



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Rights
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Arnold Schwarzenegger
Governor

NOTICE OF PETITION FOR CHANGE IN PLACE OF USE AND PURPOSE OF USE OF TREATED WASTEWATER WASTEWATER CHANGE PETITION WW-46

PETITIONER: City of Turlock

PETITION FILED: March 26, 2007

STREAM SYSTEM: Harding Drain tributary to San Joaquin River.

COUNTY: Stanislaus

Notice is hereby given that the City of Turlock, Municipal Services Department (City) filed a petition for change in the place of use and purpose of use of treated wastewater effluent from the City's Regional Water Quality Control Facility (WQCF). The State Water Resources Control Board (State Water Board) will determine whether an order approving the wastewater change petition should be issued and, if so, whether conditions are needed in the order to protect the environment, the public interest, and downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of protests against the petition. This notice may be viewed at the Division of Water Rights' (Division) website at www.waterrights.ca.gov. Any correspondence directed to the petitioners should be mailed to:

City of Turlock
c/o Dan Madden
Municipal Services Director
156 S. Broadway, Suite 270
Turlock, CA 95380

Description of Existing Project

The City's WQCF provides tertiary treatment for municipal wastewater and is authorized under its National Pollutant Discharge Elimination System (NPDES) Permit No. CA0078948 to discharge up to 20 million gallons per day [31 cubic feet per second (cfs)] of treated wastewater into the Harding Drain, tributary to the San Joaquin River in Stanislaus County. On July 13, 2005, the City filed with the State Water Board a petition to move the point of discharge of the City's treated wastewater effluent from the Harding Drain to a point of discharge directly into the San Joaquin River. On July 7, 2006, the State Water Board approved the change. The revised discharge location on the San Joaquin River is not part of the current petition, which is summarized below. The City has not completed all permitting and construction of the new discharge outfall on the San Joaquin River, and therefore the wastewater effluent discharge is still located in the Harding Drain. The current discharge into Harding Drain is located at Prairie Flower Road and is about six miles from the drain's confluence with the San Joaquin River. The point of discharge on the Harding Drain is located about 5 ½ miles from the San Joaquin River in the SE¼ of the SW¼ of Section 25, T5S, R9E, MDB&M. The future point of discharge into the San Joaquin River is located within the NE¼ of the NE¼ of section 36, T5S, R9E, MDB&M, within Stanislaus County.

California Environmental Protection Agency

Petition Summary

Water Code section 1211(a) requires the owner of a wastewater treatment facility to receive approval from the State Water Board of any change in the purpose of use, place of use, and point of discharge of treated wastewater. The City has petitioned the State Water Board to change the place of use and purpose of use of its treated wastewater effluent. The City has petitioned to add the use of treated wastewater for industrial purposes by using the water at Turlock Irrigation District's Walnut Energy Center (WEC), a 250-megawatt natural gas-fired, combined-cycle generating facility located west of the downtown portion of the City of Turlock. Treated effluent from the City's WCQF is proposed to be used for cooling purposes. The water will be piped at a maximum rate of 2.0 million gallons per day (3.1 cfs) with a maximum annual quantity of 1,800 acre-feet using an approximately 1.3 mile long, 12-inch diameter recycled water pipeline from the WCQF to the WEC.

The new place of use is located within the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, T5S, R10E, MDB&M within Stanislaus County as shown on the map filed with the State Water Board.

Environmental Information

The California Energy Commission (CEC) prepared a Final Staff Assessment for the WEC part 1, dated August 25, 2003 that covers potential environmental impacts and necessary mitigation measures for the project. Licensing of the Walnut Energy Center is within the exclusive jurisdiction of the CEC. 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.

If you are not filing a protest, but wish to submit information that indicates the project may cause a significant effect on the environment, please send this information to the lead agency immediately with a copy to Steven Herrera; State Water Resources Control Board, Division of Water Rights; P.O. Box 2000; Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROTEST SUBMITTAL INFORMATION

Protest Requirements

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the State Water Board.

All protests must clearly describe the objections to approval of the petition and the factual basis for those objections. For example, if the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the changes proposed by the petition. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date

the use began, the quantity of water used, the purpose of use and the place of use. Protests based on environmental impacts, public interest, legality, or jurisdictional issues must be accompanied by a statement of facts supporting the basis of the protest. If sufficient information is not submitted, the State Water Board may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

Procedure for Submitting Protests

Protests should be submitted on standard protest forms available from the Division's website at www.waterrights.ca.gov/forms/ or upon request, in writing or by telephone, from the Division. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the individual listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the petitioner and should include a description of any measure that could be taken to resolve the protest.**

Protest Submittal Deadline

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on **May 7, 2007** (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 2nd Floor (File Room), Sacramento, CA 95814

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division in order for the protest to be accepted. The State Water Board will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the State Water Board may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

Resolution of Protests

The petitioners will have 30 days to respond to a protest once it is accepted by the Division. The protestant and the petitioners are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

Contact Person

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Kate Gaffney by phone at (916) 341-5360 or by electronic mail at kgaffney@waterboards.ca.gov. Information and protest forms are also available at the Division's website: www.waterrights.ca.gov/forms/.

Date of Notice: **April 6, 2007**