Colorado River Basin Regional Water Quality Control Board

Certified Mail: **9589 0710 5270 1144 3083 32**

November 6, 2024

Rob Moore
Hell's Kitchen Geothermal, LLC
124 West 9th Street, Suite 101
Imperial, CA 92251
Rob.Moore@cthermal.com

SUBJECT: NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER WQ 2021-0048-DWQ, GENERAL ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTION FOR HELL'S KITCHEN GEOTECHNICAL INVESTIGATION PROJECT, IMPERIAL COUNTY, WDID 7A133187001

Dear Mr. Moore,

On June 17, 2024, Hell's Kitchen Geothermal, LLC (HKG or Discharger) submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order WQ 2021-0048-DWQ, General Order for Clean Water Act Section 401 Water Quality Certification Action (General Order). HKG has applied for a United States Army Corps of Engineers Nationwide Permit 6 (NWP 6), for activities required for the Project. This requires a Clean Water Act Section 401 Water Quality Certification by the state. The General Order is a statewide order pre-certifying NWP 6 Projects.

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) has reviewed your enrollment materials and finds that the dredge or fill discharges associated with the Hell's Kitchen Geotechnical Investigation (Project) meet the requirements for enrollment under the General Order. You are hereby enrolled under the General Order and may proceed with the Project accordingly therewith.

A copy of the General Order is attached to this notice. The General Order can also be found on the State Water Board's Adopted Orders webpage at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/certification-denial-corps-nationwide-permit-project-general-order-10122021.pdf.

Please familiarize yourself with the requirements of the General Order. You are responsible for complying with all applicable requirements. Failure to comply with the General Order constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the General Order.

PROJECT DESCRIPTION, IMPACTS, AND MITIGATION

Hell's Kitchen Geothermal is conducting exploratory geotechnical investigations and other geophysical surveys that would support the design and construction of a geothermal powerplant and lithium facility. The geotechnical survey work will include a combination of geophysical surveys, cone penetrometer testing (CPT), and traditional test borings.

The geotechnical survey work will result in 0.001225511 acres of temporary impacts to aquatic resources. These temporary impacts will occur on 0.00100969 acres of palustrine emergent wetlands and 0.000215816 acres to palustrine scrub shrub wetlands. Bore holes are the only survey activity expected to generate spoils and they will yield approximately 1.25 cubic yards of spoils each. The total temporary impact from the boreholes is estimated to be 21.25 cubic yards.

All impacts associated with geotechnical work are temporary and the temporarily impacted areas will be restored to pre-survey conditions upon completion of the work. Mitigation measures include avoiding and minimizing impacts to wetlands and waters through the selection of survey locations and best management practices (BMPs).

PROJECT LOCATION

The Project is located within the Hell's Kitchen Geothermal (HKG) lease area in Imperial County and can be found on the Niland, California U.S. Geological Survey 7.5 Minute Quadrangle map in Sections 11 and 12, Township 11 South, Range 13 East.

The latitude and longitude of the Project area are 33.22677715° North and 115.58063835° West. Maps showing the Project location are found in Attachment A.

FEES RECEIVED

Payment for the application fee in the amount of $ 2,985 was received on August 8, 2024. There is no project fee due to the minor amount of waters of the state impacted by the Project. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as "Category E – Low Impact Discharges" (fee code 87) with the dredge and fill fee calculator.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Colorado River Basin Water Board has determined that the enrollment of this Project under the General Order, which prescribes waste discharge requirements

for the Project, is categorically exempt from the procedural requirements of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq. Specifically, the issuance of this Notice of Applicability and the Project described herein meet the criteria for a Class 4 categorical exemption for "minor alterations to land" under the CEQA Guidelines. (Cal. Code Regs., tit. 14, § 15304.)

The Colorado River Basin Water Board will file a Notice of Exemption with the State Clearinghouse within five working days. (Cal. Code Regs., tit. 14, § 15062.).

AVOIDANCE AND MINIMIZATION MEASURES

The Discharger must implement avoidance and minimization measures to minimize adverse impacts to waters of the state and comply with all applicable requirements in the General Order.

