Debbie Irvin - I will be mailing this final comment to you, with other documents, Thank yc

SPECIAL HEARING
2/3/05
cc: BD, DI, DWQ
e-cys: BD, CC, HMS, TH, CMW

From: "Ed Voice" <edvoice@sbcglobal.net>
To: "D IRVIN" <dirvin@waterboards.ca.gov>
Date: 1/24/05 2:01PM
Subject: I will be mailing this final comment to you, with other documents, Thank you Ed Voice

Ms. Debbie Irvin, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor [95814]
PO Box 100
Sacramento, California 95812-0100

Public Hearing, February 3, 2005. Reissuance of National Pollutant Discharge Elimination System (NPDES) General Permit for Discharge of Storm Water Associated with Industrial Activities (Industrial General Permit)

Re: Randall Sand & Gravel (NOI / WDID 1 12I018770)
PO Box 339
214 west River Lane
Garberville, Ca. 95542

Dear State Water Resources Control Board Members,

Thank you for giving our family the opportunity to make a public comment about this very important issue.

My parents purchased our home the summer of1966 (2nd new home built in the River Crest Subdivision Lot 4) approx 1 mile out of Garberville, off Sprowl Creek Rd, just north of the Moody Bridge, overlooking the South Fork of the Eel River. At the time they purchased our new home (summer of 1966) the only thing on the river bar below our property were Tooby Ranch cattle grazing and people enjoying the tranquil river. It was a wonderful place to play, explore, grow up, fish, swim and learn about life, and can be again.

The in-stream surfacing mining of the time was operating approx 1 mile up stream and 1/2 mile down stream from our home. The Cement Plant was operated by a Fortuna owned business, 1 mile around the bend and down stream (current PG&E location) until the late 70's. The old one lane wood & steel Briceland/Moody Bridge had a weight limit (6 tons) No Heavy Gravel and Ready Mix truck traffic. The New Moody Bridge was not built nor open until 1981. The Humboldt County General Plan for Garberville, Redway, Benbow and Alderpoint did not come into being until the mid 80's. Bringing with it Randall Sand & Gravel and County zoning for Heavy Industry just below our home and property, on the River bar. (20 years after our home was built)

Since the mid 80's our family has strongly objected to the Humboldt County Planning Commission and Board of Supervisors adoption of a Mitigated Negative Declaration (finding of no significant adverse environmental effect) for Randall Sand & Gravel's past and present Conditional Use Permit, Surface Mining Permit, & Reclamation Plan application, CUP-02-41, SMP-02-04 & RP-02-04, in the Garberville area, on the South Fork of the Eel River, below our home.

The Mitigated Negative Declaration was based on an internal studies prepared by the Humboldt County Planning Department, in accordance with CEQA. However, both studies provided no discussions of environmental effects, direct, in-direct or cumulative impacts to anadromous salmonids, their habitat, and impacts to Riparian habitat or watershed. Planning deferred all potential adverse environmental effect, alternatives, mitigation measures, and monitoring to California Regional Water Quality Control Board 1 (RWQCB1) Army Corps of Engineers (Corps) Humboldt County Letter of Permission (LOP) NOAA Fisheries (NMFS) Endangered Species Act - Section 7 Biological Opinion (BO) California Department of Fish and Game (CDFG) County of Humboldt Extraction Review Team (CHERT) with no comment or in-put from the above agencies.

As State Lead Agency under SMARA, Humboldt County is responsible for regulating conditions, limitations, and criteria specific to commercial gravel mining extraction, associated activities and environmental impact (CEQA), and therefore, should be accountable for their decisions in so much as they have been given the power and the responsibility to address the genuine environmental concerns without inappropriate consideration of economic and/or social impact.

Planning proposes that limiting gravel extraction to 50,000 cubic yards each year will mitigate Randall Sand & Gravels in stream gravel mining impacts to listed species or their habitat. Again Planning defers mitigation measures, and monitoring to RWQCB1, Corps, NMFS, CDFG or CHERT.

In 1972, the South Fork of the Eel River was designated a State Wild and Scenic River, and in 1981 received the federal designation. This title is supposed to protect the river and ensure that environmental concerns rank equally with development and industry. Unfortunately, this designation has not prevented the exploitation of the Eel's resources by Randall Sand & Gravel.

This letter addresses Randall Sand & Gravel's failure to comply with the terms and conditions of California's General Industrial Storm Water Permit for Industrial Storm Water Discharge, its discharges of contaminated storm water from its facilities, its discharges of non-storm water pollutants from its facilities.

The General Permit prohibits the discharge of material other than storm water to waters of the nation, unless such discharges are regulated under a NPDES permit and prohibits the discharge of storm water which causes or threatens to cause pollution, contamination, or nuisance. The General Permit prohibits the discharge of storm water to surface or ground water, which adversely impacts human health or the environment.

The site is subject to storm water effluent limitations, new source performance standards, and/or toxic pollutant effluent standards as well as effluent limitation guidelines. Randall Sand & Gravel is required to develop Best Management Practices ("BMP") using Best Available Technology ("BAT") and Best Conventional Technology ("BCT") to control and/or eliminate pollution.

