Central Valley Regional Water Quality Control Board

22 December 2025

William Risse
Dry Creek Energy Storage, LLC
575 Fifth Avenue, 24th Floor
New York City, NY 10017
William.L.Risse@desri.com

NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER NO. 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, DRY CREEK ENERGY STORAGE PROJECT (WDID#5A34CR00922), SACRAMENTO COUNTY

On 1 July 2025, Dry Creek Energy Storage, LLC submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the United States Army Corps of Engineers to be Outside of Federal Jurisdiction.

The Central Valley Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Dry Creek Energy Storage Project (Project) meets the requirements of, and is hereby enrolled under, Order No. 2004-0004-DWQ. You may proceed with your Project in accordance with the Order.

A copy of Order 2004-0004-DWQ (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf) can be found on the State Water Resources Control Board's Adopted Orders webpage and is enclosed.

Please familiarize yourself with the requirements of Order No. 2004-0004-DWQ. You are responsible for complying with all applicable Order requirements. Failure to comply with Order No. 2004-0004-DWQ constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION:
The 29.7-acre Project consists of the installation of a Battery Energy Storage System (BESS) and be connected to the Rancho Seco Solar II project. The BESS project area is within the area disturbed during the construction of the Rancho Seco Nuclear Power Plant and periodically thereafter for activities relating to the operation and maintenance

of the generation station and adjacent cooling pond infrastructure and/or during construction of the Rancho Seco Solar II Project. The site currently consists of some paved areas and disturbed but undeveloped areas adjacent to the previous nuclear generating station cooling ponds.

The BESS system will receive energy (charge) from the electrical grid via an existing point of interconnection (POI) for the solar facility, store that energy on site, and then later deliver energy (discharge) back to the POI to be delivered back to the electrical grid.

Project elements that affect aquatic resources include grading necessary to prepare the Site for the BESS system for the project. The Project will permanently impact 0.18 acre of seasonal wetlands and roadside ditches.

PROJECT LOCATION:
The Project is located immediately north and northeast of the cooling towers at the former Rancho Seco Nuclear Power Plant. The approximate center of the Project area is located at latitude 38.346992°N and longitude 121.122508°W.

PROJECT SCHEDULE:
The Project is anticipated to start in June 2026 and end by June 2028.

APPLICATION FEE RECEIVED:
$6,788.00 was received on 3 July 2025.

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 A - Fill & Excavation Discharges (fee code 84).

MITIGATION AND MINIMIZATION MEASURES:
The construction contractor will develop and implement BMPs during construction and will include:

- Stabilized temporary construction entrances to limit transport and introduction of invasive species and control fugitive dust emissions.
- A Project-specific Stormwater Pollution Prevention Plan (SWPPP) incorporating a permanent Erosion and Sediment Control Plan to manage stormwater runoff during both construction and post-construction phases of the Project.
- During site preparation, the SWPPP will be implemented and initial erosion and sedimentation controls will be installed.
- Where access roads are required to cross streambed areas, the Project operator will install appropriate crossings in order to minimize impacts to these jurisdictional areas. Any access road or other Project component that would cross or otherwise be placed within drainage areas or other surface water features, under the jurisdiction of the United States Army Corps of Engineers (USACE) and the Central Valley Water Board, will comply with all Porter-Cologne Water Quality Control Act requirements, as appropriate, and as determined by the Central Valley.

- Culverted road crossings will be designed to pass storm flows without impoundment upstream, with sufficient energy dissipation provided at the outlet to reduce flow velocities to pre-Project conditions, and to allow for habitat connectivity across/beneath the roadway.
- Project design alternatives that are compatible with low impact development (LID) have either been incorporated into the project design or are being considered for incorporation, including maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge, managing runoff as close to the source as possible, and maintaining vegetated areas for stormwater management and onsite infiltration. Temporary best management practices (BMPs) will be implemented until such time that permanent BMPs are in place and functioning.
- All upland and water resource areas temporarily disturbed by Project activities will be restored to match pre-project conditions.
- Equipment staging areas and excavated soil stockpiles will be sited in upland areas outside drainage channels and other surface waters on the project site. Identified buffer areas will have exclusion fencing to protect the aquatic resources and prevent unauthorized vehicles or equipment from entering/disturbing surface waters. Equipment will use existing roadways to the greatest extent feasible to reduce the need for new access roads.

TERMINATION OF COVERAGE:
Upon completion of the Project, you shall submit a complete Notice of Termination (NOT) requesting to be un-enrolled under Order No. 2004-0004-DWQ. Attachment 2 to the Order contains the NOT form.

