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Acting Secretary for
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**California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman**

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Edmund G. Brown Jr.
Governor

July 6, 2011

In the Matter of

Water Quality Certification

for the

**BODEAN COMPANY, INC., - BLUE ROCK QUARRY EXPANSION PROJECT
WDID No. 1B06058WNSO**

APPLICANT: BoDean Company, Inc
RECEIVING WATER: Unnamed tributary to Green Valley Creek
HYDROLOGIC AREA: Guerneville Hydrologic Sub Area No. 114.11, Russian River
Hydrologic Unit No. 114.00
COUNTY: Sonoma
FILE NAME: BoDean Co Inc, Blue Rock Quarry

BY THE EXECUTIVE OFFICER:

1. On May 18, 2009, Mr. Jeff Longcrier of North Coast Resource Management, on behalf of the BoDean Company, Inc. (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the quarry expansion project. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 14, 2011, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The purpose of the project is to expand the existing Blue Rock Quarry by approximately 24 acres. The existing rock quarry adjacent to the drainage will be expanded across the area currently occupied by the watercourse, and the drainage will be incorporated into the quarry area. As part of this expansion, six hundred feet of a linear watercourse will be excavated. Drainage from upgradient of the

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removed linear watercourse section will be rerouted to the new quarry area. The topography of the area will be altered by removing the topsoil and bedrock during quarrying activities; the impacted area will be excavated for its useful aggregate. Drainage that is currently flowing southeast out of the project area in the impacted linear watercourse will be captured within drainage swales developed on the terraced slopes of the resulting rock pit and will be conveyed into a large pond/sediment basin. The drainage from the project site, both prior to and following operations, eventually flows into Green Valley Creek, a tributary to the Russian River. Useable timber on the expansion area will be harvested. Applicant states that the time period to complete the expansion and restore the impacted area under their reclamation plan will be approximately 20 years or longer, depending on the market for aggregate.

3. Compensatory mitigation will consist of three separate projects:

- a. The first mitigation project has been undertaken prior to issuance of this Order. It consists of improvements to a road that is built along, and that crosses a linear watercourse that is similar to the one being impacted, in order to reduce sediment delivery as well as improvement of its riparian area and habitat value. This linear watercourse is approximately 749 feet long and is west of the project area, and is tributary to Green Valley Creek. The previously existing unimproved access road was located adjacent to the watercourse and the drainage of this road had been diverted and was contributing sediment into the watercourse. The road has been reengineered to properly drain with appropriate crossings being installed that will reduce the amount of sediment being introduced into the watershed. This project will also restore the flow to the natural channel of the watercourse. Native riparian trees and shrubs have been planted in areas along the stream that will benefit from added stabilization, habitat, shade, and organic material delivery to the watercourse. This project will help to compensate for the temporal loss of waters of the State.
- b. The second mitigation project, which is already in construction, consists of creation of 525 feet of linear watercourses within the reclamation area of the gravel quarry. These created linear watercourses will be planted with a mix of native riparian plantings to establish a mature riparian community, both in composition and function to replace the impacted linear water course as in-kind mitigation. A deed restriction (Sonoma County record number 2011047374) has been recorded on June 1, 2011, with the County of Sonoma to permanently protect both the first and second mitigation project areas.
- c. The third mitigation project consists of an off-site fish habitat improvement project that has been completed. The project consisted of replacement of a failing culvert that was a partial fish barrier on Green Valley Creek, with a

bridge structure that allows fish passage. The applicant contributed gravel to this project to help in its implementation.

4. The Applicant has applied for authorization from the United States Army Corps of Engineers (File number 25955N) to perform the project under an individual permit, pursuant to Clean Water Act, section 404.
5. The Applicant has received a California Department of Fish and Game Lake and Streambed Alteration Agreement, on November 9, 2009, Notification Number 1600-2009-0202-3.
6. The Sonoma County Permit and Resource Management Department, as the lead California Environmental Quality Act (CEQA) agency, has produced a Final Environmental Impact Report, and has filed a Notice of Determination with the Office of Planning and Research (State Clearinghouse Number 20011032062). The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.
7. The Russian River is identified as impaired on the Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. At present, total maximum daily loads (TMDLs) have not been established for this water body. If TMDLs are established and implementation plans are adopted for this watershed prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans. Roads and bank erosion are identified as sources contributing to the sediment impairment. Removal of riparian vegetation is identified as a source contributing to temperature impairment. Actions authorized by this Order require implementation of Best Management Practices (BMPs) for sediment control and planting of more riparian zone shade vegetation at and near the project site. Accordingly, this Order is consistent with, and implements BMPs that would attenuate sediment and temperature adverse impacts.
8. Pursuant to Regional Water Board Resolution R1-2004-0087, Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters within the North Coast Region (Sediment TMDL Implementation Policy), the Executive Officer is directed to "rely on the use of all available authorities, including existing regulatory standards, and permitting and enforcement tools to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste."
9. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board

Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. This Order is consistent with applicable federal and state antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater, and does not otherwise authorize degradation of the waters affected by this project.

10. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this water quality certification (Enclosed).

Receiving Waters: Unnamed tributary to Green Valley Creek, Guerneville Hydrologic Sub Area No. 114.11, Russian River Hydrologic Unit No. 114.00

Total Linear Impacts: Length Permanently Impacted: 600 linear feet of stream

Dredge Volume: None

Latitude/Longitude: 38.470456° N/122.915295° W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the BoDean Company, Inc., Blue Rock Quarry Expansion Project (WDID No.1B06058WNSO), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

All conditions of this order apply to the Applicant (and all their employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the project as related to this Water Quality Certification.

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC

license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The validity of this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833, and owed by the Applicant.
4. The Regional Water Board staff shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
5. Applicant and any successive owners shall comply with the deed restriction (Sonoma County record number 2011047374), dated June 1, 2011, to protect this watercourse and mitigation area in perpetuity.
6. To ensure a successful revegetation/stabilization effort, plantings shall be monitored and maintained (including irrigation if necessary) for five years. All tree and shrub plantings shall have a minimum of 85% success of thriving growth at the end of five years with a minimum of two consecutive years (2 growing seasons) of monitoring after the removal of irrigation. The Applicant is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice to achieve these goals. Replacement plants shall be monitored with the same survival success for an additional five years from the year of installation. A status report shall be submitted to the Regional Water Board by October 1st of each year. Photos shall be submitted with the report. Additional requirements, as detailed within “Blue Rock Quarry, Appendix A, Additional Mitigation Plan” shall be implemented.
7. A Faircloth Skimmer or equivalent device shall be installed and used on the sediment basin discharge to prevent drawing of sediment from the settling ponds and discharging it to the creek. Device shall be installed before wet season discharges commence in 2011. A report of installation shall be submitted to the Regional Water Board by October 31, 2011.
8. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
9. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive

Officer. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement action(s).

10. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.
11. The Applicant shall construct the project in accordance with the project described in the application and the findings above, and shall comply with all applicable water quality standards as detailed in the Basin Plan.
12. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface waters. All BMPs shall be installed properly and in accordance with the manufacturer's specifications.
13. The Applicant shall prioritize the use of wildlife-friendly biodegradable (not photo-degradable) erosion control products wherever feasible. The Applicant shall not use or allow the use of erosion control products that contain synthetic materials within waters of the United States or waters of the State at any time. The Applicant shall not use or allow the use of erosion control products that contain synthetic netting for permanent erosion control (i.e. erosion control materials to be left in place for two years or after the completion date of the project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, personnel shall remove the netting or product and replace it with wildlife-friendly biodegradable products. The Applicant shall request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.
14. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the project.
15. This Water Quality Certification does not authorize the Applicant to draft surface waters.
16. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed

by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area.

17. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or threatened discharge to any waters of the State including dry portions of the streambank and streambed. At no time shall the Applicant or its contractors allow use of any vehicle or equipment, which leaks any substance that may impact water quality.
18. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented including stopping work. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
19. Spill kits are required at each fueling location and at each location that where power equipment will be working within waters of the State. In the event of an unauthorized release of fuel (spill or leak) to waters of the State, the Applicant shall immediately stop work and conduct the following measures:
 - a) notify the appropriate agencies including the Regional Water Board, CDFG, and the Office of Emergency Services (OES) at 1(800) 852-7550;
 - b) utilize the appropriate spill kits for containment and clean up of the release;
 - c) collect samples within the immediate area of release, 50 feet downstream, and downstream to the full extent of the release if the release reaches surface waters; and,
 - d) analyze required surface water samples for all appropriate constituents including but not limited to total petroleum hydrocarbons as diesel (TPH-D), total petroleum hydrocarbons as gasoline (TPH-G), and benzene, toluene, ethylbenzene, total xylenes (BTEX).
20. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
21. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with

the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this certification, the State Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.

22. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

23. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).
24. The authorization of this certification for any dredge and fill activities expires on July 6, 2016. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please call Stephen Bargsten at (707) 576-2653.

Catherine Kuhlman
Executive Officer

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Weblink: State Water Resources Control Board Order No. 2003-0017 -DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification can be found at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

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