



**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

November 3, 2008

In the Matter of

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

for the

**Sonoma County Office of Education,  
Community School Project, 3255 and 3261 Dutton Avenue,  
Santa Rosa, Sonoma County (WDID# 1B07173WNSO)**

APPLICANT:	Sonoma County Office of Education
RECEIVING WATER:	Seasonal Isolated Seasonal Wetlands
HYDROLOGIC AREA:	Russian River Hydrologic Area No. 114.00 Laguna HSA Hydrologic Sub Unit No. 114.21
COUNTY:	Sonoma County
FILE NAME:	Sonoma County Office of Education, Community School 3255 & 3261 Dutton Ave

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 November 27, 2007, Mr. Laurence Stromberg, on behalf of the Sonoma County Office of Education (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 Sonoma County Office of Education, Proposed Community School 3255 & 3261 Dutton Ave project (Project) Sonoma County. A fee in the amount of \$801.00 was paid on November 27, 2007.

**California Environmental Protection Agency**

*Recycled Paper*

2. The proposed project is located at 3255 and 3261 Dutton Avenue, Santa Rosa, Sonoma County, California, (APNs 134-072-016, -019). The latitude and longitude is 38.39722 °N and 122.72401 °W. The purpose of the project is to construct a community School to provide an alternative education program.
3. The project consists of a community school that provides an alternative learning environment for 12 to 18 year-old students that encounter difficulties in a traditional school setting and/or exhibit negative behavior patterns in either school or the community at large. The School will include 21,000 square feet (sf) of buildings, play fields, and attendant facilities. The buildings will include a 1,000 sf administration building, two large classrooms with a combined area of 6,000 sf, two medium-sized classrooms with a combined area of 3,000 sf, five standard classrooms with a combined area of 5,000, and a 5,700 sf multi-use room. The multi-use room will include a restroom, a kitchen, a stage and assembly area, and an indoor play area. Outdoor play areas will include two basketball courts and a field that will serve as a combined soccer field-baseball field. Entry access and 25 parking spaces will be provided along with car pickup-drop off areas. The existing residence and warehouse/garage in the northwest quarter of the site will be retained for administrative purposes and to provide storage facilities.
4. The project lies within the boundaries of the *Santa Rosa Plain Conservation Strategy* (SRPCS) area. The SRPCS is a strategy to protect the California Tiger Salamander (CTS) and four listed endangered plant species. Projects in this area are required to mitigate for wetland and endangered plant impacts based on a programmatic biological opinion for the four endangered plant species, and the CTS on the Santa Rosa Plain.
5. The U.S. Army Corps of Engineers issued a letter on February 26, 2008, stating that their jurisdictional delineation indicates that there are no waters subject to regulation by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. Therefore all wetlands and waters found on the project are solely waters of the State and subject to regulation by the Regional Water Board.
6. Compensatory Mitigation for unavoidable impacts on wetlands, potentially suitable habitat for endangered plant and animal species, will take place through the acquisition of credits from agency approved mitigation and conservation banks on the Santa Rosa Plain. The applicant purchased 0.1 credits at 1:1 mitigation for impacts on 0.07 acres of seasonal wetland habitat from an agency approved wetland mitigation bank. The applicant purchased plant preservation credits for impacts on 0.07 acres of Sebastopol Meadowfoam habitat from an agency approved mitigation bank. Moreover, the applicant purchased 8.3 credits for impacts on 4.13 acres (total project site area less hardscape) of CTS habitat from an agency approved mitigation bank. The site's wetlands do not support any listed or special status plant species, based on 2 years of plant surveys, nor do they provide appreciable aquatic habitat due to land disturbance. The U.S. Army Corps

of Engineers approved the wetland delineation performed by Mr. Laurence Stromberg, Wetlands Consultant, and determined that up to 0.07 acres of seasonal wetlands present on-site are considered isolated, and are therefore under the jurisdiction of the State.

