

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**MEETING OF OCTOBER 13 AND 14, 2010
BARSTOW, CALIFORNIA**

- ITEM:** 13
- SUBJECT:** **WATER RECYCLING REQUIREMENTS FOR HIGH DESERT
POWER PROJECT, LLC, SAN BERNARDINO COUNTY**
- CHRONOLOGY:** December 9, 2009 Water Recycling Requirements
(Board Order No. R6V-2009-0138)
- ISSUE :** Should the Regional Water Board amend Water Recycling Requirements for the High Desert Power Project (HDPP) allowing use of title 22 tertiary treated recycled water produced by the City of Victorville Southern California Logistics Airport Central Wastewater Treatment Plant (SCLA CWTP)?
- DISCUSSION:** Board Order No. R6V-2009-0138 allows HDPP to use title 22 tertiary treated recycled water for cooling at its Victorville power plant facility. Under Board Order No. R6V-2010-0023, the SCLA Wastewater Treatment Plant is authorized to produce title 22 tertiary treated recycled water. The proposed Board Order amends Board Order No. R6V-2009-0138 to allow HDPP, to use recycled water produced by the City of Victorville SCLA CWTP for cooling at its power plant facility.
- Comments on the tentative Order were solicited from interested parties. Comments were received from HDPP, and the City of Victorville concurring with the proposed amended Order. All comments received have been addressed.
- RECOMMENDATION:** Adoption of the Order as proposed.
- Enclosures:** 1. Proposed Board Order
2. Comments received from Interested Parties

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JM/rp

13-0001

ENCLOSURE 1

13-0002

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

**BOARD ORDER NO. R6V-2009-0138A1 (PROPOSED)
WDID NO. 6B360908004**

AMENDED WATER RECYCLING REQUIREMENTS

FOR

HIGH DESERT POWER PROJECT

San Bernardino County

The California Regional Water Quality Control Board, Lahontan Region (Water Board) finds that:

1. User – Producer - Distributor

On August 24, 2009, the High Desert Power Project, LLC, hereinafter the "User," submitted an application/Report of Waste Discharge (RWD) for cooling applications at the High Desert Power Project facility (HDPP). The City of Victorville, through its Victorville Water District subsidiary, will supply recycled water obtained from their Southern California Logistics Airport (SCLA) Central Wastewater Treatment Plant (CWTP). The City of Victorville is a "Producer" of recycled water that may be used by HDPP. The City of Victorville is also the Distributor of recycled water to HDPP. For the purposes of this Order, "recycled water" as defined in the California Water Code (CWC), section 13050 and "reclaimed water" as used in CWC section 13523 are synonymous and refer to treated wastewater suitable for reuse.

2. Other Related Requirements

Board Order No. R6V-2009-0138, adopted on December 9, 2009, authorizes HDPP to use recycled water from Victor Valley Wastewater Reclamation Authority's (VWRA) Victor Valley Municipal Wastewater Treatment Plant for cooling water purposes. This amendment authorizes the User to also use recycled water for cooling water purposes from the City of Victorville's SCLA CWTP.

The Water Board has authorized VWRA and the City of Victorville, as Producers, to supply HDPP recycled water for cooling purposes. Board Order No. R6V-2003-028A1, adopted on March 10, 2010, authorizes VWRA to produce and distribute recycled water to HDPP for use in its cooling water system. Board Order No. R6V-2010-0023, adopted on June 9, 2010, authorizes the City of Victorville to produce recycled water for HDPP to use for cooling water purposes.

13-0003

3. Reason for Action

The purpose of this amendment is to authorize the User to use title 22 recycled water supplied from the City of Victorville, SCLA CWTP for HDPP cooling water purposes. This amendment does not affect HDPP's use of recycled water produced from the VVWRA as authorized in Board Order No. R6V-2009-0138.

CWC, Section 13523, provides the authority by which the Water Board can prescribe water reclamation (recycling) requirements for users and/or producers of recycled water, following consultation with the California Department of Public Health (CDPH).

California Code of Regulations (CCR), title 22, section 60323 requires the submittal of an Engineering Report to the CDPH for any proposed wastewater reuse. The City of Victorville submitted an Engineering Report on February 25, 2010 for the use of recycled water from the SCLA CWTP. CDPH accepted the Engineering Report with conditions in a letter to the Water Board dated April 8, 2010.

4. Recycled Water Transmission and Distribution

The City of Victorville delivers recycled water through the City's recycled water distribution infrastructure.

