

State of California
California Regional Water Quality Control Board
Santa Ana Region

March 13, 2020

STAFF REPORT

ITEM: X

SUBJECT: Cal Mat Company, dba Vulcan Materials, West Division, Corona Quarry
Expansion Project, City of Corona, Riverside County, Order No. R8-2020-18

DISCUSSION:

California Water Code (CWC) section 13376 states that any person discharging dredged or fill material or proposing to discharge dredged or fill material into the navigable waters of the United States within the jurisdiction of this State shall file a report of the discharge in compliance with section 13260. Section 13260(a) of the CWC requires that any person discharging waste or proposing to discharge waste within any region, other than to a community sewer system, that could affect the quality of the waters of the State (WOTS), file a report of waste discharge (ROWD). Under federal Clean Water Act (CWA) section 401, every applicant for a federal permit or license for any activity that may result in a discharge to waters of the United States must obtain State Water Quality Standards Certification (Certification) that the proposed activity will comply with state water quality standards.

Most Certifications are issued in connection with U.S. Army Corps of Engineers (USACE) CWA section 404 permits for dredged and fill discharges. The State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards administer the Certification program in accordance with the requirements of California Code of Regulations Title 23, section 3830 *et seq.* Since November 2003, all Certifications have been issued by the Executive Officer accompanied by authorization to discharge in accordance with State Water Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that Have Received State Water Quality Certification."

Because of Supreme Court decisions that have limited the authority of the USACE to regulate discharges of dredged and fill material to waters of the United States (WOTUS), certain proposed dredged or fill discharges to surface WOTS are no longer subject to USACE jurisdiction (these waters are known as non-federal waters). As a result, these discharges are not subject to a CWA section 404 permit from the USACE and do not require a Certification. In the absence of the need to obtain a Certification, the State Water Board has asserted the State's authority to regulate dredged and fill discharges to WOTS under the Porter-Cologne Water Quality Control Act.

On May 6, 2019 the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board; SARWQCB) received from Glenn Lukos Associates, Inc. on behalf of Cal Mat Company, dba Vulcan Materials, West Division (discharger) an ROWD (SARWQCB WDID # 332019-11) and an Application for CWA Section 401 Certification for the Corona Quarry Expansion Project (Project). Upon review of the ROWD and supplemental information submitted by the discharger, Santa Ana Water Board staff deemed the ROWD and application incomplete on June 18, 2019. The discharger supplied the necessary information to complete the ROWD and application on July 1, 2019, and the ROWD and application were found to be complete on July 31, 2019. An application fee of \$1,638.00 was submitted with the application materials. An additional check for \$2,129.00 based on total Project impacts was received on November 15, 2019. This Order will also serve as a CWA Section 401 Water Quality Standards Certification for Project impacts to WOTUS.

The Project is for the development of approximately 110 acres to expand a surface mining operation to provide aggregate products to the local construction industry. The current mining operation occupies approximately 160 acres of a 260-acre property. The Project will develop the remaining 100 acres of the property, as well as a 10.4-acre offsite area that the discharger leases from another landowner. As part of the Project, a conveyor bridge is proposed to span Temescal Wash in order to transport finished product across the Wash to a stockpile area/loadout area. The conveyor bridge would include an elevated conveyor system arm with a catch tray connecting the site to VMC's existing aggregate processing facility within the Corona Quarry site. The conveyor arm would entirely span a narrow and unvegetated portion of Temescal Wash located immediately adjacent to an existing bridge crossing that connects to the VMC facility. The bottom of the conveyor bridge would be approximately 28 feet above Temescal Wash. The catch tray would ensure that no aggregate material would inadvertently fall into the Wash.

The Project is located on both sides of Sherborn Street, on both sides of Temescal Creek, and surrounding the existing quarry in the City of Corona, Riverside County. A map showing the Project location is found in Attachment A of this Order.

