



State Water Resources Control Board

March 25, 2026

Ms. Lara Tran
Santa Clara County
Department of Planning and Development
70 West Hedding Street, 7th floor, East Wing
San Jose, CA 95110

COMMENT LETTER ON THE SANTA CLARA COUNTY (COUNTY), ENVIRONMENTAL IMPACT REPORT (ENVIRONMENTAL DOCUMENT) FOR THE BAY AREA VIPASSANA CENTER PROJECT (PROJECT); STATE CLEARINGHOUSE # 2024030083

Dear Ms. Lara Tran:

Thank you for the opportunity to review the Environmental Document for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for regulating public water systems and 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.

A public water system, as defined in the California Health and Safety Code (Health & Saf. Code) § 116275 subd. [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 an average of at least 25 individuals daily at least 60 days out of the year.” If a new public water system will be formed by the Project, an application must be submitted, and a permit must be obtained from the DDW Santa Clara District 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.” Health & Saf. Code § 116275 subd. [e].

The State Water Board, DDW, as a responsible agency under the California Environmental Quality Act, has the following comments on the County’s Environmental Document:

- Those operating a public water system are required to submit an application and receive a permit from the State Water Resources Control Board to ensure a reliable and adequate supply of water at all times that is pure, wholesome, potable, and does not endanger the health of consumers (Health & Saf. Code §116525 and

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

116540). The State Water Board, DDW Santa Clara District issues domestic water supply permits under Title 22, California Code of Regulations (Cal. Code Regs.) chapter 16 § 64552 for the operation of public water systems under the Safe Drinking Water Act.

- The Environmental Document includes multiple erroneous descriptions of the State Water Board, DDW Santa Clara District approvals that include or imply approvals other than those cited above such as, clearance to proceed with development (PDF pages 53 and 59), clearance for construction (PDF pages 38 and 397), and possibly requirements to enforce County permits (PDF pages 53 and 55). Please correct the State Water Board, DDW Santa Clara District's role throughout the document to reflect the approvals specified in the regulations only.
- Although State Water Board may review well-siting, tank, and treatment designs and approve an operational permit, these reviews and the permit approval do not ensure:
 - The Project will not substantially decrease groundwater supplies or not interfere substantially with groundwater recharge. Please remove discussion of the State Water Board, Division of Drinking Water design review when discussing impacts on groundwater (PDF page 277).
 - Or that infrastructure will have a minimal impact on existing water systems (PDF page 398). Please remove this statement.
- The San Francisco Bay Regional Water Quality Control Board is referred to as an enforcer of the Construction General Permit and a contact for violations and annual reports (PDF page 175), but the Central Coast Regional Water Quality Control Board is later referred to as the regulatory board for the Project (PDF pages 192, 228 229-230, 385, et. cetera). Please clarify which Regional Water Quality Control Board would have regulatory permitting authority over this Project.
- In Section 3.4.1.2 Environmental Setting, when discussing an ephemeral channel in the Project site, that was referred to as "open water", Figure 3.4-1 was referenced, however Figure 3.4-1 doesn't include this category in the legend (PDF pages 122-123). Please update the map to reflect the missing stream information.
- The Water Supply Assessment indicates that bedrock wells may have elevated levels of iron and manganese (Appendices E, PDF page 414). July 2022 alluvial test well sampling results submitted to the DDW Santa Clara District also found manganese levels above the maximum contaminant level (Luhdorff & Scalmanini Consulting Engineers Test Well Report, PDF page 4). Please discuss:
 - The anticipated water quality and possible treatment needed for the proposed well(s).
 - The treatment components that would be installed and the construction and operational impacts of the treatment systems.
- The Project will develop a 97,000-gallon tank for potable water and fire suppression (PDF page 38.) The Water Supply Assessment indicates the Project may seek a permit to expand its water storage facilities, providing flexibility through the storage of water during periods of seasonally higher groundwater levels to extend periods of no pumping in the fall (Appendices E, PDF page 414). Does the currently proposed tank size take these plans into consideration? If not, please consider these future plans in the Project's description, plans, and impacts analysis.

