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## Central Valley Regional Water Quality Control Board

26 January 2021

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### **PRELIMINARY REVIEW AND CONSULTATION, SPECIAL USE PERMIT AND PERMIT TO MINE/RECLAMATION PLAN, MR 11-20/21-01, PORTOLA AGGREGATES, TLT ENTERPRISES, LLC (OWNER), HAT CREEK CONSTRUCTION, INC (OPERATOR), PORTOLA, PLUMAS COUNTY**

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for the Portola Aggregate expansion project (Project), as defined by the California Environmental Quality Act (CEQA). On 23 December 2020, we received Plumas County's request for a preliminary review and consultation on the Project. The public comment period due date was 18 January 2021. On 14 January 2021, Central Valley Water Board staff requested a time extension on the comment period to 1 February 2021. On 15 January 2021, Plumas County granted the extension to Central Valley Water Board staff.

The Project is located at 77413 Meadow Way, unincorporated Plumas County; Assessor Parcel Numbers (APNS) 025-050-055-000 and 025-100-036-000; and within Township 24 North, Range 13 East, Section 25 Mount Diablo Base & Meridian (MDB&M), and Township 23 North, Range 14 East, Sections 19, 20, 29, and 30 MDB&M. The Project is situated approximately two miles northeast of the City of Portola.

The Project is located within the Feather River watershed and site surface drainage is a direct tributary to the Middle Fork of the Feather River, a federal-designated Wild and Scenic River. The Middle Fork of the Feather River is located approximately 0.6 miles from the southern property boundary of the Project site. The Middle Fork of the Feather River (from Sierra Valley to Lake Oroville) is listed as impaired due to unknown toxicity on California's 2014-2016 List of Impaired Waters (i.e., Clean Water Act Section 303(d) List). The Project site is also located immediately west, north, and east of the Portola Landfill, a closed, unlined, Class III solid waste landfill. Elevations within the Project area range between 5,040 and 5,700 feet above mean sea level (amsl).

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KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

## PROJECT DESCRIPTION

Hat Creek Construction, Inc. (HCC) has applied to Plumas County Planning and Building Services for the use and expansion of an existing permitted aggregate mine; the existing operation is confined to 10 acres<sup>1</sup>. The proposed Project includes excavation and processing on approximately 715 acres of which 256 acres would be affected by active mining operations. HCC is the Project operator and TLT Enterprises LLC retains surface and mineral right ownership of the Project site. The proposed active mining operations would occur over a 50-year time period in four phases and extract approximately 33.9 million cubic yards of aggregate.

Operations at the site would include extraction, processing (washing and crushing), an asphalt plant, and lime treatment. Approximately 50,000 gallons of water per day would be used for washing aggregate and for dust suppression. Water would be supplied by an onsite well. The mining type used would be quarrying and materials would be removed using excavators and dozers; some blasting may occur one to two times a year. Material would be removed from the extraction zone down to base elevation, at approximately 5,040 feet amsl. Floor surface would be graded to allow drainage to a site detention basin. Planned final side slopes would be 1.5 to 1 slope ratio (horizontal to vertical (H:V)) (66.7 percent) with 30-foot benches.

The Project site is zoned as agricultural preserve, however, the current operation operates under special permit use "mining." The proposed Project does not include any General Plan or Zoning Plan amendments that would change the current zoning designation of agricultural preserve.

