

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0084

Nevada County Sanitation District No. 1

**ORDER APPROVING CHANGE IN PLACE OF USE AND REDUCTION IN
WATER QUANTITY**

SOURCE: Gas Canyon Creek

COUNTY: Nevada

WHEREAS:

1. Nevada County Sanitation District No. 1 (NCSD) filed Wastewater Change Petition WW0084 with the State Water Resources Control Board (State Water Board) on April 3, 2015, pursuant to Water Code section 1211. The petition seeks authorization to discharge its water treatment plant effluent into a land-based leach field system and associated infrastructure and discontinue discharging effluent to Gas Canyon Creek. In 2014, the combined annual amount of water discharged to Gas Canyon Creek was approximately 153,500 gallons.

The proposed project would involve partial decommissioning of the current wastewater treatment plant and construction of new wastewater treatment facilities to allow for a land-based community leach field. The new facilities would consist of a sewer lift station, conveyance force main, leachate tanks, leach field pipes, motor control center and emergency generator. The leach field is anticipated to consist of buried pipe approximately 18 inches below ground level. The existing wastewater treatment plant will no longer process wastewater, but will remain a back-up facility. Discharge to Gas Canyon Creek may still occur under emergency circumstances.

2. Public notice of the change was issued on April 29, 2015. No protests were filed.
3. The State Water Board has determined that the petition for change in place of use will not cause injury to any other lawful user of water.
4. Under the California Environmental Quality Act (CEQA), NCSD is the lead agency for preparation of environmental documentation for the project. On September 25, 2013, NCSD circulated an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 20130902049). On March 13, 2014, NCSD issued a Notice of Determination (NOD) for the project. An addendum to the IS/MND, dated March 13, 2015, was prepared by NCSD to address any potential significant environmental effects due to the proposed changes under the change petition submitted to the Division of Water Rights.
5. The State Water Board is a CEQA responsible agency for purposes of considering whether to approve the wastewater change petition that will allow the NCSD 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 IS/MND and addendum in deciding whether to approve the petition. There is no evidence that approval of the wastewater change petition, with the lead agency implementing mitigation measures from the MND to minimize impacts to cultural and biological resources, will have any adverse impacts on the environment. The addendum addressed the hydrology and water quality sections of the IS/MND and evaluated potential for downstream water quality impacts and any impacts to downstream water users in terms of flow and supply. The addendum indicated that no new significant impacts would result and no substantial increase in the severity of impacts would result from those previously identified in the IS/MND. The State Water Board will issue an 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].) The mitigation measures in the MND minimize impacts to biological and cultural resources and no adverse impacts to public trust resources are expected.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. The Petitioner is authorized to reduce discharge of effluent to 0 gallons per minute from the existing Cascade Shores Wastewater Treatment Plant point of discharge at the Gas Canyon Creek outfall located within the California Coordinate system, NAD83, Zone 2, North 2,222,966 feet and East 6,871,536 feet, being within SW¼ of SW¼ of Section 7, T16N, R10E, MDB&M.
2. The new place of use may occur at the leach field located within the California Coordinate system, NAD83, Zone 2, Sections 12 and 13, T16N, R10E, MDB&M.
3. Petitioner is responsible to obtain and be in compliance with any wastewater discharge permits required by the Central Valley Regional Water Quality Control Board.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
AMANDA MONTGOMERY, FOR

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: JUL 09 2015