

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0108

City of Petaluma

ORDER APPROVING CHANGE IN PLACE AND PURPOSE OF USE

SOURCE: Petaluma River

COUNTY: Sonoma

WHEREAS:

1. The City of Petaluma (City) filed Wastewater Change Petition WW0108 (WW0108) with the State Water Resources Control Board (State Water Board) on September 24, 2019, pursuant to Water Code section 1211. The City subsequently filed an updated Supplemental Report dated November 6, 2019. Water Code section 1211 requires the owner of any wastewater treatment plant to obtain approval from the State Water Board prior to making any changes in the points of discharge, place of use, or purpose of use of treated wastewater, when change in the discharge or use of treated wastewater result in decreasing the flow in any portion of a watercourse.

The petition seeks to change the purpose and place of use of treated wastewater discharged to the Petaluma River from October 21 of each year to April 30 of the succeeding year. Wastewater currently discharged to the Petaluma River from the City's Ellis Creek Water Recycling Facility would be redirected for irrigation use within the City's 19,972.97-acre service area and surrounding parcels. These changes would result in a corresponding decrease in the amount of water discharged to the Petaluma River during the City's authorized National Pollutant Discharge Elimination System (NPDES) discharge season of October 21 of each year to April 30 of the succeeding year (NPDES Permit No. CA0037810).

Rate and Amount of Discharge:

Present: An average rate of discharge of 8.12 MGD to the Petaluma River from October 21 of each year to April 30 of each succeeding year, and a 2.5 MGD average discharge to the Petaluma River during October 21 to October 31 of each year.

Proposed: Zero discharge to the Petaluma River from October 21 to 31 and a reduction of up to 156 MG to the Petaluma River from November 1 through April 30, an average discharge rate reduction of 0.86 MGD.

The City is prohibited from discharging from May 1 to October 20 of each year. During this time, recycled water discharged from the Ellis Creek Water Recycling Facility will be diverted into oxidation ponds. With the expansion of the recycled water program, the City intends to delay the start of discharge from the oxidation ponds until November 1 of each year. Starting on November 1 through April 30 of each year, the City discharges nearly all effluent from the ponds. The recycled water demand during these months is minimal with occasional use by golf courses. Typically, the ponds are nearly emptied within 20 days during this period.

2. Public notice of the proposed changes was issued on December 17, 2019. No protests were received.
3. The small reduction in discharge over a short period of time to the Petaluma River due to minimal recycled water use should not significantly affect the salinity because the Petaluma River is highly tidally influenced. Per the Supplemental Report dated November 6, 2019 and the charts (Appendix B) of river flows and the City's effluent discharges, salinity in the discharging water is not affected by current discharge rates. The State Water Board has determined that the proposed changes will not cause injury to any lawful user of water.
4. Under the California Environmental Quality Act (CEQA), the City is the lead agency for preparation of the environmental documentation for the project. In 2002, the City approved and filed a Notice of Determination (NOD) for the *City of Petaluma Water Recycling River and Access Improvements Environmental Impact Report* (EIR) (State Clearinghouse No. 2001052089). From 2005 to 2016, the City prepared six addendums to the 2002 EIR to address revisions to the project site plan, changes to the cultural resource and wetland impact analysis, wastewater capacity increases, biomass-to-biofuel improvements, and bridge relocation. The City filed NODs for each of these addendums. In 2008, the City approved the *Water Recycling Expansion Program EIR*, (State Clearinghouse No. 2007052146), which analyzed the environmental effects of the City's expanded water recycling program and new infrastructure related to expansion. The City filed a NOD for this EIR in 2008. The City filed a NOD in 2017 for the Expansion of Petaluma Recycled Water Treatment Capacity and Urban Distribution System. The City filed a NOD in 2018 for the Petaluma Water Recycling Expansion Program – Revised Project Boundary.
5. The State Water Board is a CEQA responsible agency for purposes of considering whether to approve WW0108, which would allow the City to proceed with the proposed project. As a CEQA responsible agency, the State Water

Board must consider the environmental documentation prepared by the lead agency, and any other relevant evidence in the record, and reach its own conclusions on whether and how to approve the project involved. (Cal. Code Regs., tit. 14, § 15096, subd. (a).) The State Water Board has considered the City's EIR documents and concluded that approval of WW0108 will not have significant impacts on resources within the State Water Board's purview. The State Water Board will issue a NOD within five days of the date of this order.

6. In addition to any obligation the State Water Board may have under CEQA, the Board has an independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal. Rptr. 346].) Based on the State Water Board's review of all relevant evidence in the administrative record, no adverse impacts to public trust resources are expected as a result of the proposed project.
7. WW0108 is subject to the requirements of the Policy for Maintaining Instream Flows in Northern California Coastal Streams (North Coast Instream Flow Policy), originally adopted on May 4, 2010, vacated on October 16, 2012, and re-adopted on October 22, 2013. The purpose of the North Coast Instream Flow Policy is to establish principles and guidelines for maintaining instream flows for the protection of fishery resources, while minimizing water supply impacts on other beneficial uses of water, such as irrigation, municipal use, and domestic use. The City's project, as proposed in the petition, does not have the potential to impair instream beneficial uses due to a decrease in flow and is consistent with the requirements of the North Coast Instream Flow Policy.
8. Pursuant to Resolution 2012-0029, the State Water Board has delegated the authority to administer the State Water Board's water rights program to the Deputy Director for Water Rights, and the Deputy Director for Water Rights has redelegated that authority.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. The City is authorized to change the purpose and place of use of treated wastewater discharged from the Ellis Creek Water Recycling Facility to the Petaluma River by reducing the discharge rate up to an average of 0.86 MGD from November 1 of each year to April 30 of the succeeding year to the Petaluma River, and a reduction in the discharge rate up to an average of 2.5 MGD to the Petaluma River during October 21 to 31 of each year.

2. The authorized place of use is the City's 19,972.97-acre service area and surrounding parcels, being within Townships 4N and 5N, Ranges 6W and 7W, MDB&M. The place of use is shown on the project map on file at the State Water Board.
3. The authorized purpose of use for the treated wastewater is irrigation.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
SAM BOLAND-BRIEN, FOR

*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: APR 14, 2020