

State Water Resources Control Board
Division of Drinking Water

February 9, 2021

Mr. Sandeep Nayyar
Vice President of Facilities
Bay Area Vipassana Center
530 Lawrence Expressway, #365
Sunnyvale, CA 94085

Dear Mr. Nayyar,

Subject: Bay Area Vipassana Center, Consolidation Evaluation and Water Supply Permit Requirements

On January 11, 2021 the Bay Area Vipassana Center (BAVC) submitted the Preliminary Technical Report (Report) required by Section 116527 of the California Health and Safety Code (CHSC). In the Report, the feasibility and cost of connecting to adjacent public water systems was evaluated. According to the Report, BAVC contacted 11 adjacent water systems regarding the possibility of connecting to their water supply; of which only one, the City of Gilroy, has sufficient capacity. The Report includes a letter from the City of Gilroy stating that since BAVC is located outside of the City's Sphere of Influence established by the Local Agency Formation Commission (LAFCO), the development will not qualify for an extension of water services. The Division of Drinking Water (Division) has reviewed the Report and supporting documentation and agrees with the assessment that the facilities at 9201 El Matador Drive cannot be served in a reliable manner by an existing potable water system.

A public water system is defined as a system that provides water for human consumption to 15 or more connections or regularly serves 25 or more people daily for at least 60 days out of the year. The Report proposes the development of the Meditation Retreat Center (Center), which will continually host 10-day retreats attended by approximately 150 students and volunteers daily. Approximately five staff will reside at the Center. The Center facilities will include 16 buildings, which each have a water service connection. Because BAVC intends to propose a development that will be supported by water system infrastructure that will serve a population that meets the definition of a public water system, BAVC must submit a water supply permit application for the Division's consideration. The applicable sections of the CHSC require that you

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

first file an application for a permit to operate a public water system and receive that permit before proceeding with the operation of the system.

The Report noted that the water supply for the development will be provided by two new groundwater supply wells. The existing irrigation well will be destroyed under permit with the County of Santa Clara. Section 64560, Chapter 16, Title 22, California Code of Regulations (CCR) requires that all public water supply wells be constructed in accordance with the community water system well requirements in California Department of Water Resources (DWR) Bulletins 74-81 and 74-90 and American Water Works Association Standard A100-06 (Water Wells). BAVC must seek approval from this office for the proposed well site(s) prior to the drilling of the well(s).

The Report proposes to construct one well that supplies a 40,000-gallon storage tank that feeds a booster hydro-pneumatic pump that supplies the 16 connections. The second well will supply three 15,000-gallon storage tanks that will provide storage for peak demands and for fire flow demands. All storage tanks must be designed and constructed in accordance with Section 64585, Chapter 16, Title 22, CCR. The water mains and appurtenances must be installed in accordance with the applicable sections of Chapter 16, Title 22, CCR.

The regulatory requirements for a public water system are extensive. The enclosed "Introduction to Regulatory Requirements for Public Water Systems" provides a brief description of important regulatory requirements. This document describes the definition and types of public water systems, legal obligations of a water supplier including the need to operate the water system under a valid water supply permit, water quality testing, and regulatory fee schedules. However, you are advised to review the CHSC and the CCR for a full description of the regulatory requirements for public water systems.

Below is list of informational documents regarding the preparation of a permit application and the items that must accompany the application. The list below is not exhaustive – additional information and documents regarding the proposed water system will be required as the project develops.

Prior to drilling a new well, please submit the following to the Division:

1. Domestic Water Supply Permit Application form, available here:
https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Permits.html
2. Source site plan showing set back distances to sanitary hazards, creeks, other wells, etc. See the "Requirements for Source Site Plans," (enclosed),
3. Permits or approvals from other regulatory agencies, if applicable,
4. Drinking Water Source Assessment and Protection (DWSAP) report for Groundwater Sources, further information and forms available here:
https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/DWSAPGuidance.html,
5. Verification of compliance with the California Environmental Quality Act.

