each facility for which an application is submitted, as prescribed in a general industrial storm water permit. The fee shall be paid each time an application for initial certification or renewal is submitted. NEC fees are not subject to ambient water monitoring surcharges.

Note: Authority cited: Sections 185 and 1058, Water Code. Reference: Section 13260.2, Water

Section 2200.6. Annual Waiver Fee Schedules

(a) Any person for whom waste discharge requirements have been waived pursuant to section 13269 of the Water Code shall submit an annual fee to the State Board if a fee is specified for the waiver in this section.

No Ambient Water Monitoring surcharge shall apply to annual fees for waivers as specified in this section.

(b) Annual fees for waivers for discharges from agricultural land[1] adopted by the Regional Water Quality Control Boards for the Central Coast, Central Valley, or Los Angeles Regions shall be as follows:

(1) Tier I: If a discharger is a member of a group that has been approved by the State Board to manage fee collection and payment, then the fee shall be $100 per group plus $0.12 per acre of land.
(2) Tier II: If a discharger is a member of a group that has been approved by the State Board but that does not manage fee collection and payment, then the fee shall be $100 per farm plus $0.20 per acre of land.
(3)(A) Tier III: Except as provided in(b)(3)(B), if a discharger is not a member of a group that has been approved by the State Board, the following fee schedule applies:

Acres	Fee Rate	Min Fee	Max Fee
0-10	$300 + $10/Acre	$300	$400
11-100	$750 + $5/Acre	$805	$1,250
101-500	$2,000 + $2.5/Acre	$2,253	$3,250
501 or More	$4,000 + $2/Acre (Max. $6,500)	$5,002	$6,500

(B) Annual fees for waivers for discharges of wastes from water districts, subject to Order No. R5-2006-0054 issued by the Central Valley Regional Water Quality Control Board, shall be $4,500.

(c) Upon approval by the Regional Water Quality Control Board to join a group subject to waivers of discharges from agricultural land, the discharger shall submit to the State Water Board an application fee, unless such fee is not required by the Regional Water Quality Control Board. The application fee is a one time fee of $200 for dischargers responding to a California Water Code §13267 Order and $50 for all other dischargers. This application fee shall not apply to dischargers who were members of a group on or before June 30, 2008.

(d) For purposes of this section, the word "farm" and the word "discharger" refer to any person who is subject to Order No. R3-2004-0117 issued by the Central Coast Regional Water Quality Control Board, Order No. R4-2005-0080 issued by the Los Angeles Regional Water Quality Control Board, or Amended Order No. R5-2006-0053 and Order No. R5-2006-0054 issued by the Central Valley Regional Water Quality Control Board.

Note: Authority cited: Sections 185 and 1058, Water Code. Reference: Section 13269, Water Code.

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION For the *BEACON SOLAR ENERGY PROJECT*	**Docket No. 08-AFC-2** **PROOF OF SERVICE** ***(Revised 1/13/09)***

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

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Attn: Docket No. 07-AFC-9
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DECLARATION OF SERVICE

I, Teraja Golston, declare that on January 16, 2009, I deposited copies of the attached California Regional Water Quality Board Review of Draft Report of Waste Discharge (08-AFC-2) in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

Teraja Golston

Attachments