
San Francisco Bay Regional Water Quality Control Board

Sent via electronic mail

December 4, 2019
Place ID: 767268

Dutra Group
2350 Kerner Boulevard, Suite 200
San Rafael, California 94901
Attn.: Mr. Ross Campbell
Email: rcampbell@dutragroup.com

Subject: Acceptance of Dutra Haystack Asphalt Plant Project

Dear Mr. Campbell:

We have reviewed your request for the Water Board to determine whether a water quality certification (Certification), under Section 401 of the Clean Water Act, is needed for the Dutra Haystack Asphalt Plant Project (Project). San Francisco Bay Regional Water Quality Control Board staff received this email on November 5, 2019. Attachments to the email included the following:

- A letter to the Army Corps of Engineers (Corps), dated June 18, 2019, requesting confirmation that a Corps permit was not needed;
- A revised preliminary jurisdictional delineation along with supporting documentation;
- A revised site plan; and
- A letter from the Corps, dated October 8, 2019, confirming that a Corps permit was not needed.

Based on our review of this information, we concur with the Corps that the Project has been redesigned to avoid filling wetlands and other waters on site. Accordingly, a Certification and Waste Discharge Requirements (WDRs) under the Porter-Cologne Water Control Act are not needed. However, construction of the project will disturb greater than one acre of upland, and as a result, must obtain coverage under the Statewide General National Pollution Discharge Elimination System (NPDES) Permit for Discharges of Storm Water Associated with Construction Activity (Permit Order No. 2009-0009-DWQ as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ). Furthermore, the operation of an asphalt plant (SIC Code 2951), such as the facility proposed to be constructed by the Project, requires coverage under the Statewide General NPDES Permit for Storm Water Discharges Associated with Industrial Activities (Permit Order No. 2014-0057-DWQ as amended by Order No. 2015-0122-DWQ). Lastly, should new information come to our attention that indicates a water quality problem with this Project, the Water Board may request a report of waste discharge

pursuant to Section 13260 of the Water Code and issue Waste Discharge Requirements pursuant to 13263 of the Water Code.

If you have any questions, please contact Xavier Fernandez or staff at (510) 622-5685 or by e-mail to Xavier.Fernandez@WaterBoards.ca.gov.

Sincerely,

for Michael Montgomery
Executive Officer