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REPORT

Willow Rock Energy Storage Center (21-AFC-02)

Data Request Response Set 6 and Notice of Additional Time Needed to Respond

Submitted by:

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A large, solid red graphic element that starts as a thin line on the left, rises to a peak, and then descends to the right, forming a triangular shape. This shape is filled with a solid red color and is positioned in the lower right portion of the page.

Foreword and Notice

On March 1, 2024, GEM A-CAES, LLC (Applicant) docketed the Supplemental Application for Certification (SAFC) Volume 1 for the Willow Rock Energy Storage Center (WRESC; 21-AFC-02). On July 16, 2024, the Executive Director recommended that the Committee accept the Supplemental AFC as complete, and that the 12-month timeline to reach a decision on the AFC, as required by Public Resources Code section 25540.6, should begin. On December 20, 2024, the Committee issued a Revised Scheduling Order stipulating that January 13, 2025 is the last day for parties to file Data Requests. The Revised Scheduling Order provides that January 27, 2025 is the last day for Applicant to submit data responses. The Revised Scheduling Order also provides that parties, after making a good faith effort, determines that they cannot meet a deadline specified in the Revised Scheduling Order, must notify the Committee as soon after reaching that conclusion as possible.

Pursuant to Title 20, California Code of Regulations, section 1716, California Energy Commission (CEC) Staff on January 13, 2025, docketed Data Requests Set 6. Data Requests Set 6 presents a list of questions associated with the resource topic areas of Biological and Water Resources. On January 27, 2025, after making a good faith effort to complete its data request responses, determined that additional time is required to provide certain attachments that are a part to this Data Request Response Set 6. Therefore, the Applicant hereby provides notice to the Committee and other parties that the Applicant will be submitting these attachments on or before January 31, 2025.

To address CEC Staff's request, each Data Request within Set 6 has been responded to with supplemental information or guidance on where the information may be found.

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1.0 INTRODUCTION

GEM A-CAES LLC's (the "Applicant") is responding to the California Energy Commission (CEC) Staff Data Requests Set 6, numbers:

■ **Biological and Water Resources:** DR121 through DR126

This response document addresses CEC Data Request Set 6. The responses are grouped by individual discipline or topic area. Within each discipline area, the responses are presented in the same order as presented by CEC Staff and are keyed to the Data Request (DR) numbers (DR#). New or revised graphics, tables, or attachments are provided as attachments and are numbered in reference to the Data Request number. For a hypothetical example, the first attachment used in response to Data Request DR121 would be numbered Attachment DR121-1. Each page in this response document is sequentially page-numbered consistently with the remainder of the document, although some attachments may also have their own internal page numbering system.

2.0 BIOLOGICAL AND WATER RESOURCES

2.1 California Code of Regulations, Title 27

2.1.1 Data Request DR121

As a follow up to Data Request 69 (Data Requests Set 3; TN 259256), the Lahontan Regional Water Quality Control Board (RWQCB) has requested information required to permit the proposed evaporation pond under California Code of Regulations (CCR), Title 27. This information was not previously provided in the report of waste discharge (ROWD), although the applicant did supply some information in their data request response.

DR121: *Please provide the following information so the RWQCB may prepare waste discharge requirements (WDRs) for the proposed evaporation pond under CCR Title 27:*

- 1) *Geology / Hydrogeology / Groundwater Quality*
- 2) *Waste Characterization / Waste Classification*
- 3) *Waste Management Unit*
 - a) *Detailed Surface Impoundment Design Plan*
 - i) *Specified liner components*
 - ii) *Action Leakage Rate*
 - b) *Construction Quality Assurance Plan for the Surface Impoundment*
- 4) *Detection Monitoring Program (Water Quality Monitoring)*
 - a) *Unsaturated zone monitoring (e.g., pan lysimeter)*
 - b) *Groundwater monitoring downgradient of the pond*
 - i) *Establishment of Water Quality Protection Standards (background water quality)*
- 5) *Operations and Maintenance Plan*
- 6) *Closure/Post-Closure Plan*
- 7) *Known or Reasonably Foreseeable Release Plan*

Response: Additional time is required to provide the requested information. The Applicant will provide this information on or before January 31, 2025.

