

... ITEM
... Item No. 29
... Minute Item
... State Lands
... Commission by a vote of 2
... at its 7/25/85
meeting.

CALENDAR ITEM

A 34
S 25

29

07/25/85
W 23450
Marsh

PROPOSED CORE DRILLING AND TRENCHING PERMIT

APPLICANT: John R. Cullinan
2323 West 235th Place
Torrance, California 90501

BACKGROUND INFORMATION:

On May 23, 1985, the Commission, in response to an application from Mr. John R. Cullinan to drill core holes on a school land section south of the town of Ballarat in the Panamint Valley, Sec. 16, T22S R44E, MDM, Inyo County, for the purpose of exploring site suitability for a new hazardous waste disposal facility, adopted a resolution:

1. Directing staff to return at a later meeting with recommendation for granting approval of a core hole drilling permit including appropriate conditions.
2. Suspending further consideration of applications related to the siting of hazardous waste management facilities on State lands until September 30, 1985.
3. Directing staff to return with recommendations on the further consideration of such applications by that date.

Mr. Cullinan has submitted an application for a core hole drilling permit to perform geologic and hydrologic tests which would assist him to determine whether to pursue an application for use of the site for the disposal of hazardous, excluding radioactive, wastes.

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The applicant proposes to drill three holes, six inches in diameter up to 400 feet deep, and dig ten trenches three feet wide and up to ten feet deep within the perimeter formed by the drill holes, to gather geologic, hydrologic, and engineering information. The approximate location of the proposed holes on the site are shown in Exhibit "B". It is understood by the applicant, and stated in the permit (Exhibit "C"), that the issuance of this permit will not give the applicant any preference in any future applications for, or Commission action regarding, uses of this parcel other than the core hole drilling and trenching authorized by this permit. Nor shall this permit be construed as an indication that the information gathered will satisfy any requirements the State may impose in considering any such applications for any other uses. The applicant proposes to monitor water levels in these holes for one year, before abandonment to State and County requirements; therefore, the term of the permit requested is 18 months.

EXHIBIT: A. Location Map.
 B. Location Map.
 C. Proposed Permit.

AB 884: 08/16/85.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is categorically exempt from the requirements of CEQA under Class 4, Minor Alterations to Land, 14 Cal. Adm. Code 15304(f), and Class 6, Information Collection, 14 Cal. Adm. Code 15306.

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15304 and 15306.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND, 14 CAL. ADM. CODE 15304, AND CLASS 6, INFORMATION COLLECTION, 14 CAL. ADM. CODE 15306.
2. AUTHORIZE ISSUANCE OF A CORE DRILLING AND TRENCHING PERMIT TO JOHN R. CULLINAN FOR A TERM OF 18 MONTHS ON SEC. 16, T22S R44E MDM, INYO COUNTY IN ACCORDANCE WITH THE FORM OF PERMIT IN EXHIBIT "C", SUCH PERMIT CONTAINING THE EXPRESS CONDITIONS THAT ITS ISSUANCE WILL IN NO WAY GIVE THE PERMITTEE ANY RIGHTS, PRIVILEGES, OR PREFERENCE WITH RESPECT TO APPLICATIONS FOR, OR COMMISSION ACTION REGARDING, USES OF THE STATE LANDS OTHER THAN SAID CORE DRILLING AND TRENCHING, NOR SHALL SAID PERMIT BE CONSTRUED AS AN INDICATION THAT THE INFORMATION COLLECTED UNDER THIS PERMIT WILL BE SUFFICIENT TO MEET ANY REQUIREMENTS THE STATE MAY IMPOSE IN CONSIDERING ANY SUCH APPLICATIONS FOR OTHER USES.

