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Central Coast Regional Water Quality Control Board

June 5, 2013

Murry Wilson
County of San Luis Obispo
Department of Planning and Building
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BY ELECTRONIC MAIL

CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD COMMENTS ON THE JULY 2010 INITIAL STUDY AND MARCH 2013 DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LAS PILITAS QUARRY CONDITIONAL USE PERMIT AND RECLAMATION PLAN PROJECT, SAN LUIS OBISPO COUNTY, COUNTY CASE NO. DRC2009-00025 SCH# 2010071013

Dear Mr. Wilson:

Thank you for the opportunity to review the above-referenced document. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) is a responsible agency under the California Environmental Quality Act (CEQA). Central Coast Water Board staff understands that the proposed Las Pilitas Quarry Conditional Use Permit and Reclamation Plan Project (Project) involves the following development of an approximately 41-acre site on two parcels that total 234 acres in size within the County of San Luis Obispo (County):

- Establish a mining operation three miles northeast of Santa Margarita on the north side of State Route 58 just east of the Salinas River.
- Operate the mine for a 25 to 58-year timeframe with a maximum annual production of 500,000 tons, a portion of which would be recycled asphalt and Portland cement concrete.

This proposed Project has the potential to impact water quality and beneficial uses of waters of the State. Therefore Central Coast Water Board staff offers the following recommendations for improving the environmental value and environmental review of the proposed Project.

Proposed Project Environmental Impacts and Mitigation

Central Coast Water Board staff finds that the Initial Study and Draft Environmental Impact Report (IS-DEIR) are inadequate because the documents do not fully evaluate all environmental impacts from the proposed Project. Additionally, the IS-DEIR for the proposed Project does not identify measures to fully mitigate for all impacts. As a result, the conclusion of the IS-DEIR that the proposed project will not result in significant impacts is not sufficiently supported. Therefore the final document should incorporate the following elements:

JEFFREY S. YOUNG, CHAIR | KENNETH A. HARRIS JR., INTERIM EXECUTIVE OFFICER

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Reclamation Plan (Executive Summary ES.3): The Reclamation Plan proposes to cover and revegetate slopes in phases as the quarry proceeds.

1. *Cover and revegetate slopes.* A mix containing predominantly native species would be used along with minimal irrigation and monitoring/maintenance to promote the success of the revegetation. Final reclamation will include smoothing interior slopes, removing the access road, and revegetating the remaining disturbed areas. To ensure impacts are mitigated to less than significant levels, the final document should specify the success criteria for revegetation at a minimum of 70% coverage on revegetated slopes after a five year period without irrigation. If the success criteria is not met, the final document should specify revegetation efforts will continue until the success criteria is met and slopes are permanently stabilized.

Drainage Control (Project Description 2.3.4) and Mitigation Measure GEO-4: The proposed project will alter the rate and condition of stormwater runoff from the existing slopes of the property, and the proposed project includes the design of three detention basins and one swale system that will collect and detain runoff to allow sediment to settle out before discharge.

2. *Pond System Design.* The pond system is designed to control up to a 50-year storm event and discharge at a 2-year event rate. This detention basin design will result in increased duration of erosive flows leaving the project, which will cause downstream erosion and hydromodification to creeks upstream of the Salinas River. To mitigate the impact of alteration of runoff from the Project to less than significant levels, the final document must identify how flow volumes and durations, in addition to flow rates, will be controlled to prevent downstream hydromodification. In addition, relying on detention alone to control increased runoff volumes that may result from the Project does not protect watershed processes (such as baseflow) that are vital to the health of receiving waters. The final document should assess the potential impact of the Project in changing runoff volumes leaving the site. If runoff volumes leaving the site will be increased, and on site infiltration reduced, the final document should identify mitigation measures that will retain the runoff volume on site to mitigate impacts to watershed processes and receiving water health to less than significant levels.

Effects on Vegetation and Habitat (BIO-9): The proposed project will result in a loss of 2.35 acres of sensitive habitat, within a total disturbance area of 40.29 acres.

3. *Impacts to Waters of the State.* Table 4.5-5 specifies that the 2.35 acres of impacts to sensitive habitat include 2.1 acres of impacts to Coast Live Oak Woodland and Riparian Forest and 0.25 acre impact to a Seasonally Flooded Vernal Swale. Based on section 2.0 Project Description Figures 2.5 through 2.11 and section 4.5 Biological Resources Figures 4.5-1 and 4.5-2, Central Coast Water Board staff estimates that the proposed project would impact at least 9,000 linear feet of Waters of the State. To adequately identify and address all of these impacts, the final document should map the impacts to all drainage features, swales, and other Waters of the State that will be either temporarily or permanently impacted by the proposed project. For each waterbody directly affected, the final document should identify the acreage and (for drainage features) the number of linear feet directly impacted. Finally, to demonstrate impacts will be mitigated to less than significant levels, the final document should include proposed mitigation that will result in no net loss to functions of waters, including riparian habitat. Mitigation by preservation does not result in no net loss.