After the Division has approved the well(s) location, the next step is to explain how the water system infrastructure will be constructed, how the water system will be operated and managed, and obtain necessary local permits. This is done by submitting the follow items:

1. Engineering Report that discusses how the proposed wells and associated facilities (e.g., chlorination treatment system, distribution system), comply with the applicable sections of the California Waterworks Standards and the California Well Standards. The engineering plans and specifications of the above and below ground construction of the well (including pump and motor specifications) and for the associated facilities must be included in the report. The engineering plans and specifications must be prepared by a qualified engineer. See Section 64552, Chapter 16, Title 22, CCR for information.
2. Copies of all applicable permits, obtained prior to drilling, from agencies including but not limited to the Santa Clara County Department of Environmental Health and Santa Clara Valley Water District,
3. Technical, Managerial, and Financial (TMF) capacity Assessment Form, available here:
https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/TMF.html.

Following the completion of water system infrastructure construction:

4. Department of Water Resources well completion report(s),
5. Well capacity/pump test report(s), per Section 64554, Chapter 16, Title 22, CCR,
6. Water Quality Emergency Notification Plan (enclosed),
7. Small Water System Bacteriological Sampling Plan (enclosed),
8. Chemical Water Quality Monitoring Plan (enclosed),
9. Well Data Sheet (enclosed),
10. Distribution System Data Sheet (enclosed),
11. Distribution Reservoir Data Sheet (enclosed),
12. Chlorination Data Sheet, if applicable (enclosed),
13. Title 22 water quality analytical reports.

The following documents are instructions and resources for the permit application:

1. Introduction to Regulatory Requirements for Public Water Systems (enclosed),
2. Domestic Water Supply Permit Applicant Instructions (enclosed),
3. Permit Application Requirements Checklist (enclosed),
4. Drinking Water Treatment and Distribution Operator certification FAQs, available here:
https://www.waterboards.ca.gov/drinking_water/certlic/occupations/documents/ocert/2013/dwocp_faq.pdf,
5. Well construction Requirements and Recommendations (enclosed),
6. Requirements for Source Site Plans (enclosed).

Please complete and submit the permit application accompanied by all required items indicated on the "Permit Application Requirement Checklist". The completed application materials can be sent to this office at the address shown above and emailed to the

email address below. The Division will contact you once the application is reviewed for completeness.

If you have any questions regarding this letter, please contact Ms. Ileana Wald at (510) 620-3654 or ileana.wald@waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Lacy". The signature is fluid and cursive, with a large loop at the end of the last name.

Eric Lacy, P.E.
District Engineer
Santa Clara District
Division of Drinking Water
State Water Resources Control Board

Cc: Santa Clara County Department of Environmental Health

State Water Resources Control Board
Division of Drinking Water

Introduction to Regulatory Requirements for Public Water Systems (Document #02)

Revised October 23, 2012

This document is an introduction to regulatory requirements for public water systems regulated by the Richmond Office of the Division of Drinking Water (Division), State Water Resources Control Board. Personnel of public water systems are advised to review the California Health and Safety Code (CHSC) and the California Code of Regulations (CCR) for a full description of regulatory requirements. This document covers only a small portion of the overall regulatory requirements.

What are public water systems (Per California Safe Drinking Water Act)

The term “Public water system” means a system for the provision of piped water to the public for human consumption that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. Regulatory requirements vary somewhat for different types of public water systems. The three main types of public water systems are as follows:

1. **Community public water systems** - Has 15 or more service connections or regularly serves at least 25 resident individuals at least 60 days out of the year. This category includes subdivisions, mutual water companies, mobile home parks and other similar residential areas.
2. **Non-Community water system** - Serves at least 25 nonresident individuals daily at least 60 days of the year, but no more than 24 yearlong residents. This category includes restaurants, campgrounds, small wineries, motels and other non-residential areas.
3. **Non-Transient, Non-Community water system** - This is a special class of Non-Community systems that regularly serves at least 25 of the same persons over 6 months of the year. This category includes schools and larger places of employment with more than 25 employees.

