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## Central Valley Regional Water Quality Control Board

14 September 2020

9/14/2020

Governor's Office of Planning & Research

**Sep 14 2020**

Scott Johnson  
City of Sacramento  
300 Richards Boulevard, 3rd Floor  
Sacramento, CA 95811

**STATE CLEARINGHOUSE**

### **COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, NATOMAS TOWN CENTER II (EAST) PROJECT, SCH#2020089021, SACRAMENTO COUNTY**

Pursuant to the State Clearinghouse's 14 August 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Natomas Town Center II (East) Project, located in Sacramento County.

Please note that a Clean Water Act Section 401 Water Quality Certification (Certification) was issued for the North Natomas Town Center Phase II Project (WDID# 5A34CR00756) on 1 February 2019 and an amendment for the Certification issued on 11 March 2019. Central Valley Water Board staff recommends updating this information in the Mitigated Negative Declaration on pages 40 and 44.

The Certification was issued siting the Environmental Impact Report CEQA Findings of Fact and Statement of Overriding Considerations for the Sacramento 2035 General Plan (SCH# 2012122006). Central Valley Water Board staff recommends the project proponent submit the final Mitigated Negative Declaration for the Natomas Town Center II (East) Project to Central Valley Water Board staff to add to the Certification of 5A34CR00756 project file.

Central Valley Water Board staff recommends including the amendment to the Certification of 5A34CR00756 to the list of References Cited on page 97.

Central Valley Water Board staff recommends changing references to the NPDES "General Construction Permit" to "Construction General Permit" on page 64.

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 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/](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\\_2018\\_05.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.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](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

If you have questions regarding these comments, please contact me at (916) 464-4812 or [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov).



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cc: State Clearinghouse unit, Governor's Office of Planning and Research,  
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