

## **APPENDIX K**

CA Regional Water Quality Control Board, Section 401 Water Quality  
Certification, dated July 17, 2008



Linda S. Adams  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board Central Valley Region

Karl Longley, ScD, PE, Chair



Arnold  
Schwarzenegger  
Governor

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17 July 2008

Jaxon Baker  
Madera Quarry, Inc.  
1643 Tahoe Court  
Redding, CA 96003

## **ACTION ON REQUEST FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS ASSOCIATED WITH THE MADERA QUARRY PROJECT, MADERA COUNTY**

**APPLICANT:** Madera Quarry, Inc.

**PROJECT:** Refer to Attachment 1 for Project Information

### **ACTION:**

1.  Order for Standard Certification
2.  Order for Technically-conditioned Certification
3.  Order for Denial of Certification

### **WATER QUALITY CERTIFICATION STANDARD CONDITIONS:**

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and Section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action is conditional upon total payment of the full fee required under 23 CCR Section 3833, unless otherwise stated in writing by the certifying agency.

*California Environmental Protection Agency*

4. Certification is valid for five years, or until the expiration and/or withdrawal of the U.S. Army Corps Section 404 permit, whichever comes first. This Certification may be extended by the request of the Discharger prior to the expiration date. The Discharger shall notify the Regional Water Board in writing within 7 days of project completion.

**ADDITIONAL CONDITIONS (for Certification Action 2):**

In addition to the four standard conditions, the Discharger must comply with the following:

1. A finalized Streambed Alteration Agreement must be issued by DFG before this project may proceed. A copy of the finalized Streambed Alteration Agreement shall be submitted to the Regional Water Board.
2. Activities shall not cause oils, greases or other materials to form a visible film or coating on the water surface or on objects in the receiving waters.
3. Activities shall not cause oils, greases, floating material (liquids, solids, foams, and scums) or suspended material to create a nuisance or adversely affect beneficial uses.
4. Activities shall not cause petroleum products or hazardous materials to be placed or stored in any surface waters, or anywhere they may discharge to surface waters.
5. Except for activities permitted by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act, soil, silt, or other organic or earthen materials shall not be placed where such materials could pass into surface waters or surface water drainage courses, and adversely affect beneficial uses.
6. Activities shall not cause concentrations of dissolved oxygen to fall below 5.0 mg/L.
7. Activities shall not cause changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in turbidity attributable to controllable water quality factors shall not exceed the following limits:
  - a. Where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU.
  - b. Where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent.
  - c. Where natural turbidity is equal to or between 50 and 100 NTUs, increases shall not exceed 10 NTUs.
  - d. Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.
8. Activities shall not cause the normal ambient pH to fall below 6.5, exceed 8.3, or change by more than 0.3 units.

9. Diverted stream flow energy must be dissipated, to the extent necessary, such that no erosion of the streambed results. Other BMPs must be employed as necessary to prevent downstream sedimentation.
10. All areas disturbed by project activities shall be protected from washout or erosion.
11. The Discharger shall notify the Regional Water Board immediately if any of the above conditions are violated, along with a description of measures it is taking to remedy the violation.

**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

Bridget Supple, Environmental Scientist  
(559) 445-5919  
bsupple@waterboards.ca.gov

**WATER QUALITY CERTIFICATION:**

I hereby issue an order certifying that the proposed discharge of fill at the Madera Quarry project will comply with the applicable provisions of Sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Water Quality Order No. 2003-0017-DWQ, "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)," which can be accessed at:

[http://www.waterboards.ca.gov/cwa401/docs/generalorders/go\\_wdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf)

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigations being completed in strict compliance with the applicant's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Board's *Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin, Fourth Edition, Revised October 2007*.



for Pamela C. Creedon  
Executive Officer

Attachment: Project Information

cc: (see next page).

Jaxon Baker  
Madera Quarry, Inc.

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17 July 2008

cc: Dave Smith, Chief, Wetlands Regulatory Office, U.S. Environmental Protection Agency,  
Region 9, San Francisco (email)  
Kathleen Dadey, Chief, Sacramento South Branch, Regulatory Unit, Department of the  
Army, Corps of Engineers, Sacramento  
Bill Orme, Water Quality Certification Unit Chief, Division of Water Quality, State Water  
Resources Control Board, Sacramento (email)  
W.E. Loudermilk, Regional Manager, San Joaquin Valley-Southern Sierra Region,  
California Department of Fish and Game, Fresno  
Joyce Hunting, Senior Biologist, PMC, 2729 Prospect Park Drive, Suite 220, Rancho  
Cordova, CA 95670

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**ATTACHMENT 1  
PROJECT INFORMATION**

**Application Date:** 3 June 2008

**Applicant:** Madera Quarry Inc.

**Applicant Representatives:** Jaxon Baker

**Project Name:** Madera Quarry

**Applicant Number:** RN #336

**Project Location:** 37°05'15" North Latitude, 119°47'19" West Longitude; Sections 4, 9, 16, 21, 28, and 33 of Township 10 South, Range 20 East, MDB&M.

