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## Colorado River Basin Regional Water Quality Control Board

Certified Mail: 9589 0710 5270 2347 8527 21

June 13, 2025

Sean Mantucca, Development Director  
Athos Storage, LLC  
3 Lagoon Drive, Suite 280  
San Mateo, CA 94065  
[SeanMantucca@SBEnergy.com](mailto:SeanMantucca@SBEnergy.com)

**SUBJECT: NOTICE OF APPLICABILITY: FOR COVERAGE UNDER ORDER 2004-0004-DWQ, STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DREDGED OR FILL DISCHARGES TO WATERS DEMED BY THE U.S. ARMY CORPS OF ENGINEERS TO BE OUTSIDE OF FEDERAL JURISDICTION, ATHOS BATTERY ENERGY STORAGE SYSTEM (BESS) 1S PROJECT (WDID NO. 7B333045001), RIVERSIDE COUNTY**

Dear Mr. Mantucca,

On March 18, 2025, Athos Storage, LLC (Discharger) submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order 2004-0004-DWQ, *Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction* (General Order). 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/fill discharges associated with the Athos Battery Energy Storage System (BESS) 1S Project (Project) meet the requirements for enrollment. Athos Storage, LLC is hereby enrolled under the General Order and may proceed with the Project therewith.

A copy of the General Order is attached. The General Order can also be found on the State Water Board's Adopted Orders webpage ([https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf))

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

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VIVIAN PEREZ, CHAIR | MICHAEL PLACENCIA, EXECUTIVE OFFICER

## **PROJECT DESCRIPTION, IMPACTS, AND MITIGATION**

The purpose of the Project is to develop a Battery Energy Storage System (BESS) facility within the existing Athos I Solar Project. BESS facilities are critical to ensure reliable power output from the solar facility. BESS facilities can assist grid operators in more effectively integrating intermittent renewable resources into the statewide grid and can assist utilities in their efforts to meet energy storage goals mandated by the California Public Utilities Commission.

The BESS will be housed in prefabricated containers containing battery enclosures. The BESS installation would include up to 250 battery enclosures with fire protection and thermal management systems. Each battery enclosure would be approximately 25 feet long, 6 feet wide, and 8.5 feet high with white steel exteriors. Thermal management air handling units (AHUs) would be side-mounted. A Power Conversion System (PCS) will be either integrated within each battery enclosure or installed adjacent to the enclosures. Up to seven battery containers will be connected to one PCS. Each PCS is approximately 21 feet long, 6.5 feet wide, and 7 feet high.

The Project will result in 0.03 acres (270 linear feet) of permanent impacts to Colorado River Basin Water Board jurisdictional waters of the state (ephemeral streams). No temporary impacts were identified. The Permittee is providing compensatory mitigation for the Project permanent impacts to jurisdictional waters of the state. The compensatory mitigation consists of preservation of approximately 619.2 acres, of which 273.1 acres is Desert Dry Wash Woodland waters of the state. The preserved lands will satisfy the Project's Colorado River Basin Water Board compensatory mitigation requirements, as well as compensatory mitigation requirements for other permits applied for or obtained. The proposed mitigation for waters of the state is of equal or better value, ensures habitat connectivity, and floodwater retention value.

## **PROJECT LOCATION**

The Project is located within the Chuckwalla Valley near the community of Desert Center, approximately 40 miles west of the City of Blythe in Riverside County, California. The Project is depicted on the U.S. Geological Survey (USGS) Corn Springs, California 7.5-minute topographic quadrangle maps (USGS 2025).

The latitude and longitude of the impacted area are listed below. Maps showing the Project location are found in Attachment A of this Order.

<b>Site</b>	<b>Latitude</b>	<b>Longitude</b>
1	33.716529° N	-115.318157° W

### **APPLICATION FEE RECEIVED**

An application fee of \$ 4,212 was received on March 18, 2025. Based on the total Project impacts, a project fee was not assessed for 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 a Category E - Low Impact Discharges fee (fee code 87) with the FY 24/25 dredge and fill fee calculator.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

On June 18, 2019, Riverside County as lead agency, completed an Environmental Impact Report (EIR) for the project (State Clearinghouse [SCH] No. 2018051021) and filed a Notice of Determination (NOD) on December 18, 2020.

