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19 Attorneys for Petitioner UNITED WATER
20 CONSERVATION DISTRICT

21 BEFORE THE
22 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

23 In the Matter of the Petition of United Water
24 Conservation District for Review of Action and
25 Failure to Act by the Los Angeles Regional
26 Water Quality Control Board.

27 SWRCB/OCC File No. _____

28 **UNITED WATER CONSERVATION
DISTRICT'S PETITION FOR REVIEW
AND STATEMENT OF POINTS AND
AUTHORITIES IN SUPPORT THEREOF**
[Wat. Code, § 13320]

29 United Water Conservation District (United or Petitioner) submits this Petition for Review
30 and Statement of Points and Authorities (Petition) to the State Water Resources Control Board
31 (State Water Board) in accordance with Water Code section 13320. Petitioner respectfully
32 requests that the State Water Board review the Los Angeles Regional Water Quality Control
33 Board's (Regional Board) actions and inactions related to its adoption of Order
34 No. R4-2011-0079-A01 (File No. 08-070) Water Recycling Requirements and Waste Discharge
35 Requirements for City of Oxnard Groundwater Recovery, Enhancement, and Treatment Program –
36 Nonpotable Reuse Phase I Project Issued to the City of Oxnard (Water Recycling Requirements).

1 This Petition satisfies the requirements of California Code of Regulations, title 23,
2 section 2050. Petitioner requests the opportunity to file supplemental points and authorities in
3 support of this Petition once the administrative record becomes available. Petitioner also reserves
4 the right to submit additional argument and evidence in reply to the Regional Board or other
5 interested parties' responses to this Petition.

6 **1. NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF THE**
7 **PETITIONER**

8 Petitioner is: United Water Conservation District. Petitioner's address is as follows:

9 Mauricio Guardado, General Manager
10 United Water Conservation District
106 N. 8th Street
11 Santa Paula, CA 93060
Email: mauriciog@unitedwater.org

12 In addition, Petitioner requests that all materials in connection with the Petition and
13 administrative record be provided to Petitioner's Special Counsel and General Counsel, as follows:

14 Theresa A. Dunham, Esquire
15 Somach Simmons & Dunn
500 Capitol Mall, Suite 1000
16 Sacramento, CA 95814
Phone: (916) 446-7979
17 Email: tdunham@somachlaw.com

18 Anthony H. Trembley, Esquire
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20 Westlake Village, CA 91361
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21 Email: a.trembley@mpglaw.com
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22 **2. PETITIONER**

23 **United Water Conservation District**

24 United is a water conservation district located in the County of Ventura and formed in
25 accordance with the provisions of Water Conservation District Law of 1931, Water Code
26 section 74000 et seq. United's jurisdictional boundaries comprise approximately 214,000 acres in
27 central and southern Ventura County, along the lower Santa Clara River Valley and the Oxnard
28 Coastal Plain. Eight interconnected groundwater basins lie wholly or partially within United,

1 including the Piru, Fillmore, Santa Paula, Mound, Oxnard Forebay, Oxnard Plain, Pleasant Valley,
2 and Las Posas basins. United's charge is to serve as a steward for managing, protecting,
3 conserving, and enhancing the surface and groundwater resources within basins in its jurisdiction.
4 To fulfill its purpose, for the benefit of municipal, industrial, and agricultural users, United has
5 developed many strategies and facilities over the years to provide for local demand while trying to
6 reverse groundwater overdraft and seawater intrusion into coastal aquifers, and to balance this
7 demand with increased need to provide water for environmental purposes. United's multiple
8 facilities include, but are not limited to, the Santa Felicia Dam and Lake Piru, the Freeman
9 Diversion Dam, United's Pleasant Valley Pipeline, and United's terminal reservoirs (Reservoirs),¹
10 which store surface water for distribution by the Pleasant Valley County Water District (Pleasant
11 Valley) to its agricultural customers.

12 **3. THE SPECIFIC ACTION OR INACTION OF THE REGIONAL BOARD WHICH**
13 **THE PETITIONER REQUESTS THE STATE WATER BOARD TO REVIEW**

14 The Petitioner requests that the State Water Board review the Regional Board's adoption of
15 certain Water Recycling Requirements for the City of Oxnard (Oxnard), which authorize the
16 temporary delivery of recycled water (for two years) from Oxnard to Pleasant Valley and several
17 other agricultural users for distribution through existing transmission lines, and through Pleasant
18 Valley's irrigation system to the Pleasant Valley service area. The authorization provided here is
19 in advance of the planned permanent connection through pipelines being constructed as part of
20 Oxnard's Groundwater Recovery Enhancement and Treatment (GREAT) Program. Specifically,
21 United requests that the State Water Board review the Regional Board's failure to require Pleasant
22 Valley to obtain consent from, or reach an agreement with, United prior to use of United's
23 Reservoirs for the temporary storage of recycled water, and requests that the State Water Board
24 revise the Water Recycling Requirements to correct the Regional Board's failure. Or, in the

25 _____
26 ¹ There are two reservoirs in question. The first reservoir was built as a replacement reservoir for United by the State
27 of California Department of Highways; construction was completed in or about August 1973. This reservoir is
28 sometimes referred to as the Pleasant Valley Reservoir or first terminal reservoir. The first terminal reservoir has a
storage capacity of approximately 80 acre-feet. A second terminal reservoir (often referred to as the "second terminal
reservoir") was completed on or about October 16, 1999, and has a storage capacity of approximately 120 acre-feet.
United owns the Reservoirs and the real property on which they are situated.

1 alternative, United requests that the State Water Board revise the Water Recycling Requirements
2 in a manner that (1) ensures storage of recycled water in United's Reservoirs is an authorized use,
3 and (2) clarifies any responsibilities or obligations that would, or would not be, imposed on United
4 as the Reservoir owner. Petitioner is also requesting a stay of certain provisions of Order
5 No. R4-2011-0079-A01 as they apply directly to the delivery of recycled water to Pleasant
6 Valley's irrigation distribution system. (See United's Request for Stay and Memorandum of
7 Points and Authorities in Support Thereof (Stay Request), filed concurrently herewith.) United's
8 Petition and Request for Stay do not challenge or seek to stay provisions in the Water Recycling
9 Requirements as they apply to others, and that authorize the delivery of recycled water to others as
10 adopted by the Regional Board on July 9, 2015. A copy of Order No. R4-2011-0079-A01 (Water
11 Recycling Requirements) is attached hereto as Exhibit 1.

12 As a preliminary matter, United finds it necessary to clarify that with this action United
13 does not oppose the temporary delivery of recycled water from Oxnard to Pleasant Valley or other
14 agricultural users by way of the Calleguas Regional Salinity Management Pipeline (RSMP). In
15 fact, United is a strong proponent of Oxnard's GREAT Program, and intends to be a signatory of
16 the Full Advanced Treatment Recycled Water Management and Use Agreement pending
17 resolution of certain issues. However, United finds it necessary to file this Petition and the Stay
18 Request to avoid irreparable and substantial harm to United and its facilities that will occur in the
19 absence of State Water Board action to correct errors made by the Regional Board when it adopted
20 amendments to the Water Recycling Requirements that apply to Pleasant Valley and its irrigation
21 distribution system.

22 The specific actions and inactions of the Regional Board, and requirements of the Water
23 Recycling Requirements that United requests the State Water Board to review are:

24 1. The Regional Board's adoption of Water Recycling Requirements on July 9, 2015,
25 which authorize the temporary use of the RSMP for transportation of recycled water from Oxnard
26 to Pleasant Valley's irrigation distribution system, and the Regional Board's failure to require as a
27 condition of delivery of recycled water to Pleasant Valley and United's Reservoirs an agreement
28

1 between United and Pleasant Valley. (See, e.g., File No. 08-070, Purpose of Amendment to Order
2 No. R4-2011-0079, p. 1; ¶ 14, pp. 5-6; Provisions III.6-7, pp. 4; Provision IV.13-14, p. 18.);

3 2. The Regional Board's failure to identify United's Reservoirs as an essential
4 component, and necessary part of, transporting recycled water from Oxnard to Pleasant Valley's
5 irrigation distribution system, and as an essential component therewith, declare that storage of
6 recycled water is an authorized use;

7 3. The Regional Board's failure to provide any clarification with respect to United's
8 obligations and responsibilities associated with the storage of recycled water, as compared to those
9 imposed on Pleasant Valley as the facility user; and

10 4. Any other actions or inactions related to the improper authorization for using
11 United's Reservoirs to store recycled water without requiring consent, or agreement, for such use.

12 **4. THE DATE ON WHICH THE REGIONAL BOARD ACTED OR REFUSED TO**
13 **ACT**

14 The Regional Board adopted the Water Recycling Requirements, and failed to obtain
15 United's consent, or properly require an agreement between United and Pleasant Valley, for the
16 storage of recycled water in United's Reservoirs on July 9, 2015.

17 **5. A STATEMENT OF THE REASONS THE ACTION OR FAILURE TO ACT IS**
18 **INAPPROPRIATE OR IMPROPER**

19 A full and complete statement of the reasons why the Regional Board's actions were
20 inappropriate or improper is provided in the accompanying Statement of Points and Authorities.

21 **6. THE MANNER IN WHICH THE PETITIONER IS AGGRIEVED**

22 United is aggrieved by the actions or inactions of the Regional Board because United will
23 bear the risks of potential liability arising from the immediate use of its Reservoirs to store
24 recycled water in its Reservoirs without first providing its consent, or without obtaining a proper
25 written agreement between it and Pleasant Valley, for use of the Reservoirs for this purpose. The
26 Regional Board's actions and inactions that are the subjects of this Petition create this risk and
27 liability because United understands such actions authorize the delivery of recycled water from
28 Oxnard to Pleasant Valley, via the Calleguas RSMP, for distribution and use of recycled water

1 within Pleasant Valley's service area. And, by extension, such actions arguably authorize use of
2 United's Reservoirs because to receive and distribute recycled water from the RSMP, Pleasant
3 Valley must receive (and store) recycled water in United's Reservoirs.² The current agreement
4 between United and Pleasant Valley does not address or anticipate the use of said Reservoirs for
5 recycled water storage, and the Regional Board declined to condition Pleasant Valley's use of
6 recycled water upon reaching such an agreement with United.

7 Or, in the alternative, to the extent that the Regional Board has failed to actually authorize
8 use of United's Reservoirs for the storage of recycled water, United will be aggrieved by the
9 delivery of recycled water to Pleasant Valley as Pleasant Valley has clearly admitted that it intends
10 to use the Reservoirs accordingly by storing recycled water in the Reservoirs, and that Pleasant
11 Valley is relying on the Regional Board's July 9, 2015 amendment to Oxnard's Water Recycling
12 Requirements as authorization for such use.

13 **7. THE SPECIFIC ACTION REQUESTED BY THE PETITIONER**

14 United requests that the State Water Board review the record, the additional evidence
15 provided in the attached Request for Admission of New Evidence, and this Petition, and that the
16 State Water Board issue an order or orders accomplishing one of the following:

17 A. Amend the Water Recycling Requirements to include: a provision that conditions
18 the use of United's Reservoirs for storage of recycled water upon completion of a written and
19 executed agreement between United and Pleasant Valley that allows for such use, and that said
20 agreement must be provided to the Regional Board before Oxnard can deliver recycled water to
21 Pleasant Valley through the RSMP; or,

22 B. Amend the Water Recycling Requirements to clarify that storage of recycled water
23 in United's Reservoirs is an authorized use, and further clarify the monitoring, reporting, and other
24 legal obligation that would, or would not, apply to United as compared to those monitoring,
25 reporting, and legal obligations that apply to Pleasant Valley.

26
27 ² Pleasant Valley has admitted to this in a July 21, 2015 letter from John M. Mathews, Legal Counsel for Pleasant
28 Valley, to E. Michael Solomon and Anthony Trembley, General Manager and Legal Counsel for United, respectively
(July 2015 Letter). United files concurrently with this Petition a Request for Admission of New Evidence.

1 C. Make any other necessary conforming changes consistent with the above or the
2 Statement of Points and Authorities, and modify other Findings of the Water Recycling
3 Requirements consistent with the State Water Board's order.

4 **8. A STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF LEGAL**
5 **ISSUES RAISED IN THIS PETITION**

6 As required by California Code of Regulations, title 23, section 2050(a)(7), United
7 includes a statement of points and authorities in support of this Petition beginning on page 8.

