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

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

RECEIVED
JAN 2005
EXEC OFFICE
SWRCB

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,

Ed Voice & Family
33 River Crest Dr.
PO Box 580
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.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

Interoffice Communication

TO: File (Randall Sand & Gravel) **DATE:** February 14, 2002

FROM: Miguel A. Villicana, Water Resources Control Engineer

SUBJECT: Complaint Inspection Randall Sand and Gravel Garberville (Humboldt County)

Introduction
Representing the Regional Water Quality Control Board (RWQCB) on January 17, 2002, I conducted an inspection at the subject site. Michael Wheeler, Humboldt County Planning Department, Jim Froland, Department of Fish and Game, Theresa Fregoso and Jeff Birdsall, Humboldt County Environmental Health, and Cathy and Sean Studdebaker the facility representatives were also present during the inspection. This inspection was conducted following a series of complaints filed by a concerned neighbor. Complaints alleged that concrete might be dumped on the gravel bar and that concrete wash-water could be reaching the active river channel.

Background
Randall Sand and Gravel conducts sand and gravel processing activities and operates a concrete batch plant located near the South Fork Eel River, in Garberville, Mendocino County. The facility is located on a terrace next to the river it is accessed using Sprowel Creek Road.

Randall Sand and Gravel facility was regulated under various Waste Discharge Requirements (WDRs) Orders until 1995. The last WDRs, Order No. 85-15, were rescinded on August 24, 1995. The RWQCB issued Randall Sand and Gravel a Cleanup and Abatement Order (CAO), Order No. 92-55, on April 14, 1992. The CAO required elimination of a threatened discharged caused by fuel storage tanks having no secondary containment and a woody debris burn pile containing ash located next to the active river channel. The CAO was rescinded by the RWQCB on September 8, 1993, after complying with the requirements.

Observations
A small sedimentation basin located on one side of the entrance road intercepts runoff coming off the county. A gravel berm is located on the edge of the entrance road separating it from the gravel bar access. Sections of the berm were surfaced using concrete. According to the plant operators this practice was suspended in the early '90s. Gravel stockpiles form a barrier around the facility perimeter. Runoff is unlikely to leave the site except via two minor spur roads leading from the processing area to the river gravel bar. Minor rill erosion appeared on spur road surfaces.

Two sedimentation basins used for storing wastewater from cleaning gravel operations are located on a lower terrace located closer to the gravel bar. Both ponds appeared filled with fine sediment close to their capacity. These ponds will require cleaning to recover lost storage capacity. The watermark from the highest flow event previous to the inspection indicated that the river rose to within less than five feet from the sedimentation basins. Unprocessed gravel stockpiles are located at a slightly higher elevation than the sedimentation basins. The watermark indicated that a minor increment in river flow has potential to carry away gravel from the stockpiles and fines from the sedimentation basins.

A pond used exclusively for storing concrete wash-water is located next to the processing area in the same terrace. Gravel and waste concrete stockpiles surround the pond on all sides. This pond is located a vertical distance of approximately 75 ft from the active river channel. Overflow marks indicated that wash-water has overflowed from the pond in the past. According to Mr. Sean Studebaker, the last overflow event occurred over a year ago. Any wastewater from an overflow is likely to percolate through the wasted concrete pile sitting between the pond and the river gravel. Continuous overflow could have potential to eventually reach the gravel bar. Waste concrete piles also have potential for washing out during abnormally high flow events. The entire facility has potential to be under water during abnormally high flow events.

Using a Cole-Parmer calibration free pH meter, Model 05941-10, I took pH readings upstream and downstream of the sedimentation basins and concrete wash-water pond, and the wash-water pond itself. The pH reading approximately 100 feet upstream was 8.1. The downstream reading was 7.4. The pH reading in the concrete wash-water pond was 12.1. The temperature in both upstream and downstream pH reading locations was 47°F, and 44°F in the wash-water pond.

