

## Memorandum

Date : September 2, 1999  
Telephone: ATSS ( )  
(916) 653-1614  
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To : Robert A. Laurie, Commissioner and Presiding Member  
David A. Rohy, Vice Chair and Associate Member

From : California Energy Commission - Richard K. Buell  
1516 Ninth Street Siting Project Manager  
Sacramento, CA 95814-5512

Subject : **Errata to Staff's Soils and Water Resources, Biological Resources and Air Quality Testimony**

Please find attached errata to staff's Soils and Water Resources, Biological Resources and Air Quality Testimony. We believe that these errata will address the comments and concerns that the parties raised during the August 26, and 31, 1999 workshops, with one notable exception. Mr. Gary A. Ledford has provided written rebuttal testimony, comments on the proposed conditions of certification and oral comments at the workshop which are not reflected in the attached errata. The attached errata does incorporate those comments raised by Mr. Ledford that we agree with, but does not address why other comments were not incorporated. Staff plans on filing rebuttal testimony to Mr. Ledford's direct testimony on September 30, 1999, as allowed in the Committee's August 19, 1999 **Order Granting Extension of Time**. In that rebuttal testimony staff will provide its explanation of why we have not recommended including Mr. Ledford's comments and suggestions.

If you have any questions or comments, please call me at 916 653-1614 or email me at [rbuell@energy.state.ca.us](mailto:rbuell@energy.state.ca.us).

## Attachments

rkb:rkb

cc: Rosella Shapiro  
High Desert POS (97-AFC-1)  
Ray Menebroker, ARB  
Robert Zeller, Mojave Desert  
Matt Haber, U.S. EPA  
Randy Hill, VVWD  
Norman Caouette, MWA  
George Walker, USFWS  
Roger Cannon, BLM



## AIR QUALITY

### Errata to the Testimony of Tuan Ngo

The following strikeout and additions underlined should be incorporated in the proposed conditions of certification:

**AQ-3. *The project owner shall perform the following mitigation measures during the construction phase of the project:***

- a. The areas of disturbance within the construction site shall be watered so that they are visibly wet, twice or more daily, as necessary. This condition shall not apply on rainy days when precipitation exceeds 0.1 inch.***
- b. No dry rotary brushes shall be used, unless accompanied by sufficient wetting, in the removal of dragged-on mud from public streets adjacent to the construction site.***
- c. No blower devices shall be used.***
- d. Sandbags and other erosion control measures shall be placed to prevent silt runoff to public streets adjacent to the construction site.***
- e. Windbreaks shall be installed at windward sides of the construction areas where soil disturbance is scheduled, and prior to the soil being disturbed.***
- f. Gravel pads shall be installed at all access points to prevent tracking of mud onto public streets.***
- g. All waste materials transported offsite shall be covered or sufficiently wetted to limit dust emissions.***
- h. Any graded areas where construction ceases shall be treated with a magnesium chloride (or equivalent) dust suppressant within fifteen days, or sooner if windy conditions create visible dust beyond the project site boundary.***
- i. Magnesium chloride (or equivalent) dust suppressant or fabric covers shall be applied to any dirt storage pile within three days after the pile is formed, or sooner if windy conditions create visible dust beyond the project site boundary.***
- j. Prior to entering public roadways, all truck tires shall be visually inspected, and, if found to be dirty, cleaned of dirt using water spraying or methods of equivalent effectiveness, subject to CPM approval.***

- k. At least 500 yards from construction site entrances, public roadways shall be cleaned on a weekly basis, or when there are visible dirt tracks on the public roadways, by either mechanical sweeping or water flushing.***
- l. A speed limit sign shall be posted at the entrance of the construction site, to limit vehicle speed to no more than ~~40~~-15 miles per hour on unpaved areas.***
- m. All construction equipment shall be properly maintained to detect and prevent mechanical problems that may cause excess emissions.***
- n. No construction equipment shall be kept idling when not in use for more than ~~5~~30 minutes.***
- o. Soot filters shall be used on all large off-road construction equipment with an engine rating of at least 100 bhp.***

**Verification: The project owner shall maintain a daily log of water truck activities, including record of the frequency of public road cleaning. These logs and records shall be available for inspection by the CPM during the construction period. The project owner shall identify in the monthly construction reports, the area(s) that the project owner shall cover or treat with dust suppressants. The project owner shall make the construction site available to the District staff and the CPM for inspection and monitoring.**