8 **9. A STATEMENT THAT THIS PETITION WAS SENT TO THE REGIONAL**
9 **BOARD AND THE PERMITTEE**

10 A true and correct copy of this Petition was mailed by First Class mail to the Regional
11 Board. The address to which Petitioner mailed the copy to the Regional Board is:

12 Samuel Unger, Executive Officer
13 Los Angeles Regional Water Quality Control Board
14 320 West 4th Street, Suite 200
Los Angeles, CA 90013

15 Further, a true and correct copy of this Petition was mailed by First Class mail to Oxnard
16 and Pleasant Valley. The addresses to which Petitioner mailed the copies to Oxnard and Pleasant
17 Valley are:

18 Mr. Greg Nyhoff
19 City Manager
City of Oxnard
20 300 West Third Street
Oxnard, CA 93030

21
22 Mr. Dave Souza
General Manager
23 Pleasant Valley County Water District
154 S. Las Posas Road
24 Camarillo, CA 93010

1 **10. A STATEMENT AS TO WHETHER THE PETITIONER RAISED THE ISSUES**
2 **OR OBJECTIONS IN THE PETITION TO THE REGIONAL BOARD**

3 United timely raised the substantive issues in this Petition before the Regional Board in
4 written comments submitted on June 10, 2015, and in testimony provided on July 9, 2015.

5 SOMACH SIMMONS & DUNN
6 A Professional Corporation
7 DATED: August 10, 2015 By: 
8 Theresa A. Dunham
9 Attorneys for Petitioner UNITED WATER
10 CONSERVATION DISTRICT

11 MUSICK, PEELER & GARRETT LLP
12 Attorneys at Law
13 DATED: August 10, 2015 By: 
14 Anthony H. Trembley
15 Attorneys for Petitioner UNITED WATER
16 CONSERVATION DISTRICT

17 **STATEMENT OF POINTS AND AUTHORITIES**

18 The United Water Conservation District (United or Petitioner) files this Petition in
19 accordance with California Code of Regulations, title 23, section 2050(a). Petitioner requests the
20 opportunity to file a supplemental or reply memorandum after receipt of the administrative record
21 and the Los Angeles Regional Water Quality Control Board's (Regional Board) response.

22 **I. INTRODUCTION**

23 On July 9, 2015, the Regional Board took expedited action in response to California's
24 ongoing drought. Specifically, the Regional Board revised Water Recycling Requirements and
25 Waste Discharge Requirements for the City of Oxnard's Groundwater Recovery, Enhancement,
26 and Treatment Program – Nonpotable Reuse Phase I Project (Water Recycling Requirements) to
27 allow temporary use of existing facilities for the delivery of recycled water to growers within the
28 Pleasant Valley County Water District's (Pleasant Valley) service area and to growers outside of

1 the Pleasant Valley service area. However, in its haste to make recycled water available, the
2 Regional Board failed to ensure that all owners of existing facilities necessary for the delivery of
3 recycled water were properly noticed of such action, and more importantly, that owners of existing
4 facilities had consented to use of facilities for delivery of recycled water to the Pleasant Valley
5 service area.

6 The amended Water Recycling Requirements authorize the immediate transmission of
7 recycled water from the City of Oxnard (Oxnard) to Pleasant Valley’s irrigation distribution
8 system via the Calleguas Regional Salinity Management Pipeline (RSMP). Essential facilities in
9 Pleasant Valley’s irrigation distribution system include the first terminal reservoir and the second
10 terminal reservoir (collectively referred to as “Reservoirs”), which are owned by United. The
11 Reservoirs are necessary to store recycled water, but are not mentioned or referenced in the Water
12 Recycling Requirements – except on a figure that illustrates operation of the RSMP for delivery of
13 recycled water to Pleasant Valley. (See Figure 6, *Conceptual Design of Operation of Calleguas*
14 *Regional Salinity Pipeline to Supply AWPf Recycled Water to Pleasant Valley*, Water Recycling
15 Requirements, p. 30, showing UWCD/PV Terminal Reservoir.) The Reservoirs are owned by
16 United, and operated by Pleasant Valley in association with a 1995 agreement (often referred to as
17 the 1995 Contract).³ The 1995 Contract does not authorize, or anticipate, use of the Reservoirs as
18 storage for recycled water. Prior to the Regional Board’s adoption of the amended Water
19 Recycling Requirements, United (in an attempt to not stall adoption of the amendments)
20 respectfully requested that the Regional Board require, as part of the Water Recycling
21 Requirements, an agreement between United and Pleasant Valley as a condition for using the
22 Reservoirs for recycled water storage. The Regional Board declined to do so, and the Regional
23 Board’s Executive Officer merely stated that it was not going to “get into that here.” The Regional
24 Board then adopted the Water Recycling Requirements.

25
26
27 ³ Concurrent with this Petition, United files a Request for New Evidence, which includes a request to admit the
28 1995 Contract and relevant associated documents between United and Pleasant Valley. All references to the
1995 Contract include and incorporate the relevant associated documents, including a 1996 amendment.

1 Extending back to the 1950's, United and Pleasant Valley have entered into a series of
2 agreements, which include conveyance of supplemental water to Pleasant Valley to encourage
3 reduction of agricultural pumping from groundwater wells within Pleasant Valley's service area.
4 The most recent of these agreements was entered into on or about January 24, 1995 (hereafter,
5 1995 Contract) and in addition to other terms, such agreement addresses United's costs of
6 operation and maintenance associated with various facilities, including the Reservoirs.⁴ As
7 relevant here, the 1995 Contract does not anticipate or authorize the use of United's Reservoirs for
8 storage of recycled water, and contains no provisions that would suggest Pleasant Valley has an
9 unlimited right to place any source of water for irrigation purposes into the Reservoirs.

10 In the more recent past, United, Pleasant Valley, Oxnard, and others have entered into
11 discussions with respect to using recycled water from Oxnard's Advanced Water Purification
12 Facility, which is part of the Groundwater Recovery Enhancement and Treatment (GREAT)
13 Program, for agricultural irrigation uses in Pleasant Valley's service area and beyond. A major
14 component of using recycled water here is to help address the serious groundwater overdraft in the
15 Oxnard Plain and Pleasant Valley groundwater basins, and such efforts must be an integral part of
16 groundwater sustainability plans mandated by the Sustainable Groundwater Management Act.
17 This means that all involved stakeholders need to reach agreement on how recycled water used for
18 irrigation in Pleasant Valley's service area helps to prevent use of groundwater that would
19 otherwise be pumped, and how such use plays into Ventura County's need to reach groundwater
20 sustainability.

21 As indicated previously, United supports the Regional Board's efforts to authorize recycled
22 water use early, in advance of completion of permanent pipelines. United's concerns rest mainly
23 on the fact that its Reservoirs will be used for storage of recycled water, and that no current
24 agreement exists between United and Pleasant Valley that allows such use. It is not United's
25 intent to prevent Pleasant Valley from using the Reservoirs for this purpose. United just seeks to
26

27 ⁴ In early 1996, the parties agreed to amend the 1995 Contract to provide for Pleasant Valley's payment of debt
28 service in connection with the purchase of land and construction of the second terminal reservoir. For purposes of this
Petition, references to the 1995 Contract shall be deemed to include the 1996 amendment.

1 ensure that it and Pleasant Valley have reached amenable terms that establish protocols for such
2 use, and terms that protect United (together with its ratepayers) as the landowner. Without such an
3 agreement, United is left exposed legally to any action that might be brought by the State Water
4 Board, Regional Board, private citizens, or any other entity.

5 Notably, United was not properly informed by the Regional Board with respect to its intent
6 to allow temporary use of the RSMP and Pleasant Valley's irrigation distribution system for the
7 delivery of recycled water, which implicitly requires use of United's Reservoirs for recycled water
8 storage. Although excluded from notice and such discussions, United learned of the Regional
9 Board's anticipated authorization for such temporary use, and submitted timely comments on
10 June 10, 2015, and attended the July 9, 2015 Regional Board hearing. In both communications,
11 United conveyed that it did not object to the Regional Board's authorization for the delivery of
12 recycled water to Pleasant Valley's irrigation distribution system, as long as the Regional Board
13 conditioned its approval on completion of a written agreement between United and Pleasant
14 Valley, and provided clarification as to the new regulatory provisions that would now apply to
15 United's Reservoirs. Neither request was granted. United now petitions the Regional Board's
16 action, or failure to act, and requests that the State Water Board fix the Regional Board's errors.

17 III. ARGUMENT

18 A. The Regional Board's Adoption of the Water Recycling Requirements on July 9, 19 2015, Improperly Authorizes Use of United's Reservoirs for the Storage of Recycled 20 Water Without Requiring United's Consent

21 At issue in this Petition are amendments to Order No. R4-2011-0079 as they apply
22 specifically to Pleasant Valley, which authorize the immediate delivery of water from Oxnard's
23 Advanced Water Purification Facility (i.e., recycled water) to growers within Pleasant Valley's
24 service area. Such deliveries are to occur in advance of completion of permanent distribution
25 facilities (not scheduled for completion until 2017) and will be transported into Pleasant Valley's
26 irrigation distribution system via the RSMP. (Water Recycling Requirements, p. 1.) As indicated
27 in written and oral communications to the Regional Board, United does not oppose the delivery of
28 recycled water to Pleasant Valley through the RSMP. However, United has several concerns with
this action. First, and foremost, the Regional Board's authorization for distribution of recycled

1 water by Pleasant Valley implies that the Regional Board has also authorized use of United's
2 Reservoirs for the storage of recycled water. Pleasant Valley has interpreted the Regional Board's
3 action as such. United has not provided its consent or agreement for use of its Reservoirs as
4 recycled water storage facilities, and thus any action by the Regional Board to allow such use must
5 be conditioned on United's consent, through execution of a written agreement between United and
6 Pleasant Valley. Second, United was not properly notified of the Regional Board's impending
7 action to amend the Water Recycling Requirements to allow immediate use of existing facilities
8 within the basin for the delivery of recycled water, including use of United's Reservoirs.

9 **1. United Must Provide Its Consent Before Recycled Water Can Be Placed Into**
10 **Its Facilities**

11 Operation of Pleasant Valley's irrigation distribution system depends on the use of two
12 terminal reservoirs owned by United. Agreement between the parties (i.e., United and Pleasant
13 Valley) regarding the Reservoirs is contained in a 1995 Contract. When the 1995 Contract was
14 executed (and subsequently amended), it did not address, authorize, or anticipate that the
15 Reservoirs would or could be used for recycled water storage as part of Pleasant Valley's
16 irrigation distribution system. Thus, no agreement exists between United and Pleasant Valley that
17 grants Pleasant Valley, as the facility user, permission to use the facilities for recycled water
18 storage. Without such an agreement to address issues and potential liability associated with
19 recycled water storage in United's Reservoirs, United will ultimately be held responsible as the
20 landowner should anything go awry.

21 For example, should recycled water escape either Reservoir, the overflow would likely
22 enter into the City of Camarillo's municipal separate storm sewer system (MS4). Discharge of
23 recycled water from the Reservoirs to the MS4 is not permitted or authorized by the Water
24 Recycling Requirements, or any other permit issued by the Regional Board. Consequently, such a
25 discharge would arguably be illegal under Ventura County's MS4 permit, the federal Clean Water
26 Act, and the State Porter-Cologne Water Quality Control Act. As the owner of the Reservoirs,
27 United could then be subject to enforcement, which could be brought by the City of Camarillo,
28 Ventura County, the Regional Board, the State Water Board, United States Environmental

1 Protection Agency, or any private citizen or environmental organization that is considered to be
2 harmed.

3 United specifically raised this concern and requested the Regional Board require an
4 agreement between Pleasant Valley and United as part of the Water Recycling Requirements so
5 that United and Pleasant Valley could contractually address liability associated with use of the
6 Reservoirs for recycled water storage. For example, in its timely June 10, 2015 comments, United
7 commented that the existing agreement between the parties does not provide for such use, and that
8 Pleasant Valley may not use the Reservoirs for this purpose absent United's consent. Then, at the
9 July 9, 2015 hearing, Deputy General Manager Tony Morgan specifically requested that the
10 Regional Board condition its approval of the amended order on completion of a written agreement
11 between United and Pleasant Valley for use of the Reservoirs as part of this project. United also
12 requested that the Regional Board clarify how its approval would impact United, and specifically,
13 what obligations would the Regional Board's actions impose on United.

