

PROPOSED ORDER R3-2026-0018
COMMENTS AND RESPONSE TO COMMENTS

During the public comment period, the Central Coast Water Board received written comments on draft Order R3-2026-0018 from the National Environmental Law Center (NELC), and a form comment from 116 members of the public (Form Comment). Central Coast Water Board staff responses to those comments are provided below. All comments are direct transcriptions from the comment letters (including footnotes included within comments).

NELC - Comment 1

These comments are submitted on behalf of Environment California and the California Sportfishing Protection Alliance (collectively, “Citizen Groups”) regarding Tentative Order R-2026-0018, Draft NPDES Permit No. CA0005274 (“Draft Permit”). The Draft Permit would authorize the Granite Rock Company (“Granite Rock”) to discharge wastewater from its Arthur A. Wilson Quarry facility (“Facility”), which is currently regulated by Order R3-2017-0028, NPDES Permit No. CA0005274 (“Current Permit”). The Citizen Groups respectfully request that the Regional Board deny the permit as currently drafted or revise the monitoring requirements described in the Draft Permit to be at least as stringent as the Current Permit before issuance.

Introduction: NPDES permits are required by federal law to include monitoring requirements “[t]o assure compliance with permit limitations.” 40 C.F.R. § 144.44(i). The public is entitled to access monitoring data. 33 U.S.C. § 1318(b). Adequate and accurate monitoring is necessary to give the Regional Board, the discharger, and the public important information about the quality and quantity of discharges and their potential impacts on human health and the environment. The Citizen Groups rely on this information to achieve their organizational goals, which include educating the public, preserving and restoring California’s coastal waters and rivers, enhancing the state’s water quality and riparian habitats, and mitigating pollution. The Facility requires sufficient, accurate information to confirm and ensure future compliance with its permit limits and to evaluate treatment efficiencies. Sufficient, accurate information is necessary for the Regional Board to inform its water quality management, evaluate the need and basis for any enforcement actions, determine future permit terms, and protect water quality and human health.

The Draft Permit reduces monitoring at the Facility despite Granite Rock’s extensive history of noncompliance, increased frequency of discharges, and highly variable pollutant concentrations. Rather than strengthening monitoring conditions to establish compliance status, the Draft Permit decreases Granite Rock’s accountability for its discharges. This backsliding contravenes the Clean Water Act’s objective of “restoring

and maintaining the chemical, physical, and biological integrity of the Nation's waters."
33 U.S.C. § 1251.

The following comments identify several provisions of the Draft Permit that, if finalized, would decrease or weaken Granite Rock's monitoring and reporting obligations compared with the Current Permit. The Citizen Groups also propose revisions to the Draft Permit to improve the sufficiency and reliability of Granite Rock's reported data.

Section II: Granite Rock's Discharge Frequency, History of Noncompliance, and Waste Stream Variability Support Strengthening, Not Weakening, its Monitoring Requirements.

The U.S. EPA maintains a NPDES Permit Writer's Manual ("Manual"), intended to guide regulators in making permitting decisions. According to the Manual, a permitting authority should consider the following factors when determining sampling location, method, and frequency:

- Applicability of effluent guidelines and standards (effluent guidelines).*
- Wastestream and process variability.*
- Access to sample locations.*
- Pollutants discharged.*
- Effluent limitations.*
- Discharge frequencies (e.g., continuous versus intermittent).*
- Effect of flow or pollutant load or both on the receiving water.*
- Characteristics of the pollutants discharged.*
- Permittee's compliance history.*

EPA-833-K-10-001, 8-1 (last updated June 2025). These considerations warrant more robust monitoring requirements in Granite Rock's new permit, and certainly do not justify reduced monitoring compared with the current and previous permits.

Increased discharge frequency. *Prior permits established Granite Rock's monitoring requirements "based on an assumption of one discharge event per year during the wet season (October 1 through May 31) that lasts for 3 to 4 days." Current Permit, Table E-2 n. 1; Order R3-2010-0025, NPDES Permit No. CA000527, Table E-2 n. 1 (effective January 28, 2011) ("2010 Permit"). At certain times in the past, Granite Rock's reported discharges were indeed infrequent: according to Granite Rock's Self-Monitoring Report (SMR) data, there were only two discharge events from the authorized discharge point at Quarry Lake from 2007 through 2018, each lasting one day. However, in 2019, the Regional Board became aware that Granite Rock had been regularly discharging*

without authorization from its water storage basins (“Lower Hole Ponds”) for years. Notice of Violation, September 24, 2019; Granite Rock Response Letter October 22, 2019. The Regional Board also became aware in 2019 that Granite Rock had excavated the Lower Hole Ponds, leading to “significant groundwater infiltration,” without notifying the Regional Board of its intended changes to the Facility. Granite Rock was ordered to cease its unauthorized discharges and has since reported discharging significantly more frequently than earlier permits had contemplated. The Facility discharged continuously for 50 days in the 2021-2022 season; 113 days in the 2022-2023 season; 106 days in the 2023-2024 season; 67 days in the 2024-2025 season; and 64 days over two discharge events in the 2024-2025 season. The permit’s assumption of brief, infrequent discharge events is no longer defensible, and Granite Rock’s permit requirements should be adjusted accordingly. Substantially more monitoring is required to accurately measure and characterize the Facility’s pollutant discharges over the course of its months-long discharge events, compared with just a few days per year.

