



Lahontan Regional Water Quality Control Board

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File: Environmental Doc Review
San Bernardino County

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Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

4/16/2020

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

Lahontan Regional Water Quality Control Board (Water Board) staff 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). A subsequent revised IS/MND was prepared and issued for public comment and review on March 20, 2020. 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 revised draft IS/MND and for taking the initiative to develop the IS/MND with considerations to potential effects on water quality and for integrating elements that promote watershed management and reduce the effects of hydromodification. Our comments on the proposed Project are outlined below.

WATER BOARD'S AUTHORITY

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. Panamint Valley Limestone (PVL) installed a well on the property to supply water for the process. The groundwater in Searles Valley is of brackish quality, therefore, PVL plans to install a treatment system to make the water potable to be able to use it in the process. The IS/MND does not describe the proposed treatment technology nor how the byproducts and/or waste generated by the treatment process will be disposed. Please revise the IS/MND to describe the proposed water treatment process and to describe how the waste generated will be handled and then disposed of. The IS/MND should include a list of mitigation measures that, when implemented, would reduce all potential impacts from all proposed water treatment processes to a less than significant level.
2. The revised IS/MND states that there will be two 10,000-ton stockpiles developed on the ground, and that "The limestone will be composited, sampled, and tested to confirm no existence of hazardous levels of toxic contaminants above the CCR Title 22-17 threshold limits." Please clarify what sampling frequency will be used to confirm there are no contaminants in the limestone and explain what other measures will be taken to ensure there is no direct discharge of contaminants to the ground. The IS/MND should include a list of mitigation measures that, when implemented, would reduce all potential impacts as a result of stockpiling materials on the ground to a less than significant level.
3. The original Project description stated that there would be "zero discharge" from the site. In the revised IS/MND, this statement was removed; it is unclear whether the lime process will generate any liquid or solid wastes and, if so, how those wastes will be handled and disposed of. Without this information in the IS/MND, Water Board staff cannot evaluate whether the Project poses a threat to water quality or whether additional mitigation measures need to be imposed to ensure the protection of water quality. Please revise the IS/MND to include all potential waste streams that may be generated on site, a description for how these wastes will be contained and managed on site, and a description for how these wastes will ultimately be disposed of.
4. For the record, Water Board staff original comments did not discuss "alteration" of the ash disposal site cap. Additionally, the Water Board determined that the former ash landfill contained inert wastes and on June 10, 2015 rescinded the Waste Discharge Requirements issued for the former landfill. The Water Board did not require formal closure of the site as part of that rescission.

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.

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.
3. Discharge of waste to land may require Waste Discharge Requirements issued by the Lahontan Water Board in compliance with the California Code of Regulations, title 27, section 20005 et seq. If the Project includes wastes that can be characterized as either designated and/or non-hazardous, and a planned discharge to land would occur, a Report of Waste Discharge application, Form 200, will be required to be submitted to Water Board staff a minimum of 140 days prior to the proposed waste discharge.
4. Activities associated with containment and disposal of wastewater generated from water treatment processes may require coverage under Board Order No. R6T-2020-0017, General Waste Discharge Requirements for Small Industrial Wastewater Treatment Systems, 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.

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.



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