



California Regional Water Quality Control Board

Central Coast Region



Linda Adams
Secretary for
Environmental
Protection

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Arnold
Schwarzenegger
Governor

June 16, 2009

Mark Schleich
Deputy Director
County of Santa Barbara, RRWMD
130 East Victoria Street
Santa Barbara, California 93101

Dear Mr. Schleich:

WATER QUALITY CERTIFICATION NUMBER 34208WQ15 FOR THE TAJIGUAS LANDFILL RECONFIGURATION AND BARON RANCH RESTORATION PROJECT, SANTA BARBARA COUNTY

Thank you for the opportunity to review your July 2008 401 Water Quality Certification application for the Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project (Project). The application was completed on May 5, 2009 when the Santa Barbara County Board of Supervisors certified the Project's Subsequent Environmental Impact Report (Subsequent EIR) in compliance with the California Environmental Quality Act. Due to the Project's size and scope, we also appreciated the opportunity to discuss the preliminary project during our interagency meeting in 2008. We hope that you found the meeting to be of value and will continue to consider future interagency meetings for projects of similar size and scope.

The Project includes the following key components:

- Removal of the in-channel basins within Pila Creek;
- Reconfiguration of the Tajiguas Landfill footprint across Pila Creek to the west side of the canyon and a comparable reduction in footprint to the east of Pila Creek in the back canyon area;
- Drainage modifications within Pila Creek upstream and around, the reconfigured waste footprint; and
- Implementation of native plant restoration activities and comprehensive relocation and habitat enhancement for the California Red-Legged Frog on Baron Ranch to mitigate for impacts to Pila Creek at the Tajiguas Landfill.

The Project as described by your application and Subsequent EIR includes appropriate mitigation for the permanent impacts to Pila Creek. We are therefore issuing the enclosed Water Quality Certification. Please note, the Water Quality Certification requires you to submit reports to document compliance. All technical and monitoring

California Environmental Protection Agency



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Item No. 12 Attachment No. 3
February 4, 2010 Meeting
Tajiguas Class III Landfill

reports requested in this certification, or anytime after, are required per Section 13267 of the California Water Code. Should new information come to our attention that indicates a water quality problem, we may require additional monitoring and reporting, issue Waste Discharge Requirements, or take other action.

Failure to submit reports required by this certification, or failure to submit a report of technical quality acceptable to the Executive Officer, may subject the County of Santa Barbara to enforcement action per Section 13268 of the California Water Code. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) will base enforcement actions on the date of certification. Any person affected by this Central Coast Water Board action may petition the State Water Resources Control Board (State Water Board) to review this action in accordance with California Water Code Section 13320; and Title 23, California Code of Regulations, Sections 2050 and 3867-3869. The State Water Board, Office of Chief Counsel, PO Box 100, Sacramento, CA 95812, must receive the petition within 30 days of the date of this certification. We will provide upon request copies of the law and regulations applicable to filing petitions.

If you have questions please contact **Martin Fletcher at (805) 549-3694** or via e-mail at **mfletcher@waterboards.ca.gov**. Please mention the above certification number in all future correspondence pertaining to this project.

Sincerely,



Roger W. Briggs
Executive Officer

Enclosure: Action on Request for CWA Section 401 Water Quality Certification

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cc: (electronic copy)

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401 Program Manager
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Action on Request for
Clean Water Act Section 401 Water Quality Certification
for Discharge of Dredged and/or Fill Materials

PROJECT: Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project
APPLICANT: Mark Schleich
Deputy Director
County of Santa Barbara Resource Recovery and Waste Management
Division
130 East Victoria Street
Santa Barbara, CA 93101

ACTION:

1. Order for Standard Certification
2. Order for Technically-conditioned Certification
3. Order for Denial of Certification

STANDARD CONDITIONS:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment per section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended 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 per to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.
4. In the event of a violation or threatened violation of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For 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 certification.

- 5. In response to a suspected violation of any condition of this certification, the Central Coast Regional Water Quality Control Board (Central Coast Water Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Water Board deems appropriate, provided that the burden, including costs, of the reports shall have a reasonable relationship to the need for the reports and the benefits obtained from the reports.
- 6. The total fee for this 401 Water Quality Certification is \$14,343. (\$500 application fee based on the applications original submittal date, and \$13,843 fill fee (based on the current fee schedule)

CENTRAL COAST WATER BOARD CONTACT PERSON:

Martin Fletcher

Central Coast Region, Region 3

(805) 549-3694

(805) 788-3520 (fax)


mfletcher@waterboards.ca.gov

Please refer to the above certification number when corresponding with the Water Board concerning this project.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project shall comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Central Coast Water Board's Water Quality Control Plan (Basin Plan).