14 However, in an action contrary to long held State Water Board principles summarized here,
15 the Regional Board declined to require such an agreement between United and Pleasant Valley,
16 and further, failed to provide any clarification with respect to United's obligations under the newly
17 issued Water Recycling Requirements. In principle, the State Water Board typically holds
18 landowners responsible for actions that occur on their property, and thus requiring an agreement as
19 a condition here is reasonable and consistent with State Water Board policy. Specifically, the State
20 Water Board's policy, which began as early as 1986, holds that although landowners are not
21 required by law to be named on waste discharge requirements, the inclusion of landowners is
22 appropriate for several reasons. (See *In the Matter of Petition of Southern California Edison*,
23 Order No. WQ 86-11 (Order No. WQ 86-11).) First, the State Water Board finds it appropriate
24 because the existence of nuisance conditions on leased premises, or the creation of dangerous
25 conditions on the premises for which the landlord has actual knowledge or ability to abate, "may
26 serve as bases for imposing liability on the landlord." (Order No. WQ 86-11, pp. 2-3.) Second,
27 inclusion of the landlord "serves to put the landlord on notice of the tenant's activities and will
28 help to insure access to the site." (Order No. WQ 86-11, p. 3.) In support of its reasoning, the

1 State Water Board relied heavily on the general proposition that a landowner has an ongoing duty
2 to make sure premises are kept in a reasonably safe condition, and that a landowner “has an
3 affirmative duty to exercise ordinary care to keep the premises in a reasonably safe condition and
4 therefore must inspect them or take other proper means to ascertain their condition.” (Order
5 No. WQ 86-11, p. 5-6, citing *Swanberg v. O’Mectin* (1984) 157 Cal.App.3d 325, 331.) In Order
6 No. WQ 86-11, the State Water Board also rationalized that the petitioner’s concerns that it would
7 be held responsible for day-to-day compliance were unfounded because the waste discharge
8 requirements clearly placed responsibility for day-to-day compliance on the lessee. Regardless of
9 such day-to-day compliance, however, the State Water Board has indicated that a landowner
10 should be held ultimately responsible if the facility user fails to comply with issued waste
11 discharge requirements. (See, e.g., *In the Matter of the Petition of the United States Department of*
12 *Agriculture, Forest Service*, Order No. WQ 87-5, p. 7 [“[T]he Regional Board should not seek
13 enforcement of the waste discharge requirements against the Forest Service unless Calgom fails to
14 comply.”].) In another precedential decision, the State Water Board further found that a non-
15 operating landowner was a discharger under state law because the landowner had knowledge of
16 the activity, had the ability to control the activity, and because the discharge could not occur
17 without the landowner allowing the activity on the land. (*In the Matter of the Petition of San*
18 *Diego Unified Port District*, Order No. WQ 90-3, pp. 10-11.)

19 While United does not seek to be a named party on the Water Recycling Requirements
20 issued to Oxnard, the practical reality is, based on the State Water Board’s above-mentioned
21 orders, that United could be held responsible as a discharger of recycled water even though it has
22 not authorized such discharge to occur. Such obligation and responsibility is even further
23 heightened by the fact that the Water Recycling Requirements fail to provide any clarification with
24 respect to United’s obligations regarding recycled water being stored in its Reservoirs as compared
25 to those obligations that are imposed on Pleasant Valley – the facility user. To address these
26 concerns, United modestly requested in writing and orally that the Regional Board condition its
27 approval on United and Pleasant Valley entering into a written agreement. Such a condition is not
28 unprecedented, and in fact, the Water Recycling Requirements require Regional Board review and

1 approval of an agreement between the City of Oxnard and the Calleguas Municipal Water District
2 for temporary use of the RSMP for distribution of recycled water. (See Water Recycling
3 Requirements, p. 18 [“The Agreement between the City of Oxnard and the Calleguas Municipal
4 Water District to temporarily use the RSMP shall be provided to the Regional Water Board for
5 review and approval.”].) However, again, the Regional Board failed to take such action.

6 As a result, United is left with no recourse other than to file this Petition and respectfully
7 request that the State Water Board correct the Regional Board’s failure to act by amending the
8 Water Recycling Requirements to include a condition that requires a written agreement between
9 United and Pleasant Valley, and that the agreement be provided to the Regional Board prior to
10 delivery of recycled water to Pleasant Valley. Notable, with this Petition, United is not challenging
11 the Regional Board’s amendments as they apply to other facilities – only the provisions as they
12 apply to Pleasant Valley, and by extension, United’s Reservoirs. Should the State Water Board
13 fail to grant United its request, United will be forced to take ultimate responsibility for discharges
14 of recycled water from its storage facilities for which it has not authorized or agreed to with the
15 facility users.

16 **2. The Regional Board Failed to Notify United of its Impending Action Even**
17 **Though United’s Facilities Were Impacted by the Regional Board’s**
18 **Authorization for Distribution of Recycled Water to Pleasant Valley**

19 Although United was not prejudicially harmed by the Regional Board’s failure to provide
20 United notification of its intent to amend Oxnard’s Water Recycling Requirements, United finds it
21 highly inappropriate for any regional board to take action that would authorize the storage of
22 recycled water in an entity’s facilities without, at the very least, providing that entity notice of such
23 action. As United commented in its June 10, 2015 letter, it had not been included in any
24 discussions between Oxnard, Pleasant Valley, and the Regional Board with respect to using the
25 RSMP to deliver recycled water to Pleasant Valley’s irrigation distribution system on a temporary
26 basis until permanent facilities could be constructed. Further, the Regional Board’s May 14, 2015
27 letter to Oxnard that provided notice of its intended action, failed to include United on its mailing
28 list. United independently learned of the pending action and was thus surprised to learn that the

1 Regional Board was authorizing use of its facilities without United’s knowledge, consent, or
2 authorization.

3 **B. Alternatively, the Water Recycling Requirements Must Be Amended to Authorize**
4 **Storage of Recycled Water in United’s Reservoirs, and Be Revised to Clarify United’s**
5 **Responsibilities and Obligations Associated Therewith**

6 United makes this alternative request because the amendments in question do not clearly
7 indicate that the Regional Board has actually affirmatively authorized use of United’s Reservoirs
8 for the storage of recycled water. The Water Recycling Requirements make reference to the
9 temporary delivery of recycled water to Pleasant Valley’s irrigation distribution system via the
10 RSMP, but provides no detail as to what the Regional Board considers to be part of the irrigation
11 distribution system. At most, Figure 6 (*Conceptual Design of Operation of Calleguas Regional*
12 *Salinity Pipeline to Supply AWPf Recycled Water to Pleasant Valley*) at page 30 depicts
13 “UWCD/PV Terminal Reservoir” directly above the Pleasant Valley Distribution System.
14 However, nowhere else are United’s Reservoirs mentioned as facilities that would be temporarily
15 used for storage of recycled water as part of this project. (See, e.g., Water Recycling
16 Requirements, ¶ 14, pp. 5-6; Provisions II.3-4, pp. 11-12; Provisions II.6-7, p. 14; Provision IV.14,
17 p. 18; Provision VII.6, p. 21.)

18 Moreover, based on United’s knowledge of Pleasant Valley’s irrigation distribution
19 system, which is considerable, and based on Pleasant Valley’s own admission, United’s Reservoirs
20 must be used to store recycled water in order for Pleasant Valley to then distribute it through its
21 distribution system.⁵ Also, at the July 9, 2015 hearing, the Regional Board did not deny that the
22 Reservoirs would be so used. Rather, the Regional Board’s Executive Officer merely stated that,
23 “we aren’t going to get into that issue here.” Thus, without question, United’s Reservoirs will be
24 used in conjunction with delivery of recycled water to Pleasant Valley via the RSMP.

25 Knowing that United’s Reservoirs would need to be used to store recycled water as part of
26 this project, the Regional Board was required by law and its own Water Recycling Requirements
27 to explicitly authorize such use as part of the adopted amendments, or indicate how such use is

28 ⁵ See Request for New Evidence, filed concurrently herewith, July 2015 Letter at p. 2.

1 otherwise authorized by the Water Recycling Requirements. Review of the Water Recycling
2 Requirements indicates that storage of recycled water in United's Reservoirs has not been legally
3 authorized.

4 Under the Water Recycling Requirements, use of recycled water must fall within one of the
5 specified uses, or otherwise be approved in writing by the Regional Board's Executive Officer and
6 the State Water Board's Division of Drinking Water (DDW), after submittal of an engineering
7 report. (Water Recycling Requirements, Provision III.2, p. 14.) Storage of recycled water in
8 facilities such as United's Reservoirs is not one of the enumerated authorized uses. The authorized
9 uses in the Water Recycling Requirements includes "recreational impoundments," but United's
10 Reservoirs are storage facilities that do not fall within the definition of being non-restricted or
11 restricted recreational impoundments, as defined by title 22 of the California Code of Regulations.
12 (See Cal. Code Regs., tit. 22, §§ 60301.620 and 60301.760, which mean respectively, "an
13 impoundment of recycled water, in which no limitations are imposed on body-contact water
14 recreational activities," and "an impoundment of recycled water in which recreation is limited to
15 fishing, boating, and other non-body-contact water recreational activities.")

16 Title 22 does allow recycled water to be placed in landscape impoundments, which are
17 defined as "an impoundment in which recycled water is stored or used for aesthetic enjoyment or
18 landscape irrigation, or which otherwise serves a similar function and is not intended to include
19 public contact." However, the Water Recycling Requirements in question only list recreational
20 impoundments as an authorized use and do not specifically call out landscape impoundments,
21 except as approved in writing by the Regional Board's Executive Officer and DDW under
22 Provision III.2. To United's knowledge, no such written approval has been provided for use of
23 United's Reservoirs as landscape impoundments. Further, United is unaware of any engineering
24 report that would support such use, as is required by the Water Recycling Requirements (i.e.,
25 Provision III.2) and the Water Code.

26 With respect to the Water Code, "any person recycling or proposing to recycle water, or
27 using or proposing to use recycled water, within any region for any purpose for which recycling
28 criteria have been established, shall file with the appropriate regional board a report containing

1 information required by the regional board,” unless a master reclamation permit has been issued.
2 (Wat. Code, § 13522.5(a) and (e).) In this case, the issued Water Recycling Requirements are a
3 master reclamation permit issued pursuant to Water Code section 13523.1. (Water Recycling
4 Requirements, ¶ 6, p. 2.) Under the Water Code, the requirement for a written report is waived if a
5 master reclamation permit is issued, “except upon the written request of the regional board.”
6 (Wat. Code, § 13522.5(e).) Because the Water Recycling Requirements include a requirement for
7 an engineering report for any uses not otherwise specified in Provision III.1, issuance of the master
8 reclamation permit here has not waived the need for a report required by Water Code
9 section 13522.5(a). (See Water Recycling Requirements, Provision III.2, p. 14.)

10 Accordingly, the Regional Board has failed to authorize the storage of recycled water in
11 United’s Reservoirs, and other categorical provisions of the Water Recycling Requirements also
12 do not recognize or authorize such use. Due to this lack of authorization, any storage of recycled
13 water in United’s Reservoirs is arguably unauthorized. The law clearly requires that water
14 recycling requirements be issued for the use of recycled water for any purpose – unless a regional
15 board determines no requirements are necessary. (Wat. Code, § 13524.) To United’s knowledge,
16 the Regional Board has made no such determination.

17 Accordingly, United respectfully requests the State Water Board take action to amend the
18 Water Recycling Requirements to authorize the use, and provide clarification with respect to who
19 is responsible for this use.

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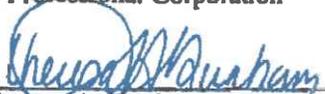
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IV. CONCLUSION

Based on this Petition and the evidence in the record, United respectfully requests that the State Water Board grant the remedies as requested in section 7 of this Petition.

SOMACH SIMMONS & DUNN
A Professional Corporation

DATED: August 10, 2015

By: 
Theresa A. Dunham
Attorneys for Petitioner UNITED WATER
CONSERVATION DISTRICT

MUSICK, PEELER & GARRETT LLP
Attorneys at Law

DATED: August 10, 2015

By: 
Anthony H. Trembley
Attorneys for Petitioner UNITED WATER
CONSERVATION DISTRICT

PROOF OF SERVICE
(State)

I am employed in the County of Sacramento; my business address is 500 Capitol Mall, Suite 1000, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On August 10, 2015, I served the following document(s):

**UNITED WATER CONSERVATION DISTRICT'S PETITION FOR REVIEW AND
STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT THEREOF**
[Wat. Code, § 13320]

XXX (by mail) on all parties in said action, in accordance with Code of Civil Procedure § 1013a(3), by placing a true copy thereof enclosed in a sealed envelope, with postage fully paid thereon, in the designated area for outgoing mail, addressed as set forth below.

