

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION R5-2020-0037

TO ADOPT THE MITIGATED NEGATIVE DECLARATION AND
APPROVE THE MITIGATION MONITORING AND REPORTING PLAN

FOR

LEHIGH SOUTHWEST CEMENT COMPANY AND CALAVERAS CEMENT COMPANY
CALAVERAS CEMENT CKD-3 CLOSURE
CALAVERAS COUNTY

FINDINGS

INTRODUCTION

The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds that:

1. Lehigh Southwest Cement Company and Calaveras Cement Company (hereafter jointly Discharger or Lehigh), own and operate the Calaveras Cement Plant (hereafter Calaveras Cement or facility or site) about 2.5 miles south of San Andreas, Calaveras County. The Discharger's property is located in the northern parts of Sections 29, 30, 31 and 32, and southern parts of Sections 19 and 20, T4N, R12E, MDB&M. The facility is a Group B mining waste management site regulated under authority given in Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) and the Mining Waste Management Regulations in California Code of Regulations, title 27, section 22470 et seq. (Title 27).
2. The following documents are attached to this Resolution and hereby incorporated into and made a part of this Resolution by reference:
 - Attachment A – Mitigated Negative Declaration (MND)
 - Attachment B – Mitigation Monitoring and Reporting Plan (MMRP)
3. The Lehigh Southwest Calaveras Cement Plant (Plant) is a former 250-acre limestone quarry and cement production facility that ceased operation in 1982. While the facility was in operation from 1926 to 1982, cement kiln dust (CKD) and waste rock were discharged to three CKD dust piles (CKD-1, CKD-2, CKD-3) and two waste rock piles (West Rock Storage Area and East Rock Storage Area), respectively. Mining and processing activities ceased in 1982 and the facilities have been decommissioned and demolished. Since activities ceased in 1982, the Central Valley Regional Water Quality Control Board (CVRWQCB) updated Waste

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Discharge Requirements (WDRs) closure orders in accordance with Title 27, Division 2 of the California Code of Regulations (Title 27) three times. The last update R5-2017-0077, which supersedes all prior WDR orders, was adopted on June 9, 2017. Pursuant to California Code of Regulations Title 27 Section 22480, the order classifies the cement kiln dust as Group B Mining Waste:

4. The *Group B – mining waste of Group B* is either:
 - a. *mining wastes that consist of or contain hazardous wastes, that qualify for a variance under Chapter 11 of Division 4.5, of Title 22 of this code, provided that the [regional water quality control board] finds that such mining wastes pose a low risk to water quality; or*
 - b. *mining wastes that consist of or contain nonhazardous soluble pollutants of concentrations which exceed water quality objectives for, or could cause, degradation of waters of the state.*

The Central Valley RWQCB amended the R5-2017-0077 compliance deadlines with WDR Order No. R5-2019-0011 which extended deadlines for CKD-3 closure as December 31, 2020, and the related compliance deadline for the final Construction Quality Assurance report to March 31, 2021.

5. The proposed closure involves consolidating CKD material at CKD-3 under a low-permeability cover, installing a leachate collection and removal system to control subsurface drainage, installing surface water drainage controls, and closing the CKD-3 site in compliance with Central Valley RWQCB WDR Order No. R5-2017-0077-01 and Title 27 Requirements.

CKD-3 CLOSURE

6. To fulfill the requirements in order R5-2017-0077, Lehigh submitted the *Updated Engineering Design Report for the Calaveras Cement Plant, Cement Kiln Dust Repository No. 3 Final Closure, Lehigh Southwest Cement Company – Calaveras County, California* (Updated Engineering Design) on 4 May 2018. The *Engineering Design Report for the Calaveras Cement Plant, Cement Kiln Dust Repository No. 3 Final Closure, Lehigh Southwest Cement Company – Calaveras County, California* (Engineering Design) was originally submitted on 6 December 2017. Staff provided comments on 24 January 2018 and received *Responses to the Comments Issued by the Central Valley Regional Water Quality Control Board on January 24 2018, Cement Kiln Dust Repository No. 3 Final Closure, Calaveras Cement Plant, Lehigh Southwest Cement Company – Calaveras County, California* (Responses to Comments) on 9 March 2018. Staff reviewed the Response to Comments and

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provided additional comments during a conference call on 20 March 2018 which were considered in the Updated Engineering Design. In their 8 May 2018 letter, staff concurred with the Updated Engineering Design which proposed the following actions for the CKD-3 closure:

- Excavate all CKD outside of the perimeter of the future repository and consolidate within the repository
- Grade CKD pile to a stable configuration with steepest slopes 3H:1V (horizontal to vertical) and two fifteen feet wide benches
- Cover graded slopes with an engineered alternative low permeability cover
- Insert pipes to collect and remove leachate
- Construct stormwater conveyance system with the capacity to accommodate peak flows from a 100-year 24-hour storm.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. The Central Valley Water Board has assumed the role of lead agency in accordance with California Code of Regulations, title 14, section 15050, for the purposes of satisfying the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 etseq.).
2. The Central Valley Water Board has reviewed the Initial Study and Mitigated Negative Declaration prepared in accordance with Section 15063 of Title 14 of the California Code of Regulations in order to evaluate potential significant environmental impacts that may occur as a result of the proposed remediation work.
3. Copies of the Draft Initial Study and Mitigated Negative Declaration were submitted to the State Clearinghouse and Planning Unit (submission SCH# 2020019054) and transmitted to or made available to all agencies and persons known to be interested in these matters. A Notice of Intent to Adopt a Mitigated Negative Declaration and Notice of Public Hearing as well as the Draft Initial Study/Proposed Mitigated Negative Declaration were also made publicly accessible on the Central Valley Water Board [Public Notices](https://www.waterboards.ca.gov/centralvalley/public_notices/#Mining) website (https://www.waterboards.ca.gov/centralvalley/public_notices/#Mining).
4. The Central Valley Water Board considered all testimony and evidence at a hearing held on 4 June 2020 in Rancho Cordova, California, and good cause was found to approve the Mitigation Monitoring and Reporting Plan and adopt the Mitigated Negative Declaration.

