

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW-46

City of Turlock

**ORDER APPROVING CHANGE IN PLACE OF USE
AND PURPOSE OF USE
OF TREATED WASTEWATER EFFLUENT**

SOURCE: Harding Drain tributary to San Joaquin River

COUNTY: Stanislaus

WHEREAS:

1. Treated Wastewater Change Petition WW-46 was filed by the City of Turlock, Municipal Services Department (City) with the State Water Resources Control Board (State Water Board) on March 26, 2007, pursuant to section 1211 of the Water Code. Public notice of the change was issued on April 6, 2007, and no protests were received. Petition WW-46 was filed to change the place and purpose of use of a portion of the City's treated wastewater effluent discharged from their Regional Wastewater Treatment Facility (WWTF).
2. The City's WWTF is currently permitted to discharge up to 20 million gallons per day (mgd) [approximately 31 cubic feet per second (cfs) or 22,500 acre-feet annually (afa)] of treated wastewater effluent into the Harding Drain tributary to the San Joaquin River in Stanislaus County. On July 7, 2006, the State Water Board approved the City's Wastewater Change Petition WW-44 to change the point of discharge of the treated wastewater effluent to a point directly on the San Joaquin River. The City has not completed all permitting and construction of the new discharge outfall on the San Joaquin River. Therefore, the wastewater effluent discharge is still located on the Harding Drain.
3. Under Petition WW-46, the City proposes to change the place and purpose of use of a portion of its treated wastewater effluent by directing up to 3.1 cfs, not to exceed 1,800 afa, to be used for industrial purposes at Turlock Irrigation District's Walnut Energy Center (WEC) power plant, which is located four miles west of downtown Turlock. The treated effluent will be used for cooling water at the WEC.
4. The State Water Board has determined that the petition for change in the place of use and purpose of use will not cause injury to any other lawful user of water.
5. Licensing of the WEC, including the proposed use of the City's treated wastewater effluent for cooling water, is within the exclusive jurisdiction of the California Energy Commission (CEC). The CEC prepared a Final Staff Assessment (FSA) for the WEC, dated August 25, 2003, that covers potential environmental impacts and necessary mitigation measures for the project. The Commission Decision approving the project was issued on February 18, 2004 and concluded that the operation of the WEC as mitigated, including use of the City's treated wastewater effluent for cooling water "will not create any significant direct, indirect, or cumulative adverse impacts to biological resources." (Commission Decision, p. 165.) The CEC's process is functionally equivalent to the preparation of an Environmental Impact Report under the California Environmental Quality Act (CEQA). The State Water Board, as a responsible agency under CEQA is required to use the CEC's functionally equivalent document.

6. The FSA and the Commission Decision conclude that the project would have a less-than-significant impact on water resources. Therefore, no findings by the State Water Board pursuant to California Code of Regulations, Title 14, section 15091 are necessary. The State Water Board, Division of Water Rights has issued a Notice of Determination for this project.
7. The National Marine Fisheries Service (NMFS) commented on the CEC Proposed Staff Assessment on July 7, 2003. NMFS agreed with CEC staff's biological assessment for listed salmonids in the project area and that it supported using reclaimed water.
8. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A condition should be placed in the order making the petitioner aware of possible obligations resulting from these acts.

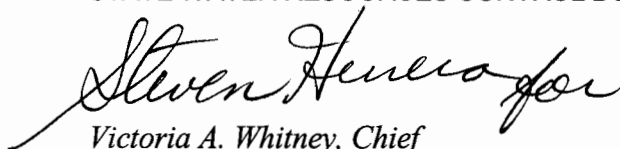
NOW, THEREFORE, IT IS ORDERED THAT:

1. The City of Turlock is authorized to change the place of use of up to 3.1 cfs, with a limit of 1,800 afa, of treated wastewater effluent from the WWTF to Turlock Irrigation District's WEC, which is within the SE ¼ of NW ¼ of Section 20, T5S, R10E, MDB&M, as shown on map filed with the State Water Board.
2. The City of Turlock is authorized to change the purpose of use of up to 3.1 cfs, with a limit of 1,800 afa, of treated wastewater effluent from the WWTF to be used for industrial purposes as cooling water at the WEC.
3. The petitioner shall comply with the following Endangered Species condition:

This change does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this order, the petitioner shall obtain authorization for an incidental take prior to construction or operation of the project. Petitioner shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this order.

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STATE WATER RESOURCES CONTROL BOARD



*Victoria A. Whitney, Chief
Division of Water Rights*

Dated: **JUL 18 2007**