5. SCLA CWTP Treatment Processes

The Producer will produce disinfected tertiary wastewater from the SCLA CWTP. Recycled water must meet CCR, title 22 requirements for use as cooling water.

6. California Environmental Quality Act

The continued operation of this existing facility with minor modifications under these amended Water Recycling Requirements is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000 et seq.) in accordance with title 14, CCR, section 15301.

7. Notification of Interested Parties

The Water Board has notified the User, Producers, Distributor, and interested persons of its intent to adopt Amended Water Recycling Requirements for the High Desert Power Project, LLC.

8. Consideration of Public Comments

The Water Board, in a public meeting, heard and considered all comments pertaining to the recycled water use project.

IT IS HEREBY ORDERED pursuant to CWC, sections 13523, 13263, and 13267 that the User shall comply with the following:

I. Effluent Specifications

The effluent limitations specified in Board Order No. R6V-2009-0138 remain in effect.

II. User Recycled Water Requirements

The user recycled water requirements of Board Order No. R6V-2009-0138 remain in effect.

III. General Requirements and Prohibitions for Recycled Water Use

A.-C. General requirements and prohibitions A, B, and C of R6V-2009-0138 remain in effect.

D. General requirement and prohibition D of R6V-2009-0138 is deleted.

E. General requirement and prohibition E of R6V-2009-0138 is replaced with the following:

An agreement shall be established between the Producer and the User assuring that recycled water is delivered and utilized in conformance with this Order, the recycling criteria contained in CCR, title 22, division 4, chapter 3, sections 60301 through 60355, and the "Guidelines for Use of Reclaimed Water" by the state CDPH. The agreement shall also be such that periodic inspections of the facility to monitor compliance shall be conducted.

IV. Provisions

The provisions of Board Order No. R6V-2009-0138 remain in effect.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Board, Lahontan Region, on October 14, 2010.

HAROLD J. SINGER
EXECUTIVE OFFICER

ENCLOSURE 2

13-0006

9/12

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Notice

Submittal of Written Material for Regional Board Consideration

In order to ensure that the State of California Lahontan Regional Water Quality Control Board has the opportunity to fully study and consider written material, it is necessary to submit it at least ten (10) days before the Regional Board Meeting. Pursuant to Title 23 of the California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Regional Board may refuse to admit it.

COMPLETE FORM AND RETURN

To: CA Regional Water Quality Control Board, Lahontan Region
 14440 Civic Drive, Suite 200
 Victorville, CA 92392
 ATTN: John Morales

Comments on WASTE DISCHARGE REQUIREMENTS FOR HIGH DESERT POWER PROJECT, SAN BERNARDINO COUNTY

- We concur with proposed requirements
- We concur; comments attached
- We do not concur; comments attached

Jane Carlson (Sign)

Laine Carlson (on behalf of Reggie Lamson) (Type or print name)

City of Victorville (Organization)

14343 Civic Drive (Address)

Victorville, CA 92392 (City and State)

760-955-2741 (Telephone)

13-0007



High Desert Power Project, LLC

1044 N. 115 Street, Suite 400 | Omaha, Nebraska 68154-4446
402-691-9500 | FAX: 402-691-9526

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August 22, 2010

Mr. John Morales
California Regional Water Quality
Control Board, Lahontan Region
14440 Civic Drive, Suite 200
Victorville, CA 92392

Via Overnight Courier

RE: **REVISED** Comments to August 4, 2010
Tentative Amended Water Recycling Requirements for High Desert Power Project
WDID No. 6B360908004
Board Order No. R6V-2009-0138A1 (Tentative)

Dear Mr. Morales:

Enclosed please find High Desert Power Project, LLC's revised comments to the Regional Board's Tentative Amended Water Recycling Requirements for the High Desert Power Project. Please disregard the previous submittal dated August 19, 2010 as a formatting error was discovered in item No. 2 after the document was transmitted to you. This revised submittal corrects that error.

Should you have any questions or need additional information regarding this submittal, please contact me in Omaha at (402) 691-9736 or Jon Boyer at the plant at (760) 530-2303.

Sincerely,

M. Fred Strauss, P.G.
Director, Environmental Programs

Enclosure

13-0008

Notice
Submittal of Written Material for Regional Board Consideration

In order to ensure that the State of California Lahontan Regional Water Quality Control Board has the opportunity to fully study and consider written material, it is necessary to submit it at least ten (10) days before the Regional Board Meeting. Pursuant to Title 23 of the California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Regional Board may refuse to admit it.