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5. During the closure activities, Lehigh will implement all mitigation measures as described in the Mitigation Monitoring and Reporting Plan which will ensure that the project will not create significant effects to the environment. The monitoring and reporting provisions of the Project will therefore satisfy the requirements of Public Resources Code section 21081.6(a)(1).
6. After considering the whole of the record--including the initial study, the proposed Mitigated Negative Declaration, and the Mitigation Monitoring and Reporting Plan--the Central Valley Water Board hereby determines that there is no substantial evidence that the project, with mitigation measures, will have a significant effect on the environment.

RESOLUTION

THEREFORE, BE IT RESOLVED, pursuant to Section 21080, et seq. of the California Public Resources Code, and Water Code section 13398.7, that the Central Valley Water Board, after considering the entire record, including written and oral testimony at the hearing:

1. Adopts the Mitigated Negative Declaration enclosed in Attachment A
2. Approves the Mitigation Monitoring and Reporting Plan for the Calaveras Cement Plant Project enclosed in Attachment B
3. Finds the record before the Central Valley Water Board contains no substantial evidence that a fair argument has been made that the project may have a significant effect on the environment

I, PATRICK PULUPA, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region on 4 June 2020.

PATRICK PULUPA, Executive Officer

NJV/BSS

R5-2020-0037

ATTACHMENT A:

MITIGATED NEGATIVE DECLARATION

MITIGATED NEGATIVE DECLARATION

PROJECT: LEHIGH SOUTHWEST CEMENT COMPANY CALAVERAS CEMENT CKD-3 CLOSURE PROJECT

LEAD AGENCY: CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

PROJECT LOCATION

The project site is approximately 2.5 miles south of San Andreas, in Calaveras County, California. The project site is accessed via Pool Station Road from State Route 49.

PROJECT DESCRIPTION

The Lehigh Southwest Calaveras Cement Plant (Plant), owned by the Lehigh Southwest Cement Company (Lehigh), is a former 250-acre limestone quarry and cement production facility that ceased operation in 1982. While the facility was in operation from 1926 to 1982, cement kiln dust (CKD) and waste rock were discharged to three CKD dust piles (CKD-1, CKD-2, CKD-3) and two waste rock piles (West Rock Storage Area and East Rock Storage Area), respectively. Mining and processing activities ceased in 1982 and the facilities have been decommissioned and demolished. Since activities ceased in 1982, the Central Valley Regional Water Quality Control Board (RWQCB) updated Waste Discharge Requirements (WDRs) for closure of this site on three separate occasions. On June 9, 2017, the Central Valley RWQCB issued WDR Order No. R5-2017-0077 in accordance with Title 27, Division 2 of the California Code of Regulations, which supersedes all prior WDR Orders. The order classifies the Plant as mine waste Group B and identifies WDRs for closure of CKD-3. The project involves consolidating CKD material at the CKD-3 site under a low-permeability cover, installing a leachate collection and removal system to control subsurface drainage, installing surface water drainage controls, and closing the CKD-3 site in compliance with Central Valley RWQCB WDR Order No. R5-2017-0077-01 and Title 27 Requirements.

The Central Valley RWQCB amended the compliance deadlines with WDR Order No. R5-2019-0011, which states the deadline for closing CKD-3 is December 31, 2020, and the related compliance deadline for the final Construction Quality Assurance report is March 31, 2021.

FINDINGS

An Initial Study (IS) was prepared to assess the project's potential effects on the environment and the significance of those effects. Based on the IS, it has been determined that the proposed project would not result in significant adverse effects on the physical environment after implementation of proposed mitigation measures. This conclusion is supported by the following findings:

1. The proposed project would have no impacts on land use and planning, population and housing, public services, and recreation.
2. The proposed project would have less-than-significant impacts on aesthetics, agriculture and forestry resources, air quality, energy, greenhouse gas emissions, mineral resources, noise, transportation, utilities and service systems, and wildfire.
3. The proposed project would have potentially significant impacts on biological resources, cultural resources, Tribal cultural resources, geology and soils, hazards and hazardous materials, and hydrology and water quality, but mitigation measures are proposed to avoid or reduce these effects to less-than-significant levels.
4. The proposed project would have beneficial impacts related to aesthetics and hydrology and water quality.
5. The proposed project would not have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory.
6. The proposed project would not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
7. The proposed project would not have possible environmental effects that are individually limited but cumulatively considerable and contribute to a significant cumulative impact. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
8. The environmental effects of the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly.

Following are the proposed mitigation measures that would be implemented to avoid or minimize potentially significant and significant environmental impacts. Implementation of these mitigation measures would reduce the potentially significant and significant environmental impacts of the proposed project to less-than-significant levels. The responsibility for implementation of each mitigation measure is identified; however, the Central Valley RWQCB is ultimately responsible for ensuring each measure is implemented.

Mitigation Measure BIO-1a: Avoid Failure of Tricolored Blackbird Nest Colony.

