

STATE OF CALIFORNIA – CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD
 1515 CLAY STREET, SUITE 1400
 OAKLAND, CALIFORNIA 94612

**APPLICATION FOR 401 WATER QUALITY CERTIFICATION
 AND/OR REPORT OF WASTE DISCHARGE**

(FORM R2C502-E)

1. APPLICANT'S NAME San Rafael Rock Quarry, Inc. Dba Dutra Materials	4. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) Oriana Duranczyk
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2. APPLICANT'S ADDRESS 1000 San Pedro Road San Rafael Ca 94901-8312	5. AGENT'S ADDRESS same as applicant
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3. APPLICANT'S PHONE & FAX NOS. (email optional) 415-458-4746 415-258-4794 Oduranczyk@Dutra.Com	6. AGENT'S PHONE & FAX NOS. (email optional)
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7. **STATEMENT OF AUTHORIZATION**
 I hereby authorize _____ to act on my behalf as my agent in the processing of this application
 and to furnish, upon request, supplemental information in support of this permit application.

Oriana Duranczyk

 APPLICANT'S SIGNATURE
 (This must be signed by the Applicant, not the authorized agent)

12/15/14

 DATE

PROJECT OR ACTIVITY INFORMATION

8. PROJECT NAME OR TITLE (See Instructions.) Dutra Haystack Asphalt Plant

9. NAME OF AFFECTED WATERBODY(IES) (See instructions.) Unnamed Slough And Seasonal Wetlands West Of The Petaluma River	10. PROJECT STREET ADDRESS (if applicable) 3355 South Petaluma Boulevard, Petaluma, Sonoma County
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11. LOCATION OF PROJECT <u>Sonoma</u> COUNTY	<u>Petaluma</u> CITY/TOWN (or unincorporated)	<u>Region 2 – San Francisco Bay</u> REGIONAL WATER BOARD REGION
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12. OTHER LOCATION DESCRIPTIONS (watershed, latitude & longitude, river mile, etc. Attach map. See instructions.) 38 degrees 13' 12" N and 122 degrees 36' 11" W; NE quadrant of Section 2 T4N and R9W Petaluma River USGS quadrangle

13. DIRECTIONS TO THE SITE From Oakland take 80 north to Highway 37 west to 101 north to Petaluma. Exit at South Petaluma Boulevard. Site is on the right.
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14. PROJECT PURPOSE (Describe the reason or purpose for the overall project. See instructions.) The purpose of the project is to produce asphalt material for use in a variety of public and private sector construction projects in the greater San Francisco Bay region.
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15. DESCRIPTION OF ACTIVITY AND ENVIRONMENTAL IMPACTS (Provide a full, technically accurate description of the entire activity and associated environmental impacts. See instructions.) The Dutra Group is proposing to establish an asphalt plant facility and associated conveying system on the approximately 35-
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acre Haystack Landing project site, located at 3355 Petaluma Boulevard South bordering Petaluma in Sonoma County, California. The facility will take delivery of aggregate and sand from the existing Landing Way barge offload facility and process some aggregate into the finished asphalt product and sell the remainder of the aggregate directly to the public. The offloading will occur at the existing Landing Way barge off-loading facility (owned by Shamrock Materials, Inc.) located at 210 Landing Way in Petaluma, and will be transferred by an enclosed electric conveyor on the Landing Way property, over the Barton property to the south and cross over the SMART (Sonoma Marin Area Rail Transit) right-of-way to the Haystack property to the southwest. At the Haystack site, the material will be deposited into stockpiles at the proposed asphalt facility. The locations of the proposed asphalt plant and conveyor belt, and the existing offloading facility are illustrated on Figure 1 of the WMMP.

Construction of the proposed asphalt plant will result in the filling of approximately 1.37 acre of seasonal wetland subject to U.S. Army Corps of Engineers (Corps) jurisdiction pursuant to Section 404 of the Clean Water Act. In addition, transferring aggregate materials from the barges via the electronic conveyor will require the decommissioning of an existing mitigation wetland that covers approximately 0.47 acre. The proposed mitigation program that provides a total of 10.93 acres of enhanced and created wetland habitat designed to mitigate for the wetlands impacted by the proposed asphalt plant and impacts to the Landing Way mitigation area. In addition, a section of coastal brackish marsh fronting the Petaluma River on Parcel B (Barton Property) will be restored since approximately 0.02 acre in this area was filled in 2005. Restoration of this area will include removing fill from the wetland area and planting the disturbed area and 0.16 acres of adjacent brackish marsh with brackish marsh plants. To complement the wetland creation and enhancement projects, an additional 2.84 acres within the wetland mitigation area on the 35-acre parcel will be planted with native trees and shrubs to provide wildlife habitat and to serve as a natural buffer to the proposed asphalt industrial facility. Another 0.29 acre of upland buffer will be planted with native trees and shrubs on the Landing Way site. This buffer will be on the east side of the Landing Way property along an existing earthen berm that will provide a buffer between the loading facility and the coastal brackish marsh associated with the Petaluma River.