7. The post-construction storm water treatment controls for the project consists of pervious pavement and vegetated swales. Pervious concrete will be used for the parking areas and drive aisles. Pervious walkways will be installed onsite. All areas will drain into grassy swales before being discharged to the existing storm drain. These stormwater treatment controls provide biological and filtration treatment, as well as attenuating the peak storm flow to aid in flood prevention.
8. The Project shall employ construction stormwater best management practices (BMPs) as detailed within the Workplan. 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: 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.
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. 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.
11. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency for Resolution 2007-0098, has adopted Categorical Waivers for Resolution 2007-0098, on December 6, 2007, pursuant to CEQA.
12. The Sonoma County Office of Education, as the lead California Environmental Quality Act (CEQA) agency, has determined that this Project qualifies for a Mitigated Negative Declaration, and filed a Notice of Determination with the State Clearinghouse on December 17, 2007, per CEQA requirements.

Receiving Water: Isolated Seasonal Wetlands

Hydrologic Area: Russian River Hydrologic Area No. 114.00  
Laguna HSA Hydrologic Sub Unit No. 114.21

Filled or Excavated Area: Area permanently impacted: 0.07 Acres

Latitude/Longitude: 38.39722 °N and 122.72401 °W

Expiration: October 15, 2012

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD FINDS THAT THE SONOMA COUNTY OFFICE OF EDUCATION, PROPOSED COMMUNITY SCHOOL, 3255 & 3261 DUTTON AVE PROJECT, as described in the Application, is hereby covered under the Waiver of Waste Discharge Requirements (Order No. R1-2007-0098) provided that Project complies with the following terms and conditions:

1. The Russian River watershed and the Laguna de Santa Rosa (tributary to the Russian River) are identified as impaired on the 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, total maximum daily loads (TMDLs) have not been established for these water bodies. If TMDLs are established and implementation plans are adopted for these watersheds 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. Because the Project involves construction that involves the discharge of waste that may adversely affect waters of the State, the Regional Water Board has regulatory jurisdiction under Water Code sections 13260, 13263 to issue waste discharge requirements. Pursuant to Water Code section 13269, the Regional Water Board may waive waste discharge requirements for some types of discharges if it determines that the waiver is consistent with the Water Quality Control Plan for the North Coast Region (Basin Plan) and is in the public interest. The Regional Water Board, in Order No. R1-2007-0098, waived waste discharge requirements for "Minor Dredging and Fill Operations," which are defined as short-term discharges that do not result in net loss of wetlands or beneficial uses, spoil or fill in non-toxic and discharged to land, and operations are not governed by General WDRs.
3. This Notice of Coverage is contingent on compliance with all applicable requirements of R1-2007-0098 and the 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. In response to a suspected violation of any condition of this Notice of Coverage, the Regional Water Board may require Mr. Wendt 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.
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, this Notice of Coverage is contingent on: a) the discharge being limited and all work 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 for minor dredging and fill operations given under this Notice of Coverage expires 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 will be conducted as described in the application.
15. The following are general conditions required for coverage under 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 requirements 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 of coverage under the Waiver and the initiation of formal enforcement proceedings as authorized by 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.

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Catherine Kuhlman  
Executive Officer

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Enclosure: Waiver Policy (Res. R1-2007-0098)

Original sent to: Ms. Denise Calvert, Sonoma County Office of Education, 5340  
Airport Blvd., Santa Rosa, CA 95403

Copies sent to: Mr. Larry Stromberg, 59 Jewell St., San Rafael, CA 94901  
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. Stephanie Buss, California Department of Fish and Game,  
P.O. Box 47, Yountville, CA 94599  
Mr. Vincent Griego, Senior Fish and Wildlife Biologist,  
Coast Bay Delta Branch, U.S. Fish and Wildlife Service,  
2800 Cottage Way, Room W-2605, Sacramento, CA 95825  
Ms. Melissa Scianni and Mr. Wilson Yee, EPA, U.S. EPA Region 9,  
75 Hawthorne St. (WTR-8), San Francisco, CA 94105

**California Environmental Protection Agency**