History of violations. *Granite Rock has demonstrated that it cannot or will not comply with its current effluent limitations and monitoring requirements. In the past five years, Granite Rock’s SMR data show that it has violated at least one effluent limitation during each month that it has sampled. It repeatedly exceeds its monthly average limitations for Total Dissolved Solids, Molybdenum, Iron, and Aluminum, with additional violations of other parameters. Granite Rock has also never sampled these constituents more than twice in any month in the past five years, despite permit language requiring additional sampling.¹ During the same period, Granite Rock has never monitored its Suspended Sediment Concentration as required by the Current Permit.² Consistent noncompliance with permit conditions should be met with the same or heightened monitoring requirements, not reduced requirements. If the Regional Board wishes to consider reduced monitoring in the future, the permit should establish objective performance criteria that may result in reduced monitoring requirements.*

Variability of pollutant concentrations. *For several pollutants, Granite Rock’s discharges fluctuate from well below its effluent limits to many times the limitations. Take aluminum, for example, which has an Average Monthly Effluent Limit (“AMEL”) of 1000 mg/L. In January 2026, total aluminum was sampled on January 6 and January*

¹ As described in the sections that follow, Granite Rock’s Current Permit requires supplemental sampling of pollutants when routine sampling reveals a violation, and requires at least four samples per month to calculate its Monthly Average discharges.

² According to the Rationale for Monitoring and Reporting Requirements in the 2010 Permit, which first established the Facility’s SSC effluent limitation and monitoring requirement, “[d]aily monitoring when a discharge occurs is required for SSC to determine compliance with the applicable TMDL WLAs.” Fact Sheet Section VI.A.2. The Current Permit did not articulate any change to this requirement. Granite Rock has never conducted daily sampling of its SSC.

29. The first sample contained 290 ug/L of total aluminum, well below the Average Monthly limit. The second sample contained 2900 ug/L of total aluminum, nearly three times the monthly limit. Granite Rock also sampled aluminum twice in February 2025, on February 12 and February 18. Its reported discharge concentrations were 76 ug/L and 1200 ug/L, respectively. Similar fluctuations are seen for other constituents. Given that pollutant concentrations can vary by more than 15-fold during the course of a single month, even based on only one or two samples per month,³ it is currently difficult to reliably determine the full extent of Granite Rock's pollution or its impacts on the receiving water. Granite Rock's monitoring requirements should, if anything, be increased in order to adequately and accurately reflect the pollutant concentrations in Granite Rock's discharges from the Facility. In no case should the monitoring requirements be reduced, absent reliable proof of sustained compliance with effluent limitations.

Staff Response to NELC - Comment 1

In general, the proposed Order maintains or increases monitoring frequencies relative to the monitoring frequencies included in Order R3-2017-0027.

The monitoring frequency for parameters with effluent limitations has not decreased. For example, effluent monitoring for chronic toxicity has changed to monthly when it was previously required once per discharge event, which will likely result in an increase in chronic toxicity effluent monitoring based on historical discharge patterns. For those parameters with new effluent limitations, the monitoring frequency has increased. While effluent monitoring for fecal coliform has been removed, the proposed Order contains new effluent limitations and effluent monitoring for *Escherichia coli* (*E. coli*) to be consistent with the State Water Resources Control Board's Bacteria Provisions and a Water Quality Standards Variance Policy (2019) (Bacteria Provisions).

Similarly, the effluent monitoring frequency for California Toxics Rule (CTR) and Title 22 pollutants has increased to annually when it was previously required once per permit term.

New effluent monitoring requirements have been established in the proposed Order for the following parameters: color, odor, floating material, methylene blue activated substances, radionuclides, and hardness.

³ The Citizen Groups do not assert that the one-to-two samples per month that Granite Rock presently collects are sufficient to comply with the terms of the Current Permit.

Receiving water monitoring frequency has increased to monthly for all parameters with effluent limitations where monitoring for these parameters was previously required once per permit term. The receiving water monitoring frequency for CTR and Title 22 pollutants has increased to annually when it was previously required once per permit term and twice per permit term, respectively.

