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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0075

Napa Sanitation District

ORDER APPROVING CHANGE IN PURPOSE OF USE AND PLACE OF USE

SOURCE: Napa River

COUNTY: Napa

WHEREAS:

On April 28, 2014, the Napa Sanitation District (NSD) filed Wastewater Change Petition WW0075 with the State Water Resources Control Board (State Water Board) pursuant to Water Code section 1211. The petition seeks authorization to reduce the rate and volume of treated wastewater discharged from NSD's Soscol Water Recycling Facility (SWRF) to the Napa River during the months of November, March, and April. The subject wastewater would be redirected to the Los Carneros Water District (LCWD) Service Area in southwestern Napa County, where it would be used to irrigate approximately 3,800 acres of residential landscapes, vineyards, and other agricultural lands. This proposed change in place and purpose of use would reduce flow in the Napa River, and was reviewed by the State Water Board pursuant to the provisions of Chapter 10 of Part 2 of Division 2 of the Water Code.

Summary of Wastewater Discharge and Proposed Change:

Source:	Soscol Water Recycling Facility
Receiving Water:	Napa River
Point of Discharge:	Existing outfall at NAD 83, Zone 2, North 1,847,846, and East 6,479,475 feet, being within projected Section 34, T5N, R4W, MDB&M.
Purpose of Use:	Present: instream flows Proposed: irrigation
Place of Use:	Present: Napa River Proposed: Los Carneros Water District Service Area, being within T4N, R4W and R5W, and T5N, R4W and R5W, MDB&M

Average Rate of Discharge (cubic feet per second)												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Present:	19.6	19.8	19.3	8.3							16.7	20.6
Proposed:	19.6	19.8	3.4	8.2							9.2	20.6
Change:	0	0	15.9	0.1							7.5	0

- 2. The subject wastewater will be delivered to the LCWD Service Area via the proposed LCWD Recycled Water Pipeline Project, scheduled for construction in 2015.
- 3. Public notice of Wastewater Change Petition WW0075 was issued on October 3, 2014. One protest was received from Mr. Richard Morat on October 6, 2014. Mr. Morat's protest was rejected for failure to satisfy the requirements of Water Code section 1703.2(c) and California Code of Regulations section 745(c).
- 4. The State Water Board has determined that the petitioned change will not cause injury to any other lawful user of water.
- 5. The Los Carneros Water District is the California Environmental Quality Act (CEQA) lead agency for the LCWD Recycled Water Pipeline Project, which includes the petitioned change in place and purpose of use described in Wastewater Change Petition WW0075. In February 2014, LCWD adopted a Final Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed project, and filed the associated Notice of Determination (NOD) with the Governor's Office of Planning and Research (OPR) and the Napa County Clerk (State Clearinghouse No. 2013122043). In June 2014, LCWD issued an addendum to the IS/MND and filed a second NOD with OPR.
- 6. As a CEQA responsible agency, the State Water Board considered the above referenced environmental documentation when determining whether and how to approve Wastewater Change Petition WW0075. The referenced CEQA documentation and other information on file indicate that approval of the Wastewater Change Petition WW0075 will not have significant impacts on resources within the State Water Board's purview. The State Water Board will file a NOD to this effect within five days of the date of this Order.
- 7. 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.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

- The Napa Sanitation District is authorized to reduce the discharge of treated wastewater from SWRF to the Napa River by an average rate of 15.9 cubic feet per second (cfs) (977 acre-feet) in March, 0.1 cfs (6 acre-feet) in April, and 7.5 cfs (446 acre-feet) in November. The maximum reduction in wastewater discharge authorized by this order shall not exceed 1,418 acre-feet per annum.
- 2. The authorized place of use for the subject volume of treated wastewater is the LCWD Service Area, as shown on the project map on file with the State Water Board, being within T4N, R4W and R5W, and T5N, R4W and R5W, MDB&M.
- 3. The subject volume of treated wastewater may be used for irrigation on the authorized place of use from January 1 to December 31 of each year.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

Barbara Evoy, Deputy Director Division of Water Rights

Dated: JAN 14 2015