California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman

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Secretary for Environmental Protection

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Arnold Schwarzenegger
Governor

April 8, 2010

In the Matter of
Water Quality Certification
For the
City of Santa Rosa Delta Pond Diffuser Project

APPLICANT:	Mr. Mike Prinz, City of Santa Rosa
RECEIVING WATER:	Santa Rosa Creek
HYDROLOGIC UNIT:	Santa Rosa Creek in the Laguna Hydrologic Sub Area No. 114.21, Russian River Hydrologic Unit No. 114.00
COUNTY:	Sonoma
FILE NAME:	City of Santa Rosa Delta Pond Diffuser-Outfall Replacement WDID No. 1B09108WNSO

BY THE EXECUTIVE OFFICER:

1. On September 14, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Roger D. Harris of LSA Associates Inc., on behalf of the City of Santa Rosa (Applicant), for Water Quality Certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the Regional Water Board, for activities related to the Delta Pond Diffuser Project (Project), located in Sonoma County. The Project will cause temporary impacts to approximately 175 linear feet, 1.47 acres, and permanent impacts to approximately 35 linear feet, 0.09 acres, of waters of the State associated with Santa Rosa Creek in the Laguna Hydrologic Sub Area No. 114.21, Russian River Hydrologic Unit No. 114.00. Total fees in the amount of $5,208 have been received. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 10, 2010, and posted information describing the Project on the Regional Water Board's website. No comments were received.

2. The Project is located in Santa Rosa Creek approximately 420 feet upstream from the confluence with the Laguna de Santa Rosa, near Delta Pond, Santa Rosa, CA, latitude 38.450104° N and longitude 122.834509° W.

3. The purpose of the Project is to provide disposal of recycled water generated by the Subregional System in a reliable manner that is compliant with regulatory requirements. The Project will construct a 36-foot eight-inch long, 48-inch

diameter, multi-port diffuser on the existing 48-inch diameter Delta Pond outfall pipe as part of the City of Santa Rosa Discharge Compliance Project. The multi-port diffuser consists of eleven equally spaced, 24-inch nominal-diameter, variable stiffness "duckbill" style elastomeric check valves with 15-degree integral rubber elbows. The new diffuser will provide additional initial mixing and reduce the size of the current mixing zone.

4. The Applicant will access the work site from Willowside Road along an existing gravel access road, and a less-improved track along Santa Rosa Creek. The Project will temporarily dewater an approximately 2,000 square foot work site by constructing a cofferdam. An approximately 20-foot wide bypass channel will remain flowing during the Project. A crane, operated from the top of bank, will place Z-type steel sheets and install them with a vibratory hammer. Standing water inside the temporary cofferdam will be pumped out and distributed to upland areas as dust control, in such a way as to prevent any of the water from returning to the channel or waters of the State, and/or disposed of properly. Any pump used will be screened with wire mesh openings as per NOAA Marine Fisheries Services criteria for protection of juvenile salmonids. During the dewatering process, an approved, qualified biologist will be on hand to capture and relocate any native fish trapped inside the cofferdam. The dewatered channel bed and embankment will be excavated around the existing 48-inch corrugated metal outfall pipe, which will be removed along with approximately one section of the existing reinforced concrete pipe. Topsoil will be removed first, stored separately and replaced after the subsoil has been returned to the excavated areas. Approximately 1,000 cubic yards of excavated material will disposed of at the City of Santa Rosa's West College disposal site, in accordance with all applicable laws and regulations. A geotextile-wrapped building pad will be placed in the excavated trench and the diffuser pipe will be installed on top of it. The Project will involve pouring a concrete casing around the diffuser pipe, placing crushed aggregate backfill over it and armoring the channel bed and adjacent embankment with crushed aggregate. The concrete will be allowed to cure completely before the cofferdam is removed. After installation of the multi-port diffuser, it will be attached to the existing reinforced concrete pipe and a 48-inch diameter manhole will be installed between them to allow for future maintenance. Water will then be pumped from the creek into the cofferdam and the Z-type sheets will be removed by a land-based crane. Turbidity will be monitored downstream of the cofferdam during installation and removal to ensure compliance with water quality criteria. The project will require the removal of one approximately 30-foot tall arroyo willow (*Salix lasiolepsis*) and herbaceous vegetation within the work site.

