

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Wastewater Petition WW0082

**City of Ukiah**

**ORDER APPROVING CHANGE IN  
PLACE OF USE, PURPOSE OF USE,  
AND QUANTITY OF DISCHARGE**

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SOURCE: Russian River

COUNTY: Mendocino

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**WHEREAS:**

1. The City of Ukiah (City) filed Wastewater Change Petition WW0082 with the State Water Resources Control Board (State Water Board) on February 11, 2015, pursuant to Water Code section 1211. The petition seeks to change the purpose of use and place of use of treated wastewater and reduce the quantity of treated wastewater discharged to the Russian River.
2. Water Code section 1211 requires the owner of any wastewater treatment plant to obtain approval from the State Water Board prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater, when changes in the discharge or use of treated wastewater result in decreasing the flow in any portion of a watercourse. The City has not obtained previous approval of any such changes under Water Code section 1211. For the purposes of this Order, the State Water Board considers the following information as the City's existing point of discharge, place of use, and purpose of use of treated wastewater:
  - a. The points of discharge are the following:
    - i. Discharge Point 1 - at North 2,169,723 feet and East 6,225,923 feet by California Coordinate System 1983, Zone 2, being within SE ¼ of SE ¼ of Section 33, T15N, R12W, MDB&M; and,
    - ii. Discharge Point 2 – Percolation ponds located adjacent to the Russian River.
  - b. There is no place of use or purpose of use of treated wastewater.
3. The City owns and operates a Wastewater Treatment Plant (WWTP) that discharges treated wastewater to the Russian River and to three percolation ponds adjacent to the Russian River. The maximum rate for discharge of treated wastewater to the Russian River and the percolation ponds is 7.0 million gallons per day (mgd) and 24.5 mgd, respectively. However, the City currently discharges treated wastewater to the Russian River at an average rate of 1.12 mgd.

4. Wastewater treatment and discharge activities by the City are authorized by the North Coast Regional Water Quality Control Board through Waste Discharge Requirements Order No. R1-2012-0068 (WDR Order) and National Pollutant Discharge Elimination System Permit No. CA0022888 (NPDES Permit). Under the WDR Order and NPDES permit, the discharge of treated wastewater from the WWTP to the Russian River is prohibited from May 15 through September 30 of each year, and the City discharges treated wastewater to the percolation ponds on a year-round basis. Additionally, from October 1 of each year to May 14 of the succeeding year, the rate of discharge of treated wastewater to the Russian River is limited to no more than one percent of the daily flow of the Russian River measured at United States Geological Survey gage No. 11462500 (Russian River near Hopland).
5. The City proposes a project to replace or augment existing water supplies by making approximately 1,472 acre-feet per year of treated wastewater produced by the WWTP at a rate not to exceed a monthly average of 1.5 mgd available for irrigation and frost protection of approximately 1,021 acres of existing urban landscape and agricultural cropland. The project would require construction of a new storage pond, pump station, and a pipeline system to facilitate distribution of the treated wastewater.
6. Public notice of the change was issued on April 7, 2015. No protests were filed.
7. The State Water Board has determined that the petition for change of place of use, purpose of use, and quantity of discharge will not cause injury to any other lawful user of water.
8. Under the California Environmental Quality Act (CEQA), the City is the lead agency for preparation of environmental documentation for the project. On May 22, 2013, the City issued a final Mitigated Negative Declaration (MND) entitled *City of Ukiah Recycled Water Project* (SCH No. 2013032072). On June 6, 2013, the City issued a Notice of Determination (NOD) for the project. The City adopted an Addendum to the MND on July 15, 2015, and filed another NOD on July 16, 2015.
9. The State Water Board is a CEQA responsible agency for purposes of considering whether to approve the 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 MND and the Addendum to the MND in deciding whether to approve the petition. There is no evidence that approval of the petition will have any adverse impacts on water resources within the State Water Board's purview for the petition. The State Water Board will issue an NOD within five days of the date of this Order.
10. 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 change 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 effects to public trust resources are expected.
11. The State Water Board has a 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, is consistent with the requirements of the North Coast Instream Flow Policy.

12. The State Water Board has a Policy for Water Quality Control for Recycled Water (Recycled Water Policy), originally adopted on February 3, 2009 and amended on January 22, 2013. The purpose of the Recycled Water Policy is to increase the use of recycled water from municipal wastewater sources, and one of the goals for California, as stipulated in the Recycled Water Policy, is to increase the use of recycled water over 2002 levels by at least one million acre-feet per year by 2020, and by at least two million acre-feet per year by 2030. The City's project, as proposed in the petition, is consistent with the purpose of the Recycled Water Policy, and will help California meet the goals of the Recycled Water Policy.
13. 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 the authority.

**ORDER**

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The points of discharge are unchanged.
2. The place of use is changed to include 1,021 acres as shown on map dated, February 23, 2015, on file with the State Water Board.
3. The purpose of use is changed to include irrigation and frost protection.
4. The City is authorized to change the place of use and purpose of use of a monthly average of 1.5 mgd of treated wastewater that would otherwise have been discharged to the Russian River at Discharge Point 1 during the period of October 1 of each year to May 14 of the succeeding year.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:  
AMANDA MONTGOMERY, FOR

*Barbara Evoy, Deputy Director  
Division of Water Rights*

Dated: AUG 31 2015