



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

Governor's Office of Planning & Research

August 17, 2022

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Andrew Amelung
Associate Planner
Lake County Planning Department
Courthouse – 255 North Forbes Street
Lakeport, CA 95453
Andrew.Amelung@lakecountyca.gov

STATE CLEARINGHOUSE

Re: Pura Vineyards Use Permit 20-61 – dated July 25, 2022 (SCH# 2022070449)

Dear Andrew Amelung:

The Department of Toxic Substances Control (DTSC) received an Initial Study/Mitigated Negative Declaration (IS/MND) for the Pura Vineyards Use Permit 20-61 for cannabis cultivation (Project). The Lake County Planning Department (lead agency) is receiving these comments because the Project is next to the closed Benson Ridge Facility that is permitted and regulated by a DTSC issued Hazardous Waste Post Closure Facility Permit (Permit, U.S. Environmental Protection Agency [U.S. EPA] Number CAD000633289).

Background

The Benson Ridge Facility (Facility) is located at 7620 on State Highway 29, approximately 2.5 miles southeast of Kelseyville in Lake County and is the neighboring property to the east of the Project. IT Environmental Liquidating Trust (ITELT) is the current owner and operator of the Facility that is about 150 acres (Assessor's Parcel Numbers [APNs] 007-018-13, 007-029-06, 007-030-21, and 009-022-01, see attached figure) in a narrow valley that opens to Highway 29. From 1979 to 1984, the Facility operated as a treatment, storage and disposal facility for Class II-I hazardous wastes¹. The Facility operated three surface impoundments for evaporation of liquid and sludge wastes primarily from the geothermal industry. During closure, the former surface impoundments were completely excavated, and the sludge and sub-soil were deposited in an onsite waste consolidation landfill and covered with an engineered cap. A non-hazardous groundwater evaporation basin was also constructed to contain and

¹ Class I is hazardous waste and Class II is designated waste

evaporate recovered groundwater. Closure was completed in 1992. In 1997, the Facility transitioned to post closure status pursuant to a Permit issued by DTSC. DTSC authorized a Permit renewal in 2008. In 2004, ITELT was established to oversee the long-term post-closure operation, maintenance, and upkeep of the Facility. The Facility is now in post-closure and is permitted and regulated by a DTSC Permit dated 2008 and by the California Regional Water Quality Control Board, Central Valley Region.

DTSC has the following comments on the IS/MND for the Project:

1. There is a shared access easement agreement between the Project and the Facility from State Highway 29 on to Assessor Parcel Numbers (APNs) 007-030-21 (not 007-030-20 as stated on page 18 of the *Pura Vineyards Property Management Plan*) and 007-029-06, see attached parcel figure. The Facility not only has a shared responsibility for the shared access easement area but is also responsible for all the property associated with APNs 007-030-21 and 007-029-06 that have areas that are geographically lower than the shared access easement area. DTSC recommends that the following should be considered regarding APNs 007-030-21 and 007-029-06:
 - a. Based on the IS/MND, it is understood that the placing or storing of chemicals, hazardous materials, or other products within the access easement area will not occur; however, DTSC would like to reiterate that there should be a binding obligation and requirement to not use the shared access easement area as a holding, storage, or placement area.
 - b. There should be a binding obligation and requirement for a plan to be prepared, to be in place, and to be ready to implement in the event of a spill or a release of chemicals within the shared access easement area or any other area which may affect the Facility.
 - c. In addition, there should be a binding obligation and requirement to have controls for runoff that may include various pollutants (e.g., debris, chemicals, oils, fuels, herbicides, dirt/sediment, etc.) and controls for the volume and rate of runoff within the access easement area and elsewhere to prevent any impacts to the Facility.
 - d. This shared access from Highway 29 will also be used by Facility, Facility contractors, and State agency personnel.
2. The Facility is adjacent to, and down slope from, the Project. There should be a binding obligation and requirement to ensure there are 1) measures in place to prevent runoff that could contain dirt, silt, sediment, fertilizer, pesticides, herbicides, chemicals, hazardous materials, etc.; and 2) controls for the volume and rate of runoff that are associated with the Project (including construction and active and nonactive cannabis cultivation activities) to prevent runoff and its constituents from spreading and impacting the Facility.

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DTSC appreciates the opportunity to comment on the IS/MND. If you have any questions regarding this letter, please contact me at (916) 255-6574 or via e-mail at Mary.Gaspari@dtsc.ca.gov.

