

**RESPONSE TO COMMENTS**  
**WASTE DISCHARGE REQUIREMENTS**  
**PROPOSED ORDER NO. R3-2021-0012**

For

**CITY OF EL PASO DE ROBLES**  
**ANNUAL FLOOD CONTROL AND**  
**FIRE FUEL LOAD REDUCTION PROJECT**  
**SAN LUIS OBISPO COUNTY**

The Central Coast Regional Water Quality Control Board (Central Coast Water Board) provided an opportunity for the public to review and provide input and submit written comments on proposed Waste Discharge Requirements Order No. R3-2021-0012 for the City of El Paso de Robles Annual Flood Control and Fire Fuel Load Reduction Project. This document describes the written public comments received and contains Central Coast Water Board staff's responses to the written comments on proposed Order No. R3-2021-0012. Staff considered all comments received during the public comment.

Early Outreach

Prior to circulating proposed Order No. R3-2021-0012 for public comment, Central Coast Water Board staff circulated a "preliminary" draft of Order No. R3-2021-0012 for review and comment by the City of El Paso de Robles on January 14, 2021.

A preliminary draft review process is not required by law or policy; however, Central Coast Water Board staff provided an early opportunity for collaboration with the city to optimize water quality protection while still providing for achievement of the city's project objectives. Central Coast Water Board staff did not develop written responses to comments on the preliminary draft, but comments received on the preliminary draft were incorporated by staff to develop proposed Order No. R3-2021-0012.

Response to Written Comments

Central Coast Water Board staff released proposed Order No. R3-2021-0012 for a 30-day public comment period starting January 26, 2021, and ending on February 26, 2021. A copy of the public notice and proposed Order No. R3-2021-0012 are available on the Central Coast Water Board's website. Written comments were received during this period from the following individual:

- David LaCaro, Stormwater Program Manager, City of El Paso de Robles

The responses to the written comments and the revisions made to the proposed Order No. R3-2021-0012 are provided below.

**DAVID LACARO, STORMWATER PROGRAM MANAGER, CITY OF EL PASO DE ROBLES**

Comment letter dated: February 26, 2021

Please note that comment text written in red in the Discharger's original February 26, 2021 submission has been replaced with underlined text in this document.

**City Comment 1**: Suggested language amendment "...to the ROWD based on preliminary discussions with Central Coast Water Board staff that included..."

**Central Coast Water Board Response**: Staff amended language in Purpose of Order finding 4 where suggested by the city.

**City Comment 2**: Add the filing date with the San Luis Obispo County Clerk and Recorder for the Categorical Exemption on February 8, 2021.

**Central Coast Water Board Response**: Staff added the filing date in California Environmental Quality Act finding 18.

**City Comment 3**: Suggest additional language at the end of the section. "Mitigation sites identified in *Mitigation Receiver Sites Preliminary Evaluation* (Exhibit 9) may be modified depending on success factors. Selection guidelines will further assist City staff select optimal locations for mitigation receiver sites."

**Central Coast Water Board Response**: Staff added additional language to Waters of the State Conservation and Mitigation finding 25 allowing modification of mitigation upon approval of the Central Coast Water Board Executive Officer.

**City Comment 4**: Suggested language amendment "...unauthorized emergency vegetation management work..."

**Central Coast Water Board Response**: Staff amended language in Waters of the State Conservation and Mitigation finding 26 to add "emergency" as recommended by the City.

**City Comment 5**: Add date "January 26, 2021."

**Central Coast Water Board Response**: Staff added the date in general finding 29 as suggested by the city.

**City Comments 6, 9, 11:** The City has some concern about receiving written approval prior to the start of the proposed maintenance activities. City staff would like to see some additional language that allows the City to proceed with proposed maintenance activities in accordance with the Annual Work Plan, if the City does not receive written approval from the Central Coast Water Board by April 14.

This concern is repeated for draft Order No. R3-2021-0012 Provisions 3, 16, and 19.

**Central Coast Water Board Response:** Staff modified language in provisions 14, 27, and 30, to allow the city to commence maintenance activities after April 14 if no response has been received from the Central Coast Water Board after submittal of the annual workplan due March 15. However, if the Central Coast Water Board sends comments on the annual workplan prior to April 14, the City must address those comments and receive written approval of the annual workplan before activities commence.

**City Comment 7:** This section requires the removal of trash “at least weekly.” This could place the City in a financial burden depending on the duration of the project. Further, hauling off a roll-off bin that is not full could be cost prohibitive. The City suggest that language be amended to reflect the variation of trash amount collected on a weekly basis. City staff suggest including language in the first sentence “...at least weekly or when the trash receptacle is full.” This will make it consistent with the second sentence.

**Central Coast Water Board Response:** Staff reworded provision 18 to clarify that the first sentence requiring weekly trash removal refers to small trash containers that can be emptied by hand. Large roll-off style bins or dumpsters for collecting large debris and trash that are found in the Salinas River channel are referred to in the second sentence, and they will only be required to be removed when the trash receptacle is full. The roll-off bins must be properly secured to prevent trash from escaping during the time they are in use.

**City Comment 8:** City staff recommends that the numeric values identified in Table 1 “tons per acre” column are consistent with the bullet points in the bullet points above that describe fuel types and associated tons per acre.

**Central Coast Water Board Response:** Table 1 will be used to categorize vegetation prior to fire fuel load reduction. Fuel load reduction targets are different for each fuel model and are described in Exhibit 4. The bullet points in provision 26 describe the desired end condition or provide the limit on how much biomass removal is permitted for

a given category of vegetation. They are not intended to be the same numeric values as those in Table 1 for each fuel model. Provision 26 has been modified to clarify this.

**City Comment 10:** Suggested language replacement indicating that “trees and shrubs measuring 4 inches diameter at breast height shall be trimmed...” Please remove the word avoided.

**Central Coast Water Board Response:** Staff amended language in provision 28 to clarify that removal of trees and shrubs greater than 4 inches diameter at breast height will be avoided but they may be trimmed.

**City Comment 12:** Suggested language “...and transported to the Water and Streets Department Lower Water Yard, the Paso Robles Wastewater Treatment Plant, or another appropriate designated location, such as Paso Robles Landfill or similar by...”

**Central Coast Water Board Response:** Staff amended language in provision 31 as suggested by the city.

**City Comment 13:** The City requests language that allows for a discussion between RB and City regarding replacement of mitigation area damage due to a Force Majeure event.

**Central Coast Water Board Response:** Staff amended language in provision 43 to allow for submission of an amended Mitigation Plan for written approval from the Central Coast Water Board Executive Officer in the case of a force majeure event.

**City Comment 14:** Suggested language addition “The Discharger or its contractors must consistently...”

**Central Coast Water Board Response:** Staff added language in monitoring paragraph 5 of proposed Monitoring and Reporting Program No. R3-2021-0012 as suggested by the city.

**City Comment 15:** Suggested language addition “The Discharger shall monitor invasive species removal locations for three years after treatment and or removal.”

**Central Coast Water Board Response:** Staff added language in monitoring paragraph 8 of proposed Monitoring and Reporting Program No. R3-2021-0012 as suggested by the city.

**City Comment 16:** Suggested language replacement “This shall identify all locations and anticipated date range of maintenance at each location.”

**Central Coast Water Board Response:** Staff replaced language in reporting paragraph 7.b of proposed Monitoring and Reporting Program No. R3-2021-0012 as suggested by the city.