
State Water Resources Control Board

TO: Wastewater Petition WW0066 (City of Lincoln)

FROM: Jane Ling
Water Resource Control Engineer
DIVISION OF WATER RIGHTS

DATE: October 2, 2015

SUBJECT: Administrative Correction of Order Approving WW0066

On September 25, 2015, a member of the public informed the State Water Resources Control Board, Division of Water Rights (Division) that errors appeared to the SCH number as well as the filing date of the Notice of Determination (NOD) of the Mitigated Negative Declaration identified in Item 7 on page 2 of the Order Approving Wastewater Petition WW0066 issued on January 2, 2013. Division staff verified the information with the Division's records and website of the California Governor's Office of Planning and Research. The SCH number and the filing date of the NOD shall be corrected; Item 7 on page 2 of this Order shall be read as follows.

7. The City is the lead agency pursuant to the California Environmental Quality Act (CEQA). The City prepared a Mitigated Negative Declaration (MND) for the project, SCH # **2012012043**. The City filed a Notice of Determination (NOD) with the State Clearinghouse on **May 14, 2012**.

Please be aware this administrative correction shall not affect any other parts of the Order approving WW0066.

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0066
City of Lincoln

**ORDER APPROVING CHANGE IN PURPOSE OF USE
AND PLACE OF USE**

SOURCE: Auburn Ravine

COUNTY: Placer

WHEREAS:

1. The City of Lincoln (City) began discharging to Auburn ravine from the wastewater treatment and reclamation facility (WWTRF) in July 2004 when the plant started operating. The plan to reuse the water instead of discharging it was documented in a Master Reclamation Permit adopted by the Central Valley Regional Water Quality Control Board (Regional Board) (Order No. R5-2005-0040). The City operates the WWTRF under Waste Discharge Requirements (WDR) (Order No. R5-2008-0156) adopted by the Regional Board.
2. The City of Lincoln (City) filed Wastewater Change Petition WW0066 (petition) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) on December 23, 2011, pursuant to section 1211 of the Water Code. The petition seeks to change the purpose of use and place of use of treated wastewater. The treated wastewater discharge of 4.1 cubic feet per second (cfs) of treated wastewater to Auburn Ravine would be discontinued and the water used for irrigation and industrial uses on lands covered by the Master Reclamation Permit.
3. The petition was noticed on January 31, 2012. Protests were filed by the Department of Fish and Game (DFG) and Foothills Water Network, et al (Foothills).
4. On August 30, 2012, DFG conditionally dismissed its protest. The protest resolution conditions are included in this order.
5. On November 6, 2012, Foothills provided its protest dismissal agreement to the Division. The protest dismissal agreement conditions: (a) require the City to coordinate with other interested parties in management of Auburn Ravine, (b) coordinate with other interested parties to explore regional non-dam solutions to enhancing water supply reliability, and (c) coordinate with South Sutter Water District in discussions related to the feasibility of modifying Coppin Dam to facilitate fish passage. Only item (a) is related to the current petition. Items (b) and (c) are outside the scope of the petition and are not included herein. The agreement remains enforceable between

the parties.

6. The State Water Board has determined that the petition for change in purpose of use and place of use will not cause injury to any other lawful user of water.
7. The City is the lead agency pursuant to the California Environmental Quality Act (CEQA). The City prepared a Mitigated Negative Declaration (MND) for the project, SCH #2012012013. The City filed a Notice of Determination (NOD) with the State Clearinghouse on March 16, 2012.
8. The State Water Board is a responsible agency for purposes of considering whether to approve the wastewater change petition that will allow the City 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 lead agency implementing mitigation measures from the MND, will have any adverse impacts on the environment. The State Water Board will issue an NOD within five days of the date of this order.
9. 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].) No adverse impacts to public trust resources are expected.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. The City is authorized to change the purpose of use and place of use of treated wastewater.
2. The City is authorized to discontinue discharge to Auburn Ravine, subject to the following limitations:
 - a. During the periods October 1 through November 30 and March 1 through April 15, the City shall maximize the discharge of treated wastewater (termed "reclaimed water") from the Lincoln WWTRF to Auburn Ravine under the following conditions:
 - i. Reclaimed water discharges to Auburn Ravine will only be made when Lincoln can meet all regulatory requirements associated with the discharge.
 - ii. Reclaimed water discharges to Auburn Ravine may be reduced during the above time periods when conditions beyond the control of the City necessitate cessation or reduction of the discharge from that which would otherwise be possible. Examples of such conditions include interruptions in other water supplies such as canal breakage, sudden and unusual hot temperatures and downstream flooding.
 1. If cessation or reduction of discharge is necessary due to an emergency, then the City shall notify DFG within 24 hours. DFG may respond with requests based on the specific needs of the fish in Auburn Ravine. The City will work with DFG to address the specific needs of the fish.

2. If cessation or reduction of discharge is necessary due to an anticipated event, the City shall notify DFG 48 hours prior to cessation or reduction of discharge. DFG may respond within this 48 hour period with requests based on the specific needs of the fish in Auburn Ravine. The City will work with DFG to address the specific needs of the fish.
 - iii. The City shall coordinate with other interested parties, including but not limited to: Pacific Gas & Electric Company, Nevada Irrigation District, Placer County Water Agency and South Sutter Water District in the management of Auburn Ravine. In the City's coordination, it must take into account the regulatory constraints on its releases of effluent from the WWTRF. In this context, "coordinate" means discussing and conferring with interested parties; provided, however that pursuant to state law, the City retains its discretion and is not obligated to implement any particular measure.
3. The authorized place of use is the areas shown in the Master Reclamation Permit, within Sections 1-12 of T11N, R5E and R6E, Sections 5-8 of T11N, R7E, Sections 1-36 of T12N, R5E, Sections 13-36 of T12N, R6E, Sections 18, 19 and 29-32 of T12N, R7E, all within MDB&M.
4. Treated wastewater may be used for the proposed project from January 1 to December 31 of each year.
5. Treated wastewater may be used for irrigation and industrial purposes.
6. No water shall be used under this wastewater change petition until petitioner has filed a report of waste discharge with the Regional Board, 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:
PHILLIP CRADER FOR

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: JAN 02 2013