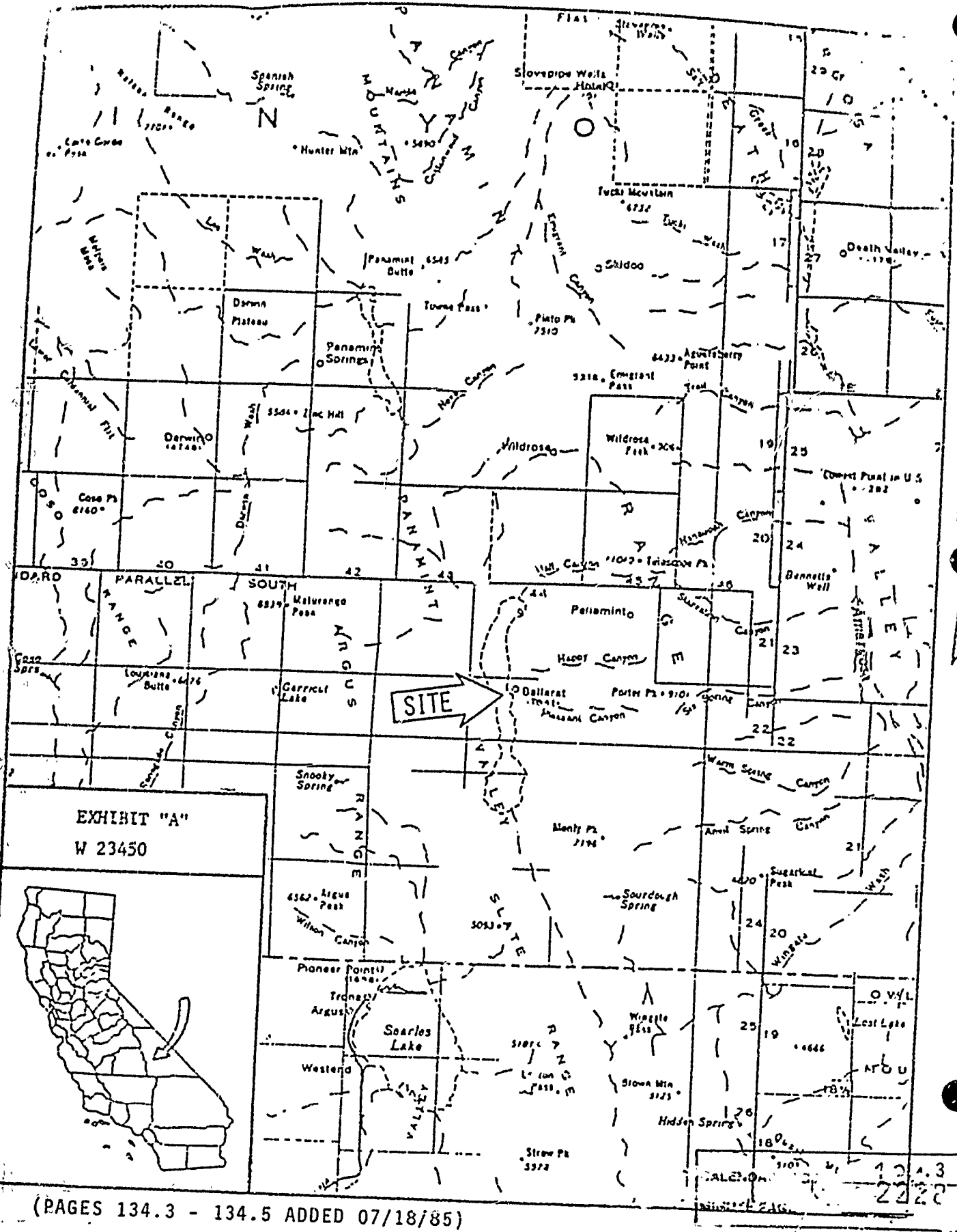


EXHIBIT "A"
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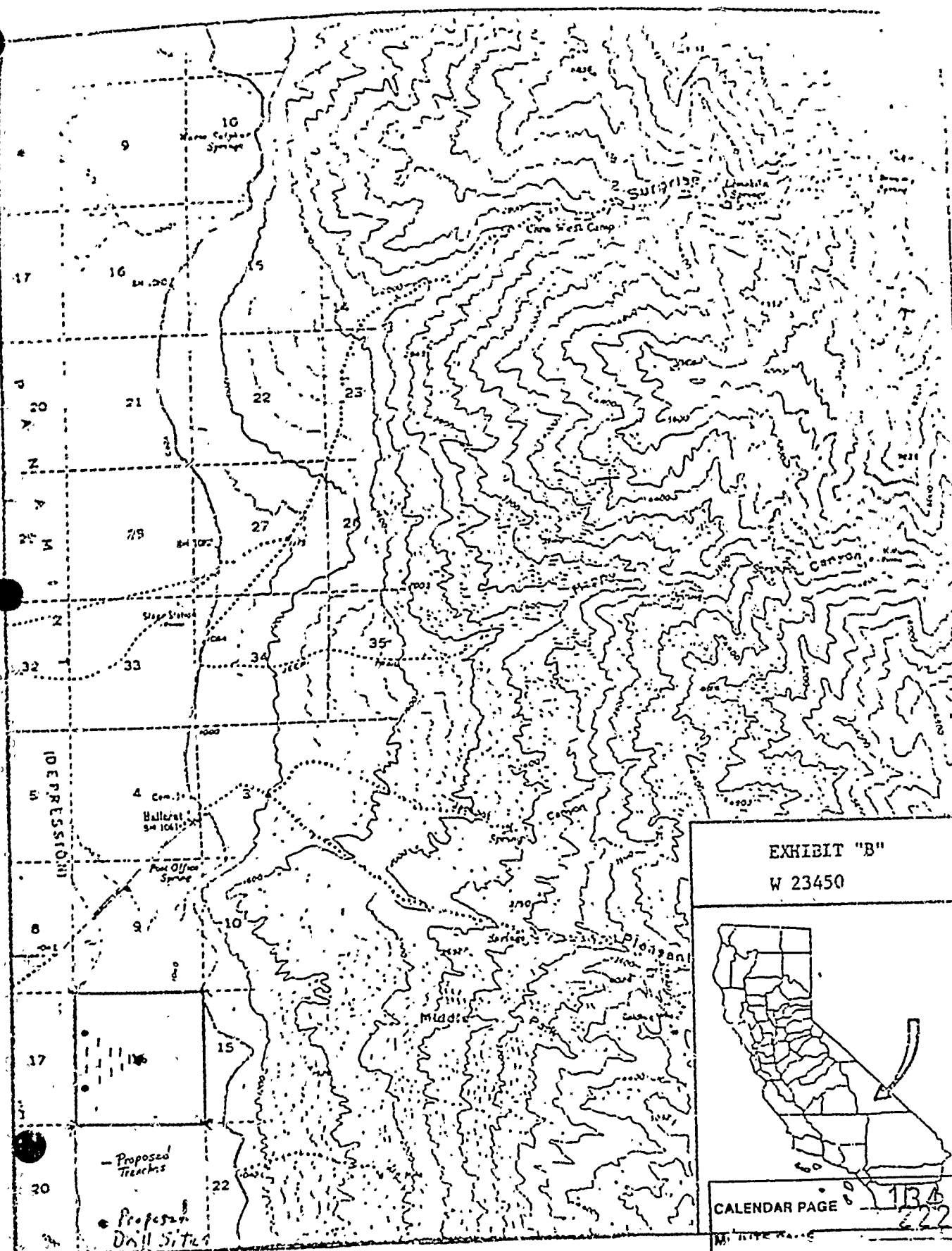


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EXHIBIT C

STATE LANDS COMMISSION
STATE OF CALIFORNIA

W 23450
W 40478

PERMIT TO CONDUCT CORE-DRILLING AND TRENCHING OPERATIONS

Pursuant to Division 6 of the California Public Resources Code and Title 2 of the California Administrative Code, the State of California, acting by and through the State Lands Commission (State) hereby issues to John R. Cullinan (Permittee) a non-exclusive permit to conduct core-drilling and trenching subject to the following terms and conditions:

TERMS AND CONDITIONS

- I. Permit Area: Section 16, T22S, R44E, MDBM, Inyo County, containing 640 acres.
- II. Scope of Activities: The Permittee is authorized to conduct core drilling and trenching activities as follows:
- A. A total of 3 holes, 6 inches in diameter, up to 400 feet deep may be drilled at the following locations:
1. 1320 feet South, 100 feet East of the NW corner of Section 16, T22S, R44E, MDBM.
 2. At the center of Section 16, T22S, R44E, MDBM.
 3. 1320 feet North, 100 feet East of the SW corner of Section 16, T22S, R44E, MDBM.
- B. A total of 10 trenches, 3 feet wide, 10 feet long and up to 10 feet deep within the perimeter formed by the 3 core holes.
- C. The drilling and trenching program is attached hereto as Exhibit "A".

