

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition Of )  
 )  
THE SIERRA CLUB, SAN DIEGO CHAPTER, )  
 )  
for Review of Order No. 83-19 of the )  
California Regional Water Quality )  
Control Board, San Diego Region. Our )  
File No. A-339. )

Order No. WQ 84- 7

BY THE BOARD:

On July 18, 1983, the California Regional Water Quality Control Board, San Diego Region (Regional Board) adopted Order No. 83-19, a National Pollutant Discharge Elimination System (NPDES) permit issued to Fallbrook Sanitary District (District). The permit authorizes the discharge of up to 1.6 million gallons per day (mgd) of treated wastewater from the District's two inland treatment plants to the City of Oceanside's ocean outfall.

On August 16, 1983, the State Water Resources Control Board (State Board) received a petition by the San Diego Chapter of the Sierra Club (petitioner) for review of Regional Board Order No. 83-19.

BACKGROUND

Historically, the District has disposed of wastewater it has collected and treated by discharges to Fallbrook Creek. As early as 1965 the U. S. Navy and Marine Corps began expressing concern regarding the continued discharge of growing quantities of effluent (treated domestic wastewater) to Fallbrook Creek. Fallbrook Creek enters Navy property immediately downstream of the discharge point and, after flowing four and one-half miles, enters Lake O'Neil

on the Camp Pendleton Marine Corps Base. Camp Pendleton and the Naval Weapons Annex obtain the major portion of their water supply from wells in the Santa Margarita Basin both above and below Lake O'Neil. Lake O'Neil is also used for Marine training activities involving total immersion as well as for recreation. Additionally, as early as 1965, the Marine Corps was assured by the Directors of Fallbrook Sanitary District that the District would begin planning to remove their discharge from the Creek.

The Regional Board and the local and state health departments have had long-standing concerns about the growing discharge of wastewater to Fallbrook Creek as well as other discharges of wastewater to surface watercourses for disposal within the San Diego Region.

In 1974, in response to passage of the Federal Water Pollution Control Act (now, the Clean Water Act) Amendments of 1972, the Regional Board issued an NPDES permit for the District's discharge to Fallbrook Creek of the combined effluent from the District's two treatment plants. At that time, the Water Quality Control Plan (Basin Plan) for the San Diego Region contained the following prohibition:

"2. Discharge of treated or untreated sewage or industrial wastewater, exclusive of cooling waters or other waters which are chemically unchanged, to a watercourse for purposes of disposal is prohibited."

The Regional Board interpreted this to mean that any effluent discharged to surface watercourses had to meet the water quality objectives contained in the Basin Plan for that watercourse. The District's effluent did not meet the total dissolved solids (TDS) objectives for the Ysidora Hydrologic Subunit of the Santa Margarita Hydrologic Unit. Therefore, the NPDES permit issued by the Regional Board contained a time schedule for termination of the discharge of pollutants to Fallbrook Creek.

In 1975, the District began participation in the Wastewater Treatment Plant Grant Program administered by the State Board pursuant to the Clean Water Act to develop a project to comply with this time schedule. The District received Plan of Study Approval in August of 1975. The District prepared a Feasibility Report and a Preliminary EIR and submitted them to the Water Quality Division in 1976. During the course of its review of the project, the Water Quality Division (partially in response to expressions of concern about termination of the discharge by the United States Fish and Wildlife Service and the California Department of Fish and Game) raised concerns with the District about the need for the project, the potential for adverse effects on the ecology of Fallbrook Creek as a result of discontinuing the discharge and thereby reducing the water supply to the Creek and the possibility of reclaiming all or a portion of the discharge. These concerns of the State Board staff were raised to the level of a State Board workshop in March of 1977. As a result, the State Board directed its staff to work with the discharger to explore alternative ways to comply with the NPDES permit. Subsequently, specific alternatives were developed by the Water Quality Division.