With the exception of the restored section of marsh fronting the Petaluma River and the Landing Way buffer enhancement, the proposed wetland mitigation project will occur on approximately 17 acres on the southern portion of the 35-acre Haystack site. Of these 17 acres, approximately 9 acres are existing jurisdictional seasonal wetlands (Plate 1). The reason this portion of the site was selected as the optimal location for the mitigation preserve is two-fold:

- 1) To locate the asphalt facilities on primarily upland habitats north of this area thereby avoiding over 90 percent of the wetland habitats on the 35-acre site, and
- 2) To create new wetland habitat and enhance degraded wetland habitat as a bay-fringe mosaic in an area adjacent to tidal sloughs and wetlands associated with the Petaluma River corridor (see Plate 2).
- 3) To “restore” an area that was historically coastal brackish marsh but filled in the 1960s for construction of quarry silt ponds to a higher quality seasonally inundated wetland environment.

The proposed mitigation project would include the following:

- creation of 2.66 acres seasonally inundated wetland
- enhancement of 8.27 acres seasonally inundated wetland
- restoration of 0.02 acre of brackish marsh fronting the Petaluma River and enhancement plantings on 0.16 acre of adjacent marsh habitat
- preservation of 0.90 acre seasonal wetland
- enhancement of 3.29 upland buffer zone

For a full description of the project and potential impacts and associated mitigation measures please refer to the WMMP.

16. AVOIDANCE OF IMPACTS (Describe efforts to avoid and minimize impacts to waters of the State. See instructions.)

Off-site Alternatives

The proposed project will replace an existing asphalt facility in the Petaluma area that has been in operation for several decades. The new operation will consist of an asphalt plant and associated stockpiles of rock and sand used to produce finished products. These products include recycled asphalt products (RAP), an integral component for manufacturing new asphaltic concrete (AC).

The local suppliers of the aggregate products used to manufacture AC are either being regulated out of production or are being

required to reduce truck traffic that originates from the aggregate production facilities. Because AC is a commodity that has a somewhat short “shelf life” in that once the product is exposed to the atmosphere (loaded into a truck) its temperature begins to drop, the AC facility needs to be conveniently located near its market area.

The criteria for identifying a suitable site for the proposed project include: (1) property of sufficient size and convenience to the Petaluma River to accommodate barge deliveries, (2) access to Highway 101 for efficient distribution of materials, and (3) proximity to Northwestern Pacific Railroad tracks for efficient importation of material when that transportation option becomes feasible in the future. Using the above criteria, the applicant evaluated parcels along the Petaluma River in southern Sonoma County.

Upstream of the proposed project site and closer to Petaluma, there is no property that is suitable for the proposed operation and associated land use. Much of the waterfront in Petaluma is being converted from industrial to commercial and/or residential mixed uses; therefore, the proposed AC facility would be incompatible with these uses, primarily residential. Access to Highway 101 in the downtown area would create significant traffic congestion and safety hazards as truck traffic would have to be routed along surface streets to reach Highway 101.

Alternative sites south of the Haystack Landing site are not suitable in that the river and Highway 101 begin to further separate in distance from each other with no on-ramp/off-ramp access to Highway 101. In addition, most of the lands to the south of the Haystack Landing site are designated as critical habitat (primarily wetlands) in the Sonoma County General Plan and, therefore, location of the proposed operation in this area would not be environmentally preferable.

Based on the evaluation of alternative properties within the Petaluma River corridor in southern Sonoma County, it was determined that the Haystack Landing site is the practicable site for relocating the proposed operation because it; (a) is located within the market it currently serves, (b) is accessible via the Petaluma River for barge deliveries, (c) is adjacent to the Northwestern Pacific Railroad main track, and (d) has good access to Highway 101 via Petaluma Boulevard South.

