

State Water Resources Control Board

February 15, 2022

Merced County
Attn: Ms. Tiffany Ho
2222 M Street
Merced, CA 95340



Merced County (COUNTY), NEGATIVE DECLARATION (ND) FOR THE
CONDITIONAL USE PERMIT NO. CUP22-005/SITE PLAN AND DESIGN REVIEW NO.
SPR20-004 (BA ACQUISITIONS 1-5/SULLIVAN ROAD GAS STATION PROJECT
(PROJECT); STATE CLEARINGHOUSE # TBD

Dear Ms. Tiffany Ho:

Thank you for the opportunity to review the ND 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. The Project is within the jurisdiction of the State Water Board, DDW's Merced District. DDW Merced District issues domestic water supply permits to 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 CCR chapter 16 et. seq.).

It is the statutory responsibility of the State Water Board, DDW to regulate public water systems, as defined below. If the above noted project results in the formation of a new public water system an application must be submitted and a permit must be obtained from the DDW before water can be provided for human consumption.

A public water system, as defined in the California Health and Safety Code, division 104, part 12, chapter 4, article 1, 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."... (e) "Human consumption" means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes."

The State Water Board, DDW is responsible for issuing water supply permits pursuant to the Safe Drinking Water Act. Note, Senate Bill 1263, effective January 1, 2017, 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 prior to initiating

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

construction of any drinking water-related improvement. The technical report must include an examination of the possibility of consolidation with an existing public water system or consolidation of multiple proposed public water systems.

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

- Please address if the proposed Project will create a new public water system.
- If a new public water system will be created:
 - Add the State Water Resources Control Board, Division of Drinking Water, Domestic Water Supply Permit under Section 1.7 Summary of County and Agency Approvals.
 - Please discuss whether the well water has been tested to ensure it meets drinking water quality regulations and indicate if treatment may be needed. If it is a possibility, include a potential treatment system in the Project description.
 - The water system falls within the San Joaquin Valley-Delta-Mendota groundwater basin (5-022.07), a high priority and overdrafted basin. How will the Project affect groundwater use cumulatively and the basin?
 - There seems to be an error in the Mandatory Findings of Significance (c). The CEQA document indicates, "As discussed in Sections 2.3.9 (Hazards and Hazardous Materials) and 2.3.10 (Hydrology and Water Quality), there could likewise be significant impacts unless compliance with local, state, and federal regulations is enforced through a MMRP." The document did not find potentially significant impacts or propose mitigation measures. Please clarify how local, state, and federal regulations will be enforced through a MMRP or remove the statement, as applicable.

If a water supply permit will be required, once the ND is adopted, please forward the following items in support of the water system's permit application to the State Water Board, DDW Merced District Office at DWPDIST11@waterboards.ca.gov:

- Copy of the draft and final ND with any comment letters received and the lead agency responses as appropriate.
- Copy of the Resolution or Board Minutes adopting the ND; and
- Copy of the date stamped Notice of Determination filed at the Merced 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, if you have any questions regarding this comment letter.

Sincerely,

Lori Schmitz
Environmental Scientist
Division of Financial Assistance

Ms. Tiffany Ho

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Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Shawn Demmers, Division of Drinking Water
District Engineer
Merced District