



Linda S. Adams
Secretary for
Environmental Protection

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

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Arnold
Schwarzenegger
Governor

June 8, 2009

In the Matter of
Water Quality Certification
for the
Roseland Elementary School-Burbank Avenue
WDID No. 1B08017WNSO

APPLICANT: Roseland Elementary School District
RECEIVING WATER: Roseland Creek
HYDROLOGIC UNIT: Laguna de Santa Rosa Hydrologic Subarea No. 114.21,
Russian River Hydrologic Area 114.00
COUNTY: Sonoma
FILE NAME: Roseland Elementary School-Burbank Avenue
WDID No. 1B08017WNSO

BY THE EXECUTIVE OFFICER:

1. On January 31, 2008, Mr. George Molnar, of LSA Associates, Inc., on behalf of the Roseland Elementary School District (Applicant) filed an application for water quality certification (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 related to the construction of a new elementary school located at 1683 Burbank Avenue in the City of Santa Rosa (Project). The proposed project will cause permanent impacts to approximately 0.036 acres of waters of the State associated with Roseland Creek in the Laguna de Santa Rosa Hydrologic Subarea No. 114.21, Russian River Hydrologic Area 114.00. Total fees for the Project were received on January 31, 2008. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 7, 2009, and posted information describing the project on the Regional Water Board's website. No public comments were received on this project.
2. The purpose of the Project is the construction of the Burbank Avenue Elementary School within the City of Santa Rosa Burbank Avenue Annexation Area. The project will include a classroom building, parking lot, office, library, multi-use building, paved play area, play fields, and associated access roads, such as a drop-off loop encircling the parking lot and an emergency vehicle access road surrounding the classrooms. A pedestrian/bicycle bridge across Roseland Creek will provide access from the school facilities to the future Roseland School District

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offices to be constructed on the south side of the creek (which will require a separate Certification or an amendment to this Certification).

3. The Project site is a rectangular property of approximately 11.4 acres bordered on the east by Burbank Avenue, and on the north, west, and south by residential development. Roseland Creek passes through the southeast portion of the site. The northern half of the site (where the development will largely occur) is a former walnut orchard. The southern portion of the site, north of Roseland Creek is ruderal grassland with scattered trees.

The entire site is uplands except for Roseland Creek, based on a wetland determination verified by the U.S. Army Corps of Engineers. There are no other isolated or non-isolated wetland features on the site. The Project will impact Roseland Creek in three locations where the following work will occur: (1) construction of a stormwater treatment bioswales with outfall; (2) construction of a storm drain outfall channel with associated creek restoration work; and (3) lengthening of a box culvert at the Burbank Avenue crossing.

4. Compensatory mitigation consists of the purchase of 8.4 acres of California Tiger Salamander mitigation credits; construction of a side channel (to mitigate for impacted stream channel) that will be vegetated with native vegetation and which shall receive treated storm water runoff; preservation and enhancement of existing riparian areas of Roseland Creek (EIR mitigation measure BIO-MM-4) that will be used as an "outdoor classroom"; and, additional revegetation and restoration of disturbed areas of Roseland Creek. Revegetation of impacted areas will be with species native to the area. Species to be planted are listed on the *Roseland School Burbank Avenue Project Site Revegetation Plan, (Revised January 2009)*, by LSA Associates, Inc. Planted vegetation will be monitored for at least five years, with yearly reports submitted to the Regional Water Board. Revegetation shall have an 85% survival rate at the end of five years. Plants shall be irrigated as necessary for survival and establishment. Invasive plant species and weeds within the revegetation/restoration area will be removed.
5. Post-construction stormwater treatment features will be incorporated to treat the increase in stormwater runoff as well as pollutants created by the increase in impervious surface and other activities associated with development and future use of the site. Stormwater will also be detained in a series of underground detention chambers to lower the peak storm water flow exiting the property during storm events, before it is discharged to Roseland Creek. Additionally, landscape-based treatments such as bioswales, and mechanical filtration devices, will treat stormwater before it is discharged to Roseland Creek. All maintenance of stormwater treatment methods/devices will be the responsibility of Applicant. The future phase of the project south of Roseland Creek will also be required to include equivalent stormwater treatment/detention features.

6. Contaminated soils/sediment within Roseland Creek in the area of the box culvert extension and work area will be properly characterized and disposed of, as detailed in the submitted *Soils Management Plan, 1683 Burbank Avenue*, by IRIS Environmental.
7. Applicant has applied to the California Department of Fish and Game (No. 1600-2008-0183-3) for a Lake and Streambed Alteration Agreement.
8. The Applicant has applied to the United States Army Corps of Engineers, File No. 29470N, to perform the project pursuant to Clean Water Act, section 404.
9. The City of Santa Rosa, as lead California Environmental Quality Act (CEQA) agency, has prepared and filed an Environmental Impact Report, with the Office of Planning and Research, (State Clearinghouse No. 2006092045, October 2006), pursuant to California Environmental Quality Act (CEQA) guidelines.

Receiving Water: Roseland Creek in the Laguna de Santa Rosa
Hydrologic Subarea No. 114.21, Russian River
Hydrologic Area 114.00

Filled or Excavated Area: Area Permanently Impacted: 0.036 acres of creek
bed and bank

Latitude/Longitude: 38.42303°N / 123.735403°W

Expiration: June 8, 2014

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Roseland Elementary School-Burbank Avenue Project (WDID No. 1B08017WNSO), 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 the 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 title 23, California Code of Regulations, section 2200, and owed by the Applicant.
4. The Russian River is identified as impaired on the Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. At present, total maximum daily loads (TMDLs) have not been established for this water body. If TMDLs are established and implementation plans are 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 such action plans.
5. The Regional Water Board shall be notified prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
6. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement 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. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
7. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground-clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
8. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
9. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
10. 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.
11. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.

12. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
13. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
14. 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 and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
16. 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 certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification 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 certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
17. 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 at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the

successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

18. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).
19. Applicant shall provide a detailed planting plan for the creek restoration, and a maintenance plan for the post-construction stormwater treatment features, prior to commencement of construction. These plans shall be subject to review and approval by the Regional Water Board.
20. The authorization of this certification for any dredge and fill activities expires on June 8, 2014. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please call Stephen Bargsten of our office at (707) 576-2653.

Sincerely,

Catherine Kuhlman
Executive Officer

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