

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

DIVISION OF WATER RIGHTS

ORDER

ORDER APPROVING CHANGE IN POINT OF DISCHARGE,
PLACE OF USE, AND PURPOSE OF USE
WW - 33

WHEREAS:

1. The City of Santa Rosa (City) filed a treated wastewater change petition with the State Water Resources Control Board (SWRCB) on September 30, 1999 pursuant to Section 1211 of the California Water Code.
2. The City's Subregional Water Reclamation System currently discharges reclaimed water to 15 discharge points located directly adjacent to Santa Rosa Creek and Laguna de Santa Rosa, a tributary of Mark West Creek thence Russian River. In addition, about 4,000 MG of reclaimed water per year is used for irrigation of approximately 6,200 acres located in the Santa Rosa area. The locations of the discharge points and the irrigated acreage are shown on maps on file with the Division of Water Rights.
3. The City's petition requests approval to change the point of discharge, place of use, and purpose of use of treated wastewater discharged from the City's Laguna Subregional Wastewater Treatment Plant (Laguna Treatment Plant) by adding the Geysers Recharge Area to the project.
4. Public notice of the petition was issued on December 20, 1999, and no protests were received.
5. The SWRCB has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. Since March 6, 1985, the City, at the direction of the North Coast Regional Water Quality Control Board (Regional Board) through Cease and Desist Order No. 85-35, has been in the process of developing and implementing a long-range plan for the treatment and disposal of advanced treated water generated within the service area of the Laguna Treatment Plant. Cease and Desist Order 85-35 included a time schedule for implementation of the long-range plan for wastewater treatment and disposal.

The Regional Board has modified this time schedule several times, the most recent modification being by Order 96-31 dated May 23, 1996. The time schedule contained in Order No. 96-31 includes dates for completion of the long-range plan. SWRCB Cease and Desist Order 2000-04 modifies the time schedule and calls for implementation of the long-range plan by December 31, 2002.

7. In response to the Regional Board's Cease and Desist Order 85-35, the City evaluated alternative projects. On June 19, 1997, the Santa Rosa Subregional Long-Term Wastewater Project Final Environmental Impact Report (EIR) was certified. An addendum to the Final EIR was certified on January 22, 1998. In the winter of 1998, the City formally selected the Modified Geysers Recharge Project (now called the Geysers Recharge Project). The City began engineering design, which identified possible pipeline alignment changes and other project modifications. The City then prepared a second Final EIR addendum and four supplemental EIRs so that the City would have the option of implementing possible changes that had been identified in project design. The second addendum was certified on July 15, 1999. Three of the four supplemental EIRs were certified on July 1, 1999, and the fourth was certified on January 25, 2000.
8. The City identified significant impacts to water quality which cannot be mitigated. In adopting SWRCB Water Quality Order 2000-03, the SWRCB made a Statement of Overriding Considerations for the project.

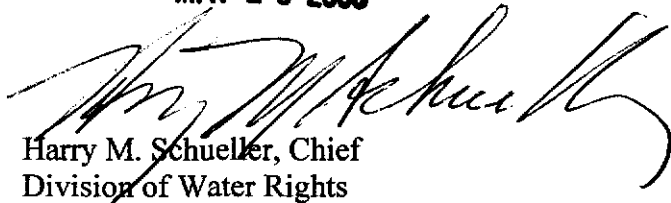
NOW, THEREFORE, IT IS ORDERED THAT:

1. The place of use shall be changed to include the Geysers Recharge Area located in northeastern Sonoma County as shown on maps on file with the SWRCB's Division of Water Rights.
2. Power generation shall be added as a purpose of use.
3. This order 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 water right 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.

Dated:

MAY 15 2000



Harry M. Schueller, Chief
Division of Water Rights