

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0054

Calera Creek Recycling/Wastewater Treatment Plant

**ORDER APPROVING CHANGE IN PLACE OF USE, PURPOSE OF USE,
AND REDUCTION OF TREATED WASTEWATER DISCHARGE**

SOURCE: Calera Creek tributary to Pacific Ocean

COUNTY: San Mateo

WHEREAS:

1. Calera Creek Recycling Wastewater Treatment Plant (Calera) filed Wastewater Change Petition WW0054 with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) on January 11, 2010, pursuant to section 1211 of the Water Code. The Petitioner proposes to construct the Pacifica Recycled Water Project to use approximately 0.46 cubic foot per second (cfs) of recycled water produced by the Calera Creek Wastewater Treatment Plant for irrigation purposes. Less than 10 percent of the average flow of recycled water formerly being discharged to Calera Creek would be used for irrigation in the place of use. The project consists of the construction of a wet well and connecting piping to the existing treatment plant, a pumping facility at the treatment plant, approximately three miles of distribution system, and a 400,000 gallon recycled water tank.
2. Public notice of the change was issued on June 10, 2010. No protests were filed.
3. The State Water Board has determined that the petition for change in the place of use, purpose of use, and reduction of discharge quantity will not cause injury to any other lawful user of water.
4. Under the California Environmental Quality Act (CEQA), the North Coast County Water District (NCCWD) is the lead agency for preparation of environmental documentation for the project. In April 2004, the NCCWD issued a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Water Recycling Project, SCH #2004042138. The NCCWD approved a Final IS/MND in November of 2004, and filed a Notice of Determination (NOD) on December 17, 2004 with the State Clearinghouse. An amended IS/MND was issued in February 2007 to evaluate a new recycled water tank location and expanded access road improvements. On September 13, 2007, NCCWD filed an NOD with the State Clearinghouse for the Water Recycling Storage Tank Location Project; Supplemental IS/MND, SCH #2004042138.

The State Water Board is a responsible agency for purposes of considering whether to approve the wastewater change petition. As a 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 in deciding whether to approve the petition. The State Water Board finds that that changes or mitigation measures have been required in, or incorporated into, the

Project that avoid or substantially lessen the significant effects identified in the MND and Addendum. Mitigation measures are within the responsibility of NCCWD, not the State Water Board, and have been or should be adopted. Mitigation monitoring for this Project, identified in the "Mitigation Monitoring and Reporting Plan" and included as Exhibit A in the final MND, require reporting to agencies other than the State Water Board.

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 Pacifica Recycled Water Project will use 0.46 cfs of recycled water for irrigation purposes. The use of recycled water will conserve potable water. The mitigation measures in the MND minimize impacts to biological resources and no adverse impacts to public trust resources are expected.

The State Water Board will issue an NOD within five days of the date of this order.

5. On March 11, 2009 United States Fish and Wildlife Service completed formal section 7 Endangered Species Consultation for this project.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. The State Water Board authorizes a reduction of 0.46 cfs, with an annual limit of 336 acre-feet, in the quantity of treated wastewater discharged at the Calera Creek outfall of the Calera Creek Recycling/Wastewater Treatment Plant.
2. The change in purpose of use to add irrigation use is approved.
3. The change in place of use is approved. The place of use for irrigation shall be 401.3 acres as shown below:

Area 1:

16.8 acres being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26, T3S, R6W, MDB&M;
9.0 acres being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26, T3S, R6W, MDB&M
25.8 acres total

Area 2:

6.2 acres being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26, T3S, R6W, MDB&M.;
11.5 acres being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26, T3S, R6W, MDB&M;
3.1 acres being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26, T3S, R6W, MDB&M;
25.9 acres being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26, T3S, R6W, MDB&M; and
8.6 acres being SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26, T3S, R6W, MDB&M.
55.3 acres total

Area 3:

1.1 acres being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26, T3S, R6W, MDB&M;
2.5 acres being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M; and
1.0 acres being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M.
4.6 acres total

Area 4:

0.5 acres being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26, T3S, R6W, MDB&M;
2.1 acres being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M; and
0.5 acres being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M.
3.1 acres total

Area 5:

2.3 acres being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M.

Area 6:

2.6 acres being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M; and
3.4 acres being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M.
6.0 acres total

Area 7 :

9.4 acres being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M;
20.2 acres being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M;
20.7 acres being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M;
40.0 acres being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M;
13.1 acres being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M;
31.6 acres being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M;
37.8 acres being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M;
32.4 acres being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M;
5.8 acres being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2, T4S, R6W, MDB&M; and
11.4 acres being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2, T4S, R6W, MDB&M.
222.4 acres total

Area 8:

35.4 acres being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M; and
34.4 acres being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36, T3S, R6W, MDB&M.
69.8 acres total

Area 9:

2.8 acres being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M.

Area 10:

2.8 acres being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35, T3S, R6W, MDB&M; and
6.4 acres being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2, T4S, R6W, MDB&M.
9.2 acres total

STATE WATER RESOURCES CONTROL BOARD

Original Signed by: JWK for

*Barbara Evoy
Deputy Director for Water Rights*

Dated: October 12, 2010