On July 28, 1977, the Water Quality Division staff sent a letter to the District requesting preparation of a supplemental project report and Environmental Impact Report addressing alternatives including the following:

- "1. Continued discharge of the entire quantity of FSD secondarily treated effluent to Fallbrook Creek with a bypass diverting flow at the terminus of the creek to:
  - a. an effluent transmission system to deliver effluent for irrigation use by the Naval Weapons Station (NWS), the Marine Corps Base (MCB) and/or leasees of agricultural land or MCB; and/or

- b. a land outfall to convey all or some portion of the stream flow to the Oceanside Regional Ocean Outfall.
2. Continued discharge of a minimal quantity of FSD secondarily treated effluent and/or NWS effluent to Fallbrook Creek in order to maintain a basic riparian habitat while minimizing the impact on Lake O'Neill. The remainder of the effluent would be:
  - a. reclaimed by possible military and civilian users within the Santa Margarita River Basin; and/or
  - b. diverted to the San Luis Rey River Basin for civilian reuse; and/or
  - c. discharged to a land outfall terminating at the Oceanside Regional Ocean Outfall.
3. Same as Alternative 2 with advanced wastewater treatment substituted for secondary treatment of effluent discharged to the creek. The degree of advanced treatment would reflect requirements for surface water discharge."

It appears that no Supplemental Project report was ever prepared. However, the final Environmental Impact Report prepared by the District (dated August 1978) recognized the possibility of adverse impacts on flora and fauna in the vicinity of Fallbrook Creek as a result of elimination of the District's discharge. The EIR stated the following with regard to the mitigation of this impact:

"One of the most important mitigation measures is the continued discharge of 0.25 cfs (0.16 mgd) of effluent to Fallbrook Creek to maintain the biological resources presently established. Flow and water quality in the creek will be monitored in order to maintain optimum conditions for biota preservation and to prevent significant water quality degradation."

Reclamation for agricultural use was analyzed to some extent in the 1976 project report prepared by the District. The consultants for the District

prepared a response to comments on the Project Report dated September 17, 1976, which further clarified the decision not to proceed with a reclamation alternative at that time. Among the factors discussed in the September 17, 1976 letter which influenced the decision not to select reclamation as the recommended alternative were concerns about the level of wastewater treatment that would be necessary for agricultural irrigation use and the cost of such treatment. At that time it was assumed, for example, that reverse osmosis would be required in order to reduce the anticipated dissolved solids levels in the wastewater such that the Basin Plan's total dissolved solids requirements could be met. Also mentioned in the September 17, 1976 letter were the high energy costs associated with reclamation for agricultural use, including the energy necessary for reverse osmosis and the need to pump the water to the likely areas for agricultural use.

The final EIR for the project, however, lists as "Beneficial Impacts" of the project: "Retention of future reclamation/reuse options by Fallbrook Sanitary District" and "Availability of effluent for possible future use by the City of Oceanside."

In 1983 in a separate proceeding involving water right permits previously granted by the Board, we granted an extension of time to commence construction to the United States Bureau of Reclamation for its proposed Santa Margarita Project. The Santa Margarita Project involves construction of two dams (Fallbrook and DeLuz Dams) on the Santa Margarita River to store runoff from the Santa Margarita watershed and imported water. (See State Board Order WR 83-11, "In the Matter of Permits 8511, 11356, 11357 and 15000 Issued on Applications 11587, 12178, 12179 and 21471".) Order WR 83-11 states that

about 4,500 acre-feet per year of the safe yield from the Santa Margarita Project would be for use by Fallbrook Public Utility District. The territory within Fallbrook Sanitary District (the recipient of the NPDES permit at issue in this petition) includes a portion of the territory within Fallbrook Public Utility District, as well as additional territory outside the Sanitary District. About 7,000 acre-feet per year of the safe yield from the proposed Santa Margarita project is the Camp Pendleton Marine Base share. Order No. WR 83-11 requires the Bureau of Reclamation to develop and submit to the State Board for its review by June 1984 a water conservation plan for the Santa Margarita Project.

#### CONTENTIONS AND FINDINGS

##### A. Order No. 83-19 Results in the Waste of Water

Contention: Petitioner contends that reuse of wastewater from Fallbrook Sanitary District for agricultural irrigation could provide an alternative to the development of new fresh water supplies via the Santa Margarita project at a lower cost per acre-foot and that the failure to reuse this wastewater constitutes waste and unreasonable use.

Findings: Based on the record before us, it does not appear that reclamation of Fallbrook Sanitary District wastewater could provide a complete alternative to the Santa Margarita Project. According to the petitioner the District's outfall will discharge between 1,800 and 2,600 acre-feet per year of effluent.<sup>1</sup>

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<sup>1</sup> This apparently includes a certain number of acre-feet of wastewater that would be available only during the winter months when demand for reclaimed water would be low if not nonexistent.

