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STATE CLEARINGHOUSE



Lahontan Regional Water Quality Control Board

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File: Environmental Doc Review
Kern County

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Comments on Draft Environmental Impact Report (EIR) for the Mojave Micro Mill by PSGM3 Holdings Corp (Pacific Steel Group) (PP22402), Kern County, State Clearinghouse No. 2022100646

Lahontan Regional Water Quality Control Board (Water Board) staff received a letter addressing the draft environmental impact report for the Mojave Micro Mill by PSGM3 Holdings Corp, Pacific Steel Group (Project), on November 22, 2023. As described, the Project includes the construction of a 489,200 square-foot steel mill facility with an additional 61,721 square feet of accessory buildings and structures. The operation will generally consist of infrastructure necessary to produce rebar from scrap metal through various recycling processes. The letter was circulated by Kern County, 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 information provided, we recommend the following be considered in the environmental review for the Project: 1) the proposed blowdown water evaporation pond will need to be permitted under California Code of Regulations (CCR), title 27 requirements, and therefore a Report of Waste Discharge (ROWD) will need to be submitted to the Water Board for review of issuance of waste discharge requirements (WDRs); 2) runoff and/or any discharges from the water treatment plant and associated blowdown water activities will need to be adequately characterized and contained as it may be a designated waste requiring the issuance of WDRs; 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 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.

DR. AMY HORNE, ACTING CHAIR | MICHAEL R. PLAZIAK, PG, EXECUTIVE OFFICER

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 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 discharge of blowdown water to the evaporation pond from each process (i.e., wastewater treatment plant and processes associated with the byproduct of the rebar production process) must each be adequately characterized. The discharge from industrial wastewater treatment plants and blowdown water may be a designated waste, and must be regulated, contained, and monitored in accordance with CCR, title 27. Therefore, the Project proponent will need to submit a Report of Waste Discharge for the wastewater treatment plant and all discharges to be received by the evaporation pond, fully characterizing the site conditions and the waste.
2. The draft EIR does not specifically show stormwater runoff and collection. If wastewater runoff is to be generated from stormwater, the evaporation and detention ponds may be subject to CCR, title 27 requirements. When stormwater commingles with material on site, that stormwater may become waste, which must be contained appropriately. Should it be determined that the waste is designated, those ponds may need to be constructed to the requirements of CCR, title 27 for Class II waste management units. Additionally, these surface impoundments would need to capture the volume of water from a 1,000 year, 24- hour storm event. A water management plan to include storm water flows would need to be submitted as part of the ROWD.
3. The foremost method of reducing impacts to watersheds from development is Low Impact Development (LID), the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimal generation of non-point source pollutants. LID results in less surface runoff, the principles of which include: maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge; reducing compacted and impervious cover created by development and the associated road network; and managing runoff as close to the source as possible.

LID development practices that maintain aquatic values also reduce local infrastructure requirements and maintenance costs and benefit air quality, open space, and habitat. Vegetated areas for stormwater management and infiltration onsite are valuable in LID.

We encourage the City to establish LID implementation strategies that would be applicable for all development and redevelopment projects, including this Project.

4. Because increased runoff from developed areas is a key variable driving a number of other adverse effects, attention to maintaining the pre-development hydrograph will prevent or minimize many problems and will limit the need for other analyses and mitigation. However, traditional methods for managing stormwater do not adequately protect the environment and tend to treat symptoms instead of causes. Such practices have led to channelization and stream armoring that permanently alter stream habitat, hydrology, and aesthetics, resulting in overall degradation of a watershed.

We encourage Kern County to establish specific storm water control measures and implementation strategies for the proposed Project. Examples include the use of bioretention swales, pervious pavement, and vegetated infiltration basins, all of which can effectively treat post-construction storm water runoff, help sustain watershed processes, protect receiving waters, and maintain healthy watersheds. Any particular one of these control measures may not be suitable, effective, or even feasible on every site, but the right combination, in the right places, can successfully achieve these goals.

Additional information regarding sustainable storm water management and LID can be accessed online at:

http://www.waterboards.ca.gov/water_issues/programs/low_impact_development.

The environmental document should include a mitigation measure that requires the preparation and implementation of a comprehensive Spill Prevention and Response Plan. This plan should outline the site-specific monitoring requirements and list the best management practices necessary to prevent hazardous material spills or to contain and cleanup a hazardous material spill, should one occur.

5. We recommend that Kern County require the Project proponent to prepare and implement a Project-specific Storm Water Pollution Prevention Plan (SWPPP). The SWPPP should be prepared in accordance with the requirements of National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Water Quality Order (WQO) 2022-0057-DWQ.
 - A. The SWPPP shall specify the site-specific erosion and sediment control Best Management Practices (BMPs) that will be implemented to reduce potentially significant water quality impacts to a less than significant level.
 - B. The SWPPP should be applicable to all areas of the Project, including construction areas, access roads to and through the site, and staging and stockpile locations.
 - C. Temporary BMPs must be implemented for all components of the Project until such time that permanent BMPs are in place and functioning.
 - D. All excess sediment excavated as part of the Project that is not used onsite should be stockpiled in a location such that it will not be transported by wind or water into a surface water. An adequate combination of sediment and erosion control BMPs must be implemented

and maintained to temporarily stabilize all stockpiled sediment until such time that it is reused and/or permanently stabilized.

6. 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.
7. 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 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.

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 WDRs in accordance with CCR, title 27 requirements, obtained from the Lahontan Water Board. A ROWD 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 ROWD must include an adequate assessment of potential threat to water quality from this Project that satisfies CEQA.
2. 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) 2022-0057-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.
3. 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.
4. Small industrial wastewater treatment plants discharging to land may be subject to General Waste Discharge Requirements for Small Industrial wastewater treatment systems with a monthly average flow rate of 100,000 or less gallons per day. R6T-2020-0016, issued by the Lahontan Water Board.

We request that the draft EIR 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 draft IS/MND. If you have any questions regarding this letter, please contact me at (760) 243-4350 (ashley.taylor@waterboards.ca.gov) or Christina Guerra, Senior Engineering Geologist, at (760) 241-7333 (christina.guerra@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.



Ashley Taylor, PG 9533
Engineering Geologist

cc: State Clearinghouse (SCH 2022100646) (state.clearinghouse@opr.ca.gov)