



## Interoffice Memo

DATE: September 18, 2019

PHONE: (760) 995-8140

FROM: **MAGDA GONZALEZ**, Senior Planner  
Land Use Services, Planning Division *MG*

TO: **HONORABLE PLANNING COMMISSION**

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SUBJECT: **PROJECT P201800242: GENERAL PLAN AMENDMENT AND CONDITIONAL USE PERMIT FOR A TRUCK SERVICE CENTER AND IMPOUND/TOWING FACILITY IN NEWBERRY SPRINGS (AGENDA ITEM # 2)**

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After the distribution of the Staff Report the Planning Division received three emails expressing concerns regarding the Initial Study/Mitigated Negative Declaration (IS/MND) for the above-referenced Project. The commenters raised concerns about increased runoff from the development, hydrology and other water quality issues. Attached you will find an email (Exhibit A) from the Newberry Springs Property Owners Association, CEQA Now, and Newberry Springs Community Alliance, an email from Paula Deel (Exhibit B), and an email from Lahontan Regional Water Quality Control Board (Exhibit C).

Conditions of approval have already been included that address the concerns expressed in the emails. Hydrology and water quality issues have been adequately evaluated and addressed. The applicant will be required to obtain an NPDES Permit, a Regional Board Permit and address on-site storm water flows. County staff has also provided a response to the Regional Board addressing their concerns (Exhibit C).

The following are the conditions of approval that specifically address the attached comments:

28. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
29. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
51. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
56. Regional Board Permit. Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
57. On-site Flows. On-site flows need to be directed to the nearest County road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

58. Caltrans Encroachment Permit. Per Caltrans request, the developer shall obtain a Caltrans encroachment permit for site runoff impacts to Caltrans rights-of-way. Caltrans encroachment permit requirements will include updating and finalizing the project hydrology/hydraulics study to include all items in the Caltrans letter mailed February 12, 2019 along with NPDES/Stormwater runoff protections suitable to prevent pollutant discharge into the I-40 right-of-way.
75. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
76. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
83. Water System Permit. A water system permit may/will be required and concurrently approved by the State Water Resources Control Board – Division of Drinking Water. Applicant shall submit preliminary technical report at least 6 months before initiating construction of any water-related development. Source of water shall meet water quality and quantity standards. Test results, which show source meets water quality and quantity standards shall be submitted to the Division of Environmental Health Services (DEHS).
87. California Regional Water Quality Control Board. Written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health Services.
104. Permits. Prior to occupancy, the business operator shall be required to apply for one or more of the following permits, or apply for an exemption from hazardous materials laws and regulations: a Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit or an Underground Storage Tank Permit. Application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/>
105. Underground Storage Tank (UST) Systems. Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to existing UST systems. Prior to installation, plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. For additional information please contact (909) 386-8464.
106. Spill Prevention, Control, and Countermeasures (SPCC) Plan. Facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112.3 and CHSC 25270.4.5(a).

The implementation of these conditions of approval will address the concerns expressed by the Newberry Springs Property Owners Association, CEQA Now, and Newberry Springs Community Alliance; Paula Deel; and the Lahontan Regional Water Quality Control Board.

## **EXHIBIT A**

## Gonzalez, Magda

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**From:** Newberry Springs <newberrysprings@mail.com>  
**Sent:** Friday, September 13, 2019 11:40 AM  
**To:** Gonzalez, Magda  
**Cc:** Robert Shaw; CEQA Now; Newberry Springs; Frame, Ron  
**Subject:** Response to Project No. P201800242 Initial Study - Samra Truck Service Center and Impound

### RESPONSE TO INITIAL ENVIRONMENTAL IMPACT STUDY

RE: APN: 0529-131-55, 64 - Samra Truck Service Center and Impound/Tow Facility  
APPLICANT: Money Samra  
LOCATION: 48243 Memorial Drive Newberry Springs, CA 92365  
PROJECT NO: P201800242

This letter is in opposition to the above application as the proposal now stands. As the proposal is presented, an Environmental Impact Report ("EIR") is required under the law.

