



Comment Letter #1



Lahontan Regional Water Quality Control Board

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File: Environmental Doc Review
San Bernardino County

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Comments on the Draft Initial Study and Mitigated Negative Declaration for Panamint Valley Limestone - Conditional Use Permit, San Bernardino County, State Clearinghouse Number 2019119083

The Lahontan Regional Water Quality Control Board (Water Board) received an Initial Study and Mitigated Negative Declaration (IS/MND) for the above-referenced Project (Project) on November 25, 2019. The IS/MND was prepared by San Bernardino County (County) and submitted in compliance with provisions of the California Environmental Quality Act (CEQA).

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Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations, title 14, section 15096. We thank the County for providing Water Board staff the opportunity to review and comment on the IS/MND and for taking the initiative to develop the IS/MND with considerations to potential effects on water quality and for integrating elements into the Plan that promote watershed management and reduce the effects of hydromodification. Our comments on the proposed Project are outlined below.

WATER BOARD'S AUTHORITY

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All groundwater and surface waters are considered waters of the State. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the United States. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the United States.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of

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waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at:

http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

COMMENTS ON THE ENVIRONMENTAL REVIEW

- 1-3
1. The proposed Project will be on a brownfield parcel that was previously used as the Argus Boiler Ash Landfill. This operation was permitted with Water Board waste discharge requirements (WDR). Board Order Number R6V-2004-0008 states "Findings 2, 6, and 9 describe the waste disposed at the Facility as inert. The Facility consists of two unlined, unclassified landfills and can only accept inert waste, pursuant to California Code of Regulations (CCR), title 27, section 20230, subdivision (b). Finding 10 supports the designation of inert as the waste cannot impact water quality. Samples collected from the waste since 2003 further support this designation." These findings are supported by soluble threshold limit concentration analyses on the waste. This finding was used as part of the justification for the rescission of the WDR in 2015. Please add to the hydrology/water quality section to address that the landfill waste does not pose a threat to water quality with the proposed modifications to the parcel.

PERMITTING REQUIREMENTS FOR INDIVIDUAL PROJECTS

A number of activities have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include the following.

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1. Land disturbance of more than one acre may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.
 2. Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board.

Water Board staff requests that the IS/MND recognize the potential permits that may be required for the Project, as outlined above. Information regarding these permits, including application forms, can be downloaded from our website at <http://www.waterboards.ca.gov/lahontan/>. Early consultation with Water Board staff regarding potential permitting is recommended.

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Thank you for the opportunity to comment on the IS/MND. If you have any questions regarding this letter, please contact me at (760) 241-7373 amanda.lopez@waterboards.ca.gov or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7376 jan.zimmerman@waterboards.ca.gov. Please send all future correspondence regarding this Project to the Water Board's email address at Lahontan@waterboards.ca.gov and be sure to include the State Clearinghouse No. and Project name in the subject line.

Amanda Lopez
Engineering Geologist

cc: State Clearinghouse (SCH 2019119083) (state.clearinghouse@opr.ca.gov)

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