TERMINATION OF COVERAGE

Upon completion of the Project, HKG shall submit a Request for Notice of Project Complete Letter, notifying Water Board staff that all Project activities are complete and requesting to be disenrolled from the General Order. Requirements for the content of the Request for Notice of Project Complete Letter are detailed in Attachment B and Section VI.E of the General Order.

If you have questions concerning this matter, please contact Logan Raub, 401 Water Quality Certification Program Manager, at (760) 776-8966 or at Logan.Raub@waterboards.ca.gov.

Sincerely,

Original Signed By

Michael Placencia
Executive Officer
Colorado River Basin
Regional Water Quality Control Board

Enclosures: 1) Attachment A Project Maps
2) Order WQ 2021-0048-DWQ

File: WDID: 7A133187001, RM: 458122, Place ID: 896112, Hell's Kitchen Geotechnical Investigation Project

cc: [via email only] (w/ enclosure):

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Attachments
Project Maps

Figure 1: Regional Site Vicinity Map[1]

[1]Hell's Kitchen Geothermal, August 2024. Notice of Intent (NOI) for Hell's Kitchen Geotechnical Investigation Project.

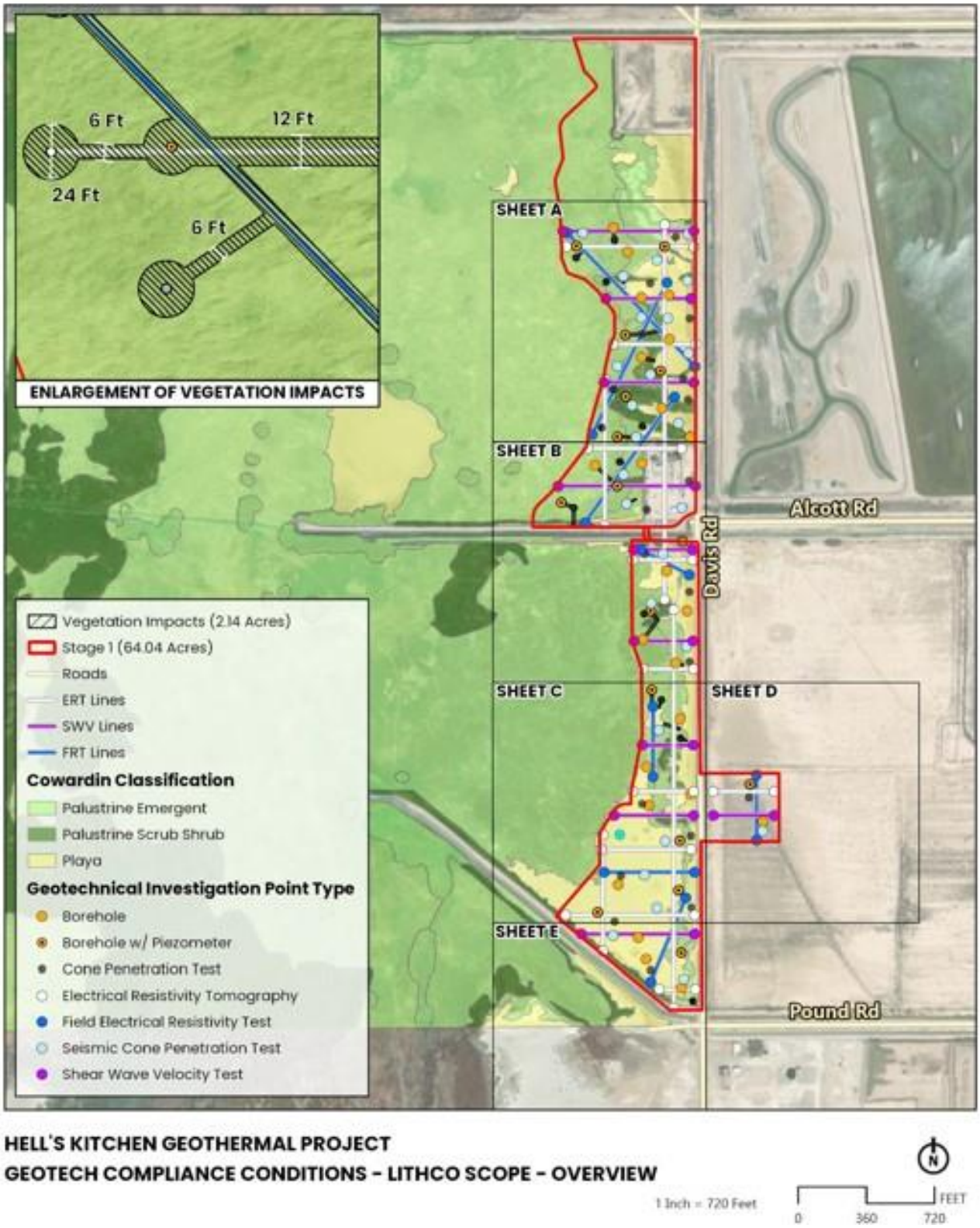

Figure 2: Geotechnical Survey Locations (Overview)

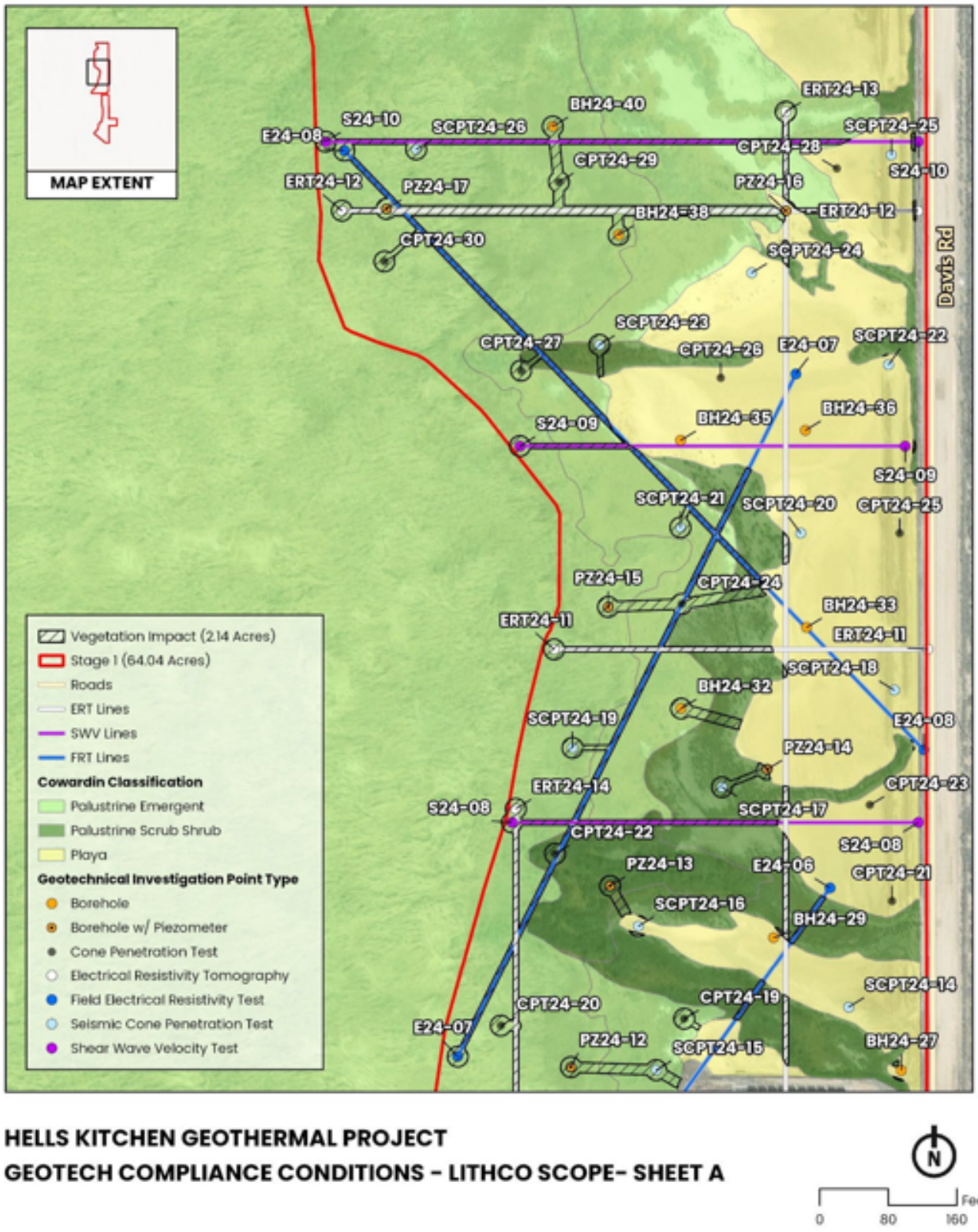

Figure 3: Geotechnical Survey Locations (North)