An issue of great concern is the withdrawal of large amounts of groundwater from a community that is in overdraft. Adjudication to wash contaminated trucks. The run-off of the untreated toxic truck-wash water is proposed to be directly returned to the public water supply. This will have a very significant negative health impact upon the environment and the public's water supply.

This is a highly hazardous health issue and this dangerous proposal of toxic runoff is illegal in many jurisdictions. This matter is identifiable as clearly having an anticipated significant adverse impact and an Environmental Impact Report is required to study and evaluate this easily foreseen hazard.

The obvious reason for the truck wash application being made in San Bernardino County and not elsewhere along the 2,554 miles of Interstate-40 is because the County of San Bernardino has held a history of permitting such ill-advised applications against the health of its citizens and the environment. This needs to be reversed here.

We further take an issue of the site being used for a 92,353-square-foot impound storage yard. The site is clearly within 1000-feet of the right-of-way of Interstate-40 and visible therefrom. Such use of the site would be in direct violation of the federal Highway Beautification Act (Section 131 of Title 23, United States Code (1965)), commonly referred to as "Title I of the Highway Beautification Act of 1965" of which Interstate-40 in its entirety in California (with the exception of portions within Barstow and Needles) is a participating part of.

The information submitted for the Initial Study appears in part to have been taken from a template. For example, page 22 relates to the amount of natural gas that is proposed to be used. Newberry Springs does not have a tappable natural gas line. The entire community depends upon propane. The data provided on many of the Initial Study pages appear generic and not site-specific. Wrongful conclusions are being drawn.

Additionally, we take issue that the site will not be paved and that leaky toxic contaminants from the parked and stored trucks will have no emergency containment from the soil and community groundwater.

Throughout most of this "template" Initial Impact Study, the soil description is mischaracterized as gravel. The correct description is sands as stated in the septic system percolation section (bottom p. 26, VIIe).

The Mojave Water Agency has been omitted as a public agency that has jurisdiction input over this project. (Initial Study pp. 2 & 3.)

The "Substantiation" for the Initial Study's "Less Than Significant Impact" designation on XIX. Utilities and Service Systems (XIXb p. 53 & 54) appears as wordy jibberish with little relevance. The proposed site is simply classified by the Mojave Water Agency as a minimal producer. It does not have expanded water rights.

The two parcels comprising the "site" have a combined total water right of only 10-acre feet according to the Mojave Water Agency. This is equivalent of what five (5) households might consume per year. The local overdraft of the community's water is under Adjudication and Newberry Springs is threatened by additional high volume water wells being drilled as the one proposed by the applicant.

The Initial Study's statement, *"Water use generated during the operation of the Project is estimated to be 3.89 AFY based on the California Emissions Estimator Model (CalEEMod) which is a statewide land-use emissions computer model designed to provide a uniform platform for government agencies to quantify potential air quality criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can also be used to estimate water use for various types of land uses for analysis in CEQA documents."* This and the 3.89 AFY doesn't make logical sense, especially for a truck wash operation.

Perhaps for the construction phase, but not for a truck wash that does not recycle and simply allows the contaminated toxic water to runoff to the topsoil.

Under the Initial Study's XIX. Utilities and Service Systems (p. 53), the project will require new and expanded water which could cause significant environmental effects.

We take strong exception to the fact that under the Initial Study Environmental Checklist Form, Hydrology/Water Quality AND Hazards & Hazardous Materials are two categories that have been misleadingly not "checked." (p. 7)

Hydrology/Water Quality as discussed above is a major community and environmental concern with clear health and environmental negative impacts.

Likewise, an EIR is called for under Hazards & Hazardous Materials as a storage yard of transport trucks containing toxic and hazardous materials, especially storage of wrecked trucks leaking fluids and gases, need careful evaluation and in-depth planning procedures for public and environmental protection. A full EIR will properly address this.

The proposal may have a potentially significant impact on "Aesthetics." For westbound traffic, the "site" represents the first Gateway offramp and visual impression of Newberry Springs. There is no indication as to what signs or night lighting or lighting intensity is planned. As such, the proposal can be a major aesthetic eyesore for the community and environment. Detailed plans have not been publicly presented to the community on signs and lighting intensity. A statement of "Less than Significant Impact" cannot be based upon a lack of submitted details.