I believe Randall Sand & Gravel is violating the General Permit by:

(1) Allowing materials other than storm water to knowingly discharge either directly or indirectly into the South Fork Eel River.
(2) Causing or threaten to cause pollution, contamination, or nuisance exceeding the specified effluent limitations.
(3) Discharging storm water containing a hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.
(4) Failing to reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges through implementation of BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.
(5) Failing to development and implementation of a working SWPPP that complies with the requirements in Section A of the General Permit and that includes BMP that achieve BAT/BCT constitutes compliance with this requirement.
(6) Discharging storm water and non-storm water to surface or ground water, which adversely impact human health or the environment.
(7) Causing or contributing to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Water Board's Basin Plan as discussed above.
(8) Failing to submit a report to the RWQCB that describes the BMP that are currently being implemented and additional BMP that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality.
(9) Failure to update its Monitoring and Reporting Program to reflect changes in BMP, BAT and BCT.

Randall Sand & Gravel has failed to perform visual observations of storm water discharges and authorized

storm water discharges; collect and analyze samples of storm water discharges for pH, Total Suspended Solids (TSS), Total Organic Carbon (TOC), specific conductance, toxic chemicals, and other pollutants which are likely to be present in storm water discharges in significant quantities.

The SWPPP must be designed to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-storm water discharges from Randall Sand & Gravels facilities. Identify and implement specific BMP to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-storm water discharges. The General Permit details the specific requirements for preparing and implementing a working SWPPP.

Randall Sand & Gravel has poorly identified all potential sources of pollutants and has failed to describe the appropriate BMP necessary to reduce or prevent these potential pollutants in its marginal SWPPP. One of the major elements of the SWPPP is the elimination of unauthorized non-storm water discharges to the facility's storm drain system. Unauthorized non-storm water discharges at the site are generated from a wide variety of pollutant sources. They include:

* Water run-off from rinsing or washing Ready Mix vehicles and equipment.
* Water run-off from processing sand & gravel.
* Water run-off from dust control.
* Materials that have been improperly disposed, dumped, spilled or leaked.

Unauthorized non-storm water discharges can contribute a significant pollutant load to receiving waters. Measures to control spills, leakage, and dumping must be addressed through BMP. Randall Sand & Gravel BMP fail to adequately address the specific sources of pollution found at the Site. Randall Sand & Gravel's SWPPP for the site does not evaluate all potential pollution conveyances to determine whether they convey unauthorized non-storm water discharges to the South Fork Eel River.

Randall Sand & Gravel's processing and concrete manufacturing sites are a point of origin from which pollutants are discharged off the site to the South Fork Eel River. Due to its proximity, the South Fork Eel River has inundated the site before and after the operations excitants: 1955, 1960, 1964, 1966, 1970, 1974, 1975, 1981, 1983, 1986, 1993, 1995, 1997, 1998, 2002 and 2004. The sites are within and below the 1982 FEMA floodplain study and 100-year flood elevation of 336 ft (1964). The sediment fines and waste from their sedimentation ponds are then allowed to enter the South Fork Eel River. This practice has gone on from the mid 1980's. Left over concrete is poured over the side of their entrance road down to the river, below ordinary high water, acting as a barrier, changing and altering the normal course of the river flow. This practice is not natural nor is the concrete indigenous to the South Fork of the Eel River. In past years, vehicles and equipment have been evacuated from the site during flood events.

Concrete wash-water and waste (which is produced when the surface of unhardened concrete is washed from equipment, or left-over and taken back to the plant) are knowingly allowed to enter the river from run-off and flood events. This practice can kill fish in minutes because of its highly alkaline pH level that is corrosive to fish gills. The fine sediment in concrete wash water can also smother incubating salmon eggs in spawning gravel and fish food organisms in streams. (Producing 38,000 yards of concrete and $3'800'000.00 a year)

Vehicles and equipment are serviced or repaired in an equipment storage building and non-covered concrete slab outside to the north of the building. Fueling takes place on a poorly contained uncovered gravel area, from a 2000 gal above ground roofed tank, directly south of the new office and directly west of

the main materials storage area. Trucks and equipment are driven and parked on the In-stream extraction area. Fuels, oils, grease and other pollutants are exposed to rain events, allowing run-off into the river from this practice.

In conclusion:

The Voice Family requests that Randall Sand & Gravel comply with all County, State, and Federal terms and conditions that regulate conducting said commercial in stream gravel mining and associated industrial activities. As our family has found in the last 23 years, "It's been a pain in my neck for years," Dunbar said. (Thomas Dunbar, senior water resource control engineer for the North Coast Regional Water Quality Control Board) "There's probably dozens of similar operations on the river bar that need some kind of change."

The California Water Quality Control Board should be actively checking and regulating Best Management Practices and Storm Water Pollution Prevention Plans for Industrial Operations. Actions speak louder than words. Self-monitoring does not work! Operators should be told to comply, not asked. It's the law. Randall Sand & Gravel does not consider the environmental hazards it is heaping on its Endangered-Threatened species and established residential neighbors Land, Air and Water with its current Sand, Gravel & Ready Mix operating practices. They only consider profits.

