

December 3, 2021

Governor's Office of Planning & Research

Dec 03 2021

Lake County
Attn: Michael Taylor
255 North Forbes Street
Lakeport, Ca 95453

STATE CLEARINGHOUSE

LAKE COUNTY (COUNTY), MITIGATED NEGATIVE DECLARATION (MND) FOR THE RED HILLS RHRP1 PROJECT (PROJECT); SCH # 2021110202

Dear Mr. Michael Taylor:

Thank you for the opportunity to review the Mitigated Negative Declaration for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits administered under the Safe Drinking Water Act and will require a new or amended water supply permit for the above referenced Project. A project requires a permit if it includes water system consolidation or changes to a water supply source, storage, or treatment or a waiver or alternative from Waterworks Standards (California Code of Regulations (CCR) title 22, chapter 16 et. seq).

The proposed Project includes development of a 36-acre cultivation area with outdoor canopy area of 1,089,000-square feet. Irrigation water will be provided by two 500-gallon per minute groundwater wells, one of which is offsite. The Project will also include a gravel parking area with 50 parking spaces, a 120-foot² shed for pesticide storage, a 120-foot² shed for fertilizer storage, a 64 foot² cannabis waste storage and compost area, a 312-foot² office trailer, a 312-foot² employee breakroom shed, three 60,000-gallon water storage tanks, portable restrooms, 6-feet high wire fencing with locking gates, a motion activated security video and light system, and an access driveway connecting to SR175.

The State Water Board, DDW, as a responsible agency under California Environmental Quality Act, has the following comments on the County's draft MND:

- The State Water Board, DDW regulates public water systems in Lake County. Health and Safety Code (HSC), division 104, part 12, chapter 4, article 1, section 116275 (h) defines a public water system as, "a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year." HSC, section 116275(e) defines "human consumption" to mean the use of water for drinking, bathing or showering, hand washing, or oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes. Any water system that meets the above criteria and provides water that is used for any of these purposes, whether such purpose is intended or not, is a public water system.
 - The Project proposes a total of one shift of 35 employees during normal cultivation and two shifts of up to 50 employees during the peak shifts will work at the site. The employee breakroom proposes to provide water for handwashing,

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

as a sink is depicted in the Attachment B, Plans. Additionally, Attachment D, the Property Management Plan states that an estimated 180,000 gallons of water a month will be used for “domestic“ uses. This appears to be allocated for employee use, consistent with a public water system. Please explain if water for human consumption will be provided for the employees and if the number of employees and the duration of their employment would meet the definition of a public water system.

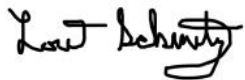
- The County has included mitigation in the document that restricts the use of water other than from the irrigation wells. BIO-7 says, “The use of water provided by a public water supply, unlawful water diversions, transported by a water hauler, bottled water, a water vending machine, or a retail water facility is prohibited. The utilization of water that has been or is illegally diverted from any lake, springs, wetland, stream, creek, vernal pool, and/or river is prohibited. The applicant shall not engage in any unlawful or unpermitted drawing of surface water.” Please explain how “water for human consumption” will be made available to employees and edit mitigation measure BIO-7, as needed, to reflect the need to serve potable water to the employees.
- If the water service meets the definition of a public water system, please describe all proposed drinking water infrastructure (wells, tanks, treatment, etc.) that will be installed, the capacity of the components, and identify the locations of these components on the site map.
- The Project will involve installing portable bathrooms and a portable office with a bathroom. California regulations require separation of water service lines and domestic supply wells from leach fields and other sources of potential contamination. Please indicate how the Project will be meeting drinking water regulation standards to ensure the separation of wastewater and drinking water and prevent drinking water contamination, as outlined in the California Water Works Standards (CWS), title 22, division 4, chapter 16, article 4, section 64572 and title 22, division 4 chapter 16, article 6, section 64560. Projects that install multiple public services may require alternatives to the separation standards in the CWS. If the Project will include implementing an alternative to section 64551.0 of the CWS, please include such plans in the MND as part of the Project analysis.

If the Project involves creating a new non-transient non-community water system, once the MND is adopted, please forward the following items in support of the new water system’s permit application to the State Water Board, DDW Mendocino District Office:

- Copy of the draft and final MND and the final Mitigation Monitoring and Reporting, Plan (MMRP);
- Any comment letters received and the lead agency responses, as appropriate;
- Copy of the Resolution or Board Minutes adopting the MND and MMRP;
- Copy of the stamped Notice of Determination filed at the Lake County Clerk’s Office and the Governor’s Office of Planning and Research, State Clearinghouse.

Please contact Zachary Rounds of DDW Mendocino District Office, at (707) 576-2733 or Zachary.Rounds@waterboards.ca.gov if you have any questions regarding permit requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori Schmitz". The signature is written in a cursive, flowing style.

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Zachary Rounds
District Engineer
Mendocino District