Lehigh and its construction contractor(s) will implement the following measures to avoid potential failure of a tricolored blackbird nest colony during project implementation:

- Vegetation removal shall be conducted between September 1 and March 1, to the extent feasible, to avoid vegetation removal during the tricolored blackbird nesting season.
- If project activities (including vegetation removal) are required during the tricolored blackbird nesting season (March 1 through August 31), surveys for nesting activities shall be conducted by a qualified biologist in areas of suitable nesting vegetation on and within 500 feet of the project site. A minimum of one survey shall be conducted no more than 7 days before project activities begin.
- If nesting activity is observed, an appropriate buffer shall be established and maintained around the outer edge of the nesting colony to avoid nest failure from project activities. The appropriate size and shape of the buffer shall be determined by a qualified biologist and may vary depending on the nest location, nest stage, construction activity, and existing disturbance levels. The buffer may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. Monitoring shall be conducted to confirm that project activities are not resulting in detectable adverse effects on nesting birds or their young. No project activities shall occur within the buffer areas until a qualified biologist determines that the young have fledged or the colony site is otherwise no longer in use.

Timing: Before and during project construction activities

Responsibility: Lehigh

Mitigation Measure BIO-1b: Minimize Potential to Destroy Active Bird Nests.

Lehigh and its construction contractor(s) will implement the following measures to minimize potential to destroy an active bird nests during project implementation:

- Vegetation removal shall be conducted between September 1 and March 1, to the extent feasible, to avoid vegetation removal during the bird nesting season.
- If project activities (including vegetation removal) are required during the nesting season (March 1 through August 31), a qualified biologist shall conduct surveys of suitable nesting habitat that would be directly disturbed by project activities (including vegetation removal). A minimum of one survey shall be conducted no more than 7 days before project activities begin.
- If any active bird nests are documented, protective buffers shall be established by a qualified biologist and implemented until the nests are no longer active, to ensure that known active nests are not accidentally destroyed during project activities.

Timing: Before and during project construction activities
Responsibility: Lehigh

Mitigation Measure BIO-2: Protect Riparian Habitat, Obtain and Comply with Necessary State Permits/Authorizations, and Develop and Implement a Mitigation Plan, if Necessary.

Lehigh will implement the measures described below to minimize impacts on riparian habitat and compensate for loss of riparian habitat, such that there is no net loss of riparian functions and values:

- Before beginning project construction activities (including vegetation removal), high-visibility fencing shall be installed to protect riparian habitat maintained during project construction activities. Fencing shall be installed adjacent to the construction area to preclude encroachment of personnel and equipment. The fencing shall be inspected before the start of each work day and shall be removed when construction is completed. Sensitive habitat information shall be incorporated into project bid specifications, along with a requirement for contractors to avoid these areas.
- Prior to removal of riparian vegetation, a California Department of Fish and Wildlife (CDFW) streambed alteration agreement shall be obtained under Section 1602 of the California Fish and Game Code, and riparian habitat mitigation resulting in no-net-loss of riparian functions and values shall be provided. Mitigation may be accomplished through habitat replacement, enhancement of degraded habitat, offsite mitigation at an established mitigation bank, contribution of in-lieu fees, or other methods acceptable to CDFW. Conditions of issuance of the streambed alteration agreement, including minimization and compensation measures, shall be implemented as part of the project, such that there is no net loss of riparian functions and values.
- If compensation is provided through permittee-responsible mitigation, a mitigation plan shall be developed to detail appropriate compensation measures determined through consultation with CDFW, methods for implementation, success criteria, monitoring and reporting protocols, and contingency measures to be implemented if the initial mitigation fails.

Timing: During project activities
Responsibility: Lehigh

Mitigation Measure BIO-3: Protect Jurisdictional Waters, Obtain and Comply with Necessary Federal and State Permits/Authorizations, and Develop and Implement a Mitigation Plan, if Necessary.

Lehigh will implement the measures described below to minimize impacts on jurisdictional waters, including wetlands, and compensate for loss of seasonal wetland, such that there is no net loss of seasonal wetland functions and values:

- Before beginning project activities, high-visibility fencing shall be installed to protect the drainage and wetland habitat maintained during project activities. Fencing shall be installed adjacent to the construction area to preclude encroachment of personnel and equipment. The fencing shall be inspected before the start of each work day and shall be removed when construction is completed. Sensitive habitat information shall be incorporated into project bid specifications, along with a requirement for contractors to avoid these areas.
- Prior to disturbing jurisdictional waters, authorization for impacts on jurisdictional waters shall be secured – a Clean Water Act (CWA) Section 404 permit from the United States Army Corps of Engineers (USACE) and a water quality certification pursuant to CWA Section 401 from the Central Valley RWQCB – before starting project activities. Any measures determined necessary during the 404 and 401 permitting processes shall be implemented, such that there is no net loss of functions and values of jurisdictional waters.
- Mitigation may be accomplished through habitat replacement, enhancement of degraded habitat, offsite mitigation at an established mitigation bank, contribution of in-lieu fees, or other method acceptable to the regulatory agencies, such that there is no net loss of wetland functions and values. If compensation is provided through permittee-responsible mitigation, a mitigation plan shall be developed to detail appropriate compensation measures determined through consultation with USACE and Central Valley RWQCB, methods for implementation, success criteria, monitoring and reporting protocols, and contingency measures to be implemented if the initial mitigation fails.

