



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board North Coast Region

Geoffrey M. Hales, Acting Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

December 15, 2009

Mr. Scott Briggs
Sonoma County Permitting and
Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403-2829

Dear Mr. Briggs

Subject: Comments on the Final Environmental Impact Report for the proposed
Roblar Road Quarry, Sonoma County, **SCH No. 2004092099**

Thank you for the opportunity to comment on the Final Environmental Impact Report (FEIR) for the Roblar Road Quarry project. The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) and the protection of the beneficial uses of such waters.

The Regional Water Board provided comments on the Draft Environmental Impact Report (DEIR) in a letter dated July 22, 2008. The project coordinators provided responses to these comments in the FEIR. This letter, dated December 3, 2009, contains our final comments, concerns and recommendations to the project coordinator, the Sonoma County Planning Commission, and agencies with discretionary approval regarding this project.

The Roblar Road Quarry project, located about five miles to the west of the City of Cotati, is proposed as a 20-year use permit for a mining operation. The quarry would disturb approximately 70 acres of a 199 acre parcel, creating a 65 acre quarry pit and allowing the extraction of approximately 570,000 cubic yards of quarry material annually. The project will involve detonations as a part of mining activity and an increase in traffic from rock transport trucks. The Roblar Road Quarry is contiguous to the closed, County-owned Roblar Road Landfill, an unlined site which closed in 1975 and has undergone only limited groundwater investigations.

California Environmental Protection Agency

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Comments

The Regional Water Board remains concerned with two significant potential impacts of the Roblar Road Quarry. We do not believe that sufficient mitigation has been provided for impacts to surface waters, as the proposed project will discharge excess flows of groundwater and storm water into nearby surface waters. We are concerned about the identification of heavy metals and other pollutants in groundwater at levels exceeding ground and surface water quality objectives. We are not convinced by the documentation provided that excavation and draining of groundwater will not result in the movement of pollutants in the aquifer, thereby causing the degradation of water quality.

Discharges of Pollutants to Surface and Ground Waters

The project site is bounded by the Ranch Tributary, a tributary to Americano Creek, to the south. A seasonal wetland lies adjacent to Americano Creek in the southwest corner of the project area, and three small seasonal drainages flow southwesterly across the project area to the Ranch Tributary.

Our letter dated July 22, 2008 described the Regional Water Board's responsibility for protecting the quality of waters of the state, including ground and surface water. The FEIR states that groundwater seepage, stormwater runoff, and process water will be discharged to nearby surface waters. In the response to comments, the County identified water quality data collected from onsite and offsite wells. The document compared the data to three types of criteria in order to determine the potential significance of the limited groundwater data. Unfortunately, the document does not include a comparison with the state water quality objectives that are most appropriate for the protection of water quality. Furthermore, the document dismisses exceedances of Title 22 MCL criteria by including the following statement in the response to comments:

"The use of the MCL for comparison of water quality provides a conservative basis for considering the existing contaminant levels in the groundwater beneath the project site and the closed Roblar Landfill. MCLs are typically used to assess drinking water quality of public water supplies and are an enforceable regulatory standard intended to protect public drinking water sources. MCLs are not applicable to private wells. The groundwater on the project site or the adjacent landfill property is not currently used for drinking water, is not intended to supply groundwater for public use, nor is it part of a public drinking water system."

The Regional Water Board is responsible for the establishment of water quality objectives intended to protect the beneficial uses of ground and surface waters. Ground and surface waters in the area of this project are identified for municipal and domestic

supply. The water quality objectives developed to protect these beneficial uses include Title 22 MCLs. In addition, surface waters identified to receive discharges from the facility have additional beneficial uses identified with the protection of aquatic life. As proposed, discharges of wastewater from this facility to surface waters will likely result in violation of water quality objectives. The movement of pollutants through ground water due to pumping and excavation activities will likely result in exceedances of groundwater quality objectives. These are clearly significant impacts and are not properly disclosed in the FEIR.

Potential for Excavation to Intercept Contaminated Groundwater

As an old, rural, closed site the Roblar Road Landfill has not undergone comprehensive hydrologic investigation for leachate or groundwater impacts. While efforts for the proposed quarry project have included resampling of the three County landfill monitoring wells and installation of three shallow wells by the project proponent this in no way equates to an adequate hydrologic investigation for the scope and nature of the proposed contiguous mining project on 199 acres of land.

Please be advised that the County of Sonoma is responsible in perpetuity for the municipal waste placed at the Roblar Solid Waste Disposal Site. These wastes include all solid waste, leachate and groundwater contamination originating from the landfill. It is a violation of the California Water Code to discharge leachate to surface and groundwater. The County of Sonoma is also responsible for maintaining the site from erosion problems, bench and road stability as well as overall landfill stability during seismic events as well as static events. In the event the County of Sonoma is found to be in violation of the Water Code, the Regional Water Board may seek appropriate investigation and corrective action remedies at considerable cost to the County.

This proposed rock quarry project abuts the County's closed landfill which has no active leachate extraction system, or formal impermeable landfill cap. As such, there remains a strong likelihood of leachate generation from within the landfill and subsequent movement of pollutants in directions that have not been explored at depth. Additionally, the nature of leachate movement within the waste management units (four separated benches) or its characterization (as per Title 27, California Code of Regulations, for formal Constituents of Concern) has not been investigated or defined. At this point it is premature to assume the removal of contiguous overburden soils and underlying fractured rock which may be fundamental to the structural stability of the benched solid waste site will not result in any water quality impacts in the direction of the quarry and pit water. Blasting impacts contiguous to the benched landfill also remain a concern. The FEIR specifies that should pollutants (VOCs) be encountered they will be treated with carbon filters. Regardless of permitting concerns, carbon filters and inadequately designed sediment basins will not treat for all the pollutant loads (including sediment) associated with the mixing of groundwater contamination and stormwater off of a 65 acre quarry pit. We remain concerned that the potential water quality impacts

associated with mining up against an old unlined landfill are not adequately addressed in the project studies thus far.

In summary, the FEIR falls short of outlining a clear path to avoid groundwater impacts to receiving waters. Should the County of Sonoma choose to move forward with this project as defined within the FEIR it should be noted that the Regional Water Board could find the project proponent and the County of Sonoma, Department of Transportation and Public Works responsible for discharges of waste to waters of the State. This project should be redefined to avoid such impacts.

If you have any questions, please contact John Short at (707) 576-2065 or jshort@waterboards.ca.gov.

Sincerely,

Catherine Kuhlman
Executive Officer

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cc: Scott Morgan, State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812
Sonoma County Planning Department c/o PRMD, 2550 Ventura Avenue,
Santa Rosa, CA 95403

Planning Commission of Sonoma County

Mr. Don Bennett
Ms. Paula Cook
Ms. Pamela Davis
Mr. Marcel Feibusch
Mr. Richard Fogg
Mr. Tom Lynch
Mr. Dennis Murphy
Ms. Lisa Schaffner
Mr. Komron Shahhosseini
Mr. Bob Williams

Mr. Michael Wochnick, California Integrated Waste Management Board,
P.O. Box 4025, M.S. WC/CCFAD 10A-18, Sacramento, CA 95812-4025

Ms. Leslie Graves, State Water Resources Control Board, P.O. Box 100,
Sacramento, CA 95812-0100