Conclusion

In general, visual observations made during the inspection showed that the complaints were misrepresentative of the existing site conditions. However, best management practices need to improve to reduce potential for impacts to water quality. Gravel stockpiles should be located to the highest point possible during the wet season to prevent washout during high river flows. Concrete waste should be stockpiled at the highest location available since its washout is likely to contribute the greatest impacts. The spur roads leading down to the gravel bar should be eliminated during the wet season or a treatment structure constructed across their access to ensure that any storm water runoff from the processing area is treated. Both sedimentation basins require regular cleaning to ensure that sedimentation of fines produced during gravel cleaning activities will continue to settle. The concrete wash-water pond in its current state appears to have low potential for impacting surface water directly. However, it remains within relative close proximity to the river and it is uncertain of what impacts it could be having on groundwater. Alternative structures should be considered for treating concrete wash-water. Specifically, a structure that does not allow infiltration or releases to gravel bar/active river channel should be installed.

In terms of current permitting requirements for the facility, I will follow up on the requirements included in the new language for the Industrial Activities Storm Water Permit to see whether this facility requires a permit. Site conditions tend to show that conditions should require a permit.

Signed _____

California Regional Water Quality Control Board

North Coast Region

William R. Massey, Chairman

in H. Hickox
Secretary for
Environmental
Protection

Gray Davis
Governor

Internet Address: http://www.swrcb.ca.gov/rwqcb1/
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: 1 (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

March 20, 2002

Ms. Kathy Studebaker
P.O. Box 339
Garberville, CA 995542

Subject: Sand and Gravel Operations Facility Inspection

File: Humboldt County General File (Gravel Mining)

Dear Ms. Studebaker:

This letter is intended to address observations made during the January 17, 2002 inspection conducted at the Randall Sand and Gravel facility. Also, to discuss Best Management Practices (BMPs) needed to reduce potential impacts to water quality. We conducted this inspection following a series of complaints filed by a concerned party.

Visual observations did not quite agree with details provided in the complaints forwarded to our office. However, observations did reveal that there is room for improvement of currently existing BMPs in order to reduce potential impacts to water quality. The following is a summary of inspection observations:

- Impacts from sediment releases and/or concrete and its byproducts were not observed. However, the facility's proximity to the South Fork Eel River indicates that potential for impacts exists.

- Two sedimentation basins used in the gravel separating process appeared to be filled to capacity with fine sediment. All sediment needs to be removed from both basins to reestablish an appropriate depth that will allow process water sufficient residence time to allow settling.

- The high watermark indicated that the river flow came within five feet from reaching the terrace where the sedimentation basins are located. Sediment needs to be placed at a location where high river flows will not carry it away. We recommend that you transport all overburden sediment off-site to a location where it will not be transported to any surface water bodies.

- A small, unprocessed gravel stockpile was located on the same terrace as the sedimentation basins. During the rainy season, all earthen material should be stored at the highest elevation possible to reduce washout potential during high flows.

- Two minor spur roads lead from the processing area to the lower terrace and the gravel bar. These spur roads should be blocked to prevent storm water runoff from

reaching the river. Alternatively, the roads should be outfitted with structures that treat runoff before it reaches the river gravel bar.

The existing concrete washwater pond appears to be functioning appropriately in preventing direct impacts to surface water during normal flows. However, we lack information regarding pond influence on groundwater and/or the South Fork Eel River's subsurface flow. Further, hydraulic connectivity between the pond and the river undoubtedly exists. We are concerned that unclassified wastes, such as concrete washwater, could be impacting groundwater, and potentially the South Fork Eel River. The Regional Water Quality Control (RWQCB) staff is discussing BMPs for concrete washwater. Concrete washwater will not be permitted to be discharged into unlined ponds at concrete batch plants. The washwater must be contained in lined pits or tanks and recycled into new batches of concrete. Meanwhile, we encourage you to investigate alternate methods for managing concrete washwater at your facility.

At present, your facility is not being regulated under any permits issued by the RWQCB. Waste Discharge Requirements (WDRs) previously regulating the facility were rescinded in 1995. The RWQCB is analyzing its WDRs policy for surface mining and processing facilities. It appears that your facility was also exempted from being regulated under the Industrial Activities General Storm Water Permit (General Permit). If storm water runoff originating at the facility has potential for reaching any surface water body at any time, then a General Permit is required. Periodic flood events affecting the facility would meet this condition. The two spur roads leading down to the gravel bar appear to be potential routes for storm water to reach the river. These conditions would no longer make your facility exempt from acquiring a permit.

