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# **Alameda Creek Alliance**

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January 22, 2002

S. F. Public Utilities Commission  
1155 Market Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

**Re: Termination of Sunol gravel quarry leases**

On behalf of the more than 1,000 Alameda Creek Alliance members and supporters that live in the Alameda Creek watershed, I would like to state our unequivocal opposition to the expansion of gravel quarrying activities in the Sunol Valley. We further encourage the S. F. Public Utilities Commission (“SFPUC”) to terminate the Mission Valley Rock lease for gravel quarrying on SFPUC land (our public land) in the Sunol Valley, to protect groundwater and surface flows in Alameda Creek, habitat for wildlife, and water quality.

Several issues have still not been adequately addressed by the SFPUC regarding the proposed quarry expansion, both south and north of I-680. These are:

- 1) a pattern of violations by Mission Valley Rock of their water discharge permit;
- 2) potential impacts to groundwater and surface flows in Alameda Creek; and
- 3) potential impacts to federally listed and sensitive species.

**Water quality violations**

The Alameda Creek Alliance reviewed the permits and monthly monitoring reports of the Mission Valley Rock on file at the Regional Water Quality Control Board (RWQCB) in Oakland. Mission Valley Rock files monthly water quality self-monitoring reports for the water they discharge to Alameda Creek. This discharge is under a strict NPDES (National Pollutant Discharge Elimination System) permit authorized by the RWQCB, which establishes limits on turbidity (sediment levels), pH, chlorides (salts), and solids - to protect downstream beneficial uses of Alameda Creek (which include wildlife habitat and drinking water).

Unfortunately the RWQCB files are inadequately maintained, with many monthly reports missing.<sup>1</sup> However, a review of 9 months of self-reporting by Mission Valley Rock for their year 2000 discharges revealed at least 15 violations at their Sunol plant, mostly for exceeding allowable levels of turbidity and pH. A summary of these violations is included. Excessive turbidity is a problem because high levels of silt can clog the gills of fish and smother the eggs of fish and amphibians. Steelhead trout need clean water to survive, and studies have shown that their feeding ability is impaired at sediment levels above 40 NTU (nephelometric turbidity units). Mission Valley Rock discharged water at 250 NTU and 740 NTU to Alameda Creek on two occasions in 2000. Altered pH can impact the aquatic organisms at the bottom of the creek food chain.

The S. F. Public Utilities Commission has incorrectly asserted (during the Environmental Impact Report process for the Alameda Watershed Management Plan) that Mission Valley Rock had no violations of their water discharge permit. A representative of Mission Valley Rock also incorrectly claimed no water discharge permit violations at a hearing in 1999 on the quarry issue held by S. F. Supervisor Ammiano. We strongly suspect that if the missing monitoring reports are located, they will reveal a pattern of further violations. We ask the SFPUC to request that Mission Valley Rock turn over all of their monthly monitoring reports for the past several years to determine whether there were further violations.

While some of the Mission Valley Rock violations just exceed the established limits, other incidents discharged quite turbid water into Alameda Creek. It is worth noting that Mission Valley Rock was already given an exception to the water quality objectives set for Alameda Creek by the Regional Water Quality Control Board when they adopted the current discharge permit that Mission Valley Rock has violated. Mission Valley Rock was given relaxed discharge standards by the Water Board because it would pose an "inordinate burden" for them to meet the water quality objectives for the Alameda Creek Basin Plan - and the few records available show they have consistently been unable to meet these lower standards.

It is also worth noting that sampling of water quality for these reports is done by Mission Valley Rock themselves, affording the opportunity to sample water quality at advantageous times. No company is likely to sample during the worst water quality of their discharge. The small sample of monitoring reports reviewed indicate an operation unable to control the quality of water it discharges. There is no reason to reward this failure on the part of Mission Valley Rock to abide by the conditions of their permit with an expanded lease to quarry on our public land.

Mission Valley Rock has had problems with air pollution also. The EIR prepared by the SFPUC for the Alameda Watershed Management Plan notes 13 air quality violations by Mission Valley Rock of their Bay Area Air Quality Management District permit between 1993 and 2000.<sup>2</sup>

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<sup>1</sup> Jenny Chen of the RWQCB, (510) 622-2405, maintains the MVR files. Monthly reports for April, July, and August of 2000, as well as all of 1999 and 1998 were not in the file. MVR should have duplicate copies of these reports. Additionally, reports from 1994-1997 previously viewed by Jeff Miller of the Alameda Creek Alliance have apparently been lost by the RWQCB. These reports showed further violations by both MVR and RMC Lonestar (now RMC Pacific Materials) of their water discharge permits.