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- D. The Permittee shall be required to file with the State Lands Commission a Notice of Intent to Commence the Drilling and Trenching Program at least seven calendar days in advance of field operations.
- E. The State shall at all times have the right to inspect the field operations with the full cooperation of the applicant.
- F. All drilling and trenching operations shall be performed in a reasonable, proper and workmanlike manner in accordance with sound engineering practices and current industry standards, including the observance of appropriate and adequate safety precautions so as to completely protect and preserve the rights of the public and the ecology of the area. Permittee shall conduct all operations in a manner which will minimize the effect upon the environment from dust particles, drilling muds and liquids and all other materials which might result from said drilling and trenching operations.
- (1) Each hole, when the drilling and testing thereof has been completed, shall be properly abandoned according to acceptable industry practice and procedures, including, but not limited to the removal of any casing from the surface to a depth of five feet below the surface and shall be cemented completely from the surface to bottom.
 - (2) Any portion of the surface of the lakebed altered to any degree by the drilling operations under this permit shall be restored to its condition existing prior to the commencement of operations, to the satisfaction of the State.

(3) All fluids, including drilling muds, used in connection with drilling operations shall be contained in a portable sump and shall be properly disposed of when necessary at a location and in a manner approved by the State.

(4) The trenches shall be dug and refilled as soon as possible. Permittee's personnel shall be present at all times while the trenches are open.

(5) The trenches shall be backfilled and dressed with a backhoe, to as near the original ground contour as possible.

III. Other Uses: This permit does not give the applicant any rights, privileges, or preference with respect to applications for, or Commission action regarding, uses of this parcel other than the core hole drilling and trenching authorized herein. Nor shall this permit be construed as an indication that the information gathered will satisfy any requirements the State may impose in considering any applications for such other use.

IV. Disclosure of Data: Permittee agrees to supply to the State Lands Commission within ninety (90) days of the completion of drilling and trenching activities authorized herein, or the completion of any recorded portion thereof, all physical and factual exploration results, logs, surveys, and any other data in any form resulting from operations under this permit or from any surveys, tests, or experiments conducted on the permitted lands by Permittee or any person or entity acting with the consent of Permittee or with information or data provided by Permittee. Permittee agrees to supply to the State Lands Commission within ninety (90) days of the completion thereof, or the completion of any recorded portion thereof, the results of all geological, geophysical or chemical tests, experiments, reports and studies, interpretive or factual, irrespective of whether the results of such tests, experiments, reports and studies contain sensitive or proprietary or confidential information or trade secrets. Such data shall be considered as public information and open to inspection by any person. Permittee hereby waives any and all limitations otherwise imposed by law upon the use of such data by the State or any other person or entity.

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- V. Multiple Use: This permit is issued subject to all existing valid rights at the date of this permit and such rights shall not be affected by the issuance of this permit. The State shall have the right to issue additional permits, leases or other entitlements for use of the permit area provided that the activities conducted under such permits, leases or entitlements do not unreasonably interfere with the Permittees activities hereunder. Permittee does not hereby waive any priority of application currently existing pursuant to Public Resources Code Section 6223. Nothing contained in this permit shall be deemed to confer upon the Permittee herein any exclusive rights to conduct any operations and activities authorized herein nor shall anything herein be deemed to give rise to any preferential rights from the State Lands Commission for any purpose whatever.
- VI. Workers Compensation: Permittee shall at all times in any and all of its operations under this permit and any and all works in and upon the permitted lands, carry full and complete worker's compensation insurance covering all its employees.
- VII. Insurance: At the request of the State, Permittee shall submit a certificate of self insurance or procure and maintain liability, property damage, or other insurance for the benefit of the State in an amount satisfactory to the State.
- VIII. Bond: Permittee shall furnish on or before the effective date of this permit a bond in favor of the State of California in the sum of \$50,000 to guarantee the faithful performance by Permittee of the terms and covenants and observance of the conditions of this permit, and of the rules and regulations of the Commission.
- IX. Indemnification: To the extent hereafter provided, Permittee will indemnify and save harmless the State of California, its officers, agents and employees against any and all losses, claims, demands, cause of action or liability of any kind which may be asserted against or imposed upon the State of California or any of its officers, agents, or employees by any person or entity arising out of or connected with the issuance of this permit, operations hereunder, or the use by Permittee or

