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8 BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

9 IN THE MATTER OF THE PETITION FOR) PETITION FOR RECONSIDERATION
10 REVIEW OF WISHTOYO FOUNDATION OF) AND REVIEW OF LOS ANGELES
11 ACTION BY THE CALIFORNIA REGIONAL) REGIONAL WATER QUALITY
12 WATER QUALITY CONTROL BOARD, LOS) CONTROL BOARD ACTION OF
13 ANGELES REGION, IN APPROVING) ADOPTING ORDER
14 ORDER NO. R4-2011-0079-A02 WATER) NO. R4-2011-0079-A02
15 RECYCLING REQUIREMENTS AND)
16 WASTE DISCHARGE REQUIREMENTS)
17 FOR CITY OF OXNARD GROUNDWATER)
18 RECOVERY, ENHANCEMENT, AND)
19 TREATMENT PROGRAM – NONPOTABLE)
20 REUSE PHASE I PROJECT ISSUED TO)
21 CITY OF OXNARD: (File No. 08-070))
22)
23)
24)
25)
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28)

1 **Introduction**

2 In accordance with section 13320, 13260, 13263, 13500 *et seq.*, 13522.5, 13523, 13523.1,
3 and 13529 of the California Water Code and sections 3867 and 2050 of Title 23 of the California
4 Code of Regulations, Wishtoyo Foundation (“Petitioner” or “Wishtoyo”) hereby petitions the
5 State Water Resources Control Board (“State Board” or “State Water Board”) to reconsider and
6 review the June 1, 2017 final decision of the California Regional Water Quality Control Board
7 for the Los Angeles Region (“Regional Board”), approving an amendment to the Water
8 Recycling Requirements (“WRR”) and Waste Discharge Requirements (“WDR”) for the City of
9 Oxnard Groundwater Recovery, Enhancement, and Treatment Program (“Oxnard GREAT”)
10 nonpotable reuse Phase I Project, Order No. R4-2011-0079-A02 (“WRR/WDR” or “Project” or
11 “2017 Amendment”).

12 Petitioner seeks to correct both substantive and procedural flaws with the Regional
13 Board’s approval of an amendment to extend the City of Oxnard’s use of a Regional Salinity
14 Management Pipeline (“RSMP”) for an additional two years. At the time the Regional Board
15 adopted Order No. R4-2011-0079-A01, it clearly intended for the use of the RSMP to be a
16 temporary measure to increase water supply during severe drought conditions. According to
17 Governor Brown, those severe drought conditions have ceased, and yet the Regional Board has
18 moved forward with approving this amendment. By extending the use of the RSMP for an
19 additional two years, the Regional Board is undermining the original temporary intended use of
20 the RSMP, and further entrenching unrestricted uses of water resources without performing the
21 necessary reasonable use and public trust analyses. This water use policy is detrimental for the
22 Santa Clara River watershed as it threatens the groundwater water resources in the Oxnard Plain
23 and the Santa Clara River’s public trust resources.

24 The 2017 Amendment contains the same terms and conditions as the 2015 WRR/WDR,
25 which fail to ensure the Project will comply with the California Constitution, California Water
26 Code, California’s Public Trust Doctrine, and other applicable state laws and regulations. These
27 failures include 1.) the failure of the Regional Board to adequately analyze and ensure, as
28 required by law, that the end uses of water that the WRR/WDR allocates and authorizes comply

1 with and adhere to the provisions of the California Constitution and California Water Code that
2 require water to be used reasonably, and not wasted; and 2.) the failure of the Regional Board to
3 adequately analyze and ensure, as required by the California Public Trust Doctrine, that the
4 WRR/WDR protects, restores, and does not harm the Santa Clara River’s public trust protected
5 resources.

6 **1. NAME, ADDRESS, TELEPHONE NUMBER AND EMAIL ADDRESS (IF**
7 **AVAILABLE) OF THE PETITIONER**

8 Wishtoyo Foundation
9 Jason Weiner, General Counsel & Water Initiative Director
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13 **2. THE SPECIFIC ACTION OR INACTION OF THE REGIONAL BOARD**
14 **WHICH THE STATE BOARD IS REQUESTED TO REVIEW AND A COPY OF**
15 **ANY ORDER OR RESOLUTION OF THE REGIONAL BOARD**

16 Petitioner seeks review of Order No. R4-2011-0079-A02, a copy of which is attached as
17 Exhibit A.

18 **3. THE DATE ON WHICH THE REGIONAL BOARD ACTED OR REFUSED TO**
19 **ACT OR ON WHICH THE REGIONAL BOARD WAS REQUESTED TO ACT**

20 June 1, 2017.

21 **4. A FULL AND COMPLETE STATEMENT OF THE REASONS THE ACTION OR**
22 **FAILURE TO ACT WAS INAPPROPRIATE OR IMPROPER**

23 In approving the 2017 Amendment, the Regional Board failed to act in accordance with
24 the California Constitution, the Public Trust Doctrine, or relevant governing law, and acted
25 improperly and inappropriately, and arbitrarily and capriciously. Specifically, but without
26 limitation, the Regional Board:

27 A. Failed to consider the reasonableness of allowing the use of the RSMP for
28 delivery of recycled water to Pleasant Valley County Water District (“PVCWD”)
for an additional two years.

B. Failed to limit the amount of recycled water delivered via the RSMP to PVCWD
to the amount reasonably required for the beneficial uses, if any, to be served.

- 1 C. Failed to take the public trust resources of the Santa Clara River into account
2 when allocating recycled water to PVCWD for an additional two years.
- 3 D. Improperly asserted that the Regional Board has no obligations under Article X,
4 Section 2 of the California Constitution, California Water Code Section 100,
5 and/or the Public Trust Doctrine to consider the issues identified above, and made
6 no findings regarding this issue, resulting in a prejudicial abuse of discretion.
- 7 E. Improperly failed to make findings regarding the issues described in sections A
8 through D above supported by the weight of the evidence in the administrative
9 record, and the administrative record does not support the ultimate decision to
10 adopt the 2017 Amendment, thus resulting in an abuse of discretion. (See *Cal.*
11 *Hotel & Motel Ass'n v. Indus. Welfare Comm'n* (1979) 25 Cal.3d 200, 212; Cal.
12 Civ. Proc. Code § 1094.5.)

13 **5. THE MANNER IN WHICH THE PETITIONER IS AGGRIEVED**

14 Petitioner Wishtoyo Foundation, a non-profit organization that protects Chumash Native
15 American cultural, natural cultural resources, and the environment all people depend upon, has a
16 direct interest in protecting the ecological, cultural, and recreational public trust-protected
17 resources of the Santa Clara River and the water supplies needed to support sustainable
18 agricultural, municipal, and industrial uses in the Santa Clara River watershed and Oxnard Plain
19 region. Wishtoyo Foundation represents approximately 700 members in Los Angeles and
20 Ventura County, including in the Santa Clara River watershed, and is dedicated to restoring the
21 Santa Clara's public trust-protected resources for the benefit of the River's communities and its
22 members, and ensuring sufficient water supplies to support existing land uses. Wishtoyo also
23 has a Ventura Coastkeeper Program that protects the ecological integrity and water quality of
24 Ventura County's inland and coastal waterways.

25 Petitioner's members are aggrieved by the 2017 Amendment, which both extends the use
26 of the RSMP, fostering unrestricted use of water resources without proper reasonable use and
27 public trust analysis, and continues the inadequacy of the WRR's/WDR's in regulating
28 reasonable water use. The 2017 Amendment also fails to protect and restore the Santa Clara

1 River's public trust protected uses, including but not limited to its in-stream flow-dependent
2 public trust uses relating to: the survival and recovery of the endangered Southern California
3 Steelhead, Least Bell's Vireo, endangered Southwestern Willow Flycatcher, and threatened
4 Western Yellow Billed Cuckoo; the ability of the public and our members to recreate, fish, and
5 engage in scientific study and wildlife viewing in the River; and the ability for Chumash Native
6 Americans to utilize the Santa Clara and its resources to maintain traditional cultural practices
7 and life ways. Petitioner's members and the public are also aggrieved by the failure of the 2017
8 Amendment to ensure, as required by law, that the Oxnard GREAT Recycled water is used
9 reasonably so not as to perpetuate over 30 years of unreasonable use and waste of water in the
10 Oxnard Plain region that 1.) mines the FCGMA groundwater aquifers, 2.) causes seawater to
11 intrude and contaminate the FCGMA groundwater aquifers, and 3.) deprives the Santa Clara
12 River of flows needed to protect and restore its in-stream flow dependent public trust protected
13 uses.

14 The Regional Board's failure to analyze and ensure, as required by law, that the 2017
15 Amendment's extension of the use of the RSMP complies with and adheres to the reasonable use
16 and waste provisions of the California Constitution and California Water Code, and its failure to
17 adequately analyze and ensure, as required by the California Public Trust Doctrine, that the 2017
18 Amendment protects, restores, and does not harm the Santa Clara River's public trust protected
19 resources, has enormous negative consequences for the region, its residents, the general public,
20 and Wishtoyo's members.

21 **6. THE SPECIFIC ACTION BY THE STATE OR REGIONAL BOARD**
22 **WHICH PETITIONER REQUESTS**

23 Pursuant to Section 2050.6(b) of Title 23 of the California Code of Regulations,
24 Petitioner requests that the State Board conduct a hearing to consider testimony, other evidence,
25 and/or argument on the issues raised in this Petition. The contentions to be addressed at the
26 requested hearing are:

- 27 A. The California Constitution and the Water Code each impose a mandatory duty on
28 the Regional Board and/or the State Board to prevent the unreasonable use and

1 waste of recycled water delivered via the RSMP, and to consider the amount
2 reasonably required to serve the beneficial use, if any, to be served.

3 B. The Regional Board failed to execute its constitutional and statutory mandatory
4 duties when adopted the 2017 Amendment.

5 C. The Regional Board failed to execute its Public Trust Duties when it failed to take
6 the public trust resources into account when adopting the 2017 Amendment.

7 D. The State Board must execute the constitutional, statutory, and public trust
8 mandatory duties described above to the extent the 2017 Amended Permit is not
9 remanded to the Regional Board for that purpose.

10 The requested hearing is necessary because these contentions have not been adequately
11 considered by the Regional Board, as described in Section 9, below.

12 Pursuant to Section 2052(a)(2) of the Title 23 of the California Code of Regulations,
13 Petitioner also seeks an Order by the State Board that:

14 E. Invalidates Regional Board's approval of the 2017 Amendment and remands the
15 matter to the Regional Board with instructions to amend the 2017 Amendment to
16 include analysis and findings whether the continued delivery of recycled water to
17 PCVWD via the RSMP for an additional two years is consistent with Article X,
18 section 2 of the California Constitution, after notice of public comment on this
19 issue;

20 F. Invalidates Regional Board's approval of the 2017 Amendment and remands the
21 matter to the Regional Board with instructions to amend the 2017 Amendment to
22 include analysis and findings whether the continued delivery of recycled water to
23 PCVWD via the RSMP for an additional two years is consistent the Public Trust
24 Doctrine, after notice of public comment on this issue; or, alternatively,

25 G. Vacates, amends, and/or replaces the 2017 Amendment to include analysis and
26 findings whether the continued delivery of recycled water to PCVWD via the
27 RSMP for an additional two years is consistent with Article X, section 2 of the
28 California Constitution based on an analysis conducted by the State Board after

1 notice and public comment on this issue. (*See* 23 C.C.R. § 2052(a)(2)(B) (providing
2 that in acting on a petition the State Board may set aside or modify the regional
3 board order).)

4 H. Vacates, amends, and/or replaces 2017 Amendment to include analysis and findings
5 whether the continued delivery of recycled water to PCVWD via the RSMP for an
6 additional two years is consistent with the Public Trust Doctrine based on an
7 analysis conducted by the State Board after notice and public comment on this
8 issue. *See* 23 C.C.R. § 2052(a)(2)(B) (providing that in acting on a petition the State
9 Board may set aside or modify the regional board order).)

10 **7. A STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF**
11 **LEGAL ISSUES RAISED IN THE PETITION¹**

12 **A. Citations to Documents Referred to**

13 Wishtoyo and its Ventura Coastkeeper Program hereby incorporate the amended
14 Complaint Filed with the State Water Board on March 25, 2015 that was attached to its public
15 comment to the Regional Board on the WRR/WDR, and all of the publically available
16 documents and government records cited to and included in the Complaint.²

17 **B. The Santa Clara River, Unreasonable Use, and Impairments to the Santa**
18 **Clara’s Public Trust Protected Resources**

19 The Santa Clara River (“Santa Clara”) and the Santa Clara River downstream from
20 approximately river mile 10.5 through the Estuary (“Reach 1 & 2 of the Santa Clara” or “Santa
21 Clara Reach 1 & 2”), and its native flora and fauna, are in an advanced state of decline. The
22 Santa Clara’s Southern California Steelhead (“steelhead”) are now federally endangered, as
23 populations have declined from runs of over 9,000 returning adults per year in the 1940’s to
24 almost zero today; the extent and diversity of native riparian vegetation in Reach 1 & 2 of the

25 _____
26 ¹ To support all assertions and facts stated in this section of the Petition, Wishtoyo hereby cites to and incorporates
27 by reference the amended Wishtoyo Foundation, Ventura Coastkeeper, Center for Biological Diversity, and Central
28 Coast Alliance United for a Sustainable Economy Public Trust, Fish and Game Code, Unreasonable Use,
Unreasonable Method of Diversion Complaint filed with the State Board on March 25, 2015 (“Complaint”) (face
page of the Complaint attached).

² See footnotes 1 - 4 *ante* in this Petition for citations to the Complaint and all publically available documents cited
to and included in the Complaint that this Petition references or cites to.

1 Santa Clara has been drastically diminished, and is now dominated by herbaceous communities
2 and non-native, invasive *Arundo donax* (giant reed); flow and native riparian plant-dependent
3 avian life, including the endangered Least Bell's Vireo, endangered Southwestern Willow
4 Flycatcher, and threatened Western Yellow Billed Cuckoo are, but for infrequent sightings, non-
5 existent in Reach 1 & 2 of the Santa Clara; and the Santa Clara's and Reach 1 & 2 of the Santa
6 Clara's populations of other flow dependent species such as the Pacific Lamprey and the
7 Southwestern Pond Turtle are disappearing.

8 The degradation of the Santa Clara River extends beyond environmental damage. It also
9 encompasses degradation to cultural, recreational, and economic resources for the Santa Clara's
10 communities of Piru, Fillmore, Santa Paula, Saticoy, El Rio, Oxnard, and Ventura. Recreational
11 and aesthetic opportunities such as boating, inner tubing, swimming, bathing, kayaking, and
12 nature observing have all but vanished in Reach 1 & 2 of the Santa Clara River. In addition,
13 Chumash Native American life ways, cultural practices, and religious practices including
14 harvesting steelhead; gathering tule and willow to construct traditional Chumash dwelling units
15 (aps); harvesting native riparian vegetation for basketry, ceremonial use, and medicinal use;
16 harvesting river rocks submerged in flowing waters for ceremonial sweats; navigating in
17 traditional crafts; and engaging in ceremonial practices alongside a flowing Santa Clara have
18 been substantially degraded in Reach 1 & 2 of the Santa Clara. Along with the degradation of the
19 Santa Clara's and Reach 1 & 2 of the Santa Clara's natural, recreational, aesthetic, and cultural
20 resources, the communities alongside the Santa Clara have experienced drastically higher
21 unemployment and poverty rates, drastically lower annual household and per capita/individual
22 incomes, and overall disproportionately disadvantageous economic conditions in comparison to
23 other Ventura County communities.