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality
Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Mr. Dave Souza
General Manager
Pleasant Valley County Water District
154 S. Las Posas Road
Camarillo, CA 93010

Mr. Greg Nyhoff
City Manager
City of Oxnard
300 West Third Street
Oxnard, CA 93030

John M. Mathews, Esquire
Arnold LaRochelle Mathews VanConas
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Oxnard, CA 93036
*Attorneys for Pleasant Valley County Water
District*

Robert J. Saperstein, Esquire
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Santa Barbara, CA 93101
Attorneys for City of Oxnard

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 10, 2015, at Sacramento, California.



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10 Attorneys for Petitioner UNITED WATER
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12
13 BEFORE THE
14 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD
15

16 In the Matter of the Petition of United Water
Conservation District for Review of Action and
17 Failure to Act by Los Angeles Regional Water
Quality Control Board.

SWRCB/OCC File No. _____

**UNITED WATER CONSERVATION
DISTRICT'S REQUEST FOR STAY AND
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT THEREOF**
[Wat. Code, § 13320]

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21 Pursuant to Water Code sections 13320 and 13321, and California Code of Regulations,
22 title 23, section 2053, United Water Conservation District (United or Petitioner) hereby requests a
23 stay of certain provisions of Order No. R4-2011-0079-A01 (File No. 08-070) Water Recycling
24 Requirements and Waste Discharge Requirements for City of Oxnard Groundwater Recovery,
25 Enhancement, and Treatment Program – Nonpotable Reuse Phase I Project Issued to City of
26 Oxnard (Water Recycling Requirements), which were adopted by the Regional Water Quality
27 Control Board, Los Angeles Region (Regional Board) on July 9, 2015. The Water Recycling
28 Requirements are attached as Exhibit 1 to United's Petition for Review and Statement of Points

1 and Authorities in Support Thereof (Petition), filed concurrently herewith. In the Petition, United
2 requests that the State Water Board review the Regional Board's adoption of Water Recycling
3 Requirements for the City of Oxnard (Oxnard), which authorizes the temporary delivery of
4 recycled water (for two years) from Oxnard to Pleasant Valley County Water District (Pleasant
5 Valley) for distribution through existing transmission lines, and through Pleasant Valley's
6 irrigation system to the Pleasant Valley's service area. The authorization provided in the issued
7 Water Recycling Requirements is in advance of the planned permanent connection through
8 Oxnard's Groundwater Recovery Enhancement and Treatment (GREAT) Program. Specifically,
9 in the Petition, United requests that the State Water Board review the Regional Board's failure to
10 require Pleasant Valley to obtain consent from, or reach an agreement with, United prior to use of
11 its first terminal reservoir and second terminal reservoir (collectively, Reservoirs) by Pleasant
12 Valley for the temporary storage of recycled water, and requests that the State Water Board revise
13 the Water Recycling Requirements to correct the Regional Board's failure. Or, in the alternative,
14 United requests that the State Water Board revise the Water Recycling Requirements in a manner
15 that (1) ensures storage of recycled water in United's Reservoirs is an authorized use, and
16 (2) clarifies any responsibilities or obligations that would, or would not be, imposed on United as
17 the Reservoir owner.

18 As a preliminary matter, United must convey that its Petition and Request for Stay should
19 not be construed by the State Water Board, or any other interested persons, as United opposing
20 the distribution and use of recycled water by Pleasant Valley and the growers within Pleasant
21 Valley's service area by way of the Calleguas Regional Salinity Management Pipeline (RSMP).
22 In fact, on November 14, 2014, the United Board of Directors approved United's entry into a Full
23 Advanced Treatment Recycled Water Management and Use Agreement (GREAT Agreement),
24 subject to certain specified conditions. (Declaration of E. Michael Solomon in Support of United
25 Water Conservation District's Request for Stay (Solomon Decl.), ¶ 11, filed concurrently with
26 United Water Conservation District's Request for Stay and Memorandum of Points and
27 Authorities in Support Thereof.) Rather, United finds it necessary to seek this stay (and the
28 associated Petition) to prevent the immediate introduction of recycled water into United's

1 Reservoirs (against its consent) until such time that the State Water Board considers the
2 underlying Petition, and until such time that the State Water Board revises the Water Recycling
3 Requirements to condition use of United’s Reservoirs for the storage of recycled water upon
4 execution of a written agreement between United and Pleasant Valley. Or, at the very least, until
5 such time that the State Water Board modifies the Water Recycling Requirements to (1) authorize
6 use of United’s Reservoirs for recycled water storage, and (2) with such authorization, clarify
7 United’s obligations and responsibilities associated with the storage of recycled water, as
8 compared to those on Pleasant Valley as the facility user. Failure to grant the stay as requested
9 will expose United to substantial and immediate legal liability associated with the potential
10 “discharge” of recycled water from United’s Reservoirs. Such exposure will automatically inure
11 to United as the landowner of the real property on which the Reservoirs are located (and as the
12 owner of the Reservoirs) as soon as recycled water is delivered to Pleasant Valley unless United
13 and Pleasant Valley have addressed such issues contractually in an agreement, or unless the
14 Water Recycling Requirements are amended to clarify United’s roles and responsibilities as
15 compared to those being imposed on Pleasant Valley.

16 Accordingly, United finds it necessary to seek a stay of certain provisions in the Water
17 Recycling Requirements that allow temporary delivery of recycled water from Oxnard to Pleasant
18 Valley’s irrigation distribution system via the RSMP. A stay of such provisions is necessary
19 because Pleasant Valley must utilize United’s Reservoirs in order to distribute recycled water
20 through its irrigation distribution system. Pleasant Valley has admitted to this fact in a July 21,
21 2015 letter sent to United’s General Manager and General Counsel. (See United Water
22 Conservation District’s Request for Admission of New Evidence, filed concurrently herewith; see
23 also Solomon Decl., ¶ 22.) Further, United believes that delivery of recycled water to its
24 Reservoirs is scheduled to occur in the immediate future. (Solomon Decl., ¶ 20.) Petitioner
25 requests that any such stay take effect as of the effective date of the Water Recycling
26 Requirements (July 9, 2015) until the State Water Board takes final action on the Petition.

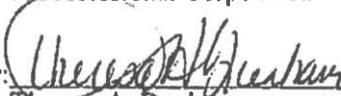
1 Concurrent with this Stay Request, Petitioner submits several declarations.¹ The Stay
2 Request and supporting declarations demonstrate that a stay is appropriate in this case because:
3 (1) the stay will prevent substantial harm to Petitioner, and the public interest; (2) the stay will not
4 cause substantial harm to other interested persons or the public interest; and (3) the Petition raises
5 substantial questions of fact or law. (See Cal. Code Regs., tit. 23, § 2053(a)(1)-(3).) In general,
6 adoption of the amended Water Recycling Requirements will result in the delivery of recycled
7 water to United's Reservoirs even though United has not provided consent for delivery thereof.
8 Further, by virtue of being the landowner, and based on long-held State Water Board policies,
9 United will be considered a discharger, and therefore could be held liable for discharges from its
10 Reservoirs if such discharges are not in compliance with the Water Recycling Requirements.
11 (See, e.g., *In the Matter of the Petition of San Diego Unified Port District*, Order No. WQ 90-3,
12 pp. 10-11 ["Where the landowner has knowledge of the activity and has the ability to control the
13 activity, it is reasonable to conclude that such a landowner is a discharger."].) Moreover, in
14 typical Regional Board permitting approaches, landowners are often named on the permit because
15 a landowner has an affirmative duty to exercise ordinary care to keep premises in a reasonably
16 safe condition, and this duty may serve as basis for Regional or State Water Board imposed
17 liability on a landowner. (See *In the Matter of Petition of Southern California Edison*, Order
18 No. WQ 86-11, pp. 2-3.) Although United does not seek to be a named entity on the Water
19 Recycling Requirements, the obligations imposed on it as the landowner illustrate why United
20 finds it necessary, and reasonable, that storage of recycled water in its Reservoirs be subject to an
21 agreement between United and Pleasant Valley. Further, as demonstrated in the Memorandum of
22 Points and Authorities, the facts and circumstances justify a stay to maintain the status quo until
23 the State Water Board completes its review of the underlying Petition.

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28 ¹ See Solomon Decl., and Declaration of Tony Morgan in Support of United Water Conservation District's Request
for Stay (Morgan Decl).

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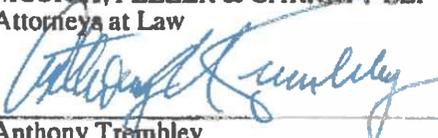
SOMACH SIMMONS & DUNN
A Professional Corporation

DATED: August 10, 2015

By: 
Theresa A. Dunham
Attorneys for Petitioner UNITED WATER
CONSERVATION DISTRICT

MUSICK, PEELER & GARRETT-LLP
Attorneys at Law

DATED: August 10, 2015

By: 
Anthony Trembley
Attorneys for Petitioner UNITED WATER
CONSERVATION DISTRICT

MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to Water Code sections 13320 and 13321, United Water Conservation District (United or Petitioner) concurrently files its Petition related to certain provisions of Order No. R4-2011-0079-A01 (File No. 08-070) Water Recycling Requirements and Waste Discharge Requirements for City of Oxnard Groundwater Recovery, Enhancement, and Treatment Program – Nonpotable Reuse Phase I Project Issued to City of Oxnard (Water Recycling Requirements), which were adopted by the Regional Water Quality Control Board, Los Angeles Region (Regional Board) on July 9, 2015. This Stay Request satisfies the requirements of California Code of Regulations, title 23, section 2053.

A. STATEMENT OF FACTS

United owns two reservoirs (and the real property on which they are situated), which are connected to Pleasant Valley County Water District’s (Pleasant Valley) irrigation distribution system. The first reservoir was constructed as a replacement reservoir by the State of California Department of Highways, and was completed in August 1973. The first reservoir is often referred to as the Pleasant Valley reservoir or first terminal reservoir, and it has a storage capacity of 80 acre-feet. A second terminal reservoir (often referred to as the “second terminal reservoir”) was completed on or about October 16, 1999, and has a storage capacity of 120 acre-feet. The

1 first and second terminal reservoirs (collectively, Reservoirs) are subject, in part, to an agreement
2 between United and Pleasant Valley. The agreement in question is the 1995 Water Delivery
3 Contract Between United Water Conservation District and Pleasant Valley County Water District
4 (1995 Contract), entered into on or about January 24, 1995. (See Exh. B to Declaration of
5 Anthony H. Trembley in Support of United Water Conservation District's Request for Admission
6 of New Evidence (Trembley Decl.)) Documents associated with the 1995 Contract include a
7 1995 Settlement Agreement and Release, and amendments to the 1995 Contract that were added
8 in 1996. (Trembley Decl., Exhs. C and D.) The 1995 Contract does not authorize, anticipate, or
9 address use of the Reservoirs for the storage of recycled water.

10 In late 2014 and early 2015, United commenced discussions with Pleasant Valley and
11 others concerning the receipt and use of recycled water from the City of Oxnard's (Oxnard)
12 Advanced Water Purification Facility (AWPF) as part of Oxnard's Groundwater Recovery
13 Enhancement and Treatment (GREAT) Program to Pleasant Valley for agricultural irrigation
14 purposes. (Declaration of E. Michael Solomon in Support of United Water Conservation
15 District's Request for Stay (Solomon Decl.), ¶ 8, filed concurrently with United Water
16 Conservation District's Request for Stay and Memorandum of Points and Authorities in Support
17 Thereof.) Because Pleasant Valley does not own its reservoirs, and has no other storage capacity,
18 Pleasant Valley must store recycled water in United's Reservoirs in order to provide recycled
19 water to its customers. (Solomon Decl., ¶¶ 9, 22.) United endeavored to work with Pleasant
20 Valley to reach agreement on a restated 1995 Contract that addressed use of United's Reservoirs
21 for the storage of recycled water. (Solomon Decl., ¶¶ 14, 15, 16, 19.) However, after repeatedly
22 trying to engage in further discussions concerning the Reservoirs, United learned that Pleasant
23 Valley and Oxnard had approached the Regional Board about authorizing temporary use of
24 existing facilities to distribute recycled water to Pleasant Valley's service area. (Solomon Decl.,
25 ¶ 18.) United was not involved nor formally notified of these discussions. (Solomon Decl., ¶ 17.)
26 Rather, United learned of these efforts independently. (Solomon Decl., ¶ 18.)