its agents, employees or contractors of the land. Without limiting the generality of the foregoing, such indemnification shall include any loss, claim, demand, cause of action or liability of any kind asserted against or imposed upon the State of California or any of its officers, agents or employees arising out of or connected with any alleged or actual violation by Permittee, its agents, employees or contractors of property or contractual rights of any third person or entity. This provision shall not be construed so as to require Permittee to indemnify the State for any alleged acts of negligence or other wrongful act of the State or any officer, agency or employee thereof, except to the extent that such negligence or other wrongful act is alleged to consist of the issuance of this permit, or the adoption and enforcement of the provisions set forth in the permit or in the rules and regulations in effect at the time of the issuance of this permit, or in any alleged failure of the State to adequately enforce any such provisions.

- X. Suspension: The activities provided for in this permit shall be suspended, in whole or in part, upon a finding by the Executive Officer of the State Lands Commission, or other person designated by the Executive Officer, that suspension of the activity authorized by this permit would be in the public interest. Such suspension shall be effective upon receipt by Permittee of a written or oral (to be confirmed in writing) notice thereof which shall indicate (1) the extent of the suspension (2) the reasons for this action, and (3) any corrective or preventive measures to be taken by Permittee which are deemed necessary by the Executive Officer, or other person designated by the Executive Officer to abate hazards to the general public interest. Permittee shall take immediate action to comply with the provisions of the issued notice. In the event Permittee has complied with the provisions of the issued notice, the Executive Officer may reinstate this permit. Permittee may request a hearing before the State Lands Commission in order to present information relevant to a decision as to whether his permit shall be reinstated, modified or revoked. The term of this permit shall not be extended by such suspension. This permit may be modified or revoked by the State Lands Commission upon thirty (30) days notice. Any suspension, modification, or revocation of this permit shall not be a basis for any claim for damages against the State of California.

XI. Termination: Failure by the Permittee to comply with any of the provisions of this permit shall result in termination of the permit upon the order of the State Lands Commission.

XII. Compliance with Statutes: Permittee shall comply with all valid laws of the United States and of the State of California and with all valid ordinances of cities and counties applicable to Permittee's operations hereunder, including with limitation by reason of the specification thereof Permittee's compliance with all provisions of the Public Resources Code and of the Statutes of California not within the jurisdiction of the State Lands Commission. Permittee further agrees without limitation by reason of the specification thereof to comply with all rules and regulations now promulgated by the Commission or such other rules and regulations as may from time to time be issued by the Commission or any other agency of the State of California or of the United States applicable to the Permittee's operations hereunder. Permittee also agrees that in its employment practices hereunder it shall not discriminate against any person because of race, color, religion, ancestry or national origin.

XIII. Quitclaim: Permittee may at any time make and file with the Commission a written quitclaim or relinquishment of all rights under this permit. Such quitclaim or relinquishment shall be effective as of the date of its acceptance by the State subject to the continued obligation of the Permittee to place all drill holes, drill sites and trenches in condition of abandonment in accordance with the applicable permit terms and regulations; thereupon the Permittee shall be relieved from all obligations thereafter accruing under said permit with respect to the drill holes, drill sites and trenches, but no such quitclaim or relinquishment shall release such Permittee or his surety from any liability for breach of obligation of the permit with respect to which such Permittee is in default at the time of filing such quitclaim or relinquishment.