24 The decline of both Reach 1 & 2 of the Santa Clara, as well as of the entire Santa Clara,
25 can be traced directly to the state-permitted and licensed activities and operations of United
26 Water Conservation District ("United") that result in the diversion of almost all of the Santa
27 Clara's flows in the spring, summer, winter, and fall outside of large storm events at the Vern
28 Freeman Diversion ("VFD") Dam located approximately at Santa Clara river mile 10.5.

1 Once diverted at the VFD, United delivers the Santa Clara’s flows directly to municipal
2 and agricultural end users, including Pleasant Valley County Water District (“PVCWD”), and to
3 spreading grounds to artificially recharge the Oxnard Plain groundwater basins (“Basin(s)” or
4 “Oxnard Plain Basins”) at an accelerated rate. The Basins exhibit a definitive hydrological
5 connection to the Santa Clara River, as the quantity of water diverted by United at the VFD to
6 recharge the Basins dictates flows in Reach 1 & 2 of the Santa Clara. Once Santa Clara River
7 flows enter the Basins, the Santa Clara’s water is managed and controlled by Fox Canyon
8 Groundwater Management Agency (“FCGMA”).

9 Pleasant Valley County Water District (“PVCWD”) directly receives Santa Clara River
10 flows diverted by United at the VFD Dam through the Pleasant Valley Pipeline. PVCWD also
11 indirectly receives Santa Clara River flows diverted by United at the Vern Freeman Diversion
12 Dam through pumping water from the FCGMA Basin’s recharged by Santa Clara River flows
13 diverted by United at the VFD Dam. As a recipient of Santa Clara River flows diverted by
14 United, PVCWD is also violating the California Public Trust Doctrine and the reasonable use
15 provisions of the California Constitution Article X Section 2 and Section 275 of the California
16 Water Code, by failing to implement these Practical Measures.

17 **C. The WRR/WDR, Oxnard GREAT, and the Pleasant Valley County Water**
18 **District**

19 The regulatory approvals which are the subject of this petition threaten to adversely
20 impact the Santa Clara River’s public trust protected uses and resources, including a multitude of
21 federally and state listed endangered species dependent upon an ecologically healthy Santa Clara
22 River. Order No. R4-2011-0079-A01 was first adopted and issued to the City of Oxnard by the
23 Regional Board on February 28, 2011. On July 9, 2015, Order No. R4-2011-0079-A01 (See
24 Exhibit B) was amended by the Regional Board to permit PVCWD to receive recycled water
25 from the City’s Oxnard GREAT Project in 2017 for the stated purpose of offsetting the loss of
26 agricultural water due to the extended drought. Order No. R4-2011-0079-A02, the 2017
27 Amendment, was adopted on June 1, 2017 and extends the use of the RSMP for an additional
28 two years for purposes of accelerating the allocation of recycled water to growers in the Oxnard

1 Plain, prior to construction of a permanent recycled water pipeline. The Regional Board provided
2 no adequate basis or findings for its decision to extend the use of the RSMP, even though doing
3 so is required. Neither did the Regional Board fulfill its duties through the California
4 Constitution, Water Code, and Public Trust doctrine to conduct reasonable use and public trust
5 analyses. By extending the use of the RSMP without performing a reasonable use and public
6 trust analysis, the Regional Board is further entrenching the unrestricted use of water and
7 potentially exacerbating the unreasonable use of water in the Santa Clara Watershed and Oxnard
8 Plain Groundwater Basin.

9 Oxnard GREAT receives the water it recycles primarily from United and FCGMA end
10 users who discharge Santa Clara's flows as waste water to the City of Oxnard's sewage system.
11 The amount of water supplied by Oxnard GREAT to water users in the Santa Clara River
12 watershed, whom would otherwise obtain Santa Clara River water directly³ or indirectly⁴, must
13 be used reasonably, and, wherever feasible, in a manner that helps protect and restore the Santa
14 Clara River's in-stream flow dependent public trust resources, and groundwater levels in the
15 Oxnard Plain basin needed for the region's sustainable municipal and agricultural uses.

16 **D. The Regional Board Prejudicially Abused Its Discretion by Adopting 2017**
17 **Amendment Without Executing Its Mandatory Reasonable Use and Public**
18 **Trust Duties**

19 The continued use of the RSMP is an allocation of a water resource in California. The
20 Regional Board and/or the State Board have mandatory duties to prevent waste and unreasonable
21 use, and/or to consider whether the continued use of the RSMP is consistent with the public trust.
22 The Regional Board's failure to execute these mandatory duties before adopting the 2017
23 Amendment is a prejudicial abuse of discretion. And triggered the State Board's independent
24 reasonable use and public trust duties.

25 **i. All Water, Including Recycled Water Delivered to PVCWD via the RSMP,**
26 **Must Not Be Wasted and Must Be Put to Reasonable and Beneficial Use**

27 ³ Water users in the Oxnard Plain obtain Santa Clara River flows diverted by United directly
28 from the Santa Clara River.

⁴ Water users in the Oxnard Plain obtain Santa Clara River flows indirectly from groundwater
after United recharges the Fox Canyon Groundwater Management Agency managed
groundwater basins with Santa Clara River flows diverted at the Vern Freeman Dam.

1 As enshrined in the California Constitution and Water Code, *all* water in California must
2 not be wasted and must be put to reasonable and beneficial use. This reasonable and beneficial
3 use requirement applies to recycled water delivered to PVCWD via the RSMP.

4 “It is hereby declared that because of the conditions prevailing in this State the general
5 welfare requires that *the water resources* of the State be put to beneficial use to the fullest extent
6 of which they are capable, and that the waste or unreasonable use or unreasonable method of use
7 of water be prevented.” (Cal. Const., Art. X, § 2 (emphasis added); *see also* Cal. Water Code
8 § 100.) This constitutional rule of reasonable and beneficial use applies to all types of water
9 resources. (*See, e.g., Joslin v. Marin Mun. Water Dist.* (1967) 67 Cal.2d 132, 138; *see also*
10 *Peabody v. City of Vallejo* (1935) 2 Cal.2d 351, 383; *Light v. State Water Res. Control Bd.*
11 (2014) 226 Cal.App.4th 1463, 1479.) And because of the conditions prevailing in California,
12 and specifically in Los Angeles, application of the constitutional requirement to all types of
13 water resources is sound policy. (*See Joslin*, 67 Cal.2d at 140–41.)

14 California’s Recycled Water Policy acknowledges that the constitutional and statutory
15 reasonable and beneficial use requirements apply to wastewaters. And with respect to the
16 management of wastewater—which originates from surface and/or ground waters—it is state
17 policy to have integrated management of water resources. (Cal. Water Code § 174(b).) This
18 integrated management depends on the coordination of water quality and water supply analyses.
19 (Cal. Water Code § 174(b).)

20 The California Constitution, Water Code, case law, and water management policy make
21 no distinction between the types of water resources in California that are subject to the rule of
22 reasonable and beneficial use. The recycled water at issue here is a “water resource” in
23 California. As a water resource recycled water must not be wasted and must be put to reasonable
24 and beneficial use.

25 **ii. The California Constitution and the Water Code Each Impose a Mandatory**
26 **Duty on the Regional Board and/or the State Board to Prevent Waste and**
27 **Unreasonable Use of California’s Water Resources**

28 The California Constitution and Water Code impose mandatory duties on the Regional
Board and/or the State Board to prevent the unreasonable use and waste of the recycled water

1 delivered to PVCWD via the RSMP and to limit the amount of recycled water delivered to the
2 amount reasonably required for beneficial use, if any, to be served.

3 In relevant part, Article X, Section 2 of the California Constitution requires that water use
4 “shall be limited to such water as shall be reasonably required for the beneficial use to be served”
5 and that “the waste or unreasonable use or unreasonable method of use of water be prevented.”
6 Article X, Section 2 is self-executing. (Cal. Const., Art. X, § 2; *see also Env’tl Def. Fund, Inc. v.*
7 *E. Bay Mun. Util. Dist.* (1977) 20 Cal.3d 327, 341.) By its own terms Article X, section 2 of the
8 Constitution is self-executing. (Cal. Const., art. X, § 2.) Self-executing constitutional provisions
9 waive sovereign immunity and create a cause of action against the state, i.e., the State Board,
10 without the need for legislation. (*Rose v. State* (1942) 19 Cal.2d 713, 720-21, 726.) And
11 constitutional provisions “are mandatory and prohibitory, unless by express words they are
12 declared to be otherwise.” (Cal. Const., art. I, § 26.) The cases on point stand for the general
13 proposition that Article X, Section 2 “mandates that water be put to reasonable and beneficial
14 use.” (*City of Barstow v. Mojave Water Agency* (2000) 23 Cal.4th 1224, 1236; *see also Imperial*
15 *Irr. Dist. v. State Water Res. Control Bd.* (1986) 186 Cal.App.3d 1160, 1170-71; *Elmore v.*
16 *Imperial Irrigation District* (1984) 159 Cal.App.3d 185, 193-97.)

17 In addition, the Regional Board was required to fulfill the constitutional mandate against
18 waste of water pursuant to its duties under Section 13263 of the Water Code. When issuing
19 waste discharge requirements—as the Regional Board did here—the Regional Board:

20 shall implement any relevant water quality control plans that have been adopted, and
21 shall take into consideration the beneficial uses to be protected, the water quality
22 objectives reasonably required for that purpose, other waste discharges, the need to
prevent nuisance, and the provisions of Section 13241. (Cal. Water Code § 13263(a).)

23 Section 13241 requires the Regional Board to consider, among other things: “Water quality
24 conditions that could reasonably be achieved through the coordinated control of all factors which
25 affect water quality in the area,” and “[t]he need to develop and use recycled water.” (Cal. Water
26 Code §§ 13241(c), 13241(f).) As such, Water Code Sections 13263 and 13241 together required
27 the Regional Board to consider the need to develop and use recycled water. These sections of the
28 Water Code also required the Regional Board to consider matters of water supply, given that

1 water quality and water quantity issues are integrated in California and water quantity is a factor
2 that affects water quality. (*See* Cal. Water Code § 174(b); *see also PUD No. 1 v. Wash. Dept. of*
3 *Ecology* (1994) 511 U.S. 700, 719–20.) The Regional Board failed to consider these required
4 elements before it adopted the 2017 Amendment, however, thus violating the Water Code.

5 The Regional Board’s responses to Wishtoyo’s comments are incorrect because the
6 Regional Board asserted that it has no mandatory duties under Article X, section 2. As explained
7 above, that assertion is contrary to the plain language of the California Constitution and Water
8 Code, and is inconsistent with the relevant case law.

9 The Regional Board and/or State Board have mandatory duties to ensure recycled water
10 delivered to PCVWD via the RSMP for an additional two years is not wasted and to limit the
11 delivers to the amount reasonably required for the beneficial use, if any, to be served.

12 **iii. The Regional Board Failed to Execute Its Constitutional and Statutory**
13 **Mandatory Duties When It Authorized the Use of the RSMP for an**
14 **Additional Two Years**

15 When the Regional Board adopted the 2017 Amendment, the Regional Board authorized
16 the ongoing use of the RSMP to deliver recycled water to PVCWD. That authorization triggered
17 the Regional Board’s Constitutional and statutory duties to prevent waste and unreasonable use
18 of that recycled water and to limit the amount delivered to the amount reasonably required for
19 the beneficial use, if any, to be served. The Regional Board entirely failed to execute those duties
20 prior to adopting the 2017 Amendment, however. And the Regional Board’s refusal to execute
21 these duties represents an ongoing failure by the Board to integrate its regulation of water quality
22 and water supply issues in the Oxnard Plain.

23 The State Board has developed several factors relevant to determining whether a water
24 use is wasteful and/or unreasonable, including: (1) other potential beneficial uses for conserved
25 water, (2) whether the excess water now serves a reasonable and beneficial purpose, (3) the
26 probable benefits of water savings, (4) the amount of water reasonably required for current use,
27 (5) amount and reasonableness of the cost of saving water, (6) whether the required method of
28 saving water are conventional and reasonable rather than extraordinary, and (7) the availability
of a physical plan or solution. (*See, e.g., Imperial Irrigation Dist., Water Rights Decision 1600,*

1 at 23–29 (Cal. State Water Res. Control Bd. June 21, 1984.) The Regional Board should have,
2 but did not, apply these factors to its approval of the continued use of the RSMP to deliver
3 recycled water to PVCWD.

4 The 2017 Amendment allocates a water resource in California. The Regional Board has
5 constitutional and statutory duties to prevent waste and unreasonable use of that water, and to
6 limit its use to the amount reasonably required for the beneficial use, if any, to be served.
7 Because the Regional Board entirely failed to execute these duties during the permitting process,
8 the Regional Board prejudicially abused its discretion.⁵ Nor did the Regional Board include any
9 findings in the 2017 Amendment that would support a contrary conclusion. (See *Topanga*, 11
10 Cal.3d at 515 (findings are required).)

11 **iv. The Regional Board Failed to Execute its Mandatory Duties when It Failed to**
12 **Consider the Impacts to Public Trust Resources When Adopting the 2017**
13 **Amendment**

14 The Regional Board prejudicially abused its discretion when it allocated recycled water
15 via the 2017 Amendment without considering the resulting impacts to public trust resources.

16 The Public Trust Doctrine establishes that the waters and wildlife of the state belong to
17 the people, and that the state acts as a trustee to manage and protect these resources and their
18 associated public uses for its peoples’ benefit. (*Nat’l Audubon Soc’y v. Superior Court* (1983) 33
19 Cal.3d 419, 437, 441-49.) After thorough review, the California Supreme Court concluded that
20 the state has an ongoing affirmative duty to take the public trust into account in the planning and
21 allocation of water resources and to protect public trust uses “whenever feasible.” (*Nat’l*
22 *Audubon Soc’y*, 33 Cal.3d at 447.) Recycled water is a water resource of growing importance in
23 California. (Wat. Code § 13050(n) (recycled water “is considered a valuable resource”).) And
24 given the purposes recycled water is meant to serve, the need to consider the positive or negative
25 impacts to public trust resources resulting from the allocation and use of recycled water is
26 especially important where the recycled water was derived from a river already impaired by
27 excessive withdrawals. (See Wat. Code §§ 13510-13512 (outlining the purposes of using

28 ⁵ Alternatively, the 2017 Amendment triggered the State Board’s independent duties to prevent the waste and
unreasonable use of a water resource and to limit its use to the amount reasonably required for the beneficial use, if
any, to be served. As such, Petitioner now requests that the State Board take steps to execute these duties.

1 recycled water.)

2 As such, the Regional Board had an affirmative duty to take the Santa Clara River's
3 public trust resources into account when it allocated recycled water for use in the Santa Clara
4 River basin and Oxnard Plain, and to protect those resources if feasible. (*Nat'l Audubon Soc'y*,
5 33 Cal.3d at 437, 446, 447-448, 451 ("some responsible body ought to reconsider the allocation
6 of the waters...").) In *Center for Biological Diversity v. FPL Group, Inc.*, the court held that
7 plaintiffs were required to sue the appropriate state agency with the authority to protect the
8 public trust, rather than suing individual private violators. ((2008) 166 Cal.App.4th 1349, 1367-
9 1369.)

10 Protection of the Santa Clara River public trust resources is particularly critical because,
11 as described above, the River currently cannot support its designated beneficial uses due to
12 United's excessive diversions, which are sent to the same Oxnard Plain end users, such as
13 PVCWD, to whom the 2017 Amendment allocates recycled water.

