

Please indicate County where your project is located here:

Stanislaus

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

PETITION FOR CHANGE

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use, Distribution of Storage, Temporary Urgency, Instream Flow Dedication, Waste Water, Split, Terms or Conditions, Other. Application, Permit, License, Statement.

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Present: NE 1/4 of the NE 1/4 of section 36, T5S, R8E, MDB&M, 6,407,050 E 1,991,447 N (NAD 83 Zone 03)
Proposed: Retain: NE 1/4 of NE 1/4 of section 36, T5S, R8E, MDB&M, 6,407,050 E 1,991,447 N (NAD 83 Zone 03); Add: NW 1/4 of NW 1/4 of section 22, T5S, R7E, MDB&M, 6,360,310 E 2,002,798 N (NAD 83 Zone 03).

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present: See Attach. 3. NW 1/4 of the NW 1/4 of section 20, T5S, R10E, 6,447,059 E, 1,999,695 N (NAD 83 Zone 3); SW 1/4 of the SW 1/4 of section 25, T5S, R9E, 6,450,339 E 2,014,217 N (NAD 83 Zone 03).
Proposed: TID Walnut Energy Center. Pedretti Park: approx. 20 acres. Del Puerto Water District Service area: approx. 43,259 irrigated acres. South of Delta CVPIA refuges: approx. 124,897 acres.

Purpose of Use

Present: Irrigation, cooling water.
Proposed: Irrigation, cooling water, Level 4 CVPIA refuge water supplies, fish and wildlife preservation and enhancement.

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

N/A

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present: N/A
Proposed: N/A

**Temporary Urgency**

This temporary urgency change will be effective from  to

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

**Instream Flow Dedication** - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Upstream Location:   
Downstream Location:

List the quantities dedicated to instream flow in either:  cubic feet per second or  gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location?  Yes  No  
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

**Waste Water**

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water?  Yes  No

Will any legal user of the treated waste water discharged be affected?  Yes  No

**General Information** - For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned?  Yes  No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:  
 ownership  lease  verbal agreement  written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

See Attachment 1.

Give name and address of any person(s) taking water from the stream between the present point of diversion or redirection and the proposed point of diversion or redirection, as well as any other person(s) known to you who may be affected by the proposed change.

None.

**All Right Holders Must Sign This Form:** I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated  at

  
Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

**NOTE: All petitions must be accompanied by:**  
(1) the form Environmental Information for Petitions, including required attachments, available at: [http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/pet\\_info.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf)  
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/fees/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/)  
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

## Attachment 1

### **Project Summary**

The City of Turlock (City) proposes to deliver up to 26,904 acre-feet per year (AFY) of its recycled wastewater to Del Puerto Water District (DPWD) and several wildlife refuges through the Delta-Mendota Canal. The Project in conjunction with the City of Modesto will convey recycled water from the City's wastewater treatment facility through a pipeline, pump station and discharge it to the Delta-Mendota Canal. DPWD will divert the recycled water from the Delta-Mendota Canal or the water will be transported to San Luis Reservoir for storage during low water demand periods. The City also proposes to provide water to several Central Valley Project Improvement Act-designated refuges located south of the Delta. Additional information relative to the joint project with Modesto and DPWD is available at [www.nvr-recycledwater.org](http://www.nvr-recycledwater.org).

Currently, the City treats approximately 10 million gallons per day (mgd) of tertiary treated wastewater, the majority of which is discharged into the San Joaquin River. Turlock's requested appropriation includes (i) 10,000 AFY of existing flows—the quantity currently available because it is already being discharged to the San Joaquin River; plus (ii) future increases in wastewater flows attributable to projected long-term population growth (currently projected through 2030). Together, these flows total 26,904 AFY (24 mgd).

In addition, this petition includes two other ongoing uses of the treated wastewater from the City's wastewater treatment plant. First, up to 2.0 mgd of the City's treated wastewater are delivered to the Turlock Irrigation District for use as cooling water in an existing cogeneration facility, as previously approved by the Division of Water Rights pursuant to Order dated July 18, 2007 (In the Matter of Wastewater Petition WW-46). Second, a small amount of treated wastewater is used for landscape irrigation at the City's Pedretti Park (20.602 acres). (See Attachment 3). The quantity of treated wastewater used for landscape irrigation at Pedretti Park will not exceed 100 acre-feet per year.

### **Petition Background**

Water Code sections 461 and 13510-13512 state policies favoring the use of recycled water. Water Code section 1210 provides that the City has the exclusive right to the beneficial use of its recycled wastewater as against anyone who has supplied the water to be discharged. The City derives its water supply from a single source: groundwater pumped from the Turlock subbasin.