This project has elements that WILL HAVE a significant effect on the community's health and the environment. An Environmental Impact Report is mandated under the California Environmental Quality Act and we request that such be performed.

Cordially,

Newberry Springs Property Owners Association  
Robert Shaw, President

CEQA Now  
Bob Berkman, President

Newberry Springs Community Alliance  
Ted Stimpfel, Executive Director

cc: Ron Frame, Field Rep, First District

## **EXHIBIT B**



**Gonzalez, Magda**

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**From:** Paula Deel <sweetrockhomestead@earthlink.net>  
**Sent:** Monday, September 16, 2019 3:08 PM  
**To:** Gonzalez, Magda  
**Subject:** RE: Newberry Springs Truck Service Center #P201800242

In checking the comments on the above project I noticed that my comments were not included. I checked when I sent them and discovered I spelled your name with an s instead of a z. My mistake. Attached is the email sent 9/3/19 to Magda Gonzales. It did not come back as undeliverable so I did not know you did not receive it. I realize the comment time is over but wanted you to be aware of my concerns. I will be attending the Planning Commission Meeting on the 19<sup>th</sup>.

Fortunately some of the mis-information was addressed by the Johnsons in their comments.

However, the main concern is possible contamination of our groundwater from the truck wash. I will bring this up at the Planning Commission Meeting.

Paula Deel

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**From:** Paula Deel [mailto:sweetrockhomestead@earthlink.net]  
**Sent:** Tuesday, September 3, 2019 12:46 PM  
**To:** 'Magda.gonzales@lus.sbcounty.gov'  
**Cc:** 'watermaster@mojavewater.org'; 'Ron.Frame@bos.sbcounty.gov'  
**Subject:** Newberry Springs Truck Service Center #P201800242

Magda Gonzales, MPA, Senior Planner  
[Magda.gonzales@lus.sbcounty.gov](mailto:Magda.gonzales@lus.sbcounty.gov)  
County of San Bernardino  
Land Use Services Department-Current Planning  
385 North Arrowhead Avenue  
San Bernardino, CA 92415-0182

RE: Newberry Springs Truck Service Center #P201800242

In checking the Initial Study for the above project, I have some concerns/questions. In the Initial Study all have been rated as having "Less than Significant Impact" or "No Impact".

#### **X. HYDROLOGY AND WATER QUALITY**

**SUBSTANTIATION:** (Beginning on Page 32 of Initial Study)

Xa) **This statement explains** how the storm water runoff will be directed to 2 detention basins.

What about the water from the truck wash? Trucks can have oils, manure and other hazardous materials. How will the truck wash water be treated? This is important as our only source of water is from wells.

Xb) **The statement is made** that “The MWA has four existing sources of water supply – State Water Project (SWP) imports, natural local surface water flows, return flow from pumped groundwater not consumptively used, and wastewater imports from outside the MWA service area.”

I have never heard that Baja receives wastewater imports from outside the MWA service area. Please verify this source of water.

**The initial Study states** “The Project site is located within the Baja Subarea.” Which is correct but then in the next paragraph it states “The FPA for the Alto Subarea is 80% of BAP for agriculture and 60% of BAP for municipal and industrial uses.”

What has Alto to do with a project located in Baja? Baja is currently ramped down to **30%**.

**The Initial Study states** “Because water use within the MWA service area is supplied entirely by groundwater, MWA does not have any inconsistent water sources that cause reduced deliveries to users within the service area.”

Baja users’ water source has been reduced due to a 30% ramp-down of Base Annual Production. At 3.89 AFY the project would be a minimal producer however; this would still have an impact on our water table. Stipulators who began with 23 BAP are now ramped down to 6.9 FPA. This part of the Baja is farther from the Mojave River and dependent primarily on a different source of water. A new, deeper well in this area could cause surrounding wells to go dry.

**XIXb) The Initial Study states** “Water use generated during the operation of the Project is estimated to be 3.89 AFY based on the California Emissions Estimator Model (CalEEMod) which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential air quality criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can also be used to estimate water use for various types of land uses for analysis in CEQA documents.”

