

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW-48

Maxwell Public Utility District

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

SOURCE: Unnamed Drain tributary to Unnamed Stream thence Lurline Creek

COUNTY: Colusa

WHEREAS:

1. Wastewater Change Petition WW-48 was filed by the Maxwell Public Utility District (District) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) on September 7, 2007 pursuant to section 1211 of the Water Code. Petition WW-48 was filed to change the point of discharge and purpose of use of the District's treated wastewater effluent discharged from its Regional Wastewater Treatment Facility (WWTF).
2. Public notice of the change was issued on October 26, 2007, and no protests were received.
3. The District's WWTF currently discharges up to 0.2 million gallons per day (mgd) [approximately 0.31 cubic feet per second (cfs)] of treated wastewater effluent into an Unnamed Agricultural Drain tributary to Unnamed Stream thence Lurline Creek in Colusa County.
4. Under Petition WW-48, the District proposes to change the point of discharge and purpose of use of its treated wastewater effluent by ceasing surface water discharge and using up to 0.31 cfs for irrigation of non-edible crops on 120 acres of a 264 acre parcel that is being purchased by the District.
5. The State Water Board has determined that the petition for change in the point of discharge and purpose of use will not cause injury to any other lawful user of water.
6. The District is lead agency under the California Environmental Quality Act. The District prepared a Mitigated Negative Declaration (State Clearinghouse #2007082070) dated September 2007 and made findings for this project. On September 20, 2007, the District filed a Notice of Determination for the project with Colusa County.

The State Water Board reviewed and considered the information contained in the environmental document. The project consists of ceasing the District's effluent discharge on the Unnamed Drain, temporarily storing water in a proposed offsite storage pond with a 180 acre-foot capacity and reusing the water for irrigation. The reuse site is currently operated as a rice ranch. The District plans to continue the current practice of flood irrigation. Approximately 6,000 feet of new pipeline will be needed to transport treated effluent from the WWTF to the irrigation reuse area. The pipeline will be installed generally within existing roads in Maxwell with the exception of crossing one private parcel.

The Mitigated Negative Declaration identified potentially significant impacts on aesthetics, air quality, biological resources, cultural resources, geology and soils, transportation, hazards and hazardous

materials, and noise. The District found that the mitigation measures incorporated into the project avoid or reduce potential environmental impacts to less than significant levels.

The State Water Board, as responsible agency, is required to consider the Mitigated Negative Declaration prepared by the District and reach its own conclusions on whether and how to approve the Wastewater Change Petition. The State Water Board finds that changes or mitigation measures have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects identified in the Mitigated Negative Declaration. Mitigation measures for this project are within the responsibility of the District, not the State Water Board, and have been or should be adopted.

The District is mitigating the filling of 750 ft² of seasonal wetlands by the creation of on-site Palustrine Emergent Persistent Seasonally Flooded Wetlands with a minimum replacement ration of 1:1. This mitigation measure will be incorporated in the State Water Board's order. The mitigation measure regarding construction of the pipeline under the unnamed stream tributary to Lurline Creek to avoid direct water quality impacts shall also be included in the order.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The District is authorized to change the point of discharge of up to 0.31 cfs of treated wastewater effluent from the WWTF to 120 acres of a 264-acre parcel, which is within W½ of NE¼ and E½ of NW¼ of Section 9, T16N, R3W, MDB&M, in Colusa County, as shown on map on file with the State Water Board.
2. The District is authorized to change the purpose of use of up to 0.31 cfs of treated wastewater effluent from the WWTF to irrigation of non-edible crops.
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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4. The petitioner shall mitigate for the filling of 750 ft² of seasonal wetlands by creation of on-site Palustrine Emergent Persistent Seasonally Flooded Wetlands with a minimum replacement ratio of 1:1. A mitigation and monitoring plan will be prepared as part of a Section 404 Permit for the U.S. Army Corps of Engineers. The mitigation plan will include a grading plan, planting plan including success criteria, and five years of additional monitoring and vegetation management on the mitigation site. The mitigation and monitoring plan shall be submitted to the Chief, Division of Water Rights for modification, if necessary, and approval. The petitioner shall submit a copy of the mitigation and monitoring plan and the Section 404 Permit, or waiver thereof, prior to filling of the seasonal wetland, or within two years of issuance of this order, whichever comes first.

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5. Construction of the pipeline shall be conducted in a manner that avoids direct water quality impacts on the unnamed tributary to Lurline Creek by directional drilling to an adequate depth, as determined by a registered Geologist or Engineer.

STATE WATER RESOURCES CONTROL BOARD

for James W. Kassel
Victoria A. Whitney, Chief
Division of Water Rights

Dated: **APR - 3 2008**