As a responsible agency, the Colorado River Basin Water Board has reviewed and considered the environmental documents and finds that they address the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (h).).

Having considered the whole of the record, the Colorado River Basin Water Board has determined that there is no substantial evidence that the Project or any of its aspects could result in significant adverse impacts to water resources, when implemented in accordance with the mitigation measures required in the Mitigation Monitoring and Reporting Program (MMRP) and the conditions in this Order. (Cal. Code Regs., tit. 14, § 15096, subd. (h).).

### **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, the Discharger shall submit a completed Notice of Termination (NOT) form requesting to be un-enrolled from the General Order. The NOT form is included in Attachment 2 to 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](mailto:Logan.Raub@waterboards.ca.gov).

Sincerely,

Original Signed By

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

Enclosures: 1) Attachment A Project Maps  
2) Attachment B Order No. 2004-0004-DWQ

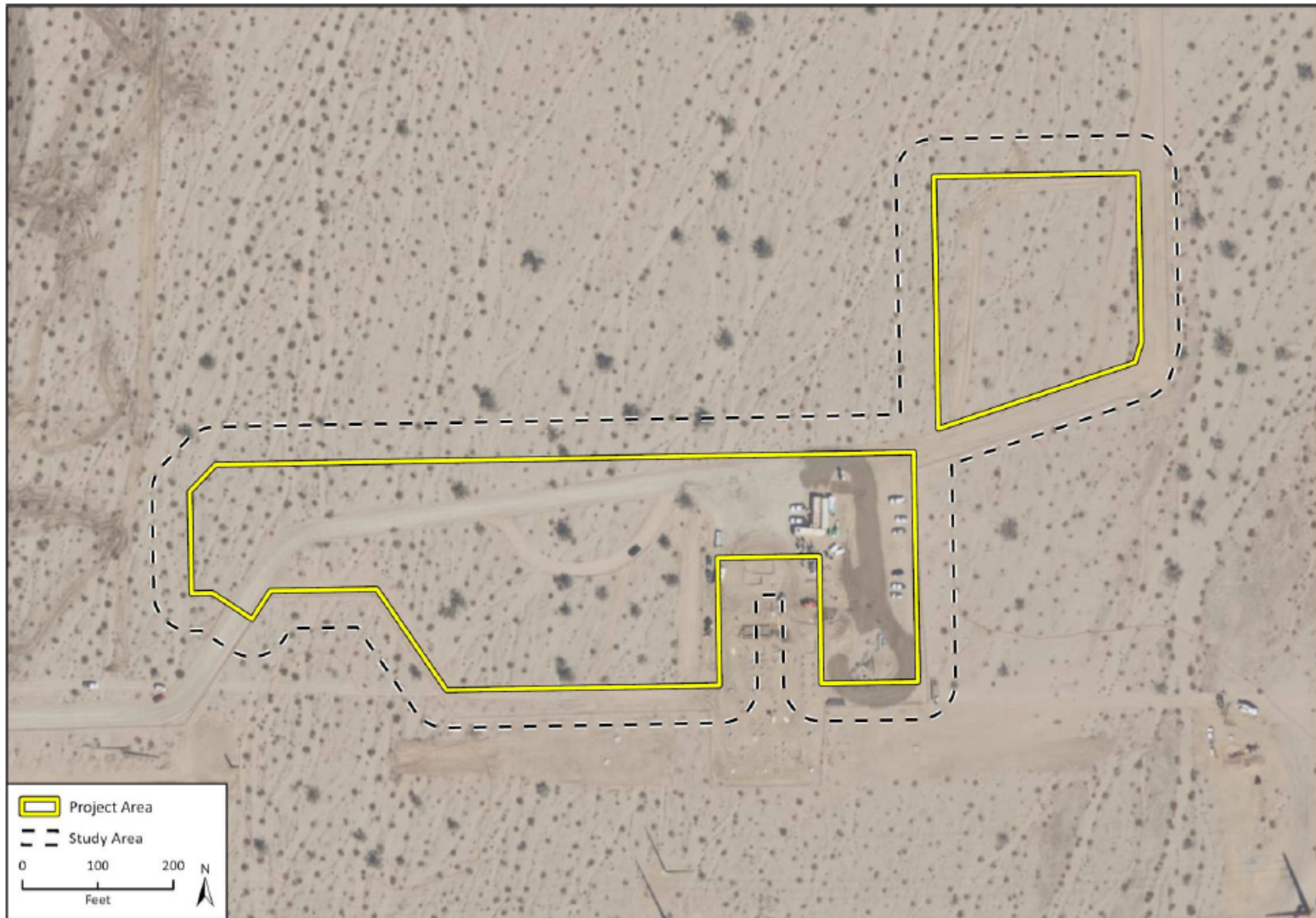
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File: WDID: 7B333045001, RM: 460531, Place ID: 900434, Athos Battery Energy Storage System (BESS) 1S Project, Order 2004-0004-DWQ