14 The Regional Board did not fulfill its duty under the Public Trust doctrine when it
15 adopted the 2017 Amendment. Nor did the Regional Board include any findings in the 2017
16 Amendment that would support a contrary conclusion. (See *Topanga*, 11 Cal.3d at 515 (findings
17 are required).) As such, the Regional Board prejudicially abused its discretion.

18 **8. A STATEMENT THAT THE PETITION HAS BEEN SENT TO THE**
19 **APPROPRIATE REGIONAL BOARD AND TO THE DISCHARGER, IF NOT**
20 **THE PETITIONER**

21 A true and correct copy of this petition was sent via email on June 30, 2017 to the
22 Executive Officer of the Regional Board and the Applicant/Discharger: the City of Oxnard, at
23 the following email addresses:

24 Mr. Samuel Unger, Executive Officer
25 Los Angeles Regional Water Quality Control Board
26 320 West Fourth Street, Suite 200
27 Los Angeles, CA 90013
28 Samuel.Unger@waterboards.ca.gov

29 Mr. Greg Nyhoff
30 City Manager
31 City of Oxnard
32 300 West Third Street

1 Oxnard, CA 93030
greg.nyhoff@ci.oxnard.ca.us

2 Mr. Steven Fischer
3 City Attorney
4 City of Oxnard
5 305 West Third Street
6 Oxnard, CA 93030
7 steven.fischer@ci.oxnard.ca.us

8 Other potentially interested parties, persons, or entities served:

9 Mr. Michael Miller
10 General Manager
11 154 S Las Posas Rd
12 Camarillo, CA 93010-8570
13 pvcwd.agwater@verizon.net

14 Mr. John Mathews
15 General Counsel
16 Pleasant Valley County Water District (PVCWD)
17 Arnold, LaRochelle , Mathews, VanConas, and Zirbel LLP
18 300 Esplanade Drive Suite 2100
19 Oxnard, CA 93036
20 jmathews@atozlaw.com

21 Mr. Mauricio E. Guardado, Jr.
22 General Manager
23 United Water Conservation District
24 106 N. 8th Street
25 Santa Paula, CA 93060
26 mauriciog@unitedwater.org

27 Mr. Jeff Pratt
28 Executive Officer
800 South Victoria Avenue
Fox Canyon Groundwater Management Agency
Ventura, CA 93009-1600
jeff.pratt@ventura.org

9. A STATEMENT THAT THE SUBSTANTIVE ISSUES OR OBJECTIONS RAISED IN THE PETITION WERE RAISED BEFORE THE REGIONAL BOARD, OR AN EXPLANATION OF WHY THE PETITIONER WAS NOT REQUIRED OR WAS UNABLE TO RAISE THESE SUBSTANTIVE ISSUES OR OBJECTIONS BEFORE THE REGIONAL BOARD

All of the substantive issues and objections raised herein were presented to the Regional

1 Board in writing by letter dated May 2, 2017. The issues that Petitioner raised were germane to
2 the 2017 Amendment and required sufficient actions in response from the Regional Board, yet
3 the Regional Board refused to act upon Petitioner's requests.

4 In particular, in its public comments on the WRR/WDR adopted at the June 1, 2017
5 Regional Board hearing, Petitioner alerted the Regional Board that:

6 The Regional Board failed to provide a basis for the extension of the use of the RSMP,
7 even though it is required to; (2) The use of the RSMP to deliver water to growers in the
8 Oxnard Plain was intended to be temporary to ameliorate "severe drought" conditions,
9 and only until a permanent pipeline could be built; (3) the City of Oxnard has failed to
construct a permanent pipeline or connection; (4) according to the Governor "severe
drought" conditions no longer exist in the state of California.

10 In addition, Petitioner alerted the Regional Board through its comment letter that:

11 (1) The Regional Board failed to provide information about whether or how the extension
12 will impact groundwater injections of Oxnard Advanced Water Purification Facility
13 ("AWFP") recycled water, which is needed to combat seawater intrusion into the Oxnard
14 Plain Basins and the overdrafting of Oxnard Plain groundwater basins beyond their safe
15 yield; (2) The Oxnard Plain groundwater aquifers are in overdraft and the in-stream flow
16 dependent public trust resources of the Santa Clara River from river mile 10.5 at the Vern
17 Freeman Diversion Dam to the Estuary are impaired due to United Water Conservation
18 District's diversion of Santa Clara River flows from the Dam; (3) the 2017 Amendment is
silent as to whether and how Oxnard AWFP recycled water could be allocated to protect
the Santa Clara River in-stream flow dependent public trust resources downstream of the
Dam; and (4) the 2017 Amendment also fails to address whether and how Oxnard AWFP
recycled water could be allocated to address overdraft in the Oxnard Plain groundwater
basins.

19 Petitioner further alerted the Regional Board through its public comment letter on the
20 WRR/WDR adopted at the June 1, 2017:

21 (1) The Regional Board must carry out its reasonable use and public trust duties under
22 Article X, Section 2 of the California Constitution, Section 100 of the Water Code, and
23 the California Public Trust Doctrine before the extension is approved to allocate
24 recycled water (provided that the Board can provide a justification for the extension); (2)
25 The 2017 Amendment extends the use of the RSMP without considering whether the use
26 is reasonable or its effects on public trust resources, fostering entrenched uses of water
27 resources that will severely impact water supply in the Santa Clara watershed; and (3)
28 The fact that the Regional Board is extending the use of the RSMP shows that the use is
not "temporary" and will continue the unrestricted use of recycled water by Pleasant
Valley agricultural users without analyzing whether such use is reasonable, not wasteful,
and occurs in a manner that protects and does not harm the Oxnard Plain Groundwater
Basins and the in-stream flow dependent public trust resources of the Santa Clara River.

Exhibit A:
Order No. R4-2011-0079-A02
Water Recycling Requirements and
Waste Discharge Requirements for City
of Oxnard Groundwater Recovery,
Enhancement, and Treatment Program –
Nonpotable Reuse Phase I Project
Adopted June 1, 2017

Los Angeles Regional Water Quality Control Board

June 8, 2017

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

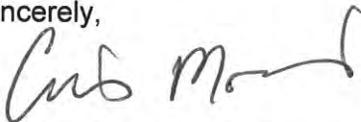
FINAL AMENDMENT TO WATER RECYCLING REQUIREMENTS AND WASTE DISCHARGE REQUIREMENTS (ORDER NO. R4-2011-0079-A02), CITY OF OXNARD GROUNDWATER RECOVERY ENHANCEMENT AND TREATMENT PROGRAM NON-POTABLE REUSE PHASE I PROGRAM (FILE NO. 08-070, CI-9456)

Dear Mr. Nyhoff

The Revised Tentative Amendment to Water Recycling Requirements and Waste Discharge Requirements (WRR/WDR) (Order No. R4-2011-007-A02) to allow two additional years of use of the Regional Salinity Management Pipeline (RSMP) was transmitted to the City on May 19, 2017. Please find attached the Final Amendment which the Regional Water Board approved on June 1, 2017.

If you have any questions, please contact Elizabeth Erickson at (213) 576-6665 or the undersigned at (213) 620- 2083.

Sincerely,



Cris Morris, P.E., Chief
Municipal Permitting Unit (NPDES)

Enclosure

cc:

Assemblymember Jacqui Irwin
John Brison, Assemblymember Jacqui Irwin Field Representative
Jeannette Sanchez, Assemblymember Jacqui Irwin Field Representative
James duBois, Driscoll's Farm
Casey Houweling, Houweling's Tomatoes
Lucia McGovern, City of Camarillo
Ashli Desai, Larry Walker and Associates
Susan Mulligan, Calleguas Municipal Water District
Robert Kwong, Pleasant Valley County Water District
Robert Krimmer, Pleasant Valley County Water District

John Matthews, Pleasant Valley County Water District
Tony Stafford, Camrosa General Manager
Don Jensen, Jensen Design
Lou Balderrama, City of Oxnard,
Thien Ng, City of Oxnard
Martin Erickson, City of Oxnard
Ron Saperstein, City of Oxnard
Dan Rydberg, City of Oxnard
Joe Derakin, City of Simi Valley
Kurt Souza, Division of Drinking Water
Jeff Densmore, Division of Drinking Water
Environmental Protection Agency, Region 9, Permits Branch (WTR-5)
NOAA, National Marine Fisheries Service
Department of Interior, U.S. Fish and Wildlife Service
Francis McChesney, State Water Resources Control Board, Office of Chief Counsel
Jennifer Fordyce, State Water Resources Control Board, Office of Chief Counsel
David Coupe, State Water Resources Control Board, Office of Chief Counsel
Department of Fish and Game, Region 5
California State Parks and Recreation
State Coastal Conservancy
Ventura County Planning Commission
Ventura County Department of Environmental Health
Ventura County Department of Public Health
Ventura County Department of Public Works, Flood Control and Drainage
Ventura Regional Sanitation District
Jason Weiner, Ventura Coast Keeper and Wishtoyo Foundation
Heal the Bay
Environment Now
Los Angeles Waterkeeper
Natural Resources Defense Council
Southern California Coastal Water Research Project

State of California
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

320 West 4th Street, Suite 200
(213) 576-6660 • Fax (213) 576-6640
<http://www.waterboards.ca.gov>

ORDER NO. R4-2011-0079-A02
(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

The California Regional Water Quality Control Board, Los Angeles Region, (hereinafter, Regional Water Board), finds:

1. The Regional Water Board issued Waste Recycling Requirements and Waste Discharge Requirements, Order No. R4-2011-0079-A01 for the Groundwater Recovery, Enhancement and Treatment (GREAT) Program - Nonpotable Reuse Phase I Project. This amendment permitted the temporary use of the Calleguas Regional Salinity Management Pipeline (RSMP) to deliver the recycled water produced by the Advanced Water Purification Facility (AWPF) to the Pleasant Valley Growers. Order No. R4-2011-0079-A01 was adopted by this Regional Water Board on July 9, 2015.
2. On April 5, 2017, the City of Oxnard requested that the expiration of the temporary use of the RSMP in Order No. R4-2011-0079-A01 be extended beyond the July 9, 2017 expiration date. As noted in the City's letter dated May 12, 2017, the design for the permanent piping from the AWPF to the Pleasant Valley distribution piping is 90% complete. The design period has been longer than anticipated due to the time and effort involved in obtaining a Caltrans construction permit for the Highway 1 pipeline crossing. The City of Oxnard is currently working to obtain the right-of-way easements from 14 property owners and anticipates starting construction procurement in early 2018 and completing the pipeline in 2019.

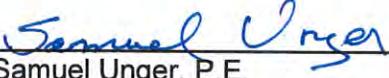
The Regional Water Board, in a public hearing, heard and considered all testimony pertinent to the matter. All Orders referred to above, Regional Water Board files and records of hearings and testimony therein are included in the administrative record for this matter.

IT IS HEREBY ORDERED that Order No. R4-2011-0079-A01 is hereby amended as follows, additions are underlined and deletions are lined through:

Delete the following sentence from Finding 14. A. For Phase 1 ... d: "~~To maintain the recycled water quality being distributed to the growers of the Oxnard Plain, the temporary use of the RSMP shall expire 2 years from the adoption of this permit unless the WDR is modified at a future Regional Water Board meeting.~~"

Add a new provision at VII.21 as follows: “To maintain the recycled water quality being distributed to the growers of the Oxnard Plain, the temporary use of the RSMP shall expire four years from the adoption of the original amendment, or July 9, 2019, unless the WDR is modified at a future Regional Water Board meeting.”

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region on June 1, 2017.



Samuel Unger, P.E.
Executive Officer

Exhibit B:
Order No. R4-2011-0079-A01
Water Recycling Requirements and
Waste Discharge Requirements for City
of Oxnard Groundwater Recovery,
Enhancement, and Treatment Program –
Nonpotable Reuse Phase I Project
Adopted July 9, 2015

State of California
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

320 West 4th Street, Suite 200
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<http://www.waterboards.ca.gov>

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

The California Regional Water Quality Control Board, Los Angeles Region, (hereinafter, Regional Water Board), finds:

PURPOSE OF AMENDMENT TO ORDER NO. R4-2011-0079

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

INTRODUCTION

1. The current water supply sources are insufficient to meet the City of Oxnard's (City's) current and growing demand and have limitations with respect to economics and reliability. The City's total water supply sources in 2008 is approximately 27,000 acre-feet per year (AF/Y), and it is projected that the City's demand will near 44,000 AF/Y over the next 20 years. In order to meet the current and future water demand, the City proposes to produce and distribute treated recycled water produced at the AWPF from its GREAT Program. The GREAT Program is a water resource project that combines wastewater recycling and reuses; groundwater injection, storage, and recovery; and groundwater desalination to provide more efficient uses of existing local water resources. The GREAT Program would provide the City with needed local water resources. Additional benefits would include increased spare capacity of the City ocean outfall, which could be used toward other beneficial uses and more reliable irrigation water supplies to growers at equal or better quality than its existing irrigation water supplies.

ADOPTED: February 28, 2011, AMENDED ORDER: July 9, 2015

2. The GREAT Program contains three sub-projects subject to three different permitting activities. These three sub-projects are:
 - A. **Nonpotable Recycle Project** (Project) reuses AWPf-treated recycled water (recycled water) including landscape and agricultural irrigation, industrial process water, and recreational purposes. These proposed Waste Discharge Requirements and Water Recycling Requirements regulate this use.
 - B. **Groundwater Injection Project** injects recycled water into the aquifers along the coastal area. Groundwater Injection Project will be regulated with a separate future permit containing the Groundwater Recharge Reuse requirements issued by this Regional Water Board.
 - C. **Groundwater Desalination Project** desalts brackish groundwater for potable uses. Groundwater Desalination Project will be regulated with a drinking water permit issued by the State Water Resource Control Board Division of Drinking Water (DDW).

The City owns and operates the Oxnard Wastewater Treatment Plant (Oxnard Plant) and the GREAT Program. The City is the primary purveyor of recycled water, distributed both within and outside of the City, for irrigation, industrial, and recreational, and other non-groundwater recharge uses.

REGULATORY AGENCIES

3. The Regional Water Board is the permitting agency for this Project involving the use of recycled water for nonpotable uses. The Regional Water Board issues Waste Discharge Requirements (WDRs) and Water Recycling Requirements (WRRs) to assure that this Project does not adversely affect receiving water quality. In addition, the Regional Water Board is guided by DDW's requirements.
4. On June 12, 2008, the DDW provided the Regional Water Board with the comments on the Title 22 Engineering Report. These comments have been incorporated into the Order. The DDW is the agency with the primary responsibility for establishing criteria, under Title 22 and Title 17 of the Code of Regulations, to protect the health of the public using the recycled water and potable water supplies through control of cross-connections with potential contaminants.

PURPOSE OF ORDER

5. On January 9, 2007, the City submitted a Report of Waste Discharge (ROWD) and applied for Water Recycling Requirements, pursuant to California Water Code Section 13522.5, for the nonpotable reuse of recycled water.
6. This Order is a master water recycling permit issued to the City, pursuant to California Water Code Section 13523.1. This Order prescribes the City responsibilities for the production, distribution and application of recycled water. The City is also responsible for processing individual end-users' applications, inspecting point-of-use facilities, and ensuring end-users' compliance with the water recycling requirements contained in this Order. The actual delivery of recycled water to end-users is subject to approval by the DDW, and/or its delegated local health agency.