Impacts to WOTS and WOTUS, unnamed drainages that are or were tributary to Temescal Creek, Reach 2, would be from being filled with rock and overburden from mining activities. The filled WOTS and WOTUS would subsequently be excavated as phased extractive mining operations encompass those areas. Impacts to WOTUS would be 0.17 acre and 3,660 linear feet, and impacts to WOTS would be 0.09 acre and 3,254 linear feet. Temescal Creek, Reach 2, has the following beneficial uses: Agricultural Supply (AGR), Industrial Service Supply (IND), Groundwater Recharge (GWR), Water Contact Recreation (REC1), Non-Contact Water Recreation (REC2), Warm Freshwater Habitat (WARM), Wildlife Habitat (WILD), and Rare, Threatened, or Endangered Species (RARE).

On June 18, 2019, Santa Ana Water Board staff determined that the tributaries on the Project site were both WOTUS and WOTS. The tributaries are located around the existing quarry. The drainages that are WOTUS are located on the east and south of the existing quarry, and the drainages that are WOTS are located on the north and west of the existing quarry. The WOTUS flow west and south to Temescal Creek. The WOTS also flow west and south but previous mining activities have severed the surface water connection to Temescal Creek. On January 2, 2020 and at other times, Santa Ana Water Board staff attempted to contact the USACE to confirm USACE jurisdiction under the CWA. The Santa Ana Water Board did not receive any

response or confirmation of the delineation from USACE. As a result, Santa Ana Water Board staff is relying on its own determination of these tributaries.

Pursuant to the California Environmental Quality Act, Riverside County, as the lead agency, certified an Environmental Impact Report (EIR) for the Project on October 4, 1989 and filed a Notice of Determination (NOD) at the Clerk of the Board of Supervisors, County of Riverside on November 22, 1989. On May 12, 2014, the City of Corona, as lead agency, adopted an addendum to the EIR and filed an NOD with Riverside County on May 13, 2014. Additionally, on June 4, 2014, the City of Corona, as lead agency, adopted another addendum to the EIR and filed an NOD with Riverside County on June 19, 2014.

The Santa Ana Water Board has considered the EIR certified by the County of Riverside and the addendums adopted by the City of Corona and subsequent information provided by the discharger. More specifically, the Santa Ana Water Board considered those sections of the EIR pertaining to impacts to water quality standards. Based on the mitigation proposed in the EIR and the Conditions set forth in this Certification, potentially adverse impacts to water quality standards should be reduced to a less than significant level and beneficial uses protected, if all stated mitigation and conditions are performed. Mitigation includes the purchase 0.72 acre of rehabilitation credits (an approximate 2.8:1 mitigation ratio) from a Santa Ana Water Board-approved mitigation bank or in-lieu fee program within the Santa Ana River Watershed.

RECOMMENDATION:

Adopt Order No. R8-2020-0018, as presented.

Comments were solicited from the following:

Melissa Scianni, U.S. Environmental Protection Agency (U.S. EPA) (Scianni.Melissa@epa.gov)

Megan Fitzgerald, U.S. EPA (Fitzgerald.Megan@epa.gov)

James Mace, USACE, Los Angeles Office (James.E.Mace@usace.army.mil)

Crystel Botar, USACE, Los Angeles Office (Crystel.L.Botar@usace.army.mil)

John M. Taylor, U.S. Fish and Wildlife Service (john_m_taylor@fws.gov)

Eric Chan, California Department of Fish and Wildlife (Eric.Chan@wildlife.ca.gov)

Carly Beck, California Department of Fish and Wildlife (Carly.Beck@wildlife.ca.gov)

Teresita Sablan, State Water Board, Office of the Chief Counsel

(Teresita.Sablan@waterboards.ca.gov)

State Water Board, Division of Water Quality -- Water Quality Certification Unit --

(Stateboard401@waterboards.ca.gov)

Cal Mat Company, dba Vulcan Materials, West Division, James Gore (gorej@vmcmail.com)

Amy Walters, Glenn Lukos Associates (awalters@wetlandpermitting.com)