cc: [via email only] (with enclosures):

South Coast AQMD - Toxic and Waste Management: [Jenriquez@aqmd.gov](mailto:Jenriquez@aqmd.gov)  
Riverside County Department of Environmental Health: [Mmistica@rivco.org](mailto:Mmistica@rivco.org)  
Riverside County Flood Control and Water Conservation District: [Romustaf@rivco.org](mailto:Romustaf@rivco.org)  
US Bureau of Land Management: [BLM\\_CA\\_Web\\_CD@blm.gov](mailto:BLM_CA_Web_CD@blm.gov)  
USEPA Region IX 401 Program: [R9cwa401@epa.gov](mailto:R9cwa401@epa.gov)  
US Fish and Wildlife Service: [peter\\_sanzenbacher@fws.gov](mailto:peter_sanzenbacher@fws.gov)  
CA Department of Fish and Wildlife Region 6 - Inland Desert Region:  
[R6LSA@wildlife.ca.gov](mailto:R6LSA@wildlife.ca.gov)  
DDW, State Water Resources Control Board: [Chun.Huang@waterboards.ca.gov](mailto:Chun.Huang@waterboards.ca.gov)  
CA Department of Toxic Substances: [Katherine.Butler@dtsc.ca.gov](mailto:Katherine.Butler@dtsc.ca.gov)  
CA Department of Transportation - District 8: [John.Chisholm@dot.ca.gov](mailto:John.Chisholm@dot.ca.gov)  
CA Department of Water Resources: [Bob.Pierotti@water.ca.gov](mailto:Bob.Pierotti@water.ca.gov)  
401 Program, DWQ, State Water Resources Control Board:  
[Stateboard401.Stateboard401@waterboards.ca.gov](mailto:Stateboard401.Stateboard401@waterboards.ca.gov)  
CA Department of Resources Recycling & Recovery:  
[WPCMDivision@calrecycle.ca.gov](mailto:WPCMDivision@calrecycle.ca.gov)  
Coachella Valley Association of Governments: [Cvag@cvag.org](mailto:Cvag@cvag.org)

