

Regional Water Quality Control Board
Central Valley Region

Response to Written Comments for
Tentative Waste Discharge Requirements
for
Lost Hills Environmental, LLC
Lost Hills Environmental Waste Facility
Kern County

This document contains the responses to written comments received from interested parties regarding the proposed tentative Waste Discharge Requirements (WDRs) for the Lost Hills Environmental Waste Facility in Kern County for monitoring, operations, and post-closure maintenance. Tentative WDRs R5-2023-XXXX were prepared as part of a policy of administrative review. Currently, the facility is regulated under WDRs R5-2010-0123 and WDRs R5-2022-0028.

The Tentative WDRs were circulated on 6 February 2023 for public comment, ending on 8 March 2023. A total of three emails were received and these comments are addressed below.

Comments submitted during the comment period were received from the following:

- A. Jeremy Bowman, Lost Hills Environmental LLC, 7 March 2023.
- B. Jeremy Bowman, Lost Hills Environmental LLC, 3 March 2023.
- C. Ryan Nordess, Yuhaaviatam of San Manuel Nation, 13 February 2023.

RESPONSE TO COMMENTS

Comment A.1:

Lost Hills Environmental, LLC requests that sampled water with no detectable Volatile Organic Compounds (VOCs) or other constituents of concern be purged into Pit G.

Response A.1:

Purged water from monitoring wells with no detectable VOCs can be used for dust control on Pit G.

Comment B.1:

Lost Hills Environmental, LLC requests that the name of the facility be changed to “Lost Hills Environmental Waste Facility” to match the Solid Waste Facility Permit.

Response B.1:

The recommended revision has been made.

Comment B.2:

Pit E has been capped and is not active, however it has not been closed.

Response B.2:

The comment was noted.

Comment B.3:

Page 28 of the WDRs appears to have a typo regarding an “Error! Reference not found.”

Response B.3:

The typo has been corrected.

Comment C.1:

The proposed project area exists within Serrano ancestral territory and, therefore, is of interest to the Tribe. However, due to the nature and location of the proposed project, and given the CRM Department’s present state of knowledge, YSMN does not have any concerns with the project’s implementation, as planned, at this time. As a result, YSMN requests that the following language be made a part of the project/permit/plan conditions:

CUL MMs

1. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
2. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

TCR MMs

1. The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as

defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

2. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

Note: Yuhaaviatam of San Manuel Nation realizes that there may be additional tribes claiming cultural affiliation to the area; however, Yuhaaviatam of San Manuel Nation can only speak for itself. The Tribe has no objection if the agency, developer, and/or archaeologist wishes to consult with other tribes in addition to YSMN and if the Lead Agency wishes to revise the conditions to recognize additional tribes.

Please provide the final copy of the project/permit/plan conditions so that YSMN may review the included language. This communication concludes YSMN's input on this project, at this time, and no additional consultation pursuant to CEQA is required unless there is an unanticipated discovery of cultural resources during project implementation.

Response C.1:

The recommended revision will not be made because this language is not applicable to the scope of the permit. The proposed WDRs do not allow for construction or expansion of the waste disposal facility. Additionally, this language was included in the most recent Environmental Impact Report for their proposed composting facility, which will be on the same property, involve construction, and will be covered under a separate permit.