I have enclosed a copy of the package containing a General Permit, information, and application (Notice of Intent). You should complete the Notice of Intent, attach a site map and application fee, and submit it to the State Water Resources Control Board. Details are included in the package.

We look forward to working with you, if you have any questions contact me at (707) 576-2347.

Sincerely

Thomas B Dunbar
for Miguel A. Villicana
Water Resources Control Engineer

MAV:ja/Randall S & G

Enclosure

California Regional Water Quality Control Board

North Coast Region

William R. Massey, Chairman

Winston H. Hickox
Secretary for Environmental Protection

Gray Davis
Governor

Internet Address: http://www.swrcb.ca.gov/rwqcb1
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone 1-877-721-9203 Office (707) 576-2220 FAX (707) 523-0135

August 8, 2003

Anita Punla
Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Subject: Randall Sand and Gravel Use Permit and Mining and Reclamation Plan

File: Humboldt County, General Planning File

Dear Ms. Punla:

We have reviewed the Use Permit and Mining and Reclamation Plan for the Randall Sand and Gravel facility. A General Industrial Activities Storm Water Permit is required for rock quarry operations where storm water will either be discharged or has potential for discharging into water of the United States. This would include storm water runoff from access roads and stockpile areas. The process requires a notice of intent for complying with the general permit to be filed with the State Water Resources Control Board. The general permit requires owners of industrial facilities to eliminate or reduce nonstorm water discharges, develop and implement a Storm Water Pollution Prevention Plan, and perform inspections of Storm Water Pollution Prevention measures.

In the past, our office has received information indicating that the sedimentation basin area and other lower sections of the processing area are flooded periodically during high rainfall seasons. Such occurrences are equivalent to discharging storm water. Potentially, wastes located on-site, such as fine earthen material left over from the gravel washing process and concrete waste, are also discharged.

During an inspection conducted on January 2002, fine earthen material in the sedimentation basins had accumulated substantially. The facility operator indicated that these basins had not been cleaned in several years and that there was not any room available to stockpile the material on- or off-site. The project overview indicates an increase in the volume of gravel that will be extracted. Increasing gravel extraction volumes likely will also increase difficulties storing and disposing aggregate processing byproducts.

Use permit conditions should require the facility to ensure appropriate handling and disposal of any byproducts. This would entail having adequate disposal facilities available. We are interested in ensuring that the beneficial uses of the South Fork Eel River are not impacted by activities conducted at the facility. Terms of the general permit should be understood as guidance for the applicant in the preparation of operation specifications.

Thank you for the opportunity to comment. If you have any questions, contact me at (707) 576-2347.

Sincerely

Miguel A. Villicana
Water Resources Control Engineer

MAV:js/Randall Sand and Gravel

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California Regional Water Quality Control Board

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ton H. Hickox
ecretary for Environmental Protection

Gray Davis
Governor

Internet Address: http://www.swrcb.ca.gov/rwqcb1/
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone 1-877-721-9203 Office (707) 576-2220 FAX (707) 523-0135

August 13, 2003

Ms. Kathy Studebaker
Randall Sand and Gravel
P.O. Box 339
Garberville, CA 995542

Dear Ms. Studebaker:

Subject: Complaint - Randall Sand and Gravel Facility

File: Humboldt County General File (Gravel Mining)

Recently our office received a complaint regarding operations at the Randall Sand and Gravel Facility. The complaining party informed us that concrete waste was recently dumped proximate to the river's gravel bar. Pictures sent via email tend to support the complaint. Also, the complaining party emphasized that portions of the main processing area are flooded during high rainfall seasons.

You may recall that during an inspection on January 17, 2002, and in a letter dated March 20, 2002, we discussed actions required at the facility to prevent potential impacts to water quality. These actions included reusing high pH wash water in the concrete producing process, protecting the facility to eliminate storm water runoff migration, and removing earthen material from the sedimentation basins. Since that time we have not received any additional information on any efforts to reuse concrete wash water or any other activity aimed at preventing potential impacts. Further, we do not have any evidence indicating that high pH water is now being disposed into a lined impermeable sump.

