



## State Water Resources Control Board

October 26, 2023

Governor's Office of Planning & Research

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Los Osos Community Services District  
Attn: Ms. Brandi Cummings  
2122 9<sup>th</sup> Street  
Los Osos, California 93420

### STATE CLEARINGHOUSE

LOS OSOS COMMUNITY SERVICES DISTRICT (DISTRICT), MITIGATED NEGATIVE DECLARATION (MND), FOR THE LOS OSOS COMMUNITY SERVICES DISTRICT RESILIENCY INTERTIE PROJECT (PROJECT); STATE CLEARINGHOUSE #2023090611

Dear Ms. Brandi Cummings:

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. This Project is within the jurisdiction of the State Water Board, DDW's Santa Barbara District. DDW Santa Barbara District issues domestic water supply permit amendments 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 CCR chapter 16 et. seq.). A public water system requires a water supply permit amendment when changes are made to a domestic water supply source, storage, or treatment and for the operation of new water system components- as specified in the Waterworks Standards. The District will need to apply for a water supply permit amendment for this Project.

The State Water Board, DDW, as a responsible agency under California Environmental Quality Act (CEQA), has the following comments on the District's Initial Study (IS)/MND:

- Under Section 1.4 "Required Discretionary Approvals" please include "The State Water Resources Control Board will approve a water supply permit amendment to add a new source to the Los Osos Community Services District public water system" (PDF page 12).
- The IS/MND indicates, in wet years state water could provide up to 200-acre feet per year that will enhance the reliability and resiliency of the District's water supply, especially in drought conditions (PDF page 10). Please discuss in the IS/MND how and where the District plans to store the extra water.

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

- The ISMND states on PDF page 81 that if a booster pump station is needed, it would be installed within the 100-year flood zone. A metering vault and check valve would also be located on the same spot. Please discuss in the IS/MND if there a risk to public water service if these components are inundated and cannot function.
- The IS/MND indicate that Chorro Creek and Los Osos Creek are Waters of the United States (WOTUS) and Waters of the State (WOTS) [PDF pages 31, 34]. One unnamed drainage south of Chorro Creek and one adjacent to the intertie location is also within the Project area (PDF page 48). Under Section X. Hydrology and Water Quality (a) waste discharge requirements and/or Section IV Biological Resources (c) jurisdictional wetlands, please discuss:
  - Temporary and permanent dredge and fill impacts to WOTUS and WOTS listed above for the Project.
  - If each unnamed drainage is a WOTUS and/or WOTS.
  - If the Project will obtain coverage under the State Water Board General Order for the U.S. Army Corps of Engineer National Permits (Order No. 2020-0039-EXEC) or a Central Coast Regional Water Quality Control Board (Central Coast Water Board) individual permit for dredge and fill and possible frack-out discharge. (Please note a drilling plan and frack out response plan is subject to review by the State Water Board or Central Coast Regional Water Board.)
    - Further information regarding if the Project may qualify under the General Order and requirements of the order may be found here: [https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/2020/generalorder.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2020/generalorder.pdf) For more information on the general permit please contact Jean Bandura at (916) 322-7781 [Jean.Bandura@waterboards.ca.gov](mailto:Jean.Bandura@waterboards.ca.gov) For more information on an individual permit please contact Kathleen Hicks of the Central Coast Regional Water Board at [Kathleen.Hicks@waterboards.ca.gov](mailto:Kathleen.Hicks@waterboards.ca.gov) or (805) 549-3458.
- Mitigation Measure HYD-1 Hydraulic Fracture is proposed to mitigate impacts to horizontal drilling in the event drilling fluid is accidentally released to ground or surface water (PDF page 82). The Mitigation Measure indicates the District shall develop a plan that includes the location of all water withdrawal and injection wells (PDF page 82). However, it appears like “water withdrawal and injection wells” would only apply to oil frack out plans and not horizontal directional drilling.
  - Please clarify the process that will be implemented with horizontal directional drilling and if water withdrawal and injection wells will be involved. Please update the mitigation measure as needed.
- Installation of a new well and associated well infrastructure is mentioned on PDF page 89 and PDF page 102; however, this is not included in the project description, Section 1.3. If this is part of the Project, update Section 1.3 of the Project Description and environmental impacts analyzed in the document.

When the CEQA review process is completed, please forward the following items with your permit application to the State Water Board, DDW Santa Barbara District Office at [DWPDIST06@waterboards.ca.gov](mailto:DWPDIST06@waterboards.ca.gov):

- Copy of the draft and final MND and Mitigation Monitoring and Reporting Plan;

- 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 date stamped Notice of Determination filed at the San Luis Obispo 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 this comment letter.

Sincerely,

Lori Schmitz

Lori Schmitz  
Environmental Scientist  
Division of Financial Assistance  
Special Project Review Unit  
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Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

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State Water Board, Division of Water Quality, Water Quality Certification and Enforcement Unit II

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