
Lahontan Regional Water Quality Control Board

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San Bernardino County

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STATE CLEARINGHOUSE

Comments on Initial Study and Mitigated Negative Declaration for the American Organics Victor Valley Regional Composting Facility Expansion Project, San Bernardino County, State Clearinghouse No. 2021060616

Lahontan Regional Water Quality Control Board (Water Board) staff received the Initial Study and Mitigated Negative Declaration (IS/MND) for the American Organics Victor Valley Regional Composting Facility Expansion Project (Project), on June 24, 2021. Generally, the Project includes the construction expansion of the existing composting operations by expanding operations to enable further storage and processing of composted materials. The IS/MND was circulated by the Victor Valley Wastewater Reclamation Authority (VWWRA), in accordance with the provisions of the California Environmental Quality Act (CEQA).

Water Board staff, acting as a responsible agency, is providing these comments to specify scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations, title 14, section 15096. Based on our review of the limited information provided, we recommend the following be considered in the environmental review for the Project: 1) the current composting operation is permitted under California Code of Regulations (CCR), title 27 requirements, therefore the expansion area will need to be constructed to meet CCR, title 27 requirements; 2) runoff and/or any discharges from the composting activities will need to be adequately characterized and contained as this waste could be characterized as "designated" pursuant to section 13173 of the California Water Code; 3) mitigation should be based on complete evaluation of the threat to water quality and may require a more stringent containment system than stormwater detention ponds; 4) drainage and stream channels must be avoided to the extent practicable to minimize impacts to waters of the State; 5) erosion control construction best management practices (BMPs) be included to effectively treat stormwater runoff during the life of the

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Project; and 6) water quality and hydrology analyses discuss the beneficial uses of the water and potential Project impacts with respect to those beneficial uses. Our comments are outlined below.

Water Board's Authority

All groundwater and surface waters are considered waters of the State. Surface waters include streams, lakes, ponds, and wetlands, and may be ephemeral, intermittent, or perennial. 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 U.S. The Federal Clean Water Act, (CWA) provides additional protection for those waters of the State that are also waters of the U.S.

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 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.

Specific comments

We recommend the following be considered in the environmental review.

1. The leachate from the composting process must be adequately characterized. It has been Water Board staff's experience that the leachate from composting processes is a designated waste, and must be regulated, contained, and monitored in accordance with CCR, title 27. Because of the proximity of the site to the Mojave River, the existing facility is permitted under individual Waste Discharge Requirements. Therefore, the Project proponent must submit a Revised Report of Waste Discharge for the expansion, fully characterizing the site conditions and the waste, including determining if the waste is designated in accordance with the *Designated Level Methodology for Waste Classification and Cleanup Level Determination*, Central Valley Water Board, October 1986, and updates.
2. The Project proposes that all flows generated on the expanded portion of the Facility shall be collected within the operations areas and flows shall be released from the water quality management basins (stormwater detention basins) at a volume not greater than historic flows that flowed from the eastern edge of the existing Facility operating site. When stormwater commingles with material on site, that stormwater becomes waste, which must be contained appropriately. Should it be determined that the waste is designated, those ponds will need to be

surface impoundments constructed to the requirements of CCR, title 27 for Class II facilities. Additionally, these surface impoundments will need to capture the volume of water from a 1,000 year, 24- hour storm event.

3. The Project area is adjacent to the Mojave River. The Water Board requires that impacts to water resources be avoided where feasible and minimized to the extent practical. Compensatory mitigation will be required for all unavoidable permanent impacts to surface water resources. Water Board staff coordinate all mitigation requirements with staff from other federal and state regulatory agencies, including the U.S. Army Corps of Engineers (USACE) and the California Department of Fish and Wildlife. In determining appropriate mitigation ratios for impacts to waters of the State, Water Board staff considers Basin Plan requirements, which include, at a minimum, a 1.5 to 1 mitigation ratio for impacts to wetlands. Water Board staff uses *12501-SPD Regulatory Program Standard Operating Procedure for Determination of Mitigation Ratios*, published December 2012 by the USACE, South Pacific Division, to enable us to determine a mitigation ratio for projects that impact waters in our region.
4. The IS/MND does not specifically identify features to prevent pollutants from non-point sources from entering and degrading surface or groundwaters. The foremost method of reducing impacts to watersheds from urban development is “Low Impact Development” (LID), the goals of which are to maintain a landscape functionality equivalent to predevelopment hydrologic conditions and to minimize potentially less impacts to receiving waters, the principles of which include: maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge, managing runoff as close to the source as possible; and maintaining vegetated areas of storm water management and onsite filtration.
5. The beneficial uses of water resources in the Lahontan Region are listed either by watershed (for surface waters) or by groundwater basin (for groundwater) in Chapter 2 of the Basin Plan. The environmental document should identify and list the beneficial uses of the water resources with the Project area and include an analysis of the potential impacts to water quality and hydrology with respect to those beneficial uses.
6. Water quality objectives and standards, both numerical and narrative, for all waters of the State within the Lahontan Region, including surface waters and groundwater, are outlined in Chapter 3 of the Basin Plan. Water quality objectives and standards are intended to protect the public health and welfare, and welfare, and to maintain or enhance water quality in relation to the existing and/or potential beneficial uses of the water. It is these objectives and standards that should be used when evaluating thresholds of significance for Project impacts.
7. To ensure that no net loss of function and value will occur as a result of Project implementation, we request that site facilities, equipment staging areas, and

excavated soil stockpiles be micrositied outside stream channels and floodplain areas. Buffer areas should be identified, and exclusion fencing used to protect the water resource and prevent unauthorized vehicles or equipment from entering our otherwise disturbing the surface waters. Equipment should be use existing roadways to the extent feasible.

Permitting Requirements

A number of activities associated with the proposed Project may 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. Discharge of designated waste may require Waste Discharge Requirements in accordance with CCR, title 27 requirements, obtained from the Lahontan Water Board. A Report of Waste Discharge must be filed with the Water Board that fully characterizes the site and the waste at least 180 days prior to the anticipated discharge. The Report of Waste Discharge must include and adequate assessment of potential threat to water quality from this Project that satisfies CEQA.
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. Land disturbance of more than 1 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 (as amended), obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.
4. Water diversion and/or dewatering activities may be subject to discharge and monitoring requirements under either NPDES General Permit, Limited Threat Discharges to Surface Waters, Board Order R6T-2014-0049, or General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality, WQO-2003-0003, both issued by the Lahontan Water Board.

We request that the draft IS/MND recognize the potential permits that may be required for the Project, as outlined above, and identify the specific activities that may trigger these permitting actions in the appropriate sections of the environmental document. 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) 241-7333, christina.guerra@waterboards.ca.gov, or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7306, 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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cc: Anthony Bertrand, Athens Services (abertrand@athensservices.com)
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