

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Change Petition WW0089

City of Salinas

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

SOURCE: Salinas River

COUNTY: Monterey

WHEREAS:

1. The City of Salinas (City) filed Wastewater Change Petition WW0089 with the State Water Resources Control Board (State Water Board) on October 20, 2015, pursuant to Water Code section 1211. The petition seeks to change the purpose of use and place of use of wastewater currently treated and discharged to percolation/evaporation ponds or to shallow drying/rapid infiltration beds adjacent to the Salinas River.
2. Water Code section 1211 requires the owner of any wastewater treatment plant to obtain approval from the State Water Board prior to making any changes in the points of discharge, place of use, or purpose of use of treated wastewater, when change in the discharge or use of treated wastewater result in decreasing the flow in any portion of a watercourse. The City has not obtained previous approval of any such changes under Water Code section 1211. For the purpose of this Order, the State Water Board considered the following information as the City's existing point of discharge, place of use, and purpose of use of treated wastewater:
 - a. The point of discharge is located at North 2,130,311 and East 5,769,131 feet by California Coordinate System NAD 83, Zone 4, being within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Projected Section 1, T15S, R2E, MDB&M; and,
 - b. There is no place of use
 - c. There is no purpose of use.
3. The City owns and operates the Salinas Industrial Wastewater Treatment Facility (SIWTF) that discharges treated wastewater to percolation/evaporation ponds or to shallow drying/rapid infiltration beds adjacent to the Salinas River. Treated wastewater discharged to the ponds or beds is currently projected to reach a maximum monthly average rate of 4.67 million gallons per day (Table 1) in the year 2017. The treated wastewater either evaporates or percolates/infiltrates into the subterranean stream of the Salinas River or the shallow aquifer. Wastewater treatment and surface discharge activities by the City are currently authorized by the Central Coast Regional Water Quality Control Board under Order No. R3-2003-0008.

Table 1. 2017 Projected Monthly Average Rate of Discharge (million gallons per day)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1.64	1.84	2.11	3.23	3.27	4.11	4.57	4.67	3.86	4.31	3.46	2.35

4. Up to 80% of the treated wastewater sent to the percolation/evaporation ponds or shallow drying/rapid infiltration beds has historically seeped into the Salinas River subterranean stream. However, recent analysis has shown that, due to higher than normal groundwater levels caused by operation of Monterey County Water Resources Agency’s (MCWRA) Salinas River Diversion Facility, the percolation rate has declined. Due to this variability in the amount of percolation, this Order is evaluating the entire flow that is discharged to the ponds and beds.
5. The City’s petition proposes a change in wastewater operation that would redirect wastewater treated at the SIWTF to the Monterey Regional Water Pollution Control Agency’s (MRWPCA) existing Regional Treatment Plant (RTP). Wastewater diverted to the RTP will receive primary and secondary treatment and then either receive (1) tertiary treatment for agricultural irrigation use within the Castroville Seawater Intrusion Project area or (2) treatment at a proposed advanced water treatment facility for subsequent underground storage within the Seaside Groundwater Basin for later extraction for municipal use by the California-American Water Company (Cal-Am) to offset Cal-Am’s current water supply.

The project requires modification of existing infrastructure and construction of new facilities. MRWPCA and the City will be implementing the construction and modification of project components. The proposed improvements include modifications to the existing Salinas Pump Station and SIWTF and construction of the following: (1) an advanced water treatment facility at the RTP; (2) injection wells within the Seaside Groundwater Basin; and, (3) pipeline connecting the RTP’s advanced water treatment facility to the new injection wells. The change would allow treated wastewater to no longer be discharged into the percolation/evaporation ponds or shallow drying/rapid infiltration beds; however, discharge, in compliance with waste discharge requirements, may occur at SIWTF when recycled water demands are low.

6. State Water Board Order No. WR 95-10 found that Cal-Am’s diversions greater than 3,376 acre-feet annum (afa) from the Carmel River were unlawful. State Water Board Order No. WR 95-10 requires Cal-Am to take actions to terminate its unlawful diversions from the Carmel River, including, inter alia, by using other sources of supply to offset unlawful diversions from the Carmel River on a one-to-one basis.

