

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Change Petition WW0113

City of Ventura

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

SOURCE: Santa Clara River Estuary

COUNTY: Ventura

WHEREAS:

1. On April 16, 2024, the City of Ventura (City) filed Wastewater Change Petition WW0113 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 point of discharge, place of use, purpose of use, and quantity of treated wastewater currently discharged to the Santa Clara River Estuary (Estuary).
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. The City owns and operates the Ventura Water Reclamation Facility (VWRF) located at 1400 Spinnaker Drive in Ventura County. The City currently discharges approximately an average annual rate of 5.4 million gallons per day (MGD) from the VWRF to the Estuary measured on a water year from October 1 through September 30, as measured at location VWRF EFF-001A (California Coordinate System, NAD 83, Zone 5: North 1,910,964 feet and East 6,181,013 feet). This volume fluctuates from year to year and can be as high as 6.0 MGD during wetter years, and as low as 5.0 MGD during drier years. The City currently discharges VWRF effluent through its permitted discharge point D001 into the Estuary via the City's Wildlife Ponds, with flow to the Estuary to be measured at location VWRF EFF-001A.

4. The City has a proposed project for indirect potable reuse called the Ventura Water Pure Project (Project) which will involve construction of an Advanced Water Purification Facility (AWPF).
5. The City plans to divert tertiary treated wastewater currently discharged from the VWRf as part of the ongoing Project. The Project is required by and incorporated into Order R4-2020-0024, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0053561, Waste Discharge Requirements for the VWRf (April 2020). Tertiary treated wastewater currently discharged to the Estuary would ultimately be redirected to the new AWPF for additional treatment and then released for municipal, irrigation, dust control, and indirect potable reuse in the City's service area. The City proposes to reduce the current tertiary treated wastewater discharge to the Estuary during closed berm conditions to an average annual continued discharge rate of 1.9 MGD for Phase 1A and to further reduce it to an average annual continued discharge rate of 0.0 to 0.5 MGD for Phase 1B of the Project, as measured on a water year from October 1 to September 30, at monitoring location VWRf EFF-001A (California Coordinate System, NAD 83, Zone 5: North 1,910,964 feet and East 6,181,013 feet).
6. The City currently provides tertiary treated wastewater to irrigation customers, including golf courses and a park within the City's service area, via a recycled water system and mobile reuse pick up program. The existing recycled water program is authorized under the State Water Board's Order Approving Wastewater Change Petition WW0083 (WW0083 Order), and it will be continued during Phase 1A and Phase 1B of the Project. The current recycled water program is authorized to use up to 2 MGD of VWRf effluent for existing permitted recycled water uses, but currently uses only up to 0.6 MGD of the approved amount. This Order approves a reduction in tertiary treated wastewater discharge to the Estuary which is not covered by the WW0083 Order.
7. To meet the Estuary discharge reduction deadline of December 2025¹ (as specified in Section VI.C.2 of the NPDES Permit), the City is planning to discharge a portion of VWRf tertiary treated wastewater (approximately 60 percent of baseline average dry weather discharge) temporarily through a newly constructed ocean outfall during the construction, testing, and commissioning of the AWPF. The AWPF is anticipated to be ready to accept tertiary treated wastewater diverted from the VWRf in 2027. After operation of the AWPF commences, the City will continue to use the new ocean outfall to discharge the AWPF's concentrate, as well as to discharge VWRf tertiary treated wastewater, only as needed, to maintain flow limitations to protect the ecology of the Estuary during closed berm conditions during certain storm events, emergencies, and treatment facility maintenance situations, as defined in the NPDES Permit (Protective Tertiary Treated Discharges).

¹ The Phase 1A goal is to reduce discharge to the Estuary during closed berm conditions to an average annual continued discharge rate of 1.9 MGD by December 2025.

8. For the purposes of this Order, the State Water Board considers the following information as the City's existing point of discharge, place of use, and purpose of use of tertiary treated wastewater:
 - a. The point of discharge is the following: VWRP D001 at the Estuary (California Coordinate System, NAD 83, Zone 5: North 1,911,873 feet and East 6,181,258 feet).
 - b. There is no current place of use.
 - c. There is no current purpose of use.
9. On August 13, 2024, the Division issued a public notice of the petition in accordance with Water Code section 1703. No protests were received during the public notice period.
10. Under the California Environmental Quality Act (CEQA), the City is the lead agency for preparation of environmental documentation for the Project. A Final Environmental Impact Report (Final EIR) was certified on October 14, 2019 (State Clearinghouse No. 2017111004). The environmental impacts of reduced tertiary treated wastewater discharge to the Estuary due to the Project have been evaluated in the Draft EIR and it is determined that there will be no significant impact to fish, wildlife, or the environment.
11. The State Water Board is a CEQA responsible agency for purposes of considering whether to approve the petition that will allow the City 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 EIR in deciding whether to approve the petition and will issue a Notice of Determination within five days of the date of this Order.
12. 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 point of discharge, place of use, purpose of use, and quantity of discharge to the Estuary will not cause injury to any other lawful user of water.
13. 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 Project.

14. 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 acre-feet per year by 2020, and by at least two million acre-feet per year 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.
15. 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 existing point of discharge at the City of Ventura's (City) Ventura Wastewater Reclamation Facility (VWRF) will not be changed but new points of discharge will be added.

The existing point of discharge is:

- VWRF D001 at the Santa Clara River Estuary (Estuary) (California Coordinate System, NAD 83, Zone 5: North 1,911,873 feet and East 6,181,258 feet).

The additional points of discharge for the Ventura Water Pure Project (Project) are:

- Advanced Water Purification Facility (AWPF) (California Coordinate System, NAD 83, Zone 5: North 1,913,204 feet and East 6,182,220 feet), and
 - Ocean outfall (California Coordinate System, NAD 83, Zone 5: North 1,916,986 feet and East 6,171,493 feet).
2. The request to change the place of use is approved. The place of use of the treated wastewater produced by the VWRF and/or further treated by the AWPF will be the City's service area.
 3. The request to change the purpose of use is approved. The purposes of use for the treated wastewater produced by the VWRF and/or further treated by the AWPF are municipal, irrigation, dust control, and indirect potable reuse.

4. The surplus treated wastewater discharge from the VWRP to the Estuary may be reduced during closed berm conditions, as measured on a water year from October 1 to September 30, at monitoring location VWRP EFF-001A (California Coordinate System, NAD 83, Zone 5: North 1,910,964 feet and East 6,181,013 feet) to an average annual continued discharge rate of 1.9 MGD for Phase 1A and further reduced to an average annual continued discharge rate of 0.0 to 0.5 MGD for Phase 1B of the Project, except under operational emergencies, qualifying storm events, or treatment facility maintenance situations in accordance with the current NPDES permit (Protective Treated Tertiary Discharges).
5. Prior to operation of the Project, the City 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. The City 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 the Estuary 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. The City 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 include, at a minimum, the following information for the previous calendar year:
 - monthly rate of inflow to the VWRP in million gallons per day (MGD);
 - monthly rate of discharge in MGD; and
 - monthly rate of recycled water delivery 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, the City 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: 3/20/2025