XIV. Assignment: Permittee may not assign, sublease or transfer this permit or any interest therein. However, Permittee may subcontract part or all of the work to be performed. Any such subcontractor shall be the agent of Permittee and Permittee shall remain responsible to the State under the terms of this permit.

XV. Term of Permit: This permit shall commence on the first day of the month following the month in which it is authorized by the State Lands Commission, and shall continue for 18 months unless terminated sooner as provided in this permit.

IN WITNESS WHEREOF, the parties hereto have executed this permit as of the date entered below.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

Date

W. M. THOMPSON, Chief
Extractive Development Program
PERMITTEE*

By:

Title

Address

City and State

* In executing this document, the following is required:

- Corporations: (1) Corporate Seal
- (2) Certified copy of the resolution or other document authorizing the execution of this agreement on behalf of the corporation.
- Individuals: (1) Acknowledgement of signature is required.

EXHIBIT "A"

The purpose of the proposed drill holes will be to define geologic and hydrogeologic conditions underlying the Panamint Valley Playa. In particular the drill holes will be cored and logged to define the stratigraphy and to provide samples of the earth materials for testing and classification of their engineering properties. The drill holes will then be reamed to accommodate installation of 2-inch diameter casing to permit sampling of ground water and to define the static water level. Where more than one aquifer is identified, the drill hole will be reamed to accommodate additional 2-inch casings.

The drill holes will be drilled to a depth of 200 feet using an NX or NW wireline core barrel. The core will be logged, sealed in plastic, and placed in core boxes. The diameter of the finished core hole will be a nominal 3.5 inches in diameter.

The core hole will be electrically logged and the hole will be reamed to 6 inches in diameter to permit insertion of 2-inch PVC schedule 40 casing. The aquifers will be completed with perforated pipe having 0.030-inch slot openings and filter packed with pea gravel.

If more than one aquifer is encountered, and there is reason to believe the waters are of different and distinct quality the drill hole will be enlarged by an additional 2 inches for each additional zone or aquifer that will be completed as shown on Figure 1. Not more than three separate completions will be installed in any one drill hole.

Where separate completions are made, the zones will be isolated by cementing to preclude cross contamination. See Figure 1, Schematic Diagram of Multiple Monitoring Well Completion. The cement grout will consist of a sand and cement slurry (sand with

22 percent cement, 2 percent calcium chloride and 2 percent bentonite).

If no ground water is encountered, the monitoring well will not be completed and the well will be sealed in accordance with Inyo County and State well sealing standards. The monitoring wells will be drilled by rotary wash methods, and logged by a geologist.

Drilling will be performed with a rotary wash drill rig. Depending on availability it is anticipated that drilling will be done with a "Joy 22", which is available in Trona. This machine will be accompanied by a water/tool truck.

The operation will involve setting a 5-foot long casing which will constitute a conductor pipe which will be large enough to pass the drill bit. It will have a wash tee which will return drilling fluids to a settling tank which will have a capacity of about 250 gallons. All drill cuttings from the drill holes will be collected in containers for appropriate disposal.

The wells will be capped and protected with locked steel covers 30 inches above ground surface. Upon completion, the wells will be developed by pumping and surging using an airlift method which can be used successfully in a 2-inch observation well. Additionally, the solutes of concern are non-volatile and would not be affected by air lifting (i.e., air stripping).

Water quality measurements would be taken for the following:

Ground Water - Inorganic minerals
Volatile Organics (EPA 624)
Base-Neutral Acid (EPA 625)
pH
Conductivity

The inorganic constituents would be measured on samples taken from the wells following adequate development by air lifting. Well development would continue until the water ran clear or a minimum of two hours.