**Project Duration:** October 2008 through April 2061

**County:** Madera

**Receiving Water(s) (hydrologic unit):** Hildreth Creek and Cottonwood Creek, tributaries to the San Joaquin River; San Joaquin River Hydrologic Basin; (Quarry portion of site: San Joaquin Valley Floor Hydrologic Unit, Madera Hydrologic Area; # 539.20) (Portion of Road 209: San Joaquin Valley Floor Hydrologic Unit; Berenda Creek Hydrologic Area; #545.30) (Southern portion of Road 209: Awahnee Hydrologic Unit; Daulton Hydrologic Area; #539.20)

**Water Body Type:** Creeks, seasonal wetlands, intermittent drainages, and ephemeral drainages.

**Designated Beneficial Uses:** The designated beneficial uses of tributaries to the San Joaquin River between Friant Dam and Mendota Pool are: municipal and domestic supply; agricultural supply; industrial process supply; water contact recreation; non-contact water recreation; warm freshwater habitat; cold freshwater habitat; spawning, reproduction, and/or early development; and wildlife habitat.

**Project Description:** Madera Quarry Inc. proposes to develop a hard rock quarry on approximately 121 acres of the 540 acre Madera Ranch. The quarry site will be developed to include an aggregate processing facility, a hot mix asphalt plant, an administration complex, multiple parking areas, a paved haul road, and various stockpile and

processing areas. The quarry will generate wash water and storm water discharges that will be regulated under separate Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) permits. Madera Quarry Inc. will complete the following activities that are subject to Water Quality Certification pursuant to Section 401 of the federal Clean Water Act:

Conduct a study to determine baseline vegetation data. This will be done by collecting in the grass/forb and shrub layers of the mine site, focusing on quantifying two parameters within the sample plots: (1) cover and (2) density.

Construct improvements to County Road 209, including the replacement of ten existing culverts and the installation of two new culverts (this work includes the fill of 0.14 acres of intermittent drainage and 0.02 acres of ephemeral drainage).

Construct a new paved haul road from Road 209 to the active mining site (this work includes the fill of 0.01 acres of intermittent drainage).

Extract hard rock aggregates from the designated Quarry Excavation Area, which is designed to eventually be 86 acres in size and 570 feet deep (this work includes the removal of 0.63 acres of seasonal wetland and 0.49 acres of intermittent drainage).

Construct a new channel for the intermittent drainage that currently exists within the planned Quarry Excavation Area to direct water around the northern edge of the area and rejoin the original channel. This drainage is a tributary to Hildreth Creek.

**Preliminary Water  
Quality Concerns:**

Soil erosion, increased turbidity, deposition of settleable material, and transport of pollutants to Hildreth Creek and Cottonwood Creek.

**Proposed Mitigation  
To Address Concerns:**

Best Management Practices (BMPs) will be implemented at all times to prevent sedimentation of surface waters.

Work in the drainages will take place during the dry season when the drainages will be dry.

**Fill/Excavation Area:**

The project will result in permanent impacts of 0.63 acres to seasonal wetlands, permanent impacts of 0.64 acres to intermittent

drainages, and permanent impacts of 0.018 acres to ephemeral drainages.

**Dredge Volume (cy):** None

**U.S. Army Corps of Engineers Permit:** Madera Quarry Inc. applied for an Individual Permit (No. 200500673), and the U.S. Army Corps of Engineers posted a Public Notice from 3 August 2006 to 2 September 2006.

**Department of Fish and Game Streambed Alteration Agreement:** Madera Quarry Inc. applied for two Streambed Alteration Agreements from DFG on 22 February 2008 and 7 May 2008. A Draft Streambed Alteration Agreement (2007-0209-R4) has been prepared for the project activities that include the culvert replacements along County Road 209.

**CEQA Compliance:** Madera Quarry Inc. prepared an Environmental Impact Report (SCH No. 2003102128) with Madera County as the lead agency, and submitted it to State Clearinghouse on 24 June 2005; prepared a Final Environmental Impact Report and submitted it to State Clearinghouse on 3 February 2006; and prepared a Notice of Determination and submitted it to the Madera County Clerk on 31 October 2006.

**Compensatory Mitigation:** Madera Quarry Inc. proposes to create 0.76 acres of wetlands and 0.79 acres of streambed on a 132 acre portion of the property that is to be set aside as a preserve site.

**Application Fee Provided:** A fee of \$2,773.50 was submitted on 3 June 2008 and an additional \$500.00 was submitted on 12 June 2008 as required by 23 CCR Section 3833(b)(2)(A).