



Lahontan Regional Water Quality Control Board

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File: Environmental Doc Review
San Bernardino County

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Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

Comments on the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for Victor Valley Bioenergy Facility (VVBF), San Bernardino County, State Clearinghouse No. 2023120061

Lahontan Regional Water Quality Control Board (Water Board) staff received the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for the above-referenced Project (Project) on December 4, 2023. The Draft IS/MND was prepared by the Victor Valley Wastewater Reclamation Authority (VWVRA) acting as Lead Agency 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 VWVRA for providing Water Board staff with the opportunity to review and comment on the Draft IS/MND. Based on our review, we recommend the following: (1) changing the regulatory agency in section 1.6 to the appropriate Regional Water Quality Board, (2) adding language to the regulatory permits required for the project to include enrolling under the VWVRA pretreatment program.

PROJECT DESCRIPTION

VWVRA is responsible for the regional collection, treatment, and disposal of wastewater in Victor Valley. Anaergia Inc. (Anaergia) plans to build a biofuels facility, referred to as the Victor Valley Bioenergy Facility (VVBF) Project or the proposed Project, which is proposed to be constructed within VWVRA's wastewater treatment plant (WWTP) headquarters boundaries. The VVBF Project will divert up to 1,450 tons per day (TPD) from offsite Southern California's organic waste streams from landfill disposal and process an additional 875 TPD of VWVRA onsite waste streams into soil amendment. The Project includes three main elements:

DR. AMY HORNE, ACTING CHAIR | MICHAEL R. PLAZIAK, PG, EXECUTIVE OFFICER

- **Anaerobic Digestion and RNG System.** The first element is an organic polishing system and anaerobic digester that will process up to 700 TPD of recovered organic waste and up to 200 TPD of liquid organic waste and will produce up to 805,920 million British thermal units (MMBtu) per year of renewable natural gas (RNG) from biogas treatment for injection into the Southwest Gas utility pipeline and up to 170 TPD of soil amendment.
- **Pyrolysis and Biochar System.** The second element is a biosolids drying and pyrolysis system that will process up to 550 TPD of diverted offsite C (WWTP) biosolids plus 875 TPD (at 2.2 percent solids) of VVWRA's digestate (dewatered biosolids) to produce up to 71 TPD of biochar.
- **Solar System.** The third element is an approximately 14-acre solar array to generate up to 7 megawatts (MW) of electricity (approximately 12,910 megawatt hours [MWhs] / year) with backup batteries for potential use by both VVBF and VVWRA operations.

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 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 ON THE ENVIRONMENTAL REVIEW

Our specific comments on the Project and environmental review, as they pertain to water quality and hydrology, are outlined below.

Page 1-15 – Section 1.6 – Permits and Regulatory Programs

The fourth bullet point states "Santa Ana Regional Water Quality Control Board: National Pollution Discharge Elimination System (NPDES)..." This should read "Lahontan Regional Water Quality Control Board: National Pollution Discharge Elimination System (NPDES)..." Any potential discharge from VVBF will occur within the boundaries of the Lahontan Regional Water Quality Control Board.

On Table 1-2, one section shows the onsite WWTP effluent pollutants. This lists several POCs such as arsenic, cyanide, copper, mercury, selenium, TSS, TDS, etc. These POCs can contribute to inhibition of the treatment system and possibly affect discharge

concentrations before entering the Mojave River. It is strongly recommended that VVBF consider enrollment under the VVWRA pretreatment program, as VVBF will be designed to discharge up to 0.3 MGD to the VVWRA WWTP. Depending on the final facility processes on site, the facility may be subject to additional monitoring according to 40 CFR Part 403.

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 and construction 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) 2022-0057-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.
3. Construction of retention basins may require a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2022-0057-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.

We request that the draft IS/MND 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 IS/MND. If you have any questions regarding this letter, please contact me at (760) 241-7404, Jose.Valledeleon@waterboards.ca.gov or Reginald Tan, Senior Water Resource Control Engineer, at (760) 241-2434, Reginald.Tan@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.

A handwritten signature in cursive script that reads "Jose Valle de Leon".

Jose Valle de Leon,
Water Resource Control Engineer

cc: California Department of Fish and Wildlife (AskRegion6@wildlife.ca.gov)
State Clearinghouse, SCH No. 2023120061 (state.clearinghouse@opr.ca.gov)