OXNARD WASTEWATER TREATMENT PLANT

7. The City owns and operates the Oxnard Plant, a publicly owned treatment work (POTW). The Oxnard Plant is a secondary treatment facility located at 6001 South Perkins Road, Oxnard, California. Figure 1 provides a map of the area around the Oxnard Plant. The Oxnard Plant has a dry weather design capacity of 31.7 million gallons per day (mgd). The treatment system consists of bar screening, aerated grit removal, primary clarification, bio-filtration, activated sludge, secondary clarification, flow equalization, chlorine disinfection, and dechlorination. Solid fractions recovered from wastewater treatment processes include screenings, grit, primary sludge and skimmings, thickened waste activated sludge. The fine solids (screenings and grit) which are primarily inorganic materials are hauled away to a landfill. The remaining solid fractions (primary sludge, skimmings, and thickened waste activated sludge) are anaerobically digested at the treatment plant. In addition, the City operates the oil and grease program through which it cleans interceptors for food establishments and uses the oil and grease in its digesters to increase methane production. The methane is then used to generate electricity, which occupies approximately 60% of total electricity uses, for the Oxnard Plant. The digested solids are dewatered using belt filter presses. The dewatered cake contains approximately 20% solids (Class B biosolids). The Oxnard Plant generates approximately 500 wet tons of Class B biosolids per week. The biosolids are managed by composting operations in Kern County. Figure 2 shows a flow schematic of the Oxnard Plant.
8. Treated wastewater is discharged to the Pacific Ocean off Ormond Beach, a water of the United States, under NPDES Order No. R4-2013-0094, adopted by the Regional Water Board on June 6, 2013.
9. The Oxnard Plant is located at the Oxnard Plain, and the proposed recycled water use areas are the Oxnard Plain and Pleasant Valley located above the Ventura Central Groundwater Basin.

GROUNDWATER RECOVERY, ENHANCEMENT, AND TREATMENT (GREAT) PROGRAM

10. The City plans to construct an AWPf nearby the Oxnard Plant for the GREAT Program in two phases (See Figure 1), which treats the secondary effluent, for reuse in Nonpotable Reuse and Groundwater Injection Projects. Table 1 presents the proposed quantity of recycled water to be produced for each phase.

Table 1 – Projected Recycled Water Production Capacity		
Phase	Secondary Effluent (mgd)	Product Recycled Water (mgd)
I	8 - 9	6.25
II	32 - 36	25

The AWPf is designed to produce 6.25 mgd and 25 mgd of recycled water for Phases 1 and 2, respectively. At build-out (Phase 2), the treatment equipment will consist of four full treatment trains, each capable of producing 6.25 mgd of recycled water. Thus, the operators have the ability to remove trains from service for maintenance or repair. When a train is out of service, less water will be available for recycled use. Flow that is not treated through the AWPf will be discharged through the ocean outfall.

After Phase II approval, the use of recycled water may replace the imported potable water that is currently used for groundwater injection to protect against seawater intrusion. The City will be actively pursuing additional users for Phase I and Phase II. Any additional recycled water produced in future phases may be used for various irrigation, industrial uses, and recreational impoundments.

SOURCE AND TREATMENT OF RECYCLED WATER

11. The Oxnard Plant treats wastewater from industrial, commercial and residential sources generated by a population of approximately 220,000 in the City of Oxnard, the City of Port Hueneme, the US Naval Base, Ventura County, and some unincorporated areas of Ventura County. Approximately 20 percent of wastewater comes from industrial source, and the remaining 80 percent from commercial and residential sources. In addition to wastewater, infiltration and inflow of clear water is present in the collection system and is approximately 11 to 20 percent of the total flow depending on the season. In compliance with 40 Code of Federal Regulations part 403 and the NPDES permits for the Oxnard Plant, the City developed and has been implementing a Pretreatment Program. Two of the four primary objectives of the Pretreatment Program are to prevent to pass through of pollutants or to cause interference in the operation of the Oxnard Plant by regulating the discharge of toxic pollutants into the Oxnard Plant. The Pretreatment Program reduces the likelihood of toxic contamination of the effluent and provides reliability in the treatment process.
12. For the GREAT Program – Phase I, approximately 6 - 8 mgd of secondary-treated effluent will flow by gravity to the AWPf lift station wet well where lift pumps will feed to the strainers. The remaining secondary treated effluent will continue to be discharged to the Pacific Ocean. Figure 3 depicts the schematic of Phase I AWPf treatment process. The AWPf is comprised of the following:
 - A. **Strainer System:** Strainers installed prior to the microfiltration/ultrafiltration system will remove the fine particles from the secondary effluent.
 - B. **Microfiltration/Ultrafiltration (MF/UF) System:** MF/UF is a low-pressure filtration process and will be used to pretreat the secondary effluent prior to reverse osmosis (RO). As results of removing particulate and microbial contaminants, including turbidity, *Giardia*, and *Cryptosporidium*, MF/UF increases system reliability and reduces RO membrane fouling. The MF units will be periodically back washed to clean the membranes. However, the backwash is not 100 percent effective at removing particulates and foulants accumulating on the membrane surface. Therefore, a chemical cleaning process of feeding sodium hypochlorite to MF/UM is also needed. The chemical cleaning interval is 30 days or greater. The backwash will be sent back to the Oxnard Plant's headworks for reprocessing.
 - C. **Reverse Osmosis (RO) System:** RO is a pressure-driven membrane-separation process that removes dissolved contaminants (i.e., salts, minerals, metal ions, and organic compounds) and viruses from water. Filtered water will continuously be pumped at elevated pressure to the RO system. RO feed pumps are equipped with variable frequency drives to allow constant flux operation. The RO system will be designed for a finished water production capacity of 6.25 mgd for the AWPf Phase 1 and 25 mgd for Phase 2. It will have three stages to allow water recovery of 80 to 85

- percent, where concentrate from the first stage will be applied to a second stage, and concentrate from the second stage will be applied to a third stage. Permeate from the three stages will be blended into a final product water and will constitute the feedwater to the UV/AOX system. Similar to the MF/UF system, the membranes will foul with accumulation of particulates. Chemicals are used to routinely clean the membranes. Cleaning chemicals are returned to the Oxnard Plant's headworks.
- D. **Ultra Violet/Advanced Oxidation and Reduction (UV/AOX) System:** UV/AOX process is used for both disinfection and advanced oxidation and reduction of micropollutants at the AWPf. Recycled water destined for groundwater recharge, and agricultural and landscape irrigation will normally undergo UV/AOX treatment at all times. However, in those instances when only UV light disinfection is required, the AWPf will have the capability to apply a lower UV dose required for disinfection of water for "unrestricted reuse," also referred to as "disinfected tertiary recycled water" or "Title 22 recycled water," as defined by the DDW.
- E. **Post-Treatment Systems:** The post-treatment systems include decarbonator towers and liquid lime injection downstream of the UV/AOX process. Following UV/AOX, the water quality is projected to be very aggressive with an LSI in the range of -3.3 to -2.5; also, the water will have high concentrations of carbon dioxide, up to 50 mg/L. Carbon dioxide removal and lime dosing are needed for stabilization. If the water is not stabilized, it will be very corrosive and will not be suitable for recycled water uses or groundwater recharge. In order to remove carbon dioxide, water is distributed over media packed in the decarbonator towers. Air flow through the media strips the carbon dioxide and other volatile compounds. Liquid lime is then dosed to add calcium and alkalinity, thereby increasing the pH.
- F. **Chemical Systems:** Chemicals are used throughout the processing of the water. Membrane cleaning systems, water stabilization, and treatment involve chemical usage. Chemicals for this project are split into *continuously fed* chemicals and *batch cleaning* chemicals. Continuously fed chemicals are flow paced. These chemicals include hydrogen peroxide, sulfuric acid, threshold inhibitor, and liquid lime. Batch cleaning chemicals include sodium hypochlorite, sodium hydroxide, citric acid, and sodium bisulfite.

PUMP STATION, AND TRANSMISSION OF RECYCLED WATER

13. The finished water pump station will provide the AWPf-treated water to the recycled water transmission lines. Initially, the finished water pump station will have two duty pumps and one standby pump. Each of the finished water pumps will be provided with variable frequency drives. The finished water pump station discharge header also will be provided with a flow meter to monitor the amount of finished water delivered from the AWPf.
14. Recycled water will be distributed through a combination of existing and new transmission lines. Figure 4 shows existing water facilities in the Oxnard Plain. Figures 6 7and 8 show the operation of the RSMP to supply AWPf recycled water to the Pleasant Valley farmers and growers within the Oxnard Plain and the temporary connections required by this amendment. All pipelines and valves will be installed with purple identification tapes or purple polyethylene vinyl wraps according to "Guidelines for Distribution of Nonpotable

Water - American Water Works Association (AWWA) California-Nevada Section” published in 1992.

A. Transmission Lines of Agricultural Irrigation Uses

The following existing transmission lines will be used to distribute recycled water to agricultural users:

- a. Recycled water will be distributed through the existing United Water Conservation District (UWCD) Pumping Trough Pipeline (PTP) and Pleasant Valley County Water District (PVCWD) irrigation networks for agricultural irrigation by growers served by these networks.
- b. Recycled water will be distributed through the Hueneme Recycled Water pipeline which is parallel to the existing Ocean View Municipal Water District (OVMWD) potable pipeline for agricultural irrigation by growers along this pipeline.
- c. A transmission system to distribute recycled water to duck clubs has not yet been identified.

For Phase 1 of the GREAT Program, the following recycled water delivery system goals are:

- a. Establish recycled water delivery system to 6.25 mgd capacity.
- b. Construct Hueneme Recycled Water pipeline, approximately 26,000 Feet of 42 and 36 –inch pipeline.
- c. Construct Ventura Road Recycled Water Backbone Pipeline.
- d. Construct Tie-in to PVWCD irrigation system for delivery of recycled water.

To utilize the PVCWD irrigation network prior to construction of the Hueneme Recycled Water pipeline, a temporary connection will be made from the AWPf recycled water discharge to the RSMP and from the RSMP to the Oxnard plain. This temporary piping will be removed once the permanent piping has been constructed or temporary use of the RSMP for this purpose is no longer feasible. To maintain the recycled water quality being distributed to the growers of the Oxnard Plain, the temporary use of the RSMP shall expire 2 years from the adoption of this permit unless the WDR is modified at a future Regional Water Board meeting.

Future Phases of the GREAT Program would expand the recycled water delivery system to:

- a. Establish recycled water delivery system to 25 mgd capacity.
- b. Construct Hueneme Recycled Water pipeline extension.

- c. Construct piping and Tie-ins to Ventura Road Recycled Water Backbone pipeline for City recycled water uses such as landscape irrigation and approved industrial uses.
 - d. Construct piping Tie-ins to pumping trough pipeline irrigation system and other agricultural users for delivery of recycled water.”
- B. Transmission Lines of Municipal and Industrial Uses

The GREAT Program did not consider municipal and industrial use within the City for the recycled water. However, the City recently abandoned the Redwood Trunk Sewer line that extended from the northwestern portion of the City to the Oxnard Plant. The abandoned sewer line could potentially carry a pipe from the AWPF to the northwestern portion of the City and serve municipal and industrial facilities along its route. The future project is called the Recycled Water Backbone System (RWBS).

The transmission lines for both phases and the RWBS line are shown in Figure 5. The distribution area for each line is identified in Figure 5, as well.

APPLICABLE PLANS, POLICIES AND REGULATIONS

15. **Basin Plan** - The Regional Water Board adopted a revised *Water Quality Control Plan for the Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) on June 13, 1994, and amended by various Regional Water Board resolutions. This updated and consolidated plan represents the Board's master quality control planning document and regulations. The Basin Plan (i) designates beneficial uses for surface and groundwater, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated (existing and potential) beneficial uses and conform to the State's antidegradation policy, and (iii) includes implementation provisions, programs, and policies to protect all waters in the Region. In addition, the Basin Plan incorporates (by reference) all applicable State and Regional Water Board plans and policies and other pertinent water quality policies and regulations. This Order implements the applicable plans, policies, and provisions of the Board's Basin Plan.
16. The Basin Plan contains water quality objectives for the Pleasant Valley Groundwater Basin, which is considered to be the receiving water underlying the current recycled water use area.
17. The beneficial uses of the Ventura Central Groundwater Basin, including the Pleasant Valley Groundwater Basin, are municipal and domestic supply, industrial process supply, industrial service supply, and agricultural supply.
18. On October 28, 1968, the State Water Board adopted Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution 68-16), establishing an Antidegradation Policy for the State Water Board and Regional Water Boards. State Board Resolution No. 68-16 (Resolution 68-16) requires the Regional Water Board, in regulating discharge of waste, to maintain high quality waters of the State until it is demonstrated that any change in quality (1) will be consistent with maximum benefit to the people of the State, (2) will not unreasonably affect beneficial uses, and (3) will not result in water quality less than that described in the Regional Water Board's policies. Resolution 68-16 requires the discharge be regulated to meet best practicable

treatment or control to assure that pollution or nuisance will not occur and the highest water quality consistent with the maximum benefit to the people of the State be maintained.

Application of recycled water for irrigation is limited to agronomic rates and therefore is not expected to measurably impact groundwater quality. This Order allows incidental percolation of the AWWPF treated recycle water and requires the effluent to meet primary MCLs for drinking water and groundwater quality standards in the Basin Plan. The effluent limitations for TDS and chloride are set by the Water Quality Objectives for the confined aquifers of the Basin Plan.

19. The California Legislature has declared that a substantial portion of the future water requirements of the state may be economically met by beneficial use of recycled water. (Wat. Code, § 13511.) The Legislature also expressed its intent that the state undertake all possible steps to encourage development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the state. (Wat. Code, § 13512.) This Order requires best practicable treatment or control, which is a combination of treatment, storage, and application methods that implement the requirements of title 22 and the Basin Plan. The use of recycled water in place of both raw and potable water supplies for the non-potable uses allowed under this order improves water supply availability and helps to ensure that higher quality water will continue to be available for human uses and for instream uses for fish and wildlife. Treatment technologies required under the permit include tertiary treatment and disinfection for pathogen removal. As required by the Antidegradation Policy, the Regional Water Board finds that the limited degradation of water that may occur as the result of percolation of disinfected tertiary treated effluent to groundwater under the conditions of this Order allows the City of Oxnard to recycle more of its wastewater discharged from the Oxnard Wastewater Treatment Plant and provides maximum benefit to the people of California. On February 3, 2009, the State Water Board adopted *Resolution 2009-0011, Adoption of a Policy for Water Quality Control for Recycled Water (Recycled Water Policy)* (Revised January 22, 2013, effective April 25, 2013.) The Recycled Water Policy promotes the use of recycled water to achieve sustainable local water supplies. The Recycled Water Policy recommends that local water and wastewater entities together with other stakeholders who contribute salt and nutrients to a groundwater basin or sub-basin fund and develop Salt and Nutrient Management Plans (SNMPs) to comprehensively address all sources of salts and nutrients.
20. Section 13523 of the California Water Code provides that a Regional Water Board, after consulting with and receiving recommendations from DDW or its delegated local health agency, and after any necessary hearing, shall, if it determines such action to be necessary to protect the health, safety, or welfare of the public, prescribe water recycling requirements for water that is used or proposed to be used as recycled water. Section 13523 further provides that the recycling requirements shall include, or be in conformance with, the statewide water recycling criteria established by DDW pursuant to Water Code section 13521.
21. The City proposes to use recycled water for irrigation and other industrial uses. All these reuse applications could affect the health, safety, and welfare of the public; therefore requirements are necessary.