Sincerely,

Mary Gaspari

Mary Gaspari, Project Manager
Engineering Geologist
Legacy Landfills Office
Site Mitigation and Restoration Program
Department of Toxic Substances Control
California Environmental Protection Agency

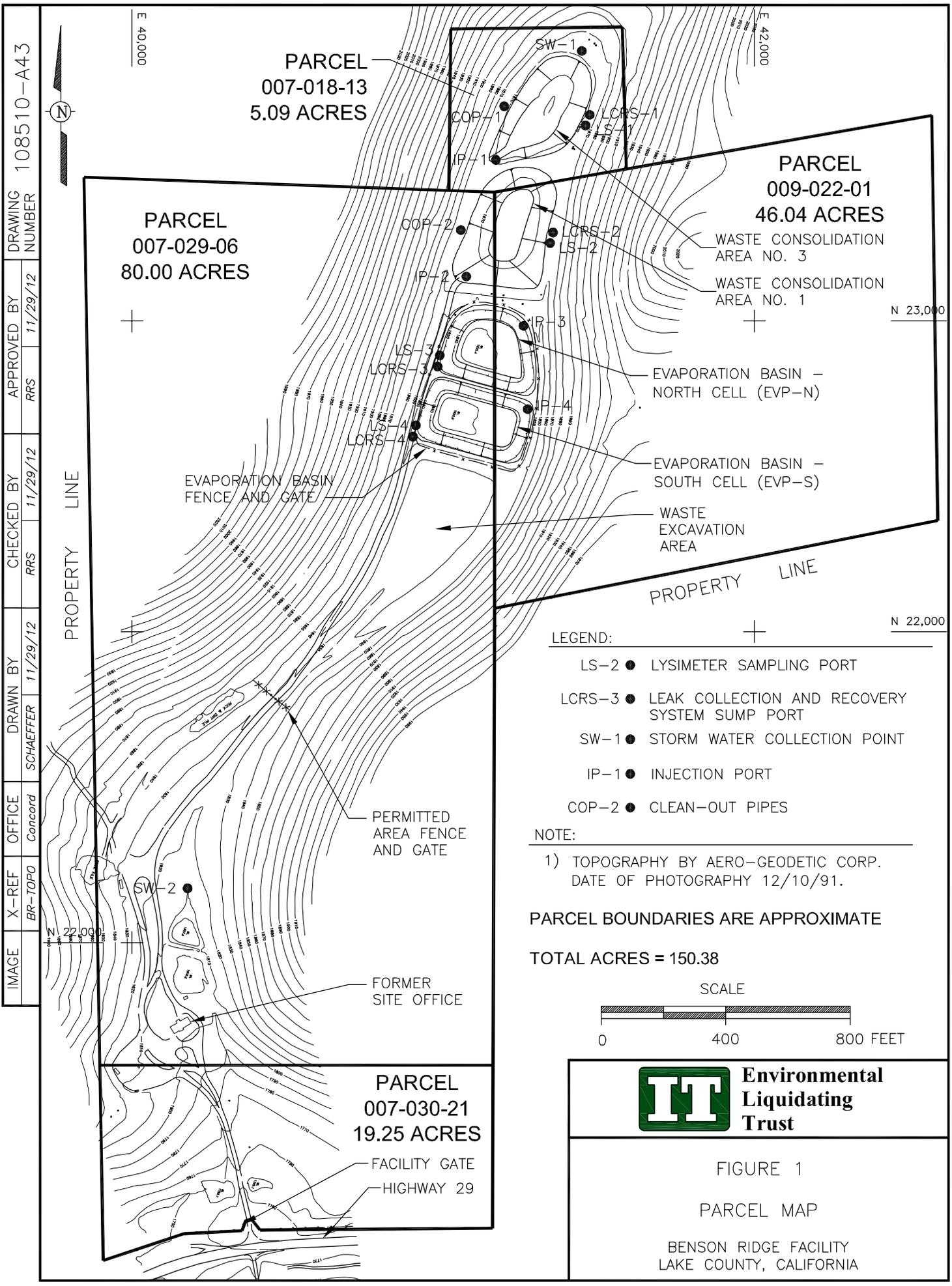
Enclosure: Figure 1 Benson Ridge Facility Parcel Map

cc: (via email)

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DRAWING NUMBER: 108510-A43
 APPROVED BY: RRS 11/29/12
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 OFFICE: Concord
 X-REF: BR-TOPO
 IMAGE:

PROPERTY LINE

E 40,000

E 42,000

N 23,000

N 22,000

- LEGEND:**
- LS-2 ● LYSIMETER SAMPLING PORT
 - LCRS-3 ● LEAK COLLECTION AND RECOVERY SYSTEM SUMP PORT
 - SW-1 ● STORM WATER COLLECTION POINT
 - IP-1 ● INJECTION PORT
 - COP-2 ● CLEAN-OUT PIPES

NOTE:

1) TOPOGRAPHY BY AERO-GEODETIC CORP.
DATE OF PHOTOGRAPHY 12/10/91.

PARCEL BOUNDARIES ARE APPROXIMATE

TOTAL ACRES = 150.38

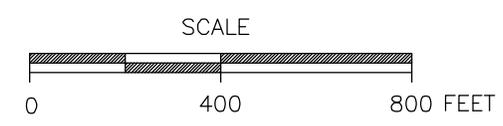


FIGURE 1
PARCEL MAP

BENSON RIDGE FACILITY
LAKE COUNTY, CALIFORNIA