



**California Regional Water Quality Control Board  
North Coast Region  
Bob Anderson, Chairman**



Linda S. Adams  
Secretary for  
Environmental Protection

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Arnold  
Schwarzenegger  
Governor

February 22, 2008

In the Matter of  
**Water Quality Certification**  
for the  
**University District LLC Project**  
**Sonoma County**  
**(WDID No. 1B06013WNSO)**

APPLICANT: University District LLC  
RECEIVING WATER: Laguna de Santa Rosa Hydrologic Sub Area No. 114.21  
HYDROLOGIC AREA: Russian River Hydrologic Area No. 114.00  
COUNTY: Sonoma County  
FILE NAME: University District LLC Project

BY THE EXECUTIVE OFFICER:

1. On January 21, 2005, Ted Winfield & Associates, on behalf of University District, LLC (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 University District, LLC (Project). A fee in the amount of \$1,078.35 was received on January 21, 2005. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 6, 2007, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The Project is located adjacent to the Sphere of Influence of the City of Rohnert Park. The Project is bounded on the south by Copeland Creek, on the west by existing development in the "J" Section of the City of Rohnert Park, on the north by Rohnert Park Expressway, and on the east by the Green Music Center. The latitude and longitude is 38.34551°N and -122.67844°W. The Project area is approximately 34.3 acres, including a 0.82-acre on-site public park, a 0.68-acre private recreation area, and bicycle and pedestrian trails. There will be a 150-foot buffer to protect Copeland creek from the developed area of the Project. There will be 8.93 acres of open space which includes a water quality detention basin to provide treatment of storm water runoff. Grading will be completed in one phase, with the homes being constructed in phases over a 15 to 24 month period. The site is currently an agricultural field periodically used to produce crops of oat grain and hay. The purpose of the Project is to construct 110 single-family homes, 72 of which will have second dwelling units over the garage. Additionally, there will be 112 high density multi-family attached homes.

**California Environmental Protection Agency**

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3. There are 0.78 acres of total wetlands within the boundaries of the Project. There will be 0.412 acres of temporary impact to wetlands and 0.143 acres of permanent impact, totaling 0.555 acres of impact to wetlands resulting from the Project. The Project will permanently fill approximately 0.143 acres of Waters of the State and United States. The Project will result in disturbances to Waters of the State and United States associated with seasonal wetlands draining to Copeland Creek and Laguna de Santa Rosa Sub Area No.114.21, Russian River Hydrologic Unit No. 114.00.
4. The treatment of post construction storm water for the Project will consist of the installation of a water quality pond/detention basin and a vegetated buffer strip along the eastern boundary and adjacent to Copeland Creek to remove contaminants from storm water runoff before it can enter surface water. Storm water will exit the water quality/detention basin through a metering structure which will attenuate the peak stormwater runoff from the newly added impervious area of the Project. After treatment, the storm water will be conveyed to a storm drain that connects to existing storm drains within the "J" Section of Rohnert Park. These storm drains eventually flow to an existing armored outfall into Copeland Creek, a tributary to Laguna de Santa Rosa, and the Russian River. Post construction storm water treatment features will be constructed per designs submitted within the "Water Quality Management Plan, UDLLC Development" prepared by Shaw Environmental, Inc., November 2006. Additional water quality Best Management Practices (BMPs) to be utilized in the Project include education for property owners to increase native and drought tolerant landscape cover, decreasing irrigation and associated runoff, minimization of hardscape and impervious cover, and regular sweeping of streets and parking areas.
5. Compensatory mitigation was accomplished by purchasing 0.60 acres of wetland credit at the Hazel Mitigation Bank. The Applicant conducted plant and animal surveys for endangered species for six years with no species of concern found on-site. Additionally, the riparian area along Copeland Creek will be restored with plantings of native trees, shrubs, vines, wetland herbaceous plants, and by removal of invasive exotic plants.
6. Non-compensatory mitigation during construction will be achieved through the use of BMPs as described in the submitted Storm Water Pollution Prevention Plan. At a minimum, the following construction BMPs will be incorporated into the final Project plans in order to reduce and control soil erosion: Installation of construction barrier fencing to preclude equipment entry into sensitive areas; installation of silt fencing or fiber rolls to prevent sediment loss from immediate work area; topsoil salvage and reapplication; seeding and mulching; and application of erosion control fabric as necessary. All required BMPs shall be on-site and ready for timely deployment, before start of construction activities. BMPs shall be installed following the manufacturers' specifications for preparation, installation, and maintenance of these products. Qualified personnel shall inspect the construction site at least every fourteen calendar days and within 24 hours of the end of a rainfall event that is 0.5-inch or greater.
7. The City of Rohnert Park, as the lead California Environmental Quality Act (CEQA) agency, adopted the Final Environmental Impact Report for the University District

Specific Plan, SCH No. 2003122014, on May 23, 2006, City of Rohnert Park Resolution No. 2006-141, per CEQA guidelines.

8. The Applicant has consulted with the California Department of Fish and Game (DFG) regarding the necessity for a Lake and Streambed Alteration Agreement. DFG determined that no Streambed Alteration Agreement would be required.
9. A federal Clean Water Act Section 404 Nationwide Permit No. 39 from the Army Corps of Engineers has been applied for, file number 21263N.

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

Latitude/Longitude: 38.35091° North and -122.67269° West

Filled or Excavated Area: permanent impacts, 0.143 acres

Expiration: December 31, 2011

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE UNIVERSITY DISTRICT, LLC PROJECT (FACILITY NO. 1B06013WNSO), 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 the Applicant for the Contractor. In addition, the 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 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 certification, 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 the Project site 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. 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 December 31, 2011. To the extent the conditions and monitoring requirements

required by this Order extend beyond December 31, 2011, they do not expire and remain in 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.

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Robert R. Klamt  
Interim Executive Officer

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Enclosure: SWRCB Order No. 2003-0017-DWQ

Original sent to: Kevin Pohlson, Vast Oak Properties, Brookfield Homes, 500 La Gonda Way, Suite 100, Danville, CA 94526

Copies sent to: Mr. Darren Jenkins, City of Rohnert Park Department of Public Works, 6750 Commerce Blvd., Rohnert Park, CA 94928

Mr. Ted P. Winfield, Ph.D., Ted Winfield & Associates, 1455 Wagoner Drive, Livermore, CA 94550

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

Ms. Kimberly Niemeyer, 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

Mr. Michael Monroe/Ms. Melissa Scianni – WTR-8, USEPA, 75 Hawthorne St., San Francisco, CA 94105

Cay Goude, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W-2605, Sacramento, CA 95825