27 Pursuant to the request of Oxnard and Pleasant Valley, the Regional Board adopted
28 amendments to the Water Recycling Requirements, the purpose of which are as follows:

1 The Pleasant Valley County Water District (PVCWD) and the City of Oxnard
2 (City) requested the delivery of recycled water produced by the Advanced Water
3 Purification Facility (AWPF) starting in August of 2015 to offset the loss of
4 agricultural water due to the extended drought. The City's AWPF is part of the
5 Groundwater Recovery, Enhancement, and Treatment (GREAT) Program, which
6 is scheduled to deliver the water to Pleasant Valley growers in 2017. The
7 PVCWD requests that the water be transported into PVCWD's irrigation
8 distribution system and to the Oxnard Plain via the Calleguas Regional Salinity
9 Management Pipeline (RSMP) until the planned permanent connection can be
10 constructed or additional flows into the RSMP render the option not feasible,
11 whichever comes first. (Water Recycling Requirements, p. 1.)

12 Prior to their adoption, United conveyed concerns to the Regional Board with respect to
13 the pending action. In particular, United was, and continues to be, concerned that United and
14 Pleasant Valley have not reached an agreement between the two parties (i.e., between Reservoir
15 owner and facility user) that addresses the placement of recycled water in the Reservoirs. In
16 written comments submitted on June 10, 2015, United specifically stated that the existing
17 agreement between United and Pleasant Valley did not provide for recycled water use in the
18 Reservoirs, and that Pleasant Valley may not use the Reservoirs without United's consent.
19 (Solomon Decl., ¶ 18.)

20 At the July 9, 2015 hearing before the Regional Board, United, through its Deputy
21 General Manager Tony Morgan, provided testimony to the Regional Board that conveyed
22 United's support for the project and applauded the Regional Board's efforts. (Declaration of
23 Tony Morgan in Support of United Water Conservation District's Request for Stay (Morgan
24 Decl.), ¶ 5.) In his testimony, Mr. Morgan made two requests: (1) that the Regional Board
25 condition approval of the amended orders upon completion of a written agreement between
26 United and Pleasant Valley for use of United's Reservoirs as part of the project; and (2) that the
27 Regional Board provide clarification on regulatory provisions which would govern the Reservoirs
28 once recycled water was placed therein. (Morgan Decl., ¶ 5.) The Regional Board denied
United's request. (Morgan Decl., ¶ 5.)

United now finds it necessary to petition the State Water Resources Control Board (State
Water Board) with respect to the Regional Board's denial to act, and to request that the State
Water Board correct the Regional Board's error. However, because recycled water is to be
delivered to Pleasant Valley, and thus by necessity United's Reservoirs, in the immediate future,

1 United must seek a stay of such authorization until the State Water Board can consider United's
2 Petition, and correct the Regional Board's errors.

3 **B. PROVISIONS PETITIONER SEEKS TO STAY**

4 To avoid immediate harm, Petitioner requests a stay of the following provisions as they
5 apply specifically to the delivery of recycled water to Pleasant Valley's irrigation distribution
6 system, and thus by extension to United's Reservoirs:

7 1. The specific application of paragraph 14, and subparagraphs A.a and A.d,
8 pages 5-6, for the distribution of recycled water through the Pleasant Valley irrigation networks,
9 and specifically for distribution of recycled water to United's Reservoirs;

10 2. Provision II.3, page 11;

11 3. Provision II.4, page 12, as it applies to recycled water delivered to Pleasant
12 Valley's irrigation distribution system via the RSMP;

13 4. Provision III.6, page 14, as it applies to recycled water delivered to Pleasant
14 Valley's irrigation distribution system via the RSMP;

15 5. Provision III.7, page 14, as it applies to recycled water delivered to Pleasant
16 Valley's irrigation distribution system via the RSMP;

17 6. Provision IV .13, page 18, in part, and specifically, the last sentence as it applies to
18 user agreements within the Pleasant Valley service area for use of recycled water delivered to the
19 Pleasant Valley irrigation distribution system: "User Agreements for the recycled water via the
20 temporary use of the RSMP shall either be the previously approved user agreement or an updated
21 agreement that has been reviewed and approved by the Regional Board and the DDW"; and

22 7. Provision VII.6, page 21, as it applies to recycled water delivered to Pleasant
23 Valley's irrigation distribution system via the RSMP

24 **C. STANDARD FOR ISSUANCE OF A STAY**

25 Water Code section 13321(a) provides: "In the case of a review by the state board under
26 Section 13320, the state board, upon notice and hearing, if a hearing is requested, may stay in
27 whole or in part the effect of the decision and order of a regional board or of the state board."
28

1 The State Water Board’s regulations further provide that it may grant a stay if the petitioner
2 demonstrates:

- 3 (1) [S]ubstantial harm to petitioner or to the public interest if a stay is not
4 granted;
- 5 (2) [A] lack of substantial harm to other interested persons and to the public
6 interest if a stay is granted, and
- 7 (3) [S]ubstantial questions of fact or law regarding the disputed action.
8 (Cal. Code Regs., tit. 23, § 2053(a).)

9 The request for stay must be supported by a declaration under penalty of perjury of a
10 person or persons with knowledge of the facts alleged. (Cal. Code Regs., tit. 23, § 2053(a).) As
11 demonstrated below, Petitioner’s request satisfies these requirements.

12 **D. THE STATE WATER BOARD SHOULD ISSUE A STAY PENDING
13 RESOLUTION OF UNITED’S PETITION FOR REVIEW**

14 United timely submits this request for a stay of certain provisions as identified in
15 section B above that were adopted by the Regional Board on July 9, 2015, in the aforementioned
16 Water Recycling Requirements. (See *In the Matter of the Petitions of Boeing Company* (June 21,
17 2006), Order WQ 2006-0007 (Boeing Order), p. 5.) United will suffer substantial harm if the
18 State Water Board does not grant the Stay Request; no substantial harm to other interested
19 persons or the public interest would result if the State Water Board grants the Stay Request; and
20 there are substantial questions of fact or law regarding the challenged action.

21 **1. United and the Public Interest Will Suffer Substantial Harm If the State
22 Water Board Does Not Grant United’s Stay Request**

23 United will suffer substantial harm if the State Water Board does not grant United’s Stay
24 Request for the period of time pending resolution of the Petition. (See Boeing Order, p. 4
25 [“whether a stay is appropriate must be judged in the temporal sense”].) For United, immediate
26 exposure to liability will occur while the State Water Board considers the underlying Petition.
27 Specifically, United believes that recycled water will be delivered, via the Calleguas Regional
28 Salinity Management Pipeline (RSMP), to Pleasant Valley’s irrigation distribution system in the
immediate future. By necessity, that means, recycled water will be stored in United’s
Reservoirs when Oxnard delivers recycled water to Pleasant Valley.

1 As shown in the declarations from United staff, delivery of recycled water to United's
2 Reservoirs is considered imminent, and United has not provided consent for use of the
3 Reservoirs for this purpose. (See, e.g., Solomon Decl., ¶¶ 11, 14, 15, 16, 18, 19, 20, 21, 22, 23.)
4 More importantly, with respect to this Stay Request, United will be subject to immediate
5 liability as the landowner through actions of others that are being taken against United's express
6 wishes. (See, e.g., Solomon Decl., ¶ 24.) For example, the Water Code requires, without regard
7 to intent or negligence, immediate reporting to the appropriate regional board of any
8 unauthorized recycled water discharge that exceeds certain specified volumes, where the
9 recycled water will be, or probably will be, discharged to a water of the state. (Wat. Code,
10 § 13592.2(a).) An unauthorized discharge is one that is not authorized by waste discharge
11 requirements, water recycling requirements, or master reclamation permit requirements. (Wat.
12 Code, § 13592.2(b).) The Water Recycling Requirements at issue here arguably do not
13 authorize the discharge of recycled water to surface waters. At most, minor amounts of
14 irrigation return water leaving the recycled water use area would not be considered a violation
15 of the order. (Water Recycling Requirements, Provision IV.9.B, p. 18.) Recycled water stored
16 in United's Reservoirs would not be considered irrigation return water. Moreover, considering
17 the size and storage capacity of United's Reservoirs, the amount of recycled water that is likely
18 to be in United's Reservoirs at any one time would not be considered minor. Accordingly, any
19 accidental discharge of recycled water from United's Reservoirs that exceeds 50,000 gallons²
20 would trigger required notifications to the Regional Board. Any failure to notify the Regional
21 Board may be subject to administrative civil liability. Because United is the landowner, United
22 can reasonably assume that it would be held responsible for reporting any such accidental
23 discharge from its Reservoirs.

24 Further, any overflow that occurs from United's Reservoirs would likely enter into the
25 City of Camarillo's municipal separate storm sewer system (MS4), which is part of, and covered

26 _____
27 ² Notification is required if the discharge of recycled water exceeds 50,000 gallons when the recycled water is
28 disinfected tertiary 2.2 recycled water, or recycled water receiving advanced treatment beyond disinfected tertiary 2.2
recycled water. Recycled water from Oxnard's Advanced Water Purification Facility (AWPF) meets this definition
of recycled water and is thus subject to the 50,000 gallon discharge notification requirement.

1 by Ventura County's MS4 permit. The Ventura County MS4 permit prohibits discharges into
2 the MS4, unless otherwise authorized by a national pollutant discharge elimination system
3 permit (NPDES). Discharge of recycled water from the Reservoirs to the MS4 is not permitted
4 or authorized by the Water Recycling Requirements, or any other permit issued by the Regional
5 Board. Consequently, such a discharge would be illegal under Ventura County's MS4 permit,
6 the federal Clean Water Act, and the State Porter-Cologne Water Quality Control Act. As the
7 owner of the Reservoirs, United could then be subject to enforcement, which could be brought
8 by the City of Camarillo, Ventura County, the Regional Board, the State Water Board, United
9 States Environmental Protection Agency, or any private citizen or environmental organization
10 that is considered to be harmed.

11 Because there is no agreement between United and Pleasant Valley that outlines the
12 responsibilities of each party with respect to certain obligations associated with the storage of
13 recycled water, there is no clearly identified entity taking responsibility for such notifications, or
14 responsibility for any civil or administrative liabilities that may be imposed through an
15 enforcement action. And, should such an accidental overflow occur, there is nothing in writing
16 anywhere that requires Pleasant Valley to notify United that an unauthorized discharge of
17 recycled water has happened, thereby putting United on notice that Regional Board notification
18 is required. Yet, as the landowner, United will be the one ultimately held responsible for lack of
19 such notification, and potential liability should an enforcement action ensue due to an overflow
20 of recycled water from the Reservoirs to Camarillo's MS4.

21 Also, should the unauthorized discharge of recycled water from United's Reservoirs
22 create nuisance or pollution conditions, United could be held liable as a responsible party for the
23 discharge by virtue of land ownership alone. Such liability could be imposed through
24 administrative civil actions brought by the Regional Board or the State Water Board (e.g., under
25 a cleanup and abatement order issued under Water Code section 13304), or through actions
26 brought by private citizens in state court. (See, e.g., *In the Matter of Arthur Spitzer et al.*, Order
27 No. 89-8 ["A landowner is ultimately responsible for the condition of his property, even if he is
28 not involved in day-to-day operations. If he knows of a discharge on his property and has

1 sufficient control of the property to correct it, he should be subject to a cleanup order under
2 Water Code § 13304.”].)

3 Further, United is a public agency, funded by ratepayers. Should United be found liable,
4 administratively or otherwise, for any action related to the storage of recycled water in the
5 Reservoirs (an action that is being undertaken by Pleasant Valley against United’s consent)
6 while waiting State Water Board review, the public’s interest will be harmed. Any enforcement
7 proceedings, or other claims brought by individuals, that result in monetary penalties or
8 damages imposed on United will harm the public (i.e., its ratepayers).

9 Moreover, there is a larger public interest that will be harmed if a stay is not granted
10 here. Specifically, allowing the delivery of recycled water to United’s Reservoirs (while the
11 State Water Board conducts its review of United’s Petition) under the Water Recycling
12 Requirements in this case where United has expressly requested such delivery be conditioned on
13 an agreement being reached between United and Pleasant Valley, and where the Regional Board
14 has rejected such request, results in Pleasant Valley receiving the immediate benefit of the
15 Regional Board’s action regardless of the State Water Board’s ultimate findings on the Petition.
16 In other words, by the time the State Water Board completes its review, recycled water will
17 already be delivered to United’s Reservoirs. At that juncture, Pleasant Valley will have
18 received the benefit it is seeking, and will have avoided reaching an agreement with United with
19 respect to responsibilities and obligations associated with the storage of recycled water. In the
20 meantime, United becomes subject to new liabilities without its consent. Under these
21 circumstances, the public’s interest is harmed because even if the State Water Board grants
22 United’s Petition, and the relief it requests, it will be too late to matter.

