

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW44

City of Turlock

**ORDER APPROVING CHANGE IN POINT OF DISCHARGE
OF TREATED WASTEWATER EFFLUENT**

SOURCE: Harding Drain tributary to San Joaquin River

COUNTY: Stanislaus

WHEREAS:

1. Treated Wastewater Change Petition WW44 was filed by the City of Turlock, Municipal Services Department (City) with the State Water Resources Control Board (State Water Board) on July 13, 2005, pursuant to section 1211 of the Water Code. Public notice of the change was issued on March 3, 2006, and no protests were received.
2. The petition was filed to change the point of discharge of treated wastewater effluent from the City's Regional Wastewater Treatment Facility. The City currently discharges up to 20 million gallons per day (approximately 31 cubic feet per second) of secondarily treated wastewater effluent into the Harding Drain tributary to the San Joaquin River in Stanislaus County. The City proposes to change its point of discharge of treated wastewater effluent from the current Harding Drain discharge location to the San Joaquin River. The new point of discharge is located approximately 560 feet upstream of the confluence of the Harding Drain and the San Joaquin River.
3. The State Water Board has determined that the petition for change in the point of discharge does not cause injury to any other lawful user of water.
4. The State Water Board has considered the environmental effects of the petition for change as described in the April 2005 Harding Drain Bypass Project Environmental Impact Report (EIR), SCH # 2003062002, prepared for this project. The EIR identified potential adverse environmental impacts from the project. However, the EIR concludes that the project would have a less-than-significant impact on water resources. Therefore, no findings by the State Water Board pursuant to California Code of Regulations, Title 14, section 15091 are necessary. The City of Turlock filed a Notice of Determination with the Stanislaus County Clerk on May 26, 2005. The State Water Board, Division of Water Rights has issued a Notice of Determination for this project.
5. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A condition should be placed in the order making the petitioner aware of possible obligations resulting from these acts.

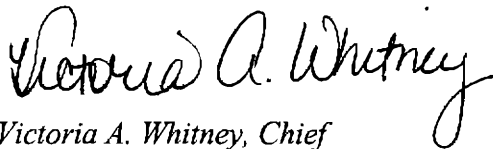
NOW, THEREFORE, IT IS ORDERED THAT:

1. The City of Turlock is authorized to change the point of discharge of treated wastewater effluent from a point along the Harding Drain located within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 25, T5S, R9E, MDB&M to a point on the San Joaquin River located by California Coordinate System of 1927, Zone 3, North 351,101 feet and East 1,845,716 feet, being within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of section 36, T5S, R8E, MDB&M, as shown on map filed with the State Water Board.
2. The petitioner shall comply with the following Endangered Species condition:

This change does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this order, the petitioner shall obtain authorization for an incidental take prior to construction or operation of the project. Petitioner shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this order.

(0000014)

STATE WATER RESOURCES CONTROL BOARD



*Victoria A. Whitney, Chief
Division of Water Rights*

Dated:

JUL 07 2006