

May 12, 2022

Governor's Office of Planning & Research

**May 13 2022**

## STATE CLEARINGHOUSE

Clearlake, City of  
Attn: Mark Roberts  
14050 Olympic Drive  
Clearlake, CA 95422

CITY OF CLEARLAKE (CITY), MITIGATED NEGATIVE DECLARATION (MND) FOR THE OGULIN HILLS HOLDINGS, LLC- COMMERCIAL CANNABIS OPERATION PROJECT (PROJECT); SCH # 2022040072

Dear Mr. Mark Roberts:

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 pursuant to the Safe Drinking Water Act. 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 above referenced Project will require a new water supply permit.

The State Water Board, DDW, as a responsible agency under CEQA, has the following comments on the City's draft MND:

- The State Water Board regulates public water systems in Lake County. The Project will create a new public water system. On PDF page 5 under "23. Federal and State Agencies:" please list "State Water Resources Control Board, Division of Drinking Water".
- The Project will use an existing well that was drilled in late September/early October 2021 for domestic and irrigation water (PDF page 28). The water will be pumped from a 400+ gallon per minute well into a new 50,000-gallon elevated water tank for distribution (PDF page 28 & Appendix E). Will the water require treatment? Further describe any new water system infrastructure that will be installed as part of the Project.
- The document states on PDF page 38, that, "The project area to be developed is not located within the vicinity of known waterways nor is it located within a designated flood zone. Therefore, the risk of flooding/runoff, landslides, slope instability, or drainage changes would not be increased due to this project" (PDF page 38). However, there are several contradictory statements in the document:
  - "The report notes that a small riparian area is present on the subject parcel. Since Burns Valley Creek travels through the site and the creek will be impacted by the project, such as erosion, sedimentation, changes in drainage patterns." (PDF page 20)
  - "However, since improvements are being constructed within the creek wetlands located down-stream will be impacted." (PDF page 21)
  - "There will be modifications to the drainage pattern of Burns Valley Creek due to grading and introduction of parking improvements withing the Burns Valley

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

Creek. These proposed improvements within the Burns Valley Creek area could impact and alter the existing drainage pattern of the site or the area, including the alteration of the course of a stream.” (PDF page 30)

- Project designs also show Burns Valley Creek runs through the Project site and the proposed driveway and parking area occur within Zone AE, a flood zone. (PDF page 4)

Please resolve the discrepancies in the document relating to potential impacts to waters of the state and discuss possible flooding impacts related to domestic water quality. Include best management practices and/or mitigation measures to reduce impacts to waters of the state as needed.

- The Project appears to have other water quality concerns that should be addressed. Please coordinate with the following contacts to address waste discharge water quality issues and the Project permitting requirements, before going to construction:

Division / Unit	Project Issues/ Concerns	Permit	Contact	Phone Number	Email
State Water Board, Division of Water Quality (DWQ), NPDES Industrial and Construction Stormwater Unit	Stormwater Construction Impacts for construction that disturbs greater than one acre of soil	General Stormwater NPDES permit	Brandon Roosenboom	(916) 341-5566	<a href="mailto:Brandon.Roosenboom@waterboards.ca.gov">Brandon.Roosenboom@waterboards.ca.gov</a> & <a href="mailto:stormwater@waterboards.ca.gov">stormwater@waterboards.ca.gov</a>
Central Valley Regional Water Quality Control Board (Central Valley Water Board, Redding), Cannabis Regulation and State Water Board, DWQ	Discharge impacts for cannabis operations	Cannabis Cultivation Waste Discharge Permit	Janae Fried	(530) 224-3291	<a href="mailto:Janae.Fried@waterboards.ca.gov">Janae.Fried@waterboards.ca.gov</a> & <a href="mailto:CannabisWR@waterboards.ca.gov">CannabisWR@waterboards.ca.gov</a>
Central Valley Water Board, Sacramento, Non-15 Permitting	Small domestic wastewater treatment systems over 10,000 gallons per day	General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems, WQO 2014-0153-DWQ	Lani Andam	(916) 464-4723	<a href="mailto:Lani.Andam@waterboards.ca.gov">Lani.Andam@waterboards.ca.gov</a>

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 at [DWPDIST03@waterboards.ca.gov](mailto:DWPDIST03@waterboards.ca.gov):

- Copy of the draft and final MND and Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of any comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the MND and MMRP; and
- 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 Lori Schmitz of the State Water Board at (916) 449-5285 or [Lori.Schmitz@waterboards.ca.gov](mailto:Lori.Schmitz@waterboards.ca.gov), if you have any questions regarding State Water Board CEQA comments.

Sincerely,

*Lori Schmitz*

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

Zachary Rounds  
State Water Board, DDW  
Mendocino District  
District Engineer

Brandon Roosenboom  
State Water Board, DWQ  
NPDES Industrial and Construction Stormwater Unit  
Water Resources Control Engineer

Landi Andam  
Central Valley Regional Board, Sacramento  
Non 15 Permitting  
Water Resources Control Engineer

Janae Fried  
Central Valley Regional Board, Redding  
Cannabis Regulation  
Engineering Geologist