

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0111

City of Davis

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

SOURCE: Willow Slough Bypass, tributary to the Yolo Bypass

COUNTY: Yolo

WHEREAS:

1. On December 16, 2022, the City of Davis (City) filed Wastewater Change Petition WW0111 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 place of use, purpose of use, and quantity of treated wastewater currently discharged to the Willow Slough Bypass, tributary to the Yolo Bypass.
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 Wastewater Treatment Plant (WWTP) located at 45400 County Road 28H in the City of Davis. The WWTP has a design capacity of 6 million gallons per day (mgd) and currently generates on average approximately 4 mgd of treated effluent.
4. Discharge of a combined total average dry weather flow of up to 7.5 mgd from the City's WWTP to the Willow Slough Bypass and the Conaway Ranch Toe Drain is currently authorized by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) under Order No. R5-2018-0086, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0079049. Reclamation of

treated wastewater from the City's WWTP for non-potable purposes is currently authorized by Order No. R5-2018-0086.

5. For the purposes of this Order, the State Water Board considers the following information as the City's existing points of discharge, place of use, and purpose of use of treated wastewater:
 - a. The point of discharge locations are "discharge point 001" to the Willow Slough Bypass at California Coordinate System, NAD 83, Zone 2: North 1,976,869 feet and East 6,658,847 feet; and "discharge point 002" to the Conaway Ranch Toe Drain at California Coordinate System NAD 83, Zone 2: North 1,973,261 feet and East 6,667,437 feet.
 - b. There is no current place of use; and,
 - c. There is no current purpose of use.
6. The City currently discharges treated wastewater from the City's WWTP to the Willow Slough Bypass tributary to the Yolo Bypass. Improvements to the City's WWTP in 2017 reduced the loss of water due to evaporation during the treatment process, resulting in an increase of effluent discharge by a magnitude of 1.8 mgd as an annual average for a total effluent discharge of approximately 4 mgd. This "new saved water" has resulted in the increase of flow in the Willow Slough Bypass. The City plans to reclaim this "new saved water" for use in the Overland Flow Area located east of the WWTP, the Yolo County Central Landfill (including the Napa Recycling Compost Facility and agricultural irrigation areas), the Davis Restoration Wetlands, and tree watering within City limits.

The Willow Slough Bypass is a flood water bypass that receives overflow from Willow Slough and/or backflow flood waters from the Yolo Bypass during winter flooding events. The ordinary depth of water in the Willow Slough Bypass is 5.5 feet. The removal of approximately 2 mgd from the Willow Slough Bypass would result in a water elevation reduction of 1.3 inches and a capacity reduction of 0.05 percent.
7. On February 6, 2023, 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. In July 2023, the City issued a Notice of Intent to Adopt an Initial Study/Negative Declaration (IS/ND). The Final IS/ND and a Notice of Completion (NOC) were filed on August 31, 2023 (State Clearinghouse No.2023060670). The State Water Board is a CEQA responsible agency for purposes of considering whether to approve the petition that will allow 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/ND in deciding whether to approve the petition. The Final IS/ND considers the potential impacts of reduced flows resulting from the project. The flow impacts are evaluated in the Final IS/ND and it is determined that there will be no significant impact to fish, wildlife, or the environment. The State Water Board agrees with the findings in the Final IS/ND and 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 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 locations of the points of discharge of the City of Davis (City) Wastewater Treatment Plant (WWTP) will not be changed. The existing points of discharge are “discharge point 001” to the Willow Slough Bypass, located at California Coordinate System, NAD 83, Zone 2: North 1,976,869 feet and East 6,658,847 feet; and “discharge point 002” to the Conaway Ranch Toe Drain, located at California Coordinate System NAD 83, Zone 2: North 1,973,261 feet and East 6,667,437 feet.
2. The request to change the place of use is approved. The place of use for treated wastewater produced by the City’s WWTP is within the Overland Flow Area located east of the WWTP, the Yolo County Central Landfill (including the Napa Recycling Compost Facility and agricultural irrigation areas), the Davis Restoration Wetlands, and within City limits, as shown on maps filed with the petition titled *Figure 1: Recycled Water Use Area at the Wastewater Treatment Plant and Yolo County Landfill* and *Figure 2: City Limit and Water Service Area*.
3. The request to change the purpose of use is approved. The purposes of use for treated wastewater produced by the City’s WWTP are irrigation, industrial, and municipal.
4. The quantity of discharge of treated wastewater from the City’s WWTP to the Willow Slough Bypass and Conaway Ranch Toe Drain, both tributary to the Yolo Bypass, may be reduced by up to 1.8 million gallons per day (mgd), or 2,016 acre-feet per year (afy), during all months of the year.
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 relevant instream flow requirements that may be established 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 April 30th of each year following the year of order issuance that includes at minimum the following information for the previous calendar year:

- Average monthly rates of inflow to the City's WWTP in mgd;
- Average monthly recycled water production rates in mgd; and
- Monthly total volumes of recycled water production in acre-feet.

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:
SAM BOLAND-BRIEN, FOR

*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: October 31, 2023