



**California Regional Water Quality Control Board  
Lahontan Region**



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File: Environmental Doc Review  
CEQA - General

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**COMMENTS ON THE NOTICE OF INTENT TO PREPARE A PROGRAMMATIC  
ENVIRONMENTAL IMPACT STATEMENT TO EVALUATE SOLAR ENERGY  
DEVELOPMENT DRAFT ENVIRONMENTAL IMPACT STATEMENT,  
SCH# 2008064004**

California Regional Water Quality Control Board, Lahontan Region (Water Board) staff has reviewed the above referenced draft environmental impact statement for the solar energy development program proposed by the U.S. Department of Energy (DOE) and Bureau of Land Management (BLM). The Solar Energy Development Programmatic Environmental Impact Statement (PEIS) is being prepared by the DOE and BLM in order to assess environmental impacts associated with the development and implementation of agency-specific programs that would facilitate environmentally responsible utility-scale solar energy development in six western states (Arizona, California, Colorado, New Mexico, Nevada, and Utah).

The Water Board comments are submitted in compliance with the California Environmental Quality Act (CEQA) Guidelines §15096, which requires CEQA responsible agencies to specify the scope and content of the environmental information relevant to their statutory responsibilities and lead agencies to include that information in the environmental document for their project. The following are our comments concerning the above-referenced proposed project:

**Low Impact Development**

- Site plans for projects should specifically identify features for the post-construction period that will control stormwater on-site or prevent pollutants from non-point sources from entering and degrading surface or groundwaters. The foremost method of reducing impacts to watersheds 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. Principles of LID include:

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- 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.

Planning tools to implement the above principles and manuals are available to provide specific guidance regarding LID.

We request you require these principles to be incorporated into the proposed project design. We request natural drainage patterns be maintained to the extent feasible.

### **Land Disturbances and Potential Stormwater Impacts**

- If the project involves land disturbance of more than 1.0 acre in area or is part of a larger plan of common development, the project must develop a Storm Water Pollution Prevention Plan (SWPPP) and obtain a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit (for residential projects) and/or NPDES General Industrial Storm Water Permit (for commercial projects).

These permits are accessible on the State Water Resources Control Board (State Board) homepage ([www.waterboards.ca.gov](http://www.waterboards.ca.gov)). Best management practices (BMPs) must be used to mitigate project impacts. The environmental document must describe the mitigation measures or BMPs.

- If the proposed project is located in an area that contains drainages, wetlands, surface waters of the State, waters of the U.S. or blue-line streams, we request that measures be incorporated into the project to avoid such features and provide buffer zones, where possible. Please inform the project proponent to consult with Army Corps of Engineers, Department of Fish and Game, and the Water Board prior to issuing a grading permit.
- If the development of the proposed project will impact drainages, wetlands, surface waters of the State, waters of the U.S. or blue-line streams, a permit is required from the State Board or Regional Water Board. The required permits may include:
  - Discharge of fill material - Clean Water Act (CWA) §401 water quality certification for federal waters; or Waste Discharge Requirements for non-federal waters; and,

- Land disturbance - CWA §402(p) storm water permit, to include the development of a SWPPP and a NPDES General Construction Storm Water Permit and/or a NPDES General Industrial Storm Water Permit. These permits are accessible on the State Board's homepage ([www.waterboards.ca.gov](http://www.waterboards.ca.gov)).

If the project is not subject to federal requirements, activities that involve fill or alteration of surface waters, including drainage channels, may still be subject to state permitting requirements. Please see information at the Water Board web site at: [http://www.waterboards.ca.gov/lahontan/Permitting\\_Questions.htm](http://www.waterboards.ca.gov/lahontan/Permitting_Questions.htm) and at [http://www.waterboards.ca.gov/lahontan/files/general\\_permits4lahontan.pdf](http://www.waterboards.ca.gov/lahontan/files/general_permits4lahontan.pdf). Surface waters include, but are not limited to, drainages, streams, washes, ponds, pools, or wetlands. Waters of the State or waters of the U.S. may be permanent or intermittent. Waters of the State may include waters determined to be isolated or otherwise non-jurisdictional by the Army Corps of Engineers.

Mitigation must replace functions and values of water quality impacted. For more information see the Water Quality Control Plan for the Lahontan Region (Basin Plan) at [http://www.waterboards.ca.gov/lahontan/BPlan/BPlan\\_Index.htm](http://www.waterboards.ca.gov/lahontan/BPlan/BPlan_Index.htm).

Please include both pre-construction and post-construction storm water management BMPs as part of the planning process.

- Please consider and incorporate designs that minimize impervious surfaces, such as pervious parking areas, directing runoff onto vegetated areas using curb cuts and rock swales, etc., and infiltrating runoff as close to the source as possible to avoid forming erosion channels. Design features should be incorporated to ensure that runoff is not concentrated by the proposed project. The project must incorporate measures to ensure that storm water generated by the project is managed on-site both pre- and post-construction. Please show the on-site storm water control measures on plan drawings.
- Please consider development features that span the drainage channels or allow for broad crossings. Design features of future development should be incorporated to ensure that runoff is not concentrated by the proposed project, thereby causing downstream erosion.

### **Projects that Propose Domestic Wastewater (Sewage) Disposal**

- Projects that propose a septic tank disposal system are required to be in compliance with the Region's Basin Plan, which is accessible on the Water Board's homepage (<http://www.waterboards.ca.gov/lahontan/>). Please review the required criteria for individual waste disposal systems, including maximum allowable discharge (500 gallons per acre per day), maximum density, and soils conditions.

- If the proposed project is located in an area where septic tank disposal systems are prohibited, then an exemption is required by the Water Board. If the project proponent intends to request an exemption, the environmental document must contain the information necessary to make the findings for an exemption (please review the exemption criteria contained in the Basin Plan accessible on the Water Board's homepage <http://www.waterboards.ca.gov/lahontan/>).

### **Projects that Propose Industrial Wastewater Disposal**

- Discharge of any material other than domestic wastewater to an on-site septic tank wastewater disposal system is prohibited unless a Report of Waste Discharge is filed with the Regional Board.

Please note that obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required.

If you have any questions, please contact me at (760) 241-7391, or e-mail me at [jkoutsky@waterboards.ca.gov](mailto:jkoutsky@waterboards.ca.gov).

Sincerely,



for: Joseph J. Koutsky  
Water Resource Control Engineer

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