

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0073

City of Biggs

**ORDER APPROVING CHANGE IN
PURPOSE OF USE AND PLACE OF USE**

SOURCE: Butte Creek

COUNTY: Butte

WHEREAS:

1. The City of Biggs (City) filed Wastewater Change Petition WW0073 with the State Water Resources Control Board (State Water Board) on February 12, 2014, pursuant to Water Code section 1211. The petition seeks to change the purpose of use and place of use of treated wastewater. The 0.46 cubic feet per second (cfs) of treated wastewater currently discharged to Lateral K, which discharges to Butte Creek, thence the Sacramento River, would be discontinued. The wastewater would be treated at the City's wastewater treatment plant (WWTP) and used for irrigation purposes on 120 to 140 acres to the west or south of the WWTP.
2. The proposed project will involve the construction of an effluent pump station at the existing WWTP, an underground transmission pipeline from the existing WWTP to the irrigation fields, effluent storage basins, an irrigation pump station adjacent to the storage basins, an irrigation water delivery system, and an irrigation tailwater collection system.
3. The net effect of the proposed project is compliance with the NPDES Permit No. CA0078930 due to cessation of all effluent discharged to Lateral K.
4. The Central Valley Regional Water Quality Control Board (Regional Water Board) will issue waste discharge requirements (WDRs) in accordance with the wastewater disposal/reuse criteria established by the California Department of Health Services codified in Title 22, Division 4, Chapter 3 of the California Code of Regulations.
5. Public notice of the change was issued on March 17, 2014.
6. The State Water Board has determined that the petition for change in the purpose of use and place of use will not cause injury to any other lawful user of water.
7. Under the California Environmental Quality Act (CEQA), the City is the lead agency for preparation of environmental documentation for the project. On October 10, 2013, the City issued a draft Environmental Impact Report (EIR) entitled Biggs WWTP Enhancement Project. In December 2013, the City certified the final EIR for the project.

8. The State Water Board is a CEQA responsible agency for purposes of considering whether to approve the wastewater change petition that will 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 EIR in deciding whether to approve the petition. There is no evidence that approval of the wastewater change petition will have any adverse impacts on water resources within the State Water Board's purview for the WW0073 petition. The State Water Board will issue an NOD within five days of the date of this Order.
9. 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].) No adverse impacts to public trust resources are expected.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. The City is authorized to change the purpose of use and place of use of treated wastewater.
2. The City is authorized to discontinue discharge to Lateral K which drains to Butte Creek, thence the Sacramento River.
3. Treated wastewater from the proposed project may be used from January 1 to December 31 of each year.
4. Treated wastewater may be used for irrigation purposes on 120 to 140 acres to the west or south of the WWTP, as shown on Figure 2.0-2, in the draft EIR for the project.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
Amanda Montgomery for:

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: JUNE 5, 2014