



Linda S. Adams
Secretary for
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**California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman**

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Arnold
Schwarzenegger
Governor

September 21, 2010

In the Matter of
Water Quality Certification
For
Sutter Medical Center of Santa Rosa Project
WDID No. 1B10030WNSO

APPLICANT: Sutter Medical Center of Santa Rosa
RECEIVING WATER: Seasonal wetlands and linear watercourse
HYDROLOGIC AREA: Santa Rosa Creek Hydrologic Subarea No. 114.22,
Russian River Hydrologic Area 114.00
COUNTY: Sonoma County
FILE NAME: Sutter Medical Center of Santa Rosa

BY THE EXECUTIVE OFFICER:

1. On April 1, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Geoff Monk, of Monk & Associates, Inc., on behalf of Mr. Tom Minard, Sutter Medical Center of Santa Rosa (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for activities associated with the Sutter Medical Center of Santa Rosa Project (Project). A fee in the amount of \$5,866.00 was received on the same day (April 1, 2010). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 12, 2010, and posted information describing the Project on the Regional Water Board's website. No comments were received. The Project will cause permanent impacts to approximately 582 linear feet of linear watercourse and 0.364 acres of seasonal wetland.
2. Project is located, at 50 Mark West Strings Road, latitude 38.495183°N, longitude 122.75253°W in Sonoma County.
3. The purpose of the project is to replace an existing hospital with a new one that is built to current seismic safety standards. Sutter Medical currently operates an acute care hospital in Santa Rosa, located on Chanate Road. Sutter Medical has determined that replacement of the existing hospital on Chanate Road is needed to

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achieve long-range compliance with the Hospital Seismic Safety Acts (SB1953 and 1661). Accordingly, Sutter Medical is proposing to build a new hospital to replace the existing hospital on Chanate Road.

4. The Project site is approximately 53 acres in size, and shares some parcels and uses with the existing Wells Fargo Center for the Arts. The project will be constructed over approximately three years, 2010-2013. Phased construction includes site preparation and Medical Center construction. The Medical Center will include an approximately 74,000 square foot building footprint, with a total of approximately 126,000 square feet of floor area. Also proposed is a Medical Office Building, Physicians Medical Center, Helistop, and on-site surface parking for a total of 1,941 spaces. Mark West Springs and Highway 101 northbound off ramp will also be widened/improved.
5. Compensatory mitigation includes purchase of wetland mitigation at a 2:1 ratio from an approved wetland mitigation bank. Additionally, in-kind on-site mitigation for linear features and linear wetlands will be done at a 2:1 ratio. Mitigation areas will be monitored for function and value, will have performance criteria, and will require monitoring and annual reporting for at least five years, or until criteria have been met. Mitigation areas will be protected in perpetuity by a deed restriction, recorded with Sonoma County on September 17, 2010, entitled "Declaration of Restrictions, Sutter Medical Center of Santa Rosa", document number 2010079087.
6. The project will also include use of post-construction stormwater treatment features employing low impact development (LID) techniques. Techniques will include bioretention planters, vegetated swales, and detention basins. The LID techniques are designed to attenuate stormwater runoff to be the same or less than pre-construction amount, infiltrate stormwater on-site, and treat stormwater to remove contaminants from parking lots, roads, and landscaping areas. Specific description of techniques is included in the "Final Stormwater Mitigation Plan, Sutter Medical Center of Santa Rosa", prepared by Brelje & Race Consulting Civil Engineers.
7. Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) to be employed during construction to minimize sediment production and prevent the movement of loose soil off-site. All erosion control measures will be installed and in place by October 15, or during non-construction periods as necessary, and maintained thereafter by the contractor/Applicant. All disturbed soil will be revegetated with native species or seeded with native grasses. If vegetation cannot be reestablished before expected rainfall, mulching, erosion control fabric, or other sediment control measures will be implemented to prevent delivery of sediment to the drainages. All equipment will be maintained in good working order and spill kits will be on hand during construction. Equipment shall not be staged, or fueled, near waters of the State. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.

8. The Applicant has applied to the California Department of Fish and Game (Department) for a Lake and Streambed Alteration Agreement (Agreement No. 1600-2010-0190-R3). Department has determined that the Project will not substantially adversely affect and existing fish or wildlife resource. As a result, a Lake or Streambed Alteration agreement is not needed.
9. The Applicant has received a Clean Water Act Section 404 Nationwide Permit No. 39-Commercial and Institutional Developments. File No. 2010-29432N, from the US Army Corps of Engineers, on September 14, 2010.
10. The County of Sonoma Permit and Resource Management Department, as lead California Environmental Quality Act (CEQA) agency, has filed a Final EIR with the State Clearinghouse, (State Clearinghouse No. 2008022012), on May 18, 2010, pursuant to CEQA guidelines. The final Notice of Determination was filed on with the State Clearinghouse on August 25, 2010.
11. Because the Project involves construction that may adversely affect waters of the State, the Regional Water Board has regulatory jurisdiction under Water Code Section 13269.

Receiving Water: Linear watercourse and seasonal wetland, within the Santa Rosa Creek Hydrologic Subarea No. 114.22, Russian River Hydrologic Area 114.00.

Filled or Excavated Area: Permanent impacts to approximately 582 linear feet of linear watercourse, and 0.364 acres of seasonal wetland

Latitude/Longitude: latitude 38.495183°N, longitude 122.75253°W

Expiration: September 21, 2015

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Sutter Medical Center of Santa Rosa Project (WDID No. 1B10030WNSO), 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. Roads and bank erosion are identified as sources contributing to the sediment impairment. Actions authorized by this Order require implementation of Best Management Practices (BMPs) for sediment control at the project site. Accordingly, this Order is consistent with, and implements BMPs that would attenuate sediment adverse impacts.

The Laguna de Santa Rosa is identified as impaired on the Clean Water Act Section 303(d) list. The Laguna de Santa Rosa is listed as impaired for sediment, nitrogen phosphorous, dissolved oxygen, temperature and mercury. Total Maximum Daily Loads (TMDLs) for sediment and Nitrogen were established in 1995 by the North Coast Regional Water Quality Control Board in accordance with section 303(d) of the Clean Water Act, because the State of California determined that the water quality standards for the Laguna de Santa Rosa are exceeded due to excessive sediment and nitrogen. Roads and bank erosion are identified as sources contributing to the sediment impairment. Actions authorized by this Order require implementation of Best Management Practices (BMPs) for sediment control at the project site. Accordingly, this Order is consistent with, and implements portions of the Laguna de Santa Rosa TMDLs. At present, total maximum daily loads (TMDLs) have not been established for phosphorous, dissolved oxygen, temperature and mercury 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. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal

antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater.

7. 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.
8. 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.
9. 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.
10. 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.
11. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
12. 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.

13. 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.
14. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
15. 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.
16. 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.
17. 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.
18. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
19. 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.

20. 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.

21. 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 September 21, 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 at (707) 576-2653.

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

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California Environmental Protection Agency

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