Key Legal Obligations

Owners of public water system are responsible to ensure that the drinking water is safe and reliable for those who use the system. The following are some of the key legal obligations:

1. Water quality must meet all health standards (Section 116555 of the CHSC).
2. Each community and nontransient-noncommunity water system is required to issue an Annual Consumer Confidence Report to their customers (Section 64480 of the CCR).
3. An adequate quantity of water must always be available (Section 116555 of the CHSC).
4. Water must always be delivered under proper pressure (at least 20 pounds per square inch).

Introduction to Regulatory Requirements for Public Water Systems

Page 2

5. The system must be properly operated, maintained and protected from damage and contamination.
6. The system cannot be connected to another, unapproved system or source (Section 116550 of the CHSC).
7. Water system must operate under a valid water supply permit. Any changes or additions to source or treatment works or a change in ownership require the system to apply for and receive an amended permit (Section 116525 of the CHSC).
8. Water system must pay all required water system regulatory fees as shown on page 3.
9. Water system must submit an annual report to the Division as required. The form for this report is sent to each public water system each year (Section 116530 of the CHSC).
10. As of January 1, 1998, new public water systems and water systems which change ownership must meet Technical, Managerial and Financial requirements. (Section 116540 of the CHSC).

How to manage the system to maintain compliance

1. **Name a qualified person to manage and operate the system.** This may be you, another person or agency. A State certified treatment operator is required if you have water treatment facilities (Section 63765 of the CCR). A State certified distribution operator is required for each community and nontransient-noncommunity water system (Section 63770 of the CCR).
2. **Set up administrative procedures that work.** These include operation policies, taking water samples, meter reading and billing, and timely response to complaints. Establish and maintain a written record of these procedures.
3. **Prepare and keep on hand an adequate Emergency Notification Plan and Bacteriological Sample Siting Plan.** These documents will help you comply with emergency notification procedures and bacteriological monitoring requirements (pursuant to Sections 116460 of the CHSC and 64421 of the CCR).

Are system improvements needed?

1. **Evaluate your water system regularly to make sure it works properly.** Before you add additional users, be sure your system can handle them (pursuant to the *California Waterworks Standards*, Chapter 16, CCR).
2. **Prepare written plans that describe system improvements needed.** Use a professional engineer for significant system improvements or modifications. Apply for an amended water supply permit for changes in source or treatment (pursuant to Section 116550 of the CHSC).

Testing water samples

Arrange for a state-certified laboratory to test system water quality samples. Check with the laboratory to ensure that it has the appropriate certification.

1. **Sample in accordance with an approved Bacteriological Sample Siting Plan for coliform bacteria** (pursuant to Section 64422 of the CCR). Coliform bacteria should not be present in drinking water and the presence of coliform bacteria indicates water system contamination that may be serious. In the event of positive bacteriological samples, collect repeat check samples in accordance with the requirements of this Division. Contact this Division for technical assistance in the event of a problem.
2. **Sample the source water for chemicals in accordance with the required frequencies** (pursuant to Sections 64432, 64432.1, 64432.2, 64432.3, 64433.3, 64439, 64442, 64443, and 64445.1 of the

CCR). Be sure to collect the samples in the proper containers and directly from the source water. This Division will provide you with a schedule of required sampling following the completion of a system inspection or upon request.

3. **Keep records of what samples you take and have your laboratory report the results to the Division on the required forms.**
4. **In the event of a problem, follow the requirements specified in the Health and Safety Code.** Additional samples may be required. You may be required to inform the water users about the problem and what they should do. Consult the regulations for specific requirements.

Legal consequences of non-compliance

Failure to comply with regulatory requirements exposes the public water system to enforcement actions by this Division as provided by Sections 116625, 116650, 116655 and 116660 of the California Safe Drinking Water Act. This can include fines and civil penalties. Time spent by this Division on enforcement activities is billed to the individual system pursuant to Section 116577. Failure to comply can also expose you to other legal liabilities and lawsuits.

