

**From:** "Michael Porter" <MPorter@waterboards.ca.gov>  
**To:** "Cheryl Closson" <Cclosson@energy.state.ca.us>, "Benjamin James" <bjames...  
**Date:** 10/3/2008 8:47 AM  
**Subject:** Re: Orange Grove Power Plant project in northern San Diego County(off Hwy 76 near Pala)

Hi, Cheryl.

You got everything correct. Yes, you may use this email for the public record. Good luck with the project.

Mike

Mike Porter  
Engineering Geologist  
Central Watershed Protection Unit  
Regional Water Quality Control Board - San Diego  
858-467-2726

|                 |                    |
|-----------------|--------------------|
| <b>DOCKET</b>   |                    |
| <b>08-AFC-4</b> |                    |
| <b>DATE</b>     | <u>OCT 03 2008</u> |
| <b>RECD.</b>    | <u>OCT 22 2008</u> |

Hi Mike -

Got your voice mail message...Thanks so much for your very quick response! To summarize your message, you said that WDRs would not be necessary for the Orange Grove project's proposed horizontal directional drilling activities. You also said that CDFG addresses frac-outs as part of the Streambed Alteration Agreement, but the Water Board would address any frac-outs, if they occur, as an enforcement action under a cleanup and abatement order. Did I restate things correctly? Would you mind if I submit this email confirmation of your message into our public record and reference it in my staff assessment?

Thanks again, Mike, for the clarification and quick response! I greatly appreciate your help!  
-cheryl

Cheryl Closson, P.G.  
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>>> "Cheryl Closson" <Cclosson@energy.state.ca.us> 10/2/08 >>>  
Good Afternoon all-

My name is Cheryl Closson and I work at the California Energy Commission. I'm hoping you can help me. I'm working on the soil and water staff assessment of the Application for Certification for the Orange Grove Power Plant project. We received comments on the project from Chiara Clemente (letter dated August 26, 2008) and I have a couple questions about RWQCB requirements, if you don't mind?

As noted in Chiara's comment letter, the project will be using horizontal directional drilling under 6 drainages for placement of the project's gas pipeline. A jurisdictional delineation and wetlands determination was conducted for the project and is available at the following link:

[http://www.energy.ca.gov/sitingcases/orangegrovepeaker/documents/applicant/afc/Volume\\_2/Section%206.5%20-%20Water%20Resources/Appendix%206.5-B\\_Jurisdictional%20Delineation%20Report.pdf](http://www.energy.ca.gov/sitingcases/orangegrovepeaker/documents/applicant/afc/Volume_2/Section%206.5%20-%20Water%20Resources/Appendix%206.5-B_Jurisdictional%20Delineation%20Report.pdf)

The US Army Corp of Engineers submitted an email (attached) saying that they would not require a CWA section 404 permit for the activity, so the applicant has not requested a 401 certification from you all.

However, the applicant is applying for a Streambed Alteration Agreement with CDFG because the drainages are considered waters of the state, as I understand it. A copy of the application for the Streambed Alteration Agreement can be found at the following link (sorry, it's a really big document, so takes a while to download):

[http://www.energy.ca.gov/sitingcases/orangegrovepeaker/documents/applicant/exhibits\\_1-73/Exhibit%2030-1.pdf](http://www.energy.ca.gov/sitingcases/orangegrovepeaker/documents/applicant/exhibits_1-73/Exhibit%2030-1.pdf)

Pages 4 and 5 of the SAA have a description of the planned horizontal drilling and a draft frac-out contingency plan is provided in Attachment D (around pages 35-40 of the document).

While it appears that a 401 cert would not be required, I wanted to check with you all to find out whether or not WDRs would be required for the activity. Unfortunately, I've been asked to expedite this assessment, so it would help me greatly if you could get back to me today or tomorrow, if at all possible? Thanks so much for your help! Please let me know if you have any questions or need other information from me, okay? Thanks again!

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