



North Coast Regional Water Quality Control Board

March 4, 2013

Mr. Charles Abbott
Eel River Power, LLC.
P.O. Box 38
Scotia, CA 95565

Dear Mr. Abbott:

Subject: Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board's Statewide General Waste Discharge Requirements for Dredge or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction (Order No. 2004-0004-DWQ) for the Tanks Gulch Solid Waste Disposal Site Clean-Closure Project

File: Eel River Power, LLC – Tank Gulch SWDS Clean Closure Wetland Mitigation
WDID No. 1B13010WNHU

On January 18, 2013, Eel River Power, LLC (Applicant) submitted a Notice of Intent (NOI) for coverage under the State Water Resources Control Board's *Statewide General Waste Discharge Requirements for Dredge or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction* (Order No. 2004-0004-DWQ) for activities associated with clean-closure of the Tank Gulch Solid Waste Disposal Site (SWDS). Clean-closure activities will require grading and filling of an isolated wetland area located along the upper travel access road (Project). Regional Board staff has determined that the Project, as described in the NOI, meets the eligibility requirements for coverage under the General Waste Discharge Requirements (WDRs).

The Tank Gulch SWDS is located approximately one-half mile northeast of the town of Scotia. Approximately 5 acres of the 12-acre Tank Gulch SWDS are used as a transfer facility for non-hazardous fly ash that is generated at the Scotia Cogeneration Plant. Clean-closure activities will include the removal of all ash, the leachate recovery and collection system, the drainage rock layer, and the geomembrane liner. The SWDS will eventually be backfilled and graded to return the site to pre-existing conditions and allow for proper drainage.

Please be advised that the storm water collection and conveyance system at the Tank Gulch SWDS is currently required for compliance with waste discharge requirements (WDRs). Clean-closure activities shall be completed in accordance with the SWDS's WDRs. Any changes to the storm water collection and conveyance system may only be made if compliance with the WDRs is maintained.

Project activities authorized under Order No. 2004-0004-DWQ are limited to grading and filling the 459 square foot area of isolated wetland identified in the NOI, and creation of the onsite wetland mitigation area. A Wetland Mitigation and Monitoring Plan (WMMP) has been prepared for the Project. Wetland mitigation activities shall be performed onsite in accordance with the WMMP. Wetland mitigation activities include excavation to lower the ground surface adjacent to an existing wetland area onsite and revegetation using native plant species. A minimum of 459 square feet of wetlands shall be created to compensate for permanent wetland impacts and to ensure no-net loss of wetland area or function.

Receiving Water: Unnamed wetlands in the Lower Eel River Hydrologic Area No. 111.10.

Filled or Excavated Area: Area Temporarily Impacted: None
Area Permanently Impacted: 459 square feet of isolated wetland

Total Linear Impacts: Length Temporarily Impacted: None
Length Permanently Impacted: None

Dredge Volume: None

Latitude/Longitude: 40.49322 N/124.08538 W

Compensatory Mitigation : 459 square feet of onsite wetland creation

The Project as proposed may proceed under Order No. 2004-0004-DWQ. The Applicant shall conduct wetland mitigation monitoring and submit annual monitoring reports to this office in accordance with the *Mitigation and Monitoring Plan for Tank Gulch Wood Waste Disposal Site Clean Closure* dated May 2, 2012 that was submitted with the NOI. Upon completion of the Project, the Applicant shall complete a Notice of Termination requesting to be un-enrolled from these General WDRs. Please include the filename and WDID number with all future inquiries and document submittals.

Please call Dean Prat at (707) 576-2801 if you have any questions.

Sincerely,

Original Signed By

Matthias St. John
Executive Officer

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cc: Program Manager, Certification and Wetlands Program, Division of Water Quality,
SWRCB, 1001 I Street, 15th Floor, Sacramento, CA 95814

Ms. Rosalind Litzky, SHN, 812 W. Wabash, Eureka, CA 95501-2138