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

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Edmund G. Brown, Jr.
Governor

October 13, 2011

In the Matter of
Water Quality Certification
For
Santa Rosa Creek at 4th Street Storm Drain Outfall Project
City of Santa Rosa
WDID No. 1B10002WNSO

APPLICANT: Mr. Steve Dittmer, City of Santa Rosa Public Works
RECEIVING WATER: Santa Rosa Creek
HYDROLOGIC AREA: Santa Rosa Hydrologic Sub Area No. 114.22, Russian River
Hydrologic Unit No. 114.00
COUNTY: Sonoma County
FILE NAME: City of Santa Rosa, Santa Rosa Creek at 4th Street Storm
Drain Outfall Project

BY THE EXECUTIVE OFFICER:

1. On January 11, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Steve Dittmer, on behalf of Santa Rosa Department of Public Works (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 Santa Rosa Creek at 4th Street Storm Drain Outfall Project (Project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on February 24, 2011, and posted information describing the project on the Regional Water Board's website. No comments were received. The project will cause permanent impacts to 0.001 acres of Santa Rosa Creek.
2. The Project is approximately a quarter mile west of downtown Santa Rosa. The project site itself is an (approximately) 750 foot long by (approximately) 10 foot wide stretch of public utility right-of-way easement beginning at the intersection of Fourth Street and Wilson Street in Rail Road Square tying into a new storm drain outfall on the right bank, east side, of Santa Rosa Creek, latitude 38.436389°N, longitude 122.723056°W, in Sonoma County.

3. The purpose of the Project is to replace an existing, damaged 24-inch clay storm drain pipe that runs under 4th Street, from Wilson Street to Santa Rosa Creek. The new storm drain outfall pipe will be realigned approximately 45-feet upstream of the current outfall, to avoid conflict with proposed Railroad Square development.
4. The project design includes: 550-feet of existing 24-inch clay storm drain pipe that will be abandoned in place (cement slurry filled/or capped) and the remaining 200-feet of existing storm drain will be removed and replaced with 24-inch, class 3 reinforced concrete; tying in with the newly aligned 240-feet, 24-inch, class 3 reinforced concrete, storm drain pipe. The old outfall, at Santa Rosa Creek, will be plugged with concrete and backfilled with cement slurry. The new outfall into Santa Rosa Creek will be concrete grouted rip-rap to match the current armored channel lining. Additional project elements will include; removing and replacing the existing concrete path for construction access and the removal and replacement of an 18-inch reclaimed water line under the concrete path.
5. Compensatory mitigation is not required for the project as it does not adversely impact water quality.
6. The project is located within the final phase of the Prince Memorial Greenway Restoration Project (Pierson Reach). The Pierson Reach will restore approximately 1,900 feet of Santa Rosa Creek to improve water quality and habitat for fish and wildlife and provide education, stewardship, and recreational opportunities for the community. The restoration project will restore habitat and maintain the flood carrying capacity of the channel by removing the armored channel lining, excavating pools and a low flow channel, constructing boulder weir structures and wing deflectors, placing boulder clusters and redwood log habitat structures, and revegetating the riparian area with native species. The restoration project is moving forward and is anticipated to take 1-5 years to complete.
7. In-channel work will be conducted during the dry season (June 15-October 31).
8. The Applicant has applied to the California Department of Fish and Game for a Lake and Streambed Alteration Agreement.
9. The United States Army Corps of Engineers has issued a Section 404, Clean Water Act, Nationwide Permit 7- Outfall Structures and Associated Intake Structures, File Number 2010-00026N, on August 18, 2010.

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: Santa Rosa Creek within the Santa Rosa Hydrologic Subarea No.114.22, Russian River Hydrologic Unit No. 114.00.

Filled or Excavated Area: Permanent impacts to 0.001 acres of Santa Rosa Creek.

Latitude/Longitude: 38.436389° N, 122.723056° W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the City of Santa Rosa, Santa Rosa Creek at 4th Street Storm Drain Outfall Project (WDID No. 1B10002WNSO), 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. Order No. 2003-0017-DWQ can be found at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf
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. Removal of riparian vegetation is identified as a source

contributing to temperature impairment. Actions authorized by this Order require implementation of BMPs for sediment control and planting of more riparian zone shade vegetation at and near the project site. Accordingly, this Order is consistent with, and implements BMPs that would attenuate sediment and temperature 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 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. Pursuant to Regional Water Board Resolution R1-2004-0087, Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters within the North Coast Region (Sediment TMDL Implementation Policy), the Executive Officer is directed to “rely on the use of all available authorities, including existing regulatory standards, and permitting and enforcement tools to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste.”
7. 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.
8. 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 and cement containment, to ensure that materials do not enter the waterway. 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.

9. 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.
10. The mitigation measures that are detailed in the Initial Study/Mitigated Negative Declaration (SCH No. 2011052076) are hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any more specific conditions in this certification, the Applicant shall implement and comply with the mitigation measures for Biological Resources, and Hydrology and Water Quality identified in the Initial Study/Mitigated Negative Declaration.
11. The proposed project traverses through an area where known contamination exists immediately adjacent to Santa Rosa Creek including petroleum, chlorinated hydrocarbons, and lead from historical land use practices or disposal/placement of debris fill material along the creek. All work shall incorporate recommendation measures outlined in the "Initial Study/Mitigated Negative Declaration," and "Mitigation Monitoring and Reporting Plan," dated May 25, 2011.

To include:

- Trench plugs will be installed around the new pipe, in accordance with plan specifications, to prevent migration of contaminants down the preferential pathway of the trench fill material.

- Trench plugs will be installed at the termination points of the excavation of the abandoned pipes.
 - Best Management Practices will be employed to ensure that no sediment or construction materials are released into Santa Rosa Creek.
 - A soil and groundwater management plan will be prepared prior to any excavation taking place. Any and all contaminated soils will be stored and disposed of in compliance with State and local regulations regarding petrochemical and/or other contaminants present.
 - Groundwater encountered during excavation will be removed; however, no groundwater encountered shall be pumped or otherwise discharged to any watercourse, storm drain system or ground surface.
12. Concrete shall be allowed to cure for a time sufficient, or through the use of approved curing agents or sealers, to assure that the pH levels of any water contacting the work area shall not exceed 0.5 units of changes from normal ambient pH.
 13. 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.
 14. 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.
 15. 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. All activities and BMPs shall be implemented according to the submitted application and the conditions in this Order.
 16. 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.
 17. 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.

18. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
19. 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.
20. 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.
21. 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.
22. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
23. 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.
24. 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.

25. 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).
26. The authorization of this certification for any dredge and fill activities expires on October 13, 2016. 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

Original to: Mr. Steve Dittmer, City of Santa Rosa, 69 Stony Circle,
Santa Rosa, CA 95401

Copy to: Mr. Steve Brady, City of Santa Rosa, 69 Stony Circle,
Santa Rosa, CA 95401