Timing: During project activities

Responsibility: Lehigh

Mitigation Measure CR-1: Address Previously Undiscovered Historic Properties, Archaeological Resources, and Tribal Cultural Resources.

Lehigh shall implement the following measures to reduce or avoid impacts on undiscovered historic properties, archaeological resources, and tribal cultural resources. If buried or previously unidentified historic properties or archaeological resources are discovered during project construction activities, all work within a 100-foot-radius of the find shall cease. Lehigh shall retain a professional archaeologist meeting the Secretary of the Interior's Professional Standards for Archaeologists to assess the discovery and recommend what, if any, further treatment or investigation

is necessary for the find. Interested Native American Tribes will also be contacted. Any necessary treatment/investigation shall be developed with interested Native American Tribes providing recommendations and shall be coordinated with the State Historic Preservation Officer and U.S. Army Corps of Engineers, if necessary, and shall be completed before project activities continue in the vicinity of the find.

Timing: During project construction activities

Responsibility: Lehigh

Mitigation Measure CR-2: Avoid Potential Effects on Undiscovered Burials.

Lehigh shall implement the following measures to reduce or avoid impacts related to undiscovered burials. In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, all potentially damaging ground-disturbance in the area of the burial and within a 100-foot-radius, shall halt and the Calaveras County Coroner shall be notified immediately. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, then Federal laws governing the disposition of those remain would come into effect. Specifically, the Native American Graves Protection and Repatriation Act, Pub L. 101-601, 25 U.S.C. 3001 et seq., 104 Stat. 3048 requires Federal agencies and institutions that receive Federal funding to return Native American cultural items to lineal descendants and culturally affiliated Indian Tribes and Native Hawaiian organizations. Cultural items include human remains, funerary objects, sacred objects, and objects of cultural patrimony. The Native American Graves Protection and Repatriation Act also has established procedures for the inadvertent discovery of Native American cultural items on Federal or Tribal lands, which includes consultation with potential lineal descendants or Tribal officials as part of their compliance responsibilities.

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. Lehigh shall ensure that the procedures for the treatment of Native American human remains contained in California Health and Safety Code Sections 7050.5 and 7052 and Public Resources Code Section 5097 are followed.

Timing: During construction activities

Responsibility: Lehigh

Mitigation Measure GEO-1: Continue to Implement a Stormwater Pollution Prevention Plan (SWPPP) and Associated BMPs as Required Under Existing General Permit for Stormwater Discharges Associated with Industrial Activities (NPDES No. CAS000001) and Obtain Coverage and Comply with Requirements of the General Construction Stormwater Permit 2009-0009-DWQ.

Lehigh shall continue to implement the appropriate SWPPP, or Stormwater Management Plan (SWMP), to prevent and control pollution and to minimize and control runoff and erosion in compliance with State and local laws, as detailed in the project site's existing General Permit for Stormwater Discharges Associated with Industrial Activities (NPDES No. CAS000001) and Obtain Coverage and Comply with Requirements of the General Construction Stormwater Permit 2009-0009-DWQ. The SWPPP or SWMP shall identify the activities that may cause pollutant discharge (including sediment) during storms or strong wind events and the BMPs that will be employed to control pollutant discharge. Construction techniques that will be identified and implemented to reduce the potential for runoff may include minimizing site disturbance, controlling water flow over the construction site, stabilizing bare soil, and ensuring proper site cleanup. In addition, the SWPPP or SWMP shall include an erosion control plan and BMPs that specify the erosion and sedimentation control measures to be implemented, which may include silt fences, staked straw bales/wattles, silt/sediment basins and traps, geofabric, trench plugs, terraces, water bars, soil stabilizers re-seeding with native species and mulching to revegetate disturbed areas. If suitable vegetation cannot reasonably be expected to become established, non-erodible material will be used for such stabilization. The SWPPP shall also include dust control practices to prevent wind erosion, sediment tracking, and dust generation by construction equipment.

The SWPPP or SWMP shall also include a spill prevention, control, and countermeasure plan, and applicable hazardous materials handling plans, and shall identify the types of materials used for equipment operation (including fuel and hydraulic fluids), and measures to prevent, and materials available to clean up, hazardous material and waste spills. The SWPPP or SWMP shall also identify emergency procedures for responding to spills.

The BMPs presented in either document shall be clearly identified and maintained in good working condition throughout the construction process. The construction contractor shall retain a copy of the approved SWPPP or SWMP on the construction site and modify it as necessary to suit specific site conditions through amendments approved by the SWRCB and/or Central Valley RWQCB, if necessary.

| | |
|------------------------|---|
| Timing: | Before and during construction activities |
| Responsibility: | Lehigh and Construction Contractor(s) |

Mitigation Measure HYD-1: Evaluate CKD-1 Treatment System Adequacy and Apply for Revision of the Notice of Applicability (NOA) Under RWQCB Order No. R5-2016-0076-01, if needed.

Before discharging effluent from CKD-3 into Calaveritas Creek under RWQCB Order No. R5-2016-0076-01, Lehigh shall evaluate the adequacy of the CKD-1 treatment system to accommodate construction effluent and/or leachate collected from CKD-3, as necessary. Per the provisions of RWQCB Order No. R5-2016-0076-01, II.C.3, Lehigh shall demonstrate that that the proposed discharge meets the criteria in section II.C.1 of the General Order and the following criteria:

- 1) A representative sample of the discharge has been analyzed for the constituents with effluent limitations specified in the NOA; and
- 2) The concentrations of constituents in the discharge do not exceed the Effluent Limitations listed in section V of the Order, as specified in the NOA.