22. Pursuant to the California Water Code section 13523, the Regional Water Board has consulted with the DDW regarding the proposed recycling project and has incorporated its recommendations in this Order.
23. DDW adopted revised Water Recycling Criteria (Chapter 3, Division 4, Title 22, California Code of Regulations) that became effective on December 2, 2000. Applicable criteria to this recycling project are prescribed in this Order. The GREAT Program's recycled water is treated through reverse osmosis and disinfection, and exceeds the quality of recycled water required for the applications proposed in this Order.
24. The City had prepared an Engineering Report on its proposed production, distribution, and use of recycled water for irrigation in March 2008, as required by Section 60323 of Title 22, California Code of Regulations. On June 12, 2008, the DDW provided the Regional Water Board with comments on the Title 22 Engineering Report.
25. The requirements contained in this Order are in conformance with the goals and objectives of the Basin Plan and implement the requirements of the California Water Code and CCR Title 22, Division 4, Chapter 3 - *Water Recycling Criteria*.
26. The City prepared and certified the "Final Program Environmental Impact Report", State Clearinghouse No. 2003011045, in compliance with the California Environmental Quality Act (Public Resources Code Section 21000, et seq.). This report was prepared by CH2MHILL for the City of Oxnard in May 2004. The project consists of upgrades to the Oxnard Plant to achieve water recycling and construction of a backbone recycled water distribution system, including utilization of existing pipelines.
27. This issuance of water recycling requirements by a regulatory agency for the protection of the environment is exempt from the provisions of Chapter 3 [commencing with Section 21100, et seq., Division 13 (California Environmental Quality Act), Public Resources Code] in accordance with Section 15308, Title 14, California Code of Regulations.
28. Pursuant to California Water Code section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Water Resources Control Board. A petition must be received by the State Water Resources Control Board, 1001 I Street, Sacramento, California, 95814, within 30 days of adoption of the Order.
29. Regional Board encourages Oxnard to work with all parties of the GREAT agreement to maximize the benefits of recycled water delivery for region-wide benefits, especially groundwater levels and quality.
30. Regional Water Board recognizes that groundwater management is a local issue. The Regional Board supports the Sustainable Groundwater Management Act of 2014 (GMA), signed by Governor Brown on Sept. 16, 2014, in which the legislature recommends the development of local groundwater management plans. UWCD and FCGMA and local water agencies created Resolution No. 2013-02 of the Fox Canyon Groundwater Management Agency (FCGMA) and signed it on June 26, 2013 to address the implementation of the first phase of the GREAT program through a collaborative process. The Regional Board encourages FCGMA, as the GMA lead, to coordinate recycled water use, surface water use, and groundwater use for regional benefit. The Regional Water Board has notified the City of Oxnard, interested agencies and persons of its intent to issue

Master Water Recycling Requirements for the production, distribution and use of recycled water, and has provided them with an opportunity to submit their written views and recommendations.

The Regional Water Board, in a public meeting, heard and considered all comments pertaining to these water recycling requirements.

IT IS HEREBY ORDERED that the City of Oxnard shall comply with the following:

I. AWPf INFLUENT SPECIFICATIONS

For purposes of this Order, the AWPf includes Strainer, Microfiltration/Ultrafiltration, Reverse Osmosis, Ultra Violet/Advanced Oxidation and Reduction, Post-Treatment, and Chemical Systems. The influent to the AWPf is secondary treated effluent from the Oxnard Plant.

The influent shall, at all times, be adequately oxidized. The influent shall be considered adequately oxidized when it meets the following characteristics:

1. The monthly average Biochemical Oxygen Demand (BOD₅ 20°C) value does not exceed 30 mg/L. Compliance shall be determined monthly using the average of the analytical results of all 24-hour composite samples taken at least weekly during the month.
2. The monthly average Total Suspended Solids (TSS) concentration does not exceed 30 mg/L. Compliance shall be determined monthly using the average of the analytical results of all 24-hour composite samples taken daily during the month.

II. RECYCLED WATER LIMITATIONS

1. The AWPf-treated recycled water is required to meet the limits (Table 2) for the following constituents at the effluent sampling station identified in Order No. R4-2008-0083-A01..

Table 2 – AWPf-Treated Effluent Limits and Monitoring			
Constituent	Units	Monthly Average	Daily Maximum
Oil and grease	mg/L	10	15
Total dissolved solids	mg/L		700
Chloride	mg/L		150
Boron	mg/L		1.0
Sulfate	mg/L		300
Total Nitrogen ¹	mg/L		10

¹ Total nitrogen is the sum of Nitrite-N, Nitrate-N, NH₃-N, and organic-N

2. Monitoring only is required for the other constituents identified in Table 3.

Table 3 – AWPf-Treated Effluent Monitoring Only	
Constituent	Units
Settleable solids	mL/L
Suspended solids	mg/L
BOD ₅ 20°C	mg/L
Nitrate-N	mg/L
Nitrite-N	mg/L
Nitrate-N + nitrite-N	mg/L
Inorganic with primary MCL	mg/L
Constituents/parameters with secondary MCL	mg/L
Regulated organic chemicals	g/L
Remaining priority pollutants	g/L
Disinfection byproduct	g/L
Radioactivity	pCi/L
Chemicals with NLs	g/L
Endocrine disrupting chemicals ²	g/L
Pharmaceuticals and other chemicals	g/L

3. At the Las Posas temporary piping sampling station (refer to Order No. R4-2008-0083-A01) the recycled water distributed to the PVCWD via the RSMP shall not contain constituents with concentrations in excess of the following limits (Table 4):

Table 4 – AWPf- Treated Effluent Monitoring via RSMP			
Constituent	Units	Monthly Average	Daily Maximum
Oil and grease	mg/L	10	15
Total dissolved solids	mg/L	--	700
Chloride	mg/L	--	150
Sulfate	mg/L	--	300
Boron	mg/L	--	1.0
Total nitrogen ²	mg/L	--	10

² Total nitrogen is the sum of Nitrite-N, Nitrate-N, NH₃-N, and organic-N

4. Monitoring is also required for the recycled water delivered to the Oxnard Plain via the RSMP for constituents identified in Table 5 below.

Table 5 – Recycled Water via RSMP Monitoring Only	
Constituent	Units
Inorganic with primary MCL	mg/L
Constituents/parameters with secondary MCL	mg/L

5. The turbidity of the reverse osmosis product water prior to disinfection shall not exceed 0.2 NTU more than 5 percent of the time within a 24-hour period and 0.5 at NTU at any time. The turbidity shall be continuously measured with at least one reading every 1.2 hours and recorded. When the turbidity requirements are exceeded, delivery of recycled water shall be suspended until such time the cause of the exceedance has been identified and corrected. The City shall notify and submit a report according to Provision VII.8. of this Order.
6. Recycled water shall be, at all times, adequately disinfected such that the number of total coliform bacteria shall not exceed any of the following, based on daily grab samples:
- A. A 7-day median of 2.2 most probable number (MPN) per 100 milliliters;
 - B. 23 MPN per 100 milliliters in more than one sample in any 30 day period prior to delivery of recycled water; and,
 - C. 240 MPN per 100 milliliters in any sample prior to delivery of recycled water.
7. By March 31, 2011, the City shall send the report to the Regional Water Board and the DDW that demonstrates equivalency of UV/AOX disinfection to chlorine disinfection as used in recycled water treatment plants. Equivalency of UV disinfection to a conventional process used in wastewater recycling and reuse must be demonstrated by the following criteria:
- A. Total coliform count equal to or less than 2.2 MPN/100 ml met with the sample statistical frequency as required for chlorine disinfection; and,
 - B. Virus inactivation efficiency equivalent to that achieved with chlorine disinfection 4 log of inactivation (i.e., 99.99 percent reduction), based on plaque-forming units of F-specific bacteriophage MS2 or polio virus in wastewater.
8. The pH of the recycled water shall be, at all times, within the range of 6.5 to 8.5 pH units. Excursions from this range shall not be considered a violation provided the duration is not more than 10 minutes in a 24-hour period, and the pH shall at all times be within 6 to 9.

9. The recycled water shall not contain trace, toxic and other constituents in concentrations exceeding:
 - A. The current applicable Maximum Contaminant Levels (MCLs) for drinking water established by the DDW included in the Attachments A-1 to A-5;
 - B. Any new Federal or State MCL upon adoption; or,
 - C. At levels that adversely affect the beneficial uses of receiving groundwater.
10. The radioactivity of the recycled water shall not exceed the limits specified in Sections 64441 and 64443, Article 5, Chapter 15, Title 22 of the California Code of Regulations, or subsequent revisions.
11. The recycled water shall not contain taste or odor-producing substances in concentrations that cause nuisance or adversely affect the beneficial uses of the receiving groundwater.
12. The recycled water shall not cause a measurable increase in organic chemical contaminants in the groundwater.

III. SPECIFICATIONS FOR USE OF RECYCLED WATER

1. The AWPf-treated recycled water may be used for the following:
 - A. Surface irrigation in the following areas:
 - a. Food crops, including all edible root crops, where the recycled water comes into contact with the edible portion of the crop;
 - b. Parks and playgrounds;
 - c. School yards;
 - d. Residential and freeway landscaping;
 - e. Unrestricted access golf courses; and,
 - f. Other allowable irrigation applications specified in the Water Recycling Criteria, Chapter 3, Title 22, CCR, provided approval from DDW and Regional Water Board Executive Officer are obtained prior to delivery.
 - g. Delivery of the following uses may begin after approval by the DDW:
 - 1) Dust control on roads, streets and fields,
 - 2) Backfill consolidation around piping,
 - 3) Soil compaction,
 - 4) Cleaning roads, sidewalks, and outdoor work areas, and

- 5) Flushing sanitary sewers.
 - B. Industrial or commercial cooling tower;
 - C. Industrial boiler feed; and,
 - D. Recreational Impoundments.
2. The recycled water shall not be used for any other uses than those specified in section III.1 unless an engineering report has been submitted for such other uses, except for groundwater recharge reuse, and has been approved in writing by the Executive Officer and DDW.
3. Recycled water shall not be used for direct human consumption or for the processing of food or drink intended for human consumption.
4. The delivery of recycled water to end-users shall be subject to DDW approval and/or its delegated local agency.
5. The dual plumbed system may be used to deliver recycled water to end-users. The detailed dual plumbed system requirements are available at Section V. of this Order.
6. During the use of the RSMP to deliver water to the Oxnard Plain, the AWPf treated recycled water will mix with variable amounts of brine including the flow discharged from the Camrosa's Round Mountain Desalter facility. The discharge of brine from the Camrosa Desalter is covered under NPDES permit CA0064521, Order R4-2014-0033 issued by this Regional Board on March 6, 2014 and amended at the July 9, 2015 Regional Board Hearing. To satisfy the Recycled Water Limitations in Table 4 at the Las Posas sampling point on the temporary piping between the RSMP and the PVCWD, the recommended daily average minimum flow rate from the AWPf to the RSMP is 3.0 mgd. If the monitoring results of the recycled water being distributed from the AWPf to the RSMP do not confirm attainment of the limits of this Order, then the recommended daily average minimum flow (calculated from weekly readings) shall be applied to the sum of the flow meters at the four connections from the RSMP to the growers as shown in Figure 6.
7. The temporary use of the RSMP shall not interfere with the efforts to comply with the Total Maximum Daily Load for Boron, Chloride, Sulfate and TDS (Salts) in the Calleguas Creek Watershed (Salts TMDL) adopted by the Los Angeles Regional Water Quality Control Board on October 4, 2007. If the Regional Water Board determines that the temporary use of the RSMP interferes with the salinity management operations to comply with the Salts TMDL and disposal of brine from the Camrosa Municipal Water District, the Calleguas Municipal Water District and/or other stakeholders of the Calleguas Creek watershed, the Los Angeles may rescind or modify these water recycling requirements and waste discharge requirements at a subsequent Regional Water Board meeting. If the Regional Water Board finds that the temporary use of the RSMP contributes to the degradation of groundwater quality, the Regional Water Board may also terminate or modify the WDR at a subsequent Regional Water Board meeting.

8. Prior to using a tanker truck or a residential vehicle to pick up AWPf treated recycle water from the AWPf and distribute it for one of the uses identified above, the City shall submit a project proposal to DDW and the EO for review and approval and shall comply with the DDW requirements and precautions listed below:

A. Project Proposal for Hauling Operations and/or Residential Fill Stations

The project proposal for hauling and fill stations shall include, but not be limited to, the following components.

- a. Program description
- b. Recycled water fill station protocol
- c. Customer/driver qualification and training, and
- d. Recycled water use application agreement.

Once the DDW has reviewed and approved the proposal, the Regional Water Board will issue an approval letter to incorporate specific requirements for such use.

B. DDW Recycled Water Handling and Use Requirements/Precautions

- a. Use areas receiving hauled recycled water must follow the same Title 17 and Title 22 requirements as a similar use area receiving traditionally piped recycled water.
- b. If the hauler requests to supply recycled water to a use area that uses any plumbed potable or recycled water distribution systems, the City must follow all applicable Title 17 and Title 22 regulations, including cross connection control testing and backflow prevention device installation prior to allowing pick up of recycled water. Dual plumbed use areas can only receive recycled water from a recycled water agency per Title 22, section 60313(a).
- c. The hauler should keep a log book for each vehicle, tank, or container used to transport recycled water. The log book must be available for inspection at all times. The hauler must carry a copy in the vehicle at all times while hauling recycled water. The log book should include:
 - 1) Date of delivery/use
 - 2) Volume of water delivered/used
 - 3) Intended use of water
 - 4) Name and address of the recipient/customer

- d. Do not drink recycled water or use it for food preparation. Additionally, the hauler or Recycled Water Site Supervisor must notify workers and/or the public when recycled water is used at a use site and inform them not to drink recycled water or use it for food preparation.
- e. Haulers should apply hand sanitizer or wash their hands with soap and potable water after working with recycled water and especially before eating or smoking.
- f. Precautions should be taken to avoid food coming in contact with recycled water while the use site is wet.
- g. Haulers should be equipped with an adequate first aid kit. Cuts or abrasions should be promptly washed, disinfected, and bandaged.
- h. Recycled water shall not be allowed to spray on external drinking water fountains.
- i. Recycled water shall not be applied where it could contact or enter passing vehicles, storm drains, buildings or areas where food is handled or eaten.
- j. Haulers shall take adequate measures to prevent overspray, ponding, or run off of recycled water from the authorized recycled water use area.
- k. No irrigation or impoundment of recycled water is allowed within a minimum of 50 feet of any domestic drinking water well.
- l. No connection shall be made between a tank or container of recycled water and any part of a potable water system.

IV. USE AREA REQUIREMENTS

Use area is an area of recycled water use with defined boundaries, which may contain one or more facilities where recycled water is used. The City shall be responsible to ensure that all users of recycled water comply with the following:

1. The City has the option of a public educational program³ or signage. Except where the DDW and the Regional Water Board, acting through the DDW and the Regional Water Board, have approved an educational program that assures an equivalent degree of public notification, all use areas where recycled water is used that are accessible to the public shall be posted with signs that are visible to the public, in a size no less than 4 inches high by 8 inches wide, that include the following wording: "RECYCLED WATER – DO NOT DRINK". Each sign shall display an international symbol similar to that shown in Figure 9 to alert people who do not read English.

3 The public educational program is based on Title 22 Code of Regulations, Chapter 3 Water Recycling Criteria, Article 4 Use Area Requirements, Section 60310(g), stating: "The Department (CDPH) may accept alternative signage and wording, or an educational program, provided the applicant demonstrates to the Department that the alternative approach will assure an equivalent degree of public notification."

