



Lahontan Regional Water Quality Control Board

March 24, 2020

File: Environmental Doc Review
Kern County

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Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

Comments on the Draft Environmental Impact Report for Camino Solar Project, Kern County, State Clearinghouse No. 2018061031

Lahontan Regional Water Quality Control Board (Water Board) staff received the Draft Environmental Impact Report (EIR) for the above-referenced Project (Project) on February 13, 2020. The EIR was prepared by the Kern County Planning and Natural Resources Department (County) and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations (CCR), title 14, section 15096. We thank the County for providing Water Board staff the opportunity to review and comment on the EIR. Based on our review, we recommend the following be incorporated as part of the Project and included in the EIR: (1) all Project alternatives should be clearly defined in scope, size, and potential environmental impacts, including the number of megawatts that each alternative could produce, in order to fully evaluate the preferred Project alternative in the environmental review; (2) natural drainage channels and flow paths should be maintained through the Project site to ensure no net loss of function and value of waters of the state; (3) specific hydrology and water quality mitigations should be identified and incorporated into the Project to avoid or minimize significant affects; and (4) post-construction storm water management should be identified as a significant Project component. Our comments are outlined below.

WATER BOARD'S AUTHORITY

All groundwater and surface waters are considered waters of the State. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the United States. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the United States.

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

SPECIFIC COMMENTS

We recommend the following be considered in the environmental review.

1. The "No Ground-Mounted Utility-Solar Development" alternative states that it would incur greater impacts to land as it would require extensive discretionary actions, such as design review, Conditional Use Permits, or Zone Variances. These are not impacts to land or environmental resources, but are administrative requirements that are achievable. The draft EIR implies that this alternative will result in lower greenhouse gas emissions and also avoids impacts to waters and biological resources. While this alternative may produce less power, no estimated power production was provided for the other alternatives. Please provide the number of megawatts each alternative could provide if that information is used in the selection of a preferred alternative.
2. In general, the installation of Photovoltaic (PV) grid systems for these types of projects has the potential to hydrologically modify natural drainage systems. Of particular concern is the collection of onsite storm water runoff and the concentrated discharge of that storm water to natural drainage channels. Design alternatives that are compatible with low impact development (LID) should be considered. LID components include: maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge; managing runoff as close to the source as possible; and maintaining vegetated areas for storm water management and onsite infiltration. We recommend natural drainage channels and flow paths be maintained through the Project site to avoid no net loss of function and value of waters of the state as a result of Project implementation.
3. The EIR should identify the hydrology and water quality mitigations that are being incorporated into the Project to avoid or minimize significant affects such as those included in a Storm Water Pollution Prevention Plan (SWPPP) or a Water Quality Management Plan. Details regarding how these mitigations will protect water quality must be included in the EIR.
4. The EIR should identify post-construction storm water management as a significant Project component, and a variety of best management practices (BMPs) that effectively treat post-construction storm water runoff, particularly maintaining native vegetation, should be evaluated as part of the Project. Based

on our experience with other solar developments in the Mojave Desert, native vegetation is the most efficient and cost-effective post-construction BMP to treat storm water runoff. Because revegetating disturbed soils in the desert is particularly challenging due to low rainfall, extreme climatic conditions, and relatively slow growth rates, we strongly encourage Project proponents to maintain and mow existing vegetation rather than clear and grub the entire site during construction. For those projects where native vegetation is maintained, we have observed that the need to implement temporary BMPs is greatly minimized and the costs associated with implementation and maintenance of post-construction BMPs is significantly reduced.

PERMITTING REQUIREMENTS FOR INDIVIDUAL PROJECTS

A number of activities associated with the proposed Project may have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include the following.

1. Land disturbance of more than 1 acre may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.
2. Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board.

We request that the draft EIR recognize the potential permits that may be required for the Project, as outlined above, and identify the specific activities that may trigger these permitting actions in the appropriate sections of the environmental document. Information regarding these permits, including application forms, can be downloaded from our website at <http://www.waterboards.ca.gov/lahontan/>. Early consultation with Water Board staff regarding potential permitting is recommended.

Thank you for the opportunity to comment on the draft EIR. If you have any questions regarding this letter, please contact me at (760) 241-7305, tiffany.steinert@waterboards.ca.gov or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7404, jan.zimmerman@waterboards.ca.gov. Please send all future correspondence regarding this Project to the Water Board's email address at Lahontan@waterboards.ca.gov and be sure to include the State Clearinghouse No. and Project name in the subject line.



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cc: California Department of Fish and Wildlife (Reg4Assistant@wildlife.ca.gov)
State Clearinghouse (state.clearinghouse@opr.ca.gov) SCH No. 2018061031