

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

**DIVISION OF WATER RIGHTS**

---

In the Matter of Wastewater Petition WW-72  
**Napa Sanitation District**

**ORDER APPROVING CHANGE IN PLACE OF USE**

---

SOURCE: Napa River

COUNTY: Napa

---

**WHEREAS:**

1. Napa Sanitation District filed Wastewater Change Petition WW-72 with the State Water Resources Control Board (State Water Board) on January 28, 2014, pursuant to Water Code section 1211. The petition seeks to change the place of use which, under this petition, would receive up to 1,073 acre-feet per annum of treated wastewater at a rate of up to 9.8 cubic foot per second (cfs).

Napa Sanitation District proposes a change in wastewater operations that would divert for re-use up to 1,073 acre-feet of treated wastewater generated by the Soscol Water Recycling Facility, located on the east bank of the Napa River approximately 3 miles south of the City of Napa. Treated wastewater from this facility is currently discharged to the Napa River between November 1 and April 30 at an average rate of 19.5 cubic feet per second. The reductions identified in the petition were approximately 1.7 cubic feet per second (103 acre-feet) in March, 9.8 cubic feet per second (589 acre-feet) in April, and 6.3 cubic feet per second (381 acre-feet) in November.

Wastewater diverted for re-use will be used in the Milliken-Sarco-Tuluca (MST) service area to the east of the City of Napa, in Napa County for the purpose of irrigating vineyards, golf courses, pastureland, parks, and landscaping. The proposed changes will be performed in partnership with the County of Napa. Napa Sanitation District and the County of Napa are members of the North Bay Water Reuse Authority (NBWRA), which is a cooperative program involving ten agencies in the San Pablo Bay region. The purpose of the NBWRA is to oversee the North Bay Water Reuse Program, which provides a programmatic approach to expanding the use of recycled water in the North San Pablo Bay area. The member agencies of the NBWRA are Sonoma County Water Agency (SCWA), Las Gallinas Valley Sanitary District, County of Napa, Napa Sanitation District, Novato Sanitary District, North Marin Water District, Sonoma Valley County Sanitation District, Marin Municipal Water District, City of Petaluma, and County of Marin.

2. This facility was also the subject of a wastewater change petition (WW-7) submitted by Napa Sanitation District on January 18, 1990. The order approving the petition was granted on February 9, 1993. The order approved a change in the purpose of use and place of use of the recycled water. The purpose of use is irrigation of golf courses, parks, and landscaping. The additional place of use approved by the order included Kennedy Park and Golf Course, Napa College grounds and Bedford Industrial park. The purpose of WW-72 is to increase the amount of recycled water utilized and includes additional places of use of the recycled water beyond the areas identified in WW-7.

3. Public notice of WW-72 was issued on February 5, 2014. One protest was received on March 7, 2014 from Mr. Richard Morat. The protest was rejected due to a failure to satisfy the requirements of Water Code Section 1703.2(c) and California Code of Regulations Section 745.
4. No water right holders were identified in the reach of the Napa River downstream of the Soscol Water Recycling Facility discharge point. The State Water Board has determined that the petition for change in the place of use will not cause injury to any other lawful user of water.
5. Under the California Environmental Quality Act (CEQA), SCWA is the lead agency for preparation of the environmental documentation for the project. On December 8, 2009, SCWA approved a final Environmental Impact Report (EIR) titled *North San Pablo Bay Restoration and Reuse Project (North Bay Water Recycling Program)*, SCH # 2008072096. On December 17, 2009, Napa Sanitation District issued a Notice of Determination (NOD) for the EIR. An addendum titled *North Bay Water Recycling Program, Napa Sanitation District MST Area Project – Imola Avenue Draft Addendum to the Environmental Impact Report and Supplemental Information Document to the Environmental Impact Statement (Addendum)* and dated February 2013 was prepared to address proposed changes to the location of the pump station and alignment of distribution facilities within the Napa Sanitation District's service area. The Addendum determined that potential impacts on water resources within the State Water Board's purview were less than significant. An NOD for the Addendum was filed on December 19, 2013 by Napa Sanitation District.
6. The State Water Board is a CEQA responsible agency for purposes of considering whether to approve the wastewater change petition that will allow the Napa Sanitation District to proceed with the proposed project. As a CEQA 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 EIR, the Addendum to the EIR, and the information contained in the file in deciding whether to approve the petition. There is no evidence that approval of the wastewater change petition will have any adverse impacts on water resources within the State Water Board's purview for the WW-72 petition. The State Water Board will issue an NOD within five days of the date of this order.
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].) No adverse impacts to public trust resources are expected.

## ORDER

### NOW, THEREFORE, IT IS ORDERED THAT:

1. The Petitioner is authorized to change the place of use of up to a rate of 9.8 cubic feet per second, or 1,073 acre-feet per annum, of treated wastewater effluent that would otherwise have been discharged from the Soscol Water Recycling Facility to the Napa River during the period of November 1 of each year to April 30 of the succeeding year. As identified in the petition, the reductions in discharge rate consists of approximately 1.7 cubic feet per second (103 acre-feet) in March, 9.8 cubic feet per second (589 acre-feet) in April, and 6.3 cubic feet per second (381 acre-feet) in November.
2. The authorized place of use is within the Napa Sanitation District Milliken-Sarco-Tulucay Project service area as shown on the project map on file with the State Water Board, being within T5N, R3W and R4W, and T6N, R3W and R4W, MDB&M. Treated wastewater from the proposed project may be used on the place of use from January 1 to December 31 of each year.
3. The purpose of use shall remain unchanged and is for irrigation.

4. The point of discharge shall remain unchanged, located at NAD 83, Zone 2, North 1,847,846, and East 6,479,475 feet being within projected Section 34, T5N, R4W, MDB&M.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY  
JAMES W KASSEL FOR:

*Barbara Evoy, Deputy Director*  
*Division of Water Rights*

Dated: MAR 20 2014