If the existing system cannot accommodate the CKD-3 leachate, then Lehigh shall:

- 1) dispose CKD-3 leachate at an approved, offsite facility; or
- 2) Modify the CKD-1 treatment facility to accommodate the additional leachate to ensure discharge remains in compliance with RWQCB Order No. R5-2016-0076-01; and/or
- 3) Revise the NOA under RWQCB Order No. R5-2016-0076-01, as needed:
 - a. Under the existing Order (R5-2016-0076-01), Lehigh must ensure that the discharge shall not exceed the final effluent limitations for the constituents and parameters identified in the Discharger's (Lehigh) NOA from the SWRCB Executive Officer. The Executive Officer indicates the applicable Effluent Limitations in the NOA when a Discharger is enrolled under this General Order. The NOA will contain applicable final effluent limitations for each specific Discharger and shall be based on the effluent limitations shown in the General Order. Note: The CKD-1 site is classified as a Tier 2 discharge site under the General Order (due to the need for effluent treatment, prior to discharge to Calaveritas Creek).
 - b. Lehigh shall abide by the provisions of Section II.B.3 of the Order.

Timing: After project construction activities and before discharge into Calaveritas Creek

Responsibility: Lehigh

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ATTACHMENT B:

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Monitoring and Reporting Program Lehigh Southwest Cement Program Calaveras Cement CKD-3 Closure Program

Prepared for:
Central Valley
Regional Water Quality
Control Board

February 2020

Prepared by:



Mitigation Monitoring and Reporting Program

Lehigh Southwest Cement Program Calaveras Cement CKD-3 Closure Program

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February 2020

Project No. 1802172, 1.5

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Acronyms and Other Abbreviationsii

Mitigation Monitoring and Reporting Program1

Table

Table 1. Mitigation Monitoring and Reporting Program for the Lehigh
Southwest Cement Company Calaveras Cement CKD-3 Closure
Project 11

Acronyms and Other Abbreviations

| | |
|---------|--|
| BMPs | best management practices |
| CDFW | California Department of Fish and Wildlife |
| CEQA | California Environmental Quality Act |
| CKD | Cement kiln dust |
| CWA | Clean Water Act |
| Lehigh | Lehigh Southwest Cement Company |
| IS/MND | Initial Study/proposed Mitigated Negative Declaration |
| NOA | Notice of Availability |
| NPDES | National Pollution Discharge Elimination System |
| project | Lehigh Southwest Cement Company Calaveras Cement CKD-3 Closure Project |
| RWQCB | Central Valley Regional Water Quality Control Board |
| SWMP | Central Valley Regional Water Quality Control Board Storm Water Management Plan |
| SWPPP | Storm Water Pollution Prevention Plan |
| USACE | United States Army Corps of Engineers |

Mitigation Monitoring and Reporting Program

In accordance with the California Environmental Quality Act (CEQA), the Central Valley Regional Water Quality Control Board (RWQCB) prepared a draft initial study/proposed mitigated negative declaration (IS/MND) to provide the public and responsible and trustee agencies with information about the potential environmental impacts associated with implementation of the Calaveras Cement CKD-3 Closure Project (hereafter referred to as the “project” or “proposed project”).

The IS/MND concludes that implementation of the proposed project would generate significant and potentially significant adverse effects on the environment. The IS/MND identifies feasible mitigation measures that avoid, mitigate, or reduce these impacts to a less-than-significant level.

Section 21081.6(a)(1) of the California Public Resources Code and Section 15097 of the State CEQA Guidelines require a public agency to adopt a reporting and monitoring program on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental impacts on the physical environment.

This Mitigation Monitoring and Reporting Program will be used by the Central Valley RWQCB to ensure that mitigation measures identified in the MND are implemented as described in the MND and that their implementation is documented.

The Mitigation Monitoring and Reporting Program is presented in tabular format. The table columns contain the following information:

Mitigation Number: Lists the mitigation measures by number, as designated in the MND.

Mitigation Measure: Provides the text of the mitigation measures, each of which has been adopted and incorporated into the project.

Timing/Schedule: Lists the time frame in which the mitigation measure is expected to take place.

Implementation Responsibility: Identifies the entity responsible for implementing the mitigation measure.

Completion of Implementation: The Central Valley RWQCB is responsible for reporting on implementation of the mitigation measures. The “Completion of Implementation” column is to be used by the Central Valley RWQCB to indicate when implementation of a mitigation measure has been completed. The Central Valley RWQCB, at its discretion, may delegate implementation responsibility or portions thereof to qualified consultants or contractors.

Table 1. Mitigation Monitoring and Reporting Program for the Lehigh Southwest Cement Company Calaveras Cement CKD-3 Closure Project

