



California Regional Water Quality Control Board

Lahontan Region



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COMMENTS ON THE DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR CONSTRUCTION OF SOUTHERN CALIFORNIA EDISON'S LOCKHART SUBSTATION PROJECT, CALIFORNIA PUBLIC UTILITIES COMMISSION APPLICATION NO. A11-05-006, SAN BERNARDINO COUNTY

California Regional Water Quality Control Board, Lahontan Region (Water Board) staff has reviewed the Draft Initial Study/Mitigated Negative Declaration (IS/MND), received on May 17, 2011, for Southern California Edison's (SCE's) Lockhart Substation Project (Project). The proposed Project is to construct the Lockhart Substation and associated infrastructure to interconnect the Abengoa Mojave Solar Project (AMSP) to the existing Coolwater-Kramer No. 1 transmission line in San Bernardino County. The Draft IS/MND was prepared for the California Public Utilities Commission (CPUC) and submitted as part of CPUC Application A11-05-006, which was filed on May 5, 2011. The Draft IS/MND included a narrative review of the potentially significant impacts on the environment due to this Project and proposed mitigation measures to reduce those potentially significant impacts to a less than significant level.

Pursuant to CEQA Guidelines, California Code of Regulations (CCR), title 14, section 15096, responsible agencies must specify the scope and content of the environmental information germane to their statutory responsibilities. Water Board staff, acting as a responsible agency, has reviewed the above-referenced document in context as to how well the proposed project protects water quality, and ultimately, the beneficial use of waters of the State. We hope that CPUC will consider our comments and value our position with respect to protecting and maintaining water quality.

PROJECT OVERVIEW

Components of SCE's Lockhart Substation Project include: 1) the construction of a new 220 kilovolt substation on a 10-acre site located within the boundaries of the AMSP; 2) the installation of up to 30 new steel or concrete conductor mono-poles; 3) the construction of approximately 3,000 linear feet of overhead transmission line segments (comprised of two single line segments, each 1,500 feet in length) and associated access/maintenance road;

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4) the installation of up to 400 linear feet of underground conduit; and 5) the installation of up to 100 miles of new fiber optic cables, installation would be partly co-located on existing overhead transmission and distribution lines, partly on new wooden poles, and partly through new and existing underground conduits. The Project site is located in unincorporated areas of San Bernardino County, with portions of the fiber-optic alignment passing through the cities of Adelanto, Victorville, and Barstow and, in-part, crossing Bureau of Land Management administered public lands.

AUTHORITY

State law assigns responsibility for protection of water quality in the Lahontan region to the Lahontan Water Board. 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 water quality within the region. All surface waters are considered waters of the State, which include, but are not limited to, drainages, streams, washes, ponds, pools, or wetlands, and may be permanent or intermittent. All waters of the State are protected under California law. Additional protection is provided for waters of the U.S, under the Federal Clean Water Act. Based on our review of the DEIR, project components may involve alteration, dredging, filling, and/or excavating activities in waters of the State. Such activities constitute a discharge of waste¹, as defined in California Water Code (CWC), section 13050, and could affect the quality of waters of the State.

The State Water Resources Control Board (State Water Board) and the Lahontan Water Board regulate discharges of waste in order to protect the water quality and, ultimately, the beneficial uses of waters of the State. The Basin Plan provides guidance regarding water quality and how the Lahontan Water Board may regulate activities that have the potential to affect water quality within the region. The Basin Plan includes prohibitions, water quality standards, and policies for implementation of standards. The Basin Plan can be accessed via the Water Board's web site (http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml).

We request that the Project proponent comply with all applicable water quality standards and prohibitions, including provisions of the Basin Plan, for implementation of the Project.

PERMITTING REQUIREMENTS

A number of activities associated with the proposed development may require permits issued by either the State Water Board or Lahontan Water Board because they appear to have the potential to impact waters of the State. The required permits may include:

- Land disturbance of more than 1 acre may require a CWA, section 402(p) stormwater permits, including a National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater Permit, obtained from the State Water Board, or an individual stormwater permit obtained from the Lahontan Water Board;

¹ "Waste" is defined in the Basin Plan to include any waste or deleterious material including, but not limited to, waste earthen materials (such as soil, silt, sand, clay, rock, or other organic or mineral material) and any other waste as defined in the California Water Code, section 13050(d).