<sup>2</sup> Alameda Watershed Management Plan Final Environmental Impact Report, p. III.F-7.

## **Groundwater and creek flow impacts**

Our greatest concern regarding further quarrying activities in the Sunol Valley is that groundwater will be impacted in a way that will reduce surface flow in Alameda Creek. The existing quarries south of I-680 are already permitted to excavate up to 100 to 140 feet deep. The EIR prepared by the SFPUC for the Alameda Watershed Management Plan acknowledges that “historical and current gravel mining operations in the Sunol Valley have removed a large quantity of valley’s alluvium, which has altered surface and groundwater flow as well as groundwater storage.”<sup>3</sup>

The approved management plan will allow excavation to depths of 140 to 200 feet south of I-680, and new excavations to 200 feet<sup>4</sup> deep north of I-680, although it is acknowledged that “potentially significant groundwater impacts from expansion of mining pits south of I-680, and subsequent impacts to Alameda Creek and associated resources, cannot be ruled out.”<sup>5</sup> The potential impacts to surface flow and groundwater from quarrying north of I-680 are not adequately discussed in the EIR.

The Sunol Valley is hydrologically linked to Alameda Creek, and ongoing and proposed excavation have potentially significant impacts on native fish and wildlife which inhabit the creek. A lower groundwater table means surface flow in Alameda Creek within the Sunol Valley will dry up sooner in the spring and begin running later in the fall. Alameda Creek is habitat for federally listed steelhead trout, as well as many native non-game warm water fish. The California red-legged frog, a federally listed species, as well as the California tiger salamander (a candidate species for federal listing) and western pond turtle are known to inhabit the Sunol Valley upstream of existing quarry operations.<sup>6</sup> There have been no surveys by the SFPUC for native amphibians or fish in Alameda Creek in the area of the current or proposed quarry operations.

Water release and flow studies conducted by the SFPUC in fall of 2001 showed that a significant portion of water released down Alameda Creek from Calaveras Reservoir was lost due to infiltration into RMC Lonestar’s southernmost quarry pit.

## **Impacts to listed species and other wildlife**

The SFPUC has never done surveys for sensitive wildlife species in the areas adjacent to the proposed quarry expansion. The Alameda Creek Alliance raised this issue during the EIR process for the Alameda Watershed Management Plan, but the issue was ignored. It is impossible for the SFPUC

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<sup>3</sup> Alameda Watershed Management Plan Final Environmental Impact Report, p. C&R 44.

<sup>4</sup> From description of proposed lease agreement, SFPUC agenda, September 26, 2000. All SFPUC water storage assumptions for the pits north of I-680 include a 200' depth.

<sup>5</sup> Alameda Watershed Management Plan Final Environmental Impact Report, p. C&R 47.

<sup>6</sup> California Department of Fish and Game - California Natural Diversity Database

to claim to have mitigated for potential impacts to sensitive species if they do not even know what species are present at or adjacent to the quarry site.

### Steelhead trout

Alameda Creek and its tributaries throughout the Sunol Valley were designated as Critical Habitat for Central California Coast steelhead in February of 2000.<sup>7</sup> Critical Habitat is the habitat determined by the National Marine Fisheries Service to be essential for the conservation and recovery of steelhead trout. The SFPUC Alameda Watershed Management Plan EIR incorrectly states that Alameda Creek in the Sunol Valley is not accessible to CCC steelhead. Native rainbow trout are known to inhabit numerous tributaries of Alameda Creek in the upper Sunol Valley. Native steelhead trout have been documented downstream of the quarry sites.