At the time of the inspection, it appeared that the sedimentation basins had not been cleaned in several years. An objection to removing the fine earthen material was that there was not any room available on- or off-site to store it appropriately. A recent Use Permit Application for the facility indicated planned increases in gravel extraction volumes. Have provisions been made to appropriately dispose of the likely increase in aggregate processing byproducts? Discharging sediment or any other waste to the river during a flood is a violation of the North Coast Regional Water Quality Control Plan. In general, all wastes generated at the facility need to be cleaned

2

periodically and disposed at an appropriate location. The objective should be to prevent unauthorized discharges to the river via storm water or during floods.

As we mentioned in our March 20, 2002 letter, flooding is equivalent to discharging storm water from the facility. In the letter, we included a package discussing the requirements of an Industrial Activity Storm Water Permit. Shortly after that we received a voice mail from Sean Studebaker indicating that a permit would be obtained. As of this date, your facility is not included in the State Water Board's storm water permit database. Alternatively, we will consider issuing Waste Discharge Requirements to address potential impacts to water quality from activities at the facility.

In closing, we want to emphasize that there are some unresolved issues with operations at the Randall Sand & Gravel facility. We are interested in resolving the items mentioned above to ensure that impacts to the beneficial uses of the South Fork Eel River do not occur. Feel free to contact me if you feel that any of the information provided to our office is not representative of site conditions.

Please submit a plan to address the items mentioned above to our office by September 10, 2003. Please contact me prior to September 10 so that we can discuss the information that we are requesting. You may contact me at (707) 576-2347.

Sincerely,

Miguel A. Villicana

Miguel A. Villicana
Water Resources Control Engineer

MAV:js/Studebaker Randall Sand and Gravel

cc: Anita Punla, Senior Planner, County of Humboldt Planning Division, 3015 H Street, Eureka, CA 95501

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1062 G ST.

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☐ NPQ ___ ☐ RSG ___ ☐ EJL ___

September 11, 2003

Miguel A. Villicana, Water Resources Control Engineer
North Coast Regional Water Quality Control Board
5550 Skylane Blvd. Ste. A
Santa Rosa, CA 95403

From: Robert Brown, AICP Robert Brown

RE: Randall Sand and Gravel Facility Complaint – Humboldt County General File (Gravel Mining)

Dear Miguel,

This letter is an initial response to your letter dated August 13, 2003 regarding a complaint at the Randall Sand and Gravel facility. It appears that your letter is not just in response to a recent complaint you received, but also a follow-up to your letter dated March 20, 2002 regarding an actual site inspection resulting from similar complaints, which suggested improvements. I would like to point out that in the March 20th, 2002 letter you stated that "visual observations did not quite agree with details provided in the complaints forwarded to our office" and that the inspections only indicated that "there is room for improvement of currently existing BMPs in order to reduce potential impacts to water quality." This indicated to me that there were no violations existing onsite at the time. I don't understand what has occurred since then.

Your March 20th, 2002 & August 13th, 2003 letters included several suggestions to improve existing operations. These have been complied with as indicated below.

<u>March 20th, 2002 Comments</u>

Comment:

Impacts from sediment releases and/or concrete and its byproducts were not observed. However, the facility's proximity to the South Fork Eel River indicates that potential for impacts exist.

Response:

See responses below.

22

Comment:

Two sedimentation basins used in the gravel separating process appeared to be filled to capacity with fine sediment. All sediment needs to be removed from both basins to reestablish an appropriate depth that will allow process water sufficient residence time to allow settling.

Response:

Cathy Randall-Studebaker (owner/operator) stated to me on August 18, 2003 that the basins are currently cleaned out every two to three months, including at the end of the season. This also was scheduled and occurred shortly after your January 17, 2002 visit. This fine material is hauled offsite to an approved fill area. Each basin is bermed with approximately 150 cubic yards of clean material. This year, clean processed rock was used to supplement the settling basin berms. One of the basins has been recently excavated with material stockpiled around the edge to allow drainage before transporting off-site.

APPROVED ? WHOM ?

Aggregate material has historically and is currently brought to the site from outside sources. If the County approves the additional extraction volumes as requested in the referenced use permit application, there should be no change, just less material imported. The basins can be enlarged or cleaned more often if necessary.

