

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW-64
Rio Alto Water District

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

SOURCE: Sacramento River

COUNTY: Tehama

WHEREAS:

1. The Rio Alto Water District, (Rio Alto) filed Wastewater Change Petition WW0064 with the State Water Resources Control Board (State Water Board) on July 13, 2011, pursuant to section 1211 of the Water Code. The petition seeks to change the point of discharge, purpose of use, place of use, and discharge quantity in order to discharge treated wastewater to a ± 77 acre wetland area in lieu of instream discharge.

The wastewater treatment facility is not able to meet new effluent quality limits. Therefore, Rio Alto is currently under the terms of Cease and Desist Order R5-2010-0104 (Order) issued in September 2010 by the Central Valley Regional Water Quality Control Board, (Regional Board). Under the terms of the Order, a compliance schedule and interim effluent limits allow Rio Alto five years in which to evaluate potential alternatives, secure funding, and complete necessary improvements before final effluent quality limits go into effect. The primary reason for the treatment plant improvements is to ensure that peak wet-weather flows do not overburden the system.

The proposed on-site treatment plant improvements include: the addition of an improved screening unit at the headworks, construction of a biological selector, optimization of the existing secondary clarifier, construction of another secondary clarifier, conversion of the existing return activated sludge (RAS) pump station to an aerobic digester, construction of a new RAS pump station, and improvements to an existing pump station to convey flows to the constructed wetlands area. Under the constructed wetlands approach, fewer and less costly improvements would be required for the treatment plant. The proposed off-site improvements include: installation of approximately ±12,000 linear feet of underground reclaimed-water pipeline within existing roadways and across undeveloped parcels, and construction of a ± 77 acre wetland area to allow for the biological uptake of nutrients and percolation of reclaimed water.

2. The State Water Board has determined that the petition for change in the point of discharge, purpose of use, place of use, and discharge quantity will not cause injury to any other lawful user of water.
3. Under the California Environmental Quality Act (CEQA), Rio Alto is the lead agency for preparation of environmental documentation for the project. On May 23, 2011, Rio Alto issued a Mitigated Negative Declaration (MND) titled Rio Alto Water District Wastewater Treatment Plant and Constructed Wetlands Project, SCH # 2011052066. On June 30, 2011, Rio Alto issued a Notice of Determination (NOD) for the project.
4. The State Water Board is a responsible agency for purposes of considering whether to approve the wastewater change petition that will allow Rio Alto to proceed with the proposed project. 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 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 State Water Board will issue an NOD within five days of the date of this order.
5. 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:

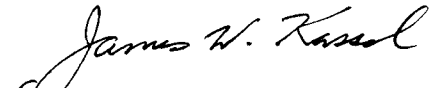
1. Rio Alto is authorized to change the point of discharge, purpose of use, place of use, and discharge quantity of average dry weather flows of 0.20 cubic foot per second (cfs) and peak wet weather flows of 1.04 cfs of treated wastewater effluent discharged from the Rio Alto Wastewater Treatment Plant.
2. The wastewater discharge may also occur at a new point of discharge located within California Coordinate system, NAD 83, Zone 1, North 2,011,550 feet and East 6,508,482 feet, being within NW ¼ of SE ¼ of Section 22, T29N, R3W, MDB&M.

3. The authorized place of use is ± 77 acre wetland area within Section 22, T29N, R3W, MDB&M. Treated wastewater may be used for the proposed project from January 1 to December 31 of each year.
4. No water shall be used under this wastewater change petition until petitioner has filed a report of waste discharge with the Regional Board, pursuant to Water Code Section 13260, and the Regional Board or State Water Board has prescribed waste discharge requirements or has indicated that waste discharge requirements are not required. Thereafter, water may be diverted only during such times as all requirements prescribed by the Regional Board or State Water Board are being met. No point source discharges of waste to surface water shall be made unless waste discharge requirements are issued by a Regional Board or the State Water Board. A discharge to ground water without issuance of a waste discharge requirement may be allowed if, after filing the report pursuant to Section 13260:
 - (1) the Regional Board issues a waiver pursuant to Section 13269, or
 - (2) the Regional Board fails to act within 120 days of the filing of the report.

No petitioner shall be required to file a report of waste discharge pursuant to Section 13260 of the Water Code for percolation to ground water of water resulting from the irrigation of crops.

(0290101)

STATE WATER RESOURCES CONTROL BOARD


Barbara Evoy, Deputy Director
Division of Water Rights

Dated: **JAN 19 2012**