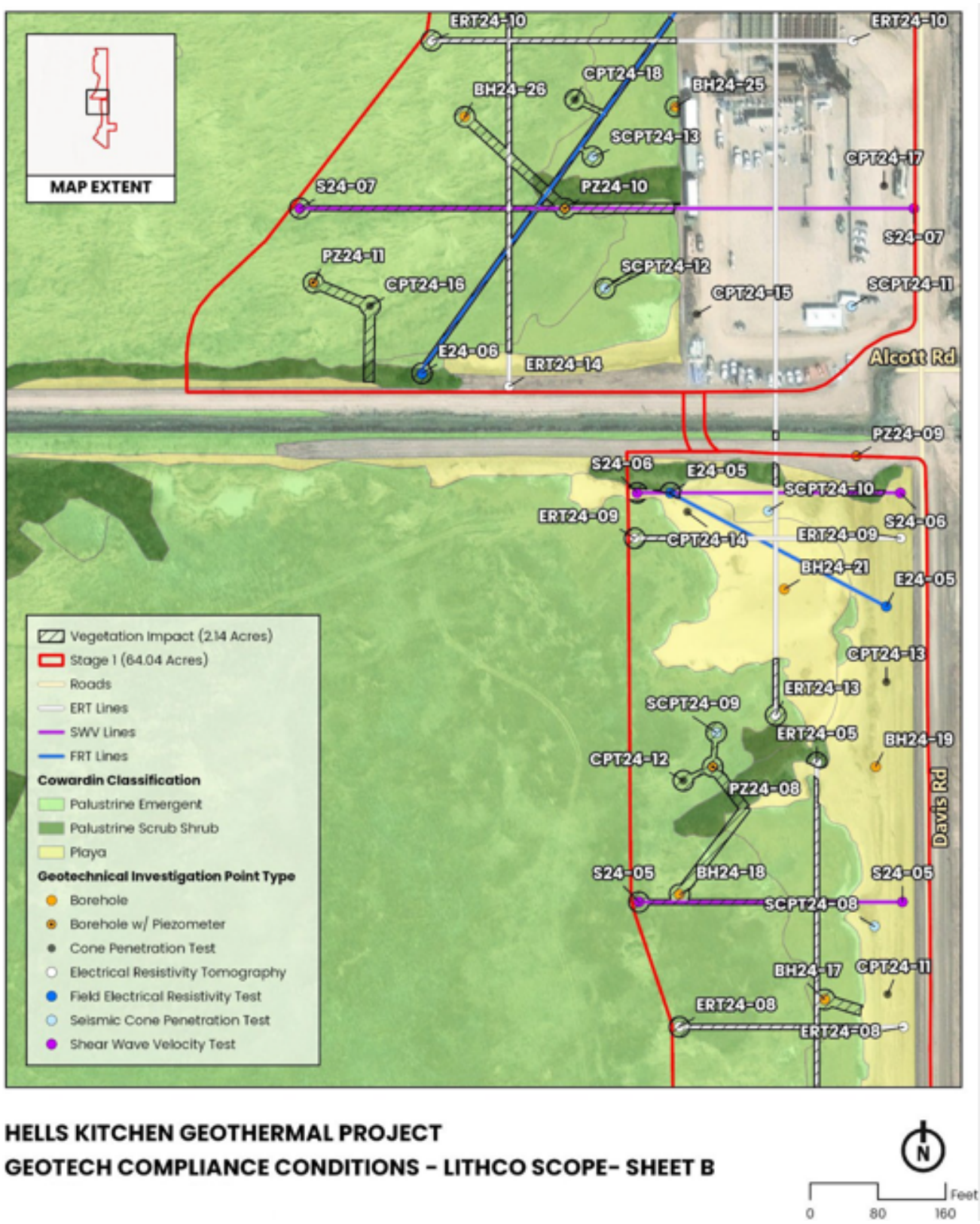

Figure 4: Geotechnical Survey Locations (Central 1/2)