The proposed places of use for this recycled wastewater will be 43,259 irrigable acres in Del Puerto Water District's service area and 128,497 irrigable acres in the CVPIA-designated refuges. (See Attachment 3.) DPWD diverts for irrigation year-round; its water year runs from March 1 to February 28.

Currently, Turlock treats approximately 10 million gallons per day (mgd) of tertiary treated wastewater, the majority of which is discharged into the San Joaquin River. Up to 2.0 mgd of the City's treated wastewater are delivered to the Turlock Irrigation District for use as cooling

water in an existing cogeneration facility, as previously approved by the Division of Water Rights pursuant to Order dated July 18, 2007 (In the Matter of Wastewater Petition WW-46). In addition, a small amount of treated wastewater is used for landscape irrigation at the City's Pedretti Park (20.602 acres) (See Attachment 3). The City's discharges to the San Joaquin River are projected to increase gradually as population and water use within the City increase. Thus, the quantity available for beneficial reuse will also gradually increase with the quantity being discharged.

DPWD's multi-year Warren Act contract would include the right to store the water in San Luis Reservoir. Although DPWD does not anticipate the need to access storage capabilities in San Luis Reservoir, if storage were necessary it would likely be during the months of December, January or February. These are months when demands within DPWD are at a minimum, particularly if they coincide with a period of above-average hydrology.

**Cessation in Current Wastewater Discharges**

As noted above, Turlock treats approximately 10 million gallons per day (mgd) of tertiary treated wastewater, the majority of which is discharged into the San Joaquin River. The City wishes to cease its wastewater discharges to the San Joaquin River; however, as discussed further below, the City may infrequently discharge tertiary-treated wastewater to the River in the future on an as-needed basis.

Water Code section 1211, subdivision (a), provides:

(a) Prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater, the owner of any wastewater treatment plant shall obtain approval of the board for that change. The board shall review the changes pursuant to the provisions of Chapter 10 (commencing with Section 1700) of Part 2 of Division 2. (Water Code, § 1211, subd. (a).)

Because the City seeks to cease its wastewater discharges to the San Joaquin River, it is filing this petition for change under subdivision (a) of Water Code section 1211.

Attachment 4 shows the City's monthly discharges from 2000 to 2014. The table below summarizes the City's average monthly discharges for the same time period:

	<b>City Discharge to San Joaquin River (cfs) 2000-2014</b>
<b>Month</b>	<b>Avg</b>
Jan	16.3
Feb	16.3
Mar	16.1
Apr	16.3
May	16.0
Jun	16.1

Jul	16.0
Aug	16.3
Sep	16.1
Oct	16.8
Nov	16.4
Dec	16.4

A Feasibility Study prepared by the City's consultant is included with the attachments submitted herewith. Appendix K to the Feasibility Study is a technical memorandum that analyzes the potential effect on San Joaquin River flows if the City ceases its discharge. It concludes that the cessation of wastewater discharge from the City of Turlock would change river flows by less than 1% and would have no significant impacts. The memorandum further concludes cessation of its discharge would have small but positive impacts on river water quality.

Appendix L to the Feasibility Study is a technical memorandum that analyzes the potential effects on fishery habitat and juvenile Chinook salmon survival if the City ceases its discharge. It concludes the cessation of discharge from the City of Turlock would not have measurable effects on salmon, which the memorandum used as an indicator species.

Although the City currently intends to cease its wastewater discharge, it does not seek to abandon the existing point of discharge on the San Joaquin River. The City seeks to preserve the existing point of discharge for future potential discharge of tertiary treated wastewater as the need arises. Scenarios where the City may discharge wastewater to the San Joaquin River include but are not limited to:

- when the City cannot discharge wastewater into the Delta-Mendota Canal, such as during cleaning and maintenance activities at the Canal, or in the event of structural or other failure in the Canal;
- unanticipated failure in the City's recycled water pump station or pipeline;
- unanticipated failure of joint use facilities operated by the City of Modesto; and,
- if there is an approved transfer of water through the River.

The City will comply with all NPDES permit requirements for any future discharges of tertiary-treated wastewater to the San Joaquin River, and the City may seek authorization to transfer such wastewater through another change petition or an application under Water Code section 1485.

### **Additional Permits**

The Bureau of Reclamation will require a Warren Act Contract or a long-term Exchange Agreement for conveyance of recycled water through the Delta-Mendota Canal and storage of water in San Luis Reservoir. Del Puerto and the Wildlife refuges will use their existing facilities and diversions to divert the recycled water from the Canal and convey it to their places of use.

