
Los Angeles Regional Water Quality Control Board

April 4, 2014

Mr. Richard Colla
Matilija Canyon Ranch Wildlife Refuge, Inc.
42750 Pacific Coast Hwy
Malibu, CA 90265

Via Certified Mail
Return Receipt Requested
Claim No. 7012 3460 0001 6366 0779

NOTICE OF VIOLATION: UNAUTHORIZED FILL ASSOCIATED WITH THE MATILIJA CREEK AND NORTH FORK MATILIJA CREEK, CITY OF OJAI, VENTURA COUNTY, CALIFORNIA (File No. 14-002)

Dear Mr. Colla:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties.

On January 10, 2014, the Regional Board received a citizen complaint regarding a stream diversion structure located within the North Fork of Matilija Creek (Creek), approximately 0.7 miles north of the Matilija Canyon Ranch Wildlife Refuge (Site).

On January 22, 2014, Regional Board staff inspected the Site and observed a diversion structure (Diversion) and attached pipeline that was constructed in the Creek. During the inspection, all surface flow in the Creek leading to the main stem of Matilija Creek and Reservoir was blocked by the Diversion and redirected through the attached pipeline downhill, along a road located within the property limits of the Matilija Canyon Ranch Wildlife Refuge. According to the citizen complaint, this water is being used to irrigate landscape on the grounds at the Site.

During the inspection, Regional Board staff also observed greenwaste and landscape trimmings discharged within the property limits of the Matilija Canyon Ranch Wildlife Refuge directly into the bed of Matilija Creek and Reservoir, both waters of the State and U.S.

Placement of any fill, which will includes diversion structures and greenwaste, in waters of the State and waters of the U.S. is subject to requirements of a Clean Water Act Section 401 Water Quality Certification by this Regional Board, and Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers.

You are hereby notified that you are in violation of the Clean Water Act, Section 401 for failing to obtain a Clean Water Act Section 401 Certification for the installation of a diversion structure in the West Fork of Matilija Creek and for the discharge of greenwaste into the Matilija Creek and Matilija Reservoir both waters of the State and U.S.

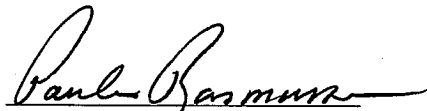
You are required to:

- 1) Immediately remove all unpermitted stream diversion structures within North Fork of Matilija Creek.
- 2) Obtain a Clean Water Act Section 401 Water Quality Certification from this Regional Board, prior to placement of any fill, which will include diversion structures. A Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers and a Streambed Alteration Agreement from the California Department of Fish and Wildlife under Fish and Game Code section 1602 may also be required.

You are now subject to the imposition of civil liability penalties by the Regional Board of up to \$10,000 per day in which the violation occurs pursuant to CWC § 13385(c)(1)). These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred and without further warning. The matter may be referred to the Attorney General's Office for further enforcement. The Regional Board reserves its right to take any further enforcement action authorized by law.

If you have any questions please call Dr. L.B. Nye at (213) 576-6785 or Ms. Valerie C. Zara at (213) 576-6759 regarding this matter.

Sincerely,



Paula Rasmussen
Assistant Executive Officer

cc:

Bill Orme, Division of Water Quality, State Water Resources Control Board
Erin Ragazzi, Division of Water Rights, State Water Resources Control Board
Aaron Allen, U.S. Army Corps of Engineers
Natasha Lohmus, California Department of Fish and Game, Streambed Alteration Team
Paul Amato, U.S. Environmental Protection Agency, Region 9



Home → Water Issues → Programs → 401 Water Quality Certification

401 Water Quality Certification and Waste Discharge Requirements Program

WETLAND AND RIPARIAN AREA PROTECTION

The Clean Water Act (CWA) Section 401 Certification and Waste Discharge Requirements Program for dredge and fill activities is an important tool for regulating hydrologic modification projects in addition to other projects which involve dredge and fill.

→ Regional Board - 401 Certification Contacts:

- LB Nye (TMDLs & Standards - Unit Chief):
Email: lnye@waterboards.ca.gov Phone: (213) 576-6785
- Valerie Carrillo Zara (Lead):
Email: vcarrillo@waterboards.ca.gov Phone: (213) 576-6759
- Dana Cole:
Email: danacole@waterboards.ca.gov Phone (213) 576-5733

→ [Applications for Clean Water Act Section 401 Water Quality Certifications](#)

→ [Public Notices](#) - (updated April 3, 2014)

→ [Water Quality Certification Actions Recently Issued](#) - (updated April 3, 2014)

→ [Hydromodification and California Wetlands](#)

→ Project Specific Information:

- [Los Angeles County Earth Bottom Flood Control Channels WDR](#)
- [Newhall Land Housing Development](#)
- [Rice Creek Restoration](#)

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The State Water Board is one of five environmental entities operating under
the authority of the California Environmental Protection Agency
[Cal/EPA](#) | [ARB](#) | [CalRecycle](#) | [DPR](#) | [DTSC](#) | [OEHHA](#) | [SWRCB](#)

