

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0110

City of San Juan Bautista

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

SOURCE: No Name Creek, thence the San Benito River

COUNTY: San Benito

WHEREAS:

1. On December 6, 2022, the City of San Juan Bautista (City) filed Wastewater Change Petition WW0110 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 an unnamed, ephemeral drainage channel called No Name Creek, which flows to San Juan Creek, a tributary to the San Benito River.
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 City of San Juan Bautista Wastewater Treatment and Reclamation Plant (WWTP) located at 1120 Third Street, San Juan Bautista, in San Benito County. The WWTP generates on average approximately 0.18 million gallons per day (MGD) of treated effluent, which is discharged to No Name Creek, thence the San Benito River. The City has one discharge point which discharges to No Name Creek prior to its confluence with the San Benito River.

4. Discharge of treated wastewater from the City's WWTP is currently authorized by the Central Coast Regional Water Quality Control Board (Central Coast Water Board) under Order No. R3-2009-0019, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0047902. Reclamation of treated wastewater from the City's WWTP for non-potable purposes is currently authorized by Order No. R3-2009-0019.
5. The City of Hollister owns and operates the City of Hollister Domestic Wastewater Treatment Plant (WWTP) located at 2690 San Juan Hollister Road, Hollister, in San Benito County. Discharge to land and reclamation of treated wastewater from the City of Hollister's WWTP is authorized under Order No. R3-2008-0069.
6. 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 treated wastewater:
 - a. The point of discharge is the following: City's WWTP discharge point at California Coordinate System, NAD 83, Zone 4: North 36.849475 feet and West 121.544972 feet.
 - b. There is no current place of use; and,
 - c. There is no current purpose of use.
7. The City currently discharges treated wastewater from the City's WWTP to No Name Creek and has repeated effluent limit violations of Order No. R3-2009-0019 for exceedances of salts, bacteria, and other parameters. Due to the consistent accrual of effluent limit violations and continued non-compliance with Order No. R3-2009-0019, the United States Environmental Protection Agency (U.S. EPA) issued Administrative Order on Consent No. CWA-309(a)-20-007 (AOC) on August 20, 2020, to bring the City back into compliance with Order No. R3-2009-0019 and establish a timeline for the City to submit and complete a proposed compliance plan. The City has determined that it will address non-compliance issues associated with Order No. R3-2009-0019 and comply with the AOC by implementing the following: 1) constructing a force main to convey screened raw sewage to the City of Hollister's WWTP for advanced treatment, disposal to land, and water recycling for beneficial reuse; 2) decommissioning the City's WWTP, converting treatment ponds at the City's WWTP to emergency storage ponds for containment in case of a spill or other emergency, and installing three pumping systems at the City's WWTP; and 3) installing off-site salinity controls to reduce the wastewater salinity concentrations being sent to the City of Hollister's WWTP. The City and Central Coast Water Board resolved 327 of the alleged effluent limit violations through a settlement in the Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order No. R3-2022-0031, which allows the City to apply a portion of the penalty towards the compliance project to

construct a force main to convey the City's wastewater to the City of Hollister's WWTP. After completion of the force main project, the City will decommission its WWTP and no longer operate or discharge from the WWTP to No Name Creek, thence the San Benito River, during all months of the year. Treated wastewater from the City of Hollister's WWTP is used for landscape and agricultural crop irrigation.

8. On February 6, 2023, the Division issued a public notice of the petition in accordance with Water Code section 1703. No protests were received.
9. Under the California Environmental Quality Act (CEQA), the City is the lead agency for preparation of environmental documentation for this project. In November 2021, the City issued a Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration (IS/MND). A Final IS/MND was adopted and a Notice of Determination (NOD) was filed in December 2021 (State Clearinghouse No. 2021110032). 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).)
10. The State Water Board has considered the Final IS/MND in deciding whether to approve the petition. The Final IS/MND considers the potential impacts of reduced flows to No Name Creek, thence the San Benito River. The flow impacts are evaluated in the Final IS/MND and it is determined that there will be no significant impact to fish, wildlife, or the environment. The State Water Board will issue a NOD 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 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.
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.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. The point of discharge at the City of San Juan Bautista's (City) Wastewater Treatment and Reclamation Plant (WWTP) will be changed upon decommissioning of the WWTP. The proposed point of discharge will be: California Coordinate System, NAD 83, Zone 4: North 36.852825 feet and West 121.445667 feet.
2. The request to change the place of use is approved. The place of use for treated wastewater produced by the City of Hollister's Domestic Wastewater Treatment Plant (WWTP) is within the City of Hollister's WWTP percolation ponds, the City of Hollister's recycled water system for landscape irrigation, and San Benito County Water District's Recycled Water Distribution Area network for agricultural crop irrigation.
3. The request to change the purpose of use is approved. The purposes of use for treated wastewater produced by the City of Hollister's WWTP are discharge to land, and landscape and agricultural irrigation.
4. The quantity of discharge of treated wastewater from the City's WWTP to No Name Creek, thence the San Benito River, may be reduced to zero, during all months of the year.
5. Prior to operation of the project, the City shall obtain any and 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 Central Coast Water Board or the 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 No Name Creek and the San Benito River 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 that includes at minimum the following information for the previous calendar year:
 - monthly rate of inflow to the City of Hollister's WWTP in million gallons per day (MGD); and
 - monthly recycled water delivery rate in MGD.

If the above information is already reported annually to the Central Coast 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, including information submitted by the City of Hollister, may be found in lieu of filing a redundant annual report under this term.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
SAM BOLAND-BRIEN, FOR

*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: MAR 28 2023