Water system regulatory fees

There are two categories of regulatory fees for public water systems regulated by this Division. These three categories of fees are as follows:

1. **Annual drinking water operating fee:** Pursuant to Section 116565 of the CHSC, all public water systems are required to pay this annual fee. An invoice is sent prior to September 30th of each year. Additional information is located on the Division's website at http://www.waterboards.ca.gov/resources/fees/drinking_water/index.shtml.
2. **Enforcement fees:** Pursuant to Section 116577 of the CHSC, Public water systems are required to reimburse the Division for the cost of enforcement activities related to that water system. This is in addition to the annual drinking water operating fee. Enforcement fees are charged to small public water systems for activities listed in Section 116577 (a)(1). These activities may include the time spent associated with one or more of the following:
 - Issuance of a citation or compliance order to a public water system.
 - Issuance of an enforcement letter to a public water system. This may include any letter which directs a public water system to take action as a result of non-compliance with a specific regulation, directive or other regulatory requirement.

The time charged may include both office and field time spent on these activities. An invoice for any enforcement fees accrued during a fiscal year will be sent to the public water system prior to September 1st of the following year. **The amount of the invoice is based on the actual hours multiplied by the current hourly rate.**

Requirements for Source Site Plans

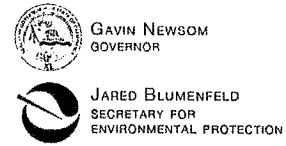
For Water System Permits

Drinking Water Field Operations Branch

Site Map must have a minimum scale of 1" = 20' and must include:

1. Lot dimensions and North arrow.
2. Latitude and longitude of the source site.
3. Contour lines, or percent and directions of slope indicated by arrows.
4. Location of proposed or existing water source(s) including domestic, irrigation, agricultural, and groundwater remediation wells and surface water sources.
5. Location of all septic systems, expansion areas, and sewer lines within 500 feet of the water source.
6. Location of springs, lakes, ponds, marshes, streams, drainage ditches, or channels within 150 feet of the water source.
7. Location of proposed or existing structures, driveways, paved areas, retaining walls, swimming pools, patios, large trees, cut banks, agricultural and industrial facilities, and any other features which may affect the water supply.
8. Location of easements, water lines, and/or underground utilities.

The source site plan must also include a Vicinity Map with correct street address, and the location of the property with respect to nearby roads, and landmarks. This Vicinity Map may be on or attached to the Site Map, and may be of any scale that clearly shows the required information.



State Water Resources Control Board
Division of Drinking Water

WATER QUALITY EMERGENCY NOTIFICATION PLAN

Name of System: _____ System No.: _____

System Location: _____ County: Santa Clara

The following persons have been designated to implement the plan upon notification by the State Water Resources Control Board (SWRCB) that an imminent danger to the health of the water users exists:

Table with 4 columns: Name, Title, Day Phone, Evening Phone. Rows 1, 2, 3.

The implementation of the plan will be carried out with the following SWRCB and County Health Department personnel:

Table with 4 columns: Name, Title, Day Phone, Evening Phone. Rows 1, 2, 3.

After reaching the Santa Clara County Emergency Communications Center, ask for the on-call Environmental Health personnel.

4. If the above personnel cannot be reached, contact:

The State Office of Emergency Services Warning Center (24 hours) (916) 845-8911 or (800) 852-7550. When reporting a water quality emergency to the Warning Center, please ask for the State Water Resources Control Board – Division of Drinking Water Duty Officer.

NOTIFICATION PLAN

Describe methods or combination of methods to be used (radio, television, door-to-door, sound truck, etc.). For each section of your plan, give an estimate of the time required, necessary personnel, estimated coverage, etc. Consideration must be given to special organizations (such as schools), non-English speaking groups and outlying water users. Ensure that the notification procedures you describe are practical and that you will be able to implement them in the event of an emergency. (Use the other side if necessary or attach additional pages.)

Report Prepared by:

Signature and Title

Date

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

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EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

**SMALL WATER SYSTEM
BACTERIOLOGICAL SAMPLE SITING PLAN (BSSP)**

Name of System: _____ System No.: _____

Population: _____ Service Connections: _____
(No. of individuals served each day by the system (Number of residences and/or buildings served by during the busiest months) the system)

Sources: _____
(List all water supply sources - wells, springs, lakes, etc.)

Map or Diagram: Attach a map or diagram showing the location of routine and repeat sample sites and the entry point of water from the source into the system.