Does this include water for the truck wash? Even adding a project that uses 3.89 AFY could have an impact on our water table. Monitoring water use by the current MWA method (a fly over) would not be adequate; would a water meter be installed and MWA allowed to read it?

**XIXc) The Initial Study states “No Impact.** A wastewater treatment provider does not serve the Project site. Wastewater is proposed to be treated by a septic system.”

Will a septic system be sufficient to treat the water from the truck wash which may contain oils, manure, or other possible hazardous materials?

Please address the above concerns.

Thank you,

Paula Deel  
Newberry Springs, CA 92365

Cc: Watermaster, [watermaster@mojavewater.org](mailto:watermaster@mojavewater.org)  
Ron Frame, [Ron.Frame@bos.sbcounty.gov](mailto:Ron.Frame@bos.sbcounty.gov)



## **EXHIBIT C**

## Gonzalez, Magda

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**From:** Duron, Heidi - LUS  
**Sent:** Wednesday, September 18, 2019 4:20 PM  
**To:** [jehiel.cass@waterboards.ca.gov](mailto:jehiel.cass@waterboards.ca.gov)  
**Cc:** Gonzalez, Magda; [sweetrockhomestead@earthlink.net](mailto:sweetrockhomestead@earthlink.net); [patrice.copeland@waterboards.ca.gov](mailto:patrice.copeland@waterboards.ca.gov); [jan.zimmerman@waterboards.ca.gov](mailto:jan.zimmerman@waterboards.ca.gov)  
**Subject:** RE: San Bernardino County Project P201800242 - CUP Truck Wash - Ft Cady Rd & I-40

Mr. Cass,

Thank you for your e-mail. I would like to provide additional information about the project in question that should resolve your concern about the proposed septic system. The project proposal is a small truck maintenance facility, with a 2-bay automated wash component. The wash facility is a closed loop system and its waste water will not be introduced into the proposed septic system. The applicant will consult with County Environmental Health Services on the design of the septic system, in accordance with the San Bernardino County Local Agency Management Program (LAMP). The LAMP provides for local permitting of small commercial septic systems under the flow design threshold of 10,000 gpd. The anticipated discharge will be well under the LAMP threshold for referral to the Regional Board for a waste discharge permit.

I hope this addresses your concerns. Please let me know if you have any additional questions.

Sincerely,

**Heidi Duron, MPA**

Planning Director  
**Land Use Services Department**  
Phone: 909-387-4110  
Fax: 909-387-3223  
385 N. Arrowhead Ave.  
San Bernardino, CA 92415-0187



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**From:** Cass, Jehiel@Waterboards <[jehiel.cass@waterboards.ca.gov](mailto:jehiel.cass@waterboards.ca.gov)>  
**Sent:** Monday, September 16, 2019 4:58 PM  
**To:** Warrick, Chris - LUS <[Chris.Warrick@lus.sbcounty.gov](mailto:Chris.Warrick@lus.sbcounty.gov)>; Biggs, Lupe <[Lupe.Biggs@lus.sbcounty.gov](mailto:Lupe.Biggs@lus.sbcounty.gov)>  
**Cc:** Paula Deel <[sweetrockhomestead@earthlink.net](mailto:sweetrockhomestead@earthlink.net)>; Copeland, Patrice@Waterboards <[patrice.copeland@waterboards.ca.gov](mailto:patrice.copeland@waterboards.ca.gov)>; Zimmerman, Jan@Waterboards <[jan.zimmerman@waterboards.ca.gov](mailto:jan.zimmerman@waterboards.ca.gov)>; Gonzalez, Magda <[Magda.Gonzalez@lus.sbcounty.gov](mailto:Magda.Gonzalez@lus.sbcounty.gov)>  
**Subject:** San Bernardino County Project P201800242 - CUP Truck Wash - Ft Cady Rd & I-40

Chris and Lupe – I am sending this to you as I see that Magda is out.

Regards- Jay

Hi Magda – This is a follow up from my telephone call today. A local resident contacted the Lahontan Water Board expressing concern about San Bernardino County's intent to issue a Mitigated Negative Declaration for a truck wash facility to be located at the intersection of Ft Cady Rd and I-40, Newberry Springs. The Project No. is P201800242.