AQ-5. The turbines and duct burners shall be exclusively fueled with pipeline quality natural gas with a sulfur content not exceeding 0.2 grains per 100 dscf on a rolling twelve month average basis, and shall be operated and maintained in strict accord with the recommendations of its manufacturer or supplier and/or sound engineering principles. The duct burner shall not be operated unless the associated turbine power train and selective catalytic reduction system are in operation

Verification: The project owner shall maintain, on a monthly basis, a laboratory analysis provided by the project owner or the gas suppliers showing the sulfur content of the natural gas being burned at the facility. The monthly sulfur analysis shall be incorporated into the quarterly and annual compliance reports as mentioned in AQ-20.

AQ-8. This equipment is subject to the federal NSPS codified at 40 CFR Part 60, Subparts A (General Provisions) and GG (Standards of Performance for Stationary Gas Turbines). This equipment is also subject to the Prevention of Significant Deterioration (40 CFR 51.166) and Federal Acid Rain (Title IV) programs. Compliance with all applicable provisions of these regulations is required.

Verification: ~~At least 90 days prior to construction of the project, the project owner shall provide the District, the ARB and the CEC CPM copies of the federal PSD and Acid Rain permits.~~ No later than 30 days after receiving the federal PSD and Acid Rain permits, the project owner shall provide the District, the ARB and the CEC CPM copies of such permits.

***AQ-17. The compliance test plan shall include a method for measuring CO/VOC surrogate relationship that can be used to demonstrate compliance with VOC hourly, daily and annual emission limits. Upon successful compliance with the sources test, ongoing compliance with the CO emission limits during normal operation shall be deemed compliance with the VOC emission limits during normal operation.***

**Verification: See verification for Condition AQ-15.**



# BIOLICAL RESOURCES

## Errata to the Testimony of Marc Sazaki

### INTRODUCTION

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Staff's final on Biological Resources was completed for filing on August 16, 1999. Subsequent to this testimony the applicant, the California Department of Fish and Game, and other parties provided comments on August 26, 1999 at a public workshop in Apple Valley, California. This errata reflects Energy Commission staff's response to those comments, as well as other corrections or changes.

### CORRECTIONS/CHANGES

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Pg. 1, Paragraph 1, Line 1: Change "...International..." to "...Logistics...".

Pg. 8, Paragraph 1, Line 6: Change "...one hundred fifty to two hundred feet away." to "...two hundred fifty to five hundred feet away."

Pg. 8, Paragraph 1, Line 8: Delete the sentence beginning with "Eventually, whether..." and replace it with "An access road virtually contiguous to the centerline of the pipeline could develop over time."

Pg. 11, Paragraph 1, Line 5: Insert after "...applicant.", "Approximately 318 of the 1,075 acres of habitat compensation for desert tortoise is attributable to impacts on BLM administered lands."

Pg. 12, Paragraph 1, under **CONCLUSIONS**, starting with Line 5: delete from "However, even..." to the end of the paragraph. Insert "Impacts associated with the loss and degradation of threatened species habitat along the second natural gas pipeline can be fully mitigated through acquisition of sufficient suitable off-site habitat for desert tortoise and to an uncertain extent, the Mohave ground squirrel."

Pg.13, BIO-1, 1<sup>st</sup> line of the **Verification:**, delete "...rough grading..." and insert "...any site disturbance...".

Pg.13, BIO-1, line 2 of the **Verification:**, insert "...and to the California Department of Fish and Game..." after "...CPM...".

Pg.14, BIO-2, line 3 of the **Verification:**, insert "...and the California Department of Fish and Game..." after "...CPM...".

Pg.14, BIO-3, line 3 of the **Verification:**, insert "...and the California Department of Fish and Game..." after "...CPM...".

Pg.14, BIO-3, paragraph 2, line 2 of the **Verification:**, insert "...in consultation with the California Department of Fish and Game..." after "...CPM..."

Pg.15, BIO-4, line 1, delete "...a CPM approved..." and insert after "...program...", "...approved by the CPM and the California Department of fish and Game..."

Pg.15, BIO-4, last paragraph of the Protocol, line 2, insert "...and the California Department of Fish and Game..." after "...CPM..."

Pg.15, BIO-4, 1<sup>st</sup> line of the **Verification:**, delete "...rough grading..." and insert "...any site disturbance..."

