



California Regional Water Quality Control Board North Coast Region

John W. Corbett, Chairman

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Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

July 6, 2007

In the Matter of

Notice of Coverage, Waiver of Waste Discharge Requirements for Minor Dredging and Fill Activities

for the

SHOOK AND WALLER BUILDERS, WESTBOROUGH PROJECT: WDID NO. 1B02040WNSO

APPLICANT: Mr. Ross Albertson and Shook and Waller Builders
RECEIVING WATER: Isolated wetlands
HYDROLOGIC AREA: Middle Russian River Hydrologic Area No. 114.22
COUNTY: Sonoma County
FILE NAME: Westborough Project

BY THE EXECUTIVE OFFICER:

1. This Notice of Coverage provides notice that certain activities are covered by the Waiver of Waste Discharge Requirements for Minor Dredging and Fill Activities (Waiver), which was adopted pursuant to California Water Code Section 13269 by the California Regional Water Quality Control Board, North Coast Region, (Regional Water Board) in Resolution 2002-0080. On November 6, 2006, Mr. Ross Albertson of Shook and Waller Builders (Applicant), filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341), and/or Waste Discharge Requirements for dredge/fill activities, with the Regional Water Board for activities associated with the Westborough Project (Project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 8, 2007, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The proposed project is located at 1715 and 1755 Ridley Avenue in Santa Rosa, APNs 036-091-051 and 036-101-016. The purpose of the project is to provide 34 single-family homes in accordance with the City of Santa Rosa's general plan.
3. The proposed project consists of the construction of 34 detached, single-family homes on 2.62 acres. Individual lots will range in size from approximately 2,240

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square feet to 3,150 square feet. The southern portion of the project site contains a single-family residence with a detached garage, with the remainder of the site undeveloped with the exception of a gravel driveway and parking area. The existing house and garage will be demolished as part of the site preparation. Additional site preparation will require extensive earth moving throughout the project area to establish necessary grades for house lots, roads, stormwater drainage and other development infrastructure.

4. The total area of waters of the State to be impacted is 0.05 acres of seasonal wetlands.
5. Compensatory mitigation for this project will be attained through the purchase of 0.10 acres of wetland creation credits; 0.05 acres of which have been purchased from the Davis Preserve and 0.05 acres have been purchased from the Hazel Mitigation Preserve. Additional compensatory mitigation has been attained through the purchase of 0.10 acres of wetland preservation credits from the Davis Preserve.
6. Non-compensatory mitigation measures include the use of standard erosion control Best Management Practices (BMPs) to eliminate or reduce project construction impacts on habitat and waters draining outside the work areas. Post construction stormwater treatment will be achieved using bioswales.
7. On November 17, 2006, the City of Santa Rosa adopted a mitigated negative declaration for the project in order to comply with CEQA. The document was circulated to interested parties from Santa Rosa, and was not sent to the State Clearinghouse. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.
8. The Russian River watershed is identified on the State of California Clean Water Act Section 303(d) list as impaired for sediment, temperature, mercury, low dissolved oxygen, pathogens, pH, nitrogen, phosphorus, and specific conductance. Total Maximum Daily Load (TMDL) analyses have not been completed for the Russian River watershed sediment and temperature listings. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures and sediment. If a TMDL implementation plan is adopted prior to the expiration date of this Notice of Coverage, the Regional Water Board may revise the provisions of this Notice of Coverage to address actions identified in such action plans.
9. Because the Project involves the discharge of waste that may affect waters of the state, the Regional Water Board has regulatory jurisdiction under Water Code Section 13260.
10. This Notice of Coverage is contingent on compliance with all applicable requirements of the North Coast Region Water Quality Control Plan (Basin Plan), except as may be modified by the specific conditions of the Water Quality Notice of Coverage.

