SANTA BARBARA
CHANNELKEEPER®
Protecting and Restoring the Santa Barbara Channel and its Watersheds

April 11, 2012

Kimberly Prillhart
Planning Director
Resource management Agency
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

RE: April 12, 2012 Hearing on Mosler Rock-Ojai Quarry Reclamation Plan Compliance Amendment ("RPCA")

Dear Ms. Prillhart,

I am writing to express Santa Barbara Channelkeeper's (Channelkeeper) concerns regarding the proposed approval of Mosler Rock-Ojai Quarry's Reclamation Plan Compliance Amendment. Channelkeeper is a 501 c(3) non-profit organization that works to protect and restore the Santa Barbara Channel and its watersheds including the Ventura River watershed where we have conducted extensive water quality monitoring since 2001. In 2006, Channelkeeper became highly involved in monitoring and documenting water quality and habitat impacts in North Fork Matilija Creek resulting from operations conducted at the Ojai Quarry. Since that time we have communicated our concerns with local, State, and Federal agencies as well as with the owner of the Ojai Quarry himself in an effort to eliminate existing impacts.

While managers of the Ojai quarry have taken certain actions to address our many concerns, we believe that significant impacts to North Fork Matilija Creek and Federally Endangered Steehead Trout continue to occur, in particular due to sediment contaminated stormwater runoff.

Conditions Requiring Development of a Subsequent EIR

Exhibit 21 of the County's staff report outlines its findings regarding requirements to revise the project's EIR. The county lists the conditions described in Section 15162 of the CEQA Guidelines, which require the preparation of a Subsequent EIR. We believe that the project clearly meets some of these conditions, and we therefore strongly disagree with the County's finding that no additional CEQA review should be required.

Condition 1 requires a Subsequent EIR if: **Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;**

The applicant wishes to seek approval for the inclusion of a rock crusher for the proposed project machinery list. This piece of machinery will likely produce a large volume of fine sediment by-product with the potential to impact North Fork Matilija Creek if it is not

contained and disposed of properly. We believe this addition is a substantial change to the project, which should be assessed in a Subsequent EIR.

Condition 2 requires a Subsequent EIR if: **Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;**

As the County has identified, the Southern California steelhead trout (Oncorhynchus mykiss) was federally listed as an Endangered Species in 1997 since the project's EIR was certified. North Fork Matilija Creek, which the project discharges to, is identified as Critical Habitat for this species. This designation means that project impacts may result in a take of an Endangered Species, thereby resulting in a substantial increase in the severity of biological and sediment impacts previously identified, thereby requiring preparation of a Subsequent EIR.

Condition 3 also requires a Subsequent EIR if: **New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Planning Director/Planning Comission/Board of Supervisors certified the previous EIR, shows any of the following:**

b. Significant effects previously examined will be substantially more severe than shown in the previous EIR

Clearly the designation of Southern California steelhead trout as a federally listed Endangered Species is new information of substantial importance not known at the time of adoption, resulting in substantially more severe impacts than were previously identified in the EIR. It should be noted that steelhead trout inhabit North Fork Matilija Creek in fact, and not only in designation as has been documented by multiple private and public agency biologists. Attachment A shows recent photographs of a steelhead redd recently discovered directly downstream of the Ojai Quarry underneath Matilija Road bridge.

Additionally, it has been made abundantly clear that the mitigation measures (1 – 5) identified in the EIR to address impacts to Biological and Sediment impacts are not even minimally effective to reduce impacts to a less than significant level. We strongly disagree with the following statement made by the County (Exhibit 21, Page 4, Paragraph 1), "Further, the biological mitigation measures discussed above [in the 1993 EIR] will continue to be executed on the site. The implementation of the mitigation measures reduced the project-specific and cumulative impacts to vegetation/plant communities, wildlife habitat, sensitive resources and sedimentation to a level less than significant." This later statement has over the last 18 years been demonstrated to be patently false.