### **Environmental Review**

The City of Modesto is the CEQA lead agency for the Project. The Project's consultant completed a Feasibility Study in December 2013 and, in conjunction with the Bureau of Reclamation, has prepared an EIR/EIS for the Project. That study, and additional Project information, is Attachment 5 submitted herewith and is also available at <http://www.nvrrecycledwater.org>.

The City of Modesto, as lead agency for the project, filed a Notice of Preparation on April 22, 2014, and a copy of the Notice is Attachment 8 to the Environmental Information Form. The Bureau of Reclamation issued a Notice of Intent to Prepare a Draft EIS/EIR for the Project on April 22, 2014. (See 79 Fed.Reg. 22530-22531.) The draft EIS/EIR was completed in January 2015. The final EIS/EIR was completed in June 2015. (SCH # 2014042068)

## ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

### DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

The City of Turlock proposes to deliver up to 26,904 acre-feet per year of its recycled wastewater to Del Puerto Water District and several wildlife refuges through the Delta-Mendota Canal. The Project would convey recycled water from the City's wastewater treatment facility through a pipeline, and discharge it into the Delta-Mendota Canal. Del Puerto would divert the recycled water from the Delta-Mendota Canal or the water would be transported to San Luis Reservoir for storage during low water demand periods. The City also proposes to provide water to several Central Valley Project Improvement Act-designated refuges located south of the Delta.

The Project pipeline and related facilities are scheduled for completion in 2018. Modesto is the CEQA lead agency for the Project. Modesto's consultant completed a Feasibility Study in December 2013. Electronic copies of that Feasibility Study and all appendices are enclosed as Attachment 5 (CD-ROM). The Bureau issued a Notice of Intent to Prepare a Draft EIS/EIR on April 22, 2014. (See 79 Fed.Reg. 22530-22531.) The draft EIS/EIR was completed in January 2015. The final EIS/EIR was completed in June 2015. (SCH # 2014042068)

Additional Project information is available at <http://www.nvr-recycledwater.org>.

Insert the attachment number here, if applicable:

5

**Coordination with Regional Water Quality Control Board**

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: [http://www.waterboards.ca.gov/waterboards\\_map.shtml](http://www.waterboards.ca.gov/waterboards_map.shtml). Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

May 22, 2014

Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

Yes  No

Will a waste discharge permit be required for the project?

Yes  No

If necessary, provide additional information below:

City staff, Modesto staff and Consultants met with RWQCB staff on at least two occasions to discuss the project(s) and its impact on existing discharge locations and proposed discharge locations.

Activities during construction will be mitigated as stated in the EIS/EIR for the project so as to minimize or eliminate any impacts.

Insert the attachment number here, if applicable:

**Local Permits**

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted:

Date of Contact:

Department:

Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below.  Yes  No

Grading Permit  Use Permit  Watercourse  Obstruction Permit

Change of Zoning  General Plan Change  Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies.  Yes  No

If necessary, provide additional information below:

Potentially required permits from Stanislaus County (and Merced County, pending project alternatives) include encroachment, grading, building, and tree removal. The City will work with the Counties to secure any and all necessary permits.

Insert the attachment number here, if applicable:



**Federal and State Permits**

Check any additional agencies that may require permits or other approvals for your project:

- Regional Water Quality Control Board     Department of Fish and Game
- Dept of Water Resources, Division of Safety of Dams     California Coastal Commission
- State Reclamation Board     U.S. Army Corps of Engineers     U.S. Forest Service
- Bureau of Land Management     Federal Energy Regulatory Commission
- Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies.     Yes     No

For each agency from which a permit is required, provide the following information:

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number

If necessary, provide additional information below:

See Attachment 6 for a Summary of Permits and Regulatory Actions for the project.

Insert the attachment number here, if applicable:

**Construction or Grading Activity**

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake?     Yes     No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

**Archeology**

Has an archeological report been prepared for this project? If yes, provide a copy.  Yes  No

Will another public agency be preparing an archeological report?  Yes  No

Do you know of any archeological or historic sites in the area? If yes, explain below.  Yes  No

If necessary, provide additional information below:

Necessary analysis of archeological resources was conducted as part of the environmental review process.

Insert the attachment number here, if applicable:

**Photographs**

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from each point of diversion
- Along the stream channel immediately upstream from each point of diversion
- At the place where water subject to this water right will be used

As the place of use covers more than 100,000 acres, the City has not included photos of the place of use.

**Maps**

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of redirection, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

**All Water Right Holders Must Sign This Form:**

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated  at .

Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

**NOTE:**

- **Petitions for Change** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- **Petitions for Temporary Transfer** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

**City of Turlock's Petition for Change**  
**Attachment 2**

**(Points of Discharge Map)**

**City of Turlock's Petition for Change**  
**Attachment 3**

**(Place of Use Map)**

City of Turlock's Petition for Change  
Attachment 4

**Average Monthly Treated Effluent Discharge to San Joaquin River, 2000 – 2014**

City of Turlock Average Wastewater Discharge in Cubic Feet per Second for the period 2000-2014																
Month	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2000-2014 AVG MONTHLY FLOW in CFS
Jan	15.8	15.3	17.2	16.6	17.3	17.4	19.2	18.0	18.5	15.9	15.8	14.7	14.9	15.3	13.0	16.3
Feb	17.9	15.3	16.6	16.5	17.1	16.9	18.0	18.2	17.5	16.0	16.1	15.5	14.5	15.2	12.8	16.3
Mar	16.9	15.0	16.7	16.8	16.5	16.4	17.6	18.0	16.7	15.5	15.5	15.6	14.7	15.6	13.5	16.1
Apr	16.9	14.7	15.9	16.8	16.6	18.3	19.2	18.0	17.0	16.4	15.6	15.2	14.7	15.6	14.2	16.3
May	16.8	13.8	17.0	16.6	16.0	18.7	18.3	17.7	17.0	16.3	15.3	14.7	14.2	15.5	12.7	16.0
Jun	15.9	15.4	16.5	16.6	17.1	19.0	18.2	17.6	16.2	16.4	15.6	15.3	14.2	14.9	12.7	16.1
Jul	15.6	15.7	16.0	17.2	16.5	18.3	18.2	18.4	16.4	15.7	16.1	15.2	14.7	13.5	13.0	16.0
Aug	16.2	16.2	17.1	17.4	16.5	19.8	18.4	16.8	16.3	15.9	16.2	15.3	15.2	13.5	13.6	16.3
Sep	15.9	15.7	16.4	17.2	16.7	19.8	18.1	17.0	15.8	15.6	16.2	15.5	15.2	13.3	13.0	16.1
Oct	16.1	16.9	16.6	17.9	18.7	20.0	18.6	17.0	16.3	16.2	16.9	15.6	16.7	14.7	13.5	16.8
Nov	15.4	15.5	18.1	17.2	17.0	19.4	19.0	17.5	16.1	15.8	15.8	15.6	15.5	14.5	13.1	16.4
Dec	14.6	18.0	18.5	17.8	17.0	18.8	18.7	16.7	15.9	16.0	16.1	15.0	15.8	13.1	13.6	16.4
Totals	194.0	187.5	202.8	204.6	203.1	222.8	221.4	210.8	199.6	191.6	191.2	183.2	180.2	174.7	158.7	195.1
High	17.9	18.0	18.5	17.9	18.7	20.0	19.2	18.4	18.5	16.4	16.9	15.6	16.7	15.6	14.2	16.8
Low	14.6	13.8	15.9	16.5	16.0	16.4	17.6	16.7	15.8	15.5	15.3	14.7	14.2	13.1	12.7	16.0
Avg	16.2	15.6	16.9	17.1	16.9	18.6	18.5	17.6	16.6	16.0	15.9	15.3	15.0	14.6	13.2	16.3

**City of Turlock's Environmental Information for Petitions Form**  
**Attachment 5**

**(CD-ROM with Final Feasibility Study and Appendices)**

**City of Turlock's Environmental Information for Petitions Form**  
**Attachment 6**

**(Summary of Permits and Regulatory Actions for  
the Recommended Project)**

Table 10-1: Summary of Permits and Regulatory Actions for the Recommended Project

