

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0087
McCabe Union Elementary School District

**ORDER APPROVING CHANGE IN
POINT OF DISCHARGE AND QUANTITY OF DISCHARGE**

SOURCE: Wildcat Drain Tributary to the New River

COUNTY: Imperial

WHEREAS:

1. McCabe Union Elementary School District (District) filed Wastewater Change Petition WW0087 with the State Water Resources Control Board (State Water Board) on July, 2015, pursuant to Water Code section 1211. The petition seeks authorization for the District to change the point of discharge of treated wastewater and allow the district to cease the discharge of treated wastewater to Wildcat Drain.
2. Water Code section 1211 requires the owner of any wastewater treatment plant to obtain approval from the State Water Board prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater, when changes in the discharge or use of treated wastewater result in decreasing the flow in any portion of a watercourse. The District has not obtained previous approval of any such changes under Water Code section 1211. For the purposes of this Order, the State Water Board considers the following information as the District's existing point of discharge, place of use, and purpose of use of treated wastewater:
 - a. The point of discharge (Wildcat Drain) is located at North 1,854,104 feet and East 6,762,355 feet by California Coordinate System 1983, Zone 5, being within Tract 82, T16S, R13E, SBB&M.
 - b. There is no place of use.
 - c. There is no purpose of use.
3. The District owns and operates a Wastewater Treatment Plant (WWTP) designed to service a student and faculty population of approximately 1,300 persons (see Table 1). The WWTP currently discharges treated wastewater to the Wildcat Drain at a maximum monthly average rate of 5,686 gallons per day. The District is currently discharging pursuant to Order R7-2-12-0012 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0104281.

Table 1. Monthly Average Rate of Discharge (gallons per day)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
5,363	6,139	5,040	4,911	4,911	1,357	1,809	2,585	4,976	4,006	5,557	5,686

4. The District proposes to cease surface water discharge of the effluent under the NPDES permit and commence discharge to ponds in accordance with a Waste Discharge Requirements (WDR) permit. Under the WDR permit, the treated effluent will be discharged to the ponds and where it will percolate into the ground and be evaporated into the air. The quantity and quality of the discharged effluent and any associated solids will not change.
5. The District will construct and operate three ponds in order to allow the treated wastewater to percolation and evaporate. Each pond will have a bottom area of 37,500 square feet, for a total area of 112,500 square feet, and will be located adjacent to the existing bus shed area of McCabe Elementary School. No change in wastewater treatment is proposed. The wastewater effluent will continue to be treated and disinfected prior to discharge. The project also includes the disconnection of the facilities used to discharge effluent into the Wildcat Drain and the disconnection of existing tile lines originally intended for leaching of agricultural lands.
6. The District has indicated that there is no plan to withdraw any water that will be discharged to the ponds, and further stated that their intent is to abandon the water. Percolation of water to underground storage is a method of storage, not a beneficial use. No beneficial use of the treated wastewater has been identified. Wastewater that is discharged without intent to place the water to beneficial use is abandoned and subject to appropriation and use.
7. Public notice of the change was issued on September 10, 2015. No protests were submitted to the Division in response to the notice.
8. The State Water Board has determined that the petition to cease the discharge of treated wastewater will not cause injury to any other lawful user of water.
9. Under the California Environmental Quality Act (CEQA), the District is the lead agency for preparation of environmental documentation for the project. On June 10, 2015, the District adopted the final Mitigated Negative Declaration (MND) entitled *McCabe Union Elementary School District Wastewater Treatment Facility Infiltration/Evaporation Ponds* (SCH No. 2014081081) dated August 2014.
10. The State Water Board is a CEQA responsible agency for purposes of considering whether to approve the petition that will allow the City 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 MND in deciding whether to approve the petition. There is no evidence that approval of the petition will have any adverse impacts on water resources within the State Water Board's purview for the petition. The State Water Board will issue an NOD within five days of the date of this Order.
11. 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 change 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 effects to public trust resources are expected.
12. Pursuant to Resolution 2012-0029, the State Water Board has delegated the authority to administer the State Water Board's water rights program to the Deputy Director for Water Rights, and the Deputy Director for Water Rights has redelegated the authority.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. The request to change the point of discharge is approved. The points of discharge of treated wastewater discharged from the WWTP are the following:
 - a. Wildcat Drain, located at North 1,854,104 feet and East 6,762,355 feet by California Coordinate System 1983, Zone 6, being within Tract 82, T16S, R13E, SBB&M.
 - b. Pond No. 1, located at North 1,853,052 feet and East 6,762,308 feet by California Coordinate System 1983, Zone 6, being within Tract 82, T16S, R13E, SBB&M.
 - c. Pond No. 2, located at North 1,853,052 feet and East 6,762,007 feet by California Coordinate System 1983, Zone 6, being within Tract 82, T16S, R13E, SBB&M.
 - d. Pond No. 3, located at North 1,853,053 feet and East 6,762,355 feet by California Coordinate System 1983, Zone 6, being within Tract 83, T16S, R13E, SBB&M.
2. There is no place of use.
3. There is no purpose of use.
4. The quantity of discharge of treated wastewater from the WWTP to Wildcat Drain may be reduced by up to a maximum monthly average of 5,686 gpd from January 1 to December 31 of each year.
5. The District relinquishes any claim of right to the wastewater upon discharge and percolation.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
AMANDA MONTGOMERY, FOR

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: DEC 15 2015