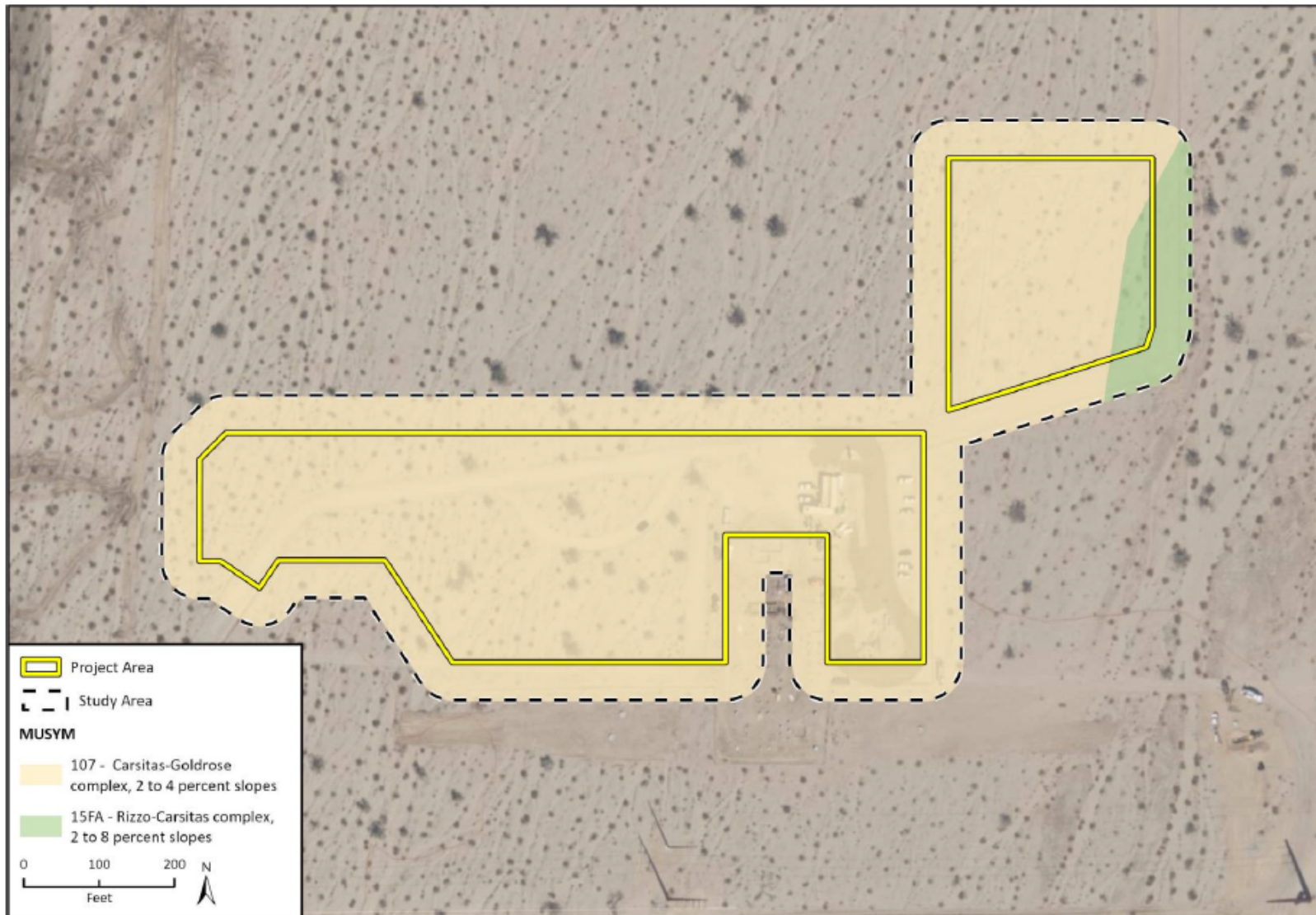




**Figure 2:** Satellite image of the Project Area and Project Site



**Figure 3:** Satellite image showing U.S. Geological Survey (USGS) National Wetland Inventory (NWI) data for the Project Site



**Figure 4:** Satellite image showing Natural Resource Conservation Service (NRCS) soils on the Project Site



**Photo 1:** Northern end of feature with Access Road crossing dry desert wash where previously graded within Athos I BESS South Project Area facing southwest



**Photo 2:** Southern end of remnant dry desert wash feature within Athos I Bess South Project Area facing north



**Photo 3:** Northern end of remnant dry desert wash feature within Athos I BESS South Project Area facing south

**Attachment B**  
**Order No. 2004-0004-DWQ**

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A copy of Order No. 2004-0004-DWQ can be found at:

[https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/generalorders.html](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html)