

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0096
Sonoma Valley County Sanitation District

**ORDER APPROVING CHANGE IN PLACE OF USE, PURPOSE OF USE,
AND POINT OF DISCHARGE**

SOURCE: Schell Slough

COUNTY: Sonoma

WHEREAS:

1. Sonoma Valley County Sanitation District (District) filed Wastewater Change Petition WW0096 with the State Water Resources Control Board (State Water Board) on September 23, 2016, pursuant to Water Code 1211. The petition seeks to change the purpose of use, place of use, and point of discharge of 358 acre-feet of treated wastewater discharged into Schell Slough and Fly Bay in Sonoma County.
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 located on Schell Slough at North 1,848,492 feet and East 6,437,621 feet by California Coordinate System 1983, Zone 2, being within Section 32, T4N, R4W, MDB&M.
 - b. There is no place of use.
 - c. There is no purpose of use.
3. The Fly Bay discharge points identified in WW0096 do not decrease flow in any portion of a watercourse and are therefore not within the scope of this order.
4. The District discharges an average of 500 acre-feet of treated wastewater per year from its existing outfall on Schell Slough during the District's authorized National Pollutant Discharge Elimination System (NPDES) discharge season of November 1 to April 30 of the succeeding year as regulated pursuant to the San Francisco Bay Regional Water Quality Control Board Waste Discharge Requirements Order R2-2014-0020 and NPDES Permit No. CA 0037800. Under the petition, 82.3 acre-feet of the requested 358 acre-foot reduction of discharge would be redirected from Schell Slough into existing reservoirs within the District's 4,500-acre service area for irrigation and wetland enhancement use.

5.

Average Discharge Rates at Schell Slough								
	Jan	Feb	Mar	Apr	May-Oct	Nov	Dec	Annual
	----- (cubic feet per second) -----							(acre feet)
Present:	1.43	1.72	1.67	1.29	0	0.88	1.42	500
Proposed:	1.20	1.49	1.44	1.06	0	0.65	1.19	419
Change:	0.23	0.23	0.23	0.23	0	0.23	0.23	82.3

6. Public notice of WW0096 was issued on January 25, 2017. The petition was renoticed on January 31, 2017 to correct the address of the State Water Board 2017 online petition notice page. No protests were received.
7. The State Water Board has determined that the petition for change will not cause injury to any lawful user of water.
8. Under the California Environmental Quality Act (CEQA), Sonoma County Water Agency is the lead agency for preparation of the environmental documentation for the project. In November 2009, the Bureau of Reclamation, as the Federal lead agency, and Sonoma County Water Agency, as the State lead agency, certified the final Environmental Impact Report (EIR) for the North San Pablo Bay Restoration and Reuse Project (North Bay Recycling Program) (SCH # 2008072096). The EIR analyzed the regional and programmatic environmental impacts associated with new pipeline construction and operation of the District's expanded water recycling program in the Sonoma County service area. Sonoma County Water Agency filed a notice of determination for the EIR in 2009.
9. The State Water Board is a CEQA responsible agency for purposes of considering whether to approve WW0096, which will allow the 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 District's EIR documents and concluded that approval of WW0096 will not have significant impacts on resources within the State Water Board's purview so long as the District provides mitigation for potential surface water quality impacts associated with recycled water overflow at existing onstream reservoirs. The State Water Board will issue a NOD within five days of the date of this order.
10. 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.
11. WW0096 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 District'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.

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 District is authorized to change the purpose and place of use of up to 82.3 acre-feet of treated wastewater discharged to Schell Slough from November 1 to April 30 of the succeeding year.
2. The authorized place of use is the District's 4,500-acre service area, being within T4N - T6N, R4W - R6W, MDB&M. The place of use is shown on the project map on file at the State Water Board.
3. The District is authorized to change the point of discharge from Schell Slough to existing reservoirs being within the same 4,500-acre service area.
4. The authorized purpose of use for the treated wastewater is irrigation and wetland enhancement.
5. The District is responsible to obtain and be in compliance with any wastewater discharge permits required by the San Francisco Bay Regional Water Quality Control Board.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY,
SEAN MAGUIRE, FOR:

*Erik Ekdahl, Deputy Director
Division of Water Rights*

Date: JAN 17 2018