



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 22, 2010

In the Matter of
Water Quality Certification
For
Burbank Housing Development Corporation
Manzanita Self-Help Home Project
WDID No. 1B10084WNSO

APPLICANT: Burbank Housing Development Corporation, Manzanita Self
Help Home Project
RECEIVING WATER: Seasonal Wetland
HYDROLOGIC AREA: Mark West Hydraulic Subarea No. 114.21,
Russian River Hydrologic Area 114.00
COUNTY: Sonoma County
FILE NAME: Burbank Housing Development Corporation
Manzanita Self-Help Home Project

BY THE EXECUTIVE OFFICER:

1. On July 27, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Jane Valerius, on behalf of Mr. Tom Kuhn of Burbank Housing Development Corporation (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification (certification) and/or Waste Discharge Requirements (Dredge/Fill Projects) for activities associated with the Burbank Housing Development Corporation Manzanita Self-Help Home Project (Project). Project is located at 9950 Los Amigos Road, in the Town of Windsor. The total fee of \$1,135.00 has been received. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 18, 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 0.18 acres of seasonal wetland, within the

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Mark West Hydraulic Subarea No. 114.23, Russian River Hydrologic Area 114.00.

2. Project is located at 9950 Los Amigos Road, in the Town of Windsor, latitude 38.5584°N, and longitude 122.8178°W, in Sonoma County
3. The purpose of the project is to subdivide a 2.3 acre parcel into twenty-two affordable self-help houses. The project includes the extension of Blasi Drive as well as a new public street running east/west from Blasi Drive to Los Amigos Road. The project will include; streets, sidewalks, lighting, storm drainage, and underground utilities.
4. Compensatory mitigation includes the purchase of 0.2 acres of wetland mitigation and 0.27 acres of endangered plant species habitat mitigation/conservation credits and will comply with U.S. Fish and Wildlife Service Requirements.
5. 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 waters of the State. 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, within waters of the State. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.
6. The project will also include the use of post-construction stormwater treatment features and techniques. Techniques will include, regular street sweeping, and Filtera Tree Box Filters. The post-construction stormwater treatment features and 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. Details of the techniques for post-construction stormwater treatment are detailed within materials submitted with the application.
7. The Applicant/Owner is responsible for the implementation and maintenance of the permanent storm water Best Management Practices (BMPs) until such time that the treatment control BMPs are accepted by the Town of Windsor. Once the treatment controls BMPs are accepted by the Town of Windsor

maintenance/reporting will be funded through a tax district and performed by Town personnel or their authorized agents.

8. As proposed in the "Storm Water Runoff Management Plan for Manzanita Self-Help Housing", dated July 2010, prepared by BkF Carlenzoli Engineers, Surveyors Planners, "Reports which document maintenance activities must be completed and submitted to the Regional Water Quality Control Board on a quarterly basis for the first two years following this project's construction. For the subsequent three years, maintenance reports must be completed and submitted to the Regional Water Quality Control Board on a semi-annual basis. After five years, Applicant/Owner shall prepare semi-annual reports and keep them on file for a period of at least five years". Please include "Burbank Housing Development Corporation, Manzanita Self-Help Home Project, WDID No. 1B10084WNSO" in the subject line of the reports, and send attention to the 401 Certification coordinator.
9. The Town of Windsor, as lead California Environmental Quality Act (CEQA) agency, has filed a Mitigated Negative Declaration and Notice of Determination with the State Clearinghouse, (State Clearing house No. 200806216), on July 7, 2008, pursuant to CEQA guidelines.
10. The Applicant has received a Construction Storm Water Permit, WDID No. 149C35829, from the State Water Resources Control Board, Division of Water Quality, on June 15, 2010.
11. The Applicant has received a Clean Water Act Section 404 Nationwide Permit No. 39-Commercial and Institutional Developments, File No. 2006-400146N, from the US Army Corps of Engineers, on September 8, 2010.
12. 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:	Seasonal wetland, within the Mark West Hydrologic Subarea No. 114.23, Russian River Hydrologic Area 114.00
Filled or Excavated Area:	Permanent impacts to approximately 0.18 acres of season wetland
Latitude/Longitude:	latitude 38.5584°N, longitude 122.8178°W
Expiration:	September 22, 2015

Accordingly, based on its independent review of the record, the Regional Water Board certifies that Burbank Housing Development Corporation Manzanita Self-Help Project (WDID No. 1B10084WNSO), 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. 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 in writing at least five working days (working days are Monday – Friday) 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 22, 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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