## CENTRAL VALLEY WATER BOARD COMMENTS

Based on our review of the information submitted for the proposed Project, we have the following preliminary comments:

### **General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)**

Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. The Project must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website [Water Boards Stormwater Construction Permits](https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml) (https://www.waterboards.ca.gov/water\_issues/programs/stormwater/constpermits.shtml)

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<sup>1</sup> Existing project is located on APN 25-10-24, with Jeff Carmichael as Operator, Francis Carmichael as Owner. (Plumas County Application Package: Appendix A, Current Reclamation Plan)

**Industrial Storm Water (IGP)**

On 16 November 1990, the USEPA promulgated storm water regulations (40 CFR Parts 122, 123 & 124) which require specific categories of industrial facilities discharging storm water to obtain NPDES permits and to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate industrial storm water pollution. These requirements apply to industries with a Standard Industrial Classification (SIC) 1442 – Construction Sand and Gravel. Industrial operations with a 1442 SIC code must be covered by a General Permit for *Discharges of Storm Water Associated with Industrial Activities*. Detailed information on the IGP can be found on the State Water Board website [Water Boards Storm Water Multiple Application and Report Tracking System](https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml) (<https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml>).

**Clean Water Act (CWA) Section 401, Water Quality Certification**

The Central Valley Water Board has regulatory authority over wetlands and waterways under the Federal Clean Water Act (CWA) and the California Water Code, Division 7 (CWC). Discharge of dredged or fill material to waters of the United States requires a CWA Section 401 Water Quality Certification from the Central Valley Water Board. Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling of wetlands, etc. 401 Certifications are issued in combination with CWA Section 404 Permits issued by the U.S. Army Corps of Engineers.

The proposed Project must be evaluated for the presence of jurisdictional waters, including wetlands and other waters of the State. Steps must be taken to first avoid and minimize impacts to these waters, and then mitigate for unavoidable impacts. Both the Section 404 Permit and Section 401 Water Quality Certification must be obtained prior to site disturbance. Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge (ROWD) pursuant to Sections 13376 and 13260 of the California Water Code. Both the requirements to submit a ROWD and apply for a Water Quality Certification may be met using the same application form, found at [Water Boards 401 Water Quality Certification and/or WDRs Application](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/#resources](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources)).

**Isolated wetlands and other waters not covered by the Federal Clean Water Act**

Some wetlands and other waters are considered "geographically isolated" from navigable waters and are not within the jurisdiction of the Clean Water Act. (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high-water mark). Discharge of dredged or fill material to these waters may require either individual or general Waste Discharge Requirements (WDRs) from the Central Valley Water Board. If the U.S. Army Corps of Engineers determine that isolated wetlands or other waters exist at the Project site, and the Project impacts or has potential to impact these non-jurisdictional waters, a ROWD and filing fee must be submitted to the Central Valley Water Board. The Central Valley Water Board will consider the information provided and either issue or waive WDRs. Failure to obtain WDRs or a waiver may result in enforcement action.

Any person discharging dredge or fill materials to waters of the State must file a ROWD discharge pursuant to Sections 13376 and 13260 of the CWC. Both the requirements to submit a ROWD and apply for a Water Quality Certification may be met using the same application form, found at [Water Boards 401 Water Quality Certification and/or WDRs Application](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/#resources](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources)).

### **Wastewater Treatment and Disposal**

The proposed Project anticipates that up to 6,000 tons of material would be processed daily. The processing of the material would consist of the following process: Loaders would deliver raw, mined aggregate to the plant chutes, which would carry the aggregate into a jaw crusher. Aggregate would then enter a cone crusher, followed by screening and washing into its final form for delivery via hauling trucks. The wash water would be discharged to a pond for reuse. The impacts to water quality in the wash water pond will need to be evaluated to ensure that process wash water does not pose a threat to water quality. Some of the concerns related to the wash water ponds include but are not limited to fine sediment, potential increases in salt concentrations, increases in dissolved and total metals concentrations, and changes in water chemistry parameters such as pH, electrical conductivity, and oxidation reduction potential. Additionally, a pond capacity water balance and construction integrity needs to be evaluated to ensure there are no discharges out of the pond.

The proposed Project also includes the addition of an asphalt batch plant (batch plant) onsite. Activities associated with the production of asphalt material could include, but are not limited to, the use of water for any processing, cooling, or emissions needs. However, there is no information provided if any water will be used during the batch plant operation, if any wastewater would be produced, and, if so, how wastewater would be managed.