In contrast, Fallbrook Public Utility District's share of the safe yield of the Santa Margarita project is approximately 4,500 acre-feet per year and Camp Pendleton's share is approximately 7,000 acre-feet per year. Whether there are other sources of wastewater which could reasonably be made available for use within the service area of the proposed Santa Margarita project is unknown at this time. It is expected that the availability of reclaimed water and water conservation as an alternative or a supplement to development of the Santa Margarita Project is one of the matters that will be covered by the water conservation plan which we required the Bureau of Reclamation to submit pursuant to our Order WR 83-11.

Further, the development of an ocean disposal capability for the District's wastewater is not antithetical to, in fact it probably enhances, the possibilities for reclamation of wastewater in the area. This is true because water use drops dramatically during the winter months and an alternative method of disposal is needed for that season. Due to the construction of the land outfall, this winter time disposal capability is already in place. In addition, if desalinization is required before reclamation use to meet Regional Board total dissolved solids requirements or to meet crop tolerances for crops to be irrigated with reclaimed water, the land outfall can serve as a "brine line" to dispose of the wastes from the desalinization process.

Whether the cost per acre-foot for development of a reclaimed water supply is (as petitioner contends) less than the cost for development of a new fresh water source is unknown at this time. The record contains numerous references to various different per acre-foot costs for reclaimed water.

For example, the transcript of a public meeting held by the District in 1976 to discuss the alternatives in its Clean Water Grants Program project

report indicates that the District's consultants at that time felt the per acre-foot cost for use of the District's wastewater for agricultural irrigation would be \$300. However, a letter received from the District in response to the petition at issue pursuant to Section 2050.5 of the Board's regulations (Title 23, California Administrative Code, Chapter 3, Subchapter 6) indicates that the cost of reclaimed wastewater to farmer users could be as high as \$800 per acre-foot. The cost for Santa Margarita project water according to petitioner would be \$315 per acre-foot. We realize that a number of circumstances have changed since the District's consultant developed his cost figures in 1976. Some of these factors (such as the general rate of inflation) may have caused the cost of reclamation (as well as the cost for fresh water supplies) to go up. Other factors may have caused the projected cost for reclamation to go down. These include reduction in the Colorado River water supply to the area and increased State Water Project supply which, in turn, is expected to reduce the total dissolved solids of the freshwater supply. This may reduce or eliminate the need for costly reverse osmosis to meet Regional Board groundwater objectives and/or salt tolerances of crops to be irrigated with reclaimed water. In addition, the fact that the District's land outfall is now operational may reduce current cost calculations for reclamation because the need for construction of wintertime storage has been eliminated.

Petitioner submitted with its petition a map of existing and potential areas that could use reclaimed wastewater from the District. Most of the existing agricultural areas indicated on petitioner's map are areas that were considered as potential users of reclaimed wastewater in the alternatives analysis contained in the District's 1976 Facilities Plan. The alternative of



agricultural use was considered and rejected at that time in large part due (as we have mentioned previously) to the high cost of dissolved solids removal. Petitioner describes additional areas for agricultural use of reclaimed water both on Camp Pendleton and on the Fallbrook Naval Weapons Station. The record, however, is replete with communications from both entities indicating an unwillingness to allow extensive use of reclaimed water on the properties controlled by them. For example, in April 1977, the State Board's Water Quality Division sent out a letter asking for comments by interested parties on a number of alternatives for handling of the District's wastewater. Several of the alternatives involved irrigation uses on military property. In a letter dated May 27, 1977, to the Chief of the State Board's Division of Water Quality, J. R. Williams, Acting Commanding Officer, Naval Facilities Engineering Command, responded to the proposal to use the District's wastewater for irrigation on military property as follows:

"The Navy and the Marine Corps cannot continue to assume the environmental responsibility to manage and dispose of an accelerating flow of sewage effluent from a growing civilian community. This flow is now in excess of one million gallons a day. Diverting the assets of the Marine Corps Base and the Naval Weapons Station to this management responsibility impairs the capability of these installations to accomplish their military missions."

