

May 17, 2011

**Public Notice for Water Quality Certification and/or Waste
Discharge Requirements (Dredge/Fill Projects)**

Town of Scotia LLC and RED-Scotia LLC

WDID No. 1B11042RHUM
Humboldt County

On April 4, 2011, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Frank Bacik, representing The Town of Scotia LLC and RED-Scotia LLC (applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the construction of a seasonal percolation pond in Scotia, Humboldt County. The proposed project could cause disturbances to waters of the United States associated with the Eel River in the Scotia Hydrologic Sub-Unit No. 11.12.

Waste discharge requirements are prescribed for disposal of treated wastewater from the applicant's wastewater treatment plant and the Red Scotia power plant. From November 1 through May 14, treated wastewater from the treatment plant and process water from industrial activities in Scotia discharge to a large pond that overflows through a clarifier to the Eel River. From May 15 through September 30, when the applicant is prohibited from directly discharging wastewater to the Eel River, a pond is constructed on the river bar to impound treated wastewater and facilitate percolation of wastewater into the subsurface.

The proposed project involves annual construction of the percolation pond on the river bar during the seasonal low flow period. The project site is a 1.86-acre area of gravel bar along the Eel River, approximately 800 feet long and 100 feet wide. The construction work involves grading sand and gravel on the gravel bar to build berms creating three sides of the percolation pond. The existing riverbank is used as the fourth side of the pond and will be left in its natural state. The berms created for the percolation pond will be removed and graded back into the gravel bar prior to the end of each seasonal low flow period such that the graded area will drain and not impound water. The proposed percolation pond will be located approximately 100 feet from the river during the seasonal low flow period. The percolation pond is constructed prior to May 15 and removed immediately prior to the rise of the river after onset of the winter rainy season.

Compensatory mitigation is not required for this project. Noncompensatory mitigation measures will include the use of Best Management Practices for heavy equipment use and prevention of debris from any construction activity from being placed in a location that may enter waters of the state. The pond will be constructed annually as a temporary feature for the prohibition season only. At the end of the prohibition season, the down stream portion of the proposed pond would be breached and materials graded back to the gravel bar to allow free drainage in the river.

The applicant has applied for authorization to perform the proposed project from the United States Army Corps of Engineers, pursuant to the Clean Water Act, Section 404. The applicant has also obtained a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game. The Department of Fish and Game, as the lead California Environmental Quality Act (CEQA) agency, has prepared a Notice of Exemption from CEQA. The exempt status was provided based on a categorical exemption under Section 15304.

Regional Water Board staff is proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act Authority. In addition, staff will consider all comments received during a 21-day comment period that begins on the first date of issuance of this letter. If you have any questions or comments, please contact staff member Lisa Bernard at (707) 576-2677 or at LBernard@waterboards.ca.gov within 21 days of the posting of this notice.

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