

Attachment A

City of Burbank's Wastewater Change Petition and Environmental Information for Petition

I. Item No. 1 (Background and Other Permits)

A. Plant Upgrades, Recycled Water System and Environmental Review

This section provides a summary of the City of Burbank's ("City") recycled water system, including its Burbank Water Reclamation Plant ("BWRP"). All of the water treated at the BWRP is imported from outside the region by the Metropolitan Water District. (See Exhibit 1 (page 6); see also *City of Los Angeles v. City of San Fernando*, January 26, 1979.) A more detailed history is included in Exhibit 1 (pages 3-7). Since its initial construction in 1966, the BWRP has been upgraded at least four times. In 1971, the BWRP was upgraded to increase the amount of wastewater it could treat from 6 Million Gallons per Day ("MGD") to 9 MGD. In 1992, the City expanded its recycled water system, leading the City to file a Wastewater Change Petition with the State Water Resources Control Board ("SWRCB"). (See Exhibit 2.) In 2000, the BWRP was again upgraded to maintain compliance with new, more stringent, water quality regulations. The BWRP underwent a further upgrade in 2002 to remove ammonia from the wastewater.

In 2007, the City prepared a Recycled Water Master Plan ("RWMP") that identified potential areas for expansion of the existing recycled water distribution system, including the following new uses: heating, ventilation, and air conditioning ("HVAC") cooling towers, vehicle washing, decorative fountains, dust control, street sweeping, and sewer cleaning. That same year, the BWRP underwent additional improvements, referred to as the Equalization Basin Project. The Equalization Basin Project included (1) changing the BWRP's disinfection system, (2) constructing an equalization storage basin, and (2) upgrades to comply with an impending National Pollutant Discharge Elimination System ("NPDES") permit. The City determined that all potential significant impacts could be effectively mitigated through mitigation measures. Therefore, a Mitigated Negative Declaration was prepared and submitted to the State Clearinghouse.

In 2008, the City started expanding its existing recycled water system, in accordance with the 2007 RWMP. This expansion included multiple pipeline extensions and the construction of two new pump stations. The City determined that all potential significant impacts could be effectively mitigated through mitigation measures and prepared a Mitigated Negative Declaration, which it filed with the State Clearinghouse.

B. Existing Permits

On April 14, 2016, the Los Angeles Regional Water Quality Control Board ("LARWQCB") adopted Waste Discharge Requirements/Waste Recycling Requirements ("WDRs/WRRs") Order

No. R4-2016-0144 (“Order No. R4-2016-0144”), governing the City’s recycling of treated wastewater.¹ (See Exhibit 1.)

The BWRP discharges tertiary-treated wastewater from Discharge Point 002 into the Burbank Western Channel under separate Waste Discharge Requirements (“WRR”) Order R4-2012-0059 (“Order No. R4-2012-0059”), that also serves as an NPDES permit. This permit is scheduled for review and renewal in 2017.

C. 1993 Order Approving Wastewater Change Petition

In 1992, the City filed a Wastewater Change Petition with the SWRCB, pursuant to Sections 1210 and 1211 of the California Water Code. The City requested to change the use of treated wastewater from its existing use of recycled water for power plant cooling and landscape irrigation purposes to include irrigation in the eastern portion of the City, northeast of Interstate 5. On March 4, 1993, the SWRCB issued an order approving the change in place of use and purpose of use requested by the City. (See Exhibit 2.) The SWRCB “determined that the changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.”

II. **Item No. 2 (Point of Discharge)**

The BWRP is permitted by the LARWQCB to discharge to the Los Angeles River pursuant to Order No. R4-2012-0059. The BWRP discharges at a single point, Discharge Point 002, into the concrete-lined Burbank Western Channel located within the Burbank USGS Quadrangle (non-sectioned area), which is located approximately 12,000 feet (over 2 miles) from the confluence of the Los Angeles River.² The latitude and longitude of Discharge Point 002 is 34°10'58"N and 118°19'05"W.

The location of Discharge Point 002 and the receiving Burbank Western Channel are shown in the photographs attached as Exhibit 3. At the terminus of the Burbank Western Channel, the recycled water enters the Los Angeles River as shown in attached Exhibits 4 and 5. Exhibit 6 also provides a schematic of BWRP flows and Discharge Point 002.

III. **Item No. 3 (Place of Use)**

Currently, approximately 25% of the tertiary-treated effluent (2,705 acre-feet (“AF”) in 2015/2016) produced at BWRP is beneficially reused for landscape irrigation and industrial uses throughout the City. Exhibits 7 and 9 identify the City’s current place of use, which depict the City’s recycled water system and various existing users receiving recycled water from the BWRP.