2. No physical connection shall be made or allowed to exist between any recycled water piping and any piping conveying potable water, except as allowed under Section 7604 of Title 17, California Code of Regulations.
3. The portions of the recycled water piping system that are in areas subject to access by the general public shall not include any hose bibs. Only quick couplers that differ from those used on the potable water system shall be used on the portions of the recycled water piping system in areas subject to public access.
4. Recycled water use shall not result in earth movement in geologically unstable areas.
5. No impoundment or recycled water holding ponds of disinfected recycled water shall occur within 100 feet of any domestic water wells, potable water reservoirs, and streams used as sources of water supply.
6. Whenever a cooling system, using recycled water in conjunction with an air conditioning facility, utilizes a cooling tower or otherwise creates a mist that could come into contact with employees or members of the public, the cooling system shall comply with the following:
 - A. A drift eliminator shall be used whenever the cooling system is in operation.
 - B. A chlorine, or other, biocide shall be used to treat the cooling system recirculating water to minimize the growth of *Legionella* and other microorganisms.
7. No irrigation areas with recycled water shall be located within 50 feet of any domestic water supply well unless all of the following conditions have been met:
 - A. A geological investigation demonstrates that an aquitard exists at the well between the uppermost aquifer being drawn from and the ground surface;
 - B. The well contains an annular seal that extends from the surface into the aquitard;
 - C. The well is housed to prevent any recycled water spray from coming into contact with the wellhead facilities;
 - D. The ground surface immediately around the wellhead is contoured to allow surface water to drain away from the well; and,
 - E. The owner of the well approves of the elimination of the buffer zone requirement.
8. No irrigation shall take place within 50 feet of any reservoir or stream used as a source of domestic water.

9. Use of recycled water shall comply with the following:
 - A. Recycled water shall be applied at such a rate and volume as not to exceed vegetative demand and soil moisture conditions. Special precautions must be taken to: prevent clogging of spray nozzles, prevent over-watering, and minimize the production of run-off. Pipelines shall be maintained so as to prevent leakage;
 - B. Any irrigation runoff shall be confined to the recycled water use area and shall not be allowed to escape as surface flow, unless the runoff does not pose a public health threat and is authorized under a National Pollutant Discharge Elimination System (NPDES) permit, Waste Discharge Requirements, Conditional Waiver of Waste Discharge Requirements for Irrigated Lands, State Water Board, or other orders issued by this Regional Water Board. For the purpose of this requirement, however, minor amounts of irrigation return water from peripheral areas shall not be considered a violation of this Order;
 - C. Spray, mist, or runoff shall not enter dwellings, designated outdoor eating areas, or food handling facilities, and shall not contact any drinking water fountain and public present. Drinking water fountains must be equipped with hoods or covers;
 - D. Recycled water shall not be used for irrigation during periods of rainfall and/or run-off;
 - E. Recycled water used for irrigation shall not be allowed to run off into recreational lakes unless it meets the criteria for such lakes; and,
 - F. Recycled water use should be limited to times when public is not present.
10. All above ground irrigation appurtenances need to be marked appropriately.
11. The area using recycled water shall be inspected annually by the City.
12. Supervisors must be appointed for the recycled water use areas and their staff must be trained on the hazards of working with recycled water and periodically retrained.
13. The City has developed the User Agreements and Ordinances with the potential agricultural, industrial, and recreational users of recycled water. Copies of the User Agreements and Ordinances shall be provided to the Regional Water Board and the DDW for review and approval. User Agreements for the recycled water via the temporary use of the RSMP shall either be the previously approved user agreement or an updated agreement that has been reviewed and approved by the Regional Water Board and the DDW.
14. The Agreement between the City of Oxnard and the Calleguas Municipal Water District to temporarily use the RSMP shall be provided to the Regional Water Board for review and approval.
15. If the recycled water system lateral pipelines are located along the property lines of homeowners, there may be a potential for cross connections. A buffer zone between the recycled water lines and the property owners is necessary. However, if the City

cannot maintain adequate control of the recycled water system pipelines, the pipelines will need to be relocated or a physical barrier needs to be installed to prevent this type of potential problem. The homeowners need to be educated on the use of recycled water in the area. If the recycled water system lateral pipelines are located along the property lines of homeowners, the City shall specify a plan to interface with the homeowners as a part of the Rules of Service Agreement in an adjacent property awareness program.

V. REQUIREMENTS FOR DUAL PLUMBED SYSTEM

1. The public water supply shall not be used as a backup or supplemental source of water for a dual-plumbed recycled water system unless the connection between the two systems is protected by an air gap separation that complies with the requirements of Sections 7602 (a) and 7603 (a) of Title 17, California Code of Regulations.

Air gaps shall be at least twice the pipe diameter and be located above ground.

2. The City shall not deliver recycled water for any internal use to any individually-owned residential units, including free-standing structures and multiplexes, with the exception of condominium projects pursuant to Section 13553 of the California Water Code as enacted on October 12, 2007.
3. The City shall not deliver recycled water for internal use, except for fire suppression system, to any facility that produces or processes food products or beverages.
4. The City shall not deliver recycled water to a facility using a dual plumbed system unless the report required under Section 13522.5 of the Water Code has been submitted to, and approved by, the Regional Water Board and DDW.
5. The City that shall submit a report to DDW pursuant to Section 13522.5 of the Water Code and Section 60414 of the Health and Safety Code, which shall contain the following information for dual plumbed systems, in addition to the information required by Section 60323 of Title 22 of the California Code of Regulations:
 - A. A detailed description of the intended use site identifying the following:
 - a. The number, location, and type of facilities within the use area proposing to use dual plumbed systems;
 - b. The average number of persons estimated to be served by each facility on a daily basis;
 - c. The specific boundaries of the proposed use site including a map showing the location of each facility to be served;
 - d. The person or persons responsible for operation of the dual plumbed system at each facility; and,
 - e. The specific use to be made of the recycled water at each facility.

- B. Plans and specifications describing the following:
 - a. Proposed piping system to be used;
 - b. Pipe locations of both recycled and potable systems;
 - c. Type and location of the outlets and plumbing fixtures that will be accessible to the public; and,
 - d. The methods and devices to be used to prevent backflow of recycled water into the public water system.
 - C. The methods to be used by the City to assure that the installation and operation of the dual plumbed system will not result in cross connections between the recycled water piping system and the potable water piping system. These shall include a description of pressure, dye or other test methods to be used to test the system every four years.
6. Prior to the initial operation of the dual-plumbed recycled water system and annually thereafter, the dual plumbed system within each facility and use site shall be inspected for possible cross connections with the potable water system. The recycled water system shall also be tested for possible cross connections at least once every four years. The testing shall be conducted in accordance with the method described in Section 7605 of Title 17, California Code of Regulations. The inspections and the testing shall be performed by a cross connection control specialist certified by the California-Nevada section of the American Water Works Association or an organization with equivalent certification requirements. A written report documenting the result of the inspection and testing for the prior year shall be submitted to the DDW within 30 days following completion of the inspection or testing.
7. Any backflow prevention device installed to protect the public water system serving the dual-plumbed recycled water system shall be inspected and maintained in accordance with Section 7605 of Title 17, California Code of Regulations.

VI. GENERAL REQUIREMENTS

- 1. Bypass, discharge, or delivery to the use area of inadequately treated wastewater, at any time, is prohibited.
- 2. The recycling facility shall be adequately protected from inundation and damage by storm flows and run-off.
- 3. Adequate freeboard and/or protection shall be maintained in the recycled water storage tanks, process tanks, and impoundments to ensure that direct rainfall will not cause overtopping.
- 4. The wastewater treatment and use of recycled water shall not cause pollution or nuisance.

5. The wastewater treatment and use of recycled water shall not result in problems caused by breeding of mosquitoes, gnats, midges, or other pests.
6. The use of recycled water shall not impart tastes, odors, color, foaming, or other objectionable characteristics to the receiving groundwater.
7. The use of recycled water, which could affect the receiving ground water, shall not contain any substance in concentration toxic to human, animal, or plant life.
8. Odors of sewage origin shall not be perceivable beyond the limits of the property owned or controlled by the City and/or recycled water user.

VII. PROVISIONS

1. This Order includes the attached "Standard Provisions Applicable to Waste Discharge Requirements". If there is any conflict between provisions stated hereinbefore and said "Standard Provisions", those provisions stated hereinbefore prevail.
2. This Order includes the Monitoring and Reporting Program included in Order No. 2008-0083-A01. If there is any conflict between provisions stated in the Monitoring and Reporting Program and the Standard Provisions, those provisions stated in the Monitoring and Reporting Program prevail.
3. A copy of these requirements shall be maintained at the water recycling facility so as to be available at all times to operating personnel.
4. The City shall furnish each purveyor and user of recycled water a copy of these requirements and ensure that the requirements are maintained at the purveyor and user's facilities so as to be available at all times to operating personnel.
5. The City shall be responsible to ensure that all users of recycled water comply with the specifications and requirements for such use.
6. The recycled water delivered to the Oxnard Plain growers through the RSMP will contain variable amounts of brine, including the flow discharged from Camrosa's Round Mountain Desalter facility. To ensure recycled water quality is sufficient for protection of beneficial uses and groundwater quality, water quality analysis of the recycled water sampled at the Las Posas temporary piping is required.
7. The Regional Water Board recognizes that groundwater management is a local issue. The Regional Water Board supports the Sustainable Groundwater Management Act of 2014 (GMA), signed by Governor Brown on Sept. 16, 2014, in which the legislature recommends the development of local groundwater management plans. Staff notes that United Water Conservation District (UWCD) and FCGMA and local water agencies have created a GMA through a collaborative process and Resolution No. 2013-02 concerns the implementation of Phase 1 of the City of Oxnard's GREAT program and recycled water management within the region.

8. The City shall, at all times, properly operate and maintain all treatment facilities and control systems (and related appurtenances) that are installed or used by the City to achieve compliance with the conditions of this Order. Proper operation and maintenance includes: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls (including appropriate quality assurance procedures).
9. The City shall submit to the Regional Water Board and DDW, for approval of the Executive Officer, within 90 days of adoption of this Order an operating and maintenance management plan, including a preventive (fail-safe) procedure and contingency plan for controlling accidental discharge and/or delivery to users of inadequately treated wastewater.
10. For any violation of requirements in this Order, the City shall notify DDW and the Regional Water Board within 24 hours of knowledge of the violation either by telephone or electronic mail. This notification shall be followed by a written report within 5 working days of notification, unless otherwise specified in this Order. The report shall include, but not limited to, the following information, as appropriate:
 - A. Nature and extent of the violation;
 - B. Date and time: when the violation started, when compliance was achieved; and, when delivery was suspended and restored, as applicable;
 - C. Duration of violation;
 - D. Cause/s of violation;
 - E. Corrective and/or remedial actions taken and/or will be taken with time schedule for implementation; and,
 - F. Impact of the violation.
11. Supervisors and operators of the wastewater recycling facility shall possess a certificate of appropriate grade as specified in Title 23, California Code of Regulations, Section 3680 or subsequent revisions.
12. In accordance with Section 13522.5 of the California Water Code, and Title 22, Division 4, Chapter 3, Article 7, Section 60323 of the California Code of Regulations, the City shall file an engineering report, prepared by a properly qualified engineer registered in California, of any material change or proposed change in character, location or volume of the recycled water or its uses to the Regional Water Board and to the DDW.
13. For any extension or expansion of the recycled water system or use areas, the City shall submit a report detailing the extension or expansion plan for approval of the DDW. Following construction, as-built drawings shall be submitted to the DDW for approval prior to delivery of recycled water. The Executive Officer shall be furnished with as-built drawings and a copy of the DDW approval.

14. The City shall notify the Executive Officer, in writing, at least 30 days in advance of any proposed transfer of ownership and/or operation of the recycling facility and responsibility for complying with this Order. The notice shall include a written agreement between the existing and new recycled water producer indicating the specific date for the transfer of responsibility for compliance with this Order. The agreement shall include an acknowledgement that the City is liable for any violations that occurred up to the transfer date and the new recycled water producer is liable from the transfer date on.
15. The City shall allow the Regional Water Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:
 - A. Enter upon the City's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
 - B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
 - C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and,
 - D. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order, or as otherwise authorized by the California Water Code, any substances or parameters at any location.
14. The City must comply with all conditions of these water recycling requirements. Violations may result in enforcement actions, including Regional Water Board orders or court orders, requiring corrective action or imposing civil monetary liability, or in modification or revocation of these requirements.
15. These requirements do not exempt the City from compliance with any other laws, regulations, or ordinances that may be applicable; they do not legalize the recycling and use facilities; and they leave unaffected any further constraint on the use of recycled water at certain site/s that may be contained in other statutes or required by other agencies.
16. This Order does not alleviate the responsibility of the City to obtain other necessary local, state, and federal permits to construct facilities necessary for compliance with this Order; nor does this Order prevent imposition of additional standards, requirements, or conditions by any other regulatory agency. Expansion of the recycling facility shall be contingent upon issuance of all necessary requirements and permits, including a conditional use permit.
17. The provisions of these water recycling requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.
18. In an enforcement action, it shall not be a defense by the City that it would have been necessary to halt or to reduce the permitted activity in order to maintain

compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the City shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies, for example, when the primary source of power of the treatment facility fails, is reduced, or is lost.

19. After notice and opportunity for a hearing, this Order may be modified, revoked and reissued, or terminated for cause, which include but is not limited to: failure to comply with any condition of in this Order; endangerment of human health or environment resulting from the permitted activities in this Order; obtaining this Order by misrepresentation or failure to disclose all relevant facts; acquisition of new information that could have justified the application of different conditions if known at the time of Order adoption.

The filing of a request by the City for modification, revocation and reissuance, or termination of the Order; or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

20. The City shall furnish, within a reasonable time, any information the Regional Water Board or the DDW may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The City shall also furnish the Regional Water Board, upon request, with copies of records required to be kept under this Order.

VIII. EFFECTIVE DATE OF ORDER

This Order takes effect upon adoption.

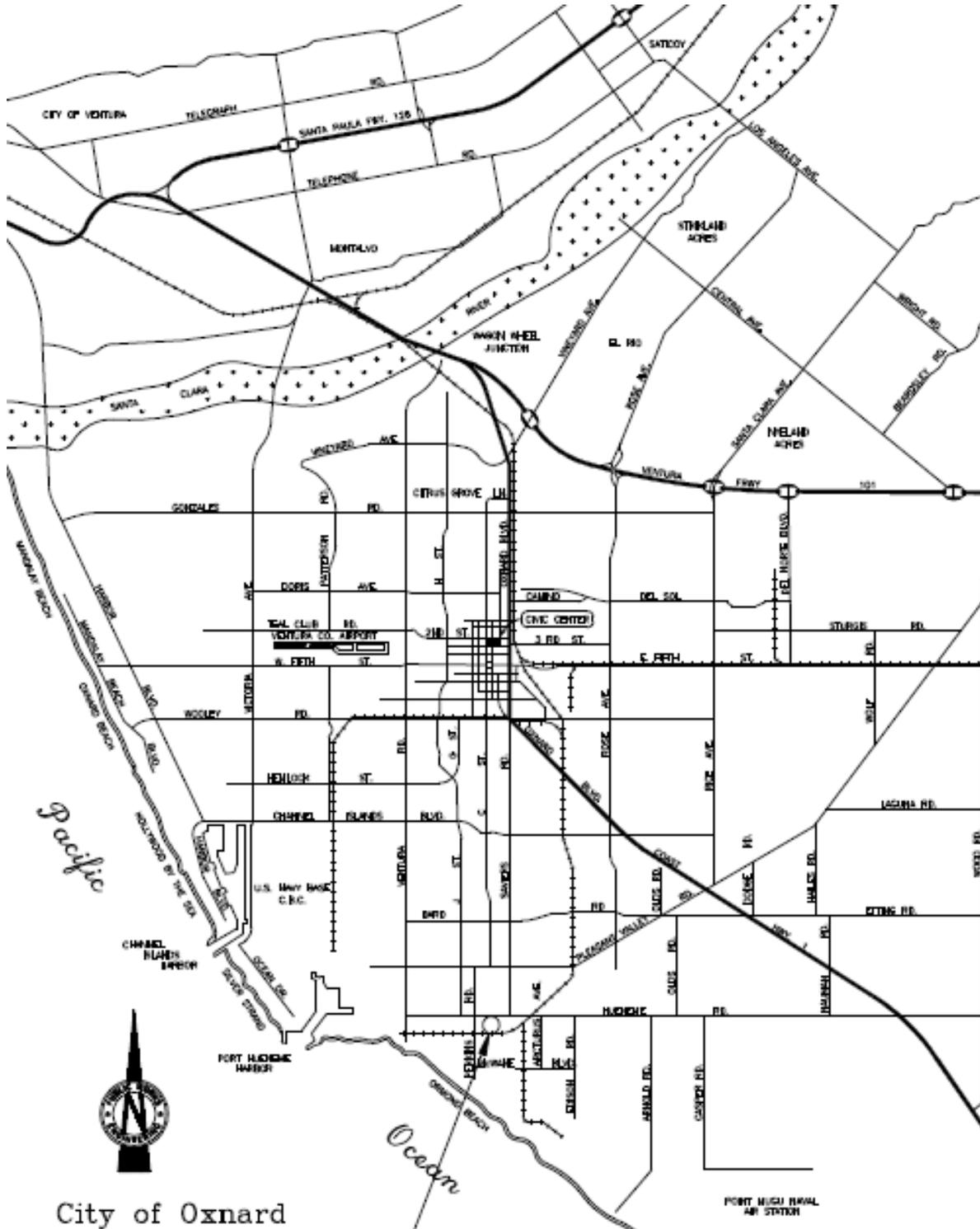
I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region on July 9, 2015.