2.2 Compensation Reservoir

2.2.1 Data Request DR122

If the berm around the compensation reservoir is or will be in excess of 6 feet in height, measured from the original grade, and would be storing more than 50 acre-feet of water, it would meet the definition of a jurisdictional dam pursuant to Water Code sections 6002 and 6003, which would require approval by the Division of Safety of Dams (DSOD) of California Department of Water Resources (DWR). However, the issuance of a certificate by CEC shall be in lieu of any permit, certificate or similar document required by any state, local or regional agency under the Warren Alquist Act, including approval for jurisdictional dams. CEC Staff are coordinating with DSOD on whether the compensation reservoir meets applicable requirements for a jurisdictional dam. The applicant indicated in a previous communication that the berm would be outside the jurisdiction of the DSOD. Staff hereby requests information to resolve this discrepancy or all details about the berm and the compensation reservoir necessary for DSOD approval as a jurisdictional dam.

DR122: *Provide confirmation that the dam does not meet the definition of a jurisdictional dam in Water Code sections 6002 and 6003 or provide all information required by the DSOD to complete their review of the dam as a jurisdictional dam.*

Response: As proposed in the SAFC, the Applicant designed the reservoir to not be DSOD jurisdictional. However, the Applicant was informed during consultation with DSOD that the design will likely be jurisdictional due to technical definitions. The Applicant is currently working to obtain a formal jurisdictional determination from DSOD and is working with CEC Staff to integrate the processes into the timeframe set forth in the Scheduling Order. The reservoir will be constructed in compliance with all applicable laws, ordinances, regulations and standards (LORS). Reservoir construction/ excavation is a critical path that must begin immediately in the construction schedule because that material is used to balance the grade of the facility site. The Applicant expects DSOD will review the final engineering design of the reservoir system which is anticipated to occur post certification by the CEC.

2.3 Willow Rock Jurisdictional Waters Delineation Report

2.3.1 Data Requests DR123 to DR125

The applicant provided a delineation of State waters in the Willow Rock Jurisdictional Waters Delineation Report (TN 258308). During the review of the report, staff, the California Department of Fish and Wildlife (CDFW), and the RWQCB, noted that there appeared to be numerous drainages that were not mapped or evaluated in the report. Most of these drainages appeared to be capable of conveying flow during storm events and therefore are likely to be considered jurisdictional by the CDFW and RWQCB. These areas were visible on aerial maps and were field verified by staff in the field. Staff requests the following data be provided. The RWQCB will use this data to prepare dredge and filling permit requirements.

DR123: *Update the Willow Rock Jurisdictional Waters Delineation Report to include the unmapped drainages.*

Response: Additional time is required to provide the requested information. The Applicant will provide this information on or before January 31, 2025.

DR124: *Provide an assessment in tabular form of the expected temporary and permanent impacts to these features for all alignments and alternatives from the placement of the transmission line poles, access roads, and any other project feature. Include a description of the vegetation impacted and clarify if drive and crush, grading, or other methods would be required.*

Response: Additional time is required to provide the requested information. The Applicant will provide this information on or before January 31, 2025.

DR125: *Provide a consolidated series of updated maps that identify drainage types, project features, vegetation communities, and temporary/permanent impacts.*

Response: Additional time is required to provide the requested information. The Applicant will provide this information on or before January 31, 2025.

2.4 Western Joshua Tree

2.4.1 Data Request DR126

During a site visit on November 27, 2024, with staff and the applicant, the applicant indicated that they would be refining the Western Joshua tree (*Yucca brevifolia*) data to be consistent with requirements of the Western Joshua tree mitigation program. In addition, the applicant noted they would be consolidating data collected over different periods of time

DR126: *Provide the refined Western Joshua tree census data for the project in a single report.*

Response: Attachment DR126-1 presents the revised Western Joshua Tree Report submitted via KiteWorks.

ATTACHMENT DR126-1

**Western Josua Tree Report
(submitted via Kiteworks)**

