



State Water Resources Control Board

January 11, 2024

Governor's Office of Planning & Research

January 11 2024

Fresno County
Attn: Jeremy Shaw
2220 Tulare Street, Suite A
Fresno, CA 93721

STATE CLEARINGHOUSE

FRESNO COUNTY (COUNTY), INITIAL STUDY (IS)/MITIGATED NEGATIVE DECLARATION (MND), FOR THE INITIAL STUDY NO 8135 AND UNCLASSIFIED CONDITIONAL USE PERMIT NO 3721 PROJECT (PROJECT); STATE CLEARINGHOUSE #2023120238

Dear Mr. Jeremy Shaw:

Thank you for the opportunity to review the IS/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 Visalia District. DDW Visalia District issues a domestic water supply permit 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 new water supply permit if it includes the creation of a new public water system.

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 public water system, an application must be submitted, and a permit must be obtained from DDW before water can be provided for human consumption. "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." (California Health and Safety Code (H&SC) section 116275(e).

A public water system, as defined in H&SC, section 116527(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." The Project applicant may need to apply for a water supply permit from the Visalia District.

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

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

- Please describe and/or provide a map of the new public water system components, including the distribution system.
- The IS/MND indicates “The project is not anticipated to result in violation of any water quality or waste discharge requirements or degrade surface or ground water,” (PDF Page 12). Please discuss permits that will be obtained, such as the National Pollutant Discharge Elimination System general construction permit, onsite wastewater treatment system waste discharge permit, etc. and/or best management practices that will be implemented to ensure water quality or waste discharges requirements will not be violated.
- The initial study write-up states on pages 12-13 that one of the reasons the Project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge is because they will be obtaining a domestic water supply permit from the State Water Board. The referenced domestic water supply permit is a permit to operate a public water system pursuant to the Safe Drinking Water Act and the California Waterworks Standards. Often water supply permits are issued after projects are constructed and do not include measures to avoid, minimize, or mitigate impacts to groundwater supplies. Please remove this statement from the IS/MND and include appropriate avoidance, minimization and mitigation measures necessary to reduce and/or eliminate potential project impacts to groundwater supplies.
- The Project falls within the San Joaquin Valley- Kings Basin, according to the Department of Water Resources, Sustainable Groundwater Management Act prioritization dashboard (DWR, SGMA Prioritization Dashboard). The San Joaquin Valley- Kings Basin is a high priority and critically overdrafted basin (ibid). The Project falls under the Central Kings Groundwater Sustainability Agency made up of the Consolidated Irrigation District, the County of Kings, the County of Fresno, and the County of Tulare (DWR SGMA Portal). A Sustainable Management Plan for the basin was approved by DWR on August 4, 2023 (ibid). Please explain:
 - How much groundwater the existing well currently pumps in acre-feet/year and how this compares to what will be pumped annually by the Project. If water use would increase, discuss potential impacts to the critically overdrafted basin.
 - If the Project will have sufficient water to serve now and in the future during normal, dry, and multiple dry years.
 - If the Project will comply with the DWR-approved August 4, 2023, Sustainable Groundwater Management Plan, or will conflict with or obstruct the implementation of the plan.
 - And if mitigation or minimization measures are needed to reduce/eliminate the Project potential impacts to the groundwater.
- Please discuss the water quality that is anticipated from the well. Will the water require treatment? If so, discuss the water treatment infrastructure that will be needed and potential impacts.
- The IS/MND mentions an almond hulling/shelling facility (PDF page 17) which appears to be an error. Please remove this information if it does not apply to the Project or update the Project description.

Once the IS/MND is adopted, please forward the following items in support of the new water system's permit application to the State Water Board, DDW Visalia District Office at DWPDIST12@waterboards.ca.gov:

- Copy of the IS/MND and Mitigation Monitoring and Reporting Plan (MMRP);
- All comment letters received and the lead agency responses as appropriate;

- Copy of the Resolution or Board Minutes adopting the IS/MND and MMRP; and
- 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

Adam Forbes
District Engineer
Visalia District