If you have questions concerning this matter, please contact Peter Minkel by phone at (916) 464-4684 or by email at Peter.Minkel2@waterboards.ca.gov.

Signed by Anne Walters for:

Patrick Pulupa
Executive Officer

Enclosure: State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ

Attachments: Figure 1 Site and Vicinity Map
Figure 2 Impacts on Waters of the State

cc: Distribution List, page 4

DISTRIBUTION LIST
[Via email only]

Matthew Di Loreto (SPK-2025-00068)
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
SPKRegulatoryMailbox@usace.army.mil

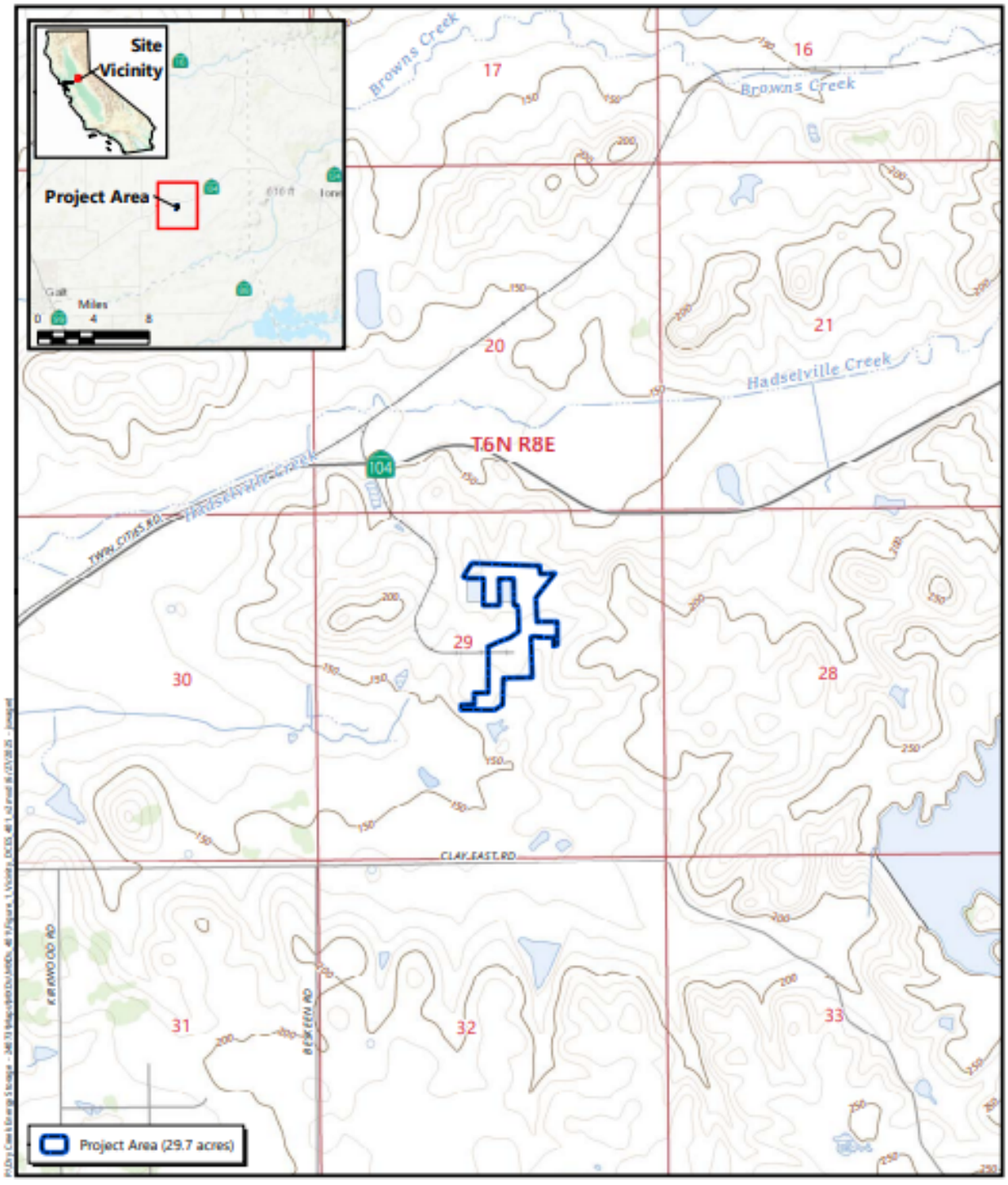
Department of Fish and Wildlife, Region 2
R2LSA@wildlife.ca.gov

United States Environmental Protection Agency
R9CWA401@epa.gov

CWA Section 401 WQC Program
State Water Resources Control Board
Stateboard401@waterboards.ca.gov