Chief Deputy E.O.
Samuel Unger
Executive Officer

EERICKSON

FIGURE 1 – VICINITY MAP



City of Oxnard

**OXNARD WASTEWATER TREATMENT PLANT AND
ADVANCED WATER PURIFICATION FACILITY**

FIGURE 2 – FLOW SCHEMATIC AT OXNARD WASTEWATER TREATMENT PLANT

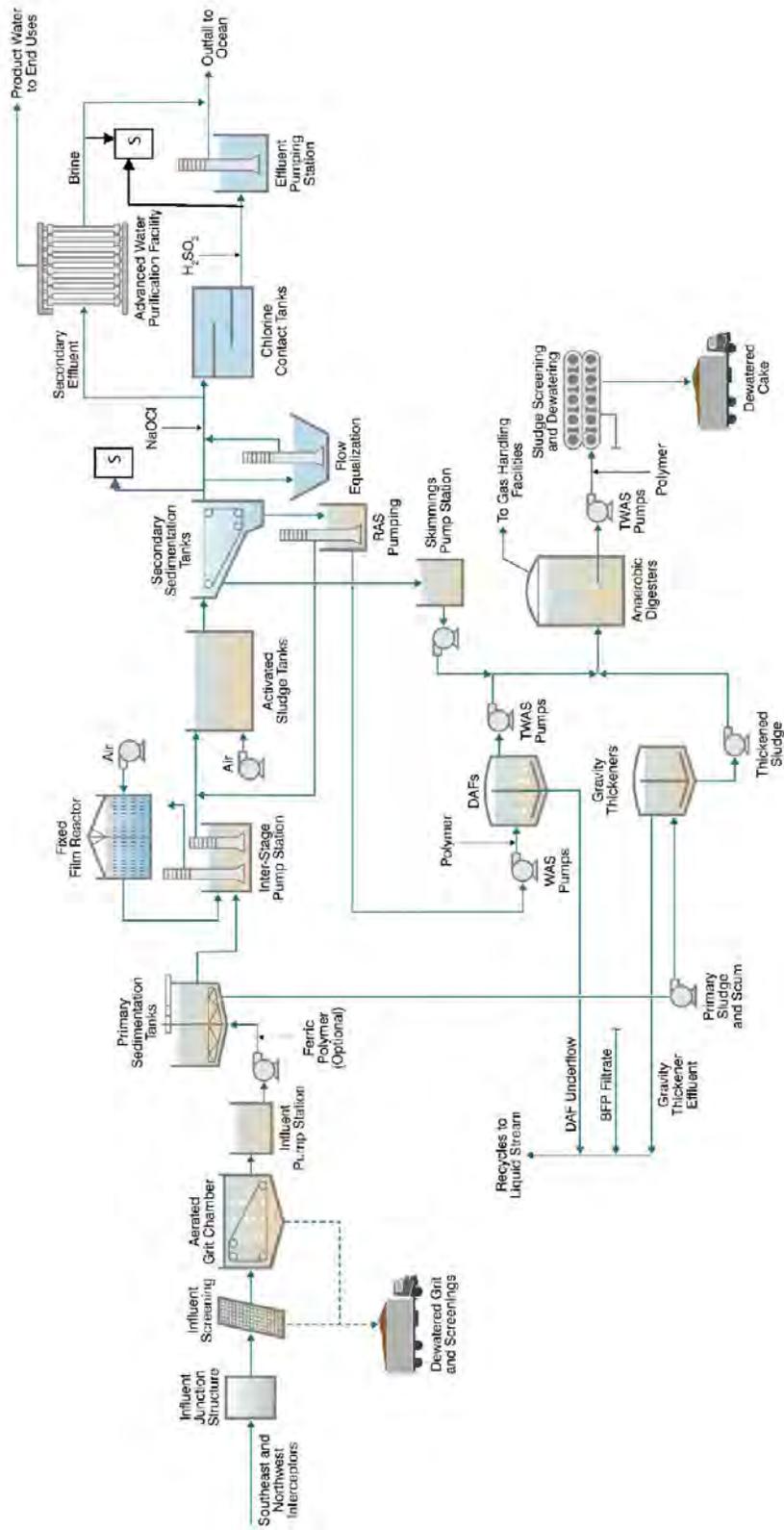


FIGURE 3 – ADVANCED WATER PURIFICATION PROCESS

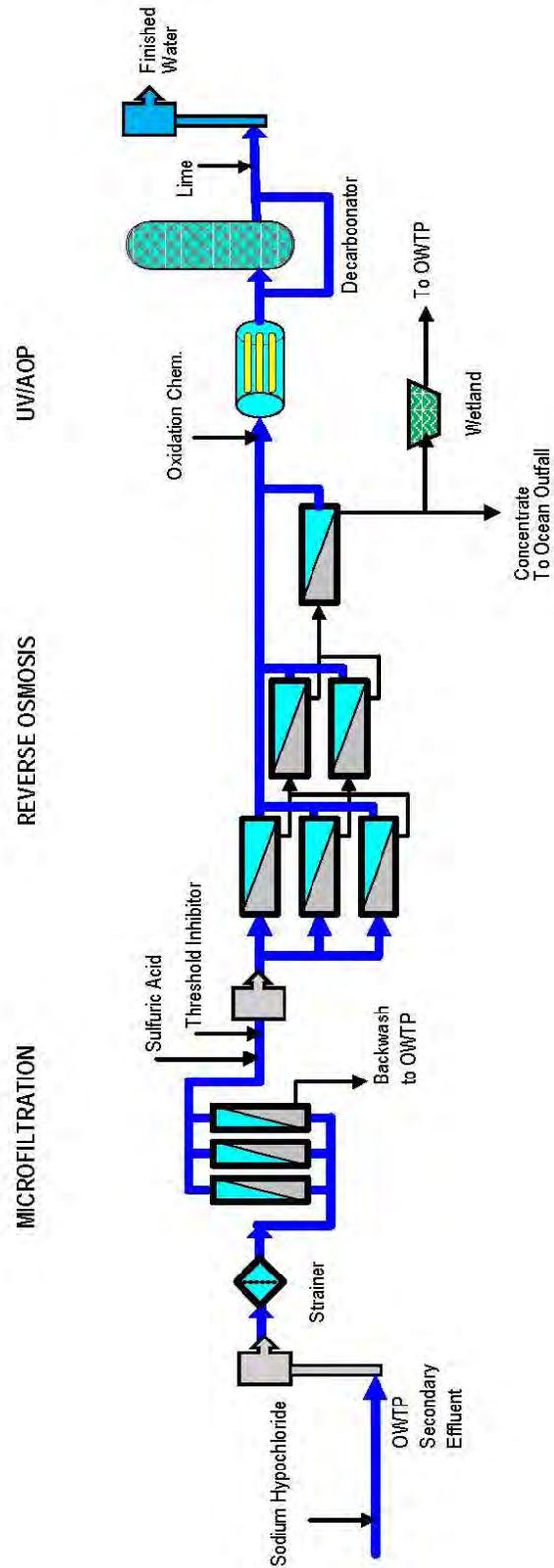


FIGURE 4 – EXISTING WATER FACILITIES IN OXNARD PLAIN

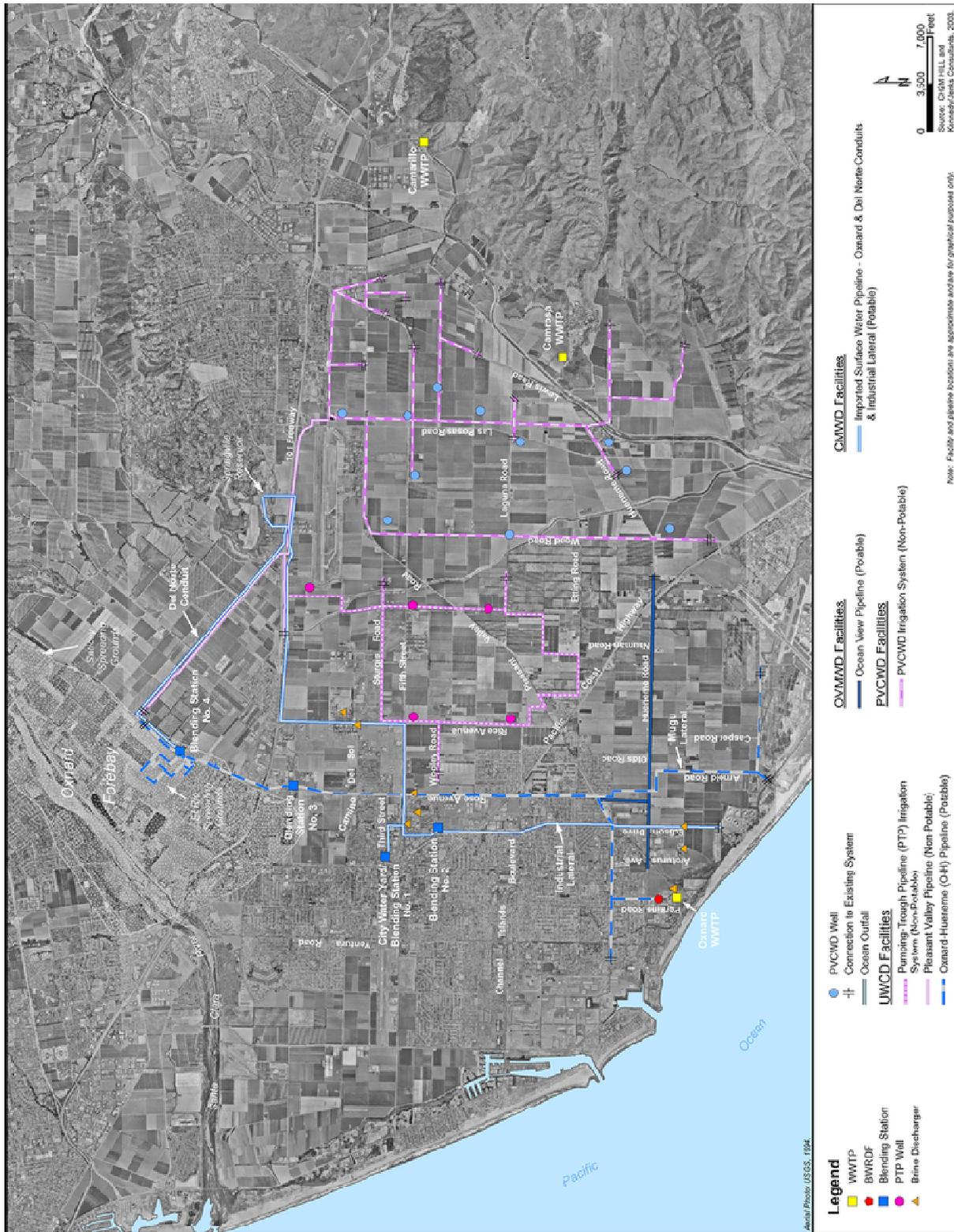


FIGURE 5 – RECYCLED WATER DISTRIBUTION AREA

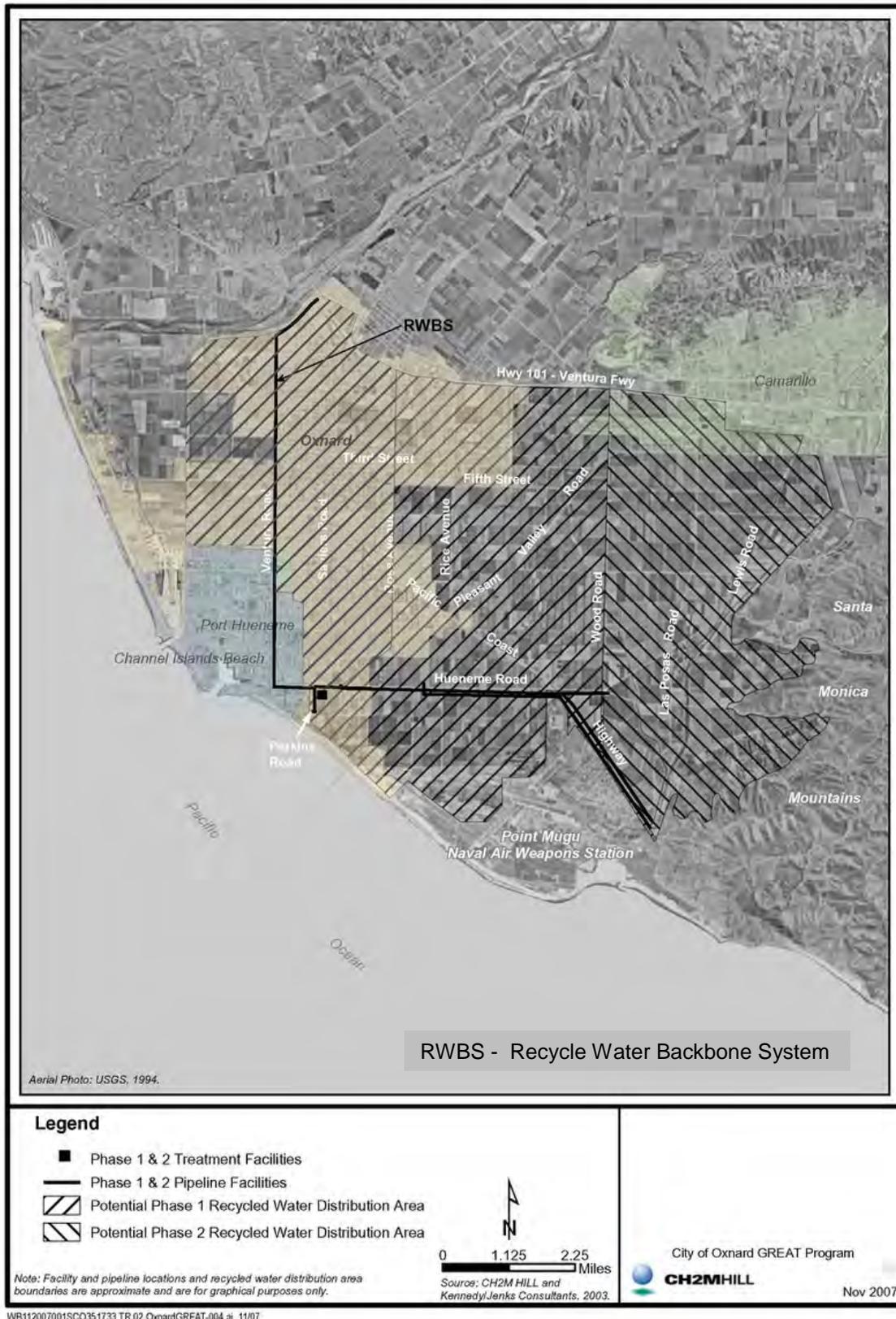


FIGURE 6 – CONCEPTUAL DESIGN OF OPERATION OF CALLEGUAS REGIONAL SALINITY PIPELINE TO SUPPLY AWPf RECYCLED WATER TO PLEASANT VALLEY