23 Thus, the State Water Board’s only path for preserving the status quo, and avoiding
24 harm to United and the public interest while reviewing the Petition, is to grant the stay as
25 requested. Otherwise, any State Water Board decision on the Petition favorable to United
26 would be meaningless, and would be unable to grant United its requested relief.

1 **2. If the State Water Board Grants the Stay, Neither Interested Persons Nor the**
2 **Public Interest Will Suffer Substantial Harm**

3 A stay of the provisions identified in section B above will not cause substantial harm to
4 interested persons or to the public. Specifically, United seeks a stay of Oxnard’s delivery of
5 recycled water to Pleasant Valley’s irrigation distribution system via the RSMP because such
6 action by necessity results in the storage of recycled water in United’s Reservoirs. United is not
7 seeking a stay, or challenging any other delivery of Oxnard’s recycled water, to other facilities or
8 other temporary uses. As indicated previously, United does not oppose such recycled water uses,
9 and in fact testified in support of the project, subject to two conditions. First, United requested
10 that delivery of Oxnard’s recycled water to Pleasant Valley be conditioned on United and
11 Pleasant Valley entering into an agreement to address use of United’s Reservoirs for such
12 purpose. Second, United requested that the Regional Board provide clarification as to United’s
13 responsibilities and obligations with respect to storage of recycled water in its Reservoirs as the
14 landowner. Until these conditions are addressed, or at least considered by the State Water Board,
15 United seeks a stay to maintain the status quo. Or, in other words, seeks to halt the temporary use
16 of United’s Reservoirs for the storage of recycled water until the issues raised by United in its
17 Petition are addressed. Notably, the authorization at issue here is for the temporary use of
18 existing facilities until permanent facilities are completed. (Water Recycling Requirements, p. 1.)
19 This temporary time period is estimated to start August 2015 and continue until July 9, 2017.
20 (See Water Recycling Requirements, p. 6 [“To maintain the recycled water quality being
21 distributed to the growers of the Oxnard Plain, the temporary use of the RSMP will expire 2 years
22 from the adoption of this permit unless the WDR is modified at a future Regional Water Board
23 meeting.”].) Thus, while a stay issued here may prevent delivery of recycled water in the
24 immediate future, it would not harm or jeopardize implementation or use of permanent facilities
25 that are currently under development as part of the GREAT Program.

26 A stay of these provisions does not harm the public, or in this case Pleasant Valley and
27 Oxnard as interested persons, because it maintains current conditions that would otherwise exist
28 absent the Regional Board’s recent authorization for early delivery of recycled water through

1 existing facilities. Specifically, Pleasant Valley (and by extension its growers) would not be
2 harmed by issuance of a stay because distribution of recycled water in Pleasant Valley's service
3 area would be used to replace groundwater that is currently being pumped by Pleasant Valley for
4 distribution to growers within its service area for irrigation purposes. The project in question
5 does not provide Pleasant Valley with additional irrigation supply water for distribution to
6 growers within its service area. Rather, Pleasant Valley would use its existing water supplies to
7 provide the same amount of irrigation supply water to its service area (considering all current
8 circumstances associated with California's historic drought) should the recycled water not be
9 available or delivered as anticipated by the Water Recycling Requirements.

10 With respect to Oxnard, development and implementation of the GREAT Program, which
11 is the permanent and long-term program to address Oxnard's long-term water supply needs, will
12 continue to proceed regardless of any State Water Board action on United's Stay Request, or
13 United's underlying Petition. Moreover, Oxnard's temporary and early delivery of recycled
14 water through existing facilities to Pleasant Valley will not result in new or augmented potable
15 water supplies to Oxnard during the term of this project for municipal use, nor does such early
16 delivery address Oxnard's long-term need to increase water supplies to address future anticipated
17 demands. Like with Pleasant Valley, Oxnard's municipal water supplies during the term of this
18 agreement (again considering all current circumstances associated with California's historic
19 drought) will remain essentially the same regardless of Oxnard's early, temporary delivery of
20 recycled water to Pleasant Valley. Further, Oxnard does not depend on the delivery of recycled
21 water to Pleasant Valley as a means for disposing of wastewater from its municipal wastewater
22 treatment facility. Oxnard currently discharges its treated wastewater to the Pacific Ocean
23 pursuant to a National Pollutant Discharge Elimination System (NPDES) permit. (Water
24 Recycling Requirements, ¶ 8, p. 3.) A stay issued here would not impact or affect Oxnard's
25 ability to continue discharging treated wastewater pursuant to the terms of its NPDES permit.

26 With respect to the public interest, and as discussed above, issuance of a stay will avoid
27 substantial harm to the public interest as it maintains the status quo while the State Water Board
28 considers United's Petition. Without a stay, the actions in which United challenges in its Petition

1 will occur immediately, thereby preventing any meaningful relief should the State Water Board
2 find in United's favor. (Solomon Decl., ¶ 20.) Further, the disputed action in the underlying
3 Petition pertains to temporary authorization for use of existing facilities to deliver recycled water.
4 Thus, issuance of a stay, or for that matter granting United its requested relief in the underlying
5 Petition, does not change, alter, or impede the region's efforts to resolve the larger issues of water
6 supply sufficiency, groundwater overdraft, and sea water intrusion, which is in the public interest.
7 Accordingly, the public interest will *not* be substantially harmed by issuance of a stay as
8 requested here.

9 **3. The Disputed Actions Raise Substantial Questions of Fact or Law**

10 There clearly exist substantial questions of fact or law with respect to the provisions
11 identified in this Stay Request. In general, the challenged action consists of the Regional Board's
12 temporary authorization of existing facilities for the delivery of recycled water to Pleasant
13 Valley's irrigation distribution system through the RSMP, which by extension includes use of
14 United's Reservoirs for the storage of recycled water. United has challenged the Regional
15 Board's action because the Regional Board is providing such authorization absent a condition that
16 would require United and Pleasant Valley to reach an agreement regarding use of United's
17 Reservoirs for this purpose. Absent some agreement between United and Pleasant Valley that
18 specifically addresses the use of United's Reservoirs for the storage of recycled water, United has
19 not provided its consent to allow the storage of recycled water in its Reservoirs. United's lack of
20 consent raises substantial questions of law because actions of others associated with the storage of
21 recycled water will be imputed onto United as the landowner.

22 Further, United's underlying Petition raises substantial questions of fact and law with
23 respect to the Regional Board's authorization, or lack of authorization, for storage of recycled
24 water in United's Reservoirs. The only mention of United's Reservoirs in the Water Recycling
25 Requirements is found in Figure 6 on page 30. No findings or provisions within the Water
26 Recycling Requirements indicate that the Regional Board has authorized the storage of recycled
27 water in United's Reservoirs as part of its action to authorize temporary use of Pleasant Valley's
28 irrigation distribution system and the RSMP for the delivery of recycled water to Pleasant Valley.

1 Also, there are no provisions within the Water Recycling Requirements, as a Master Reclamation
2 Permit, that would allow use of United’s Reservoirs for such purpose because it is not a specified
3 use – unless an engineering report is submitted, and the use has been approved in writing by the
4 Executive Officer and the State Water Board’s Division of Drinking Water. (Water Recycling
5 Requirements, Provision III.2, p. 14.) Yet, despite this lack of authorization, United has sufficient
6 reason to believe that Pleasant Valley intends to use United’s Reservoirs to store recycled water
7 in the immediate future, and that Pleasant Valley believes such an action has been authorized by
8 the Regional Board. (Solomon Decl., ¶¶ 20, 22; see also, Exh. A to United’s Request for
9 Admission of New Evidence [“As a result of these actions by the Regional Board, it is estimated
10 that within twelve weeks, City of Oxnard recycled water will be delivered to and stored by
11 Pleasant Valley in the Terminal Reservoir.”].)

12 In light of this significant uncertainty surrounding the Regional Board’s action, there are
13 substantial questions of fact and law associated with the Regional Board’s action, or lack thereof.
14 Moreover, failure to issue a stay immediately will result in actions that cannot be undone in that
15 recycled water will be delivered to United’s Reservoirs. Once delivered, United, as the
16 landowner, will be considered a discharger of recycled water. However, there are serious
17 concerns that such “discharge” may not be authorized by the Regional Board’s actions. And, as
18 indicated clearly above, United has not provided its consent to be a “discharger” in this instance
19 because there is no agreement between the landowner (United) and Pleasant Valley (the facility
20 user) authorizing and addressing the use of United’s Reservoirs for storage of recycled water.

21 Thus, substantial questions of fact or law exist.

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E. CONCLUSION

This Stay Request demonstrates that the actions disputed in the Petition raise substantial questions of fact or law. This Stay Request also demonstrates that a stay of the challenged action will not cause substantial harm to interested persons or the public. However, a stay is necessary to prevent United and the public from incurring substantial harm. Accordingly, United respectfully requests that the State Water Board stay the provisions identified as they apply to the delivery of recycled water to Pleasant Valley for distribution to its service area through its irrigation distribution system.

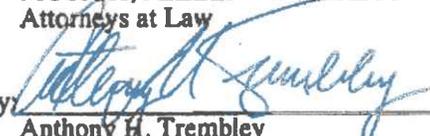
SOMACH SIMMONS & DUNN
A Professional Corporation

DATED: August 10, 2015

By: 
Theresa A. Dunham
Attorneys for Petitioner UNITED WATER
CONSERVATION DISTRICT

MUSICK, PEELER & GARRETT LLP
Attorneys at Law

DATED: August 10, 2015

By: 
Anthony H. Trembley
Attorneys for Petitioner UNITED WATER
CONSERVATION DISTRICT

PROOF OF SERVICE
(State)

I am employed in the County of Sacramento; my business address is 500 Capitol Mall, Suite 1000, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On August 10, 2015, I served the following document(s):

**UNITED WATER CONSERVATION DISTRICT'S REQUEST FOR STAY AND
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF**
[Wat. Code, § 13320]

XXX (by mail) on all parties in said action, in accordance with Code of Civil Procedure § 1013a(3), by placing a true copy thereof enclosed in a sealed envelope, with postage fully paid thereon, in the designated area for outgoing mail, addressed as set forth below.

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality
Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Mr. Dave Souza
General Manager
Pleasant Valley County Water District
154 S. Las Posas Road
Camarillo, CA 93010

Mr. Greg Nyhoff
City Manager
City of Oxnard
300 West Third Street
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John M. Mathews, Esquire
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300 Esplanade Drive, Suite 2100
Oxnard, CA 93036
*Attorneys for Pleasant Valley County Water
District*

Robert J. Saperstein, Esquire
Brownstein Hyatt Farber Schreck
1020 State Street
Santa Barbara, CA 93101
Attorneys for City of Oxnard

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 10, 2015, at Sacramento, California.



Crystal Rivera

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16 Attorneys for Petitioner UNITED WATER
17 CONSERVATION DISTRICT

14 BEFORE THE
15 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

17 In the Matter of the Petition of United Water
18 Conservation District for Review of Action and
19 Failure to Act by the Los Angeles Regional
20 Water Quality Control Board.

SWRCB/OCC File No. _____

**DECLARATION OF TONY MORGAN IN
SUPPORT OF UNITED WATER
CONSERVATION DISTRICT'S
REQUEST FOR STAY**

21 I, Tony Morgan, declare:

22 1. I am the Deputy General Manager for Groundwater and Water Resources for
23 United Water Conservation District (United or District). I have been the Deputy General
24 Manager since April 2014. From May 2009 to April 2014, I was the District's Groundwater
25 Department Manager. As Deputy General Manager, I direct the District's groundwater supply
26 and aquifer replenishment activities, and general water resource planning tasks. I am also
27 responsible for the District's compliance with the Sustainable Groundwater Management Act,
28 direct the District's role in the formation of Groundwater Sustainability Agencies in three

1 groundwater basins, and coordinate the District's role with the Fox Canyon Groundwater
2 Management Agency. I received a Bachelors of Science degree in Geology from Indiana
3 University (Indianapolis) in 1979, and I received a Masters of Arts degree in Geology from
4 Indiana University (Bloomington) in 1984. I am a California licensed Professional Geologist
5 (PG#4178), and a California Certified Hydrogeologist (CHG#159.)

