



Lahontan Regional Water Quality Control Board

Governor's Office of Planning & Research

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Kern County

STATE CLEARINGHOUSE

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Comments on the Notice of Preparation of a Draft Environmental Impact Report for the AVEP Solar Project, Kern County, State Clearinghouse Number 2019090215

The Lahontan Regional Water Quality Control Board (Water Board) staff received a Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the above-referenced project (Project) on September 13, 2019. The NOP was prepared by Kern County Planning 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, title 14, section 15096. Based on our review of the NOP, we recommend the following: (1) 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; and (2) a site-specific Storm Water Pollution Prevention Plan (SWPPP) should be prepared that identifies a combination of sediment and erosion control best management practices (BMPs) to effectively treat storm water runoff during the life of the Project. Our comments on the Project 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.

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

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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.

GENERAL COMMENTS AND RECOMMENDATIONS

Based on our review of the information provided, we recommend that the following issues be considered in preparation of the DEIR.

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. A Project-specific SWPPP and implementation of site-specific erosion and sediment control BMPs is an effective way to reduce potentially significant water quality impacts to a less than significant level. To that end, we recommend the development and implementation of a Project-specific SWPPP during both the construction and post-construction phases of the Project. The SWPPP should be applicable to all areas of the Project site, including the solar fields, access roads to and through the site, and the gen-tie line. Please note that temporary BMPs need to be implemented for the Project until such time that vegetation has been restored to pre-Project conditions or permanent BMPs are in place and functioning.
3. The DEIR should identify post-construction storm water management as a significant Project component, and a variety of 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 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. All surface waters are waters of the State. The DEIR will need to fully delineate the extent of waters of the State and evaluate potential impacts to these resources with respect to hydrology and water quality as a result of Project implementation.
5. The Project site is located within the Willow Springs Hydrologic Area of the Antelope Hydrologic Unit (626.30), and groundwater beneath the Project site is contained within the Antelope Valley Groundwater Basin (6-44). The beneficial uses of these water resources are listed either by watershed (for surface waters) or by groundwater basin (for groundwater) in Chapter 2 of the Basin Plan. We request that the DEIR identify and list the beneficial uses of the water resources within the Project area, and include an analysis of the Project's potential impacts to water quality and hydrology with respect to those beneficial uses.
6. The DEIR should identify the water quality standards that could potentially be violated by the Project and consider these standards when evaluating thresholds of significance for impacts. Water quality objectives and standards, both numerical and narrative, for all waters of the State within the Lahontan Region, including surface waters and groundwater, are outlined in Chapter 3 of the Basin Plan. Implementation of the proposed Project must comply with all applicable water quality standards and prohibitions, including provisions of the Basin Plan.
7. All temporary impacts to water resource and upland areas should be restored (recontoured and revegetated) to match pre-Project conditions in accordance with a Restoration and Revegetation Plan. The DEIR should include a mitigation measure that requires the preparation and implementation of a Restoration and Revegetation Monitoring Plan, or equivalent document. At a minimum, the plan should include a detailed description of the methods and materials that will be used, a schedule for plan implementation, annual monitoring for a period of no less than 3 years, performance measures that must be met in order for the restoration/revegetation to be deemed successful, and adaptive management criteria in the event performance measures are not being met.
8. 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. The DEIR should include a mitigation measure for the preparation and implementation of a comprehensive Spill Prevention and Response Plan that outlines the site-specific monitoring requirements and lists the BMPs necessary to prevent hazardous material spills or to contain and cleanup a hazardous material spill, should one occur.
9. Buffer areas should be identified and exclusion fencing used to protect water resources and to prevent unauthorized vehicles or equipment from entering or otherwise disturbing the surface waters. Equipment should use existing roadways to the extent feasible.

PERMITTING REQUIREMENTS FOR INDIVIDUAL PROJECTS

A number of activities implemented by individual projects in accordance with the General Plan amendment 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.

10. 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.
11. 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.

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 web site 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 NOP. If you have any questions regarding this letter, please contact me at (760) 241-7376 or 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 Project name in the subject line.



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cc: State Clearinghouse (SCH 2019090215) (state.clearinghouse@opr.ca.gov)
CA Dept. of Fish and Wildlife (AskRegion5@wildlife.ca.gov)