



California Regional Water Quality Control Board North Coast Region

John W. Corbett, Chairman



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Secretary for
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**Arnold
Schwarzenegger**
Governor

October 19, 2007

In the Matter of

Water Quality Certification

for the

CITY OF ROHNERT PARK EASTSIDE TRUNK SEWER PROJECT: WDID NO. 1B06090WNSO

APPLICANT: City of Rohnert Park
RECEIVING WATER: Hinebaugh Creek and Copeland Creek tributary to the
Laguna de Santa Rosa
HYDROLOGIC AREA: Middle Russian River Hydrologic Area No. 114.20
COUNTY: Sonoma County
FILE NAME: Rohnert Park Eastside Trunk Sewer Project

BY THE EXECUTIVE OFFICER:

1. On June 20, 2006, Mr. Dave Davis of Winzler and Kelly, on behalf of Mr. Darren Jenkins of the City of Rohnert Park (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 Rohnert Park Eastside Trunk Sewer Project (Project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on September 17, 2007, and posted information describing the Project on the Regional Water Board's website.
2. The project consists extending a trunk sewer approximately 3.5 miles in Rohnert Park. The purpose of the project is to add more capacity to the City of Rohnert Park sewer system. The increased capacity would provide for surcharge relief, resulting in increased reliability as well as providing for planned development. The project will be phased in two portions. This Order only applies to the first phase.
3. Phase one of the project involves installing a 42-inch pipe from the intersection of Commerce Boulevard and Avram Avenue, crossing west underneath U.S. Highway

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101 to Redwood Drive near the Cotati/Rohnert Park city limit. The route of the trunk sewer will then proceed north along Redwood Drive to the northern entrance of the Costco parking lot. The line will then continue directly north through the Costco parking lot and a vacant lot until it reaches J. Rogers Lane. The pipe will increase to 48-inches in diameter while heading west on J. Rogers Lane before terminating at the Rohnert Park Sewage Lift Station.

4. Construction of the trunk sewer will result in two stream crossings, both along Redwood Drive. The first stream crossing will occur at Copeland Creek on the Rohnert Park/Cotati city limit, north of that the second crossing will occur at Hinebaugh creek, between Rohnert Park Expressway and Martin Avenue. The pipe will be installed at the stream crossings using a Guided Boring Machine (GBM) piloted auger-boring installation system. The system utilizes tunneling devices that are steerable and/or articulating so that an operator can achieve the pipeline line and grade within specified tolerances. The lubricating fluid (a slurry of bentonite, sloop, and hydro-polymer) injection pressures are regulated as lower than the overburden pressure, so as to prevent a hydro fracture. The pits from which the GBM will begin and end its operation will be located outside the riparian corridor.
5. Temporary impacts will result from the boring activity and the applicant has submitted a plan to revegetate any exposed soils.
6. The project will result in 248 linear feet of permanent fill of waters of the state. These impacts will occur in the under ground flow at both of the creek crossings. No mitigation is necessary.
7. On May 4, 2007, the project received authorization under Department of the Army Nationwide Permit(NWP) 12 Utility Line Activities, NWP 14 Linear Transportation Projects, and NWP 33 Temporary Construction, Access, and Dewatering Pursuant to section 404 of the Clean Water Act. File Number 302970N.
8. On October 24, 2006 the project received a 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and Game. Notification Number 1600-2006-0374-3.
9. On July 11, 2006, the City of Rohnert Park adopted a mitigated negative declaration (SCH No. 2006042169) 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.

Receiving Water: Hinebaugh Creek and Copeland Creek in the Laguna de Santa Rosa Hydrologic Subarea No. 114.25

Latitude/Longitude: 38°21'01"N/122°43'00"W

Total Linear Impacts: Length Permanently Impacted: 248 linear feet

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE EASTSIDE TRUNK SEWER PROJECT (WDID NO. 1B06090WNSO), 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 Order 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 is identified on the State of California Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. At present, a total maximum daily load (TMDL) has not been established for this watershed. If a TMDL and associated implementation plan is adopted for this watershed prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in the action plan.
6. This Order is contingent on compliance with all applicable requirements of the North Coast Basin Water Quality Control Plan (Basin Plan), except as may be modified by the specific conditions of this Order.
7. The 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. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this Order.
9. The 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. The Applicant shall be responsible for work conducted by its contractor or subcontractors.
10. In the event of any violation or threatened violation of the conditions of this Order, 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 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.
11. 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.
12. 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.
13. 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.

14. The authorization of this certification for any dredge and fill activities expires on October 15, 2011. 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.
15. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this certification must be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
16. 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.
17. When operations are complete, any excess material or debris shall be removed from the work area and disposed of properly.
18. 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 to discharge to surface waters.
19. 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, operation, 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.
20. 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.
21. 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.

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

Robert R. Klamt
Interim 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: Mr. Darrin Jenkins, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, CA 94928

Copies sent to: Mr. Dave Davis, Winzler & Kelly, 495 Tesconi Circle, Santa Rosa, CA 95401

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

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

Ms. Kimberly Niemeyer and Ms. Samantha Olson, SWRCB, Office of the Chief Counsel

Mr. Bill Cox, Department of Fish and Game, PO Box 47, Yountville, CA 94599