



**California Regional Water Quality Control Board
North Coast Region**

William R. Massey, Chairman

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**Arnold
Schwarzenegger**
Governor

Linda S. Adams

Secretary for

Environmental Protection

October 13, 2006

Mr. Darrin Jenkins
City of Rohnert Park
6750 Commerce Blvd.
Rohnert Park, CA 94928

Dear Mr. Jenkins:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Martin Avenue Flood Control Project, Sonoma County

File: Martin Avenue Flood Control Project, Rohnert Park,
Sonoma County, WDID No. 1B06153WNSO

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341). On September 29, 2006, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Carrie Lukacic, Senior Environmental Planner, Winzler & Kelly Consulting Engineers, on behalf of the City of Rohnert Park (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Martin Avenue Flood Control Project (Project), Sonoma County. The Project will disturb Waters of the State and Waters of the U.S. associated with the Laguna de Santa Rosa Hydrologic Sub Area No. 114.21, within the Russian River Hydrologic Unit No. 114.00.

Information describing the Project was noticed for public comment on the Regional Water Board's website on October 13, 2006. Under Title 23, California Code of Regulations, Section 3858(a): "The executive director or the executive officer with whom an application for certification is filed shall provide public notice of an application at least twenty-one (21) days before taking certification action on the application, unless the public notice requirement has been adequately satisfied by the applicant or federal agency. If the applicant or federal agency provides public notice, it shall be in a manner and to an extent fully equivalent to that normally provided by the certifying agency. If an emergency requires that certification be issued in less than 21 days, public notice shall be provided as much in advance of issuance as possible, but no later than simultaneously with issuance of certification." The Project is considered an emergency because flooding of the business park will likely occur several times during the winter season when flows in Hinebaugh Creek prevent drainage of storm water from the Martin

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Avenue area. Due to the nature of emergency associated with this project, 401 Water Quality Certification will be issued during the 21-day public comment period. Public comments will still be accepted and reviewed during the entire 21-day comment period; ending November 3, 2006, and the Order may be modified based on public comments.

Project Description: The Project is located in Sonoma County, on Hinebaugh Creek, at south of Martin Avenue and west of Labath Avenue, Rohnert Park, latitude 38°21'14" N, longitude - 122°43'32" W, assessor parcel number 143-040-036, Sonoma County, California. The purpose of the project is to reduce annual flooding to the Martin Avenue business park. Flooding occurs when the flows in Hinebaugh Creek back up into the storm drain system that is designed to drain the business park.

The project consists of installation of three steel pipes, each approximately 6 feet long, that will be sliplined into each of the three existing 42-inch, 48-inch and 54-inch corrugated metal pipe (CMP) outfall pipes. A flap gate will be attached to the end of each of the sliplined pipes. The CMP outfall pipes currently contain accumulated silt and water which will require removal prior to the installation of the slipline pipe and flap gate assembly. Removal of water and silt will be accomplished with a vactor (vacuum) truck, and the water and silt vacuumed from the site will be deposited at the City of Rohnert Park's sewer plant storage facility, located at 201 Jimmie Rogers Lane, Rohnert Park. The area at the outfall requires dewatering to enable workers to access the site to install the flap gate. In order to dewater the area immediately adjacent to each of the outfall pipes, a small coffer dam (approximately 5 feet wide by 5 feet long) constructed of sandbags will be temporarily installed. Once the outfall areas are dewatered and desilted using the vactor truck as discussed above, the slipline pipe will be lowered to the installation site using a boom truck which will be parked on the adjacent access road. The slipline pipe will be lowered and then guided into place by 2-3 workers. Once the pipe is placed, workers will attach the pipe to the existing CMP and the flap gates will be attached to the end of the slipline pipe. After the slipline pipe and flap gates have been installed, the sandbag coffer dam will be removed.