Pg.16, BIO-5, replace the entire text of the condition with "The project owner shall acquire from the California Department of Fish and Game and implement the terms of necessary Streambed/Lake Alteration Agreements (§1601 and §1603) for project related construction impacts to drainages and any necessary "take" permit (§2081) for endangered species."

Pg.16, BIO-5, 1<sup>st</sup> line of the **Verification:**, delete "...rough grading..." and insert "...any site disturbance..."

Pg.16, BIO-6, line 1, insert "...and the California Department of Fish and Game..." after "...CPM..."

Pg.16, BIO-6, 4<sup>th</sup> bullet down, 2<sup>nd</sup> line, change "...Agreement..." to "...Agreements..." and insert after "...Agreements...", "...and endangered species "take" permit..."

Pg.16, BIO-6, line 1 of the **Verification:**, delete "...rough grading..." and insert "...any site disturbance..."

Pg.16, BIO-6, line 2 of the **Verification:**, insert "...and the California Department of Fish and Game..." after "...CPM..."

Pg.16, BIO-6, line 3 of the **Verification:**, insert "...in consultation with the California Department of Fish and Game..." after "...CPM..."

Pg.17, line 1, insert "...and the California Department of Fish and Game..." after "...CPM..."

Pg.17, paragraph 2, line 2, insert "...and the California Department of Fish and Game..." after "...CPM..."

Pg.17, BIO-7, delete entire condition and verification and replace with new BIO-7 as follows:

BIO-7 Prior to the start of site disturbance of the project or any related facilities, the project owner shall acquire, protect and transfer 1,242.8 acres of land that the CPM, in consultation with the California Department of Fish and

Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS), approves as suitable habitat for the desert tortoise and Mohave ground squirrel. Fee title to the land shall be transferred to CDFG or, with the approval of the CPM and CDFG in consultation with the USFWS, to another public agency or a private non-profit conservation organization. If fee title is not transferred to CDFG, then the project owner shall ensure that a conservation easement approved by CDFG is recorded in favor of CDFG prior to transfer of fee title. Prior to the transfer of fee title, the project owner shall provide \$ 367,256.00 for establishment of a non-wasting endowment for the benefit of the fee title grantee to provide for the long-term management of the habitat lands. The project owner shall obtain approval of the CPM and CDFG of terms governing use and maintenance of the endowment fund.

The project owner may proceed with site disturbance of the project and related facilities prior to completing the requirements in this condition if the project owner establishes a trust account or irrevocable letter of credit approved by the CPM and CDFG, or some other form of security approved by the CPM and CDFG, in the amount of \$ 1,553,819.00. The security shall be provided to CDFG prior to commencement of any site disturbance and shall be maintained until all requirements of this condition are accepted by the CPM and CDFG as complete. The amount of the security is calculated as follows:

1. Estimated cost of acquiring and transferring 1,242.8 acres of habitat: \$ 873,485.00.
2. Estimated cost of initial protection of the land: \$ 313,078.00.
3. Estimated cost of endowment for long-term management: \$ 367,256.00.

If security is provided to allow the commencement of site disturbance prior to transfer of habitat lands, the project owner must complete the required acquisition, protection and transfer of land no more than 12 months after the start of site disturbance and the endowment must be established for the benefit of the fee title grantee prior to transfer of the land. CDFG shall be entitled to draw upon the security to carry out requirements not completed by the project owner within 12 months from the start of site disturbance.

**Verification:** At least 30 days prior to the start of surface disturbance on the project site or any related facilities, the project owner shall provide the CPM with a copy of the letter of credit established pursuant to this condition of certification.. Upon completion of the acquisition and transfer of the habitat lands to the approved recipient(s), the project owner shall provide the CPM with copies of all title transfer records or records verifying other approved transactions.