¹ Prior to the adoption of this Order, the City was operating under WDRs/WRRs Order No. 91-101, adopted by the LARWQCB on September 9, 1991.

² Previously, BWRP also discharged from Discharge Point 001, which served as the surface water discharge point from the Burbank Power Plant. Discharge Point 001, however, has not been operable since June 14, 2005 when the Burbank Power Plant was converted to a zero liquid discharge facility.

Existing and future customers are depicted by the shaded areas in Exhibit 9. The BWRP also currently provides approximately 1.8 MGD for use in cooling towers serving the City's power plants. (See Exhibit 6.) The remainder of wastewater received by the BWRP is treated and discharged to the Burbank Western Channel at Discharge Point 002 (5,376 AF in 2015/2016). (See Exhibit 8.) Since 1992, the City has discharged an average volume of 6,483 AF of wastewater to the Burbank Western Channel, with discharge volumes ranging from a low of 4,198 AF in 1999/2000 to a high of 8,277 AF in 2004/2005. (See FN 2, and Exhibit 8.) Historical and projected monthly discharges to the Burbank Western Channel are listed on Exhibit 8.

As a result of increased demand for recycled water, Burbank is proposing to gradually increase its use of recycled water from 2,705 AF to approximately 5,027 AF by 2025. (See Exhibit 8.) Over approximately the next ten years, this proposed change would gradually reduce the volume of BWRP's discharges into the Burbank Western Channel from 5,376 AF to 3,766 AF. (See Exhibit 8.) This additional recycled water will be put to use within the City of Burbank and the San Fernando Valley portion of Los Angeles, all of which is within the Upper Los Angeles River Area ("ULARA"). (See Exhibits 7 and 9.) Burbank is requesting a change in Place of Use from its 1993 Place of Use to an expanded Place of Use that encompasses all of Burbank and portions of the City of Los Angeles (includes existing and future sites) (See Exhibits 7 and 9).

Consistent with BWRP's current recycled water distribution, all recycled water deliveries will remain within the ULARA, which will maintain return flows to the Los Angeles River and its tributaries. When and if regulations change to allow direct potable reuse, the City plans to further petition the SWRCB to allow the City to beneficially use additional amounts of treated wastewater for this use.

IV. Item No. 4 (Purpose of Use)

BWRP generates tertiary-treated recycled water, which is distributed for irrigation and industrial uses to customers located within the City of Burbank and the San Fernando Valley portion of Los Angeles, all of which is within the ULARA. The remainder of the wastewater received at the BWRP is treated and discharged into the concrete-lined Burbank Western Channel, which flows into the Los Angeles River. (See Exhibit 5.)

Pursuant to its current Wastewater Change Petition, the City is proposing to use an additional 2,322 AF of tertiary-treated water to continue to meet the growing local irrigation and industrial demand for recycled water³ and to supply portions of the City of Los Angeles within the ULARA. (See Exhibit 8.) This will result in reduced discharges of wastewater to the Western Channel over the next 10 years. (See Exhibit 8.)

V. Item No. 5 (Reason for Proposed Change)

³ The City's existing uses for recycled water include landscape irrigation, cooling tower, vehicle washing, decorative fountains, dust control, street sweeping, and sewer cleaning. All uses conform to Title 22 of the California Code of Regulations.

The City is proposing to continue to implement its recycled water reuse program in order to increase water supply reliability and maximize the use of recycled water consistent with state law and policy including, but not limited to Water Code sections 461, 13500 et seq., and 13575 et seq., Government Code section 65601 et seq., the State Water Resources Control Board's recycled water policy, and the Executive Order issued by the Governor on April 25, 2014.

VI. Item No. 6 (Impacts on Legal Users of Discharge)

A. Legal Users

Pursuant to public records,⁴ there are no known legal users of the City's discharged treated effluent that are diverting flows from the Burbank Western Channel. Only one legal user of Los Angeles River water was located downstream of the City's point of discharge at 1,848,272"N and 6,493,341"E: (1) Permit 21342 for 106 acre-feet (Lauren Bon), Priority Date 2013. It is unclear whether this user is appropriating native water or treated wastewater. However, Term K of the permit provides: "[i]nasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue." All of the water treated at the BWRP is imported by the Metropolitan Water District from outside the region. (See Exhibit 1 (page 6); see also *City of Los Angeles v. City of San Fernando*, January 26, 1979.) Wastewater flows discharged from the BWRP, therefore, are considered developed water supplies and not available for appropriation by others. (See *City of Los Angeles v. City of San Fernando* (1975) 14 Cal.3d 199, 259-62; see also *City of Los Angeles v. City of Burbank* (1943) 23 Cal.2d 68, 76.) The City has not, and does not, abandon any wastewater flows generated from the City's importation of water and/or treated at the BWRP. Accordingly, the City's proposed change in purpose of use or place of use will not impact any legal user of water.