Richard McHenry
CA Sportfishing Protection Alliance
RMcHenry@calsport.org

Sarah Vonderohe
Madrone Ecological Services
SVonderohe@madroneeco.com



Source: United States Geologic Survey, 2022
"Goose Creek, California" 7.5-Minute Topographic Quadrangle
Section 29, Township 6 North, Range 8 East, MDBM
Latitude (NAD83): 38.346046°, Longitude (NAD83): -121.121032°

Figure 1
Site and Vicinity

Dry Creek Energy Storage
Sacramento County, California

MADRONE ECOLOGICAL CONSULTING

Figure 1 Site and Vicinity Map

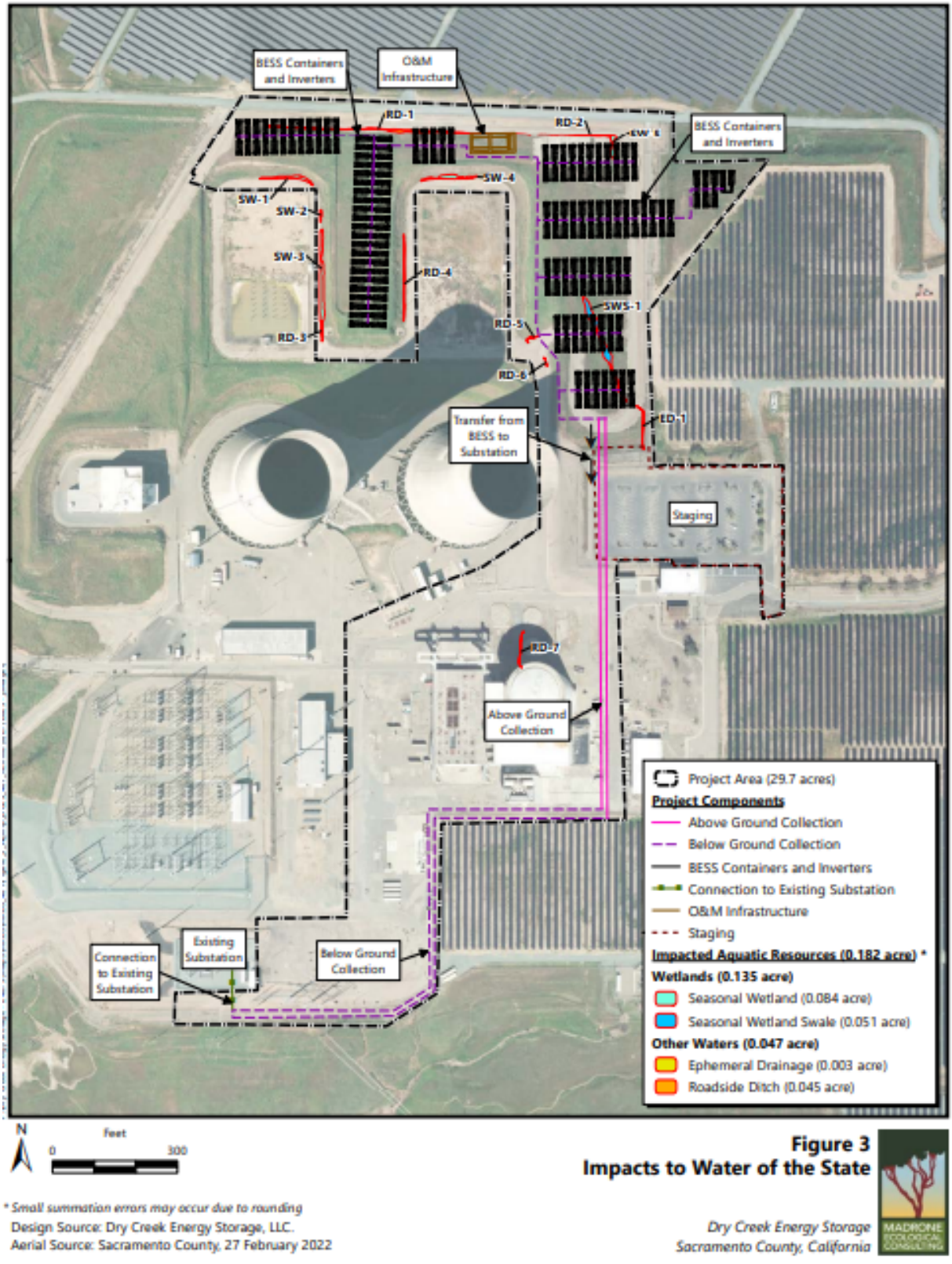


Figure 2 Impacts on Waters of the State