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## Central Valley Regional Water Quality Control Board

8 August 2023

Terry Marshall  
Vulcan Materials, Inc.  
31 Rancho Camino Drive  
Pomona, CA 91766

### **NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE VULCAN MATERIALS INC, VULCAN SANGER SAND & GRAVEL PLANT EMERGENCY KINGS RIVER FILL PROJECT (WDID#5B10CR00126), FRESNO COUNTY**

On 25 May 2023, the Vulcan Materials Inc (Applicant) filed a notification requesting coverage under the 9 October 2018 State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification of the United States Army Corps of Engineers (USACE) Regional General Permit 8 (General Certification Order) for the Vulcan Sanger Sand & Gravel Plant Emergency Kings River Fill Project (Kings River Fill or Project). After review of the notification and the supplemental material submitted by the Applicant, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the Project qualifies for enrollment under this General Certification Order. The proposed activity took place in 0.051 acres/475 linear feet of waters of the United States.

The Central Valley Water Board is certifying this Project under United States Army Corps of Engineers Regional General Permit 8, Emergency Repair and Protection Activities, subject to the conditions and the notification requirements described in the Nationwide Permit ("Special Conditions"). This Notice of Applicability is being issued under the General Certification Order pursuant to Section 3838 of the California Code of Regulations.

A copy of the [General Certification Order](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/rgp8_cert.pdf) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/rgp8\\_cert.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/rgp8_cert.pdf)) can be found on the State Water Resources Control Board's General Orders webpage.

The Project is to be conducted in accordance with the requirements contained in this Notice of Applicability and General Certification Order. The Project is described in the notification form requesting coverage under the General Certification Order, dated 25 May 2023, and supplementary information (Application Package). Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.

**PROJECT DESCRIPTION:**

Recent rainstorms and elevated releases into the Kings River have amplified erosion of the bank of the Kings River (additionally adjoined to a portion of Vulcan Materials Inc's property line). Additionally, rapid erosion of the bank encroached on a power pole owned by the Pacific Gas & Electric Company (PG&E). The power pole and associated lines are adjacent to a structure and cross over the main entrance road to the processing facilities.

Vulcan Materials, Inc. discharged large slabs of recycled concrete on two occasions to create a barrier. The slabs were slid down the bank for erosion protection below the pole and slightly upstream of the pole. The first discharge occurred on 23 March 2023 which included an estimated surface area of approximately 225 square feet (0.005 acres) An additional discharge which occurred on 23 June 2023 included approximately 2,000 square feet (0.046) below the ordinary high-water mark. The placement of the slabs is intended to be a temporary solution to an urgent situation and will be removed once a long-term solution has been developed and permitted.

The Project will temporarily impact 0.051 acres/475 linear feet of waters of the United States.

**PROJECT LOCATION:**

The Project is located at 17041 East Kings Canyon Road, Sanger, CA 95032.

Section 9, Township 14 South, Range 23 East, MDB&M

Latitude: 36.729255 and Longitude: -119.482529

**PROJECT SCHEDULE:**

The Project started construction on 25 May 2023 and was completed in June 2023.

**APPLICATION FEE RECEIVED:**

An application fee of \$2,734.00 was received on 5 June 2023.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category F - Emergency Projects authorized by a Water Board General Order (fee code 85) with the dredge and fill fee calculator.

If you have any questions regarding this Notice of Applicability, please contact Ernesto P. Garcia at (559) 445-6281 or at [Ernesto.Garcia@waterboards.ca.gov](mailto:Ernesto.Garcia@waterboards.ca.gov).

*Original Signed by Scott J. Hatton for:*  
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cc: see next page

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