

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW-60

City of Tulelake

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

SOURCE: Tulelake Irrigation District's (TID) Drain No. 44-B-1 tributary to Tulelake-Lower Klamath
Lake reach of the Lost River Basin

COUNTY: Siskiyou

WHEREAS:

1. The City of Tulelake, (Tulelake) filed Wastewater Change Petition WW0060 with the State Water Resources Control Board (State Water Board) on July 6, 2010, pursuant to section 1211 of the Water Code. Tulelake is currently under the terms of a Cease and Desist Order R1-2004-0074 issued by the North Coast Regional Water Quality Control Board (Region 1). Under the terms of the Order, Tulelake is required to develop an alternative to discharging treated effluent into the Drain. The proposed improvements include refurbishment of the existing treatment facility, the purchase and construction of an unlined constructed wetland effluent disposal site, and conversion of the non-operational effluent filters to treatment wetlands. The treatment wetlands would have an impermeable liner and water would be evaporated and transpired.
2. The Wastewater Change Petition was noticed on October 11, 2010. No protests were filed.
3. 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.
4. Under the California Environmental Quality Act (CEQA), Tulelake is the lead agency for preparation of environmental documentation for the project. On April 6, 2009, Tulelake issued an Final Mitigated Negative Declaration (MND) titled Tulelake Wastewater Upgrade Project, SCH #2008102070. On April 7, 2008, Tulelake issued a Notice of Determination (NOD) for the project.

The State Water Board is a responsible agency for purposes of considering whether to approve the wastewater change petition that will allow Tulelake 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 inclusion of mitigation measures from the MND to minimize impacts to biological resources, will have any adverse impacts on public trust resources.

5. Tulelake's environmental review was limited to impacts associated with the proposed wastewater project, i.e., the impacts associated with the refurbishment of the existing treatment facility, conversion of the effluent filters to treatment wetlands, and the change in the point of discharge from the TID drain 44-B1 to the new wetland disposal site. Consequently, the State Water Board's approval of the wastewater change petition must be similarly limited in scope.

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].)

Tulelake is improving their wastewater treatment facility and constructing polishing wetlands in order to comply with the terms of a Cease and Desist Order R1-2004-0074 issued by Region 1. This Order requires the City to stop discharging treated effluent into the Drain and to develop an alternative. The mitigation measures in the EIR minimize impacts to biological and cultural resources and no adverse impacts to public trust resources are expected.

The State Water Board will issue an NOD within five days of the date of this order.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. Tulelake is authorized to change the point of discharge, purpose of use, place of use, and discharge quantity of 0.25 cfs of treated wastewater effluent discharged from the Tulelake Wastewater Treatment Plant.
2. The State Water Board has determined that the wastewater discharge shall be amended to include the following specific changes:
 - a. Remove existing point of discharge within California Coordinate system, NAD 83, Zone 1, North 2,593,601 feet and East 6,705,446 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1, T47N, R4E, MDB&M.
 - b. Add new point of discharge within California Coordinate system, NAD 83, Zone 1, North 2,593,175 feet and East 6,706,038 feet, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1, T47N, R4E, MDB&M.
3. Water will be treated, transpired, and evaporated in polishing wetlands and infiltrated using land disposal within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1, T47N, R4E, MDB&M as shown on map. The authorized diversion season is 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 California Regional Water Quality Control Board, North Coast Region, 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

Original Signed by: JWK for

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: December 31, 2010