

---

## State Water Resources Control Board

June 17, 2025

Jay Lee  
City of Milpitas  
455 East Calaveras Blvd,  
Milpitas, CA 95305

CITY OF MILPITAS (CITY), SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SUBSEQUENT EIR) FOR THE GATEWAY-MAIN STREET SPECIFIC PLAN PROJECT (PROJECT), STATE CLEARINGHOUSE #2024070432

Dear Jay Lee:

Thank you for opportunity to review the subsequent EIR for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (Division), issues domestic water supply permits under the Safe Drinking Water Act. This Project falls under DDW's Santa Clara District jurisdiction. The Santa Clara District issues permit amendments according to Title 22 California Code of Regulations chapter 16. Public water systems need a permit amendment for changes in water sources, new reservoirs 100,000-gallon capacity or greater, service area expansions of twenty percent or more, and treatment design capacity or process changes as per Cal. Code Regs. § 64556. The City will need to apply for an amendment for new sources (wells), a change in treatment, and adding a reservoir.

The State Water Board, DDW, as a responsible agency under the California Environmental Quality Act (CEQA), has the following comments on the subsequent EIR:

- The Division may rely on this CEQA analysis, to make its decisions regarding whether to issue water supply permit amendments pursuant to Cal Code of Regs. §64556. The Subsequent EIR and Water Supply Assessment includes plans to activate three existing wells, construct up to two additional wells (PDF pages 280, 281, Appendix E page 21), and install treatment (PDF page 271, Appendix E, PDF page 17). A two-million-gallon tank is also proposed in the Specific Plan (PDF page 154). The City will need to apply to the Division for a domestic water supply permit amendment(s) pursuant to Cal. Code Regs. § 64556 for the proposed changes:
  - Please add the “State Water Resources Control Board, Division of Drinking Water” under State Agencies (PDF page 38).
  - Please discuss the location of the wells, treatment, and/or tank being proposed, as applicable. If the new and/or existing wells, treatment,

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

and/or tank are not within the defined Project area, please consider off-site impacts in the subsequent EIR.

- The approval of the Pinewood Well requires annular seal documentation. The City has not provided any information to the Division on the Pinewood well since November of 2024. The most recent documents the Division has on file for the Curtis Well are from 2013. If these wells will be relied on to meet the 2025-2045 single and multiple-dry year drought demands, please coordinate with the Division on required approval documents and scheduling. In the Subsequent EIR, please discuss alternative infrastructure or actions, as needed, if there is a possibility that one or more of the existing wells cannot be approved for “active” use on schedule to meet some or all these demands.

When the CEQA process is completed, please forward the following items with the permit application to the Division at [DWPDIST17@waterboards.ca.gov](mailto:DWPDIST17@waterboards.ca.gov):

- The Subsequent EIR, Mitigation Monitoring and Reporting Plan (MMRP), and comments received and the lead agency responses as appropriate;
- The Resolution or Board Minutes certifying the Subsequent EIR, adopting the MMRP, and approving the Project; and
- The date stamped 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](mailto: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, 16<sup>th</sup> floor  
Sacramento, CA 95814

Cc:

State Clearinghouse

David Katz  
Water Resource Control Engineer  
Santa Clara District

Van Tsang

Jay Lee

- 3 -

June 17, 2025

District Engineer  
Santa Clara District