The above-mentioned potential groundwater and creek flow impacts could adversely affect all life stages of CCC steelhead and rainbow trout in Alameda Creek. The stream will dry out sooner in the spring and begin flowing later in the fall, impairing migration, rearing, and possibly breeding of steelhead. These impacts are not limited to the footprint of the mines, as they have the potential to impact hydrology both upstream and downstream of the quarries. CCC steelhead/rainbow trout are currently known to migrate, spawn, and rear in nearby Pirate Creek, and are currently known to migrate and possibly rear in Niles Canyon downstream. SFPUC has not surveyed the creek for current spawning, rearing or migration of CCC steelhead/rainbow trout in the area of the quarries, nor analyzed the potential impacts of quarrying on CCC steelhead habitat. CCC steelhead/rainbow trout potentially could migrate, spawn, and rear in the portions of Alameda Creek adjacent to the quarries in the near future. Discharge from the quarries contributes sediment to the creek (sometimes in excess of legal limits, as noted above), posing the risk of smothering or silting any trout redds downstream.

### Alameda whipsnake

The proposed quarry expansion site is within Critical Habitat for the Alameda whipsnake, a federally threatened species, as designated by the U. S. Fish and Wildlife Service in October of 2000.<sup>8</sup> Critical Habitat is the habitat determined by the U. S. Fish and Wildlife Service to be essential for the conservation and recovery of the whipsnake. Unit 7, the Niles Canyon/Sunol Unit, was designated as Critical Habitat because it was identified by the U. S. Fish and Wildlife Service as an important dispersal corridor necessary for genetic interchange among sub-populations of the whipsnake. Alameda Creek where it crosses under I-680 is thought to be one of only two viable dispersal routes for whipsnakes between the Sunol/Cedar Mountain population (which occurs primarily on SFPUC land in the Alameda Creek watershed) and the Pleasanton Ridge population. One of the main threats to the survival of the whipsnake is lack of genetic interchange due to habitat fragmentation. The roads, noise from machinery and heavy equipment, and human presence associated with quarrying may prevent whipsnake dispersal through this critical area. These issues were raised by the Alameda Creek Alliance during the EIR process, but never adequately addressed by the SFPUC.

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<sup>7</sup> Federal Register, February 16, 2000.

<sup>8</sup> Federal Register, October 3, 2000.

## California red-legged frog

The proposed quarry expansion site is within Critical Habitat Unit 15 for the California red-legged frog, a federally threatened species, as designated by the U. S. Fish and Wildlife Service in March of 2001.<sup>9</sup> Red-legged frogs have been found just upstream of the quarries, near the Sunol Water Treatment Plant. The EIR claims that the quarry site is not suitable habitat for the frog, but SFPUC has not surveyed for the species in Alameda Creek in the area of the quarries or downstream, or in Pirate Creek. Altering the surface flow and ground water in the area of the quarries could have negative impacts on the breeding, sheltering, and foraging of the species in nearby creek areas.

An additional problem is the approved mitigation if frogs move in to colonize the quarry site. The EIR proposes to relocate these frogs, which would constitute illegal take of the species, a violation of federal law for which Mission Valley Rock, the SFPUC, and the S. F. Board of Supervisors could be liable. Mission Valley Rock and the SFPUC would need an Incidental Take Permit from the U. S. Fish and Wildlife Service to do this legally, and would have to analyze and mitigate for the impacts of moving any frogs. The issuance of this permit is not a foregone conclusion, as the EIR assumes. Moving individual frogs may pose a problem, as the frogs may be moved into habitat that is already occupied by other individuals of the species, and displace them or be unable to survive. Again, these issues were raised by the Alameda Creek Alliance during the EIR process, but never adequately addressed by the SFPUC.

The Sunol Valley is an important migration corridor for other species of native wildlife, including deer, bobcats, and coyotes. The operation of the existing quarries creates enough noise and activity to disrupt wildlife in the Sunol Valley - there is no justification for further quarry expansion which may alter critical habitat for sensitive species.

The lease agreement between SFPUC and Mission Valley Rock approved September 26, 2000, for mining activities north of I-680, has a covenant requiring Mission Valley Rock to comply with and strictly abide by all terms of their permits; a covenant to protect water courses from pollution; and a requirement for compliance with laws. Presumably, the current SFPUC lease with Mission Valley Rock for mining activities south of I-680 has similar covenants, which have not been met by Mission Valley Rock.

We see no reason to reward a leaseholder which cannot meet its permit requirements with an expanded lease which will have unacceptable environmental and social impacts. We encourage the SFPUC to rescind the Mission Valley Rock lease and prevent the expansion of quarrying activities both north and south of I-680 in the Sunol Valley.

Sincerely,

Jeff Miller  
Director, ACA

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Federal Register, March 13, 2001.