Additionally, Central Coast Water Board staff assessed the current patterns and frequencies of discharge from the Facility to inform the proposed Order. See Table F-2 in the Fact Sheet of the proposed Order for a summary of the number of days of discharge per year from EFF-001 from 2017 through 2025 (ranges from 0 days to 113 days of discharge per year). Table E-2 of the proposed Order no longer includes the language referenced by the commenter from Order R3-2017-0027 (footnote 1 to E-2 in Order R3-2017-0027, "Monitoring for these pollutants at weekly intervals is based on an assumption of one discharge event per year during the wet season (October 1 through May 31) that lasts for 3 to 4 days..."). Central Coast Water Board staff also updated footnote 2 in Table E-2 of the proposed Order to provide clearer language about the requirements for parameters with weekly monitoring requirements. Similar to the requirements in Order R3-2017-0027, Table E-2 in the proposed Order allows the Discharger to move from weekly to monthly sampling, for parameters listed with weekly sampling, after day 14 of discharge. However, due to the history of violations, the proposed Order includes an expanded Pollutant Minimization Program that requires the Discharger to investigate the sources of effluent limitation exceedances and to implement control strategies to reduce those exceedances. In response to this comment, Central Coast Water Board staff has added a section that states that the Discharger may need to increase internal and/or effluent monitoring frequency to characterize outcomes of management strategies.

Section 2.4 in the Fact Sheet of the proposed Order includes a summary of the Facility's compliance history with Order R3-2017-0027, including a summary of effluent limitation violations, monitoring and reporting deficiencies, and an unauthorized discharge from the Lower Hole Ponds through Discharge Point 001 and how Central Coast Water Board staff addressed these compliance issues in the requirements in the proposed Order.

Change Made: Section 10.4.5.3.3.2 has been added to Attachment E - Monitoring and Reporting Program that states: "The Discharger may need to increase internal and/or effluent monitoring frequency as part of source identification process or during the implementation of management practices to characterize outcomes of management practices. The Discharger must provide internal sampling results to the Central Coast Water Board upon request."

NELC - Comment 2

Section III: The Draft Permit Should Require at Least Weekly Sampling of “Reasonable Potential” Pollutants.

Under the Current Permit, Granite Rock is required to sample certain pollutants weekly. See Current Permit, Monitoring and Reporting Program Table E-2. Prior to 2017, the Regional Board expected Granite Rock’s discharges to be extremely sporadic, and so it modified the weekly sampling requirement:

Monitoring for these pollutants at weekly intervals is based on an assumption of one discharge event per year during the wet season (October 1 through May 31) that lasts for 3 to 4 days. If a single discharge event continues for more than 7 days, monitoring for this constituent will be required a second time following a weekly interval; however, monitoring is required at monthly intervals thereafter.

Id. Table E-2 n. 1; see also 2010 Permit, Monitoring and Reporting Program Table E-2 n. 1 (containing identical language).

The language quoted above is justifiable only if the assumption of brief, intermittent discharges holds true.

If, for example, Granite Rock had two discharges in a given wet season lasting six days and ten days, respectively, the Current Permit’s language would clearly require it to sample three times—approximately weekly while discharging. And if the second discharge spanned from the end of one month to the beginning of the next month, Granite Rock would be required to conduct an additional sample during the second month. Such a result is reasonably consistent with the weekly monitoring requirements that the permit intended.

This is also consistent with the Rationale for Monitoring and Reporting Requirements provided in the 2010 Permit, which states, “[f]or those pollutants that exhibited reasonable potential based on the limited effluent data, weekly grab samples are required when a discharge occurs.” 2010 Permit, Fact Sheet Section VI.B.1.

“Reasonable potential” pollutant here means constituents with a reasonable potential to cause or contribute to an exceedance of a water quality objective (hereinafter “Reasonable Potential pollutants”).

However, as a result of the Current Permit’s reliance on a false assumption in its monitoring requirements, Granite Rock samples its discharge far less frequently than once per week. During the 2022-2023 wet season, for example, Granite Rock monitored its effluent for Reasonable Potential pollutants only five times during a discharge that

lasted more than 16 weeks.⁴ The Regional Board seems to have recognized that the assumption of short, infrequent discharges is not tenable, as evidenced by the Draft Permit's exclusion of that assumption in footnote 2. But rather than amending the monitoring requirements to yield weekly samples, as Table E-2 and the 2010 Fact Sheet make clear is expected, the Draft Permit amends the Current Permit's language to conform with Granite Rock's current, insufficient monitoring practice:

Monitor for these pollutants at the following frequency depending on days of discharge during a discharge event:

- For days 1-7 of discharge, sample weekly,*
- For days 8-14 of discharge, sample a second time following a weekly interval,*
- After day 14 of discharge, ensure that both weekly samples were collected as described above and begin sampling at monthly intervals thereafter.*
- During monthly intervals of sampling, the Discharger must sample at least once for every calendar month that there is a discharge in that month.*

Draft Permit, Monitoring and Reporting Program Table E-2 n. 2.

