

Response to Comments

Comment Deadline: July 6, 2021 by 5:00 p.m.
 Waste Discharge Requirements (WDRs)
 for Dredged or Fill Discharges to Waters of the State
 Order R7-2021-0035
 Crimson Solar Project Battery Energy Storage System

Changes proposed in response to comments are described below and incorporated into a redline that is available upon request and will be available at the hearing on the permit. Please contact Kai Dunn at (760) 776-8986 or kai.dunn@Waterboards.ca.gov for a copy.

Table 1. Response to Comments

Comment Letter #	Date	Commenter	Affiliation
1	6/25/2021	Scott Dawson	Director of Permitting, Recurrent Energy
Comment #	Location in the WDRs	Comment	Response
1.1	Page 17, Section XII. Conditions, Part H. Compensatory Mitigation for Temporary and Permanent Impacts, subsection 1. Total Required Compensatory Mitigation, subsection a.	Commenter requests to revise the condition to include the following sentence, “The compensatory mitigation may be “nested” with other compensatory mitigation to be obtained by the Permittee in compliance with other federal and state agency permit requirements.”	Staff does not object to the concept of “nesting” mitigation measures to satisfy both CDFW and the Regional Water Board compensatory mitigation requirements for impacts to the same waters of the state, however, staff will not revise the Proposed Order to include the sentence. The proposed Order does not disallow the nesting of mitigation measures. The proposed Order incorporates and approves the draft Compensatory Mitigation Plan submitted with the Project’s application which discusses the nesting concept (See Section XII. Conditions, Part H. Compensatory Mitigation for Temporary and Permanent Impacts, subsection 2. Final Compensatory Mitigation Plan).

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1	6/25/2021	Scott Dawson	Director of Permitting, Recurrent Energy
Comment #	Location in the WDRs	Comment	Response
1.2	Page 18, Section XII. Conditions, Part H. Compensatory Mitigation for Temporary and Permanent Impacts, subsection 3. Permittee-Responsible Compensatory Mitigation Responsibility, subsection a.	Commenter requests to revise the condition to modify the time requirement from 120 days to 18 months, to align this requirement across other permits and approvals for the Project.	Staff agrees with this comment, and the proposed Order will be updated as shown in redline below. <ul style="list-style-type: none"> a. The Permittee-responsible mitigation shall be completed within 120 days<u>18 months</u> of authorized impacts.
Comment #	Date	Commenter	Affiliation
2	7/6/2021	Logan Raub	Colorado River Basin Water Board Staff
Comment #	Location in the WDRs	Comment	Response
1	Page 11, Section XII. Conditions, Part C. Water Quality Monitoring subsection 4 – Post Construction, 1 st sentence.	Staff recommends revising the qualified rain event for visual inspection.	The proposed Order will be updated as shown in redline below. The Permittee shall visually inspect the Project site during the rainy season <u>a rain event of greater than 0.1 inches that produces a discharge</u> for five (5) years to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site.