



**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

October 29, 2008

In the Matter of

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

for the

**City of Santa Rosa
Talbot Avenue Bridge Storm Drain Improvement Project
WDID NO. 1B08066WNSO**

APPLICANT: City of Santa Rosa
RECEIVING WATER: Santa Rosa Creek
HYDROLOGIC AREA: Santa Rosa Hydrologic Sub Area 114.12
Russian River Hydrologic Area No. 114.00
COUNTY: Sonoma County
FILE NAME: Talbot Avenue Bridge Storm Drain Improvement 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 R1-2007-0098. On April 10, 2008, Mr. Scott Reynolds, of Coastland Engineering, on behalf of the City of Santa Rosa (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 Talbot Avenue bridge storm drain improvement project (Project) in Sonoma County. A fee in the amount of \$500 was received on the same day.
2. The latitude and longitude of the project is 38.446389° N and 122.699722° W.
3. The construction project will remove the existing 21 inch corrugated metal pipe (CMP) and replace it with a 24 inch CMP to better handle heavy flows The CMP will be cut to conform to the existing grade of the slope from which it daylight.

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Rip-rap where the existing pipe daylights will be removed and concrete in the proposed alignment will be removed if necessary. The removal of the existing concrete may include removal of reinforcing steel. All work under the bridge will be performed with hand tools, which may include jackhammers and saws. No heavy equipment will be used under the bridge. To protect the creek during construction a silt fence will be installed downhill from the construction work and above the high water mark. The water from the proposed outfall will travel downhill over the replaced and existing rip-rap into the creek bed. Post construction stormwater treatment systems in the form of vegetated planters are being added to the storm drain system upstream of the outfall. Vegetated planters will be installed on either side of Leonard Avenue. Street gutter flow will be directed through the vegetated planter, which will act as a filtration system, prior to the flow entering a drainage inlet. The vegetated planters will be designed in accordance with Standard Urban Storm Water Mitigation Plan (SUSMP) guidelines for Santa Rosa and Sonoma County.

4. Straw bales and fiber rolls will also be used to prevent discharge of sediments and pollutants into Santa Rosa Creek. All work will be performed above the high water mark in an area where no vegetation is present.
5. The Applicant shall undertake the project as described in the application and in any additional supporting materials that have been sent to, and approved by, the Regional Water Board.
6. The City of Santa Rosa Utilities Department, as the lead agency under the California Environmental Quality Act (CEQA), has found the project to be Categorically Exempt (Class 15302: replacement or reconstruction of existing structures or facilities that will have substantially the same purpose and capacity as the structure replaced) from CEQA review.
7. The applicant has submitted a Streambed Alteration Agreement application to the California Department of Fish and Game.
8. Since the Project is only above the ordinary high water line, U.S. Army Corps of Engineers does not have jurisdiction and will not be issuing a permit for the Project.

Receiving Water: Santa Rosa Creek.
Russian River Hydrologic Area No. 114.00.

Filled or Excavated Area: 0.001 acres of temporary impact.

Latitude/Longitude: 38.446389° N. and 122.699722° W.

Expiration: October 15, 2012

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE TALBOT AVENUE BRIDGE STORM DRAIN IMPROVEMENT PROJECT (FACILITY NO. 1B08066WNSO), 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, 2012. 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: Alison Thompson, Coastland Civil Engineering, Inc.
1400 Neotomas Avenue, Santa Rosa, CA 95405

Copies sent to: Scott Reynolds, Coastland Civil Engineering, Inc.
1400 Neotomas Avenue, Santa Rosa, CA 95405

Tanya Mokvyts, City of Santa Rosa
69 Stony Circle, Santa Rosa, CA 95401

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

Mr. Dan Wilson, California Department of Fish and Game,
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