

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0071
Placer County

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

SOURCE: Rock Creek

COUNTY: Placer

WHEREAS:

1. Placer County filed Wastewater Change Petition WW0071 with the State Water Resources Control Board (State Water Board) on February 11, 2013 pursuant to Water Code section 1211. The petition seeks to change the point of discharge, purpose of use, and place of use of treated wastewater. The 2.6 cubic feet per second (cfs) of treated wastewater currently discharged to Placer County Sewer Maintenance District No. 1 (SMD1) treatment plant outfall at Rock Creek would be discontinued. The wastewater would be treated at the City of Lincoln's (City) wastewater treatment and reclamation facility (WWTRF) and used for irrigation and industrial uses on lands covered by the City's Master Reclamation Permit.

The proposed project will involve the construction of facilities necessary to convey sewage from the SMD1 service area to the City's WWTRF. The additional facilities include a pump station, gravity force main, treatment improvements at the WWTRF, and associated appurtenances.

2. Public notice of the change was issued on March 13, 2013. A protest was received from the California Department of Fish and Wildlife (CDFW) on the basis that the changes would have adverse environmental impacts to Rock Creek and its tributaries downstream.
3. On August 21, 2013, CDFW conditionally dismissed its protest. The protest resolution conditions are included in this order.
4. The State Water Board has determined that the petition for change in the point of discharge and purpose of use and place of use will not cause injury to any other lawful user of water.
5. Under the California Environmental Quality Act (CEQA), the City is the lead agency for preparation of environmental documentation for the project. On February 4, 2013, the City issued a draft Environmental Impact Report (EIR) titled Mid-Western Placer Regional Sewer Project, SCH # 2012052083. On May 28, the City certified the final EIR for the project. On May 29, 2013, the City issued a Notice of Determination (NOD) for the project.
6. The State Water Board is a CEQA responsible agency for purposes of considering whether to approve the wastewater change petition that will allow Placer County 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, with the lead agency implementing mitigation measures from the EIR to minimize impacts to cultural and biological resources, will have any adverse impacts on the environment. The State Water Board will issue an NOD within five days of the date of this order.

7. 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 EIR 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. Placer County is authorized to change the purpose of use and place of use of treated wastewater.
2. Placer County is authorized to discontinue discharge to Rock Creek, subject to the following limitations:
 - a. To compensate for the loss of 0.96 acres of wetted habitat within Rock Creek due to reduction of flows, the City or its successor agency shall design, permit, and implement a restoration project, or provide funds to the Placer County Land Trust or equivalent jurisdiction, for the preservation of stream habitat within the Coon Creek Watershed.
 - i. The City shall expend \$79,000 to preserve or restore stream habitat;
 - ii. The restoration or preservation plan shall be completed in consultation with CDFW;
 - iii. The restoration or preservation plan shall be implemented within five years of Project completion.
 - b. The City agrees to secure transition water in the amount of 0.5 cfs to reduce the potential of Rock Creek going dry as Placer County ceases discharge from SMD1 and the purchase of dilution water.
 - i. Transition water must be purchased for an average of 20 days per year, as necessary when flow is approaching zero;
 - ii. Transition water must be purchased as necessary when flow is approaching zero, until minimum flows are provided under a new license for the Drum-Spaulding Federal Energy Regulatory Commission (FERC) project or for a maximum of 10 years commencing from project completion if the FERC license is delayed;
 - c. Rock Creek flow will be monitored at the R1 gage (upstream) of SMD1 treatment plant; and
 - d. At times when transition water is necessary but not technically feasible for delivery, equivalent water will be purchased to bank flows that shall be applied to the system at appropriate low flow periods when water becomes available.
3. The wastewater discharge may occur at a new point of discharge at the City's WWTRF outfall located at Auburn Ravine within the California Coordinate system, NAD83, Zone 2, North 2,078,578 feet and East

6,744,735 feet, being within Section 25, T12N, R5E, MDB&M.

4. The authorized place of use is the area shown in the Master Reclamation Permit, being within Sections 1-6 of T11N, R5E and R6E, Sections 5 and 6 of T11N, R7E, Sections 1-36 of T 12N, R5E, Sections 3-10, and 13-36 of T12N, R6E, and Sections 19 and 29-32 of T12N, R7E, all within MDB&M.
5. Treated wastewater from the proposed project may be used from January 1 to December 31 of each year.
6. Treated wastewater may be used for irrigation and industrial purposes.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
PHILLIP CRADER FOR

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: September 13, 2013