Comment:

The high watermark indicated that the river flow came within five feet from reaching the terrace where the sediment basins are located. Sediment needs to be placed at a location where high riverflows will not carry it away. We recommend that you transport all overburden sediment off-site to a location where it will not be transported to any surface bodies.

Response:

See the above response: Sediment basins are cleaned out regularly and the material is transported to an approved offsite location with no surface water. This sediment therefore is not allowed to be introduced into the So. Fork Eel River, even during flood events. Also see the response below regarding flooding.

Comment:

A small, unprocessed gravel stockpile was located on the same terrace as the sediment basins. During the rainy season, all earthen material should be stored at the highest elevation possible to reduce washout potential during high flows. Also flooding in general, especially of the sediments basins, would be a stormwater discharge.

Response:

This year's high flow (Dec. 28, 2002) at the Miranda Gaging Station reached 58,000 cfs. This equated to a high water elevation at the processing site of approximately 325'. The processing site is bermed to an elevation of 330' or more to protect the site from floodwaters. The stockpile referred to was a temporary river-run materials stockpile containing only material directly off the gravel bar that would be disturbed during high water. This was removed before flows increased anywhere near the stockpile. The applicant is also currently considering the feasibility of moving the concrete wash basin to a higher location in order to avoid potential flooding. Because of the small size of the site, stockpile areas are limited, but

are kept as high up the terrace as possible. The current use permit application and reclamation plan renewal proposes adding an adjacent parcel to the west of the processing site into the operation. With this minor expansion, the processing site can be reorganized, potentially allowing the stockpiles and/or rinse water basin to be moved to higher ground.

Comment:

Two minor spur roads lead from the processing area to the lower terrace and the gravel bar. These spur roads should be blocked to prevent storm water runoff from reaching the river. Alternatively, the roads should be outfitted with structures that treat runoff before it reaches the river gravel bar.

Response:

Beginning last year, at the end of the operating season, and as a result of your suggestion, hay bales were placed at the bottom of the access roads prior to the commencement of the rainy season to prevent stormwater from directly reaching the gravel bar and the river. The hay bales were supplemented with washed, process rock places as a berm across the roads. This practice of using washed rock will continue in lieu of hay bales and can be verified by the County's annual inspections that typically occur in November. The berm effectively kept run-off from the process site from flowing down the access roads. Earlier this summer the site was regarded in a manner to reduce flows towards the head of the access roads.

Comment:

The existing rinse water basin is currently preventing direct impacts to surface water, however, it is likely that groundwater, and/or subsurface flow is being affected by high pH rinsewater. Although the RWQCB staff was still discussing BMPs for concrete washwater at the time of the March 20, 2002 letter, you stated that: "Concrete washwater will not be permitted to be discharged into unlined ponds at concrete batch plants. The washwater must be contained in lined pits or tanks and recycled into new batches of concrete. Meanwhile, we encourage you to investigate alternative methods for managing concrete washwater at your facility."

Response:

I have not been able to locate any new BMPs from the RWQCB or SWRCB for concrete rinsewater. If you know of any, please forward them to me. During your site inspection, you took pH readings in the river both upstream and downstream of the processing facility; you found no difference in the readings. Therefore, since the pond is not currently directly affecting the river, and no violations were occurring, we were waiting for direction through the BMPs. Potential solutions can be quite expensive. The operator will be installing monitoring wells in order to assess indirect impacts to groundwater or subsurface flow. If impacts are not found to be occurring, then no further action may be necessary. If impacts are found to be occurring, then further actions such as creating an impermeable basin and recycling the rinsewater, or finding an alternative location will have to be undertaken.

When the County approves the additional parcel, Cathy will be able to move the concrete rinse basin upland and higher in elevation. Proper maintenance will continue to occur.

24

August 13, 2003 Comments

Comment:

At present, your facility is not being regulated under any permits issued by the RWQCB (March 20th, 2002). The recent letter states that potential, even periodic flooding, is equivalent to a stormwater discharge requiring an Industrial Storm Water Permit, or alternatively a Waste Discharge Requirement.

