



Central Valley Regional Water Quality Control Board

12 August 2025

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COMMENTS TO REQUEST FOR REVIEW FOR THE NEGATIVE DECLARATION, 2024-2029 HOUSING ELEMENT UPDATE AND SAFETY ELEMENT UPDATE, SCH#2025070498, TUOLUMNE COUNTY

Pursuant to the State Clearinghouse's 11 July 2025 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Negative Declaration* for the 2024-2029 Housing Element Update and Safety Element Update, located in Tuolumne County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by

NICHOLAS AVDIS, CHAIR | PATRICK PULUPA, EXECUTIVE OFFICER

the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.



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cc: State Clearinghouse unit, Governor's Office of Planning and Research,
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**City of Sonora-General
Plan Update- Housing &
Safety Element
Update/Initial Study
SCH 2025070498**

Mr. Summersett,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the City of Sonora-General Plan Update- Housing & Safety Element Update/Initial Study (IS).

Caltrans has the following comments:

Caltrans suggests that the Tuolumne County continue to coordinate with Caltrans in identifying and addressing potential pedestrian safety and cumulative transportation impacts from this project and other developments near this location. This will assist Caltrans in ensuring that pedestrian, traffic safety, and quality standards are maintained for the traveling public on existing and future state transportation facilities in Tuolumne County.

Resiliency and Adaptation

Caltrans supports local land use development that is consistent with State planning priorities which is intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety (Government Code § 65041 .1). These priorities inherently include achieving sustainable land use development patterns that accommodate a sufficient supply of adequate housing in and near population and job centers. Projects that support smart growth principles and include improvements to pedestrian, bicycling, and public transit infrastructure are supported by Caltrans and are consistent with State Transportation plans. State housing element law requires housing elements to be updated regularly to reflect a community's changing housing needs, including preparation of a Regional Housing Needs Assessment (RHNA) plan (Government Code Section 65584[a]). The City of Sonora RHNA rose above of what is required and Caltrans commends the City for the additional 152 surplus housing units for Very Low and Low income residents.

As noted in the IS, the City of Sonora has been identified to be in the Very High Fire Hazard Severity Zone (VHFHSZ). With the growing concerns of climate change, wildfires have become a prevalent concern for all jurisdictions, as climate change increasingly affects other hazards such as severe weather, flooding, wildfires, diseases, extreme heat, and drought. Caltrans recommends creating defensible space as a buffer between buildings and vegetation surrounding it. This space slows or stops the spread of wildfire and additionally protects the buildings from reactive heat impacts. In addition, fire-resistant landscaping may prevent fire ignition, and slow or stop the spread of an existing wildfire. Lastly, hardening of ember and heat-resistant materials may assist in preventing ignition and damage to buildings and assets. Additional information regarding the potential for expected vehicle volumes that would result from the development should be provided to Caltrans for discussion of possible additional strain to the highway network during an emergency. Such data could assist to determine the need for ensuring safety of the traveling public during wildfire or other emergency requiring evacuation, including when preparing environmental review documents for future developments.

The IS has identified that the City of Sonora is at risk of flooding caused by an overflow of Woods Creek, which is located within the Federal Emergency Management Agency 100-year flood zone. The areas adjacent to Woods Creek and Sonora Creek are at risk of flooding in the event of extreme precipitation, Caltrans ask that any flooding that effects the state highway system (SHS) through City of Sonora be identified so we can explore coordination with any traffic improvements in the area.

While Caltrans applauds the additional housing units for the Housing Element Update, there is a greater opportunity to include measures in the Safety Element such as active transportation options, and multi-modal options to reduce vehicle miles traveled (VMT) and enhance carbon sequestration that would assist the City and Caltrans initiatives to achieve alignment with state greenhouse gas (GHG) reduction targets 40% below 1990 levels by 2030 and 80% reduction levels by 2050.

Additionally, any future developments from the City of Sonora that may impact the State highway system shall be reviewed by Caltrans District 10.

System Planning and Goods Movement

We are pleased with the initiative and commitment on the part of City of Sonora (City) on updating General Plan Housing and Safety Elements to align with other General Plan Elements, as required by state law. We support any local development that is consistent with system planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. This is accomplished by working together with the local jurisdiction to achieve a shared vision of how the transportation system can accommodate interregional and local

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travel and development. We look forward to work with the City on any continued development that may have an impact on its state highway system.

At this time, no specific work has been proposed nor any actual development of parcels have been indicated. When these projects are ready for implementation, the City may consider submitting a request identifying the need for the proposed improvement to Caltrans. At that time, we will review and evaluate the proposed improvement to determine the consistency with Caltrans policies, practices, and any unique highway operations or safety considerations.

Traffic Operations

Any projects that are within the State ROW and in the Sonora General Plan update should be submitted for Caltrans D10 review during the developmental stages.

If you have any questions or concerns, please contact Dariana Villamil (209) 986-5762 (email: dariana.villamil@dot.ca.gov) or me at (209) 639 -8832 (email: Gregoria.ponce@dot.ca.gov).

Sincerely,

Gregoria Ponce'

Gregoria Ponce', Chief
Office of Rural Planning

cc: State Clearinghouse