Agency	Regulatory Requirement	Project Stage	Brief Description
CA Department of Conservation	Williamson Act Cancellation	Planning / Design	If any ag land that has a Williamson Act Contract with the state government is converted to non-ag land (e.g. pump station is put on a corner of an existing ag parcel), that portion of land will need to have the Williamson Act Contract cancelled on it.
CA Natural Resources Agency	CEQA Compliance (TBD as lead agency)	Planning	California Environmental Quality Act (CEQA), is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.
CA Office of Historic Preservation	Section 106 Consultation	Planning	Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to coordinate with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) regarding the effects a project may have on properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) [16 USC 470 et seq.].
CA State Lands Commission	State Lands Lease Agreement	Planning	Depending on the lands near the San Joaquin River, a lease agreement with the State Lands Commission may be required.
Federal Government	NEPA Compliance (USBR as lead agency)	Planning	National Environmental Policy Act (NEPA) is the Federal equivalent of CEQA. NEPA can be done in conjunction with CEQA, pending USBR preference.
Natural Resource Conservation Service	Farmland Conversion Assessment	Planning	As part of compliance with the Farmland Preservation and Farmland Protection Act (FPPA), federal agencies assisting in projects that may convert important farmland to non-farm use must contact a local office of the Natural Resources Conservation Service (NRCS). NRCS uses a land evaluation and site assessment system to establish a farmland conversion impact rating score on each alternative project site. This score is used as an indicator for the project sponsor to consider alternative sites if the potential adverse impacts on the farmland exceed the recommended allowable level.
RWQCB	401 Water Quality Certification	Planning	Section 401 of the CWA requires that the discharge of dredged or fill material into waters of the United States does not violate effluent limitations or water quality standards established by the state.
RWQCB	Regulatory pathway for Discharge to the DMC	Planning	Based on preliminary discussions with the RWQCB, this will be likely be an NPDES permit
SWRCB	Wastewater Change Petition (Petition for Change)	Planning	Because the program will result in the removal of wastewater discharges to the SJR, a petition for change is needed from the SWRCB. Downstream water users are notified as part of the petition process.
US Army Corps of Engineers	404 Permit for any fill of wetlands or waters of the US	Planning / Design	Activities that result in discharge of dredged or fill material into waters of the United States are regulated by the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA). Discharges of dredged or fill material, including placement of structures, into waters of the United States, including wetlands, generally require a permit from USACE.
USBR	Warren Act Contract or Exchange Agreement	Planning	Under provisions of the Warren Act, Reclamation facilities can be utilized to convey and/or store water that is not a part of the CVP water supply (i.e., non-project water). DPWD presently has a Warren Act Agreement with Reclamation. Each Warren Act Agreement is specific to the source of water being conveyed and/or stored, and a new Warren Act Agreement will be required. Alternatively, an Exchange Agreement may be an appropriate vehicle for use of the DMC facilities for delivery of recycled water.
US Fish and Wildlife & National Marine Fisheries Service	Section 7 Consultation/Biological Opinions	Planning	Section 7 of the Endangered Species Act (ESA) requires all federal agencies, in consultation with USFWS and NMFS, to ensure that their actions do not jeopardize the continued existence of species listed as endangered or threatened or result in the destruction or adverse modification of the critical habitat of these species. Section 7 prohibits federal agencies from implementing an action that would result in the take of a species listed as threatened or endangered unless a biological opinion issued by USFWS or NMFS authorizes the take. Take includes harassing, harming, pursuing, hunting, wounding, killing or capturing, or attempting such activity.



**City of Turlock's Environmental Information for Petitions Form**  
**Attachment 7**

**Photographs of the City's Existing and Proposed Points of Discharge**  
**(See Attachment 2 for location)**

**City of Turlock's Environmental Information for Petitions Form**  
**Attachment 8**

**Notice of Preparation filed April 22, 2014**



City of Modesto  
Utilities Planning and  
Projects Department  
1010 Tenth Street, 4<sup>th</sup> Floor  
Modesto, CA 95354

## NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT AND SCOPING MEETING

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**TO:** Responsible and Trustee Agencies, Organizations, and Interested Parties

**FROM:** City of Modesto, Utility Planning and Projects Department  
1010 Tenth Street, 4<sup>th</sup> Floor  
Modesto, CA 95354

**SUBJECT:** Notice of Preparation of a Draft Environmental Impact Report for the North Valley Regional Recycled Water Program

The City of Modesto will be the lead agency under the California Environmental Quality Act (CEQA) and will prepare an Environmental Impact Report (EIR) for the project identified below.

**AGENCIES:** The City of Modesto requests the input of public agencies as to the scope and content of the environmental information that is germane to the agency's statutory responsibilities in connection with the proposed project, in accordance with California Code of Regulations, Title 14, Section 15082(b), if the agency will need to use the EIR prepared by The City of Modesto when considering any permit or other approval for the project.

**ORGANIZATIONS AND INTERESTED PARTIES:** The City of Modesto requests comments and concerns from organizations and interested parties regarding the environmental issues associated with construction and operation of the proposed project.