The California Water Code requires that any person proposing to discharge waste that could affect the quality of waters of the State to file a ROWD. Due to the potential threats to water quality that activities at the proposed facility pose, a ROWD will likely be required so Central Valley Water Board staff can determine if operations associated with the proposed Project would need to be regulated by one or more Water Board programs.

A ROWD, Form 200 and supporting information must be submitted at least 140 days prior to any discharges. Information regarding submittal of a ROWD and additional information can be found on our website at [Central Valley Water Board Permit Information](https://www.waterboards.ca.gov/centralvalley/help/permit/) (<https://www.waterboards.ca.gov/centralvalley/help/permit/>).

### **Water Management During Active Quarrying**

The proposed Project anticipates expanding the existing onsite quarry. As a result of the proposed activities, a larger volume of water will be present within the quarry. The water within the quarry will likely originate from three main sources: direct precipitation, storm

water run-on, and exfiltrating groundwater. Such water, depending on the source and water quality, may not qualify as storm water and/or an authorized non-storm water discharge. It is unclear if the water within the quarry will remain ponded during active mining or if the water will limit mining activities and dewatering of the quarry will be required to access the mineable materials.

If dewatering of the quarry will be necessary, the Project does not include a clear description of how these activities would be conducted and where this water would be discharged. Depending on the location and nature of discharge, dewatering activities could require a surface water discharge permit under our National Pollution Discharge Elimination System (NPDES) program or a land discharge permit under our Waste Discharge Requirements (WDRs) program.

The Project should identify the water management approach for the quarry and should include contingencies for extreme conditions (e.g., exceedance of detention basin capacity, interruptions of quarry operations when dewatering is not occurring). The environmental assessment should be supported by hydrologic studies and a water balance that provide the design-basis for the water management approach (e.g., sizing of detention basin(s) based on estimated water volumes to be managed). If the hydrologic studies indicate that the Project will result in the formation of a mine pit lake, depending on the mine pit lake water quality, the mine pit lake may be classified as a mining unit (surface impoundment) under California Code of Regulations, title 27, section 22470 et seq and therefore may be subject to certain regulatory requirements, including WDRs.

Further, the Project's Storm Water Pollution Prevention Plan<sup>2</sup> (SWPPP) states that there are no anticipated non-storm water discharges. However, the Project's preliminary geotechnical investigation states, "*seasonal and/or perennial water seepage could occur from perched water at the overburden/rock contact, and from discontinuities exposed within the quarry highwall.*"<sup>3</sup> Please describe how the Project specifically plans to address and manage exfiltrating groundwater.

### **Water Quality During Active Quarrying**

Quarry water may contain unique geochemistry relative to natural surface water. The quarry water quality may be affected by groundwater flow, area geology and associated geochemistry, pH, trace element concentrations, and temperature. Water quality may be affected by surrounding inputs such as erosion (e.g., turbidity, total suspended solids, salinity) and nutrients, and any mineralized zones or abandoned mine workings intersected by the mining activities.

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<sup>2</sup> Plumas County Application Package: Appendix F, Storm Water Pollution Prevention Plan.

<sup>3</sup> Plumas County Application Package: Appendix E, Preliminary Geotechnical Investigation.

The environmental assessment should be supported by a study that evaluates the anticipated water quality of the quarry water so appropriate water management protocols, compliant with applicable regulatory requirements, can be designed and implemented.

During active quarry operations, a monitoring program should be established to assess the quarry pit water quality to ensure water management in compliance with applicable regulations (such as the Central Valley Water Board's *Water Quality Control Plan for the Sacramento and San Joaquin River Basin* (Basin Plan) water quality objectives (WQOs) for surface and/or groundwater.

### **Quarry Impacts on Project Area Hydrology**

The proposed Project will affect the hydrology (hydrogeology and surface water hydrology) in the Project area, both during active quarry operations and post-reclamation. During active quarrying the impacted area may act as a sink, reducing groundwater flow to nearby groundwater wells and surface water features. In addition, Project activities are expected to require extraction of groundwater at a rate of approximately 50,000 gallons per day.