Response:

Last summer this operation received a CWA Section 401 certification (Permit # 1B02102WNHU) that expires December 31, 2004. In our phone conversation of August 18, 2003, you indicated that installing monitoring wells around the concrete rinsewater basin could be an alternative for obtaining a permit. As indicated above, the operator will take this option prior to winter setting in this year. Previously discussed measures that the applicant is or will be undertaking, along with considering the new BMP's you mentioned will be coming out soon, should prevent the need for permits issued by the RWCQB.

Comment:

The complaining party informed the Regional Board that concrete waste was recently dumped proximate to the river's gravel bar. Pictures sent via email tend to support this complaint.

Response:

Without seeing the photographs, this comment is difficult to respond to. Please email me a copy so I can provide you with more clarification. After talking to Cathy, I am reasonably sure that the "recently dumped concrete waste" was actually the result of annual maintenance of the berm around the washbasin. The excavated material is allowed to drain back into the basin prior to reutilizing this material into base rock. She stated to me that she has not dumped any concrete near the gravel bar other than the described maintenance. If after I review the photo this is not what is occurring I will investigate further what the photo indicates.

The Randall Sand and Gravel facility is a family owned and operated business. The Randall's not only work on the river, but grew up here and their children play in the river. The Randall's attempt to be stewards of the river and do not contribute to its degradation. They are willing to take reasonable steps to protect the river if their actions are affecting its quality. However, being a small family business, they cannot afford to take extraordinary and unnecessary actions stemming from one neighbor's harassment of the operation in an attempt to shut it down.

To assist in your further review, I have attached a recent aerial photograph (June 15, 2003) close-up (1" = 100') the Randall Sand & Gravel Operation processing site. Please feel free to give me a call if you have any questions or need additional information. I look forward to continuing to work with you to deal with any unresolved issues and to ensure that water quality at this site is protected.

California Regional Water Quality Control Board

North Coast Region

William R. Massey, Chairman

Winston H. Hickox
Secretary for Environmental Protection

Gray Davis
Governor

Internet Address: http://www.swrcb.ca.gov/rwqcb1/
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone 1-877-721-9203 Office (707) 576-2220 FAX (707) 523-0135

October 6, 2003

Bob Brown
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521

Dear Mr. Brown:

Subject: Water Quality Issues at Randall Sand and Gravel, Garberville

File: Randall Sand and Gravel, Humboldt County

This letter is in response to your September 11, 2003 letter to Miguel Villicana.

Be advised that concrete washwater is an industrial waste with a high pH. At times, the pH can be high enough to classify the washwater as a hazardous waste. The washwater must be contained and treated or recycled back into an outgoing concrete batch. The recycling is considered Best Management Practice. The washwater may not be discharged into an unlined pit anywhere. You can install monitoring wells if you wish, but the washwater must be contained and dealt with appropriately. If any significant quantity of washwater accumulates in a containment sump, the sump must be located above the floodplain. It is not acceptable to have industrial waste washed away by the River.

Where is the "approved fill area" for the fines that are removed from the gravel washwater settling pond?

Water Quality Certification (WDID No. 1B02102WNHU) was issued for this sand and gravel extraction operation. It may need to be renewed after it expires on December 31, 2004. That depends on what the US Army Corps of Engineers does with the current process to comply with Clean Water Act Section 404. If it needs to be renewed, monitoring wells will not be an alternative.

If you have any questions, please call Miguel Villicana at 707-576-2347.

Sincerely,

Thomas B Dunbar

Thomas B. Dunbar
Senior Water Resource Control Engineer

TBD:js/Randall S&G

cc: Randall Sand and Gravel, 214 West River Lane, Garberville, CA 95542

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26

California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman

Terry Tamminen
Secretary for Environmental Protection

http://www.swrcb.ca.gov/rwqcb1/
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone 1-877-721-9203(toll free) Office (707) 576-2220 Fax (707) 576-2557

Arnold Schwarzenegger
Governor

INTEROFFICE MEMORANDUM

TO: Tom Dunbar/File TD

FROM: Dean Prat DP

DATE: April 15, 2004

SUBJECT: Randall Sand and Gravel

I inspected the Randall Sand and Gravel facility on the South Fork Eel River near Garberville on April 7, 2004. I arrived at the site at approximately 1530 and was escorted around the facility by Randall employees Sean Studebaker and Joe, and Bob Brown with Streamline Consultants. The primary purpose of the inspection was to look at the concrete wash out wastewater disposal and determine if the facility had responded to Tom Dunbar's October 6, 2003 letter that stated the disposal of concrete wastewater to an unlined pit is not acceptable.

