

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

DIVISION OF WATER RIGHTS

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In the Matter of Wastewater Petition WW-56  
City of Corona

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

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SOURCE: Butterfield Drain thence Temescal Creek  
COUNTY: Riverside

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**WHEREAS:**

1. The City of Corona (City) filed Wastewater Change Petition WW0056 (petition) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) on December 17, 2009, pursuant to section 1211 of the Water Code. The petition seeks to change the purpose of use, place of use, and discharge quantity in order to reduce the City's discharge of treated wastewater into Butterfield Drain thence Temescal Creek from 4.57 cubic feet per second (cfs), with an annual discharge of 3,309 acre-feet (af), to 2.25 cfs with an annual discharge of 1,625 af. The treated wastewater would be used for irrigation, industrial, municipal, fish and wildlife enhancement and recreational purposes.

Two facilities are involved in the current action, Water Reclamation Facility-1 (WRF-1) and WRF-3. Discharge to the creek from WRF-3 was less than 0.01 acre-foot from 2002-2005. WRF-3 currently discharges 0.3 cubic foot per second, and the City plans to reduce this discharge to zero. The ongoing flows listed above would be discharged from WRF-1.

2. The petition was noticed on February 4, 2010. The Department of Fish and Game (DFG) protested on the basis that there was insufficient information to determine whether the changes would have an adverse impact on fish and wildlife resources. DFG did not provide protest dismissal conditions.
3. In an August 19, 2011 email, the City indicates that the petitioned action will not result in any impacts to Temescal Creek or the Santa Ana River because it is within the scope of the operations previously analyzed in the Recycled Water Plan Environmental Impact Report (EIR) and Addendum to the EIR, SCH #99031097. The City issued Notices of Determination (NODs) on July 5, 2001, August 1, 2001, and September 5, 2001. In addition to the more general analysis in the Recycled Water Master Plan EIR, minor discharges and the reduction of discharges to Temescal Creek were analyzed in the 2003 Mitigated Negative Declaration for the Proposed Recycled Water Implementation Project (MND), SCH # 2003011107. The City adopted the MND

on March 19, 2003. The reductions were found to have a less than significant impact overall and to have no impact on special status species or their habitat because there are no special status species known or expected to occur in the project area, and no habitats that would support special status species. Moreover, the project is covered by the Western Riverside Multi-Species Habitat Conservation Plan which addresses the biological resources of concern to DFG.

4. To address the DFG protest, the City provided 2011 studies and analyses regarding: (a) Santa Ana sucker (*Catostomus santaanae*), (b) whether the reduction in discharge to Temescal Creek and Butterfield Drain will have an impact on riparian habitat, and (c) a hydrology report that evaluates the hydrology impact on downstream riparian vegetation of removing releases from WRF-3. The hydrology report concludes that the high groundwater condition near WRF-3 is not dependent on wastewater discharge from WRF-3. Discharge from WRF-3 does not affect the spatial extent or density of the riparian vegetation. In 2011, the City developed a Monitoring Plan to further document that operation pursuant to an approved petition would not be injurious to public trust resources.
5. DFG provided an October 17, 2011 letter from the Riverside-Corona Resource Conservation District discussing ongoing mitigation projects in Temescal Canyon. The letter recommends that outflow from the WRF-3 not be eliminated completely, since it provides a water source for mitigation projects. No numeric data was provided.
6. On November 16, 2011, Division staff conveyed the City's Monitoring Plan to DFG. The plan was revised in response to DFG comments and provided again to DFG on December 20, 2011. Division staff requested a response from DFG, taking into consideration the EIR, MND and 2011 studies and analyses developed by the City. The response was requested pursuant to Water Code section 1334. DFG was also advised that it appears that protest dismissal is appropriate. (Wat. Code § 1335.)
7. On January 12, 2012, DFG indicated that its protest was based on lack of sufficient information to determine whether or not the proposed changes would have an adverse effect on fish and wildlife resources. DFG re-asserted that the City has not conducted sufficient studies to allow DFG to analyze the effects of the proposed change on fish and wildlife resources. DFG did not provide any evaluation of the City's submittals. DFG proposed modifications to the Monitoring Plan.
8. DFG has not identified any specific adverse impacts associated with the proposed change. In response to the EIR and MND, DFG indicated that the information needed to be updated. The City's 2011 analyses addressed this issue.
9. There is no substantial evidence in light of the whole record to support the DFG allegation that additional study is required to determine the project impacts. The protest is canceled. (Wat. Code § 1335.)
10. The State Water Board has determined that the petition for change in the purpose of use, place of use, and discharge quantity will not cause injury to any other lawful user of water.
11. The State Water Board is a responsible agency for purposes of considering whether to approve the wastewater change petition that will allow the City to proceed with the proposed project. As a 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 reach its own conclusions on whether and how to approve the project involved. (Cal. Code Regs., tit. 14, § 15096, subd. (a).) The State Water Board has considered the EIR and MND in deciding whether to approve the petition. There is no evidence that approval of the wastewater change petition, with the lead agency implementing mitigation measures from the EIR and MND, will have any adverse impacts on the environment. The State Water Board will issue NODs on the EIR and