Other areas suggested by petitioner for reuse of the District's wastewater are in the vicinity of the City of Oceanside. These areas (including the Oceanside Municipal Golf Course) appear to have been considered by the City of Oceanside as potential users of reclaimed wastewater as part of its Treated Effluent Distribution System Project study funded in part by the State Board's grants program. (See "Facilities Plan for Treated Effluent Distribution System, Final Draft, January 1982", Number CA-06-1192.)

Oceanside's study analyzed the potential for reclamation in the Oceanside area both with and without the availability of wastewater from the District. This was necessary because Oceanside at the present time has no agreement with the District regarding reuse of District wastewater. Oceanside's study found that (1) there is a substantial identified potential market for reclaimed water (including reclaimed wastewater from Fallbrook Sanitary District) within the City of Oceanside, (2) treated effluent may be distributed to the majority of the potential market in a cost-effective manner and (3) development of the potential market would result in substantial resource conservation and significant economic, environmental and social benefit.

The District is clearly in a water-short area. Its water supply is primarily imported water. Fallbrook Public Utility District is currently taking more than its allotted share of imported water from the San Diego County Water Authority (Authority). The Authority, in turn, is taking more than its allotted share of imported water from the Metropolitan Water District of Southern California. We are faced here with the issue of whether under these circumstances the discharge of the District's wastewater to the ocean where it cannot be recovered is a waste of water. There is no fixed definition of what is a reasonable use or what is a waste of water pursuant to California law. California case law makes it clear that the determination as to whether a particular practice constitutes waste of water is dependent upon the facts in each given case and may change as circumstances change with time. (Joslin v. Marin Municipal Water District, 67 Cal.2d 132, 429 P.2d 889 (1967), Tulare Irrigation District v. Lindsay-Strathmore Irrigation District Dist. 3 Cal.2d 489, 45 P. 2d 972 (1935) Peabody v. City of Vallejo, 2 Cal.2d 351, 40 P.2d 486 (1935).

Paramount among these changing circumstances, as the Supreme Court pointed out in the Joslin case, is "the ever increasing need for the conservation of water in this state." And inherent in the concept of obtaining maximum beneficial use of the state's waters is the idea that a user may be required to incur some reasonable costs or incur some inconvenience to prevent waste of water (Waterford Irrigation District v. Turlock Irrigation District 50 Cal.App.213, 193 Pac. 757 (1920), People ex rel. State Water Resources Control Board v. Forni 54 Cal.App.3d 743, 126 Cal.Rptr. 851 (1976)). However, based upon the entire record before the Board, at this time we cannot find that the discharge of the District's wastewater to the ocean through the land outfall constitutes waste.

We are unable to determine with any degree of certainty at this time critical issues such as the relative costs of imported water versus reclaimed water, the realistic market for reclaimed water within the likely service area, the economic feasibility of a reclamation program either for the District or for the water supply agencies in the area, the likelihood that Oceanside may proceed with its reclamation program and the likelihood that the District may reach agreement with Oceanside for reuse of the District's wastewater.

We are vitally concerned that these questions be answered; not just on a one-time basis but that they be periodically analyzed in keeping with the case law which indicates that a reasonable use of water today may be a waste of water at some time in the future.

We expect the Water Conservation Program being prepared by the Bureau of Reclamation (with cooperation from Fallbrook Public Utility District) to answer these questions for the near term. In the future, in this case and in all cases where an applicant in a water-short area proposes a discharge of once-

used wastewater to the ocean, the report of waste discharge should include an explanation as to why the effluent is not being reclaimed for further beneficial use. This is consistent with the state policy established by the Legislature in Water Code Section 13142.5(e) which reads as follows:

"Adequately treated reclaimed water should, where feasible, be made available to supplement existing surface and underground supplies and to assist in meeting future water requirements of the coastal zone...."

This requirement is also consistent with the provisions of Water Code Sections 174, 275, 13225(h), 13260, 13267, 13383, 13510-13512 and 13956.5. Therefore, we have included in this order an amendment to Regional Board Order No. 83-19 which requires the District to prepare and submit as a part of its report of waste discharge when its permit comes up for renewal in 1988 a report on the feasibility of reclaiming its wastewater.<sup>2</sup>

We impose this requirement on the District in lieu of involving our investigatory powers to prevent waste of water (Title 23, Calif. Admin. Code, Chapter 3, Subchapter 2, Section 764.11; and Chapter 5, Subchapter 1, Section 4002). Our action is based on a balancing of two factors:

1. The fact that reclamation bears careful consideration anywhere there is a discharge of substantial quantities of once-used water to the ocean particularly in a water-short area where water is imported.

