



State Water Resources Control Board

August 21, 2025

John Swiecki
City of Brisbane
50 Park Place
Brisbane, CA 94005

CITY OF BRISBANE (CITY), ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE BRISBANE BAYLANDS SPECIFIC PLAN (PROJECT); STATE CLEARINGHOUSE # 2006022136

Dear Mr. Swiecki:

Thank you for the opportunity to review the EIR 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 Santa Clara District. DDW Santa Clara District issues domestic water supply permit amendments to public water systems pursuant to Waterworks Standards (Title 22 California Code of Regulations [Cal Code Regs.] 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 Cal. Code Regs. § 64556.

A portion of the Project includes plans to develop over the Brisbane Landfill, a hazardous materials site pursuant to Government Code §65962.5. The City should coordinate closely with the State Water Board, DDW, the San Francisco Bay Regional Water Quality Control Board, and the California Water Service-San Francisco throughout the planning and implementation process, as multiple reviews and approvals will be required to help ensure the protection of public health, drinking water, and water quality.

The State Water Board, DDW, as a responsible agency under the California Environmental Quality Act, has the following comments on the City's EIR:

- As part of the Project, the applicant proposes to add a water storage reservoir or reservoirs, up to 3.16-million-gallons, and may install interties that connect the California Water Service-San Francisco system to the Daly City water system and to the San Francisco Public Utilities Commission water system (PDF page 373). One or more of these systems will need to apply for a water supply permit amendment.

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

Please add the State Water Resources Control Board, Division of Drinking Water domestic water supply permit amendments under Approval and Permits (PDF page 51 and 437).

- The EIR states the California Department of Health Services (CDHS) implements the Safe Drinking Water Act and oversees public water systems (PDF page 1471). Authority to regulate public water systems changed from the CDHS to the California Department of Public Health (CDPH) in 2007, then changed again when the program transferred to the State Water Resources Control Board in 2014. Please update the document to reflect the State Water Resources Control Board as the agency that regulates public water systems in California.
- There appears to be a contradiction in Mitigation Measure Bio-2. Bio-2a requires Bio-2b, bullet 3 to be implemented when a jurisdictional area may not be avoided, but bullet 3 says jurisdictional features must be avoided. Please correct the apparent contradiction in the mitigation measure to clarify when Bio-2b, bullet 3 will apply and when it will not apply, otherwise there may be confusion leading to potentially significant impacts to Waters of the State.
- Please attach or link the Water Shortage Contingency Plan- Appendix L of the Urban Water Management Plan referenced on PDF page 1473 and the Alternative Water Supply Plan referenced on PDF page 177. Documents incorporated by reference must be made publicly available (Cal. Code Regs., tit.14., § 15150 [b])
 - The EIR proposes two actions to address water demands, including water shortfalls during drought conditions and/or if the Bay-Delta Plan Amendment is implemented:
 - Implementation of the Water Shortage Contingency Plan
 - Please state which water shortage contingency practices will be implemented, provide the estimated potable water reductions for each practice, and discuss if the water saved will still be able to meet the additional water demand needed. Please consider how some reductions may already be a part of the baseline, like recycled water starting in 2042 (Page 31) and recognize that conservation practices have become a way of life by some companies to save money (e.g. only serving water or washing linens upon request).
 - The Development Offset Program (Program)-
 - Please provide the information required under Cal Water Code 10910 to show how the additional water supplies generated under the Program will meet the offset development demand, including identifying:
 - The offset developments' water supply demands for normal, single, and multiple dry years [Cal Water Code 10910 (3)],
 - The reliability of the sources (e.g. water rights and service contracts) [Cal Water Code 10910 4(d)],
 - And the amount of water that will be available by the offset projects.
 - Please then discuss if the water supply can adequately provide for the offset project's demands [Cal Water Code 10910 (3)]. Based on the

discussion, please provide mitigations, significant determinations, and/or contingency plans, as needed.

Once the EIR is adopted, please forward the following items in support of CWS-San Francisco's permit application to the State Water Board, DDW Santa Clara District Office at DWPDIST17@waterboards.ca.gov:

- The EIR and Mitigation Monitoring and Reporting Plan (MMRP);
- The Resolution or Board Minutes certifying the EIR, approving the MMRP, and approving the Project; and
- The date stamped Notice of Determination filed at the San Mateo County Clerk's Office and the State Clearinghouse.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, for 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:

State Clearinghouse

Van Tsang
District Engineer
San Clara District