

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0063

City of Visalia

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

SOURCE: Mill Creek tributary to Kaweah River

COUNTY: Tulare

WHEREAS:

1. The City of Visalia (Visalia) filed Wastewater Change Petition WW0063 with the State Water Resources Control Board (State Water Board) on March 14, 2011, pursuant to section 1211 of the Water Code. The petition seeks to change the point of discharge and place of use of 18.5 cubic feet per second (cfs) of treated wastewater. Visalia has undertaken its Water Conservation Plant Upgrades Project, which will increase the quality of the City's recycled water to Title 22 standards. The project would include improvement of the City's wastewater treatment facilities and development of a recycled water pipeline infrastructure for disposal and reuse of treated effluent generated by the wastewater treatment plant.
2. Public notice of the change was issued on May 21, 2011. No protests were filed.
3. Under the California Environmental Quality Act (CEQA), Visalia is the lead agency for preparation of environmental documentation for the project. In January 2013, Visalia issued a final Environmental Impact Report (EIR) titled Water Conservation Plant Upgrades Project, SCH # 2010081057. On February 21, 2013, Visalia issued a Notice of Determination (NOD) for the project. Visalia also issued a Statement of Overriding Considerations. Visalia found that the project would have significant, unavoidable cumulative impacts to greenhouse gas (GHG) emissions. In addition, Visalia found that the project would have significant, unavoidable impacts: (a) on the local perched groundwater table, and (b) on hydrology and water quality due to lowering the local groundwater table. Visalia also found the construction of new wastewater treatment facilities or the expansion of existing facilities would have significant and unavoidable project-level and cumulative hydrology, water quality and GHG emissions impacts.
4. The State Water Board is a responsible agency for purposes of considering whether to approve the wastewater change petition that will allow Visalia to proceed with the proposed project. As a 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 final EIR in deciding whether to approve the petition. The State Water Board will issue an NOD within five days of the date of this order. The State Water Board will also issue a statement of overriding considerations regarding the impacts to hydrology and water quality due to lowering the local groundwater table,

5. 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].) The mitigation measures in the EIR minimize impacts to biological and cultural resources to the extent feasible. The State Water Board has considered the project mitigation measures and the project impacts that were deemed significant and unavoidable and determined that the project as a whole meets the State Water Board's public trust duty.
6. The State Water Board has determined that the petition for change in the point of discharge and place of use will not cause injury to any other lawful user of water.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. Visalia is authorized to change the point of discharge and place of use of 18.5 cfs of treated wastewater currently discharged from Visalia Water Conservation Plant.
2. The wastewater discharge may occur at a new point of discharge at the Visalia Water Conservation Plant located within California Coordinate system, NAD 83, Zone 4, North 1,993,960 feet and East 6,435,260 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1, T19S, R23E, MDB&M.
3. Treated wastewater may be used for irrigation purpose.
4. The authorized place of use is within 2,200 acres as shown on the project map on file with the State Water Board, being within Sections 4, 5, and 6 of T19S, R24E, and Sections 31 and 32 of T18S, R24E, all within MDB&M. Treated wastewater from the proposed project may be used from January 1 to December 31 of each year.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
PHILLIP CRADER

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: AUG 28 2013