5. Compensatory mitigation will consist of riparian habitat restoration as proposed in *Draft Concept Restoration Plan, City of Santa Rosa, Discharge Compliance Project, Delta Pond Diffuser – Discharge Outfall Replacement*, prepared by Roger D. Harris, LSA Associates, Inc., dated November 19, 2009. The existing woody riparian corridor will be extended and augmented; improving habitat values for native fish and other wildlife, and native herbaceous vegetation will be planted

above the top of bank. Willows will also be planted in and around the newly installed rock. The restoration is designed to reflect existing vegetation in the vicinity of the project site. Approximately 425 linear feet of creek bank and 2.30 acres of riparian corridor will be restored, enhanced, and preserved. The project shall reduce erosion and the delivery of sediment, as well as increasing shade and delivery of leafy material at the project location.

6. All plantings shall be irrigated and managed for a minimum of 5 consecutive years immediately following planting. Planted trees shall have at least a 50% survival rate of thriving planted species at the end of five years, and other restoration areas will have an areal herbaceous cover of no less than 90%. Annual reports shall be submitted to the Regional Water Board for five years, and shall include photos of the revegetated areas, survival rates, and a narrative summary of the status of the revegetation/mitigation effort. Continued maintenance of these facilities shall be the responsibility of the property owner.

7. Non-compensatory mitigation includes the use of Best Management Practices (BMPs) for erosion control and for operation of heavy equipment near a channel. Ground disturbance will be limited to the minimum necessary and all disturbed ground will be treated with hydro-mulching, seeding or other erosion control measures. Silt fences, silt curtains and straw bales will be used to avoid delivery of sediment into sensitive areas during construction. Any pump used will be screened with wire mesh openings as specified by NOAA Marine Fisheries Services. All operations, including harvesting of local willow stems, will be done with respect to all wildlife and to cause the minimum of disruption necessary. All erosion control measures will be installed and in place by October 15 and maintained thereafter by the contractor. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.

8. The City of Santa Rosa, as lead California Environmental Quality Act (CEQA) agency, prepared a Final Environmental Impact Report on December 12, 2008, (State Clearinghouse No. 2002072046), pursuant to CEQA guidelines. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.

9. The Applicant has applied to the California Department of Fish and Game for a Lake and Streambed Alteration Agreement (Notification No. 1600-2009-0331-03).

10. The Applicant has received US Army Corps of Engineers Clean Water Act Section 404 Nationwide Permits 7 for Outfall Structures and Associated Intake Structures (File No. 2009-002449N), issued on September 11, 2009.

11. 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 Order (Enclosed).

Receiving Water:	Santa Rosa Creek in the Laguna Hydrologic Sub Area No. 114.21, Russian River Hydrologic Unit No. 114.00
Filled or Excavated Area:	Area permanently impacted: 35 linear feet, 0.09 acres of Creek bed and bank Area temporarily impacted: 175 linear feet, 1.47 acres
Latitude/Longitude:	38.450104° N /122.834509° W
Expiration:	April 8, 2015

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the City of Santa Rosa Delta Pond Diffuser Project, (WDID No. 1B09108WNSO), 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. 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 Order (Enclosed).

5. 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.

6. If dewatering in the construction area is necessary, water shall not be discharged back to the creek. Dewatering water shall be pumped to a storage tank, or other conveyance, and be disposed of properly. Dewatering water shall not be discharged to waters of the State.

7. Poured concrete shall be isolated from the wetted channel for at least 30 days after it is poured. Sealants may be used and water shall be excluded until sealants are dry and until no detrimental impacts to water quality shall occur to the creek due to water contact with sealed surfaces. Water contacting the concrete within the 30 day period after the concrete is poured shall not be discharged back to the creek and must be pumped to a storage tank or other conveyance and disposed of properly.

8. Applicant shall prioritize use of wildlife-friendly 100% biodegradable erosion control products/BMPs wherever feasible. For purposes of this Order, photodegradable synthetic products are not considered biodegradable. Applicant shall not use or allow the use of erosion control products, that contain synthetic (e.g., plastic or nylon) netting or materials for permanent erosion control (i.e., erosion control materials to be left in place for two years or after the completion date of the project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, the Applicant shall remove the netting or product and replace it with wildlife-friendly biodegradable products. The Applicant shall not use or allow the use of soil stabilization products that contain synthetic materials within waters of the United States or waters of the State at any time. Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, or sooner.

9. 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.

10. 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.

11. 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.

12. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.

13. 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.

14. 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.

15. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.

16. 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.

17. 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.

18. 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.

19. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.

20. 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.

21. 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.

    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).

22. The authorization of this certification for any dredge and fill activities expires on April 8, 2015. 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,

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Catherine Kuhlman
Executive Officer

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Web link: 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 may be found at: **http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf**

Original to: Mr. Mike Prinz, City of Santa Rosa, 69 Stony Circle, Santa Rosa, CA 95401

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