6 2. In my role as Deputy General Manager, I am informed about Oxnard's
7 Groundwater Recovery Enhancement and Treatment (GREAT) Program, and occasionally
8 participate in meetings with representatives from United, City of Oxnard (Oxnard), and Pleasant
9 Valley County Water District (Pleasant Valley) with respect to implementation of the GREAT
10 Program. I know that Oxnard's Advanced Water Purification Facility (AWPF) produces recycled
11 water, and that use of recycled water from the AWPF is subject to water recycling requirements
12 issued by the Regional Board, which are contained in the Los Angeles Regional Water Quality
13 Control Board's (Regional Board) Order No. R4-2011-0079-A01 (File No. 08-070) Water
14 Recycling Requirements and Waste Discharge Requirements for City of Oxnard Groundwater
15 Recovery, Enhancement, and Treatment Program – Nonpotable Reuse Phase I Project Issued to
16 the City of Oxnard (Water Recycling Requirements).

17 3. I have an informed belief, based on my knowledge of United's facilities as well as
18 Pleasant Valley's irrigation distribution system, that Pleasant Valley must have water storage
19 facilities to receive and effectively distribute recycled water from Oxnard within their service
20 area. I am further informed that Pleasant Valley does not have storage available for its use
21 outside of United's Reservoirs. I am further informed, and believe, that Pleasant Valley intends
22 to use United's Reservoirs to receive and store recycled water from Oxnard to then distribute the
23 recycled water to growers within Pleasant Valley's service area.

24 4. On July 9, 2015, I attended a hearing of the Regional Board at the Metropolitan
25 Water District of Southern California's boardroom. At the July 9, 2015 hearing, the Regional
26 Board considered amendments to the Water Recycling Requirements. The purpose of the
27 amendments, as directly stated in the Water Recycling Requirements, are as follows:
28

1 The Pleasant Valley County Water District (Pleasant Valley) and the City of
2 Oxnard (Oxnard) requested the delivery of recycled water produced by the
3 Advanced Water Purification Facility (AWPF) starting in August 2015 to offset
4 the loss of agricultural water due to the extended drought. Oxnard's AWPF is part
5 of the Groundwater Recovery Enhancement and Treatment (GREAT) Program,
6 which is scheduled to deliver water to Pleasant Valley growers in 2017. Pleasant
7 Valley requests that the water be transported into Pleasant Valley's irrigation
8 distribution system and to the Oxnard Plain via the Calleguas Regional Salinity
9 Management Pipeline (RSMP) until the planned permanent connection can be
10 constructed or additional flows into the RSMP render the option not feasible,
11 whichever comes first.

12 5. At the July 9, 2015 hearing, I provided testimony that conveyed United's support
13 for the project, and applauded the Regional Board's efforts to allow utilization of the Calleguas
14 Regional Salinity Management Pipeline (RSMP) for the delivery of recycled water from the
15 AWPF. In my testimony, I re-articulated comments made by the District's then General
16 Manager, E. Michael Solomon, that no current agreement exists between United and Pleasant
17 Valley for use of the Reservoirs for storage and use of recycled water. In my testimony, I made
18 two requests: (1) that the Regional Board condition approval of the amended orders upon
19 completion of a written agreement for use of United's Reservoirs as part of this project; and
20 (2) that the Regional Board provide clarification on regulatory provisions which would govern the
21 Reservoirs once recycled water was placed therein. The Regional Board approved the amended
22 orders and declined United's requests. In its response to United's requests, Regional Board
23 Executive Officer Samuel Unger stated that they, and I paraphrase, "weren't going to get into that
24 here."

25 6. At the July 9, 2015 Regional Board hearing, I also cautioned that: (a) groundwater
26 potentially not pumped by agricultural users in the Pleasant Valley area when the substitute
27 recycled water will be pumped instead by Oxnard; and (b) if such action causes Oxnard to reduce
28 its importation of state water, or if an expansion of demand occurs due to the availability of
recycled water, then it is possible that over-drafted Oxnard Plain aquifers could experience a net
increase in groundwater pumping.

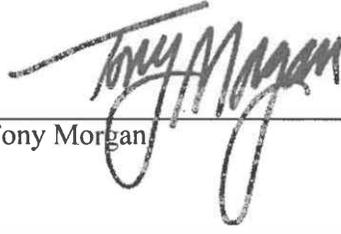
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 10th day of August 2015 at Santa Paula, California.



Tony Morgan

PROOF OF SERVICE
(State)

I am employed in the County of Sacramento; my business address is 500 Capitol Mall, Suite 1000, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On August 10, 2015, I served the following document(s):

**DECLARATION OF TONY MORGAN IN SUPPORT OF UNITED WATER
CONSERVATION DISTRICT'S REQUEST FOR STAY**

XXX (by mail) on all parties in said action, in accordance with Code of Civil Procedure § 1013a(3), by placing a true copy thereof enclosed in a sealed envelope, with postage fully paid thereon, in the designated area for outgoing mail, addressed as set forth below.

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality
Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

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General Manager
Pleasant Valley County Water District
154 S. Las Posas Road
Camarillo, CA 93010

Mr. Greg Nyhoff
City Manager
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Robert J. Saperstein, Esquire
Brownstein Hyatt Farber Schreck
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Santa Barbara, CA 93101
Attorneys for City of Oxnard

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 10, 2015, at Sacramento, California.



Crystal Rivera

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11 Attorneys for Petitioner UNITED WATER
12 CONSERVATION DISTRICT

14 BEFORE THE
15 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD
16

17 In the Matter of the Petition of United Water
18 Conservation District for Review of Action and
19 Failure to Act by the Los Angeles Regional
20 Water Quality Control Board.

SWRCB/OCC File No. _____

**DECLARATION OF E. MICHAEL
SOLOMON IN SUPPORT OF UNITED
WATER CONSERVATION DISTRICT'S
REQUEST FOR STAY**

21 I, E. Michael Solomon, declare:

22 1. I was the General Manager of the United Water Conservation District (United or
23 District) from September 1, 2008 through August 9, 2015. On August 10, 2015, I stepped down
24 as the General Manager, but remain employed by the District to assist the new General Manager,
25 and to continue to advise the District on certain matters for which I have knowledge and
26 information. From September 1997 to August 31, 2008, I was the District's Chief Financial
27 Officer (CFO). I received a B.S. degree in Business Administration (Finance) in 1981 from
28 California State University, Northridge. From March 2001 until being named the District's

1 General Manager in September 2008. In addition to my duties as the District's CFO, I also
2 assumed the duties of a Deputy/Assistant General Manager as a result of a re-organization. These
3 additional duties allowed me to be fully engaged and informed of all activities of the District,
4 including District activities relevant to the operation and maintenance of United's first terminal
5 reservoir and second terminal reservoir (collectively, Reservoirs). I have personal knowledge of
6 the operation of the overall District including United's role with respect its ownership of the
7 Reservoirs (including the real property on which the Reservoirs are situated), and agreements
8 between United and Pleasant Valley County Water District (Pleasant Valley) addressing United's
9 cost of operation and maintenance associated with United's Lower River Distribution System,
10 including the Reservoirs. All of the matters stated herein are based on my personal knowledge.

11 2. The District is a ratepayer funded local public agency and water conservation
12 district established in 1950 in accordance with the Water Conservation District Law of 1931,
13 Water Code section 74000 et seq. The District's predecessor agency, the Santa Clara River Water
14 Conservation District, was formed in 1927. As set forth on the District's website, the District's
15 mission is to "manage, protect, conserve and enhance the water resources of the Santa Clara
16 River, its tributaries, and associated aquifers in the most cost effective and environmentally
17 balanced manner." Among the District's statutory powers is the authority to "appropriate,
18 acquire, and conserve water and water rights for any useful purpose." (Water Code § 74521.)

19 3. The District comprises approximately 214,000 acres in central and southern
20 Ventura County, including the Santa Clara River Valley and the Oxnard Plain. The District
21 supplies water, and through its long-term management efforts strives to make water available to
22 central and southern Ventura County for agricultural, domestic, municipal, and industrial uses,
23 primarily through diversion of surface water for agricultural irrigation and groundwater recharge
24 at the District's Saticoy and El Rio spreading grounds.

25 4. The District's facilities include Santa Felicia Dam, Lake Piru Recreation Area,
26 Saticoy, El Rio and Piru Spreading Grounds, the Freeman Diversion, the Saticoy Well Field, and
27 Pleasant Valley, Oxnard-Hueneme and Pumping Trough Delivery Systems including wells,
28

1 reservoirs, and booster pumping stations. The District additionally receives some water from the
2 State Water Project (SWP), delivered through Pyramid Lake and Piru Creek to Lake Piru.

3 5. The District supplies water to the City of Oxnard (population approximately
4 200,000). Port Hueneme Water Agency (which includes the City of Port Hueneme—population
5 approximately 22,000 and two naval bases—Port Hueneme CBC and Point Mugu), Pleasant
6 Valley, agricultural users on the Pumping Trough Pipeline, approximately 12 mutual water
7 companies, and other retail customers. Through its Oxnard-Hueneme Pipeline, the District
8 delivers potable groundwater from the Oxnard Forebay, extracted and treated at District facilities,
9 to the Oxnard-Hueneme area. Approximately 325,000 people utilize, at least in part, water made
10 available by the District's water conservation efforts for domestic and municipal use.

11 6. The Santa Clara River Valley and the Oxnard Plain are a prime agricultural region,
12 with year-round agriculture supporting high-value row crops, strawberries, raspberries, lemons,
13 oranges, avocados, flowers, and sod, providing the basis for a significant agricultural economy
14 with an estimated worth of over \$1 billion per year. Through its Pleasant Valley Pipeline, the
15 District diverts surface water and transports the water to Pleasant Valley for agricultural use. The
16 District's Pumping Trough Pipeline was constructed in the mid-1980's to provide a combination
17 of Santa Clara River surface water, and Fox Canyon lower aquifer water to agricultural customers
18 to replace water from the over-drafted Upper Oxnard Aquifer. There exist significant
19 groundwater overdraft conditions in the aquifers underlying much of the Oxnard Plain and
20 Pleasant Valley basins, and within Pleasant Valley's service area. For example, over the past few
21 years, through an active monitoring program by the District and the U.S. Geological Survey
22 (USGS), it has become clear that the Fox Canyon Lower Aquifer is now in severe over-draft and
23 must be selectively utilized to limit seawater intrusion into the aquifer.

24 7. The District administers a basin management program for the Santa Clara River
25 Valley and Oxnard Plain, utilizing the surface flow of the Santa Clara River and its tributaries for
26 the replenishment of groundwater aquifers. The District works in conjunction with the Fox
27 Canyon Groundwater Management Agency (FCGMA), another local public agency specifically
28 established by the California Legislature in 1983 to manage and protect both confined and

1 unconfined aquifers within several groundwater basins underlying the southern portion of
2 Ventura County, including those underlying the Oxnard Plain. The District's territory overlaps in
3 significant part with the FCGMA, including both unincorporated and incorporated (e.g., the Cities
4 of Oxnard and Port Hueneme) areas of the Oxnard Plain.

5 8. Beginning in or about late 2013, representatives from United (including myself),
6 Pleasant Valley, and several private parties commenced discussions with the City of Oxnard
7 (Oxnard) concerning the potential receipt and use of nonpotable Phase 1 full advanced treatment
8 recycled water for agricultural irrigation by users in the Oxnard Plain and Pleasant Valley areas,
9 from Oxnard's Groundwater Recovery Enhancement and Treatment (GREAT) Program,
10 Advanced Water Purification Facility (AWPF).

11 9. I am informed that Pleasant Valley does not own its own reservoirs and has no or
12 very limited storage capability for water, and since recycled water will be available on a 24-hour,
13 7-day a week basis, Pleasant Valley must use United's Reservoirs as a means of storage in order
14 to provide recycled water to its customers for agricultural irrigation and effectively participate in
15 the GREAT Program.

16 10. Prior to and since the inception of the discussions referenced in paragraph 8,
17 Pleasant Valley representatives on multiple occasions have asked me and other United
18 representatives whether United will sell the Reservoirs to Pleasant Valley. I and other United
19 representatives have indicated that while such a decision is ultimately at the discretion of the
20 United Board of Directors, we would be opposed to such sale of the Reservoirs by United to
21 Pleasant Valley. The Reservoirs are critically important to United's efforts, through the
22 transmission of surface water and some groundwater from its facilities as described in
23 paragraph 4, to Pleasant Valley through the Pleasant Valley Pipeline, to help reduce groundwater
24 pumping in the Pleasant Valley service area.

