



Linda S. Adams
Secretary for
Environmental Protection

**California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman**

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Arnold
Schwarzenegger
Governor

July 21, 2008

In the Matter of

Water Quality Certification

For the

**MAFFIA RANCH LEGACY TIRE SITE
WDID NO. 1B08033WNSO**

APPLICANT: Lisa Hulette
RECEIVING WATER: Unnamed tributary to Americano Creek
HYDROLOGIC AREA: Bodega Hydrologic Unit: 115.00,
Estero Americano Hydrologic Sub Unit: 115.30
COUNTY: Sonoma County
FILE NAME: Maffia Ranch Legacy Tire Site

BY THE EXECUTIVE OFFICER

1. On March 4, 2008, Ms. Lisa Hulette of Gold Ridge Resource Conservation District (GRRCD), on behalf of Eda Maffia (Property Owner), filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the Maffia Ranch Legacy Tire Site. A fee of \$500 was received that same day. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858, on July 2, 2008, by posting information describing the project on the Regional Water Board's website. No comments were received.
2. The Project is located at 12001 Valley Ford Road Located in the City of Petaluma and in the County of Sonoma, (APN. No. 027-180-023). The latitude and longitude are 38.31162 N and -122.86160 W. The Project involves the stabilization of two gullies by removing tires that were placed there and creating a

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series of rock drops to lessen the grade and re-vegetating the areas in-between the rock drops to a grassed waterway.

3. The Project consists of clearing existing tires from two gullies running parallel to each other on an agricultural property in western Sonoma County. This will be done through a separate contract with a state approved contractor. After the tires are removed from the two gullies (approximately 1,000 feet and 600 feet) a system consisting of rock drops in series is proposed to stabilize both gullies. Nineteen rock drops in the western gully and eight rock drops on the eastern gully will be installed at varying intervals reducing the slope of the vegetated grassed waterway in between the rock drops to 2%. The channel will be re-graded to a vegetated grassed waterway with compacted fill, armored with erosion control blanket and planted with a native grass erosion control seed mix. Approximately 3,400 feet of fencing will be installed to exclude livestock from the restoration site.
4. 0.5 acres (1,600 linear feet) of waters of the United States will be affected by this project
5. Compensatory mitigation for this project is not necessary because the proposed project itself will result in a reduction of erosion and sedimentation and improve water quality conditions in the Estero.
6. Construction shall be carried out according to the plans Submitted to the Regional Water Board by Gold Ridge Natural Resource Conservation District.
7. Permanent erosion control methods for the project include hydraulic structures, erosion control fabric, permanent vegetative cover with native species, and exclusionary livestock fencing. Construction Best Management Practices (BMPs) to control erosion and pollution during construction will be used, according to Storm Water Pollution Prevention Plan and the BMPs for construction that were included with the application, as necessary to prevent unnecessary discharge of sediment into the channels/gullies. .
8. All construction shall take place during the dry season when there is no flow in the channels/gullies.
9. The applicant has filed a Notification of Lake or Streambed Alteration with the California Department of Fish and Game
10. The Applicant has requested authorization for construction from the U.S Army Corps of Engineers under section 404 (Clean Water Act) Nationwide Permit (NWP) 27.

11. Gold Ridge RCD, acting as the lead agency under the California Environmental Quality Act (CEQA), has determined that this project qualifies for a Categorical Exemption, 15333 – Small habitat restoration projects

Receiving Water: Unnamed tributary to Americano Creek
Bodega Hydrologic unit: 115.00
Estero Americano Hydrologic Sub Unit: 115.30

Latitude/Longitude 38.31162 N -122.86160 W

Fill or Excavated Area: Permanent Impacts: 0.5 acres to waters of the State

Expiration: October 15, 2011

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE MAFFIA RANCH LEGACY TIRE SITE PROJECT (WDID NO. 1B08033WNSO), as described in the application will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that Applicant complies with the following terms and conditions:

1. This Order is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This Order is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under chapter 28, title 23, California Code of Regulations, and owed by the Applicant.
4. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification", which requires compliance with all conditions of this certification (Enclosed).
5. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being

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completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Basin Plan.

6. Applicant shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. The Applicant shall be responsible for work conducted by its contractor or subcontractors.
7. Any change to the operation of the project that would have a significant or material effect on the findings, conclusions, or conditions of this Order shall be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
8. Applicant shall provide Regional Water Board staff access to the project site to document compliance with this Order.
9. Applicant shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. Applicant shall be responsible for work conducted by its contractor or subcontractors.
10. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
11. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
12. If construction dewatering is found to be necessary, the applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage prior to discharge to surface waters.
13. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the applicant use any vehicle or equipment which leaks any substance that may impact water quality.

14. All conditions required by this Order shall be included in the Plans and Specifications prepared by applicant for the Contractor. In addition, applicant shall require compliance with all conditions included in this Order in the bid contract for this project.
15. All mitigation activities shall be completed as proposed in the application.
16. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this Order, the Regional Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
17. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
18. This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:
 - a. requesting entity's full legal name
 - b. the state of incorporation, if a corporation
 - c. address and phone number of contact person
 - d. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Order.
19. The authorization of this Order for any dredge and fill activities expires on October 15, 2011. Conditions and monitoring requirements outlined in this Order are not

subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions or need to report any violation of this Order.

Catherine Kuhlman
Executive Officer

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Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ

Original sent to: Ms. Lisa Hulette, Executive Director, Gold Ridge Resource Conservation District, 14775 'B' Third Street, P.O. Box 1064, Occidental, CA 95465

Copies sent to: Mr. Bill Orme, SWRCB, 401 Program Manager, Clean Water Act Section 401 Certification and Wetlands Unit Program

Ms. Kim Niemeyer, SWRCB, Office of the Chief Counsel

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398

Mr. Dan Wilson, California Department of Fish and Game, P.O. Box 47, Yountville, CA 94599

Eda Maffia, 12001 Valley Ford Road, Petaluma, CA 94952