The installation of flap gates will limit the amount of annual flooding which occurs in the Martin Avenue industrial complex. The flap gates are a temporary solution to the flooding problem and will become part of the permanent

solution that the City will plan and design over the winter for construction next summer. Temporary trailer mounted pumps and piping that will convey accumulated storm water to Hinebaugh Creek may be installed in the business park when water levels in the creek are unfavorable for gravity flow. The flap gates and slipline pipe will be removed from the site adjacent to Hinebaugh Creek and used again near Martin Avenue when the City installs a series of storm water pump stations.

- Receiving Water: The Project will disturb Waters of the State and Waters of the U.S. associated with the Laguna de Santa Rosa Hydrologic Sub Area No. 114.21, within the Russian River Hydrologic Unit No. 114.00.
- Federal Permit: The Project applicant has applied for a U.S. Army Corps of Engineers (ACOE) for a Clean Water Act Section 404 Nationwide Permit No. 33 for Temporary Construction, Access and Dewatering, File No. 400112N, (Pending).
- State and Local Approvals: The Project applicant has applied to the California Department of Fish and Game for a 1602 Streambed Alteration Agreement, (Pending)
- Filled or Excavated Area: Total Linear Impacts: 20.0 linear feet impacted
Length Temporarily Impacted (Restored): 0.000 linear feet
Length Permanently Impacted (Not Restored): 20.0 linear feet
- Compensatory Mitigation: Not required
- Non-compensatory Mitigation: Non-compensatory mitigation measures include the use of standard Best Management Practices (BMPs), for erosion control, as well as construction schedules that avoid wet weather.
- CEQA Compliance: The City of Rohnert Park has filed a Notice of Exemption (Emergency Project (Sec. 21080(b)(4);15269(b)(c))) with the County of Sonoma. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined the Project qualifies for Statutory Exemption Section 15269, Emergency Project, pursuant to the CEQA guidelines.

Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this Project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23) 23 CCR 3867.
2. This certification action is not intended and shall not be construed to apply to 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 subsection 3855(b) of Chapter 28, CCR 23 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 Chapter 28, CCR 23 and owed by the Applicant.

Additional Conditions: Pursuant to 23 CCR 3859(a), the Applicant shall comply with the following additional conditions:

1. 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, Waters of the State or Waters of the United States.
2. BMPs for sediment and turbidity control shall be implemented and in place prior to, during, and after

construction in order to ensure that no silt or sediment enters surface waters.

3. A copy of this Order shall be provided to the contractor and all subcontractors conducting the work, and shall be in their possession at the work site.
4. This Order is not transferable. 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.

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, 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.

5. The Applicant shall provide photos of the completed work to the appropriate Regional Water Board staff person, in order to document compliance. The Applicant shall also provide photos of the completed work areas after the first significant rainfall event in order to ensure that erosion control has been successful.
6. 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.
7. Necessary measures shall be taken to assure that any discharge from the temporary trailer mounted storm water pumps, shall be free of contamination or turbidity. The discharge shall not cause scour or erosion.

**Water Quality
Certification:**

I hereby issue an order [23 CCR Subsection 3831(e)] certifying that the authorized discharge from Martin Avenue Flood Control Project, (WDID No. 1B06153WNSO), will 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 [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. 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 Water Quality Certification (Enclosed).

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 b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration:

The authorization of this certification for any dredge and fill activities expires on December 31, 2007. 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.

Please notify Stephen Bargsten of our staff at (707) 576-2653 prior to construction so that we can answer any public inquiries about the work.

Sincerely,

Catherine E. Kuhlman
Executive Officer

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cc: Ms. Jenny Chen, SWRCB, 401 Program Manager (Acting)
Mr. Bill Cox, California Department of Fish and Game, Region 3, P.O. Box 47,
Yountville, CA 94599

California Environmental Protection Agency

Mr. Justin Yee, U.S. Army Corps of Engineers, Regulatory Branch,
333 Market Street, San Francisco, CA 94105
Ms. Carrie Lukacic, Winzler & Kelly, 495 Tesconi Circle, Santa Rosa, CA 95401