Pg.17, BIO-9, delete entire condition and verification and replace with new BIO-9 as follows:

BIO-9 In the event that the project owner proceeds with the 32 mile-long natural gas pipeline that interconnects the High Desert Power Project to an existing gas line near Kramer Junction, and prior to the start of surface disturbance at the construction site, the project owner shall enter into a legally binding agreement with Southwest Gas Corporation whereby Southwest Gas Corporation and any successors or assignees agree to comply with all conditions of certification of the project that pertain to the pipeline. The agreement shall require that noncompliance with conditions of certification or other permit requirements pertaining to biological resources shall be reported by the designated biologist verbally to the CPM within three days after occurrence, or within three days of the time the party responsible for making such report knows or should have known of the occurrence, with a follow-up notification in writing no more than one week after the verbal report. Included in the agreement shall be terms that allow the CPM right-of-way access to inspect and assess the status of required mitigation measures. The initial agreement, and any subsequent agreement, may be entered into with a party other than Southwest Gas Corporation subject to the approval of the CPM. The initial agreement, and any subsequent agreement, may be terminated at any time, provided that the terminated agreement is replaced by another agreement which complies with the requirements set forth above and is effective immediately upon termination of the prior agreement. An agreement that complies with the requirements set forth above shall be in place at all times following commencement of the construction of the pipeline until the High Desert Power Project is permanently retired from producing electricity. The project owner is ultimately responsible for implementation of all mitigation measures associated with the 32 mile gas pipeline.

**Verification:** At least 60 days prior to surface disturbance at the construction site of the gas pipeline, the project owner will provide a copy of the initial agreement to the CPM for review and approval in consultation with appropriate state, local, and federal agencies. Any proposal to enter into a subsequent agreement will be submitted to the CPM for review and of approval in consultation with appropriate state, local, and federal agencies.

# SOIL AND WATER RESOURCES

Errata to the Testimony of Joe O'Hagan and Linda Bond

The following proposed conditions of certification should replace those contained in staff's August 16, 1999 testimony on Soil and Water Resources.

## PROPOSED CONDITIONS OF CERTIFICATION

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**SOIL&WATER 1** The only water used for project operation (except for domestic purposes) shall be State Water Project (SWP) water obtained by the project owner consistent with the provisions of the Mojave Water Agency's (MWA) Ordinance 9.

- a. Whenever SWP water is available to be purchased from MWA, the project owner shall use direct delivery of such water for project operation.
- b. Whenever water is not available to be purchased from the MWA, the project owner may use SWP water banked in the seven HDPP wells as identified in Figure Number 1 of the Addendum Number 1 to the "Evaluation of Alternative Water Supplies for the High Desert Power Project" (Bookman-Edmonston 1998) as long as the amount of water used does not exceed the amount of water determined to be available pursuant to SOIL&WATER 5.
- c. If there is no water available to be purchased from the MWA and there is no water available to be pumped, as determined pursuant to SOIL&WATER 5, no groundwater may be pumped, and the project may not operate. At the project owner's discretion, dry cooling may be used instead, if an amendment to the Commission's decision is approved.

**Verification:** The project owner shall submit to the California Energy Commission (CEC) Compliance Project Manager (CPM) a copy of the annual application to the MWA for SWP water when it is filed with the agency. The project owner shall submit to the CEC CPM a copy of the MWA's annual approved application for SWP water. The project owner shall submit to the CEC CPM a copy of the finalized agreement with the Victor Valley Water District (VVWD).

**SOIL&WATER 2** The project owner shall provide evidence of a storage agreement between the Mojave Basin Area Watermaster (Mojave Water Agency) and VVWD prior to the initiation of any groundwater banking.

**Verification:** The project owner shall submit to the CEC CPM a copy of the application for a storage agreement with the Mojave Basin Area Watermaster when the application is filed. The project owner shall submit to the CEC CPM a copy of the approved storage agreement from the Mojave Basin Area Watermaster within 15 days of receipt of the agreement.

**SOIL&WATER 3** The project owner shall provide a copy of a "Will Serve Letter" from VVWD to the CEC CPM prior to the start of commercial operation.

**Verification:** The project owner shall provide a copy of a "Will Serve Letter" from VVWD to the CEC CPM within 30 days of its receipt by the project owner.

**SOIL&WATER 4** The project owner shall inject 1000 acre-feet of SWP water within 12 months of the commencement of the commercial operation. During this period, the project owner may pump banked groundwater that is available to the project as determined by SOIL&WATER 5.

**Verification:** The project owner shall provide a monthly report to the CEC CPM and to the CDFG on the progress of construction of the project wells, the amount of SWP water injected and the amount of groundwater pumped during the period beginning 18 months from the start of rough grading to the end of the first 12 months of commercial operation. The project owner shall provide the CEC CPM and the CDFG with verification that 1,000 acre-feet of SWP water has been injected within one month of the start of the second year of commercial operation.