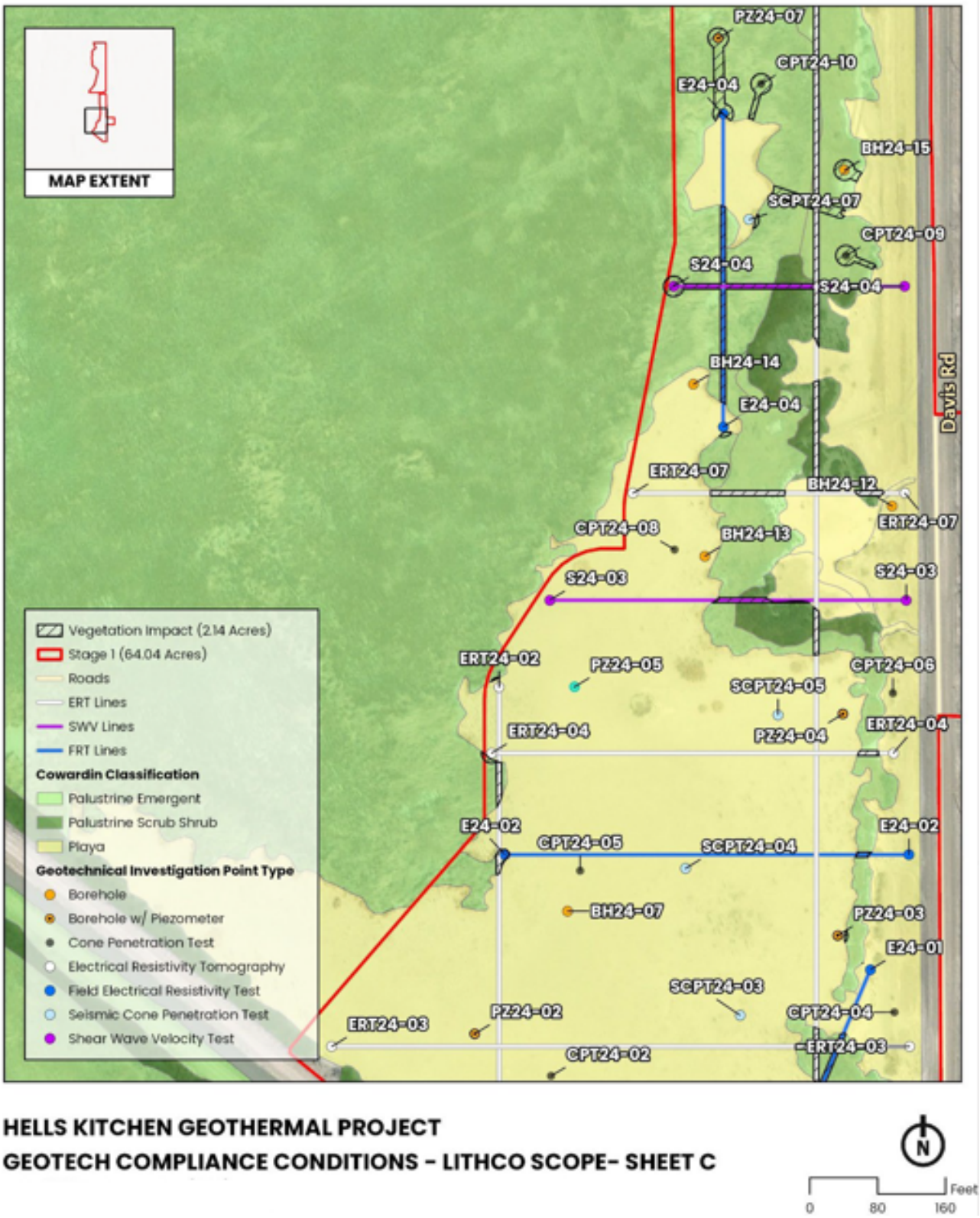

Figure 5: Geotechnical Survey Locations (Central 2/2)