Effect on Wetland or Riparian Habitat (BIO-10): The proposed project will adversely impact (remove) approximately 0.25 acre of a Seasonally Flooded Vernal Swale, which may be wetland or riparian habitat.

4. *Vernal Pool Mitigation.* The proposed project design includes preservation of approximately 0.45 acre of the drainage in question, plus the creation of a 0.75 acre detention basin adjacent to the preserved portion of the drainage, and other detention basins within the quarry site.

Wetlands (including vernal pools) enhance water quality through such natural functions as flood and erosion control, stream bank stabilization, and filtration and purification of contaminants. Wetlands and vernal pools also provide critical habitat for hundreds of species of birds, fish and other wildlife, offer open space, and provide many recreational opportunities. Water quality impacts occur in wetlands and vernal pools from construction and industrial activity. The State of California's Wetlands Conservation Policy requires no overall net loss in wetlands in the short-term and a long-term net gain of wetlands. According to the California Wetlands Conservation Policy the project must ensure no overall net loss and achieve a long-term net gain in the quantity, quality, and permanence of wetland acreage and values in California. The Regional Board prefers to avoid any loss of wetlands. If loss is unavoidable, a mitigation plan should be developed and implemented to achieve replacement of wetland habitat and function.

In the event wetland and/or vernal pool loss is not avoidable, to mitigate impacts to less than significant levels, mitigation should be in-kind, on-site, and permanent with no net destruction of habitat value. Mitigation should be completed prior to, or at least simultaneous to, the filling or other loss of existing wetlands and/or vernal pool. Wetland features or ponds created as mitigation for the loss of existing "jurisdictional wetlands" or "waters of the United States" cannot be used as storm water treatment controls. Therefore the creation of 0.75 acre detention basin to the preserved portion of the drainage, and other detention basins within the quarry site do not mitigate for the 0.25 acre loss of a Seasonally Flooded Vernal Swale. The final document should include a mitigation plan that includes a description of how the vernal swale habitat will be mitigated to achieve no net loss.

HAZ-2 Release of hazardous materials or wastes (HAZ-2): A contingency and spill response plan will be prepared and implemented.

5. *Spill Kits.* The final report should specify that the response plan will include a requirement that spill kits be kept on site at all times. The spill kits should be easily accessible and properly maintained to control and contain the amount and type of spill that potentially may occur based on an inventory of hazardous materials that will be stored on site.

Alteration of Runoff Water/Construction Activities (WQ-1a): The applicant/quarry operator will submit appropriate Permit Registration Documents to the SWRCB to provide coverage of the construction of the proposed project (utilities, entrance road, and completion of construction through the end of Phase 1B or other point as appropriate under the Statewide General Permit for Construction (Construction General Permit) SWRCB Order No. 2009-0009-DWQ, NPDES No. CAS000002, or more current permit.

- 6. *Bioassessment Monitoring.* Construction General Permit Finding J. 62. requires Risk Level 3 sites larger than 30 acres to conduct bioassessment sampling before project commencement and after project completion to determine if significant degradation to the receiving water's biota has occurred. The final document should provide information about the proposed project's risk level under the Construction General Permit. If the proposed Project is Risk Level 3 the final document should include the bioassessment sampling plan for before project commencement and after project completion.
- 7. *Post-Construction Standards.* Section XIII of the Construction General Permit requires that all projects replicate the pre-project water balance for the smallest storms up to the 85th percentile storm event. For sites whose disturbed area exceeds two acres, the discharger shall preserve the pre-construction drainage density (miles of stream length per square mile of drainage area) for all drainage areas within the area serving a first order stream or larger stream and ensure that post-project time of runoff concentration is equal or greater than pre-project time of concentration. To mitigate impacts related to alteration of flow characteristics to less than significant levels, the final document should explain how the proposed project will meet the post-construction requirements in Section XIII of the Construction General Permit.

Alteration of Runoff Water/Mining Activities (WQ-1b). The applicant/quarry operator will submit a Notice of Intent (NOI) and related Stormwater Pollution Prevention Plan (SWPPP) to the SWRCB to provide coverage of the surface mine as an industrial use under the Statewide General Permit for Industrial Uses (Industrial Permit) SWRCB Order No. 97-03-DWQ, NPDES No. CAS000001, or more current permit.

- 8. *Alternative Compliance.* The DEIR states that coverage under the Industrial Permit, "may be met through compliance with the County Stormwater Management provisions of Section 20.10.155 of the Land Use Ordinance." The final document should clarify this statement as the only alternative compliance for the Industrial Permit is circumstances when a facility is regulated by an individual or general Nationwide Pollutant Discharge Elimination System Permit that contains stormwater provisions.

If we may clarify any of our comments or be of further assistance, please contact **Julia Dyer** at (805) 542-4624, or via email at Julia.Dyer@waterboards.ca.gov, or Phil Hammer at (805) 549-3882.

Sincerely,



Digitally signed by Phil Hammer
Date: 2013.06.05 12:19:00 -07'00'

for
Kenneth A. Harris, Jr.
Interim Executive Officer