**PROJECT TITLE:** North Valley Regional Recycled Water Program

**PROJECT LOCATION:** San Joaquin, Stanislaus and Merced Counties

**PROJECT DESCRIPTION:** City of Modesto, Del Puerto Water District (DPWD) and City of Turlock (Partner Agencies) propose to implement a regional solution to address water supply shortages within DPWD's service area on the west side of the San Joaquin River in San Joaquin, Stanislaus and Merced Counties, south of the Sacramento-San Joaquin River Delta (Delta). Specifically, the project proposes to deliver up to 59,000 acre feet per year (AFY) of recycled water produced by the cities of Modesto and Turlock via the Delta-Mendota Canal (DMC), a feature of the Central Valley Project owned by the United States Bureau of Reclamation (USBR). Recycled water would be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing the San Joaquin River, and ending at the DMC. The recycled water would then be conveyed directly to DPWD customers. In addition to uses within DPWD's service area, this project also proposes to provide water to Central Valley Project Improvement Act (CVPIA) designated Refuges located south of the Delta to meet their need for water supply. This EIR assesses the environmental effects of the North Valley Regional Recycled Water Program (NVRWP or proposed project). The overall objective of the proposed project is to maximize beneficial use of a sustainable, alternative water supply within the region to address reductions in water supplies from the Central Valley Project (CVP) and will reduce the reliance on groundwater use. Specifically, the objectives of the project are as follows:

- Establish an alternative, reliable, long-term water supply of up to 59,000 acre feet per year (AFY) of recycled water for DPWD;



- Maximize the beneficial use of recycled water to DPWD customers and south of Delta CVPIA designated wildlife refuges;
- Maximize Project Partners' control of operations and delivery of water;
- Establish a long-term water right to allow for the beneficial reuse of recycled water;
- Maximize use of existing facilities for treatment / delivery of recycled water;
- Provide supplemental annual water supplies to south of Delta CVPIA designated refuges as available to meet Federal requirements;
- Avoid or minimize, through incorporation of design constraints and management practices, impacts to environmental resources such as surface water, groundwater levels, land subsidence, groundwater quality and biological resources including sensitive species;
- Deliver agricultural water to DPWD at a cost that supports regional economic sustainability.

Additional details on the Project are provided in Attachment A.

**POTENTIAL ENVIRONMENTAL EFFECTS:** The following areas of potentially significant environmental impact will be analyzed in the Draft EIR: Aesthetics, Air Quality/Climate Change, Biological Resources, Cultural Resources, Geology/Soils, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, Recreation, Transportation/Traffic, and Utilities & Service Systems. Potential cumulative impacts and potential for growth inducement will be addressed; alternatives, including the No Project Alternative, will be evaluated.

**PUBLIC REVIEW PERIOD:** This NOP is available for public review and comment pursuant to California Code of Regulations, Title 14, Section 15082(b) for 30 days. The comment period for the NOP begins April 22, 2014 and ends on May 22, 2014. Due to the limits mandated by State Law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

**RESPONSES AND COMMENTS:** Please indicate a contact person for your agency and send your responses and comments to:

William Wong, Acting Director  
 City of Modesto, Utility Planning and Projects Department  
 1010 Tenth Street, 4<sup>th</sup> Floor  
 Modesto, CA 95354

**SCOPING MEETING:** The City of Modesto will hold a scoping meeting on May 13, 2014 from 3:00 p.m. to 7:00 p.m. (open house format) at the City of Modesto, 2<sup>nd</sup> Floor, Conference Room 2001 at 1010 10<sup>th</sup> Street, Modesto. You are welcome to attend and present environmental information that you believe should be addressed in the EIR.

The NOP and all CEQA related documents for this project will be available for review on the web. You can view the NOP electronically at:

<http://www.nvr-recycledwater.org/documents.asp>

If you require additional project information, please contact William Wong at (209) 571-5801 or [wwong@modestogov.com](mailto:wwong@modestogov.com) or visit the North Valley Regional Recycled Water Program website indicated above.

  
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 William Wong, Acting Director  
 City of Modesto  
 Utility Planning and Projects Department

  
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 Date

## **ATTACHMENT A**

### **Draft EIR Schedule**

The City of Modesto is seeking input on the scope and content of environmental information relevant to the proposed Project, including input on environmental issues and alternatives to be addressed in the EIR. The Draft EIR is scheduled for circulation by early 2015.

### **Background**

In recent years, south of the Delta CVP contractors and CVPIA wildlife refuges have experienced a reduction in CVP water allocations due to drought conditions and Delta pumping restrictions. As a CVP contractor, DPWD has a need to establish alternative, reliable long-term agricultural water supplies to offset this reduction in supply. Also CVPIA Section 3406(d)(2) directs Reclamation to acquire and provide IL4 water to all CVPIA designated wildlife refuges in the Central Valley. The purpose of making the Cities' recycled water available to DPWD and CVPIA wildlife refuges is to provide an additional source of agriculture and wildlife water supply south of the Delta.