Water System Type: _____
(i.e. State Small, Community water system, Non-community systems, or Transient-non-community systems)

ROUTINE SAMPLING

Sampling Frequency: _____
Please list routine sampling sites below. One sampling site is usually sufficient. Complex water systems with pressure zones or separate areas require each zone or area to be sampled routinely.

Routine Sample Site No. 1: _____

Routine Sample Site No. 2 (If necessary): _____

Routine Sample Site No. 3 (If necessary): _____

Routine Sample Site No. 4 (If necessary): _____

REPEAT SAMPLING

If a routine sample contains coliform bacteria, the water system will collect a repeat sample set *within 24 hours of being notified of the result*. Please list the location of the repeat sample set below. Each routine sample location must have a corresponding set of repeat sample locations. If you have more than one routine sample site, please list each set of corresponding repeat sample site on a separate sheet. Non-community systems which serve one service connection (i.e. a building) may collect all the four follow-up samples from within the building. Systems with one or more groundwater wells must conduct triggered source monitoring at each ground water well within 24 hours of being notified of a positive routine sample.

Repeat Sample Site No. 1: _____
(Collect one sample at the original routine sample site)

Repeat Sample Site No. 2: _____
(Collect one sample within five connections upstream)

Repeat Sample Site No. 3: _____
(Collect one sample within five connections downstream)

Repeat Sample Site No. 4: _____

Triggered Source Sampling: _____

SAMPLING DURING THE MONTH FOLLOWING A POSITIVE SAMPLE

If one or more samples are positive for total coliform in a month, the water system is required to collect five routine samples during the following month. These five samples can be collected over the course of the month or all on the same day. Please list the location from which these extra samples would be collected:

1. _____ 2. _____ 3. _____
4. _____ 5. _____

PERSONNEL AND NOTIFICATION

Sampler: _____
(Sample collection must be performed by a person trained in sample collection. Provide name of sampler)

Laboratory: _____
(Provide the name and phone number of the certified lab doing your water analysis. Arrangements must be made for weekend and holiday analysis)

Notification: Laboratory is to notify persons designated below within 24 hours whenever a sample is found to contain coliform bacteria:

1. _____ (Name) _____ (Daytime Phone #) _____ (Evening Phone #)
2. _____ (Name) _____ (Daytime Phone #) _____ (Evening Phone #)

NOTIFICATION OF THE DEPARTMENT: The water system will notify the State Water Resources Control Board, Drinking Water Field Operations Branch, Santa Clara District Office, within 24 hours whenever a sample contains fecal coliform, E. coli bacteria or whenever a follow-up sample is coliform positive.

Santa Clara District Office: 510-620-3474 (day or night, leave message)
Eric Lacy, District Engineer: 510-620-3453
Karen Nishimoto, Associate Sanitary Engineer: 510-620-3461

Submitted by: _____ Date: _____

NOTES

When responding to a laboratory report of bacterial contamination, keep in mind the following:

1. Coliform bacteria should not be present in drinking water and the presence of coliforms indicates a potentially serious problem. Appropriate investigation should be performed immediately.
2. Check water systems components such as water sources, filtration and /or chlorination equipment and storage tanks for indications of unusual conditions or problems.
3. Correct problems immediately, do not wait for results of follow-up samples to take action.

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State of California
STATE WATER RESOURCES CONTROL BOARD
Division of Drinking Water - Field Operations Branch

WELL DATA

System Name: _____ System No. _____
 Source of Information: _____
 Collected by: _____ Date: _____
 Updated by: _____ Date: _____

Number or Name	
State Well No.	
Date Drilled	
Location	
Neighborhood	
Lot size	
Distance to: Sewer	
Sewage disposal	
Abandoned well	
Property line	
Plot plan on file?	
Housing: Type	
Pit depth	
Floor material	
Drainage	
Well depth	
Casing: Depth/Diameter	
Type	
Height above floor	
Distance to perforations	
Surface sealed?	
Gravel packed?	
Conductor casing: Depth	
Diameter	
Annular seal depth	
Impervious Strata:	
Thickness/Depth to	
Well log on file?	
Water levels: Static/Pumping	
Depth to bowls	
Pump: Make/Type	
Capacity (gpm)	
Efficiency test (date)	
Lubrication	
Power/Auxiliary power	
Control	
Frequency of use	
Discharge Location	
Discharge to	
Pump to waste?	
Flood Hazard	
Remarks and defects	