 Roger W. Briggs
 Executive Officer
 Central Coast Water Board

6-16-09

 Date

PROJECT INFORMATION

Application Date	Completed: May 5, 2009
Fees Paid	The County submitted an application fee of \$500 on July 28, 2008, and a partial fill fee of \$13,343 on June 2, 2009 with a request that a \$500 application fee from Water Quality Certification application No. 34208WQ10, now rescinded, be applied to the this project.
Applicant	Mark Schleich: Santa Barbara County Resource Recovery and Waste Management Division (RRWMD)
Applicant Representatives	John Shih, Ecosystems Restoration Associates
Project Name	Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project
Water Board Application Number	34208WQ15
Type of Project	Pila Creek hydro-modification and fill, Arroyo Quemado Creek restoration
Project Location	County of Santa Barbara Longitude: 120°7'49.48"W / Latitude: 34°29'3.27"N
County	Santa Barbara
Receiving Water(s)	Canada de le Pila and Arroyo Quemado 315.00 South Coast Hydrologic Unit
Water Body Type	Creek
Designated Beneficial Uses	Municipal and Domestic Supply (MUN) Agricultural Supply (AGR) Water Contact Recreation (REC-1) Non-Contact Recreation (REC-2) Wildlife Habitat (WILD) Cold Fresh Water Habitat (COLD) Migration of Aquatic Organisms (MIGR) Spawning, Reproduction, and/or Early Development (SPWN) Rare, Threatened or Endangered Species (RARE) Estuarine Habitat (EST) Freshwater Replenishment (FRSH) Commercial and Sport Fishing (COMM)
Project Description (purpose/goal)	The purpose of the Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project is to continue to provide the existing permitted solid waste disposal capacity at the Tajiguas Landfill for southern Santa Barbara County, Santa Ynez and Cuyama Valleys in a cost-effective manner while meeting or exceeding all regulatory requirements, including sediment control. Additional objectives include: <ul style="list-style-type: none"> • An improved landfill design for addressing soil management requirements and feasible sediment

	<p>controls;</p> <ul style="list-style-type: none"> • Eliminate impounded water within Pila Creek upstream of the historic unlined portion of the landfill; • Construct and operate a project that results in a net environmental benefit by reducing grading related impacts at Tajiguas and by promoting restoration, enhancement, and management practices in the Arroyo Quemado watershed on Baron Ranch to benefit native habitats, and sensitive species including the California red-legged frog; and • Reduce costs associated with construction of the currently permitted Expansion Project. <p>The Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project is expected to result in a number of environmental, engineering design, and cost benefits over previously permitted plans, including:</p> <ul style="list-style-type: none"> • Reduced grading-related environmental impacts due to reduced soil excavation in the back canyon (1.7 million cubic yards); • Improved downstream water quality due to the ability to construct and maintain a larger out-of-channel sedimentation basin; • Improved groundwater quality due to elimination of subsurface infiltration into the existing unlined waste area from water impounded upgradient of the landfill; • Long term preservation and restoration of Arroyo Quemado watershed on Baron Ranch containing known breeding populations of the California red-legged frog; • Increased stability of the reconfigured refuse footprint due to a wider base of the waste prism and buttressing of the waste mass against the western side of the canyon; • Improved waste disposal operations due to larger deck areas and less slope filling; and • Estimated cost saving of 6.0 million dollars due to elimination of the reinforced soil buttress, reduced excavation, reduced earth moving, and reduced closure and postclosure maintenance costs.
<p>Preliminary Water Quality Concerns</p>	<p>Sedimentation, erosion, and contaminants entering the waterway; loss of wetlands and riparian habitat; the adequacy and permanence of mitigation/restoration activities; and impacts resulting from permanent hydro-modifications.</p>
<p>Water Board Mitigation Requirements</p>	<p>All mitigations, monitoring plans, and best management practices shall be performed as outlined in the Tajiguas</p>