COMPLETE FORM AND RETURN

To: CA Regional Water Quality Control Board, Lahontan Region
 14440 Civic Drive, Suite 200
 Victorville, CA 92392
 ATTN: John Morales

Comments on WASTE DISCHARGE REQUIREMENTS FOR HIGH DESERT POWER PROJECT, SAN BERNARDINO COUNTY

We concur with proposed requirements

We concur; comments attached

We do not concur; comments attached

M. Fred Strauss (Sign)

M. Fred Strauss, P.G. (Type or print name)

High Desert Power Project, LLC (Organization)

19000 Perimeter Road (Address)

Victorville, CA 92394 (City and State)

402-691-9736 (Omaha, NE) (Telephone)

13-0009

High Desert Power Project, LLC comments to August 4, 2010
Tentative Amended Water Recycling Requirements for High Desert Power Project
WDID No. 6B360908004
Board Order No. R6V-2009-0138A1 (Tentative)

Comments to certain provisions of the Tentative Amended Water Recycling Requirements presented below appear in the same order as presented in the August 4, 2010 Tentative Amended Water Recycling Requirements developed by the Lahontan Regional Water Quality Control Board. Proposed deletions to language are shown in ~~double strikethrough~~ and proposed additions are shown in single bold underline.

1. User – Producer – Distributor (page 1)

The purpose of these amended Water Recycling Requirements is to add the City of Victorville (“City”), through its Victorville Water District subsidiary, as an authorized producer of reclaimed water for use at the High Desert Power Project, LLC (“HDPP”). HDPP is currently authorized to receive reclaimed water produced at the Victor Valley Wastewater Reclamation Authority (“VWVRA”). These amended Water Recycling Requirements will allow HDPP to use reclaimed water produced by either the City or the VWVRA or both. The resulting User – Producer – Distributor relationships will be as follows:

User: High Desert Power Project, LLC

Producers: Victor Valley Wastewater Reclamation Authority and
City of Victorville through its Victorville Water District

Distributor: City of Victorville through its Victorville Water District

We propose that language in this section be modified as follows to reflect the new relationships.

On August 24, 2009, the High Desert Power Project, LLC, hereinafter the “User,” submitted an application/Report of Waste Discharge (RWD) for cooling applications at the High Desert Power Project ~~LLC facility~~ (HDPP). The Victor Valley Wastewater Reclamation Authority (VWVRA) is an authorized “Producer” of recycled water for use at HDPP. The City of Victorville, through its Victorville Water District subsidiary, will also supply recycled water for use at HDPP obtained from their Southern California Logistics Airport (SCLA) Central Wastewater Treatment Plant (CWTP). The City of Victorville is also a Producer. The City of Victorville is also the “Distributor” of recycled water to HDPP produced by both the VWVRA and the City of Victorville. For the purposes of this Order, “recycled water” as defined in the California Water Code (CWC) section 13050 and “reclaimed water” as used in CWC section 13523 are synonymous and refer to treated wastewater suitable for reuse.

13-0010

2. Other Related Requirements (page 1)

We propose that language in this section be modified as follows to reflect the new relationships between the User, Producer, and Distributor as well as the ability of the User to use up to 4,000 ac-ft/yr of reclaimed water delivered by the Distributor.

Board Order R6V-2009-0138, adopted on December 9, 2009, authorizes HDPP to use recycled water from ~~VVWRA's Victor Valley Wastewater Reclamation Authority's (VVWRA)~~ VVWRA's Victor Valley Municipal Wastewater Treatment Plant for cooling water purposes. This amendment authorizes ~~the User HDPP LLC~~ the User HDPP to also use recycled water for cooling purposes at HDPP from the City of Victorville's SCLA CWTP. This amendment further authorizes HDPP to use up to a total aggregate amount of 4,000 acre-feet per year of recycled water for cooling purposes produced by either the VVWRA or the City of Victorville, or from a combination of both.

The Water Board has authorized VVWRA and the City of Victorville, as ~~Producers~~ Producers, to supply HDPP ~~LLC~~ recycled water for cooling purposes. Board Order R6V-2003-028A1, adopted on March 10, 2010, authorizes VVWRA to produce and distribute recycled water to HDPP for use in its cooling water system. Board Order R6V-2010-2003, adopted on June 9, 2010, authorizes the City of Victorville to produce recycled water for HDPP cooling purposes.

3. Reason for Action (page 2)

The reason for this action is to authorize the City to produce and distribute reclaimed water to HDPP in addition to the City's role as distributor of reclaimed water to HDPP produced by the VVWRA. We propose the following language to the first paragraph of Item No. 3 to clarify the reason for action.