MND within five days of the date of this order.

12. 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].) The mitigation measures in the EIR and MND minimize impacts to biological and cultural resources and no adverse impacts to public trust resources are expected.

### ORDER

#### NOW, THEREFORE, IT IS ORDERED THAT:

1. The City is authorized to change the purpose of use, place of use, and discharge quantity for treated wastewater currently discharged from WRF-1 and WRF-3.
2. The discharge from WRF-1 may be reduced from 4.57 cubic feet per second (cfs), with an annual discharge of 3,309 acre-feet (af), to 2.25 cfs with an annual discharge of 1,625 af. The discharge from WRF-3 may be discontinued.
3. The authorized place of use is City of Corona Department of Water and Power service area, City of Norco boundary, and Western Municipal Water District service area. Treated wastewater may be used for the proposed project from January 1 to December 31 of each year.
4. Treated wastewater may be used for irrigation, industrial, municipal, fish and wildlife enhancement and recreational purposes.
5. No water shall be used under this wastewater change petition until petitioner has filed a report of waste discharge with the Regional Board, pursuant to Water Code Section 13260, and the Regional Board or State Water Board has prescribed waste discharge requirements or has indicated that waste discharge requirements are not required. Thereafter, water may be diverted only during such times as all requirements prescribed by the Regional Board or State Water Board are being met. No point source discharges of waste to surface water shall be made unless waste discharge requirements are issued by a Regional Board or the State Water Board. A discharge to ground water without issuance of a waste discharge requirement may be allowed if, after filing the report pursuant to Section 13260:
  - (1) the Regional Board issues a waiver pursuant to Section 13269, or
  - (2) the Regional Board fails to act within 120 days of the filing of the report.

No petitioner shall be required to file a report of waste discharge pursuant to Section 13260 of the Water Code for percolation to ground water of water resulting from the irrigation of crops.

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6. Petitioner has developed and prior to reducing the quantity of treated wastewater discharged to the stream system must implement the 2011 Monitoring Plan, which is located in the WW0056 file. The Monitoring Plan requires the Petitioner to conduct baseline monitoring at the selected monitoring sites. All monitoring shall be conducted by a biologist acceptable to the Deputy Director for Water Rights. The Deputy Director for Water Rights may modify the plan upon a determination that it is ineffective or unsuccessful, or provide relief from this term upon a determination that the Monitoring Plan is no longer required. Petitioner shall provide an annual letter report documenting compliance with the Monitoring Plan, on or around the beginning of each calendar year, throughout the monitoring period established in the plan.

(0400500)

STATE WATER RESOURCES CONTROL BOARD

*for James W. Kussel*  
Barbara Evoy, Deputy Director  
Division of Water Rights

Dated: **AUG 15 2012**