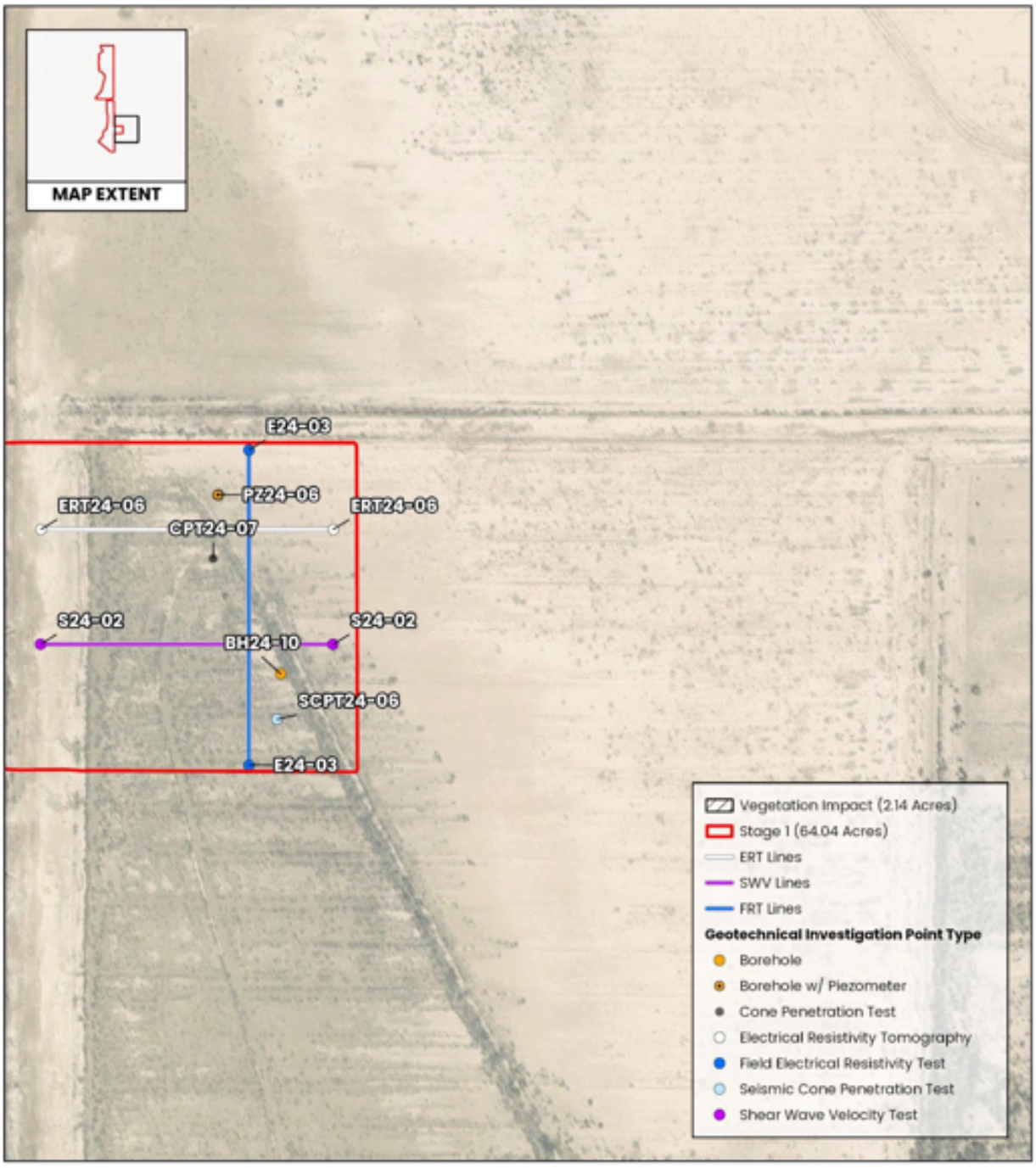

Figure 6: Geotechnical Survey Locations (Eastern)