The facility has a designated area for conducting concrete wash out activities that consists of an unlined gravel pit. I could not tell how deep the pit is but I was told that the pit was almost full. There was water in the pit but the water was not overflowing or discharging directly to the river (Photo 1). Towards the end of my inspection I observed a concrete truck washing out to the pit (Photo 2). The wash water and pit water was very muddy after the truck washed out. Based on the remaining capacity in the pit and the volume of wash water that I observed being discharged to the pit it appeared that the water must percolate fairly rapid through the bottom in order for the pit not to overflow. I could see moist gravel along the bottom of the gravel pit wall indicating that the wash water is percolating downward through the pit bottom.

Adjacent to the concrete wastewater pit was piles of waste concrete that had been removed from the disposal pit (Photo 3). I was told that they clean out the pit about four times per year. The aggregate and residual concrete material from the pit is stockpiled next the disposal pit to dry. They screen out the sand from the recycled waste concrete material and the coarser material is sold as road base. Based on information handed to me that day by Bob Brown of Streamline Consulting, the concrete washout area is above the 100-year flood plain.

I also looked at the two settling ponds that are located on the gravel bar below. These ponds receive muddy water and fines from the gravel washing operation. The ponds are used for settling out the fines and the water is recycled back to the gravel washer. They get makeup water directly from the river. The fine solids from the settling ponds are periodically removed and placed in a shallow basin excavated on the gravel bar (Photo 4). When the fines are dry they are hauled offsite. I was told they are currently hauling to a property east of Garberville on Arthur Road. I did not have time to look at the disposal location.

Throughout the inspection I explained why they are not authorized to discharge concrete wastewater to an unlined pit. They told me they are willing to install a new concrete washout

system but they haven't received the guidance they have requested regarding what type of system the Regional Water Board would accept. They requested information about other facilities we regulate and how they have addressed the same issue. I mentioned the Arcata Redi-Mix site and told them I would check to see what other facilities are doing. Mr. Brown indicated that he was familiar with the Arcata Redi-Mix facility and the past enforcement case.

Kathy Studebaker joined us at the end of the inspection. I briefed her on my findings and told her I observed discharges that require waste discharge requirements. I told her they need to change their concrete disposal practices and/or obtain waste discharge requirements for disposal of the concrete wastewater. I also told her that the facility is required to have a storm water permit based on the applicable SIC codes for the facility. I told Ms. Studebaker that I would bring my inspection findings back to the office, discuss the regulatory requirements with my supervisor, and I would contact them with more information about the permitting requirements for Randall and any information I could find about other facilities we regulate.

April 20, 2004

TO: Dean Prat, Associate Engineering Geologist
California Regional Water Quality Control Board
North Coast Region
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

FROM: Shawn Studebaker, Randall Sand and Gravel

RE: Water Quality Issues at Randall Sand and Gravel, Garberville

The following addresses some of the issues we discussed during your site visit on April 7, 2004 as well as those items listed in Tom Dunbar's letter dated October 6, 2003.

1. The Flood study that was provided to you when you were last up here establishes the 100-year floodplain below the area of where both the ready mix wash water basin is and where it will be located in the future. This study was completed to meet the concern that any "sump must be located above the floodplain".

2. We followed up on information you provided on Thursday, April 7th by beginning to clean out the cement wash basin on Monday April 12th and completing it by April 14th. We installed a 40-foot by 100- foot 10 mil polyethylene lining on April 16th. After removal of the solids there was not much water in the basin. The lining was lowered under the water and anchored to the bottom. Sides were staked or weighted so that the edges won't slip into the basin. This is a temporary solution until a permanent facility is constructed. No cleanout will occur while the plastic lining is in place so that the integrity of the lining is maintained and not ripped. There is ample freeboard to meet all the needs this summer and prior to rains in the fall. Currently we do not have a discharge to "an unlined pit." The basin will be inspected weekly and repaired immediately should it be found necessary.