The project description indicates that a truck service center (i.e. enclosed truck wash, mechanic shop, tire shop with storage), and an impound/towing facility will be constructed on 4.91 acres. Further, a septic system is proposed to provide wastewater treatment.

I indicated on my telephone message to you that it is not appropriate to discharge truck wash waste into an onsite wastewater treatment system (OWTS, or septic system). Septic systems are used only for domestic wastewater treatment and disposal. Truck wash wastewater would be considered industrial, not domestic, wastewater.

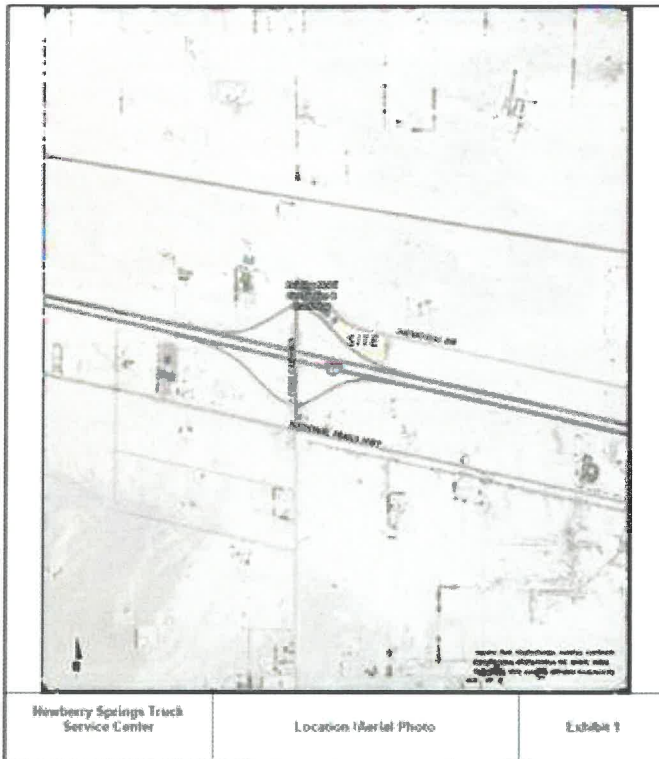
As such, the applicant must apply for waste discharge requirements from the Water Board that has discretion to approve or deny authorizing discharges from the facility. The Initial Study that I reviewed does not adequately evaluate the effects of discharges from the truck wash operation to the underlying groundwater. Because the Initial Study evaluate is inadequate, further environmental analysis must be considered. Because any action of the Water Board is discretionary, we must consider CEQA, and would be unable to accept the county's Mitigated Negative Declaration as proposed. The Water Board would prefer that the county, as lead agency, work with the discharger and further develop appropriate mitigations before you approve this project. Otherwise, the Water Board would have to initiate a separate CEQA action that would be more costly to the proponent, with no guarantee of approval.

Please inform the applicant that issuance of waste discharge requirements by the Water Board is discretionary, not automatic. The discharger/applicant must describe how such discharges will be adequately characterized, treated, and disposed. Should the applicant desire to pursue an onsite discharge, advanced treatment is required. Additionally, ongoing monitoring and reporting would be required if the Water Board issues waste discharge requirements. This may require installation of a minimum of three onsite groundwater monitoring wells.

Following is a link to the Water Board's application Form 200.

[https://www.waterboards.ca.gov/publications\\_forms/forms/docs/form200.pdf](https://www.waterboards.ca.gov/publications_forms/forms/docs/form200.pdf)

As I mentioned, if the applicant applies to the Water Board for a waste discharge requirement permit, we would not be able to rely upon the Mitigated Negative Declaration as proposed by San Bernardino County. Following are site location maps from your Initial Study.



If you have any questions, please call me at the following number.

Regards- Jay

**Jehiel (Jay) Cass, P.E.**

Senior Water Resources Control Engineer

Lahontan Water Board

15095 Amargosa Rd., Bldg. 2, Ste 210, Victorville CA 92392

(760) 241-2434 [jeihel.cass@waterboards.ca.gov](mailto:jehiel.cass@waterboards.ca.gov)



**Water Boards**

<http://www.waterboards.ca.gov/lahontan>