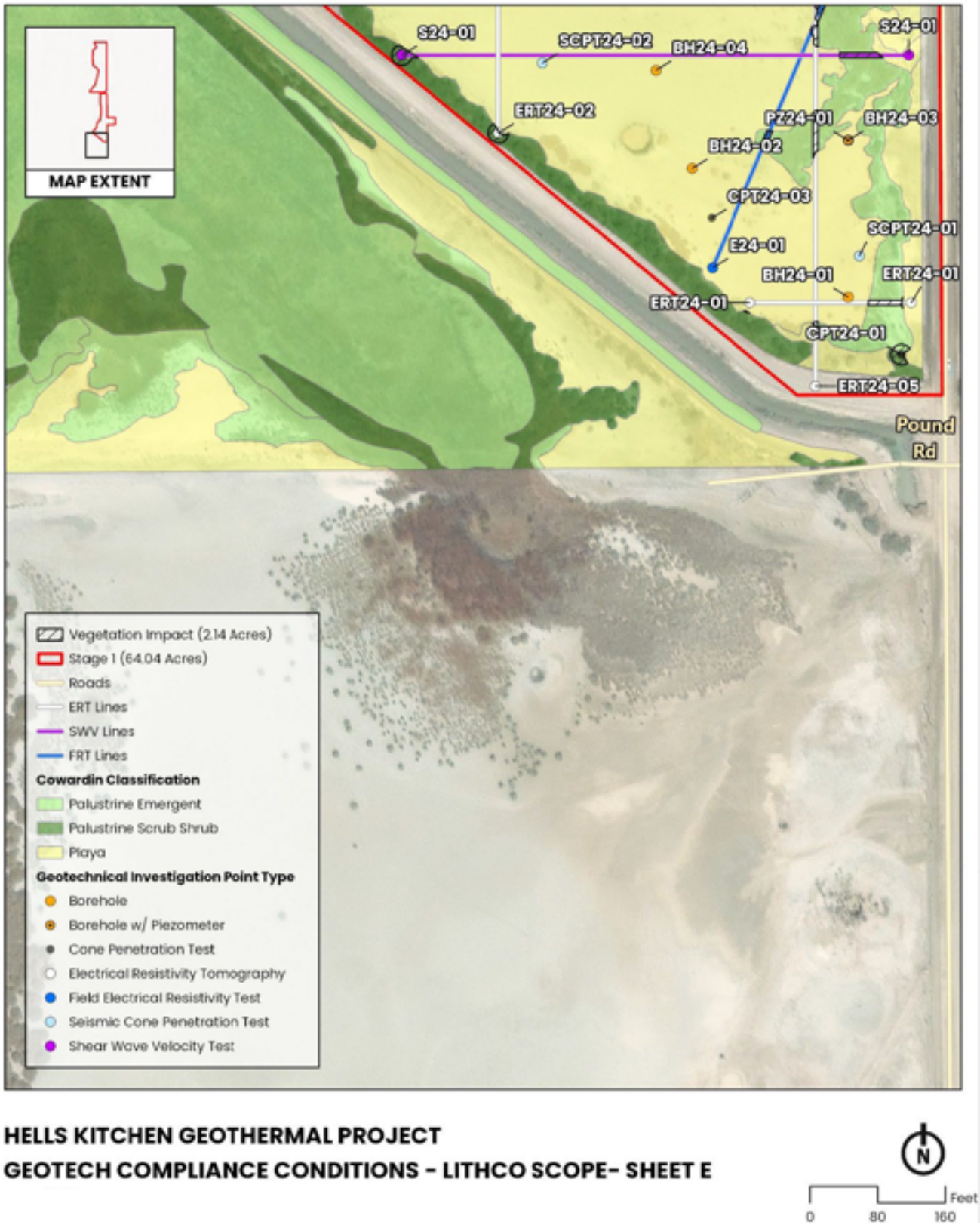

Figure 7: Geotechnical Survey Locations (South)

Order WQ 2021-0048-DWQ

A copy of Order WQ 2021-0048-DWQ can be found can be found on the State Water Board's Adopted Orders webpage at:

https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/certification-denial-corps-nationwide-permit-project-general-order-10122021.pdf