

State Water Resources Control Board

May 1, 2023

Fresno County
Department of Public Works and Planning
Attn: Mr. Elliot Racusin
2220 Tulare Street, Suite A
Fresno, CA, 93721



FRESNO COUNTY (COUNTY), MITIGATED NEGATIVE DECLARATION (MND) FOR THE INITIAL STUDY NO 8281 AND CONDITIONAL USE PERMIT APPLICATION NO 3749 PROJECT (PROJECT); STATE CLEARINGHOUSE #2023040094

Dear Mr. Elliot Racusin:

Thank you for the opportunity to review the MND 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 Fresno District. DDW Fresno District issues domestic water supply permits to public water systems serviced with a new or modified source of domestic water supply pursuant to Waterworks Standards (Title 22 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. A new water system may need to apply for a water supply permit for this Project.

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

- The document lacks a description of the project construction and operation, and an identification of the environmental setting. According to the CEQA Guidelines section 15063(a)(1), "All phases of project planning, implementation, and operation must be considered in the Initial Study of the project." and section 15063(d)(2) "An Initial Study shall contain in brief form: an identification of the environmental setting."
- The Project is a solid waste processing facility for the recycling of well drilling mud. Is the mud from drilling groundwater wells or oil wells? What does the processing entail?
- The initial study/MND states, "The subject property receives community water services from the City of Fresno." (City) (PDF page 13). However, the Project is not within the City's water system service area. Additionally, the City has

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

confirmed that there is no connection to the Project site and they do not serve the Project area. Please indicate in the initial study/MND who will deliver water to the site and how the water will be conveyed to the site. If a water line needs to be extended to the site from a nearby system, please include that component in the Project analysis.

- 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.”
 - How many employees will be working on site? Would the facility create a new public water system?
 - If a new public water system will be created, please discuss:
 - What water system components would be installed and where.
 - If the Project can provide sufficient water supplies to serve the Project for normal, dry, and multiple dry years.
- In Section XIX Utilities and Service Systems, please discuss if the Project would result in new and/or expanded water facilities.
- The Project falls within the San Joaquin Valley-Kings Subbasin, a critically-overdrafted basin. Please discuss if the Project would have impacts on the groundwater basin. Would the proposed Project reduce groundwater recharge? How much groundwater will the proposed facility use per year and how does that compare with baseline conditions? Will the differences in recharge and/or groundwater use have a significant impact on the groundwater basin?
- According to the Department of Water Resources (DWR) Sustainable Groundwater Management Act website the North Kings Groundwater Sustainability Agency (North Kings GSA) submitted a sustainable groundwater management plan for the basin and the DWR staff have recently indicated they are recommending approval of the plan. Explain whether the Project will be consistent with the implementation of the proposed North Kings GSA’s sustainable groundwater management plan and if so, how.
- The document appears to have conflicting information regarding the Project objective. Please review the list below and correct the conflicting information.
 - On PDF page 15, the initial study/MND states, “Water to the Project will be provided by Westland Water District.” Westlands Water District’s service area is far away from the Project site, so this information seems to be an error.
 - “The Project proposes to construct a multi-family residential complex” (PDF page 12). This conflicts with the project description on Page 1.
 - This quote from page 20 also conflicts with the project description on page 1, “The construction of any new or expanded electric power, or natural gas to provide for the proposed residential development.”

- Page 14 also appears to include information from another project, “Any site grading and drainage associated with the construction of fire station will adhere to the Grading and Drainage Sections of the County Ordinance Code. The project will adhere to Mitigation Measure 13.g, Geology and Soils, listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix”. The fire station and mitigation measure on this page are associated with the specific plan for a development that is approximately 28 miles from the Project location for this initial study. Please list the mitigation measure language for this Project in the document.

If a new water supply permit is needed, once the MND is adopted, please forward the following items in support of water system’s permit application to the State Water Board, DDW Fresno District Office at DWPDIST23@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;
- Copy of the date stamped Notice of Determination filed at the Fresno 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
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Sudarshan Poudyal
Acting District Engineer
Fresno District

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