This fact is demonstrated through:

- Years of water quality monitoring conducted by Santa Barbara Channelkeeper including monitoring conducted after increased efforts to control sediment pollution were undertaken by the owner (Attachment C)

- Repeated intervention by the Los Angeles Regional Water Quality Control Board, which has issued multiple Notices of Violation and a Cleanup and Abatement Order to the Quarry for stormwater pollution impacts

- Intervention by National Marine Fisheries Service to compel the Ojai Quarry to develop more effective sediment management practices

- The Ojai Quarry's own 2010 – 2011 Annual Report (Attachment B), which indicates that discharge from the Ojai Quarry contained total suspended solids (sediment) at concentrations of 1220 mg/L. This level is over 12 times in exceedence of the Industrial Permit benchmark (100 mg/L) indicating that Best Management Practices are NOT minimizing sediment concentrations to a level that is not significantly impactful.

As demonstrated, it is clear that significant effects that were previously examined have turned out to be substantially more severe than shown in the previous EIR. This condition therefore mandates that a Subsequent EIR be developed before the Amendment is approved.

As a final note, we also do not agree with the following statement (Exhibit 21, page 3, paragraph 4), "While the [North Fork] Matilija Creek runs adjacent to the project site along the western mining boundary, the proposed project will not impact the creek as the new reclamation areas are located on the eastern portion of the project site away from the creek." Channelkeeper notes that the new reclamation areas are all in fact located up-slope of North Form Matilija Creek, and the gradient of the land will carry all pollutants associated with the project to the creek itself regardless of the site's east/west orientation.

For the reasons stated above, Channelkeeper finds that the Planning Commission has no other legal option but to **deny approval of the proposed Amendment until a Subsequent EIR is developed, which adequately assesses impacts to endangered species, critical habitat, and water quality in North Fork Matilija Creek.**

Thank you for your consideration,

Ben Pitterle
Watershed Programs Director

Attachment A

Steelhead trout redd located directly downstream of the Ojai Quarry underneath the Matilija Road Bridge. Note accumulated fine sediment surrounding nest. Photo: Paul Jenkin – March 21, 2012

Steelhead trout eggs located directly downstream of the Ojai Quarry underneath the Matilija Road Bridge. Photo: Paul Jenkin – March 21, 2012

Attachment B

Ojai Quarry 2010 – 1011 Annual Report for Storm Water Discharges Associated with Industrial Activities

Calscience Environmental Laboratories, Inc.

Analytical Report

Environmental Resolutions, Inc.
4572 Telephone Rd, Suite 916
Ventura, CA 93003-5663

Date Received: 12/20/10
Work Order No: 10-12-1731

Project: Ojai Quarry

Client Sample Number	Lab Sample Number	Date Collected	Matrix
SW-1	**10-12-1731-1**	**12/18/10**	**Aqueous**

Parameter	Results	RL	DF	Qual	Units	Date Prepared	Date Analyzed	Method
HEM: Oil and Grease	ND	1.0	1		mg/L	12/23/10	12/23/10	EPA 1664A
Specific Conductance	250	1.0	1		umhos/cm	N/A	12/20/10	SM 2510 B
Solids, Total Suspended	1220	10.0	1		mg/L	12/24/10	12/24/10	SM 2540 D

Method Blank			N/A	Aqueous

Parameter	Results	RL	DF	Qual	Units	Date Prepared	Date Analyzed	Method
HEM: Oil and Grease	ND	1.0	1		mg/L	12/23/10	12/23/10	EPA 1664A
Solids, Total Suspended	ND	1.0	1		mg/L	12/24/10	12/24/10	SM 2540 D

RL - Reporting Limit . DF - Dilution Factor . Qual - Qualifiers

Attachment C

Santa Barbara Channelkeeper
Ojai Quarry Observation and Sample Result Log
2010 – 2011 Rainy Season

Ojai Quarry Observation and Sample Result Log
2010 – 2011 Rainy Season
Compiled by Ben Pitterle, Santa Barbara Channelkeeper

November 20, 2010 8:30 AM – 9:00 AM (Storm)
Following approximately 1.88 inches of rainfall on November 19th based on Ventura County daily rainfall data at Station 134B (Matilija Dam).