2. The fact that the record in this matter does not contain sufficient evidence to draw a preliminary conclusion that waste is occurring.

B. Order No. 83-19 Results in the Loss of a Reliable Source of Water for Fallbrook Creek

Contention: Petitioner contends that termination of the District's discharge will reduce flow in Fallbrook Creek by 1,500 acre-feet per

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<sup>2</sup> Such report should contain; among other information regarding reclamation, a detailed discussion of reasons why the Districts' wastewater is not being used by Oceanside if Oceanside proceeds with its reclamation project.

year, eliminating a reliable flow of 2 cfs and, as a result, will cause adverse impacts to riparian vegetation and wildlife in the Fallbrook Creek area.

Finding: There has been a long history of debate over the potential impacts of elimination of wastewater discharge from the District to Fallbrook Creek. The early history is set forth in the "Background" section of this Order. The final Environmental Impact Report for the project, dated August 1978, identified as a mitigation measure the continued discharge of 0.25 cfs of effluent to Fallbrook Creek (see quotation in the "Background" section of this Order). Comments made by the Director of the Department of Fish and Game and the Field Supervisors for the U. S. Fish and Wildlife Service at the time and included as Exhibits to the final EIR made it clear that this amount of flow was an amount that would be acceptable in the interim until studies could be done to determine the flow necessary to maintain the current level of fish and wildlife habitat of Fallbrook Creek.

In response, the State Board's Division of Water Quality included as a condition of its Clean Water Grants Program Step 2 (Concept) approval dated September 29, 1978 a condition which read as follows:

"2. The grantee together with the United States Fish and Wildlife Service, the California Department of Fish and Game, the San Diego Regional Water Quality Control Board and the State Water Resources Control Board will submit a monitoring program to assure the mitigation elected to maintain the riparian habitat in Fallbrook Creek is adequate."

The record in this matter indicates that participation by most of the named agencies in the monitoring program was sporadic and that the Regional

Board staff took major responsibility for conducting the monitoring during 1978 and 1979. Based upon this work and further work done by Regional Board staff in 1980-1983 the Regional Board staff developed a report entitled "Staff Report on the Effects of the Discharge of Wastewater to Fallbrook Creek" and dated August 1983. The report concludes that no continuation of wastewater discharges to Fallbrook Creek is necessary to maintain current levels of aquatic biota and riparian vegetation. This conclusion is consistent with a October 1980 Regional Board staff memorandum to the State Board Division of Water Quality staff stating that "no mitigation flow of treated wastewater will be needed to maintain the riparian habitat."

Based upon this information from the Regional Board, the State Board Division of Water Quality staff informed the District by letter dated November 6, 1980, that the facilities needed to continue discharging a small portion of the District's flow to Fallbrook Creek after the land outfall was in place were ineligible for grant funding. At this point the District apparently dropped any further plans for a continued discharge to Fallbrook Creek. At the time of adoption of Order No. 83-19 by the Regional Board neither the Department of Fish and Game nor the United States Fish and Wildlife Service made a presentation. Therefore, it is not known at this time what the position of either of these agencies is with respect to the Regional Board's conclusion that no further discharge is required to maintain riparian habitat.

The Regional Board, in the findings contained in its Order No. 83-19 and in its response to the instant petition, argued two main points with respect to the continued discharge to Fallbrook Creek. First, it argued that pursuant to Water Code Section 13360 and Public Resources Code 21004 it had no authority to order the discharger to implement a particular mitigation measure

involving continued discharge to the creek. Second, it argued that it had found, based upon its studies of the creek system, that a continued discharge is not necessary to maintain the riparian habitat at its current levels.

