



Lahontan Regional Water Quality Control Board

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File: Environmental Doc Review
Kern County

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Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Ridgecrest Burn Dump #1 Remediation Project, Kern County, State Clearinghouse Number 2020079015

Lahontan Regional Water Quality Control Board (Water Board) staff received the Notice of Intent to Adopt a Mitigated Negative Declaration for the Ridgecrest Burn Dump #1 Remediation Project (Project) on July 8, 2020. The notice, which included an Initial Study/Mitigated Negative Declaration (IS/MND) and associated appendices, was prepared and submitted by Kern County Environmental Health Division (Kern County) in compliance with provisions of the California Environmental Quality Act (CEQA). Lahontan 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 (CCR), title 14, section 15096. Based on our review of the IS/MND, we have determined that the environmental document does not adequately address the following: (1) storm water run-on and run-off; 2) require or establish criteria for revegetation of all disturbed surfaces on the Project site; or (3) include a requirement to limit the footprint and reduce the area of disturbance on the Project site. Our comments are outlined below.

COMMENTS ON THE PROPOSED PROJECT AND ON THE IS/MND

1. The Construction Plans C-1 of the Hydrology Study (Appendix F, IS/MND) show a Sump (retention pond) will be excavated east and upgradient of the waste trenches. Existing topographic elevation contours on the Construction Plans C-1 and on Drainage Maps D-1 and D-2, show northwest flowing ephemeral drainages crossing the Project site from the south and east, continuing across the Project site (or being impeded by the waste trenches), and departing the Project site towards the northwest.

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

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It appears that the sump/retention pond will intercept flow in several of the ephemeral drainages that cross the Project site, truncating flow in these drainages to downstream areas; this is an unacceptable pond design and has the potential to result in significant impacts to hydrology and water quality. We recommend Kern County consider constructing an engineered stormwater conveyance system to collect stormwater run-on, route the stormwater around the closed waste units, and return the storm flows to the ephemeral drainages at the downstream edge of the Project site. Post-Project stormwater discharge volumes and flow rates should match pre-Project conditions so as not to create a condition of scour and erosion downstream of the Project.

2. Section 1.4 Project Description states, "Once construction is complete, the disturbed areas will be revegetated through drill seeding and hydroseeding." Water Board staff anticipate disturbed areas to include borrow surfaces, graded surfaces, haul roads, staging areas, parking areas, and to include all surfaces on site that are disturbed as a result of remediation efforts associated with the project. Additionally, revegetation must have success criteria to establish when revegetation is complete. Success criteria should be at a minimum of 70% of adjacent undisturbed native cover. Monitoring should continue for a minimum of three years or longer until the revegetation criteria is met and contain adaptive management criteria in the event performance measures are not being met.
3. Figure 3 Construction Areas, of the IS/MND show the proposed borrow area east of the waste trenches, and a proposed construction staging area located immediately southeast of the borrow area. The Construction Plan C-1 and Drainage Map D-2 show the sump/retention pond will be located east of the waste trenches and extend several hundred feet beyond the southern limits of the proposed borrow area as shown on Figure 3. Water Board staff suggest the borrow area limits be modified to fully include the sump/retention pond, and then relocating the construction staging area to within the borrow area to further reduce the area of ground surface disturbance.
4. Section 3.7 Geology and Soils identifies the Little Lake fault zone is located 5 miles to the north, and the Garlock fault zone is located approximately 7 miles to the south. The United States Geological Survey has mapped surface fault zone rupture associated with the M6.4 and M7.1 Ridgecrest earthquake sequence of July 4 and 5, 2019 within 3.7 miles (5.9 kilometers) northeast and trending northeast-southwest towards the Project site as shown on the on the weblink provided by the United States Geological Survey website (<https://www.sciencebase.gov/catalog/item/5d699da6e4b0c4f70cf2f936>). Given the location of the site to mapped faults, Water Board staff strongly suggest a site inspection will be performed within 48 hours following a significant¹ earthquake epicenter located at or within 30 miles the site. Should

¹ A significant earthquake is a seismic event classified according to the United States Geological Survey (USGS) Earthquake Hazard Program as a moderate earthquake measuring between 5 and 5.9 on the Richter scale, or
(footnote continued on next page)

the inspection reveal that any physical damages to the containment and/or stormwater conveyance features have occurred, repairs would need to be made to maintain the as-built Project condition.

PERMITTING REQUIREMENTS

A number of activities associated with the proposed Project 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 one or more of the following.

5. Projects that result in excavation in, discharge of fill to, or otherwise physical alteration of surface waters will require either (1) a CWA, section 401 water quality certification for impacts to federal waters or (2) dredge and fill waste discharge requirements for impacts to non-federal waters of the State, both of which are issued by the Lahontan Water Board.
6. Land disturbance of more than 1 acre may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System 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.

Thank you for the opportunity to comment on the IS/MND. If you have any questions regarding this letter, please contact me at (760) 241-4942 (jeffrey.fitzsimmons@waterboards.ca.gov) or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7376 (jan.zimmerman@waterboards.ca.gov).



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higher. The Discharger may use the Modified Mercalli Intensity Scale VI or higher for equivalent ground shaking generated by a significant earthquake of Richter magnitude 5.0 or higher as contained with the USGS Earthquake Hazard Program Magnitude/Intensity Comparison chart found at <https://earthquakes.usgs.gov>.