State Water Resources Control Board

May 29, 2025

Eric Wilberg
Solano County
675 Texas Street, Suite 5500
Fairfield, CA, 94533

COMMENT LETTER ON THE SOLANO COUNTY (COUNTY), INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (ENVIRONMENTAL DOCUMENT) FOR THE MIDWAY PLAZA (PROJECT); STATE CLEARINGHOUSE # 2025050075

Dear Eric Wilberg:

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 San Francisco 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 at least 25 individuals daily at least 60 days out of the year." If based on the above information a formation of a new public water system is needed, an application must be submitted, and a permit must be obtained from the DDW San Francisco 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].

Note, Health & Saf. Code § 116527 subd. (b) requires that any person submitting a permit application for a proposed new public water system must first submit a technical report at least six months before initiating construction of any drinking water-related improvements. The technical report must include an examination of the possibility of connecting to or being annexed by an existing adjacent community water system. Please see the attached What is a Public Water System flyer.

<u>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:</u>

- The Environmental Document states domestic water will be supplied by a well, and pump (PDF page 9) and employees, visitors, and guests utilizing potable water on-site is anticipated to exceed 25 people for more than 60 days out of the year (PDF page 42). As stated above, newly proposed public water systems must assess feasibility for consolidating, annexing, or otherwise connecting to a neighboring community water system and submit a preliminary technical report to the State Water Board at least six months prior to initiating construction of any water-related improvement (Health and Saf. Code § 116527 subd. [b]). If connection to a neighboring public water system is feasible (i.e., City of Vacaville, Solano Irrigation District, etc.), please also discuss the possibility in the Environmental Document.
- If a new public water system will be created by the Project:
    - Section 1.7 Responsible, Trustee, & Agencies That May have Jurisdiction (PDF page 13), lists “California Public Heath, Division of Drinking Water” as an agency that may have jurisdiction over the Project. Authority to regulate public water systems under the Safe Drinking Water Act changed from the California Department of Public Health to the State Water Resources Control Board in 2014. Please update the Environmental Document to include the State Water Resources Control Board as the agency with jurisdiction over the Project on PDF page 13, in the distribution list on PDF page 45, and when referencing the public water system permit on PDF page 42.
    - Figure 3 (PDF page 9) provides a Site Plan that lists a new water well as number 13 in the legend, but there is no number 13 on the map. Is number 14 on the map the location of the proposed well? There is no number 14 in the legend. Please clarify.
    - Please provide a description of the new and existing water system components and impacts associated with construction and operation of the water system. Besides the proposed well, please discuss water storage, treatment, if fire flow will be provided by the potable water system, and staff needed to operate the system.
    - Please define the Project’s annual groundwater demand and support the Environmental Document’s claims that:
        - the Project will have sufficient water to serve the Project now and in the future during normal, dry, and multiple dry years. (Please note: obtaining a domestic drinking water supply permit from State Water Board, DDW doesn’t ensure the Project will have sufficient water.)
        - the Project will comply with the DWR-approved August 4, 2023, Sustainable Groundwater Management Plan and will not conflict with or obstruct the implementation of the plan.
            - If mitigation or minimization measures are needed to reduce/eliminate the Project potential impacts to the groundwater, please include these.
    - Cal. Code. Regs. § 64572 and Cal. Code. Regs. § 64560 requires separation of drinking water service lines and domestic supply wells from sources of potential

contamination, such as leach fields, septic tanks, and underground storage tanks. The applicant will install a leach field and septic tank on the eastern two acres of the property for treatment of sanitary waste (PDF page 9) and will also install underground storage tanks (PDF page 43) for the fueling stations. If well number 14, identified on the site plan, is not the proposed well location, please indicate if Cal. Code. Regs. can be met or if an alternative to Waterworks Standards (Cal. Code. Regs. § 64551.100) will be needed. If an alternative to Waterworks Standards is needed, the Applicant will need to provide the alternate plans for DDW San Francisco District approval through the formal permitting process, and after the preliminary technical report has been submitted and approved by DDW.

Once the Environmental Document is adopted, please forward the following items in support of the new public water system's permit application to the State Water Board, DDW San Francisco District Office at DWPDIST04@waterboards.ca.gov:

- The Environmental Document, Mitigation Monitoring and Reporting Plan (MMRP), comment letters received, and the lead agency responses as appropriate.
- The Resolution or Board Minutes adopting the Environmental Document and 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, for questions regarding this comment letter.

Sincerely,

Lori Schmitz

Digitally signed by Lori Schmitz
Date: 2025.05.29 09:01:45 -07'00'

Water Boards

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Cc:

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