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Lahontan Regional Water Quality Control Board

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Los Angeles County

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**COMMENTS ON THE NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LOS ANGELES COUNTY RENEWABLE ENERGY ORDINANCE, LOS ANGELES COUNTY, STATE CLEARINGHOUSE NO. 2014051016**

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the above-referenced ordinance (Ordinance) on May 5, 2014. The NOP was prepared by the Los Angeles County Department of Regional Planning (County) and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). The Los Angeles County Renewable Energy Ordinance will establish regulations, including development standards, for the development of renewable energy projects in unincorporated areas where the County has land use jurisdiction. 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, title 14, section 15096. We commend the County in taking the initiative to develop an ordinance to guide future renewable energy development and establish minimum development standards for these types of projects. We encourage the County to incorporate into the Ordinance elements that (1) promote watershed management, (2) support "Low Impact Development" (LID), (3) reduce the effects of hydromodification, (4) encourage solar development on previously disturbed lands and on rooftops, and (5) encourage recycled water uses. Our comments on the NOP are outlined below.

## AUTHORITY

All groundwater and surface waters are considered waters of the State. Surface waters include streams, lakes, ponds, and wetlands, and may be ephemeral, intermittent, or perennial. 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 U.S. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the U.S.

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.

Los Angeles County is located within the jurisdiction of two Regional Water Boards, the Lahontan and Los Angeles Water Boards. The eastern portion of the County, specifically the Antelope Valley and the watersheds that drain towards the Antelope Valley, are within the jurisdiction of the Lahontan Water Board. The western portion of Los Angeles County that drains towards the Pacific Ocean is within the jurisdiction of the Los Angeles Water Board. We request that the DEIR recognize that the Ordinance area falls under the jurisdiction of both the Lahontan and Los Angeles Water Boards and that a copy of the DEIR be made available to both Regional Water Boards **and** the State Water Resources Control Board for review and comment.

## RECOMMENDED ELEMENTS TO INCLUDE IN THE ORDINANCE

The goal of the Los Angeles County Renewable Energy Ordinance is to establish regulations and development standards for small-scale and utility-scale renewable energy projects in unincorporated areas of Los Angeles County. In the high desert, the quantity and quality of water are integral components driving development, especially in the Antelope Valley area. To that end, we encourage the County to incorporate into the Ordinance elements that promote watershed management, support LID, reduce the effects of hydromodification, encourage solar development on previously disturbed lands and on rooftops, and encourage recycled water uses.

### A Watershed Approach

Healthy watersheds are sustainable. Watersheds supply drinking water, provide for recreational uses, and support ecosystems. Watershed processes include the movement of water (i.e. infiltration and surface runoff), the transport of sediment, and the delivery of organic material to surface waters. These processes create and sustain the streams, lakes, wetlands, and other receiving waters of our region.

The planning area occupies the southern half of the Antelope Valley watershed, a closed drainage basin whereby all surface runoff flows towards the interior playas. Big Rock Wash, Little Rock Wash, and Amargosa Creek are the primary hydrologic features in the planning area. These surface waters drain to the north and east across the planning area and terminate at Rosamond Dry Lake. The majority of groundwater recharge occurs in these streams at the head of the alluvial fan systems, with Big Rock Creek and Little Rock Creek contributing a combined 80% of the total groundwater recharge of the Antelope Valley Groundwater Basin. With the planning area occupying roughly half of the Antelope Valley Watershed, disruption of watershed processes within the planning area has the potential to degrade the overall health of the watershed as a whole.

The watershed approach for managing water resource quality and quantity is a collaborative process that focuses public and private efforts on the highest priority problems within a drainage basin. The Antelope Valley Integrated Regional Water Management Group is a

collaborative group of stakeholders, both public and private, to address both water quantity and water quality within the Antelope Valley Watershed. A number of water management plans have been developed to date through that stakeholder collaboration process, and strategies continue to be developed and refined to sustain water quantity (i.e. imported water, stormwater recharge, recycled water uses, etc.) and to manage salts and nutrients to maintain the quality of groundwater within the watershed. The County is encouraged to play an active stakeholder role in the development of these plans and to incorporate applicable implementation strategies into their Ordinance.

**Low Impact Development Strategies**

The foremost method of reducing impacts to watersheds from urban development is LID, the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimal generation of non-point 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 encourage the County to establish specific LID implementation strategies and incorporate these elements in the Ordinance.

**Stormwater Management**

Because increased runoff from developed areas is a key variable driving a number of other adverse effects, attention to maintaining the pre-development hydrograph will prevent or minimize many problems and will limit the need for other analyses and mitigation. However, traditional methods for managing urban stormwater do not adequately protect the environment. They treat symptoms instead of causes. Such practices have led to channelization and stream armoring that permanently alter stream habitat, hydrology, and aesthetics, resulting in overall degradation of a watershed.

