

State Water Resources Control Board

November 7, 2023

Tulare County Resources Management Agency
Attn: Hector Guerra
5961 S. Mooney Blvd.
Visalia, CA 93277



TULARE COUNTY RESOURCES MANAGEMENT AGENCY (COUNTY), MITIGATED NEGATIVE DECLARATION (MND) FOR THE EAST OROSI WATER SUPPLY PROJECT (PROJECT); STATE CLEARINGHOUSE # 2023100252

Dear Mr. Hector Guerra:

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 Tulare District. DDW Tulare 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 Orosi Public Utility District (OPUD) 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 County's Initial Study (IS)/MND:

- Under Section 3 Initial Study, 3.1 Environmental Checklist, "10. Other Public Agencies Whose Approval May be Required:" please add "State Water Resources Control Board" (PDF pages 30-31).
- The engineering report attached to the IS/MND mentions eight rural homes fronting Avenue 408 that are supplied with water from private wells (PDF page 170) and a proposed plan as part of the well design "to provide a hydropneumatics tank, chlorination facilities, a well discharge meter, VFD [variable frequency drive], site paving, and fencing, plus a 6" line easterly of the Road 130 alignment to serve the 8 [eight] rural residences, and optional metered service connections thereto" (PDF page 170). The goal of the connection is to

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

- possibly mitigate Project related drawn-down impacts on the individual residence wells (PDF page 170). If this plan will be implemented as part of this Project:
- include these water system components as part of the project description (PDF page 23).
 - Include the water demands of these eight homes when considering total water demand (PDF pages 94-95).
 - If there is a possibility these residences would not be connected, discuss how draw-down impacts on these private wells will be mitigated.
 - Please discuss if the Cutler-Orosi Joint Unified School District Family Education Center well, the two East Orosi Community Service District wells, and the eight resident's wells - if the eight residences are connecting to the system - will be destroyed according to California Department of Water Resources Bulletin 74-81 and Bulletin No 7490, Part III Destruction of Wells or otherwise explain what will happen to these wells.
- The IS/MND includes mitigation measure HYD-1 that requires the approval of a Type 1 Linear Underground Project (LUP) Storm Water Pollution Prevention Plan (SWPPP) to comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit from the Central Valley Regional Water Quality Control Board (Central Valley Water Board).
 - Please note it is the State Water Resources Control Board, Division of Water Quality, not the Central Valley Water Board that approves the NPDES General Construction Permit. Please update the Mitigation Measure to reflect the correct information.
 - Discharges may be covered through a traditional construction notice of intent, not just as a LUP, if it is determined that the ancillary facilities (e.g. tank and well) more closely resemble traditional construction activities (NPDES Construction permit, PDF page 14). The well, tank, and pipeline together are also part of a common plan of development over an acre in size (NPDES Construction Permit, PDF page 5). As a result, your project may require a traditional construction notice of intent and your mitigation measure language should be modified to allow for the possibility of this alternate process.
 - For more information on the NPDES General Construction Permit please contact Renan Jauregui of the State Water Board, Division of Water Quality, Surface Water Permitting Unit at (916) 341-5505 or Renan.Jauregui@waterboards.ca.gov
 - When discussing waste discharge requirements, please discuss the preparation of the well and tank for use and operation and note that OPUD has a Statewide General Permit for Drinking Water System Discharge to Waters of the United States (4DW0616).
 - The IS/MND indicates a 300,000-gallon tank will be installed (PDF page 6). The total volume of the tank is mentioned in the attached engineering report to be 361,541-gallons (PDF page 356). Please update the IS/MND language to state that the 300,000-gallons is an estimated number.

- The Project falls within the San Joaquin Valley- Kings Basin, a high priority and critically overdrafted basin, according to the Department of Water Resources (DWR) Sustainable Groundwater Management Act (SGMA) Prioritization Dashboard. The Kings River East is identified as the Groundwater Sustainability Agency and the groundwater sustainability plan was approved by the DWR on August 4, 2023 (DWR SGMA Portal).
 - The IS/MND states that “The new production well will provide a compliant water supply in an amount sufficient to meet the needs of the East Orosi, Cutter-Orosi Joint Unified School District (COOJUSD) and if desired, to provide a supplemental water source for Orosi and Cutler” (PDF pages 6, 159). The IS/MND later indicates “The new well is simply a replacement of existing wells and, therefore, would not increase water usage by the community” (PDF page 95). These statements appear to contradict one another. Please discuss what is meant by supplemental source. Will the well just replace existing use or provide increased water in addition to what is already present for the communities (baseline)? If water production from the groundwater basin will be increased above the baseline, please be sure to discuss impacts of this increase on the groundwater basin and discuss if the project will be consistent with the adopted sustainable groundwater management plan. If water production will remain the same, please update the language to reflect this.

Once the MND is adopted, please forward the following items in support of OPUD’s permit application to the State Water Board, DDW Tulare District Office at DWPDIST24@waterboards.ca.gov:

- Copy of the draft and final MND with any comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the MND; and
- Copy of the date stamped Notice of Determination filed at the Tulare 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

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

Kristin Willet
State Water Board
District Engineer
Tulare District

Elvira Reyes
State Water Board
Water Resources Control Engineer
Tulare District

Brenda Pauli
State Water Board
Sanitary Engineer
Small Community Drinking Water Unit I

Abbygale Britton
State Water Board
Environmental Scientist
Drinking Water Environmental Review Unit

Renan Jauregui
State Water Board
Division of Water Quality
Surface Water Permitting Unit