Upstream of slide area and upper settling basin.
Turbidity: 14.9 NTUs
TSS: 36 mg/l

Slide area. Failing silt fence. No apparent runoff seeping through or over basin slope.

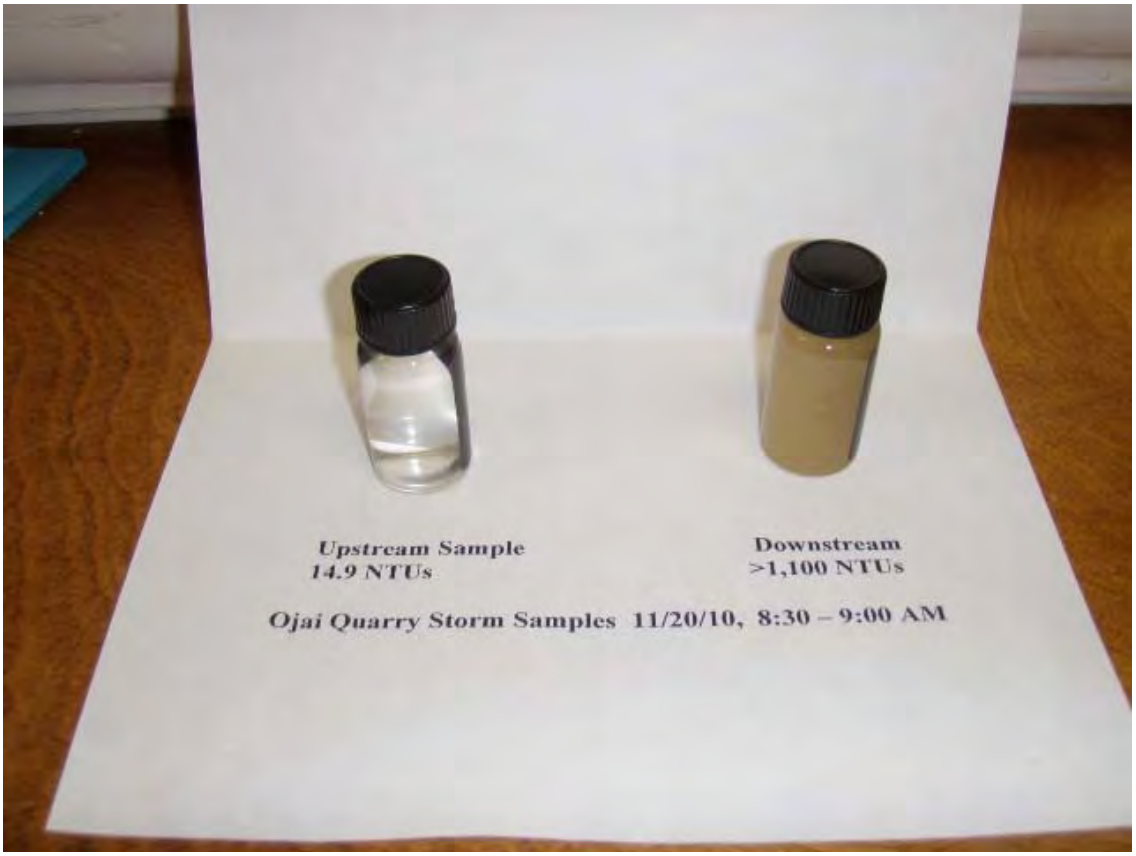
Lower settling basin discharge.

Discharge from pipe seeping out of rocks below settling basin outlet and flowing into creek.

North Fork Matilija Creek below discharge.

Turbidity: >1,000 NTUs (exceeded MDL of turbidimeter)

TSS: 1560 mg/l


Upstream Sample
14.9 NTUs
Downstream
>1,100 NTUs
Ojai Quarry Storm Samples 11/20/10, 8:30 – 9:00 AM

December 4, 2010
Approximately 12 days since last significant precipitation event, which occurred between November 20 – 21 (2.05 inches at Ventura County Station 134B – Matilija Dam)

Lower settling basin. Full of water and sediment.