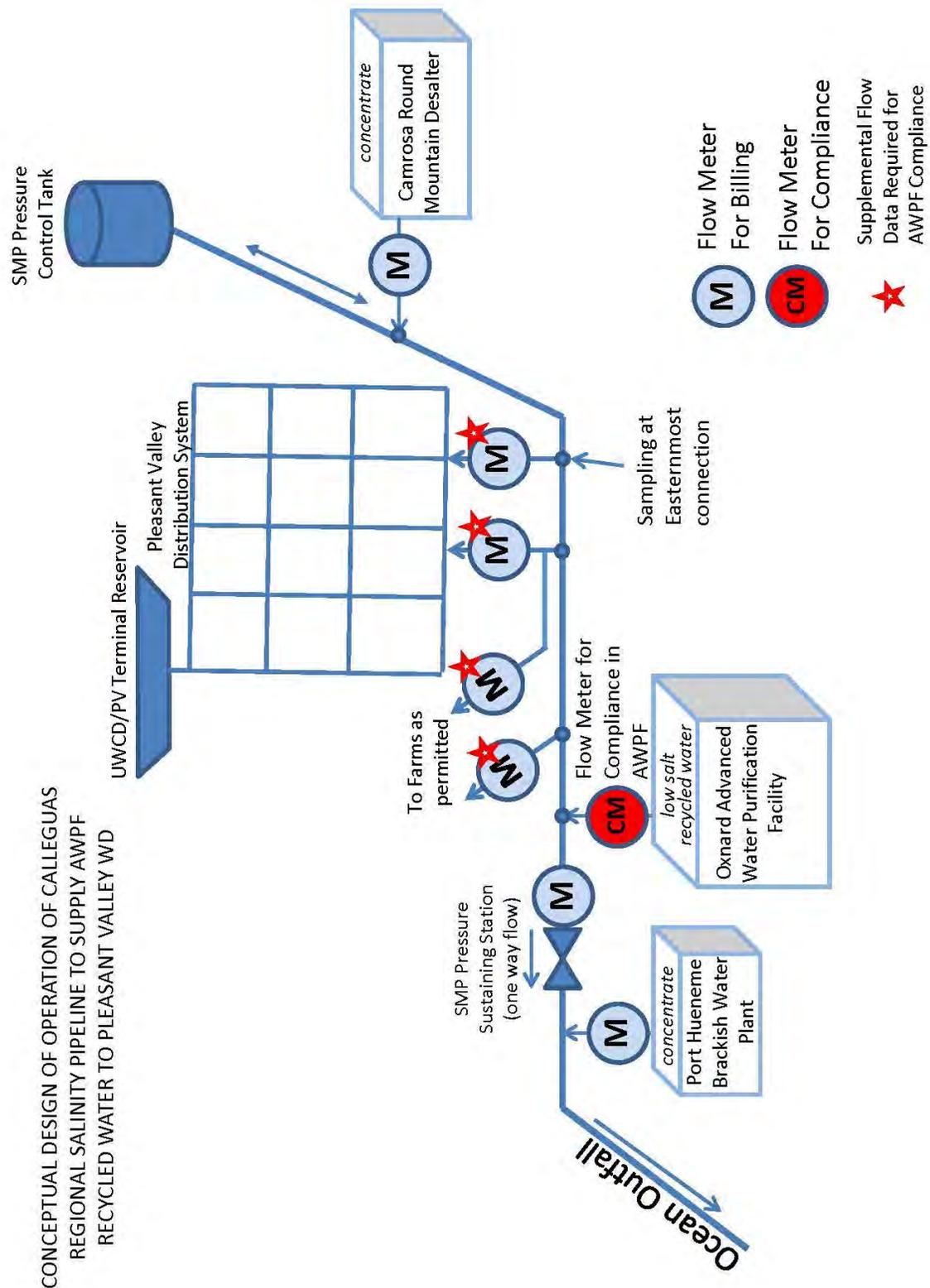


FIGURE 7 TEMPORARY CONNECTIONS: RSMP/AWPF RECYCLED WATER DISTRIBUTION

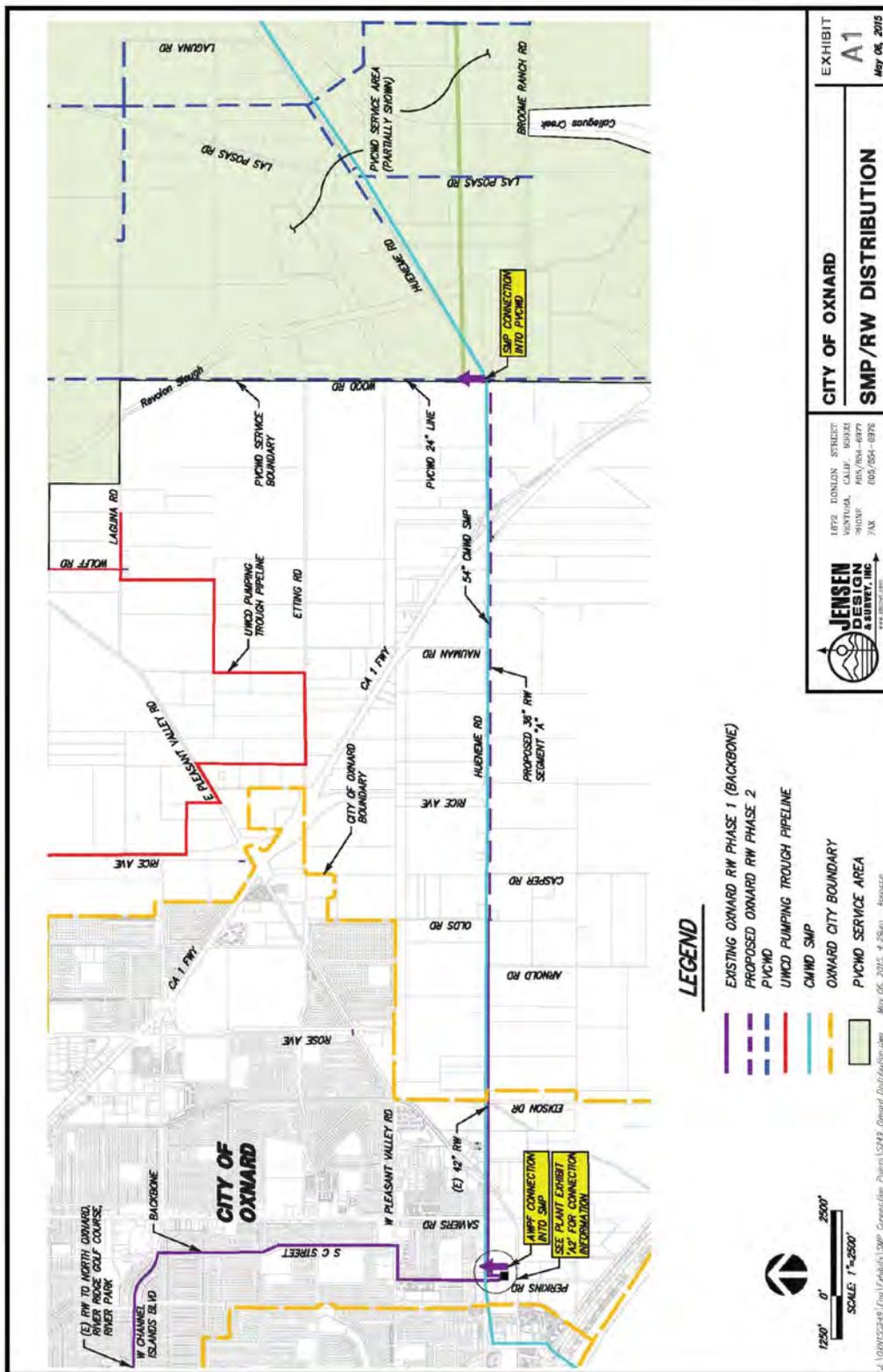
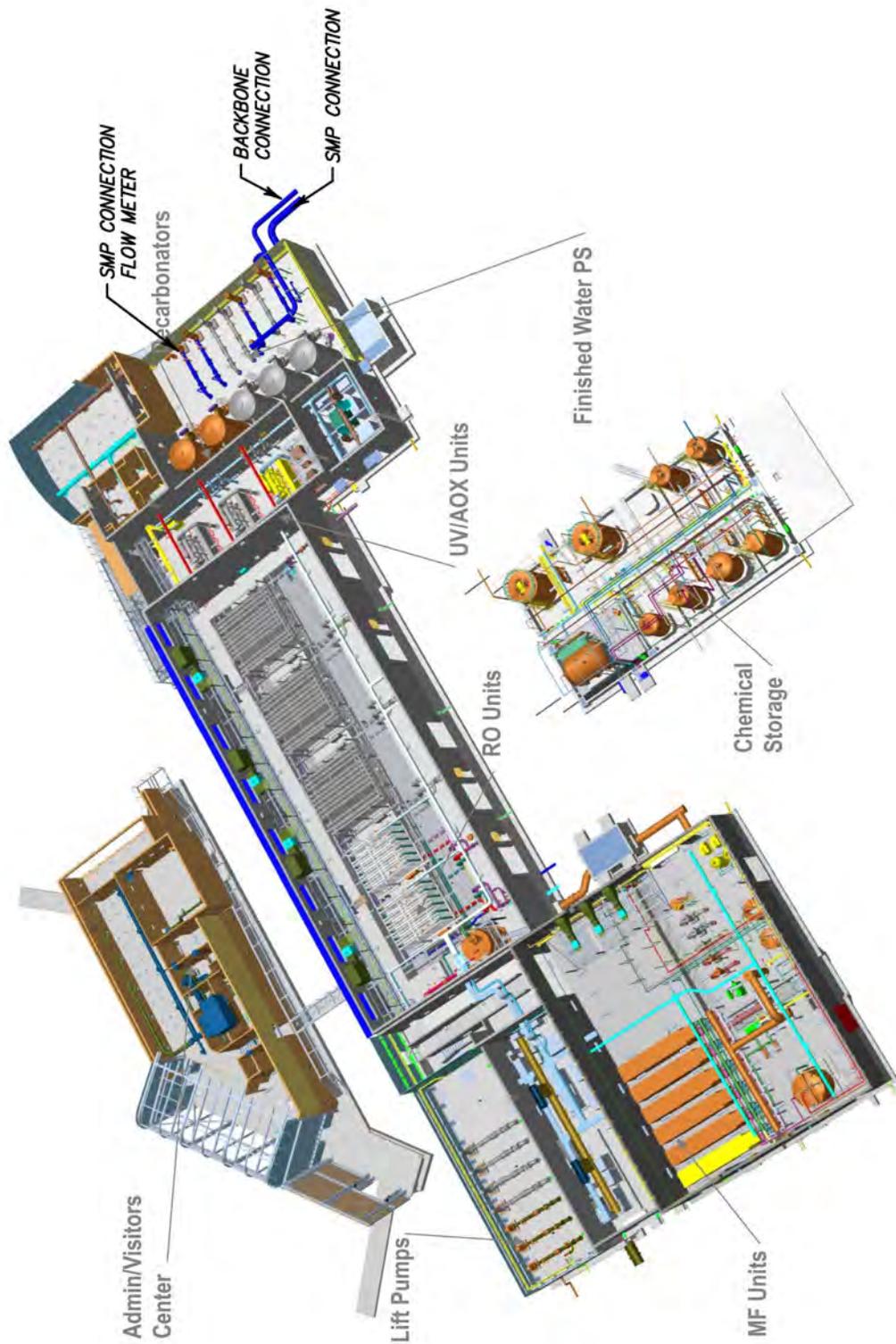


FIGURE 8 AWPf DISCHARGE CONNECTIONS



AWPF PLANT SCHEMATIC

FIGURE 9 – EXHIBITION OF “RECYCLED WATER – DO NOT DRINK”



1 WISHTOYO FOUNDATION
Jason A. Weiner (SBN 259264)
2 9452 Telephone Rd. #432
3 Ventura, CA 93004
Phone: 805-823-3301 Fax: 805-258-5107
4 Email: jweiner.venturacoastkeeper@wishtoyo.org

5 Attorney for Wishtoyo Foundation
6

7 BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL
8 BOARD

9 IN THE MATTER OF THE PETITION) REQUEST FOR HEARING IN
10 FOR REVIEW OF WISHTOYO) PETITION FOR
11 FOUNDATION OF ACTION BY THE) RECONSIDERATION AND
CALIFORNIA REGIONAL WATER) REVIEW OF LOS ANGELES
12 QUALITY CONTROL BOARD, LOS) REGIONAL WATER
ANGELES REGION, IN APPROVING) QUALITY CONTROL
13 ORDER NO. R4-2011-0079-A02) BOARD ACTION OF
14 WATER RECYCLING) ADOPTING ORDER
15 REQUIREMENTS AND WASTE) NO. R4-2011-0079-A02
DISCHARGE REQUIREMENTS FOR)
16 CITY OF OXNARD GROUNDWATER)
17 RECOVERY, ENHANCEMENT, AND)
TREATMENT PROGRAM –)
18 NONPOTABLE REUSE PHASE I)
19 PROJECT ISSUED TO CITY OF)
OXNARD: (File No. 08-070))
20)
21)
22)
23)

1 In accordance with the California Water Code, California Code of
2 Regulations, and the instructions for filing petitions for review on the State Water
3 Resources Control Board website¹, Wishtoyo Foundation (“Petitioner” or
4 “Wishtoyo”) hereby requests a hearing in the above captioned petition filed with
5 the State Water Resources on June 30, 2017:

6 IN THE MATTER OF THE PETITION FOR REVIEW OF WISHTOYO
7 FOUNDATION OF ACTION BY THE CALIFORNIA REGIONAL
8 WATER QUALITY CONTROL BOARD, LOS ANGELES REGION, IN
9 APPROVING ORDER NO. R4-2011-0079-A02 WATER RECYCLING
10 REQUIREMENTS AND WASTE DISCHARGE REQUIREMENTS FOR
11 CITY OF OXNARD GROUNDWATER RECOVERY,
12 ENHANCEMENT, AND TREATMENT PROGRAM – NONPOTABLE
13 REUSE PHASE I PROJECT ISSUED TO CITY OF OXNARD: (File No.
14 08-070)

15 Please confirm receipt of Wishtoyo’s request for a hearing.

16 Respectfully submitted via electronic mail to:
17 waterqualitypetitions@waterboards.ca.gov

18 Dated: June 30, 2017



19 Jason Weiner
20 General Counsel and Water Initiative Director
21 Wishtoyo Foundation

22
23
24
25
26
27 ¹ http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml (last visited June 28, 2017).