**SOIL&WATER 5** The amount of banked groundwater available to the project during the first 12 months of commercial operation is the amount of SWP water injected by the project owner into the High Desert Power Project (HDPP) wells minus the amount of groundwater pumped by the project owner, minus the amount of dissipated groundwater. The amount of banked groundwater available to the project after the first 12 months of commercial operation is the amount of SWP water injected by the project owner into the HDPP wells, minus the amount of groundwater pumped by the project owner, minus the amount of dissipated groundwater, minus 1,000 acre feet.

The amount of banked groundwater water available to the project shall be calculated by the CEC Staff using the HDPP model, based upon the United States Geological Survey (USGS) model, FEMFLOW3D. The amount of banked groundwater available shall be updated on a calendar year basis by the CEC Staff, taking into account the amount of groundwater pumped by the project during the preceding year and the amount of water banked by the project during the preceding year. Each annual model run shall simulate the actual sequence of historic pumping and injection since the injection program began. From the model runs, the CEC Staff shall determine the amount of groundwater available for each new calendar year. If the amount of banked groundwater available to the project is less than one year's supply plus 1,000 acre-feet, the CEC Staff shall determine the amount of groundwater available to the project on a quarterly basis.

**Verification:** The project owner shall submit to the CEC CPM and to the CDFG in writing on a quarterly basis, a monthly accounting of all groundwater pumped and all SWP water treated and injected for the preceding quarter. Within 30 days of receipt of the approved storage agreement, pursuant to SOIL&WATER 2, the project owner shall submit to the CEC CPM and to the CDFG an annual written

estimate of the anticipated amount of SWP water that will be banked and the anticipated amount of groundwater that will be pumped in the coming year. If the amount of banked groundwater available to the project is less than one year's supply plus 1,000 acre-feet, quarterly estimates of anticipated injection and withdrawal will be required; under these conditions, the project owner shall submit to the CEC CPM and to the CDFG a quarterly written estimate of the anticipated amount of SWP water that will be banked and the anticipated amount of groundwater that will be pumped in the coming quarter.

CEC Staff shall use this information in the HDPP model to evaluate the amount of banked groundwater available and to calculate the approximate rate of decay. CEC Staff shall notify the project owner within 30 days of the amount of banked groundwater available to be pumped in the new calendar year or in the next quarter, if applicable.

**SOIL&WATER 6** By the end of the fifth year of commercial operation, the amount of water injected minus the amount of banked groundwater used for project operation shall meet or exceed 13,000 acre-feet.

**Verification:** The project owner shall submit verification to the CEC CPM and the CDFG that the amount of injected groundwater minus the amount of banked groundwater pumped equals or exceeds 13,000 acre feet of water within one month of the start of the sixth year of commercial operation.

**SOIL&WATER 7:** After the fifth year of commercial operation and until three years prior to project closure, the project owner shall replace banked groundwater used for project operation as soon as SWP water is available for sale by MWA. The project owner may choose to delay replacement of a limited quantity of banked groundwater used for project operations during aqueduct outages until the cumulative amount of groundwater withdrawn from the bank reaches 1,000 acre-feet. Once the limit of 1,000 acre-feet has been reached, the project owner shall replace banked groundwater used for project operation during aqueduct outages as soon as SWP water is available for sale by MWA

During the three years prior to project closure, the project owner may withdraw the balance of banked groundwater determined to be available to the project, except for 1,000 acre-feet, pursuant to SOIL&WATER 5. The project owner is not required to replace this final withdrawal of groundwater. However, during the three years prior to project closure, at no time may the balance of banked groundwater decline below 1,000 acre-feet. Furthermore, there must be a remaining balance of 1,000 acre-feet banked in the groundwater system at closure, as determined to be available to the project pursuant to SOIL&WATER 5.

**Verification:** The project may use the verification for SOIL&WATER 6 for SOIL&WATER 7; however, in addition, the facility closure plan submitted three years prior to closure to the CEC CPM and the CDFG shall specify any plans for the pumping of any banked groundwater available to the project.

**SOIL&WATER 8** The project owner shall conduct pumping tests in all project wells to establish in situ hydraulic parameters including transmissivity and storativity in the Regional Aquifer. From these parameters and the project well-log data, the project owner shall calculate the following site-specific values:

- effective horizontal hydraulic conductivity'
- effective vertical hydraulic conductivity
- specific yield, if pumping tests indicate the aquifer is unconfined, or
- specific storage, if aquifer is confined.

