

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0053

Town of Windsor

**ORDER APPROVING ADDITIONAL POINT OF DISCHARGE,
PLACE OF USE, AND PURPOSE OF USE
OF TREATED WASTEWATER EFFLUENT**

SOURCE: Mark West Creek tributary to Russian River

COUNTY: Sonoma

WHEREAS:

1. The Town of Windsor (Town) filed Wastewater Change Petition WW0053 with the State Water Resources Control Board (State Water Board) on May 14, 2009, pursuant to section 1211 of the Water Code. Petition WW0053 was filed to add a point of discharge, place of use, and purpose of use to the Town's treated wastewater effluent discharged from its Water Reclamation Treatment Plant (WRTP). Public notice of the change was issued on September 24, 2009, and no protests were filed. The Sonoma County Water Agency (SCWA), a downstream user, was also notified, and no protests were filed by SCWA.
2. The Town's WRTP currently discharges tertiary-treated effluent to Mark West Creek at an outfall located just downstream of the Trenton-Healdsburg Road Bridge, below the confluence with Windsor Creek and approximately 3 miles upstream of the confluence with the Russian River at Mirabel Park (located within NW¼ of SW¼ of Section 34, T8N, R9W, MDB&M). The discharge occurs under the terms and conditions contained in the Town's existing National Pollution Discharge Elimination System (NPDES No. CA0023345) permit, which allows for discharge of reclaimed water to occur from October 1 through May 14, at a maximum daily rate of 1% of Mark West Creek natural flow.
3. The City of Santa Rosa (City) constructed the Geysers Pipeline and began recycled water delivery in 2003 under an agreement with the Calpine Corporation (Geysers Steamfield owner/operator). The Town operates a water reuse system similar to but smaller than the City's for which recycled water flows are nearing capacity of its disposal system. An agreement between the City and the Town would allow the Town to deliver recycled water through the Geysers Pipeline through the year 2037. The Town would construct the necessary facilities to connect to the existing Geysers Pipeline, and would provide and pay for the power necessary to operate its facilities. The City would operate and maintain the Town's Geysers Pipeline infrastructure.

4. Under Petition WW0053, and as part of the Windsor Geysers Recharge Pipeline Connection Project (Project), the Town proposes to add the Geysers Recharge Steamfield (Steamfield), located in the Mayacamas Mountains northeast of Healdsburg, in Sonoma County (see project map for location), as a new point of discharge and place of use, and geothermal power generation as a new purpose of use for a portion of its treated wastewater effluent. The Town has implemented improvements, identified as Phase II improvements, to upgrade treatment plant capacity from 1.6 million gallons per day (MGD) to 2.25 MGD. Additional treated effluent is proposed to be diverted at a rate of 0.75 to 1.25 MGD annual average flow to the Steamfield, to substitute for Santa Rosa recycled water already committed for reuse at the Steamfield. No surface water discharge will be associated with the new discharge location.

The Project will consist of:

- a. construction of a pump station at the WRTP;
 - b. approximately 1,000 ft of 12-in diameter pipeline traveling through the WRTP and along Windsor Road to connect to existing Geysers Pipeline at Windsor Road and Reiman Lane;
 - c. addition of the Steamfield as a new point of discharge and place of use; and
 - d. geothermal power generation as a new purpose of use for a portion of its treated wastewater effluent.
5. The Town will continue to discharge up to 1% of the natural stream flow to Mark West Creek, in compliance with its existing NPDES permit. With development of the Project and the Town's Eastside Road Storage Project, there would initially be a reduction in the amount of water discharged to Mark West Creek. Before the Project, the average annual discharge volume is approximately 313 million gallons; immediately after completion of the Project, the discharge will be reduced to approximately 193 million gallons. However, at buildout conditions, the number of days at which the Town discharges at the maximum daily rate would be increased under all scenarios analyzed, consistent with the General Plan 2015. As Average Dry Weather Flow increases over time from the current 1.6 MGD to a future 3.0 MGD, the average annual amount discharged to Mark West Creek would increase to approximately 410 million gallons per year under all scenarios analyzed, and under compliance with the existing NPDES permit terms.
 6. The State Water Board has determined that the petition for an additional point of discharge, place of use, and purpose of use does not cause injury to any other lawful user of water.
 7. The Town is lead agency under the California Environmental Quality Act. On October 11, 2000, the Town issued a Draft Environmental Impact Report (DEIR) titled *Town of Windsor Master Plan for Treatment Storage and Disposal*, SCH #1999112034 (Master Plan). On January 29, 2001, the Town filed the Final EIR (EIR) for the Master Plan with Sonoma County.

