

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0100

Sanitation Districts of Los Angeles County

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

SOURCE: San Jose Creek and San Gabriel River

COUNTY: Los Angeles

WHEREAS:

1. Water Code section 1211 requires the owner of a wastewater treatment plant to obtain approval from the State Water Resources Control Board (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.
2. The Sanitation Districts of Los Angeles County (Sanitation Districts) San Jose Creek Water Reclamation Plant (SJCWRP) is a wastewater treatment facility in unincorporated Los Angeles County, next to the City of Whittier. The SJCWRP consists of two independently operated treatment plants located on the east and west sides of the I-605 Freeway near its intersection with the CA-60 Freeway. The SJCWRP was constructed in three separate stages. On the east side, Stages I and II (SJCE) were placed in operation in 1971 and 1982, respectively. On the west side, Stage III (SJCW) was placed in full operation in 1993. The SJCWRP has a combined treatment capacity of 100 million gallons per day (mgd) and is currently covered by three permits: one for groundwater recharge in the Montebello Forebay (Order No. R4-91-100 and amendments thereto), one for NPDES discharge into surface waters (Order No. R4-2015-0070), and one for reuse of recycled water for non-potable purposes (Order No. R4-87-050, readopted by Order No. R4-97-072). In 2016, the SJCWRP's final effluent production was a combined 54 mgd. The average (2012-2016) summer surface water discharge flow (May through September) from the SJCWRP into the San Gabriel River or San Jose Creek was approximately 32 mgd.

3. The SJCWRP collectively has five National Pollutant Discharge Elimination System (NPDES) surface water discharge points: Discharge Point Nos. 001A, 001B, 001, 002, and 003. Discharges from the SJCWRP into surface waters are covered under the NPDES permit (Order No. R4-2015-0070). The SJCE can discharge directly to the unlined San Jose Creek, near the SJCWRP, via Discharge Point No. 002, while the SJCW can discharge directly to the unlined San Gabriel River, near the SJCWRP, via Discharge Point No. 003. Additionally, both the SJCE and SJCW can contribute flow to the San Jose Creek Outfall pipeline (SJC Outfall). From the SJC Outfall, flow can be discharged into the San Gabriel River via three discharge points (001A, 001B, and 001). Discharge Point No. 001A is located in the unlined portion of the San Gabriel River near the headworks of the San Gabriel Spreading Grounds. Discharge Point No. 001B is located in the unlined portion of the San Gabriel River downstream of Rubber Dam No. 4. Discharge Point No. 001 is located in the concrete-lined portion of the San Gabriel River near Firestone Boulevard.
4. Discharges into unlined surface water channels (i.e., Discharge Point Nos. 001A, 001B, 002, and 003) can also be actively recharged using rubber dams located in the unlined San Gabriel River or diverted to recharge basins. Flow discharged into the San Gabriel River at Discharge Point No. 001 will not recharge and will ultimately flow to the ocean since this is a concrete-lined channel. Recycled water flowing down the unlined channels that does not infiltrate into the subsurface and is not otherwise diverted into the recharge basins will reach the concrete-lined portion of the river and ultimately flow into the ocean.

The flow is alternated between the five discharge points during the year for operational reasons, with the exception of Discharge Point No. 003. Discharge Point No. 003 has minimal flow and has rarely been used, historically. The discharged recycled water from the SJCWRP is normally used for groundwater recharge at either the San Gabriel Spreading Grounds, the Rio Hondo Spreading Grounds, or in unlined portions of the San Gabriel River using rubber dams.

5. On June 20, 2017, the Sanitation Districts filed Wastewater Change Petition WW0100 with the 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 San Jose Creek or the San Gabriel River.
6. For the purposes of this Order, the State Water Board considers the following information as the Sanitation Districts' existing points of discharge, place of use, and purpose of use of treated wastewater:
 - a. The points of discharge are the following: San Jose Creek Water Reclamation Plant discharge points at California Coordinate System, NAD 83, Zone 5: 1)

Discharge Point SJC001: North 1,797,145.62 feet and East 6,528,972.73 feet, 2) Discharge Point SJC001A: North 1,820,267.50 feet and East 6,539,437.79 feet; 3) Discharge Point SJC001B: North 1,811,375.55 feet and East 6,534,798.54 feet; 4) Discharge Point SJC002: North 1,835,281.52 feet and East 6,555,279.46 feet; and 5) Discharge Point SJC003: North 1,835,511.82 feet and East 6,552,391.97 feet,

- b. There is no current place of use; and,
 - c. There is no current purpose of use.
7. The Sanitation Districts propose to reduce SJCWRP discharges to discharge points Nos. 001, 001A, 001B, 002, and 003 by 0.05 mgd or 56 acre-feet per year (afy), which is approximately 0.2 percent of the present 26,300 acre-feet per year discharge. This reduced flow would be directed to the La Puente Valley County Water District for a new recycled water system through the Upper San Gabriel Valley Municipal Water District, which has a contract for recycled water with the City of Industry, which in turn has a recycled water purchase contract with the Sanitation Districts recycled water system for non-potable uses, including application on landscaping and lawns.
 8. On January 5, 2018, the Division issued a public notice of the petition in accordance with Water Code section 1703. On February 2, 2018, the Division received a protest from the California Department of Fish and Wildlife (CDFW). The basis of the protest was potential adverse environmental impacts and conservation of public trust resources.