Biological Resources

| Mitigation Number | Mitigation Measure | Timing/Schedule | Implementation Responsibility | Completion of Implementation |
|--------------------------|--|--------------------------------|--------------------------------------|-------------------------------------|
| BIO-1a | <p>Avoid Failure of Tricolored Blackbird Nest Colony. Lehigh and its construction contractor(s) will implement the following measures to avoid potential failure of a tricolored blackbird nest colony during project implementation:</p> <p>Vegetation removal shall be conducted between September 1 and March 1, to the extent feasible, to avoid vegetation removal during the tricolored blackbird nesting season.</p> <p>If project activities (including vegetation removal) are required during the tricolored blackbird nesting season (March 1 through August 31), surveys for nesting activities shall be conducted by a qualified biologist in areas of suitable nesting vegetation on and within 500 feet of the project site. A minimum of one survey shall be conducted no more than 7 days before project activities begin.</p> | Before and during construction | Lehigh | |

| Mitigation Number | Mitigation Measure | Timing/Schedule | Implementation Responsibility | Completion of Implementation |
|-------------------|--|-----------------|-------------------------------|------------------------------|
| | <p>If nesting activity is observed, an appropriate buffer shall be established and maintained around the outer edge of the nesting colony to avoid nest failure from project activities. The appropriate size and shape of the buffer shall be determined by a qualified biologist and may vary depending on the nest location, nest stage, construction activity, and existing disturbance levels. The buffer may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. Monitoring shall be conducted to confirm that project activities are not resulting in detectable adverse effects on nesting birds or their young. No project activities shall occur within the buffer areas until a qualified biologist determines that the young have fledged or the colony site is otherwise no longer in use.</p> | | | |

| Mitigation Number | Mitigation Measure | Timing/Schedule | Implementation Responsibility | Completion of Implementation |
|-------------------|---|--------------------------------|-------------------------------|------------------------------|
| BIO-1b | <p>Minimize Potential to Destroy Active Bird Nests</p> <p>Lehigh and its construction contractor(s) will implement the following measures to minimize potential to destroy an active bird nests during project implementation:</p> <p>Vegetation removal shall be conducted between September 1 and March 1, to the extent feasible, to avoid vegetation removal during the bird nesting season.</p> <p>If project activities (including vegetation removal) are required during the nesting season (March 1 through August 31), a qualified biologist shall conduct surveys of suitable nesting habitat that would be directly disturbed by project activities (including vegetation removal). A minimum of one survey shall be conducted no more than 7 days before project activities begin.</p> <p>If any active bird nests are documented, protective buffers shall be established by a qualified biologist and implemented until the nests are no longer active, to ensure that known active nests are not accidentally destroyed during project activities.</p> | Before and during construction | Lehigh | |
| BIO-2 | <p>Protect Riparian Habitat, Obtain and Comply with Necessary State Permits/Authorizations, and Develop and Implement a Mitigation Plan, if Necessary.</p> | During project activities | Lehigh | |

| Mitigation Number | Mitigation Measure | Timing/Schedule | Implementation Responsibility | Completion of Implementation |
|-------------------|---|-----------------|-------------------------------|------------------------------|
| | <p>Lehigh will implement the measures described below to minimize impacts on riparian habitat and compensate for loss of riparian habitat, such that there is no net loss of riparian functions and values:</p> <p>Before beginning project construction activities (including vegetation removal), high-visibility fencing shall be installed to protect riparian habitat maintained during project construction activities. Fencing shall be installed adjacent to the construction area to preclude encroachment of personnel and equipment. The fencing shall be inspected before the start of each work day and shall be removed when construction is completed. Sensitive habitat information shall be incorporated into project bid specifications, along with a requirement for contractors to avoid these areas.</p> | | | |

| Mitigation Number | Mitigation Measure | Timing/Schedule | Implementation Responsibility | Completion of Implementation |
|-------------------|---|---------------------------|-------------------------------|------------------------------|
| | <p>Prior to removal of riparian vegetation, a California Department of Fish and Wildlife (CDFW) streambed alteration agreement shall be obtained under Section 1602 of the California Fish and Game Code, and riparian habitat mitigation resulting in no-net-loss of riparian functions and values shall be provided. Mitigation may be accomplished through habitat replacement, enhancement of degraded habitat, offsite mitigation at an established mitigation bank, contribution of in-lieu fees, or other methods acceptable to CDFW. Conditions of issuance of the streambed alteration agreement, including minimization and compensation measures, shall be implemented as part of the project, such that there is no net loss of riparian functions and values.</p> <p>If compensation is provided through permittee-responsible mitigation, a mitigation plan shall be developed to detail appropriate compensation measures determined through consultation with CDFW, methods for implementation, success criteria, monitoring and reporting protocols, and contingency measures to be implemented if the initial mitigation fails.</p> | | | |
| BIO-3 | Protect Jurisdictional Waters, Obtain and Comply with Necessary Federal and State Permits/Authorizations, and Develop and Implement a Mitigation Plan, if Necessary. | During project activities | Lehigh | |

| Mitigation Number | Mitigation Measure | Timing/Schedule | Implementation Responsibility | Completion of Implementation |
|-------------------|---|-----------------|-------------------------------|------------------------------|
| | <p>Lehigh will implement the measures described below to minimize impacts on jurisdictional waters, including wetlands, and compensate for loss of seasonal wetland, such that there is no net loss of seasonal wetland functions and values:</p> <p>Before beginning project activities, high-visibility fencing shall be installed to protect the drainage and wetland habitat maintained during project activities. Fencing shall be installed adjacent to the construction area to preclude encroachment of personnel and equipment. The fencing shall be inspected before the start of each work day and shall be removed when construction is completed. Sensitive habitat information shall be incorporated into project bid specifications, along with a requirement for contractors to avoid these areas.</p> <p>Prior to disturbing jurisdictional waters, authorization for impacts on jurisdictional waters shall be secured – a Clean Water Act (CWA) Section 404 permit from the United States Army Corps of Engineers (USACE) and a water quality certification pursuant to CWA Section 401 from the Central Valley RWQCB – before starting project activities. Any measures determined necessary during the 404 and 401 permitting processes shall be implemented, such that there is no net loss of functions and values of jurisdictional waters.</p> | | | |

| Mitigation Number | Mitigation Measure | Timing/Schedule | Implementation Responsibility | Completion of Implementation |
|-------------------|--|-----------------|-------------------------------|------------------------------|
| | <p>Mitigation may be accomplished through habitat replacement, enhancement of degraded habitat, offsite mitigation at an established mitigation bank, contribution of in-lieu fees, or other method acceptable to the regulatory agencies, such that there is no net loss of wetland functions and values. If compensation is provided through permittee-responsible mitigation, a mitigation plan shall be developed to detail appropriate compensation measures determined through consultation with USACE and Central Valley RWQCB, methods for implementation, success criteria, monitoring and reporting protocols, and contingency measures to be implemented if the initial mitigation fails.</p> | | | |

