

## Central Valley Regional Water Quality Control Board

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### REQUEST FOR COMMENTS FOR USE PERMIT 16-007 (FOUNTAIN WIND PROJECT), SHASTA COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 12 January 2018, we received your request for comments on Use Permit 16-007 (Fountain Wind Project).

The applicant is proposing to construct and operate the Fountain Wind Project (Project) which would consist of up to 100 wind turbines and associated infrastructures, with a generating capacity of up to approximately 347 megawatts. The proposed Project will be on 94 Assessor parcels covering about 38,000 acres. In addition to the wind turbines including associated transformers, the Project includes ancillary facilities such as lay-down areas, access roads, underground and overhead collector lines, an operation and maintenance building, and substation components.

Based on our review of the information submitted for the proposed project, we have the following comments:

#### General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)

Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. Use Permit 16-007 (Fountain Wind Project) must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/construction\\_general\\_permits](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/construction_general_permits)

#### Clean Water Act (CWA) Section 401, Water Quality Certification

The Central Valley Water Board has regulatory authority over wetlands and waterways under the Federal Clean Water Act (CWA) and the California Water Code, Division 7 (CWC). Discharge of dredged or fill material to waters of the United States requires a CWA Section 401 Water Quality Certification from the Central Valley Water Board. Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling of wetlands, etc. 401 Certifications are issued in combination with CWA Section 404 Permits issued by the Army Corps of Engineers. The proposed project must be evaluated for the presence of jurisdictional waters, including wetlands and other waters of the State. Steps must

be taken to first avoid and minimize impacts to these waters, and then mitigate for unavoidable impacts. Both the Section 404 Permit and Section 401 Water Quality Certification must be obtained prior to site disturbance. Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the California Water Code. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/wqc\\_application.pdf](http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/wqc_application.pdf)

General Order of Waste Discharge Requirements for Timberland Management Activities on Non-Federal and Federal Lands (Order No. R5-2017-0061)

The Fountain Wind Project proposes to convert 972 acres of private timberlands to non-timberland use in the area where there is to be permanent Project disturbance. As stated in the proposal, this conversion will require a Timberland Conversion Permit through the California Department of Forestry & Fire Protection. Additionally, activities described within the project proposal suggest that timber harvest may occur within temporary disturbance areas. Pursuant to the California Water Code, any person that discharges waste or threatens to discharge waste from timber harvesting activities that could affect the quality of the waters of the state must apply for coverage under the General Order of Waste Discharge Requirements for Timberland Management on Non-Federal and Federal Lands (Order No. R5-2017-0061). If your timber harvesting activities pose a threat to water quality, you must apply for coverage under the General Order prior to the start of timber operations, or file for Waste Discharge Requirements at least 90 days prior to the start of operations. Failure to do so can result in civil liabilities of up to \$5000 for each day the violation occurs (see California Water Code Section 13261).

All new projects submitted for permit enrollment, on or after 9 June 2017, should request enrollment under the appropriate General Order category. Forms and associated documents for General Order enrollment are available at the following web address: [https://www.waterboards.ca.gov/centralvalley/water\\_issues/forest\\_activities/](https://www.waterboards.ca.gov/centralvalley/water_issues/forest_activities/)

Enrollment in the Waiver may require you to conduct monitoring of the project area and submit a report each year after operations begin and until the Central Valley Water Board has accepted a Notice of Termination.

If you have any questions or comments regarding this matter please contact me at (530) 224-4783 or by email at [Dannas.Berchtold@waterboards.ca.gov](mailto:Dannas.Berchtold@waterboards.ca.gov).



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Storm Water & Water Quality Certification Unit

DJB: db

cc w/o

enclosures: Mr. Matt Kelley, U.S. Army Corps of Engineers, Redding  
Ms. Donna Cobb, Department of Fish and Wildlife, Region 1, Redding