

**Central Valley Regional Water Quality Control Board
30/31 July 2015 Board Meeting**

**Responses to Written Comments
for the
PANOCHE VALLEY SOLAR, LLC
PANOCHE VALLEY SOLAR PROJECT
SAN BENITO COUNTY
Tentative Waste Discharge Requirements**

The following are Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff responses to written comments regarding the tentative Waste Discharge Requirements (WDRs) for the Panoche Valley Solar, LLC (hereinafter referred to as Discharger), Panoche Valley Solar Project (Project).

The tentative WDRs were circulated on 20 May 2015 for a 30-day public comment period. Written comments from interested parties were required by public notice to be submitted to the Central Valley Water Board by 5:00 pm on 19 June 2015 to receive full consideration. Written comments were received from:

- Panoche Valley Solar, LLC (Discharger) (12 June 2015)

Written comments from the Discharger are summarized below, followed by the responses of Central Valley Water Board staff. Based on the comments, Central Valley Water Board staff made changes to the tentative WDRs. Central Valley Water Board staff also made changes to the tentative WDRs to correct typographical errors and to improve clarity. Furthermore, based on conversations with the Discharger during the public comment period, Central Valley Water Board staff revised the impact area to reflect an increase in California Tiger Salamander pond creation from one to three ponds and the removal of detention basins from the Project design. Additionally, changes have been made to align with information in the Supplemental Final Environmental Impact Report.

PANOCHE VALLEY SOLAR, LLC (DISCHARGER) COMMENTS

Discharger Comment #1: Timeframe for Wetlands Mitigation and Monitoring Plan amendments

Section D.4 of the tentative WDRs requires that any proposed modifications to the Wetlands Mitigation and Monitoring Plan be submitted to the Executive Officer for approval 90 days prior to implementation. The Discharger would like the 90 day requirement to be removed in order to start construction sooner.

RESPONSE: The requested change has not been made; however, Central Valley Water Board staff proposes to reduce the timeframe for submitting proposed modifications to 30 days prior to implementation.

Discharger Comment #2: Timeframe for funding long term endowment for Conservation Lands

Section D.7 of the tentative WDRs requires that prior to initiating grading within waters of the State, the Discharger shall provide to the Central Valley Water Board's Executive Officer evidence that funding for monitoring and perpetual management and maintenance of the mitigation features and habitat in the conserved preservation areas has been provided for in perpetuity. The Discharger would like to provide funding 18 months after start of grading.

RESPONSE: The requested change has not been made. Evidence of funding must be provided prior to land disturbance. This requirement is consistent with requirements in previous orders adopted by the Central Valley Water Board for similar project impacts. Requiring evidence of funding prior to land disturbance is consistent with maximum benefit to the people of the State because it provides incentive to ensure the compensatory mitigation will be successfully completed.

Discharger Comment #3: Performance Bond

Section D.8 of the tentative WDRs requires that no less than 30 days prior to initiating grading in waters of the State, the Discharger shall provide to the Central Valley Water Board's Executive Officer a performance bond for 120% of the amount required to complete the compensatory mitigation creation, enhancement and restoration activities. The Discharger would like the 30 day requirement removed to potentially accelerate start of construction. Additionally, the Discharger would like to reduce the performance bond amount to 100% of the amount needed for mitigation activities because a 20% contingency fee is included in the cost estimate.

RESPONSE: Central Valley Water Board staff proposes to reduce the timeframe for providing a performance bond to 14 days prior to start of construction. The amount of the performance bond will remain at 120% of the amount required to complete the compensatory mitigation activities. The amount is consistent with performance bond requirements in similar orders adopted by the Central Valley Water Board.