

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Wastewater Petition WW0109

**City of Alturas**

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

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SOURCE: Pit River

COUNTY: Modoc

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**WHEREAS:**

1. On January 19, 2022, the City of Alturas (City) filed Wastewater Change Petition WW0109 with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), pursuant to Water Code section 1211. The petition seeks to change the point of discharge, place of use, purpose of use, and quantity of treated wastewater currently discharged to the Pit River.
2. Water Code section 1211 requires the owner of a 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 where changes in the discharge or use of treated wastewater result in decreasing the flow in any portion of a watercourse.
3. The City owns and operates the Alturas Wastewater Treatment Plant (WWTP) located along the north bank of the North Fork Pit River at the confluence with the South Fork Pit River, City of Alturas, in Modoc County. The existing WWTP generates on average approximately 0.33 million gallons per day (MGD) of treated effluent, which is discharged to the Pit River. The City has one discharge point which discharges to the Pit River.

4. Discharge of treated wastewater from the City's existing WWTP is currently authorized by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) under Order No. R5-2020-0004, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0078921. Reclamation of treated wastewater from the City's existing WWTP for non-potable purposes is currently authorized by Order No. R5-2020-0004.
5. For the purposes of this Order, the State Water Board considers the following information as the City's existing point of discharge, place of use, and purpose of use of treated wastewater:
  - a. The point of discharge is the following: City's existing WWTP discharge point at California Coordinate System, NAD 83, Zone 1: Northing 2,423,303 feet and Easting 6,956,728 feet;
  - b. There is no current place of use; and,
  - c. There is no current purpose of use.
6. The City discharges treated wastewater from the City's existing WWTP to the Pit River and has repeated effluent limit violations of current Order No. R5-2020-0004 and previous Order No. R5-2014-0033 for exceedances of various constituents, including zinc, copper, aluminum, biological oxygen demand, total suspended solids, total coliform, and toxicity. Due to the consistent accrual of effluent limit violations and continued non-compliance with Order No. R5-2014-0033, a Time Schedule Order (TSO) R5-2014-0034-01 (as amended by Order No. R5-2015-0111) was issued specifying interim limits for zinc, copper, and total coliform. These new limits have been issued under Order No. R5-2020-0004. A corresponding Cease and Desist Order (CDO) No. R5-2020-0005 was also issued that includes interim effluent limits for copper, zinc, total coliform, and aluminum.

The City has determined that it will address non-compliance issues associated with Order No. R5-2014-0033 and comply with the CDO by implementing the following: 1) constructing a new headworks, influent screening and pump station; 2) construction of an eight-inch force main; 3) construction of aeration and infiltration/evaporation ponds at the new offsite location; 4) construction of an irrigation system for a land application area at the new location; and 5) decommission of the existing WWTP. After completion of construction of the new WWTP facilities, the City will decommission its existing WWTP and no longer operate or discharge from the existing WWTP to the Pit River, during all months of the year. Treated wastewater from the City's new WWTP will be discharged to new offsite percolation/evaporation ponds and be used for seasonal irrigation.

7. On February 2, 2022, the Division issued a public notice of the petition in accordance with Water Code section 1703. No protests were received.

8. Under the California Environmental Quality Act (CEQA), the City is the lead agency for preparation of environmental documentation for this project. The City adopted a Final Initial Study/Mitigated Negative Declaration (IS/MND) in March 2022 and filed a Notice of Determination (NOD) on March 21, 2022. The State Water Board is a CEQA responsible agency for purposes of considering whether to approve a petition allowing 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 must reach its own conclusions on whether and how to approve the project involved. (Cal. Code Regs., tit. 14, § 15096, subd. (a).)
9. The State Water Board has considered the Final IS/MND in deciding whether to approve the petition. The Final IS/MND considers the potential impacts of reduced flows to the Pit River. The flow impacts are evaluated in the Final IS/MND and it is determined that there will be no significant impact to fish, wildlife, or the environment. The State Water Board will issue a NOD within five days of the date of this Order.
10. The State Water Board has reviewed the petition and the entire administrative record, including all associated CEQA documents for the project. The State Water Board finds that the proposed changes in the point of discharge, place of use, purpose of use, and quantity of discharge to a watercourse will not cause injury to any other lawful user of water.
11. In addition to the State Water Board's obligations under CEQA, the State Water Board has an independent obligation to consider the effect of the change on public trust resources and to protect those resources where feasible, and to balance any adverse public trust effects against the benefits of the project. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346].) Based on the State Water Board's review of all relevant evidence in the administrative record, no adverse impacts to public trust resources, including fish and wildlife, are expected as a result of the proposed project.
12. The State Water Board has a Policy for Water Quality Control for Recycled Water (Recycled Water Policy), originally adopted on February 23, 2009 and amended on December 11, 2018 (effective on April 8, 2019). The purpose of the Recycled Water Policy is to increase the use of recycled water from municipal wastewater sources, and one of the goals is to increase the use of recycled water over 2002 levels by at least one million acre-feet per year by 2020, and by at least two million acre-feet per year by 2030. The project, as proposed in the petition, is consistent with the purpose of the Recycled Water Policy and will help California meet the goals of the Recycled Water Policy.

13. 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 the Division of Water Rights. The Deputy Director for the Division of Water Rights has redelegated that authority.

## **ORDER**

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

1. The point of discharge from the City of Alturas' (City) Wastewater Treatment Plant (WWTP) will be changed upon decommissioning of the existing WWTP. The proposed point of discharge from the City's new WWTP will be: California Coordinate System, NAD 83, Zone 1: Northing 2,419,529 feet and Easting 6,951,034 feet.
2. The request to change the place of use is approved. The place of use for treated wastewater produced by the City's new WWTP is within the City's new WWTP offsite percolation/evaporation ponds and irrigation area.
3. The request to change the purpose of use is approved. The purpose of use for treated wastewater produced by the City's new WWTP is irrigation.
4. The quantity of discharge of treated wastewater from the City's existing WWTP to the Pit River, may be reduced to zero, during all months of the year, upon decommissioning of the existing WWTP. Treated wastewater from the City's new WWTP will be discharged to land, not the Pit River.
5. Prior to operation of the project, the City shall obtain any and all necessary federal (including Clean Water Act section 404), state and local agency permits and approvals required for implementation of the project. Copies of such permits and approvals shall be forwarded to the Deputy Director for the Division of Water Rights.
6. The City is responsible for compliance with any applicable waste discharge or water recycling requirements issued by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) or the State Water Resources Control Board (State Water Board).
7. The State Water Board reserves jurisdiction in the public interest to implement and amend this Order for conformity with instream flow requirements that may be established for the Pit River in the future, and in the event of unforeseen adverse impacts to fish and wildlife resources and other instream beneficial uses. Modifications to this Order shall be made only after notice and opportunity for a hearing.

8. The City shall file an annual report with the Deputy Director for the Division of Water Rights by February 1 of each year following the year of order issuance that includes at minimum the following information for the previous water year:
- monthly rate of inflow to the City's new WWTP in million gallons per day (MGD);
  - monthly discharge rate from the City's new WWTP in MGD; and
  - monthly recycled water delivery rate in MGD.

If the above information is already reported annually to the Central Valley Water Board or State Water Board under the requirements of the Recycled Water Policy, the City may notify the Deputy Director for the Division of Water Rights of the submittal and where the information may be found in lieu of filing a redundant annual report under this term.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:  
SAMUEL BOLAND-BRIEN, FOR

*Erik Ekdahl, Deputy Director  
Division of Water Rights*

Dated: APR 21 2023