Federal law mandates that NPDES permit monitoring requirements include "type, intervals, and frequency sufficient to yield data which are representative of the monitored activity." 40 C.F.R. § 122.48. The Fact Sheet is required to include a "brief summary of the basis for the draft permit conditions." Id. § 124.8 While the 2010 Permit provided a rationale for imposing a weekly sampling requirement, no rationale for modifying the weekly requirement was ever provided. And the Draft Permit does not explain why the monitoring requirements established to be representative of a short, once-annual discharge would continue to be appropriate for a facility that discharges continuously for months at a time. Granite Rock's discharge history demonstrates that it is not. As described above, pollutant concentrations fluctuate significantly throughout each month of discharge, making one to two snapshots per month inadequate and potentially inaccurate.

The Draft Permit's Rationale for Effluent Monitoring falsely states the following regarding Reasonable Potential pollutants:

Effluent monitoring frequency has been increased in this Order to monthly for those pollutants with a reasonable potential to contribute to an exceedance of a water quality standards and for which effluent limitations were established:

⁴ The Citizen Groups make no representations as to whether Granite Rock complied with all of the Current Permit's monitoring requirements for the 2022-2023 wet season. However, they do aver that Granite Rock's monitoring frequency complied with the language of the footnote discussed in this section.

mercury, chlorodibromomethane, chloroform, dichlorobromomethane, methylene chloride, pentachlorophenol, nitrate (as N), un-ionized ammonia, MBAS, total dissolved solids, sulfate, chloride, and sodium.

Draft Permit, Fact Sheet Section 7.2. This rationale is false or inaccurate in three ways. First, monthly sampling represents a decrease, not an increase, in frequency for Reasonable Potential constituents compared with prior permits. Second, the constituents listed in the above-quoted text are not the same as those with a positive RPA result in Table F-10.⁵ Third, the Draft Permit does not impose monthly effluent monitoring requirements for any of the constituents listed. Table E-2 imposes a modified weekly monitoring requirement for mercury, nitrate, un-ionized ammonia, total dissolved solids, sulfate, and sodium; a yearly monitoring requirement for MBAs and Chloride; and no monitoring requirement for chlorodibromomethane, chloroform, dichlorobromomethane, methylene chloride, or methylene chloride.

In light of Granite Rock's increased discharge frequency, noncompliance with effluent limitations and monitoring requirements, and high variation in pollutant discharge concentration, any new NPDES permit should remove footnote 2 from Table E-2 altogether, so as to require weekly monitoring of Reasonable Potential Pollutants.

Staff Response to NELC - Comment 2

The proposed Order already includes weekly sampling for those pollutants with effluent limitations the first two weeks of a discharge event and monthly thereafter during the remainder of the discharge event. Additionally, see Central Coast Water Board staff response to NELC – Comment 1 for additional information about monitoring requirements in the proposed Order and the requirements to develop Pollutant Minimization Program that may entail additional internal and effluent sampling.

Change Made: See change made in response to NELC – Comment 1.

NELC - Comment 3

Section IV: The Draft Permit Should Not Relax the Central Coast Standard Provisions' Monitoring Requirements.

⁵ According to the Draft Permit, constituents at the Facility with a Reasonable Potential are Copper, Selenium, Bis (2-Ethylhexyl) Phthalate, Nitrobenzene, Aluminum, Iron, Molybdenum, Total Dissolved Solids, Sulfate, Sodium, and Mercury (inconclusive). Draft Permit 4.3.4.1-4.3.4.2.

The Draft Permit deviates from two sections of the Central Coast Regional Board's Standard Provisions dealing with monitoring for pollutants subject to Average Monthly Effluent Limitations ("AMEL"). These deviations remove the Standard Provisions' requirements that the discharger (1) use at least four samples to calculate an average concentration or emission and (2) increase monitoring frequency in the following monitoring period if sampling is too infrequent to validate compliance or non-compliance.

The Fact Sheet states, "Central Coast Standard Provisions 8.3.1 and 8.7.14 were updated from the previous order for clarity and consistency between the language in the standard provisions and the language in the compliance determination section of the Order." Draft Permit, Fact Sheet Section 6.1.1. This rationale is insufficient.

