

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0112

Las Virgenes Municipal Water District

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

SOURCE: Malibu Creek

COUNTY: Los Angeles

WHEREAS:

1. On August 28, 2023, the Las Virgenes Municipal Water District (LVMWD) filed Wastewater Change Petition WW0112 (petition) with the State Water Resources Control Board (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 Malibu Creek, thence the Pacific Ocean.
2. Water Code section 1211 requires the owner of a wastewater treatment plant to obtain approval from the 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.
3. LVMWD has a Water Rights Order, WW0024, issued by the Division on August 16, 1995, which approved a reduced treated wastewater discharge flow from the Tapia Water Reclamation Facility (TWRF) to Malibu Creek of up to 5,200 acre-feet per year (afy) for irrigation purposes within the LVMWD, the Triunfo Sanitation District, and the Oak Park/North Ranch Reclaimed Water Distribution System's service areas. LVMWD will continue to supply recycled water for irrigation to the specified areas under WW0024 primarily during the summer months. There is a prohibition period for discharges to Malibu Creek from April 15 to November 15 as described in Item 5 below. The TWRF currently discharges treated effluent to Malibu Creek during the winter season from November 16 through April 14.

4. LVMWD is the administering agent and member of the Las Virgenes-Triunfo Joint Powers Authority (JPA), which owns the TWRP. LVMWD also operates the TWRP located at 731 Malibu Canyon Road, Calabasas, in Los Angeles County. The TWRP generates an average discharge flow of surplus treated wastewater in the amount of 2,100 afy (up to a maximum of 2,743 afy) to Malibu Creek from November 16 to April 14. With the petition, LVMWD seeks to reduce the surplus treated wastewater flow from the TWRP to Malibu Creek to zero from November 16 to April 14, except under an operational emergency or qualifying storm event. The surplus treated wastewater will be used for municipal purposes within the LVMWD and the Triunfo Water and Sanitation District service areas.
5. LVMWD is prohibited from discharging treated effluent to Malibu Creek from April 15 to November 15 per Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) National Pollutant Discharge Elimination System (NPDES) permit CA0056014 (Order R4-2017-0124), except under an operational emergency, qualifying storm event, or to sustain endangered species. The NPDES permit requires a minimum instream flow of 2.5 cubic feet per second (cfs) in Malibu Creek to sustain endangered species, including the Southern California steelhead trout, during the prohibition period. A minimum instream flow of 2.5 cfs will be maintained in Malibu Creek with supplemental potable water from April 15 to November 15.
6. The JPA has a proposed project for indirect potable reuse called the Pure Water Project which will involve construction of an Advanced Water Purification Facility (AWPF). The project will involve redirecting surplus recycled water, currently discharged to Malibu Creek from the TWRP, through the AWPF, and storing it in Las Virgenes Reservoir for later use as drinking water. The TWRP has four permitted discharge points (D001, D002, D003, and D005), but the reduction in discharge to Malibu Creek per this petition would be from D001 only.
7. For the purposes of this Order, the State Water Board considers the following information as LVMWD's existing point of discharge, place of use, and purpose of use of surplus treated wastewater:
 - a. The point of discharge is the following: TWRP D001: California Coordinate System, NAD 83, Zone 5, North 1,852,778 feet and East 6,347,744 feet.
 - b. There is no current place of use.
 - c. There is no current purpose of use.
8. On February 13, 2024, the Division issued a public notice of the petition in accordance with Water Code section 1703. No protests were filed during the public notice period.

9. Under the California Environmental Quality Act (CEQA), the JPA is the lead agency for preparation of environmental documentation for the Pure Water Project. A Final Programmatic Environmental Impact Report (Final PEIR) was certified on December 13, 2022 (State Clearinghouse No. 2021090157). The Final PEIR considers the potentially significant environmental impacts from the Pure Water Project construction and operation. The environmental impacts of reduced flow to Malibu Creek are evaluated in the Final PEIR and it is determined that there will be no significant impact to fish, wildlife, or the environment.
10. The State Water Board is a CEQA responsible agency for purposes of considering whether to approve the petition that will allow LVMWD 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).) The State Water Board has considered the Final PEIR in deciding whether to approve the petition and will issue a Notice of Determination within five days of the date of this Order.
11. The State Water Board has reviewed the petition and the entire administrative record, including all associated CEQA documents for the project. The State Water Board finds that the proposed changes 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 water.
12. In addition to the State Water Board's obligations under CEQA, the State Water Board has an independent obligation to consider the effect of the change on public trust resources and 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].) Based on the State Water Board's review of all relevant evidence in the administrative record, no adverse impacts to public trust resources, including fish and wildlife, are expected as a result of the proposed project.
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 December 11, 2018 (effective on April 8, 2019). The purpose of the Recycled Water Policy is to increase the use of recycled water from municipal wastewater sources, and one of the goals is to increase the use of recycled water over 2002 levels by at least one million afy by 2020, and by at least two million afy by 2030. The 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 redelegated that authority dated April 20, 2023.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. The point of discharge at the Las Virgenes Municipal Water District's (LVMWD) Tapia Wastewater Treatment Facility (TWRP) will not be changed. The existing point of discharge is TWRP D001: California Coordinate System, NAD 83, Zone 5, North 1,852,778 feet and East 6,347,744 feet.
2. The request to change the place of use is approved. The authorized place of use for the surplus treated wastewater produced by the TWRP from November 16 to April 14 is within the LVMWD and the Triunfo Water and Sanitation District service areas, as shown on map titled LVMWD Wastewater Change Petition Place of Use Map, filed with the petition. Incidental transfer of water through district interconnections may occur to facilitate use of treated wastewater among districts.
3. The request to change the purpose of use is approved. The authorized purpose of use for the surplus treated wastewater produced by the TWRP from November 16 to April 14 is municipal.
4. The quantity of discharge of the surplus treated wastewater of up to 2,743 afy above the approved reduction in flow to Malibu Creek of up to 5,200 afy per Water Rights Order WW0024 from the TWRP to Malibu Creek may be reduced to zero from November 16 to April 14, except under an operational emergency or qualifying storm event, in accordance with the applicable NPDES permit.
5. Prior to operation of the project, LVMWD shall obtain all necessary federal (including Clean Water Act section 404), state, and local agency permits and approvals required for implementation of the project. Copies of such permits and approvals shall be forwarded to the Deputy Director for the Division of Water Rights.
6. LVMWD is responsible for compliance with any applicable waste discharge or water recycling requirements issued by the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) or the State Water Resources Control Board (State Water Board).

7. The State Water Board reserves jurisdiction in the public interest to implement and amend this Order for conformity with instream flow requirements that may be established for Malibu Creek 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 be made only after notice and opportunity for a hearing.
8. LVMWD shall file an annual report with the Deputy Director for the Division of Water Rights by April 30th of each year following the year of order issuance. The annual report shall, at a minimum, include the following information for the previous calendar year:
 - monthly rate of inflow to the TWRP in million gallons per day (MGD);
 - monthly rate of discharge in MGD; and
 - monthly recycled water delivery rate in MGD.

If the above information is already reported annually to the Los Angeles Water Board or State Water Board under the requirements of the Recycled Water Policy, LVMWD may 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:
JIAN LING, FOR

Erik Ekdahl, Deputy Director
Division of Water Rights

Dated: DEC 16 2024