



California Regional Water Quality Control Board San Diego Region



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August 26, 2008

Felicia Miller
California Energy Commission
1516 9th Street, MS-15
Sacramento, CA 95814

DOCKET	
08-AFC-4	
DATE	AUG 26 2008
RECD.	SEP 05 2008

SUBJECT: Comments on the Application for Certification for the Orange Grove Power Plant project, California Energy Commission

Dear Ms. Miller:

The California Regional Water Quality Control Board, San Diego Region (Regional Board) appreciates the opportunity to comment on the Application for Certification for the Orange Grove Power Plant project.

The Orange Grove Power Plant project proposes 96 megawatt electric generation peaking facility on an approximately 8.5 acre site. The project will consist of two natural gas fired combustion turbine generators, a 0.3 underground transmission line and an approximately 2.4 mile length of natural gas pipeline.

The Regional Board regulates the discharge of waste to protect the quality of waters of the State, broadly defined as "the chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affects its use". Generally, project proponents are required to obtain a permit from the Regional Board if the project has any of the following discharges:

Discharge Type	Types of Permits involved
<ul style="list-style-type: none"> Discharge of dredged or fill materials 	<ul style="list-style-type: none"> Clean Water Act (CWA) §401 water quality certification for federal waters and/or Waste Discharge Requirements for non-federal waters.
<ul style="list-style-type: none"> Wastewater discharges 	<ul style="list-style-type: none"> CWA §402 National Pollutant Discharge Elimination System permit.

Discharge Type	Types of Permits involved
• Storm water discharges	- NPDES General Municipal Permit - NPDES Construction Storm Water General Permit - NPDES Industrial Storm Water General Permit
• Other discharges	- Waste Discharge Requirements or other permits for discharges that may affect groundwater quality and other waters of the State, such as operation of proposed solid waste transfer facilities, and other proposed project activities.

Addressing the protection of water resources and water quality at this stage in the project offers the most cost effective strategy for minimizing the impacts of pollutants from on-site runoff to downstream surface waters and for reducing physical impacts to down slope streams and wetlands. Our review of the proposed project is limited to potential impacts to surface water quality. The following comments include treatment criteria, and a review of regulatory requirements applicable to your project:

1) Project Design and Low Impact Design techniques

- a) Runoff from parking lots, roofs, and other impervious surfaces should be directed to the immediate landscape or it should be directed to either retention basins, vegetated swales, bio-retention systems or filtration systems before entering the storm drain.
- b) Use recessed landscaping to create retention basins for the purpose of capturing runoff.
- c) Reduce the amount of area covered by impervious surface through the use of permeable pavement, pavers, or other pervious surfaces.
- d) Use landscaping that requires little or no irrigation.
- e) Maintain natural drainages and the pre-project hydrograph for the area.

2) SUSMP Requirements

- a) As proposed in the subject document, the Orange Grove Power Plant project should comply with the local Standard Urban Storm Water Mitigation Plan (SUSMP) and other requirements of the Municipal Storm Water Permit (R9-2007-0001).

3) Construction Requirements

- a) The Application for Certification should list best management practices (BMPs) to control sediment and erosion during the construction phase of the project. Sediment is a pollutant of concern during construction. The Application for Certification should confirm that sediment and erosion control BMPs will be implemented during the construction phase of the project.
- b) Because this project disturbs greater than one acre, it must be enrolled under the State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, of the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity* (SWRCB Construction Storm Water Permit).
- c) The development of a Storm Water Pollution Prevention Plan (SWPPP) for construction activities is required per the SWRCB Construction Storm Water Permit. The SWPPP directs the implementation and maintenance of BMPs during construction to minimize water quality impacts. The Application for Certification should confirm that a SWPPP will be developed and implemented during construction.
- d) This project proposes to use horizontal directional drilling to construct the gas pipeline. One of the risks of horizontal directional drilling is the inadvertent rupture of mud and drilling lubricant to the surface, commonly known as a "frac-out." The Application for Certification should include a frac-out contingency plan to minimize the potential of a frac-out as well as ensure an organized and timely response that would minimize the impact of a frac-out.

4) Water Course Alterations

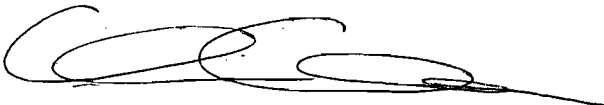
- a) Section 401 of the Clean Water Act requires any applicant for a federal license or permit to conduct any activity which may result in any discharge into the navigable waters, to provide the licensing or permitting agency a certification from the State water pollution control agency having jurisdiction over the navigable waters at which the discharge originates or will originate, that any such discharge will comply with water quality standards and implementation plans.

- b) If water courses are to be altered in any way, the project proponent must perform a wetland delineation in accordance with the US Army Corps of Engineers (USACE) delineation manual and arid west supplement, and obtain a Jurisdictional Determination (JD) from the USACE, in order to determine if the impacted water courses are considered Federal or non-Federal waters of the State.
 - c) For projects that propose alterations or impacts to non-federal waters of the State, the discharger should apply for individual or general Waste Discharge Requirements, or waivers thereof, issued by the state.
 - d) In any case, the project should avoid all impacts to water courses, minimize impacts that cannot be avoided, and mitigate for any remaining impacts in accordance with the State's "No-Net-Loss" policy (Executive Order W-59-93).
- 5) Discharges to impaired water bodies
- a) If the project site is tributary to a 303(d)-listed impaired water body, the project should implement appropriate BMPs to ensure compliance with the impaired water body's total maximum daily load for the identified pollutants.

The above comments do not constitute approval of your project nor are they intended as a complete list of regulatory requirements. The above comments are intended as suggestions for the protection of surface water quality although adherence to some suggestions may in fact be required.

If you would like clarification on any of our comments or if we may be of further assistance, please contact Chiara Clemente, at (858) 467-2359 or email CClemente@waterboards.ca.gov.

Respectfully,



Chiara Clemente
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Central Watershed Protection Unit