



**Linda S. Adams**  
Secretary for  
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**California Regional Water Quality Control Board  
North Coast Region  
Geoffrey M. Hales, Chairman**

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**Arnold  
Schwarzenegger**  
Governor

October 12, 2010

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In the Matter of  
Water Quality Certification  
For  
Sonoma County Water Agency  
Wohler Infiltration Ponds 1 and 2 Decommissioning Project  
WDID No. 1B10082WNSO

APPLICANT: Sonoma County Water Agency  
RECEIVING WATER: Russian River  
HYDROLOGIC AREA: Guerneville Hydrologic Subarea No. 114.11,  
Russian River Hydrologic Area 114.00  
COUNTY: Sonoma County  
FILE NAME: SCWA, Wohler Infiltration Ponds 1 and 2 Decommissioning  
Project

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BY THE EXECUTIVE OFFICER:

1. On July 22, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Connie Barton Environmental Specialist on behalf of the Sonoma County Water Agency (SCWA)(applicant), requesting Federal Clean Water Act, section 401, water quality certification for proposed activities associated with the Wohler Infiltration Ponds 1 and 2 (ponds) Decommissioning Project (project). A fee in the amount of \$6,256.00 was received on July 28, 2010. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on September 21, 2010, and posted information describing the Project on the Regional Water Board's website. No comments were received. The Project will cause permanent impacts to 211 linear feet of seasonal drainage and 1.55 acres of bed and bank of the Russian River.
2. The project is located at 9750 Wohler Road at The Sonoma County Water Agency's Wohler facilities, near Forestville, Sonoma County.

**California Environmental Protection Agency**

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3. The purpose of the project is to decommission two infiltration ponds adjacent to the Russian River to prevent the entrapment of salmonids and reduce aquatic species entrapment in the ponds after flood events. The project is being completed as part of the National Marine Fisheries Service's Reasonable and Prudent Measures in the Biological Opinion for *Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District in the Russian River watershed (Biological Opinion)*, dated September 24, 2008.
4. The project consists of decommissioning the ponds by removing two manual valves and re-grading the channels and ponds at a slope of 1% toward the Russian River. Re-grading the channels includes the removal of portions of the roads between the channel and ponds. A 1% slope will allow the ponds to fill with water during flood events, but will allow them to drain at the same rate as the receding Russian River.
5. The project includes placement of approximately 11,600 cubic yards of fill material into ponds 1 and 2. Previously removed sediment from the infiltration ponds will be used for the fill material. The ponds and channels will be graded and the fill material will be placed to create a 1% slope.
6. The SCWA will minimize the temporary impacts to waters of the U.S. and State by implementing Best Management Practices (BMPs) to provide erosion control and pollution prevention throughout the project area during construction. The grade will be checked by SCWA staff and will be re-graded as necessary to maintain the appropriate drainage.
7. Compensatory mitigation is not required for this project. The project will prevent the entrapment of salmonids in the ponds after flood events and will meet the intent of the Biological Opinion referenced above.
8. Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) to be employed during construction to minimize sediment production and prevent the movement of loose soil off-site. Construction will be conducted during the low-flow season (June 15 - October 31), when the ponds are dry. However, if the ponds contain water prior to construction SCWA will follow Avoidance and Minimization Measures established by California Department of Fish and Game. All erosion control measures will be installed and in place by October 15, or during non-construction periods as necessary, and maintained thereafter by the contractor/Applicant. No runoff from the project or staging area, including from stockpiled fill material, may be allowed to enter the ponds or other

waters of the State without being subjected to filtration (e.g. hay wattles or bales, silt screens). Activities will avoid damage to or loss of native vegetation to the maximum extent feasible; vegetation pruning and removal activities will be conducted under a staff biologist or certified arborist. All disturbed soil will be revegetated with native species or seeded with native grasses. If vegetation cannot be reestablished before expected rainfall, mulching, erosion control fabric, or other sediment control measures will be implemented to prevent delivery of sediment to the drainages. All equipment will be maintained in good working order and spill kits will be on hand during construction. Equipment shall not be staged, or fueled, near waters of the State. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.