I have included letters from RWQCB1 to Randall Sand & Gravel and Humboldt County Planning. From Stream Line Planning, agent for Randall Sand & Gravel to RWQCB1, and Randall Sand & Gravel to RWQCB1. Please read them, notice how the tone changes from letter to letter. Even after Humboldt County was told about the activity by RWQCB1, in writing, it was never added as conditions to any part of Randall Sand & Gravels Conditional Use Permit, or listed in the CEQA internal study, prepared by the Humboldt County Planning Department.

Take a moment and think how you would feel if this was happening in your neck of the woods, in your community, in your watershed. It happens in ours every day, including Sundays. Please do not allow this kind of Industrial Activity to continue, without excepting responsibility for their actions. Many (if not most) of the issues we deal with in attempting to enhance our watersheds are related to bad human habits and practices. Where is the Communication between RWQCB, Humboldt County and the public?

We must ensure that future generations have the same range of possibilities for their Watershed as we have for ours. Many times we don't want to see all of the many, often unforeseen consequences of our actions. For me, it means that we must think a little more carefully about what we do - before we do it.

Many experts argue that current in-stream mining practices, when compared to the egregiousness of past practices, are having negligible further impact on the South Fork of the Eel River. However, there is ample evidence that current practices are not allowing the River to heal from past abuses. Just since the 1990's and gravel bar skimming practices have been adopted in Humboldt County, Coho, Chinook, and Steelhead Salmon have been listed as State and Federal Threatened or Endangered species.

Admittedly, watersheds are not themselves sentient, they don't think. However our actions do, often reflecting a thinking process, a weighing and selection of options. Using the watershed as a metaphor for clear thinking. I conclude that we must think BIG in order to see the larger picture. We must anticipate the environmental and other consequences of our actions. Prevent whatever negative consequences we can. We must strive for actions that are sustainable in the long term. By thinking like a watershed you begin to understand that you are an integral part of the environment and that what you do matters.

Aldo Leopold noted early in this century;

"The way we treat rivers reflects the way we treat each other."

Thank you very much for your time today,

o O
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o o O PO Box 580
o o Garberville, Ca. 95542
<')))))>< <')))))>< 707-642-7521 x 12
<')))))>< Fighting tooth & nail to protect the South Fork of the Eel River

John Driscoll The Times-Standard, Eureka, Ca.
Saturday, April 17, 2004 -
Regional water quality officials plan to send letters to gravel operators on the North Coast pressing them to make changes in how concrete waste is handled. Thomas Dunbar, senior water resource control engineer for the North Coast Regional Water Quality Control Board, told the Times-Standard this week that the letters will be sent -- but it's not his highest priority.
That's after Dunbar earlier said he was considering enforcement action against Randall Sand and Gravel, on the South Fork of the Eel River in Garberville. That company agreed this week to line its concrete wash-water pit after water quality staff raised concerns -- prompted by a neighbor who has for years been a critic of the operation.
"It's been a pain in my neck for years," Dunbar said. "There's probably dozens of similar operations on the river bar that need some kind of change."
Neighbor Ed Voice has for years pushed water quality staff, the state Department of Fish and Game and the county to take action against Randall Sand and Gravel. He said the wash-water might contaminate the river and that parts of the operation are susceptible to damage from floods.
"I want them to conform to county, state and federal laws," Voice said.
The county, investigating in its capacity under the Surface Mining and Reclamation Act, said it has never found the violations Voice has alleged. Community Development Director Kirk Girard said the yearly inspections and other investigation have convinced the county the operation is sound.
"We've gone through that operation with a fine-toothed comb," Girard said.
Water quality staff have investigated the operation and found that the highly alkaline wash-water does not appear to be percolating through the unlined pit into the river. In October, Dunbar wrote to Randall consultant Bob Brown saying the wash-water must be contained and treated appropriately.
Retired warden Jim Froland, who also investigated Voice's concerns, said the operation has evolved from a small one to a larger one. Years ago, there were some violations, Froland said, but the new owner, Cathy Randall, was cooperative.
"I think they have made some inroads at that site," Froland said.
Randall said she has over the years tried to improve the operation.
"This is my river too," she said.
Randall is now looking into how to create a permanent lined concrete-wash-water basin, something relatively new to the industry. The trick is finding a way to handle the water not reused for mixing concrete and the material that is not usable in recycling operations like making concrete blocks, she said.
Another company, the former Arcata Readimix, was fined last year for discharging cement waste to the Mad River. That operation, which has since been sold, now has a concrete-lined wash-water pit.
Dunbar said both wash-water and fine sediment resulting from gravel washing are water quality issues that need to be dealt with. Wash-water can contaminate groundwater nearby, depending on the porosity of the soil, he said.
Brown, who consults for others in the industry, said the only guidelines he can find on the books are for temporary wash-water basins, like those at construction sites. It's unusual for concrete operations to have lined wash-water pits.