- Depending on the standard industrial classification (SIC) code for industrial-type activities associated with the Project, an NPDES General Industrial Stormwater Permit, obtained from the State Water Board, may be required for the Project; and
- Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification (WQC) for impacts to federal waters (waters of the U.S.), or Waste Discharge Requirements for impacts to non-federal waters, both issued by the Lahontan Water Board.

Some waters of the State are "isolated" from waters of the U.S. Determinations of the jurisdictional extent of the waters of the U.S. are made by the United States Army Corps of Engineers (USACE). Projects that have the potential to impact surface waters will require the appropriate jurisdictional determinations. These determinations are necessary to discern if the proposed surface water impacts will be regulated under section 401 of the CWA or through dredge and fill WDRs issued by the Water Board.

We request that project proponent consult with the USACE and perform the necessary jurisdictional determinations for surface waters within the Project area. In addition, we request that the environmental document list the permits that may be required, 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/>. The Project proponent is urged to consult with Water Board staff early to discern what permitting requirements may be required for this Project.

POTENTIAL IMPACTS TO SURFACE WATERS

Surface waters are a significant resource, which perform a variety of important hydrologic and biogeochemical functions that affect water quality. In particular, floodplains and riparian areas associated with both perennial streams and ephemeral drainages provide a natural buffer and help mitigate and control water quality impacts by attenuating flood flows and removing pollutants and sediment from surface runoff.

For projects that have the potential to impact surface water resources, the Water Board prefers avoidance of disturbance to disturbance followed by mitigation such as restoration or creation. In our review of projects with potential surface water impacts, the Water Board follows the sequence of avoid, minimize, and mitigate. If the proposed Project impacts surface water resources, the Project proponent must perform a thorough analysis of Project alternatives and demonstrate to the Water Board that surface water impacts are not avoidable. If the impacts are not avoidable, the Project proponent must then demonstrate that the impacts to the surface water resources are the minimum necessary for the Project. The Project proponent must then propose mitigation to compensate for any surface water impacts.

POTENTIAL IMPACTS TO WATER QUALITY AND STORMWATER MANAGEMENT

Water quality impacts can result from stormwater runoff from nonpoint sources. Concerns for this Project include the potential to introduce petroleum hydrocarbons, volatile organic

compounds, and metals from vehicle parking lots and materials and heavy equipment storage areas. The environmental document must provide specific information regarding the stormwater mitigation controls that will be implemented to ensure that pollutants do not enter surface water areas. Please ensure that Best Management Practices (BMPs) are utilized to keep these constituents of concern from impacting waters of the state.

Post-construction stormwater management must be considered a significant component in the environmental review process. Of particular concern is the collection of stormwater runoff and the discharge of that stormwater to natural drainage channels. The environmental document must evaluate all potential stormwater impacts, particularly potential post-construction hydrologic impacts, and describe specific BMPs that, when implemented, will reduce those potential impacts to a less than significant level. Where feasible, we request that the Project proponent consider design alternatives that redirect these flows from surface waters to areas where they will dissipate by percolation into the landscape.

LOW IMPACT DEVELOPMENT STRATEGIES

The foremost method of reducing impacts to surface waters and groundwater from urban development is "Low Impact Development" (LID), the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimal generation of nonpoint source pollutants. LID results in less surface runoff and potentially less impacts to receiving waters, the principles of which include:

- Maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge;
- Reducing the impervious cover created by development and the associated transportation network; and
- Managing runoff as close to the source as possible.

We understand that LID development practices that would maintain aquatic values could also reduce local infrastructure requirements and maintenance costs, and could benefit air quality, open space, and habitat. Vegetated areas for stormwater management and infiltration onsite are valuable in LID and may enhance the aesthetics of the property.

We request that the Project proponent establish distinct LID implementation measures and incorporate these principles into the proposed Project design.

Please note that obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required. The environmental document must specifically describe the BMPs and other measures used to mitigate project impacts.

If you have any questions, please do not hesitate to contact me at (760) 241-7376 (jjzimmerman@waterboards.ca.gov) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 (pcopeland@waterboards.ca.gov).

Sincerely,



Jan M. Zimmerman, PG
Engineering Geologist

cc: Janna Scott, ESA
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State Clearinghouse

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