9. Applicant shall implement water quality mitigation measures identified in the 401 Application received by the Regional Water Board on July 22, 2010, and in subsequent submissions, including the conditions of the, September 24, 2008, *National Marine Fisheries Service Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corp of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District in the Russian River Watershed.*
10. Regional Water Board shall receive copies of all Monitoring reports.
11. The applicant has received a California Department of Fish and Game 1600 Streambed Alteration Agreement, on August 10, 2010, Notification Number: 1600-2010-0265-R3.
12. The US Army Corps of Engineers has issued a Section 404, Clean Water Act, NWP 27 - Aquatic Habitat Restoration, Establishment, and Enhancement Activities Project permit, on July, 27, 2010, Permit Number: 1999-24721N.
13. The project is exempt from CEQA under California Code of Regulations, title 14, section 15061, subdivision (b). The project meets the exemption criteria under title 14, California Code of Regulations, section 15301 (i) [Existing Facilities], section 15304 (c) [Minor Alteration to Land], and section 15307 [Actions by Regulatory Agency for Protection of Natural Resources]. The Regional Water Board will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 after issuance of this order.

Because the Project involves construction that may adversely affect waters of the State, the Regional Water Board has regulatory jurisdiction under Water Code Section 13269.

Receiving Water: Russian River, Guerneville Hydrologic Subarea No. 114.11, Russian River Hydrologic Area 114.00.

Filled or Excavated Area: Permanent impacts to 211 linear feet of seasonal drainage and 1.55 acres of bed and bank of the Russian River.

Latitude/Longitude: Pond 1 latitude 38.51060°N, and longitude 122.88268°W, Pond 2 latitude 38.509070 °N, and longitude 122.88266°W

Expiration: September 21, 2015

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Sonoma County Water Agency Wohler Infiltration Ponds 1 and 2 Decommissioning Project (WDID No. 1B10082WNSO), 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 the Applicant complies with the following terms and conditions:

1. This certification action 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 certification action 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 certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, 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 Order (Enclosed).
5. The Russian River is identified as impaired on the Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. At present, total maximum daily loads (TMDLs) have not been established for this

water body. If TMDLs are established and implementation plans are adopted for this watershed prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans. Roads and bank erosion are identified as sources contributing to the sediment impairment. Actions authorized by this Order require implementation of Best Management Practices (BMPs) for sediment control at the project site. Accordingly, this Order is consistent with, and implements BMPs that would attenuate sediment adverse impacts.

6. Pursuant to Regional Water Board Resolution R1-2004-0087, Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters within the North Coast Region (Sediment TMDL Implementation Policy), the Executive Officer is directed to "rely on the use of all available authorities, including existing regulatory standards, and permitting and enforcement tools to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste."
7. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater.
8. Applicant shall prioritize use of wildlife-friendly 100% biodegradable erosion control products/BMPs wherever feasible. For purposes of this Order, photodegradable synthetic products are not considered biodegradable. Applicant shall not use or allow the use of erosion control products, that contain synthetic (e.g., plastic or nylon) netting or materials for permanent erosion control (i.e., erosion control materials to be left in place for two years or after the completion date of the project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, the Applicant shall remove the netting or product and replace it with wildlife-friendly biodegradable products. The Applicant shall not use or allow the use of soil stabilization products that contain synthetic materials within waters of the United States or waters of the State at any time. Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, or sooner.

9. The Regional Water Board shall be notified prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
10. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement 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. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
11. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
12. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
13. 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.
14. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
15. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
16. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.

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 and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
18. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
19. In the event of any violation or threatened violation of the conditions of this certification, 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 constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification 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 certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
20. 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 at the above address.
21. To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.
22. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b)

compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

23. The authorization of this certification for any dredge and fill activities expires on September 21, 2015. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please call Stephen Bargsten at (707) 576-2653.

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Catherine Kuhlman  
Executive Officer

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Web link: 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 may be found at:  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

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Electronic Copy to: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory  
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