December 18th, 2010 11:15 AM – 11:30 AM (Storm)
Following approximately 2.2 inches of rainfall on December 17th based on Ventura County daily rainfall data at Station 134B (Matilija Dam).

Creek upstream of Quarry
Turbidity: 1.86 NTUs
TSS: 1.6 mg/l

Stream Bank at upper settling basin. Coir matting and rolls in place. No apparent runoff at time of photograph.

Lower settling basin and discharge to creek

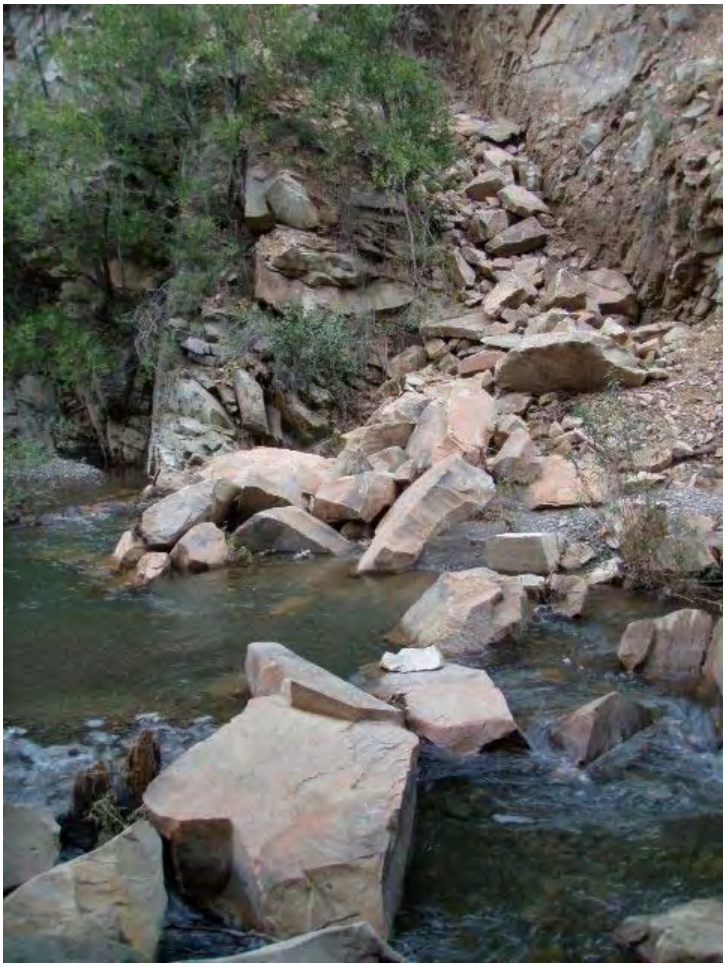
Turbidity: 1,540 NTUs (Note: turbidity of sample exceeded maximum detection limit of turbidity meter (1,100 NTUs). Reported turbidity is based on 1:10 sample dilution.)

TSS: 998 mg/l

Upper settling basin runoff seeping through gravel and cobble and flowing under highway 33 overpass to creek