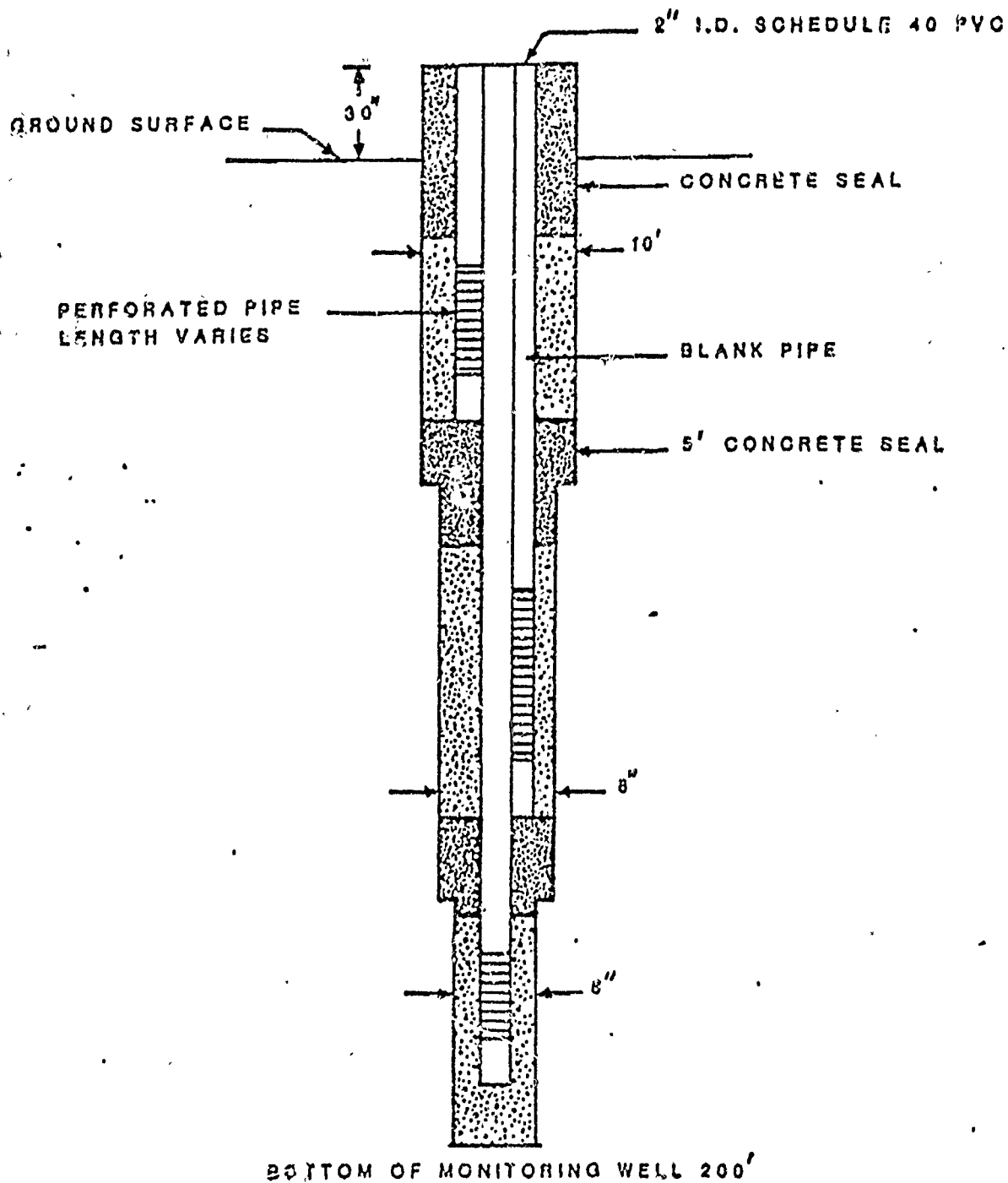
Samples would be taken with a teflon bailer. The well would be bailed until 5 casing volumes had been removed, and then the samples would be taken and stored in a cooler and then transferred to a refrigerator until they could be transported by airplane from Trona to the laboratory in 48 hours or less. All EPA protocols would be followed on sample collection and storage.

Soil and sediment samples would be collected and analyzed by the appropriate ASTM methods. The following analyses would be conducted:

Soils/Sediments - Engineering Properties
Shear Strength
Index Tests
Slope Stability

The primary purpose of these tests is to evaluate the soils/materials engineering aspects of utilizing the Playa materials as materials of construction for elements of the landfill, such as dikes and cover materials.

FIGURE 1
 SCHEMATIC DIAGRAM
 OF
 MULTIPLE MONITORING WELL COMPLETION



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