The environmental assessment should be supported by hydrologic studies that identify anticipated impacts in the Project area, including potential impacts to nearby groundwater wells and surface water features.

### **Portola Landfill and Sensitive Receptors**

The Project site is located adjacent to the Portola Landfill property<sup>4</sup>. The Portola Landfill has a documented volatile organic compound (VOC) plume in the groundwater downgradient of the landfill. Groundwater flow beneath the Portola Landfill is generally from the northeast to the southwest towards the Middle Fork of the Feather River. The Central Valley Water Board has issued WDRs Order R5-2015-0083 to regulate the discharge of waste from Portola Landfill.<sup>5</sup>

The Project's Reclamation Plan states a preliminary survey of groundwater wells monitored by the California Department of Water Resources show one well within a one-mile radius and three wells within a six-miles radius of the Project site. In addition, the Reclamation Plan states that the well data shows that groundwater could be expected between 60 to 100 feet below ground surface. This information appears to be the extent of groundwater well information utilized in the Project's Application and Reclamation Plan.

For reference, WDRs Order R5-2015-0083 contains information on local environmental conditions that may be useful in characterizing site conditions during the environmental review process. The WDRs provides a discussion of the groundwater and unsaturated

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<sup>4</sup> The Proposed Project boundaries are located immediately west, north, and east of the Portola Landfill property.

<sup>5</sup> [https://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=L10008218225](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=L10008218225)

zone monitoring associated with the landfill property and requires ongoing groundwater monitoring at onsite monitoring wells which are located in relatively close proximity to the Project site. Additionally, WDRs Findings reference local wells (i.e., sensitive environmental receptors) and groundwater conditions that have not been captured in the Project's Application and Reclamation Plan:

- Site Description, Finding 14. *Property that surrounds the landfill is zoned "AP", Agriculture Preserve, and is designated as Agricultural Preserve in the Plumas County General Plan. A rural residential neighborhood, some of which utilize individual domestic water supplies, exists within 1,500 feet south and southwest of the landfill.*
- Site Description, Finding 18. *The Discharger has identified 15 domestic groundwater supply wells within 2,000 feet of the landfill. The properties where these wells are located are generally south and southwest of the facility.*
- Surface Water and Ground Water Conditions, Finding 23. *Shallow groundwater flow beneath and surrounding the landfill occurs in the highly weathered quartz diorite. Groundwater flow in the shallow zone is likely to be controlled by primary porosity due to the granular nature of the weathered rock.*
- Surface Water and Ground Water Conditions, Finding 25. *An intermittent surface spring has been identified near a fault structure at the landfill northeast of the waste footprint. Additional intermittent surface springs may be located south and topographically down gradient of the landfill and along Meadow Way below the landfill.*
- Surface Water and Ground Water Conditions, Finding 26. *First encountered groundwater is generally about 13 to 38 feet below the native ground surface. Groundwater elevations appear to range from 5,012 feet MSL to 5,184 feet MSL.*

The environmental assessment should include a more extensive evaluation of sensitive receptors. Further, any environmental impacts of the Project due to its proximity to the Portola Landfill should also be addressed.

### **Historical Mining Activity in Project Area**

Historical mining activities may have occurred in the Project area. The environmental assessment should include inventorying potential mines or adits and mine workings in the Project area as part of the environmental assessment. This information is needed to support projections of quarry-related water quality and potential hydrologic effects induced by the Project.

