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Additional submitted attachment is included below.

Lahontan Regional Water Quality Control Board

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Water Board Comments – Docket No. 97-AFC-01C, High Desert Power Project, Victorville, San Bernardino County

This letter provides comments from the California Regional Water Quality Control Board, Lahontan Region (Water Board) staff regarding modification to the Soil&Water Conditions of the High Desert Power Project (HDPP), located in Victorville at Southern California Logistics Airport (formerly George Air Force Base). This is a response to the California Energy Commission's (CECs) Notice of Recommended Decision and Hearing, received on March 26, 2018. In summary, we have the following primary comments.

- The HDPP must re-apply to the Water Board for a regulatory mechanism authorizing direct aquifer injection;
- The HDPP should apply to the Victor Valley Wastewater Reclamation Authority (VWVRA) for delivery of recycled water under State Board General Order WQ 2016-0068-DDW-01; and
- Locations and methods of water banking should be clarified.

Direct Aquifer Injection Regulatory Mechanism Expired

Proposed Soil&Water Condition No. 1 indicates that the HDPP may directly inject water into the aquifer for banking purposes. Injection of treated State Water Project Water for groundwater banking at the HDPP is no longer authorized by the Water Board.

The Water Board had issued three Conditional Waivers of Waste Discharge Requirements authorizing the HDPP and Victorville Water District to inject treated State Water Project (SWP) water for a groundwater banking project to support HDPP's cooling water needs. Water Board Waivers may not exceed five years duration as described below.

Order	Adopted Date	Expiration Date
R6V-2002-0010	02/14/2002	02/14/2007
R6V-2007-0014	03/14/2007	03/12/2012
R6V-2012-0012	03/14/2012	03/14/2017

A revised report of waste discharge was submitted on October 16, 2016, requesting Waiver reissuance. Water Board staff prepared a draft Conditional Waiver for adoption in early 2017, but were informed by the HDPP on May 8, 2017, that it has no further plans for groundwater injection and banking operations. Therefore, the Waiver was allowed to expire and is now historical. Groundwater injection of treated SWP water may not occur until a new project application is made and the Water Board either adopts or waives waste discharge requirements or 140 days have expired after a complete report of waste discharge is filed with the Water Board.

Recycled Water is Currently Allowed for HDPP Cooling Plant Use, Although HDPP Should Apply to VVWRA for Authorization

The Water Board fully supports recycled water uses to satisfy beneficial uses, especially where the use of recycled water replaces, or eliminates, the need for pumping potable groundwater. The Water Board has authorized recycled water production and use at the HDPP as described below.

Production Requirements	Issued to	Project	Discussion
Board Order R6V-2013-0038	VVWRA	Regional Wastewater Treatment Plant	National Pollutant Discharge Elimination System (NPDES) permit for Mojave River discharges that also establishes recycled water production requirements for subsequent use.
Board Order R6V-2014-0002	City of Victorville (City)	Industrial Wastewater Treatment Plant	Authorizes the City to produce and deliver water to the HDPP, among other uses within the Southern California Logistics Airport.
Use Requirements	Issued to	Project	Discussion
Board Order R6V-2009-0138	HDPP, LLC	HDPP	Authorizes the use of recycled water for cooling purposes.
Board Order R6V-2014-0002	City	Industrial Wastewater Treatment Plant	Requirement E.2 requires the City and HDPP to establish an agreement ensuring that recycled water is delivered and used in accordance with that order. That agreement must authorize the City to inspect recycled water use areas to monitoring compliance. The agreement must be maintained both at the City wastewater treatment plant and at the HDPP.
State Water Board Order WQ 2016-0068-DDW-01	VVWRA	VVWRA Service Area	Notice of Applicability issued January 11, 2017, authorizing VVWRA to become an Administrator of recycled water uses within its service area.

Please consider the following comments in your decision.

- The CEC should consider the state's recycled water program requirements an applicable law, ordinance, regulation, and standard (LORS) for the HDPP.
- Both the City and VVWRA are authorized to deliver recycled water to the HDPP. The City is obligated to oversee the use of its recycled water at the HDPP under its Waste Discharge Requirements. The HDPP is obligated to the proper use of recycled water under its Water Recycling Requirements, Order No. R6V-2009-0138. However, Water Board staff request that, the HDPP apply to VVWRA for use of recycled water under its authority as Administrator (Order WQ 2016-0068-DDW-01) which would allow the Water Board to rescind Order No. R6V-2009-0138.

Locations and Methods of Water Banking Should be Clarified

The CEC's Recommended Decision Staff report (page 9) indicates that offsite groundwater banking, via percolation, will be a permanent project component. The emphasis of this change appears to be water accounting with no explanation of where the offsite banking and extraction will occur. Please consider the following comment in your decision.

- The offsite percolation and extraction locations should be clarified, described and shown on a map in relationship to the existing groundwater injection/extraction wells.

Water Board staff appreciates the opportunity to comment on the CECs proposed decision and looks forward to working with the CEC to ensure the state's waters are protected for future generations. All further correspondence should be addressed to the Water Board's email address at lahontan@waterboards.ca.gov and the project name included in the subject line (High Desert Power Project). If you have any further questions, please contact me at 760-241-2434, Jehiel.cass@waterboards.ca.gov, or Patrice Copeland, Supervising Engineering Geologist, at 76-241-7404, Patrice.copeland@waterboards.ca.gov.



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