Stormwater control measures that are compatible with LID are preferred over more traditional measures. Examples include the use of bioretention swales, pervious pavement, and vegetated infiltration basins, all of which can effectively treat post-construction stormwater runoff, help sustain watershed processes, protect receiving waters, and maintain healthy watersheds in the face of urbanization. Any particular one of these control measures may not be suitable, effective, or even feasible on every site, but the right combination, in the right places, can successfully achieve these goals. We encourage the County to establish guidelines for implementing specific stormwater control measures and incorporate those guidelines in the Ordinance. Additional information regarding LID and

sustainable stormwater management can be accessed online at http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/.

**Hydromodification**

Hydromodification is the alteration of the natural flow of water through a landscape (i.e. lining channels, flow diversions, culvert installations, armoring, etc.). Disturbing and compacting soils, changing or removing the vegetation cover, increasing impervious surfaces, and altering drainage patterns limit the natural hydrologic cycle processes of absorption, infiltration, and evapotranspiration, and increases the volume and frequency of runoff and sediment transport. Hydromodification results in stream channel instability, degraded water quality, changes in groundwater recharge processes, and aquatic habitat impacts. Hydromodification also can result in disconnecting a stream channel from its floodplain. Floodplain areas provide natural recharge, attenuate flood flows, provide habitat, and filter pollutants from urban runoff. Floodplain areas also store and release sediment, one of the essential processes to maintain the health of the watershed.

We encourage the County to identify existing sources of hydromodification and to develop mitigation measures to minimize those impacts, as well as establish guidelines that will help to avoid hydromodification from future projects. The guidelines should include maintaining natural drainage paths of Big Rock Wash, Little Rock Wash, Amargosa Creek, and other ephemeral streams within the planning area and establishing buffers and setback requirements to protect channels and floodplain areas from encroaching development. Information regarding hydromodification can be accessed online at http://www.swrcb.ca.gov/water_issues/programs/stormwater/hydromodification.shtml.

**Focus Development on Previous Disturbed Lands**

We recommend that the County promote and provide incentive for renewable energy development on previous disturbed lands as part of the renewable energy Ordinance. Desert ecosystems are fragile. Biological soil crusts are common and provide a variety of functions including soil stabilization and nutrient cycling. When these ecosystems are disturbed, recovery is slow, on the order of decades. To minimize impacts to undisturbed desert lands, we encourage the County to support and promote development and reuse of previously disturbed lands, such as former agricultural lands. Such reuse can benefit environmental resources, including hydrology and water quality, by maintaining relatively undisturbed natural areas and avoiding direct impacts to established habitats and surface waters. In more urbanized areas, we encourage the County to support and promote small-scale rooftop solar development. Such development avoids impacts to water quality and hydrology, reduces the project footprint by siting the solar generating equipment closer to the end user, and reduces the need for secondary projects such as new transmission lines or utility upgrades.

**Recycled Water Uses**

The State Water Resources Control Board adopted the Recycled Water Policy in February 2009 (effective May 14, 2009, and amended January 22, 2013). The purpose of the policy is to increase the use of recycled water from municipal wastewater sources, in a manner that implements state and federal water quality laws, as a means towards achieving sustainable local water supplies. The Recycled Water Policy establishes goals and mandates for recycled water use. The mandates are to increase the use of recycled water

from the amount used in 2009 by 200,000 acre-feet per year by 2020 and by 500,000 acre-feet per year by 2030. Incentives for implementing recycled water projects include grant opportunities and priority funding.

In July 2009, the State Water Resources Control Board adopted General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water (General Permit). Some of the allowable recycled water uses include: landscape irrigation of parks, greenbelts, playgrounds, school yards, athletic fields, golf courses, and cemeteries; dust control for construction activities and road maintenance; mixing concrete; and soil compaction.

The Water Board supports recycled water as a safe alternative to potable water for such approved uses as those outlined above and encourages the County to consider recycled water use as a development standard in their Ordinance. The Los Angeles County Sanitation District treatment facilities in Lancaster and Palmdale both have the technologies to supply project developers with recycled water for both construction and operational needs.

**PERMITTING REQUIREMENTS**

A number of activities associated with renewable energy development 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:

- Land disturbance of more than 1 acre may require a CWA, section 402(p) stormwater permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or an individual stormwater permit obtained from the Lahontan Water Board;

- Recycled water use for landscape irrigation and dust control may require Waste Discharge Requirements (WDRs), issued by the Lahontan Water Board; and

- Streambed alteration and/or discharge of fill material to a surface water, including water diversions, may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill WDRs for impacts to non-federal waters, both issued by the Lahontan Water Board.

We request that the DEIR recognize the potential permits that may be required of project developers, as outlined above. Information regarding these permits, including application forms, can be downloaded from our web site at http://www.waterboards.ca.gov/lahontan/.

Thank you for the opportunity to comment on the NOP. We are encouraged that the County is taking the initiative to establish long-term planning strategies for renewable energy development. If you have any questions regarding this letter, please contact me at (760) 241-7376 (jzimmerman@waterboards.ca.gov) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 (pcopeland@waterboards.ca.gov).

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