State of California
STATE WATER RESOURCES CONTROL BOARD
 Division of Drinking Water - Field Operations Branch

DISTRIBUTION DATA

System Name: _____ System No. _____
 Source of Information: _____
 Collected by: _____ Date: _____
 Updated by: _____ Date: _____

Mains:				
Material	Amount(%)	Size	Class/Gage	Condition

Amount less than four inches in diameter:	
Minimum size of new mains installed:	
Type of pipe used for new/replacement mains:	
Minimum depth of cover:	
Distance from sewers and/or sewage disposal (practice or policy):	

Infiltration Hazard:	
Relationship of water lines to groundwater table:	
Extent of low head or gravity lines:	

Disinfection (method):	
New mains:	
Repaired mains:	

Pressure Zones and Ranges:	
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Dead Ends:	
Extent of dead ends:	
Flushing:	
Characteristics of water flushed:	

Valves:	
Is number and location of valves satisfactory?	
Valve exercise program:	
Valve maps maintained?	

Cross-Connection Control Program:	
Type and extent of cross-connections:	
Compliance with Title 17:	
Is cross-connection survey form completed?	

Service Connections:	
Materials:	

Defects and Remarks:

State of California
STATE WATER RESOURCES CONTROL BOARD
 Division of Drinking Water - Field Operations Branch

DISTRIBUTION RESERVOIR DATA

System Name: _____ System No. _____
 Source of Information: _____
 Collected by: _____ Date: _____
 Updated by: _____ Date: _____

Number or Name	
Date Constructed	
Purpose	
Capacity	
Location (specific)	
Neighborhood	
Size of Lot	
Fencing	
Construction	
Material: Sides	
Floor	
Roof	
Type of Interior Coating	
Height of walls above ground	
Is surface drainage to reservoir possible?	
Ventilation	
Screening	
Inlet: Location	
Distance above bottom	
Outlet: Location	
Distance above bottom	
Drain to where	
Overflow to where	
Cross-connection? If so, attach sketch	
Relation to system:	
Receives from:	
Delivers to	
Defects and Remarks: Include statements on cleaning practices, condition of roof, leakage, location of access openings, and protection against insects, birds, and rodents	

State of California
STATE WATER RESOURCES CONTROL BOARD
Division of Drinking Water - Field Operations Branch

CHLORINATION DATA

System Name: _____ **System No.:** _____
Source of Information: _____
Collected by: _____ **Date:** _____
Updated by: _____ **Date:** _____

Reason for chlorination (emergency, mandatory, optional): _____
Water Source: _____ Water treated (raw/filtered etc.): _____
Chlorine demand character: _____ Dosage: _____
Point of application: _____ Mixing, adequate?: _____
Contact time before use: _____ Contact time for residual test: _____

Water Flow
Variation: _____ How measured _____

Equipment
Type: _____
Make: _____ Model: _____
Capacity: _____ Condition: _____
Auto. switchover capability? _____ Portable emergency chlorinator available? _____
Chlorine residual monitored continuously? _____ Low level residual alarm? _____
At what level of chlorine residual is the alarm activated? _____
How often are residual analyses conducted? _____
Type of residual measured (free or combined): _____
Type of residual test used: _____

Chemical added (% available chlorine, form):
Cylinder or crock capacity: _____
Stock on hand/days supply: _____

Housing and Safety Features
Housing: _____
Insulation: _____
Heating: _____
Locks: _____
Lighting: _____
Ventilation: _____
Leak detector with alarm: _____
Switches outside chlorination room: _____
Gas mask: _____
Is an emergency plan of action posted? _____

Operation and maintenance
Lapse during changes: _____
Ability to make repairs: _____
How often is the equipment inspected? _____
Operations records kept: _____
Condition of scales: _____

Remarks and deficiencies: _____