



Linda S. Adams
Secretary for
Environmental Protection

**California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman**

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Arnold
Schwarzenegger
Governor

June 8, 2007

In the Matter of
Water Quality Certification
for the
**BURBANK HOUSING,
COLGAN MEADOWS PROJECT
WDID NO. 1B07008WNSO**

APPLICANT: Burbank Housing
RECEIVING WATER: Colgan Creek Sub Area No. 114.21.
HYDROLOGIC AREA: Russian River Hydrologic Area No. 114.00
COUNTY: Sonoma County
FILE NAME: Burbank Housing, Colgan Meadows Project

BY THE EXECUTIVE OFFICER:

1. On January 26, 2007, the applicant filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the Colgan Meadows Housing Project. Additional information was received on April 11, 2007 and a fee in the amount of \$844.00 was received on Jan. 29, 2007. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858, on April 12, 2007, and posted information describing the project on the Regional Water Board's website. No comments were received.
2. The project is located on a 6.19 acre site in southwest Santa Rosa, at the corner of Bellevue Avenue and Dutton Meadow Drive (NE quadrant), Sonoma County, California. (APN. No. 043-122-011).
3. The project consists of the construction of an 84-unit multi-family affordable apartment project, with associated parking and landscaping, on 4.54 acres. Most of the units would be 2-stories in height with two 3-story buildings. The project includes a new public street extending from Mojave Drive, which would stub to a medium density parcel situated to the south. A 1.65-acre public neighborhood park will be

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created at the eastern end of this acreage which also includes a proposed realignment of the Colgan Creek flood control channel. The proposed park and creek realignment will be conducted after the land has been deeded over to the City of Santa Rosa and will need a separate 401 Water Quality Certification. As a result, mitigation that will be necessary within the 1.65 acre park to be constructed will be implemented within a separate project and is not part of this project.

4. The project will result in permanent impacts to 0.45 acres of seasonal wetlands.
5. Compensatory mitigation for the permanent filling of 0.45 acres of seasonal wetland habitat will be attained through the purchase of 0.50 acres of preservation credits (May 3, 2006 from Davis Preserve, LLC), along with an additional 0.50 acres of creation credits (May 3, 2006 from Hazel Mitigation Preserve, LLC). Mitigation for the California Tiger Salamander (CTS) is at a 2:1 ratio. The project has purchased 9.1 acres in the Davis Preserve, LLC for CTS mitigation. The project will impact 4.54 acres of land. There is no suspected CTS breeding habitat on the site, however the upland habitat is considered potential aestivation habitat.
6. The post-construction storm water treatment controls for the Colgan Meadows project consists of bio-retention areas and vegetated swales. These stormwater treatment controls provide biological and filtration treatment, as well as attenuating the peak storm flow to aid in flood prevention. The streets will be treated with a bio-retention system within the planter area. The system is comprised of holes in the existing curb and gutter, draining toward the planter strips which are filled with a six-inch layer of sandy planting soil. The soil and plant based filtration layer is on top of 30-inches of sandy loam which drains to a base of 12-inches of drain rock and a perforated pipe. This pipe will extend to the catch basins along the street. Additionally, vegetated swales (type 1 and type 2 with under drains), will also be used to treat the storm water from the project site. In addition, new tenants will initially (thereafter annually) be given educational materials explaining source control of contaminants and pollutants that may contaminate waters of the State. Educational topics will include: proper use of pesticides, herbicides and fertilizer within garden areas; minimization or prohibition of car washing, auto repair or changing oil; and, picking up litter, pet waste, and leaves. If appropriate, materials shall be multi-lingual. Educational material shall also be posted in common areas of the project and also be adhered to by employed maintenance personnel. All post-construction storm water management shall be completed as outlined in the Storm Water Mitigation Plan submitted with the application. The responsibility for the maintenance of source and treatment controls belongs to the project's owner. All continuing maintenance shall be done in accordance with the Colgan Meadows Final Storm Water Mitigation Plan.
7. Construction Best Management Practices (BMPs) will be incorporated into the final project plans in order to reduce and control soil erosion. Construction activities are proposed to take place all year, including the wet season months of October 15th

through May 15th. Therefore, additional winterization BMPs will be implemented in order to stabilize all bare soils.

8. On July 21, 2006, the applicant adopted a mitigated negative declaration (State Clearinghouse number 2006062109) for the project in order to comply with CEQA. 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.
9. The applicant has applied for a United States Army Corps of Engineers Nationwide Permit 39, file number 27056N.

Receiving Water: Colgan Creek, Laguna de Santa Rosa Sub Area No. 114.21,
Russian River Hydrologic Area No. 114.00

Latitude/Longitude: 38.40332° north, -122.72857° west

Filled or Excavated Area: Permanent Impacts: 0.45 acres

Expiration: October 15, 2010

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE BURBANK HOUSING, COLGAN MEADOWS PROJECT (FACILITY NO. 1B07008WNSO), as described in the application will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed 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 pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) 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, title 23, California Code of Regulations, and owed by the applicant.
4. 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).

5. The Russian River watershed and the Laguna de Santa Rosa (tributary to the Russian River) are identified on the State of California Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. The Laguna de Santa Rosa is listed as impaired for sediment, temperature, nitrogen, phosphorus, dissolved oxygen, and mercury. At present, there are no watershed-specific implementation plans for these TMDLs. If TMDL implementation plans are adopted for these watersheds prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans.
6. 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.
7. Applicant shall construct the project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.
8. Any change to the operation of the project that would have a significant or material effect on the findings, conclusions, or conditions of this Order shall be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
9. Applicant shall provide Regional Water Board staff access to the project site to document compliance with this Order.
10. Applicant shall provide a copy of this Order 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.
11. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
12. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete 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.

13. If construction dewatering is found to be necessary, the applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage prior to discharge to surface waters.
14. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the applicant use any vehicle or equipment which leaks any substance that may impact water quality.
15. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other project activities that could result in erosion or sediment discharges to surface water.
16. All conditions required by this Order shall be included in the Plans and Specifications prepared by applicant for the Contractor. In addition, applicant shall require compliance with all conditions included in this Order in the bid contract for this project.
17. All mitigation activities shall be completed as proposed in the application.
18. In the event of any violation or threatened violation of the conditions of this certification, 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 Order. In response to a suspected violation of any condition of this Order, the Regional Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the Regional 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 Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
19. The Regional Water Board may add to or modify the conditions of this Order, 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.
20. 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. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:

- a. requesting entity's full legal name
- b. the state of incorporation, if a corporation
- c. address and phone number of contact person
- d. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Order.

21. The authorization of this Order for any dredge and fill activities expires on October 15, 2010. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions or need to report any violation of this Order.

Catherine E. Kuhlman
Executive Officer

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Enclosures: 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.

Original sent to: Ms. Jeane Blake, Burbank Housing Development Corporation, 790 Sonoma Avenue, Santa Rosa, CA 95404

Copies sent to: Ms. Jane Valerius, 152 Weeks Way, Sebastopol, CA 95472

Ms. Colleen Ferguson, City of Santa Rosa, 69 Stony Circle, Santa Rosa, CA 95403

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

Ms. Samantha Olson, SWRCB, Office of the Chief Counsel

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398

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