On-site Alternatives

The applicant has designed the proposed project to avoid most of the approximately 12.60 acres of jurisdictional wetland areas on the project site. Because the majority of wetlands on the site are located in the central and southern portion of Parcel A, the applicant chose to locate the proposed AC operation in the northern portion of the site to minimize wetland impacts (and also be closer to Petaluma Boulevard South). As a result, approximately 90 percent of jurisdictional wetland areas on the site would be avoided.

Avoidance of all of the jurisdictional wetland areas in the northern portion of the site is not possible given the spatial requirements needed to accommodate the area required for stockpiling as well as allowing room for associated truck use. Under the current site plan, the proposed construction of the new facility would fill approximately 1.37 acres of jurisdictional wetlands. This accounts for less than 11 percent of the total jurisdictional wetland areas on the project site.

In the initial phases of project development, the applicant was considering construction of an off-loading facility on Parcel B located south of and immediately adjacent to the Landing way off-loading facility. Through the course of the environmental review of this project, the applicant revised the original project design to omit the off-loading facility and utilize the existing Landing Way off-loading facility instead. This resulted in avoiding fill impacts in the Petaluma River and associated wetland habitat. Use of the Landing Way off-loading facility will require installation of an electric conveyor to transfer the aggregate material to the 35-acre site to the southeast. Installation of the conveyor will require the decommissioning of approximately 0.47 acre of seasonal wetland that is the mitigation project for the original Landing Way facility. Impacts to this wetland will need to be approved by the Corps and the RWQCB .

17. **ENVIRONMENTAL DOCUMENTS** (list any non-CEQA environmental documents that have been prepared for the project and/or the project site. Provide the date of the document and the name of the individual, firm, or agency that prepared it. Provide a copy of delineations and endangered species surveys. See instructions.)

Macmillan, Lucy. 2014. Management Plan, Haystack Wetlands Mitigation Project Petaluma, Sonoma County, California. USACE File No. 28104N

Macmillan, Lucy. 2005. Preliminary Assessment of Wetland Impacts at the Proposed Dutra-Haystack Landing Asphalt and

Recycling Facility Project Site, Petaluma, Sonoma County, California. September 29.

Macmillan, L., R. Buck, N. Kawamoto, and J. Winter, 2003. Biological Constraints Analysis, Landing Way Project Site, Shamrock Materials, Inc., Petaluma, California. November. 30 pp.

Miller Pacific Engineering Group, 2004. Geotechnical Investigation, Haystack Landing Wetlands Restoration, Petaluma, California. October 1, 2004.

Monk & Associates. 2004. Salt marsh harvest mouse trapping study. Haystack Landing. Petaluma, California. Prepared for the U.S. Fish and Wildlife Service on behalf of Ms. Lucy Macmillan, Wetland Scientist. November 17, 2004. 9 pps. plus datasheets.

Woyshner, M.R., Porras, G., Mallory, B., and Hecht, B. 2004. Preliminary Hydrologic Evaluation of Wetland Restoration Feasibility at Haystack Landing, Petaluma, California. Balance Hydrologics, Inc. report prepared for Lucy Macmillan.

DREDGE & FILL INFORMATION

18. The following items must be completed for each action where fill or other material will be temporarily (T) or permanently (P) discharged to a wetland or other waterbody, and where material will be dredged from a waterway (add additional pages as necessary). Provide a map showing the location of each action (See instructions):

Map Location Number	LOCATION (show on plan & indicate waterbody)	REASON FOR ACTION (See instructions)	AMOUNT AND TYPE OF MATERIAL (in cubic yards, see instructions)	SURFACE AREA OF FILL (in acres and/or linear feet; specify (T) or (P); see instructions)
	Please refer to Exhibit 46 (spreadsheet)			

MITIGATION

19. **MITIGATION** (Describe the size, type, and functions, and values of the proposed mitigation. Describe success criteria, monitoring, and long-term funding, management, and protection of the mitigation site. Attach a Mitigation Plan if needed. See instructions and contact Regional Board staff for additional assistance.)

See attached mitigation plan, Exhibit 44 and Wetland Mitigation and Monitoring Plan, November 2014.

CEQA

20. **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) Documents:** Indicate the status of CEQA documents prepared for the project (see instructions).