In March 2001, the Town filed a Notice of Determination (NOD) with a Statement of Overriding Consideration for the EIR with Sonoma County. The Town identified significant unavoidable impacts related to: 1) removal of protected, native trees; 2) cumulative long term impacts to biological resources through loss of trees and related woodland habitat in the Windsor area. The Certified EIR identified mitigation measures that would reduce both impacts, however, these impacts will not be avoided or reduced to less than significant. The Town determined that the benefits of the Master Plan (Social, Economic, and Environmental) outweighed the unmitigated adverse impacts (oak woodland removal) and the Master Plan should be approved.

The EIR identified potentially significant impacts on geology, soils and seismicity, water quality, biological resources, cultural resources, land use and recreation, traffic and circulation, air quality, noise, visual resources, and hazardous materials. The Town found that the mitigation measures incorporated into the Master Plan avoid or reduce potential environmental impacts to less than significant levels.

8. In October 2008, the Town prepared an Addendum to the EIR (*Addendum to the Town of Windsor Water Reclamation Master Plan for Treatment, Storage, and Disposal EIR*) for the Project to ensure that no new or greater environmental impacts would occur that were not previously disclosed in the 2001 EIR. In November 2008, the Town filed a NOD for the Addendum and identified that there would be no new significant effects on the environment.
9. The State Water Board, as a responsible agency, is required to 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 Wastewater Change Petition. (Cal. Code Regs., tit. 14, § 15096, subd. (a).) The State Water Board has considered the EIR and the Addendum in deciding whether to approve the petition. The State Water Board finds that changes or mitigation measures have been required in, or incorporated into, the Project that avoid or substantially lessen the significant effects identified in the EIR and Addendum. Mitigation measures are within the responsibility of the Town, not the State Water Board, and have been or should be adopted. Mitigation monitoring for this Project, identified in the "Mitigation Monitoring and Reporting Plan" and included as Exhibit D in the final EIR, require reporting to agencies other than the State Water Board.
10. The State Water Board will issue a NOD within five days of the date of this order.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The Town of Windsor is authorized to add a new point of discharge, place of use, and purpose of use, of treated wastewater effluent from the Town of Windsor's WRTP as follows:
 - i. Add a new point of discharge at the Geysers Recharge Steamfield, located in northeastern Sonoma County (see project map for location), of up to 2.4 cfs (1.53 million gallons per day, and an annual average of 1.25mgd);
 - ii. Add a new place of use at the Geysers Recharge Steamfield; and
 - iii. Add a new purpose of use of geothermal power generation.
2. In relation to Federally and State-Protected water, the Town shall comply with the following condition:

For installation of all pipeline facilities across stream channels, the Town shall obtain the following permits as applicable:

- i. Section 404 permit(s) from USACOE (Nationwide 12 – Utility Line Discharges) for dredge and fill work;
- ii. CDFG 1601/03 Stream Alteration Agreement(s) for possible impacts to fish habitat; and
- iii. 401 RWQCB Water Quality Certification. Permit conditions would reinforce implementation of the Storm Water Pollution Prevention Plant (SWPPP) to reduce potential impacts.

Copies of such permits and approvals shall be forwarded to the Deputy Director for Water Rights.

3. The petitioner shall comply with the following Endangered Species condition:

The 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



Barbara Evoy
Deputy Director for Water Rights

Dated: **NOV 09 2010**