After considering the Sanitation Districts' Notice of Exemption (NOE), and the Sanitation Districts' commitment of working with CDFW on a Mitigation and Adaptive Management Program (AMP) for the San Gabriel River, CDFW has concluded that the Sanitation Districts have met the terms and conditions outlined in CDFW's February 2, 2018 letter. On January 10, 2019, the Division received a letter from CDFW withdrawing their protest with no conditions.
 9. The State Water Board has reviewed the petition, protest, and the whole record. Water discharged from the SJCWRP subject to this petition is foreign water, and as such, return flow is not part of the natural stream flow to which riparian and appropriative water rights may attach. The State Water Board finds that the petition for change 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 the water.
 10. Under the CEQA, the Sanitation Districts are the lead agency for preparation of environmental documentation for this project. On December 20, 2017, the Sanitation Districts filed a NOE for the San Jose Creek Water Reclamation Plant Minor Reduction of Effluent Discharge to San Gabriel River in Support of Recycled

Water Use with the State Clearinghouse (SCH No. 2017128479). The State Water Board is a CEQA responsible agency for purposes of considering whether to approve the petition that will allow the Sanitation Districts 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).)

11. The State Water Board has considered the NOE in deciding whether to approve the petition. The NOE considers the potential impacts of reduced flows to the San Jose Creek or the San Gabriel River. The flow impacts are evaluated in the NOE and it is determined that there will be no significant impact to fish, wildlife, or the environment. The State Water Board will issue a NOE within five days of the date of this Order.
12. In addition to any obligation the State Water Board may have under the CEQA, the State Water Board has an independent obligation to consider the effect of the change on public trust resources, 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].) Here, the proposed project will reduce discharge to its discharge points by approximately 0.2 percent (0.05 mgd or 56 afy) of the average 23,600 acre-feet per year discharge. No adverse impacts to public trust resources are expected.
13. 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 January 22, 2013 and December 11, 2018. The purpose of the Recycled Water Policy is to increase the use of recycled water from municipal wastewater sources, and one of the goals for California, as stipulated in the Recycled Water Policy, 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 Sanitation Districts' 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.
14. 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 redelegate this authority.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. The protest of the California Department of Fish and Wildlife (CDFW) is withdrawn.
2. The points of discharge are unchanged and are located as follows. The San Jose Creek Water Reclamation Plant (SJCWRP) discharge points at California Coordinate System, NAD 83, Zone 5: 1) Discharge Point SJC001: North 1,797,145.62 feet and East 6,528,972.73 feet; 2) Discharge Point SJC001A: North 1,820,267.50 feet and East 6,539,437.79 feet; 3) Discharge Point SJC001B: North 1,811,375.55 feet and East 6,534,798.54 feet; 4) Discharge Point SJC002: North 1,835,281.52 feet and East 6,555,279.46 feet; and 5) Discharge Point SJC003: North 1,835,511.82 feet and East 6,552,391.97 feet.
3. The request to change the place of use is approved. The place of use for treated wastewater produced by the SJCWRP is within the La Puente Valley County Water District service area, as shown on a map titled *Service Area Map – La Puente Valley County Water District*, dated March 17, 2017 and filed with the State Water Board as part of Attachment 1 to the petition.
4. The request to change the purpose of use is approved. The purposes of use for treated wastewater produced by the SJCWRP are Commercial, Industrial, and Irrigation.
5. The quantity of discharge of treated wastewater from the SJCWRP to the San Jose Creek or the San Gabriel River may be reduced by a rate of 0.05 mgd or 56 afy, from January 1 to December 31 of each year.
6. The Sanitation Districts of Los Angeles County (Sanitation Districts) shall obtain all necessary federal (including Clean Water Act section 404), state and local agency permits, and approvals required by other agencies prior to operation of the project. Copies of such permits and approvals shall be forwarded to the Deputy Director for the Division of Water Rights.
7. The Sanitation Districts are responsible for compliance with any applicable waste discharge or water recycling requirements issued by the Los Angeles Regional Water Quality Control Board (Regional Board) or the State Water Board.
8. The State Water Board reserves continuing authority in the public interest to implement and amend this Order for conformity with instream flow requirements that may be established for the San Jose Creek, the San Gabriel River, or the Rio Hondo 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 only be made after notice and opportunity for a hearing.

9. The Sanitation Districts shall file an annual report with the Deputy Director for the Division of Water Rights by March 31 of each year following the year of Order issuance that includes at minimum the following information for the previous calendar year:

- monthly amount of inflow to the SJCWRP,
- monthly discharges to San Jose Creek, the San Gabriel River, or the Rio Hondo,
- maximum daily recycled water delivery rate to La Puente Valley County Water District in mgd, and
- monthly total recycled water deliveries to La Puente Valley County Water District.

If identical information is already reported annually to the Regional Board or State Water Board under the requirements of the Recycled Water Policy, the Sanitation Districts may annually 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: JUL 22 2019