3. Improvements will be made in three stages. The first is to construct a permanent facility that contains all wash water and allows no percolation. Enough freeboard will be provided above the basin to handle the wash water and any rainfall event that may occur. Designs are being looked into now with the intent to construct a permanent facility by August 15th. Design plans will be provided to you by July 15th

The second stage will be managing the wash water. This may include some sort of filtration and/or recycling that meets the needs of the facility. Construction will be completed by October 1st. Cleaned-out solids will continue to be deposited on site in an area outside of the 100-year floodplain until dried and then utilized with aggregate in making road base materials or other products.

The third stage will be providing a roof or cover that minimizes winter rainfall while maximizing summer evaporation. This will be constructed by December 1st.

----- Original Message -----
From: "Tom Dunbar" <DunbT@rb1.swrcb.ca.gov>
To: <edvoice@sbcglobal.net>
Cc: "Dean Prat" <PratD@rb1.swrcb.ca.gov>
Sent: Wednesday, August 11, 2004 3:40 PM
Subject: Re: Question for Mr. Villicana

Dean Prat inspected the Randall facility in April 04 and subsequently requested submittal of a SWPPP. They are not required to submit a SWPPP unless requested. I understand that the SWPPP is being prepared now and will be submitted to us before this winter's rainy season. You should contact Dean Prat (shown as email cc) from now on regarding the Randall facility.

>>> "Ed Voice" <edvoice@sbcglobal.net> 08/11/04 01:40PM >>>
Thank you very much,

I only have one other question, Did Randall Sand & Gravel submit their SWPPP to your office?

Thanks Again
Ed Voice

----- Original Message -----
From: "Tom Dunbar" <DunbT@rb1.swrcb.ca.gov>
To: <edvoice@sbcglobal.net>
Sent: Tuesday, August 10, 2004 3:19 PM
Subject: Re: Question for Mr. Villicana

I will try to answer these where I can. See response in bold after each question.

>>> "Ed Voice" <edvoice@sbcglobal.net> 08/10/04 02:06PM >>>
In the Interoffice Communication, dated Feb.14, 2004, from Miguel A. Villicana, to the file for Randall Sand & Gravel;

1. Did you ever test the settling ponds for pH? **If it is not in the record that you read in our file, then the answer is no.**

2. Is it normal for the pH to be that different only a couple of hundred feet apart? **pH conditions vary thorughout a river's course. I don't know what normal means here. I have no first hand knowledge of this inspection and don't know if the difference in pH should be expected here.**

3. When you stated "Gravel Stockpiles and Concrete Waste should be stockpiled at the highest location available during the wet season" Where would that highest location be located? Away from the River? **Highest location refers to elevation above flood plain. If it is away from the river, then the answer is yes.**

4. On July 15, 2004, at the Humboldt County Planning Commission Public Hearing for Randall Sand & Gravels new CUP, and Rec Plan, planning staff told the Commissioners a roof needs to be constructed over the Concrete Waste Pond by Dec.1, 2004 as per the RWQCB1 permit. Is this what you meant by: "Alternative structures should be considered for treating concrete wash-water. Specifically, a structure that does not allow infiltration or releases to gravel bar/active river channel should be installed." **No. Alternative structure refers to an impermeable vessel that contains liquid and does not allow infiltration or releases to gravel bar/active river channel.**

5. Did you ever find the approved waste disposal site they have been using? **If it was not in the record that you read in our file, then the answer is no.**

Thank you
Ed Voice

----- Original Message -----
From: "Tom Dunbar" <DunbT@rb1.swrcb.ca.gov>
To: <edvoice@sbcglobal.net>
Cc: "Dean Prat" <PratD@rb1.swrcb.ca.gov>
Sent: Tuesday, August 10, 2004 10:52 AM
Subject: Re: Question for Mr. Villicana

Mr. Villicana no longer works in this office as of mid-July 2004. What are the questions?

>>> "Ed Voice" <edvoice@sbcglobal.net> 08/10/04 09:30AM >>>
Morning Mr. Dunbar

After making copies of the Randall Sand & Gravels files from your office, I would like the opportunity to ask Mr.Villcana a couple of questions about the inspection of RS&G in Jan.2002. Only whats in his report. If its ok I will copy you with the questions, or any other way you want.

Thank you
Ed Voice