

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0061
Quincy Community Services District

ORDER APPROVING CHANGE IN POINT OF DISCHARGE

SOURCE: Clear Stream tributary to Spanish Creek thence North Fork of the Feather River
COUNTY: Plumas

WHEREAS:

1. Quincy Community Services District, (Quincy) filed Wastewater Change Petition WW0061 with the State Water Resources Control Board (State Water Board) on November 22, 2010, pursuant to section 1211 of the Water Code. The purpose of the project is to relocate the effluent from the Wastewater Treatment Plant (WWTP) from Clear Stream (an ephemeral stream) to Spanish Creek (a perennial stream) (Project). The treated effluent flows through the Emergency Pond into Clear Stream via a control gate. Clear Stream then flows approximately 1,500 feet before converging with Spanish Creek. The Emergency Pond stores excess effluent during wet years when the adjoining irrigated land that normally receives the effluent after May 15 is not sufficiently dewatered. A newly constructed automatic control gate attached to a new concrete discharge structure will collect flow from the WWTP and discharge to a newly constructed manhole and then to a diffuser pipe into Spanish Creek. This change will allow Quincy to request dilution credits for constituents in the effluent. Several elements of the Project have already been constructed including grading of the existing Emergency Pond to construct 20 acres of seasonal wetlands, and the stabilization of an eroded section of Clear Stream using native grasses and shrubs.
2. The State Water Board does not ordinarily require that notice be given or published in cases where the proposed change(s) do not have the potential to impair the water supply of other legal users of water or instream beneficial uses, except that in all cases the petitioner shall notify the Department of Fish and Game (DFG) in writing of the proposed change(s). The Petitioner notified DFG. On May 17, 2010, DFG issued a Streambed Alteration Agreement for the Project.
3. The Project is located on private land owned by Quincy and Bengard Ranch. Bengard Ranch is cooperating with Quincy on the Project. There are no other persons located between: (a) the stream reach where effluent is currently discharged (Clear Stream from the point of discharge to the location where Clear Stream joins Spanish Creek) and (b) the stream reach where effluent will be discharged pursuant to the Project (Spanish Creek down to its confluence with Clear Stream) Tom Bengard (Bengard Ranch) has filed the only Statement (S016346) on Spanish Creek downstream from the proposed discharge location.

4. The State Water Board has determined that the petition for change in the point of discharge will not cause injury to any other lawful user of water.
5. Under the California Environmental Quality Act (CEQA), Quincy is the lead agency for preparation of environmental documentation for the project. On May 29, 2009, Quincy issued a Final Mitigated Negative Declaration (MND) titled Quincy Community Services District Wetland and Effluent Discharge Project, SCH #2009062020. On May 29, 2010, Quincy issued a Notice of Determination (NOD) for the project.
6. The State Water Board is a responsible agency for purposes of considering whether to approve the wastewater change petition that will allow Quincy 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. Changes or mitigation measures have been required in, or incorporated into, the project that avoid or substantially lessen the significant effects identified in the MND. Mitigation measures identified in the "Mitigation Measures and Implementation Plan" prepared by Quincy are within the responsibility of Quincy, not the State Water Board, and have been or should be adopted.
7. 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].)
8. Quincy is relocating their wastewater treatment discharge location from an ephemeral to a perennial stream to allow the District to request dilution credits for constituents in the effluent. The mitigation measures identified in the MND minimize impacts to biological resources. No adverse impacts to public trust resources are expected.
9. 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. Quincy is authorized to change the point of discharge of 2.48 cubic feet per second of treated wastewater effluent discharged from the Quincy Community Services District 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 to Clear Stream within California Coordinate system, NAD 83, Zone 1, North 1,867,603 feet and East 6,861,024 feet, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T24N, R9E, MDB&M.
 - b. Add new point of discharge to Spanish Creek within California Coordinate system, NAD 83, Zone 1, North 1,867,903 feet and East 6,860,631 feet, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T24N, R9E, MDB&M.

3. There will be no changes to the manner in which the discharged water will be used, a total of 200 acres will continue to be irrigated downstream from the point of discharge. Pursuant to NPDES Permit Order No. R5-2010-0032, the permitted discharge is allowed when an average daily dilution of 20:1 is present in Spanish Creek.

STATE WATER RESOURCES CONTROL BOARD



*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: FEB 28 2011