Without reaching the issue of whether there was a legal mechanism for the Regional Board to order mitigation of the potential impacts on Fallbrook Creek, we find that its failure to require continued flows was appropriate and proper. Regional Board Order No. 83-19 is an NPDES (National Pollutant Discharge Elimination System) permit. Under Water Code Section 13389, the adoption of an NPDES permit by a Regional Board is exempt from the requirement that CEQA documents be prepared. However, Section 13389 does not exempt Regional Boards from the policy provisions of CEQA (Public Resources Code Sections 21000 to 21100). As a result, the State Board has held in the past that where an EIR has been prepared by another agency for a project requiring an NPDES permit the Regional Board should consider that EIR.<sup>3</sup>

In this case, the Regional Board reviewed the EIR together with the considerable material developed by its own staff and came to the conclusion that continued wastewater flows were not necessary to preserve the riparian habitat of Fallbrook Creek at its current levels. The Regional Board staff's report concludes that, in fact, continued discharge could have a number of adverse impacts on the Creek. Among those impacts are the following:

- (1) nutrient input from the discharge may contribute to increased algal production in the lower sections of the creek;
- (2) high residual chlorine concentrations in the discharge cause a large section of the creek to be acutely toxic and uninhabitable to aquatic fauna;

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<sup>3</sup> See, e.g. State Board Order No. WQ 75-8.

- (3) organic material from the discharge contributes to the production of slime growths within sections of Fallbrook Creek;
- (4) the discharge raises boron concentrations within the creek to levels which can be injurious to certain boron-sensitive agricultural crops.

Petitioners contend that the Regional Board's analysis did not take into account possible adverse impacts on groundwater levels that could occur due to termination of the discharge and asks that these be studied. We find that the Regional Board's study was sufficient. There is good reason to believe, based upon the study (particularly the findings that riparian growth in areas unaffected by the sewage discharge is similar in composition and density to vegetation in areas affected by the discharge), that termination of the discharge will have little or no adverse impact and it is virtually certain that the adverse impacts caused by the discharge will continue if the discharge is continued. We are particularly unwilling to require any more of the Regional or State Board's very limited staff resources to be invested in further analysis of whether an ecosystem in the vicinity of a discharge of sewage composed primarily of imported water is to any degree reliant upon the continuation of that sewage discharge.

C. Order No. 83-19 is in Conflict with State Policy

Contention: The Regional Board made no effort to foster reclamation in adopting Order No. 83-19 and this is in conflict with numerous pronouncements by the Legislature that reclamation is to be encouraged. Further, Order No. 83-19 conflicts with the State Board's Order WR 83-11 (Santa Margarita Project).

Finding: The first part of petitioner's contention is dealt with under Contention A, above. The Regional Board's requirements will be amended



to require analysis of the possibility of reclaiming the District's wastewater.

In response to the second part of petitioner's contention, the Regional Board's order is not in conflict with State Board Order WR 83-11. State Board Order WR 83-11 contains the State Board's standard water right permit term No. 12 which reads as follows:

"Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water."

"The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations to this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation." (Emphasis supplied)

It should be clear from a reading of the above language that it is not self-executing and, in fact, requires a hearing and factual findings by the Board. As stated in the response to Contention A, above, it does not appear at this time that the information is available to justify an exercise of the Board's continuing authority to prevent waste based upon the reasonable availability of reclaimed water.

#### CONCLUSIONS

For the reasons explained above, the Board concludes as follows:

1. The action of the Regional Board in issuing a permit for the District's land outfall was appropriate and proper.
2. Water Reclamation should be carefully and periodically analyzed as an alternative, or partial alternative, to the discharge of once-used wastewater to the ocean in a water-short area. In this case, this analysis is expected to occur initially as a part of the conservation plan being submitted to the Board by the Bureau of Reclamation pursuant to State Board Order WR 83-11 and should be updated in connection with reports of waste discharge for the District's NPDES permit renewal.
3. The Regional Board's action in not requiring a continued discharge of wastewater to Fallbrook Creek was appropriate and proper.

#### ORDER

IT IS HEREBY ORDERED THAT the following Reporting Requirement shall be added to Reporting Requirement No. 10 of Regional Board Order 83-19:

"Pursuant to State Water Resources Control Board Order No. WQ 84- , the discharger shall submit with its Report of Waste Discharge sufficient information to justify why any effluent proposed to be discharged to the ocean after a single use is not being reclaimed for beneficial use."

IT IS FURTHER ORDER THAT the petition in this matter is otherwise denied.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on July 19, 1984.

Aye:

Carole A. Gnorato  
Warren D. Moteware  
Kenneth W. Willis  
Darlene E. Ruiz

No:

Absent:

Abstain:

  
\_\_\_\_\_  
Michael A. Campos  
Executive Director