25 11. On November 14, 2014, I attended the United Board of Directors (Directors)
26 meeting where the Directors approved United's entry into a Revised Full Advanced Treatment
27 Recycled Water Management and Use Agreement (GREAT Agreement) with Oxnard concerning
28 the GREAT Program, and approved execution of the GREAT Agreement by me (United's

1 General Manager at the time of Board approval) and by District Legal Counsel subject to the
2 following conditions: (1) completion of pending negotiation between all parties to the GREAT
3 Agreement with language in a form acceptable to United's General Manager and Legal Counsel;
4 and (2) completion of United's negotiations with Pleasant Valley concerning amendments to the
5 Water Delivery Contract Between United Water Conservation District and Pleasant Valley
6 County Water District (January 24, 1995) (1995 Contract), as amended by actions of both United
7 and Pleasant Valley on or about January 10, 1996 (see Exhs. B and D attached to Declaration of
8 Anthony H. Trembley in Support of United Water Conservation District's Request for Admission
9 of New Evidence (Trembley Decl.)) for, among other things, use of United's Reservoirs by
10 Pleasant Valley for receipt and distribution of recycled water from Oxnard and approval of
11 1995 Contract amendments by United's Board of Directors. Pleasant Valley representatives,
12 including its Legal Counsel, were present at this United Board of Directors meeting. Also, in
13 attendance at this meeting were representatives from Oxnard. Thus, both Pleasant Valley and
14 Oxnard representatives understood United's requirement that an amended agreement between
15 Pleasant Valley and United needed to be completed before any recycled water could be stored in
16 the District's Reservoirs.

17 12. Pleasant Valley, Oxnard, and several private parties have entered into the GREAT
18 Agreement. United has not entered into the GREAT Agreement.

19 13. Among other things, the GREAT Agreement: (a) provides that Oxnard shall
20 receive all regulatory approvals necessary to operate the AWWPF and deliver recycled water to
21 Pleasant Valley; (b) requires Pleasant Valley to ensure proper implementation of regulatory
22 requirements in the use of recycled water by its end use customers; (c) requires Pleasant Valley to
23 work with Oxnard to manage all aspects of compliance with regulatory requirements applicable to
24 the use of recycled water; and (d) obligates Pleasant Valley to be responsible for any and all
25 ongoing regulatory costs, including ongoing inspections, permit renewals, and enforcement
26 actions, including penalties, associated with delivery or use of recycled water by Pleasant Valley
27 from the point of delivery by Oxnard and on Pleasant Valley's property or facilities.

1 14. In December 2014 and April 2015, I, Board representatives, and district staff of
2 United and Pleasant Valley, held meetings to discuss potential usage of the Reservoirs by
3 Pleasant Valley for receipt and distribution of recycled water to Pleasant Valley's agricultural
4 customers. The discussions included prioritizing sources of water to be received into the
5 Reservoirs, together with operating "protocols" for the Reservoirs. During these meetings, I and
6 other United representatives made clear that, while United was and would be willing to allow
7 Pleasant Valley to exercise day-to-day operational control over the Reservoirs, United must
8 maintain ultimate discretion and control concerning the sources of water, including recycled
9 water, placed into the Reservoirs.

10 15. I am informed that on or about December 16, 2014, United's Legal Counsel sent
11 Pleasant Valley's Legal Counsel a first draft of a proposed amended and restated 1995 Contract,
12 which initially addressed those issues set forth in paragraph 14. On or about April 21, 2015,
13 United's Legal Counsel sent Pleasant Valley's Legal Counsel a letter requesting that the parties
14 meet to discuss an amended and restated 1995 Contract. Among other things, the correspondence
15 indicates: (a) United's support for bringing GREAT Program water to the Pleasant Valley area;
16 (b) United's anticipation that Pleasant Valley will desire use of the Reservoirs for storage of the
17 recycled water; and (c) United's requirement that prior to storage of recycled water in the
18 Reservoirs, the parties first reach agreement wherein United would authorize such use of the
19 Reservoirs.

20 16. I am informed that on or about May 14, 2015, United's Legal Counsel sent an
21 email to Pleasant Valley's Legal Counsel again requesting discussion of the topics set forth in the
22 April 21, 2015 letter summarized in the preceding paragraph.

23 17. To my knowledge, Pleasant Valley ignored United's multiple requests to meet
24 concerning amendments to the 1995 Contract. Further, I understand that during this timeframe,
25 Pleasant Valley and Oxnard approached the California Regional Water Quality Control Board-
26 Los Angeles Region (Regional Board) and requested that the Regional Board revise existing
27 Water Recycling Requirements issued to Oxnard to authorize the immediate and temporary
28 transmission and use of GREAT Program recycled water from Oxnard's AWPf through existing

1 facilities such as the Calleguas Municipal Water District Regional Salinity Management Pipeline
2 (RSMP) to Pleasant Valley's irrigation distribution system. United was not involved nor formally
3 notified in any manner with respect to these discussions and requests, although the use of the
4 District's Reservoirs are a key component of Pleasant Valley's ability to utilize Oxnard's recycled
5 water.

6 18. I independently learned of Pleasant Valley's and Oxnard's efforts, as well as the
7 public availability of the Regional Board's proposed amendments to the Water Recycling
8 Requirements authorizing the temporary use of existing facilities, through communication I
9 received from Zoe Carlson, Coordinator of Ventura County's Integrated Regional Water
10 Management Plan, from the County of Ventura. Upon learning of the Regional Board's proposed
11 amendments, I prepared comments, with the assistance of others, in response to the Regional
12 Board's pending action, and submitted said comments on June 10, 2015, to the attention of
13 Mr. Chris Morris, Chief of the NPDES Permitting-Municipal Unit. Among other things, my
14 comments indicated to the Regional Board that United and Pleasant Valley had not yet reached
15 agreement allowing use of the Reservoirs for placement and storage of recycled water, and that
16 Pleasant Valley may not use United's Reservoirs absent United's consent.

17 19. I am informed that on or about June 19, 2015, United's Legal Counsel sent
18 Pleasant Valley's Legal Counsel a letter which, among other things: (a) stated that the
19 1995 Contract did not contemplate nor authorize the placement and storage of recycled water into
20 the Reservoirs; (b) reiterated that before recycled water could be placed and stored in the
21 Reservoirs, United must consent and reach agreement with Pleasant Valley on the terms of use of
22 the Reservoirs; and (c) asked for Legal Counsel's response to the initial draft of the proposed
23 amended and restated 1995 Contract, provided in December 2014.

24 20. On July 16, 2015, I sent an email to Daniel Rydberg at Oxnard inquiring as to
25 when recycled water would be delivered to the RSMP and Pleasant Valley's irrigation
26 distribution system. On July 17, 2015, Mr. Rydberg responded to my email and stated that the
27 connections would be completed in September (2015), and that Oxnard should be delivering
28 recycled water to the RSMP and Pleasant Valley by October.

1 21. I am informed that on or about July 20, 2015, United's Legal Counsel (via email
2 and first class mail) sent Pleasant Valley's Legal Counsel a letter which, among other things:
3 (a) reiterated that United had not consented to use of the Reservoirs for placement of recycled
4 water and distribution to the Pleasant Valley system; (b) stated that United would not consent
5 until the parties had reached written agreement on the terms of such use pursuant to an amended
6 and restated 1995 Contract; (c) stated that if Pleasant Valley failed to receive such written consent
7 and attempted to place recycled water into the Reservoirs absent such written agreement, United
8 would exercise any and all of its legal remedies against Pleasant Valley; and (d) again requested
9 Pleasant Valley's response to the initial draft of the amended and restated 1995 Contract and the
10 multiple correspondence to date.

11 22. On or about July 24, 2015, I, and United's Legal Counsel, received a letter (sent
12 via first class mail only) from Pleasant Valley's Legal Counsel. (See Exh. A to Trembley Decl.)
13 Among other things, the letter states that: (a) Pleasant Valley "cannot support your proposal to
14 amend and restate the 1995 Water Delivery Contract . . . in any manner that would limit Pleasant
15 Valley's existing and historical level of operational and management control over the Terminal
16 Reservoir [sic];" (b) "[i]t is Pleasant Valley's intention to utilize the Terminal Reservoir [sic] for
17 the storage and distribution of recycled water from the Oxnard GREAT Project;" and (c) ". . . it is
18 estimated that within twelve weeks, City of Oxnard recycled water will be delivered to and stored
19 by Pleasant Valley in the Terminal Reservoir."

20 23. Based on the correspondence described in the preceding paragraph, and
21 notwithstanding United's ownership of the Reservoirs and express requirement that United and
22 Pleasant first reach agreement on the terms of use of the Reservoirs for placement and storage of
23 recycled water, it is my understanding that Pleasant Valley nonetheless intends to proceed with
24 placement and storage of recycled water into the Reservoirs for Pleasant Valley's use in the
25 immediate future, without United's consent and to the detriment of United.

26 24. I believe that placement of recycled water into the Reservoirs for storage and
27 ultimate distribution to Pleasant Valley may result in additional regulatory obligations and
28

1 potential liabilities to United which do not currently exist, including but not limited to the
2 following:

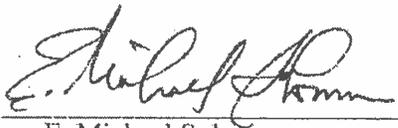
3 A. The Regional Board Water Recycling Requirements acknowledge that use
4 of recycled water by Pleasant Valley's customers for agricultural irrigation could affect
5 the health, safety, and welfare of the public. Among other things, the Water Recycling
6 Requirements require the training of end users (i.e., Pleasant Valley's agricultural
7 customers) on the hazards of working with recycled water, and compliance by end users
8 with requirements pertaining to the use of recycled water. Any obligation of Oxnard, as
9 the recipient of the Water Recycling Requirements, pertaining to compliance with such
10 requirements have been transferred to and assumed by Pleasant Valley through the
11 GREAT Agreement. However, although recycled water may be supplied from Reservoirs
12 owned by United, no agreement exists between Pleasant Valley and United as to potential
13 responsibility for compliance with such requirements, enforcement of requirements by the
14 Regional Board, or damage incurred by end users or their customers from use of recycled
15 water. Such potential liability to United does not currently exist. The 1995 Contract does
16 not foresee nor authorize such use of the Reservoirs to supply recycled water, or potential
17 enforcement action for lack of compliance with the Water Recycling Requirements, nor
18 do any indemnity obligations run from Pleasant Valley to United related to such use,
19 enforcement actions, or damage to end users or other parties.

20 B. In the event of a release of recycled water from the Reservoirs through a
21 spill or escape of surface flow, whether because of lack of adequate freeboard in the
22 Reservoirs, leakage, seepage or otherwise, and whether or not attributable to negligence in
23 day-to-day operation of the Reservoirs, United may incur potential liability through
24 enforcement action by the Regional Board or otherwise. Such potential liability to United
25 does not currently exist. The 1995 Contract does not foresee such use of the Reservoirs
26 for the storage of recycled water, nor is there any agreement between United and Pleasant
27 Valley for responsibility in the event such a release occurs.

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25. Consistent with the 1995 Contract, as the sole owner of the Reservoirs, United possesses ultimate discretion and control over the Reservoirs and the sources of water placed therein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 10th day of August 2015 at Santa Paula, California.



E. Michael Solomon

PROOF OF SERVICE
(State)

I am employed in the County of Sacramento; my business address is 500 Capitol Mall, Suite 1000, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On August 10, 2015, I served the following document(s):

**DECLARATION OF E. MICHAEL SOLOMON IN SUPPORT OF UNITED WATER
CONSERVATION DISTRICT'S REQUEST FOR STAY**

XXX (by mail) on all parties in said action, in accordance with Code of Civil Procedure § 1013a(3), by placing a true copy thereof enclosed in a sealed envelope, with postage fully paid thereon, in the designated area for outgoing mail, addressed as set forth below.

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality
Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

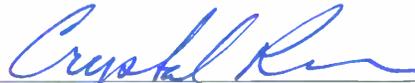
Mr. Dave Souza
General Manager
Pleasant Valley County Water District
154 S. Las Posas Road
Camarillo, CA 93010

Mr. Greg Nyhoff
City Manager
City of Oxnard
300 West Third Street
Oxnard, CA 93030

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District*

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Brownstein Hyatt Farber Schreck
1020 State Street
Santa Barbara, CA 93101
Attorneys for City of Oxnard

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 10, 2015, at Sacramento, California.



Crystal Rivera