TYPE OF DOCUMENT	STATUS	DATE COMPLETED (or expected to be complete)	TYPE OF DOCUMENT	STATUS	DATE COMPLETED (or expected to be complete)
Initial Study	-Choose One-		Notice of Preparation	-Choose One-	
Draft Environmental Impact Report	-Choose One-		Final Environmental Impact Report	Complete	1/1/08

Negative Declaration	-Choose One-		Mitigated Negative Declaration	-Choose One-	
Notice of Categorical Exemption Exemption Number:	-Choose One-		Notice of Statutory Exemption Exemption Number:	-Choose One-	
Other (describe)	-Choose One-				
Notice of Determination*	-Choose One-		*Note: A Notice of Determination or Notice of Exemption from the Lead Agency is required before a certification or waiver can be issued.		
Lead Agency: Sonoma County Permit and Resource Management Department		Contact: Ken Ellison		Telephone: 707-565-1928	
State Clearing House Number: 2006022107					

ADDITIONAL INFORMATION

21. HAS ANY PORTION OF THE WORK BEEN INITIATED? YES NO

IF YES, DESCRIBE THE INITIATED WORK, and explain why it was initiated prior to obtaining a permit. Indicate whether any enforcement action has been taken against the project.

22. HAS A FEDERAL AGENCY OR THE APPLICANT PROVIDED PUBLIC NOTICE OF THIS APPLICATION FOR WATER QUALITY CERTIFICATION?

Federal Agency: YES NO Date: _____ Type of Notification: _____ Agency Name and Contact: _____

Applicant: YES NO Date: _____ Type of Notification: _____ Media Name and Contact: _____

IF PUBLIC NOTICE HAS NOT BEEN MADE, provide the name, address, and phone number (if available) of adjacent property owners, lessees, etc., and any other parties known to be interested in the project:

APN	OWNER NAME	MAILING ADDRESS
019-220-037	Nerviani, Charles E	PO Box 714, Novato, CA 94948-0714 B009 c/o Nerviani Paving
019-320-010	Yee, Leang S	PO Box 2006, Petaluma, CA 94953-2006 B011
019-320-021	Fontes, Michael	533 Easterby St., Sausalito, CA 94965-1710 C013
019-320-020	Fontes, Mary	533 Easterby St., Sausalito, CA 94965-1710 C013
019-320-024	Sonoma Marin Area Rail Transit District	5401 Old Redwood Hwy, Petaluma, CA 94954
019-320-006	Alexander Valley Ventures LLC	PO Box 607, Geyserville, CA 95441-0607 B011
019-320-005	Alexander Valley Ventures LLC	PO Box 607, Geyserville, CA 95441-0607 B011
019-320-014	Sonoma County Water Agency	PO Box 11628, Santa Rosa, CA 95406-1628 B900

23. OTHER PERMITS (List other local, state or federal licenses, permits, and agreements that will be required for any construction, operation, maintenance, or other actions associated with the project. Attach copies of all draft or final documents. See instructions.)

AGENCY	CONTACT (with phone number)	TYPE OF APPROVAL	PERMIT OR ID NUMBER	DATE APPLIED	STATUS	DATE OF ACTION
US Corps of Engrs.	Bryan Matsumoto 415-503-6786	CWA 404	28104N	4/19/11	In Review	
-Choose One-					-Choose One-	
-Choose One-					-Choose One-	
-Choose One-					-Choose One-	
-Choose One-					-Choose One-	
					-Choose One-	
Other or Local Agency					-Choose One-	
Other or Local Agency					-Choose One-	
Other or Local Agency					-Choose One-	

24. OTHER PROJECTS (List and describe other projects implemented or planned that are related to the proposed project, or that may impact the same waterbody. See instructions. Add additional sheets if necessary.)

PROJECT NAME	DESCRIPTION	WATERBODY AND WATERSHED	DATE IMPLEMENTED/PLANNED

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25. Application is hereby made for a permit or permits to authorize the work described in this application. I certify, under penalty of perjury, that this application is complete and accurate to the best of my knowledge. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Orinua Durcuzaj 12/15/14

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (Applicant) or a duly authorized agent if the statement in Block 7 has been filled out and signed.

Attach fee deposit (see Instructions page 7) and any additional documents and submit this application to:

**SFBRWQCB
 Attention: 401 Water Quality Certification
 1515 Clay Street, Suite 1400
 Oakland, CA 94612**

Note: This form, FORM R2C502-E, was designed for electronic use as a Microsoft Word document or template. For assistance using this form or to relay suggestions on how it may be improved, please call 510-622-2330. If you would like a standard, non-electronic form, please call 510-622-2300 and request 401 Application FORM R2C502 – Non-electronic version.