The explanation likely refers to the paragraph of the Compliance Determination section dealing with AMEL. It states, "If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the Discharger will be considered out of compliance for that calendar month." Draft Permit, Section 7.4. But that provision is not inconsistent with the Standard Provisions. The Standard Provisions impose substantive requirements—to use at least four samples to calculate average discharge, and to increase frequency if sampling is insufficient to determine compliance. The Compliance Determination section, by contrast, is a procedural provision that describes how the Regional Board will determine Granite Rock's compliance with its permit. The fact that the Compliance Determination section contemplates that the discharger may take only a single sample during a calendar month is not in tension with the monitoring requirement of the Standard Provisions. It merely provides guidance for determining compliance when only partial data is available. The very next sentence states, "For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month." It would be illogical to read that sentence as inconsistent with provisions requiring any sampling in a given month, because it intuitively applies only to situations where discharge data is entirely unavailable. Common sense should likewise be used to interpret the earlier sentence.

The language the Draft Permit proposes to deviate from has been a part of the Central Coast Standard Provisions since at least 1985 (as noted in Order R3-2005-0010). Orders issued by the Central Coast have used these terms for more than 40 years, including in permits issued this year to other facilities. See, e.g., Order R3-2026-0014; Order R3-2026-001. Standard Provisions are intended to incorporate and implement Basin Plans, State Board, and California Water Code provisions into permits. See Resolution No. R3-2013-0052. There has been no public notice of any proposed or adopted modifications to the Standard Provisions. Modification of the Standard Provisions for a single permittee is irregular. It cannot be justified as an edit for "clarity and consistency" because it is a substantive change to Granite Rock's duty to monitor effluent. In a case like this, where the new terms would decrease monitoring

requirements for a discharger with a history of consistent noncompliance with its existing permit, such a modification is highly inappropriate.

The proposed revisions are discussed in greater detail below.

Section 8.7.14

The Current Permit includes a formula for calculating “Monthly Average” (or “Weekly Average”):

$$\text{Average} = (X1 + X2 + \dots + Xn)/n$$

in which “n” is the number of days samples were analyzed during the period and “X” is either the constituent concentration (mg/l) or mass emission rate (kg/day or lbs/day) for each sampled day. “n” should be four or greater.

Current Permit Section VIII.G.14 (emphasis added). This language is taken directly from the Central Coast Regional Board Standard Provisions, December 6, 2012 (“Standard Provisions”). The Draft Permit alters the language of the Current Permit (and the Standard Provisions) to state,

$$\text{Average} = (X1 + X2 + \dots + Xn)/n$$

in which “n” is the number of days samples were analyzed during the period and “X” is either the constituent concentration (mg/l) or mass emission rate (kg/day or lbs/day) for each sampled day. If only a single sample is taken in a month (or week), the single sample shall be used as the average value.

Draft Permit Section 8.7.14 (emphasis added). Editing this section to permit calculation of Granite Rock’s monthly average discharge based on a single sample is unreasonable and inconsistent with common usage of the term “average.” If Granite Rock conducts only one sample for thirty days of discharge, it is difficult to know whether that sample is representative of its discharges over the course of the month. Granite Rock’s SMRs demonstrate that its pollutants fluctuate substantially week-to-week. Substituting its average discharge with a single sample value will deprive Granite Rock, the Regional Board, and the public of an accurate measure of Granite Rock’s effluent (and its potential impacts).

Because Granite Rock only discharges during the rainy season, there may be one or more months per year when its discharge does not continue long enough to obtain four samples. Although the Regional Board did not offer this as a basis for amending the permit language, this may, in fact, be its rationale. To address this concern without altering the substantive requirements of the provision, the Regional Board should edit the section as follows:

$$\text{Average} = (X1 + X2 + \dots + Xn)/n$$

in which “n” is the number of days samples were analyzed during the period and “X” is either the constituent concentration (mg/l) or mass emission rate (kg/day or lbs/day) for each sampled day. “n” should be four or greater. If a discharge continues for fewer than four days in a month (or week), “n” should be equal to the number of days of discharge.

This definition is consistent with the definition of monthly averages in 40 C.F.R. § 122.2, and departs from the Standard Provisions only as practicality warrants. And although the Citizen Groups disagree that the Compliance Determination is inconsistent with the Standard Provisions, adding this sentence to Section

8.7.14 would resolve any ambiguity, with minimal disruption to the Standard Provisions’ monitoring framework.

Section 8.1.3

The Standard Provisions require increased sampling frequency if “results of monitoring a pollutant appear to violate effluent limitations based on a weekly, monthly, 30-day, or six-month period, but compliance or non-compliance cannot be validated because sampling is too infrequent.” The Standard Provisions elaborate on this requirement:

For example, if copper is monitored annually and results exceed the six-month median numerical effluent limitation in the permit, monitoring of copper must be increased to a frequency of at least once every two months . . . If suspended solids are monitored weekly and results exceed the weekly average numerical limit in the permit, monitoring of suspended solids must be increased to at least four (4) samples every week.

