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## State Water Resources Control Board

June 13, 2024

Mark Michelena  
Butte County  
7 County Center Drive,  
Oroville, CA 95965

BUTTE COUNTY (COUNTY), ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE TUSCAN RIDGE PROJECT (PROJECT); STATE CLEARINGHOUSE #2022020536

Dear Mark Michelena:

Thank you for the opportunity to review the EIR 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 pursuant to the Safe Drinking Water Act. This Project is within the jurisdiction of the State Water Board, DDW's Valley District. DDW Valley District issues domestic water supply permits to the public water systems serviced with a new or modified source of domestic water supply or new domestic water system components pursuant to Waterworks Standards (Title 22 California Code of Regulations (CCR) chapter 16 et. seq.). A public water system requires a new water supply permit if it includes the creation of a new public water system. Paradise Irrigation District may need to apply for a new water supply permit for this Project.

A public water system, as defined in the California Health and Safety Code (Health & Saf. Code) section 116275(h), is "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."

Health & Saf. Code section 116527(b) requires that any person submitting a permit application for a proposed new public water system must first submit a technical report at least six months before initiating construction of any drinking water-related improvements. The technical report must include an examination of the possibility of connecting to or being annexed by an existing adjacent community water system. Please see the attached What is a Public Water System flyer.

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

- The EIR indicates "The water system is currently permitted as a domestic water supply through the Butte County Environmental Health Division (Permit Number

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E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

04-09182) and the SWRCB Division of Drinking Water (PDF page 333).” Please edit this to reflect the system was permitted and the system is currently inactive and unpermitted.

- The Project will add a new well, treatment system, tanks, and a water distribution system to the existing on-site water system (PDF page 330 and page PDF 515). Operation of this system and new additions to the currently inactive Tuscan Ridge water system would require the system to obtain a new permit. The State Water Board, DDW encourages projects like this to connect with nearby community water systems where possible, instead of forming a new public water system. If no nearby system will agree to serve the Project, the applicant will need to submit a Health and Saf. Code section 116527(b) technical report to DDW. It may be beneficial to discuss considering to connect to a nearby community water system in the EIR.
- Mitigation Measure 4.7-2(b) requires a new permit to be obtained from the State Water Board and/or Butte County Environmental Health to allow the use of the new water system as a community water system (PDF page 331) prior to approval of the final project improvement plans. However, the State Water Board would not approve a new permit until after the system has been constructed and a site visit has been conducted. Such events would occur after improvement plans for the County are finalized. Please revise the mitigation measure to reflect the correct order of events for approval of the domestic water supply permit. If approval of the County domestic water supply permit process is different, please clarify the County permit process and the State Water Board permit process separately within the mitigation measure.
- The EIR indicates the additional new well is “subject to verification by the Vina GSA under EO N-7-22 (PDF page 330). However, the declared state of emergency and drought requirements associated with this executive order are no longer in effect. Please remove mention of this requirement. Please then explain if the Project will conflict with or obstruct implementation of a sustainable groundwater management plan.
- Please discuss the current groundwater quality. Public water systems shall comply with the primary Maximum Contaminant Levels (MCLs) [Title 22 CCR, chapter 15, article 4, section 64431] and secondary MCLs [Title 22 CCR, chapter 15, article 16, section 64449]. Please discuss what treatment and treatment infrastructure may be needed.
- In the Project description, please include a discussion on the required upgrades needed for existing infrastructure. Will the existing well and tanks need to be refurbished? Please also include the maintenance and operation required for the proposed domestic water system. Will treatment require onsite services and/or off-site disposal? How many employees will be required to maintain the system and how often will site visits occur?
- The Project will install a new sewer collection system and sanitary waste disposal station (PDF page 93). The existing site also contains existing septic tanks, a leach field, and disposal ponds (PDF page 109). Title 22, CCR, article 4, section 64572 and Title 22 CCR, article 6, section 64560 requires separation of water service lines and domestic supply wells from sources of potential contamination

such as leach fields. Please indicate if the development of the new sewer and sanitary waste disposal will meet separation requirements. If not, discuss how drinking water will otherwise be protected.

Once the EIR is certified, please forward the following items in support of the new water system's permit application to the State Water Board, DDW Valley District Office at [DWPRedding@waterboards.ca.gov](mailto:DWPRedding@waterboards.ca.gov):

- Copy of the EIR and Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of all comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the EIR and MMRP; and
- Copy of the date stamped Notice of Determination filed at the Butte County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or [Lori.Schmitz@waterboards.ca.gov](mailto:Lori.Schmitz@waterboards.ca.gov), for questions regarding this comment letter.

Sincerely,

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

Cc:

Office of Planning and Research, State Clearinghouse

Rebecca Tabor  
District Engineer  
Valley District

Michael Wiedeman  
Water Resource Control Engineer  
Valley District