



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



Linda S. Adams
Secretary for
Environmental Protection

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

Arnold
Schwarzenegger
Governor

October 3, 2008

In the Matter of

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

for the

**New Healdsburg Venture
Grant Street Village Project Phase 1
WDID NO. 1B05108WNSO**

APPLICANT:	New Healdsburg Venture
RECEIVING WATER:	Foss Creek
HYDROLOGIC AREA:	Russian River Hydrologic Area No. 114.00 Geyserville Hydrologic Sub Unit 114.25
COUNTY:	Sonoma County
FILE NAME:	Grant Street Village 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 2007-0098. On March 14, 2008, Ms. Linda Taverner, of SCS Engineers, on behalf of the New Healdsburg Venture (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 North Coast Regional Water Quality Control Board (Regional Water Board) for activities associated with the Grant Street Village Phase 1 project (Project) in Sonoma County. A fee in the amount of \$500 was received on the same day.
2. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 11, 2008, and posted information describing the Project on the Regional Water Board's website. The Regional Water Board did receive comments which were considered and addressed.

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3. The latitude and longitude of the Project is 38.6164°N and 122.8725°W. The project includes the Assessors Parcels Numbers (APNs) 002-101-008; 002-043-001 & -02; 002-033-013.
4. As described in the application, the Grant Street Village development is comprised of two phases and a total of 40 lots. Phase 1 will consist of 24 residential units with access from Grant Street. The storm drain system will also run within Grant Street with the 30-inch diameter discharge pipe cast into the existing box culvert's southeastern headwall which will allow for drainage flows to enter Foss Creek. The majority of the installation of the discharge pipe will be from Grant Street. A hole will be drilled into the existing box culvert for the discharge pipe. The invert of this discharge pipe is above the Ordinary High Water Elevation (OHWE).
5. The Project incorporates vegetated swales for post-construction stormwater treatment on each individual house lot. Additionally, there are vegetated swales within the linear park along Foss Creek. Maintenance on private lots is the responsibility of the homeowner, and Applicant shall provide educational information on proper maintenance within the CC&Rs for the subdivision as well as at transfer of ownership. City of Healdsburg shall be responsible for maintenance of post construction stormwater treatment areas within the public owned areas. The public roads within Phase 1 shall receive partial post construction stormwater treatment using vegetated swales within the linear park strip adjacent to the east side of Foss Creek. Phase 2 has adequate room to install post construction stormwater treatment for roads within the Phase 2 area as well as additional treatment for stormwater received from Healdsburg Avenue. At least 36,600 square feet of watershed draining to Healdsburg Avenue will receive post construction stormwater treatment within Phase 2. The additional treatment of stormwater from Healdsburg Avenue, which is presently untreated, will compensate for the lack of treatment for public roads within Phase 1. Treatment techniques may use bioretention, vegetated swales, or other approved techniques, and may incorporate curb cuts or scuppers if necessary. A plan detailing the required future post construction stormwater treatment is required as part of this Project, and is detailed in Condition 5 below.
6. Applicant shall submit a plan for post construction stormwater treatment for Phase 2 (or alternate project within boundaries of proposed Phase 2) of this project as discussed with and submitted to Regional Water Board staff. Plan shall detail post construction stormwater treatment for Phase 2 of the Grant Street Village project, and shall additionally include post construction stormwater treatment of an area of Healdsburg Avenue of equal or greater area of that area of Phase 1 that is not receiving treatment. Plan shall be submitted to the Regional Water Board by December 15, 2008. Compliance with this condition is required and prerequisite for future phases of the Grant Street Village project, or for alternate projects in place of Grant Street Village.
7. Impact to Waters of the State due to filling is minimal and does not require compensatory mitigation.

8. California Department of Fish and Game issued a Streambed Alteration Agreement (No. 1600-2008-0202-03) on July 23, 2008.
9. Work is above ordinary high water elevation; consequently, an Army Corps of Engineers Clean Water Act Section 404 Permit is not required for this phase of the Project.
10. At a minimum, the following construction Best Management Practices (BMPs) will be incorporated into the final project plans in order to reduce and control soil erosion: work in and around waterways will be conducted during the dry season (May 15th to October 15th); 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; and seeding and mulching. Additionally, all required BMPs shall be on-site and ready for timely deployment, before start of the wet season. If construction needs to continue past October 15th, Applicant may contact Regional Water Board Staff and extend the work period on a day by day basis, contingent on appropriate expected weather conditions.
11. If, at any time, an unauthorized discharge to surface waters occurs, or any situation arises that compromises water quality and its beneficial uses, the Applicant shall immediately cease work on the project and notify the Regional Water Board.
12. 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.
13. 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.
14. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has adopted Categorical Waivers for Resolution 2007-0098, on December 6, 2007, pursuant to CEQA.
15. The City of Healdsburg, as the lead California Environmental Quality Act (CEQA) agency, has determined that this Project qualifies for a Mitigated Negative Declaration, (State Clearinghouse number 2005122058), which was prepared by Earthcraft Planning services and the City of Healdsburg pursuant to CEQA.

Receiving Water: Foss Creek
Geyserville Hydrologic Sub Area 114.25
Russian River Hydrologic Area No. 114.00

Filled or Excavated Area: Area permanently impacted: 0.0001 Acres

Latitude/Longitude: 38.6164°N and 122.8725°W

Expiration: October 15, 2009

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE GRANT STREET VILLAGE PHASE 1 PROJECT (FACILITY NO. 1B05108WNSO), as described in the Application, is hereby covered under the Waiver, provided that Project complies with the following terms and conditions:

1. 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.
2. Since the Project involves construction that may adversely affect waters of the State, the Regional Water Board has regulatory jurisdiction under Water Code Section 13269.
3. 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.
4. The 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.
5. Applicant shall provide Regional Water Board staff access to the project site to document compliance with this Notice of Coverage.
6. The 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. The Applicant shall be responsible for work conducted by its contractor or subcontractors.

7. 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.
8. 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.
9. 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.
10. 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:
 - i. requesting entity's full legal name
 - ii. the state of incorporation, if a corporation
 - iii. address and phone number of contact person
 - iv. 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.
11. 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.
12. The authorization of this Notice of Coverage for any dredge and fill activities expire 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.

13. 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.
14. 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.
15. The following is a partial listing highlighting selected standard provisions from Resolution R1-2007-0098:
 - 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 R1-2007-0098."
 - 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."
16. The following from Resolution R1-2007-0098 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."
17. 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 of Coverage, 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.

18. 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 Kuhlman
Executive Officer

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Enclosure: Waiver Policy (Res. 2007-0098)

Original sent to: Mr. Bob O'Neel, New Healdsburg Venture, 880 Second Street,
Santa Rosa, CA 95401

Copies sent to: Mr. Mario Landeros, City of Healdsburg, 401 Grove Street,
Healdsburg, CA 95448

Mr. Michael Grimes, Green Valley Engineers,
1400 North Dutton Ave., Suite 19, Santa Rosa, CA 95401

Ms. Shannon Zimmerman, SCS Engineers, 3843 Brickway Blvd.,
Suite 208, Santa Rosa, CA 95403

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

Ms. Kim 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. Dan Wilson, California Department of Fish and Game,
P.O. Box 47, Yountville, CA 94599

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