B. The Environment

The BWRP currently discharges a portion of its treated effluent to the Burbank Western Channel, which flows into to the Los Angeles River more than 2 miles downstream from the point of discharge. The Burbank Western Channel is concrete-lined and unsuitable for supporting biological resources. (See Exhibit 3.) The Los Angeles River is both rectangular and trapezoidal in cross-section, with concrete-lined inverts and stone- or concrete-lined side slopes. Between 1938 and 1960, 51 miles (82 km) of the Los Angeles River and numerous tributaries within the lower watershed were channelized and cement lined.

Several small areas of the Los Angeles River have stone- or earth-lined inverts, one of which is located near the confluence of the Burbank Western Channel and the Los Angeles River, approximately 2.4 miles downstream from BWRP's Discharge Point 002. In this area, groundwater from ULARA discharges into the riverbed, providing consistent base flows. These earth-lined areas support limited biological resources. The City's proposed change will have a less than significant impact on downstream biological resources because the City is proposing to

⁴ SWRCB's Electronic Water Rights Information Management System database was assessed on May 6, 2016.

gradually decrease discharge of treated wastewater to the Burbank Western Channel and will continue to discharge approximately 3,766 AF annually. Additionally, all water delivered to customers throughout BWRP's recycled water distribution system will remain within the ULARA and return to the Los Angeles River and its tributaries as return flows.

CITY OF BURBANK'S CHANGE PETITION

ATTACHMENT B TO ENVIRONMENTAL INFORMATION PETITIONS FORM

History of Burbank Water Reclamation Plant

The City of Burbank (Burbank) owns the Burbank Water Reclamation Plant (BWRP) located at 740 N. Lake Street, Burbank, California, which was constructed in 1966 and has been upgraded four times. All of the water treated at the BWRP is imported from the Metropolitan Water District and is therefore not subject to the permitting jurisdiction of the State Water Resources Control Board (SWRCB). (See Attachment A, Exh 1 (p. 6); see also *City of Los Angeles v. City of San Fernando*, January 26, 1979.)

Pursuant to guidelines established by the California Department of Public Health and the Los Angeles Regional Water Quality Control Board (LARWQCB) (See Attachment 2, Exh. 1), the BWRP treats effluent to a quality sufficient for discharge into the Los Angeles River. That discharge is released through a point of discharge into the Burbank Western Channel (Channel), which is located approximately 12,000 feet (over 2 miles) from its confluence of the Los Angeles River. The location of the discharge conduit and receiving concrete-lined channel are shown in Exhibits 3, 4 and 5 to Attachment A. At the terminus of the Channel, the recycled water enters the Los Angeles River. (Attachment A, Exh. 5.)

1992 Wastewater Change Petition (WW-19) and 1993 Order

In 1992, a small percentage of recycled water produced at the BWRP was used within Burbank for power plant cooling purposes and to irrigate landscape along the I-5 freeway. The remainder was discharged into two channels. (See Attachment A, Exh. 2.) To accommodate population growth and higher daytime flows, in 1992 Burbank proposed to increase the BWRP's capacity from 9 Million Gallons per Day ("MGD") to 15 MGD, and to expand its Reclaimed Water System to serve recycled water to eight additional users in the eastern part of Burbank. Burbank's goal was to reuse 20% of the recycled water within Burbank and discharge the remainder of treated wastewater (80%) to the Channel.

In 1992, Burbank filed a Wastewater Change Petition to: (1) add 259 acres of land to its Place of Use to include additional irrigation in the eastern portion of Burbank, northeast of Interstate 5; and (2) temporarily decrease flows into the Channel and Los Angeles River by approximately 650 acre-feet (AF) per year (1.54 MGD). (See Attachment A, Exh. 2.) In 1993, the SWRCB issued Order (WW-19) Approving Burbank's Change in Place of Use and Purpose of Use of Treated Wastewater. (See Attachment A, Exh. 2, Place of Use Map and List of Projects Served). Upon completion of the BWRP upgrade, discharge to the Channel was greater than the rate of discharge in 1992. Thus, Burbank's 1992 project ultimately resulted in increased flows into the Los Angeles River. (See Attachment A, Exh. 2.)