	<p>Landfill Reconfiguration and Baron Ranch Restoration Project Application for 401 Certification and the Subsequent EIR. Best Management Practices to meet objectives of the Federal Clean Water Act are specifically discussed in section 6.9 of the Baron Ranch Habitat Restoration Plan, included in Appendix I of the Biological Technical Report and Biological Assessment and submitted with the 401 Certification Application.</p> <p>The Baron Ranch Restoration Project includes construction activity and soil disturbance (>1 acre), therefore the County must submit a Notice of Intent and enroll the project in the State Water Resources Control Board National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity.</p> <p>Central Coast Water Board staff must be notified if mitigations as described in the 401 Water Quality Certification application or the Subsequent EIR for this project are altered by the imposition of subsequent permit conditions by any local, state or federal regulatory authority. The County of Santa Barbara shall notify Water Board staff of any modifications that interfere with compliance with this certification.</p>
Area of Disturbance	<p><u>Pila Creek Watershed</u> 11.94 acres (11.8/0.14 acres permanent/temporary) 5.03 acres (California Department of Fish and Game and Central Coast Water Board Jurisdiction)</p> <p><u>Arroyo Quemado Watershed (Barron Ranch)</u> 52.6 acres (Mitigation/Restoration)</p>
Fill/Excavation Area	5.03 Acres
Dredge Volume	N/A
U.S. Army Corps of Engineers Permit No	Nationwide Permit 27 – Stream and Wetland Restoration Activities
Dept. of Fish and Game Streambed Alteration Agreement	Streambed Alteration Agreement is pending. Final, signed copy shall be forwarded immediately upon execution.
Status of CEQA Compliance	Subsequent Environmental Impact Report (EIR No. 08EIR-00000-00007, SCH No. 200821052) – finalized May 5, 2009 by the County of Santa Barbara Board of Supervisors.
Water Board Compensatory Mitigation Requirements	Mitigation shall be performed as outlined in the Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project Application for 401 Certification and the Subsequent EIR. In general mitigation focuses on the creation of a riparian buffer zone, the restoration of adjacent riparian areas, the

	<p>restoration of three ephemeral drainages, and the restoration of upland habitats. More specifically, the project includes the following mitigation acreages, (approximate 5:1 mitigation ratio for permanent impacts and 3:1 for temporary impacts):</p> <ul style="list-style-type: none"> • Creation and restoration of 1.32 acres of freshwater marsh; • Creation and restoration of 17.11 acres of southern coast live oak riparian forest; • Creation and restoration of 6.46 acres of southern willow scrub habitat; • Restoration of 7.05 acres of Ceanothus megacarpus chaparral and 8.17 acres of Venturan coastal sage scrub; • Creation and restoration of 12.46 acres of coastal live oak woodland; • Placement of the restored areas in a long-term conservation/protection easement.
<p>Additional Conditions</p>	<p>Contact Central Coast Water Board staff when the Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project begins and at significant milestones to allow for site visits.</p> <p>Submit a signed copy of the Department of Fish and Game's streambed alteration agreement to the Water Board immediately upon execution and prior to any discharge to waters of the State.</p> <p>A Monitoring Program outlined in section 8.0 of the Baron Ranch Habitat Restoration Plan included in Appendix I of the Biological Technical Report and Biological Assessment and submitted with the 401 Certification Application states that annual reports shall be submitted to the Army Corps of Engineers (ACOE) and California Department of Fish and Game (CDFG) for a five-year monitoring period. The applicant shall also submit the annual reports to the Central Coast Water Board.</p> <p>Additionally the Central Coast Water Board requires visual monitoring and three reports for this project (when applicable, reports submitted to ACOE and/or CDFG may be submitted to the Central Coast Water Board to satisfy reporting requirements discussed below):</p> <ul style="list-style-type: none"> • Visually inspect the site (at least one reach upstream and downstream of project, for both Pila Creek and Arroyo Quemado Creek) after completion of the project and for two subsequent rainy seasons to ensure that new

	<p>structures or creek modifications are not causing excessive erosion or other water quality problems. If the project does cause water quality problems, contact the Water Board staff member overseeing the project. You will be responsible for obtaining any additional permits necessary for implementing plans for restoration to prevent further water quality problems.</p> <ul style="list-style-type: none">• First Report: Within 30 days of project completion, submit a project completion report that contains a summary of all required mitigation, monitoring observations, and problems incurred and actions taken; include properly identified post-project photos.• Second and Third Report: Submit annual reports complete with photo-documentation of revegetation and restoration efforts by December 31 of each monitoring year. Annual reports must quantify growth and progress of restoration and revegetation and determine to what extent performance criteria have been met. All revegetated areas shall be assessed for percent cover, general health and stature, and signs of reproduction. The report shall also include photographs of revegetation progress over time.
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