11. Applicant shall construct the project in accordance with the conditions described in the application and the findings herein, and shall comply with all applicable water quality standards.
12. Applicant shall provide Regional Water Board staff access to the project site to document compliance with this Notice of Coverage.
13. Applicant shall provide a copy of this Notice of Coverage and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. Applicant shall be responsible for work conducted by its contractor or subcontractors.
14. In the event of any violation or threatened violation of the conditions of this Notice of Coverage, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the 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 Notice of Coverage. In response to a suspected violation of any condition of this Notice of Coverage, the State Water Board may require the holder of any federal permit or license subject to this Notice of Coverage to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Notice of Coverage, the State Water Board may add to or modify the conditions of this Notice of Coverage as appropriate to ensure compliance.
15. If, at any time, an unauthorized discharge to surface waters occurs, or any situation arises that compromises water quality and its beneficial uses, Applicant shall immediately cease work on the project and notify the Regional Water Board.
16. The Regional Water Board may add to or modify the conditions of this Notice of Coverage, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
17. This Notice of Coverage 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 Notice of Coverage by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Notice of Coverage to discharge dredged or fill material under this Notice of Coverage. The request must contain the following:
 1. requesting entity's full legal name

2. the state of incorporation, if a corporation
 3. address and phone number of contact person
 4. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Notice of Coverage.
18. Except 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 Basin Plan.
19. The authorization of this Notice of Coverage for any dredge and fill activities expires on October 15, 2009. Conditions and monitoring requirements outlined in this Notice of Coverage are not subject to the expiration date outlined above, and remain in full effect and are enforceable.
20. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this Notice of Coverage must be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.

Receiving Water: Isolated wetlands
 Middle Russian River Hydrologic Area No. 114.20
 Russian River Unit No.114.00

Latitude/Longitude: 38.453068° North, 122.746373° West

Area Permanently Impacted: Approximately 0.05acres

Expiration: October 15, 2009.

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE CHERRY RANCH PROJECT (FACILITY NO. 1B02040WNSO), as described in the Application, is hereby covered under the Waiver, provided that Project complies with the following terms and conditions:

1. This Notice of Coverage is contingent on compliance with all applicable requirements of the North Coast Region Water Quality Control Plan (Basin Plan), except as may be modified by the specific conditions of the Notice of Coverage.
2. The construction activity meets the eligibility criteria for the Waiver and, if constructed as described in the Application and in compliance with the above-listed conditions, the Project will adhere to applicable water quality standards. A monitoring and reporting program is required as described in the application. Therefore, I have determined that the Project is covered by the Waiver.

3. The following is a partial listing highlighting selected standard provisions from Resolution 2002-0080:
 - a. "The Applicant shall comply with all applicable provisions of the Water Quality Control Plan for the North Coast Region."
 - b. "The Applicant shall discharge only in accordance with the submitted Report of Waste Discharge or equivalent (i.e., the Application)."
 - c. "The Project shall not create a pollution, contamination, or a nuisance, as defined by California Water Code Section 13050."
 - d. "There shall be no discharge of any waste not specifically regulated by waivers in Resolution 2002-0080."
 - e. "The Applicant shall allow Regional Water Board staff reasonable access onto the affected property for the purpose of performing an inspection to determine compliance with waiver conditions."
4. The following from Resolution 2002-0080 apply specifically to dredge and fill activities.

"The Applicant shall comply with the following additional conditions:

 - a. Discharges shall be non-toxic, short term, discharges to land.
 - b. The Project shall not result in a net loss of wetlands or beneficial uses.
 - c. This Notice of Coverage is valid only if operations are not being covered by General Waste Discharge Requirements."
5. Please be aware that a failure to implement the Project according to the project description and other information submitted in the Application, or violation of any of the terms contained in the Waiver and this Notice, may result in the revocation coverage under the Waiver and the initiation of formal enforcement proceedings as authorized by provisions of the California Water Code.

Enclosed is a copy of the Waiver Policy for Minor Dredging and Fill Activities.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions.

Catherine E. Kuhlman
Executive Officer

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Enclosures: Waiver Policy (Res. 2002-0080)

Original sent to: Mr. Ross Albertson, Shook and Waller Builders, 3250A Dutton Avenue, Santa Rosa, CA 95407

Copies sent to: Mr. Bill Orme, SWRCB, Acting 401 Program Manager, Clean Water Act Section 401 Certification and Wetlands Unit Program