Current Permit Section VIII.C.1; See Standard Provisions, Definitions I.G.13-14. To maintain consistency with the amended definition for “Monthly Average” (or “Weekly Average”), the Draft Permit departs from the Standard Provisions, as follows:

For example, if copper is monitored annually and results exceed the six-month median numerical effluent limitation in the permit, monitoring of copper must be increased to a frequency of at least once every six months . . . If suspended solids are monitored monthly and results exceed the weekly average numerical limit in the permit, monitoring of suspended solids must be increased to at least weekly.

Draft Permit, Section 8.7.14. The Draft Permit’s example suggests that if Granite Rock appears to exceed its AMEL, monitoring of that constituent would need to be “increased” to at least once per month. However, all parameters that have AMELs have at least monthly average monitoring requirements, so the new provision does not actually increase monitoring frequency following an exceedance at all.

The Regional Board’s proposed revisions to the Standard Provisions would make monthly average violations harder to detect and would decrease the effluent data available to the Board, the Facility, and the public. As Granite Rock’s SMRs demonstrate, its pollutant concentrations vary significantly throughout the month, and a single compliant sample might mask an otherwise noncompliant month (and vice versa).

Increased frequency ensures that sampling is genuinely representative of the Facility's discharge.

Staff Response to NELC - Comment 3

The proposed Order includes updates to the Central Coast Standard Provisions language to align with the Central Coast Water Board's current practice for calculating monthly average. The Central Coast Standard Provisions in Order R3-2017-0027 and in the proposed Order both specify that the monthly average is calculated by taking the arithmetic mean of the sample results divided by the number of days samples were analyzed during the period. Central Coast Water Board staff recommend removing the portion of the Central Coast Standard Provisions language in Order R3-2017-0027 that stated the number of days samples were analyzed during the period should be four or greater. Central Coast Water Board staff has proposed updated language in the proposed Order to clarify that if only a single sample is taken in a month, the single sample shall be used as the average value.

This update is also in accordance with section 7 of the proposed Order for assessing compliance. For example, compliance with average monthly effluent limitations can be determined based on one single sample taken during the calendar month. Central Coast Water Board staff ensured that the proposed Order includes monitoring frequencies to adequately assess compliance with effluent limitations

Specifying that the number of days of samples must be four or greater is too constraining and is not an accurate representation for how the Water Boards calculate monthly average and assess compliance with monthly average effluent limitations. In other words, the number of days samples were analyzed could be greater, equal to, or less than four days and so long as at least one sample is taken in a month, compliance can still be assessed.

Section 8.3.1 in the Standard Provisions of the proposed Order retains the same requirement from Section C.1 in the Standard Provisions of Order R3-2017-0027, requiring that, "If results of monitoring a pollutant appear to violate effluent limitations based on a weekly, monthly, 30-day, or six-month period, but compliance or non-compliance cannot be validated because sampling is too infrequent, the frequency of sampling shall be increased to validate the test within the next monitoring period. The increased frequency shall be maintained until the Executive Officer agrees the original monitoring frequency may be resumed."

Change Made: No change made.

NELC - Comment 4

Section V: The Draft Permit Should Retain the Previous Permit's Receiving Water Monitoring Locations or Identify Comparable Locations.

The Current Permit identifies two receiving water monitoring locations: RSW-001, "upstream of Discharge Point No. 001 where water samples reflect water quality before the addition of effluent to the receiving water," and RSW-002, "approximately 100 to 200 feet downstream of Discharge Point No. 001, where a representative sample that [sic] indicates the impact of effluent on receiving water." Current Permit, Monitoring and Reporting Program, Table E-1.

The Draft Permit moves RSW-001 to "approximately 10,000 feet upstream of Discharge Point 001" and moves RSW-002 to "approximately 10,000 feet downstream of Discharge Point 001." Draft Permit, Monitoring and Reporting Program, Table E-1. This modification is inconsistent with the requirements of the Clean Water Act, the State Implementation Policy, Resolution No.2005-0019 ("SIP"), and the Water Quality Control Plan for the Central Coastal Basin ("Basin Plan").

The Clean Water Act requires that NPDES permits include "any more stringent limitation, including those necessary to meet water quality standards." 33 U.S.C. § 1311(b)(1)(C). The Basin Plan includes water quality objectives for dozens of constituents to protect the beneficial uses of the Central Coastal Basin waters. To determine the need for and level of water quality-based effluent limitations, the SIP requires that the Regional Board "use all available, valid, relevant, and representative receiving water and effluent data and information to conduct a reasonable potential analysis." SIP Section 1.3. The Current Permit describes receiving water monitoring as "necessary to evaluate compliance with water quality objectives and the protection of beneficial uses." Fact Sheet Section VII.E.