Prior to conducting the pumping test, the project owner shall submit a work plan detailing the methodology to be used to conduct the proposed pumping tests and to calculate the specified parameters and values to the CEC CPM and to the CDFG for review and approval.

Based upon the information generated by the pumping tests, CEC Staff shall revise the HDPP model to reflect the results of the pumping tests. All modeling runs referred to in SOIL&WATER 5 shall incorporate the results of these pumping tests, following approval by the CEC CPM determined pursuant to this condition.

Protocol: The pumping tests shall provide data to calculate the *in situ* hydraulic parameters of the Regional Aquifer.

- At a minimum the pumping tests for all HDPP wells shall include the measurement of drawdown in at least one non-pumping (observation) well that is screened at the same depth as the pumping well.
- Observation well(s) for each pumping test must be sufficiently close to the pumping well that pumping produces measurable drawdown of sufficient duration in the observation well(s) to analyze the site-specific hydraulic parameters including transmissivity and storativity in the Regional Aquifer.
- In addition, if the observation well data indicates a slow release of groundwater from storage, the pumping test shall be extended until the release from storage can be observed to stabilize in a plot of the data from the observation well(s). (For a description of the evaluation of storativity under slow release conditions, see Driscoll, F.G., 1986, *Groundwater and Wells*, H.M. Smyth, Inc., p. 229-230).
- Single well pumping tests and pumping tests that do not produce enough measurable drawdown in observation wells to conclusively calculate hydraulic parameters will not meet the conditions of certification.

Verification: The project owner shall submit to the CEC CPM and to the CDFG six month prior to the start of pumping tests, the work plan that details the methodology for conducting the proposed pumping tests on the seven HDPP wells

and for calculating the specified parameters and values. With the approval of the work plan by the CEC CPM, in consultation with the CDFG, the project owner shall perform the pumping tests following the CEC protocol.

Within two months after the completion of pumping tests, the project owner shall submit to the CEC CPM and to the CDFG a report detailing how the pumping tests were conducted and the results of the tests, including the calculation of (1) the *in situ* hydraulic parameters of transmissivity and storativity for the Regional Aquifer and (2) the site-specific values of effective horizontal hydraulic conductivity, effective vertical hydraulic conductivity, and specific yield and/or specific storage.

**SOIL&WATER 9** The project owner shall modify the HDPP model grid to accommodate the representation of gradational changes in the hydraulic conductivity of the Regional Aquifer, in conformance with the USGS Mojave River Groundwater Basin model.

The CEC Staff shall revise the HDPP model, using the modified grid, to incorporate the gradational changes in the hydraulic conductivity of the Regional Aquifer represented in the USGS Mojave River Groundwater Basin model.

All modeling runs referred to in SOIL&WATER 5 shall incorporate the modifications of the model along with the model information obtained from the USGS following approval by the CEC CPM determined pursuant to this condition.

**Verification:** The project owner shall submit the modified model grid input files (including updated versions of any other input files that are effected by the modification of the grid) within two months after the construction of the HDPP wells to the CEC Staff for review and approval, in consultation with the CDFG.

**SOIL&WATER 10** The project owner shall prepare an annual report of describing groundwater level monitoring performed as follows. The project owner shall monitor groundwater levels in all project wells, in VVWD wells 21, 27, 32, and 37, in Adelanto wells 4 and 8a, and in all other wells within a 1-mile radius of the project wells. Groundwater monitoring shall also be conducted within the Mojave River Aquifer Alluvium. Additional monitoring wells specified by VVWD for the evaluation of well interference within Pressure Zone 2 should also be included. Monitoring shall be performed on a quarterly basis starting within six months after the start of rough grading.

**Verification:** The project owner shall annually submit a copy of the groundwater level monitoring report to the CEC CPM, the CDFG, the MWA and the VVWD.

**SOIL&WATER 11** The project owner shall submit an approved Waste Discharge Requirement prior to the start of any groundwater banking unless the Regional Water Quality Control Board (RWQCB) decides to waive the

need to issue a waste discharge requirement or waive the need for the project owner to file a Report of Waste Discharge.