Cultural Resources

| Mitigation Number | Mitigation Measure | Timing/Schedule | Implementation Responsibility | Completion of Implementation |
|-------------------|--|--|-------------------------------|------------------------------|
| CR-1 | <p>Address Previously Undiscovered Historic, Archaeological Resources, and Tribal Cultural Resources.</p> <p>Lehigh shall implement the following measures to reduce or avoid impacts on undiscovered historic properties, archaeological resources, and tribal cultural resources. If buried or previously unidentified historic properties or archaeological resources are discovered during project construction activities, all work within a 100-foot-radius of the find shall cease. Lehigh shall retain a professional archaeologist meeting the Secretary of the Interior's Professional Standards for Archaeologists to assess the discovery and recommend what, if any, further treatment or investigation is necessary for the find. Interested Native American Tribes will also be contacted. Any necessary treatment/investigation shall be developed with interested Native American Tribes providing recommendations and shall be coordinated with the State Historic Preservation Officer and U.S. Army Corps of Engineers, if necessary, and shall be completed before project activities continue in the vicinity of the find.</p> | During project construction activities | Lehigh | |
| CR-2 | <p>Avoid Potential Effects on Undiscovered Burials.</p> <p>Lehigh shall implement the following measures to reduce or avoid impacts related to undiscovered burials. In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, all potentially damaging ground-disturbance in the area of the burial and within a 100-foot-radius, shall halt and the Calaveras County Coroner shall be notified immediately. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (Health and Safety Code Section 7050.5[b]). If the coroner determines</p> | During construction | Lehigh | |

| Mitigation Number | Mitigation Measure | Timing/Schedule | Implementation Responsibility | Completion of Implementation |
|-------------------|---|-----------------|-------------------------------|------------------------------|
| | <p>that the remains are those of a Native American, then Federal laws governing the disposition of those remain would come into effect. Specifically, the Native American Graves Protection and Repatriation Act, Pub L. 101-601, 25 U.S.C. 3001 et seq., 104 Stat. 3048 requires Federal agencies and institutions that receive Federal funding to return Native American cultural items to lineal descendants and culturally affiliated Indian Tribes and Native Hawaiian organizations. Cultural items include human remains, funerary objects, sacred objects, and objects of cultural patrimony. the Native American Graves Protection and Repatriation Act also has established procedures for the inadvertent discovery of Native American cultural items on Federal or Tribal lands, which includes consultation with potential lineal descendants or Tribal officials as part of their compliance responsibilities. California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. Lehigh shall ensure that the procedures for the treatment of Native American human remains contained in California Health and Safety Code Sections 7050.5 and 7052 and Public Resources Code Section 5097 are followed.</p> | | | |

Geology and Soils

| Mitigation Number | Mitigation Measure | Timing/Schedule | Implementation Responsibility | Completion of Implementation |
|-------------------|---|--------------------------------|-------------------------------------|------------------------------|
| GEO-1 | <p>Continue to Implement a SWPPP and Associated BMPs as Required Under Existing General Permit for Stormwater Discharges Associated with Industrial Activities (NPDES No. CAS000001) and Obtain Coverage and Comply with Requirements of the General Construction Stormwater Permit 2009-0009-DWQ. Lehigh shall continue to implement the appropriate SWPPP, or Stormwater Management Plan (SWMP), to prevent and control pollution and to minimize and control runoff and erosion in compliance with State and local laws, as detailed in the project site's existing General Permit for Stormwater Discharges Associated with Industrial Activities (NPDES No. CAS000001) and Obtain Coverage and Comply with Requirements of the General Construction Stormwater Permit 2009-0009-DWQ. The SWPPP or SWMP shall identify the activities that may cause pollutant discharge (including sediment) during storms or strong wind events and the BMPs that will be employed to control pollutant discharge. Construction techniques that will be identified and implemented to reduce the potential for runoff may include minimizing site disturbance, controlling water flow over the construction site, stabilizing bare soil, and ensuring proper site cleanup. In addition, the SWPPP or SWMP shall include an erosion control plan and BMPs that specify the erosion and sedimentation control measures to be implemented, which may include silt fences, staked straw bales/wattles, silt/sediment basins and traps, geofabric, trench plugs, terraces, water bars, soil stabilizers re-seeding with native species and mulching to revegetate disturbed areas. If suitable vegetation cannot reasonably be expected to</p> | Before and during construction | Lehigh and construction contractors | |

| Mitigation Number | Mitigation Measure | Timing/Schedule | Implementation Responsibility | Completion of Implementation |
|-------------------|--|-----------------|-------------------------------|------------------------------|
| | <p>become established, non-erodible material will be used for such stabilization. The SWPPP shall also include dust control practices to prevent wind erosion, sediment tracking, and dust generation by construction equipment. The SWPPP or SWMP shall also include a spill prevention, control, and countermeasure plan, and applicable hazardous materials handling plans, and shall identify the types of materials used for equipment operation (including fuel and hydraulic fluids), and measures to prevent, and materials available to clean up, hazardous material and waste spills. The SWPPP or SWMP shall also identify emergency procedures for responding to spills.</p> <p>The BMPs presented in either document shall be clearly identified and maintained in good working condition throughout the construction process. The construction contractor shall retain a copy of the approved SWPPP or SWMP on the construction site and modify it as necessary to suit specific site conditions through amendments approved by the SWRCB and/or Central Valley RWQCB, if necessary.</p> | | | |