Moving the upstream monitoring station nearly two miles upstream will provide a less accurate representation of the quality of the receiving water that enters the Facility. Moving the downstream monitoring station nearly two miles downstream will make it more difficult to identify the localized impacts of Granite Rock's discharges on the waterbody. Some portion of the constituents, such as sediment-bound metals and organics, may settle before they travel two miles down the Pajaro River to the new proposed monitoring point. Other parameters, such as temperature and pH, will be affected by extended contact with the receiving water. It may well be reasonable to add a monitoring point to determine how much settling and dilution occurs within two miles; but that does not justify eliminating the near downstream monitoring station. Future reasonable potential analyses could produce false negative results, impeding the Regional Board's ability to perform its mandatory function of protecting the region's waters. Aquatic species, such as the endangered California Coast Steelhead, travel through the Pajaro River and would be exposed to unknown levels of pollutants in the two miles between Outfall 001 and the new RSW-002; other aquatic life may be

damaged by pollutants that dissipate quickly enough that far downstream monitoring fails to accurately reflect. In addition, the Draft Permit states that there are “many other land uses” near the Facility, “including various parcels with row crops.” Section 2.6. In-stream monitoring close to the Facility will help identify Granite Rock’s contribution to the pollution of the river.

In explanation, the Draft Permit Fact Sheet merely states that “[t]he receiving water monitoring locations have been undated [sic; presumably, “updated”] from the previous order at the request of the Discharger due to safety hazards and access issues at the previous water monitoring locations.” No explanation is provided as to how water samples two miles down the Pajaro River are representative of the Facility’s effects on the receiving water, or why an alternative location closer to the Facility was not selected.

If the current monitoring locations present a safety risk, the Regional Board should either identify comparable locations located at or near the Facility to monitor the receiving water, or require Granite Rock to implement precautions to enable safe access to the current monitoring locations.

Staff Response to NELC - Comment 4

The Discharger has informed Central Coast Water Board staff of concerns with safety and access issues for conducting receiving water sampling, especially when there are discharges from the Facility during high flow events in the Pajaro River. Central Coast Water Board staff selected the receiving water monitoring locations originally included in the draft Order posted for public comment, based on working with the Discharger on developing locations based on safety and feasibility to monitor. However, in response to NELC – Comment 4, instead of specifying the specific locations for receiving water monitoring, Central Coast Water Board staff have proposed a change to Attachment E – Monitoring and Reporting Program, that requires the Discharger to take representative samples and provide justification that the upstream and downstream monitoring locations will result in representative sampling results. The first annual report when the Discharger must provide justification for its receiving water monitoring locations is its first “NPDES Monitoring Report – Annually” report due February 15, 2027 (Note: This date could change if the Central Coast Water Board does not adopt the proposed Order at the August 20-21, 2026 Central Coast Water Board meeting), and annually thereafter.

Change Made: Attachment E, Tables E-1 and E-4 have been updated to remove the specific locations for receiving water monitoring and clarify that a representative upstream and downstream receiving water sampling location must be used and justified by the Discharger on an annual basis.

NELC - Comment 5

Section VI: The Board Should Reconsider the Facility's Designation as a Minor Discharger.

Dischargers are designated as "Major" or "Minor" dischargers based on their toxic pollutant potential, flow/streamflow volume, conventional pollutants, public health impacts, water quality factors, and proximity to near coastal waters. See U.S. EPA NPDES Permit Rating Work Sheet.

Facilities that score 80 points or higher on EPA's NPDES Permit Rating Work Sheet should be designated Major dischargers. The Facility is currently designated as a Minor discharger. Given the flow/streamflow volume at the Facility, its noncompliance with water quality-based effluent limitations, and its location in a major estuary, the Regional Board should revisit Granite Rock's Major/Minor designation. Accurate designation ensures that the Facility is subject to the appropriate level of federal and state oversight to protect the Nation's waters.

Conclusion: For the reasons described above, the Citizen Groups respectfully request that the Regional Board deny the Draft Permit as proposed. Any new permit issued for Granite Rock's Arthur A. Wilson Quarry should take into account the Facility's increased discharge frequency, frequent and significant noncompliance with its current permit, and its highly variable discharge quality. In light of these concerns, if Granite Rock's monitoring requirements are to be revised, they should be made more robust rather than less.

Staff Response to NELC - Comment 5

Central Coast Water Board staff used the United States Environmental Protection Agency's (USEPA's) Permit Rating Worksheet to determine the major or minor designation of the Facility. Based on the worksheet, the Facility had a score 55, which is less than 80, the prerequisite for a major designation.

Change Made: No change made.

