



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 Notice of Preparation of a Draft Environmental Impact Report, Overnight Solar Project, San Bernardino County

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the above-referenced Project (Project) on January 24, 2024. The NOP was prepared by San Bernardino County (County) and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). 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 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 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

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

http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

WATER QUALITY CONCERNS

Our comments on the Project are outlined below.

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 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 site is located within the Lockhart Hydrologic Area (628.40) of the Harper Lake Hydrologic Sub Unit (628.42), and groundwater beneath the Project site is contained within the Middle Mojave River Valley Groundwater Basin (6-47). 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.

PERMITTING REQUIREMENTS

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 Board or Lahontan Water Board. The required permits may include the following.

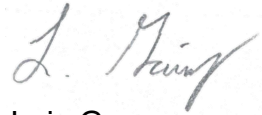
1. Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board. All unavoidable permanent impacts to waters of the State must be mitigated to ensure no net loss of beneficial use and wetland function and value. Water Board staff coordinate mitigation requirements with staff from federal and other state regulatory agencies. In determining appropriate mitigation ratios for impacts to waters of the State, we consider Basin Plan requirements (minimum 1.5 to 1 mitigation ratio for impacts to wetlands) and utilize 12501-SPD Regulatory Program Standard Operating Procedure for Determination of Mitigation Ratios, published December 2012 by the US Army Corps of Engineers, South Pacific Division.
2. 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) 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 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 requesting our consultation. If you have any questions regarding this letter, please contact me at (760) 313-1295 (Luis.Gomez@waterboards.ca.gov) or Christina Guerra, Senior Engineering Geologist, at (760) 241-7333

(Christina.Guerra@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 Project name in the subject line.

A handwritten signature in black ink, appearing to read "L. Gomez", is positioned above the typed name.

Luis Gomez
Engineering Geologist

cc: CA Dept. of Fish and Wildlife (AskR6@wildlife.ca.gov)
State Clearinghouse (SCH 2018041007) (state.clearinghouse@opr.ca.gov)