Hydrology and Water Quality

| Mitigation Number | Mitigation Measure | Timing/Schedule | Implementation Responsibility | Completion of Implementation |
|-------------------|---|---|-------------------------------|------------------------------|
| HYD-1 | <p>Evaluate CKD-1 Treatment System Adequacy and Apply for Revision of the Notice of Applicability (NOA) Under RWQCB Order No. R5-2016-0076-01, if needed.</p> <p>Before discharging effluent from CKD-3 into Calaveritas Creek under RWQCB Order No. R5-2016-0076-01, Lehigh shall evaluate the adequacy of the CKD-1 treatment system to accommodate construction effluent and/or leachate collected from CKD-3, as necessary. Per the provisions of RWQCB Order No. R5-2016-0076-01, II.C.3, Lehigh shall demonstrate that that the proposed discharge meets the criteria in section II.C.1 of the General Order and the following criteria:</p> <ol style="list-style-type: none"> 1) A representative sample of the discharge has been analyzed for the constituents with effluent limitations specified in the NOA; and 2) The concentrations of constituents in the discharge do not exceed the Effluent Limitations listed in section V of the Order, as specified in the NOA. <p>If the existing system cannot accommodate the CKD-3 leachate, then Lehigh shall:</p> <ol style="list-style-type: none"> 1) Dispose CKD-3 leachate at an approved, offsite facility; or 2) Modify the CKD-1 treatment facility to accommodate the additional leachate to ensure discharge remains in compliance with RWQCB Order No. R5-2016-0076-01; and/or | After project construction activities and before discharge into Calaveritas Creek | Lehigh | |

| Mitigation Number | Mitigation Measure | Timing/Schedule | Implementation Responsibility | Completion of Implementation |
|-------------------|--|-----------------|-------------------------------|------------------------------|
| | <p>3) Revise the NOA under RWQCB Order No. R5-2016-0076-01, as needed:</p> <p>a) Under the existing Order (R5-2016-0076-01), Lehigh must ensure that the discharge shall not exceed the final effluent limitations for the constituents and parameters identified in the Discharger's (Lehigh) NOA from the SWRCB Executive Officer. The Executive Officer indicates the applicable Effluent Limitations in the NOA when a Discharger is enrolled under this General Order. The NOA will contain applicable final effluent limitations for each specific Discharger and shall be based on the effluent limitations shown in the General Order. Note: The CKD-1 site is classified as a Tier 2 discharge site under the General Order (due to the need for effluent treatment, prior to discharge to Calaveritas Creek).</p> <p>b) Lehigh shall abide by the provisions of Section II.B.3 of the Order.</p> | | | |

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INFORMATION SHEET

RESOLUTION R5-2020-0037
TO ADOPT THE MITIGATED NEGATIVE DECLARATION AND
APPROVE THE MITIGATION MONITORING AND REPORTING PLAN FOR
LEHIGH SOUTHWEST CEMENT COMPANY AND CALAVERAS CEMENT COMPANY
CALAVERAS CEMENT CKD-3 PROJECT
CALAVERAS COUNTY

Lehigh Southwest Cement Company and Calaveras Cement Company (hereafter jointly Discharger or Lehigh), own and operate the Calaveras Cement Plant (hereafter site) about 2.5 miles south of San Andreas, Calaveras County. The site is a former 250-acre limestone quarry and cement production facility that ceased operation in 1982. While the facility was in operation from 1926 to 1982, cement kiln dust (CKD) and waste rock were discharged to three CKD dust piles (CKD-1, CKD-2, CKD-3) and two waste rock piles (West Rock Storage Area and East Rock Storage Area), respectively. Mining and processing activities ceased in 1982 and the facilities have been decommissioned and demolished. Current Waste Discharge Requirements order R5-2017-0077-01 (Order) classifies cement kiln dust as Group B Mining Waste. Proposed closure project includes consolidating CKD material at CKD-3 under a low-permeability cover, installing a leachate collection and removal system to control subsurface drainage, installing surface water drainage controls, and closing CKD-3 unit in compliance with the Order and Title 27 Requirements.

Central Valley Water Board has assumed the role of lead agency in accordance with California Code of Regulations, title 14, section 15050, for the purposes of satisfying the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). Initial Study and Mitigated Negative Declaration were prepared in accordance with Section 15063 of Title 14 of the California Code of Regulations in order to evaluate potential significant environmental impacts that may occur as a result of the proposed closure project. Mitigation measures as described in the Mitigation Monitoring and Reporting Plan will ensure that the project will not create significant effects to the environment.

Copies of the Draft Initial Study and Mitigated Negative Declaration were transmitted to or made available to all agencies and persons known to be interested in these matters. No comments were received. Central Valley Water Board hereby determines that there is no substantial evidence that the project, with mitigation measures, will have a significant effect on the environment, and adopts the proposed Mitigated Negative Declaration and approves the proposed the Mitigation Monitoring and Reporting Plan.

NV