On October 20, 2009 the State Water Board noted that Cal-Am’s current diversions from the Carmel River still exceeded its water rights by approximately 10,730 afy. By Order WR 2009-0060 the State Water Board ordered Cal-Am to cease and desist from its unlawful diversions by December 31, 2016, and be subject to a schedule and specific conditions, including requirements to use new sources of water to offset existing uses.

On November 20, 2015, the State Water Board received a proposal from Cal-Am to amend Order WR 2009-0060, subject to additional conditions including an extension of the requirement to cease and desist unlawful diversions until December 31, 2020 and a reduction in interim diversion limits. The State Water Board has not yet issued a decision on the request.

Approving a wastewater change petition that would allow water to be used in a manner inconsistent with State Water Board Orders No. WR 95-10 and WR 2009-0060 would be contrary to the public interest.

7. Public notice of the petition was issued on November 9, 2015. The petition was renoticed on November 12, 2015 due to typographical inaccuracies in the place of use and average rate of discharge. No protests were filed.

8. According to the State Water Board's records, there is one appropriative right holder and three entities who claim riparian rights that divert water downstream of the location of the project. The riparian claimants utilize wells adjacent to the Salinas River which are most likely withdrawing percolating groundwater from one of two confined aquifers beginning at depths of 180 feet and 400 feet. The treated wastewater that does not seep into the Salinas River subterranean stream percolates into the shallow aquifer which is geologically separated from the two confined aquifers. The appropriative right holder is the MCWRA, which rediverts water at the Salinas River Diversion Facility. The rediversion of water occurs when water is released from storage in reservoirs located in the upper Salinas River watershed. Thus, the State Water Board has determined that the petition for change of place of use and purpose of use will not cause injury to any other lawful used of water.
9. Under the California Environmental Quality Act (CEQA), the MRWPCA and the Monterey Peninsula Water Management District (MPWMD) are the lead agencies for preparation of environmental documentation for the project. On September 25, 2015, the MRWPCA and the MPWMD jointly issued a final Environmental Impact Report (EIR) titled *Pure Water Monterey Groundwater Replenishment Project* (SCH No. 2013051094). On October 9, 2015, the MRWPCA issued a Notice of Determination (NOD) for the project.
10. The State Water Board is a CEQA responsible agency for purposes of considering whether to approve the wastewater change petition that will allow the City of Salinas 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 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 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 to minimize impacts to cultural and biological resources, will have any adverse impacts on the environment. The State Water Board will issue an NOD within five days of the date of this order.
11. 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 minimize impacts to biological and cultural resources and no adverse effects to public trust resources are expected.
12. 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 Water Rights, and the Deputy Director for Water Rights has redelegated the authority.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. The point of discharge is unchanged.
2. The request to change the place of use is approved.

The place of use for treated wastewater discharged from the SIWTF includes the following:

- a. For municipal use, a gross 33,703 acres within the California-American Water Company's Monterey County District service area, being within Townships 15S, 16S, and 17S; Ranges 1E, 2E, and 1W; all within MDB&M; and,

- b. For irrigation use, the Castroville Seawater Intrusion Project service area, a gross 12,043 acres of Zone 2B (Salinas Valley) of the MCWRA, being within Townships 14S and 13S; Ranges 1E, 2E and 3E; all within MDB&M.

The place of use is shown on map dated November 18, 2015 filed with the State Water Board.

3. The request to change the purpose of use is approved. The purposes of use for treated wastewater discharged from the SIWTF are municipal and irrigation.
4. The quantity of discharge of treated wastewater from the SIWTF to the Salinas River may be reduced by up to 4.67 mgd, as projected to be discharged in 2017, from January 1 to December 31 of each year.
5. The City is responsible to obtain and be in compliance with any wastewater discharge permits required by the Central Coast Regional Water Quality Control Board.
6. Any recycled water produced by the advanced treatment facility and subsequently injected into the Seaside Groundwater Basin for extraction by Cal-Am to service existing uses within the Cal-Am service area may only be extracted to offset Cal-Am's unlawful diversions from the Carmel River, until such time as consent is given from the State Water Board's Executive Director to apply the water to new service connections or to increased use at existing service addresses resulting from a change in zoning or use.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
AMANDA MONTGOMERY, FOR

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: NOV 30 2015