1993 to Current (2015/16)

During the period between the SWRCB's issuance of the 1993 Order and 2015/16, the population of Burbank increased from approximately 93,643 to 103,340 residents. During this period, wastewater flows treated by BWRP generally increased, but fluctuated annually depending on hydrologic conditions. (See Attachment A, Exh. 8.) For example, in 1993-94, Burbank treated 8,640 AF of wastewater. (See Attachment A, Exh. 8.) In 2015/16, Burbank treated 8,009 AF of wastewater due to an ongoing drought. (See Attachment A, Exh. 8.)

Since 1993, the quantity of recycled water delivered to Burbank's customers generally increased as Burbank expanded its recycled water system to serve the following new areas: Valhalla, Studio District, Northeastern Burbank Area, Wildwood Canyon, Los Angeles Equestrian Center Extension, and Northern Burbank Extensions. A map and list of properties currently served is attached to the Petition as Exhibit 9 to Attachment A. Recycled water deliveries ranged from 618 AF in 1992/93 to 2,705 AF in 2015/16, and fluctuated annually due to customer demand and hydrologic conditions. (See Attachment A, Exh. 8.)

The amount of treated wastewater discharged into the Channel has fluctuated between 4,198 AF and 8,277 AF per year. (See Attachment A, Exh. 8.) From 1993 to 2015/16, the quantity of discharge has increased or remained within an average range of 6000 to 7000 AF annually and therefore Burbank was not required to apply for a Wastewater Change Petition during that period. (See Attachment A, Exh. 8; Water Code §1211 ("Section 1211 "does not apply to changes in the discharge or use of treated wastewater that do not result in decreasing the flow in any portion of a watercourse."))

Current (2015/16) to Proposed Future Expansion of Recycled Water System (Through 2026)

During normal operation, approximately 25% of BWRP's tertiary-treated effluent (2,705 AF in FY 2015/16) is currently beneficially reused for landscape irrigation and industrial uses and the remainder is discharged into the Channel (5,376 AF in 2015/16). (See Attachment A, Exh. 8.) As a result of increased demand for recycled water within the Upper Los Angeles River Area (ULARA), Burbank is proposing to gradually increase its use of recycled water (2,705 AF to 5,047 AF), thereby reducing, but not eliminating its discharge of treated wastewater into the Channel over the next ten years from 5,376 AF to approximately 3,766 AF. (See Attachment A, Exh. 8.)

Current Wastewater Change Petition and Change in Place of Use Petition (1993 WW-19)

Burbank is now proposing to increase its deliveries of recycled water to serve new customers within Burbank and portions of the City of Los Angeles, which will have a net decrease in the amount of water that is ultimately discharged to the Los Angeles River. Accordingly, Burbank is filing this Petition for Change. Specifically, Burbank is requesting: (1) a change in Place of Use from its 1993 Place of Use set forth in WW-19 to an expanded Place of Use that encompasses all of Burbank and portions of the City of Los Angeles (includes existing and future sites) (See Attachment A, Exh. 7 and 9); and (2) a gradual reduction in discharge into the Burbank Western

Wash from what it currently discharges (5,376 AF) to approximately 3,766 AF over a ten-year period.

This proposed change will not require the construction of additional facilities or grading-related activity. Burbank will continue to discharge treated water at the same point of diversion, but in lesser quantities. (See Attachment A, Exh. 8.)

In addition to Burbank’s own potential re-use of this water, other water agencies and private parties have expressed an interest in obtaining recycled water from the BWRP for further beneficial uses. Recycled water conveyed to these agencies (and/or private parties) would be used to meet additional recycled water demands within the ULARA. The re-use of the Burbank’s recycled water will reduce demand for imported water. This Wastewater Change Petition is thus consistent with the Executive Order issued by Governor Brown on April 25, 2014, wherein the Governor ordered that those with surplus recycled water attempt to deliver that water to areas in need, and that the State Water Resources Control Board expedite requests to change water permits to enable those deliveries.

Summary of Requested Changes

Change	1993 Order: WW-19	Current	Proposed
Place of Discharge	Burbank Western Channel	Burbank Western Channel	Burbank Western Channel
Place of Use	Eastern portion of City of Burbank, northeast of Interstate 5	The boundaries of the City of Burbank and a portion of the City of Los Angeles, as depicted on Exhibits 7 and 9 (current customers depicted on Exhibit 9)	The boundaries of the City of Burbank and a portion of the City of Los Angeles, as depicted on Exhibits 7 and 9 (future customers depicted on Exhibit 9)
Purpose of Use	Irrigation and Industrial	Irrigation and Industrial	Irrigation and Industrial
Discharge	Request to temporarily decrease flows into the Channel by approximately 650 AF. In 1991/92, 5,714 AF was discharged, in 1992/92, 5,819 was discharged, and in 1993/94, 4,928 AF was discharged.	5,376 AF (2015/16)	3,766 AF (by 2021/22)