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## Lahontan Regional Water Quality Control Board

March 23, 2020

File: Environmental Doc Review  
Kern County

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Governor's Office of Planning & Research

**MAR 23 2020**

**STATE CLEARINGHOUSE**

### **Comments on the Draft Environmental Impact Report for Sanborn Solar Project, Kern County, State Clearinghouse No. 2019060259**

Lahontan Regional Water Quality Control Board (Water Board) staff received the Draft Environmental Impact Report (EIR) for the above-referenced Project (Project) on February 14, 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. Based on our review, we recommend the following be incorporated into the proposed Project and DEIR environmental review: (1) natural drainage channels and flow paths be maintained through the Project site to ensure no net loss of function and value of waters of the state; (2) specific hydrology and water quality mitigations incorporated into the Project to avoid or minimize significant affects to these resources, including habitat resources; and (3) identify post-construction storm water management 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.

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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](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. 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.
2. The EIR should list the specific hydrology and water quality mitigations that are 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, including habitats that rely on water resources, should be included in the EIR.
3. 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.

4. The Project area is in the Willow Springs Hydrologic Area (Antelope Hydrologic Unit) of the Lahontan Region. Water quality objectives and standards for waters of the State, both numerical and narrative, including those within the Willow Springs Hydrologic Area, are outlined in Chapter 3 of the Basin Plan. Projects that have the potential to discharge to or otherwise impact groundwater or surface waters in the Lahontan Region, either directly or indirectly, must comply with all applicable water quality standards and prohibitions, including provisions of the Basin Plan.
5. All excess soil excavated as part of the Project that is not used onsite should be stockpiled in an upland location such that it will not be transported by wind or water into a surface water. An adequate combination of sediment and erosion control Best Management Practices (BMPs) must be implemented and maintained to temporarily stabilize the stockpiled soils until such time that they are reused and/or permanently stabilized.
6. Equipment staging areas, excavated soil stockpiles, and hazardous materials (i.e. oils and fuels) should be sited in upland areas outside surface waters and adjacent flood plain areas. These locations should also be included on Project maps or site plans, which are needed to evaluate the Project impacts.

## **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 DEIR 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](mailto:tiffany.steinert@waterboards.ca.gov) or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7404, [jan.zimmerman@waterboards.ca.gov](mailto: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](mailto:Lahontan@waterboards.ca.gov) and be sure to include the State Clearinghouse No. and Project name in the subject line.

Tiffany Steinert  
Engineering Geologist

cc: California Department of Fish and Wildlife ([Reg4Assistant@wildlife.ca.gov](mailto:Reg4Assistant@wildlife.ca.gov))  
State Clearinghouse ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)) SCH No. 2019060259