

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

**DIVISION OF WATER RIGHTS**

In the Matter of Wastewater Petition WW0094  
**City of Petaluma**

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

SOURCE: Petaluma River  
 COUNTY: Sonoma

**WHEREAS:**

- The City of Petaluma (City) filed Wastewater Change Petition WW0094 (WW0094) with the State Water Resources Control Board (State Water Board) on August 24, 2016, pursuant to Water Code section 1211. Water Code section 1211 requires the owner of any wastewater treatment plant to obtain approval from the State Water Board prior to making any changes in the points of discharge, place of use, or purpose of use of treated wastewater, when change in the discharge or use of treated wastewater result in decreasing the flow in any portion of a watercourse.

The petition seeks to change the purpose and place of use of up to 98.9 acre-feet of treated wastewater per year. Wastewater currently discharged to the Petaluma River from the City's Ellis Creek Water Recycling Facility would be redirected for irrigation use within the City's 9,292-acre service area. These changes would result in a corresponding decrease in the amount of water discharged to the Petaluma River during the City's authorized National Pollutant Discharge Elimination System (NPDES) discharge season of October 21 to April 30 of the succeeding year (NPDES Permit No. CA0037810).

Average Rate of Discharge:									
	Jan	Feb	Mar	Apr	May-Sep	Oct	Nov	Dec	Annual
	----- (million gallons per day) -----								(acre-feet)
Present:	7.60	5.11	5.49	3.05	0	3.93	2.62	3.19	3,529.0
Proposed:	7.44	4.96	5.34	2.90	0	3.77	2.46	3.03	3,430.1
Change:	0.15	0.15	0.15	0.15	0	0.15	0.15	0.15	98.9

- Public notice of the proposed changes was issued on December 28, 2016. No protests were received.
- The State Water Board has determined that the proposed changes will not cause injury to any lawful user of water.
- Under the California Environmental Quality Act (CEQA), the City is the lead agency for preparation of the environmental documentation for the project. In 2002, the City approved and filed a notice of determination (NOD) for the *City of Petaluma Water Recycling River and Access Improvements Environmental Impact Report* (EIR) (State Clearing House No.#2001052089). From 2005 to 2016, the

City prepared six addendums to the 2002 EIR to address revisions to the project site plan, changes to the cultural resource and wetland impact analysis, wastewater capacity increases, biomass-to-biofuel improvements, and bridge relocation. The City filed NODs for each of these addendums. In 2008, the City approved the *Water Recycling Expansion Program EIR*, (State Clearing House No. 2007052146), which analyzed the environmental effects of the City's expanded water recycling program and new infrastructure related to expansion. The City filed a NOD for this EIR in 2008.

5. The State Water Board is a CEQA responsible agency for purposes of considering whether to approve WW0094, which would 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 City's EIR documents and concluded that approval of WW0094 will not have significant impacts on resources within the State Water Board's purview. The State Water Board will issue a NOD within five days of the date of this order.
6. 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.
7. WW0094 is subject to the requirements of the Policy for Maintaining Instream Flows in Northern California Coastal Streams (North Coast Instream Flow Policy), originally adopted on May 4, 2010, vacated on October 16, 2012, and re-adopted on October 22, 2013. The purpose of the North Coast Instream Flow Policy is to establish principles and guidelines for maintaining instream flows for the protection of fishery resources, while minimizing water supply impacts on other beneficial uses of water, such as irrigation, municipal use, and domestic use. The City's project, as proposed in the petition, will not adversely affect instream flows and thus is consistent with the requirements of the North Coast Instream Flow Policy.
8. 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 City is authorized to change the purpose and place of use of up to 98.9 acre-feet of treated wastewater discharged from the Ellis Creek Water Recycling Facility to the Petaluma River from October 21 to April 30 of the succeeding year.
2. The authorized place of use is the City's 9,292.3-acre service area, being within Townships 4N and 5N, Ranges 6W and 7W, MDB&M. The place of use is shown on the project map on file at the State Water Board.
3. The authorized purpose of use for the treated wastewater is irrigation.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:  
AMANDA MONTGOMERY, FOR

*Leslie F. Grober, Deputy Director*  
*Division of Water Rights*

Dated: FEB 16 2017