The purpose of this amendment is to authorize the User HDPP to use ~~the~~ Title 22 recycled water supplied from the City of Victorville, SCLA CWTP for HDPP cooling purposes. This amendment continues to allow HDPP's use of recycled water produced from the VVWRA as authorized in Board Order R6V-2009-0138.

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13-0011

4. Recycled Water Transmission and Distribution (page 2)

For clarity, we propose that the following language be added to reflect the transmission and distribution system from both Producers.

The City of Victorville will deliver recycled water from the SCLA CWTP to the HDPP recycled water system through a pipeline installed between the SCLA CWTP and HDPP. **The City of Victorville will continue to deliver recycled water from the VVWRA as authorized in Board Order R6V-2009-0138.**

III. E. General Requirements and Prohibitions for Recycled Water Use (page 3)

The City is the Distributor of recycled water to the User produced by both the VVWRA and the City. The User will have an agreement with the Distributor to receive reclaimed water from both Producers, but the User will not have an agreement to purchase reclaimed water from the VVWRA. The appropriate requirement referenced in paragraph E should therefore be changed as follows.

An ~~Agreements~~ shall be established between the ~~Producers~~ **Distributor** and the User assuring that recycled water is delivered and utilized in conformance with this Order, the recycling criteria contained in CCR ~~¶~~ Title 22, ~~¶~~ Division 4, ~~¶~~ Chapter 3, ~~¶~~ Sections 6301 through 60359, and the "Guidelines for Use of Reclaimed Water" by the DOPH. The agreement shall also be such that periodic inspections of the Facility to monitor compliance shall be conducted.

###

John Morales - RE: Revised Comments - Tentative Amended Water Recycling Requirements for HDPP

From: "Strauss, Fred" <FStrauss@TENASKA.com>
To: John Morales <JMMorales@waterboards.ca.gov>
Date: 9/1/2010 11:20 AM
Subject: RE: Revised Comments - Tentative Amended Water Recycling Requirements for HDPP
CC: Cindi Mitton <cmitton@waterboards.ca.gov>, Reggie Lamson <RLamson@CI.VICTORVILLE.CA.US>, "Boyer, Jon" <JBoyer@TENASKA.com>

John:

Thanks for your note below. Hopefully the following will provide the explanation you seek.

The intent of the proposed language is to ensure that the City is able to continue distributing to HDPP reclaimed water produced at the VVWRA through the pipeline/distribution system as authorized in the previous Board Order No. R6V-2009-0138 (see Item No. 5 in that Board Order) as well as through the City's expanded existing infrastructure (elevated water tank, 24" pipeline, etc.), which ultimately provides flexibility and redundancy in delivery reliability. Reggie Lamson has previously discussed the City's infrastructure and delivery capabilities with you and he would be pleased to review with you again if needed.

It appears that a better manner in which to convey the concept described above is with a revision to the proposed language as follows:

The City of Victorville will deliver recycled water from the SCLA CWTP to the HDPP recycled water system through a pipeline installed between the SCLA CWTP and HDPP. The City of Victorville may continue to deliver recycled water produced at the VVWRA as authorized in Board Order R6V-2009-0138 or via the City's other existing reclaimed water distribution infrastructure.

Will this email submittal of the revised proposed language satisfy your needs, or do you need me to send you a hard copy via overnight courier?

Regards,

Fred

M. Fred Strauss, P.G.
Director, Environmental Programs
TENASKA
1044 N. 115th Street, Suite 400
Omaha, NE 68154
402-691-9736 (direct)
402-691-9530 (fax)
402-981-0319 (mobile)

13-0013

From: John Morales [mailto:JMMorales@waterboards.ca.gov]
Sent: Tuesday, August 31, 2010 7:18 PM
To: Strauss, Fred
Cc: Cindi Mitton
Subject: Revised Comments - Tentative Amended Water Recycling Requirements for HDPP

Mr. Strauss,

We are currently in review of your comments from a letter dated August 22, 2010.

Under section 4, Recycled Water Transmission and Distribution (page 2) , you propose to include language stating that the City of Victorville will continue to deliver recycled water from the VVWRA as authorized in Board Order No. R6V-2009-0138. Please clarify what you mean when you say "from the VVWRA" Are you referring to City owned pipeline coming out from VVWRA?

Please submit a clarification to what you intend to say.

Thanks,

John Morales, P.E.
Water Resources Control Engineer
CA Regional Water Quality Control Board
Lahontan Region (6B)
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13-0014