**Verification:** The project owner shall submit a copy of the approved Waste Discharge Requirement from the Lahontan RWQCB to the CEC CPM within 60 days of the start of rough grading. The project owner shall also submit to the CEC CPM a copy of any additional information requested by the RWQCB as part of their evaluation of the application. If the RWQCB decides to waive the need to file a Report of Waste Discharge or the need for a waste discharge requirement, the project owner shall submit a copy of the letter from the RWQCB to the CEC CPM. If a waste discharge requirement is required by the RWQCB, the project owner shall provide a copy of the approved permit to the CEC CPM.

**SOIL&WATER 12** The project owner shall prepare and submit to the CEC CPM and, if applicable, to the Lahontan RWQCB for review and approval, a water treatment and monitoring plan that specifies the type and characteristics of the treatment processes and identify any waste streams and their disposal methods. The plan shall provide water quality values for all constituents monitored under requirements specified under California Code of Regulations, Title 22 Drinking Water Requirements from all production wells within two miles of the injection wellfield for the last five years.

The plan shall also provide SWP water quality sampling results from Rock Springs, Silverwood Lake or other portions of the East Branch of the California Aqueduct in this area for the last five years. Also identified in the plan will be the proposed treatment level for each constituent based upon a statistical analysis of the collected water information. The statistical approach used for water quality analysis shall be approved prior to report submittal by the CEC CPM and, if applicable, the RWQCB. Treatment of SWP water prior to injection shall be to levels approaching background water quality levels of the receiving aquifer or shall meet drinking water standards, whichever is more protective. The plan will also identify contingency measures to be implemented in case of treatment plant upset.

The plan submitted for approval should include the proposed monitoring and reporting requirements identified in the Report of Waste Discharge (Bookman-Edmonston 1998d) with any modifications required by the RWQCB.

**Verification:** Ninety (90) days prior to banking of SWP water within the Regional Aquifer, the project owner shall submit to the Lahontan RWQCB and the CEC CPM a proposed statistical approach to analyzing water quality monitoring data and determining water treatment levels. The project owner shall submit the SWP water treatment and monitoring plan to the CEC CPM and, if appropriate, to the Lahontan RWQCB for review and approval. The CEC CPM's review will be conducted in consultation with the MWA, the VVWD and the City of Victorville. The plan submitted for review and approval shall reflect any requirements imposed by the RWQCB through a waste Discharge Requirement.

**SOIL&WATER 13** The project owner shall implement the approved water treatment and monitoring plan. All banked SWP water shall be treated to meet local groundwater conditions as identified in condition number 2. Treatment levels may be revised by the CEC and, if applicable, by the RWQCB, based upon changes in local groundwater quality identified in the monitoring program not attributable to the groundwater-banking program. Monitoring results shall be submitted annually to the CEC CPM and, if applicable, to the RWQCB.

**Verification:** The project owner shall annually submit monitoring results as specified in the approved plan to the CEC CPM. The project owner shall identify any proposed changes to SWP water treatment levels for review and approval by the CEC and, if appropriate, the Lahontan RWQCB. The project owner shall notify the RWQCB, the VVWD and the CEC CPM of the injection of any inadequately treated SWP water into the aquifer due to an upset in the treatment process or for other reasons. Monitoring results shall be submitted to the CEC CPM

**SOIL&WATER 14** The project owner shall provide access to the United States Air Force for all efforts to characterize and remediate all soil and groundwater contamination at the power plant site.

**Verification:** The project owner shall submit in writing a copy within two weeks of receipt of any request from the Air Force for site access to characterize or remediate contaminated soil and/or groundwater to the CEC CPM.

**SOIL&WATER 15** Prior to beginning any clearing, grading or excavation activities associated with closure activities, the project owner must submit a notice of intent to the State Water Resources Control Board to indicate that the project will operate under provisions of the General Construction Activity Storm Water Permit. As required by the general permit, the project owner will develop and implement a Storm Water Pollution Prevention Plan.

**Verification:** Two weeks prior to the start of construction, the project owner will submit to the CEC CPM a copy of the Storm Water Pollution Prevention Plan.

**SOIL&WATER 16** Prior to the initiation of any earth moving activities, the project owner shall submit an erosion control and revegetation plan for CEC Staff approval. The final plan shall contain all the elements of the draft plan with changes made to address the final design of the project.

**Verification:** Thirty days prior to the initiation of any earth moving activities, the final erosion control and revegetation plan shall be submitted to the CPM for approval, in consultation with the CDFG.