### **Project Description**

The proposed Project is located within San Joaquin, Stanislaus and Merced Counties, as shown in **Figure 1**. Proposed project facilities, consisting of pipelines and pump stations, would generally be located west of the cities of Modesto and Turlock, in the vicinity of the City of Patterson in Stanislaus County. Tertiary-treated water (blended with DMC water) would be delivered to farms within DPWD's service area in Stanislaus, San Joaquin and Merced Counties as well as to South of the Delta CVPIA designated refuges.

### **Project Facilities**

To deliver recycled water from Modesto and Turlock's treatment facilities to DPWD's service area, pipelines and pump stations would be constructed. Two alternatives, which differ based on how recycled water would be conveyed from the individual treatment facilities to the DMC, are evaluated at an equal level of detail in this EIS/EIR. A summary of the two alternatives and the reasons they were selected are as follows:

- Alternative 1: Separate Alignment Alternative
- Alternative 2: Combined Alignment Alternative

These alternatives were developed at two recycled water production rates (30,600 AFY available at the onset of the project in 2018 and 59,000 AFY at buildout in 2045). Both alternatives would avoid requirements for additional treatment upgrades at each City's treatment facilities, convey all the anticipated recycled water production at project buildout, use the CVP facilities to provide seasonal storage, and allow for delivery to the entire DPWD service area. These alternatives are distinguished by how flows would be conveyed to the DMC. Alternative 1 consists of separate pipelines from each City's treatment facility to the DMC, as shown in **Figure 2**. Alternative 2 would route recycled water from Turlock's Harding Drain Bypass Pipeline to the Modesto treatment facility, where recycled water would be combined and conveyed in one pipeline to the DMC as shown in **Figure 3**. Two pump stations would be needed for each of the alternatives.