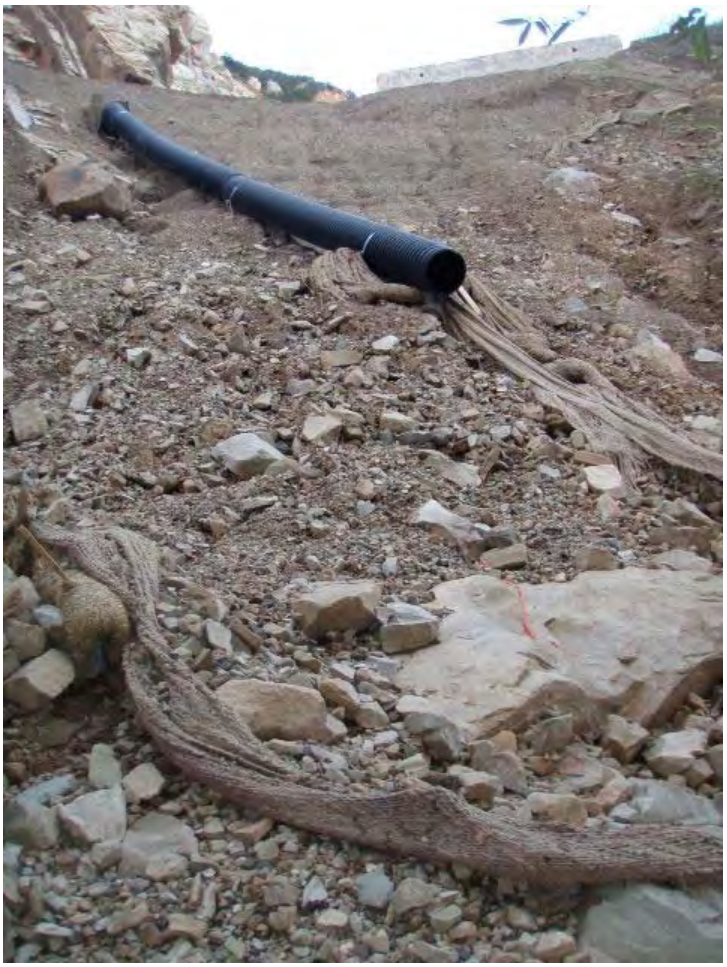
Creek downstream of quarry and lower settling basin runoff
Turbidity: 22.9 NTUs
TSS: 18 mg/l

January 10, 2010 4:30 PM



New rock slide immediately upstream of upper settling basin

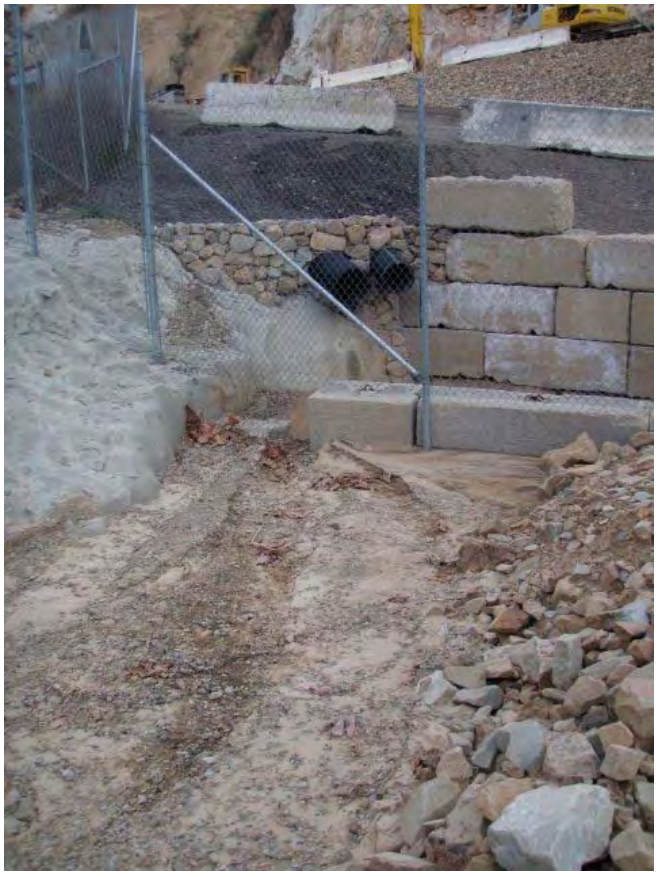
Stream bank at upper settling basin. Failed BMPs - coir rolls, matting, and cobble dissipaters.



Erosion and BMP failure

Significant erosion of stream bank at upper settling basin is evident.

Lower settling basin is full of sediment



Lower settling basin outlet clogged with sediment