### **Preliminary Geotechnical Investigation**

The Project's Reclamation Plan references a Geotechnical Report (Report) that was conducted due to potential fill slopes exceeding 2:1, H:V. Please note, the Geotechnical Report is a preliminary geotechnical investigation. Subsurface exploration was not performed as part of the investigation (drilling and geophysical exploration was not authorized as part of the scope of work) nor was any site-specific groundwater data available for the investigation. Additionally, the Report notes, "*no quarrying has been performed at the project site; hence, there are no exposed volcanic rock faces that*

*could be mapped and used for development of recommendations in this study.”* The Report states, *“this study should be considered preliminary in nature and should be supplemented with future studies to refine recommendations made, herein.”* The Report states, *“future geotechnical assessments should collect additional discontinuity orientations, rock quality data, rock strength data, groundwater information, and evaluate whether recommendations made within this preliminary geotechnical report are valid or require amendment.”* It is unclear to Central Valley Water Board staff, whether additional studies will be conducted and submitted as part of the environmental review process. Please address whether and when additional studies will be performed related to the geotechnical investigation.

The Project’s Reclamation Plan incorporates some of the preliminary Report’s recommendations, but not all. For example, the Report provides recommendations related to frequency of geological mapping and maximum slope ratios, which have been incorporated into the Reclamation Plan. However, the preliminary Report also provides recommendations related to monitoring seepage volumes and quarry water management. Specific quarry water management topics (within the Report recommendations) included a lined surface diversion ditch and/or berm along the quarry crest, a slope depressurization system, and an in-quarry dewatering system. It is unclear to Central Valley Water Board staff if these recommendations have been or will be incorporated into the Project’s Reclamation Plan and/or SWPPP. Please clarify.

### **Additional Comments**

1. Reclamation Plan 3.6.1, Surface Water states, *“There are a few topographic depressions with intermittent water from snowmelt. The USGS National Hydrography Dataset shows it an intermittent stream that runs through the currently active 7.5-acre mine (Figure 3-7). No other known surface waters are present onsite. No stream bank or channel was observed at this location during the site visit.”* Figure 3-7 does not adequately support the surface water description. Figure 3-7 shows three drainages within the Reclamation boundary, with one drainage that exceeds the boundaries of the current active mine. Please update Figure 3-7 with drainage labels, including the Project receiving waters located outside the Project boundaries. In addition, please provide the date of the site visit and scope (i.e., area) of investigation for identification of surface waters onsite that is referenced in Reclamation Plan 3.6.1.
2. Reclamation Plan 4.3.7, Drainage Plan (and SWPPP Section 3.3) states, *“The detention pond will contain stormwater to allow the settling of solids. Water will be discharged from the pond to ditches and drainages below the site, hence to a greenbelt, then to Grizzly Creek located about one mile to the east of the site, then into an unknown tributary, and then to the Middle Fork Feather River located half a mile to the east of the site.”* The Reclamation Plan refers to Figure 4-5 and the SWPPP refers to Figure 3 to show the drainage features related to the Project. Figure 4-5 and Figure 3 are inadequate to assess the described drainage pathway. The Figures do not have the subject drainages labelled nor do the Figures extend to include the subject receiving waterbodies (e.g., Middle Fork

of the Feather River or Grizzly Creek). Please provide a map in adequate scale that supports the described discharge pathway. All drainages should be included and clearly marked.

3. SWPPP Section 1.2, SIC Codes. The SWPPP states, "*Portola Aggregate falls under SIC Code 1442 – Construction Sand and Gravel.*" Please address the additional proposed industrial activities for the site: an asphalt plant and lime mix plant. Such auxiliary industrial activities may have specific constituents of concern and associated regulatory requirements.
4. SWPPP Section 6.2.3, Treatment states, "*The detention pond is located onsite to contain stormwater as shown in Figure 3. In addition, site topography gently slopes downward into the southwest portion of the site. The mining areas, therefore, also act as settling basins.*" Please elaborate on how the mining area will act as a settling basin. Specifically, please clarify whether the mining area will allow ponding of storm water (and/or non-storm water).

## Closing

If you have any questions or comments regarding the Central Valley Water Board's comments on the Project, please contact me at (530) 226-3425 or by email at [Bryan.Smith@waterboards.ca.gov](mailto:Bryan.Smith@waterboards.ca.gov).

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