- The number of wells to be constructed is unclear in the Environmental Document which indicates in some places that two wells will be drilled (PDF page 16, 432, et cetera) and that only one well will be drilled in others (PDF pages 52, 397, et cetera). Likewise, the Water Supply Assessment, Addendum, and Preliminary Technical Report submitted to the DDW Santa Clara District provides confusing information about the wells. The addendum focuses on the development of the alluvial well but mentions possible backup bedrock wells on the west side of the property (Appendices E, PDF pages 378 and 380). The Water Supply Assessment included plans for one primary bedrock well and one secondary alluvial well (Appendices E, PDF page 409). The Preliminary Technical Report submitted to the DDW Santa Clara District also reflected plans for one primary bedrock well and one secondary alluvial well. The Environmental Document indicates all water will be sourced from the alluvial aquifer (PDF page 261).
 - Clarify in the Environmental Document the number, aquifer/type (e.g. alluvium, bedrock), anticipated public water system status of wells (e.g. active, standby, primary, secondary), and plans for all Project wells.
 - If the two originally planned wells will be drilled, please discuss the bedrock well's proposed location, the planned uses for the alluvial and bedrock well, and how the coordinated use of those wells will impact nearby wells and the alluvial and/or bedrock aquifers.
 - Include well drilling equipment in Table 2-3 (PDF page 54).
 - Also indicate if well drilling will occur around the clock (24 hours) until completed.
- The Environmental Document estimates a demand of 4.92 Acre-Feet-Per-Year (AFY) for indoor use and 2-AFY for irrigation, totaling 6.9 AFY (PDF pages 276 and 403, Appendices E PDF pages 407-408). Please indicate if all of this demand will be met by the alluvial aquifer or if other sources will be used to meet these demands (e.g. rainwater, grey water, or fractured rock aquifer). If other sources will be used to help meet these supply demands, discuss the amounts and when the sources will be used.
- The Environmental Document proposes the Project will reduce its potable water demand during multiyear droughts by 10-15 percent in the second year and 15-20 percent in the third year (PDF page 277).
 - Discuss the criteria for how and when it will be determined a second and third year of drought is occurring.
 - Discuss the actions that will be taken to meet the groundwater extraction cutbacks (e.g. instituting a shower duration policy or intermittent showering schedule) (Appendices E PDF page 408, et. cetera)
- The Environmental Document mentions that currently there is no water demand on-site (PDF page 402). Please disclose the Project's baseline for water extraction impacts. In doing so, discuss the history of water use on the site, including the existing irrigation well, and if this water use is part of the Project's baseline.
- The Water Supply Assessment addendum determined water levels during multiple dry years of extreme drought are currently not adequate to supply all the current groundwater users (Appendices E, PDF pages 360, 378, and 380). The Environmental Document does not agree with this conclusion. Instead, it assumes

aquifer recharge will be consistent across water years, including all types of drought years. The Environmental Document does not appear to adequately address potential impacts from multiple years of extreme drought. In the Environmental Document, for extreme drought years discuss:

- The threshold of significance that would trigger a significant impact on the alluvial aquifer during a multiple dry year period (MDYP).
 - If the total groundwater extracted from the alluvial aquifer currently exceeds the “threshold of significance” during a MDYP or if the alluvial aquifer may allow for additional extractions beyond the current “baseline extraction” during a MDYP. If the alluvial aquifer may allow for additional extraction, please clarify how much extraction would be allowed before the “threshold of significance” is reached.
 - If, based on the Project’s proposed water budget, the Project groundwater extractions in addition to the “baseline extractions” will fall below the “threshold of significance” for the alluvial aquifer or if the Project will have significant impacts on the alluvial aquifer in a MDYP.
 - If Uvas Creek water levels may be significantly impacted from cumulative pumping during a MDYP, and/or have a significant impact on beneficial uses in the stream during a MDYP.
 - If the proposed extractions will have a significant or cumulatively significant impact on the aquifer, Uvas Creek, and/or beneficial uses in Uvas Creek during a MDYP, provide mitigation measures, and mandatory findings of significance, as required under Cal. Code Regs §15065.
- The Water Supply Assessment addendum determined that if a MDYP occurs the alluvium wells could go dry (Appendices E, PDF pages 360 and 378). In the Environmental Document, when addressing if the Project would have sufficient water over a MDYP (PDF page 402), please discuss other sources of water that will be used if the Project’s alluvial(s) well goes dry. If the alternative source(s) requires infrastructure that is not already addressed in the document, please be sure to include this in the Project description and address this in the analysis.
 - There is disagreement over the estimated groundwater storage available for the Project (Appendices A, PDF page 49); however, the Water Supply Assessment indicates the Project is willing to collaborate with neighboring well owners to measure interactivity between their wells, the Project alluvial well, and the HAMWC (Happy Acres Mutual Water Company) well (PDF page 361). But plans for long term monitoring, including development of monitoring guidelines, funding, and agreements, and new or existing monitoring infrastructure were not included in the Project description and analysis. Also, what actions would be triggered based on the monitoring results was not discussed. Please consider these discussions programmatically or specifically as part of the Project description and Project analysis, if monitoring may occur.

Once the Environmental Document is certified, please forward the following items in support of new Water System’s permit application to the State Water Board, DDW Santa Clara District Office at DWPDIST17@waterboards.ca.gov:

- The Environmental Document, Mitigation Monitoring and Reporting Plan (MMRP);
- The Resolution or Board Minutes certifying the Environmental Document, adopting the MMRP, and approving the Project; and
- The Notice of Determination filed at the 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
Santa Clara District

David Katz
Water Resource Control Engineer
Santa Clara District