Figure 1: Project Location

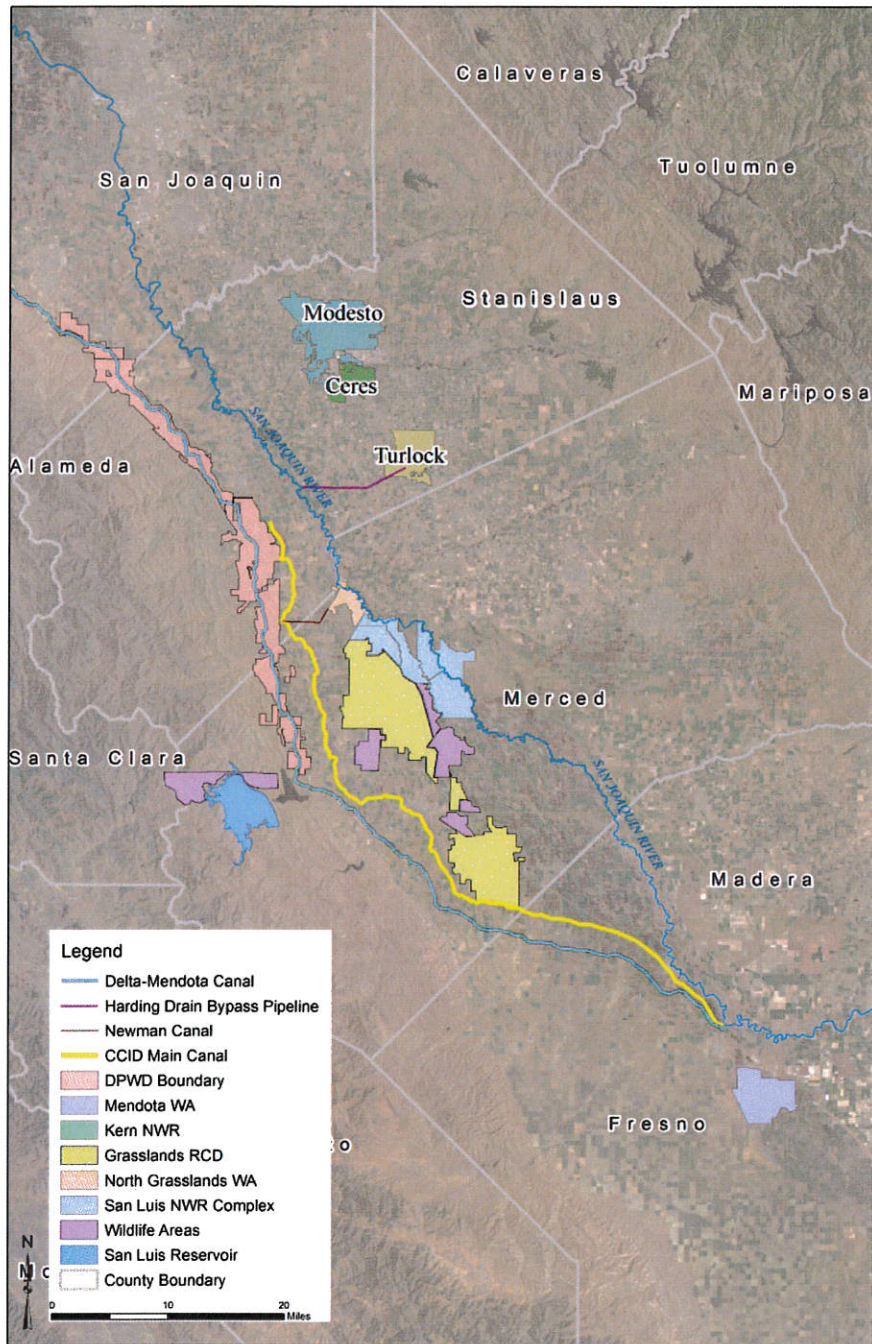


Figure 2: Alternative 1, Separate Alignment

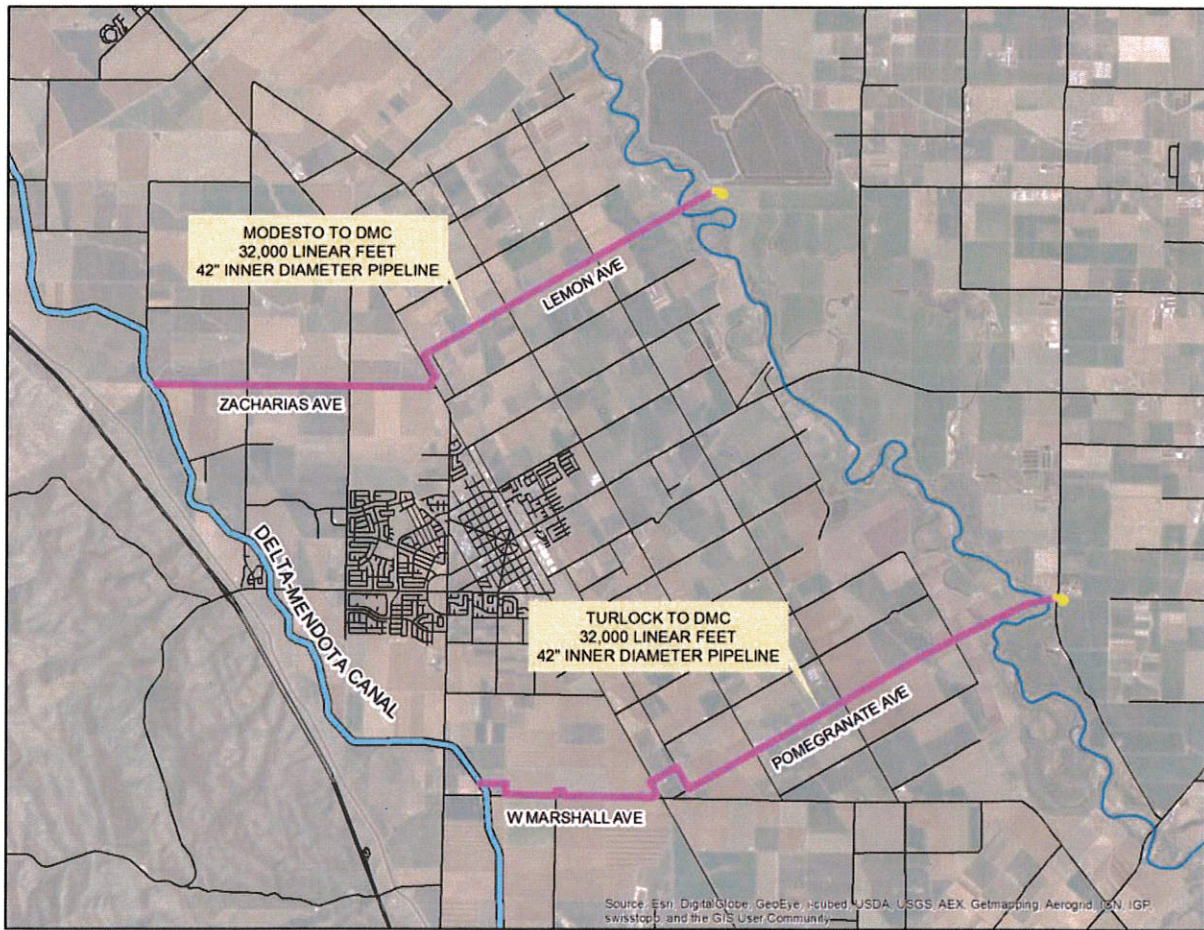




Figure 3: Alternative 2, Combined Alignment