Form Comment - Comment 6

The Central Coast Water Board received emails from 116 members of the public who used a form to send the same exact comment. The names of the commenters are provided in Table 1 below. The form comment states:

I am writing to express my opposition to changes in the Tentative Waste Discharge Requirements, Draft Order R3-2026-0018 ("Tentative Permit") for Graniterock that reduce Graniterock's discharge monitoring requirements and put the Pajaro River at great risk for more pollution.

The Pajaro River is an important public resource that provides a habitat for threatened and endangered species and a beautiful place for families to fish, swim, and enjoy the outdoors. Weakening Graniterock's permit discharge monitoring requirements threatens this resource.

Graniterock's history of noncompliance with its permit limits warrants strengthening--not weakening--its current monitoring requirements ("Current Permit," Waste Discharge Requirement Order R3-2017-0027).

Specifically, I oppose the changes to Sections 8.7.14 and 8.1.3, which would reduce the number of samples used to calculate Graniterock's average pollution level. I also oppose relocating the monitoring stations farther away from the discharge site.

Accurate and reasonably frequent monitoring is essential to protect water quality, ensure compliance with permit requirements, and maintain public trust. I urge the Water Board not to weaken the Waste Discharge Requirements for Graniterock.

Staff Response to Form Comment - Comment 6

See Central Coast Water Board staff responses to NELC – Comment 1, NELC – Comment 3, and NELC – Comment 4.

Change Made: See Central Coast Water Board staff proposed changes to the proposed Order related to NELC – Comment 4.

Table 1. Form Commenter Names

Number	Form Commenter
1	Amber Sumrall
2	Leonard Tremmel
3	Marie Annette Burkart
4	Shelly D'Amour
5	Cathy Holden
6	Barbara Patton

Number	Form Commenter
7	Christina Berteau
8	Sherrill Futrell
9	Steve Wendt
10	Darrell Clarke
11	Vickie Rozell
12	Karen Rubio
13	Mary Jo Lindstrom
14	James Dawson
15	David Field
16	Donna Shaw
17	Julie Watt
18	Dennis Rickard
19	Soraya Dosaj
20	Patricia Marks
21	Francesca Ciancutti
22	Raquel Narvios
23	Walter John Bankovitch
24	Sam Tyroler
25	Frances O'Neill Zimmerman
26	Eric Nichandros
27	Rebecca Harper
28	Hillary Davis
29	Ben Keller
30	Robert Hall
31	Cheryl Demmon
32	Kathy Haber
33	Lesley Hunt
34	Erik Gabele
35	Julie Gabele
36	Mariam Shah-Rais
37	Charles Plopper
38	Amber Sumrall
39	Terri Decker
40	Diana Street
41	Ann Bein
42	Theresa Yandell
43	Kevin Manning
44	Elizabeth Novak
45	Julie Levenbach

Number	Form Commenter
46	Nina Macdonald
47	Gary and Seraphina Landgrebe
48	William Pevec
49	Annette Greiner
50	Benjamin Frager
51	Mary Rojeski
52	Cristina Ropp
53	Susan Stanger
54	Linda Wilson
55	Darren Giles
56	Karen Warren
57	Genette Foster
58	Neil Herring
59	Andy Lupenko
60	Kenneth Althiser
61	Robert Johnson
62	Donald Taylor
63	Marisa Baca
64	Ellen Hall
65	Robert Blackey
66	Timothy Dobbins
67	Deborah Filipelli
68	Sheila Winston
69	Julie Smith
70	Margaret Tollner
71	Dianne Morrison
72	Mark Cappetta
73	John Costello
74	Penelope Prochazka
75	Wallace Ransom
76	David Felton
77	Patricia LoVerme
78	Jan Leath
79	Barbara Bullock-Wilson
80	Mary Kuntz-Cote
81	Jonathan Sampson
82	Maija Schaefer
83	Leslie Smith

Number	Form Commenter
84	Anna Kondolf
85	David Soto
86	Clive Chafer
87	Lindsey Shere
88	Debra Wills
89	Edwin Aiken
90	Lynne Boynton
91	Sharon Lieberman
92	Carla Dalton
93	Phyllis Chavez
94	Sam Butler
95	Michelle Davis
96	Jordan Neiman
97	Jim Lieberman
98	Michael R. Watson
99	Linda Anderson
100	Steven Gaulin
101	Sonya Newlyn
102	Betty Winholtz
103	Krister Olsson
104	Caroline Korte
105	Doc Sportello
106	Jesse Greenman
107	Barbara Kloeppel
108	Theresa Kellgreen
109	Linda Klein
110	Pam Morarre
111	Ann Stratten
112	Barbara Fellman
113	Kate Burroughs
114	Susan von Schmacht
115	Tem Narvios
116	Shellee Davis